

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

James R. Barber, III, Circuit Court Judge

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SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF CARL M. ASQUITH,

APPELLANT

APPELLATE CASE NO. 2014-001235

RECORD ON APPEAL

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1 State of South Carolina) In the Court
2 County of Lexington) Of Common Pleas

3
4 Docket No: 2012-CP-32-1783

5
6 In the Matter of the)
7 Care and Treatment of)
8 Carl Matthew Asquith,)
9 Respondent)

10 TRANSCRIPT OF RECORD

11
12 June 2-3, 2014
13 Lexington, South Carolina

14
15 B E F O R E:

16 The Honorable James R. Barber III, Judge, and a jury.

17
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1 specialized legislation. I understand clearly what you're
2 saying, Counselor, and I don't think they're saying that
3 they can hold you in default because you didn't file an
4 answer. I think they're saying because no summons was
5 required, you didn't, you're not required to file an answer
6 because the summons says that you would have to file one
7 within 30 days.

8 This is just a petition and you're not required to
9 file anything in response, just make an appearance if
10 that's what you wish to do.

11 All right. What's next? We had some motions in
12 limine, do we need to go over those or --

13 MR. BOGLE: If Your Honor --

14 THE COURT: Everybody seemed to agree, but --

15 MR. BIEDIGER: Yeah. Let's go ahead.

16 Our second motion is going to be a motion in limine
17 to suppress evidence gathered by violation of due process.
18 When this case first came about, it was referred to Dr.
19 Marie Gayle the Chief Psychologist of South Carolina
20 Department of Mental Health. She came back with a report
21 basically saying he doesn't qualify under the statutes. As
22 a result, the Attorney General has their right to petition
23 to have Mr. Asquith sent to Dr. Mulbry down in Charleston.

24 He went three separate times. At none of these
25 events was my office told about the review. At none of

1 these events were we allowed to be there. At all of these
2 events, he was asked to sign waivers, and consent forms,
3 and things of that nature. And he was questioned about the
4 case. This evidence that he was questioned about will be
5 used against him in today's trial. We think that's
6 extremely inappropriate because pursuant to the statutory
7 law, he's entitled to an attorney. Pursuant to the -- the
8 tenants of due process, he is entitled to have his attorney
9 at least know about what the other side's doing to him.

10 And when they take your client and do things to him
11 without even bothering to tell you, that is an extreme
12 violation of due process and it's direct violation of what
13 the statute requires. We think that any evidence that was
14 developed as a result of this basic violation of due
15 process is extremely wrong; it's a violation, and it simply
16 should not be allowed before the jury because frankly, he
17 has a right to an attorney and we should have at least --

18 THE COURT: You say it violation of due process --
19 that they violated some constitutional right?

20 MR. BIEDIGER: Yes, Your Honor.

21 THE COURT: All right. Anything y'all want to say,
22 Mr. Bogle?

23 MR. BOGLE: Your Honor, this has come up in
24 different ways. The first case I'd like to mention is
25 called Michau, M-I-C-H-A-U, v. The Attorney General. This

1 was filed in the Federal District Court. The Federal
2 Magistrate ruled. It was later dismissed by the U.S.
3 District Court, Judge Burkle dismissed it. Based on
4 Michau, Michau had already been committed to the unit. He
5 was complaining that there was no right -- he had the right
6 for an attorney to be present for his evaluation
7 pre-commitment. The U.S. Magistrate ruled that there was a
8 purpose of the evaluation set forth under the SVP Act, it's
9 not an invasion of privacy; it's similar to a competency
10 evaluation where there's no requirement you be represented
11 by an attorney at that type of proceeding, it's not
12 immaterial.

13 And there's a Federal case called U.S. v.
14 Bondaurent, B-O-N-D-A-U-R-A-N-T, that's 689 Fed. 2d 1246,
15 the 5th Circuit 1982, about there not being a right of an
16 attorney present in an examination room, no constitutional
17 right. This was a competency exam. In that case, he was
18 not told the psychiatric evidence might be used against
19 him; here he was. Mr. Asquith signed consent forms both
20 with Dr. Gayle, the Court appointed evaluator for the
21 Department of Mental Health, and with Dr. Mulbry the
22 Attorney General's evaluator retained at MUSC. This whole
23 concept of right to have an attorney there might defeat the
24 purpose of the exam.

25 So based on the case law, there's also a South

1 Carolina cite called State v. Hardee, H-A-R-D-E-E, 283 S.C.
2 590. That came up during this time when these arguments
3 were raised at the last hearing, Your Honor. We would
4 submit there's no constitutional right and ask the motion
5 to be denied.

6 THE COURT: All right. I'm going to deny the
7 motion. In any civil case, I guess the appropriate thing
8 might be to notify the other Counsel and say, Hey, I'm
9 taking a deposition and -- but clearly he don't have a
10 constitutional right to a lawyer in a civil case at some
11 point in time. Now, you might want to, he might have some
12 complaint against them for their abusing their discovery
13 and either an ethical complaint or -- I'm not sure what's
14 going to come out of this exam other than somebody's
15 finding that he is now -- that he meets the statute in the
16 Sexually Violent Predator, which -- and they -- I think
17 under any circumstance, they have the right to conduct that
18 exam and even with your being there, I don't know what you
19 could have done at that point. I'm not sure that you would
20 have even been entitled to be in the -- in the examining
21 room.

22 But I would suggest to the Attorney General that
23 they, in future, if they're going to take somebody that
24 they at least let the lawyer know they're taking them and
25 address that situation, if they're complaining, then they

1 can address it at that time. I don't think you have any
2 due process rights. Rarely are law suits dismissed because
3 the abuse of discretion is so great -- I mean the abuse of,
4 of the discovery process is so great. There might be
5 sanctions that are issued.

6 All right. Next motion.

7 MR. BIEDIGER: The last motion we have is
8 suppressing testimony regarding prior offenses that are
9 uncharged and not mentioned in the petition; that the main
10 reason is for -- first of all, if they're uncharged and
11 they're basically mentioned then it's the -- the probative
12 value, being no charge, the probative value is very much
13 outweighed by the extreme prejudice on behalf of the jury
14 by basically saying as if these things actually happened.
15 There's no way I cross-examine my way out of that. If
16 basically we have uncharged crimes, especially uncharged
17 crimes that aren't even mentioned in the petition before
18 the Court, then basically what we have is the jury hearing
19 information that based -- there -- there's no factual
20 basis.

21 And so we think that would be extremely
22 inappropriate for the jury to hear. We ask that any
23 testimony regarding uncharged crimes or any crimes that
24 weren't even mentioned in the petition, any testimony
25 regarding that information be suppressed.

1 trial and with that said, I'll ask --

2 Mr. Bogle, are you ready to proceed?

3 MR. BOGLE: Yes, Your Honor.

4 THE COURT: All right.

5 **OPENING STATEMENTS**

6 MR. BOGLE: Thank you, Your Honor, may it please
7 the Court.

8 I introduced myself earlier. I was introduced by
9 the judge. My name is Jim Bogle, I work with the Attorney
10 General's office in Columbia. I'm assisted by Chris
11 Paligaro, who is a law clerk with us. You want see him all
12 day; he's got a class to make, so he'll be cutting out
13 probably late afternoon. But here's where we are.

14 Like the Judge said, this case is regarding the
15 Sexually Violent Predator Act. Back in 1998 or so, the
16 General Assembly passed a law and what they said in that
17 law, there's a couple of things I'd like to read from it
18 word for word.

19 It says, The General Assembly finds that a mentally
20 abnormal and extremely dangerous group of sexually violent
21 predators exist, who require involuntary civil commitment
22 in a secure facility for long-term controlled care and
23 treatment. The General Assembly further finds that the
24 likelihood of these sexually violent predators will engage
25 in repeated acts of sexual violence if not treated for

1 their mental conditions is significant. That's where we
2 are.

3 Carl Asquith, sitting behind me, was convicted of
4 several sexual crimes that are classified as sexually
5 violent crimes and you heard about -- you'll hear about
6 those during this trial. Some people wonder why the
7 Attorney General's Office is here instead of the solicitor
8 or your county attorney. And the reason is when they wrote
9 this law, it gave that job to us. So there's me and Nicole
10 Weatherton, the two of us have the state divided in half.
11 We travel around to send these cases to juries just like
12 you, around the state and I have Lexington County.

13 The question here is the State has to prove to you
14 beyond a reasonable doubt -- and the judge will explain to
15 you what that burden means -- to prove to you in such a way
16 that makes you firmly convinced that Carl Matthew Asquith,
17 the respondent seated over here in the blue shirt, is a
18 sexually violent predator.

19 Now, what do we have to show to do that? Number
20 one, has he been convicted of at least one sexually violent
21 crime. And the answer is yes, he's been convicted of six:
22 Four counts of criminally sexual conduct with a minor in
23 the second degree, and two counts of criminal sexual
24 conduct with a minor in the first degree. The victims were
25 at that time his then 13 year old sister and his brothers

1 who were much younger than that, 4, 5, or 6 years of age.

2 He was found guilty in this courtroom right here of
3 these charges. He did some prison time for it and his
4 prison time is over now and the question now -- he's been
5 released from prison -- the question now is and this is the
6 second thing we have to prove to you is does he suffer from
7 a mental abnormality or a personality disorder that makes
8 him likely to commit the same types of crimes again unless
9 he's confined in a secure place for long-term control, care
10 and sex offender treatment. And that's what the case is
11 about.

12 Now in this case as following the normal procedure,
13 a hearing was held some time ago and the judge appointed a
14 psychologist from the Department of Mental Health, her name
15 is Dr. Marie Gayle; she's sitting over there on the second
16 row. She was appointed by the Court as we follow this
17 procedure to evaluate the respondent and she did and she
18 came back with a conclusion that he was not so dangerous
19 that he had to be civilly committed for treatment.

20 Now, the State has the option under the statute of
21 getting an independent evaluation. In this case, the
22 Attorney General's office did exactly that. And we got Dr.
23 William Mulbry sitting in the back row -- well, he's
24 outside right now, but we got Dr. Bill Mulbry, William
25 Mulbry. He's a psychiatrist with the Medical University of

1 Charleston to take a look at this guy, second look at this
2 guy. And Dr. Mulbry came back saying that yes, there were
3 some dangerous factors -- coming in right now -- there's
4 some factors about this young man that do make him a
5 dangerous enough person, unable to control his sexual
6 impulses that he should be committed.

7 So what you're going to hear from today, the State
8 is going to present Dr. Mulbry, and he will testify about
9 his examination, the tests that were run and what he found
10 out. You'll then most likely hear from Dr. Gayle and she
11 will testify about her evaluation and you've got to decide
12 basically. The question is, is this man a sexually violent
13 predator; has he been convicted of the right kind of crimes
14 and does he have the mental abnormality that makes him
15 likely to re-offend again.

16 Now as part of this case, in order for these
17 experts, these doctors, to testify about what their
18 opinions are about whether or not this guy does suffer from
19 these types of conditions and is likely to re-offend or is
20 not likely, they will probably have to go into detail about
21 what it is he did to explain how they got to their
22 conclusion.

23 So let me tell you in advance, you may be hearing
24 some things which aren't very pleasant to hear from that
25 witness stand, but it is necessary for the doctor to

1 explain their opinion and they've got to talk about the
2 underlying facts and that's what you'll hear today.

3 That's it. That's what the case is about. I thank
4 you very much for your jury service. The question now is,
5 listen to all the testimony you hear from the witness
6 stand, listen to what the doctors have to say about this
7 guy and look at any evidence we introduce into evidence --
8 into evidence, take it back there and render a verdict
9 that's fair to both the State and to the respondent. Thank
10 you.

11 MR. BIEDIGER: May it please, Your Honor.

12 THE COURT: Certainly.

13 MR. BIEDIGER: Mr. Bogle.

14 Ladies and gentlemen, this case is about government
15 power. It's about power of the government to take a man
16 who has served every day of his sentence and confine him to
17 a mental institution. He's paid his debt to society and
18 they're now coming back and wanting to strip him of his
19 freedom and put him in a mental institution.

20 Now my client, Carl Asquith, he's no saint. He's
21 done bad things. Over a decade ago, when he was a
22 teenager, he did unspeakable things to his younger
23 siblings. He admitted it. He pled guilty and he was
24 punished and he accepted his punishment and he did it. He
25 served every single day of his sentence, every day of his

1 sentence that the Court gave him. And now, over a year and
2 a half later, after he's served every day of his sentence,
3 he's not a free man, he's over at the Lexington County
4 Jail. That's where he's confined right now. You may ask
5 yourself, why if a person who has done every day of his
6 sentence, why is he still confined; well that's because the
7 government wants to turn him into a ward of the State.
8 That's what it is. In our system, if you do the crime and
9 you do the time, you've paid your debt to society. That's
10 not what's happening here.

11 Carl wants to be a productive member of society.
12 He wants to basically get out and contribute and finally
13 get back to his society, but that's not what the government
14 wants him to do.

15 Now, the government must prove its case by a burden
16 what's called beyond a reasonable doubt. What does that
17 mean; that means that the government must show that Carl is
18 such a menace to society that he can't control himself,
19 that he must be confined to a mental hospital? Why is
20 that? Why is it beyond a reasonable doubt; because what
21 the government is doing is they're intent -- they're
22 involuntarily depriving a citizen of their freedom after
23 they've paid their debt.

24 My name is Brooks Biediger and I work with Amber
25 Cary Fulmer, she's been sitting next to me this time and I

1 represent Carl Asquith. He's joined by his grandfather and
2 we are basically here to say that the government cannot
3 prove its case. And if the government cannot prove its
4 case beyond a reasonable doubt, then I submit, by the time
5 you get done hearing the government's case, you will have
6 some very serious doubts about what they're doing here.

7 This case deals significantly with psychology, it
8 deals significantly with mental health, but you won't have
9 to be a psychologist or anything like that to understand
10 what's going on. But when the case first started, the
11 Court hired an expert by the name of Marie Gayle and she's
12 sitting right there on the second row. She's the Chief
13 Psychologist of the South Carolina Department of Mental
14 Health. It's her job to do these types of cases. This is
15 what she does for a living. She's sees people who are in
16 this sexually violent predator's program. She knows what
17 they look like. She was asked by the Court, a neutral
18 Court, to review Mr. Asquith.

19 Upon her evaluation, she said no, based on my
20 knowledge, my experience, my position with the Department
21 of Mental Health, living with these people, seeing them day
22 in and day out, he ain't one of them. Well, of course that
23 wasn't good enough for the government. And so the
24 government went out and decided to get a second opinion, at
25 taxpayer expense, and hired Dr. Mulbry for thousands of

1 dollars and then sent Mr. Asquith down to Charleston on the
2 taxpayer dime because they didn't like Dr. Gayle's opinion.
3 You'll hear from Dr. Mulbry.

4 When you listen to the evidence and you review this
5 case and you are weighing the two experts, seriously think
6 about who has something to gain from their testimony and
7 who is neutral and unbiased. I submit to you that when you
8 review the evidence in that light, you will -- you will
9 find that Dr. Gayle is far more credible.

10 Now, I'm going to ask that you remember your oath
11 here and here's why. This will be a very difficult case to
12 hear. It will be a difficult case that will be emotional
13 and passionate and it will be very easy to prejudge this
14 case. I'm simply asking you to listen to the evidence and
15 do not base your decision upon passion or emotion. Listen
16 to the evidence that gets put before you. Listen to the
17 law as the Judge tells you and I believe that you will have
18 some very serious doubts as to what the government's trying
19 to do here.

20 Now I won't have another chance to talk to you
21 until the closing statement, the closing argument, but I
22 sincerely appreciate you listening to me. I look forward
23 to talking with you.

24 Thank you, Your Honor.

25 THE COURT: Yes, sir.

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 Mr. Bogle, call your first witness.

2 MR. BOGLE: Thank you, Your Honor.

3 Please call Dr. William Mulbry, please.

4 DR. WILLIAM MULBRY,

5 having been duly sworn, testified as follows:

6 THE CLERK: If you'll have a seat and state your
7 name for the record.

8 THE WITNESS: My name is Leonard William Mulbry.
9 M-U-L-B-R-Y, Jr.

10 **DIRECT EXAMINATION**

11 BY MR. BOGLE:

12 Q Dr. Mulbry, how are you currently employed?

13 A I'm currently in private practice, but I do a fair
14 amount of contract work for the Medical University of South
15 Carolina.

16 Q Are you doing what's called Clinic Work?

17 A I do that also. I spend a half a day a week doing
18 just general psychiatry. I spend one full day a week
19 treating inmates at Lieber and McDougal Correctional
20 Institutions. And the rest of my time I do forensic
21 evaluations.

22 Q Now by forensic evaluation, what do you mean by
23 that word, forensic?

24 A Forensic, it means legal. Forensic just really
25 means legal. It means through the legal system. I

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 evaluate people for competency to stand trial, criminal
2 responsibility, that's what we call insanity -- you might
3 call insanity. We evaluate people for what's called
4 mitigation in terms of sentencing.

5 We do -- we evaluate the people with mental illness
6 for the courts when their mental illness plays a germane
7 role in what they're charged with or their ability to be
8 able to go to the judicial system.

9 Q Now, Doctor, what professional degrees do you
10 possess?

11 A I have an -- I am a medical doctor and I also am
12 board certified in both general and forensic psychiatry.

13 Q Now board certified, what does it take to be board
14 certified in a field like psychiatry?

15 A In general psychiatry, you have to take a very
16 extensive exam. You have to finish a residency, of course;
17 and then you take a very extensive exam. And then I had to
18 go do what we call orals, which means you spend a whole day
19 with various people asking you very difficult questions to
20 determine whether or not you should be board certified in
21 the general psychiatry. So I did that.

22 THE COURT: Excuse me. Did somebody indicate on
23 the jury they needed to use the restroom?

24 THE JUROR: Yes, sir.

25 THE COURT: Yes, sir.

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 THE JUROR: Yes, sir.

2 THE COURT: All right. We're going to have to take
3 a break. You want to take the jury back. We'll bring them
4 back as soon as the jury's ready.

5 (WHEREUPON the jury left the courtroom at 2:20
6 p.m.)

7 THE BAILIFF: They're ready, Your Honor.

8 THE COURT: All right. Bring them in.

9 (WHEREUPON the jury entered the courtroom at 2:23
10 p.m.)

11 THE COURT: All right, Mr. Bogle, sorry about that.

12 MR. BOGLE: Thank you, Your Honor, no problem.

13 BY MR. BOGLE:

14 Q Dr. Mulbry, let's go back at a different tact a
15 little bit. Have you had specialized training within the
16 field of psychiatry?

17 A I have. I did forensic scholarship, of course I
18 did a fellowship, a fellowship is a one year training in a
19 specific subsection of psychiatry. Forensic psychiatry as
20 fellowships; they had one at MUSC. I did the fellowship in
21 forensic psychiatry there and then beyond that, there was
22 the -- there's sexual behavior lab at MUSC. I started
23 doing cases through lab and have done quite a bit of --
24 quite a few evaluations as a part of MUSC lab there.

25 Q Are you still connected with MUSC?

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 A I am.

2 Q You mentioned private practice in the beginning,
3 but are you still connected to the University?

4 A Yes. Yes, I still work a day and a half a week
5 through the University.

6 Q Okay. What kind of work do you do for them?

7 A Mostly now I do corrections. In other words, most
8 of the work I do now for the Medical University is -- is
9 work at the prisons. I take care of the guys, the inmates
10 up at Lieber and McDougal.

11 Q Are these guys convicted of any crimes or convicted
12 of sexual crimes?

13 A All crimes. It's just -- just whatever. The
14 people who are mentally ill and require treatment in the
15 prison system. So we provide general psychiatric care for
16 those individuals.

17 Q Dr. Mulbry, how long have you been board certified
18 in forensic psychology or psychiatry rather?

19 A I've been board certified, my general boards I
20 believe were 2008 and my forensic boards were 2009. So
21 since that time.

22 Q And what's -- you are licensed to practice
23 psychiatry, of course, in South Carolina?

24 A Yes, sir.

25 Q In other jurisdictions?

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 A I would be licensed in -- in California. I have a
2 license in California also.

3 Q Have you previously been recognized to testify as
4 an expert witness in the field of, psychiatry and forensic
5 psychiatry by the Court's of South Carolina or any other
6 Courts?

7 A Many times both State and Federal Courts.

8 Q Okay. By Federal Courts, have you also done court
9 martial work?

10 A I have, yes.

11 Q Now, Dr. Mulbry, about how much of your practice is
12 dedicated to forensic psychiatry?

13 A Essentially 100 percent. You count the fact that
14 I'm treating -- the people who I do treat are largely
15 prisoners. Now, I did the last year, I spent a half a day
16 a week just treating general psychiatric patients for MUSC,
17 but everything else for the last 7 years or so has been
18 forensic.

19 Q Now, does this work as a forensic psychiatrist,
20 have you conducting forensic evaluations, psychiatric
21 evaluations of people?

22 A Continuously, yes, sir.

23 Q About how many have you done total?

24 A Conservatively 7 to 800; it could be as many as
25 1000, somewhere in that ballpark.

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 Q How about regarding sexual behavior, how many have
2 you done in that category?

3 A Probably a total of 40 or 50.

4 Q Have you previously been recognized as an expert
5 witness in South Carolina evaluating people under the
6 Sexually Violent Predator Act, the one we're here about
7 today, like Mr. Asquith?

8 A Yes.

9 Q About how many times?

10 A I've probably done about 35 evaluations I would
11 estimate.

12 Q Okay. And testified about how many times? About
13 how many times have you testified at a contested case like
14 this involving somebody under the Sexually Violent Predator
15 Act in South Carolina?

16 A About 6 I think, 6 or 8.

17 Q Okay. So the other 29 or so evaluations you did
18 under this law, what happened to them?

19 A Oh, we determined that, 1 or 2 resolved before
20 we -- I had to testify.

21 Q Okay.

22 A But the vast majority probably two-thirds we have
23 provided the opinion that the person did not meet the
24 criteria to be in the program. In other words, we agreed
25 with the other side that he didn't meet the criteria to be

Dr. William Mulbry - Voir Dire Examination by Mr. Biediger

1 a sexual predator and we rendered that opinion and that was
2 the end of it.

3 Q Have you hired -- you have been hired by the
4 defense attorney to conduct evaluations of their clients
5 prior to today.

6 A Yes.

7 Q About why type of evaluations would those have
8 been?

9 A Well, it would be -- it would basically be the same
10 evaluation, but it, you doing a sexual evaluation, but in
11 these cases usually it was for plea bargains through
12 mitigation. For one was a death penalty case about
13 mitigation, just a variety of reasons that are not
14 associated with the SVP Act.

15 Q Okay.

16 MR. BOGLE: Your Honor, at this time I would move
17 for Dr. Mulbry be qualified as an expert witness in the
18 field of psychiatry and forensic psychiatry.

19 MR. BIEDIGER: A couple of questions, Your Honor.

20 **VOIR DIRE EXAMINATION**

21 BY MR. BIEDIGER:

22 Q Good afternoon, Dr. Mulbry.

23 A Good afternoon.

24 Q How you doing today?

25 A Doing well.

Dr. William Mulbry - Voir Dire Examination by Mr. Biediger

1 Q Are you still doing these Sexually Violent Predator
2 Evaluations?

3 A Not -- I haven't done -- yes, I am and I think two
4 in the last 6 or 8 months.

5 Q And who are you doing them for?

6 A Currently the last -- I'm not currently doing one
7 right now, the last one I did was for an attorney in
8 Alabama.

9 Q But you're not doing them for the Attorney
10 General's Office anymore?

11 A That's correct. I'm not. I don't work -- I don't
12 do them for MUSC anymore; that's correct.

13 Q You just basically did them for whoever pays you to
14 do them?

15 A Yes.

16 Q And it's not necessarily the Attorney General's
17 Office anymore?

18 A That's correct. They work with the Medical
19 University. Since I do not do evals for the Medical
20 University any longer, I'm not doing any for them.

21 Q Why don't you do the medical evals for them
22 anymore?

23 A Because they make me -- they want me to sign a
24 non-compete clause that forbid me to ever practice in
25 Charleston again if I work for them. If I continue to work

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1 for MUSC, it requires a contract. The contract has a
2 non-compete statement. The non-compete statement says if I
3 ever leave the Medical University for any reason, I can
4 never practice in Charleston again. Having lived there for
5 20 years, I frankly don't find that very palatable.

6 Q That would definitely cut into your business,
7 right?

8 A No, it would cut into my ability to practice at
9 all. And I don't mind it cutting into my business, but
10 being told I can't work in the city where I live, I frankly
11 find a little -- I don't like it.

12 Q Now, you started off your career in Orthopaedic
13 surgery, right?

14 A I did.

15 Q How long were you an Orthopaedic surgeon?

16 A Well, I was hand micro surgeon for probably about
17 16 to 18 years.

18 Q Why did you switch to psychiatry?

19 A Mostly because I was getting close, a little close
20 to retirement and I didn't feel like I was quite ready to
21 retire and I was getting -- my back doesn't stand up to
22 12-hour operations anymore. I was finding that at the end
23 of micro surgery would -- we'd do a replantation, I was
24 having a hard time. Just the endurance of 12-hour
25 operations was starting to get to me.

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 Q Thank you, Dr. Mulbry.

2 MR. BIEDIGER: We's stipulate that he be qualified
3 as an expert.

4 THE COURT: All right, Ladies and gentlemen. As I
5 think I told you, if scientific, technical or other
6 specialized knowledge will assist the trier of the facts,
7 being the jury, to understand the evidence or to determine
8 any fact that may be in issue, then a witness can be
9 qualified as an expert by virtue of his knowledge, skills,
10 experience, training, or education and as such, may offer
11 an opinion in his or her area of expertise.

12 I find Dr. Mulbry to be qualified as an expert in
13 the field of psychiatry and forensic psychiatry and can
14 testify as such. I tell you that you should give his
15 testimony such weight and credibility as you deem
16 appropriate, as you will with any and all witnesses who
17 testify in this trial.

18 Mr. Bogle.

19 MR. BOGLE: Thank you, Your Honor.

20 **DIRECT EXAMINATION CONTINUED**

21 BY MR. BOGLE:

22 Q Dr. Mulbry, what type of evaluation did you conduct
23 in this case involving Mr. Asquith?

24 A We label it as a psycho-sexual evaluation or a
25 sexual behaviors evaluation.

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 Q Can you describe for the jury your protocol in
2 conducting such evaluations.

3 A I did incur the protocol of the lab of the clinical
4 lab where I worked at MUSC. And that is we -- for these
5 particular evaluations -- we receive all of the information
6 that the State Attorney General has, and that would be all
7 of the past trial records, criminal records, police
8 incident reports, everything related that we could find to
9 the person's charges. We'd also then obtain all of their
10 past medical records; all of their past psychiatric records
11 that we can possibly get our hands on because obviously
12 those are very germane to us.

13 In this case, as any many cases, military records,
14 we track down the military records. We talk -- we try to
15 get things people have written. We try to collect as much
16 information about how the person functions and things in
17 any way related to -- to the charges that we can possibly
18 find.

19 Q As part of this evaluation, did you meet with and
20 interview Mr. Asquith?

21 A I did.

22 Q Was he seen by the lab and met with you on -- about
23 how many times?

24 A He came down to the lab twice before he saw me and
25 did the testing and then I saw him on the last day, the

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1 last time he came down, I saw him most of that day.

2 Q Okay. About how many hours would you have spent
3 with him conducting an interview once all the testing was
4 done?

5 A About 4 hours.

6 Q Okay. In addition to interviewing Mr. Asquith, and
7 the testing you just referred too, was there also written
8 information that you received to conduct your report? I
9 believe you already covered some of it. Was there anything
10 else other than what you talked about?

11 A The medical, psychiatric, military, those are the
12 ones that come to mind right now. And then, of course, he
13 did come down for testing, the testing that was done during
14 those two days and I had that information available too.

15 Q Now the documentary information, the prison record,
16 conviction record, stuff like that, how did you get that
17 information; where did it come from?

18 A Most all of it comes from the State Attorney
19 General's Office. Anything we need, if we think of
20 something we want, we'll contact Mr. Bogle's office and
21 they would obtain it for us.

22 Q Okay. Now the type of information you're talking
23 about, is this the type of information, the written stuff
24 that is typically and reasonably relied upon by experts in
25 your field?

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1 A Yes, it is.

2 Q And did you consider and rely upon that
3 information, all that documentation along with the testing
4 and interview of Mr. Asquith in reaching an opinion about
5 whether or not he should be civilly committed?

6 A Yes, I did.

7 Q Now, can you explain to the jury how a person's
8 past sexual offense behavior relates to their present
9 sexual offense behavior?

10 A The -- in general you start out with the concept of
11 past behavior. If you want to predict future behavior the
12 best indicator is past behavior. But beyond that there has
13 been quite a bit of literature and quite a bit of study
14 about how to -- how to predict recidivism. That is people
15 doing it again. How to predict recidivism in people who
16 have offended, because obviously, you like to sort out the
17 people who are likely to re-offend compared to the people
18 who are not so likely to re-offend. And so there's a body
19 of literature out there that -- about who and what factors
20 go into predicting who will re-offend and who won't.

21 We are guided by that literature. We look at those
22 articles and they say these are the features that people
23 who re-offend are more likely to have, so that we will look
24 at -- when we do these evaluations, we look for those
25 features or -- or the absence of them. And so that's

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1 largely how we go into these evaluations.

2 Q Now, based upon your interview of the respondent
3 and your review of the documents and everything, was he
4 convicted of sexually violent crimes?

5 A He was.

6 Q As defined by the State Law of South Carolina?

7 A Yes, sir.

8 Q Okay. I'd like to hand you a certified copy of a
9 sentencing sheet and indictment and arrest warrant of
10 criminal sexual conduct with a minor in the second degree.
11 This is Exhibit No. 4 for the State, for the plaintiff. Is
12 that a document you've seen prior to today and is it part
13 of your review?

14 A It is part of my review and it's part of my records
15 here.

16 Q Okay.

17 MR. BOGLE: Your Honor, we move to introduce into
18 evidence at this time State's Exhibit No. 4.

19 MR. BIEDIGER: No objection, Your Honor.

20 THE COURT: So admitted.

21 (WHEREUPON Plaintiff's Exhibit No. 4 was entered
22 into evidence.)

23 BY MR. BOGLE:

24 Q Now, Doctor, that crime there, the criminal
25 conviction there, is criminal sexual conduct with a minor

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1 in the second degree; is that correct?

2 A Yes, sir.

3 Q What county did the conviction take place in?

4 A Lexington County.

5 Q And is this a sexually violent crime as defined in
6 the South Carolina Law?

7 A Yes, sir, it is.

8 Q Now, doctor, I'd like you to tell the jury, was it
9 necessary for you to study the details, meaning the
10 incident report, police reports, witness statements, what
11 Mr. Asquith told you -- was it necessary for you to study
12 the details behind this crime in order to form an opinion
13 about whether or not he should be civilly committed.

14 A Yes, it was.

15 Q Would you please share with the jury what details
16 you found necessary in order to base your opinion about
17 this particular offense you're holding in your hand?

18 A This particular offense had to do with vaginal
19 intercourse with his younger sister, his 13-year-old
20 sister, which in and of itself, obviously, is a very
21 serious charge. But there are -- there are details that
22 surround these that this particular charge and many of the
23 others that were very much more significant to me than even
24 the fact that it happened.

25 Q Would you explain -- did you -- for the jury, what

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1 was the age of the sister at the times these crimes were
2 happening?

3 A I believe she was 13 or 14.

4 Q And what's -- did you review the law enforcement
5 records concerning this offense?

6 A I did.

7 Q Are these records part of the information you have
8 listed for the jury earlier as background information?

9 A Yes, sir, they are.

10 Q And are these the types of records relied upon by
11 other experts in your field?

12 A Yes, sir.

13 Q What significant details about this crime did you
14 find significant to form an opinion about Mr. Asquith?

15 A Well, whenever you use the -- very germane was the
16 kids were inter -- the sister was interviewed following the
17 charges and she gave a fairly detailed -- they did a very
18 detailed forensic evaluation by both Lexington County
19 Children's Center and Sister , when this --

20 Q I'm sorry. If you could refer to the children by
21 their first names or by their ages, okay; let's not use
22 names?

23 A Yes, I'm sorry. There -- when his sister reported
24 and reported that her older brother, Carl, had been
25 touching her as long -- as long as she could remember, it

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1 included digital vaginal penetration, digital anal
2 penetration, penile vaginal penetration. She described
3 having pain with attempts to do it. She described him
4 showing her pictures of pornography, which she described as
5 black and white pictures of a girl about 8 or 9 having sex,
6 quote, real sex, intercourse, with a man who was grown up
7 about 25 or 30 years old. She indicated that Carl had told
8 one of her brothers to watch and that he's showing
9 something and she indicates that the younger brother did
10 watch.

11 Q Watched the conduct that he was doing to the
12 sister?

13 A Yes.

14 Q Okay.

15 A And she describes one time standing, quote, He
16 yanked my feet out from underneath because he was trying to
17 touch me and I was fighting back. He yanked my feet and I
18 fell backward and hit my head when I fell. She described
19 not telling anyone. I was scared mom and dad would hate me
20 because it would mess up the family and everybody would get
21 upset.

22 Q Okay. Now, Doctor, I'm going to show you two more.
23 This is a certified copy marked Plaintiff's Exhibit No. 1
24 of a conviction for criminal sexual conduct with a minor in
25 the second degree, Indictment No. 2003-32-1656. Is this

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1 also a document you looked at in your investigation of Mr.
2 Asquith?

3 A Yes, it is.

4 Q And the next thing I show you, Plaintiff's Exhibit
5 No. 2. It's been marked as Plaintiff's Exhibit No. 2,
6 Indictment 2003-1657, another sentencing sheet, indictment,
7 and warrant. Is this also a criminal sexual conduct with a
8 minor in the second degree conviction, which you looked at
9 in preparation of your evaluation or as part of your
10 evaluation of Mr. Asquith?

11 A Yes, it is.

12 Q And are these both sexually violent crimes as
13 defined in the law?

14 A Yes, sir.

15 MR. BOGLE: Your Honor, we'd move to introduce into
16 evidence the Exhibits, it would be Exhibits No. 1 and 2?

17 MR. BIEDIGER: No objection, Your Honor.

18 THE COURT: So admitted.

19 (WHEREUPON Plaintiff's Exhibit No's. 1 and 2 were
20 entered into evidence.)

21 BY MR. BOGLE:

22 Q Now, Doctor, do these convictions also involve
23 crimes against the sister?

24 A Yes, I believe these all three are the charges
25 against -- against the sister.

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1 Q So what's the difference? Why are there three
2 instead of 1; what type -- are the conduct, is the conduct
3 different in each charge?

4 A Each -- each was separately charged. The first --
5 the first charge was -- was the vaginal intercourse. The
6 second charge was for oral sex; and the third charge was
7 for anal sex.

8 Q Okay. And again, in all three of these two cases I
9 just gave you which are marked into evidence right now, did
10 you also review the criminal records, forensic evaluations
11 the victims done in connection with these other two cases?

12 A Yeah, what I read is a distillation of the forensic
13 interview that was done with the sister at the time of --

14 Q Is this written information part of what you based
15 your opinion on?

16 A Yes, sir.

17 Q Okay. Now, what was significant -- you've
18 mentioned some things about it causing pain to the girl.
19 Was there any question as to how long this conduct had been
20 going on with her?

21 A She said as long as she could remember.

22 Q Okay. About what age was she when these charges
23 came forward?

24 A 13 or 14.

25 Q Okay. What now -- was there anything significant,

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 you talked about her, you mentioned pornography, you
2 mentioned having another brother look at the conduct, what
3 was -- was there anything significant about those acts?

4 A It goes beyond typical sexual offenses; that is
5 people offend against minor -- against in this case
6 prepubescent children all the time. That happens, not
7 uncommonly. But there's -- with the infliction of pain,
8 having another person watch, the pain, the watching, the
9 using pornography as a -- as a tool to get there, these --
10 these are beginning to step a bit further than just simple
11 sexual offenses that we typically see. They begin to move
12 more into what we call more sexually deviant. I mean
13 they're just simply a somewhat more deviant kind of sexual
14 behavior than is typically seen.

15 Q Now, Doctor, I'd like to hand you now what's been
16 marked as State's Exhibit or Plaintiff's Exhibit No. 3, a
17 sentencing sheet, Indictment 2003-GS-32-1663 with the
18 attached indictment and the arrest warrant for criminal
19 sexual conduct with a minor in the second degree. Is this
20 a document that you reviewed in the course of your
21 evaluation of Mr. Asquith?

22 A Yes.

23 Q And it's criminal sexual conduct with a minor in
24 the second degree, the conviction there, is that a sexually
25 violent crime under the law in South Carolina?

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1 A Yes, it is.

2 MR. BOGLE: Your Honor, we move to introduce
3 this -- these documents into evidence as State's Exhibit
4 No. 3?

5 MR. BIEDIGER: No objection, Your Honor.

6 THE COURT: So admitted.

7 (WHEREUPON Plaintiff's Exhibit No. 3 was entered
8 into evidence.)

9 BY MR. BOGLE:

10 Q Doctor, who was the victim in this particular
11 conviction?

12 A An 11 -- an 11 year old brother.

13 Q Okay. Did you review the police reports here?

14 A I did.

15 Q Like you did the others?

16 A I did.

17 Q And are these the records typically relied upon by
18 experts in your field in forming opinions about these types
19 of matters?

20 A Yes, sir.

21 Q What was significant about the conduct you found
22 here? Tell the jury the details about the age of the child
23 and the details behind, the underlying details behind the
24 conduct that you found significant.

25 A Well one, it's a male, would be the first. The

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1 recidivism -- recidivism rate for males, when you offend
2 against males is higher than females. Also he's younger.
3 This is -- 11 is pretty commonly prepubescent. It's not
4 likely that this is -- an adolescent boy -- it's really
5 looking prepubescent. It's really coming more into the
6 area of pedophilia. So that in and of itself makes it
7 significant.

8 Also when we reviewed the -- the forensic
9 evaluation -- and again this is my distillation of the
10 forensic evaluation. He described multiple episodes of
11 anal and oral penetration by his older brother, estimating
12 it about five or six times. He described him touching
13 private parts with hands and mouth. He indicated this
14 started when he was about 6 or 7 years old.

15 He indicates he witnessed his brother doing stuff
16 to his sister. To quote, I saw him stick his penis in her
17 private part. He estimated that this had happened quote,
18 probably twenty. He indicates that Carl showed him
19 pictures of little kids and grownups having sex. He
20 indicated there were times that his older brother brought
21 he and his sister to the living room and quote went back
22 and forth from her to me.

23 Q You mentioned the words -- a couple of times during
24 your testimony you talked about forensic evaluations. In
25 this context, what is a forensic evaluation that you're

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 referring to?

2 A They have -- people who -- who -- children -- when
3 children allege sexual trauma it's a very specialized skill
4 to be able to interview them. Because you don't want to
5 plant -- you don't want to reinforce things that might be a
6 little murky in the -- that might be confusing to them.
7 And so evaluating children who allege sexual trauma is a
8 very specialized thing to do. And Lexington County has
9 got -- is fortunate to have Lexington County Children's
10 Center and clearly very skilled people. I've seen the
11 reports and they're very skillfully done.

12 So these are the evaluator, evaluations done to try
13 to determine what actually did happen that these children
14 are alleging sexual abuse.

15 Q I'd like to hand you right now what's been marked
16 as State's Exhibit or Plaintiff's Exhibit No. 5. This is
17 Indictment No. 2003-GS-1666, a conviction in Lexington
18 County. And I've got attached to it a certified copy of
19 the warrant and the indictment. The crime here is criminal
20 sexual conduct with a minor in the first degree; is this a
21 document you looked at in the course of your investigation?

22 A Yes, sir.

23 Q And would you have studied the police reports and
24 forensic evaluations and incident reports, the things
25 you've talked about so far in that case as well?

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1 A Yes, sir.

2 Q We'd move to introduce that exhibit in as State's
3 Exhibit No. 5?

4 MR. BIEDIGER: Your Honor, may I see that briefly.

5 THE COURT: All right.

6 MR. BIEDIGER: No objection.

7 THE COURT: All right. So admitted.

8 (WHEREUPON Plaintiff's Exhibit No. 5 was entered
9 into evidence.)

10 BY MR. BOGLE:

11 Q And again, doctor, you've looked at the forensic
12 eval, the police reports, and things like that in this one
13 too?

14 A Yes, sir.

15 Q What facts did you -- were significant to this
16 case? Would you tell the jury about exactly what happened,
17 how old the victim was, the gender of the victim and the
18 details you found significant.

19 A This is a 5-year-old younger brother. So he's even
20 younger than the other siblings. And this -- in this case
21 he's -- he provided a narrative. And again this is my
22 distillation of a rather extensive interview. One, he --
23 he talked about what Carl was doing and he says Carl got
24 Sister buck naked. He witnessed this.

25 He indicates Carl touched his penis about nine

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1 times and touched his butt about nine times. He stated
2 Carl sucked on it with his mouth and he did my penis a lot.
3 And then after -- Carl touched his butt with his penis. He
4 was asked, And did anything go inside. He indicated yes,
5 he tried that a lot, six or nine times. He indicated it
6 was painful. He told Carl to stop.

7 He indicated that he was shown pictures of Carl
8 quote, Yes, him and his friends in the Marines, they were
9 buck naked. He indicated the pictures -- in the pictures
10 they were licking their butts. But it also then goes on,
11 this young -- this 5 year old sibling says that Carl took
12 pictures of me naked once and he got a rope from the shed
13 and tied my hands behind my back and tied my feet together
14 and took my picture and looked at it. He indicated that he
15 had seen Carl touch Brother 1 and Brother ; I'm sorry.

16 Q How about refer to them as

17 A He had seen him touch his brothers.

18 Q What's the first initial of the one you're looking
19 at right now?

20 A This is

21 Q Okay.

22 A I'm sorry.

23 Q And so he mentioned -- go on -- read what you said
24 a minute ago but just used first initials?

25 A I -- I'm sorry. He had seen Carl touch on

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1 their penis and private parts. He indicates that he saw
2 Carl taking pictures of them after he got them naked, he
3 stuck a piece of bread in butt and took a picture of
4 it. When asked if Carl ever said anything about touching
5 the penis and butt, he replied, he said if I ever told
6 anybody, he'd tie me up and leave me.

7 Q Now what is -- is there any significance to you in
8 the type of work you do studying these cases, when threats
9 or physical violence are used? He mentioned the threat of
10 telling someone and leaving me. He having stuck something
11 up a person's -- you know, is there significance to that
12 kind of conduct?

13 A There's two things that are -- whenever you see
14 binding, tying people up; and particularly in the context
15 of not so much tying them up, just in order to gain
16 compliance, he tied them up and then took pictures of them
17 tied up and using foreign objects. Those are of deep
18 concern because they begin to -- to really push the
19 boundaries of deviant sexual thinking. This is again, this
20 is when you see people touch children that happens a good
21 bit.

22 This really goes well beyond that, what we
23 typically or commonly see and binding and force, pain,
24 taking pictures, are a deep concern for the deviancy of the
25 act.

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1 Q Now, Doctor, I'd like to show you now what's been
2 marked as State's Exhibit No. 6 or Plaintiff's No. 6,
3 Indictment -- a copy, a certified copy of Indictment
4 2003-1667, the sentencing sheet, the indictment and the
5 arrest warrant for criminal sexual conduct with a minor in
6 the first degree. Is this a document that you reviewed in
7 the course of your investigation of Mr. Asquith?

8 A Yes, it is.

9 Q And is criminal sexual conduct with a minor in the
10 first degree, a sexually violent crime in South Carolina?

11 A It is.

12 MR. BOGLE: I move to introduce State's Exhibit No.
13 6 into evidence, Your Honor?

14 MR. BIEDIGER: No objection, Your Honor.

15 THE COURT: So admitted.

16 (WHEREUPON Plaintiff's Exhibit No. 6 was entered
17 into evidence.)

18 BY MR. BOGLE:

19 Q Now, Doctor, this particular crime, did you also
20 look at the police reports, the forensic evaluations,
21 investigative reports on this case as well?

22 A I did.

23 Q And is this again the type of things that are
24 typically relied upon by experts in your field?

25 A They are.

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1 Q And were they relied upon by you in forming an
2 opinion about whether or not Mr. Asquith's deviancy level
3 is such that he needs to be civilly committed?

4 A Yes.

5 Q Without saying the name of the person, tell us
6 about this particular victim. Who the victim was, their
7 first initial of their name, how old they were, and what
8 significant details you learned about this case in forming
9 your opinion about Mr. Asquith.

10 A This is another sibling, who would have been
11 approximately 6 years old. describes multiple episodes
12 of fondling and touching his brother's penis. There were
13 episodes where Carl touched his penis. He describes Carl
14 performing oral sex on him once. He describes seeing
15 pictures, which he described as, quote, horrible picture of
16 people with no clothes on. He indicated there were
17 grownups and kids in the pictures.

18 He described Carl taking pictures of him from the
19 front and from the back standing naked. He describes Carl
20 once, quote, he jerked me by the hair and he tied a rope to
21 a tree limb at one end and the other end on my weiner once
22 and tied my hands so I couldn't get loose. He pulled the
23 rope and it was real tight on my weiner.

24 He indicated that this was painful. He also
25 indicated that Carl put my fingers in a coffee grinder one

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1 time and turned it on. I asked him if the fingers bled and
2 he indicated that, I'm sorry, it says, he was asked if the
3 fingers bled and he indicated that they did, but just a
4 little bit. And he indicated that Carl told him, I'm going
5 to do bad stuff to you and you better not tell anybody.

6 Q How old was this child when this conduct was
7 happening?

8 A About 5 or 6 six years old.

9 Q Okay. Was there other -- was there another brother
10 in addition to the ones you've talked about so far where
11 there wasn't a conviction, but there was indication of
12 sexual conduct, which you found important to look at?

13 A Yes.

14 Q Okay. And what were the initials of that brother?

15 A

16 Q And was there a conviction as near as you could
17 tell on the conduct against that brother?

18 A I believe -- that wasn't all -- I think that was
19 part of a plea bargain.

20 Q Why was it necessary for you to look into this
21 other brother's allegations of the conduct of the
22 respondent?

23 A Because again, I -- I'm becoming increasingly
24 concerned about, not the acts, but the level of the acts,
25 the intense -- the severity of the acts, the deviancy of

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1 the acts.. And so I look at other forensic evaluations and
2 there was this one other one.

3 Q And what significant information did you find that
4 was valuable to you in forming an opinion about whether or
5 not Carl Asquith should be civilly committed?

6 A J reported that Carl penetrated him once with a
7 screwdriver and he touched on his private parts. He
8 indicated that his older brother's private part went inside
9 his butt. He estimated this occurred three or four times
10 and that he, quote, put his private parts in my mouth. He
11 estimated that this happened lots of times, ten times.

12 He indicated that Carl, quote, put his mouth on my
13 private parts too. He indicated that once a sibling,
14 walked in when they were doing this and he indicated that,
15 he indicated he did not show him any pictures nor were any
16 pictures taken of him.

17 Q Okay. Now, Doctor --

18 MR. BOGLE: If I may approach the witness, Your
19 Honor?

20 THE COURT: Yes, sir.

21 BY MR. BOGLE:

22 Q Okay. The last two convictions I've asked you
23 about, State's Exhibit or Plaintiff's Exhibit No. 5,
24 Indictment 2003-1666, for CSC with a minor in the first
25 degree, and State's Exhibit 6, Indictment 1667, also for

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1 CSC with a minor in the first degree, it says on here these
2 were guilty pleas under a case called Alford. Are you
3 familiar with Alford?

4 A Fairly, yes, sir.

5 Q Okay.

6 A I'll do my best.

7 Q All right. Well, are they still convictions under
8 the Sexually Violent Predator, correct?

9 A Yes.

10 Q For a person to plead guilty under Alford, do they
11 have to admit guilt?

12 A No.

13 MR. BIEDIGER: Objection, Your Honor, this is --
14 he's testifying as a psychiatrist, not as a legal expert.
15 I don't think that's an appropriate question to ask.

16 MR. BOGLE: Your Honor, he's been established as an
17 expert in forensic psychiatry and forensic means the legal
18 side of it.

19 THE COURT: I'm going to let him answer that
20 question. He's not an attorney, so --

21 BY MR. BOGLE:

22 Q Does a person have to admit guilt?

23 A No.

24 Q Do they have to be aware that the State can prove a
25 case against him?

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1 MR. BIEDIGER: Objection, Your Honor. Same thing.

2 THE COURT: Move on.

3 BY MR. BOGLE:

4 Q Now, did you interview the respondent about all of
5 these victims; we've talked about the vindictive conduct
6 and also the one where things were alleged there was no
7 conviction to go with it?

8 A Yes, sir.

9 Q How many victims did he admit to offending against?

10 A Three.

11 Q Three? So that would be the, that would be which
12 victims as far as first initial and gender?

13 A The sister,

14 Q Okay.

15 A The brother, capital

16 Q Okay.

17 A The other brother,

18 Q Okay. So admits to how many victims, four?

19 A Three.

20 Q Three. Three victims. And he denies -- what did
21 he -- what was the response about the other two victims?

22 A That it never happened.

23 Q Okay. Did you match those up with the other two
24 victims he's denying the ones where the plea was under this
25 Alford case?

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1 A Correct.

2 Q Okay. But is Alford, is an Alford plea a criminal
3 conviction in South Carolina?

4 A I believe so, yes.

5 Q Okay. Did he offer any explanations as to why he's
6 getting convicted in open Court and yet, didn't do it?

7 A His take was that his advice -- that he felt like
8 his parents had gotten to the kids, is my memory -- I'm
9 going by memory; that his parents had gotten to all of the
10 siblings and they had made these statements under pressure
11 from their parents.

12 Q Okay. Okay. Now, what was significant to you
13 about that type of denial in the face of certified copies
14 of convictions?

15 A Well, it -- it -- it implies that he's -- that he's
16 not owning up to it; he's not accepting this as something
17 that he did wrong.

18 Q And what is significant to you about the criminal
19 offense behavior? I'm not just talking about penetration,
20 I'm talking about the other, tying and foreign objects and
21 things like that. What's significant about all that to you
22 in forming an opinion about Mr. Asquith?

23 A Because it -- it's totally germane to my opinion.
24 We -- we -- we -- we -- when we look at who is likely to
25 recidivate, we don't make up, or at least I don't make up

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1 my own rules; I go to the literature, I look at what the
2 literature says and -- and I go by it and there have been
3 studies, a number of studies that there have been good
4 studies done that show that the thing that most correlates
5 with recidivism, doing it again, is deviant sexual
6 thinking. Deviant sexual interests. So it's in the back
7 of my mind when I review these charts and I go through
8 these charts and when I see it, I -- I -- it -- it -- it
9 raises flags and I become concerned. And here I find a
10 great deal of, again, it goes way beyond the typical sexual
11 activity and sexual touching that typically goes on ---

12 MR. BIEDIGER: There's no question. It's just --
13 if there could be a question answered --

14 THE COURT: Overruled.

15 MR. BOGLE: Thank you, Your Honor.

16 BY MR. BOGLE:

17 Q Thank you, Doctor, go ahead.

18 A That those -- those meet that criteria for deviant
19 sexual thinking, which is an exceptional kind of recidivism
20 risk factor. And so you're looking for it and so when I
21 see it, I think, Hm, this is a person is more likely to --
22 to -- to do it again. And I'm -- again, I'm not doing that
23 because I think it, I'm doing it based on articles and
24 literature on the population studies that have been done
25 and they say it's a risk factor. So when I see it, I

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1 elevate and -- the risk of a person committing another
2 crime.

3 Q Now, Doctor, totally independent of these
4 convictions, did you question the respondent about his
5 sexual partners, who he's had sex with consensually?

6 A I did.

7 Q Was there any significance to you about any of
8 those relationships?

9 A He'd had -- it's in the -- he was a -- he was in
10 the Marines and he had a -- a -- a -- when he was 17, he
11 found a 17-year-old woman and they had a 6 month sexual
12 relationship. The Marines had gone down to Mexico and
13 there had been a prostitute. He had also had a very brief,
14 by his history, over the course of 10 days, a sexual
15 relationship with somebody in the prison system, one of the
16 other inmates in the prison system. And that -- that would
17 have been his sexual history.

18 Q What was significant, was anything significant to
19 you about the relationship with a man in the prison system?

20 A Well, it was -- it was very brief. It was, he said
21 he gave -- he says he gave it up. He didn't want to
22 live -- I think he said he didn't want to live that kind of
23 lifestyle. There was later some, there were some letters
24 that were sent home from him indicating that the reason he
25 had the relationship was to obtain drugs. And I think he

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1 said drugs, I forget -- but to obtain drugs and alcohol and
2 things like that. In other words, he was using sex to get
3 drugs and alcohol in the prison system.

4 Q Is that a problem regarding your evaluation of this
5 guy, the fact that he would do that in prison, a confined
6 space, with another guy to get drugs; is that significant
7 to you in your evaluation?

8 A Again, it fits into a -- that kind of thing goes on
9 in prisons all too often, I'm afraid. But again if you put
10 it in the context of -- of -- kind of this willingness to
11 be involved in sexually deviance, in behaviors, then yeah,
12 it begins to fit into that pattern I'm afraid, a little
13 bit.

14 Q Now, Doctor, what type of assessments did you
15 perform and have performed or what type of assessments were
16 performed by the lab you were associated with when you did
17 this evaluation of Mr. Asquith?

18 A There's a standard battery. In other words, the
19 lab has a protocol.

20 Q Okay. Well let's take it from the top. There's
21 something called the SSI III, what is that?

22 A That's known as the Sassy, it's a screen for subtle
23 abuse. It's a -- it's a -- it's a test that you do to
24 evaluate people for whether they're at risk or they're
25 similar to populations of people who use drugs because

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1 that's a risk factor.

2 Q Okay. Was there anything significant that you
3 gained from that particular case or that particular
4 evaluation?

5 A Well, significant, yes, he's at low risk. He's not
6 the kind of person that would typically abuse drugs and
7 alcohol.

8 Q The next thing according to your report is called a
9 PAI, what is that?

10 A A PAI is a Personality Assessment Inventory. It's
11 a -- it's a personality test basically. It looks at sort
12 of overall personality characteristics...

13 Q Was there anything gained or anything to assist you
14 regarding Mr. Asquith from the PAI or the Personality
15 Inventory?

16 A He came, he actually came across as psychologically
17 fairly well balanced and normal. And so what's significant
18 about it is -- was it did not -- it did not show a lot of
19 psychopathology. In other words, there's no evidence of
20 bipolar, depression, or schizophrenia and once more, his
21 personality is generally fairly well balanced and notably
22 he was very defensive. You can probably understand he's
23 taking these tests in a very difficult situation and was
24 probably being defensive. But he was quite defensive in
25 trying to appear to be a good guy, to be -- to hide -- to

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1 Look virtuous on the testing.

2 Q Did he show any resistance or acceptance of the
3 need for sex offender treatment --

4 A No.

5 Q -- if he's released by the jury?

6 A Well, it would be treatment in general, therapy in
7 general. But his interest and motivation for treatment was
8 well below average of people who aren't in therapy and
9 significantly lower than people that are in therapy. In
10 other words, therapy in general, he didn't -- he doesn't
11 see any need for at all.

12 Q Okay. There was a third things called the CPT II?

13 A Right, that's a competency.

14 Q Was that something also done on Mr. Asquith during
15 this evaluation?

16 A Yes, sir, it was.

17 Q Did you gain anything from that evaluation, from
18 that part of the testing?

19 A Only in that it was fairly unremarkable to test for
20 impulsivity. It's a test actually done on kids for ADHD.
21 It tests impulsivity largely. And he fell sort of midway.
22 He's -- it's not significant. It did not really play a
23 role in the evaluation. He's not, he's not significantly
24 impulsive.

25 Q Okay. The next thing I see on the list in your

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1 report is called the ADEL. What is the purpose of that and
2 what, if anything, did you glean from that particular
3 testing or scoring of Mr. Asquith?

4 A The ADEL is designed to try to assess sexual
5 interests. It, basically they show you a number of
6 pictures of men and women, boys and girls, kids, all
7 different ages, generally they were dressed. They show you
8 all these pictures and they're doing two things. One,
9 they're asking how interested you are in -- sexually
10 interested in that particular age group and that particular
11 gender. And beyond that, it's measuring -- it's trying to
12 measure your interest in that particular demographic. How
13 interested are you in that group.

14 Q Was anything significant gleaned from this
15 particular part of the testing?

16 A The significance was that it showed his primary --
17 suggested his primary interest was in adult and adolescent
18 females and adult males. Now, in this case, adolescence
19 is -- was considered normal. So it -- the only thing that
20 would be a little unusual would -- would be the interest in
21 adult males.

22 Q Was it something called a Static 99R that was
23 scored on Mr. Asquith?

24 A Yes.

25 Q Could you tell the jury what the Static 99 is and

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1 what's -- and how it was -- what it's based on?

2 A Static 99 is -- is an actuarial instrument. That
3 means it's a test. It's comprised of, I think ten
4 questions. And what they did is they -- they -- they want
5 to know the same thing that we're asking here today; who is
6 likely to re-offend; who is likely to recidivate. And so
7 they did this up in Canada actually, but goes with the norm
8 of the United States, so it's -- it's accurate.

9 They -- they look statistically at the
10 characteristics of people who re-offended and they made a
11 list of questions that might, that would indicate people
12 likely to re-offend. And they went back and -- and -- and
13 ran it on people who were going through the system and then
14 followed them to see if they did recidivate. In other
15 words, it was norm. They went to huge efforts to look at
16 huge numbers of people and -- and in statistical study, to
17 try to determine what factors would indicate that somebody
18 is likely to re-offend. But it's very important that they
19 only are looking at certain types of factors called
20 historical factors.

21 Q And by historical factors, what do you mean, it
22 says static; to me static --

23 A Age.

24 Q Age?

25 A Age is one.

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1 Q Okay.

2 A One is age. Have you ever -- did you ever have a
3 relationship over two years; did you ever live with anybody
4 over 2 years. Have you ever committed a violent crime; how
5 many violent crimes have you committed. And it looks at
6 how many times you have offended prior to this. It looks
7 at the victims. Is it a -- if accounts for incest by
8 saying is it -- was it a victim related to you; was it a
9 male victim; was it, it looks at victim demographics. So
10 what it looks at is a group of historical data, which, of
11 course, doesn't change.

12 Q Let's talk about -- let's talk about that for a
13 second. All the things you mentioned, these historical
14 things that have already happened to someone in the past,
15 the only one I've heard that could change would be age;
16 he's going to get older?

17 A Correct.

18 Q Are the other ones static --

19 A And that's why they call it the Static 99 is because
20 it is based on historical data that you can glean out of
21 a -- out of a written record. Now, you're supposed to
22 interview the person, but basically it's largely historical
23 data that you're looking at. And the Static 99 makes it
24 very clear that it does not -- it is -- it is defined as
25 moderate, modestly accurate. In other words, they -- even

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1 the people who derived the test don't say this is the end
2 and be all of all tests. They say that it has moderate
3 predictive value, but it -- the -- but where -- it's weak,
4 in that it does not account for what we call acute
5 criminogenic needs.

6 Q Whoa, whoa, Doctor, Doctor?

7 A Sorry.

8 Q I'm a lawyer, not a psychiatrist. Let's put that
9 in plain English please.

10 A Okay.

11 Q It doesn't account for what?

12 A Acute criminogenic needs. For ongoing needs that
13 are going on today. In other words, existing, continuing
14 acute factors that might make a person recidivate.

15 Q Can you give me an everyday example of something we
16 might run into in our ordinary lives related to the
17 static -- that we can compare with the static?

18 A The best way I think, the easiest way to look at a
19 Static 99 is to think of it as your -- you go to your life
20 insurance company and you say I want to buy insurance. And
21 what does your insurance company do; they want to know your
22 age; they want to know if you have heart disease; they want
23 to know if you have hypertension; they want to know if
24 drink too much or smoke; they want to know -- they want a
25 whole bunch of factors. And based on those factors, they

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1 determine how much they're going to charge you for
2 insurance. And they do it based on how long you are
3 statistically, actuarially likely to live and to take --
4 want some of your -- get some of your money back.

5 So that Static 99 is very similar in terms of
6 trying to predict the future as your insurance is trying to
7 predict how much you're going to cost their company so they
8 know how much to charge you for insurance. It's the same
9 kind of thing. But just like you can get hit by a car; I
10 mean that doesn't come into, they won't ask you are you
11 going to get hit by a car in -- 2 years from now because
12 that's an acute thing. They can't predict that.

13 So looking at historical data only is what the, is
14 what the Static 99 is good at and what it does.

15 Q What score did he get on the Static 99?

16 A A three.

17 Q And where does this three fit in the scale of
18 scores you get on the thing?

19 A That would be low to moderate.

20 Q Okay. Now, was there also something called a PPG,
21 a test called a PPG or Penile Plethysmograph, run on Mr?
22 Asquith?

23 A There was.

24 Q Is that part of the protocol done by the lab you
25 were associated with at the time you were doing this

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1 evaluation?

2 A It is.

3 Q Okay. Was anything that could be gleaned out of --
4 how does that test work?

5 A Well, that test works by putting a thing that
6 really is effectively just a little small blood pressure
7 cuff basically on the person's penis. And then they show
8 them pictures or tell the stories, usually they talk about
9 stories and give them scenarios, and they look to see what
10 is -- what they respond to. In other words, what do you
11 find sexually exciting and that's what a PPG is.

12 Q Is there anything gained out of this particular
13 test regarding Mr. Asquith?

14 A No.

15 Q Okay. Why was that?

16 A Well, he was dissimulating. In other words, he
17 wiggled and moved and breathed hard and all the sensors
18 are, the state of the art -- just the sensors he moved them
19 all all over the place; they just don't come up with
20 consistent accurate readings that you can trust. And he
21 was breathing irregularly and moving around and wiggling
22 and for that reason the test just wasn't valuable.

23 Q Now, Dr. Mulbry, did you also -- as part of your
24 investigation of this case, did you also review the report
25 by Dr. Gayle, Chief Psychologist of the Department of

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1 Mental Health?

2 A I did.

3 Q Okay. Was that evaluation done by her part of the
4 basis for your opinion?

5 A I did read it and I did get some factual
6 information out of it, yes.

7 Q Why was it important to look at her evaluation of
8 this guy in the course of this investigation?

9 A Very important because she, I already knew that she
10 had talked to the very same guy and looked at pretty much
11 all of the very same information and come to a different
12 opinion. So that -- I needed to be able to explain why my
13 opinions differ and I need understand why my opinions
14 differ from hers.

15 Q Well Doctor, looking at your report around page 24,
16 what are risk factors in cases of this nature, generally
17 speaking?

18 A Well the -- well -- all the ones on the Static
19 99 -- everything on the Static 99 is a risk factor.

20 Q Okay.

21 A But going beyond that, I went to the literature and
22 the literature will show you pretty consistently that the
23 two best predictors of recidivism are devious sexual
24 interests and being a psychopath, psychopathy. There are a
25 number of lesser ones, but those two are the big ones.

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1 Q And you talked about the deviant sexual behavior
2 already?

3 A Yes.

4 Q Pornography, the tying up, pictures, things like
5 that. What additional risk factors -- I'm looking at page
6 24 of your 25 page report, what additional risk factors did
7 you find, that you found were significant to Mr. Asquith?

8 A I was very distressed by finding this extreme --
9 this course of very deviant sexual activity. And because I
10 know that deviant sexual interests is the highest risk,
11 one, the highest risk factor there is -- and that it's not
12 covered well by the Static 99 because it's an acute
13 criminogenic need. Remember that's separate from the
14 Static 99. It's an acute criminogenic need. And -- and it
15 gives a very high reading, risk factor for recidivism. And
16 so I found it when I read the reports of the acts against
17 the siblings. I gave it weight.

18 I said it's not covered by the Static. Yeah,
19 Static 99 is 3. But Static 99 doesn't ask anything about
20 the deviancy of the behaviors and yet I know from Hanson's
21 study that deviant sexual interest is the leading -- was
22 the leading cause of recidivism in re-offenders and so I
23 gave it far more, I gave it a good deal of weight.

24 Q Is Hanson the guy that developed, along with
25 others, developed the Static 99R?

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1 A He is.

2 Q Okay. Specifically look at page 24 of your report
3 under risks. What specific risk factors did you find that
4 you found significant?

5 A I found -- I found multiple episodes of having one
6 child watch another as they engaged in sexual activity. In
7 other words, there were -- for multiple kids, they said
8 they were asked to come watch activity with another
9 sibling. Again, the concept of humiliation, degradation
10 begins -- begins to rise.

11 Next, multiple episodes of violence and threats of
12 violence. Again this goes beyond typical sexual offending
13 to kids. Multiple episodes of -- of possession and use of
14 child pornography, specifically adult on child. Multiple
15 emphasis of binding. Binding victims is associated,
16 frankly, with sexual sadism and -- and I'm not making that
17 diagnosis today, but it -- binding victims is a deeply
18 concerning activity. And particularly it wasn't used just
19 to gain compliance, it's just for you to photograph it.

20 In other words, what the kids say is he tied me up
21 and took pictures of them. As if the binding itself is the
22 goal. There was multiple episodes of photographing the
23 victims naked, photographing them with the victims bound
24 and penetration of victims with foreign objects. Again
25 these are all deeply concerning symptoms for very deviant

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1 sexual thinking.

2 Q Now, Doctor, you mentioned earlier there were some
3 letters you looked and of all the documents you studied
4 regarding this case, there was some letters you looked at.
5 Who were these letters from and who were they to?

6 A Most of them were from Carl to his sister.

7 Q Okay. I'd like to show you my copy of a letter
8 dated August 7, 2009. Is this a copy of a letter that you
9 looked at in the course of your investigation?

10 A Yes, it is.

11 Q Look at the highlighted portion of that letter on
12 page 1. Is what's highlighted there something you found of
13 interest or found of note in making your evaluation?

14 A Yes.

15 Q And why is that? Well, first of all, why is it
16 significant to you?

17 A Well one, is that in this case he admits his guilt.
18 But he also says I'm the oldest in the family, I abused --
19 and the fact that my younger brothers, plural, and sister
20 looked up to me for my own perverted desires. He's
21 apologizing to his sister basically.

22 Q Okay. I'd like to show you a copy of a letter
23 dated December 27, 2009; is that a letter which you looked
24 at?

25 A Yes.

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1 Q And who would that letter have been from and who is
2 it addressed to?

3 A Well, it's addressed to his sister.

4 Q Okay. From who?

5 A From Carl.

6 Q Okay. Was there any language on page 2 of that
7 letter which you found significant?

8 A I took advantage of you being younger than I was.
9 I -- it was -- it started -- it is when I started getting
10 introduced to the world and I changed from naked dares --
11 it's a game they used to play when they were smaller.

12 Q Okay.

13 A -- for the worst, but down at the, most importantly
14 I think is, I used naked dares to my advantage and used the
15 fact that neither you or --

16 Q Naked dares given by --

17 A -- you or or or really knew much of the
18 world.

19 Q Now, these three initials you just gave are they
20 male people or female people?

21 A They are, these are all three males.

22 Q Three male people?

23 A Yes.

24 Q Now it's addressed to the female, the sister?

25 A It's addressed to the sister, correct.

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1 Q What about on page 8 of that letter, is there any
2 language on page 8 that you found significant?

3 A This was the -- I alluded to this. This is, quote,
4 I didn't have any money, but I got with an older guy who
5 was gay and he would give me money for drugs, for me having
6 sex with him. I've lived like this for a while. I'm just
7 about depraved and sick and down as a man can be.

8 Q Okay. Now, Doctor, has Mr. Asquith had any sex
9 offender treatment while at the department of corrections?

10 A Yes.

11 Q Now your report says at one point that he did not.
12 Have you re-examined that?

13 A I have. His records -- I didn't have those records
14 at the time and -- and he'd actually been a sex offender
15 twice.

16 Q Okay. And what happened the first time he enrolled
17 in sex offender treatment at the department of corrections?

18 A The first time was I believe 2004. He enrolled in
19 sex offender treatment and was dropped for lack of
20 progress.

21 Q Okay. Did he later complete a program?

22 A He did.

23 Q How long was the program that he completed?

24 A 90 days.

25 Q Okay. That's 12 weeks?

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1 A About that, yes.

2 Q Okay.

3 A Yes, sir.

4 Q Do you work -- in the course of your work with sex
5 offenders in prison, are you familiar with any changes that
6 have happened to the sex offender treatment program at SCDC
7 since the respondent took this course?

8 A As I understand it, the -- Ms. Roberts, who runs
9 the program for a long time -- ran it for about 3 or 4
10 months --

11 Q Uh-huh (affirmative response).

12 A -- felt that it was not adequate and has currently
13 expanded it, I believe, to about 8 or 9 months.

14 Q Okay.

15 A I believe that's its current state right now. The
16 old program, years ago run by Mr. Daniels, I believe was 18
17 months in length, if memory serves me correctly, or longer.

18 Q In your opinion, as a forensic psychiatrist whose
19 worked with inmates like you testified earlier, is 12 weeks
20 enough for a person like Mr. Asquith?

21 A Well these are -- these sexual interests -- this is
22 pretty easy to understand. Sexual interests don't go away
23 easily. What we are sexually interested in doesn't modify
24 easily and it certainly doesn't modify in twelve weeks.
25 Certainly you can teach a certain amount of empathy and

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1 that kind of thing and coping techniques; stay from
2 playgrounds, all that. You can teach those things, but to
3 actually modify sex -- sexual interests typically takes a
4 great deal longer than, than three or four months.

5 Q Now, Dr. Mulbry, based upon your examination of Mr.
6 Asquith, the tests that you described today, the
7 evaluation, the documents you looked at from whatever
8 sources, police departments, forensic evaluation, and the
9 department of corrections, do you have an opinion to a
10 reasonable degree of medical certainty as to whether or not
11 Carl Asquith has a mental abnormality or a personality
12 disorder?

13 A Yes.

14 Q And what is it?

15 A I believe he has pedophilia, attracted to males,
16 limited to incest, non-exclusive type.

17 Q Okay. Take us through those different phrases and
18 tell us what they mean; what is pedophilia for example?

19 A Pedophilia is a sexual interest in pre-pubescent
20 children.

21 Q Okay. And by non-exclusive, what does that mean?

22 A Non-exclusive means that most pedophiles are not
23 just interested in children; they also will have
24 relationships with object appropriate age groups, they'll
25 be married; they'll have a wife. So that -- there

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1 pedophiles who will only be aroused by children; they are
2 called exclusive, but most are non-exclusive; they can also
3 become engaged with age-appropriate people.

4 Q All right. The other phrase you used was sexually
5 attracted to males; is that kind of self-explanatory?

6 A That's -- it is, yes.

7 Q And the final one was limited to incest. Why is
8 it -- does that mean his only victims --

9 A His only victims are his siblings.

10 Q What does that say, in your opinion, again to a
11 reasonable degree of medical certainty, what does that say
12 though, about his dangerousness to people who are not
13 related to him?

14 A As a statistical risk factor, when you limit it to
15 incest, he generally is somewhat protective. That is that
16 the recidivism rate in people who offend only against
17 family members in general is somewhat lower and that's
18 accounted for in the Static 99; That is the fact that, that
19 he only offended against his siblings is accounted for by
20 that three. If he had stepped outside of the family, he
21 would have been a four. And so yeah, there is, there is a
22 protective factor or a slightly lower recidivism rate based
23 on the fact that it's incest only that is accounted for by
24 the Static 99.

25 Q Do you have an opinion, again to a reasonable

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 degree of medical certainty, as to whether or not this
2 pedophilia affects his emotional or volitional control such
3 that he is predisposed to commit future sexually violent
4 offenses?

5 A Yes.

6 Q What is that opinion?

7 A That opinion is that based on the -- the -- the
8 deviant sexual interests that he demonstrated repeatedly
9 against multiple individuals based on the fact that from
10 the studies, that is an exceptionally high risk factor for
11 recidivism, that it elevates Mr. Asquith's risk of
12 recidivism beyond the low rate that Static 99 would
13 suggest.

14 Q So are children other than ones related to him --
15 now those kids are probably much older by now. Is he a
16 danger to children who are not related to him?

17 A Potentially, yes.

18 Q Enough to matter to your opinion?

19 A That is a risk. He is part of the high risk
20 population. He's a member of the population of individuals
21 that have the characteristics that are more likely to
22 re-offend.

23 Q Now, Doctor, does this -- does -- does this
24 pedophilia -- does he have the propensity -- looking at
25 Carl Asquith the way you did, does he have the propensity

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 to be dangerous and commit future sexually violent
2 offenses?

3 A Yes.

4 Q Do you have an opinion again, to a reasonable
5 degree of medical certainty as to whether or not this
6 propensity to commit future sexually violent acts is of
7 such a degree that it poses a menace to the health and
8 safety of others?

9 A Yes.

10 Q Why is that?

11 A I think that, again, that based on the -- the acts
12 committed against his siblings, these go far, far beyond
13 sexual -- sexual contacts even with kids. It's way beyond
14 that and that need or that kind of -- that kind of deviant
15 sexual interests puts him in a higher risk group for
16 re-offense.

17 Q In your opinion, again to reasonable degree of
18 medical certainty, does Mr. Asquith have serious difficulty
19 controlling his sexual urges or his propensities to be
20 dangerous? I'll ask it that way.

21 A I do.

22 Q Okay. Why is that?

23 A Based on the history. Based simply on that the
24 number of victims, the number of times, the -- the --
25 the -- the variety of -- of things that were done to the

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 kids, the use of violence, the use of threats, the
2 pictures, the binding, the screwdrivers, the...

3 Q Okay. Do you have an opinion, again, to a
4 reasonable degree of medical certainty, as to whether this
5 pedophilia, this condition he has as you've described it,
6 makes him likely to engage in acts of sexual violence
7 unless he's confined in a secure facility for long term
8 control, care, and treatment?

9 A It is my opinion that he require -- he meets the
10 criteria for sexually violent predator and does require
11 commitment as a sexually violent predator.

12 Q Now, you mentioned Dr. Gayle's report a few minutes
13 ago that you looked at. Did she also render a diagnosis of
14 Mr. Asquith?

15 A She did.

16 Q Was it the same as yours?

17 A It is.

18 Q As far as the pedophilia and all that?

19 A Yes.

20 Q Did she also get the same score with him on the
21 Static 99R?

22 A She did.

23 Q Okay. Well, what was her ultimate opinion on
24 whether or not Mr. Asquith met the criteria to be civilly
25 committed as a sexually violent predator?

Dr. William Mulbry - Direct Examination by Mr. Bogle

1 A She concluded he did not meet the criteria to be a
2 sexually violent predator.

3 Q So it's clear from your testimony that you disagree
4 with her?

5 A I do.

6 Q Why is that?

7 A Well, very specifically I think she used the line
8 that there are no risk factors beyond those accounted for
9 the -- accounted for by the Static 99. In other words, she
10 indicated in her report that the risk factors for
11 re-offense were adequately accounted for by the Static 99.
12 But again, the Static 99 does not account for acute
13 criminogenic needs and we know that deviant sexual interest
14 is an acute criminogenic need and we know that it is a
15 lead -- a leading correlate of recidivism rate.

16 Based on that fact, I -- I don't think the Static
17 99 really did accurately reflect his recidivism. I think
18 that deviant sexual interest raises that risk
19 appreciatively and that's the basis of my opinion.

20 Q Thank you, Doctor. Please answer any questions
21 Counsel may have or the Court may have.

22 THE COURT: All right. We're going to take a
23 break, ladies and gentlemen. I'll let you step back to the
24 jury room and relax for about 15 minutes or so. Please
25 don't discuss the case while you're back there. We'll

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 bring you back in 15 minutes.

2 (WHEREUPON the jury left the courtroom at 3:32
3 p.m.)

4 THE COURT: We'll take a little bit of a break.
5 Doctor, you may step down. Please don't discuss your
6 testimony while we're on break.

7 THE WITNESS: Yes, sir. Thank you.

8 THE COURT: Thank you.

9 (WHEREUPON a recess was observed.)

10 THE COURT: You want to bring the jury in.

11 (WHEREUPON the jury entered the courtroom at 3:54
12 p.m.)

13 THE COURT: All right. You ready to proceed?

14 MR. BIEDIGER: Yes, Your Honor.

15 **CROSS-EXAMINATION**

16 BY MR. BIEDIGER:

17 Q Hello again, Dr. Mulbry, how are you?

18 A I'm well..

19 Q Now, it's my understanding that these events that
20 he was convicted of and that you discussed -- these events
21 happened 12 years ago, correct?

22 A Yes, sir.

23 Q Back in 2012 or 2002?

24 A I believe that's roughly the timeframe, yes, sir.

25 Q And it's your opinion that Mr. Asquith needs to be

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 confined, correct?

2 A Yes.

3 Q For more medical treatment?

4 A Yes.

5 Q Where does he live today?

6 A I assume that he's at the Lexington County
7 Detention Center.

8 Q Is he confined?

9 A Yes.

10 Q Is he being treated?

11 A No, I assume not.

12 Q Do you know if he's being treated?

13 A No.

14 Q Would it surprise you to find out that he's not
15 being treated?

16 A No, sir, I'd be shocked if he was being treated.

17 Q Did you recommend that the government treat him
18 immediately?

19 A I know of no mechanism by which I could have
20 recommended that, I guess is the right answer. I know that
21 the concept is sort of inconceivable.

22 Q You're a doctor?

23 A Yes, sir.

24 Q He's your patient?

25 A No.

Dr. William Mulbry - Cross-Examination by Mr. Biediger

- 1 Q He's not your patient?
- 2 A He is not my patient.
- 3 Q You treated him?
- 4 A No, ma'am -- no, sir, I did not treat him. I
- 5 assessed him.
- 6 Q You assessed him, right?
- 7 A That's correct.
- 8 Q You brought him in a vehicle down to your hospital,
- 9 correct?
- 10 A Correct.
- 11 Q You evaluated him?
- 12 A Yes.
- 13 Q You took care of him?
- 14 A No.
- 15 Q You didn't take care of him?
- 16 A No.
- 17 Q So --
- 18 A I didn't treat him in any way, manner, or form.
- 19 Q You're a doctor and you did not recommend that the
- 20 government treat him?
- 21 A I did recommend the government treat him. That's
- 22 why we're here today.
- 23 Q Right. And is he being treated?
- 24 A Currently?
- 25 Q Right..

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 A I don't think so. I've never heard of a jail in
2 South Carolina that offers sex offender treatment.

3 Q And you worked with the Attorney General's Office
4 on this case?

5 A Yes.

6 Q Did you tell them he needs to be treated
7 immediately?

8 A No.

9 Q So he's confined right now, correct?

10 A Correct.

11 Q And it's your opinion that he needs to stay
12 confined for treatment, correct?

13 A Yes.

14 Q And even though he's confined right now, you didn't
15 tell anybody to go ahead and start treating him right away?

16 A There is no treatment in jail.

17 Q Right. But you were willing to come testify
18 against him?

19 A Yes.

20 Q But you're not willing to basically do what a
21 doctor does and go ahead and start doing the treatments?

22 MR. BOGLE: Objection to relevance, Your Honor.

23 THE COURT: Sustained. He didn't treat him. Move
24 on.

25 BY MR. BIEDIGER:

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 Q Now you were hired by the Attorney General's Office
2 to test Carl, correct?

3 A I was hired by the Attorney General for --

4 Q To test Carl?

5 A Actually I didn't do the testing, I used the test
6 results though, yes.

7 Q Well who did the testing?

8 A Dr. Dwyer Reynolds did the testing.

9 Q So you didn't even perform the tests?

10 A You have to have a license to do that.

11 Q And you're not licensed to perform these tests?

12 A I am -- one, two -- two of them I am and I actually
13 did read the -- the -- the ABLE I actually did do. I am
14 licensed to do that. The other's require advanced degrees.

15 Q How often do you perform tests without a license to
16 perform them?

17 A I -- most -- most doctors don't know -- aren't
18 licensed to do the testing either. In order to test blood,
19 you have to have a phlebotomy or a basic technician's
20 license. I've never met a doctor who was allowed to take
21 an x-ray. I've never met a doctor who was allowed to run a
22 lab test. I've never met a doctor who was allowed to run a
23 MRI and so, frankly, do doctors rely on testing done by
24 other people? Yes, everyday, 99.9% of the time.

25 Q But, Doctor, you're not taking blood, are you?

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 Correct?

2 A Correct.

3 Q You are basically trying to figure out what's
4 inside his head?

5 A Yes.

6 Q And it's your job to do that, correct?

7 A Yes.

8 Q And you were not the one that performed the tests?

9 A That is correct.

10 Q In fact, you are not even licensed to perform the
11 tests?

12 MR. BOGLE: Your Honor, asked and answered.

13 BY MR. BIEDIGER:

14 Q All right. So you were hired by the Attorney
15 General's Office to review this case?

16 A Yes.

17 Q Dr. Gehle was hired before you, correct?

18 A Yes.

19 Q She was hired by the Court?

20 A Yes.

21 Q And her opinion is that he does not qualify as a
22 sexually violent predator?

23 A Correct.

24 Q And so the Attorney General's Office hired you for
25 a second opinion?

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 A Correct.

2 Q The only reason you were hired in this case was
3 because the Attorney General's Office didn't like what she
4 said?

5 A I assume so.

6 Q How much did they pay you to testify in this case?

7 A \$700 a day.

8 Q So how much have they paid you total?

9 MR. BOGLE: Objection, Your Honor. May we
10 approach, Your Honor.

11 THE WITNESS: About 600 --

12 MR. BOGLE: Wait Dr. Mulbry.

13 (WHEREUPON there was a bench conference out of the
14 hearing of the jury and the court reporter.)

15 BY MR. BIEDIGER:

16 Q How much do you get paid per hour, Doctor?

17 A \$90 per hour.

18 Q How much?

19 A 90.

20 Q Does that include your travel time to get up here?

21 A No.

22 Q Does that include your testimony time?

23 A Yes, it does the time I reached the -- the facility
24 here until the time I leave.

25 Q And who pays you?

Dr. William Mulbry - Cross-Examination by Mr. Biediger

- 1 A MUSC.
- 2 Q Who pays MUSC for your testimony?
- 3 A I assume the South Carolina Attorney General's
- 4 Office.
- 5 Q Now, you live in Charleston; is that correct?
- 6 A That is correct.
- 7 Q You also work in Charleston?
- 8 A I do.
- 9 Q You drove all the way up here to testify today?
- 10 A Yes, sir.
- 11 Q The government didn't put you up in a motel?
- 12 A No.
- 13 Q You took time off work?
- 14 A Did I take time off of work? Well, I'm on the
- 15 clock. They're paying me \$90 an hour to be here today.
- 16 Q And when you're finished today, you will drive
- 17 back?
- 18 A I hope so.
- 19 Q And when you evaluated Carl, you lived in
- 20 Charleston?
- 21 A Correct.
- 22 Q And you worked in Charleston?
- 23 A Yes.
- 24 Q Did you ever come up to see him?
- 25 A At the jail?

Dr. William Mulbry - Cross-Examination by Mr. Biediger

- 1 Q Right.
- 2 A No, sir, I did not.
- 3 Q So for Carl to come see you, they had to put him in
- 4 a van, right?
- 5 A Yes, sir.
- 6 Q Drive him down the road on I-26 two hours away, 120
- 7 miles down the road, right?
- 8 A Yes.
- 9 Q All at taxpayer's expense, I assume?
- 10 A I assume.
- 11 Q And then whoever drove that van had to wait around
- 12 while you looked at him, right?
- 13 A Yes, sir.
- 14 Q And then when he was done, drove him all the way
- 15 back?
- 16 A Yes, sir.
- 17 Q Did that three times?
- 18 A Yes, sir.
- 19 Q Fair to say?
- 20 How many psychiatrist are there in South Carolina
- 21 are they, Doc?
- 22 A I sorry, I do not know.
- 23 Q Would it surprise you to find out there's over 900?
- 24 A No, that sounds rational.
- 25 Q Would it surprise you to find out there are 219

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 psychiatrists in Columbia?

2 A No, that wouldn't surprise me at all.

3 Q But the Attorney General wanted you to give an
4 opinion?

5 A No.

6 Q They didn't want your opinion?

7 A They did want my opinion, but they came down to --
8 I was assigned to the case, not randomly, but it could one
9 of two or three of us down there was given the case. They
10 didn't -- Mr. Bogle didn't ask for me. They brought the
11 case down to the lab; there were one or two different
12 people that could have gotten it or maybe potentially three
13 and it was assigned to me.

14 Q So they have a contract with your office?

15 A I believe so, yes.

16 Q They do a lot of work with y'all?

17 A With the lab, yeah. Not a lot, but yes, they do
18 have a contract.

19 Q And they picked your office to get a second
20 opinion?

21 A Well, there's only two labs in the state so, yeah,
22 I guess they chose that one.

23 Q There's 900 psychologists in the State,
24 psychiatrists in the State are there?

25 A I can conjecture why that is.

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 Q But there -- and there's 200 psychiatrists in
2 Columbia.

3 A Right. If they chose, it was the laboratory.

4 Q Now you also agree that Dr. Gehle gave an opinion
5 in this case, correct?

6 A Yes, sir.

7 Q She lives in Columbia?

8 A Yes, sir.

9 Q And the government drove Carl down to see you?

10 A Yes.

11 Q Now you saw Dr. Gehle's report?

12 A I did.

13 Q You had some disagreements with Dr. Gehle?

14 A Only to the final opinion.

15 Q So you agree with her, basically everything in her
16 report, correct?

17 A Oh no, I wouldn't say that.

18 Q Well you, but you, the only place you truly
19 disagree is in the final opinion?

20 A Well, I have to go through line by line to decide
21 what lines I agree with and which ones I don't. I don't
22 want to make a blanket statement, but much of what she
23 wrote and the history that she got was consistent with the
24 history that I got.

25 Q And is she certainly qualified to give that

Dr. William Mulbry - Cross-Examination by Mr. Biediger

1 opinion?

2 A Yes.

3 Q And you disagree with her on her final opinion?

4 A Yes.

5 Q Did you ever call and tell her that?

6 A I did not.

7 Q Ever mention to her ever that you disagreed with
8 her?

9 A Yes.

10 Q When did you do that?

11 THE COURT: Hold on a minute. It better not come
12 out what we talked about a minute ago.

13 MR. BIEDIGER: Certainly, Your Honor. Withdrawn.

14 Thank you, Your Honor. I beg the Court's
15 indulgence.

16 (WHEREUPON there was a pause in the proceedings.)

17 BY MR. BIEDIGER:

18 Q Now, Doctor, y'all interviewed the same person, got
19 the same diagnosis, the same score on Static 99?

20 A Correct.

21 Q Different result?

22 A Yes.

23 Q Different opinion rather --

24 A Yes.

25 Q -- as to the final result?

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 So, Mr. Biediger, y'all ready to proceed?

2 MS. FULMER: Yes, Your Honor.

3 THE COURT: Ms. Fulmer, if you would, you may call
4 your first witness.

5 MS. FULMER: Thank you. May it please the Court.
6 At this time the respondent would call Dr. Marie Gehle to
7 the stand.

8 DR. MARIE GEHLE,
9 after having been duly sworn, testified as follows:

10 THE CLERK: Have a seat and state your name for the
11 record?

12 THE WITNESS: My name is Marie Gehle, G-E-H-L-E.

13 MS. FULMER: May it please the Court, Your Honor.

14 **DIRECT EXAMINATION**

15 BY MS. FULMER:

16 Q Good afternoon, Dr. Gehle, I'm Amber Fulmer, how
17 are you today?

18 A I'm good. How are you?

19 Q I'm good. Now, Dr. Gehle, where do you work?

20 A I work for the South Carolina Department of Mental
21 Health.

22 Q And what is your title with the South Carolina
23 Department of Mental Health?

24 A Chief Psychologist.

25 Q What does that entail?

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 A Well, my job involves just doing pre-commitment
2 sexually violent predator evaluations.

3 Q About how many pre-commitment sexually violent
4 predator evaluations have you done in your time in the
5 Department of Mental Health?

6 A I've completed seventy of them and I'm working
7 another seven.

8 Q Okay. How long have you been working with the
9 Department of Mental Health?

10 A About four-and-a-half years.

11 Q And in that four-and-a-half years, is the work that
12 you've been doing for the Department of Mental Health
13 solely those pre-commitment evaluation for the sexually
14 violent predator program?

15 A Well, when I first started working for the
16 Department of Mental Health, I supervised some of the
17 treatment in the sexually violent predator program and I
18 did reviews of the people who had been committed to the
19 program to see if they needed to stay there. I did that
20 for a while and then I took my current role, which is only
21 doing pre-commitment evaluations.

22 Q So this is your sole work right now?

23 A Yes, it is.

24 Q Now, are there any other chief psychologists other
25 than you that are appointed by the Court to do these

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 evaluations?

2 A At the current time, I'm the only one whose being
3 appointed by the -- by the Court.

4 Q Now, have you ever had the opportunity to come
5 testify before?

6 A Yes.

7 Q Have you ever had the opportunity to testify on
8 behalf of the attorney general's office?

9 A Yes.

10 Q When was the last time that you testified on behalf
11 of the attorney general's office?

12 A Last week I testified in a hearing in a trial. The
13 trial was -- I think I was called by the attorney general's
14 office in both cases. One was to release somebody from the
15 program and one was a trial -- a commitment trial like
16 this.

17 Q Sitting here today, are you under any subpoenas
18 where the department -- or excuse me -- the attorney
19 general's office is relying on your testimony in the
20 future?

21 A I know that I have like eight or nine subpoenas
22 that I've already gotten. Most of them are for trials and
23 I think most of the subpoenas have come from the attorney
24 general's office. I think maybe one came from another
25 source.

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 Q So even though the attorney general hired an
2 independent expert for purposes of this case, they are
3 still relying on your opinion in other cases?

4 A Yes, they rely on my opinion in other cases.

5 Q About how many times have you testified on behalf
6 of the respondent or the person that's being evaluated?

7 A Well, when I'm Court appointed, I give my opinion
8 and it doesn't matter really who it helps. I try to be as
9 unbiased as possible. So in those, in many cases I am
10 called to court by the attorney general's office although
11 my opinion isn't helping the State; it's to recommend that
12 somebody not go into the program, but I've been called to
13 testify more than seventy-five times and I would say most
14 of those are, probably seventy of them, have been under
15 subpoena from the attorney general's office.

16 Q Okay. Now I want to back up and go into your
17 background a little bit. Are you currently licensed in any
18 particular field?

19 A Yes, I'm licensed in clinical psychology.

20 Q And how did you obtain that license?

21 A Well I got a Bachelor's Degree in Psychology; I got
22 a Master's Degree in Clinical Psychology, completed a
23 Doctorate and did a dissertation. I did a pre-doctoral
24 internship and at that point, I was allowed to sit for the
25 licensing exam, which is a nationwide exam. Everybody

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 whose going to be a licensed psychologist has to take it.
2 So I took that and then I applied for licensure and I'm
3 licensed to practice in Georgia and South Carolina and each
4 state has a little bit different procedures. In Georgia I
5 had to take an oral exam and a laws and rules examination
6 like a paper and pencil test and in South Carolina, I had
7 to sit down with a licensed psychologist who's a member of
8 the board.

9 Q Okay. Now, you mentioned, I believe an internship
10 and a fellowship; what were those; when did you complete
11 those?

12 A I did a pre-doctoral internship. That's necessary
13 to get your doctorate in psychology. I did that in I
14 believe it was 2006 to 2007 in Washington State and in
15 that -- in that role, I did three major rotations, so three
16 rotations of four months because it was a year-long
17 internship. Two of the rotations were straight forensic
18 evaluations, so criminal responsibility, competency to
19 stand trial, risks for violence, risks for future offending
20 of any kind; those were the evaluations and the third
21 rotation was a treatment rotation at the sexually violent
22 predator program in Washington State.

23 Q Any other internships or fellowships?

24 A After I did that, I did a fellowship in forensic
25 psychology at East Central Regional Hospital in Augusta,

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 Georgia and that was a little longer than a year I was
2 there.

3 Q And what all did that entail?

4 A That entailed evaluation treatment of people who
5 were committed to the hospital by the Courts or were under
6 a Court Order to be evaluated in order to restore to
7 competency.

8 Q Prior to working with Department of Mental Health,
9 where did you work?

10 A That was my fellowship so I was at East Central
11 Regional Hospital.

12 Q And then you went to the Department of Mental
13 Health?

14 A Correct.

15 Q All right. Have you ever had the opportunity to
16 teach any course about treatment or evaluation of sexually
17 violent predators?

18 A I give a seminar every year to the psychiatry --
19 the forensic psychiatry fellow from The University of South
20 Carolina Clinical School on evaluation and treatment of sex
21 offenders.

22 Q Okay. Have you ever written any articles?

23 A I've not written any articles per se. I've done
24 some poster presentations at research conferences and
25 give -- given some other seminars, but I've not produced

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 any research.

2 Q Have you ever done any lectures regarding sexually
3 violent predators or forensic evaluations?

4 A Yes, the seminar that I give every year to the --
5 to the fellows that, you know, that's a lecture format.

6 Q Okay.

7 MS. FULMER: Your Honor, at this time the
8 respondent would move to have the, Dr. Gehle, qualified as
9 an expert in psychology and forensic psychology.

10 MR. BOGLE: No objection, Your Honor.

11 THE COURT: All right, ladies and gentlemen, as I
12 explained to you the scientific, technical, or other
13 specialized knowledge will assist you in understanding any
14 evidence or determining any fact that may be an issue that
15 a witness can be qualified. She is deemed as an expert by
16 virtue of his or her knowledge, experience, training, or
17 education and may offer an opinion in her -- his or her
18 areas of expertise. I'm going to find Dr. Gehle qualified
19 as an expert in the field of clinical psychology and
20 forensic psychology and she can offer an opinion in those
21 fields. You are again to give her testimony such weight
22 and credibility as you determine is appropriate.

23 If you would, please.

24 MS. FULMER: Thank you, Your Honor.

25 BY MS. FULMER:

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 Q Dr. Gehle, how did you become involved in this case
2 here today?

3 A I was appointed by the Court.

4 Q Okay. Now who paid you for your evaluation in this
5 case?

6 A I'm paid a salary by the Department of Mental
7 Health so that's who pays me.

8 Q Did Mr. Asquith pay you for your evaluation?

9 A No.

10 Q Anyone associated with Mr. Asquith?

11 A No, unless they were taxpayers because I'm sure I'm
12 paid by taxpayer dollars.

13 Q Now, did you have an opportunity to evaluate Carl?

14 A Yes.

15 Q And in evaluating a case like this or when you're
16 assigned a case like this, can you just briefly go through
17 the process of what you do?

18 A Yes. My office will receive a packet of
19 information that will include a Court order appointing me
20 to evaluate the person. It will come with the petition
21 that's filed by the attorney general's Office. That has a
22 lot of exhibits with it like criminal -- police reports,
23 things like what diagnosis they think the person might
24 have, what risk factors are, what they think they might
25 have, any Court orders that the Court has made like a

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 probable cause, things like that. It will have a criminal
2 history report in it, so you see the person's criminal
3 history, you know, in a format that's -- includes anything
4 that's happened in any state in the country.

5 I get all that information and then sometimes
6 there's other -- other things with it like if there was any
7 records from the Department of Juvenile Justice, there was
8 some letters with this. We requested military records,
9 there was some records and police reports from the
10 Lexington County Children's Center and interviews with the
11 victims and there was just a lot of information about what
12 Mr. Asquith did in the department of corrections and his
13 records from there.

14 So it was just a lot of records. I get those and I
15 review those -- those records and try to get a sense of the
16 case and I schedule an interview and I sit down with the
17 person and ask them just a bunch of different questions
18 meant to decide whether they have a mental abnormality or
19 personality disorder and meant to see what risk factors
20 they have for sexual offending. So my questions are
21 designed to kind of elicit those details and I sat down and
22 interviewed him and then gathered all that information and
23 wrote a report and sent that report to the attorney
24 general's office and they distribute it to the -- to the
25 respondent's attorney, such as yourself, and to the Court.

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 Q So you had the opportunity in this case to meet
2 Carl?

3 A Yes.

4 Q When you met Carl, what was his demeanor?

5 A He was pleasant and cooperative. He seemed, you
6 know, he sat up straight; he seemed pretty rigid in that
7 manner, very much like somebody, a stereotype of somebody
8 from the military, but that was, you know, in general, that
9 was his demeanor.

10 Q Was he candid; did you feel he was candid?

11 A He answered the questions that I -- that I asked.
12 He didn't do that with any problem and he seemed candid,
13 but you know, it's difficult to tell how honest he was.

14 Q Well, in that meeting with Carl, what did you learn
15 about any treatment he might have had while incarcerated
16 with the department of corrections?

17 A I believe at that time, he told me that he was in a
18 treatment program at the time and he was incarcerated at
19 Broad River Correctional, which is the SCDC facility that
20 does the treatment. It's the only facility to my knowledge
21 right now that offers sex offender treatments and that
22 seemed to make sense. It wasn't in the records that I
23 received.

24 Q Did you learn that he since completed this
25 treatment?

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1 A Yes.

2 Q In the course of your evaluation, did you learn
3 anything about Carl's upbringing?

4 A Yeah, we talked a lot about his background and he
5 told me that he came from a very religious home, that they
6 were very isolated. He was home schooled, things like
7 that. He described his parents being pretty strict, but
8 fair and -- and he said his family was pretty secretive.
9 He indicated that he was, that the family might not have
10 been doing everything by the book with the home school and
11 they didn't want to get caught so they isolated the kids.

12 Q How did they isolate the kids from what he told
13 you?

14 A From what he said was just, keeping the kids
15 together, not allowing them to, you know, to play outside
16 too much; not allowing them to spend too much time outside
17 the home with other people. They could visit people who
18 they associated with the church.

19 Q So they were somewhat secluded?

20 A Yes.

21 Q What did you learn about his religious upbringing?

22 A He said he was in a Baptist, and that they believed
23 only in the King James Bible and it sounded like he came
24 from a very religious family. His father, I think was a
25 preacher of some sort and that the family tended to be real

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1 patriarchal.

2 Q Okay. What did he -- you learn from your
3 evaluation of him of his relationship with his siblings?

4 A Well, you know we talked a lot about his
5 relationship with his siblings; especially as they related
6 to the sexual offenses.

7 Q Did he mention any games or anything like that that
8 he and his siblings would play?

9 A He talked about playing naked dares with his
10 siblings.

11 Q Okay. Did he explain what this meant or what this
12 entailed?

13 A It sounded like it was a game where, you know, they
14 would dare each other to get naked, to run around the house
15 naked, things like that, maybe to interact while they were
16 naked.

17 Q Did he attribute this to their isolation?

18 A I believe he did.

19 Q All right. How old was Carl when he first
20 committed the offenses for which he pled guilty?

21 A I want to be accurate here so, he was between 16
22 years and 9 months and 18 years and 9 months old. So 16 to
23 18.

24 Q All right. Do you know about how old Carl is now?

25 A He is 30.

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1 Q So he was a teenager when these offenses were
2 committed?

3 A Yes.

4 Q Now, you mentioned earlier the types of materials
5 that you received in the packet from the Attorney General's
6 Office. Could you tell the jury what types of information
7 and documents you reviewed in this case?

8 A Yes, it's things like I talked about before. There
9 was an Order for Evaluation, I received a copy of the
10 Petition, I received a copy of the Prosecutor's Review
11 Committee Probable Cause Determination, Sexual Predator
12 Referral Form which is completed by the multidisciplinary
13 team and that also included a synopsis of the case.

14 I did a telephone interview of his grandfather; I
15 talked to somebody from the Lexington County Department of
16 Probation, Pardon and Parole Services, I talked to somebody
17 from the Richland County Probation, Pardon and Parole
18 Services, I reviewed the SCDC records, I reviewed his
19 National Criminal Information Center Report, Criminal
20 History report. I reviewed the military medical records
21 from the Department of Veterans Affairs. I looked at the
22 Military Service Records from the Military Armed Forces.
23 There was something in the file from somebody from the
24 Department of Juvenile Justice to Larry Mitchell, who is
25 the head of the -- or he gathers information for the

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1 multidisciplinary team, indicating that Mr. Asquith had no
2 Department of Juvenile Justice record. I looked at some
3 handwritten letters from Mr. Asquith to his 13 -- or to his
4 sister, one of the victims. I looked at a letter that he
5 wrote that was presumably from his father to him, to Mr.
6 Asquith. I looked at a letter that his sister wrote an
7 aunt. I looked at those records from the Lexington County
8 Children's Center, which included all of the forensic
9 interviews of the victims and I looked at all the police
10 reports, witness statements, indictments, warrants,
11 anything that was gathered in the investigation of the
12 instance. I looked at everything, you know, that was
13 available.

14 Q Can you tell us what kind of weight you give these
15 documents, the indictments versus the witness statements,
16 those kinds of things?

17 A Well, when I do these evaluations, I do that
18 knowing that it has, the case has to be proven beyond a
19 reasonable doubt and so my approach to this has been to
20 look at things that have been proven by the Court, some
21 things that have been reported in the records, typically
22 the indictment will be what is the factual basis for a
23 conviction. So it'll say who the victim was, when that
24 instance happened, and what the action was.

25 So what type of, you know, penetration or acts

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1 occurred. I give that the most weight when the person's
2 been convicted of that. I also give a lot of weight to
3 what the person reports, whether they've confessed to the
4 police about it or whether they confessed to me. So I look
5 at things that have been proven. Witness statements don't
6 always result in charges, so I give those less weight. So
7 in this case, if one of the victims reported a specific
8 behavior, I think, you know, Dr. Mulbry talked about a lot
9 of egregious behaviors. I look to see whether those are in
10 the actual indictments, you know, was he convicted of that
11 specific incident and that's what's important for -- in my
12 evaluation.

13 Q Now, you talk about in your report about his
14 offenses were limited to incest; is that correct?

15 A Yes.

16 Q Could you explain to us what that means?

17 A Limited to incest means that it's family only so
18 there are no other children that he offended against. It
19 was all biological family members and that's important
20 because it's related to lower recidivism. Incest only
21 offenders have some of the lowest rates of recidivism.

22 Q So in this case, were there any victims that were
23 outside of Carl's family?

24 A No.

25 Q Okay. So no one he might have known at church or

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1 anything like that?

2 A He was never accused of any offenses against
3 anybody outside of his family that I'm aware of.

4 Q Were there opportunities for him to be in the
5 presence of other children not related to him?

6 A I believe so when he was at the church.

7 Q But again, the offenses that Carl was charged with
8 were specifically his siblings?

9 A Yes.

10 Q Okay. Now, in your report when you say
11 non-exclusive type, what does that mean?

12 A That means that there's evidence that he's aroused
13 to, or a person's aroused to more than just a pedophilic
14 category. So if it's pedophilia, which is diagnosed here,
15 it means that they are also aroused to people who are not
16 just pubescent children. He can show arousal to adult
17 females or even other categories.

18 Q Okay. So for your evaluation, what tests did you
19 run on Carl?

20 A The test that I run to look at recidivism is the
21 Static 99R.

22 Q Could you explain to us what the Static 99R is and
23 how the data is composed for that test?

24 A Yes. It's an actuarial risk assessment so it uses
25 mechanical evaluation or a mechanical means to look at

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1 factors that have been shown in the research to be related
2 to re-offending. So basically what they did was they took
3 tens of thousands of sex offenders, people who had been
4 convicted of a sex offense and they looked at what
5 differentiated the group of sex offenders from the ones
6 that re-offended when they got out of prison to the ones
7 that didn't re-offend. They wanted to see if they could
8 tell which factors are able to predict whether somebody is
9 going to re-offend. And so the Static 99 has 10 questions.
10 The scores range from negative 3 to 12. After a score of
11 like 8 or 9, there's not much -- like a score of 10 doesn't
12 mean much more than a score of 8.

13 So it really tops out at 8 and what you do is you
14 just look at that information from the records and some
15 things you have to look at, you have to talk to the person
16 to be able to know, to answer the question. You answer all
17 the questions and then you score it; you add up the score.
18 In his case, he scored 3.

19 Q What does a score of 3 mean?

20 A Well, a score of 3 is in the low moderate risk
21 category and when you get a score, it'll tell you which
22 category it's in. It'll also, there are some tables that
23 will allow you to go to the table and you can look at if
24 they get a score of 3, you can go across and look at what
25 percentage of people with a score of 3 in that research

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1 samples, in the tens of thousands of people, what score,
2 what people with a score of 3 re-offended.

3 So in this case, when you look at a score of 3, you
4 go across within 5 years, 11.9 percent of that group with a
5 score of 3 re-offended. So that means, I'm not good at
6 math on the fly here, but about 82 percent did not
7 re-offend within 5 years, 82 percent of that group with a
8 score of 3. It also gives you a percentage of how many
9 people in the group re-offended at 10 years and when you
10 look at how many re-offended at 10 years, it's 18.3 -- 18.3
11 percent of the group. I can't say that he has an 18.3
12 percent chance because I'm comparing him to a group. It
13 means that people with a score of 3, 18 percent of that
14 group re-offended within 10 years. So again that means you
15 know, around more than 80 percent didn't re-offend within
16 ten years.

17 So I look at that and it will also tell me --
18 I can go to another table and look at that score of 3 and
19 see, you know, how many people in the samples have a score
20 of 3. The average score of any sex offender in the study,
21 the average score was 2. So that's what the typical sex
22 offender has is a score of 2. And when I look at a score
23 of 3, about 54.4 percent has a score of 2, 1, 0, negative
24 1, negative 2 and negative 3. There was about 4.9 percent
25 that has a score of 3 and 30.7 percent of the sample and a

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1 score of 4 or higher. So you know, he's, he's not that
2 different than the average sex offender.

3 Q Okay. Now with a score of 3, would you feel
4 comfortable recommending Carl for long-term care and
5 treatment?

6 A No.

7 Q And why is that?

8 A Well, the law says that we are supposed to -- that
9 my job when I'm Court appointed to do these evaluations, it
10 says that the law is written for an extremely dangerous
11 group of people who have committed sexually violent
12 offenses because they have mental abnormality or
13 personality disorder. Inherent to that is you have to
14 partial out who is high risk and who is not high risk.
15 There are tens of thousands of sex offenders in South
16 Carolina. I'm not sure if anybody is aware of that or not,
17 but there's a lot.

18 Most sex offenders, once they've been convicted,
19 they don't re-offend. The general public thinks that they
20 do; you know that people won't change, that they always go
21 out and do this again, but you only hear about people who
22 re-offended. The newspapers don't write about people who
23 don't re-offend. And so one thing I consider is the base
24 rate. So anybody who's convicted of a sex offense, what's
25 the percentage who goes back out into the community and

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1 re-offends and that base rate in one of the biggest studies
2 that I've looked at with about 23,000 sex offenders, that
3 base rate is 13.4 percent. So on a typical day, you know,
4 13 percent sex offenders who are released will get
5 convicted of another sex offense. So that's a large
6 percentage that does not get convicted again. And when I
7 look at Mr. Asquith's score, his is lower than that. He
8 has 11.9 -- wait, 11.9 percent likelihood to go re-offend
9 and 13.4 percent is what's typical. So he's lower than
10 that. And that's why I wouldn't be comfortable
11 recommending this. We can't recommend that every sex
12 offender go into the treatment program.

13 Q Based on your evaluation of Carl and his score on
14 the Static 99, do you believe that he is part of this
15 extreme dangerous group of sex offenders?

16 A No, I don't think he is.

17 Q Okay. Do you have a diagnosis for Carl?

18 A Yes.

19 Q And what was your diagnosis for Carl?

20 A It's pedophilia, sexually attracted to males,
21 limited to incest, non-exclusive type.

22 Q Now was this the same diagnosis that Dr. Mulbry
23 had?

24 A Yes.

25 Q Well let's go through that one by one. What was

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1 diagnosis for pedophilia, can you just briefly explain
2 that?

3 A Pedophilia is the major term here and the other
4 things are specifiers. So pedophilia is just reoccurring
5 intense sexually arousing fantasies, behaviors or urges
6 towards children who have not started sexual maturity. So
7 kids who have not breast development, don't have any pubic
8 hair, things like that. That's the pedophilia part of it.
9 Sexually attracted to males means that when I look at his
10 history, he has only offended pre-pubescent males.

11 Now, he's been convicted of offending his sister,
12 but she was past the point of pubescent. She had already
13 hit puberty so she doesn't count on that. So that's why
14 it's attracted to males.

15 The limited incest again means that he's only been
16 known to have offended family members biologically related
17 and non-exclusive type means that there's some evidence
18 that he's aroused by more normative groups of people like
19 adult females, adult males, and he's not exclusively
20 attracted to prepubescent children.

21 Q Has Carl re-offended since he's been incarcerated
22 for these crimes?

23 A No, he was charged with all the offenses against
24 the victims that Dr. Mulbry talked about. All those
25 charges came at once. He was convicted of those all at

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1 once and he went to prison and he's not been back in the
2 community since that time.

3 Q What is your opinion to a reasonable degree of
4 professional certainty as to whether Carl's mental
5 abnormality makes him likely to engage in acts of sexual
6 violence in the future?

7 A It's my opinion that his mental abnormality does
8 not make him likely.

9 Q And do you have an opinion to a reasonable degree
10 of professional certainty as to whether he should be
11 confined to a secure facility for long-term care and
12 treatment?

13 A My opinion is that he doesn't meet the criteria as
14 a sexually violent predator and therefore, he does not need
15 to be confined.

16 Q Okay. Do you have an opinion to a reasonable
17 degree of professional certainty as to whether Carl poses a
18 menace to the health and safety of others if he's not
19 committed to long-term care?

20 A It's my opinion that he does not pose a menace.

21 Q And do you have an opinion to a reasonable degree
22 of medical certainty as to whether Carl meets the criteria
23 of a sexually violent predator under the sexually violent
24 predator act?

25 A My opinion is that he doesn't meet the criteria.

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1 Q Now you were in the courtroom for Dr. Mulbry's
2 testimony?

3 A Yes.

4 Q And you heard him discuss the variety of tests that
5 he conducted on Carl?

6 A Yes.

7 Q And he mentioned during his testimony a standard
8 battery of testing. Is there any such thing as a standard
9 battery of testing?

10 A I know that his -- the lab that he's associated
11 with has a standard battery of testing from -- I mean I
12 surmise that because I look at reports that they write and
13 they often will include the same tests. But when you look
14 at the professional literature of evaluators who do this
15 work across different states, there's no standard battery
16 of tests that are associated with this type of work. Most
17 evaluators use the Static 99R to determine risks of
18 recidivism, but there's -- there's nothing like a typical
19 standard battery that's recommended.

20 Q Okay. And you heard him talk about a test known as
21 PPG, or Penile Plethysmograph, do you use this in your
22 practice?

23 A No, we have a lab at the Department of Mental
24 Health, but I don't use it.

25 Q Why don't you use this test?

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1 A Well for one, it's extremely invasive so I have
2 some moral objections to it. Two, the research on it has
3 been pretty shady. It's hard to know whether -- what
4 arousal somebody shows in a lab is the same as what they'd
5 show in a natural environment. That's not been proven to
6 be true. There's a lot of things that can affect the PPG
7 results like mood changes can alter a change, how somebody
8 tests on the PPG. Age is related to PPG findings so the
9 younger you are the more likely you're going to show
10 deviant arousal on it. There's some studies that say that
11 people with lower IQ's show more increased deviant arousal
12 on it. There's no standardized methods, meaning if you go
13 to the PPG lab where Dr. Mulbry works or you go to the
14 Department of Mental Health PPG lab, they might not do
15 these tests the same so you don't know exactly what you're
16 getting because it's not, there's no agreed methods as how
17 it should be done.

18 So like for example, I'm a psychologist and
19 licensed to do psychological testing. If I give an IQ
20 test, there's a very standard way that you give an IQ test
21 and everybody does it the same way. We're all trained the
22 same way to do it and you have to follow the instructions
23 that are in the manual and you have to do it exactly this
24 way. So I know if I look at an IQ test from somebody in
25 California, I know how they did the IQ test.

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1 With the PPG, people do it differently and there's
2 no standardized method so you really don't know what you're
3 getting. There's differences based on what type of
4 equipment the person uses, whether they use a volumetric or
5 circumference measurement. Some people show arousal to
6 novelties or novel things that they see or hear on the PPG,
7 meaning like if you see something for the first time, you
8 might show arousal even though on the second time, you
9 might not be aroused to that and so that can be misleading.
10 Like -- for those reasons I don't, I don't use it.

11 Q Let's talk about some of the other tests Dr. Mulbry
12 performed on Carl. What is the Conyers Continuous
13 Performance Test?

14 A It's a test that is to measure symptoms of
15 Attention Deficit Hyperactivity Disorder.

16 Q What does this tell us about whether or not Carl is
17 likely to re-offend?

18 A I don't know.

19 Q Substance abuse test that he conducted; what does
20 this tell us about whether or not he's likely to re-offend?

21 A Again, I don't know. I mean that's a questionnaire
22 that you can give somebody to see if they have, you know,
23 symptoms of addiction. In this case, I don't know how it
24 helps. Substance abuse has actually been shown in the
25 large studies to not be associated with sexual recidivism.

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1 Q All right. He also talked about the Personality
2 Assessment Inventory; what does that tell us about this
3 case?

4 A That's a -- that's a measurement of personality
5 style and things like that, but again, I don't know how it
6 necessarily relates. It could indicate some -- like a
7 personality style that maybe he'd want to use for a
8 diagnosis, but I don't know how that would necessarily
9 relate to re-offending.

10 Q And the ABEL Assessment, what about that?

11 A The ABEL Assessment is a viewing time assessment so
12 they're shown pictures and they measure how long the person
13 looks at a picture. We used to give that test at the
14 Department of Mental Health, but we don't anymore because
15 it's been shown in the research that outside the lab that
16 created that test, they couldn't replicate the results so
17 it's not recommended to use in these evaluations. And I
18 think best practice is that if you're going to use it, you
19 make sure your State Courts have accepted it as reasonable
20 and reliable. I don't know that South Carolina has made
21 any decisions on that in the Courts.

22 Q And the test that you both ran was the Static 99R?

23 A Correct.

24 Q And you both had a score of 3 --

25 A Correct.

Dr. Marie Gehle - Direct Examination by Ms. Fulmer

1 Q -- on the Static 99R.

2 Now, Dr. Mulbry talked about in his report all
3 these factors associated with recidivism; what are your
4 thoughts on those; I believe it was page 24?

5 A Thank you. Well, in this part of his evaluation,
6 he talks about some factors that he believed were evidence
7 of deviant behavior. Many of these things were not proved
8 in Court; they were part of the witness statements and they
9 weren't things that were included in the indictments; not
10 all of them, but some of them. There was, he talks a lot
11 about deviant sexual interests, but when I look at the
12 research studies, they -- they define deviant sexual
13 interest as things like having a stranger victim, offending
14 a nonfamilial, a non-family member, things like that. And
15 one of the largest studies, looking at recidivism, sexual
16 recidivism, things like sexual contact, the degree of force
17 used, or if force was used or not, whether there was injury
18 to the victims, things like that, have not been associated
19 to any significant degree with re-offending.

20 So some of the things that he talked about in his
21 report as being evidence of deviance, while they're, you
22 know, obviously not great things for him to have done, I
23 don't know any research that his statements are supported.

24 Q So were Dr. Mulbry's statements regarding deviant
25 sexual interests during his testimony correct?

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1 A My opinion that -- is that they weren't correct.
2 Because of the way that -- I think he's looking at deviant
3 sexual interest in a more -- like this is a deviant
4 behavior and looking at things that are more out of the
5 ordinary. But when you look at the research, they define
6 deviant sexual interests very differently and much less
7 detailed than what he's talking about. They talk about
8 whether they victimize strangers, extra familial victims,
9 so somebody who wasn't related, somebody who offended
10 males, which is the case with Mr. Asquith; somebody who
11 engaged in a lot of diverse sex crimes, things like that,
12 that's what they're looking at for deviant sexual interest
13 so it's not just the particular acts that were involved.

14 Q During Dr. Mulbry's testimony, I believe he
15 mentioned a study by Dr. Hanson, can you tell us a little
16 bit about that?

17 A Well, I'm not sure, Dr. Hanson, Carl Hanson, he
18 does a lot of research in this area. He's one of the
19 authors of the Static 99R and so just devising a risk
20 assessment strategy like the Static 99, that has required a
21 lot of research. So he's done lots of research. I'm not
22 exactly sure which article in particular he was talking
23 about, so I -- I can't speak to it specifically.

24 Q Okay. Now he stated in his testimony that you
25 didn't look at any factors beyond the Static 99R; was that

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1 correct?

2 A No.

3 Q Tell us why that's not correct?

4 A Well, I look at the Static 99R, but right below
5 that in my report, I included a review of whether he had
6 those dynamic risk factors or things that can be changed
7 through treatment and things like that. So I identified
8 two of those so I'm not sure where he was getting I didn't
9 look at anything outside of the Static.

10 Q All right. Now, Dr. Gehle, since your evaluation
11 of Carl, do you know where he has been incarcerated?

12 A Yes.

13 Q Have you had the opportunity to speak with Carl
14 since your evaluation?

15 A I spoke with him briefly, earlier today.

16 Q Do you know where he's currently housed?

17 A He's at the Lexington County Detention Center.
18 He's been there since November of 2012.

19 Q Do you know if that facility offers any type of
20 treatment for sexual offenders?

21 A I don't know if it offers treatment. He told me
22 that he had not been receiving any treatment.

23 Q Do you know how long he's been at the Lexington
24 County Jail?

25 A Yeah, he max'd out from SCDC and then was sent

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1 directly to the Lexington County Jail and it's my
2 understanding, that he was sent there, I looked at the
3 website for the Lexington County Detention Center and did
4 just a quick inmate search and he was apparently admitted
5 there on November 23rd, 2012 per their records, which he
6 told me he had been there since 11, November of 2012.

7 Q So the last year and a half he hasn't received any
8 type of treatment?

9 A Not to my knowledge. He told me he has not.

10 Q And, Dr. Gehle, just to sum up again, based upon
11 your evaluation of Carl, his scores on the tests that you
12 did, do you believe he qualifies as a sexually violent
13 predator under the Sexually Violent Predator Act?

14 A My opinion is that he doesn't meet that criteria.

15 Q And do you believe Carl should be confined for
16 long-term care and treatment under the Sexually Violent
17 Predator Act?

18 A No, I don't believe that he should be.

19 Q And do you believe that Carl is such a menace to
20 society that he poses a risk to the health and safety of
21 others?

22 A I don't believe that his risk of recidivism is -- I
23 don't believe his risk makes him likely, meaning I don't
24 believe he's a menace to the health and safety of the
25 community.

Dr. Marie Gehle - Cross-Examination by Mr. Bogle

1 Q Thank you.

2 MS. FULMER: Your Honor, if I may have a moment of
3 Court's indulgence?

4 (WHEREUPON there was a pause in the proceedings.)

5 BY MS. FULMER:

6 Q Dr. Gehle, I have no further questions for you at
7 this time, but please answer any the Attorney General may
8 have for you?

9 THE COURT: Mr. Bogle?

10 MR. BOGLE: Thank you, Your Honor, may it please
11 the Court.

12 **CROSS-EXAMINATION**

13 BY MR. BOGLE:

14 Q Dr. Gehle, how you doing this afternoon?

15 A Good.

16 Q Let me just clear up a couple of things, some
17 things that you mentioned a minute ago. Your title is
18 Chief Psychologist?

19 A That's correct.

20 Q How many chief psychologists are with the
21 Department of Health?

22 A I don't know, but it's a State title for any
23 licensed psychologist; I'm not the only one.

24 Q So at least four or five of them that we encounter
25 on these types of cases?

Dr. Marie Gehle - Cross-Examination by Mr. Bogle

1 A I believe that there are, I don't know, maybe five
2 right now with the Sexually Violent Predator Program; maybe
3 four.

4 Q Okay. And in this situation, you were appointed by
5 the Court at a hearing held some time ago to conduct the
6 initial evaluation of Mr. Asquith, correct?

7 A That's correct.

8 Q So you weren't hired by the Court; you were
9 appointed; is that correct?

10 A I was appointed by the Court.

11 Q And as I understand it, you used a phrase a minute
12 ago, you said MDT; is that called the multidisciplinary
13 team?

14 A Yes.

15 Q Is that a team that screens these cases before they
16 come to Court and before they come to you?

17 A Well that's the group of five people; it's written
18 in the statute. They -- they look at every person in the
19 department of corrections before they're released that have
20 been convicted of a sexually violent offense. So sexually
21 violent offense is listed in the statute and that's the
22 multidisciplinary team.

23 Q And they vote on whether or not the case should go
24 forward to the next level?

25 A That's correct.

Dr. Marie Gehle - Cross-Examination by Mr. Bogle

1 Q And, in fact, that we're here today means they must
2 have voted yes; is that right?

3 MS. FULMER: Objection, Your Honor, relevance.

4 THE COURT: Overruled. Let's move on.

5 MR. BOGLE: Let me move on to something else.

6 BY MR. BOGLE:

7 Q Now, Doctor, just so we're clear, at the present
8 time, you are the chief psychologist at DMH charged with
9 the responsibility of doing pre-commitment evaluations like
10 the one here?

11 A That's correct.

12 Q Now, in previous years, there was more than one
13 psychologist and at one time it as a psychiatrist as well
14 doing these pre-commitment hearings, right?

15 A That's correct.

16 Q At one time there was as many as four, weren't
17 there? It was kind of rotation?

18 A That might have been before my time. I'm not sure,
19 I think there's only been as many as three including that
20 psychiatrist since I've been there.

21 Q Okay.

22 A Unless my memory is incorrect.

23 Q So it changes depending on the staffing needs of
24 Department of Mental Health; is that right; is that safe to
25 say?

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1 A Yes, it changes and varies from who's qualified to
2 do these and who -- who they assign to do them.

3 Q Okay. Because right now -- now isn't it true that
4 right now they also -- another responsibility is to do
5 annual reviews of how guys are doing --

6 MS. FULMER: Objection, Your Honor.

7 THE COURT: Sustained.

8 MS. FULMER: Thank you.

9 MR. BOGLE: Yes, sir.

10 BY MR. BOGLE:

11 Q Have you ever done annual reviews of guys who have
12 already --

13 MS. FULMER: Objection, Your Honor.

14 THE COURT: Sustained.

15 MR. BOGLE: That was asked during direct, Your
16 Honor.

17 THE COURT: I didn't hear it; sustained.

18 BY MR. BOGLE:

19 Q Now, when you do these pre-commitment evals, about
20 what percentage of the time do you come back concluding the
21 guy does not meet the criteria to be committed as a
22 sexually violent predator?

23 A I can tell you numbers. Of the seventy cases I've
24 completed, I recommended commitment in about twenty-seven
25 cases and did not recommend commitment in forty-three

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1 cases.

2 Q Okay. And there's no question that at
3 pre-commitment trials like this one, they're prosecuted by
4 our office, correct?

5 A Correct.

6 Q And your office is subpoenaed by us to testify at
7 those hearings, right?

8 A That's correct.

9 Q And when a guy is good to be released and you're
10 recommending it, we would subpoena you to testify at a
11 release hearing, correct?

12 A Yes, sir.

13 Q I think you did one just recently you said?

14 A Yes, last week.

15 Q All right. Now, have you ever subpoenaed by a
16 defense attorney to testify for the defense in a criminal
17 case, not a sexual predator case, but a criminal case or a
18 competency case?

19 A I have testified and been subpoenaed to testify in
20 criminal cases in Georgia. I cannot recall which side
21 called me, so I'm not sure where that subpoena came from.

22 Q Okay. And you said you -- one of the things you
23 mentioned was your resources for looking at this guy, Mr.
24 Asquith, one of the things was a conversation with the
25 probation officers at the Lexington County and Richland

Dr. Marie Gehle - Cross-Examination by Mr. Bogle

1 County; is that right?

2 A Yes.

3 Q Okay. And it's Lexington County because he was
4 convicted here, correct?

5 A Correct.

6 Q And Richland County because that's what his address
7 would be if he's released by the jury, right?

8 A Yes, I believe if I'm recalling correctly, I called
9 Lexington County to see what they -- what, if any,
10 probation, pardon or parole he would be on and they
11 referred me to the Richland County Department.

12 Q And you learned, did you not, that he's not facing
13 any probation; is that correct?

14 MS. FULMER: Objection, Your Honor.

15 THE COURT: Overruled. She said she talked to him.

16 THE WITNESS: It's my understanding that he will be
17 subject to what is called as community supervision.

18 BY MR. BOGLE:

19 Q Let's stick with the question, okay; is he facing
20 probation?

21 A I don't know how to answer that.

22 Q Well, let me back up. Is he facing community
23 supervision as opposed to probation; will he be on
24 community supervision for a while?

25 A I'm having a hard time answering that question

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1 because when I think of probation and community
2 supervision, they are very similar in my thoughts so --

3 Q Did you, did you learn from them that his community
4 supervision expires when his sentence expires; in other
5 words about 130 days?

6 A They told me a date when it would expire.

7 Q Was that October 6th, 2014?

8 A That sounds correct.

9 Q So it's about 120, 130 days from now?

10 A I'll take your word for it.

11 Q But it's not 2 years from now?

12 A That's correct.

13 Q Okay. Thank you. Now does the fact that -- is it
14 true under the law that a person being evaluated under this
15 law has to remain confined until such time as either a jury
16 commits him or a jury lets him go or -- or you determine
17 they're not a predator and we just dismiss the case; they
18 have to be confined, don't they?

19 A Yes, the law says that they need to be confined.

20 Q Okay. So once they max out a prison term, if the
21 case is still pending, for whatever reason, they've got to
22 be confined in the local jail in the county where they got
23 convicted; is that right?

24 A Yes.

25 Q And the fact that he's confined at the detention

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1 center now, does that have anything to do with your
2 ultimate opinion about whether or not he fits the
3 definition of a sexually violent predator?

4 A No, I came to my opinion before that I believe.

5 Q Okay. In your -- the second thing is board
6 certified for psychologist, isn't there just like board
7 certified for psychiatrists?

8 A There's a board for certification, yes.

9 Q Okay. Are you board certified as a psychologist?

10 A No.

11 Q Okay. In your report on page 10, you talk about
12 him not completing sex offender treatment, flunking out or
13 being terminated from sex offender treatment; is that
14 correct?

15 A Yes, I did.

16 Q Have you later learned that he did complete the
17 twelve week program; is that right?

18 A Yes, it's my understanding. So he went through, he
19 had one round of sex offender treatment in 2004 to 2005 and
20 then another round prior to his max-out date.

21 Q Did you issue a corrected report showing his true
22 experiences with sex offender treatment?

23 A No.

24 Q Okay. And the program he went through was just
25 twelve weeks; is that right?

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1 A I believe so.

2 Q Are you aware it's now been expanded to several
3 months beyond twelve weeks?

4 A I know that they have gone through some changes.
5 I'm not sure what's being offered currently. So I have to,
6 I know Dr. Mulbry testified to that so I'd have to take his
7 word for it.

8 Q Okay. Okay. Now in your report on page 4, you
9 asked him about the number of sex partners he's had; that's
10 something you do in your background information; is that
11 right?

12 A Yes, I talk to them extensively about their sexual
13 history.

14 Q And he mentions, I believe to you, he said two
15 sexual partners; is that right?

16 A Yes.

17 Q Okay. Now, we heard testimony that there was a
18 girlfriend, at least two hookers in the Marine Corp, and
19 then a male person he had sex with in prison; that would be
20 about four people; is that right? Are you aware he had sex
21 with a man while he was in prison in return for drugs?

22 A I'd have to look here. Unless I'm missing it, I
23 don't believe that I reported that he had sex or that I
24 knew that he had sex with a man in prison.

25 Q Okay. Well you reviewed the letters, you mentioned

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1 letters he had written to his sister in prison, right, from
2 the background information you looked at?

3 A Yes.

4 Q Okay.

5 MR. BOGLE: May I approach, Your Honor?

6 BY MR. BOGLE:

7 Q Do you remember looking at this letter dated
8 September 27 of 2009?

9 A Yes, I believe I looked at this.

10 Q Would you turn to page 8; the last page in there?

11 A This page?

12 Q Yeah, the highlighted language at the top, does
13 that talk about hooking up with a guy in prison in return
14 for drugs?

15 A Yes.

16 Q Okay. So if you count the girlfriend, you count
17 the hookers, you can count the guy in prison, you can count
18 his sister; that's up to about four sexual partners now,
19 maybe more; is that right?

20 A Well, I mean, I don't know. I think maybe three.

21 Q Okay. Okay. Looking at page 7 of your report, I
22 notice that you spent a lot of time setting forth the
23 contents of the forensic interviews done by the Children's
24 Center with the victims; is that right?

25 A I reviewed all those, yes.

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1 Q But you typed it up; it's in your report the
2 different things the victims said happened?

3 A That's correct.

4 Q And you would not put irrelevant material in a
5 report, would you?

6 A Well I put -- you know most everything that I
7 gather goes into the report.

8 Q Okay. And I believe, I think it's page 8 in your
9 report, he denies having sexual intercourse with his sister
10 whose first name starts with H; is that right?

11 A Very top paragraph?

12 Q Yeah, on page 8; on your -- the defendant's account
13 of what happened, what he did.

14 A Okay.

15 Q I'm looking at your thirteen page report on page 8,
16 he asked about account of defenses, he denies, at the very
17 bottom of the page, the very last paragraph three lines
18 down; he denied having intercourse with her, right?

19 A Yeah, he admitted to many sexual acts with his
20 sister, but denied that type of penetration.

21 Q Okay.

22 A He said he didn't want to take her virginity.

23 Q But that's one of the indictments he pled guilty
24 to, right?

25 A That's correct.

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1 Q Not Alford Plea, but pled guilty to it?

2 A That's correct.

3 Q Okay. Did you have some concern the fact that he
4 would, you mentioned a minute ago you like to focus on the
5 stuff that's in the indictments. Did it cause you concern
6 about him the fact that he would deny having vaginal
7 intercourse with his sister and yet, plead guilty in Court
8 to it and be convicted of it in front a Judge?

9 A That's a complicated issue. As an evaluator, I
10 certainly love it when people confess to all types of
11 behaviors, that I have a lot of information to draw from.
12 That being said, denial of offenses is not related to
13 recidivism. So it causes me a little less concern.

14 Q Okay. But by denying it, he's also not taking
15 responsibility for it, is he?

16 A That's correct.

17 Q Okay. And the violence reported, the physically
18 violent things reported by the victims in the forensic
19 reports, the screwdriver, the bread being shoved up a
20 person's anus, the tying of the boy's penis to a rope, the
21 tying of hands and all that, are these things not part of
22 your conclusion? Are you just discounting them? You put
23 them in your report, I'm trying to figure out why they're
24 in your report and why they're not really a factor here.

25 A Well, I put them in my report because this is what

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1 the victims reported. This is stuff I asked them about and
2 it, you know, it's in the records, but I focus more and put
3 the most weight on when I'm looking at diagnosis and things
4 like that, I put the most weight on what has been proven in
5 Court.

6 Q Okay.

7 A And so these things have not been proven in Court
8 per se. Some of them have, on the indictments and what
9 not, but many of these things were not proven and they
10 weren't included in the indictments and he wasn't charged
11 with committing many of these behaviors.

12 Q And he's admitted, he wouldn't admit them either
13 would he, his behavior?

14 A What was the question?

15 Q Did he admit any of these behaviors to you, the
16 screwdriver, the bread, the tying up of the boy's penis,
17 did he admit these things to you?

18 A No.

19 Q Okay. In fact, he denied any sexual conduct with
20 at least two of his brothers, correct?

21 A Yes.

22 Q So he only admits to three victims and the sister
23 he won't admit to vaginal sex with. The other two victims,
24 which he pleaded guilty under this Alford case, which is a
25 conviction, he denied doing anything to them, right?

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1 A I believe that's correct, yes.

2 Q Okay. And did this inconsistency from him versus
3 what's the printed record cause you some concern about your
4 ultimate conclusions?

5 A Not necessarily. I look at what was proven in
6 Court by his, either guilty plea, by an Alford plea, by a
7 trial as that's what happened. Things that he was accused,
8 but not convicted of, I put less weight on. I certainly
9 questioned him about that and oftentimes will admit those
10 off the record behaviors and off the record incidents; he
11 did not. He -- he did not take responsibility for
12 everything that he was convicted of. But again, if you
13 look at what the research says, we all want people to take
14 responsibility, but it's not related to recidivism in the
15 research.

16 Q So stuff he was convicted of, if it was in the
17 indictment and he pled guilty, be it under the Alford case
18 or just a straight up plea, that counts, right?

19 A Yes.

20 Q And two of these convictions, State's Exhibit 5 and
21 Exhibit 6, the Alford convictions are against brothers,
22 convicted that counts, but he denied it to you?

23 A Correct.

24 Q Doctor, does the Department of Mental Health own a
25 PPG machine?

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1 A Yes.

2 Q And do they have anyone there qualified to use it?

3 A They have somebody whose job it is to use it.

4 Q They bought that with taxpayer dollars I take it?

5 A Most -- I guess.

6 Q And is there a Dr. Burke down in Summerville, who's
7 regarded by some in your field as an expert in PPG?

8 A Yes.

9 Q Okay. And isn't it true that sometimes certain
10 psychologists or psychiatrists at the Department of Mental
11 Health do believe or do you use the PPG or have it run on a
12 guy as part of their evaluation of them; is that correct?

13 A It's been used, yes.

14 Q Okay. And sometimes they'll send them down to Dr.
15 Burkes' private practice down in Summerville to have it
16 done instead of using the one at MH; is that right?

17 A That's correct.

18 Q And that's taxpayer dollars to van the guy up and
19 travel him down there and bring him back, right?

20 A Yes.

21 Q Okay.

22 MR. BOGLE: One moment, Your Honor.

23 (WHEREUPON there was a pause in the proceedings.)

24 BY MR. BOGLE:

25 Q Hanson is -- R. Carl Hanson the guy, is one of the

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1 developers of the Static 99R.

2 A Yes.

3 Q And the original Static as well, correct?

4 A Yes.

5 Q Okay. Because the R is the revised version of the
6 first one; is that correct?

7 A That's correct.

8 Q Okay.

9 MR. BOGLE: May I approach, Your Honor, again.

10 BY MR. BOGLE:

11 Q I hand you an article by Dr. Hanson and a Dr.
12 Morgan Borgonne; are you familiar with this article?

13 A Yes.

14 Q Okay. Would you read the highlighted sentence and
15 the summary in the first paragraph?

16 A I made an analysis of ---

17 Q Slow down, not so fast, I want to hear it.

18 A Okay. Would you like to tell me how slow to read
19 or --

20 I made an analysis of 82 recidivism studies in
21 parenthesis is 1620 findings from 29,450 sex offenders,
22 sexual offenders, end of the parenthesis, identify deviant
23 sexual preferences and antisocial orientation as the major
24 predictors of sexual recidivism for both adult and
25 adolescent sexual offenders.

1 THE COURT: All right. Ladies and gentlemen, the
2 respondent rests, which means the respondent has now
3 concluded the presentation of their evidence in their case.

4 And anything in reply?

5 MR. BOGLE: No, Your Honor. Thank you.

6 THE COURT: All right. So the next phase is what I
7 told you the lawyers would have another opportunity to
8 speak with you and when they conclude their closing
9 arguments then I will charge or instruct you as to the law.

10 So with that said, is the State ready to proceed?

11 MR. BOGLE: The State is, Your Honor.

12 THE COURT: All right, if you would please, Mr.
13 Bogle.

14 **CLOSING ARGUMENTS**

15 MR. BOGLE: Thank you, Your Honor, may it please
16 the Court.

17 Ladies and gentlemen, here's where we are right
18 now. In a civil case like this, when you have the
19 presentation of all the evidence you're going to hear, the
20 testimony and the documents introduced into evidence, which
21 in this case are the certified copies of the six
22 convictions. The next step is for closing arguments.

23 Under the Rules of Civil Procedure, the State,
24 which is the moving party, which is me, I'll give a full
25 closing argument followed by Mr. Biediger or Ms. Fulmer,

1 whichever one of them argues after that. If they bring up
2 something new I can reply to it. So very likely this will
3 probably be the last time you hear from me.

4 This is a difficult case. You've heard a lot of
5 testimony about very intimate details of horrible crimes.
6 And unfortunately, like I suggested when we first started
7 this thing, it's kind of the way these things have to go
8 because in order for both doctors, Dr. Mulbry and Dr. Gehle
9 to explain why they reached their opinions, they have to
10 talk about the underlying details and that's how our Rules
11 of Evidence work.

12 And like it was established yesterday, the track of
13 the case, the multidisciplinary team, that review team that
14 looks at all people convicted of sexually violent crimes,
15 they voted on the case and voted to go forward. Then we
16 come to Court and we're here today and the Court appointed
17 as is proper, a Department of Mental Health Psychologist to
18 evaluate the guy and that was Dr. Gehle and she came back
19 to the Court saying that Mr. Asquith was not a threat; he
20 didn't fit the criteria.

21 Now, the statute allows the attorney general's
22 office to get a second opinion. Something we rarely do,
23 but in some cases we do and in this case we looked at her
24 report and as I'll explain more in a few minutes, it seemed
25 like she focused on one thing, the score on that Static 99R

1 to the exclusion of all else. And so we thought, let's
2 have a second look. Let's send him down to Charleston, see
3 what the guys down there think, the guys we've worked with
4 before and as Dr. Mulbry said, most of the time, they come
5 back agreeing with the Department of Mental Health. This
6 time they didn't and that's why we're here today.

7 Now before we go on, let me talk about something
8 called -- called the elephant in the room. You've probably
9 heard that phrase, but something so big right there,
10 everybody knows it's there, but nobody wants to admit it's
11 in the room. Okay. The elephant in the room is this, and
12 I'll be quite candid with you. The State has to prove its
13 case to you beyond a reasonable doubt. All right. What do
14 we have here; two experts, both qualified by the Court to
15 give opinions, give expert testimony; and both saw the same
16 guy for the same reason and came back with opposite
17 opinions. Wouldn't that by itself be reasonable doubt as
18 to whether or not he should be committed? I would suggest
19 to you, no, because you've got to look behind the lines to
20 see exactly what happened, what each person did and how
21 thorough they were. Because it's our position, Dr. Gehle
22 ran his score on that Static thing, which looked at
23 historical factors, things in his past he can't change
24 other than age. You know how many times he'd been
25 convicted, did he know his victims, things like that and

1 she kind of stopped there. He got a low score and that was
2 it.

3 What did Dr. Mulbry do? He got the same score on
4 the Static, but he looked further. He looked for what they
5 call dynamic risk factors. Risk factors that will be with
6 this guy, things that he could have changed, but didn't and
7 that was the factor that leads us to where we are today.

8 Like the statute says, the General Assembly, as I
9 told you in the beginning, has said there's a group of
10 sexually violent predators, who require involuntary civil
11 commitment and that's what we're here about today.

12 Now, there's been a lot of talk at the beginning
13 about big government and how this is a big government
14 conspiracy to make him a ward of the state. Well, I don't
15 know about the conspiracy part, but yeah, we're trying to
16 make him a ward of the state because we think that's where
17 he needs to be. We think if he's loose, he's a danger and
18 so we'd like to get him committed in a secure place that's
19 confinement for treatment that he needs and when the
20 treatment is done and he's good to go, let him go down the
21 road, but right now, that's where he needs to be. And
22 that's what they passed this law for. That's what they
23 created this program for. And yeah, he'll be a ward of the
24 state, but that's where some people need to be.

25 Now -- so what this case is not about is big

1 government overreaching. It's not about the fact that he's
2 in jail now because like Dr. Gehle said, the law requires
3 the person to be confined until this case is over one way
4 or the other. Okay. First he was in prison. When he got
5 released from prison, he's sent to the jail in the county
6 where he's convicted, which is Lexington, and he stays
7 there until this thing is resolved. If you find that he
8 should not be committed, then he'll go free. If you find
9 that he should, then he'll be transferred to a place run by
10 the Department of Mental Health for treatment. So yes,
11 he'll be a ward of the state, but that's just smoke in the
12 case. Look behind the smoke and look at the details. What
13 this case is really about is what I read to you from the
14 statute right there; does he fit that criteria.

15 Now what do we have; we have six sexually violent
16 crimes. Some against his sister, some against his
17 brothers. Oddly, we also have evidence, we have
18 information of another victim, another younger brother who
19 was victimized, but didn't lead to charges. Six sexually
20 violent convictions happened over a period of time. You
21 can look at the sentencing sheets when you get into Court
22 (sic). There's called date of offense and it tells you how
23 long the crime happened. For example, this one the crime
24 happened within July 1 of '01 until July 2 of '02. For
25 almost a year this conduct went on and that's something he

1 pleaded guilty to. Oddly enough -- and it's what they
2 consist of, you've got vaginal intercourse with his sister,
3 who is 13, which he to the doctors says didn't happen.
4 Then he pled guilty to it. We have the oral and anal
5 activity with the sister. We also have the oral thing with
6 the brother and we have oral sex with two other brothers.

7 Now the brothers, age 11 and the youngest one's
8 around 5 or 6 and that's the one he denied. He says it
9 didn't happen. It didn't happen. He told both doctors,
10 both Dr. Mulbry and Dr. Gehle, that didn't happen. Well,
11 folks, he pleaded guilty and yes, it's under a case called
12 North Carolina v. Alford, which has you plead guilty, but
13 not admit your guilt. But the problem is, it's still a
14 conviction. He's found guilty of it. Like Dr. Gehle said,
15 that's why it's in the report, because he was found guilty
16 of it.

17 And I'm concerned and I think you should be
18 concerned by the fact that he won't acknowledge the guilt
19 involving those two brothers. And the fact he denies at
20 least part of the guilt regarding the sister, even though
21 he pleaded guilty to it.

22 So Dr. Mulbry is called by the State. He's board
23 certified in forensic psychiatry, a hard thing to get to
24 be. A lot of testing involved in that. He's done many
25 cases and these. He's testified for the defense as well.

1 And like he said, most of the time when they get these
2 things, be an expert second opinion by us, by our office,
3 they come back saying, you know, we can't really disagree
4 with the Department of Mental Health because here he did.
5 So there's a lot of talk about the testing he ran, the
6 battery of tests that he ran, but you know, the way I look
7 at it as this, if one of those tests would possibly help
8 Mr. Asquith, then that's to his benefit. As it turned out,
9 none of them did, but they ran them anyway, just to be
10 sure.

11 The only thing was of some concern was on the PPG,
12 the Penile Plesomygraph that they ran, it looked like Mr.
13 Asquith tried to defeat the test by moving around and
14 shifting positions and things like that. And while Dr.
15 Gehle said that that's something that she doesn't believe
16 in, that she wouldn't have run that, you know, I think that
17 depends on the psychiatrist or the psychologist. Because
18 like she acknowledged, the Department of Mental Health owns
19 one of those machines, they've got a guy to run them, they
20 often send people at taxpayer's expense a hundred miles
21 down the road to Summerville, where Dr. Burke runs them on
22 the machine. He's an independent expert down there that
23 has his own setup. So I guess that depends on the expert.
24 Dr. Mulbry thinks, Well let's run all the tests and see if
25 anything can help the guy or hurt him because we won't to

1 give the fullest picture to the jury. Dr. Gehle says no,
2 just the Static, score him on that and walk away from
3 there.

4 What really turned the case, I think, were the risk
5 factors. The risk factors not accounted for by the Static.
6 Because like Dr. Gehle read from the study done by Dr.
7 Hanson, the guy that developed this scoring mechanism,
8 where he talked about studying 29,000 sexual offenders,
9 identified deviant sexual preferences and anti-social
10 orientation as the major predictors of sexual recidivism.
11 In other words, sexual re-offending.

12 And what do we have here, the risk factors that Dr.
13 Mulbry identified and seemed to be nowhere in Dr. Gehle's
14 testimony. Don't get me wrong, she's a fine doctor. She's
15 a fine expert. She's testified in many of our cases, but I
16 think this case she didn't look hard enough and Dr. Mulbry
17 did.

18 He found multiple episodes of having the one child
19 watch as he engaged in sexual conduct with another. He
20 found multiple episodes of violence and threats of violence
21 if the victim did not cooperate with his desires. Multiple
22 episodes of the possession and use of child pornography
23 showing pictures to the other children of pornographic
24 images involving small children; binding the victims,
25 binding the victims after the offense was over;

1 photographing the victims naked and photographing them
2 while they were bound; and finally, the penetration with
3 foreign objects; the loaf of bread, the screwdriver, things
4 like that. This is where the deviance of the sexual
5 interests, and I think excites this young man, besides an
6 interest in pre-pubescent children, that's where he crosses
7 the line and that's where Dr. Mulbry looked and that's
8 where Dr. Gehle didn't look.

9 What's the diagnosis; both doctors, same diagnosis.
10 Carl Matthew Asquith is a pedophile. He has a sexual
11 interest in prepubescent children; sexually attracted to
12 males, not exclusive, and they called limited to incest.
13 Well, here's where your common sense as jurors comes in.
14 Forget all this medical and psychiatric and psychological
15 testimony. Are we to say that because it's incest it's not
16 as bad as if it's not your kid -- your relatives? I don't
17 think so. I think it's the same standard. That's where
18 your common sense comes in. Just because he did it to
19 brothers and sisters, is that not as bad; no, not hardly.

20 We have the letters. And while he's denying to the
21 doctors doing anything to the two youngest brothers, the 5
22 and 6 year olds, what does he say in one of the letters; he
23 says, and this was read into the record, I am the oldest in
24 our family and I abused the fact that my younger brothers,
25 plural, and sister, looked up to me for my own perverted

1 desires. His words, a letter written to his sister in
2 prison. So Dr. Mulbry looked at the risk factors, the
3 deviant sexual behaviors and that's what he came up with.

4 Dr. Gehle, now she called probation, there's some
5 testimony about her contacting probation to see if he was
6 facing some time of supervision once he gets out and there
7 is something called community supervision, but it runs out
8 October 6th of this year, which is about a 120, 130 days
9 from now, not long.

10 Now what about sex offender treatment when he gets
11 out; it doesn't seem to be a factor. I heard nothing about
12 that being planned. That might reassure all of us if we
13 had an appointment say next week with somebody to go see
14 for sex offender treatment. I haven't heard a word about
15 that.

16 MR. BIEDIGER: Your Honor, I believe we have a
17 matter of law.

18 MR. BOGLE: We'll come to --

19 THE COURT: Hold on.

20 MR. BOGLE: Excuse me, Your Honor.

21 MR. BIEDIGER: May we approach.

22 THE COURT: All right.

23 (WHEREUPON there was a bench conference out of the
24 hearing of the jury and the court reporter.)

25 THE COURT: Ladies and gentlemen, I'm going to

1 instruct you to disregard any of the argument made by the
2 State relating to some sort of after care and that's not an
3 issue in this case. And in fact, the statute does not have
4 any method for compelling any sort of after care. So
5 disregard that if you would please.

6 MR. BIEDIGER: Thank you, Your Honor.

7 MR. BOGLE: I apologize.

8 Okay. So where are we; we have six sexually
9 violent convictions against family members; one of which
10 although pleading guilty, he denies. Two of which against
11 the younger brother he denies. We have the deviant sexual
12 interest that affect this young man that seem to be part of
13 his sexual makeup. But the question is, are you now firmly
14 convinced that he is a sexually violent predator, because
15 if you are, then that is the test for beyond a reasonable
16 doubt.

17 And again, the Judge will tell you what the law is
18 when we're done. He'll explain the law to you and if
19 anything I say contradicts what the Judge says the law is,
20 please, the Judge is the expert on the law; that's his job.
21 The State's burden is to prove this case beyond a
22 reasonable doubt. What do we have to prove? Has he been
23 convicted of the right kind of crimes; no question, six of
24 them. Does he have a mental abnormality; no question, he's
25 a pedophile, sexual interest in prepubescent children.

1 Does he have evidence of lack of control so that he needs
2 to be confined for future sex offender treatment and the
3 answer is yes there because of the deviant sexual interest
4 that Dr. Mulbry recognized.

5 Dr. Gehle did a good job, but she stopped with that
6 score on the Static and didn't go further. Even though the
7 guy who created the Static says you've got to look further,
8 you've got to look at other stuff. It's not a standalone
9 instrument. She stopped there; Dr. Mulbry went further and
10 that I think satisfies the burden.

11 Thank you, Your Honor.

12 THE COURT: All right. You going to make a
13 closing?

14 MR. BIEDIGER: Yes, Your Honor.

15 THE COURT: All right.

16 MR. BIEDIGER: May it please, Your Honor, ladies
17 and gentlemen, I have one question for you. If the chief
18 psychologist for the South Carolina Department of Mental
19 Health cannot say that Carl Asquith is a sexually violent
20 predator, how can you? There have only been two witnesses
21 in this case; one for the government and one for Carl. The
22 burden is on the government to prove its case. They put up
23 one psychiatrist to say that Carl meets the definition. In
24 other words, you have to believe one witness, Dr. Mulbry.
25 But you just don't have to believe him. You have to

1 believe him and his opinion to the exclusion of every
2 reasonable doubt that there could possibly be. I submit
3 there's one reasonable doubt, Dr. Gehle, the chief
4 psychiatrist or Chief Psychologist of the Department of
5 Mental Health. Dr. Gehle was Court appointed when this
6 case was started. She remembered it. This is what she
7 does for a living. She sees these people on a
8 day-in-and-day-out basis. She knows what they look like.
9 It's her profession. This is what she does.

10 If anybody knows what these people are like, it's
11 her. She reviewed Carl's case, said, Well, is he an
12 ongoing threat to reoffend? Is he a menace to society?
13 No. You see the government wants you to focus on stuff
14 that happened twelve years ago, stuff that he pled guilty
15 to and was punished for. He served every single day of his
16 sentence. This case is not about punishment as much as
17 they would like it to be.

18 There's a reason they keep on reminding you of
19 things that he was punished for because they don't want to
20 remind you about the time that he served in jail and the
21 time that he paid his debt and that he served every single
22 day of his sentence. They don't want you to think about
23 that. They want you to think about the things that
24 happened before that. And so what do they do; they didn't
25 like Dr. Gehle's opinion. In her professional opinion, she

1 said he's not part of this dangerous group of people.
2 Based on the statistics, based on the tests, based on the
3 evidence, he doesn't meet the criteria. He's not a menace
4 to society. She voted no. This is her job, folks. This
5 is what she does for a living and she sat on the stand and
6 told you vote no, reasonable doubt. That is the standard
7 we have here.

8 And now we've got Dr. Mulbry, the contract
9 psychiatrist for the attorney general's office. The guy
10 that they send these folks to when they don't like Dr.
11 Gehle's opinion. And what did he say, well he said to the
12 surprise of no one -- he's not going to bite the hand that
13 feeds -- he said, I came to the same conclusion that she
14 did. We looked at the same person, did the same
15 evaluation, reviewed the same files, and let's not make
16 light of the Static 99. That was the recidivism test.
17 They both used it. Apparently the test was good enough for
18 Dr. Mulbry to use as well.

19 The Static 99 is a test that is based on evidence,
20 it's based on data, it tells you whether someone is likely
21 to re-offend. The test got the same score on both doctors,
22 a three, low to moderate range. Dr. Gehle said no, he's
23 not a sexually violent predator.

24 Now the attorney general is expecting to you to
25 come to a conclusion that the chief psychologist for the

1 Department of Mental Health couldn't come to. That's what
2 they're asking you to do. They want you to focus on what
3 happened 12 years ago. They want you to hate Carl. They
4 want you to base your decision on hate and passion and
5 emotion for what happened long ago for what he was punished
6 for. But folks, in this country, we do not commit people
7 to mental institutions based on hate. We commit them to
8 mental institutions based on passion or emotion. We commit
9 them in this country only if the government proves beyond a
10 reasonable doubt that they should be committed. And folks,
11 there is plenty of reason to doubt what the government's
12 done here.

13 . . . Now what is reasonable doubt? That means that if
14 you look at the testimony of the only two witnesses we had,
15 Dr. Gehle and Dr. Mulbry, and if you think well, I'll weigh
16 their evidence about the same. Perhaps -- perhaps I weigh
17 them about the same. That means you have to vote no. It
18 is your duty to vote no. It is the duty that you swore
19 under oath to do. If you think that perhaps based on all
20 the evidence, perhaps he might be a sexually violent
21 predator, you have to vote no. If you think that well,
22 based on the evidence he's probably a sexually violent
23 predator, based on your oath, you have to vote no. If you
24 think it's likely or even highly likely, but you have a
25 reasonable doubt, it is your duty to vote no. That is the

1 standard in this country, folks. It's not how much you
2 like somebody or hate them, or what you like or hate about
3 what they did or what they've been punished for, it's about
4 what has the State proven; what evidence is there and,
5 folks, it may not be easy.

6 This was a difficult case for all of you to hear.
7 But this is not about punishing Carl Asquith. This is
8 about whether he represents an ongoing menace to society.
9 If you have doubts in this case, like Dr. Gehle did, have
10 them today. Don't have them when you go home tonight and
11 are thinking about it. Don't have them a week from now
12 when you look back. Don't have them a month from now. If
13 you have doubts in this case, speak up today. Today is the
14 day that you must speak up about your doubts.

15 I now have to do something very difficult for a
16 lawyer and I have to turn my client over to your hands. I
17 trust that you will honor your oath and will not make your
18 decision based on the emotions and based on the passions
19 that this case has drummed up in you because that's what
20 they're trying to do. I trust that you will honor your
21 oath and base your decision on the evidence. We're not
22 asking for forgiveness. We're asking for you to look at
23 the evidence and if there is anything that would cause you
24 to hesitate, to find that he fits the statute like what Dr.
25 Gehle said, like everything she said, if there is anything,

1 I ask, I trust that you will do your duty and vote no.

2 I thank you very much for listening to me and I ask
3 that you vote no.

4 THE COURT: Anything from the State?

5 MR. BOGLE: No, Your Honor, thank you.

6 JURY CHARGE

7 THE COURT: All right. Madame forelady and ladies
8 and gentlemen of the jury, it is now my duty to charge and
9 instruct you as to the law applicable to this case. It is
10 your duty to accept and apply the law as I will now state
11 it to you.

12 The State has brought this case under the Sexually
13 Violent Predator Law of South Carolina. The State seeks
14 the civil commitment of the respondent, Mr. Asquith, for
15 long-term control, care, and treatment in a secure
16 facility. This is not a criminal proceeding seeking
17 incarceration, but rather is a proceeding seeking civil
18 commitment.

19 The State of South Carolina alleges or claims that
20 Mr. Asquith is a sexually violent predator under the law.
21 The respondent denies he is a sexually violent predator and
22 the burden of proof is, therefore, on the State to prove by
23 evidence sufficient to satisfy each of you beyond a
24 reasonable doubt that Mr. Asquith is a sexually violent
25 predator. If the State is unable to meet this burden of

1 proof as to one or more of the elements of the claim, the
2 respondent is entitled to a finding that he is not a
3 sexually violent predator.

4 Ladies and gentlemen, I want to make sure that you
5 understand that Mr. Asquith is not accused of committing a
6 crime in these proceedings. As you heard from the
7 testimony, he did have previous charges from which -- for
8 which he was sentenced by the Court. He has now completed
9 the sentence for those charges and the State is now
10 alleging that he is a sexually violent predator. The State
11 has the burden of proof in this case and must prove its
12 case beyond a reasonable doubt. If you find the State has
13 not met this burden, then Mr. Asquith will be released.

14 If you find the State has met its burden of proof
15 and find the respondent is a sexually violent predator, he
16 will not be released, but will be committed to a secure
17 treatment facility operated by the State of South Carolina.

18 Under South Carolina Law, Mr. Asquith -- excuse me,
19 during the trial, you and I have separate duties to perform
20 as I told you before we started the trial. As a trial
21 judge, it is my responsibility to preside over the trial
22 and I also have the responsibility to rule upon the
23 admissibility of evidence offered during the process of
24 this trial. In that regard, you should only consider the
25 competent evidence before you and you are to disregard from

1 your mind any testimony ordered stricken from the record of
2 the case, or anything the Court asked you to disregard.

3 Further, I have the additional duty to charge you
4 as to the applicable law in the case and in this regard, I
5 am sole judge of the law in the case and it's your duty to
6 accept and apply the law as I give it to you and this means
7 that you should not be concerned about what you wish the
8 law were or what you think the law ought to be, but only
9 what I instruct you that the law is. And you have sworn to
10 accept the law precisely as I state it to you.

11 Now, as I previously told you, you are the sole and
12 exclusive judges of the facts. I do not infer that I have
13 any opinion about the facts in this case by anything that I
14 may have said during the course of the trial.

15 Madame forelady, members of the jury, in most civil
16 cases tried in the Court of Common Pleas, which is civil
17 court in South Carolina, the burden of proving a claim is
18 by the preponderance or the greater weight of the evidence.
19 However, in this type of case, under this particular
20 statute, the State's burden is greater than that. Here the
21 State must prove everything by a proof beyond a reasonable
22 doubt. As I told you earlier, the State has the burden of
23 proof. Under the Law of the State of South Carolina,
24 according to the Sexual Violent Predator Statute, the State
25 must prove its case to the standard proof beyond a

1 reasonable doubt. If the State fails to meet this high
2 burden, then you must find Mr. Asquith is not a sexually
3 violent predator.

4 Now what is a reasonable doubt in the law?
5 Reasonable doubt is the kind of doubt that would cause a
6 reasonable person to hesitate to act. Proof beyond a
7 reasonable doubt is proof that leaves you firmly convinced
8 that the respondent is a sexually violent predator. Ladies
9 and gentlemen, there are very few things in the world that
10 we know with absolute certainty and in this type of case,
11 the law does not require proof that overcomes every
12 possible doubt. If based on your consideration of the
13 evidence you are firmly convinced Mr. Asquith is a sexually
14 violent predator, then you must return the verdict for the
15 State. If on the other hand, you think there's a real
16 possibility that he is not a sexually violent predator, you
17 must give him the benefit of the doubt and return a verdict
18 for the respondent. Mere suspicion is not sufficient nor
19 is most probably.

20 Reasonable doubt may arise from the evidence in
21 this case or from the lack of evidence in the case. It is
22 up to you to determine whether or not a reasonable doubt
23 exists in this case.

24 Now, there are two types of evidence which are
25 presented during a trial, direct evidence and

1 circumstantial evidence. Direct evidence is the testimony
2 of a person who claims to have actual knowledge of the
3 facts, such as an eyewitness. It is evidence which
4 immediately establishes the main fact to be proven.
5 Circumstantial evidence is proof of a chain of facts and
6 circumstances indicating the existence of a fact. It is
7 evidence which immediately establishes collateral facts in
8 which the main fact may be inferred. Circumstantial
9 evidence is based -- is based on inference and not on
10 personal knowledge or observation.

11 The law makes absolutely no distinction between the
12 weight or the value to be given either direct or
13 circumstantial evidence nor is a greater degree of
14 certainty required of circumstantial evidence than of
15 direct evidence.

16 Now, ladies and gentlemen, in determining what the
17 facts in this case are; you must judge the credibility and
18 by that I mean believability of the witnesses and the value
19 of the weight to be given their testimony. You, you alone,
20 must decide the force, effect, and truth of the testimony.
21 In making this decision, there are many things that you may
22 take into consideration such as the manner of the
23 appearance, I mean manner of the witnesses on the stand,
24 the characteristic often referred to as the demeanor of the
25 witness; was the witness forthright or was the witness

1 hesitant; was the witness's testimony consistent or did it
2 contain discrepancies. You should consider what was the
3 ability to know the facts about which the witness testified
4 and was there some reason the witness would want to give
5 testimony which would help or hurt one side or the other.
6 In other words, was the witness bias or prejudice. You
7 should consider was the testimony of the witness
8 corroborated or made stronger by other testimony or
9 evidence or was it made weaker or impeached by such other
10 testimony and evidence.

11 Now, you have the right to believe a small portion
12 of a witness's testimony, discard the larger portion or
13 vice versa. You may believe all of a witness's testimony,
14 some of the witness's testimony or none of the witness's
15 testimony. And of course you do not determine the truth by
16 the number of witnesses that may have testified for one
17 side or the other.

18 The fact that the testimony is not controverted
19 does not mean you must accept it as true and undisputed.
20 You must gauge the credibility of the witness to determine
21 the believability or the truth of the facts offered through
22 the testimony.

23 In exercising your mental processes in attempting
24 to decide the truth, the law simply requires that you
25 exercise your good judgment, your common sense, your sense

1 of logic and reason and your experiences in life.

2 Now during the course of the trial, you heard the
3 testimony of expert witnesses. The rules of evidence
4 ordinarily do not permit witnesses to testify as to
5 opinions or conclusions. However, an exception to this is
6 the rule to which witnesses, which we call expert witnesses
7 testify. The witness who has special knowledge, skill,
8 experience, training, or education in a particular field,
9 they state an opinion as to the relevant and material
10 matters in which the witnesses claim to be an expert. In
11 determining the weight to be given to such an opinion, you
12 should likewise consider the qualifications and the
13 credibility of the witness and the reasons given for any
14 opinions.

15 You are not bind -- bound by any opinion or rather
16 you should give it the weight, if any, you think it
17 deserves. You must consider expert testimony in the same
18 manner as you do any other testimony and give it the weight
19 that you believe it is entitled and considered in the
20 testimony.

21 Now, ladies and gentlemen, the elements which the
22 State must prove beyond a reasonable doubt are one, the
23 respondent has been convicted of a sexual violent offense.
24 I charge you that criminal sexual conduct with a minor in
25 the first degree and criminal sexual conduct with a minor

1 in the second degree are sexually violent offenses. And
2 two, the State must prove that the respondent suffers from
3 a mental abnormality or personality disorder that makes him
4 likely to engage in acts of sexual violence if not confined
5 in a secure facility for long-term care, control and
6 treatment.

7 Inherent in these two elements is that the State
8 must prove the requirement the respondent's mental
9 abnormality or personality disorder causes him serious
10 difficulty in controlling his behavior. In other words,
11 the State must prove beyond a reasonable doubt that the
12 individual it seeks to commit, suffers from a mental
13 illness which he cannot sufficiently control without the
14 structure and care provided by a mental health facility
15 rendering him otherwise likely to commit a dangerous act.

16 In order for you to better understand the elements
17 of the State's cause of action, I'm going to define for you
18 some of the terms that I have used.

19 Mental abnormality means a mental condition
20 affecting a person's emotional or volitional capacity that
21 predisposes the person to commit sexual violent offenses.
22 This mental abnormality or personality disorder must cause
23 the respondent serious difficulty in controlling his
24 behavior.

25 Likely to engage in acts of sexual violence means

1 the person's propensity to commit acts of sexual violence
2 of such a degree as to pose a menace to the health and
3 safety of others so that he is a danger -- danger to
4 others.

5 Again I remind you that the burden of proof is on
6 the State to prove to your satisfaction beyond a reasonable
7 doubt that the respondent has been convicted of a sexually
8 violent offense, suffers from a mental abnormality or
9 personality disorder that makes him likely to engage in
10 acts of sexual violence if not confined in a State -- a
11 secure facility for long-term care, control, and treatment.

12 The State -- if the State carries its burden of
13 proof and convinces you beyond a reasonable doubt as to
14 each of the two elements of its cause of action, it is
15 entitled to a finding that the respondent is a sexually
16 violent predator. If the State does not meet that burden
17 of proof as to one or both of the elements, the respondent
18 is entitled to a finding that he's not a sexually violent
19 predator.

20 I'm now drawing near the end of my charge and I
21 want you to clearly understand that you are not partisans
22 or advocates for the State of South Carolina or the
23 respondent. You don't have to serve as jurors to reward
24 friends or punish enemies. In this regard, you've been
25 selected by the State and the respondent to be fair and

1 impartial jurors. It is your duty by joint deliberations
2 to determine the truth in this case even giving to the
3 respondent the benefit of every reasonable doubt on each
4 and every issue. Then to the facts to which you determine
5 to be true, you should take and apply the law which has
6 been given to you and arrive at a verdict which speaks the
7 truth.

8 Now, Madame forelady, there are two possible
9 verdicts that you can reach in this case and I have
10 prepared a verdict form, which sets forth these two
11 possible verdicts. Now don't infer anything by what goes
12 first and what goes second on this verdict form, because
13 something has to go first and something has to go second.

14 The possible verdicts that you could reach are we,
15 the jury unanimously answer the questions as follows: Yes,
16 Carl Matthew Asquith is a sexual violent predator; or no,
17 Carl Asquith, I mean Carl Matthew Asquith is not a sexually
18 violent predator.

19 Now, ladies and gentlemen, your verdict as to these
20 questions has to be a unanimous verdict of all twelve
21 jurors. I can't be 11/1 or 7/5 or 9/3, it has to be the
22 unanimous verdict of all twelve jurors.

23 Madame forelady, what I'm going to ask you to do
24 when the jury reaches its unanimous verdict, there is a
25 line by each of the potential verdicts. If you would

1 initial that line, circle the verdict, the complete
2 verdict, sign the verdict form and date the verdict form
3 and when the jury has reached its verdict and the verdict
4 form is completed, if you will have --

5 What do we do, Madame Clerk? Knock on the door?

6 THE CLERK: Yes, sir.

7 THE COURT: If you'll have someone knock on the
8 door, there will be a bailiff seated outside the jury room.
9 Advise the bailiff that y'all have reached a verdict and we
10 will bring you back in so that your verdict can be
11 published.

12 Now, in just a second, I'm going to ask you to
13 return to the jury room, but I'm going to ask that you not
14 begin your deliberations. I must review with the attorneys
15 the instructions that I just gave you to determine whether
16 they believe I failed to instruct you in some manner or I
17 incorrectly instructed you. If I concur with the attorney
18 that believes some additional instructions are necessary, I
19 will bring you back and give those instructions to you. If
20 further instructions are not going to be given, I will have
21 the bailiff bring to the jury room the exhibits that have
22 been introduced, along with this verdict form. At that
23 time, you can begin your deliberations.

24 All right. I'm going to let y'all step back to the
25 jury room and please do not begin your deliberations until

1 you hear further from us thank you.

2 (WHEREUPON the jury left the courtroom at 10:17
3 a.m.)

4 THE COURT: All right.

5 THE BAILIFF: Judge, the juror has arrived.

6 THE COURT: Well, just keep her separate. Keep her
7 out back or bring her in the courtroom or do something with
8 her.

9 Anything from the State with respect to the
10 instructions?

11 MR. BOGLE: No, Your Honor.

12 THE COURT: From the respondent?

13 MR. BIEDIGER: No, Your Honor.

14 THE COURT: All right. If y'all will get with Ms.
15 Sigwald from Jackson, South Carolina, and make sure we got
16 all the exhibits and the verdict form.

17 MR. BOGLE: Thank you, Your Honor.

18 MR. BIEDIGER: Thank you, Your Honor.

19 (WHEREUPON the jury began deliberations at 10:18
20 a.m.)

21 THE COURT: All right. Let's bring the juror in,
22 if we could, I mean -- yeah, the juror.

23 Ma'am, come over here and stand out here if you
24 would. Right there. The court reporter can hear you I
25 think. Why weren't you here at 9:30?

1 MR. BOGLE: The State is, Your Honor.

2 THE COURT: The respondent ready?

3 MR. BIEDIGER: Yes, Your Honor.

4 THE COURT: All right. Could you bring the jury in
5 please.

6 (WHEREUPON the jury entered the courtroom at 11
7 o'clock a.m.)

8 THE COURT: All right, Madame forelady, it's been
9 reported that you, the jury, has reached a verdict?

10 THE FORELADY: That is correct.

11 THE COURT: Is this a unanimous verdict of all
12 twelve jurors?

13 THE FORELADY: It is unanimous.

14 THE COURT: All right. If you would hand the
15 verdict form to the bailiff, please, ma'am, and --

16 All right.

17 THE CLERK: In the matter of the care and treatment
18 of Carl Matthew Asquith, Case No. 2012-CP-32-1783, we, the
19 jury, unanimously answer the question as follows. Yes,
20 Carl Matthew Asquith is a sexually violent predator.

21 If this is, in fact, your verdict, please raise
22 your right hand.

23 All jurors have raised their right hand.

24 THE COURT: Anything from the State with respect to
25 the jury?

1 case. I think the jury listened. There was testimony on
2 both sides and it really came down to a -- whose story were
3 they going to buy the psychiatrist or the psychologist and
4 so I'm going to deny that motion again.

5 I ruled previously on your other motions. I guess
6 y'all will have to deal with them, if that's what you want
7 to do at some point in the future. As I told you, I'm
8 certainly not going to find that that -- because I don't
9 think that the State has ever filed a summons with any of
10 its petitions and -- anyway, I don't know what hung the
11 other jury up that didn't hang this jury up. I think it's
12 a tough call. And y'all did an excellent job and I thank
13 you for your courtesy and I guess we need to get an order
14 from you placing him into custody.

15 MR. BOGLE: May I approach, Your Honor.

16 THE COURT: Let Counsel see it.

17 (WHEREUPON there was a pause in the proceedings.)

18 THE COURT: All right. Anything further?

19 MR. BIEDIGER: No, Your Honor.

20 MR. BOGLE: No, Your Honor. Thank you.

21 THE COURT: All right.

22

23 * * * * * END OF TRANSCRIPT * * * * *

24

25

**PLAINTIFF'S
EXHIBIT**

 ASguit
6-2-14 1 130

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

ex:

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

 2003 -GS- 32 - 1656
 A/W#: H-127493
 Date of Offense: 7/1/01 - 7/2/02
 S.C. Code §: 16-3-655(2)
 CDR Code #: 0 1 3 1 9 16
☐ CASE RESTORED
☒ PLEA ☐ TRIAL

 In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: COC w/ Minor 2nd

 in violation of § Same of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 9 16
☐ 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.

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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$	
\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$125.00

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter

Lex. Co. C.C.C.P., G.S. & F.O.

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (7/2003)

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR:
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

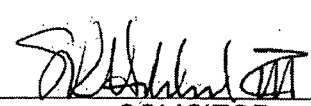
**CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)**

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2, 2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's mouth with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.C.


SOLICITOR

Dep.

Sally Hume

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127493

ACTION OF GRAND JURY

TRUE BILL

A. P. Hall
Foreperson of Grand Jury

Date: *4/21/03*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- *1656*

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

As charged

CDR# 396

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
MINORS 2ND DEGREE
§16-3-655 (2)**

DONALD V. MYERS, SOLICITOR

A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

165

ARREST WARRANT

H-127493

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Lexington

THE STATE

against

CARL MATTHEW ASQUITH

Address: 170 BOYD SHUMPERT RD.
GASTON, SC 29043

Phone: 866-8799 SSN:

Sex: Race: Height: 5-11 Weight: 180

DL State: DL #:

DOB: 01/01/1985 Agency ORI#: 1500

Prosecuting Agency: L.S. & P.O.

Prosecuting Officer: LEXINGTON, SC

Offense: 16-2-655 WITH MINORS AND

Offense Code:

Code/Ordinance Sec. 16-2-655

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 CARL MATTHEW ASQUITH on 10/09/02

Signature of Constable/Law Enforcement Officer

A TRUE COPY

RETURN WARRANT TO:

Lex. Co. C.C.C.P., C.S. & P.O.

DANIEL POTLAND
604 LINDSAY ABBOTT RD.
CAYCE, SC 29033
803 766 7400

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Lexington

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518Personally appeared before me the affiant JOHN ASQUITH who being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH did within this county and state on 10/02/2002 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2002 THE DEFENDANT, CARL ASQUITH, DID SEXUALLY ABUSE HIS SISTER, A FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT, DID THIS IN THAT HE DID "PERPETRATE" IN VICTIM'S HOME WITH HIS PERIODICALLY INCIDENT TOOK PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOYD SHUMPERT RD GASTON, S.C.

Sworn to and subscribed before me on 10/02/2002

Signature of Affiant

Affiant's Address

Signature of Issuing Judge

(L.S.)

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 10/02/2002 defendant CARL MATTHEW ASQUITH did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: 16-2-655

CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address

(L.S.)

Judge's Telephone

Signature of Issuing Judge

Judge Code:

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

SAV. act by

Sans

10-10-22

15,000 Surety

John and August

Money of Surety

PRELIMINARY WRITING INK BY

WITNESSES

Name: _____

Address: _____

Telephone: **FILED**

Name: **1002 OCT 15 A 8-43**

Address: _____

Telephone: **THOMAS E. COMPTON**

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

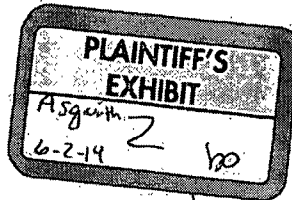
Address: _____

Telephone: _____

CODEPENDANTS

A TRUE COPY

Lex. Co. C.C.C.F., G.S. & F.C.



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip

INDICTMENT/CASE#

2003

-GS-

32

16517

AW#:

H-127494

Date of Offense:

7/1/01 - 7/2/02

S.C. Code §:

16-3-655(2)

CDR Code #:

0 1 3 19 16

☐ CASE RESTORED☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO:

COC w/ Minor, 2nd

in violation of § SAME of the S.C. Code of Laws, bearing CDR Code # 0 1 3 19 16☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and/or payment of \$_____; plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$_____ plus 20% fee: \$_____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$ 35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$

Clerk of Court Deputy Clerk

Court Reporter:

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

White - Clerk Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (7/2003)

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$_____ beginning _____

\$_____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

0 0 1 19
8-9-04

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127494

ACTION OF GRAND JURY

TRUE BILL

W. H. Hill
Foreperson of Grand Jury

Date: *4/12/03*

VERDICT

A TRUE COPY

[Signature]
Foreperson of Petit Jury

Date: *Lex. Co. C.C.C.P., G.S. & F.C.*

DOCKET NO. 2003-GS-32- *1657*

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

As charged

CDR# 396

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
MINORS 2ND DEGREE
§16-3-655 (2)**

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

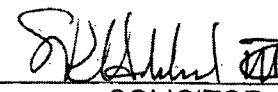
**CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)**

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2, 2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's anus with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.


Dep. SOLICITOR

ARREST WARRANT

H-127494

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

THE STATE

against

CARL MATTHEW ASQUITH

Address: 170 DOWD SUMMIT RD.

GASTON, SC 29043

Phone: 404-3700 SSN:

Sex: Race: W Height: 5-11 Weight: 160

DL State: DL#:

DOB: 02/08/1973 Agency ORI#: 1210

Prosecuting Agency: C. S. D.

Prosecuting Officer: LORCEL, SC

Offense: CSC WHICH MINOR 2ND

Offense Code:

Code/Ordinance Sec. 16-3-655

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 CARL MATTHEW ASQUITH

on 10/09/02

Signature of Constable/Law Enforcement Officer

A TRUE COPY

RETURN WARRANT TO:

Lex. Co. C.C.G.P. G.S. & F.C.

CAYCE, SC 29033

404-370 7150

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant JOHN ASQUITH who, being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH did within this county and state on 06/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2001 THE DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS SISTER, A FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS BY THAT HE DID PENETRATE THE VICTIM'S ANUS WITH HIS PENIS. THIS INCIDENT TOOK PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 DOWD SUMMIT RD GASTON, S.C.

Sworn to and subscribed before me

on 10/09/2002

Signature of Affiant

Affiant's Address 170 DOWD SUMMIT RD

GASTON, SC 29043

Affiant's Telephone 404-3700

Signature of Issuing Judge

(L.S.)

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 06/01/2001 defendant CARL MATTHEW ASQUITH did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: 16-3-655

CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 601 OXLEY RD.

(L.S.) LEXINGTON, SC 29058

Signature of Issuing Judge

Judge's Telephone 954-2211

Judge Code:

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

171

MAIL, per by

Sans

10-10-02

15,000 Smiley

PRELIMINARY HEARING held by

U.S. District Court

JUDGES

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

Name: _____

Address: _____

Telephone: **FILED**

Name: _____

Ad: **2002 OCT 15 A 8:43**

Telephone: **THOMAS H. CONNORS**

Name: **CLERK OF COURT**

Address: _____

Telephone: _____

Telephone: _____

Telephone: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEPENDANTS

**PLAINTIFF'S
EXHIBIT**

 Asguth
6-2-14

3 m

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

DOB:

Matthew Asguth

Sex: M

Age:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#

2003

-GS-

32

-1663

A/W#:

H-12503

Date of Offense:

7/1/00 - 7/2/02

S.C. Code §:

16-8-355(2)

CDR Code #:

0131916

☐ CASE RESTORED**SENTENCE**☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO:

CSC w/ Minor, 2nd o

in violation of § SAME of the S.C. Code of Laws, bearing CDR Code # 0131916☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)	\$	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100</u>
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$ <u>25</u>
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$ <u> </u>

 Thomas H. Comerford
 Clerk of Court/Deputy Clerk
 Court Reporter
 TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.O.

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning\$ paid to Public Defender Fund.

Other:

☐ Appointed PD or appointed other counsel; §35.13 TP
 Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code:

Sentence Date:

173

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127503

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/24/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003 -GS-32- 1663

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ACQUITH

CDR# 396

Indictment for

CRIMINAL SEXUAL CONDUCT WITH
MINORS - SECOND DEGREE
§16-3-655 (2)

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS -
SECOND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

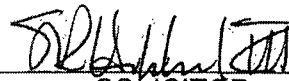
CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2000 and July 2, 2002, commit a sexual battery upon **defendant's brother**, age 11, by placing victim's penis into his mouth, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.


SOLICITOR

Rep.

ARREST WARRANT

H=127503

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
 Lexington

THE STATE

against

CARL MATTHEW ASQUITH

Address: 170 BOND SHUNPERT RD.

GASTON, SC 29044

Phone: 606-4722 SSN: _____

Sex: _____ Race: _____ Height: 5-11 Weight: 136

DL State: _____ DL #: _____

DOB: 05/20/1983 Agency ORI#: 3543

Prosecuting Agency: _____

Prosecuting Officer: _____

Offense: CSC WITH MINOR AND DEGREE

Offense Code: 346

Code/Ordinance Sec. 15-2-353

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 CARL MATTHEW ASQUITH

on 10/04/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

S. Lex Co. C.G.C.R. G.S. & F.C.

550 LACE ABBOTT DR.

GASTON, SC 29043

802-296 7102

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Lexington

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 Personally appeared before me the affiant JOHN ASQUITH who
 being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
 did within this county and state on 07/01/2002 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
 in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS AND DEGREE

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 THAT BETWEEN THE DATES OF JULY 01, 2002 AND JULY 02, 2002 THE
 DEFENDANT, CARL ASQUITH, DID SEXUALLY ABUSE HIS BROTHER, AN
 ELEVEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
 DID PLACE THE VICTIM'S PENIS INTO HIS MOUTH. THIS INCIDENT TOOK
 PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOND
 SHUNPERT RD GASTON, S.C.

 Sworn to and subscribed before me
 on 10/08/2002

Signature of Affiant

Affiant's Address

170 BOND SHUNPERT RD.

GASTON, SC 29044

Affiant's Telephone

606-4722

Signature of Issuing Judge

(L.S.)

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 07/01/2002 defendant CARL MATTHEW ASQUITH
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: 34-6-331

CRIMINAL SEXUAL CONDUCT WITH MINORS AND DEGREE

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address

611 GASTON RD.

(L.S.)

LEXINGTON, SC 29072

Judge's Telephone

801-1642

Signature of Issuing Judge

Judge Code: 025

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

DATE: 10-10-02

SARS

10-10-02

Type and Amount: 15,000 Sarsity

QUEST 21 (cont'd)

PRELIMINARY HEARING held by

QUEST 22

QUEST 23

QUEST 24 (cont'd)

QUEST 25

QUEST 26 (cont'd)

QUEST 27

QUEST 28

QUEST 29

QUEST 30 (cont'd)

QUEST 31

QUEST 32

QUEST 33

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

Name: _____

Address: _____

Telephone: _____

FILED

Name: _____

Address: _____

Telephone: _____

2002 OCT 15 A 8 43

Name: _____

Address: _____

Telephone: _____

THOMAS H. CORNERFORD
CLERK OF COURT

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

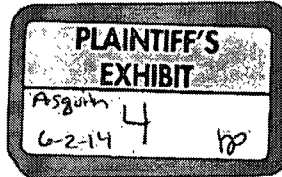
Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEPENDANTS



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

Sex:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

2003

INDICTMENT/CASE#:

GS- 32 - 1655

A/W#:

H-127492

Date of Offense:

7/1/01 - 7/2/02

S.C. Code §:

16-8455(2)

CDR Code #:

013916

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: OSC w/ Minor, 2ndin violation of § SAME of the S.C. Code of Laws, bearing CDR Code # 013916☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and/or payment of \$_____; plus costs and assessments as applicable*, the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$_____ plus 20% fee: \$_____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
\$14-1-211(A)(2) (DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$35.13 (Public Def/Prob)	\$500	\$
\$73.3, 1B TP (Law Enforce. Funding)	\$25	\$25
\$33.7, 1B TP (Drug Court Surcharge)	\$100	\$
\$50-21-114(BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$125

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$_____ beginning _____

\$_____ paid to Public Defender Fund

Other: SAME as 1666
☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code:

Sentence Date:

149
8-9-04

Thomas H. Conner, Jr.
Clerk of Court, Deputy Clerk

Lex. Co. C.C.C.P., G.S. & P.C.

White - Clerk

Green - Corrections

Cyan - Probation

Pink - Defendant

SCCA/217 (7/2003)

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127492

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/21/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32-1655

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

CDR# 396

Indictment for

CRIMINAL SEXUAL CONDUCT WITH
MINORS 2ND DEGREE
§16-3-655 (2)

DONALD V. MYERS, SOLICITOR

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

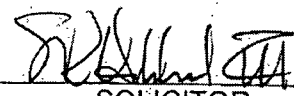
CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2, 2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's vagina with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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

A TRUE COPY


Lex. Co. C.C.C.P., G.S. & F.O.


SOLICITOR
Rep.

ARREST WARRANT

H-127492

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

 THE STATE
against

CARL MATTHEW ASQUITH

Address: GASTON, SC 29053

Phone: 606-0799 SSN:

Sex: M Race: W Height: 5-11 Weight: 160

DL State: DL#:

DOB: Agency ORI#: 3200

Prosecuting Agency: L. C. S. D.

Prosecuting Officer: LORICK, JO

Offense: CSC WITH MINOR 2ND

Code/Ordinance Sec: 16-3-655 Offense Code: *201*
 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 CARL MATTHEW ASQUITH
 on 10/09/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

 180
 BRUCE R. ABBOTT, S.C. & F.C.
 1550 CORNHILL ABBOTT DR.
 CAYCE, SC 29033
 803-796-7100

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Lexington

AFFIDAVIT

 Personally appeared before me the affiant JOHN ASQUITH who
 being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
 did within this county and state on 06/01/2001 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
 in the following particulars:
 DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

 THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2002 THE
 DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS SISTER, A
 FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
 DID PENETRATE THE VICTIM'S VAGINA WITH HIS PENIS. THIS INCIDENT
 TOOK PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170
 BOYD SHUMPERT RD, GASTON, S.C.

 Sworn to and subscribed before me
 on 10/09/2002

Signature of Issuing Judge (L.S.):

SCOTT D. WHITLE

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 06/01/2001 defendant CARL MATTHEW ASQUITH
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

 DESCRIPTION OF OFFENSE: 16-3-655
 CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: 000

 Judge's Address: 521 GIBSON RD.
 LEXINGTON, SC 29072

Judge's Telephone: 951-2542

 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

BAIL set by

Judge Sonson 10-10-02Type and Amount: 15,000 Surety

Name of Surety: _____

PRELIMINARY HEARING held by

Judge SMon 1-27-03Defense Attorney: S. HenryDecision: Bond

by _____

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

FILED

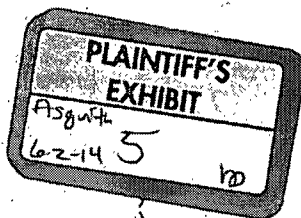
2002 OCT 15 A 8:43

THOMAS H. COMERFORD
CLERK OF COURT

FILED

2003 JAN 30 A 8:54

THOMAS H. COMERFORD
CLERK OF COURT



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

2003

-GS-

INDICTMENT/CASE#:

32

1666

AW#:

#-127506

Date of Offense:

7/1/00 - 7/2/02

S.C. Code §:

16-3-655(1)

CDR Code #:

0 1 3 1 8 1 5

☐ CASE RESTORED☒ SENTENCE☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS AlfordTO: CSC w/ Minor, 1stin violation of § same of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 5☐ 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

Rick Hubbard

Sally Henry

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%) \$ \$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ \$56-5-2995 (DUI Assessment) \$12 \$ \$35.13 (Public Def/Prob) \$500 \$ \$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ \$50-21-114(BUI Breath Test Fee) \$50 \$ \$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 3% to County (if paid in installments) \$ TOTAL \$ 125.00

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning\$ paid to Public Defender FundOther: Suicidal ThoughtsMental Health IssuesSex offender RegistrySex offender therapy☐ Appointed PD or appointed other counsel, \$35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

011 8/9/04 312

Court Reporter:

A TRUE COPY

Lex. Co. C.C.O.P., G.S. & F.O.

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (7/2003)

ML 080904

183

ARREST WARRANT

H-127506

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE

against

Address: 120 BOYLE SHIMPER RD.

GASTON, SC 29043

Phone: 603-0700 SSN:

Sex: Race: Height: Weight: 180

DL State: DL #:

DOB: 09-01-1987 Agency ORI#: 3200

Prosecuting Agency: L. C. S. & F. C.

Prosecuting Officer: L. C. S. & F. C.

Offense: 1st WITH MINOR 1st

Offense Code:

Code/Ordinance Sec. 16-1-354 367

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 CARL MATTHEW ASQUITH

on 10/09/02

Signature of Constable/Law Enforcement Officer

A TRUE COPY

RETURN WARRANT TO:

Lex. Co. C.C.P., G.S. & F.C.

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

 Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 07/31/2002 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JULY 31, 2002 AND JULY 31, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS BROTHER, A
NINE YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE PEN-
ETRATED THE VICTIM'S PENIS INTO HIS MOUTH. THIS INCIDENT TOOK PLACE
AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 120 BOYLE
SHIMPER RD GASTON, S.C.

Sworn to and subscribed before me on 10/09/02

Signature of Affiant

Affiant's Address

120 BOYLE SHIMPER RD.

GASTON, SC 29043

Affiant's Telephone

603-0700

Signature of Issuing Judge

(L.S.)

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07/31/2002 defendant CARL MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: 16-1-354

CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address

501 GASTON RD.

Judge's Telephone

LEXINGTON, SC 29057

Signature of Issuing Judge

(L.S.)

Judge Code:

Issuing Court:

☐ Magistrate☐ Municipal☐ Circuit

ORIGINAL

FILED BY

WITNESSES

FILED *Sans*

FILED *10-10-02*

Type and Amount *15,000 Security*

DATE OF PAYMENT

PROBATIONARY HEARING held by

DATE OF HEARING

NAME OF HEARING OFFICER

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

NAME OF WITNESS

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Address

Telephone

A TRUE COPY

PC

Lex. Co. C.C.C.P., G.S. & F.C.

185

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127506

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/21/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- 1666

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

Alford

CDR# 385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A

MINOR-FIRST DEGREE

§16-3-655 (1)

A TRUE COPY

[Signature]
CLERK, C.P., G.S. & F.C.

DONALD V. MYERS, SOLICITOR

0-30-03

Recommitted 24

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR-
FIRST DEGREE
§16-3-655 (1)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

**CRIMINAL SEXUAL CONDUCT WITH A MINOR
§16-3-655 (1)**

That **CARL MATTHEW ASQUITH**, did in Lexington County, between the dates
of July 1, 2000 and July 2, 2002, commit a sexual assault upon defendant's brother, age
9, by placing victim's penis into his mouth, in violation of §16-3-655 (1) of the South
Carolina Code of Laws of 1976, as amended.

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

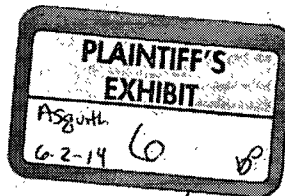
made and provided.

A TRUE COPY

[Signature]
Lex. Co. C.C.C.P., G.S. & F.C.

[Signature]
SOLICITOR

Dep.



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
 STATE Carl Matthew Asquith
 AKA: _____
 Race: W Sex: M
 DOB: 9/28/83 SS#: _____
 Address: _____
 City, State, Zip _____
 DL# _____ SID# SC01447356

INDICTMENT/CASE#: 2003 -GS- 3.2 - 1667
 A/W#: H-127507
 Date of Offense: 7/1/02 - 7/2/02
 S.C. Code §: 16-3-65(1)
 CDR Code #: 0131815
☐ CASE RESTORED
☒ SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Alford
 TO: SCC w/ Mena, 1st
 In violation of § SAME of the S.C. Code of Laws, bearing CDR Code # 0131815
☐ 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.
 ATTEST

Rick Hubbard Solicitor Alford Defendant Sally Henry Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ <u>100.00</u>
\$14-1-211(A)(2) (DUI Surcharge)	\$100 \$
\$56-5-2995 (DUI Assessment)	\$12 \$
\$ 35.13 (Public Def/Prob)	\$500 \$ <u>25.00</u>
\$73.3, 1B TP (Law Enforce. Funding)	\$25 \$
\$33.7, 1B TP (Drug Court Surcharge)	\$100 \$
\$50-21-114(BUI Breath Test Fee)	\$50 \$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$
TOTAL	\$

Thomas P. Comerford
 Clerk of Court/Deputy Clerk
 Court Reporter A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: SAME as above

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code: 01419

Sentence Date: 8-9-04

WITNESSES

LCSD

Lorick, J. C.

DOCKET NO. 2003-GS-32- 1667

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

ARREST WARRANT NUMBER

H-127507

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/24/03

VERDICT

Foreperson of Petit Jury

Date:

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

DONALD V. MYERS, SOLICITOR

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE**

§16-3-655 (1)

0:30 -pm
Recommend copy
of 20:40:05

STATE OF SOUTH CAROLINA	)	INDICTMENT FOR
	)	CRIMINAL SEXUAL CONDUCT WITH A MINOR-
COUNTY OF LEXINGTON	)	FIRST DEGREE
		§16-3-655 (1)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

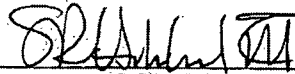
CRIMINAL SEXUAL CONDUCT WITH A MINOR
§16-3-655 (1)

That **CARL MATTHEW ASQUITH**, did in Lexington County, between the dates of July 1, 2000 and July 2, 2002, commit a sexual assault upon defendant's brother, age 5, by placing the victim's penis into his mouth, in violation of §16-3-655 (1) of the South Carolina Code of Laws of 1976, as amended.

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

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.O.


 SOLICITOR

Dep.

ARREST WARRANT

H-127507

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Lexington

THE STATE

against

DARR MATTHEW ASQUITH

Address: 173 BOND CHUMPERT RD.
GASTON, SC 29022

Phone: 806-0700 SSN:

Sex: Race: Height: Weight: 6' 11" 180

DL State: DL #:

DOB: 08-28-1982 Agency ORI#:

Prosecuting Agency:

Prosecuting Officer: J. J. J.

Offense: 16-3-255

Offense Code:

Code/Ordinance Sec. 16-3-255

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 DARR MATTHEW ASQUITH
on 10/09/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

A TRUE COPY

TRICE WILLIAMS
300 ANDERSON RD.
LEXINGTON, SC 29022
Lex Co. C.C.P., G.S. & F.C.
300 ANDERSON RD.

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant DARR MATTHEW ASQUITH who
being duly sworn deposes and says that defendant DARR MATTHEW ASQUITH
did within this county and state on 07-31-2002 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JULY 31, 2002 AND JULY 31, 2002 THE
DEFENDANT, DARR MATTHEW ASQUITH, DID SEXUALLY ABUSE HIS BROTHER, A
FIVE YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE PUT
HIS BROTHER'S PENIS INTO HIS MOUTH. THE DEFENDANT TOOK PLACE
AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 173 BOND
CHUMPERT RD GASTON, S.C.

Sworn to and subscribed before me on 10-09-2002

Signature of Affiant

Affiant's Address

Signature of Issuing Judge

(L.S.)

Affiant's Telephone

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07-31-2002 defendant DARR MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of:

☐ County/ ☐ Municipality of) as set forth below:
DESCRIPTION OF OFFENSE: 16-3-255
CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge
Judge Code: 586

Judge's Address

(L.S.)

Judge's Telephone

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Serv

10-10-02

15,000 Serv

WITNESSES

IN PROPORTION before

A TRUE COPY

Lex. Co. C.C.C.P., G.S. & F.C.

WITNESSES

Name: _____

Address: _____

Telephone: **FILED**

Name: _____

Address: **2007 OCT 15 A 8:43**

Telephone: **THOMAS H. CONNOR**

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

COPY

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF LEXINGTON) ELEVENTH JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE) CASE NO. 2012-CP-32-_____
 AND TREATMENT OF:)

CARL MATTHEW)
 ASQUITH,)
 RESPONDENT.)

PETITION PURSUANT TO THE
 SEXUALLY VIOLENT PREDATOR
 ACT

2012CP3201783

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.* (hereafter, the Act).
2. The South Carolina Department of Corrections (SCDC), having determined that Respondent, Carl Matthew Asquith (Respondent), 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. **Respondent's max out date is currently on or about December 17, 2012.** His Inmate No. is 304271, and his date of birth is September 28, 1983. Upon information and belief Respondent served in the Armed Forces, specifically the Marine Corps, and by separate order Petitioner will seek disclosure of Respondent's service record for any evaluation the Court may order.
3. The Multi-Disciplinary Team (MDT) on March 15, 2012 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, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary 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 (PRC) on April 12, 2012 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary 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), to wit:

QUALIFYING CONVICTIONS (EXHIBIT C):

A. Types of Convictions: Criminal Sexual Conduct with a Minor in the First Degree (2 counts), Criminal Sexual Conduct with a Minor in the Second Degree (4 counts).

B. Date of Convictions: August 9, 2004.

C. Trial or Plea: Guilty Pleas in Lexington County.

D. Sentence Received: 12 years.

E. Original Charges: Criminal Sexual Conduct with a Minor in the First Degree (4 counts), Criminal Sexual Conduct with a Minor in the Second Degree (6 counts), Incest (3 counts).

F. Brief Facts:

Victim 1: 14-year-old female (Sister).

Victim 2: 12-year-old male (Brother).

Victim 3: 11-year-old male (Brother).

Victim 4: 6-year-old male (Brother).

Victim 5: 5-year-old male (Brother).

Victim 1 told her parents that Respondent had engaged in on-going sexual assaults and harassment of her for over a year. She stated Respondent performed oral sex on her and fondled her genital area. Respondent also attempted both anal and vaginal penetration, but did not succeed in at least one of these because Victim 1 cried out in pain. Victim 1 said Respondent physically assaulted her when she tried to resist.

Victim 1's father reported the disclosure to law enforcement on or about July 23, 2002. In about September 2002, Victim 1's father filed a report indicating Respondent had also sexually assaulted the other siblings. Forensic interviews were subsequently conducted on each victim.

The victims reported that Respondent had physically threatened and tortured them. When interviewed by law enforcement on or about October 9, 2002, Respondent stated that he had "fooled" around with Victim 1, but not the other victims. According to the victims' father, each of the victims were sodomized and subjected to forcible rape by Respondent. They were

also threatened with violence by Respondent if they told what had happened.

**PRIOR/OTHER SEXUALLY VIOLENT
OFFENSES/CONVICTIONS:**

None known to be on File.

PRIOR/OTHER OFFENSES (OTHER THAN SEXUAL, IF KNOWN):

None known to be on File.

SCDC RECORDS (EXHIBIT D): Disciplinary --
-1 for Possession of Contraband.

SEX OFFENDER TREATMENT WHILE AT SCDC (EXHIBIT E):

Respondent completed the basic requirements of Phase 1 of C-Star Education on or about January 6, 2005. He also enrolled in Intensive Residential Treatment for sex offenders on or about September 14, 2004, but was terminated on or about May 25, 2005 due to insufficient progress.

GENERAL NOTES:

Risk factors include but are not limited to: (1) male victim, (2) length of sexual offending history one to six years, (3) force or threat of force used, (4) multiple acts on a single victim within a single contact event, (5) two or more age groups victimized, (6) victim aged 13 to 15, (7) one discipline report while incarcerated, (8) sex offender treatment terminated by staff while incarcerated, (9) offender age 30 or younger at time of release from incarceration, (10) more than one victim, (11) victim age 11 or younger, and (12) offender history of physical injury to victim.

6. 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 the Respondent has serious difficulty in controlling his behavior, or sexual desire impulses.
 - (a) In support of the State's allegations that the 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 for consideration:
 - 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. (**EXHIBIT F**).
- 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 (**EXHIBIT G**).
- ii. "[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). The Respondent's instances of violent and non-violent behavior are:
 - A. The basis of his convictions in 2004 for Criminal Sexual Conduct with a Minor in the First Degree and Criminal Sexual Conduct with a Minor in the Second Degree (**EXHIBIT C, supra**).
 - B. The basis of his disciplinary infractions while incarcerated at the South Carolina Department of Corrections (**EXHIBIT D**).
- iii. The facts of the Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual

urges, or behaviors involving an underage child occurring over a period of at least six months.

iv. Attached also is Respondent's NCIC report (**EXHIBIT H**).

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, if Respondent is not already in custody, to contest probable cause be held within 72 hours after Respondent is taken into custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation to determine whether Respondent meets the statutory criteria as a Sexually Violent Predator;
6. The Court appoint 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.*, and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

(Signatures continued on following page).

FILED

COPY

JAMES G. BOGLE, JR.
Senior Assistant Attorney
General

By: 

Attorneys for Petitioner

S. C. Bar No. 755

Office of the Attorney General

Post Office Box 11549

Columbia, South Carolina 29211

V: (803) 734-3970

F: (803) 734-6679

jbogle@scag.gov

April 25, 2012
Columbia, South Carolina

2012CP3201783

PETITIONER'S EXHIBIT

A

SEXUAL PREDATOR REFERRAL FORM

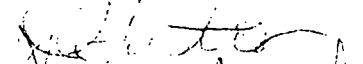
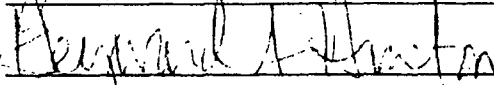
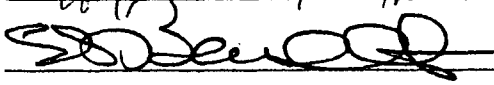
Offender
Name: CARL MATTHEW ASQUITH **Offender Number:** 304271 **Jurisdictional Agency:** SCDC
Age: 28 **County:** LEXINGTON **Qualifying Offense(s):** Guilty Plea: Trial: Criminal Sexual Conduct with Minor 1st (2 counts), Criminal Sexual Conduct with Minor 2nd (4 counts)
Gender: Male **No. of Incarcerations:** 2
Adult 12 years **Parole Eligibility** **Max-Out**
Sentence: **Date:** 12/17/2012
Juvenile **Parole** **SFH**
Guidelines: **Release Date:** **Date:**

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
<u>3</u>	<u>1</u>	<u>0</u>

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 15, 2012, 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**

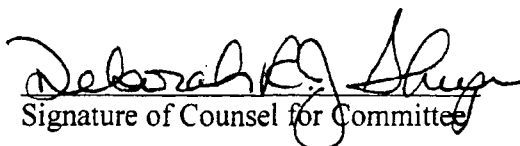
INMATE NAME: ASQUITH, CARL MATTHEW	INMATE NUMBER: 304271	PRC REVIEW DATE: April 12, 2012 MEMBERS PRESENT: John McIntosh (for Alan Wilson) Beebe James Jerry W. Peace
--	---------------------------------	--

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: March 19, 2012

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

PETITIONER'S EXHIBIT

C

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
 STATE VS
Carl Matthew Asquith
 AKA: _____
 Race: W Sex: M Age: _____
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip _____
 DL# _____ SID# _____

INDICTMENT/CASE#: 2003 -GS- 32 - 1655
 A/W#: H-127492
 Date of Offense: 7/1/01 - 7/2/02
 S.C. Code §: 16-3-655(2)
 CDR Code #: 0131916
☐ CASE RESTORED
☒ SENTENCE
☒ PLEA ☐ TRIAL 0-20 yrs.

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: CSC w/ Minor, 2nd

In violation of § same of the S.C. Code of Laws, bearing CDR Code # 0131916
☐ 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.

ATTEST: [Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms:
☐ set by SCDPPPS

Recipient: _____
 *Fine: \$ _____
 §14-1-206 (Assessments 107.5%) \$ _____
 §14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100
 §14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
 §56-5-2995 (DUI Assessment) \$12 \$ _____
 §35.13 (Public Def/Prob) \$500 \$ 25
 §73.3, 1B TP (Law Enforce. Funding) \$25 \$ _____
 §33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____
 §50-21-114(BUI Breath Test Fee) \$50 \$ _____
 §56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____
 1% to County (if paid in installments) \$ _____
 TOTAL \$ 125.00

Thomas H. Comerford
 Clerk of Court/Deputy Clerk
 Court Reporter: S. Vener

PTUP _____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning _____
 Substance Abuse Counseling _____
 Random Drug/Alcohol Testing _____
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: same as 1666

☐ Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code: _____

Sentence Date: 8-9-04

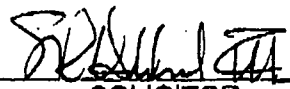
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2, 2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's vagina with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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



SOLICITOR
Rep.

Sally Henry

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127492

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/21/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32-1655

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

As charged

O-20-VS

CDR# 396

Indictment for

CRIMINAL SEXUAL CONDUCT WITH

MINORS 2ND DEGREE

§16-3-655 (2)

DONALD V. MYERS, SOLICITOR

ARREST WARRANT

H-127492

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE

against

CARL HA

SC 29053

Phone: 606-0799 SSN:
Sex: M Race: W Height: 5-11 Weight: 160
DL State: DL#: Agency ORI#: 3200
Prosecuting Agency: L. C. S. D.
Prosecuting Officer: LORICK, JC
Offense: CSC WITH MINOR 2ND
Offense Code: 16-3-655
Code/Ordinance Sec. 16-3-655

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 CARL MATTHEW ASQUITH
on 06/09/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND
650 KNOX ABBOTT DR.
CAYCE, SC 29033
803-796-7100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 06/01/2001 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS SISTER, A
FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
DID PENETRATE THE VICTIM'S VAGINA WITH HIS PENIS. THIS INCIDENT
TOOK PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170
BOYD SHUMPERT RD. GASTON, S.C.

Sworn to and subscribed before me
on 10/09/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.
GASTON, SC 29053

Affiant's Telephone 606-0799

Signature of Issuing Judge

SCOTT D. WHITFIELD

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/01/2001 defendant CARL MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of

DESCRIPTION OF OFFENSE: 16-3-655

CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

Now, therefore, you are empowered and directed to arrest the defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this arrest warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge Code: 006

Judge's Address 521 GIBSON RD.
LEXINGTON, SC 29072

Judge's Telephone 951-2542

Issuing Court:

☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Lexington

AKA: Carl Matthew Smith
 Race: W Sex: M Age: ---
 DOB: --- SS#: ---
 Address: ---
 City, State, Zip ---
 DL# --- SID# ---

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#

2003

-GS-

32

1656

A/W#:

H-127493

Date of Offense:

7/1/01 - 7/2/02

S.C. Code §:

16-3-655(2)

CDR Code #:

D 13 19 16

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

0-20 yrs.

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: 0-20 yrs. Min 2nd

in violation of § same of the S.C. Code of Laws, bearing CDR Code # D 13 19 16☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed --- years
 and/or to pay a fine of \$ ---; provided that upon the service of --- days/months/years and/or payment
 of \$ ---; plus costs and assessments as applicable; the balance is suspended with probation for ---
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ---☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ --- plus 20% fee: \$ ---

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§ 35.13 (Public Def/Prob)	\$500	\$
§73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	\$	\$
TOTAL		\$125.00

Clerk of Court/ Deputy Clerk

Court Reporter:

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ --- beginning\$ --- paid to Public Defender Fund

Other:

same as 1656

☐ Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

1 4 19

8 9 04

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2, 2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's mouth with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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


SOLICITOR
Rep.

Sally Henry

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127493

ACTION OF GRAND JURY

TRUE BILL

W. Hall
Foreperson of Grand Jury

Date: *4/2/03*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- *1656*

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

As charged

C. 20-ys

CDR# 396

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
MINORS 2ND DEGREE
§16-3-655 (2)**

DONALD V. MYERS, SOLICITOR

ARREST WARRANT

H-127493

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE

against

CARL MATTHEW ASQUITH

Address: 1

SC 29053

Phone: 606-0799 SSN: _____Sex: M Race: W Height: 5-11 Weight: 160

DL State: _____ DL#: _____

DOB: _____ Agency ORI#: 3200Prosecuting Agency: L. C. S. D.Prosecuting Officer: LORICK, JCOffense: CSC WITH MINOR 2NDOffense Code: 200
Code/Ordinance Sec. 16-3-655This 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 (LS.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant CARL MATTHEW ASQUITHon 10/09/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND
650 KNOX ABBOTT DR.
CAYCE, SC 29033
803-796-7100

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of
Lexington)

AFFIDAVIT

Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 06/01/2001 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREEI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS SISTER, A
FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
DID PENETRATE THE VICTIM'S MOUTH WITH HIS PENIS. THIS INCIDENT
TOOK PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170
BOYD SHUMPERT RD GASTON, S.C.Sworn to and subscribed before me
on 10/08/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.GASTON, SC 29053

Signature of Issuing Judge

Affiant's Telephone 606-0799SCOTT D. WHITTLE

STATE OF SOUTH CAROLINA)

☒ County/ ☐ Municipality of
Lexington)

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 06/01/2001 defendant CARL MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of _____)
☐ County/ ☐ Municipality of _____DESCRIPTION OF OFFENSE: 16-3-655CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREENow, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.Judge's Address 521 GIBSON RD.
LEXINGTON, SC 29072

Signature of Issuing Judge

Judge's Telephone 951-2542Judge Code: 886Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

X

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race: W Sex: M

Address:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#

2003

-GS-

32

-1657

A/W#:

H-127494

Date of Offense:

7/1/01 - 7/2/02

CDR Code #:

16-3-655(2)

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: SC W/ MURDER, 2ndin violation of § SAME of the S.C. Code of Laws, bearing CDR Code # 0 1 3 19 16☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§14-1-206 (Assessments 107.5%) \$ _____

§14-1-211(A)(1) (Conv. Surcharge) \$100 \$100.00

§14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§56-5-2995 (DUI Assessment) \$12 \$ _____

§ 35.13 (Public Def/Prob) \$500 \$ _____

§73.3, 1B TP (Law Enforce. Funding) \$25 \$25.00

§33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

§50-21-114(BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: SAME as 1st

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 0 0 1 19Sentence Date: 8-9-04Court Reporter: S. VIZER

Clerk of Court/ Deputy Clerk

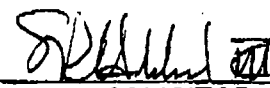
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS
2ND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2001 and July 2,
2002, commit a sexual battery upon **defendant's sister**, age 14, by penetrating victim's
anus with his penis, in violation of Section 16-3-655 (2) of the South Carolina Code of
Laws of 1976, as amended.

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


Dep. SOLICITOR

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127494

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/26/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- 1657

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

As charged

0-20 yrs

CDR# 396

Indictment for

CRIMINAL SEXUAL CONDUCT WITH
MINORS 2ND DEGREE
§16-3-655 (2)

DONALD V. MYERS, SOLICITOR

ARREST WARRANT

H-127494

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

 THE STATE
 against

CARL MATTHEW ASQUITH

Address: _____

GASTON, SC 29053

Phone: 606-0799 SSN: _____Sex: M Race: W Height: 5-11 Weight: 160

DL State: _____ DL#: _____

DOB: _____ Agency ORI#: 3200Prosecuting Agency: L. C. S. D.Prosecuting Officer: LORICK, JCOffense: CSC WITH MINOR 2NDOffense Code: 266Code/Ordinance Sec. 16-3-655

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 CARL MATTHEW ASQUITHon 10/01/02

 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 BRUCE RUTLAND
 650 KNOX ABBOTT DR.
 CAYCE, SC 29033
 803-796-7100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518
Personally appeared before me the affiant JOHN ASQUITH whobeing duly sworn deposes and says that defendant CARL MATTHEW ASQUITHdid within this county and state on 06/01/2001 violate the criminal laws of thisState of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)

in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE
 I further state that there is probable cause to believe that the defendant named above did commit
 the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JUNE 01, 2001 AND JULY 10, 2002 THE
 DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS SISTER, A
 FOURTEEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
 DID PENETRATE THE VICTIM'S ANUS WITH HIS PENIS. THIS INCIDENT TOOK
 PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOYD
 SHUMPERT RD GASTON, S.C.

Sworn to and subscribed before me

on 10/08/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.GASTON, SC 29053Affiant's Telephone 606-0799

Signature of Issuing Judge

SCOTT B. WHITTLE

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

 It appearing from the above affidavit that there are reasonable grounds to believe that
 on 06/01/2001 defendant CARL MATTHEW ASQUITH

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of
DESCRIPTION OF OFFENSE: 16-3-655CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: 886Judge's Address 521 GIBSON RD.LEXINGTON, SC 29072Judge's Telephone 951-2542
 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATELexington

AKA:

Race:

Address:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#:

2003 -GS- 32 - 1663

A/W#:

H-127503

Date of Offense:

7/1/00 - 7/2/02

S.C. Code §:

16-3-655(2)

CDR Code #:

013916

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

0-20 yrs.

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO:in violation of § same of the S.C. Code of Laws, bearing CDR Code # 013916☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$_____; provided that upon the service of _____ days/months/years and/or payment of \$_____; plus costs and assessments as applicable; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ _____

\$14-1-206 (Assessments 107.5%) \$ _____

\$14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

\$14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

\$56-5-2995 (DUI Assessment) \$12 \$ _____

\$35.13 (Public Def/Prob) \$500 \$ _____

\$73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00

\$33.7, 1B TP (Drug Court Surcharge) \$100 \$ _____

\$50-21-114(BUI Breath Test Fee) \$50 \$ _____

\$56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ _____

TOTAL \$ _____

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: SAME as 1663

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code:

Sentence Date:

010119
8-9-02

Court Reporter:

Clerk of Court/ Deputy Clerk

S. Vizee

Thomas H. Comerford

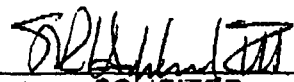
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH MINORS -
SECOND DEGREE
§16-3-655 (2)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH MINOR 2nd
§16-3-655 (2)

That **CARL MATTHEW ASQUITH**, did in Lexington between July 1, 2000 and July 2, 2002, commit a sexual battery upon **defendant's brother**, age 11, by placing victim's penis into his mouth, in violation of Section 16-3-655 (2) of the South Carolina Code of Laws of 1976, as amended.

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



SOLICITOR
Rep.

WITNESSES

LCSO

Lorick, J. C.

ARREST WARRANT NUMBER

H-127503

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 4/24/03

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- 1663

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ACQUITH

is changed

6-20-10

CDR# 396

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH
MINORS - SECOND DEGREE
§16-3-655 (2)**

DONALD V. MYERS, SOLICITOR

10/20
PAGE

ARREST WARRANT

H-127503 H-127503

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE
against

Phone: 606-0799 SSN:
Sex: M Race: W Height: 5-11 Weight: 160
DL Stat:
Agency ORI#: 3200
Prosecuting Agency: L. C. S. D.
Prosecuting Officer: LORICK, JC
Offense: CSC WITH MINOR 2ND
Offense Code: 16-3-655
Code/Ordinance Sec. 16-3-655

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 CARL MATTHEW ASQUITH
on 10/01/02

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND
650 KNOX ABBOTT DR.
CAYCE, SC 29033
803-796-7100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 07/01/2000 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of)
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

THAT BETWEEN THE DATES OF JULY 01, 2000 AND JULY 02, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS BROTHER, AN
ELEVEN YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE
DID PLACE THE VICTIM'S PENIS INTO HIS MOUTH. THIS INCIDENT TOOK
PLACE AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOYD
SHUMPERT RD GASTON, S.C.

Sworn to and subscribed before me
on 10/05/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.
GASTON, SC 29053

Affiant's Telephone 606-0799

Signature of Issuing Judge

SCOTT D. WATKINS

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07/01/2000 defendant CARL MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: 16-3-655
CRIMINAL SEXUAL CONDUCT WITH MINORS 2ND DEGREE

Now, therefore, you are empowered and directed to arrest the defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this 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 Code: 886

Judge's Address

(L.S.) 521 GIBSON RD.
LEXINGTON, SC 29072

Judge's Telephone

951-2542

Issuing Court:

☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Form Approved by
SC Attorney General
July 26, 1993
SCCA 618

218

RECORD ROOM

03/05/02

11:15

04/26/2012

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
 STATE VS
Carl Matthew Asawith
 AKA:
 Race: W Sex: M Age:
 DOB: SS#:
 Address:
 City, State, Zip
 DL# SID#

2003 INDICTMENT/CASE#: 1666
 -GS- 32
 A/W#: H-127506
 Date of Offense: 7/1/00 - 7/2/02
 S.C. Code §: 16-3-655(A)
 CDR Code #: 0 1 3 1 8 1 5
☐ CASE RESTORED
☒ SENTENCE
Alford ☒ PLEA ☐ TRIAL 0-30 yrs.
Recommend

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS Alford cap of 20 yrs.
 TO: CSC w/ minor, 1st
 In violation of § same of the S.C. Code of Laws, bearing CDR Code # 0 1 3 1 8 1 5
☐ 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.

ATTEST: Rick Hubbard Solicitor Defendant Sally Henry Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 or a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
 Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

Fine:	\$	
14-1-206 (Assessments 107.5%)	\$	
14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
14-1-211(A)(2) (DUI Surcharge)	\$100	\$
56-5-2995 (DUI Assessment)	\$12	\$
35.13 (Public Def/Prob)	\$500	\$
73.3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
33.7, 1B TP (Drug Court Surcharge)	\$100	\$
50-21-114(BUI Breath Test Fee)	\$50	\$
56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
1% to County (if paid in installments)	\$	\$
TOTAL		\$125.00

PTUP

 days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Substance Abuse

Mental Health Services

Sex Offender Registry

Sex Offender Therapy

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date: 8/9/04

Thomas H. Conner, Jr.

Clerk of Court/ Deputy Clerk

Court Reporter: S. Uizer

STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR-
FIRST DEGREE
§16-3-655 (1)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
§16-3-655 (1)

That **CARL MATTHEW ASQUITH**, did in Lexington County, between the dates of July 1, 2000 and July 2, 2002, commit a sexual assault upon defendant's brother, age 9, by placing victim's penis into his mouth, in violation of §16-3-655 (1) of the South Carolina Code of Laws of 1976, as amended.

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


SOLICITOR
Dep.

Sally Hovv
WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127506

ACTION OF GRAND JURY

TRUE BILL

W. Hovv
Foreperson of Grand Jury

Date: *4/2/03*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2003-GS-32- *1666*

The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

Alford

CDR# 385

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE
§16-3-655 (1)**

DONALD V. MYERS, SOLICITOR

0 - 30 yrs

*Recommend cap:
of 20 yrs*

ARREST WARRANT

H-127506 H-127506

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE

against

GASTON, SC 29053

Phone: 606-0799

SSN:

Sex: M Race: W Height: 5-11 Weight: 160

DL State:

Agency ORI#: 3200

Prosecuting Agency: L. C. S. D.

Prosecuting Officer: LORICK, JC

Offense: CSC WITH MINOR 1ST

Offense Code:

Code/Ordinance Sec. 16-3-655

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant CARL MATTHEW ASQUITH

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND
650 KNOX ABBOTT DR.
CAYCE, SC 29033
803-796-7100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 28, 1990
SCCA 518Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 07/01/2000 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREEI further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT BETWEEN THE DATES OF JULY 01, 2000 AND JULY 02, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS BROTHER, A
NINE YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE DID
PLACE THE VICTIM'S PENIS INTO HIS MOUTH. THIS INCIDENT TOOK PLACE
AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOYD
SHUMPERT RD GASTON, S.C.Sworn to and subscribed before me
on 10/08/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.

GASTON, SC 29053

Affiant's Telephone 606-0799

Signature of Issuing Judge

SCOTT D. WHITTLE

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07/01/2000 defendant CARL MATTHEW ASQUITH
did violate the criminal laws of the State of South Carolina (or ordinance of☐ County/ ☐ Municipality of _____

DESCRIPTION OF OFFENSE: 16-3-655

CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge

Judge Code: 886

Judge's Address

521 GIBSON RD.

(L.S.)

LEXINGTON, SC 29072

Judge's Telephone

951-2542

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Lexington

AKA:

Race:

Sex:

DOB:

SS#:

Address:

City, State, Zip

DL#

SID#

INDICTMENT/CASE#:

2003

-GS-

32

1667

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

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

☐ CONVICTED OF or ☒ PLEADS

TO:

in violation of §

SAME

of the S.C. Code of Laws, bearing CDR Code #

0, 3, 8, 5

☐ 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 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference:

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

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(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Thomas A. Comerford

Clerk of Court/ Deputy Clerk

Court Reporter:

S. Uizer

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation

PRESIDING JUDGE

Judge Code:

Sentence Date:

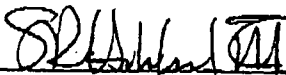
STATE OF SOUTH CAROLINA)
COUNTY OF LEXINGTON)
INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR-
FIRST DEGREE
§16-3-655 (1)

At a Court of General Sessions, convened in APRIL, 2003 the Grand Jurors of
LEXINGTON County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
§16-3-655 (1)

That **CARL MATTHEW ASQUITH**, did in Lexington County, between the dates
of July 1, 2000 and July 2, 2002, commit a sexual assault upon defendant's brother, age
5, by placing the victim's penis into his mouth, in violation of §16-3-655 (1) of the South
Carolina Code of Laws of 1976, as amended.

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


SOLICITOR
Dep.

WITNESSES

LCSD

Lorick, J. C.

ARREST WARRANT NUMBER

H-127507

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: *4/26/03*

VERDICT

Foreperson of Petit Jury
Date:DOCKET NO. 2003-GS-32- *1667***The State of South Carolina**

County of LEXINGTON

COURT OF GENERAL SESSIONS

APRIL TERM 2003

THE STATE

vs.

CARL MATTHEW ASQUITH

Alford

CDR# 385

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR-FIRST DEGREE
§16-3-655 (1)**DONALD V. MYERS, SOLICITOR***0-30 yrs
Recommend cap
of 20 yrs.*

ARREST WARRANT

H-127507 H-127507

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

THE STATE

against

CARL MATTHEW ASQUITH

Address: _____

GASTON, SC 29053

Phone: 606-0799 SSN: _____

Sex: M Race: W Height: 5-11 Weight: 160

DL State: _____ DL #: _____

DOB: _____ Agency ORI#: 3200

Prosecuting Agency: L. C. S. D.

Prosecuting Officer: LORICK, JC

Offense: CSC WITH MINOR 1ST

Offense Code: _____
Code/Ordinance Sec. 16-3-655This 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 (LS.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant CARL MATTHEW ASQUITH
on 10/09/02_____
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

BRUCE RUTLAND
650 KNOX ABBOTT DR.
CAYCE, SC 29033
803-796-7100

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

AFFIDAVIT

Personally appeared before me the affiant JOHN ASQUITH who
being duly sworn deposes and says that defendant CARL MATTHEW ASQUITH
did within this county and state on 07/01/2000 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINORS 1ST DEGREE

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:THAT BETWEEN THE DATES OF JULY 01, 2000 AND JULY 02, 2002 THE
DEFENDANT, CARL ASQUITH, DID SEXUALLY ASSAULT HIS BROTHER, A
FIVE YEAR OLD MINOR CHILD. THE DEFENDANT DID THIS IN THAT HE DID
PLACE THE VICTIM'S PENIS INTO HIS MOUTH. THIS INCIDENT TOOK PLACE
AT THE DEFENDANT AND VICTIM'S RESIDENCE LOCATED AT 170 BOYD
SHUMPERT RD GASTON, S.C.Sworn to and subscribed before me
on 10/08/2002

Signature of Affiant

Affiant's Address 170 BOYD SHUMPERT RD.
GASTON, SC 29053

Affiant's Telephone 606-0799

Signature of Issuing Judge (LS.)
SCOTT D. WHITTLE

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Lexington

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 07/01/2000 defendant CARL MATTHEW ASQUITHdid violate the criminal laws of the State of South Carolina (or ordinance of _____)
☐ County/ ☐ Municipality of _____ as set forth below.DESCRIPTION OF OFFENSE: 16-3-655
CRIMINAL SEXUAL CONDUCT WITH MINORSNow, 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 (LS.) Judge's Address 521 GIBSON RD.
LEXINGTON, SC 29072_____
Signature of Issuing Judge Judge's Telephone 951-2542
Judge Code: 886 Issuing Court ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

AGENCY I.D. LEXINGTON COUNTY SHERIFF'S DEPARTMENT
SC0 320000 INCIDENT REPORT

CASE NUMBER

NCIC

INQ. ENT

02-55617

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. CSC - WITH 1 MINOR		☒ YES ☐ NO	☐ YES ☒ NO	RESIDENCE		☐ Individual ☐ Business ☐ Financial Inst ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
2.		☐ YES ☐ NO	☐ YES ☐ NO				
3.		☐ YES ☐ NO	☐ YES ☐ NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE		
NONE - [REDACTED] GASTON SC				29053	PERSONAL		
INCIDENT DATE		24 HR CLOCK	TO	DATE	24 HR CLOCK	DISPATCH DATE/TIME 24 HR CLOCK	
6-21-01				7-10-02		DISP. DATE DISP. TIME TIME ARRIVED DEPART TIME	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
[REDACTED]		PA		830U	WM		48
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
[REDACTED]		GASTON		SC	29053	S	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
JUVENILE				JSOU			
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
[REDACTED]		[REDACTED]		SC	29053	[REDACTED]	
VISIBLE INJURY (VICT 1) ☐ YES ☒ NO ☐ EXPLAIN --		COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO ☐					
VICTIM (NO 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS ☐ YES ☒ NO ☐ UNK ☐ TYPE							
TWO-MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/SPL ASMT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ *J - This Jurisdiction, S - State, Out of State, U - Unknown							
☒ SUSPECT	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH	DATE OF BIRTH
☐ RUNAWAY	ASQUITH CARL MATHEW		WM	M	8	N	[REDACTED]
☐ WANTED	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
☐ WARRANT	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	
☐ ARREST	[REDACTED]		GASTON	SC	29053	[REDACTED]	
☐ JAIL	SUSPECT (NO 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST		
☐ SUMMONS	DRUGS ☐ YES ☒ NO ☐ UNK ☐ TYPE		TOTAL # ARRESTED		0		
VICTIM BILL OF RIGHTS (COPY PROVIDED) ☒ YES ☐ NO		BOND HEARING (DATE/TIME)		NA			
VICTIM WISHES TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS? ☒ YES ☐ NO							
ON 07-23-02, R/O RESPONDED TO RICHMOND MEMORIAL HOSPITAL IN REFERENCE TO A SEXUAL ASSAULT ON A 14 YEAR OLD FEMALE. ON R/O'S ARRIVAL R/O SPoke WITH FIVE NAMED COMPLAINANT WHO IS FATHER TO BOTH VICTIM AND SUSPECT. COMPLAINANT STATES THAT HE AND HIS WIFE HAD RECENTLY BECOME AWARE ON NON APPROPRIATE CONDUCT OF A SEXUAL NATURE DIRECTED BY SUSPECT TOWARDS VICTIM. COMPLAINANT STATES THAT HE AND HIS WIFE HAD QUESTIONED THE VICTIM AS TO WHETHER (R NOT THE SUSPECT HAD HARITED HER (VICTIM) IN ANY WAY.							
VICTIM SIGNATURE		AFFIRMATION OF THYPT LAW ENFORCEMENT AGENCY		AFFIRMATION OF THYPT LAW ENFORCEMENT AGENCY			
TYPE (GROUP)				MAR 12-04		TOTAL VALUE	
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED ☒ YES ☐ NO ☐		SUBJECT LOCATED ☒ YES ☐ NO ☐		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18	
						☐ ARRESTED 18 AND OVER ☐ 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)		DATE		UNIT NUMBER		APPROVING OFFICER	
[REDACTED]		07-23-02		227		[REDACTED]	

LEXINGTON COUNTY SHERIFF'S OFFICE

CASE NUMBER

AGENCY I.D.
SC0320000

18-55617

INVESTIGATIVE REPORT

☒ ORIGINAL REPORT☐ SUPPLEMENTAL REPORT☐ ADDITIONAL VICTIMS☐ ADDITIONAL STOLEN PROPERTY☐ STATUS CHANGE☐ ADDITIONAL OFFENDERS☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 3 PAGES.

ORIGINAL COMPLAINANT ☐ OR VICTIM ☐

NAME

DATE OF BIRTH

STREET ADDRESS

RACE

SEX

CITY - STATE - ZIP

AGE

INCIDENT TYPE

ORIGINAL SUSPECT:

NAME

DATE OF BIRTH

STREET ADDRESS

RACE

SEX

CITY - STATE - ZIP

AGE

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCELLING ENTRY: YES NO

VICTIM CONFIRMED VERBALLY TO COMPLAINANT THAT OVER THE COURSE OF THE PAST YEAR, THE SUSPECT HAS ENGAGED IN AN ONGOING PATTERN OF SEXUAL ASSAULT AND SEXUAL HARASSMENT TOWARDS THE VICTIM. VICTIM STATED TO COMPLAINANT THAT SUSPECT HAD COME TO HER HOME AT 3:15 IN THE EARLY HOURS OF THE MORNING AND AT VARIOUS TIMES HAD FORCED HER TO PERFORM ORAL SEX ON HIM, FINGERED HER GENITAL AREA AND ATTEMPTED BOTH ANAL AND VAGINAL PENETRATION. VICTIM STATES THAT SUSPECT HAD NOT SUCCEEDED IN PENETRATION DUE TO HER TRYING OUT IN PAIN VICTIM STATED TO COMPLAINANT THAT IF SHE ATTEMPTED TO PHYSICALLY RESIST OR CALL OUT FOR HELP THE SUSPECT WOULD PHYSICALLY ASSAULT HER. VICTIM STATES THAT THESE ASSAULTS ALWAYS OCCURRED AT 3:15. VICTIM ALSO STATES THAT SUSPECT WOULD AT TIMES GRAB AND/OR TOUCH HER IN INAPPROPRIATE MANNERS AT VARIOUS TIMES. COMPLAINANT STATED TO 90 THAT VICTIM STATES THAT THE LAST PHYSICAL CONTACT OCCURRED APPROXIMATELY 13 DAYS PAST WHEN SUSPECT TOUCHED VICTIM IN THE BUTTCK AREA. VICTIM STATED TO COMPLAINANT

MAR 27, 2016

132

SUBJECT IDENTIFIED

SUBJECT LOCATED

YES ☒ NO ☐YES ☒ NO ☐☐ ACTIVE☐ ARRESTED UNDER 18☐ EX-CLEAR UNDER 18☐ UNFOUNDED☐ ARRESTED 18 AND OVER☐ EX-CLEAR 18 AND OVER☐ ADMITTED

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. VICTIM WITNESS DECLINES COOPERATION 4. OTHER

AGENCY I.D.
 SC0320000

LEXINGTON COUNTY SHERIFF'S OFFICE

02-55617

INVESTIGATIVE REPORT

☒ ORIGINAL
 REPORT

☐ SUPPLEMENTAL
 REPORT

☐ ADDITIONAL
 VICTIM

☐ ADDITIONAL
 STOLEN PROPERTY

☐ STATUS
 CHANGE

☐ ADDITIONAL
 OFFENDERS

☐ ADDITIONAL
 RECOVERED PROPERTY

 PAGE 3 of 3 PAGES.
ORIGINAL COMPLAINANT ☒ OR VICTIM ☐

NAME:

DATE OF BIRTH:

STREET ADDRESS:

RACE:

SEX:

CITY - STATE - ZIP:

AGE:

INCIDENT TYPE:

ORIGINAL SUSPECT:

NAME:

DATE OF BIRTH:

STREET ADDRESS:

RACE:

SEX:

CITY - STATE - ZIP:

AGE:

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCEL NCIC ENTRY: YES ☐ NO ☐

THAT SHE POSITIVELY IDENTIFIES HER BROTHER AS THE
 SUSPECT. SUSPECT IS CURRENTLY RESIDING IN YORK COUNTY
 WITH HIS AUNT TERRY WINKLEY (PHONE # ~~XXXXXXXXXX~~, ~~XXXXXX~~)
~~XXXXXXXXXX~~ ATTEMPTED TO CONTACT MR. WINKLEY SOLELY PRO
 TELEPHONE TO CONFIRM A ROAD ADDRESS BUT WAS UNABLE TO
 MAKE CONTACT. VICTIM WAS EXAMINED BY STAFF FOR INJURIES
 NO FOREIGN EXAMINATION WAS PERMITTED DUE TO TIME DELAY
 DUE LAST AUNT DETECTIVE SIMPSON WAS ADVISED BY RD
 OF SITUATION BY TELEPHONE.

MAR 22 11 4

033

SUBJECT IDENTIFIED

SUBJECT LOCATED

YES ☒ NO ☐YES ☒ NO ☐☐ ACTIVE☐ ARRESTED UNDER 18☐ EX-CLEAR UNDER 18☐ UNFOUNDED☐ ADMITTED☐ CLOSED☐ ARRESTED 18 AND OVER☐ EX-CLEAR 18 AND OVER
 REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ VICTIM/WITNESS DECLINES COOPERATION 4 ☐ EXTRADITION DENIED 5 ☐ JUVENILE, NO ARREST

LEXINGTON COUNTY SHERIFF'S OFFICE

AGENCY I.D.
SC0320000CASE NUMBER
02-55617

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL STOLEN PROPERTY
☐ STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

PAGE 1 of 1 PAGES.

ORIGINAL COMPLAINANT ☒ OR VICTIM ☐	
NAME: <u>ASQUITH John</u>	DATE OF BIRTH: _____
STREET ADDRESS: _____	RACE: <u>W</u> SEX: <u>M</u>
CITY - STATE - ZIP: <u>29052</u>	AGE: <u>48</u>
INCIDENT TYPE: <u>CSC</u>	
ORIGINAL SUSPECT:	
NAME: <u>CHARL PATHEW</u>	DATE OF BIRTH: _____
STREET ADDRESS: _____	RACE: <u>W</u> SEX: <u>M</u>
CITY - STATE - ZIP: <u>29053</u>	AGE: <u>18</u>
RECOVERED PROPERTY DOLLAR AMOUNT: \$ _____	
CANCEL NCIC ENTRY: YES _____ NO _____	

VICTIM: A - DOB: 14 JCA
WIFE BRO/H2L
505 100 lbs

29053

MAN 2214

034

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE	☐ 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: ☐ OFFENDER DEATH ☐ NO PROSECUTION ☐ VICTIM/OTHER PARTY'S REQUEST						

AGENCY I.D.
 SC0320000

LEXINGTON COUNTY SHERIFF'S OFFICE

0255617 CASE NUMBER

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT

☒ SUPPLEMENT REPORT

☐ ADDITIONAL VICTIM

☐ ADDITIONAL STOLEN PROPERTY

☐ STATUS CHANGE

☐ ADDITIONAL OFFENDERS

☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 of 3 PAGES.

 ORIGINAL COMPLAINANT ☒ OR VICTIM ☐

NAME: [REDACTED]	DATE OF BIRTH: [REDACTED]
STREET ADDRESS: [REDACTED]	RACE: W SEX: M
CITY - STATE - ZIP: [REDACTED]	48 AGE
INCIDENT TYPE: CSC with a Minor	

ORIGINAL SUSPECT:

NAME: Asquith, Carl Matthew	DATE OF BIRTH: [REDACTED]
STREET ADDRESS: [REDACTED]	RACE: W SEX: M
CITY - STATE - ZIP: [REDACTED]	18 AGE

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCEL NCIC ENTRY: YES NO

Victim: A [REDACTED]	W F
[REDACTED]	14

07/27/02 I/O was assigned the report which stated that the complainant had taken the victim, his daughter, to the Richland Memorial Hospital reference to having been sexually assaulted by her brother, the suspect.

The I/O made phone contact with the complainant who agreed to meet at the Sheriff's Department. During I/O's interview with the complainant, he stated that he had become suspicious of his son, Carl, possibly having sexually molested his daughter [REDACTED] the victim. The complainant stated that his son [REDACTED] had brought this to his attention. He had asked the victim about it and she had told him and her mother about having sex with her brother, the suspect. The complainant advised that he had kicked the suspect out of the house and that the suspect was currently staying with a relative in North Carolina.

I/O informed the complainant that a forensic interview and medical examination would have to be scheduled for the victim. The complainant assured the I/O that the victim was in no harm of coming into contact with the suspect. He was fairly sure that the suspect had not touched the other children in an inappropriate manner.

07/30/02 the victim was taken to the Assessment Resource Center (ARC) by the complainant in reference to a medical examination. The victim completed the medical examination with Doctor Bethea. The report was normal but did not rule out abuse. The victim was scheduled for a forensic interview at the ARC on August 19, 2002, but failed to show up for the appointment.

MAH 22.4 35
 I/O contacted the complainant who advised they had attained an attorney, Orin Briggs. Mr. Briggs had advised them to have the victim interviewed by someone she was comfortable with. The complainant was advised that I/O did not agree with this, but if that was what his attorney advised, the I/O could not stop it.

SUBJECT IDENTIFIED

SUBJECT LOCATED

 YES ☐

 NO ☐

 YES ☐

 NO ☐
☐ ACTIVE

☐ ARRESTED UNDER 18

☐ ACTIVE

☐ UNFOUNDED

☐ ARRESTED 18 AND OVER

☐ EX-CLEAR 18 AND OVER

☐ ADMITTED

 ASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION

LEXINGTON COUNTY SHERIFF'S OFFICE

0255517 CASE NUMBER

AGENCY I.D.

SC0320000

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT☒ SUPPLEMENT REPORT☐ ADDITIONAL VICTIM☐ ADDITIONAL STOLEN PROPERTY☐ STATUS CHANGE☐ ADDITIONAL OFFENDERS☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 3 PAGES.

ORIGINAL COMPLAINANT ☒ OR VICTIM ☐

NAME: [REDACTED] DATE OF BIRTH: [REDACTED]

STREET ADDRESS: [REDACTED] RACE: W SEX: M

CITY - STATE - ZIP: [REDACTED] AGE: 40

INCIDENT TYPE CSC with a Minor

ORIGINAL SUSPECT:

NAME: Asquith, Carl Matthew DATE OF BIRTH: [REDACTED]

STREET ADDRESS: [REDACTED] RACE: W SEX: M

CITY - STATE - ZIP: [REDACTED] AGE: 18

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCEL NCIC ENTRY: YES NO

The victim was interviewed by a family friend in the office of Orin Briggs. The interview was taped on a digital recorder, which Briggs turned over to I/O. The tape was of poor quality, but was transcribed on 09/17/02. After reading the transcription, the I/O phoned Briggs and informed him that the interview was poor and advised him that the victim needed to be interviewed by someone who was trained to conduct such interviews. Briggs didn't seem to like this, but agreed to do what was necessary.

On 09/26/02 I/O was assigned a second report, which is case 0274137, with [REDACTED] as the complainant. This report indicated that the complainant's other four children had been possibly molested by the suspect. The I/O made phone contact with the complainant and he was advised that he needed to start cooperating with the I/O and that the victim, along with the other four children had to go to the Children's Center in reference to interviews and medical examinations.

Below are the other Asquith children who are listed as victims on case 0274137.

[REDACTED]	[REDACTED]	W/M	12 years of age
[REDACTED]	[REDACTED]	W/M	11 years of age
[REDACTED]	[REDACTED]	W/M	6 years of age
[REDACTED]	[REDACTED]	W/M	5 years of age

These victims are the suspect's brothers.

10/02/02 all five Asquith children arrived at the Children's Center. They all were interviewed by Debra Roof, who indicated in her reports that each gave credible disclosures. These interview reports are marked as Enclosures 1, 2, 3, 4 and 5 in the case file. Each child, except [REDACTED], was given a medical examination by Dr. Reynolds, who indicated in his report that the examinations were normal, but could not rule out abuse. The medical reports are marked as Enclosures 6, 7, 8, 9 and 10 in the case file.

SUBJECT IDENTIFIED

SUBJECT LOCATED

YES ☐ NO ☐YES ☐ NO ☐☐ ACTIVE☐ UNFOUNDED☐ ADMIT.☐ ARRESTED UNDER 18

MAR 22

☐ ACTIVE

36

AGENCY I.D.
 SCD320000

LEXINGTON COUNTY SHERIFF'S OFFICE

0255517 CASE NUMBER

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT	☒ SUPPLEMENT REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

PAGE 3 of 3 PAGES.

ORIGINAL COMPLAINANT ☒ OR VICTIM ☐	
NAME: [REDACTED]	DATE OF BIRTH: [REDACTED]
STREET ADDRESS: [REDACTED]	RACE: W SEX: M
CITY - STATE - ZIP: [REDACTED]	AGE: 48
INCIDENT TYPE: CSC with a Minor	
ORIGINAL SUSPECT:	
NAME: Asquith, Carl Matthew	DATE OF BIRTH: [REDACTED]
STREET ADDRESS: [REDACTED]	RACE: W SEX: M
CITY - STATE - ZIP: [REDACTED]	AGE: 18

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCEL NCIC ENTRY: YES NO

10/08/02 I/O obtained warrants from Judge Whittle charging the suspect with six counts of CSC second with minors, three counts of incest, four counts of CSC first with minors.

10/09/02 the suspect turned himself in at the Lexington County Sheriff's Department. The suspect was taken to an interview room where he was given his Miranda Warnings. The suspect stated that he wished to waive his rights, and stated that he had fooled around with his sister, but no one else. The suspect then stated he wished to speak to an attorney at which time the interview was terminated. The suspect was walked to the Detention Center without incident.

The items listed below are also included in the case file:

Enclosure 11, [REDACTED]'s transcribed interview
 Enclosure 12, [REDACTED]'s statement

This case is closed, cleared by arrest.

MAH 22 6 37

SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE	☐ ARRESTED UNDER 18	☐ ACTIVE
YES ☐	NO ☐	YES ☐	NO ☐	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
				☐ ADJUDICATED		

D. LEXINGTON COUNTY SHERIFF'S DEPARTMENT
32000 INCIDENT REPORT

CASE NUMBER

NCIC

INQ. ENR.

0274137

SMITH

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
	CHILD MOLESTATION		YES ☐ NO ☐	YES ☐ NO ☐	RESIDENCE		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.	
	2. RESAULT - AGGRAVATED		YES ☐ NO ☐	YES ☐ NO ☐				
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE		
	[REDACTED] (NONE) [REDACTED]				29053	FOREARM		
	INCIDENT DATE	24 HR CLOCK	TO	DATE	DISPATCH DATE	TIME 24 HR CLOCK	LOCATION NO.	
VICTIM NO. 1	07-00 UNK.		07-00 C.B.A.		DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART TIME
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
	[REDACTED]		PA		US OU	W	M	
VICTIM NO. 1	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
	[REDACTED]		[REDACTED]		SC	29072	N	
	VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE
VICTIM NO. 1	JUV'S				US OU			
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			
	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
VICTIM NO. 1	VISIBLE INJURY (VICT 1) ☐ YES ☒ NO ☐ EXPLAIN —		COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO ☐					
	VICTIM (NO 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS ☐ YES ☒ NO ☐ UNK ☐ TYPE							
	TWO-MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/SPL ASMT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J — This Jurisdiction. S — State. Out of State. U — Unknown							
VICTIM NO. 1	SUSPECT NAME (LAST, FIRST, MIDDLE)		RACE		SEX	AGE	ETH.	DATE OF BIRTH
	DISQUITH-CARL-MATHEW		W		M	18	N	[REDACTED]
	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
VICTIM NO. 1	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	
	[REDACTED]		LAKE WILK		SC			
	SUBJECT (NO 1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK ☐ DRUGS ☐ YES ☐ NO ☒ UNK ☐ TYPE		ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☒		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
VICTIM NO. 1	TOTAL # ARRESTED		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST			
	VICTIM BILL OF RIGHTS (COPY PROVIDED) ☒ YES ☐ NO ☐ BOND HEARING (DATE/TIME)		N/A		COMP WHO IS FILE			
	VICTIM WISHES TO BE NOTIFIED OF FUTURE LEGAL PROCEEDINGS ☐ YES ☐ NO ☒		FATHER OF LISTED SUSP STATED					
NARRATIVE	BETWEEN ABOVE LISTED APPROX DATES AND UNKNOWN TIMES LISTED SUSP. HAS TAKEN SEXUAL LIBERTIES WITH LISTED VICT'S. THE SUSP. CONDUCTED IN A GAME LIKE FASHION THEN PROGRESSED. THE SUSP. WOULD PHYSICALLY THREATEN THE VICT'S THEN TORTURE IF NECESSARY. THE COMP HAD BEEN THROUGH THIS BEFORE WITH HIS DAUGHTER BEING VICTIMIZED BY THE SUSP., AND THROUGH THAT INCIDENT THEY HAD SUSPICION THAT THE OTHER CHILDREN WERE ALSO BEING VICTIMIZED. AFTER A LONG FAMILY OUTING OF TOGETHERNESS, RELAXATION, REDEVELOPING TRUST AND FEELING SAFE THE COMP RECEIVED							
	VICTIM SIGNATURE		JUV'S		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
PROPERTY EST.	TYPE (GROUP)		TOTAL VALUE					
	STOLEN							
	DAMAGED							
PROPERTY EST.	BURNED							
	RECOVERED							
	SEIZED							
PROPERTY EST.	SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE ☐ ADM. 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. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
INIST	REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER	
	CARRARO		092602		224		[REDACTED]	
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	

NCY I.D.
 SC0520000

LEXINGTON COUNTY SHERIFF'S OFFICE

027413 CASE NUMBER

INVESTIGATIVE REPORT

☐ ORIGINAL REPORT

☒ SUPPLEMENT REPORT

☐ ADDITIONAL VICTIMS

☐ ADDITIONAL STOLEN PROPERTY

☐ STATUS CHANGE

☐ ADDITIONAL OFFENDERS

☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 of 1 PAGES.

 ORIGINAL COMPLAINANT ☒ OR VICTIM ☐

NAME: [REDACTED] DATE OF BIRTH: [REDACTED]

STREET ADDRESS: [REDACTED] RACE: W SEX: M

CITY - STATE - ZIP: [REDACTED] 48 AGE:

INCIDENT TYPE: Child Molestation

ORIGINAL SUSPECT:

NAME: Asquith, Carl Matthew DATE OF BIRTH: [REDACTED]

STREET ADDRESS: [REDACTED] RACE: W SEX: M

CITY - STATE - ZIP: Lake Wylie, SC 18 AGE:

RECOVERED PROPERTY DOLLAR AMOUNT: \$

CANCEL NCIC ENTRY: YES NO

Victim #1: [REDACTED] W/M 12 years of age

Victim #2: [REDACTED] W/M 11 years of age

Victim #3: [REDACTED] W/M 6 years of age

Victim #4: [REDACTED] W/M 5 years of age

C9/26/02 I/O was assigned this report which stated that the suspect had possibly assaulted the victims who are his brothers.

Refer to case number 0255617 for further details.

This case is closed, cleared by arrest.

MAR 22 4

39

SUBJECT IDENTIFIED

SUBJECT LOCATED

 YES ☐ NO ☐

 YES ☐ NO ☐

 YES ☐ NO ☐

 YES ☐ NO ☐
☐ ACTIVE

☐ UNFOUNDED

☐ ADMIST. CLOSED

☐ ARRESTED UNDER 18

☒ ARRESTED 18 AND OVER

☐ ACTIVE

☐ EX-CLEAR 18 AND OVER

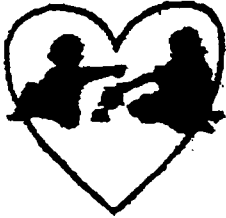
 REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ VICTIM / WITNESS FEAR

12/09/2002 14:58

983-791-1572

LEX CTY CHILDREN CTR

PAGE 02/09



Lexington County Children's Center, Inc.

1615 Augusta Road
West Columbia, S.C. 29169

Telephone 791-1511

FORENSIC INTERVIEW

Name: [REDACTED]

Race: C

DOB: [REDACTED]

Current Living Arrangement: (address, phone and relationship):

Lives with parents, [REDACTED], and 7 full-sibling brothers, Carl (20), [REDACTED] (17), [REDACTED] (16), [REDACTED] (12), [REDACTED] (9), [REDACTED] (6), [REDACTED] (5).
[REDACTED], SC 29072 Telephone [REDACTED]

Law Enforcement: Lexington Cty. Sheriff's Dept—Chris Lorick (No DSS Involvement)

Type of Alleged Abuse/Presenting Problem:

Sexual ☒ Physical ☐ Emotional ☐ Physical Neglect ☐ Emotional Neglect ☐

INFORMANT'S or VICTIM'S INFORMATION REGARDING ALLEGATION

Summary of Allegation: (Informant, Allegation, Identity of Alleged Perpetrator, Perpetrator's Relationship to child): Mrs. [REDACTED]'s mother, states that in about July-August 2002, suspicion arose between she and her husband that their oldest son, Carl, was involved in pornography. She states that "behavioral trust issues arose in our home with our other children." She states that she and her husband asked Carl to move out of their home and that they also questioned [REDACTED] about Carl's behaviors. Mrs. [REDACTED] states that [REDACTED] told them that Carl had sex with her and put his private part in her mouth. Mr. & Mrs. [REDACTED] reported this information to law enforcement.

INFORMANT'S or VICTIM'S INFORMATION REGARDING CHILD

Describe Family Dynamics: (parent status, out-of-home placement, domestic violence, court involvement): Parents married. No out-of-home placement nor court involvement. No history of witnessing domestic violence.

Child's Current Physical Condition: (medications, significant illnesses): None

Child's Current Level of Intellectual Functioning: (attention span, cognitive development, verbal skills and abilities): Cognitive development age appropriate; attention span and verbal skills excellent during interview.

Brief Psycho-Social History: (school, current grade, peer relationships, authority relationships, exposure to sexually explicit material, i.e. movies, magazines, pictures, observation, prior allegations of abuse): Home schooled. Brothers who are school age are also home schooled. [REDACTED] has been exposed to pornography allegedly by her brother, Carl. No reported prior history of allegation(s) of abuse made on behalf of [REDACTED] against her brother, Carl, nor any other person.

12/09/2002 14:58 883-791-1572

LEX CTY CHILDREN CTR

PAGE 03/09

ENCLOSURE 1

02-55617

INFORMANT'S or VICTIM'S CLINICAL INFORMATION

Behavior of the Child: (as compared to behavior before and after the alleged abuse or the disclosure of the abuse):

- ☐ Anxiety/Hyperarousal:
- ☐ Trauma Reenactments:
- ☒ Flashbacks/Intrusive Thoughts: poor concentration
- ☒ Fearfulness: stated fear of brother, Carol
- ☒ Nightmares/Night Terrors/Sleep Problems: frequent nightmares
- ☐ Change in Eating Habits:
- ☐ Separation Difficulties:
- ☐ Aggression:
- ☐ Conduct/Oppositional Problems:
- ☐ Difficulties with Peers:
- ☐ Sexualized Behavior or Themes In play or With Other Children:
- ☐ Inappropriate Sexual Knowledge:
- ☐ Pronounced Disturbance of Mood and Affect:
- ☐ Enuresis/Encopresis:
- ☐ Marked Distrust In Others:
- ☐ Other
- ☐ Comments:
- ☐ Test Results:

CHILD'S INTERVIEW**Assessment of Credibility**

Concept of Counting/Numbers or Not Age Appropriate for Assessment: N/A due to age

Concept of Prepositions or Not Age Appropriate for Assessment: N/A due to age

Knowledge of Body Parts: (general and genital, to include child's name for parts):

Through discussion, it was determined that [REDACTED] has accurate knowledge regarding both male and female body parts. It was agreed to refer to the genitals of both as the "private parts."

Truth vs. Lies and Right vs. Wrong: (establish by describing interviewer techniques and child's affect and answer): Through discussion and use of example, it was determined that

[REDACTED] knows the difference between truth and lie. She agreed to talk with me about things that are true and that really happened.

"No Guessing" Rule and Assertiveness: (explain that guessing is not appropriate or necessary or needed, okay to say "I don't know" and importance of correcting the interviewer's mistakes): Hannah understood these rules and agreed not to guess and to correct my mistakes.

Child's Narrative of the Allegation:

12/09/2002 14:58 803-791-1572

LEX CTY CHILDREN CTR

PAGE 04/09

Encl. #1
02-82617

After establishing rapport and assessing [REDACTED] credibility, I began a discussion with her about touches. She stated that it is OK for medical doctors to look at and touch someone's body parts, including the private parts if necessary, but that it is not OK for anyone else to do so. The remainder of this interview is given in Interviewer Question (Q) and Child's Answer (A) format:

(Q) Has anyone besides a doctor ever touched you on your private part? (A) Yes, my brother, Carl. (Q) What did he touch your private part with? (A) Fingers. (Q) Did he touch your private part on your clothes or on your skin? (A) Skin. (Q) Where were you when Carl touched your private part? (A) In my bedroom. (Q) Did Carl touch your private part one time or more than one time? (A) More. A lot of times. (Q) Did it always happen in your bedroom? (A) A few times in the living room and one time outside. (Q) Is that in the living room of your house and outside at your house? (A) Yes. (Q) Did Carl ever touch your private part with anything besides his fingers? (A) His private part. (Q) Do you know how many times he touched your private part with his private part? (A) About 5. (Q) Did he ever touch your private part with anything besides his fingers and his private part? (A) No. (Q) Did Carl ever touch any other part of your body that is a private area? (A) Yes. (Q) What other part of your body did he touch? (A) My breasts and my butt. (Q) When Carl touched your private part with his fingers, did anything ever go inside the opening of your private part? (A) Yes, his fingers went inside and his private part went inside my private, too. (Q) Did his private part go inside your private part every time he touched your private with his private? (A) Yes. (Q) What happened when he touched your butt? (A) He'd use his fingers and try to go in it, but I'd stop him because it hurt. (Q) Did his fingers ever actually go inside the opening of your butt? (A) Yes. (Q) Do you know how many times his fingers went inside there? (A) 3 or 4 times. He put his private in my butt one time. (Q) Did Carl ever put his private part anywhere else in or on your body? (A) He forced it in my mouth one time. (Q) Did you ever see anything come out of Carl's private part? (A) Yes. (Q) How many times have you seen that? (A) About the last 5 or 6 times. (Q) Can you describe what you saw come out of his private part? (A) It was white liquid. (Q) Did that white liquid ever go inside your private part? (A) Yes. (Q) Did Carl ever show you any unusual kinds of pictures or videos? (A) Yes, a lot. Magazines with girls and boys having sex. (Q) Girls and boys or women and men? (A) Girls and boys. Teenagers and younger kids. He showed me a black and white picture of a girl about 8 or 9 having sex, real sex, intercourse, with a man who was grown up, about 25 or 30 years old. (Q) Any other pictures? (A) No. (Q) Did Carl ever take any pictures of you? (A) No, but only because I wouldn't let him. One time he came in my bedroom with a camera. I told him to take it out. (Q) Has anybody else ever been there when Carl was touching your private part? (A) Yes, [REDACTED] was there the time we were outside and a few times in the house. (Q) What did Carl say to [REDACTED]? (A) He told [REDACTED] to watch and he'd show him something. (Q) What did [REDACTED] do or say? (A) He'd watch and then he'd leave afterwards. (Q) How did [REDACTED] become involved in what Carl was doing to you? (A) One time he just saw us and then Carl started telling him to come with us and watch. (Q) Did [REDACTED] ever touch you on your private part? (A) No. (Q) Have you ever seen Carl touch any of your brothers on their private parts? (A) No. (Q) Have you ever seen any of your brothers touching another brother's private part? (A) No. (Q) When Carl took you outside, where were you outside? (A) Next to the shed. (Q) Did he ever say anything to you about touching you? (A) No, he never said anything, but I knew he'd hurt me if I told. I knew that by the way he acted. One time recently I was standing up and he yanked my feet out from under me. I was telling him no because he was trying to touch me, I was fighting back. He yanked my feet and I fell backward and hit my head when I

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LEX CTY CHILDREN CTR

PAGE 05/09

Gschlo, II
02-8261

fell. Carl is in the Marines and he is big. (Q) Do you remember the first time Carl touched your private part? (A) I can't remember the first time. It's been happening as long as I can remember- the touching. (Q) Touching with what? (A) His hand and fingers and his private. (Q) Do you remember the first time his private went inside your private? (A) No, he's been doing that a long time, too. (Q) When he touched you in your bedroom, was it day or night time? (A) Night. During the night he'd wake me up and be touching me. One night I woke up and he'd completely stripped me and was touching me everywhere. I'm a hard sleeper. (Q) Has anyone else ever touched you on your private part? (A) No, just Carl. (Q) Are your Mom and Dad good to you? (A) Yes. (Q) Has your Mom or Dad ever hit you? (A) No. (Q) Do you have friends that come over to your house and you go to their house? (A) Yes. (Q) Who did you tell about Carl touching you? (A) The first person I told was [REDACTED] I was scared Mom and Dad would hate me because it would mess up the family and everybody would get upset. (Q) Are you afraid of Carl? (A) Yes.

INTERVIEWER'S SUMMARY

Disclosure Summary & How Compelling was the Disclosure: Credible disclosure. Hannah is credible in her statements to me. Very compelling disclosure.

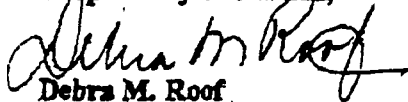
Concerns Regarding Denial/Minimization/Recanting/Injunctions not to tell and Family Reports: Concerns that [REDACTED] is minimizing the numbers of times that incidents of abuse occurred. She states that she can not remember the first time Carl touched her private part because it's been happening since she can remember, yet she says that he has touched her relatively few times. This is consistent with the disclosure continuum of abused children, i.e. they are prone to minimize, or even deny abuse, at the beginning of the disclosure. This is especially true when abuse is chronic, the perpetrator is a closely related person [REDACTED] states that she was scared to tell her parents because it would "mess up the family and everybody would get upset.", and fear from threats of harm are present.

Concerns Regarding False Allegations, Coaching, or Memorized Answers: (Rote answers, adult vocabulary, description of pureness of answers, consistency of affect, spontaneity): Responses spontaneous and purely rendered. No rote answers. Affect consistent with circumstances of child making a genuine disclosure of abuse. Recommend refer for therapy.

Date(s) of Interview: 10-02-02

Length of Interview: 2 hours

Respectfully Submitted,



Debra M. Roof
Licensed Master Social Worker
SC License #6695

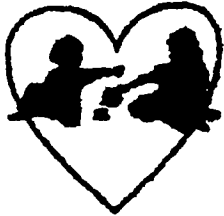
Attachment(s): Yes ☒ No

12/09/2002 15:01

803-791-1572

LEX CTY CHILDREN CTR

PAGE 02/13



Lexington County Children's Center, Inc.

1615 Augusta Road
West Columbia, S.C. 29169
Telephone 791-1511

ENCLOSURE
02-85617

FORENSIC INTERVIEW

Name: [REDACTED]

Race: C

DOB: [REDACTED]

Current Living Arrangement: (address, phone and relationship):
See Forensic Interview Report for Hannah Asquith.

Law Enforcement: Lexington Cty Sheriff's Dept - Chris Lorick (No DSS involvement)

Type of Alleged Abuse/Presenting Problem:

Sexual ☒ Physical ☐ Emotional ☐ Physical Neglect ☐ Emotional Neglect ☐

INFORMANT'S or VICTIM'S INFORMATION REGARDING ALLEGATION

Summary of Allegation: (Informant, Allegation, Identity of Alleged Perpetrator, Perpetrator's Relationship to child): See Forensic Interview Report for [REDACTED]

INFORMANT'S or VICTIM'S INFORMATION REGARDING CHILD

Describe Family Dynamics: (parent status, out-of-home placement, domestic violence, court involvement): See Forensic Interview Report for [REDACTED]

Child's Current Physical Condition: (medications, significant illnesses): None.

Child's Current Level of Intellectual Functioning: (attention span, cognitive development, verbal skills and abilities): Cognitive development age appropriate; attention span and verbal skills excellent during interview.

Brief Psycho-Social History: (school, current grade, peer relationships, authority relationships, exposure to sexually explicit material, i.e. movies, magazines, pictures, observation, prior allegations of abuse): Home Schooled. [REDACTED] has been exposed to pornography allegedly by his brother, Carl. No reported prior history of allegation(s) of abuse made on behalf of [REDACTED] against his brother, Carl, nor any other person.

INFORMANT'S or VICTIM'S CLINICAL INFORMATION

Behavior of the Child: (as compared to behavior before and after the alleged abuse or the disclosure of the abuse):

☐ Anxiety/Hyperarousal:

☐ Trauma Reenactments:

12/09/2002 15:01 883-791-1572

LEX CTY CHILDREN CTR

PAGE 03/13

Encls, II 2

02-55617

- Flashbacks/Intrusive Thoughts:
- * Fearfulness: stated fear of Carl
- Nightmares/Night Terrors/Sleep Problems:
- Change in Eating Habits:
- Separation Difficulties:
- Aggression:
- Conduct/Oppositional Problems:
- Difficulties with Peers:
- Sexualized Behavior or Themes In play or With Other Children:
- Inappropriate Sexual Knowledge:
- * Pronounced Disturbance of Mood and Affect: anger
- * Enuresis/Encopresis: night time wetting
- Marked Distrust In Others:
- Other
- Comments:
- Test Results:

CHILD'S INTERVIEW

Assessment of Credibility

Concept of Counting/Numbers or Not Age Appropriate for Assessment: N/A due to age.

Concept of Prepositions or Not Age Appropriate for Assessment: N/A due to age.

Knowledge of Body Parts: (general and genital, to include child's name for parts):
Through discussion, it was determined that [REDACTED] has accurate knowledge of male and female body parts. It was agreed to refer to the genitals of both as the "private parts."

Truth vs. Lies and Right vs. Wrong: (establish by describing interviewer techniques and child's affect and answer): Through discussion and use of example, it was determined that [REDACTED] knows the difference between truth and lie. He agreed to talk with me about things that are true and that really happened.

"No Guessing" Rule and Assertiveness: (explain that guessing is not appropriate or necessary or needed, okay to say "I don't know" and importance of correcting the interviewer's mistakes.): Stephen understood these rules and agreed not to guess and to correct my mistakes.

Child's Narrative of the Allegation:

After establishing rapport and assessing [REDACTED]'s credibility, I began a discussion with him about touches. He stated that it is OK for a medical doctor to look at and touch someone's body parts, including the private parts, if necessary, but that it is not OK for anyone else to do so. The remainder of this interview is given in Interviewer Question (Q) and Child's Answer (A) format:
(Q) Has anyone besides a doctor ever touched you on your private part? (A) Yes. (Q) Who? (A) Carl. (Q) What did Carl touch your private part with? (A) His private part. (Q) Did he touch your private part with his private part on your clothes or on your skin? (A) Skin. (Q) Where were you when Carl touched your private part? (A) At our home in Gaston. (Q) Did he

Encls, II
02-55617

touch your private part with his private part one time or more than one time? (A) More. (Q) What did Carl do with his private part? (A) Touched it on mine and rubbed it. (Q) Did he ever do anything else with you with his private part? (A) Yes. He stuck it in my backside. (Q) By "backside," what do you mean? (A) My butt. (Q) Did his private part go inside your butt? (A) Yes. (Q) How many times did that happen, his private part go inside your butt? (A) 5 or 6. (Q) Did that always happen at your house? (A) Yes. (Q) Did Carl ever put his private part anywhere else in or on your body? (A) He put it in my mouth. (Q) How many times did he put it in your mouth? (A) 5 or 6. (Q) Did Carl ever touch your private part with any other part of his body besides his private part? (A) His hands and his mouth. (Q) Did he do these things at any particular time of day or night or in any particular room of your house? (A) He did it mostly in the living room at night when everybody was asleep. (Q) Did you have a room to yourself at the house at Gaston? (A) No, I shared a room with my 3 brothers. (Q) How did you get into the living room? (A) He woke me up and told me to go to the living room. It would always be 2:00 or 3:00 in the morning. (Q) How many times in a week did he get you up to go to the living room? (A) 3 or 4 times. (Q) A week? (A) Yes. (Q) Do you remember the first time Carl ever touched your private part? (A) Yes. I was about 6 or 7. He did it then while Mom and Dad were at the store, during the day. (Q) Was anybody else ever there when Carl was touching your private part? (A) When he was doing stuff to [redacted] I was sometimes with her. (Q) What have you seen Carl do to [redacted]? (A) I saw him stick his penis in her private part. (Q) Have you ever seen him put his penis in her anywhere else on her body? (A) No. (Q) How many times have you seen Carl put his penis in [redacted]'s private part? (A) Probably 20, at least. (Q) Where were you when you saw that? (A) In the living room of our old house. One time I saw him touching her in the woods outside and he did stuff to me in the shed. (Q) Was Hannah there when Carl was doing stuff to you in the shed? (A) Sometimes. (Q) The times in the living room at night, how did [redacted] get there? (A) He woke her up, too, and told her to go to the living room. (Q) Were any of your other brothers ever there when you, and Hannah and Carl were in there and Carl was touching you or [redacted]? (A) No. (Q) So, none of your other brothers ever saw Carl do anything to you or [redacted]? (A) Not as far as I know. (Q) Did Carl ever show you any kind of unusual pictures or videos? (A) Yes, pictures of little kids and grown ups having sex. (Q) Where did Carl get those pictures? (A) On the computer. (Q) Do you know if they came from a website or if he took the pictures and put them on the computer and printed them or what? (A) He printed the pictures. (Q) Do you know whether or not they were pictures that he took? (A) He took pictures. I'm not sure if he took the ones I saw or not. (Q) Did you ever see a picture of any kid that you knew on there? (A) No. (Q) Was he ever in any of the pictures? (A) No. (Q) Did he ever take any pictures of you? (A) No. (Q) [redacted]? (A) Not that I know of. (Q) Did he ever say anything about what he was doing to you and [redacted]? (A) He said he did that stuff with other people, like girls his age. (Q) Did Carl ever tell you about doing anything sexual with any other kid- besides [redacted]? (A) He did stuff with [redacted]. (Q) Earlier you said none of your other brothers ever went into the living room with you, [redacted], and Carl. How do you know he was doing stuff to [redacted]? (A) I never saw him do anything with them, but I knew he was doing it. (Q) How did you know that? (A) They told Mom and Dad. (Q) Was that recently at the same time they asked you about Carl? (A) Yes. (Q) Before that, you didn't know that he was doing stuff to [redacted]? (A) No. (Q) Has anybody else besides Carl ever touched you on your private part? (A) No. (Q) When you, Carl and [redacted] would be in the living room, did Carl ever make you and [redacted] touch each other's private parts? (A) No. He went

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LEX CTY CHILDREN CTR

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Encls. # 2
02-52617

back and forth from her to me. When he was with her, he made me watch and when he was with me, he made her watch. (Q) Are you afraid of Carl? (A) Yes, kind of. (Q) Did he ever say anything about what he was doing to you? (A) No. (Q) In what way are you afraid of Carl? (A) He just came out of the Marines. (Q) Are your Mom and Dad good to you? (A) Yes. (Q) Has either of them ever hit you? (A) No.

INTERVIEWER'S SUMMARY

Disclosure Summary & How Compelling was the Disclosure: Credible disclosure. Stephen is credible in his statements to me. Very compelling disclosure.

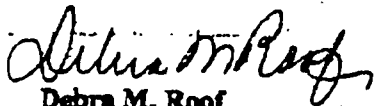
Concerns Regarding Denial/Minimization/Recanting/Injunctions not to tell and Family Reports: Serious concerns that Stephen is minimizing the abuse that he has sustained by Carl.

Concerns Regarding Fake Allegations, Coaching, or Memorized Answers: (Rote answers, adult vocabulary, description of pureness of answers, consistency of affect, spontaneity): Responses spontaneous and purely rendered. Affect consistent with circumstances of child making genuine disclosure of abuse.
Recommend refer for therapy.

Date(s) of Interview: 10-02-02

Length of Interview: 2 hours

Respectfully Submitted,



Debra M. Roof
Licensed Master Social Worker
SC License #6695

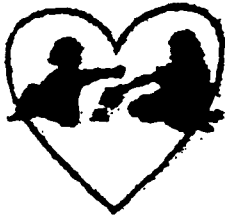
Attachment(s): Yes ☒ No

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Lexington County Children's Center, Inc.

1615 Augusta Road
West Columbia, S.C. 29169
Telephone 791-1511

ENCL. II-2
02-5117

FORENSIC INTERVIEW

Name: [REDACTED]

Race: C

DOB: [REDACTED]

Current Living Arrangement: (address, phone and relationship):
See Forensic Interview Report for Hannah Asquith.

Law Enforcement: Lexington County Sheriff's Dept. - Chris Lorick

DSS: No DSS involvement

Type of Alleged Abuse/Presenting Problem:

Sexual ☒ Physical ☐ Emotional ☐ Physical Neglect ☐ Emotional Neglect ☐

INFORMANT'S or VICTIM'S INFORMATION REGARDING ALLEGATION

Summary of Allegation: (Informant, Allegation, Identity of Alleged Perpetrator, Perpetrator's Relationship to child): See Forensic Interview Report for [REDACTED]

INFORMANT'S or VICTIM'S INFORMATION REGARDING CHILD

Describe Family Dynamics: (parent status, out-of-home placement, domestic violence, court involvement): See Forensic Interview Report for [REDACTED]

Child's Current Physical Condition: (medications, significant illnesses): None

Child's Current Level of Intellectual Functioning: (attention span, cognitive development, verbal skills and abilities): Cognitive development age appropriate; attention span and verbal skills excellent during interview.

Brief Psycho-Social History: (school, current grade, peer relationships, authority relationships, exposure to sexually explicit material, i.e. movies, magazines, pictures, observation, prior allegations of abuse): Home schooled. Timothy's brothers and sister who are school aged are also home schooled. No reported history of allegation(s) of abuse against his brother, Carl, nor against any other person, on behalf of Timothy.

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LEX CTY CHILDREN CTR

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Guelo = 8
02-55617INFORMANT'S or VICTIM'S CLINICAL INFORMATION

Behavior of the Child: (as compared to behavior before and after the alleged abuse or the disclosure of the abuse):

- ___ Anxiety/Hyperarousal:
- ___ Trauma Reenactments:
- ___ Flashbacks/Intrusive Thoughts:
- ___ Fearfulness:
- * ___ Nightmares/Night Terrors/Sleep Problems: nightmares and fears sleeping alone
- ___ Change in Eating Habits:
- ___ Separation Difficulties:
- * ___ Aggression: with brothers
- ___ Conduct/Oppositional Problems:
- ___ Difficulties with Peers:
- ___ Sexualized Behavior or Themes In play or With Other Children:
- ___ Inappropriate Sexual Knowledge:
- ___ Pronounced Disturbance of Mood and Affect:
- ___ Enuresis/Encopresis:
- ___ Marked Distrust In Others:
- ___ Other
- ___ Comments:
- ___ Test Results:

CHILD'S INTERVIEWAssessment of Credibility

Concept of Counting/Numbers or Not Age Appropriate for Assessment:

Timothy correctly counted 5 markers.

Concept of Prepositions or Not Age Appropriate for Assessment:

Through use of example, i.e. Timothy correctly placed a toy mouse both inside and on top of a toy house. [redacted] spontaneously gave correct examples of use of prepositions, i.e. "The chair is in the room," and "The paper is on the table."

Knowledge of Body Parts: (general and genital, to include child's name for parts):

[redacted] correctly identified various body parts on anatomical drawings of both a school age boy and girl. He labeled the penis as the "penis," the vagina as the "private part that girls have," and the buttocks of both as the "butt."

Truth vs. Lies and Right vs. Wrong: (establish by describing interviewer techniques and child's affect and answer): [redacted] correctly identified which boy was telling the truth and which boy was not telling the truth in an age appropriate pictorial story. He gave a correct example of a statement of something true when asked to do so by this interviewer. In this example he correctly stated, "The carpet has lines in it." [redacted] was not successful in giving

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this interviewer a spontaneous example of a statement of something that is not true, however, he was able to determine if something was a truth or a lie if presented by someone else. It was determined that Timothy has adequate knowledge of the difference between truth and lies. He said that he would talk with me about things that really happened.

"No Guessing" Rule and Assertiveness: (explain that guessing is not appropriate or necessary or needed, okay to say "I don't know" and importance of correcting the interviewer's mistakes): These rules were explained to [REDACTED] and he stated that he understood that he should not guess at answers to questions and that he should stop the interviewer if he hears the interviewer making a mistake.

Child's Narrative of the Allegation:

In the rapport building stage of this interview, this interviewer began by asking [REDACTED] to name all of his family members who live in his house. This interviewer drew the faces of each family member and wrote each person's name next to their face. This interviewer then asked Timothy if he ever gets hugs and kisses from his family members and he responded yes. This interviewer asked [REDACTED] to point to the faces of family members who give him hugs and kisses and he pointed first to his mother and father and then to his sister and various brothers. When [REDACTED] came to the drawing of the face of his brother, Carl, he turned away from the drawing easel, looked very sad, and physically withdrew by standing and moving his chair away and facing it away from the interviewer. The remainder of this interview is given in Interviewer Question (Q) and Child's Answer (A) format: (Q) Is something wrong? (No verbal response was given by Timothy.) (Q) Would it be OK with you if I move my chair over to where you are? (A) Yes. (The interviewer moved around to [REDACTED]'s side and could see his face and he could see the face of the interviewer.) He touched me on the penis and the butt. His name is Carl. Do you know how he touched me on the butt and on the penis? (Q) No, I don't know, can you tell me? (A) With his penis. (Q) Where were you when Carl did that? (A) In our old house. (Q) What room were you in? (A) In the living room. [REDACTED] got mad and fought Carl for doing that to me. (Q) Who is [REDACTED]? (A) He's my brother, too. He's big like Carl. (Q) Did you ever see Carl touch [REDACTED]'s penis? (A) No. (Q) Was anybody else ever there when Carl touched your penis? (A) No, but Carl got [REDACTED] butt naked. (Q) You saw that? (A) Yes. (Q) Where were you when you saw that? (A) I was coming in the house. (Q) Did you see Carl do anything to [REDACTED] when she was butt naked? (A) No, I went back outside. (Q) Do you know how many times Carl touched you on your penis? (A) About nine times and he touched my butt nine times, too. (Q) Did Carl ever touch your penis or butt with any other part of his body besides his penis? (A) He touched me with his hand on my penis and my butt. He sucked on it with his mouth. (Q) He sucked on what with his mouth? (A) My penis and my butt. He did my penis a lot. (Q) When Carl touched your butt with his penis, did anything go inside the opening of your butt? (A) Yes, he tried that a lot. (Q) Do you know how many times he tried that? (A) Six or nine times. (Q) Did that hurt when he tried to do that? (A) Yes. I told him to stop. (Q) Did Carl's penis ever go any other place in or on your body besides on your penis and butt? (A) No. (Q) Did Carl always touch your penis and butt in the living room? (A) Yes, and in my bedroom. (Q) Where was your Mom and Dad? (A) Sometimes they went off and sometimes they were sleeping. (Q) Did Carl ever show you any different kind of pictures? (A) Yes, him and his friend in the Marines and they were butt naked. (Q) Were they doing anything in the pictures? (A) Licking their butts. (Q) Did Carl show you any other pictures? (A) No.

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Enclosure
02-55617

(Q) Did Carl ever take any pictures of you? (A) Yes, naked ones. He got rope from the shed and tied my hands behind my back and tied my feet together and took my picture and looked at it. (Q) Have you ever seen Carl touch anybody else on their penis or private part? (A) [REDACTED] and [REDACTED]. (Q) You saw that? (A) Yes, I saw him taking pictures of them after he got them naked. He stuffed a piece of bread in [REDACTED] butt and then took a picture of it. (Q) Did Carl ever say anything about touching your penis and butt? (A) He said if I ever told anybody, he'd tie me up and leave me.

INTERVIEWER'S SUMMARY

Disclosure Summary & How Compelling was the Disclosure: Credible disclosure. [REDACTED] credible in his statements to me. Very compelling disclosure.

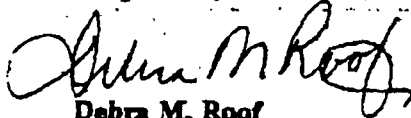
Concerns Regarding Denial/Minimization/Recanting/Injunctions not to tell and Family Reports: Concerns that [REDACTED] has not told about all of the incidents of abuse. He has been threatened not to tell.

Concerns Regarding False Allegations, Coaching, or Memorized Answers: (Rote answers, adult vocabulary, description of pureness of answers, consistency of affect, spontaneity): Responses spontaneous and purely rendered. No indication of coaching. Affect consistent throughout interview. Recommend refer for therapy.

Date(s) of Interview: 10-02-02

Length of Interview: 2 hours

Respectfully Submitted,



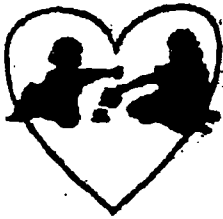
Debra M. Roof
Licensed Master Social Worker
SC License #6695

Attachment(s): Yes ☒ No ☐

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LEX CTY CHILDREN CTR

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Lexington County Children's Center, Inc.

1615 Augusta Road
West Columbia, S.C. 29169
Telephone 791-1511

Encls. 14
02-55617

FORENSIC INTERVIEW

Name: [REDACTED] Race: C DOB: [REDACTED]

Current Living Arrangement: (address, phone and relationship):
See Forensic Interview Report for [REDACTED]

Law Enforcement: Lexington County Sheriff's Dept-Chris Lorick (No DSS involvement)

Type of Alleged Abuse/Presenting Problem:
Sexual X Physical Emotional Physical Neglect Emotional Neglect

INFORMANT'S or VICTIM'S INFORMATION REGARDING ALLEGATION

Summary of Allegation: (Informant, Allegation, Identity of Alleged Perpetrator, Perpetrator's Relationship to child): See Forensic Interview Report for [REDACTED]

INFORMANT'S or VICTIM'S INFORMATION REGARDING CHILD

Describe Family Dynamics: (parent status, out-of-home placement, domestic violence, court involvement): See Forensic Interview Report for [REDACTED]

Child's Current Physical Condition: (medications, significant illnesses): None

Child's Current Level of Intellectual Functioning: (attention span, cognitive development, verbal skills and abilities): Cognitive development age appropriate; attention span and verbal skills excellent during interview.

Brief Psycho-Social History: (school, current grade, peer relationships, authority relationships, exposure to sexually explicit material, i.e. movies, magazines, pictures, observation, prior allegations of abuse): Home schooled. Siblings who are school age are also home schooled. No reported history of allegation(s) of abuse against his brother, Carl, nor any other person, on behalf of [REDACTED]

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ENCLOSURE

02-5261

INFORMANT'S or VICTIM'S CLINICAL INFORMATION

Behavior of the Child: (as compared to behavior before and after the alleged abuse or the disclosure of the abuse):

- ☐ Anxiety/Hyperarousal:
- ☐ Trauma Reenactments:
- ☐ Flashbacks/Intrusive Thoughts:
- * ☐ Fearfulness: fears Carl
- * ☐ Nightmares/Night Terrors/Sleep Problems: nightmares
- ☐ Change in Eating Habits:
- ☐ Separation Difficulties:
- ☐ Aggression:
- ☐ Conduct/Oppositional Problems:
- ☐ Difficulties with Peers:
- ☐ Sexualized Behavior or Themes in play or With Other Children:
- ☐ Inappropriate Sexual Knowledge:
- ☐ Pronounced Disturbance of Mood and Affect:
- ☐ Enuresis/Encopresis:
- ☐ Marked Distrust in Others:
- ☐ Other
- ☐ Comments:
- ☐ Test Results:

CHILD'S INTERVIEWAssessment of Credibility

Concept of Counting/Numbers or Not Age Appropriate for Assessment:
Samuel correctly counted 5 markers.

Concept of Prepositions or Not Age Appropriate for Assessment:
Through use of example, i.e. Samuel correctly placed a toy mouse both inside and on top of a toy house and correctly stated that the paper was in the trash can and a marker was on the table, it was determined that Samuel knows the difference between "in" v. "on."

Knowledge of Body Parts: (general and genital, to include child's name for parts):
Samuel correctly identified various body parts on anatomical drawings of both a school age boy and girl. He identified the penis as the "weener" and the vagina as the "private." He identified the buttocks of both the boy and the girl drawing as the "butt."

Truth vs. Lies and Right vs. Wrong: (establish by describing interviewer techniques and child's affect and answer): [REDACTED] correctly identified which boy was telling the truth and which boy was not telling the truth in an age appropriate pictorial story. He also correctly identified two statements of truth and two statements of lies made by this interviewer. [REDACTED] was able to give a spontaneous and correct example of a truthful statement, i.e. "The door is

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white," and a spontaneous and correct example of a lie, i.e. "I see ten windows." He stated that he would talk with me about things that are true and that really happened.

"No Guessing" Rule and Assertiveness: (explain that guessing is not appropriate or necessary or needed, okay to say "I don't know" and importance of correcting the interviewer's mistakes): Samuel understood these rules and agreed not to guess and to correct my mistakes.

Child's Narrative of the Allegation:

In the rapport building stage of this interview, [REDACTED] told me the names of all the people in his family who live with him and this interviewer drew the family members faces and wrote each person's name on large paper. When he named his brother, Carl, he spontaneously stated, "Carl doesn't live with us anymore." The remainder of this interview is given in Interviewer Question (Q) and Child's Answer (A) format: (Q) Why doesn't Carl live with you anymore? (A) Daddy made him leave. (Q) Why did Daddy make him leave? (A) Carl was doing bad things to us. (Q) Did Carl do anything bad to you? (A) Yes. He was touching me there and there. (Samuel pointed to the penis and the buttocks on the boy anatomical drawing.) (Q) What are those body parts? (A) Weener and butt. (Q) What did he touch your weener with? (A) His hand. When Mom and Dad leave to go to the store or go out to eat. (Q) Did Carl touch your weener on your skin or on your clothes? (A) Skin. (Q) Did Carl ever touch your weener with anything besides his hand. (A) Yes. (Q) What else? (A) He didn't touch it anymore after he touched it three times. He touched it one time with his mouth. (Q) Did your weener go in or on Carl's mouth? (A) It went in his mouth. (Q) What did Carl touch your butt with? (A) His face. (Q) How many times did Carl touch your butt with his face? (A) Three. I saw Carl's weener because he made me. (Q) Did Carl make you just look at his weener or what? (A) He made me touch it. (Q) How many times did Carl make you touch his weener? (A) Bunches of times. He made me touch it. (Q) What did he make you touch his weener with? (A) My hand. (Q) Did he ever make you touch his weener with anything else besides your hand? (A) No. (Q) Did Carl's weener ever go any other place on or in your body besides your hand? (A) No. (Q) Did Carl ever make you touch any other place on his body? (A) He made me touch his butt with my hand. (Q) How many times did he make you do that? (A) Three times and he touched my butt, too. (Q) What did Carl touch your butt with? (A) His hand. (Q) When Carl touched your butt with his hand, did anything go inside the opening of your butt? (A) No. (Q) How many times did Carl touch your butt with his hand? (A) One time. (Q) Where were you when Carl touched your weener and made you touch his weener? (A) His room. (Q) At the house you live in now? (A) At our old house where we just moved from. He would lock the door. He had a little switch lock on the door. (Q) Was anybody else ever in there when Carl touched your weener? (A) Not when I was in there. (Q) Did Carl ever touch your weener when you were in another room besides his room? (A) He did that with my clothes on. (Q) Carl touched your weener with your clothes on when you were in other rooms? (A) Yes, bunches of times. (Q) Did you ever see Carl touch any of your brother's weeners or your sister's private part? (A) No, but I thought he was touching [REDACTED] and [REDACTED]. (Q) What made you think that? (A) I don't know, I just thought so. (Q) Did Carl ever show you any unusual pictures or videos? (A) Yes. They were horrible pictures of people with no clothes on. (Q) Were the people in the pictures grown ups or what? (A) Both. (Q) What do you mean by "both?" (A) Grown ups and kids were in the pictures. (Q) Did Carl ever take any pictures of you? (A) Yes, you know those cameras that you don't have to take the film back to the store to get the pictures, he had one of

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LEX CTY CHILDREN CTR

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02-25617

those. (Q) When Carl took the picture of you, how did he get the picture? (A) It just came out from the camera when he took it. (Q) Did you see the picture of you? (A) Yes. (Q) When did you see it? (A) Right when he took it. (Q) Was the picture just of you? (A) Yes. (Q) What were you doing when he took the picture of you? (A) Standing up. I was just standing up and he took it from the front and my back. (Q) What were you wearing? (A) Nothing. He did it after he made me take all my clothes off. (Q) How many pictures of you did Carl take with your clothes off? (A) Two. One of my front and one of my back. (Q) Were the pictures of your whole body? (A) Yes. (Q) Has Carl ever hurt you in any way? (A) He jerked me by my hair and he tied a rope to a tree on one end and the other end to my weener once and tied my hands so I couldn't get loose. He pulled on the rope and it was real tight on my weener. (Q) Did that hurt? (A) Yes, it hurt a lot because it was so tight and was pulling on my weener. He put my fingers in the coffee grinder one time and turned it on. (Q) Did your fingers bleed? (A) They bled a little bit. (Q) Did Carl ever say anything about touching your weener? (A) He said, "I'm going to do bad stuff to you and you better not tell anybody." If I told, he said he'd hang me in a tree by my hair. He said that every single time.

INTERVIEWER'S SUMMARY

Disclosure Summary & How Compelling was the Disclosure: Credible disclosure. Samuel is credible in his statements to me. Very compelling disclosure.

Concerns Regarding Denial/Minimization/Recanting/Injunctions not to tell and Family Reports: Concerns that Samuel is minimizing the numbers of times that incidents of abuse occurred. He has been threatened not to tell and has been physically injured by Carl.

Concerns Regarding False Allegations, Coaching, or Memorized Answers: (Rote answers, adult vocabulary, description of pureness of answers, consistency of affect, spontaneity):

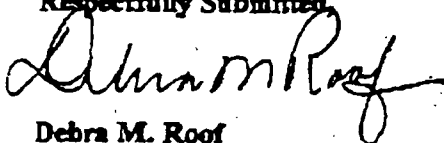
Responses spontaneous and purely rendered. No indication of coaching. Affect consistent throughout interview.

Recommend refer for therapy.

Date(s) of Interview: 10-02-02

Length of Interview: 2 hours

Respectfully Submitted,



Debra M. Roof
Licensed Master Social Worker
SC License #6695

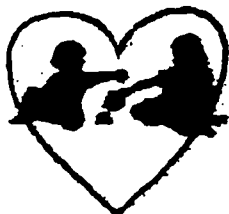
Attachment(s): Yes ☒ No

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Lexington County Children's Center, Inc.

1615 Augusta Road
West Columbia, S.C. 29169
Telephone 791-1511

Encl. #3
02-58617

FORENSIC INTERVIEW

Name: [REDACTED]

Race: C

DOB: [REDACTED]

Current Living Arrangement: (address, phone and relationship):
See Forensic Interview Report for Hannah Asquith

Law Enforcement: Lexington Cty Sheriff's Dept—Chris Lorick (No DSS involvement)

Type of Alleged Abuse/Presenting Problem:

Sexual X Physical Emotional Physical Neglect Emotional Neglect

INFORMANT'S or VICTIM'S INFORMATION REGARDING ALLEGATION

Summary of Allegation: (Informant, Allegation, Identity of Alleged Perpetrator, Perpetrator's Relationship to child): See Forensic Interview Report for [REDACTED]

INFORMANT'S or VICTIM'S INFORMATION REGARDING CHILD

Describe Family Dynamics: (parent status, out-of-home placement, domestic violence, court involvement): See Forensic Interview Report for [REDACTED]

Child's Current Physical Condition: (medications, significant illnesses): None

Child's Current Level of Intellectual Functioning: (attention span, cognitive development, verbal skills and abilities): Cognitive development age appropriate; verbal skills and attention span excellent during interview.

Brief Psycho-Social History: (school, current grade, peer relationships, authority relationships, exposure to sexually explicit material, i.e. movies, magazines, pictures, observation, prior allegations of abuse): Home schooled. Possible exposure to pornography allegedly by brother, Carl. No reported prior history of allegation(s) of abuse made on behalf of [REDACTED] against his brother Carl, nor any other person.

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LEX CTY CHILDREN CTR

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02-55617

INFORMANT'S or VICTIM'S CLINICAL INFORMATION

Behavior of the Child: (as compared to behavior before and after the alleged abuse or the disclosure of the abuse):

- ___ Anxiety/Hyperarousal:
- ___ Trauma Reenactments:
- ___ Flashbacks/Intrusive Thoughts:
- ___ Fearfulness:
- * ___ Nightmares/Night Terrors/Sleep Problems: nightmares
- ___ Change in Eating Habits:
- ___ Separation Difficulties:
- ___ Aggression:
- ___ Conduct/Oppositional Problems:
- ___ Difficulties with Peers:
- ___ Sexualized Behavior or Themes In play or With Other Children:
- ___ Inappropriate Sexual Knowledge:
- ___ Pronounced Disturbance of Mood and Affect:
- ___ Enuresis/Encopresis:
- ___ Marked Distrust In Others:
- ___ Other
- ___ Comments:
- ___ Test Results:

CHILD'S INTERVIEWAssessment of Credibility

Concept of Counting/Numbers or Not Age Appropriate for Assessment: N/A due to age

Concept of Prepositions or Not Age Appropriate for Assessment: N/A due to age

Knowledge of Body Parts: (general and genital, to include child's name for parts):

Through discussion, it was determined that [REDACTED] has accurate knowledge regarding both male and female body parts. We agreed to refer to the genitals of both as the "private parts."

Truth vs. Lies and Right vs. Wrong: (establish by describing interviewer techniques and child's affect and answer. Through discussion and use of example, it was determined that [REDACTED] knows the difference between truth and lie. He agreed to talk with me about things that are true and that really happened.

"No Guessing" Rule and Assertiveness: (explain that guessing is not appropriate or necessary or needed, okay to say "I don't know" and importance of correcting the interviewer's mistakes): [REDACTED] understood these rules and agreed not to guess and to correct my mistakes.

12/09/2002 14:58

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LEX CTY CHILDREN CTR

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Guelo, F3

02-52617

Child's Narrative of the Allegation:

After establishing rapport and assessing [REDACTED] credibility, I began a discussion with him about touches. He stated that it is OK for medical doctors to look at and touch someone's body parts including the private parts, if necessary, but that it is not OK for anyone else to do so. The remainder of this interview is given in Interviewer Question (Q) and Child's Answer (A) format.

(Q) Has anybody besides a doctor ever touched you on your private part? (A) Yes, Carl. (Q) What did Carl touch you on your private part with? (A) His hand. (Q) Did Carl touch you on your private part on your clothes or on your skin? (A) Skin. (Q) Where were you when Carl touched your private part? (A) In our old house in Gaston. (Q) Did Carl touch you usually in any particular room of the house? (A) In his room. He had a lock on the door that you turn and he'd lock the door and do it. Sometimes in the living room and once in our bedroom. (Q) Where were Mom and Dad? (A) He'd call me in there, in his room, when they weren't home. (Q) Did Carl ever touch you anytime during the night? (A) No, but he did it once in the early morning while everyone else was still asleep. It was in the family room, by the bookshelf. (Q) Did Carl ever touch your private part with anything else besides his hand? (A) He touched it once with a screwdriver and he put it up my butt one time. (Q) He put what up your butt? (A) The screwdriver. (Q) What room did that happen in? (A) His room. (Q) Did Carl ever touch your private part or butt with anything else? (A) Yes, he touched both places with his private part. (Q) When he touched your butt with his private part, did his private part go inside your butt or what? (A) Yes, it went inside. (Q) Do you know how many times that happened? (A) 3 or 4. He put his private part in my mouth. (Q) How many times did he put his private part in your mouth? (A) A lot of times. Ten times. He put his mouth on my private part, too. (Q) How many times did he put his mouth on your private part? (A) A lot. About ten times. (Q) Did Carl ever ask you to touch him any other place on his body that is a private area, besides his private part? (A) Yes. His butt. (Q) What did he ask you to touch his butt with? (A) My mouth and my hand. (Q) Did you do that? (A) Yes. (Q) How many times? (Q) 5 or 6. (Q) Did Carl ever show you any unusual pictures or videos? (A) No, but he told me about one that Mom wanted to see, but he told her he made them for the other Marines. (Q) What did he tell you about it? (A) That it was him with some of his friends at the Marines and they were touching each other's private parts and butts. (Q) Did he ever take any pictures of you? (A) Not bad pictures like the Marine picture. (Q) Did Carl ever take any pictures of you when you were not wearing clothes? (A) No. (Q) Was anybody else ever there when Carl was touching your private part or butt? (A) One time we were in the living room and [REDACTED] came in and Carl said go back outside and put his clothes on and pushed [REDACTED] back out and locked the door. (Q) Where was Mom and Dad? (A) Mom went to Aunt Terri's and Dad went to work. (Q) Did Carl ever say anything about touching you? (A) He said it was bad and we shouldn't do it, but he kept on doing it. He said not to tell anybody. He said this is our own private thing. (Q) Were you afraid of Carl? (A) If I told anybody I would be. I was afraid to tell. (Q) Did you ever see Carl touch any of your brothers or sister? (A) No. I thought I was the only one he was doing it to. (Q) Do you remember the first time Carl touched you? (A) No, he's been doing it for as long as I can remember and one time I was tempted to touch my brother, but I didn't do it.

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LEX CITY CHILDREN CTR

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Encls, #3

02-52617

INTERVIEWER'S SUMMARY

Disclosure Summary & How Compelling was the Disclosure: Credible disclosure.
[REDACTED] is credible in his statements to me. Very compelling disclosure.

Concerns Regarding Denial/Minimization/Recanting/Injunctions not to tell and Family Reports: Serious concerns that [REDACTED] has minimized the numbers of times that incidents of abuse occurred with Carl since he states that it has been going on for as long as he can remember.

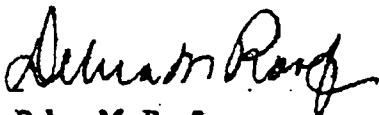
Concerns Regarding False Allegations, Coaching, or Memorized Answers: (Rote answers, adult vocabulary, description of pureness of answers, consistency of affect, spontaneity): Responses spontaneous and purely rendered. Affect consistent with child genuinely disclosing abuse. No indications of coaching.

Recommend refer for therapy, especially since he is developing thoughts of perpetrating on others.

Date(s) of Interview: 10-02-02

Length of Interview: 2 hours

Respectfully Submitted,



Debra M. Roof
Licensed Master Social Worker
SC License #6695

Attachment(s): Yes ☒ No

PETITIONER'S EXHIBIT

D

Classing Summary Reports - Report View

Page 2 of 3

CRIM SEX COND W/MINOR(2ND 12 0 0 LEXINGTON 10/09/2002 V 4 1666+ 03GS321665+

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

INCEST	NOTIFY	OPEN ARREST	CATEG:4
CRIM SEX COND W/MINOR(2ND	NOTIFY	OPEN ARREST	CATEG:4
CRIM SEX COND W/MINOR(1ST	NOTIFY	OPEN ARREST	CATEG:5

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:

04/17/2011	POSSESSION OF CONTRABAND	CONVICTED	ADMINISTRATIVE RESOLUTION
------------	--------------------------	-----------	---------------------------

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

12/07/2011	KERSHAW	INCARCERATED	ADMINISTRATIVE
11/03/2010	LEE	INCARCERATED	ADMINISTRATIVE
10/14/2008	KERSHAW	INCARCERATED	ADMINISTRATIVE
10/13/2008	KIRKLAND	INCARCERATED	MEDICAL
02/06/2008	KERSHAW	INCARCERATED	ADMINISTRATIVE
09/06/2005	LIEBER	INCARCERATED	ADMINISTRATIVE
05/26/2005	LEE	INCARCERATED	ADMINISTRATIVE
09/14/2004	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
09/08/2004	LEE	INCARCERATED	ADMINISTRATIVE
08/11/2004	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
INDUSTRIES TRAINEE	12/10/2011	-		2F5
SANITATION WORKER	12/08/2011	12/09/2011	INMATE REQUEST	2F5
MACHINE OPERATOR	03/17/2011	12/07/2011	INSTIT TRANSFER	2F5
GENERAL WORKER	01/26/2011	03/16/2011	LATERAL TRANSFER	2F5
INDUSTRIES TRAINEE	05/06/2008	11/03/2010	INSTIT TRANSFER	2F5
TEACHER ASSISTANT	04/28/2008	05/05/2008	INMATE REQUEST	2F5

THE UNIVERSITY MICROFILMS
SERIALS ACQUISITION DEPARTMENT

Abstract

ITALIAN INDIAN DIPLOMACY 117-137

[illegible]

FLY/123 11 11

OFFENSE	TYPE	OFFENSE	HEARING	DET BY	DET	DET
DATE	DESCRIPTION	ACTION	DATE	DATE	LAST	DECISION
2_ 00001	POSSESSION OF CONTRAB	ADMINIST	04/17/11	04/30/11	00000	CONVICTED
	RECORD OF LISTING					

PAGE 70091

SELECT A JUDGE AND PRESS <ENTER> TO DISPLAY OR <F10> TO ADD IF

FLA-MODIFY FFS-DENIED/NOT GUILTY

FF34 - GUTT - SF 30 - MAIN FIELD

DISC1100
000100A

SCDD OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY

03/18/11
LAFAYET

SCDD CASE#: 304271 00001

ARQUIN, CARL MATTHEW

CHRG LOC: KEEHAN

OFFENDER TYPE: ADULT STRAIGHT

OFFENSE

CHARGED OFFENSE: 617 POSSESSION OF CONTRABAND DATE: 04/12/11 TIME: 08:30 PM

OFFENSE LOCATION: 0551 LSC

OFFENSE CAT LVL: 2

LOCATION IN INST: 37 MINIMUM LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE

ADVISING OFFICIAL: M HOLLIMAN

TYPE ACTION: 08 ADMINISTRATIVE RESOLUTION CHARG. OFF CHRG

HEARING LOC: 0551 LSC

ACTUAL HEARING DATE: 04/30/11

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ: SCDD HEAR DATE: 04/25/11

IND HEARING DEC: 0 CONVICTED

PLEA: 0 GUILTY

CONVICTED OFF: 617 POSSESSION OF CONTRA CONVICT. OFF CHRG.

DATE DROPPED:

TOT GT LOST: 00000 APPRV:

APPEAL DEADLINE: 05/15/11

GT RESTORED: 00000

CREATED BY: PINKNEY, ANGELA

04/19/11

LAST UPDATED BY: DAVIS, JESSICA

04/25/11

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF6-NEXT DISCIF

DISPATCH
DESCRIPTION

GOOD OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

04/16/11
LARIYPT

NARRATIVE...

WHILE CONDUCTING A SECURITY CHECK, I BIE MOLLINON SAW I/M DASH ALIQUATE SUBJECT
USING SMOKING TOBACCO PRODUCTS ON THE TOP TIER OF SUMTER NORTH UNIT. I/M
CHARGED WITH 017.

CASE HEARD BY CAPT FINKNEY ON 042011

SANCTION 10 DAYS

TV 90 DAYS

COUNSELING AND REPRIMAND

CREATED BY: FINKNEY, ANGELA
LAST UPDATED BY: DAWID, JESSICA

04/15/11
04/25/11

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG ES=NEXT PG

PETITIONER'S EXHIBIT

E

SP Multi-Disciplinary Team
 Asquith, Carl Matthew - #304271
 Page 3

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None on file
 Medications: N/A
 Problems/Compliance:
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY:

	TYPE	DATES	STATUS
Phase I:	Education C-Star	1—6-05	Completed

SOTP GROUP:

Phase II: Education

Phase III: Education

OTHER

RTU: Intensive Residential 9-14-04 thru 1-6-05 Terminated
 Treatment

Admission of Sex Offense(s):
 Other Information:

PETITIONER'S EXHIBIT

F

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

302.83 Sexual Masochism

The paraphilic focus of Sexual Masochism involves the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer. Some individuals are bothered by their masochistic fantasies, which may be invoked during sexual intercourse or masturbation but not otherwise acted on. In such cases, the masochistic fantasies usually involve being raped while being held or bound by others so that there is no possibility of escape. Others act on the masochistic sexual urges by themselves (e.g., binding themselves, sticking themselves with pins, shocking themselves electrically, or self-mutilation) or with a partner. Masochistic acts that may be sought with a partner include restraint (physical bondage), blindfolding (sensory bondage), paddling, spanking, whipping, beating, electrical shocks, cutting, "pinning and piercing" (infibulation), and humiliation (e.g., being urinated or defecated on, being forced to crawl and bark like a dog, or being subjected to verbal abuse). Forced cross-dressing may be sought for its humiliating associations. The individual may have a desire to be treated as a helpless infant and clothed in diapers ("infantilism"). One particularly dangerous form of Sexual Masochism, called "hypoxiphilia," involves sexual arousal by oxygen deprivation obtained by means of chest compression, noose, ligature, plastic bag, mask, or chemical (often a volatile nitrite that produces a temporary decrease

PETITIONER'S EXHIBIT

G

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 Paraphillias that are less frequently encountered. Not uncommonly, individuals have more than one Paraphilia.

Recording Procedures

The individual Paraphillias 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 Paraphillias 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 Paraphillias 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

H

ICHR 003FBF2704 from SCCH

ATTSC412

.ICHR.003FBF2704.SCCH.20120321 10:23:27

TO: ATTSC412-1766 20120321 10:23:27 003FBF2704

FROM: SCCH-12527364 20120321 10:23:27

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI-414230XB2 PUR-C

ATN-DEB SHUPE

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-03/21/2012 TIME-10:19:50

REQ ORI-SC040015A ATTORNEY GENERALS

SID-SC01447356 FBI-414230XB2

NAME-ASQUITH, CARL MATTHEW SEX-M RACE-W

HEIGHT-507 WEIGHT-175 EYES-BLU HAIR-BLN SKIN- BORN-SC

FPC- HENRY-

PHOTOGRAPH AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--10/24/2002 DATE OF LAST UPDATE--12/30/2011

ADDITIONAL IDENTIFIERS	BIRTH			
NAME	DATES	MARKS	SOC SEC	MISC NUM
ASQUITH, CARL M				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
ASQUITH, CARL MATTHEW	10/09/2002
SC0320000 LEXINGTON CNTY SO	
CASE-0255617	
ATN-980000316384	
WARR-H127492	
CIT-16-3-655(C) (1)-FELONY	

ARREST CHARGE 01-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
OFFENSE DATE-10/09/2002
PHOTOGRAPH AVAILABLE

WARR-H127493
CIT-16-3-655(C) (1)-FELONY

ARREST CHARGE 02-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
OFFENSE DATE-10/09/2002

WARR-H127494
CIT-16-3-655(C) (1)-FELONY

ARREST CHARGE 03-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
OFFENSE DATE-10/09/2002

WARR-H127502
CIT-16-3-655 (C) (3)-FELONY

ARREST CHARGE 04-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
OFFENSE DATE-10/09/2002

WARR-H127503
CIT-16-3-655 (2)-FELONY

ARREST CHARGE 05-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
OFFENSE DATE-10/09/2002

WARR-H127506
CIT-16-15-20-FELONY

ARREST CHARGE 06-INCEST

WARR-H127507
CIT-16-15-20-FELONY

ARREST CHARGE 07-INCEST

CIT-16-3-655 (2)-FELONY
DOC-03GS3201655 WARR-H127492

COURT CHARGE 01-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
COURT DISP-CONVICTED; 12 YRS
CTS C/C
COURT DATE-08/09/2004
ATN-980000316384

CIT-16-3-655 (2)-FELONY
DOC-03GS3201656 WARR-H127493

COURT CHARGE 02-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
COURT DISP-CONVICTED; 12 YRS
CTS C/C
COURT DATE-08/09/2004

CIT-16-3-655 (2)-FELONY
DOC-03GS3201657 WARR-H127494

COURT CHARGE 03-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
COURT DISP-CONVICTED; 12 YRS
CTS C/C
COURT DATE-08/09/2004

CIT-16-15-20-FELONY
DOC-03GS3201658 WARR-H127495

COURT CHARGE 04-INCEST
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-15-20-FELONY
DOC-03GS3201659 WARR-H127499

COURT CHARGE 05-INCEST
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-15-20-FELONY
DOC-03GS3201660 WARR-H127500

COURT CHARGE 06-INCEST
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-3-655 (C) (3)-FELONY
DOC-03GS3201661 WARR-H127501

COURT CHARGE 07-CRIM SEX
CONDUCT W/MINOR (11-14YRS) -
2ND DEGREE
COURT DISP-NON-CONVICTION;

CIT-16-3-655(C)(3)-FELONY
DOC-03GS3201662 WARR-H127502

DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

COURT CHARGE 08-CRIM SEX
CONDUCT W/MINOR (11-14YRS)-
2ND DEGREE
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-3-655(2)-FELONY
DOC-03GS3201663 WARR-H127503

COURT CHARGE 09-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
COURT DISP-CONVICTED;12 YRS
CTS C/C
COURT DATE-08/09/2004

CIT-16-3-655(C)(1)-FELONY
DOC-03GS3201664 WARR-H127504

COURT CHARGE 10-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-3-655(C)(1)-FELONY
DOC-03GS3201665 WARR-H127505

COURT CHARGE 11-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-08/09/2004

CIT-16-3-655(1)-FELONY
DOC-03GS3201666 WARR-H127506

COURT CHARGE 12-CRIM SEX
CONDUCT W/MINOR-<11YRS
OLD-1ST DEGREE
COURT DISP-CONVICTED;12 YRS
CTS C/C
COURT DATE-08/09/2004

CIT-16-3-655(1)-FELONY
DOC-03GS3201667 WARR-H127507

COURT CHARGE 13-CRIM SEX
CONDUCT W/MINOR-<11YRS
OLD-1ST DEGREE
COURT DISP-CONVICTED;12 YRS
CTS C/C
COURT DATE-08/09/2004

SC040015C SC DEPT CORRECTIONS 08/11/2004 CUSTODY STATUS-RECEIVED
CASE-304271 START DATE-08/11/2004
CIT-16-3-655(1)-FELONY

COURT CHARGE 01-CRIM SEX
CONDUCT W/MINOR-<11YRS
OLD-1ST DEGREE
COURT DISP-CONVICTED;2 CTS
12 YRS EA CC
ATN-500200038208

CIT-16-3-655(2)-FELONY

COURT CHARGE 02-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
COURT DISP-CONVICTED;4 CTS
12 YRS EA CC

----- message ICHR 003FBF2704 from SCCH

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/414230XB2
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION
INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **



ATTSC412

.QWA.0006EF66E0.NC2K.20120321 10:23:28

TO: ATTSC412-1767 20120321 10:23:28 0006EF66E0

FROM: NC2K-15689440 20120321 10:23:28

1L0131F50004202QWA

SC040015A

NO NCIC WANT FBI/414230XB2

NO NCIC WANT SOC/008709791

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	CASE NO: 2012-CP-32-01783
	)	
IN THE MATTER, CARE AND	)	NOTICE OF RETENTION OF
TREATMENT OF	)	INDEPENDENT EXPERT
CARL MATTHEW ASQUITH,	)	
RESPONDENT	)	

To: Amber Lynn Cary, Attorney for Respondent

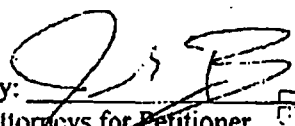
You will please take notice that the Attorney General is exercising its right pursuant to South Carolina Code Section 44-48-90(C) to an independent evaluation of the above Respondent regarding whether he suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. Attached as Exhibit 1 is a copy of the letter from the Attorney General's Office retaining Dr. R. Gregg Dwyer or his designee, through the Medical University of South Carolina, to conduct such examination.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

March 13, 2013
Columbia, South Carolina

By: 
Attorneys for Petitioner
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3243

2013 MAR 14 PM 2:20



ALAN WILSON
ATTORNEY GENERAL

February 15, 2013

R. Gregg Dwyer, M.D., Ed.D
Department of Psychiatry and Behavioral Sciences
Medical University of South Carolina
67 President Street
MSC 861
Charleston, SC 29425

Re: *In the Matter of the Care and Treatment of Carl Matthew Asquith*
C.A. No. 2012-CP-32-01783

Dear Dr. Dwyer:

Pursuant to the March 1, 2012, Consultation Agreement, this letter confirms the Attorney General's Office has retained you, or your designee, as an expert in the above referenced Sexually Violent Predator action. The Office will pay you up to \$1800 to review the existing records, and discuss your findings and recommendations with this Office. If you recommend a full comprehensive evaluation, your fee will be \$3600, with all fees previously paid applying toward that amount. This amount will include any and all psychological and physiological tests for evaluation purposes, preparation of such expert reports as may be necessary, and one day of trial appearance.

You, or your designee, will working with Assistant Attorney General Jim Bogle to advise him in this matter and prepare for trial if necessary. As soon as possible, please let Mr. Bogle know who will be performing the evaluation, and if the work on this matter cannot be substantially completed within sixty days.

During your work for this Office, you will need to ensure you do not accept any other work that could create the fact or appearance of a conflict of interest. Please submit invoices within thirty days of rendering services. The invoices should be mailed to the South Carolina Attorney General, Attn: Finance, PO Box 11549, Columbia, SC 29211. The Attorney General very much appreciates your willingness to serve as an expert in this case.

Sincerely,

John W. McIntosh
John W. McIntosh
Chief Deputy Attorney General

cc: Assistant Attorney General Jim Bogle
Thomas Osmer, Director of Finance
Senior Assistant Deputy Attorney General Deborah R.J. Shupe

Exhibit 1

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	ELEVENTH JUDICIAL CIRCUIT
COUNTY OF LEXINGTON	)	CASE NO. 2012-CP-32-01783
	)	
IN THE MATTER OF THE CARE	)	
AND TREATMENT OF	)	
CARL MATTHEW ASQUITH,	)	ORDER OF COMMITMENT
	)	
RESPONDENT.	)	

RECEIVED
CLERK OF COURT
JUL 11 2014

JUN 11 - 3 PM 11:15

FILED

The jury trial of this case was held in the County of Lexington in the Court of Common Pleas the week of June 2, 2014. Senior Assistant Attorney General James G. Bogle, Jr. represented the State. Amber C. Fulmer, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Carl Matthew Asquith, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

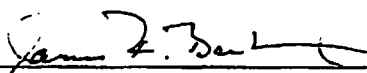
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to be detained in the Lexington County Detention Center and transported, as soon as possible, to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. Transport of Respondent is to take place on such scheduled date as the Detention Center coordinates with the Department of Mental Health;

AND IT IS SO ORDERED.

6/3, 2014
Lexington, South Carolina



Judge for the Eleventh Judicial Circuit
Court of Common Pleas

RECEIVED

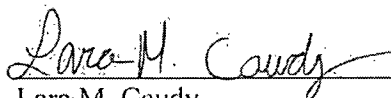
FEB 03 2016

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

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."

February 3rd, 2016



Lara M. Caudy
Appellate Defender

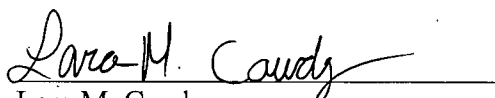
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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."

February 3rd, 2016


Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED
FEB 03 2016
SC Court of Appeals