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STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM AIKEN COUNTY

G. Thomas Cooper, Circuit Court Judge

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SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF RANDALL WADE MCCOY,

APPELLANT

APPELLATE CASE NO. 2015-000485

RECORD ON APPEAL

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1 State of South Carolina)
2 County of Aiken) Court of Common Pleas

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5 IN THE MATTER OF THE CARE AND)
TREATMENT OF RANDAL WADE MCCOY,)
6)
Plaintiff,) Transcript of Record
7 v.) 2013-CP-02-02577
THE STATE OF SOUTH CAROLINA,)
8)
9 Defendant.)

10
11 FEBRUARY 23-24, 2015
12 AIKEN, South Carolina

13
14 B E F O R E:

15 The Honorable G. THOMAS COOPER, Judge; and a jury.

16
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25 Circuit Court Reporter

I N D E XWITNESS DIRECT CROSS REDIRECT RECROSS

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1 THE COURT: Welcome to the Court of Common Pleas for
2 Aiken County. This is the civil division of our court
3 system. So those of you who are selected -- we're going
4 to select two juries this morning. The first one,
5 obviously, would start immediately after jury
6 qualifications. The second one, the jury which is
7 selected will be released and probably asked to come
8 back on Wednesday.

9 But in any event, I think you have your jury cards
10 and your jury numbers and probably has a phone number on
11 there to call in because we never know whether the
12 second case will be -- whether the first case will be
13 finished and whether the second case will be ready to go
14 on Wednesday.

15 My name is Tom Cooper, I am what they call a retired
16 acting Circuit Judge and on the 5th Judicial Circuit.
17 My office is primarily in Columbia. I live in Camden.
18 A city that competes with Aiken a lot for some of the
19 notoriety of the horse business. But -- so we have
20 something in common, but I'm happy to be here in Aiken
21 County this week. I always enjoy coming to Aiken. It's
22 a beautiful town and we always have good jurors and
23 willing jurors. I say, we, I know you know this is not
24 a voluntary activity on your part, but we do hope that
25 you will -- if you go through the jury process, you'll

1 understand what an important role you serve in our
2 democracy.

3 I tell jurors all the time that the system can do
4 without me, it can do without these attorneys, but can't
5 do without you. You're such an important part of the
6 judicial system of this country that your role was
7 written into the Constitution of the United States 250
8 odd years ago. So we can't function because we have a
9 trial by jury system in this country, obviously, we
10 cannot function without citizens who are willing to come
11 and sit and serve as jurors.

12 So this morning, at this time, we're going to go
13 through what's called a qualification process. And I
14 think you'll understand why there is such a thing as a
15 qualification process. And following that, I'll get
16 into the two cases that are scheduled for trial this
17 week and tell you a little bit more about them and give
18 you some instruction about how we are going to proceed.
19 So, you can sit down so I can see.

20 These qualification questions are those that have
21 been adopted by our Legislature as qualifying questions
22 for members of juries in South Carolina. Now, I will
23 say before I get started, that we don't want to
24 embarrass anybody. One of the questions will involve
25 your medical condition and I'm certain that you may not

1 want to stand up in front of your fellow jurors and
2 neighbors and tell them all about your medical problems.
3 Of course, we might be here a long time if we start
4 doing that.. But -- so I'm going to give you the
5 opportunity at the end of this question and answer
6 period to come forward and talk to me privately about
7 any medical condition or doctor's appointments and
8 things like that that you have that would prevent you
9 from serving on a jury. So as I said, we don't want to
10 embarrass anybody, so we'll have that opportunity at the
11 completion of the questionnaire.

12 All right. Any member of the jury panel not a
13 citizen of the United States? If so, please stand.

14 (No response)

15 THE COURT: Any member of the jury panel not a
16 resident and citizen -- I'm sorry.

17 MR. MOCCIA: I'm citizen to my wife, but I was born
18 in Italy. My wife -- I married an American woman.
19 That's why I'm here.

20 THE COURT: Well, that's a good thing. But you have
21 not obtained citizenship?

22 MR. MOCCIA: Yeah, I got it. When I married my
23 wife, I became a citizen. I'm not sure if that's the
24 way it works. I'm not 100 percent sure. I got a
25 driver's license.

1 THE COURT: All right. What's your number, please?

2 MR. MOCCIA: 113.

3 THE COURT: 1-3-0?

4 MR. MOCCIA: No, 1-1-3.

5 THE COURT: 113. Have a seat, sir. When you do
6 stand, if you answer questions like this gentlemen did,
7 please give me your jury number. I'm not really
8 concerned about your name, just give me your number and
9 I can identify you from your jury number.

10 Any member of the jury panel unable to read, write,
11 speak, or understand the English language? If so,
12 please stand.

13 MR. MOCCIA: I never went to school in this country,
14 so I learned by talking. If I got to read or write --

15 THE COURT: So, do you read the newspaper?

16 MR. MOCCIA: Yes, I can read newspaper. But a lot
17 of words that are hard for me to understand.

18 THE COURT: You can read the sports section?

19 MR. MOCCIA: Yes.

20 THE COURT: Okay. Who won the Daytona 500
21 yesterday?

22 MR. MOCCIA: I don't know. Only soccer game.

23 THE COURT: All right. Thank you, very much, Mr.
24 113. You sound like you understand --

25 MR. MOCCIA: I understand. I can get by.

1 THE COURT: Where in Italy?

2 MR. MOCCIA: Naples.

3 THE COURT: Naples?

4 MR. MOCCIA: Tough city.

5 THE COURT: All right. Let's move on. Any member
6 of the jury panel not less than a sixth grade education?
7 Mr. 113, you need not stand. Or else you can stand up
8 and stay standing. Sixth grade education or its
9 equivalent?

10 (No response)

11 THE COURT: Any member of the jury panel unable
12 because of physical or mental infirmity to render
13 efficient jury service? For example, any member of the
14 jury panel have a medical condition that would prevent
15 you from serving on a jury this week? If so, please
16 stand.

17 (No response)

18 THE COURT: Any member of the jury panel been
19 convicted by a guilty plea or trial in the state or
20 federal court of record of a crime punishable by
21 imprisonment for more than one year and your civil
22 rights have not been restored by pardon or amnesty?
23 Punishable by more than one year means you could have
24 received a sentence of more than one year regardless of
25 what sentence you actually may have received. If so,

1 please stand.

2 (No response)

3 THE COURT: Any member of the jury panel a clerk or
4 deputy clerk of court, constable, sheriff, or other
5 commission, law enforcement officer, probate judge,
6 county commissioner, magistrate or other county officer
7 or employed within the walls of any courthouse? If so,
8 please stand.

9 (No response)

10 THE COURT: Any member of the jury panel who
11 previously served on jury duty in this court, circuit
12 court, not city court or magistrate's court during this
13 calendar year? Not likely, but --

14 (No response)

15 THE COURT: Any member of the jury panel served as a
16 member of the Aiken County grand jury during the past
17 five years? If so, please stand.

18 (No response)

19 THE COURT: All right. Ladies and gentlemen, we now
20 move on to what are called jury exemptions. State law
21 provides for several exemptions. Jury service exemption
22 does not mean you're not qualified to serve, it simply
23 means you have the right to say, I choose not to serve.

24 For example, those of you who are 65 years of age or
25 older may be exempted from jury service. Those of you

1 65 years of age or older, however, represent a pool of
2 tremendous talent for jury service and we urge you to
3 stay and serve this week if you're inclined to do so.
4 But if you wish to be exempt, you also may certainly do
5 so. So I'll ask if any member of the jury panel who's
6 65 years of age or older and who wishes to be exempted
7 from jury service this week. If so, please stand.

8 (No response)

9 THE COURT: Another exemption concerns prior jury
10 service. No person is required to serve as a juror more
11 often than once every three calendar years. Therefore,
12 if any member of the jury panel served on duty during
13 the last two calendar years, 2014, 2013, you may be
14 exempt from jury service this week if you choose to be
15 exempted. This exemption does not apply if your jury
16 service was in a magistrate court, city court, or
17 federal court. If this exemption applies to you and you
18 wish to be exempted, please stand.

19 (No response)

20 THE COURT: A person who served -- well, I asked
21 that about grand jurors. Next exemption deals with
22 those of you who have legal custody of young children.
23 Please listen very carefully to this exemption, it has
24 several parts. All of which must apply for you to be
25 exempted on this basis. You may be exempted from jury

1 service if you have a child or children under the age of
2 seven years, you have legal custody of your child or
3 children, you have the principal care, custody, and
4 control of your child or children, and you're unable to
5 make arrangements for the adequate care of your child or
6 children while performing jury duty. If all of these
7 requirements apply to you, then you may be exempted on
8 this basis. If this exemption applies and you wish to
9 be exempted, please stand. Child or children under the
10 age of seven years.

11 (No response)

12 THE COURT: If you are the primary caretaker of a
13 person 65 years of age or older and are unable to
14 provide adequate care for the person while performing
15 jury service, you may be exempt from jury duty. If this
16 exemption applies to you and you wish to be exempted,
17 please stand. Primary caretaker of a person 65 years or
18 older.

19 Yes, ma'am. What's your number, please?

20 MS. O'CONNER: 128.

21 THE COURT: 128. And who do you care for?

22 MS. O'CONNER: My grandmother who has dementia.

23 THE COURT: All right. You care for her full-time?

24 MS. O'CONNER: I sit with her while my aunt is at
25 work.

1 THE COURT: While your aunt's at work?

2 MS. O'CONNER: Yes.

3 THE COURT: How often do you sit with her, every
4 day?

5 MS. O'CONNER: Yes, sir.

6 THE COURT: All right. Ms. 128, you're free to go.
7 I'll exempt you.

8 MS. O'CONNER: Thank you.

9 THE COURT: If you're the primary caretaker of a
10 severely disabled person who's unable to care for
11 himself or herself and cannot be left unattended and you
12 are unable to provide adequate care for that person
13 while performing jury service, you may also be exempt
14 from jury duty. If this exemption applies and you wish
15 to be exempted, please stand. Primary caretaker of a
16 severely disabled person.

17 Yes, ma'am. Your number please?

18 MS. MILLER: It's 111.

19 THE COURT: All right. And what's your situation?

20 MS. MILLER: I take care of my roommate, she's
21 disabled. She has to go to the doctor twice a week.
22 She just got back out of the hospital about two weeks
23 ago.

24 THE COURT: All right. How is she disabled?

25 MS. MILLER: She's got back -- three herniated

1 discs, the knee. She had gastric sleeve and went bad
2 and she's had four more surgeries since then. And she
3 still has a feeding tube and another tube.

4 THE COURT: She's living with a feeding tube?

5 MS. MILLER: Yes.

6 THE COURT: All right. Ma'am, you're excused. 111
7 is excused.

8 Next exemption involves those of you who may be
9 attending school at this time or working in some
10 capacity with a school. If this exemption applies to
11 you and you wish to be exempted, we can transfer your
12 service to another term of court after which time will
13 not conflict with your school responsibilities.

14 So I'll ask if any member of the jury panel is a
15 full-time student, school teacher, school crossing
16 guard, school bus driver, or who serves in any other
17 school related function who's unable to serve on jury
18 duty this week as a result of that school involvement.
19 If so, please stand.

20 (No response)

21 THE COURT: Any member of the jury panel who's
22 employed with the Department of Corrections at a
23 penitentiary?

24 (No response)

25 THE COURT: Any member of the jury panel who

1 performs services for a business, commercial or
2 agricultural which are so essential to the operation of
3 the business that if you were required to perform jury
4 duty, the business would have to close or stop
5 functioning. If so, and you wish to be exempted, please
6 stand.

7 (No response)

8 THE COURT: All right. Ladies and gentlemen, that
9 concludes the statutory listed qualifications and
10 exemptions for jury service. It may be that -- yes,
11 ma'am.

12 POTENTIAL JUROR: Medical?

13 THE COURT: All right. Just a minute. I'm going to
14 ask you to come up in just a minute. That concludes the
15 statutory list of qualifications and exemptions. It may
16 be that you're qualified and no exemption applies to
17 you, but jury service this week would constitute an
18 extreme hardship on you for some particular reason. I
19 cannot permanently excuse a qualifying juror from jury
20 service, but under extreme and compelling circumstances
21 I may excuse a juror from this term of court
22 transferring the juror to another term of court.
23 Particularly jurors who have not been previously
24 transferred.

25 Now, please understand that general inconvenience is

1 not a sufficient reason to transfer you to another term
2 of court. To justify a transfer to another term of
3 court, service this week must constitute an extreme
4 hardship to you. For example, someone who may be an
5 hourly worker who will not be paid while performing jury
6 duty and his family's only source of income or handling
7 doctor's appointments during the week. We certainly
8 don't want you to miss your doctor's appointments and we
9 can reassign you to another week if necessary.

10 (No response)

11 THE COURT: All right. Ladies and gentlemen, as I
12 said at the beginning, this will be the chance for those
13 of you who did not respond earlier to any questions that
14 I asked and those of you who feel you have a compelling
15 reason to request a transfer of jury service to another
16 week to come forward if you believe you're disqualified
17 or exempt from jury service or if you have any questions
18 about whether or not you're disqualified or exempt or if
19 you wish to be transferred to another term of court,
20 please come forward at this time.

21 Come on up, ma'am. Anybody else?

22 (No response)

23 THE COURT: What's your number?

24 MS. QUILLER: No response.

25 THE COURT: Give me your number.

1 MS. QUILLER: 140.

2 THE COURT: Yes, ma'am. Come on around, ma'am. How
3 are you? What's the matter?

4 MS. QUILLER: I take medicine. I take Zoloft.

5 THE COURT: Zoloft. Okay.

6 MS. QUILLER: I take Valium's.

7 THE COURT: You got some on you now?

8 MS. QUILLER: No.

9 THE COURT: Did you bring them?

10 MS. QUILLER: No.

11 THE COURT: How long have you been on medication?

12 MS. QUILLER: About 15 years.

13 THE COURT: Fifteen years?

14 MS. QUILLER: (Nods head)

15 THE COURT: You think you can sit through a trial?

16 MS. QUILLER: No, sir.

17 THE COURT: When is the last time you saw a doctor?

18 MS. QUILLER: On the 20th. Friday.

19 THE COURT: You go regular?

20 MS. QUILLER: Every month.

21 THE COURT: Where do you go?

22 MS. QUILLER: Randy Watson.

23 THE COURT: What kind of doctor is he?

24 MS. QUILLER: He's medical.

25 THE COURT: Not a psychiatrist?

1 MS. QUILLER: No.

2 THE COURT: You're on psychotropics -- you're on
3 psychology meds to keep you calm; is that right?

4 MS. QUILLER: And pain meds.

5 THE COURT: And pain meds?

6 MS. QUILLER: Uh-huh.

7 THE COURT: All right. You're free to go, ma'am.
8 Thank you very much.

9 Good morning, sir.

10 MR. TODD: Good morning. Juror number 180. I
11 should have spoke up earlier. I'm a small business
12 owner and licensed land surveyor and my not being at
13 work is going to, you know, my income is going to be
14 cut. I can't service my clients like I should.

15 THE COURT: How many are on your crew?

16 MR. TODD: I have three. Three men.

17 THE COURT: And you're the head of the operation?

18 MR. TODD: Yes, sir. I'm the head of the operation.

19 THE COURT: Well, let me say this, if you don't get
20 chosen on the jury on these first two juries, you're
21 free to go.

22 MR. TODD: I understand.

23 THE COURT: I did say that inconvenience is not a
24 real reason. I mean, here you got bad weather week.

25 MR. TODD: I got some office work, though. Not

1 being able to answer the phone when my clients call.

2 THE COURT: I can't excuse you.

3 MR. TODD: I understand.

4 THE COURT: I can transfer you to next week or
5 something like that if that would be a better week.

6 MR. TODD: I'll take my chance.

7 THE COURT: Okay. Good. Thank you very much.

8 Number 180 is going to stay with us.

9 Anybody else?

10 (No response)

11 THE COURT: All right. Ladies and gentlemen, the
12 two cases that we're going to draw a jury for, the first
13 one is known as a sexually violent predator case. Now,
14 our law provides that in certain circumstances, an
15 individual who has been convicted of some sexually
16 related offense can be held in custody. But in a unit
17 operated by the Department of Mental Health which is at
18 the Department of Corrections that has a program that
19 the individual must go through and complete before they
20 can ultimately be released.

21 And in order for a person to be -- I hate to use the
22 word committed, but that's about what it is, to that
23 unit. He or she's entitled to a jury trial. And the
24 question will be whether or not a jury determines the
25 individual to be a sexually violent predator not. And

1 it will involve the testimony of an expert, may be more
2 than one on the issue -- on that issue.

3 Now, because this is an extremely sensitive subject,
4 because I'm going to ask if any of you have ever had any
5 unwanted sexual conduct in your past or in your youth.
6 And I'm certain that those of you who may have
7 experienced that, again, do not want to get up in front
8 of your fellow jurors and explain that.

9 So what I propose to do, I'm going to ask you some
10 general questions first and then I'm going to pass out a
11 questionnaire. A very simple questionnaire and I'm
12 going to ask you to just put your number on it and
13 complete it for me and then hand it up. That's the
14 first case.

15 Now, the second case is obviously different. And
16 that case involves a lady who allegedly fell in or on
17 property belonging to the Security Federal Bank and
18 claims that she was damaged as a result of the
19 negligence of the bank in keeping their premises free of
20 either hazards is the word I'm grasping for. So those
21 are the two cases.

22 The first case is -- the attorneys tell me, is going
23 to probably take two days. And the attorneys tell me
24 that the second case is probably going to take two days.
25 So after we draw the first case, I'm going to draw a jury

1 for the second case and that jury can go on and probably
2 report back Wednesday morning. So we'll have two
3 jurors -- two juries, each of 12 persons. We've got
4 some 65 or 70 people here, plus maybe one or two
5 alternates per jury.

6 Now, getting back to the first case, let me
7 introduce the parties to you. And I will tell you that
8 in these types of cases, the State Attorney General is
9 primarily -- is, I guess you would say, the moving
10 party. The State is represented today, not by the
11 actual elected Attorney General, but by Mr. Jim -- or
12 James Bogle who is a Senior Attorney General in the
13 Attorney General's office. And if you'll introduce
14 yourselves.

15 MR. BOGLE: I'm Jim Bogle, this is Cam Morrow with
16 the local Attorney General's office out of Columbia.

17 THE COURT: All right. Any member of the jury panel
18 related by blood, connected by marriage, or employment
19 or close personal acquaintance of either of these two
20 attorneys who work with the Attorney General's office?

21 (No response)

22 THE COURT: All right. Thank you. The individual
23 respondent in this case today is Mr. Randal Wade McCoy.
24 Mr. McCoy, if you'll stand.

25 (Mr. McCoy complies)

1 THE COURT: This is Mr. McCoy. Any member of the
2 jury panel related by blood, connected by marriage, or a
3 close personal acquaintance of Randal Wade McCoy? If
4 so, please stand. Does anybody know Mr. McCoy?

5 (No response)

6 THE COURT: Mr. McCoy is represented in this matter
7 today by Ms. Amiee Zmroczek who practices law in --
8 well, just about everywhere. She practices in Columbia,
9 Lexington, and here she is in Aiken. Any member of the
10 jury panel related by blood, connected by marriage, or
11 employment, or a close personal acquaintance of Ms.
12 Amiee Zmroczek or been represented by her at sometime
13 either presently or sometime in the past.

14 (No response)

15 THE COURT: All right. Thank you very much. Now,
16 is any member of the jury panel have any training or
17 experience in the fields of psychiatry, psychology, or
18 the law? Anybody have any particular training in any of
19 those --

20 MR. RETSON: I'm an attorney.

21 THE COURT: All right, sir. What's your number,
22 please?

23 MR. RETSON: 145.

24 THE COURT: I'm sorry.

25 MR. RETSON: 145.

1 THE COURT: All right. Thank you very much, Mr.

2 145.

3 MR. SIMPKINS: Law enforcement.

4 THE COURT: Your number?

5 MR. SIMPKINS: 160.

6 THE COURT: And who do you --

7 MR. SIMPKINS: Previously worked for Richland County
8 Sheriff's Office.

9 THE COURT: Who do you work for now?

10 MR. SIMPKINS: Bridgestone.

11 THE COURT: Oh, you were prior with the Richland
12 County Sheriff's Office. Okay. Thank you very much,
13 sir.

14 Yes, sir.

15 MR. SIGWALD: Number 157. I was previously on the
16 Town of Jackson Police Department.

17 THE COURT: Okay. Anybody else? Yes, sir.

18 MR. GREGORY: Juror number 61. My grandmother owns
19 a mental health facility in Greenville, South Carolina.

20 THE COURT: A what?

21 MR. GREGORY: A mental health.

22 THE COURT: A mental health facility in Greenville?

23 MR. GREGORY: I worked there in the summers and
24 provided care for the patients.

25 THE COURT: Okay. 61, let me ask you a question.

1 Based on that experience that you've had, do you think
2 you could be fair and impartial to both of these
3 parties?

4 MR. GREGORY: No, sir, I do not.

5 THE COURT: All right. Thank you very much, Mr. 61.
6 I'm just wondering about that if you've already been
7 involved in something like this. Thank you very much.
8 Anybody else?

9 (No response)

10 THE COURT: Any member of the jury panel know the
11 name Dr. Marie Gehle who is with the Department of
12 Mental Health? Anybody know Dr. Marie Gehle? Have any
13 connection with her?

14 (No response)

15 THE COURT: Any member of the jury panel been
16 involved in prison ministry or prison outreach program
17 or any program involving contact with incarcerated
18 persons? And that could also mean when they're
19 released. Working with people who have been through --
20 and your number, please.

21 MR. DODSON: 41.

22 THE COURT: Yes, sir.

23 MR. DODSON: I'm currently the men's ministry
24 director of our church and that is part of our ministry
25 program, prison ministry, cellmates, and such as when

1 they get out we're to orchestrate a place for them to
2 live, to work.

3 THE COURT: All right. Well, that's very valuable
4 work as you know. Mr. 41, do you think you could sit
5 fairly in a case like this? In other words, with that
6 background, do you think you could be fair and impartial
7 to both parties?

8 MR. DODSON: Yes, sir, I do.

9 THE COURT: All right. Thank you very much, sir.

10 Yes, sir. Number?

11 MR. SPENCER: 168. I was employed at the Bureau of
12 Prisons for a while.

13 THE COURT: Where?

14 MR. SPENCER: Beckley. At the FCI in Beckley.

15 THE COURT: Okay. You don't work there now?

16 MR. SPENCER: No. Then I was a pastor for several
17 years. About ten years.

18 THE COURT: Pastor?

19 MR. SPENCER: Yes, sir.

20 THE COURT: Here in Aiken?

21 MR. SPENCER: No, North Carolina.

22 THE COURT: Okay. Well, I'll ask you the same
23 question, Mr. 168. Based on that experience, do you
24 feel you could be fair and impartial to both parties in
25 a case like this?

1 MR. SPENCER: Yes, sir.

2 THE COURT: Thank you very much, Mr. 168.

3 Anybody else?

4 (No response)

5 THE COURT: Alston Wilkes was the name I was trying
6 to think of, groups that worked with prisoners who've
7 been released.

8 Is any member of the jury panel or any of your close
9 personal acquaintances or relatives ever been subject to
10 any type of civil commitment, proceedings, or actually
11 been voluntarily or involuntarily committed to an
12 institution? Not necessarily related to prison, but any
13 type of commitment.

14 And your number, please.

15 MS. BAKER: 6.

16 THE COURT: Yes, ma'am.

17 MS. BAKER: I had a cousin committed to a mental
18 institution.

19 THE COURT: Okay. How long ago, ma'am.

20 MS. BAKER: About 30 years ago.

21 THE COURT: Would that fact in anyway interfere with
22 your ability to give both the State and the respondent a
23 fair and impartial trial?

24 MS. BAKER: No.

25 THE COURT: All right. Thank you very much, Ms. 6.

1 Any member of the jury panel ever sat on a criminal
2 jury that involved sexual conduct? Illegal sexual
3 conduct? Your number, please.

4 MR. WISHAM: 198, sir.

5 THE COURT: All right. And how long ago?

6 MR. WISHAM: About three years ago, four years ago.
7 Here in Aiken County. Being classified the gentlemen as
8 a habitual sex offender. Right here in this same
9 courtroom.

10 THE COURT: Is that right?

11 MR. WISHAM: Yes, sir.

12 THE COURT: Well, I'll ask you the same question
13 I've asked everybody else, would that experience -- do
14 you think you could be fair and impartial to both
15 parties in this case? Or do you feel maybe that
16 experience in some way might have biased you one way or
17 the another?

18 MR. WISHAM: No, sir, I don't believe I could be.

19 THE COURT: All right. Thank you very much, Mr.
20 198. Anybody else?

21 (No response)

22 THE COURT: Any member of the jury panel or any
23 member of your family ever been accused of committing a
24 sexual violent act? And, I mean, to the point where law
25 enforcement got involved.

1 (No response)

2 THE COURT: Any member of the jury panel work with
3 groups that have as their primary function, the
4 fostering of child welfare or child advocacy or
5 voluntary guardian ad litem's or the counsel on child
6 abuse? Anybody that might work as a volunteer with
7 these groups that try to intervene and assist victims
8 whether they be children or adults that are involved in
9 difficult situations? Let me put it that way.

10 Any member of the jury panel who either works with,
11 knows somebody that works with, or close personal
12 acquaintance -- I mean, relative that works in those
13 types of situations?

14 (No response)

15 THE COURT: Any member of the jury panel that works
16 in -- with groups that have as their primary function
17 the support of law enforcement? For example, groups
18 such as Mothers Against Drunk Driving, or Students
19 Against Drunk Driving, or Citizens Against Violence, or
20 even groups such as the Sheriffs' Association or the
21 Troopers Association, any of the groups -- or maybe a
22 neighborhood watch group or an explorer group that works
23 with law enforcement? Any member of the jury panel?

24 Yes, sir. Your number, please.

25 MR. KIMBRELL: Number 88. I'm not sure whether I

1 understood the question thoroughly. My son is a Nevada
2 State Trooper. I don't know if that has anything to do
3 with it.

4 THE COURT: Well, it's good information. Thank you
5 very much, Mr. 88.

6 Anybody else? Nobody gives any money to the
7 Troopers Association.

8 MR. DODSON: 41. I do, sir.

9 THE COURT: All right.

10 MR. DODSON: My son is also a State Trooper here in
11 Aiken County.

12 THE COURT: Okay. I know you're going to tell me
13 the truth, Mr. 41.

14 MR. DODSON: Yes, sir.

15 THE COURT: Because --

16 MR. DODSON: You'll lock me up.

17 THE COURT: When you contributed to the Troopers
18 Association, did you get one of those stickers to put on
19 the back of your car?

20 MR. DODSON: Yes, sir. But I can't use it.

21 THE COURT: You didn't put it on there?

22 MR. DODSON: No, sir.

23 THE COURT: You ever get a ticket?

24 MR. DODSON: I feel like it's showing partiality. I
25 support the system, not the sticker.

1 THE COURT: I'm trying to make a point here.

2 MR. DODSON: Okay. I guess maybe I am, too. But
3 I'm sorry.

4 THE COURT: I got this theory if you put it on
5 you're going to a lot, A, you're going to drive safer
6 and probably not going to get stopped. But you're
7 shooting my theory down.

8 MR. DODSON: Yes, sir. I would say, use it, don't
9 lose it. But it's always better to know somebody.

10 THE COURT: Good advice, folks. He says it's always
11 better to have it. All right. Thank you very much, Mr.
12 41.

13 How many jurors have school aged children? All
14 right. I'm just going to get your number. If you'll
15 just stand, we'll start over here on my right with this
16 gentlemen here.

17 MR. FAULKNER: 49. I have an 8 year old daughter
18 and 13 year old son. Sixth grade and second grade.

19 THE COURT: All right.

20 MS. ABLES: Juror 1.

21 THE COURT: How old are your children?

22 MS. ABLES: I have a fifth grader -- 11, 7, and 4.

23 THE COURT: All right. Thank you very much, ma'am.

24 MR. SPENCER: 168. Ten.

25 THE COURT: Ten?

1 MR. SPENCER: Yes, 10.

2 THE COURT: Tenth grade?

3 MR. SPENCER: No, 10 years old.

4 THE COURT: Oh, 10 years old. Thank you, Mr. 168.

5 Yes, sir.

6 MR. SIGWALD: 157. I have a 5 year old and a 1 year
7 old.

8 THE COURT: You could have gotten exempt from jury
9 service. Lady with black blouse.

10 MS. MCMAHAN: I have three, ages 14, 15, and 16.

11 THE COURT: What's the sex?

12 MS. MCMAHAN: All boys.

13 THE COURT: All boys? You're lucky. I've got three
14 girls. Your juror number?

15 MS. MCMAHAN: 105.

16 THE COURT: 105. Yes, sir.

17 MR. SAYE: 152. I've got two boys, one's 16 and one
18 19.

19 THE COURT: Thank you very much, Mr. 152.

20 MR. ROSLING: 148. I've got a daughter in college.

21 THE COURT: Thank you. Striped shirt?

22 MR. PENSON: 133. I have a 6 year old daughter, a
23 12 year old daughter, 8 year old son, 9 year old son,
24 and a 17 year old.

25 THE COURT: How old are you?

1 MR. PENSON: Thirty-nine.

2 THE COURT: You can handle it. White shirt?

3 MR. LILES: 96. I have two girls, 7 and 12.

4 THE COURT: Thank you, Mr. 96.

5 MR. FLOYD: 50. I have a 14 year old daughter and
6 two boys, 19 and 22.

7 THE COURT: Thank you, Mr. 50. Lady?

8 MS. JOHNSON: 84. I have a 10 year old daughter,
9 fifth grade. All right. Pink shirt?

10 MR. HOLMES: 76. I've got 17 year old son, 18 year
11 old daughter, and 19 year old daughter.

12 THE COURT: Thank you, Mr. 76. Yes, sir.

13 MR. DESROCHER: Number 39. I have a 5 year old, and
14 a 3 year old and a 7 week old, all daughters.

15 THE COURT: Lord help you. I've been there. Yes,
16 sir.

17 POTENTIAL JUROR: 130 (Not listed). A 7 year old
18 son and a 5 year old daughter.

19 THE COURT: Thank you.

20 MR. GREEN: I'm 60. I have an 8 year old daughter,
21 a 7 year old son, and a 1 year old son.

22 THE COURT: All right. Thank you very much. Oh,
23 yes, ma'am.

24 MS. MILLER: 109. I have a 19 year old son.

25 THE COURT: Thank you, Ms. 109.

1 All right. Ladies and gentlemen, I don't want you
2 to stand up and answer this question, but I want you to
3 think about it. Because I'm going to do something in a
4 minute. But think about this question and I'll let you
5 answer it later.

6 Is there anything in the nature of these charges
7 being allegations of sexual abuse that would prevent you
8 from giving either the State or Mr. McCoy a fair trial?
9 Now, just think about that for a few minutes.

10 At this time, I've got a questionnaire for you. A
11 very simple questionnaire. And I will tell you, I've
12 done this several times and it's based on a lot of trial
13 experience that I have -- that involve sexual abuse one
14 way or the other or sexually related crimes. I'm going
15 to hand them out to you right now. The bailiff is going
16 to hand them out. We're going to pass them out. And --
17 I don't know how many of you have writing utensils.

18 THE CLERK: We have some.

19 THE COURT: We have some here? Good. What I want
20 you to do is just put your number on it, fold it, and
21 pass it back in. All right. Do it as privately as you
22 can. It's going to take a few minutes, so don't rush.
23 As I say, put your number on it. There are only four
24 questions, all you have to say is, yes or no. Don't
25 have to say anything more than that, just, yes or no.

1 And put your number on it, fold it, and pass it back in
2 to the bailiff.

3 Mr. Bogle, Ms. Zmroczek, anything further?

4 MR. BOGLE: No, Your Honor.

5 MS. ZMROCZEK: Nothing, Your Honor.

6 THE COURT: All right. Counsel approach the bench.

7 (Sidebar conference)

8 THE COURT: All right. Ladies and gentlemen of the
9 jury panel, I'm going to excuse you now. I'm going to
10 ask you to return to the jury assembly room for a few
11 minutes. Just relax and we're going -- I've got to talk
12 to the lawyers about the second case and we'll call you
13 when we're ready.

14 Where is Mr. 113? 113, you're free to go.

15 MR. MOCCIA: Thank you.

16 THE COURT: You're excused.

17 MR. MOCCIA: I can go home?

18 THE COURT: You can go to work. Ladies and
19 gentlemen, I'm going to have to clear the courtroom
20 except the people who are directly involved in this
21 case. In other words, the family of the respondent may
22 stay, family of the victims may stay, and law
23 enforcement and court personnel may stay, but otherwise
24 -- and Mr. Bailiff, you -- where are the jurors --

25 THE BAILIFF: We can bring them in this way or --

1 (The potential jurors left the courtroom)

2 THE COURT: Why don't you bring them in this way.
3 Here's what we're going to do. Go get one juror at a
4 time and bring them through this door and -- you should
5 be able to hear from there since --

6 MR. BOGLE: She's going to go to the witness stand;
7 right? That's how we did it --

8 THE COURT: All right.

9 MR. BOGLE: We can hear from counsel table.

10 THE COURT: All right. Let's do that. She said
11 they've all been sworn to tell the truth, so I'm not
12 going to swear them again.

13 All right. Madam bailiff, 174.

14 Just for your information to follow along, this one
15 checked number 3.

16 MR. BOGLE: Do you have a blank one left over that
17 we can refer to? Okay. Never mind. I'm sorry, Your
18 Honor. We've got one here.

19 MS. ZMROCZEK: I have one also, Your Honor.

20 THE COURT: All right. This one answered number 3.

21 (174 enters the courtroom)

22 THE COURT: You indicated on your questionnaire that
23 in response to number 3, that a family member had been a
24 victim; is that correct?

25 MS. STRADER: Yes, my cousin.

1 THE COURT: All right. Based on that fact, do you
2 feel you could sit and fairly listen to this case
3 without bias and decide for either --

4 MS. STRADER: Yeah, I think I could. You know, I
5 don't --

6 THE COURT: How long ago did that take place? If
7 you know.

8 MS. STRADER: Well, that's it. Maybe within ten
9 years.

10 THE COURT: Ten years. Okay. Was it local?

11 MS. STRADER: Elgin and Columbia area.

12 THE COURT: Okay. Well, you said on question 4, you
13 said you don't have strong beliefs that would prevent
14 you from being -- you think you can fair and impartial?

15 MS. STRADER: I think I can.

16 THE COURT: Thank you very much, ma'am. That's all
17 I need to know.

18 THE COURT: Bring juror number 49.

19 MS. ZMROCZEK: What numbers did this one check? 49.

20 THE COURT: What?

21 MS. ZMROCZEK: What numbers did they check?

22 THE COURT: I'm sorry. Number 4.

23 (49 comes forward)

24 THE CLERK: You can have a seat right up here.

25 THE COURT: Mr. 49, you checked number 4 on your

1 questionnaire about having strong beliefs; is that
2 correct?

3 MR. FAULKNER: Yes, sir.

4 THE COURT: What is the basis for that in terms of
5 -- in other words, is it religious or it's because you
6 have children?

7 MR. FAULKNER: Just being a father in general.
8 Yeah. Would be kind of impartial, I would think. I
9 guess.

10 THE COURT: You find it hard to be impartial?

11 MR. FAULKNER: Well, yes. It would be hard to -- I
12 don't know what the terms are, but --

13 THE COURT: That's all right. I told you at the
14 beginning the question is going to be -- is the
15 respondent, the gentlemen sitting here, a sexually
16 violent predator. And the State would introduce
17 evidence of his past and a psychiatrist. But then
18 again, he has a right to, you know, a fair trial. So
19 since -- it doesn't matter. I mean, there's no right
20 answer. If you feel you cannot be fair and impartial,
21 that's fine.

22 MR. FAULKNER: I just think any father couldn't
23 really be. You know what I mean? In my opinion.

24 THE COURT: Okay. That's fine. You feel you could
25 not be fair and impartial in this case; is that correct?

1 MR. FAULKNER: Yes, sir.

2 THE COURT: All right. Thank you very much. That's
3 what I need to know, Mr. 49.

4 MR. FAULKNER: Go back to the room?

5 THE COURT: Yes. And please don't discuss what I
6 talked to you about with the other jurors.

7 MR. FAULKNER: Yes, sir.

8 THE COURT: Number 160.

9 MS. ZMROCZEK: Did he check number 4 also?

10 THE COURT: Yes. Just number 4.

11 (160 comes forward)

12 THE COURT: Just a few quick questions, Mr. 160.

13 Just have a seat. You checked box No. 4?

14 MR. SIMPKINS: Uh-huh.

15 THE COURT: Saying that you have strong beliefs that
16 might prevent you from being fair and impartial; is that
17 correct?

18 MR. SIMPKINS: Correct.

19 THE COURT: Can you tell me what that's based on?

20 MR. SIMPKINS: I had a god sister who was raped by
21 her dad.

22 THE COURT: Okay. That sticks with you?

23 MR. SIMPKINS: Yes.

24 THE COURT: Okay. Thank you very much, Mr. 160.

25 That's what I wanted to find out.

1 Mr. 160, I'd ask you, don't discuss what we talked
2 about with the rest of the jury.

3 MR. SIMPKINS: Yes, sir.

4 THE COURT: 74. Questions 3 and 4.

5 (74 comes forward)

6 THE COURT: Mr. 74, how are you today?

7 MR. HOFFMAN: Real good.

8 THE COURT: Mr. 74, we we're doing this with
9 everybody in private.

10 MR. HOFFMAN: Right.

11 THE COURT: You checked boxes number 3 and 4 about a
12 family being a victim and that you have strong feelings.
13 Can you tell me just briefly what that's about?

14 MR. HOFFMAN: Yeah, I had a son that sexually abused
15 and the person that did it was convicted of it.

16 THE COURT: A long time ago?

17 MR. HOFFMAN: Yeah, I'd say about 20 years ago.

18 THE COURT: And that made you feel that you could
19 not be fair and impartial in this case?

20 MR. HOFFMAN: Absolutely.

21 THE COURT: Thank you very much. Mr. 74, please
22 don't discuss with the rest of the jury what we talked
23 about.

24 MR. HOFFMAN: Okay.

25 THE COURT: Thank you. 109. 109 checked number 1.

1 (109 comes forward)

2 THE COURT: Just have a seat up here. Ms. 109, you
3 checked box No. 1 on the questionnaire?

4 MS. MILLER: Yes.

5 THE COURT: A member of your family had been either
6 charged or convicted and who -- can you tell me who --

7 MS. MILLER: My first cousin.

8 THE COURT: How long ago?

9 MS. MILLER: Probably 15, 16 years ago.

10 THE COURT: Okay. Based on that life experience
11 that you've had, do you think you could be fair and
12 impartial in a case like this?

13 MS. MILLER: Yes.

14 THE COURT: You do?

15 MS. MILLER: Yes.

16 THE COURT: All right. Thank you very much, ma'am.

17 THE CLERK: Don't discuss it with the other jurors.

18 THE COURT: Number 133. Checked Numbers 3 and 4.

19 (133 comes forward)

20 THE COURT: How are you today?

21 MR. PENSON: Wonderful, sir. How are you?

22 THE COURT: I'm good. Just have a seat. Just a
23 quick couple of questions.

24 MR. PENSON: Okay.

25 THE COURT: You indicated on box 3 that a member of

1 your family had been the victim; is that correct?

2 MR. PENSON: Yes, sir.

3 THE COURT: And how long ago was that?

4 MR. PENSON: Many years -- my wife when she was
5 young.

6 THE COURT: Your wife when she was young?

7 MR. PENSON: Yes, sir.

8 THE COURT: And you also checked number 4 which says
9 that you're not sure whether you could be fair and
10 impartial; is that correct.

11 MR. PENSON: Yes, sir.

12 THE COURT: And what's that based on.

13 MR. PENSON: Just have a strong feeling towards it.
14 Don't care for that at all.

15 THE COURT: You think you'd be a little bit biased?

16 MR. PENSON: Yes, sir.

17 THE COURT: Thank you. That's all I need to know.
18 Please don't discuss this with your fellow jurors.

19 MR. PENSON: All right.

20 THE COURT: Thank you. 149. I'm putting an X on
21 these unless you've got some questions that I should
22 ask.

23 MR. BOGLE: I'm sorry. I didn't hear.

24 THE COURT: I'm striking all those --

25 MR. BOGLE: If they say they can't be fair, they

1 probably shouldn't be able to hear it. If they say they
2 can, I think they could.

3 THE COURT: That's the way I'm doing it. As long as
4 there's no objection to the process.

5 MR. BOGLE: No, sir.

6 MS. ZMROCZEK: None.

7 THE COURT: Thank you. Number 149 checked box 4.

8 (149 comes forward)

9 THE COURT: How are you doing today.

10 MS. ROWE: Doing good. How about you?

11 THE COURT: I'm good. Have a seat. Just a quick
12 question, Ms. 149. You've checked box 4. The
13 questionnaire said you had strong feelings about
14 criminal sexual conduct cases; is that correct.

15 MS. ROWE: Yes, sir.

16 THE COURT: What's that based on in terms of your
17 life experience?

18 MS. ROWE: I just don't believe in things like that.

19 THE COURT: Okay. Is it a religious belief.

20 MS. ROWE: Yes, sir.

21 THE COURT: That's based on some religious belief?

22 MS. ROWE: That's just my feelings.

23 THE COURT: Personal feelings?

24 MS. ROWE: Yes, sir.

25 THE COURT: You could not sit and fairly decide this

1 case?

2 MS. ROWE: Nods.

3 THE COURT: Thank you. That's all I need to know.
4 Please don't discuss what we've talked about with the
5 jury.

6 MS. ROWE: Okay.

7 THE COURT: 96. Checked question number 3, but said
8 no to 4.

9 (96 comes forward)

10 THE COURT: How are you today?

11 MR. LILES: Good.

12 THE COURT: Have a seat. Just a quick question or
13 two. You indicated that a family member had been the
14 victim of sexual conduct or sexual abuse; is that
15 correct?

16 MR. LILES: Yes, sir.

17 THE COURT: What family member?

18 MR. LILES: My little brother.

19 THE COURT: How long ago?

20 MR. LILES: In '96.

21 THE COURT: 1996?

22 MR. LILES: Yes, sir.

23 THE COURT: Any criminal action?

24 MR. LILES: No, sir.

25 THE COURT: All right.

1 MR. LILES: They kept it quiet.

2 THE COURT: Okay. That's fine. Do you think based
3 on that life experience that you could be fair and
4 impartial in a case like this?

5 MR. LILES: Yes, sir.

6 THE COURT: Okay. All right. Thank you very much,
7 Mr. 96. Please don't discuss what we've talked about
8 with your fellow juror members.

9 Number 50. 50 checked number 4.

10 (50 comes forward)

11 THE COURT: Have a seat up here, please. How are
12 you today?

13 MR. FLOYD: Good how are you, sir?

14 THE COURT: Good. Mr. 50, you checked box number 4
15 on the questionnaire that you had strong beliefs
16 about -- that might lead you to be impartial; is that
17 correct?

18 MR. FLOYD: That's correct.

19 THE COURT: Can you tell me briefly what the basis
20 for that is?

21 MR. FLOYD: Fourteen year old daughter. I just have
22 strong beliefs that --

23 THE COURT: No problems with her?

24 MR. FLOYD: No.

25 THE COURT: Okay. Are they based on religious

1 beliefs or more of a personal belief?

2 MR. FLOYD: More of a personal belief.

3 THE COURT: Okay. You feel you cannot be fair and
4 impartial?

5 MR. FLOYD: It was a tough question. You know, I'd
6 like to think I could be impartial as a person I could
7 be, but it was hard to say.

8 THE COURT: It's tough, I know.

9 MR. FLOYD: Yeah.

10 THE COURT: And there's no wrong answer.

11 MR. FLOYD: Right.

12 THE COURT: But whatever you feel, that's what I
13 want to know.

14 MR. FLOYD: I think I would be fairly tough.

15 THE COURT: All right. Thank you very much. That
16 means not totally fair and impartial?

17 MR. FLOYD: Right.

18 THE COURT: Okay. Thank you very much. That's what
19 I thought you meant. Mr. 50, please don't discuss what
20 we've talked about with your fellow jurors.

21 MR. FLOYD: Okay.

22 THE COURT: Number 62. Checked all four boxes, yes.

23 (62 comes forward)

24 THE COURT: How are you doing.

25 MS. HAMILTON: I'm good. How are you?

1 THE COURT: I'm okay. Have a seat. I've just got a
2 couple questions, Ms. 62. You checked all the yes boxes
3 on here, didn't you?

4 MS. HALLMAN: Uh-huh.

5 THE COURT: You feel you can't be fair and
6 impartial?

7 MS. HAMILTON: Yes, sir.

8 THE COURT: Is that based on your own personal
9 experience or is it your personal experience or family
10 member?

11 MS. HAMILTON: Both.

12 THE COURT: Okay. All right. And I guess that's
13 all I need to know.

14 MS. HAMILTON: Okay.

15 THE COURT: Thank you, ma'am. Please don't discuss
16 with your fellow jurors what we've talked about.

17 98. Checked 1, 2, and 3, yes; 4, no.

18 (98 comes forward)

19 THE COURT: How are you today?

20 MS. LORING: Good.

21 THE COURT: Good. Just a couple of questions.

22 MS. LORING: Sure.

23 THE COURT: You checked boxes 1, 2, and 3; and then
24 checked 4 that you don't have real strong beliefs. Can
25 you just explain that?

1 MS. LORING: When I was a child, my stepfather
2 abused all of his stepchildren and this was like 40
3 years ago and he didn't get arrested or anything until
4 about 30 years ago -- well, 20 years ago. So, I mean,
5 I've had counseling and the whole nine yards. And I
6 feel like I'm done with that to the point where I could
7 be --

8 THE COURT: Fair and impartial?

9 MS. LORING: Uh-huh.

10 THE COURT: That's what I needed to know. Thank
11 you.

12 MS. LORING: You're welcome.

13 THE COURT: Please don't discuss what we've talked
14 about.

15 MS. LORING: Okay.

16 THE COURT: Number 6. Same thing. Checked boxes 1,
17 2, and 3; and no on 4.

18 (6 comes forward)

19 THE COURT: Ms. 6, how are you doing today?

20 MS. BAKER: I'm doing okay.

21 THE COURT: Okay. Just have a seat, I've just got a
22 couple of questions. Number 6, you checked 1, 2, and 3
23 which indicated that there had been some -- you or
24 member of your family had some problems with some sort
25 of sexual violence or -- is that correct?

1 MS. BAKER: Yes. A member of the family.

2 THE COURT: A member of the family. And how long
3 ago did that occur?

4 MS. BAKER: About 30 years ago.

5 THE COURT: And was it you personally or another
6 member of the family?

7 MS. BAKER: A member of the family.

8 THE COURT: Okay. And then you checked that you
9 think you could be fair and impartial in a case like
10 this; is that correct?

11 MS. BAKER: Yes.

12 THE COURT: You put all that behind you and you
13 think you can be fair and impartial?

14 MS. BAKER: It was my sister who had an issue with a
15 cousin. I said that was committed, so --

16 THE COURT: All right. Thank you very much. Please
17 don't discuss in the jury room what we've talked about.

18 MS. BAKER: Okay.

19 THE COURT: 84.

20 (84 comes forward)

21 THE COURT: Good morning. Come around, ma'am. How
22 are you doing today?

23 MS. JOHNSON: Fine. And yourself?

24 THE COURT: I'm good. Have a seat. Ms. 84, you
25 checked box number 4 on this questionnaire about feeling

1 that you might not be able to be fair and impartial; is
2 that correct?

3 MS. JOHNSON: Yes.

4 THE COURT: All right. Can you tell me what the
5 basis of that is?

6 MS. JOHNSON: Because I have a child and I wouldn't
7 want anything like that to happen to my child.

8 THE COURT: I understand. We all feel that way.
9 But is it the kind of feeling that you have that if you
10 listened to this that you could not be fair and
11 impartial?

12 MS. JOHNSON: Right.

13 THE COURT: That's the way you feel?

14 MS. JOHNSON: Yes.

15 THE COURT: All right. Thank you very much, ma'am.
16 Please don't discuss in the jury room what we've talked
17 about.

18 MS. JOHNSON: Yes, sir.

19 THE COURT: Number 173.

20 (173 comes forward)

21 THE COURT: Come around, ma'am. How are you today?

22 MS. JACOBSEN: All right.

23 THE COURT: Just got a couple of questions. Have a
24 seat. You checked box number 3 which said you or an
25 immediate family member had been convicted of some sort

1 of sexual abuse; is that correct?

2 MS. JACOBSEN: Uh-huh.

3 THE COURT: Is it a family member?

4 MS. JACOBSEN: It was my husband. His stepfather
5 was --

6 THE COURT: Abusive?

7 MS. JACOBSEN: Uh-huh.

8 THE COURT: All right. But you also said that you
9 feel you could be fair and impartial in that case like
10 this; is that correct?

11 MS. JACOBSEN: Yes. I mean, according to that case,
12 I could.

13 THE COURT: Okay. That wouldn't affect you in terms
14 of deciding this case?

15 MS. JACOBSEN: No. No.

16 THE COURT: Okay. Thank you very much, ma'am.
17 Please don't discuss in the jury room what we've talked
18 about.

19 MS. JACOBSEN: I won't.

20 THE COURT: Thank you. 92. Checked box number 4.

21 (92 comes forward)

22 THE COURT: Come around, ma'am. How are you today?

23 MS. LAEHN: I'm good. Thank you.

24 THE COURT: Well, great. Ms. 92, you checked box
25 number 4 indicating that you had strong beliefs about

1 these types of cases; is that correct?

2 MS. LAEHN: Yes.

3 THE COURT: All right. Can you tell me the basis
4 for that?

5 MS. LAEHN: Being a mother and a grandmother. And
6 my faith.

7 THE COURT: Religious concern, also?

8 MS. LAEHN: And, you know, just the distrust. The
9 lack of -- or taking away of trust and --

10 THE COURT: I understand. I understand.

11 MS. LAEHN: I would have a hard time with that.

12 THE COURT: You would. You think you couldn't --

13 MS. LAEHN: I think I could, I'm a fair person. You
14 know, I like to listen to both sides and form a fair
15 judgment. My heart is where the problem is.

16 THE COURT: Well, I have to ask the question. Do
17 you think you could be fair and impartial?

18 MS. LAEHN: I believe I could.

19 THE COURT: You could. All right. So in terms of
20 your --

21 MS. LAEHN: Uh-huh. I was going to put a big
22 question mark there because, yes -- you know, I know I'm
23 a fair person. I can hear both sides and --

24 THE COURT: Okay. Well, I understand your sympathy.
25 Would you change your answer there from a yes to a no?

1 Do you want to read that again?

2 MS. LAEHN: I don't think I could change it.

3 THE COURT: Okay. So you don't think you could be
4 fair and impartial?

5 MS. LAEHN: No.

6 THE COURT: Thank you very much.

7 MS. LAEHN: You're welcome.

8 THE COURT: Sorry to put you through the lie
9 detector test?

10 MS. LAEHN: That's quite all right.

11 THE COURT: Please don't discuss what we've talked
12 about with your fellow jurors?

13 MS. LAEHN: No, I won't.

14 THE COURT: Thank you. 103. I've located the
15 questionnaire that did not have a jury number on it. So
16 I'm just putting it in the other stack because she came
17 up. She was actually the first one. That was 174.
18 Just so happened.

19 (103 comes forward)

20 THE COURT: How are you today?

21 MS. MCKIE: I'm good. How are you?

22 THE COURT: I'm good. You're probably ready for
23 lunch.

24 MS. MCKIE: I am.

25 THE COURT: Okay. Have a seat. You got to tell me

1 what you mean --

2 MS. MCKIE: I don't know.

3 THE COURT: Ms. 103, has question marks by number 4.
4 Can you tell me how you feel about it? You want to read
5 the question again?

6 MS. MCKIE: No, I knew you were going to call me. I
7 did tell -- I had another issue also. And I told the
8 young woman that's in there with us, when you asked if
9 anyone is a psychologist or psychiatrist, I am not. But
10 I do have a masters degree from Carolina and I did work
11 for Aiken County 30 years ago. I was the alcohol and
12 drug abuse counselor here.

13 THE COURT: That's good information.

14 MS. MCKIE: And I didn't feel comfortable that I
15 hadn't told you that, so I told her. And I put the two
16 question marks because I will be honest with you, I sat
17 there and I'm known for being fair, but --

18 THE COURT: It's a tough question.

19 MS. MCKIE: It's a very hard question for me. And I
20 have two daughters and I have a four year old grand baby
21 girl and I know you do, too. So, I mean, I just --

22 THE COURT: How did you know that?

23 MS. MCKIE: You said you had six, and I figured you
24 didn't have six.

25 THE COURT: No, I've got six blended family and

1 several grandchildren.

2 MS. MCKIE: So, I'd be fair, but I don't know what
3 to say.

4 THE COURT: You're going to have to check one or the
5 other. There's no wrong answer. There's no right
6 answer, no wrong answer. If you feel you could not be
7 fair and impartial, that's okay. If you feel you can,
8 put some of those other feelings aside, you could be
9 fair and impartial in this case --

10 MS. MCKIE: Can I ask you another question?

11 THE COURT: Sure.

12 MS. MCKIE: Are we only deciding where he's going?
13 Or are we deciding if the case -- has the case already
14 been done -- already done and we're just deciding on
15 where he's going?

16 THE COURT: That's basically -- yes. He's already
17 served a term. In other words, he's served his
18 sentence --

19 MS. MCKIE: Okay.

20 THE COURT: -- for whatever the sexual crimes were.
21 He's already done that.

22 MS. MCKIE: Right.

23 THE COURT: This is a separate program that he --
24 the State feels he needs to be committed to and he feels
25 he should not be committed to. And it's a program run

1 by the State. And with your background, you may know
2 something about that type of thing.

3 MS. MCKIE: Right. I don't think I can be
4 impartial.

5 THE COURT: All right. That's what I need to know.
6 Thank you very much, ma'am. Please don't discuss in the
7 jury room what we've talked about.

8 MS. MCKIE: I won't.

9 THE COURT: If I -- number 69. If I mischaracterize
10 the nature of this case, please --

11 MS. ZMROCZEK: Did she say she could or could not?

12 THE COURT: She could not be fair and impartial.
13 Number 69.

14 MS. ZMROCZEK: And, Judge, just for your
15 edification, it was female victims if that matters.

16 THE COURT: I'm trying not to --

17 MS. ZMROCZEK: Comment on the facts. Yeah.

18 THE COURT: One way or the other.

19 (69 comes forward)

20 THE COURT: Come around, ma'am. How are you today?

21 MS. HEATH: Fine, thanks. How are you.

22 THE COURT: Good. Just a quick question or two.

23 Have a seat. Ms. 69, you indicated that you or a member
24 of your family had been charged or accused of some sort
25 of sexual offense?

1 MS. HEATH: My husband was arrested for being in the
2 wrong place at the wrong time.

3 THE COURT: Okay. How long ago was that?

4 MS. HEATH: Ten years.

5 THE COURT: And it's resolved now?

6 MS. HEATH: Yes, sir. There were no charges or
7 anything.

8 THE COURT: With that life experience you indicated
9 it would not --

10 MS. HEATH: I don't think so.

11 THE COURT: -- interfere with your judgment?

12 MS. HEATH: I don't think it would.

13 THE COURT: You think you could be fair and
14 impartial?

15 MS. HEATH: I think I could be. Obviously, yes -- I
16 mean, I do know it can happen because it did happen.
17 But I think it depends on the circumstance.

18 THE COURT: You could listen to the evidence and
19 decide one way or the other?

20 MS. HEATH: Yes.

21 THE COURT: Thank you very much, Ms. 69. Please
22 don't discuss in the jury room what we talked about.

23 MS. HEATH: Yes, sir.

24 THE COURT: Number 43.

25 (43 comes forward)

1 THE COURT: Yes, ma'am. Right here. How are you
2 today ma'am?

3 MS. DRESSEL: I'm fine. How are you?

4 THE COURT: I'm good. Just have a seat. I've just
5 got a couple of quick questions.

6 MS. DRESSEL: Okay.

7 THE COURT: Ms. 43, you checked box number 4 about
8 having strong beliefs?

9 MS. DRESSEL: Yes, sir.

10 THE COURT: Can you tell me the basis for that?

11 MS. DRESSEL: One, my granddaughter's best friend
12 was molested. They live right across the street from
13 them. And, I'm sorry, I just have prejudice against
14 that.

15 THE COURT: You feel you could not be fair and
16 impartial?

17 MS. DRESSEL: No, sir.

18 THE COURT: All right. Thank you very much. Please
19 don't discuss in the jury room what we've talked about.

20 MS. DRESSEL: Yes, sir.

21 THE COURT: Number 8.

22 (8 comes forward)

23 THE COURT: Mr. 8, how are you today?

24 MR. BAUGHMAN: All right, sir. How about yourself?

25 THE COURT: All right. You got a grandchild on the

1 way; is that right?

2 MR. BAUGHMAN: Yes, sir.

3 THE COURT: How soon?

4 MR. BAUGHMAN: Any day.

5 THE COURT: Any day.

6 MR. BAUGHMAN: They just come back from the hospital
7 last night from taking her up there. Thought she was in
8 labor then, but --

9 THE COURT: False labor. Is this your first one?

10 MR. BAUGHMAN: No. Second one.

11 THE COURT: Well, that's just as important as the
12 first one. Mr. Number 8, you checked two boxes on here
13 about one that either you or member of your family had
14 been the victim and that you didn't feel you could be
15 fair and impartial; is that correct?

16 MR. BAUGHMAN: No, it was my wife.

17 THE COURT: How long ago?

18 MR. BAUGHMAN: That's been probably 15 years ago or
19 so.

20 THE COURT: And --

21 MR. BAUGHMAN: I mean, we got --

22 THE COURT: I don't need a lot of details.

23 MR. BAUGHMAN: It was just a bunch of mess.

24 THE COURT: It was a mess.

25 MR. BAUGHMAN: And he almost raped her, but his

1 cousin walked in on him before he got through. So --

2 THE COURT: So you fell you couldn't be fair and
3 impartial in a case like this?

4 MR. BAUGHMAN: To be honest with you, if I could
5 have got to him that night, I'd probably be in the jail
6 for the rest of my life.

7 THE COURT: I understand that. In a case like this,
8 you don't feel like you -- do you feel like you could be
9 fair and impartial?

10 MR. BAUGHMAN: Not really.

11 THE COURT: All right. Thank you very much, Mr. 8.
12 Don't discuss in the jury room what we've talked about.

13 MR. BAUGHMAN: Yes, sir.

14 THE COURT: 61. Mr. 8, if that baby comes now, you
15 let us know.

16 MR. BAUGHMAN: I will.

17 THE COURT: You'll probably just disappear, won't
18 you?

19 MR. BAUGHMAN: No, sir. Thank you.

20 MS. ZMROCZEK: Judge, I thought you had already
21 excused 61.

22 MR. BOGLE: During the initial voir dire, I think
23 Your Honor excused 61.

24 MS. ZMROCZEK: Because he worked in a male facility.

25 MR. BOGLE: Said he couldn't be fair.

1 THE COURT: Oh, I sure did.

2 MR. BOGLE: During the initial voir dire he said --

3 (61 comes forward)

4 THE COURT: All right. You're right. Mr. 61, I've
5 already talked to you. I'm going to excuse you from
6 this jury. I need you to stay, but I'm not going to put
7 your name in the box on this case. Okay?

8 MR. GREGORY: Yes, sir.

9 THE COURT: Thank you very much. Got another
10 unsigned. 152. It's one that said strong beliefs.

11 (152 comes forward)

12 THE COURT: How are you?

13 MR. SAYE: Pretty good. Pretty good.

14 THE COURT: All right. Have a seat. I just got a
15 couple of quick questions. Mr. 152, you indicated that
16 you or someone -- member of your family had been the
17 victim of sexual abuse and that you do have strong
18 beliefs; is that correct?

19 MR. SAYE: Yes, sir.

20 THE COURT: Can you tell me just a little bit about
21 it?

22 MR. SAYE: My younger sister and a niece of mine
23 were molested by stepfathers.

24 THE COURT: How long ago?

25 MR. SAYE: My sister when she was 13, so about 20

1 years ago.

2 THE COURT: Twenty years ago. All right. And based
3 on that family history, do you feel you could be fair
4 and impartial in a case like this?

5 MR. SAYE: No.

6 THE COURT: All right. Thank you very much. That's
7 all I need to know. Please don't discuss what we talked
8 about back in the jury room.

9 MR. SAYE: Yes, sir.

10 THE COURT: Number 66.

11 (66 comes forward)

12 THE COURT: How are you doing?

13 MR. HANCOCK: Doing all right.

14 THE COURT: Come on up. Mr. 66, have a seat. You
15 checked that you had strong feelings about sexual
16 conduct -- sexual abuse type things; is that correct?

17 MR. HANCOCK: Yes, sir.

18 THE COURT: And what's the basis for that?

19 MR. HANCOCK: I just have no respect for anyone.

20 THE COURT: Do you have children?

21 MR. HANCOCK: No, but I have two nieces.

22 THE COURT: Two nieces?

23 MR. HANCOCK: That are like my children.

24 THE COURT: Do you have strong religious beliefs in
25 this regard?

1 MR. HANCOCK: Yes.

2 THE COURT: Or more personal?

3 MR. HANCOCK: Well, it's personal and religion.

4 THE COURT: Okay. You don't feel like you could sit
5 and be fair and impartial?

6 MR. HANCOCK: No, sir.

7 THE COURT: Thank you very much. You're free.

8 Please return to the jury room, don't discuss what we've
9 talked about.

10 We need number 41.

11 (41 comes forward)

12 THE COURT: How are you today?

13 MR. DODSON: I'm fine, sir.

14 THE COURT: Just have a couple of questions.

15 MR. DODSON: Yes, sir.

16 THE COURT: Mr. Number 41, you checked box number 3
17 which indicated either you or someone in your family had
18 been the victim of some sort of sexual abuse; is that
19 correct?

20 MR. DODSON: Yes, sir.

21 THE COURT: Can you tell me who it is?

22 MR. DODSON: My wife.

23 THE COURT: How long ago?

24 MR. DODSON: When she was a child.

25 THE COURT: Okay. And yet say you fell like you can

1 be fair and impartial; is that correct.

2 MR. DODSON: Yes, sir, I think so.

3 The COURT: Okay.

4 MR. DODSON: Now she's even still into counseling at
5 times, but I've heard both sides of the story. I think
6 I can.

7 THE COURT: Okay. That's what I need to know.

8 Thank you very much. Mr. 41, please don't discuss in
9 the jury room what we've talked about.

10 MR. DODSON: All right, sir.

11 THE COURT: 13.

12 (13 comes forward)

13 THE COURT: How are you, Ms. 13?

14 MS. BOIK: Good and you?

15 THE COURT: Anybody ever call you 13 before?

16 MS. BOIK: That actually was my volleyball number.

17 THE COURT: Just a couple of questions, Ms. 13. You
18 indicated that either you or a family member had been
19 the victim of some sort of sexual abuse and you have
20 strong feelings about that; is that correct?

21 MS. BOIK: That is correct.

22 THE COURT: Can you tell me who it was?

23 MS. BOIK: Myself.

24 THE COURT: And how long ago?

25 MS. BOIK: I was 8.

1 THE COURT: All right. And do you feel based on
2 that life experience that you could or could not be fair
3 and impartial in a case like this?

4 MS. BOIK: I have strong opinions.

5 THE COURT: That would --

6 MS. BOIK: That would -- I would be hard pressed.

7 THE COURT: Okay. To be fair and impartial?

8 MS. BOIK: I could be fair, but I still have a good
9 many opinions of things that are going to sway me one
10 way or the other. I'm just trying to be really honest.

11 THE COURT: That's exactly what I need. So you feel
12 you would have a bias and that you could not be totally
13 fair and impartial?

14 MS. BOIK: I can be fair. I can't promise you that
15 I won't be biased.

16 THE COURT: Okay. That's what I need to know.
17 Number 46. Ms. 13, please don't discuss in the jury
18 room what we've talked about.

19 MS. BOIK: Okay.

20 THE COURT: Thank you.

21 MS. ZMROCZEK: She said fair, but she had a bias?

22 THE COURT: Yeah, because she had personal
23 experience.

24 MS. ZMROCZEK: Okay.

25 THE COURT: Strike her for cause?

1 MS. ZMROCZEK: Yes, please.

2 MR. BOGLE: Hard to say she said she could be fair,
3 but also has a bias.

4 THE COURT: Well, she also has personal experience.
5 I'm going to strike her.

6 (46 comes forward)

7 THE COURT: How are you today, Ms. 46?

8 MS. EGGERT: I'm good.

9 THE COURT: Just a couple of questions, ma'am. Have
10 a seat. The -- you indicated that I assume because all
11 of your answers were yes that it was you that was
12 somehow abused?.

13 MS. EGGERT: Nods head.

14 THE COURT: How long ago did that occur?

15 MS. EGGERT: When I was 12 through 16, so 30 years
16 ago.

17 THE COURT: Thirty years ago. And you feel based on
18 that life experience that you could not be fair and
19 impartial?

20 MS. EGGERT: Absolutely.

21 THE COURT: All right. Thank you very much, ma'am.
22 Please don't discuss what we've talked about the in the
23 jury room.

24 MS. EGGERT: Yes, sir.

25 THE COURT: Number 12, please.

1 MR. BOGLE: Judge, before they come in, could you
2 give us the question numbers before they come in.

3 THE COURT: Oh, I'm sorry. This is check 1, 2, and
4 3. I neglected to do that. I'm sorry.

5 MR. BOGLE: You said number 12?

6 THE COURT: Number 12 checked 1, 2, and 3. And no
7 to number 4.

8 (12 comes forward)

9 THE COURT: How are you today, sir?

10 MR. BOATWRIGHT: Fine.

11 THE COURT: All right. Just a couple of questions,
12 Mr. 12.

13 MR. BOATWRIGHT: Okay.

14 THE COURT: You indicated on your questionnaire that
15 either you or family members have been somehow either
16 accused or charged with --

17 MR. BOATWRIGHT: They were convicted.

18 THE COURT: Convicted?

19 MR. BOATWRIGHT: Yes.

20 THE COURT: And --

21 MR. BOATWRIGHT: One was a first cousin who's still
22 doing time. Haven't seen him in 30 years. And the
23 other one is my nephew, he was in the wrong place at the
24 wrong time and got convicted. He's out now though.

25 THE COURT: Okay. Yet you say you could be fair and

1 impartial?

2 MR. BOATWRIGHT: Yes, sir. They made the mistake,
3 not me.

4 THE COURT: You can be fair and impartial? Listen
5 to the evidence and decide one way or the other?

6 MR. BOATWRIGHT: Everybody gets a second chance.

7 The COURT: All right. Thank you very much. Please
8 don't discuss in the jury room what we've talked about.

9 MR. BOATWRIGHT: Right.

10 THE COURT: Number 90. 90 checked 3 and 4, yes.
11 This is the last one.

12 MS. ZMROCZEK: Did you say that there was one
13 unnumbered, but checked number 4?

14 THE COURT: Yes. They probably don't remember that
15 they didn't put their number on it.

16 (90 comes forward)

17 THE COURT: How are you today, sir?

18 MR. KIRVAN: Fine, Your Honor.

19 THE COURT: Good. Have a seat. Mr. 90, you
20 indicated on the questionnaire that a -- you or some
21 member of your family had been the victim of some sort
22 of sexual abuse; is that correct?

23 MR. KIRVAN: My sister.

24 THE COURT: And how long ago was that?

25 MR. KIRVAN: Two years. Fifteen minutes after this

1 last New Year two years ago.

2 THE COURT: Two years ago?

3 MR. KIRVAN: Yes.

4 THE COURT: I'm sorry.

5 MR. KIRVAN: The whole situation was abusive and was
6 isolated and not permitted to get any help. And by the
7 time we found out, he walked away with insurance.

8 THE COURT: I'm sorry.

9 MR. KIRVAN: So I have a lot of issues with that.

10 THE COURT: Do you feel you can be fair and
11 impartial?

12 MR. KIRVAN: I don't believe so.

13 THE COURT: That's what I need to know. Thank you
14 very much. Don't discuss in the jury room what we've
15 talked about.

16 MR. KIRVAN: Okay.

17 THE COURT: That's all of them. All right.
18 Counsel, let's go through this. And, Madam Clerk, you
19 draw from the -- I mean, the computer draw.

20 THE CLERK: Yes.

21 THE COURT: I'm going to go through the ones that
22 need to come out.

23 THE CLERK: Okay.

24 THE COURT: But I'll make sure the attorneys agree
25 with me that these need to be deleted. We start back

1 with our first question and answer number 61, number
2 198, number 7. All right. Then in response to the
3 questionnaires, the following indicated that they could
4 not be fair and impartial: 49, 160, 74, 133, 149, 50,
5 62, 84, 92, 103, 43, 8, 61, 152, 66, 13, 46, and 90.
6 Any corrections, additions, or objections to the finding
7 of jurors who feel they cannot be fair and impartial?

8 MS. ZMROCZEK: None from the respondent.

9 MR. BOGLE: Nothing from the State, Your Honor.
10 Thank you.

11 THE COURT: All right. Are you ready to draw?

12 MR. BOGLE: Yes, sir.

13 THE CLERK: Do you want one or two alternates?

14 THE COURT: Let's get two just in case.

15 THE CLERK: It will take us just a second to make
16 sure we've set them all to the side.

17 THE COURT: All right. Anybody need a -- what we'll
18 do is draw this jury and then I'm going to send them
19 home. Maybe. I don't know how long your motions are
20 going to take.

21 MR. BOGLE: Are you going to pick the second jury
22 today as well?

23 THE COURT: Yeah, I hope to.

24 MR. BOGLE: Okay.

25 MS. ZMROCZEK: That would make sense, Your Honor,

1 because by the time I think we even get to the opening
2 and motions, we discussed about Dr. Gehle come back so I
3 can cross examine. I don't think we could get through
4 direct and cross today. That's my thought.

5 THE COURT: My thinking is --

6 MS. ZMROCZEK: I think we can get it done in one
7 day, but --

8 THE COURT: Yeah. It's going to take me awhile to
9 get that second jury. And, you know, these names are
10 back in the venire pool for the second jury. And by the
11 time we get a short lunch break and do that, and hear
12 motions, I'm not sure that we're going to be on the
13 better side of 4:00, frankly.

14 MR. BOGLE: Could be.

15 THE COURT: So if we get all that -- in other words,
16 the question is, do we bring the jury back this
17 afternoon or bring them back in the morning.

18 MR. BOGLE: It's a moving target, Judge.

19 MS. ZMROCZEK: I think probably the morning just to
20 be safe. And I would -- I'll get to the court early so
21 I can be here by 9:30.

22 THE COURT: Oh, that's right. You've got the thing
23 in the morning, too. Well, you got priority --

24 MR. BOGLE: It's like 12:30, so we pick a jury by
25 1:00, eat lunch till 2:00 and --

1 THE COURT: I've got to sit here and draw another
2 jury.

3 MR. BOGLE: Oh, that's right. Yeah, it's going to
4 be tough getting the witness in today. It would be 4:00
5 by the time she takes the stand, you're right. And then
6 I hate to break her up into two days.

7 THE COURT: In which case, I'll just tell them to
8 come back in the morning. And what time do you think
9 you can be here this time? We'll do our pretrial this
10 afternoon at 2:00.

11 MR. BOGLE: Right.

12 MS. ZMROCZEK: Yeah. And I mean, I think -- Judge,
13 I would make it -- I'll be here. It takes me 50 minutes
14 to drive quickly.

15 THE COURT: What are you driving? A Mercedes?

16 MS. ZMROCZEK: Hardly. But I still think -- I mean,
17 she's the only witness we have, Your Honor. Even if we
18 started at 10, I think --

19 THE COURT: Well, your client may testify.

20 MS. ZMROCZEK: Oh, no. I won't be putting up any
21 evidence.

22 THE COURT: Will not?

23 MS. ZMROCZEK: No.

24 THE COURT: Well, then we'll finish tomorrow anyway.

25 MS. ZMROCZEK: Yeah.

1 MR. BOGLE: Judge, I'm going to step out in the hall
2 for a second and see if my witness is here and just let
3 her know what we're doing.

4 THE COURT: You want to release her?

5 MR. BOGLE: Not yet.

6 THE COURT: Okay.

7 MR. BOGLE: Can I bring her in though?

8 THE COURT: Oh, sure. You can let everybody come
9 in.

10 THE CLERK: Do you want the jury back in for the
11 strike?

12 THE COURT: Probably ought to bring them in.

13 THE COURT: Just let me know when you're ready to
14 start. Are you ready to strike, Ms. Zmroczek?

15 MS. ZMROCZEK: Yes, Your Honor.

16 MR. BOGLE: Just a minute, Your Honor.

17 THE COURT: All right.

18 MR. BOGLE: We're ready, Judge.

19 THE COURT: Ms. Zmroczek, are you ready?

20 MS. ZMROCZEK: I am, Your Honor.

21 THE COURT: All right. Bring the jury in, please.

22 (The jury enters the courtroom)

23 THE COURT: All present and accounted for?

24 BAILIFF: Yes, sir.

25 THE COURT: Okay. Madam Clerk, give us the jury,

1 please.

2 THE CLERK: One through 20, please use the numbers
3 to the far left.

4 POTENTIAL JURY: We can't hear you back here.

5 THE COURT: All right. Let me tell you what's
6 happening. We've drawn -- the computer has drawn,
7 jumbled up all your names and drawn 20 names. All
8 right. We've got two parties, each of which has the
9 opportunity to strike four names. For whatever reason
10 they choose. Maybe they didn't like the shoes you were
11 wearing today or something. But anyway, they have a
12 right to strike four apiece, so that gets us down to 12.
13 That's what's going on right now. That's what's about
14 to happen right now.

15 Now the numbers they call out, don't get excited
16 because we've mixed all your numbers up. So that's the
17 selection process and we'll draw an alternate -- or two
18 alternates once we've got the first 12 that are seated,
19 then we'll draw two more alternates. So the clerk is
20 going to ask the lawyers which ones they would like to
21 excuse for the purposes of this trial. Then we'll go
22 through the same process with the second trial and I'll
23 talk to you about that in a few minutes.

24 All right. Madam Clerk, give us a jury.

25 THE CLERK: Plaintiff's first strike.

1 MR. BOGLE: Yes. The State would strike number 8.
2 MS. ZMROCZEK: The respondent would strike number 2.
3 MR. BOGLE: The State would strike number 3.
4 MS. ZMROCZEK: The respondent would strike number
5 11.
6 MR. BOGLE: The State would strike number 7.
7 MS. ZMROCZEK: The respondent would strike number
8 12.
9 MR. BOGLE: The State would strike number 18.
10 MS. ZMROCZEK: The respondent would strike number 4.
11 THE COURT: Alternate number one.
12 MR. BOGLE: For the alternates, the first alternate,
13 the State would strike number 22.
14 MS. ZMROCZEK: Respondent would strike number 26.
15 THE COURT: Number 21 through 23.
16 MS. ZMROCZEK: I'm sorry. Respondent would strike
17 number 24.
18 THE COURT: Twenty-one through 23.
19 MS. ZMROCZEK: Geez. Number 21.
20 THE COURT: Now, number 24 through 26.
21 MR. BOGLE: The State would strike number 25.
22 MS. ZMROCZEK: The respondent would strike number
23 26.
24 THE COURT: Okay.
25 THE CLERK: For the first strikes, the plaintiff

1 strikes number 3, number 7, number 8, and number 18?

2 MR. BOGLE: That's correct.

3 THE CLERK: For alternates, 22 and 25?

4 MR. BOGLE: Correct.

5 THE CLERK: For the defense, 2, 4, 11, 12. For the
6 alternates 21 and 26?

7 MS. ZMROCZEK: Correct.

8 THE COURT: Please seat the jury.

9 THE CLERK: If I call your number and your name,
10 please bring your belongings with you and have a seat
11 over here in the jury box to my left.

12 Juror number 180, William Todd.

13 190, Addie Ware.

14 176, David Tacchi.

15 Number 118, Jonathan Morrison.

16 154, Donald Seeders.

17 126, Bernard Nora.

18 88, Phillip Kimbrell.

19 21, Jasmine Butler.

20 63, Gene Hamilton.

21 81, Gail Hydrick.

22 19, Timothy Buchner.

23 And 20, Wendy Buckner.

24 THE COURT: Are you two related?

25 MR. BUCKNER: No.

1 MS. BUCHNER: No.

2 THE CLERK: Spelled differently. One is B U C H,
3 the other one is B U C K.

4 THE COURT: I see.

5 THE CLERK: For our first alternate, we have number
6 39, Nicholas Desrocher. And 51, Jane Freebern is our
7 second alternate.

8 THE COURT: Any objection to the jury selection
9 process?

10 MR. BOGLE: No, Your Honor.

11 MS. ZMROCZEK: None, Your Honor.

12 THE COURT: All right. Thank you very much. Ladies
13 and gentlemen of the jury, it's now one o'clock. There
14 are a number of legal matters I need to take up with the
15 attorneys before we start the trial. So there's no
16 sense in you sitting here and listening to all that.
17 I'm going to dismiss you now until tomorrow morning.
18 I'm going to ask you to be back in the jury room at 9:30
19 at which time we'll commence with the trial.

20 As I told you earlier, I have to draw a second jury
21 and then I've got to go through the legal matters with
22 the attorneys in this case and probably in the second
23 case, too. And there's no sense in your waiting around
24 for that because I think if we let you go home now and
25 get this done, it will expedite the trial. I don't

1 think the trial's going to last any longer than one day.
2 Tomorrow we ought to be able to get it done. So you're
3 now excused -- in just a minute for the evening. I ask
4 you to be back in the jury room at 9:30.

5 Now, there are a couple other things that I do need
6 to talk to you about. And the first thing is, I'm going
7 to ask you not to do any independent research about this
8 case. Not that you would, not that you would even think
9 about it, but I am aware of the fact that in this day of
10 social media, and Facebook, and twitters, and everything
11 else that's out there, jurors may -- okay. Change of
12 time. I'll get to that in a minute. May be attempted
13 to try to find out something about case that we're going
14 to hear.

15 You're going to hear all the evidence about this
16 case in this jury room. It's not going to be -- as far
17 as I know there's not going to be any press coverage or
18 anything like that. But there may or may not be
19 information out there about this case on social media.

20 I will tell you and this is not -- I hope you take
21 it the way I mean it. I've had two cases in the last
22 couple years where jurors decided that they would do
23 independent research on their own. One actually came
24 back into the jury room after the case -- the jury
25 started deliberating and told what they found on

1 Facebook the night before. There were serious
2 consequences. Not only did we have to declare a
3 mistrial and try the case again, but I had to impose
4 certain sanctions including a fine and some other things
5 that -- because the juror had obviously just done
6 exactly what I had cautioned them not to do. So I only
7 bring that up just to tell you that it is a serious
8 matter to try to do independent research.

9 I guess the best example is the automobile accident
10 where the juror decides they're going to ride down to
11 that intersection and figure out how this thing
12 happened. But that's obviously not the case that you're
13 going to hear.

14 Other than that, I'm going to ask you when you
15 return to the jury room in the morning, and the bailiffs
16 will tell you where to reassemble, I assume it will be
17 back -- or wherever that jury room leads. Okay. The
18 bailiff will show you where your jury room is. You
19 don't need to come to the jury assemble room, just come
20 directly to your jury room.

21 I'm going to ask you to select one of your members.
22 I'm not, as I say, not from around here, so I don't
23 know -- you jurors individually, but I think you've
24 probably had a chance to meet each other. I'm going to
25 ask you to select one of your members to be the

1 foreperson of the jury. Now, that person will take the
2 seat where the lady on the front row here with the black
3 blouse or sweater. The last two chosen are alternates.
4 They could not serve as foreperson. But the foreperson
5 would take this seat on the front row and maintain that
6 seat throughout the trial. Other than that, there are
7 no numbers on the seats, no names, so just take a seat
8 where you're most comfortable.

9 All of the testimony will be from this witness box
10 and lawyers will probably just be talking around here.
11 So if you do have problems hearing or something like
12 that, you may want to sit a little closer to the witness
13 box. Other than that, I'm going to ask you just have a
14 pleasant evening. Be ready in the morning and we'll be
15 ready to go -- time changed, 10:00. Ten o'clock in the
16 morning at which time we'll commence the trial.

17 All right. Thank you very much, ladies and
18 gentlemen, you're now excused for the afternoon.

19 (The jury left the courtroom)

20 THE COURT: Remaining members of the jury panel, as
21 I indicated a long time ago, we have to pick a second
22 jury. Now, it's 1:00, if I let you go to lunch, I'm
23 going to have to bring you back at 2 to select the jury.
24 It will not be nearly as complicated as the first jury.
25 If you can stay with me, we can get it done and you can

1 go home.

2 So counsel, if you'll exit the counsel tables and
3 let's move on. And -- as that old police sergeant in
4 Columbia used to say when he had a defendant accused in
5 front of him, he said, let's get it done. Let's get it
6 done.

7 (Striking another jury)

8 THE COURT: Let's take a break and reconvene in
9 about 45 minutes if it's all right.

10 MR. BOGLE: That's fine, Your Honor.

11 (Lunch break)

12 THE COURT: Be seated. Thank you. All right. Ms.
13 Zmroczek, do you have any motions?

14 MS. ZMROCZEK: I do, Your Honor. And I submitted
15 them to the Court, Your Honor.

16 THE COURT: I'll take them in any order you --

17 MS. ZMROCZEK: Okay.

18 MR. BOGLE: Ms. Zmroczek, one of them I can agree
19 to. The short one about Dr. McKey.

20 MS. ZMROCZEK: Okay. Good.

21 THE COURT: Which one is that?

22 MS. ZMROCZEK: The one about mentioning our
23 independent evaluation -- or not mentioning our
24 independent evaluation.

25 THE COURT: Respondents failure to call retained

1 expert?

2 MR. BOGLE: Yes, sir, Your Honor. May it please the
3 Court. We're aware under the Statute for independent
4 evaluation they got one from Dr. McKey. Dr. McKey has
5 not been identified as a witness and not able to be
6 here. I had not planned to mention that in any way,
7 shape, or form.

8 In light of the Supreme Court's recent rulings in
9 Gonzales and Wade, I'll stay away from that.

10 THE COURT: All right. Thank you.

11 MS. ZMROCZEK: Your Honor, and I guess the second
12 one -- it kind of deals -- one of them kind of deals
13 with his motion as well. Mr. Bogle frequently files
14 motions to prohibit questions or discussions about
15 treatment programs, and, Your Honor, I guess that's the
16 crux of the issue.

17 The biggest issue that I have, there are two. One
18 is that Dr. Gehle's report who is the psychologist that
19 frequently performs these evaluations for DMH, her
20 report is based almost entirely on some past unknown but
21 questionable treatment records and/or journal entries.
22 And we don't know what the journal entries were based
23 on. Mr. -- and her report indicates and if it will help
24 the Court, I can pass it up. But her report indicates
25 when she contacted the hospital where Mr. McCoy was a

1 patient, she stated that -- they stated that the records
2 were unavailable as they had been destroyed per
3 retention standards. His treatment work was included in
4 the investigation records, but there's no indication of
5 whether that was all of his treatment work, whether --
6 what that treatment work was in response to.

7 I think when we were in chambers this morning, Mr.
8 Bogle indicated that when he was in Alabama, he actually
9 was committed in a hospital in Louisiana, there was a
10 reporting requirement. That's how he got arrested in
11 Alabama. So --

12 THE COURT: Failure to report?

13 MS. ZMROCZEK: By -- no. No. By reporting to his
14 treatment -- using his treatment records --

15 THE COURT: I see.

16 MS. ZMROCZEK: What he said in his treatment was
17 actually used against him and he was arrested. So my
18 motions are generally concerned around those -- that
19 information, I believe it's hearsay. I believe -- and I
20 know they want to try to argue that they're allowed to
21 rely under Cutro. But, Your Honor, Cutro deals with
22 autopsy records and kind of 803(8)(C) evidentiary
23 information that public records, things like that that
24 aren't really applicable here.

25 In fact, the law states specifically that there has

1 to be some -- if there's a question of reliability, then
2 they aren't allowed to be relied on.

3 And so, Your Honor, my concern is one, that none of
4 the offenses from Alabama get mentioned in this trial
5 because what the State has to prove is that he has an
6 underlying offense. He's pled guilty and we don't
7 question that. He has South Carolina offenses and he
8 has a pedophilia, Your Honor. He's met two out of
9 three. We're arguing is specifically on the third which
10 deals with his likely --

11 THE COURT: To reoffend?

12 MS. ZMROCZEK: Right.

13 THE COURT: Why don't we -- let me hear the State's
14 position.

15 MR. BOGLE: Thank you, Your Honor. May it please
16 the Court. To give you an idea, the chronology that I'm
17 aware of and Dr. Gehle is sitting behind me, she can
18 correct me if I say something wrong. He offended in
19 Alabama. He didn't -- no one knew about it except for
20 the victims. And the parents wouldn't do anything or
21 whatever. The bottom line is, he then himself entered
22 treatment in Alabama. He wasn't committed by a Court,
23 he just went there. Apparently Alabama has a mandatory
24 reporting requirement on treatment providers. And when
25 they read stuff that he was writing in his journal, they

1 reported to the police. That's how law enforcement
2 became involved in Alabama. He was convicted of sexual
3 abuse in the first degree in Alabama. I have a copy --

4 THE COURT: Convicted or pled?

5 MR. BOGLE: Pled, I believe. I have a copy of that
6 Statute right here if you want to look at it. It's very
7 similar to South Carolina's CSC in the second degree as
8 far it requiring forcible compulsion is the word they
9 use in Alabama along with sexual contact. That's how he
10 got the first thing. Then he comes to South Carolina
11 and we have the two new act convictions here in South
12 Carolina here in Aiken County.

13 Now, the Rule 703 governs expert testimony. What it
14 says and I'm quoting from the Rule as well as the Cutro
15 case, "that the facts or data upon which the expert
16 bases an opinion or an inference may be those perceived
17 or made known by the expert at or before the hearing.
18 If a type reasonably relied upon by experts in the
19 particular field, the facts or data need not be
20 admissible in evidence."

21 Now, what Dr. Gehle is going to testify about is
22 protocol consists of several steps. First, she looks at
23 records. The conviction records both in Alabama as well
24 as here. And it is true in this case, she or we on her
25 behalf tried to reach out to the treating facility in

1 Louisiana and their records were destroyed by that time.
2 However, his journals and some other records were
3 assisting and reported to the cops in Alabama. They
4 became part of the police file in Alabama and that's how
5 he got them. So that's the source of those documents.

6 Basically, the case law is pretty strong on the fact
7 that past criminal history is directly relevant to
8 proving future criminal likelihood to reoffend and
9 proving a person is a predator under Section 44-48-30.
10 The definition of a sexual predator. And I'm citing the
11 case In The Matter and Treatment of Corley in 2003.

12 Now, as far as dealing with records like this, in
13 the case of Manago, a 2000 case from the Court of
14 Appeals. In that particular case, the State's
15 testifying expert relied in part on conversations with
16 another treating expert Dr. William Burke. And she
17 relied upon her conversation with Dr. Burke as part of
18 the basis of her opinion and testified that's the type
19 of -- relying on what other experts have done is
20 typically relied upon by experts in her field. It was
21 approved by the Court of Appeals in the Manago case.

22 So what we've got is we have the journals he took,
23 he wrote down in Louisiana, recovered by the Alabama
24 authorities, we have the Alabama convictions she was
25 talking about and, of course, we have the South Carolina

1 convictions that she talked about.

2 Her protocol also includes, it's in her report, part
3 of the examination of a guy on one of these cases is a
4 lengthy inquire into his sexual preferences. What is
5 his preferences? Is it little girls? Is it young men?
6 Is it grown women? What is it that he's --

7 THE COURT: This -- this respondent?

8 MR. BOGLE: In all these -- these types of cases.

9 THE COURT: I understand.

10 MR. BOGLE: And they have lengthy interviews with
11 the subject in this case, Mr. McCoy, about this type of
12 thing. Now, a lot of information she talked to him
13 about these things in Alabama and the stuff in the
14 journals in Mississippi that he kept and he disclosed
15 all this to her. It's part of her evaluation. So some
16 of this information is from what she read, some is from
17 what he told her. But if all of it is the type of
18 information typically reasonably relied upon in experts
19 in her field and the fact that it's hearsay, would not
20 matter under Rule 703 and her opinion would be something
21 she can talk about.

22 Now, she's certainly subject to cross examination as
23 to the weight, how much she relied on this and that,
24 what he told her and what he didn't tell her. Those
25 matters all go to weight. So we would submit that

1 reliance upon other treatment records is appropriate
2 under the Manago case, past criminal history being the
3 thing to prove future criminal history as cited in the
4 Corley case and then Rule 703, the general rules
5 regarding expert testimony with regard to the Alabama
6 records, the treatment records, and, of course, the
7 underlying details behind the South Carolina
8 convictions.

9 These are necessary things to explain her opinion to
10 the jury so they can make the necessary findings to
11 whether or not he is a sexually violent predator as
12 defined under the law.

13 THE COURT: All right. I'm going to hear her -- I'm
14 going to proffer of her the basis for her opinion.

15 MR. BOGLE: All right. We'd call Dr. Marie Gehle
16 then.

17 THE COURT: Come around, Doctor.

18 MARIE GEHLE,
19 being first duly sworn, was examined and testified as
20 follows:

21 THE CLERK: Have a seat and state your name for the
22 record, please.

23 MR. BOGLE: Your Honor, with the Court's permission,
24 for the purpose of this hearing, could I skip over the
25 qualification questions?

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1 THE COURT: Yes. Just give me a thumbnail.

2 DIRECT EXAMINATION BY MR. BOGLE:

3 Q Dr. Gehle, you're employed by the Department of
4 Mental Health at the present time?

5 A You want me to spell my name? I haven't done that
6 yet.

7 Q Go ahead.

8 A She's got it. Yes. I'm employed by the Department
9 of Mental Health.

10 Q And what's your job there?

11 A I'm chief psychologist.

12 Q Okay. And what is -- do you have any specialized
13 training in the field of psychology?

14 A Yes. I have a bachelors degree in psychology; a
15 masters degree in clinical psychology; a doctorate in
16 clinical psychology. I did a predoctoral internship in
17 forensic psychology at Western State Hospital in Tacoma,
18 Washington. I did a postdoctoral fellowship in forensic
19 psychology at East Central Regional Hospital in Augusta.

20 Q And what states are you licensed to practice
21 psychology in?

22 A In South Carolina and Georgia.

23 Q Okay. What types of evaluations have you conducted
24 in general across the boards, psychological evaluations?

25 A I've done just general psychological functioning

1 evaluations, competency to stand trial, criminal
2 responsibility, risk assessments, need for
3 hospitalization, annual review, sexually violent
4 predator evaluations, and precommitment sexually violent
5 predator evaluations.

6 Q Okay. Turning just to the Sexually Violent
7 Predator law, approximately how many annual review
8 evaluations have you done for guys already committed to
9 the program?

10 A Approximately 90.

11 Q Okay. What about precommitment evaluations such as
12 the type we have today?

13 A Again, about 90 of them.

14 Q Okay. And have you been previously recognized as
15 an expert witness in the field of forensic psychology in
16 the courts of South Carolina?

17 A Yes.

18 Q Now, Dr. Gehle, how did you become involved in this
19 case in conducting the evaluation upon Mr. McCoy?

20 A I was appointed by the Court to do the evaluation.

21 Q What is your protocol, your step-by-step process in
22 conducting evaluations of this type?

23 A Well, when I get the referral, I read through all
24 the information that comes from that. I make a list of
25 any other records that I can tell would exist from those

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1 records. I'll request those. Schedule an interview.
2 Interview the person. I score an actuary risk
3 assessment. When I have all the records, then I sit
4 down and write a report.

5 Q Okay. Do you also interview the subject of the
6 evaluation?

7 A Yes.

8 Q In this particular case, how many times did you
9 interview Mr. McCoy?

10 A I interviewed him two times.

11 Q Okay. Was there any reason necessary to interview
12 him the second time?

13 A Yes. I received those treatment records and other
14 records from Alabama and I wanted to ask him about
15 those, so I saw him again.

16 Q Okay. And was he fully briefed by you in advance
17 of each interview as to the purpose of the interview and
18 where the results of this would go?

19 A Yes. At the beginning of all of these interviews,
20 I go through a very lengthy explanation about, you know,
21 what they're there for, what the interview is for, just
22 sort of how the general SVP process works. I'll answer
23 any questions, but I usually talk to them about 30 to 45
24 minutes at the outset of the interview just about, you
25 know, what we're doing today.

1 Q When you're talking to them about prior criminal
2 activity, be it sexual or otherwise, particularly sexual
3 criminal activity, do you go over in preparation to that
4 particular line of questions, do you examine the written
5 documents relating to the conviction or the charge?

6 A Yes.

7 Q Okay. Is it also necessary to look at unconvicted
8 criminal charges that are sexual in nature?

9 A It's necessary to look at everything that I
10 receive, but absolutely it's necessary.

11 Q Just for curiosity, why is it necessary to look at
12 unconvicted criminal conduct that's sexual in nature?

13 A Because that's part of the risk assessment. It
14 also gives me a lot of information to sort of ask them
15 questions. It helps figuring out if there's a pattern
16 of deviant sexuality. It helps to sort of place the
17 chronology of their life. They might have been in jail
18 for something that they weren't later convicted of. It
19 tells me how long they were maybe out of the community
20 potentially. It's also just extremely important just to
21 ask them about and get their attitudes and opinions and
22 hear what their side of the story is.

23 Q Now, this particular case involving Mr. McCoy, was
24 he convicted of some sexual abuse crimes in the State of
25 Alabama?

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1 A Yes, he was.

2 Q And did you look at records regarding those
3 convictions?

4 A Yes.

5 Q I think it's called sexual abuse in the first
6 degree; is that correct?

7 A I believe so, yes. Six counts.

8 Q Six counts. All right. Are these the types of
9 documents typically and reasonably relied upon by
10 experts in your field?

11 A Yes.

12 Q And why is that? Why are you looking at background
13 documents from convictions in Alabama?

14 THE COURT: Ms. Zmroczek, do you object to the
15 actual convictions?

16 MS. ZMROCZEK: Your Honor, we would object -- we
17 would object to the basis of her testifying as to -- or
18 him allowing to speculate what -- the convictions are
19 what they are. But there's something different -- they
20 mean something different in Alabama and just because --

21 THE COURT: She can talk about that, but --

22 MS. ZMROCZEK: But the underlying --

23 THE COURT: I did not understand your objection was
24 to actual convictions. And maybe Mr. Bogle doesn't need
25 to go into this if that's --

1 MS. ZMROCZEK: Well --

2 THE COURT: I thought you were concerned about
3 peripheral matters.

4 MS. ZMROCZEK: Well, what I'm concerned about is the
5 information that was relied upon to get these
6 convictions. And then they're talking about un --

7 THE COURT: I know.

8 MS. ZMROCZEK: Yeah. They're talking about --

9 THE COURT: Unindicted criminal conduct.

10 MS. ZMROCZEK: Right. Unindicted criminal conduct.
11 That may or may not have been in his journals.

12 THE COURT: We'll get to that.

13 MS. ZMROCZEK: Okay.

14 THE COURT: I wanted to be clear about your
15 objection to the -- you say the -- that the --

16 MS. ZMROCZEK: Well, the other thing, Your Honor --

17 THE COURT: -- the material that led to the
18 convictions is what you're concerned about.

19 MS. ZMROCZEK: Right. Well, also, Your Honor, the
20 convictions are over ten -- if we go back and look at
21 under 609 --

22 THE COURT: It's 609?

23 MS. ZMROCZEK: Yes. These convictions happened over
24 ten years ago.

25 MR. BOGLE: Your Honor, that would be true if this

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1 were a criminal proceeding. And 609 specifically
2 addresses impeachment in a criminal proceeding and this
3 is a civil case.

4 MS. ZMROCZEK: But it still goes to character
5 evidence, Your Honor.

6 THE COURT: Okay. Go ahead and proceed, Mr. Bogle.

7 MR. BOGLE: Thank you.

8 Q Doctor, I think I was asking you why is it
9 necessary to view the underlying details of the Alabama
10 convictions in this case?

11 A Well, it's important because what the law says --
12 what the SVP law says is that I need to be looking for a
13 mental abnormality that makes them likely to commit acts
14 of sexual violence. When you look at the police
15 reports, you're seeing the details how they offended.
16 You know, who they offended, whether it was a child, an
17 adult, whether it was extremely forceful, whether there
18 was sadism involved, whether there was scripted
19 offenses. And all those things are extremely important
20 for me to get any direction as to what mental
21 abnormality they may have. If they have adult offenses,
22 I'm going to know, you know, they're not necessarily a
23 pedophile. Or if they are a pedophile, they haven't
24 committed those types of crimes.

25 I would be looking at, you know, may be a

1 paraphilia for basophilia, you know, arousal to rape.
2 So it's important to see those underlying things. With
3 the Alabama in particular, there was a lot of
4 information about how the --

5 Q Before you look at that, let me just ask you one
6 last question before I get there. Is the type of
7 reliance you're talking about looking at these
8 background records, something typically and reasonably
9 relied upon by experts in your field?

10 A Absolutely. It's essential.

11 Q All right. Go ahead. You were saying in
12 particular with regarding the Alabama offenses, please
13 continue.

14 A Yes. You also look at these offenses in terms of
15 risk and volitional impairment which are sort of the
16 other two prongs that I'm asked to answer for the Court.

17 In this case, Mr. McCoy was offending a child he
18 was living with. He was living with the mother, dating
19 the mother, and was offending the child. He offended
20 the child while he was in bed with the mother and the
21 mother was asleep. So that's a high risk situation.
22 That could speak to volitional impairment. He's willing
23 to offend in situations where he's extremely likely of
24 being caught and maybe, you know, have severe
25 consequences if caught by a parent in bed messing with

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1 the parent's child.

2 It was also very important with these Alabama
3 offenses to look at the timeline. So it's my
4 understanding that he was offending this girl for
5 several months. He went into her bed one night,
6 offended her, she excused herself, told him she needed
7 to use the restroom, but instead she went and disclosed
8 the abuse to her mother. The mother confronted Mr.
9 McCoy and so he knows that the girl's disclosing. You
10 know, his secret is out that he's offending her. The
11 mother knows. He continued his relationship with the
12 mother and offended the girl after that. So he offended
13 when the mother knew, which is extremely high risk
14 because now she's going to be watching out for that.
15 Now she's going to be maybe more suspicious of his
16 behavior. He offended again.

17 The girl told her mother it's continuing and the
18 mother confronted Mr. McCoy again. And at that point,
19 he said that he would like to get some treatment and he
20 sought voluntary treatment in Louisiana. When he
21 reported --

22 THE COURT: Ms. Zmroczek?

23 MS. ZMROCZEK: Sorry. Your Honor, I know that we're
24 proffering her testimony, but obviously I would be
25 objecting at this point because she's testifying to

1 things that were in the police report which we
2 absolutely consider hearsay. There's no sentencing
3 information. There's no plea colloquy, so we don't know
4 that he actually pled to those facts as she's presenting
5 them.

6 THE COURT: You can cross examine her. You find out
7 where she got that information.

8 MS. ZMROCZEK: Okay.

9 THE COURT: Go ahead.

10 Q Go ahead, Dr. Gehle.

11 A He then voluntarily sought treatment in Louisiana.
12 He recognized that he needed some help because after the
13 girl disclosed, he knew adamantly that she didn't want
14 this sexual contact to be happening and he recognized
15 that. And I don't think that he intended to do it
16 again, but he couldn't stop himself. That's what he
17 told me.

18 Q Okay. So you interviewed him about all the
19 underlying things you've talked about here?

20 A Yes. I asked him about all that stuff.

21 Q Did he acknowledge to you the sequence -- the
22 timeline you just talked about, did he admit to you this
23 timeline?

24 A I believe so.

25 Q Okay. And he said he couldn't help himself?

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1 A Yes.

2 Q Okay. Now, the records of his treatment in
3 Louisiana, were those records found or made available to
4 you by way of the Alabama Law Enforcement people?

5 A There were some records of treatment work that he
6 did. That was, I believe found in his apartment or
7 something to that effect.

8 Q Okay. Was the source of those though the Alabama
9 authorities?

10 A Yes.

11 Q Okay. And are these -- prior treatment records and
12 things a guy writes down about his conduct, is that what
13 this essentially was?

14 A Yes.

15 Q Okay. Is that kind of stuff important to you in
16 forming an opinion about him in this particular context
17 of the SVP law?

18 A Yes.

19 Q Okay. And is this something typically relied upon
20 by experts in your field?

21 A Yes, it is.

22 Q Why is it necessary to look at prior writings who
23 really may be many years old of an offender like this?

24 A Well, in this case it was important because there
25 was undisclosed victims in those records and it gave me

1 some more data just to ask him about. And so I asked
2 him about that. Some he admitted to, some he denied.
3 But it was another way to get more information from him.

4 Q And when you say some he admitted, some he denied,
5 are you referring to undisclosed victims?

6 A Yes. Or undetected things that he was not charged
7 or convicted of.

8 Q Did he disclose to you in your interviews with him,
9 your face-to-face interviews with him, the existence of
10 other victims that he offended against, but was not
11 charged?

12 A Yes.

13 Q Okay. Now, turn the clock ahead for a second. You
14 also reviewed his convictions for lewd act on a minor
15 here in South Carolina; is that correct?

16 A Yes.

17 Q And using the same protocol, did you review the
18 underlying documents, police records, things like that?

19 A Yes.

20 Q Did you also talk to him about what it is he did to
21 the victims here in South Carolina?

22 A Yes.

23 Q And are these the types of documents typically and
24 reasonably relied upon by experts in your field?

25 A Yes.

MARIE GEHLE - PROFFER DIRECT - MR. BOGLE

1 Q Why is necessary to look at the underlying
2 background information in his South Carolina
3 convictions?

4 A Again, you know, without that information, I don't
5 know the details about the age, gender of the victim,
6 the circumstances under which he offended whether they
7 were high risk, low risk; whether he, you know, was
8 prepared for consequences, and maybe there would be
9 evidence of volitional impairment in those records.
10 Things like that.

11 Q Did you find evidence of what I call -- what you
12 say volitional impairment, the inability to be able to
13 control his behavior in the Alabama offenses?

14 A Yes.

15 Q Okay. After he offended in the Alabama offenses
16 and after he went to get treatment, did he later discuss
17 with you still being aroused to young children?

18 A Yes.

19 Q Okay. What did he say?

20 A Let me pull that part specifically. Well, I
21 interviewed him twice and so I got sort of a different
22 account on both times. One thing that he told me in the
23 first interview was that he had -- I asked him if he had
24 any sexually deviant fantasies. He said he had
25 thoughts, not fantasies about every three days or so.

1 And he said that those thoughts can sometimes be
2 intrusive. That's important to know.

3 Q Thoughts about what?

4 A Sexual deviancy.

5 Q Meaning --

6 A That was in the context -- well, I asked him more
7 generally if he was having sexually deviant thoughts.
8 He didn't talk about having any paraphilic arousal other
9 than -- pedophilic arousal so we assume he was talking
10 more of that line. He said that he was in treatment
11 currently and that when he would -- makes any strides in
12 treatment, he would reward himself with those fantasies
13 involving a girl he was attracted to when she was 15.

14 Q So he's in treatment for his pedophilic arousal;
15 right?

16 A Yes.

17 Q Okay. And then he would reward himself by doing
18 what?

19 A By fantasizing about a 15 year old girl that he was
20 attracted to.

21 Q Okay. And by rewarding himself, would this include
22 masturbation?

23 A I would assume so, yes.

24 THE COURT: D O C?

25 MR. BOGLE: I'm sorry.

MARIE GEHLE - PROFFER DIRECT - MR. BOGLE

1 A Yes.

2 MR. BOGLE: Yes.

3 Q Doctor, why is past sexual offense behavior
4 relevant to future sexual offense behavior?

5 A Well, people's behavior tends to be consistent over
6 time, so it's important to know what they've done in the
7 past, that's what they're capable of in the future.
8 That's the boundaries that they've crossed in the past.
9 And it means that they're more likely to do that in the
10 future.

11 Q Beginning of page 5 of your report, you go into his
12 sexual history. Why is it necessary to reveal a
13 person's sexual history in the context of a case like
14 this?

15 A Well, again, I'm asked to tell the Court if he has
16 a mental abnormality that makes him likely to engage in
17 acts of sexual violence. There are many risk factors
18 that can be found in somebody's sexual history whether
19 they were sexually preoccupied, whether they are aroused
20 by sexual violence, in addition to determining if they
21 have any paraphilic disorder which is often related to
22 sexual offending.

23 Q Okay. Was sexual preoccupation an issue with this
24 man?

25 A Yes.

1 Q Were there conflicting comments as to what ages he
2 was attracted to?

3 A Yes.

4 Q Okay. Would you describe those, please?

5 A He said he was generally attracted to young girls.
6 No one younger than ten even though his last victim was
7 seven.

8 Q Okay. What about discussing his physical
9 attributes and how that effected whether or not he
10 wanted to do anything sexually with young children?

11 A Yes.

12 Q Is this something you talked about with him or
13 something you read about?

14 A Well, it's something that was in, I believe those
15 treatment records, but then I asked him about it as
16 well. But he said that he believed that he had a small
17 penis and in having sexual contact with a child, his
18 penis would look much larger and that would be something
19 that he, you know, found very pleasing.

20 Q Okay. Did he say anything about -- what is
21 grooming? In the context of adults having sex with
22 small children.

23 A Grooming is a way that adults will gain the trust
24 of children so that they can proceed with sexual
25 contact.

1 Q Was there any talk of grooming or anything he said
2 that sounded like grooming to you?

3 A Well, he used that term grooming. He talked about
4 potentially grooming victims. He had a very good
5 vocabulary with this. It was adamant that he had done a
6 lot of thinking about his behavior in this regard and
7 that he had, you know, likely either read about it or
8 done some treatment because he used a lot of the, you
9 know, lingo that we use.

10 Q Did he ever make any comments to you about these
11 young children coming on to him?

12 A He made comments about, you know, girls jumping
13 around on him when maybe he would be naked in bed,
14 things like that. And some comments about, you know, he
15 thought that the victim enjoyed the sexual contact, the
16 victim in Alabama until she disclose for the first time.

17 Q Did he ever blame his victims for the trouble he
18 had gotten into?

19 A Not necessarily blame them. It was more, you know,
20 they were jumping around on him and maybe enticing him.
21 I don't know that he necessarily blamed them. I didn't
22 get that overt impression.

23 Q Does the fact that the Alabama convictions for
24 sexual abuse in the first degree have some age on them?
25 Occurred a long time ago. Does that factor -- how does

1 the age of the convictions factor into your research in
2 your developing an opinion about Mr. McCoy?

3 A Well, for me, I'm looking for patterns of sexual
4 behavior, so it's important to see, you know, different
5 points in time. To me this says he's been dealing with
6 these, you know, arousal patterns for a long time. So
7 it sort of sets an initial timeline and then we've got
8 the later offenses which sort of sets, you know, I know
9 that that arousal was likely there during all that time.

10 Q Okay. What about inability to control himself?
11 Lack of control. One of the things we have to establish
12 to prove a case in this type of context, what evidence
13 did you find of that? You mentioned the thing with
14 offending the little girl in the bed with her mother,
15 what about in South Carolina?

16 A Well, he offended --

17 Q His conduct here that suggest a lack of control?

18 A He offended a child at a gas station who was, you
19 know, sitting at the gas station at the counter. Her
20 mom was working there, so she was some 20 feet away. So
21 it was in a busy place. There was many people around.
22 The mother recalled even seeing Mr. McCoy pressed up
23 against the girl and she recognized her daughter had a
24 look on her face like, you know, help me and
25 interviewed. But this offense happened in a public

1 place. Again, in eyesight of a parent who, you know,
2 was protective of her child, so that's a very high risk
3 situation. I mean, you're lucky you don't, you know,
4 get beat up and assaulted in that sort of situation.

5 Q Now, you mentioned sex offender treatment that he
6 had gotten while in Louisiana. Did he enroll in sex
7 offender treatment while at the Department of
8 Corrections?

9 A Yes. He went through the treatment there.

10 Q Did that treatment -- does that treatment --
11 completing treatment, whatever he did in Louisiana, plus
12 whatever he completed in South Carolina, does that
13 effect your opinion about whether or not he should be
14 committed?

15 A To some degree. The treatment in Louisiana we can
16 say, you know, was not entirely effective because he
17 offended after that. And the treatment in the
18 Department of Corrections is more of a psychoeducational
19 program. It's fairly short. It's usually larger
20 groups. It's my general feeling that it's adequate for
21 some people, but probably not adequate for somebody
22 who's already reoffended.

23 Q Okay. Is remorse an issue with this guy, Mr.
24 McCoy?

25 A In this case, remorse is sort of an interesting

1 construct because people generally think that that's
2 related to recidivism. But the research shows that it's
3 not related to recidivism. And in this case, I think
4 that Mr. McCoy was very remorseful about his behavior.
5 And that first victim often reported that he would
6 apologize. Say he was sorry. Recognize that he, you
7 know, shouldn't be doing this, but it didn't stop his
8 behavior.

9 Q Did you diagnose him to a reasonable degree of
10 psychological certainly with a mental abnormality?

11 A Yes.

12 Q And what is that?

13 A Pedophilia, nonexclusive type.

14 MR. BOGLE: Your Honor, at this point, if this was a
15 trial in front of the jury, I'd go on and ask her more
16 questions about her diagnosis to meet the elements of
17 the SVP law, but I think I've covered enough to answer
18 the questions about this being typical, things that
19 experts like her rely upon and how she relied upon and
20 their relevance both regarding the Alabama charges and
21 regarding the sex offender treatment or journals that
22 she had access to. I think I've covered everything --

23 THE COURT: Let's find out. Cross examination?

24 MS. ZMROCZEK: Thank you, Your Honor.

25 CROSS EXAMINATION BY MS. ZMROCZEK:

1 Q Dr. Gehle, I'm trying not to bounce around a bit,
2 but you would agree with me that the journals that you
3 keep referring to that were part of the investigative
4 information that you received were actually -- and I'm
5 referring to page 11 of your report, when officers
6 executed a search warrant of Mr. McCoy's home, they
7 recovered two notebooks. It is assumed that they
8 contained the writings thought to be related to his sex
9 offender treatment included in police records?

10 A Correct.

11 Q So you're relying on that information assuming that
12 that's what it is, but having no basis other than your
13 assumption?

14 A No. I asked him about those.

15 Q And did he tell you how many journals or how many
16 notebooks he had?

17 A No.

18 Q Did you ask if it was just two?

19 A No.

20 Q Okay. So it's unknown at this point whether or not
21 that those two journals reflect all of his treatment and
22 at what phase of his treatment they reflect and if
23 they're even complete and in what response they're
24 giving? If that's too many questions, I can break them
25 down for you.

1 A You never know if you have everything that
2 somebody's done. I mean, that's sort of an old
3 hypothesis that we can never answer. I don't know if
4 that was everything that he had. What was in there was
5 what I asked him about and what I, you know, talked
6 about in the report. I was able to ask him questions
7 about the stuff that was in that -- or those journals.

8 Q And the convictions you talk about how the trial
9 disclosed, but it wasn't disclosed to law enforcement;
10 correct?

11 A It was disclosed to the mother.

12 Q To the mother, but not to law enforcement?

13 A Well, it was disclosed to law enforcement through
14 that mandated reporter in Louisiana. She -- or the
15 therapist, I don't know if it was he or she, mandated
16 reporting requires her to -- her or him to make that
17 initial phone call. And it's my understanding that she
18 made that initial phone call and then handed the phone
19 to Mr. McCoy and then he disclosed to law enforcement.

20 Q And where did you get that information?

21 A That was in the records.

22 Q The police records?

23 A Yes.

24 Q And then -- when you talk about things that the
25 mother said and the child said, that's all information

1 that you gleaned from the police report, none of this
2 was sworn testimony, none of this was information that
3 was provided at a plea colloquy or anything?

4 A I don't believe I had any, you know, trial
5 transcript. But I would -- let me please look. There
6 is a transcribed interview of the victim and of Mr.
7 McCoy in the records. In addition to the police
8 reports.

9 Q And you don't know that those formed the basis of
10 his guilty plea?

11 A I don't know if they form the basis of his guilty
12 plea; is that your question?

13 Q Right.

14 A I imagine that what they gleaned in that interview
15 was part of the, you know, what they decided to charge
16 him with. Let me see if I have specifics. I don't have
17 any transcript of him entering his guilty pleas, no.

18 Q Mr. Bogle kept asking you about part of your
19 standard and protocol for evaluating commitment cases.
20 You're a member of the APA; correct? Are you a member
21 of any organization like American Psychological
22 Association or do you follow any of their guidelines?

23 A As a psychologist I follow their ethics code. I'm
24 not a member of the APA. I am a member of one of its
25 divisions though, the American Psychology and Law

1 Society. I'm a member of the Sex Offender Civil
2 Commitment Program Network. I'm a member of a couple of
3 area local mental health organizations.

4 Q Okay. And have any of those organizations
5 established guidelines for psychologists attempting to
6 make predictions relative to sex offender recidivism in
7 applications to sexually violent predator programs?

8 A Have they issued guidelines?

9 Q Yes.

10 A Not specifically to my knowledge.

11 Q Okay. Have they taken a position on predictions of
12 future dangerousness?

13 A I'm not sure.

14 Q So when you're saying that this is information that
15 you and other experts in your field commonly rely on, is
16 that information recognized by any authoritative or
17 ethical group that would provide the standards for these
18 types of things?

19 A Well, this is the type of information that's
20 discussed in textbooks and books to talk about how to
21 approach these evaluations. Those organizations that
22 you talk about don't issue mandates typically as to what
23 should be included in the evaluations. I know I've read
24 plenty of research that says here's what other people
25 use in these evaluation s.

1 Q Okay. And that's my question. Are there more than
2 one way to do these evaluations?

3 A Of course.

4 Q Okay. And is there a technique that is relied upon
5 to be able to -- like you said, your job for the Court
6 was to provide an opinion on whether they have an
7 abnormality, whether or not they're likely to reoffend
8 and whether or not they have the volition, the inability
9 to control themselves; correct? The question -- I guess
10 the question I'm asking is, do they have to have --
11 there's obviously the DSM 5 which helps establish
12 whether or not they have a mental abnormality; correct?

13 A Correct.

14 Q That's what you used; right?

15 A Yes, those are the guidelines I used.

16 Q Are those required in determining volition or
17 likelihood to reoffend?

18 A Are those required?

19 Q Is that required? Is that paraphilia definition
20 required when you're assessing -- when you're doing the
21 other part, the risk assessment?

22 A No. The way I do my risk assessment is I use an
23 actuarial risk assessment. The research says that
24 that's the most accurate way to do it to, you know,
25 estimate or predict future sexual recidivism, so that's

1 what I used. And in terms of volitional impairment, you
2 look for behavioral cues from offenses or from current
3 behavior now. Any self reported statements that they
4 are unable to control their behavior. Things like that.

5 Q I understand what you're saying what you're looking
6 for. I guess let me rephrase the question. There's
7 essentially no scientific basis for determining whether
8 they have the ability or lack of ability to control
9 their behavior; correct?

10 A There's no scientific basis?

11 Q It's essentially no agreed upon scientific basis
12 whether or not a person -- whether or not a psychologist
13 can predict or say when a person lacks the ability to
14 control their behavior?

15 A There are behavioral cues that have been found in
16 the research.

17 Q Right. But no question is, there's no scientific
18 --

19 A I would say that science when you're talking about
20 research and you're talking about behavioral cues, I
21 think that that is scientific.

22 Q But does that vary -- can that vary from
23 psychologist to psychologist in making their
24 determination?

25 A I don't know.

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1 Q Does -- when making that determination, does
2 everybody have to use the same tools? Does everybody
3 have to use the same information? And does that --

4 A Nobody ever has to use the same information in
5 anything that we do.

6 Q Is there like a normative baseline that you use to
7 base these opinions?

8 A I just don't understand that question.

9 Q Okay.

10 A If you can --

11 Q All right. I'll come back to that. You talked
12 about -- you said that there are -- there's a scientific
13 basis for determining volition.

14 A Is that your question?

15 Q Yes.

16 A Yes. It's talked about in research. It's been
17 talked about in books and things of that nature.

18 Q Has any one method been accepted as scientific and
19 reliable in court?

20 A In court?

21 Q Any one method?

22 A In court I'm not sure.

23 Q So you talked about your method, the actuarial, I
24 can't even say that, what's the salability rate on that?

25 A Let me just clarify it. I use an actuarial to talk

1 about risk assessment. That's not volitional
2 impairment. Those are two separate concepts.

3 Q Are they both -- is that required though for -- to
4 make a finding under the Act?

5 A An actuarial risk assessment?

6 Q A risk assessment of future dangerousness?

7 A Well, you have to say whether that mental
8 abnormality makes the person likely. That has been
9 interpreted by clinicians to mean a risk assessment.

10 Q But you don't rely on the information provide --
11 you rely on a host of information you said. So, I guess
12 the question is, when you're gathering all this
13 information to understand whether or not he meets these
14 requirements, is that something that you use objectively
15 or subjectively?

16 A I use it as objectively as possible.

17 Q Okay. But there is no objective standard that we
18 can say, okay, it was a -- what were the ages of the
19 children in Alabama?

20 A She was I believe nine to ten year old.

21 Q Okay. And then there's no way to correlate that --
22 you don't have any information that correlates all of
23 that to put it together? It's just -- they are just
24 facts that you use?

25 MR. BOGLE: Object to the form of the question, Your

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1 Honor.

2 THE COURT: Overruled. Try to get it out.

3 MS. ZMROCZEK: I'll move on, Your Honor.

4 Q I guess my question is, when you're using this
5 prediction when you're trying to predict the recidivism
6 or trying to predict the risk of likely to reoffend,
7 there's no -- I know that it's based on scientific
8 methods and that there are scientific research, but
9 here's no scientific -- one scientific accepted way to
10 present that to the Court; correct?

11 A There are a bunch of different ways that you can
12 conduct a research -- a risk assessment. Typically fall
13 into a couple of categories. One is the actuarial,
14 that's what I use. That has the most research support.
15 It's been found to be the most accurate.

16 The second is you can adjust the actuarial findings
17 based on other factors. That's not typically
18 recommended by especially by authors of actuarial
19 assessments. Another approach is to use a structured --
20 structured clinical judgment which is where you know
21 what risk factors you're looking for in advance of the
22 interview or in advance of the evaluation and you look
23 for those things and then you use your clinical judgment
24 to come to a determination when you look at those
25 predetermined risk factors.

1 The last one is clinical judgment where you don't
2 go in with any preset risk factors before the evaluation
3 and you just use your clinical judgment to determine
4 whether that person is at risk or not.

5 Q Okay. So how do you determine whether an
6 assessment is reliable or not?

7 MR. BOGLE: Your Honor, at this time I think we're
8 getting pretty far afield of the motions. We're not
9 having a deposition --

10 THE COURT: I understand, Mr. Bogle. I think -- I'm
11 going grant your motion Ms. Zmroczek. As I understood
12 the purpose of this is to base your objection on what
13 she used in order to come to her opinion. Now, she's
14 entitled to offer her opinion based on -- and that seems
15 to be where you're going is how she comes to her opinion
16 and what the scientific basis for it is. Which is
17 certainly valid on cross examination from the jury, but
18 I think it's a little far afield from the basis for your
19 objection. The objection was as, I understand it, the
20 use of particularly his diaries in Alabama that led to
21 his criminal convictions in Alabama. And you've sort of
22 strayed away from that.

23 MS. ZMROCZEK: Yes, Your Honor. And I meant to come
24 back to that. What I was trying to focus back on --
25 when testifying she was saying things like, and the mom

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1 saw this look in her eyes and the mom --

2 THE COURT: Here's what I've heard so far from
3 everything she's using as a basis for her opinion is
4 something that he told her. And as long as he told
5 her -- I mean, maybe she's got this -- and I've looked
6 through the file, maybe she's got this -- and I'm
7 assuming you've seen these diaries that she's got it in
8 her hand, and she said, and I don't want to put words in
9 her mouth -- that you said here that you got aroused as
10 a result of X, Y, Z, Z; is that true? And he says, yes.

11 You know, if that's the testimony about the Alabama
12 incident, then it's admissible if he admits it to her.
13 That way she's not -- she may not be relying on those
14 diaries. She's relying on what he tells her about those
15 diaries. And that's the way I've heard it so far.

16 MS. ZMROCZEK: And my concern with and I'm sure I'll
17 be corrected if I'm wrong, but she said that she
18 interviewed him twice and got a -- and she got a
19 different answer the second time. So my concern is just
20 the reliability of that information.

21 THE COURT: Well, that is what it is. I mean, I --
22 you -- neither you or I or Mr. Bogle can change what she
23 perceived in these meetings with your client.

24 MS. ZMROCZEK: So, Your Honor, if then we're allowed
25 to discuss all that, then I would ask on their -- I

1 believe they filed a motion in limine to prevent me from
2 talking about treatment, but I don't think that they can
3 have it one way --

4 THE COURT: Well, you may be right.

5 MR. BOGLE: Judge, can -- that's kind of an apples
6 and oranges issue. Do you have a copy of our motion?
7 Or would you like me to give you one that I have right
8 here.

9 THE COURT: I have it right here.

10 MR. BOGLE: Okay.

11 THE COURT: But we haven't gotten to that issue yet.

12 MR. BOGLE: Okay. I'll wait.

13 MS. ZMROCZEK: And then my only other --

14 THE COURT: Let's conclude with Dr. Gehle.

15 MS. ZMROCZEK: Okay. Well, I understand that the
16 hearsay motion for now as long as she testifies that it
17 came from him will be overruled. My other objection or
18 motion in limine, Your Honor, goes to her ultimate
19 opinion as to whether or not he qualifies for the
20 program. And on page 19 of her report --

21 THE COURT: Which I don't have.

22 MS. ZMROCZEK: Would you like me --

23 THE COURT: Well, if you're going to quote something
24 to me. If you're just going to ask her about it, that's
25 fine. But her report is not in the file.

1 MS. ZMROCZEK: If I may, Your Honor.

2 THE COURT: Go ahead. You can ask her about it.

3 MS. ZMROCZEK: Thank you.

4 Q Dr. Gehle, are you able to make a determination as
5 to whether or not Mr. McCoy should be committed to the
6 sexually violent predator program?

7 A I gave an opinion, yes.

8 Q On page 19 of your opinion where it starts -- where
9 you start you say opinion on his status. The first line
10 -- what is the first two sentences if you can read those
11 to the Court.

12 MR. BOGLE: What page are you on?

13 MS. ZMROCZEK: Nineteen.

14 MR. BOGLE: Top or bottom?

15 MS. ZMROCZEK: Where it says opinion on statuses of
16 sexually violet predator.

17 A "Whether Mr. McCoy is a sexually violent predator
18 is a legal decision to be made by the legal fact finder.
19 As such, the following opinion is not intended to be
20 dispositive on this issue but to assist the fact finder
21 in the decision making process."

22 Q So, in your own report you state that it's not your
23 decision whether or not he be committed?

24 A That's correct. It's the jury's decision.

25 Q Okay. Is your testimony going to be that he should

1 be committed then?

2 A I mean, that's the conclusion I came to, so it
3 would depend on the questions that I'm asked. If I'm
4 asked that, I would make that recommendation, yes.

5 MS. ZMROCZEK: And, Your Honor, I guess the two
6 conflicting statements in her report is why I would
7 object to her being able to offer an opinion when her
8 first two sentences say that she can't -- that whether
9 or not he is a sexually violent predator is a decision
10 to be made by the legal fact finders which in this case
11 would be the jury. And that her opinion is not intended
12 to be dispositive, but just assist the fact finder.

13 But, Your Honor, the concern is that obviously she's
14 going to be qualified as an expert and they're going to
15 put great weight as that's the only witness that will be
16 testifying.

17 THE COURT: Well, I understand, but you have a right
18 to have your counter balancing -- you know, your expert,
19 too. I mean, if it's the only evidence to come before
20 the jury, it's the only evidence to come before the
21 jury. So, I don't see that as different from any other
22 expert's opinion.

23 MS. ZMROCZEK: I believe though, Your Honor, under
24 703 and 702, it says that the expert should not be able
25 to give an opinion as to the ultimate issue. And I can

1 brief that a little bit more, but --

2 THE COURT: I'm not sure that's correct in this
3 context.

4 MR. BOGLE: Rule 704 says, "the testimony in the
5 form of an opinion or inference otherwise admissible is
6 not objectionable because it embraces an ultimate issue
7 to be decided by the trier of fact." She's doing what
8 experts do. She's qualified. She's assisting the jury.

9 THE COURT: I see.

10 MS. ZMROCZEK: And then, Your Honor, I think the
11 only other motion I had was obviously her testimony is
12 going to be allowed to --

13 THE COURT: I see you have a motion to quash?

14 MS. ZMROCZEK: Yeah.

15 THE COURT: Why is that?

16 MS. ZMROCZEK: Well, Your Honor, that's based on --
17 that would be based on where -- I think that's where I
18 was going in the next part of my questioning dealing
19 with the validity of the -- of the information about --
20 the reliability that there are three things that the
21 Court says -- there are three preliminary findings. It
22 has to be admissible or --

23 THE COURT: Your motion says it's respectfully
24 requested the Court give it Dr. Gehle to offer an
25 opinion as to respondent's criteria or admittance to the

1 SVP program.

2 MS. ZMROCZEK: And I guess, Your Honor, we're basing
3 that on the Court's evaluation of the substance of
4 whether the experts testimony shows that it's reliable
5 and I guess that's where I was going with the next part
6 was dealing with the reliability on the other two
7 prongs. That they have to show three things, he has a
8 mental abnormality, that he's likely to reoffend, and
9 that there's an inability to control his behavior or
10 volition --

11 THE COURT: All right. Continue with your cross
12 examination.

13 Q Okay. Dr. Gehle, is volition a scientific concept?

14 A I mean, that would depend on your definition of
15 scientific.

16 Q How would you define volition?

17 A How do I define volition? It's whether somebody
18 has the ability to control their behavior.

19 Q Okay. And what are the -- what are the
20 identifiable tools that you use to determine that?

21 A There's a list that is in a book on how to do
22 sexually violent predators. It's in actually two books
23 and that's typically the list that I keep in mind when I
24 am determining whether somebody has some volitional
25 impairment.

1 Q Can you identify what these individual
2 characteristics are?

3 A Yes. Just give me one second and I will. In
4 general, it's whether they have offended in high risk
5 situations; whether they have offended after legal
6 sanction; whether they verbalize difficulty controlling
7 their behavior; or whether they verbalize, you know, not
8 being able to help themselves or wanting to stop, but
9 not being able to stop; whether they -- I guess --
10 there's one other that I'm thinking of. Whether they
11 sort of have insight into their behavior. You know, who
12 they offend, when they offend. Things like that.

13 Q And all of those are emotional -- those are
14 emotional identifiers; is that correct?

15 A I would not agree with that statement, no.

16 Q Okay. Do you have to check off a certain number of
17 lists before you determine whether or not they've lost
18 that volition?

19 A No.

20 Q So how do you make that determination?

21 A Well, the Supreme Court finding was that it didn't
22 have to be a complete inability to control behavior, so
23 I look to see whether there's evidence of inability. It
24 doesn't have to be a total lack of control. I look at
25 whether, you know, there are several factors. Whether I

1 think that that, you know, rises to the level of
2 volitional impairment.

3 He made statements in the current evaluation that
4 he had difficulty controlling his behavior. He didn't
5 want to act this way, but did. That's the most
6 important and most telling is he felt the lack of
7 ability to make a meaningful choice about his behavior.
8 And that's the most important. If that's there, you
9 know, that's about all you need in my opinion.

10 But there was other factors. He offended in those
11 very high risk situations. He offended, you know, in --
12 in close proximity of caregivers of those children. In
13 bed with the first one. I mean, the woman was a foot
14 away from him in the same bed asleep that's when he
15 simulated intercourse on that child. I mean, you know,
16 that's a -- that's a behavior that he engaged in that he
17 could have easily woke with up that woman and he still
18 did it. He left his bed with that woman and went and
19 crawled into bed with this child.

20 Those are high risk situations. That says that
21 even though he knows that there's a high risk of
22 consequences, he's acting out anyway. He offended in
23 eyesight of the parent in the last offenses. Again, you
24 know, high risk situation.

25 Q And are you talking about disposition or

1 predisposition? What I hear you talking about are
2 things that he's done in the past; correct?

3 A Yes.

4 Q Okay. But when you're evaluating for the
5 predisposition, we're looking towards the future;
6 correct?

7 A Whether these things are predisposing for him to do
8 them in the future, yes.

9 Q Okay. And -- so are you -- is it your testimony
10 that he's predisposed simply based on his history of
11 sexual offending behavior?

12 A And his verbalized statements in the interview.

13 Q And his verbalized statements in the interview, did
14 they refer to current behaviors or current thoughts?

15 A I think they're current thoughts about his
16 behavior. I mean, he was in prison when I interviewed
17 him, so he did not have access to children and did not
18 have much freedom to act on any such impulses that he
19 had, but he talked about them. He did act on some
20 things of not directly, but indirectly by engaging in
21 sexual fantasies about underaged girls currently.

22 Q And the fantasies are thoughts though?

23 A They're fantasies.

24 Q Right.

25 A And then in behavior when he masturbated to those

1 fantasies, that's behavior.

2 Q And when you talk about they -- going back to the
3 actuarial determination, sorry, I'm going to learn how
4 to say that sooner or later. I understand that there is
5 a best method, but isn't there a high -- what's the rate
6 of correct probability with the actuarial method you
7 use?

8 A The Static-99 are -- the one that I use is a
9 moderate predictor. I don't -- I think the -- I mean,
10 what you're asking is the sensitivity and specificity.
11 You can tell those by receiver/operator curves or rock
12 curves. And I believe that the rock curve on that is
13 .76.

14 Q And what does that mean as far as it's -- I believe
15 you said it was moderately successful in predicting
16 sexual recidivism?

17 A Yes.

18 Q But that's one of the things that you base your
19 decision on when you say that he does qualify for the
20 program?

21 A Yes. Based on that actuarial, I think that he's
22 likely to engage in acts of sexual violence if not
23 confined.

24 Q But you can't predict the future?

25 A Predicting the future is a very difficult task.

1 The Statc-99R is a tool that is for prediction of sexual
2 recidivism. It's the most accurate method out there for
3 prediction of sexual recidivism.

4 Q And let me stop you right there. But the
5 most actual -- that method is only moderately -- what's
6 the word? It's only moderately --.

7 A May be correct.

8 Q Right.

9 A Yes, that's correct. It's not perfect. No
10 prediction ever is.

11 Q Right. But when you're assessing moderately,
12 there's still a high and a low in between -- the
13 moderate -- I think you said it was .71 is the --

14 A I said --

15 Q -- deviation --

16 A No. No. No. I mean, in order to answer your
17 questions, you're talking about like high level
18 statistics where I'd probably need charts and graphs to
19 be able to explain. And even then rock curves which is
20 what are used are very hard to explain. But basically
21 what you're talking about is you've got a curve and you
22 want to line up the sensitivity and the specificity. So
23 sensitivity is how correct they are like false
24 positives. Sensitivity is the other way, false
25 negative. So you want that to sort of be optimized on

1 both axes and where they meet is that .76. So it's the
2 point that minimizes false positive and minimizes false
3 negatives.

4 Q But by your own testimony, to explain that to a
5 jury and to have it only be moderately successful in its
6 determination would be confusing to say the least;
7 correct?

8 A For many people it would be, yes.

9 MS. ZMROCZEK: Your Honor, I don't know if they want
10 to cross examine. What my argument would be at this
11 point is precisely what the Court is saying is that if
12 the testimony is supposed to be expert testimony in
13 particular supposed to be used help clarify and help
14 identify the issue, not confuse and prejudice the issue.
15 And we're talking about she's basing her opinion -- one
16 of part -- there's three parts and the risk assessment
17 is based on a tool that's moderately accurate.

18 And, Your Honor, to be able to have a jury rely on
19 that information, all they're going to hear is likely to
20 offend. Or -- and I believe her actual finding was
21 falls in the moderate high risk to reoffend. But we're
22 basing that based on an actuarial tool that's only
23 moderately --

24 THE COURT: Offer the jury something else.

25 MS. ZMROCZEK: I guess that's my point is that's her

1 testimony is that's the best that's out there.

2 THE COURT: What's the objection?

3 MS. ZMROCZEK: The objection is is that it's not
4 reliable. It is not -- it can't -- the substance of the
5 expert testimony has to be reliable. And my objection
6 is that that portion of whether or not he will offend is
7 not reliable.

8 THE COURT: You know there are good experts and
9 there are bad experts and there's all range of opinions.
10 And not every expert can testify as to certainty and
11 particularly not in a case like this where you're
12 predicting the future. Juries can hear both sides that
13 it's not predictive at all. And they can hear Dr. Gehle
14 say it's moderately predictive.

15 But there's -- without that testimony or evidence
16 that it's not predictive at all, I don't have much
17 choice other than to allow her to testify as to what she
18 knows and can opine about. So as I say, the only way
19 the jury is going to render a decision which contradicts
20 her opinion is to have some other basis for doing that
21 or else a brilliant argument on behalf of your client.

22 So I think she's qualified to testify. I think she
23 can testify as to what she saw and heard and that she's
24 able to draw an opinion from that and you can cross
25 examine her until the cows come home. Or you can

1 present evidence on behalf of your client which says
2 that Dr. Gehle is full of hot air. You know, but
3 without that, you're correct, I don't know what the jury
4 will do. But that doesn't mean I can stop her from
5 testifying.

6 MS. ZMROCZEK: Certainly. And, Your Honor, I guess
7 that -- I think concludes all of my motions. We can --
8 I think -- it probably behooves us with time to go ahead
9 and address the jury charges as well. I copied my jury
10 charges straight from the Court website.

11 MR. BOGLE: Your Honor, the State has one motion in
12 limine still out there.

13 THE COURT: Yeah, I know. I wasn't ready to discuss
14 jury charges yet because I never know what's going to
15 happen but. I haven't even looked at it. I'm going to
16 look at them tonight since I just got them this morning.

17 MR. BOGLE: I haven not received a copy of the
18 proposed jury questions on behalf of the defense, Your
19 Honor, so I don't know --

20 MS. ZMROCZEK: They were sent to you.

21 THE COURT: I have a feeling you're both pretty
22 close.

23 MR. BOGLE: I haven't got them, Judge --

24 MS. ZMROCZEK: I'll give him a copy.

25 THE COURT: All right. Mr. Bogle, your motion.

1 MR. BOGLE: Yes, Your Honor. The State's motion in
2 limine is to --

3 THE COURT: Just a minute.

4 MR. BOGLE: Can we release her? I'm done with her.

5 THE COURT: Is she a part of this?

6 MR. BOGLE: No, Your Honor.

7 THE COURT: You may be excused. See you in the
8 morning.

9 DR. GEHLE: Thank you.

10 MR. BOGLE: I apologize, Your Honor.

11 THE COURT: No problem.

12 MR. BOGLE: Your Honor, the State's motion is
13 basically this, as you know, we're trying to prove Mr.
14 McCoy's a sexually violent predator. I think Your Honor
15 knows what the elements I have to prove are. The crime,
16 the mental abnormality, the likely to control. Now the
17 question is, according to the Statute and the Case law
18 and by Statute, I'm say 44-48-30 Subsection 1, parts (A)
19 and (B). That's what the State has to prove and nothing
20 more.

21 So any question, any speculation about the type of
22 treatment that he would receive if committed is not
23 relative. It's speculative. It could confuse the jury
24 and also falls outside the expertise of Dr. Gehle and
25 any other experts testifying in this case.

1 THE COURT: What was that citation again?

2 MR. BOGLE: 44-48-30 Subsection 1(A) and (B). The
3 definition section. That sets forth the elements to be
4 a sexually violent predator and that's what we have to
5 prove. Any testimony or evidence regarding the type of
6 treatment he might get there when he goes there would
7 confuse the jury is not relevant, has nothing to do what
8 we have to prove. I would submit that Your Honor should
9 not allow any testimony about the type of treatment he
10 might get or might be offered at the sexually violent
11 treatment unit.

12 THE COURT: Well, who can testify to that?

13 MR. BOGLE: No one can. No one can. I don't know
14 what kind of cross examination -- that's why I'm asking
15 Your Honor not to allow cross examination of Dr. Gehle
16 --

17 THE COURT: Not allow cross examination --

18 MR. BOGLE: Basically it doesn't prove or not prove
19 what we have to prove. Which is whether or not the guy
20 is a predator. Has he been convicted of the right kind
21 of crime and does he have the mental abnormality. It
22 just deals with speculative stuff in the future. It's
23 not relevant to what we have to show today -- or
24 tomorrow whenever this trial gets started.

25 We would ask that testimony regarding the type of

1 treatment he might receive --

2 THE COURT: Not testimony.

3 MR. BOGLE: Questions of witnesses about the type of
4 treatment he might receive or might not receive, again,
5 not be allowed.

6 THE COURT: All right. Ms. Zmroczek?

7 MS. ZMROCZEK: What he's saying to me, Your Honor,
8 is that he just said that Dr. Gehle can't testify to
9 that treatment, but that's what she just testified that
10 she based all of her opinions on was treatment records
11 she had received beforehand. So --

12 MR. BOGLE: It's apples and oranges, Judge.

13 THE COURT: Excuse me.

14 MR. BOGLE: Sorry.

15 THE COURT: She didn't interrupt you.

16 MS. ZMROCZEK: It's just -- my concern is that they
17 get to hear that he was in treatment that she learned
18 all this stuff through treatment. But then she's not
19 allowed to be asked about the type of treatment that he
20 may or may not receive, the type of treatment, whether
21 or not it's going to be -- -- whether or not it's going
22 to cure him. We're talking about somebody going in for
23 an indeterminate amount of time. You and I -- and this
24 Court knows that it's likely a life sentence especially
25 at someone at his age.

1 Your Honor, the jury should be able to consider
2 those facts when determining whether or not he meets
3 the -- the prongs. Under 44-48-30(B), "suffers from a
4 mental abnormality, a personality disorder that makes
5 them likely to engage if not confined to a secure
6 facility for a long-term control, care, and treatment."

7 So -- but I'm not allowed to ask what kind of
8 treatment he may receive in order to cure or prevent him
9 from going out to reoffend when she's based all of her
10 testimony on treatment that he received while he was in
11 the --

12 THE COURT: I might agree with you. I would be
13 concerned about opening that door. Because we could be
14 here two weeks from now talking about the treatment
15 program and the markers that are required before he
16 makes any progress. And under which protocol he's
17 treated, et cetera, et cetera, et cetera.

18 Now, I might allow you to ask her what the program
19 consists of, but in -- certainly not to the point that
20 what is the likelihood that he will complete
21 successfully the program; what is the rate of successful
22 completion of the program. I mean, I just think it gets
23 too far afield. But I think she can say that he's going
24 into a treatment program and she can briefly define
25 them. But beyond that, it just -- it's just fraud

1 with --

2 MS. ZMROCZEK: Unknown possibilities.

3 THE COURT: Unknown possibilities. And get past --
4 you get past relevance if you go there. So I'll grant
5 you that.

6 Now, Mr. Bogle, I think you're going to have to talk
7 to her that she may get that question --

8 MR. BOGLE: Yes, sir.

9 THE COURT: -- about what the program consists of
10 and what he will be facing. And -- and that's very
11 objective. Because as you know, there are steps and
12 grades in the process and that she can talk about.

13 MR. BOGLE: Actually, there was prior to 2004, a
14 step-by-step process.

15 THE COURT: Yeah.

16 MR. BOGLE: They ditched that and revamped the
17 entire program. I couldn't tell you how it works now.
18 But it's not the -- you do a step it's behind you, do a
19 step it's behind you. It's a lot of changes out there.

20 THE COURT: Okay. I'm living in the past. Sorry.

21 MR. BOGLE: Well, there have been a lot of changes
22 of how they do it right now and I don't pretend to know
23 what it is because there's no way I can prove it.

24 THE COURT: I understand that. But I think she can
25 -- I'm going to allow her to cross examine her on the

1 concept of the program and the -- I think the jury does
2 need to know that it's not just an abyss.

3 MR. BOGLE: Well, a question I used to ask on direct
4 is that if they are committed, do they get reviewed?
5 The answer is, yes. Once a year they have an annual
6 review mainly before the Court and to counsel and they
7 can petition to get out at anytime they want to. The
8 day after they're committed --

9 THE COURT: But that would be part of it.

10 MR. BOGLE: So I could ask that. I stopped asking
11 those a long time ago because of this treatment issue.
12 But I can include those in my direct if you think --

13 THE COURT: That's up to you. But I'm going to
14 allow her to have some latitude about informing the jury
15 as what this program really is.

16 MR. BOGLE: Yes, sir.

17 THE COURT: And I stand corrected about the
18 step-by-step program because -- I mean, I heard it
19 plenty of times when I was trying these cases, but the
20 annual reviews. May be it's different now.

21 MR. BOGLE: The question is, is that within her
22 field of expertise? She's not a treatment provider.
23 She's an evaluator.

24 THE COURT: Yeah, but she's the chief psychologist.
25 I mean, she ought to know something.

1 MR. BOGLE: Well, Judge, I'm the senior assistant
2 attorney general, but I couldn't tell you how to handle
3 a piece of property --

4 THE COURT: I bet you could get somebody that could.

5 MR. BOGLE: If it was important to this case, I
6 would.

7 MS. ZMROCZEK: And I guess that goes to my point,
8 Your Honor, is that she's basing her information on
9 treatment records and things like that, so she should be
10 familiar with them.

11 THE COURT: Well --

12 MR. BOGLE: Well, that's apples and oranges. She's
13 basing it on what he did in Alabama and Louisiana --

14 THE COURT: All right. All right. I've overruled
15 her motion in limine.

16 MR. BOGLE: Thank you, Your Honor.

17 THE COURT: And with regard to prior treatment and
18 the Alabama -- I think I've made it clear what I will
19 allow. And if there's some question during the course
20 of her examination, I expect somebody to object. We'll
21 deal with it at that time.

22 MR. BOGLE: Thank you, Your Honor.

23 THE COURT: Anything further?

24 MR. BOGLE: Not that I can think of.

25 THE COURT: Be ready at 10:00?

1 MR. BOGLE: Yes, sir.

2 MS. ZMROCZEK: Yes, sir.

3 THE COURT: All right. For your information, these
4 are the questionnaires. We can make them part of the
5 record, Court's exhibit.

6 MR. BOGLE: One exhibit?

7 THE COURT: Well, there are three packets there.
8 One says --

9 THE CLERK: Removed for cause.

10 THE COURT: Right. One packet is removed for cause.
11 One packet is -- said they could be fair and impartial.
12 And the other packet is just the rest --

13 MR. BOGLE: Okay. So three Court's exhibits
14 basically?

15 THE COURT: That's fine.

16 MR. BOGLE: The reason I'm asking is, I've got to
17 report to our appellate lawyer a different exhibits in
18 the case. I'm just trying to keep track of them.

19 THE COURT: Well, let's make it three. Let Mr.
20 Bogle look at them so he can identify --

21 And you can count them up.

22 MR. BOGLE: So remove for cause will be number one,
23 I guess. Could be fair and impartial would be two. And
24 just other, the rest of them will be three. How's that?

25 (WHEREUPON, Court's Exhibit Numbers 1, 2, and 3 was

1 marked and entered)

2 THE COURT: All right. We're in recess.

3 (Court in recess for the evening)

4 (COURT RECONVENED FEBRUARY 24, 2015)

5 THE COURT: All right. Did Mr. Bogle mention to you
6 we have a juror question?

7 MS. ZMROCZEK: He did.

8 THE COURT: I'm not sure which juror. Just bring
9 him on out and get his number.

10 THE BAILIFF: Juror 176.

11 THE COURT: 176. All right. How are you this
12 morning?

13 MR. TACCHI: Good.

14 THE COURT: Sorry we held you up so far. Bailiff
15 told me that you had a concern about the questionnaire
16 yesterday; is that correct?

17 MR. TACCHI: That's correct.

18 THE COURT: Okay. I don't have a copy of
19 the questionnaire.

20 MR. TACCHI: Not the questionnaire, one of the
21 questions.

22 THE COURT: Oh, one of the other questions I asked.
23 All right. Go ahead.

24 MR. TACCHI: The one about having a child.

25 THE COURT: About having a what?

1 MR. TACCHI: A child. I do have a daughter in
2 kindergarten.

3 THE COURT: I see.

4 MR. TACCHI: But she doesn't live with me and she's
5 moved to Wyoming. So that one kind of caught me off
6 guard.

7 THE COURT: Well, the question was, does any member
8 of the jury panel have a child or children under the age
9 of seven that needs to be attended to? In other words,
10 lives with you. That, you know, that needs a caretaker.
11 And you say the child's moved away.

12 MR. TACCHI: I thought there was also a question
13 about if you had a child in school grade age.

14 THE COURT: Seven. And the reason for that is that
15 we excuse young parents that are caretakers for their
16 children that can't get anybody to, you know --

17 MS. ZMROCZEK: Judge, actually, I think that that
18 was one of your voir dire questions.

19 THE COURT: One of my voir dire questions.

20 MS. ZMROCZEK: I think I have an extra one as well.
21 It's just does anybody have children or school age
22 children.

23 THE COURT: All right.

24 MS. ZMROCZEK: That was an additional one.

25 MR. BOGLE: A bunch of people stood up and didn't we

1 go through the list of how many kids they had and what
2 age they were?

3 THE COURT: Yeah.

4 MR. BOGLE: And this was other than the under seven
5 question.

6 THE COURT: Okay.

7 MR. BOGLE: Something like that.

8 MR. TACCHI: Well, I just wanted to --

9 THE COURT: All right. You're just telling us you
10 have a child under the age of -- how old is the child?

11 MR. TACCHI: Five.

12 THE COURT: Okay. Well, would that in anyway
13 interfere with your decision in this case?

14 MR. TACCHI: No.

15 THE COURT: You can be fair?

16 MR. TACCHI: Yes, sir.

17 THE COURT: All right. Thank you very much, Mr.
18 176. That's your new name.

19 MR. TACCHI: All right.

20 THE COURT: Okay. Anything of a housekeeping matter
21 that needs to be brought up before we bring in the jury?

22 MR. BOGLE: Nothing from the State, Your Honor.

23 MS. ZMROCZEK: Nothing from the defense, Your Honor.

24 THE COURT: Are you ready for the jury?

25 MR. BOGLE: Have they been sworn yet? I can't

1 remember.

2 THE COURT: No. They haven't even been in here.
3 But they will be.

4 MR. BOGLE: Yes, sir.

5 THE COURT: All right. Bring the jury in.

6 (The jury enters the courtroom)

7 THE COURT: Good morning, ladies and gentlemen.

8 THE JURY: Good morning.

9 THE COURT: Sorry for the delay. It was weather
10 related and sometimes these things happen. We're all
11 together now, so we're ready to commence the trial of
12 this case.

13 Madam clerk, will you swear the jury, please.

14 THE CLERK: Please stand and raise your right hand,
15 please.

16 (The Jury was sworn in)

17 THE COURT: All right. Ladies and gentlemen, before
18 we begin the trial, I want to tell you just a few little
19 things so you'll be familiar with the process that we're
20 about to embark upon. Many people do not have the
21 opportunity or chance to attend actual court sessions as
22 you're now doing and may think from watching television
23 or movies or reading books that trials are always full
24 of a lot of drama.. And while these things may be true
25 from time to time, a trial is not for entertainment.

1 It's a fundamental part of our democracy and a
2 search for the truth in an effort to make sure that
3 justice is done between the parties before the Court.
4 In searching for the truth and making sure that justice
5 is done is often a slow, deliberate, and repetitive
6 process. The opposite of what you may have seen on
7 television or in movies or read in books.

8 This courtroom is a place of honor, dedicated,
9 protection, and preservation of citizen's rights through
10 what many have called the greatest justice system ever
11 created. The attorneys appearing before you are
12 advocates for the parties they represent. But first and
13 foremost, they're officers of this court sworn to uphold
14 the integrity and fairness of our judicial system and to
15 help you in a search for the truth. You should expect
16 them to be professional, competent, and ethical in the
17 representation of their clients' interest and remember
18 that you have taken an oath to try this case and reach a
19 fair and just verdict. And you are also expected to be
20 professional, reasonable, and ethical.

21 So as we begin, I want to thank you for accepting
22 this important responsibility of jury service and for
23 your contribution today through our justice system.

24 Now, as I explained to you yesterday, this trial is
25 a little bit different than a typical civil trial. It's

1 a unique part of our statutory framework here in South
2 Carolina and it falls under a very specific Act. That
3 is called the Sexual Predator Act. And in all cases in
4 which a -- an individual is determined or considered to
5 be a sexual predator, before they are committed on that
6 basis alone, they have a right to a jury trial and they
7 have a right to a jury of twelve people to make that
8 decision.

9 Now, the State in this case is the moving party and
10 will present evidence to establish that fact. And the
11 defense will have the opportunity to present evidence to
12 the contrary. And I don't know at this point in time
13 exactly what evidence will be presented to you, but I
14 expect that you'll be attentive and listen to the
15 evidence and decide the case based honestly and fairly
16 on your interpretation of the evidence that's presented
17 before you.

18 You've been selected as fair and impartial jurors
19 whose purpose it is to find and determine the facts in
20 this case. You're the sole judges of the facts. If at
21 anytime I make any comment regarding the facts in the
22 case, you must disregard what I say. You're to
23 determine the facts from the testimony you hear and any
24 other evidence that is presented by the parties. It's
25 especially important that you perform your duty of

1 determining the facts diligently and conscientiously
2 because ordinarily there's no way to correct an
3 erroneous determination of the facts by a jury.

4 When you comply with your oath to be impartially
5 determine the facts in this case, you will have
6 fulfilled your duty as jurors and no one would have the
7 right to criticize your verdict. On the other hand, and
8 with equal emphasis, the same law that makes you the
9 judges of the facts makes me the Judge of the law. The
10 law as I explain it to you during the course of this
11 trial is the only law you may consider. You must accept
12 it and follow it even though you might disagree with it.

13 I cannot tell you what the facts are, you should not
14 disagree with me about what the law is or what the law
15 should be. Your job is to take the law as I explain it
16 to you and apply it to the facts as you find it from the
17 testimony of the witnesses in this case. And after
18 doing that, you'll render your verdict. A true and just
19 verdict upon your solemn oath that you took as jurors.

20 Now, the procedure we'll follow is basically the
21 State will present its evidence to you in the form of
22 witnesses testimony and any other exhibits that may be
23 made a part of the record. A permanent record is made
24 of everything that's said and done during the course of
25 this trial. The defendant will then have the -- the

1 respondent, we'll call him the respondent in this case,
2 will then have the opportunity to present his side of
3 the case. And following that, the attorneys will be
4 allowed to sum up their case and I will instruct you on
5 the law of the State of South Carolina as it applies to
6 this case and then the case will be turned over to you
7 for deliberation.

8 Now, in just a moment, the attorney for the State
9 will make an opening statement. The attorney will
10 explain to you what the issues in the case are. At
11 least what the attorney believes the issues in this case
12 are and the attorney for the defendant will also make an
13 opening statement. And what they tell you in their
14 opening statements is not evidence in this case. It's
15 only their contention as to what the issues are. The
16 evidence in this case will be presented to you by the
17 testimony of sworn witnesses from this witness stand and
18 any other exhibits that may be introduced during the
19 course of the trial.

20 In determining what the true facts are in this case,
21 you must decide whether or not the testimony of the
22 witnesses is believable. It will be my responsibility
23 to rule as a matter of law whether certain testimony is
24 admissible. But once the testimony is admitted, whether
25 you believe it or not is entirely up to you. You have

1 the right to consider anything that's in this record
2 that will help you evaluate the testimony of the
3 witnesses. That means that your duty to pay close
4 attention to the witnesses, observe the witnesses, and
5 listen to the witnesses, and pay close attention to the
6 attorneys and the Court. Try not to let your thoughts
7 wander, but pay attention to the testimony so at the end
8 of the trial, you will be in a position to determine the
9 true facts -- of what the true facts are and apply the
10 law to those facts and render a true and just verdict in
11 this case.

12 Now, just keep in mind the -- what I will hand to
13 you at the end of the trial is a verdict form. And that
14 verdict form will only have one question on it. And
15 that is, "Do you find Randal Wade McCoy to be a sexually
16 violent predator?" Or "Do you not find Randal Wade
17 McCoy to be a sexually violent predator?" That's the
18 only decision you're going to have to make. So if you
19 keep that in mind during the course of the testimony, I
20 think you will then be in a position at the end of the
21 testimony to make that decision.

22 All right. Thank you very much, ladies and
23 gentlemen, for your kind attention. Please give your
24 same undivided attention to the attorneys in this case
25 and we'll now begin with opening statements.

1 MS. ZMROCZEK: May we approach for a moment?

2 THE COURT: Yes, ma'am.

3 (Sidebar conference)

4 THE COURT: Attorneys reminded me -- and this is
5 true in any criminal case although this is not
6 specifically a criminal case, it's a unique sort of
7 case. But in any -- I say a criminal case, a case where
8 an individual may be deprived of his liberty, that
9 individual has a right under the Constitution of the
10 United States to present no evidence. Is under no
11 burden to present any evidence to you. Because as the
12 law determines that the State always has the burden of
13 proving the case to you.

14 A defendant in this kind of case -- or the
15 respondent in this kind of case or a defendant in a
16 criminal case never has any burden to prove anything.
17 Doesn't have to and you may have witnessed that from
18 television or something. But a defendant -- and you see
19 it from time to time where the defendant decides to
20 present no evidence. And the reason for that is, that
21 the State always has the burden of proving their case.
22 No defendant has the burden of proving themselves not
23 guilty. You don't have to prove yourself not guilty,
24 the State has to prove you guilty.

25 Now, this is not guilt or innocence because it is a

1 unique brand of type of case. But nevertheless, the
2 State still has that burden of proving the case to you.
3 And the respondent in this case does not have the burden
4 proving the negative. I hope that is clear enough that
5 you understand that. The burden is on the State to
6 prove their case. All right.

7 Mr. Attorney General, you may proceed.

8 MR. BOGLE: Thank you, Your Honor. May it please
9 the Court. Ms. Zmroczek.

10 We were introduced yesterday, my name is Jim Bogle
11 I'm assisted by Cam Morrow, we're both with the Attorney
12 General's office. People often wonder why us as opposed
13 to your solicitor or your county attorney or something
14 like that and like the Judge told you yesterday, if you
15 recall, when they passed this law back in 1998, the
16 General Assembly, what they said was the Attorney
17 General's office would be the one that presents these
18 cases to people around the state. And so Cam and I have
19 the state divided in half and one of our counties, we
20 share, of course, is Aiken County and that's why we're
21 here.

22 Now, let me give you an idea of where we're coming
23 from and what this case is about. When the General
24 Assembly passed this law back in 1998, here's what they
25 said. They made a finding that a mentally abnormal and

OPENING STATEMENT BY MR. BOGLE

1 extremely dangerous group of sexually violent predators
2 exist who require involuntary civil commitment in a
3 secure facility for long-term control, care, and
4 treatment.

5 The General Assembly further found that these
6 sexually violent predators will engage in repeated acts
7 of sexual violence if not treated for their mental
8 condition and that is significant. So that's what we
9 have.

10 Now, because liberty is a question, the State is
11 required to prove its case to you beyond a reasonable
12 doubt. And the Judge later will explain to you what
13 that standard of proof means. Usually in the Court of
14 Common Pleas where we are today, like a wreck case, a
15 medical malpractice case, or something like that,
16 whoever is bringing the case has to prove their case by
17 a preponderance of the evidence. It's tip the scales
18 one way or the other. In this case when they wrote this
19 law, they said, no, the State has to prove their case
20 beyond a reasonable doubt. And that's what we have
21 today.

22 Now, here's what we have to prove to you. First
23 off, has Mr. McCoy been convicted of what's called a
24 sexually violent crime. There's a list of sixteen of
25 them in the Statute and the answer is, yes, he has. And

OPENING STATEMENT BY MR. BOGLE

1 we will put into evidence during our case certified
2 copies of two convictions for here in Aiken County for
3 lewd act on a minor child. Which is classified as a
4 sexually violent crime.

5 We will also be presenting an expert witness to
6 testify to you about her evaluation of Mr. McCoy. Now,
7 normally in trials, witnesses can only testify about
8 things they see, things they hear, things they smell, or
9 things they touch. You know, facts. Things like that.
10 But the law does go on to say that if a particular
11 witness has specialized training in a certain area,
12 specialized training and certain knowledge that would
13 help the jury, the finders of fact, decide an issue,
14 that person can be qualified as what's called an expert
15 witness. And here we have Dr. Marie Gehle sitting back
16 there and she will be offered by the State as an expert
17 witness in the field of forensic psychology.

18 She was appointed by the Circuit Court here in Aiken
19 to evaluate Mr. McCoy. And she conducted a very lengthy
20 evaluation of him. Studying records of him, criminal
21 convictions outside of South Carolina, mental health
22 treatment, his convictions in South Carolina, and she
23 also spent two occasions interviewing him and talking to
24 him about his sexual proclivities. What are his sexual
25 interests? What is he interested in? What does his

1 crimes show? And what she's going to find and establish
2 to you is.

3 We also have to show that he suffers from a mental
4 abnormality or a personality disorder that makes him
5 likely to commit acts of sexual violence in the future
6 unless he is confined for long-term and control, care,
7 and treatment.

8 Now, he's been convicted of those two lewd act
9 charges here in South Carolina. He's served his prison
10 time. He's done with that. The question now is, does
11 he have a mental abnormality that makes him fit that
12 dangerous group of people they talked about when they
13 passed this law that requires him to be committed to a
14 secure place to get treatment. And we submit that he
15 does. Mr. McCoy's a pedophile. Which means he has a
16 sexual interest in underage prepubescent children.
17 That's a condition that doesn't go away. It can be
18 treated. It can be cured. So that's the question he
19 has.

20 The next question is, is his condition of such that
21 he has difficulty controlling his sexual urges. And the
22 evidence will establish beyond any doubt, certainly a
23 reasonable doubt that he does based on his prior
24 conduct. They say that past conduct is your best
25 predictor of future conduct. And certainly is going to

1 establish that past sexual conduct is a good predictor
2 of your future sexual conduct. And that's what you're
3 here about today. Not the kind of case I think you were
4 expected to hear when you came for jury duty, but that's
5 what we have.

6 So, again, the burden of proof is beyond a
7 reasonable doubt and those are the elements the things
8 the State has to prove to you in this particular case.

9 I'd like to thank you on behalf of the State, our
10 office, and, of course, the defense for being here and
11 doing your job and I appreciate your time today as we
12 develop this case before you. Your Honor.

13 THE COURT: Ms. Zmroczek?

14 MS. ZMROCZEK: Thank you, Your Honor. May it please
15 the Court. Good morning. I was the weather delay and I
16 apologize for making y'all wait. I know how important
17 what y'all are doing here today is. I've always,
18 always, always, always wanted to be on a jury or a fly
19 on the wall. Never going to happen. I'm a criminal
20 defense attorney. I get appointed by the State to do
21 these special kinds of cases because they are criminal
22 in nature. They're criminal in nature because what
23 they're doing, what the government and the Legislature
24 in their attempt to protect us, protect you, protect me,
25 protect us, our children is they created this Sexually

OPENING STATEMENT BY MS. ZMROCZEK

1 Violent Predator Act. It's for the worst of the worst.
2 Because I will tell you, that there are 12,981
3 registered sex offenders in this state.

4 What they have to prove to you beyond a reasonable
5 doubt is that Randal Wade McCoy who is here today and
6 his family sitting a few rows back, they're all here
7 today because the State has to prove to you beyond a
8 reasonable doubt that he is the worst of the worst and
9 that he belongs, even though he's already been in prison
10 and done his prison time, and you'll hear, gotten
11 treatment, they want to take him, put him back in prison
12 even though it's run by the Department of Mental
13 Health -- it's still behind bars, it's still in prison,
14 can't go anywhere --

15 MR. BOGLE: Your Honor, I have a habit of not
16 interrupting opening arguments, but this is a civil
17 commitment case. It is not a prison where he will be.
18 It's run by the Department of Mental Health and --

19 THE COURT: She said that. Overruled. Go ahead,
20 Ms. Zmroczek.

21 MR. BOGLE: Thank you, Your Honor.

22 MS. ZMROCZEK: -- for an indeterminate amount of
23 time. Ladies and gentlemen, what the government wants
24 to do is equivalent to saying, you ran the stop sign,
25 you got a ticket, you paid it, but we're not giving you

1 your license back. Ever. Maybe when we feel like it.
2 We'll check it every year to see if we feel like you can
3 have your license back. And I know running a stop sign
4 is not the equivalent to someone who's been convicted of
5 a sex crime and I don't doubt that. And I'm not up here
6 excusing or even accepting what Mr. McCoy did. Because
7 it's a terrible crime. There's no doubt about that.
8 But he also paid his price.

9 There's a movie -- one of the trials last week,
10 there's a movie that I watched last Sunday and it
11 terrified me when I watched it in relation to what we're
12 doing here today. It's called "Minority Report," Tom
13 Cruise, Colin Farrell. They have these people and
14 they're laying in a tub and they predict crimes. And if
15 the red ball comes out, then they know somebody is going
16 to commit a murder. So they go and arrest them. Before
17 they ever commit a crime and they lock them away. But
18 what you find out by the end of the movie is they're not
19 always right. And I'm not sure if the government is
20 going to give you their crystal ball and ask you to do
21 the same thing.

22 But the Legislature intended is to put the worst of
23 the worst away. And there's no questioning that. If
24 the government is asking you to do is to look into the
25 future and punish someone for a crime they've not

OPENING STATEMENT BY MS. ZMROCZEK

1 committed.

2 When you hear the expert today and you think
3 about -- and I'll talk about in closing the high
4 standard beyond a reasonable doubt because that's the
5 highest standard in jurisprudence. And when I do civil
6 cases, I have a -- I love charts in this visual, but I
7 have a football field and how I explain to the jury how
8 I have to prove my case is to get that ball just over
9 the 50. That's obviously a much different standard than
10 here.

11 So the questions that I want you to ask yourself is
12 they don't just have to prove that he has a conviction
13 because, guess what, we admit that. They don't need to
14 prove that, but they're going to get up there and
15 they're going to talk about the details because you know
16 why? They want you to be disgusted and offended. And
17 you should be. But that is not all they have to prove.
18 Because he pled guilty and he went to prison.

19 They have to prove he has a mental abnormality. But
20 they don't because we're telling you, we agree. He
21 knows that he has a problem. But the two questions that
22 I want you to focus on that they still have to prove
23 beyond a reasonable doubt, likely to commit, likely to
24 reoffend, and volition. That he can't control himself.
25 And they have to prove to you beyond a reasonable doubt

MARIE GEHLE - DIRECT EXAMINATION BY MR. BOGLE

1 that he can't control himself and that he's going to
2 reoffend. Or likely to reoffend. That's what they have
3 to prove to you. And those are the questions that I ask
4 that you keep in mind. Because Judge Cooper is not
5 Steven Spielberg. Unfortunately, there's no Tom Cruise
6 in here. This is not a movie. This is not the
7 "Minority Report," but I warn you, the government is
8 asking you to convict someone for a pre-crime. Thank
9 you.

10 THE COURT: Mr. Bogle, call your first witness.

11 MR. BOGLE: Thank you, Your Honor. The State would
12 call Dr. Marie Gehle.

13 MARIE GEHLE,

14 being first duly sworn, was examined and testified as

15 follows:

16 THE CLERK: Please have a seat and state your name
17 for the record, please.

18 DR. GEHLE: Marie Gehle. It's spelled, G E H L E.

19 DIRECT EXAMINATION BY MR. BOGLE:

20 Q Dr. Gehle, would you please tell the jury your
21 current employment?

22 A Yes. I'm a chief psychologist at the South
23 Carolina Department of Mental Health.

24 Q And what degrees do you possess? What educational
25 degrees do you possess?

1 A I have a bachelors degree in psychology. A masters
2 degree in clinical psychology. And I have a doctorate
3 in clinical psychology.

4 Q Have you had any specialized training in the field
5 of psychology?

6 A Yes. I've had a lot of specialized training.

7 Q Okay. Tell us about that.

8 A Well, after I graduated from school with a
9 bachelors degree, I worked as a case manager in a
10 community mental health center for a couple years
11 working with children, adolescents, and adults. I had a
12 specialized case load with children with sexual behavior
13 problems who were sex offenders. I also worked with
14 people with schizophrenia, people with bipolar disorder,
15 a lot of chronic illnesses like that.

16 I then went to graduate school and in graduate
17 school, every year that I was there, I had to do
18 specialized training kind of like work study stuff.
19 It's built into that educational program. In that
20 capacity, I worked at a children's hospital for many
21 years. I worked at a children's hospital doing
22 specialized psychological testing. I did therapy with
23 children, adolescent, and families. And I did therapy
24 with adults.

25 There's more.

1 Q Okay.

2 A Then when I finished graduate school, I had to do a
3 predoctoral internship. And for that, I went out to
4 Washington State and worked at Western State Hospital
5 which is a very large state hospital. And as part of my
6 training there, I worked at the Special Commitment
7 Center which is the sexually violent predator program
8 for Washington State. And I did therapy with residents
9 out there who were civilly committed for sex offenses.

10 After I finished that, I then did a postdoctoral
11 fellowship at East Central Regional Hospital in Augusta.
12 And that was doing forensic evaluations with people
13 typically pretrial and I did some risk assessments.
14 It's answering questions for the Court such as whether
15 somebody is competent to stand trial, whether somebody
16 is responsible for the crimes that they committed,
17 things like that.

18 Q Dr. Gehle, what states are you licensed to practice
19 psychology in right now?

20 A I'm licensed to practice in Georgia and South
21 Carolina.

22 Q Do you have memberships in any specialized
23 organization group relating to this topic?

24 A Yes.

25 Q What would that be?

1 A I'm a member of the Sex Offender Civil Commit
2 Program Network which is a group of clinicians and
3 administrators who work in sex offender civil commitment
4 programs. They're real relatively new and so there was
5 a group that was formed so that we could learn from each
6 other and help each other manage these programs.

7 I'm also a member of the American Psychological --
8 I'm sorry. The American Psychological Law Society, I
9 have to remember how that goes, which is a group for
10 forensic psychologists. And then I'm also a member of a
11 couple of area local organizations.

12 Q What is basically the study of psychology? How
13 would you describe it?

14 A It's the study of human behavior in the mind.

15 Q Okay. And when you add the word forensic to it,
16 forensic psychology, what are we talking about there?

17 A It's just applying the science of psychology to
18 questions and matters of the law. So we're asked to
19 answer questions about whether somebody is competent to
20 stand trial. Whether somebody suffered an injury in an
21 accident and what that injury would be and how that
22 impacts them. Asked to do risk assessments. Asked to
23 answer various questions for the Court.

24 Q Have you had training in the field of forensic
25 psychology tying those two fields together?

1 A Yes.

2 Q Okay. Could you briefly describe for the jury your
3 background in sexually violent predator cases? What
4 kind of work do you do in the sexually violent predator
5 field here in South Carolina?

6 A Yes. I've been working in this field for -- with
7 sexually violent predator evaluations for over five
8 years. I've been doing annual review evaluations.
9 That's of people who have been committed to the program.
10 I evaluate them yearly and give an opinion to the Court
11 as to whether they have changed and whether they need to
12 continue to be in the program. And I also do the type
13 of evaluation that I did today which is called a
14 precommitment evaluation. And that's sort of the
15 initial determination as to whether somebody meets the
16 criteria to be considered a sexually violent predator,
17 whether they should be committed to the sexually violent
18 predator program.

19 I also for a year or two supervised the therapists
20 who are offering the treatment in the sexually violent
21 predator program.

22 Q Now, let's talk about the annual review reports.
23 Report done once a year for guys already committed to
24 the place where this sexual treatment unit -- sexually
25 violent treatment unit. About how many annual review

1 reports have you done?

2 A Around 90 of those.

3 Q Okay. And the precommitment reports, like the one
4 you did today, on somebody the State's trying to commit
5 to the program, about how many of those have you done?

6 A Also about 90 of those.

7 Q Have you been previously been recognized as an
8 expert in the field of forensic psychology by the
9 Circuit Courts of South Carolina?

10 A Yes, I have.

11 Q About how many times?

12 A More than 70 times.

13 MR. BOGLE: Your Honor, at this time, we would ask
14 that the Court declare that Dr. Marie Gehle an expert
15 witness in the field of forensic psychology.

16 THE COURT: Any voir dire or object?

17 MS. ZMROCZEK: Your Honor, we stipulate.

18 THE COURT: Thank you.

19 Q Now, Dr. Gehle, how did you become involved in this
20 case involving Mr. McCoy?

21 A I was appointed by the Court, so I was told to do
22 this evaluation by the Court.

23 Q Could you describe for the jury what your protocol
24 is in doing evaluations of this type?

25 A Yes. When I get a referral for an evaluation, I

1 also get a lot of information. These would be, you
2 know, some of the information that I get or most of it
3 anyway. I review all of that stuff prior to sitting
4 down with the person and interviewing them. After I've
5 reviewed it, schedule the interview, and they come in to
6 see me in Columbia in my office. And I interview them
7 and ask them questions about everything. You know,
8 where they born and raised. Where they went to school.
9 And I ask a lot of questions about their sexual history.
10 Things that they're sexually aroused by. What they
11 fantasize about. Just trying to get a good sense of
12 their sexual history and their sexual arousal patterns.

13 I also ask them a lot of questions about their
14 offense history. And I want to get sort of their take
15 on what happened and compare that to the official police
16 reports and victim statements and things like that. I
17 score an actuarial risk assessment to determine if
18 they're likely to commit another sex offense in the
19 future. I then I take all that information and I write
20 a report and I submit that to the Court.

21 Q Now, as part of this evaluation, you mention
22 talking to the guy. Did you meet with Mr. McCoy and
23 talked to him in this particular instance in the case?

24 A Yes.

25 Q How many times?

MARIE GEHLE - DIRECT EXAMINATION BY MR. BOGLE

1 A I met with him twice.

2 Q Okay. Is the man you met with present in the
3 courtroom today?

4 A Yes, he is.

5 Q And just for the record, point him out to the jury.

6 A Sitting next to his attorney.

7 Q Okay. Thank you. Now, how many times -- you said
8 you met with him twice?

9 A Yes.

10 Q Okay. In addition to meeting with him, what type of
11 written information documentary information did you
12 obtain on him?

13 A I received the petition that was filed in this
14 case, the various levels of determination prior to that.
15 So anytime somebody is referred for an evaluation,
16 they've already gone through a couple of steps to
17 determine if they should be evaluated. So I received
18 that information. I get various Court orders pertaining
19 to this evaluation. In this case I got his military
20 records. I had records from the Department of
21 Corrections. I had his official criminal history
22 report. His national criminal history report. I had
23 legal records for his convictions in this state and in
24 Alabama.

25 In those legal records in the Alabama charges there

1 was also some treatment work that he did, so I reviewed
2 that. It was his personal writing. There was also some
3 records related to the first victim's parent's marriage
4 dissolving and custody because that was intertwined with
5 the case for Mr. McCoy. I called the Department of
6 Probation Pardon and Parole to see if he had any
7 subsequent probation he would be released with if he's
8 returned to the community.

9 I attempted to get some records from a hospital
10 where he was hospitalized for sex offender treatment
11 back in 1993, but those were destroyed. And then I did
12 some research online. I looked at the sex offender
13 registry in Alabama to see if I could find a release
14 date for him from prison in Alabama. So I found his
15 registration online.

16 Q Okay. Now, is this the type of written information
17 that's typically and reasonably relied upon by experts
18 in your field?

19 A Yes, it is.

20 Q And did you rely upon this information to document
21 what you talked about along with the interviews of Mr.
22 McCoy in reaching an opinion in this matter about
23 whether or not he should be committed?

24 A Yes, I did.

25 Q Okay. Can you explain to the jury how a person's

1 past sexual offense behavior relates to future sexual
2 offense behavior?

3 A People's behavior tends to be consistent over time.
4 So their past behavior is a good indication of how
5 they'll act in the future. Especially related to sexual
6 behavior. It tells you what boundaries they have and
7 what they're capable of and what they'll do.

8 Q Now, was interviewing and learning about -- let me
9 back up a second. When you first sit down to talk with
10 Mr. McCoy, what type of preparatory information do you
11 tell him about, what the interview is about, and what
12 this case is all about?

13 A At the beginning of the interview, I take a long
14 time. Much longer than a lot of people do for my
15 experience. I take 30, 45 minutes just to explain to
16 them why they're there for this evaluation, what the
17 purpose is, how I'm going to use this information. I
18 explain to them that I'm not working on their side or
19 the other side that I'm actually Court appointed and
20 that my client in this case and my loyalty is to the
21 Court. So anything that they tell me could go into that
22 report, could be used against them, could help them or
23 hurt them, and that's not my concern. My concern is to
24 answer the Court's questions.

25 Sometimes I testify on behalf of the respondent and

1 sometimes I testify on behalf of the State. It's just
2 however, you know, my opinion, whoever helps in that
3 case. I also take awhile to explain the proceedings in
4 these cases. You know, how he got to be in the seat
5 having this interview. All the steps that went ahead of
6 that in case he's not aware off it and then what can
7 happen afterwards. I explain that if my opinion doesn't
8 help him, he can get a second opinion. And if the State
9 -- if my opinion doesn't help the State, they can get a
10 second opinion. And then I explain sort of what can
11 happen after that process.

12 Q Dr. Gehle, of the precommitment evaluations you've
13 done over the last four or five years, about what
14 percentage of the time you've come back saying the guy
15 does not fit the criteria of a sexually violent
16 predator?

17 MS. ZMROCZEK: Objection, Your Honor. What the
18 relevance has to this case.

19 THE COURT: Overruled.

20 A It's roughly about 60 percent of the time.
21 Sixty-five percent of the time I do not recommend
22 commitment. So the other percentage, I do recommend
23 commitment.

24 Q Okay. Now, we talked about a person's prior sexual
25 history. Did you go into with Mr. McCoy his prior

1 sexual history and his sexual -- what it is that arouses
2 him in great detail?

3 A Yes.

4 Q Okay. And I notice this seems to begin on around
5 page 5 of the report. Would you tell the jury about the
6 important information you got from him and the study of
7 these records relating to his sexual proclivities or
8 sexual interests?

9 A Well, he was charged with an offense in Alabama in
10 1993 and related to that he sought some treatment in
11 Louisiana. He went to an inpatient program voluntarily
12 and sought treatment. And I received some records
13 related to his treatment work. So things that he wrote
14 personally. Those were included in the records that are
15 received from Alabama. They had a lot of things like
16 some undisclosed victims, his thoughts and feelings
17 about his offenses, some, you know, inner workings of
18 his mind in relation to the offenses. So I took all
19 that information and I asked him about it.

20 Q Did he -- so, the treatment he got in Louisiana,
21 the sex offender treatment or whatever counseling he
22 went to, was that something he enrolled in before he got
23 charged with the criminal offenses in Alabama?

24 A Yes.

25 Q Okay. And how did that involve getting treatment

1 and then getting charged? How did that take place based
2 upon your review of the records?

3 A Well, if I could just ask for a glass of water.

4 Q Sure.

5 A Thank you. It was an interesting timeline.
6 Basically he was living with a woman and her young child
7 and he was offending -- sexually offending the young
8 child in the home. On one offense -- one time, the
9 girl -- he went to her bed late at night and was
10 offending her and she excused herself and made the
11 excuse that she was going to the restroom, but instead
12 she went to her mom's room and she told her mom what was
13 happening.

14 Q How old would this girl have been -- this little
15 girl had been about the time this was happening?

16 A She was nine to ten years old during the time he
17 was offending her.

18 Q Okay. Now, before you go on and continue your
19 story, why is it necessary for you in this type of
20 evaluation to look into this type of background history?

21 A It's important for me to understand, you know, who
22 is he offending, how is he offending, under what
23 circumstances. Because I'm asked by the Court whether
24 he has a mental abnormality that makes him likely to
25 commit acts of sexual violence. There are some mental

1 abnormalities such as pedophilia which is a sexual
2 arousal to prepubescent children. Children who have not
3 started puberty. So children who don't have breast
4 development, genital development, or pubic hair
5 development, things like that.

6 So one of the most important things that I need to
7 look at is who are his victims. Are they female? Male?
8 Are they, you know, adults? Adolescents? Children?
9 Are they infants? I see a wide range of victims. And
10 that helps me determine what sort of mental
11 abnormalities he may have. It kind of focuses my
12 evaluation.

13 Q And is this something that is typically -- is this
14 inquiry you're talking something that's typically and
15 reasonably relied upon by experts in your field?

16 A Yes, it's essential.

17 Q Okay. Well, let's go back. You said how old was
18 the girl again? The girl in Alabama.

19 A Nine to ten years old.

20 Q Okay. And so what happens next? She tells her
21 mother --

22 MS. ZMROCZEK: Your Honor, at this time, I would
23 object to hearsay from anybody else except from what she
24 learned from him.

25 THE COURT: All right. Sustained.

1 MR. BOGLE: Your Honor, may we take a matter of law
2 up outside the presence of the jury?

3 THE COURT: We need to. All right. Ladies and
4 gentlemen, the attorneys have raised a legal point that
5 I need to talk to them about and it needs on the record.
6 So I'm going to excuse you for just a minute. I'll call
7 you when we're finished.

8 (The jury left the courtroom)

9 MR. BOGLE: Thank you, Your Honor. I apologize for
10 making them leave.

11 My recollection is we had taken care of this
12 yesterday during the motions in limine. That is part of
13 her expert opinion she would be allow to testify about
14 the background information behind the underlying
15 offenses.

16 THE COURT: That he related to her.

17 MR. BOGLE: Excuse me?

18 THE COURT: That he related to her.

19 MR. BOGLE: No. Also information she derived from
20 her study of police records and things like that.

21 Because the rule on expert testimony is very clear that

22 --

23 THE COURT: I understand.

24 MR. BOGLE: -- need not be admissible in
25 evidence the facts --

1 THE COURT: I understand the rule. As I recall
2 my --

3 MR. BOGLE: And in the prior cases -- I'm sorry.
4 The prior cases like Corley and Edmond and things like
5 that, that's what they talk about.

6 THE COURT: I understand. And I ruled, if I recall,
7 that she could relay anything that was confirmed by him
8 to her.

9 MR. BOGLE: Okay.

10 THE COURT: As opposed to the last question which
11 sounded, what did she say to her mother, which is
12 classic hearsay, but I would let it in if he tells her
13 that's what happened.

14 MR. BOGLE: Well, I guess what I'm trying to clarify
15 and maybe I'm asking you to reconsider your ruling is
16 the case law as I read it, makes it abundantly clear
17 that the experts can talk about things not admissible in
18 evidence. And in cases like this, in order to prove the
19 predator, they can go into the underlying details of the
20 offenses. Who said what to who. The police records and
21 things like that. As long as it's something they
22 typically and reasonably rely upon as experts in their
23 field.

24 And the case law has been abundantly clear on that
25 in the past. The Corley case is a good example. The

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1 Edmond case is another one. Again, I think she can go
2 into these things. So I'm asking you to rethink your
3 ruling.

4 THE COURT: Well, the way it ended up yesterday, as
5 I recall, was that she testified that he told her all of
6 these things. And that's why it's -- it was clearly not
7 hearsay if it came from him. Now, you're asking that
8 that be expanded to give her the latitude to even read
9 his own notes. I mean, it could go that far.

10 MR. BOGLE: It could, Your Honor. I think that's
11 what's happened in the other cases ruled by our Supreme
12 Court and by our Court of Appeals.

13 THE COURT: All right. Ms. Zmroczek?

14 MS. ZMROCZEK: Your Honor, I can print those cases
15 for you. It does not allow them to go into what -- what
16 she's saying like what she said to her mom, that came
17 from the incident reports and that's what her report
18 says from the investigation I read. I agreed yesterday
19 if he confirmed -- that what he confirmed what he did.
20 But I assure you nowhere in her report does it say, oh,
21 yeah, she went to her mom and she said this and that was
22 what I was concerned about yesterday and maybe I wasn't
23 as clear, but I think you understood where I was going.

24 It's just whatever the nature of the offenses are,
25 certainly, you know, he was, I think, charged with

1 touching or, you know, whatever he was convicted of or
2 whatever he admitted to. I think you ruled yesterday
3 appropriately that that can go in front of the jury.
4 But my concern is the hearsay like we talked about and
5 the mother, you know, saw it in her eyes and things like
6 that. He didn't say those things to her. Those are
7 things she got from the report and I agree that that's
8 clearly hearsay.

9 MR. BOGLE: That's where it all goes to the weight
10 of the evidence. But it's -- she can rely upon hearsay
11 things that aren't otherwise admissible as part of her
12 expert testimony. As long as she says it was necessary
13 for her to reach her opinion and something typically
14 relied upon by experts in her field..

15 THE COURT: I think you're carrying that beyond the
16 balance of the case law that you're referring to. As a
17 rule, certainly she can rely on a lot of things for her
18 opinion. But to get -- to come to court and testify
19 that, A said B that he has no knowledge of that is
20 otherwise unconfirmable by anything --

21 DR. GEHLE: He did tell me that he -- he did tell me
22 that he -- that there was an initial disclosure so the
23 girl reported it to her mother and then he offended her
24 again. He was confronted by the mother and then he was
25 -- then he offended again.

1 THE COURT: I thought that's what you testified to
2 yesterday.

3 DR. GEHLE: That's what that one piece of
4 information was not -- he didn't confirm every piece of
5 information in every instance.

6 THE COURT: That's where we are. Mr. Bogle wants
7 you to be able to say every piece of evidence that is in
8 those notes. And my ruling was yesterday that you could
9 testify to anything that he confirmed. And I think
10 that's a reasonable position to take. I'll review those
11 cases if you tell me that they're on point. I mean,
12 because this is such a broad area or a broad exception.

13 MR. BOGLE: Uh-huh. The cases I'm referring to --

14 THE COURT: We're not even talking about police
15 reports now. We're talking about musings of the
16 defendant.

17 MR. BOGLE: We're talking about information she
18 gathered from the police reports.

19 THE COURT: But it's one step beyond the -- the
20 police didn't make this report. He made this report
21 that the police picked up on.

22 MR. BOGLE: The case that I'm looking at right now
23 is State v Corley where the Court held -- our Supreme
24 Court that the probative value of the underlying details
25 involving the crimes other than just what's in the

1 indictment outweighed any danger of undue prejudice for
2 the purposes of the Sexually Violent Predator Act. What
3 happened was, the State's expert in that case was Donna
4 Schwartz-Watts was one to testify about the underlying
5 details behind the crimes. The defense wanted just to
6 stipulate to the crimes and move on. And the Judge --
7 and the Court said that past criminal history is
8 directly relevant to establishing whether or not a
9 person is a sexually violent predator.

10 THE COURT: Granted.

11 MR. BOGLE: And that the State in seeking to prove
12 likelihood to reoffend was based on part of prior
13 convictions being similar to each other we have here,
14 the things that Alabama --

15 THE COURT: Granted.

16 MR. BOGLE: And that the underlying details of the
17 offenses were directly relevant to the ultimate issue at
18 hand.

19 THE COURT: Granted.

20 MR. BOGLE: It's underlying details is what Dr.
21 Schwartz-Watts testified about. That's what we have
22 here. And details means --

23 THE COURT: No, it's not what we have here.

24 MR. BOGLE: Police reports, incident reports,
25 witness statements, and interviews with the guy.

1 THE COURT: And she can testify as to all those
2 things. But you want to take it one step further. You
3 want to take it to the point that even that she doesn't
4 even confirm that there's a statement in his musings
5 that she read which he never confirmed and is not in any
6 police report. That's what you want to introduce. And
7 I --

8 MR. BOGLE: I think she was saying the source of her
9 information is -- and classify if I'm wrong if I may ask
10 her, where are you getting this from, Dr. Gehle, this
11 stuff about the girl going to her mother?

12 THE COURT: Let me --

13 MR. BOGLE: Yes, sir.

14 THE COURT: My understanding is the police gave her
15 everything. Including his musings. That's what I'm
16 referring to.

17 MR. BOGLE: That's correct.

18 THE COURT: But that's not a police report. That is
19 information contained in a police file.

20 MR. BOGLE: All right. Well, let me rephrase --

21 THE COURT: It's not in the police report.

22 MR. BOGLE: Let me rephrase the question to separate
23 those two sources about that.

24 THE COURT: Go ahead.

25 MR. BOGLE: I'll ask her about what she got from the

1 police reports and then regarding the musings I'll ask
2 her what she confirmed from those with the respondent.

3 THE COURT: That's what I think I ruled yesterday.

4 MR. BOGLE: Okay. I apologize.

5 DR. GEHLE: And just so I can clarify because I'm
6 kind of confused now.

7 The way that I look at these evaluations, is I take
8 a police report to be more of a fact. That's what was
9 reported, that's what happened, if they're convicted of
10 it. Those are more fact based. Unless he confirms
11 other conduct wherever I get it whether it's contained
12 in a police report or his personal writings, if he
13 doesn't confirm it, I don't consider it to have
14 happened.

15 THE COURT: All right.

16 DR. GEHLE: So I am, I guess, conservative on that
17 regard. So if there was other victims that were
18 reported in his writings and he said, no, that's not
19 true. I don't remember that. I don't take that as a
20 fact that it happened. I asked him about a variety of
21 different things. You know, I asked him about the
22 police reports. I asked him about the information in
23 those writings. And what can I talk about now?

24 THE COURT: Exactly what you just said. That
25 anything that's confirmed -- here's what I want to

1 prevent and I'm going to prevent. He writes in one of
2 these diaries that the little girl told her mother that
3 he did something. That you never talked to him about.
4 Or a third girl or an unindicted case or an unreported
5 case. He tells you of 16 unreported -- I mean, he
6 writes of 16 unreported cases. No consequences.
7 Something he may be fantasizing about that show up in
8 these reports -- I mean, these musings I'll call it. I
9 just don't think that's credible evidence to go before a
10 jury. That you can say, I read it. He didn't confirm
11 it, but I read that he had illusions about sexual
12 fantasies with young girls 22 times and use that as a
13 basis for your opinion. When he never confirms it, you
14 just read it. And I think that's what Mr. Bogle says is
15 admissible which I'm taking the position that it's not.

16 MR. BOGLE: Okay. I'll separate it out, Judge. I
17 understand where you're coming from now and I apologize
18 for taking all this time.

19 MS. ZMROCZEK: Actually, Your Honor, may I place
20 something on the record?

21 THE COURT: Lawyers really hate it when I make a
22 decision that they don't have the opportunity to tell me
23 what they think I should do when I've already done it.
24 Go ahead.

25 MS. ZMROCZEK: I understand, but here's my concern.

1 This is what I'm literally meaning. It was reported to
2 investigators in 1993 he attempted to sexually assault
3 JND. He was questioned about this. Mr. McCoy told
4 investigators quote all I did was kiss her and all that.
5 When they asked how old she was, he said 13, 14, up
6 until she was 15. Investigators asked, so the only
7 thing you did to her was quote hold her and kiss her.
8 Yes.

9 Those quotes, Your Honor, as long as she
10 confirmed -- but then she goes on to quote what the
11 victim is saying to the mom which then the police
12 report. As long as -- my concern is, as long as she
13 reports just what he quotes and not actual words from
14 the -- what the police report wrote that the mother said
15 to the child and puts it in quotes as if it happened.

16 THE COURT: I think I just said that.

17 MS. ZMROCZEK: I just wanted some clarity on it.

18 DR. GEHLE: And then JND is not somebody he was
19 convicted of offending. That was an off the record
20 victim that I was asked to clarify.

21 THE COURT: Okay.

22 DR. GEHLE: So I'll do my best to answer these
23 correctly, but it gets a little mushed up because
24 there's so many different sources of information. I'll
25 do my best to separate it out.

1 THE COURT: Separate it out part is the stuff that's
2 out there on the edge.

3 DR. GEHLE: Okay.

4 THE COURT: It may be all fantasy in a musing of
5 his. There's no way to confirm.

6 DR. GEHLE: So stay away from the stuff that he
7 wrote about in the journals that he didn't confirm to
8 me?

9 THE COURT: That's a pretty good summation.

10 DR. GEHLE: Just so I can -- I want to be clear.

11 THE COURT: And that may be a cornucopia of stuff
12 that he admitted to you.

13 DR. GEHLE: It's not -- yeah, he did. It's a
14 cornucopia.

15 MR. BOGLE: Thank you, Your Honor. I apologize for
16 all the time.

17 THE COURT: Ready for the jury?

18 MR. BOGLE: Yes, sir.

19 THE COURT: Bring the jury in.

20 (The jury enters the courtroom)

21 THE COURT: Thank you very much, ladies and
22 gentlemen. We're now ready to continue. Mr. Bogle?

23 MR. BOGLE: Thank you, Your Honor.

24 CONTINUED DIRECT EXAMINATION BY MR. BOGLE:

25 Q Dr. Gehle, before we go any further on our last

1 line of questioning, let me back up a second and ask you
2 this. You have testified you looked at police reports,
3 incident reports, journals that he kept while in
4 treatment and things like that and you interviewed him.
5 How do you rate or classify these things as far as
6 deciding what is true or what is not true and what is
7 reliable?

8 A Well, the way that I look at this is I really look
9 at if the person was convicted of a crime, that's a
10 fact. I can't undo that. If they pled guilty or if
11 they were convicted by a jury, I take it as a fact that
12 they committed that offense. If they were accused of
13 something, but not convicted, I don't take that as fact.
14 I take that as an accusation that happened, but not as a
15 fact that the offense happened.

16 So I look at -- I guess I give weight to police
17 reports, victim statements, the statements of the
18 offender or respondent that they gave to police, law
19 enforcement, and things that they tell me. It's hard to
20 say, you know, I can't necessarily rank them. It
21 depends on how believable it sounds and how much they
22 all line up together. If they all say the same thing,
23 you would think that they were all reliable. If they
24 vary, that calls the reliability into question. But
25 that's in general how I see it.

1 Q Okay. So going back to the incident in Alabama
2 involving the young girl, again, how old was she?

3 A Nine or ten years old.

4 Q Based upon your interviews with Mr. McCoy, stuff
5 confirmed by him as to what happened, what was the
6 scenario that happened involving the crimes against the
7 young girl?

8 A Well, I believe that this information came from the
9 police reports. The -- there was a victim, a
10 transcription of the victim's interview, and there was a
11 transcription of his interview. And I talked to him.
12 So this was all confirmed by those sources that this is
13 how it happened.

14 Q Go ahead.

15 A Can I go on now? Basically he offended her and
16 victim reported that she excused herself to go to the
17 bathroom, but actually she went and told her mom. All
18 of the accounts say that she confronted him. Mom
19 confronted him about the abuse. And he told me that he
20 didn't think that he -- he didn't recall challenging her
21 about that. He didn't argue with the mom when she
22 confronted him. He said he just handled it in sort of a
23 passive aggressive way which is how he tended to handle
24 things.

25 He continued his relationship with the mother and

1 the daughter and he offended her again. And the girl
2 told her mom again. And at that point, she confronted
3 him -- mom confronted him a second time. And he said,
4 you know, something to the effect of he needed help and
5 he sought treatment in Louisiana. He found an inpatient
6 hospital. They're very rare to find an inpatient
7 facility for a private citizen to deal with somebody's,
8 you know, sexual proclivities. So he had to go all the
9 way from Alabama to Louisiana to seek this treatment.

10 And when he went to Alabama -- I'm sorry. When he
11 went to Louisiana, he's talking to his therapist at the
12 hospital about, you know, why he's there and what
13 happened. And he told them what happened. And
14 therapists such as myself, other therapists that you
15 might talk to, many different people are mandated by law
16 to report child sexual abuse. So you tell me that
17 you've been sexually abusing somebody, I've got to call
18 child protective services. It's my job. I have to.
19 That's what that therapist did. She called law
20 enforcement and she gave sort of a, you know, I have
21 somebody who reported child sexual abuse and then she
22 handed the phone to him and he reported the offenses to
23 law enforcement.

24 So that's how it was disclosed. So he did not get
25 arrested for the charges until he was released from that

1 treatment facility in Louisiana and came back to
2 Alabama.

3 Q Now, Doctor, what is the significance -- is there
4 any significance to you about the fact that he was
5 confronted by the mother and then continued to reoffend?

6 A Yes, that's significant because he is offending in
7 a more high risk situation. First off, he was offending
8 in very close proximity to the mom. In the same house.
9 It was reported that he actually offended the girl in
10 the same bed where her mom was sleeping. That's
11 significant because it says that he's, you know, willing
12 to have extremely negative consequences in order to
13 commit this offense. When he's -- when the girl
14 disclosed, you know, he was confronted and so now he
15 knows that the mom knows and that means that he's going
16 to hopefully be under more scrutiny. He's going to be
17 more suspicious to the mom. The daughter thinks that
18 she's probably more protected --

19 MS. ZMROCZEK: Objection, Your Honor.

20 Q Without saying what the daughter, things like that,
21 why is this a higher risk -- a higher risk situation if
22 it does?

23 A Because he's under the microscope now.

24 Q And still does?

25 A Yes.

1 Q Okay. Now, what type of crimes was he convicted of
2 in Alabama according to the records you looked at?

3 A Six counts of sexual abuse in the first degree, I
4 believe.

5 Q Okay. Did he do prison time in Alabama?

6 A Yes.

7 Q Okay. And did he -- in your interview with him,
8 did you talk to him about whether or not he had a
9 preoccupation with sexual matters?

10 A Yes.

11 Q And what did he say about that? Did you reach a
12 conclusion about that or what was it based on?

13 A Yes, I asked him. It's a risk factor if you're
14 sexually preoccupied. That's a risk factor that's been
15 found in the research to be related to sexual
16 recidivism. So I asked him about that. He reported
17 that he had a history of sexual preoccupation. He said
18 that he was preoccupied with sex when he was
19 incarcerated in Alabama. And he said that he had been
20 sexually preoccupied lately because of the treatment
21 program and bringing up a lot of emotions and feelings
22 and stuff like that.

23 He went on to say he was trying to figure out what
24 motivates him to be the way that he was. I asked him if
25 he was -- if he had been sexually aroused or if that's

1 been increasingly sexually aroused in recent times or in
2 the past and his response was and I quote, no and yes.
3 And he said I get done and come to some solutions and
4 stuff like that, I reward myself with some of these
5 fantasies.

6 So what he was saying basically was that when he's
7 in treatment, it brings up a lot of his sexual arousal
8 and emotions. He's thinking about it more which to some
9 degree is normal. But what he's doing is that when he
10 makes any treatment gains or figures things out to gain
11 more understanding which is a big part of sex offender
12 treatment, he rewards himself by engaging in some sexual
13 fantasies and masturbation involving of a girl who he
14 said was 15 years old. Somebody he knew in the past.

15 Q Did he ever make a comment to you about -- did he
16 make any comments to you about the type of ages of
17 victims he was attracted by that were consistent or
18 inconsistent to you?

19 A Well, he told me that -- I believe he -- he said he
20 has never been attracted to children younger than ten
21 years old. And he added and I quote, even though my
22 last victim was seven..

23 Q Okay.

24 A So he's offended against somebody under ten, but
25 reports that he's never been attracted to anybody under

1 ten.

2 Q Did you find that significant that there seemed to
3 be an inconsistency there?

4 A Yes.

5 Q Okay. Why would that be?

6 A Well, I mean, it could be a couple of different
7 things. One, maybe he wasn't being honest with me.
8 Two, he might not be honest with himself. Three, he
9 might be offending a seven year old even though that's
10 not his preference because the opportunity was there.
11 So it could be a variety of things, but all in all it's
12 a significant finding.

13 Q Did he report to you in your interviews with him
14 any of what I call unreported victims?

15 A Yes.

16 Q Okay. When you say the word unreported victim,
17 what do you take that to mean?

18 A Well, I would use the term undetected or victims he
19 wasn't convicted of. Because some of them were reported
20 to law enforcement, but he was not convicted of them or
21 it didn't amount to charges, didn't go any further.
22 But, yes, he told me -- or we talked about a few other
23 potential victims.

24 Q And what was the age range of these potential
25 victims that he told you about that he was never charged

1 with or convicted of?

2 A Well, that's a good question. He said that he was
3 attracted to this girl who he rewards himself with the
4 sexual fantasies. He said he knew her from maybe when
5 she was 9 and when she got to be 14 or 15 years old, he
6 said, I quote, she was hot. I thought she was sexy as
7 hell. And he talked a little bit about the sexual
8 fantasies that he had of her and he said that he was
9 fantasizing about her when she was 14 or 15 years old.
10 Really 15 is sort of the number he gave repeatedly.

11 That would be the only one that he sort of
12 voluntarily talked about. I asked him about other
13 victims and he went kind of back and forth as to whether
14 they were victims or not.

15 Q Okay. Okay. Did he ever -- did part of your
16 interviews with him, was there any -- I'm not talking
17 about his journals or writings when he was in sex
18 offender treatment unless you confirmed in his interview
19 with him, did you hear him talk about his physical
20 attributes and how that related to his motivation for
21 sex offending against children?

22 A I want to be careful here. It was something that
23 we talked about, but I want to confirm as to whether he
24 told me because there's several different sources of
25 information here.

1 Q Okay.

2 A I don't think that I can confirm that.

3 Q Okay. Let's go past that. Let me ask you this.

4 Let's drop that and move on to something else. What is
5 grooming in the context of a pedophile?

6 A Grooming is sort of a series of behaviors that
7 people engage in, specifically pedophiles engage in, to
8 gain the trust of a child and of the parents of that
9 child. So it -- it's sort of, you know, how they get
10 involved in the caring of the child. How they might
11 become trusted enough to be left alone with the child.
12 How they get the child to do what they want, you know,
13 engage in sexual abuse. And how they get the child to
14 not report the sexual abuse. So it's a series of things
15 that they do to gain children's trust.

16 Q Did you and Mr. McCoy talk about grooming? Did
17 that word come up in your interviews with him?

18 A Yes.

19 Q Who brought it up? How did it come up?

20 A I believe that it was something that he brought up.

21 Q Okay. And how did he describe grooming and relate
22 that to what he was doing?

23 A Well, he told me that -- let me be specific here.
24 He told me that he had never penetrated a child, but
25 that he believed that he was grooming the children by

1 not penetrating them. So sort of not making any of the
2 offenses so bad. Because surprisingly, younger children
3 might not know that they're being sexually abused. It's
4 not a label that they go around using. And children are
5 often touched in many different ways. You know, you
6 touch your children when you bathe them and things like
7 that and they can't always differentiate between sexual
8 touch and normal touch. You know, doctors might examine
9 them. It might be intimate examinations, things like
10 that. So he said that he was -- he believed that he had
11 not penetrated a child because he was grooming them for
12 penetration down the road. So building up a higher
13 level of trust.

14 Q Did he ever try to blame his victims for the
15 conduct or place the responsibility or what happened on
16 them?

17 A To some degree. And that varied. He seems to be
18 struggling a lot with, you know, how he got himself in
19 this situation. And he -- at times, you know, took the
20 responsibility for his behavior and other times he said
21 things like, you know, that girl was crawling all over
22 me and stuff. Indicating that he wasn't doing anything,
23 but she was crawling on him. And, you know, one of the
24 victims got in bed with him when he was naked and, you
25 know, therefore some responsibility lied with her.

1 Q Did you interview him about two children named

2 ^{Minor 5} and ^{Minor 6}

3 A Yes.

4 Q Okay. And were these kids he was convicted of?

5 A No.

6 Q How did you find out about them?

7 A I found out about them because they were included
8 in his treatment work.

9 Q Okay. But you talked to him about it?

10 A Yes.

11 Q And what did he say to you about ^{Minor 5} and

12 E. that you found significant?

13 A So ^{Minor 5} and ^{Minor 6} were the children of a girl
14 he -- a woman he was dating. So ^{Minor 6} was an infant
15 and S. was a two year old male. He said to me that
16 he didn't do anything with ^{Minor 6} -- I'm going to
17 quote him here. He said -- when I asked him, you know,
18 what happened with ^{Minor 6}, he said nothing other than
19 me changing her daughter's -- diapers and cleaning her
20 out real good and me getting a good look at her. That
21 was it. He denied fondling her. He denied being
22 sexually aroused by looking at her. And when I asked
23 him why he looked at her genitals, he replied because I
24 had never been with a virgin. I have never been with a
25 woman with unbroken vagina or hymen.

1 Q What about ^{Memo} 15 ?

2 A When I asked him about ^{Memo} 15 , he became very
3 emotional. And he indicated that he hit ^{Memo} 15 . But I
4 was asking him about whether he sexually abused ^{Memo} 15
5 because there was some indication in his personal
6 writings that he had. And I want to be -- he generally
7 denied memory of writing anything about this victim or
8 this boy. And when I asked him if he believed he did
9 offend S. , as was described in those treatment
10 work -- in the treatment work that he did, you know,
11 years ago, he said quote, yes, because of the simple
12 fact that that was closer to the time. So meaning his
13 writing then was closer to the time so he believed he
14 did sexually offend against that child.

15 Q Okay. Doc, let's turn the clock ahead a little
16 bit. Has Mr. McCoy been convicted -- were there certain
17 crimes he was convicted of in South Carolina you also
18 looked at?

19 A Yes.

20 Q Okay. I'd like to show you --

21 MR. BOGLE: If I may approach the witness, Your
22 Honor.

23 Q -- a certified copy from the Clerk of Court's
24 office here in Aiken County of an indictment and
25 sentencing sheet for lewd act on a child here in Aiken

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1 County. Is this a document that you looked at in the
2 course of your investigation?

3 A I had copies of these, yes.

4 Q Okay. And the indictment number on that one is
5 2009-902; is that right?

6 A Yes.

7 Q Okay. I hand you another sheet of paper also
8 certified from the Clerk of Court here in Aiken County
9 and these are certified copies of another conviction for
10 a lewd act on a child indictment 2009-903. Is that a
11 document you looked at in the course of your
12 investigation?

13 A I had copies of these, yes.

14 Q Okay. Now, Doctor, regarding these crimes --

15 MR. BOGLE: Well, first, Your Honor, we'd move to
16 introduce into evidence copies of both of these
17 indictments as State's Exhibits One and Two.

18 THE COURT: Any objection?

19 MS. ZMROCZEK: Yes, Your Honor, I object. It's
20 cumulative. We admitted that he's got the charges. I
21 don't think --

22 THE COURT: Overruled. They're admitted.

23 MR. BOGLE: Thank you, Your Honor.

24 (WHEREUPON, State's Exhibits 1 and 2 were marked and
25 entered)

1 Q Okay. Dr. Gehle, regarding the -- these two lewd
2 acts on a minor child convictions in South Carolina, as
3 part of your review, did you look at the underlying
4 documents that the police, the witness statements,
5 documents relating to these charges?

6 A Yes.

7 Q Did you interview Mr. McCoy about them as well?

8 A Yes.

9 Q Okay. Is this the kind of thing typically done by
10 experts in your field?

11 A Yes.

12 Q Okay. What particular details about these crimes
13 did you find significant?

14 A Well, again, this involved a young female child who
15 would be prepubescent. She was seven to eight years old
16 and it happened in a high risk situation. So when he
17 offended this girl in a gas station where she was
18 sitting and, you know, playing while her mother was
19 working, so she was sitting at the counter while her
20 mother was working. So the offense happened, you know
21 within very close proximity to the mother of the victim.

22 Q Okay. Were both of these convictions involving the
23 same victim?

24 A Yes.

25 Q Okay. Now, you mentioned high risk. Why is

1 committing an offense in a place like this considered
2 high risk by you?

3 A Well, it's high risk because he could easily be
4 caught. And if he could be caught, I mean, he could
5 have very immediate consequences. I mean, that's the
6 kind of thing that if a parent sees you abusing their
7 child, you know, who knows what the parent might do. So
8 you're putting your -- I think yourself at very personal
9 bodily injury. It's also very easy that you're going to
10 get caught because there's a lot of people around. A
11 lot of people can see you do it. So, you know, you're
12 disregarding the likely consequences that you're going
13 to get.

14 Q And did these crimes in South Carolina happen after
15 he had done some kind of sex offender treatment in
16 Louisiana?

17 A Yes.

18 Q Okay. What sentence did he get for these
19 particular crimes, the ones here in South Carolina?

20 A He pled guilty to the two counts of lewd act upon a
21 child under 16 and sentenced to concurrent terms of 15
22 years suspended upon the service of 10 years of
23 incarceration and 3 years probation. So he got 15 years
24 on both counts to be served at the same time, but
25 instead of serving 15 years, the judge suspended it to

1 serving 10 years and the addition of 3 years of
2 probation.

3 Q Did you interview Mr. McCoy about these offenses?

4 A Yes.

5 Q What did he tell you that you found significant
6 about what happened about the underlying details?

7 A Well, he -- when I -- when I read to him and asked
8 him questions about what was in the police report and
9 what the victim reported, and I started to question him
10 about that, he said that what was in the police report
11 was a lie and that he didn't say these things to
12 investigators. However, he went on to talk about the
13 scenario from his point of view and he said that he
14 rubbed her back and gave her a pat on her butt. He said
15 he rubbed his hand across her back and across her bottom
16 and gave her a smack on her butt. That was what he
17 reported.

18 He said that he also wasn't -- it wasn't a sexual
19 thing for him and he wasn't sexually aroused and he said
20 and I quote, I tried and I couldn't do a damn thing with
21 it afterwards after I was arrested. So he tried to
22 become sexually aroused by thinking about this incident
23 and said he couldn't. That's essentially what he said.

24 Q Did the police records contradict his version of
25 what you talked about what he said to you?

1 MS. ZMROCZEK: Objection, Your Honor.

2 THE COURT: Overruled.

3 A According to the police reports, first off, the
4 victim said that Mr. McCoy put his hand under her shirt
5 and rubbed her back and touched her buttocks over her
6 pants and that she -- that he had -- that was one
7 incident. And then he had touched her under her shorts,
8 but on top of her panties on a prior incident. That's
9 what the victim reported.

10 When he spoke to investigators he admitted to
11 rubbing her back under her shirt and rubbing her
12 buttocks. It was also noted in the police report that
13 he told them that he was a pedophile and that he prefers
14 females the age of ten, but that he could have been
15 attempting to groom the victim. And that he tried to
16 view child pornography on the internet and without
17 success and he had fantasies about prepubescent females.
18 So to me he -- when explicitly asked, he said that the
19 things in the police report were a lie, but then he went
20 on to describe very similar behavior as to what was
21 reported in the police report.

22 Q Okay. Now, Doctor, is remorse something you look
23 at in cases like this?

24 A Remorse is one of those things that's actually not
25 related to sexual recidivism. People can have a lot of

1 remorse, but they engage in the behavior anyway because
2 they can't control themselves. So it's not something
3 that I put a lot of weight on.

4 Q Okay. Does remorse factor into your evaluation
5 here of Mr. McCoy?

6 A Well, in this case, you know, again, I don't put a
7 lot of weight on it, but Mr. McCoy expressed remorse. I
8 think that he had remorse when he was committing these
9 acts. The first victim reported that he often said he
10 was sorry while he was offending or immediately after.
11 And so that tells me that he had remorse about what he
12 was doing, but that he engaged in the behavior anyway.
13 So even when it makes him uncomfortable to be doing
14 something, he's doing it anyway.

15 Q Now, Doctor, as part of your evaluation process,
16 were any assessments performed of Mr. McCoy in this
17 particular evaluation process that you were doing?

18 A Yes.

19 Q Okay. What would that be?

20 A I completed a Static-99R, that's an actuarial risk
21 assessment to help me determine whether Mr. McCoy is
22 likely to engage in acts of sexual violence in the
23 future.

24 Q Okay. Now, you called it an actuarial risk
25 assessment or risk instrument. Can you give us a plain

1 English example of what that might be? Relate it to
2 something we might come into contact through in our
3 ordinary lives?

4 A Okay. Well, if you were diagnosed with cancer and
5 you go to your doctor and you know you have this
6 diagnosis, you might ask your doctor, you know, what are
7 my chances of living? How long do I have to live?
8 Things like that. So your doctor will take into
9 account, you know, what type of cancer you have. Maybe,
10 you know, how old you are. Whether you smoke. Whether
11 you're overweight. Underweight. And some other --
12 whether you have other health conditions and they will
13 give you a prognosis. You know, they'll also look at
14 the statistics related to the prognosis of that type of
15 cancer. So if you have pancreatic cancer that has a
16 high lethality. And they can give you sort of a five
17 year survival rate. If you have prostate cancer, that
18 doesn't have a very high lethality and they can give you
19 another, you know, five year survival rate or things
20 like that. So it's sort of a similar process.

21 Q Was the Static-99 developed involving thousands of
22 sex offenders from multiple countries?

23 A Yes.

24 Q Okay. And based on -- how is it viewed in your
25 line of work? The Static-99R is one of the things to

1 judge likeliness to reoffend? How is that viewed in
2 your profession?

3 A Well, the Static-99R is the mostly widely used
4 instrument for estimating or predicting sexual
5 recidivism. So my colleagues around the country who do
6 these type of evaluations they almost all use this
7 instrument. It's also used in other venues like in
8 South Carolina it's used by the probation department to
9 determine what sort of level of risk the person has and
10 what sort of services they have. So they look at the
11 score on this instrument and then they determine at what
12 level of supervision they need. So it's used by
13 psychologists, psychiatrists, probation officers, and,
14 you know, other people who work in this area.

15 Q Was this assessment, this score that you did for
16 him on the Static-99R, was it part of the basis of your
17 opinion about him?

18 A Yes.

19 Q Okay. What score did he get -- or what did you
20 learn from this assessment? The score he got, what did
21 you learn from it?

22 A Well, the Static-99R gives you several different
23 pieces of information. First off, it gives you a total
24 score. And the Static-99 is just sort of a way of, I
25 guess, of classifying or bringing together all the

1 various risk factors into a total score. So the scores
2 can range from negative 3 to 12. And Mr. McCoy has a
3 score of 5. And in terms of what level risk that is,
4 that's considered moderate high risk. That score -- I
5 can also go to tables associated with the Static-99R and
6 look at people who have a score of 5, what percentage of
7 that group reoffended. And so with a score of 5, it's
8 19.6 percent of the sample with a score of 5 reoffended
9 within five years and 27.7 percent of the sample
10 reoffended within ten years.

11 There's also another statistic that you can look at
12 and that is when you look at a person with a score of 5,
13 where do they fit into the sample? You know, is a 5 --
14 do most people have 5's? That a normal score? Is that
15 a high score? A low score? That kind of thing. So it
16 stratifies it. So when you look at somebody with a
17 score of 5, 81.4 percent of the sample have a score
18 lower than 5. About 10.3 percent have a score of 5 and
19 I think I'm saying this the right way. Let me just
20 check here. So if you look at whether you have a score
21 of 5 or below, that's 89.7 percent of the sample.

22 Q When you say sample, we're talking about people
23 who've committed sex offenses, been convicted and then
24 reoffended?

25 A Well, we're looking at people in the research

1 sample who have committed a sex offense and then
2 we're -- their score was calculated on this and a
3 portion of them went on to reoffend and a portion of
4 them did not.

5 Q Okay. Now -- and when you look at the manual for
6 scoring the Static, how you do this in your profession,
7 is the Static-99R, the only thing you rely on in making
8 a decision or recommendation about a person like Mr.
9 McCoy?

10 A No, it's just one piece of it.

11 Q Okay. Now, what are risk factors in cases of this
12 nature?

13 A Risk factors are sort of anything that are shown to
14 be related to sexual recidivism. So things that are
15 correlated or predictive of sexual recidivism.

16 Q And based upon your evaluation of Mr. McCoy, your
17 talking with him, the documents you looked at, does he
18 have any risk factors that you found significant?

19 A Well, the Static-99R has -- I mean, there are risk
20 factors and so -- there's ten risk factors there and he
21 had several of those factors. In addition, I look at a
22 set of --

23 Q Now, by static, you mean unchanged things?

24 A The things that are historical.

25 Q You can change it?

1 A Yes.

2 Q You're done?

3 A Well, you can change them for the worse. You can't
4 typically change them for the better except for age.
5 Age changes for the better. Meaning it lower. As
6 somebody ages their risk decreases. So they are
7 generally static, but they're changeable to some degree
8 typically for the worse.

9 Q Okay. So that's the Static figures. What about
10 the other -- were there things called dynamic risk
11 factors?

12 A Yes.

13 Q What type of risk factors did you find for Mr.
14 McCoy that you found significant in your opinion?

15 A We had a number of them. He had that sexual
16 preoccupation that I talked about before. And that was
17 in the past and more recently. He has a sexual
18 preference for prepubescent children and pubescent
19 adolescents. He has an emotional congruence with
20 children. Meaning, you know, he relates well with
21 children maybe more so than adults. He lacks long-term
22 emotionally intimate relationships with adults. That's
23 a risk factor. And he has hostile beliefs about women
24 which he reported.

25 Q And are these risk factors you deem significant

1 based upon your training and your expertise?

2 A Yes. It's not just based on my training and
3 expertise, these are what has been found in the research
4 to be associated with sexual reoffending. So I looked
5 at those and these are the ones that I identified and
6 applied to Mr. McCoy.

7 Q Okay. Now, Dr. Gehle, do you have an opinion to a
8 reasonable degree of psychological certainty as to
9 whether or not Mr. McCoy suffers from a mental
10 abnormality or a personality disorder?

11 A Yes.

12 Q What does he suffer from?

13 A It's my opinion he suffers from pedophilic disorder
14 nonexclusive type.

15 Q And will you define for the jury, what do you mean
16 when you say pedophilic disorder?

17 A Pedophilic disorder is when somebody is sexually
18 aroused by prepubescent children. So they have to --
19 it's not just enough that they're sexually aroused by
20 them, they have to have a pattern of such arousal that
21 lasts at least six months. So you want to see a pattern
22 of that over time. Because, you know, sometimes people
23 might try things out or might be a fleeting thought or
24 something like that and you don't want to diagnose that
25 stuff. You want to diagnose it when it's a pattern and

1 it's causing harm to others or to themselves. So that's
2 basically what it is.

3 Q Do you also have an opinion, again, to a reasonable
4 degree of psychological certainty as to whether, this
5 being a pedophile or having a pedophilic disorder, does
6 that affect Mr. McCoy's emotional or volitional capacity
7 so that he is predisposed to commit sexually violent
8 offenses in the future?

9 A Yes.

10 Q Okay. Why is that? What do you see that leads you
11 to that conclusion?

12 A Well, one, he told me he had trouble controlling
13 his behavior this way. So that's a big thing. Is he's
14 admitting that he has problems controlling his behavior
15 in regard to sexually offending children. He feels
16 like, you know, he can't stop that. He offended in
17 extremely high risk situations. High risk of being
18 detected and high risk of, you know, bodily harm to
19 himself.

20 He offended after treatment. He offended after
21 being convicted of a prior sex offense -- prior sex
22 offenses and being, you know, committed to prison. So,
23 you know, even despite all those consequences, he
24 continued to offend. He has offended even though he has
25 remorse, guilt, and he's just stressed by his behavior.

1 It doesn't keep him from acting on those impulses.

2 One thing that was extremely concerning was that he
3 told me and I told you this before, but he told me that
4 when he's in treatment and when he, you know, makes some
5 sort of insider gain, he rewards himself by engaging in
6 sexually deviant fantasies. Now, this is a 15 year old
7 that he's told me he was attracted to her when she was
8 15, but knew her when she was 9. It's interesting, I
9 guess.

10 But basically when you have an orgasm, you're -- we
11 were made for that to be an extremely rewarding
12 experience because it helps us have sex and have
13 children and, you know, evolve the species, that's why.
14 And every time he masturbates to those fantasies, he's
15 strengthening them. He engaged in those fantasies when
16 he was offending and it's my belief that he's
17 strengthening those fantasies and it's likely if he was
18 released he'd act on those fantasies and offend a child.

19 Q Did he go through the sex offender treatment while
20 the law confined him to South Carolina Department of
21 Corrections?

22 A Yes.

23 Q Did you talk to him about that?

24 A Yes.

25 Q Okay. Does the completion -- did he complete any

1 sex offender treatment successfully at the Department of
2 Corrections?

3 A I believe he completed that. The program that they
4 have out there which is psychoeducational program.

5 Q Now, does the fact that he completed some sex
6 offender treatment while confined to the Department of
7 Corrections serving his prison term, does that impact
8 upon your decision or your recommendation about Mr.
9 McCoy?

10 A Not in this case because we have somebody who
11 already had sex offender treatment and reoffended again
12 and that was an inpatient, you know, I would --
13 potentially an intensive program, inpatient program.
14 The program at SCDC is very helpful for some offenders,
15 but somebody who has reoffended after treatment, it's
16 difficult to say if that would help him. And it's more
17 psychoeducational and he's already pretty educated in
18 these terms, so I don't know if that would help him or
19 mitigate his risk to reoffend in the future.

20 Q Doctor, do you also have an opinion, again, to a
21 reasonable degree of psychological certainty as to
22 whether Mr. McCoy has the propensity to be dangerous and
23 commit future sexually violent offenses?

24 A Yes.

25 Q And what is that opinion?

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1 A My opinion that he is likely and has that
2 propensity.

3 Q Do you have an opinion also to a reasonable degree
4 of psychological certainty as to whether Mr. McCoy's
5 propensity to commit future sexually violent offenses is
6 of such a degree it poses a menace to the health and
7 safety of others?

8 A Yes.

9 Q And what is that opinion?

10 A My opinion that it is.

11 Q Do you have an opinion, again, to a reasonable
12 degree of psychological certainty as to whether Mr.
13 McCoy has serious difficulty in controlling his
14 propensities to be dangerous?

15 A Yes, I believe he does.

16 Q Okay. Now, why is that? Again, you've talked
17 about a lot of things, but why are you saying that about
18 the propensity to have serious difficulty controlling
19 his sexual urges?

20 A Well, he has a disorder. He's sexually aroused by
21 children. If he acts on that in any form, it makes him
22 dangerous. If he views child pornography, that's
23 dangerous. That's illegal. If he touches a child,
24 that's certainly illegal. And if he engages in those
25 sexual fantasies and masturbates to those, he's just

1 strengthening them and it's more likely that he would go
2 out and commit a contact offense.

3 Q Do you have an opinion, Dr. Gehle, again, to a
4 reasonable degree of psychological certainty as to
5 whether Mr. McCoy's pedophilic disorder and the things
6 you've talked about today so far, do these things make
7 him likely to engage in acts of sexual violence unless
8 he's confined for long-term control, care, and
9 treatment?

10 A Yes.

11 Q Dr. Gehle, do you have an opinion, again, to a
12 reasonable degree of psychological certainty based upon
13 your expertise in forensic psychology, does Mr. McCoy
14 meet the criteria to be found a sexually violent
15 predator?

16 A It's my opinion that he does meet that criteria.

17 Q Now, if the jury finds that he is a sexually
18 violent predator, where would he be committed to?

19 A He would be committed to the Department of Mental
20 Health.

21 Q Okay. And the Department of Mental Health's
22 facility, do they have more than one?

23 A Yes.

24 Q Okay. Where the are the two places located?

25 A Well, the sort of main unit is at Broad River

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1 Correctional Institution. They have two units, the
2 Edisto unit and Congaree unit that are controlled by the
3 Department of Mental Health, but at the Department of
4 Corrections.

5 Q Are the people who are confined there at the mental
6 health facility on the Department of Correction's
7 property allowed to have any contact or intermingling
8 with the inmates doing time for crimes at the prison?

9 A Are they allowed to have --

10 Q Any contact between the people being treated and
11 people at the prison doing time for crimes?

12 A In general, they don't have any contact, but it
13 would be more transient if they're -- you know, some --
14 you know, there are some people at the prison who are
15 inmates who might deliver the meals to the units or
16 things like that, so it might just be in passing. But
17 they don't -- they're kept completely separate as to
18 living quarters and things like that. They don't have
19 the same rec yard. They don't have the same medical or
20 anything like that. It would be just more in passing if
21 they have any contact.

22 Q Is the treatment that they're given at this unit
23 done by prison people or mental health people?

24 A It's done by mental health people.

25 Q Is the security provided inside the unit provided

1 by prison people or mental health people?

2 A Mental health people. Basically you go through
3 Corrections to get back to the unit, but once you get to
4 the door of the unit, that door is controlled by the
5 Department of Mental Health and then all the interior
6 doors of the unit are controlled by the Department of
7 Mental Health. And all the staff members are Department
8 of Mental Health staff inside the facility -- inside the
9 unit.

10 Q What type of treatment is offered?

11 A It's a cognitive behavioral treatment program
12 assigned for sex offenders.

13 Q Okay. When you say cognitive behavioral, what does
14 that mean in my type of language?

15 A It means looking at your thoughts and how they
16 impact your behavior and, you know, looking at things,
17 you know, like what might be maladaptive about your
18 thinking and how that controls your behavior and you
19 work to change those maladaptive thoughts.

20 Q Once a person -- if a person like Mr. McCoy is
21 committed, would his case be reviewed on a periodic
22 basis?

23 A Yes, it would be.

24 Q How often?

25 A Annual.

1 Q Okay. And that annual review, what does that
2 consist of?

3 A It's an evaluation by a psychologist or a
4 psychiatrist who works for the Department of Mental
5 Health and they review how they're doing in treatment.
6 They look at history, as much as I did in this case.
7 They look at whether their risk has decreased and if
8 they made treatment gains. Have they mitigated their
9 risk to commit future acts of sexual violence.

10 Q And is a treatment report produced as a result of
11 this annual review process?

12 A An annual review report is generated.

13 Q And once a person is committed to this treatment
14 place, is that person allowed to petition the Court to
15 get out at anytime?

16 A Yes.

17 Q Okay. Now, based upon your analysis of Mr. McCoy,
18 your opinion in this case, who would be at risk or
19 danger from Mr. McCoy if he was released?

20 MS. ZMROCZEK: Objection, Your Honor. I think
21 that's out of the scope of her expertise.

22 THE COURT: Well, it's pretty speculative, but I'll
23 allow it if she can answer a question like that.

24 A Well, I believe that I asked him that question. I
25 asked him specifically to describe situations in which

1 he would be at increased risk to commit a sexual offense
2 and he said children, female, near, interacting with
3 children at a young age, female children, not just
4 interacting with specific reason except for any
5 interaction. So if I go at his word and with his
6 history, it would be female children that he comes into
7 contact with whether that be sort of in passing or, you
8 know, whether he gets himself into a relationship with a
9 woman with young children. That's what he's done in the
10 past. He's offended in sort of both scenarios.

11 Q Did you reach out to the Department of Probation
12 and Parole to find out if he was facing any kind of
13 probation should this jury release him?

14 A Yes.

15 Q And what did you find out?

16 A Well, I talked to an agent in Aiken County and he
17 confirmed what Mr. McCoy said and what the records said
18 is that he has three years of probation. That was
19 written into his last sentence structure. And he's also
20 subject to lifetime GPS monitoring as long as the
21 Court's deem it. It's considered lifetime, but I know
22 that there's been some decisions as to whether it can be
23 lifetime.

24 MS. ZMROCZEK: Objection, Your Honor.

25 THE COURT: Overruled.

1 A So he has basically three years of probation.

2 Q Do you know of anything on the outside in the
3 community that could get Mr. McCoy the type of sex
4 offender treatment that he needs?

5 A Well, the probation officer told me that they would
6 refer him to sex offender treatment.

7 Q That would be on outpatient basis, wouldn't it?

8 A Yes.

9 Q In your opinion, does he need to be confined for
10 sex offender treatment?

11 A It's my opinion he does.

12 Q Okay. So would outpatient treatment be a good idea
13 for this guy?

14 A I don't believe so.

15 Q Why?

16 A Well, because he offended in such a public place
17 and at such a high risk sort of scenario, you know, it
18 was at a gas station. That makes it difficult for
19 probation to monitor him because, you know, they would
20 be lucky if he's hanging out at, you know, school yards
21 or football games, things like that where children are.
22 But we're talking -- he offended in sort of his everyday
23 comings and goings. He stopped at this gas station
24 everyday to get, you know, coffee in the morning and a
25 drink in the afternoon and he committed the offense

1 then. I think that just makes him too unpredictable to
2 be able to insure safety for the public if he were in
3 the community.

4 Q Thank you, Doctor. Please answer any questions
5 counsel has or the Court may have.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, it's a quarter to one and I know you've been here
8 since ten. I anticipate this cross examination to be
9 maybe as lengthy as the direct examination. I think I'm
10 going to leave it up to you whether you want to -- we're
11 going try to complete this case today, whether you want
12 to take a lunch break now or wait until after the cross
13 examination. Let's -- I know that's difficult for you
14 to answer. Somebody's stomach might be growling.

15 Would you like to hear the cross examination after
16 lunch or would you rather go ahead and do it right now?

17 THE JURY: Now.

18 THE COURT: I'm getting a lot of nows. Ms.
19 Zmroczek?

20 MS. ZMROCZEK: Thank you, Your Honor. May I have
21 five minutes to use the restroom?

22 COURT REPORTER: Yeah.

23 THE COURT: All right. Well, the court reporter
24 needs a restroom break. Let's take a restroom break and
25 then we'll move right along.

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1 (There was a short break)

2 (The jury left the courtroom)

3 THE COURT: Bring the jury in, please.

4 (The jury enters the courtroom)

5 THE COURT: All right. You may proceed.

6 MS. ZMROCZEK: Thank you, Judge. May it please the
7 Court.

8 CROSS-EXAMINATION BY MS. ZMROCZEK:

9 Q Good morning.

10 A Good afternoon.

11 Q I wanted to clear up just a few things for the
12 jury. When you say that you were told by the Court,
13 this process isn't started by the Court; right? This
14 process of someone being committed or attempting to be
15 committed to the sexually violent predator program is
16 not started by the Court?

17 A The process is started, I guess, by the Legislature
18 that passed this law. And they ordered -- they ordered
19 a group that they called a multidisciplinary team to
20 review the cases of everybody who was convicted of a
21 statutory sexually violent offense. They review those
22 cases six months prior to their max out date from prison
23 or from total confinement. Because they can also be
24 reviewed when they're committed to the Department of
25 Mental Health for certain crimes or when they're

1 committed to the Department of Juvenile Justice.

2 So the process starts with the law and then the law
3 directs the multidisciplinary team to review all those
4 cases and they take a vote and refer cases that they
5 believe need it, they refer it on.

6 Q It's actually true. The Legislatures' don't look
7 when the six months comes up and somebody is about to be
8 admitted. It's actually true, Dr. Gehle, that someone
9 from the AG's office, it's their job to scan the release
10 dates and then they notify the multidisciplinary team to
11 go ahead and set this evaluation. They're the ones, the
12 AG's office, the government is the one who sends all the
13 paperwork to the multidisciplinary; is that right?

14 A I think that's incorrect from my understanding.
15 There's actually an employee at the Department of
16 Corrections who gathers all the documents and writes a
17 review and that is what the multidisciplinary team
18 reviews and takes their vote on it. I don't believe any
19 of that information comes from the Attorney General's
20 office.

21 Q Okay. After the multidisciplinary team meets,
22 where do they send it? Do they send that to the Court?

23 A They send that to the prosecutor's review
24 committee. Okay. That's what the law says the next
25 step is. So they send the referral there. If they vote

1 not to refer the case, I believe that no information
2 gets sent anywhere.

3 Q But if they do, can't it get sent to the Attorney
4 General's office?

5 A If it's sent to the prosecutor's review committee.

6 Q Right. But if they vote, then it gets sent to the
7 Attorney General's office? And then we have hearings
8 and then the Court appoints --

9 A Again, the law says that they send it to the
10 prosecutor's review committee. One member of that
11 committee is from the Attorney General's office.
12 Another member is a solicitor -- county solicitor, and
13 another member is a victim's advocate. So, you know,
14 who actually receives the paperwork, I'm not sure. But,
15 you know, it could go to any member of that committee.
16 I'm not sure exactly how, you know, they send it.

17 Q Okay. To bring it into this courtroom to get in
18 front of this jury, that's not the Court's doing?
19 That's not a Judge. I understand it's promulgated by
20 the Legislature, but that's done through the Attorney
21 General's office?

22 A If somebody is referred by the prosecutor's review
23 committee, then it goes to the Attorney General's office
24 and they file a petition if they believe that they can
25 win their case. So they file a petition, they initiate

1 the next step of the proceedings. That's what the law
2 says to do.

3 Q Certainly. I guess my point is this, Judge Cooper
4 has not said, Dr. Gehle, you are to evaluate this
5 person. No Judge says that to you. All of the
6 paperwork is generated -- I know that there's an order
7 signed by a Judge, but that order is after hearings?

8 A Well, I get an order that's signed by a Judge. So
9 the Judge is telling me and my name is explicitly
10 written in that order, so I would say that the Judge is
11 telling me I'm ordering you to do that evaluation. That
12 would be my take on that.

13 Q Right. But it's the process through the case --
14 that's how a case progresses?

15 A Yes.

16 Q That is what I just wanted to clear up. You stated
17 that 60 to 60 (sic) percent of the time you do recommend
18 people for commitment?

19 A Sixty to 65 percent is what I think is what I
20 stated.

21 Q Right. So the other percentage of the time, what
22 happens when you don't recommend? What is the Attorney
23 General or a Judge do then?

24 A Okay. Well, when I finish my report, I give it to
25 the paralegal who I work with and she sends it off, per

1 the law. She sends a copy to the Attorney General's
2 office and they have to send it to the respondent's
3 attorney such as yourself and they send it to the Court.
4 So my involvement may be done then or I may be
5 subpoenaed to court. I may be subpoenaed by either
6 side.

7 So as far as -- I'm not sure exactly what your
8 original question was, but what happens with my
9 involvement is if I'm subpoenaed, I go to court. If I'm
10 not, you know, I don't.

11 Q Okay. The other 25 to 30 percent of the time that
12 you don't recommend commitment, are you familiar that
13 the Attorney General's office as well as the defense
14 attorney which -- or the respondent's attorney can seek
15 another opinion to get another psychologist to recommend
16 commitment?

17 A Okay. I want to be very clear because you just
18 twisted what I said. I recommend commitment in a third
19 of these cases. I don't recommend commitment in
20 two-thirds of these cases.

21 Q Right. I switched them up.

22 A That's very important. The law says that either
23 side, if they don't like my opinion, they can get a
24 second opinion.

25 Q And you're familiar that that happens often?

1 A I don't know how often that happens, but it
2 happens, certainly.

3 Q And you would agree with me that the law as the
4 Legislature set it up was designed for the worst of the
5 worst sex offenders and sex predators?

6 A In the law, it states that they were directing this
7 law to an extremely dangerous group of mentally abnormal
8 sex offenders.

9 Q Nineteen other states have this law; correct?

10 A Yes.

11 Q Okay.

12 A And the federal government as well.

13 Q And the federal government. Mr. McCoy, you met
14 with him twice?

15 A Yes.

16 Q Tell the jury what the good things are you can say
17 about him.

18 A He's an intelligent person, that's good. He's got
19 a, you know, family involvement which is good. He has
20 some insight into himself. You know, he's participated
21 in treatment voluntarily. He understands I think the
22 lingo involved with sexual offending which is a strength
23 if he goes into further treatment. Those are some
24 things that I can say about him.

25 Q Honorably discharged from the military?

1 A That's correct.

2 Q No problems in the military?

3 A No, I don't believe so.

4 Q Been incarcerated in the South Carolina Department
5 of Corrections?

6 A Correct.

7 Q Tell the jury how many infractions he's had since
8 he's been there.

9 A So according to records that were retrieved on
10 September 17th 2013, he had no behavioral infractions.

11 Q Not one behavioral infraction. So when he's
12 rewarding himself by masturbating to fantasies, he's not
13 doing it in front of other guards, not getting caught;
14 right? Those are infractions that you have seen in
15 other offenders; correct?

16 A Yeah. If he is, he's not getting written up for
17 it.

18 Q Okay. Not attacking guards?

19 A Correct.

20 Q Not attacking other inmates?

21 A Correct.

22 Q He's using his fantasies to masturbate and not
23 hurting anybody else; is that -- and not receiving any
24 infractions for any of those behaviors?

25 A He's not receiving any infractions for those

1 behaviors; that's correct.

2 Q And infractions include not just sexual offenses,
3 but fighting?

4 A Right. There's a variety --

5 Q Stealing?

6 A Yes.

7 Q Causing riots? None of these -- he's done nothing?

8 A He's not had any behavioral infractions at SCDC as
9 far as I know.

10 Q He did voluntarily participate in their sex
11 offender treatment program?

12 A That's correct.

13 Q And I want to go back -- let's go back to Alabama.
14 And I want to clear something up because you talked
15 about his six offenses and offending. But tell the jury
16 how many times he has actually had sexual intercourse or
17 inserted anything into a child?

18 A I don't believe that he has been convicted of
19 penetrating a child.

20 Q The lewd acts that he had here which he told you
21 about and the jury will get to read about again, rubbing
22 the back, and either patting or rubbing the buttocks of
23 a seven year old?

24 A Yes.

25 Q Okay. But even before he gets arrested for those

1 acts in Alabama, he realizes that he has a problem and
2 he goes and checks -- he has to go to another state to
3 check himself in to get treatment for his problem;
4 right?

5 A Yes.

6 Q And he completes that program?

7 A I don't know if it was a completion per se, but he
8 may have.

9 Q Because we didn't -- because the records were
10 destroyed because it was long ago?

11 A Correct.

12 Q Tell the jury how long in between the Alabama
13 offenses and the South Carolina offenses passed?

14 A He was convicted in Alabama in 1993 and he was
15 convicted in South Carolina in 2008.

16 Q Fifteen years?

17 A Yes.

18 Q Okay. And he was convicted or charged and pled --
19 not convicted because he pled, which is a conviction,
20 but he didn't contest that because he went and sought
21 treatment and he asked for help and they arrested him
22 for it; isn't that right? Is that how you understand it
23 because of what he told them?

24 A If that's the way you want to characterize it, he
25 wasn't arrested until, you know, his therapist prompted

1 the disclosure. I don't know if it would have happened
2 any other way. I don't know, you know, if the mother
3 would have reported or, you know, anything like that,
4 but that's how law enforcement became involved.

5 Q But you can say that the mother nor the child nor
6 any victim ever reported it to the police? It was
7 basically a self report through a therapist?

8 A Well, they reported it to the police after the self
9 report initiated the investigation, yes.

10 Q Because the police contacted them?

11 A That would be my understanding, yes.

12 Q Okay. When you talked about grooming, you
13 understood that when you interviewed him and you were
14 asking him about the offenses, that he was in treatment,
15 and he's learning about these words, and he's trying to
16 understand maybe what he was doing? Even though those
17 are words he used.

18 A Those were words that he used in police reports
19 early on. So that's a word that's been in his
20 vocabulary, I would say for a while.

21 Q Early on in the South Carolina treatment after he
22 had been treated in Louisiana?

23 A I think that he used the word grooming when he
24 talked to investigators in 1993.

25 Q Can you show me where it says that in your report?

1 If you look on page 12, I think that's where you refer.
2 to it. Sorry.

3 A Thank you. Yes, he wrote about it in some
4 treatment work that he did in Louisiana.

5 Q So those are words that he used -- or that you
6 learn while in treatment?

7 A Well --

8 Q Or I could deduce that.

9 A You know, he knew it when he wrote about it, I
10 would say, because he seemed to use it in a correct
11 manner and that would have been in 1993.

12 Q Okay. You talked about S. and E. and
13 you asked him about them. You also stated that there
14 was never any arrest or conviction for these people; is
15 that correct?

16 A That's correct.

17 Q And I think you said that those things you don't
18 consider factual if there's no arrest or conviction?

19 A Well, when somebody discloses something to me that
20 something happened, I mean, then it becomes a fact.
21 They're reporting it and so that's a fact. But if they
22 report something or if something is in the police
23 reports and that's not something that they're later
24 convicted of, I don't look at that as a fact that
25 happened.

1 Q Okay. You talked often about repeated behavior.
2 And so we have the behavior in Alabama and then 15 years
3 later we have the touching of the back and the buttocks
4 here in South Carolina. And that's the pattern that you
5 used to establish your part of your decision?

6 A Well, he has repeated behavior in Alabama that
7 happened over a period of time. Convicted of that. He
8 has some self reported behavior involving children. He
9 has the self reported long history of fantasizing and
10 masturbating about prepubescent children. And he has
11 the behavior that he engaged in in 2008 in South
12 Carolina. So that would be the repeated behavior I
13 would be referring to.

14 Q Okay. And is it illegal to fantasize?

15 A No.

16 Q Is it illegal to masturbate?

17 A No.

18 Q Is it illegal to masturbate to fantasies about
19 animals?

20 A No.

21 Q Children?

22 A No.

23 Q Chairs? We can think about whatever we want;
24 right?

25 A Absolutely.

1 Q Okay. Do you feel that all repeated offenders are
2 unable to control their criminal behavior?

3 A No.

4 Q We talked -- you talked a lot about risk and risk
5 situations and how he engaged in these high risk
6 behaviors. Did you ever ask him or have you ever been
7 told that he knew that they were high risk? Or did he
8 know he was going to get caught? Or doing it hoping to
9 get caught or not get caught? Did you have those
10 discussions with him?

11 A I don't know if I explicitly asked questions in
12 that way. But we tend to talk about kind of all that
13 stuff.

14 Q And did he know he was going to get caught? Did he
15 say he was engaging in it hoping not to get caught?

16 A Not that I recall.

17 Q I'm just trying to figure out when you talk about
18 engaging in high risk behaviors. And I think you said
19 even threat of bodily harm. So when he's at the gas
20 station touching her back and maybe patting her on the
21 butt, you're saying that the bodily harm is that he
22 could have been attacked or something?

23 A Yes.

24 Q Okay. But he wasn't?

25 A Correct.

1 Q Okay. In fact, sex offenders in prison are often
2 attacked by other inmates because they're so offended by
3 their crimes, aren't they?

4 A I don't know about often, but it happens.
5 Certainly.

6 Q Nobody likes sex offenders?

7 A That tends to be a general consensus I think in the
8 general public.

9 Q Characteristics that you look to to determine
10 volition and that means choosing to make a choice or not
11 make a choice; correct?

12 A Well, it means -- you know, volition impairment is
13 when somebody's ability to make choices is impaired.

14 Q Okay. And how do you determine if somebody's
15 ability to make a choice is impaired?

16 A I look for behavioral cues and for self reported
17 statements of such.

18 Q Okay. So do you also look at behaviors?

19 A I just said I did.

20 Q Okay. So the behaviors that you would look at
21 would include -- I believe you said one that concerned
22 you the most is that he masturbated to these fantasies
23 as a reward?

24 A I don't think I said that that concerned me the
25 most, but it's definitely concerning. Yes.

1 Q Okay. So he chooses to do that instead of choosing
2 to offend and I know there are no children in prison,
3 but he actually reported to you that when he would have
4 relationships with adult women, he would sometimes
5 fantasize about children; right?

6 A Yes.

7 Q So he could of -- there are women in prison, there
8 are guards, nurses, he could have acted out those
9 behaviors if he wanted to or if he had no control;
10 correct?

11 A He could do a wide variety of things if he wanted
12 to.

13 Q But he did not?

14 A It's my understanding he was never caught for such
15 behavior.

16 Q Okay. Is it your understanding that he will often
17 attack guards and not get caught?

18 MR. BOGLE: Object to relevancy, Your Honor.

19 THE COURT: Overruled. Go ahead.

20 MR. BOGLE: Thanks.

21 A It's my understanding that there is a lot of maybe
22 masturbating. And I hear the guys say masturbating off
23 the guards meaning they're using them as, you know,
24 stimuli that go unreported. You know, I don't know how
25 believable it is, but I have many people that I

1 evaluate, tell me that there are things like they play,
2 they call it the jack game where they, you know,
3 masturbate in front of the guards, female guards, and
4 see whether they'll get caught or not and that they
5 frequently don't get caught. I don't know how often
6 that happens, I know that I'm frequently told that.

7 Q And they do -- but they do get caught often, too;
8 right? Or they can get caught and written up and
9 dressed out in pink jumpsuits?

10 A There are people who get caught and people who get
11 away with it, I think, like typically any behavior.

12 Q You talk about the Static-99 and how that's the
13 most reliable tool for predicting recidivism. But that
14 tool is actually a prediction in sexual predicting
15 recidivism in sexual offenses and not sexually violence
16 offenses; isn't that right?

17 A It is used in predicting general sexual offenses.
18 You know, it's a tool that was initiated in Canada, they
19 don't have sexually violent predator laws.

20 Q Okay. And you would agree that the designer of
21 that tool or test would say that it's only moderately
22 successful in its prediction rate?

23 A It is considered moderately successful, yes.

24 Q And I want to clear up something because I had it
25 written down two different ways. Is it 87 percent have

1 a score of 5 or below or below 5? Because I heard it
2 two different ways and I wanted to make sure I heard
3 that correctly.

4 A 81.4 percent of the sample has a score below a 5;
5 7.3 have a score of 5; 10.3 have a score above 5; so
6 89.7 have a 5 or below.

7 Q Okay. 89.7 percent have a 5 or below. And he had
8 a 5?

9 A Yes.

10 Q And then there were statistics given or percentages
11 19.6 percent reoffend within five years; 27.7 within ten
12 years?

13 A Yes.

14 Q And that's of that limited sample?

15 A It's of the group with a score of 5.

16 Q Okay. So that would be basically 2 out of 10 -- 2
17 out of 10 people would offend within five years; is that
18 19 -- rounding up 19.6 percent?

19 A Sure. It's roughly 20 percent.

20 Q Okay. You would agree with me that the research
21 indicates sex offenders are less likely to commit
22 further acts of sexual violence as they grow older?

23 A Sexual offenses in general. You know, I don't
24 think that the research says sexually violent in
25 particular. But sexual offending in general, yes.

1 Q And how old is Mr. McCoy?

2 A When I evaluated him, he was 55. So he's probably
3 56 now, I think.

4 Q Okay. You agree that you can't accurately predict
5 the future?

6 A I don't know. I mean, that would depend on your
7 term accurate or accurately.

8 Q Okay. Likely?

9 A Can I likely predict the future? Well, I mean, I
10 use the Static-99 which is moderately predictive. So
11 that would be higher than that threshold of likely which
12 is, you know, often seen as more likely than not. I'm
13 not sure if that's the term likely you want to use. In
14 the SVP law here, we use the definition of likely is to
15 such a degree as to pose a menace to the health and
16 safety of others. Can I predict the future with 100
17 percent certainty? Absolutely not.

18 Q Can you say with what percent certainty you can
19 predict it?

20 A I don't know that I can put a percentage on it.

21 Q But more likely than not?

22 A I think that the Static-99R, their statistics is
23 certainly to such a degree that it would be more likely
24 than not if it's correct if that's the way you want to
25 term it.

1 Q Your testimony is to help the jury make their
2 decision. They're the ultimate deciders?

3 A That's correct.

4 Q And I think you even put that in your report?

5 A Yes.

6 Q Okay. Last thing I want to talk about. You talked
7 to the probation -- you talked to the probation agent
8 that will be or that is assigned to monitor Mr. Wade
9 (sic) when he gets out. If he gets out.

10 A That's not entirely correct. I called and I asked,
11 can I talk to whoever is in charge of the sex offenders.
12 The routine that I follow. Because they typically --
13 they always direct me to somebody else when I ask that.
14 So other than the person who answers the phone, I don't
15 know that that will be the specific agent assigned to
16 him.

17 Q Okay. You spoke with someone with knowledge at the
18 probation office?

19 A That's correct.

20 Q And he has three years of probation?

21 A That's correct.

22 Q If he's released?

23 A Correct.

24 Q Life time GPS monitoring?

25 A Correct.

1 Q And Tier 3 requiring every three months he check in
2 and register on the South Carolina sex offender
3 registry?

4 A I have no knowledge what tier he will be placed at.

5 Q Okay. But he has to be on the sex offender
6 registry in addition to the GPS monitoring?

7 A Yes.

8 Q For a lifetime?

9 A Yes.

10 Q Okay. And actually, his release papers also
11 indicate that he would be referred to outpatient
12 treatment for sexual offending?

13 A I don't know about his release papers, but I was
14 told by the probation agent that they would refer him to
15 treatment likely or they could refer him to treatment.

16 Q I believe it's indicated on his sentencing sheet.
17 And it may or may not be. But it's your understanding
18 that that's what would happen?

19 A Yes, I believe he would be referred to treatment.

20 Q And he's already voluntarily gone to treatment
21 prior?

22 A Yes.

23 Q And he -- you're aware of his family support?

24 A Yes.

25 Q And if he messes up on probation, he has an

1 additional five years hanging over his head going back
2 to prison?

3 A He has a suspended sentence, so that's potential.

4 Q The potential is to do the remainder of the
5 sentence that wasn't suspended?

6 A Yes. Whatever the Judge would decide.

7 Q Thank you, Dr. Gehle. I have no further questions.

8 THE COURT: Redirect?

9 MR. BOGLE: No questions, Your Honor. Thank you.

10 THE COURT: All right. Dr. Gehle, you may come
11 down. Thank you very much.

12 All right. Ladies and gentlemen, we'll take our
13 lunch break at this time. I'm going to ask you be back
14 in the jury room at 2:30 at which time we will continue
15 with the trial and I'm relatively certain we can finish
16 this afternoon. But thank you very much. See you at
17 2:30.

18 Don't discuss the case among yourselves when you
19 return to the jury room or with anyone else during the
20 lunch hour, please. Stay seated until the jury leaves
21 the room.

22 (The jury left the courtroom)

23 THE COURT: Ms. Zmroczek, does your client intend to
24 present any evidence?

25 MS. ZMROCZEK: He does not, Your Honor.

1 THE COURT: I'd like to just hear him tell me that
2 if that's what -- Mr. McCoy, at this time, I need to
3 advise you of your rights to testify; do you understand
4 that?

5 MR. MCCOY: Yes, sir.

6 THE COURT: Under the Constitution of the United
7 States, no person is required to become a witness
8 against himself. That means that -- and you cannot be
9 required to testify. You have the right to testify.
10 You have the right not to testify. That's a right
11 that's entirely up to you. You may consult with your
12 attorneys, your family, and make that decision on your
13 own, but it has to be your decision. Not your
14 attorney's decision, but your decision whether or not to
15 testify.

16 I can tell you that if you do choose to testify,
17 that the State could bring up any impeachable evidence
18 that being evidence including your prior criminal
19 convictions and anything else that the State may bring
20 up that I felt is admissible evidence that may be used
21 against you.

22 I want you to be aware of those risks of testifying.
23 But as I say, it's entirely up to you. You have a right
24 to present any evidence you wish to present. Do you
25 understand what I've told you?

1 MR. MCCOY: Yes, Your Honor. I do.

2 THE COURT: Have you consulted with your attorney
3 whether you should testify or not?

4 MR. MCCOY: Yes, sir, I have. I don't want to
5 testify.

6 THE COURT: Sir?

7 MR. MCCOY: I don't want to testify.

8 THE COURT: All right. Well, I was going to give
9 you the lunch hour to make that decision, but if you
10 tell me now that you do not plan to testify and your
11 attorney tells me you do not plan to present any
12 evidence, then that -- then sobeit.

13 Will the State present any further evidence?

14 MR. BOGLE: No, Your Honor.

15 THE COURT: All right. So we'll be ready to argue
16 and charge to the jury at 2:30?

17 MR. BOGLE: Yes, Your Honor. If you like -- I mean,
18 I'd like to rest in front of the jury.

19 THE COURT: Absolutely.

20 MR. BOGLE: But we can take care of our posttrial
21 motions right now -- I mean, post State's case. Are we
22 in motions now or wait? I hate to bring them in, rest,
23 and send them back out.

24 THE COURT: Do you want to move for a directed
25 verdict at this time; is that what you're telling me?

1 MR. BOGLE: If that's going to be an issue, we can
2 deal with that now.

3 THE COURT: Let's deal with it now. Go ahead.

4 MR. BOGLE: Well, at this point the State would be
5 resting its case, Your Honor.

6 THE COURT: Yes. I'll let you rest in front of the
7 jury.

8 MR. BOGLE: Thank you.

9 THE COURT: Anything else?

10 MS. ZMROCZEK: Your Honor, we would move for a
11 directed verdict at this time.

12 THE COURT: All right. I think there's sufficient
13 evidence from which the jury could consider Mr. McCoy a
14 sexually violent predator. There's evidence of that in
15 the record. There's no conflicting evidence at this
16 time and I must respectfully deny your motion.

17 All right. 2:30.

18 MR. BOGLE: Yes, sir.

19 THE COURT: Okay.

20 (Lunch break)

21 THE COURT: Ms. Zmroczek, have you seen the proposed
22 jury form submitted by the State?

23 MS. ZMROCZEK: I have.

24 THE COURT: Any objection?

25 MS. ZMROCZEK: No.

1 THE COURT: All right. State will argue first and
2 the defendant will respond in a close?

3 MR. BOGLE: Yes, Your Honor. As I understand a
4 civil case, I can reply to her if she brings out
5 something new. But generally speaking --

6 THE COURT: Civil and criminal. Civil procedure and
7 criminal burden of proof.

8 MR. BOGLE: That's right.

9 THE COURT: All right. Ready for the jury?

10 MR. BOGLE: Yes, Your Honor.

11 THE COURT: Are you ready for the jury?

12 MS. ZMROCZEK: I'm ready. But do we need to talk
13 about charges -- are you going to charge the standard
14 charge that I gave you because I just want to make sure
15 because I'm going to argue the reasonable doubt that's
16 in that charge, so I wanted to make sure.

17 THE COURT: Well, if it's different -- I will tell
18 you, I inadvertently left my charge book at home. I
19 don't do that very often, but I had a set of proposed
20 charges from the State and one from you. Are they
21 different?

22 MS. ZMROCZEK: I believe they are a little bit, Your
23 Honor.. I cut and pasted from the Supreme Court website,
24 but --

25 THE COURT: Well, I understand.

1 MS. ZMROCZEK: -- it seems it's a little more
2 expansive than the State charges.

3 THE COURT: On -- on what issue?

4 MS. ZMROCZEK: On the definition section. And -- I
5 mean, just the way that the sexually violent predator
6 charge is laid out in the civil rules on the Supreme
7 Court website is a little different. It argues
8 reasonable doubt within after it defines the sexual
9 violent predator. I think those are the only
10 differences. Well, I didn't have the credibility and
11 the expert witness. I think I might have put the expert
12 witness in.

13 MR. BOGLE: Reasonable doubt charge that I have --

14 THE COURT: Is the one I use.

15 MR. BOGLE: Right. Hesitate to act in the first
16 program and further convinces in the second. It's
17 pretty much verbatim out of -- who did I say I got it
18 from? Judge Jefferson, Roger Young --

19 THE COURT: Well, you know, you don't have to quote
20 them to me.

21 MR. BOGLE: I like to give credit where it's due,
22 Judge.

23 THE COURT: What I'm trying to find out is Ms.
24 Zmroczek has submitted something different than what
25 you've submitted and we need to resolve that.

1 MR. BOGLE: Okay.

2 THE COURT: Have you looked at her proposal?

3 MR. BOGLE: I scanned it, Judge. I did not go over

4 --

5 THE COURT: Go to page 2, I think that's where she's
6 talking about.

7 MR. BOGLE: Page 2 of the sexually violent
8 predators?

9 THE COURT: Yeah, I think that's where she's -- in
10 the second paragraph she's talking about the burden of
11 proof. I think she's saying because beyond a reasonable
12 doubt -- prove beyond a reasonable doubt that the
13 respondents of the sexually violent predator; is that
14 where you're talking about?

15 MS. ZMROCZEK: Correct.

16 MR. BOGLE: I think that's pretty much what's in my
17 charge in different places. At the very beginning, on
18 page 1 of my introduction, the second paragraph talks
19 about satisfy each of you beyond a reasonable doubt that
20 he is a sexually violent predator. And that's repeated
21 three or four times in my charge.

22 THE COURT: Well, I'm going now to page 8. That is
23 your --

24 MR. BOGLE: I mention it there on page 7, I talk
25 about reasonable doubt.

1 THE COURT: I know that.

2 MR. BOGLE: And then on page 8, sexually violent
3 predator with the elements the State has to prove.

4 THE COURT: On page 9 you say, "In other words, the
5 State must prove beyond a reasonable doubt" --

6 MR. BOGLE: Right.

7 THE COURT: -- "that the individual ceases to commit
8 the service" -- are you not satisfied with that?

9 MS. ZMROCZEK: That's fine, Your Honor. But I would
10 like -- I know that they -- I have some definitions in
11 my charge that talk about the volition of serious
12 difficulty controlling his behavior. And I'd --

13 THE COURT: Show me what page.

14 MS. ZMROCZEK: On page 3. Just the three
15 definitions, sexually violent predator, mental
16 abnormality, and likely to engage in acts of sexual
17 violence.

18 MR. BOGLE: Mental abnormality and likely to engage
19 are defined in my charge. I think we copied it just out
20 of the Statute.

21 THE COURT: I'll give a charge and if you're
22 dissatisfied with it, I may recharge them.

23 MS. ZMROCZEK: Okay. Thank you.

24 MR. BOGLE: So as I understand the game plan, the
25 Court's going to come back in, I'll rest my case, she'll

1 rest her case, you begin your charge --

2 THE COURT: No.

3 MR. BOGLE: Then we'll do arguments. Arguments.

4 I'm sorry.

5 THE COURT: Right.

6 MS. BOGLE: I do have a preliminary matter. Ms.
7 Zmroczek has posters. I don't know if she wants to
8 present them to the jury or not. She showed them to me
9 during the break. And I told her I'd be objecting to
10 them in front of you.

11 THE COURT: Let's take care of that now.

12 MR. BOGLE: I don't know if she still intends to use
13 them or not.

14 MS. ZMROCZEK: Absolutely, Your Honor. I mean,
15 they're just demonstrative aids. One's a quote that I
16 can't remember. I can lean it up so I can read it.
17 They don't have to read it.

18 THE COURT: Right.

19 MS. ZMROCZEK: But my reasonable doubt chart is the
20 one that I use all the time, Your Honor.

21 THE COURT: I can't read it from here. I mean, what
22 is it? Just tell me.

23 MS. ZMROCZEK: I mean, it just -- for me,
24 demonstrates the varies of proof. What we say isn't
25 law, Your Honor, and you know that. And I know that.

1 But I think I'm allowed to use demonstrative evidence to
2 -- it's not going back to the jury, but to help to
3 explain.

4 THE COURT: Then it's not demonstrative evidence,
5 it's not evidence.

6 MR. BOGLE: It's not evidence.

7 MS. ZMROCZEK: No, it's not evidence at all. It's a
8 demonstrative aid, excuse me.

9 MR. BOGLE: It's also criminal. It refers to guilt
10 beyond a reasonable doubt and not guilty. And, Judge,
11 that is not what we're here for at all. This is a civil
12 commitment process.

13 THE COURT: I'll let you proffer that. But you
14 don't need to show it to the jury.

15 MS. ZMROCZEK: Okay.

16 MR. BOGLE: What's the other one?

17 MS. ZMROCZEK: I'm just going to lean them this way
18 so that I can see them. Okay.

19 MR. BOGLE: The other one --

20 THE COURT: You might distract Mr. Bogle if you turn
21 them around.

22 MR. BOGLE: Thank you, Your Honor. So neither chart
23 is shown to the jury; right?

24 THE COURT: Right. Anything else?

25 MR. BOGLE: From the State, no.

1 MS. ZMROCZEK: No.

2 THE COURT: All right. Bring the jury in, please.

3 Ms. Zmroczek you can rest in front of the jury also.

4 (The jury entered the courtroom)

5 THE COURT: All right. Ladies and gentlemen, Ms.

6 81.

7 MS. HYDRICK: Uh-huh.

8 THE COURT: How did I know that?

9 MS. HYDRICK: I don't know. Good memory.

10 THE COURT: Well, I had neglected to thank you for
11 agreeing to serve as foreperson of the jury. So, I do
12 that now and just know you're appreciated.

13 All right. Mr. Bogle?

14 MR. BOGLE: Thank you, Your Honor. May it please
15 the Court. At this time, the State would rest its case.

16 THE COURT: That's all the evidence the State
17 intends to present?

18 MR. BOGLE: That's correct.

19 THE COURT: All right. Ms. Zmroczek?

20 MS. ZMROCZEK: Your Honor, the respondent rests.

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, that's all of the evidence you're going to hear.
23 That's the State's case and as I told you earlier, the
24 defendant has no obligation or responsibility to present
25 any defense. The burden as I said is always on the

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1 State to prove their case.

2 So, now the remaining portion of the trial will
3 consist of the arguments or summations by the counsel
4 and my instructions to you on the law in the State of
5 South Carolina as it applies to this case. We'll now
6 begin with Mr. Bogle.

7 MR. BOGLE: Thank you, Your Honor. May it please
8 the Court. Ms. Zmroczek.

9 Okay. Here's where we are right now. In civil
10 cases, as you know, the State presents the case, we've
11 rested our case, we're done. The defense has also
12 rested their case and now it's your job. Now we have --
13 it's your job to consider the testimony you heard today
14 and also the exhibits introduced into evidence, the two
15 copies of the lewd act convictions, the sexually violent
16 convictions here in South Carolina.

17 Two words come to mind, can't stop. Can't stop.
18 Remember those words, first of all, coming from Dr.
19 Gehle's testimony. Here's what we have, the question
20 is, has the State proved to you beyond a reasonable
21 doubt the kind of doubt that leaves you firmly convinced
22 in your mind about something. Okay. The judge will
23 explain to you what beyond a reasonable doubt means.
24 The doubt that causes a reasonable person to hesitate to
25 act and have we met that burden of proof and I would

1 submit that we have.

2 What do we have to prove? First, has he been
3 convicted for the right kind of crime? Yes. Lewd act
4 on a minor child is a sexually violent crime here in
5 South Carolina. The next thing, does he have mental
6 abnormality? Yes. He's a pedophile. He has a sexual
7 interest to prepubescent children. And by his own words
8 to Dr. Gehle, I can't stop.

9 The next question and it's a little more difficult
10 is, does this mental condition, is it such a degree that
11 causes him serious difficulty in controlling his
12 behavior. Such that the kind of outpatient treatment he
13 might get if he's on probation is not enough. That he
14 has to be confined at a place run by the Department of
15 Mental Health specialized in treating sex offenders.
16 Because he had to be confined in a place what they call
17 long-term controlled, care, and treatment. That's the
18 question.

19 What are the examples of inability to control his
20 behavior? Well, it's hard to talk about his prison
21 time; yes, he wasn't cited for any disciplinary
22 infractions while in prison, that's a good sign. He
23 couldn't really get in trouble, this kind of trouble in
24 prison because here's where you use your common sense.
25 And we all know the number of prepubescent girls you're

1 going to see in the prison is probably zero.

2 But, what do we have? We have the conduct in
3 Alabama, high risk conduct. He offends against a little
4 girl with her mother right there. He offends against
5 little girls after she complains to her mother and her
6 mother confronts him. So to continue to act in an
7 illegal manner when he knows there's a really good
8 chance of getting caught. The little girl also she
9 knows him so she could identify him even if he hadn't
10 done it from the same house.

11 But let's talk about the present. We have the
12 crimes here in South Carolina. The little girl minding
13 her own business in a convenient store or a gas station
14 where her mother works and he comes up and starts
15 touching her under her clothing. Her mother is right
16 there. There is people right there that can see it
17 happen. That is risky behavior. Taking that kind of
18 chance knowing you could very easily be caught. You had
19 been to prison once, you go to prison again. And that
20 is the kind of risky behavior we're concerned about and
21 I think Dr. Gehle established that very clearly in her
22 testimony. It causes her concerns.

23 Now, Dr. Gehle is one of those people who because of
24 her training and experience as a forensic psychologist
25 was allow ed by the Court to give an opinion as to

1 whether or not he leased the criteria as a sexually
2 violent predator and should be civilly committed. And
3 that's what she did. She talked about the risk. She
4 talked about the different things she used to figure it
5 out. Remember the Static-99R that she used? That's a
6 scoring instrument. It's not the only thing. She made
7 it very clear, you don't just rely on that. You look at
8 other things as well and it's clear from her testimony
9 that she did.

10 But based upon scores done with thousands of sex
11 offenders, what did they come up with? A score of 5.
12 Where does that put him? She talked about his chances
13 of reoffending sexually five years out would be 19
14 percent. Almost 20 percent. Ten years out, by 21
15 percent or so. Okay. Now, that may seem like a low
16 number to you, but think a minute. Here is where your
17 common sense comes in. We're not talking about
18 reoffending by robbing a convenient store or shoplifting
19 something at a store, or stealing some lady's purse,
20 we're talking about sexual reoffending against a child.
21 That's a whole different ball game.

22 And another way to look at those numbers are, about
23 80 percent of the people scored a 5 or better than he
24 did. That kind of puts him in the top 20 percent if you
25 rely on those numbers alone. And it was clear that Dr.

1 Gehle did not.

2 What have we got? We've got the crimes. We've got
3 the mental abnormality. We've got his own admission
4 that he can't stop. What is it that sexually excites
5 him? Despite the fact that he's been in sex offender
6 treatment, what does he turn himself on to afterwards?
7 Prepubescent children. Young girls. A 15 year old girl
8 he's known since she was 9. We also have the strange
9 thing about the two children, S. and E. , I
10 think, how he really looked at the baby E. . Why?
11 Because she was a virgin. Why do you spend so much time
12 staring at her pubic area?

13 This is a man that is a high risk. This is a man
14 who fits the definition when they wrote this law, a
15 mentally abnormal and extremely dangerous group of
16 sexually violent predators. So the question is and I
17 leave it with you right now. The way this works in
18 civil cases, I get up and make my argument in full like
19 I'm doing now. You'll hear from Ms. Zmroczek next. If
20 she brings something brand new up, I can respond to it.
21 But this will probably be the last time you hear from
22 me.

23 I just ask you to remember the oath you took and
24 apply the facts you heard from that witness stand, and
25 the exhibits, you'll have back in the room, apply those

1 facts to the law the Judge will tell you about in a few
2 minutes and come back with a verdict. And the verdict
3 in this case, I think, is that the State has proven
4 beyond a reasonable doubt that this man can't stop. He
5 needs to be committed for long-term control, care, and
6 treatment. Would probation work? Or GPS work? GPS
7 tells you where you've been. Not what you do when you
8 get there.

9 Thank you. Your Honor.

10 THE COURT: Ms. Zmroczek?

11 MS. ZMROCZEK: Thank you, Your Honor. May it please
12 the Court.

13 Mr. Bogle said, two words come to mind. Two words
14 come to my mind. Thought please. Never -- I used to
15 teach high school before I went to law school. And went
16 to law school, never in a million years did I think I
17 would be standing in front of a group of 14 chambers and
18 saying words like "penetration" and "vagina." Because
19 those are words that, you know, we don't talk about.
20 You don't want to talk about those. You don't want to
21 hear about those. People don't like sex offenders. I'm
22 not asking you to like sex offenders.

23 Never in my 43 years did I think that I would be
24 facing a government that could say we can put you away
25 indeterminately because you might do something. That --

1 that kind of hysteria does nothing to serve justice.
2 Nothing. Well, there's sex offenders. He is a sex
3 offender. We told you that at the beginning. He's
4 never denied that. Has a mental abnormality. He hasn't
5 denied that. And what does he do? He fantasizes and he
6 masturbates. And I assure you that I never thought in a
7 million years I would stand up in front of 14 people and
8 say, I've masturbated. But does that mean that I can be
9 put away? No, I haven't done those other things. Or as
10 they say, haven't been caught or they don't know what my
11 thoughts are.

12 But what they're asking you to predict his behavior
13 based on a 15 year span, something that happened 15
14 years ago -- or actually now, 25 years ago and something
15 that happened after he did his ten year sentence.

16 It's moddable what the government is trying to do to
17 protect society. Sexually violent crimes are terrible.
18 And the worst of the worst, that's what this law was
19 created for. You heard the testimony. No penetration.
20 He looked. He looked and had thoughts. And you know
21 what he did, he told the doctor those. Even though the
22 last time he told the doctor some thoughts when he
23 sought treatment on his own, he got arrested for it.

24 But he's still being honest about his thoughts and
25 he is seeking treatment. And he will be monitored, GPS

1 globally for the rest of his life and registering on the
2 sex offender registry and has probation. And he
3 deserves all those things because that's what criminal
4 punishment is about. That's what our system is about.

5 Our system isn't about taking people who offend us
6 who we don't like and locking them away. It's not
7 taking people who have mental abnormalities or mental
8 illnesses and locking them away. That's not what our
9 system is about. Those are the dictatorship systems.
10 Those are the firing squads. And maybe you believe they
11 should be all shipped to an island. But if that's true,
12 then they should all be shipped to an island. We
13 shouldn't get to pick and choose.

14 But we use actuary. We use actuarial information.
15 Statistics. What are the statistics? These are
16 moderately accurate. Will Randal McCoy reoffend? Ask
17 again later. This is what they're asking you to do.
18 And we're talking about liberty for a criminal who has
19 done his sentence.

20 The burden of proof and the Judge will tell you what
21 the law is, so anything that we say that is different,
22 of course, listen to the Judge, but the burden of proof
23 is high. And it's high for a reason. Because it's the
24 most important rights. If the Legislature had their
25 way, we would just skip this part. But we don't.

1 Instead the Legislature writes in their own Statute for
2 their own and our own protection that you have to be
3 convinced. And you don't even have to worry about
4 wondering if he's had a sex offense. He has and you'll
5 get to read about it. And you'll get to read there's
6 one warrant, but two indictments. And that he touched
7 the back and the bottom of a girl and that was wrong.
8 And he received a substantial sentence for it. Didn't
9 go to trial. Took responsibility.

10 But guilt beyond a reasonable doubt applies not just
11 to the convictions and not just to the mental
12 abnormality, but it applies to likely to reoffend and
13 likely to be a danger of predator. A danger to this
14 society. And they want you to be so disgusted by his
15 thoughts that you keep him in. That's why that burden
16 is so high.

17 And if they prove to you that he's probably going to
18 reoffend, that's not good enough. That's not what the
19 standard is. And that standard is so high because the
20 stakes are so high for anybody who faces the loss of
21 liberty. And for anyone in our society who is subjected
22 to the laws of our government has the right to be
23 satisfied by a jury of his peers and to have you say, am
24 I convinced beyond a reasonable doubt that he's likely
25 to reoffend? But he's going to reoffend and that it's

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1 going to be a menace to society. Is he the worst of the
2 worst? That's the question you have to answer.

3 Benjamin Franklin said, they that can give up
4 essential liberty to obtain a temporary safety deserve
5 neither liberty nor safety. Putting people away based
6 on mad science does not deserve justice.

7 On behalf of myself, Mr. McCoy, and his family, we'd
8 like to thank y'all for your time. And hopefully when
9 the 12 of y'all go back there, you'll agree that he has
10 not been found to be a sexually violent predator, the
11 worst of the worst beyond a reasonable doubt. Thank
12 you.

13 THE COURT: Mr. Bogle?

14 MR. BOGLE: Nothing in reply, Your Honor. Thank
15 you.

16 THE COURT: All right. Ladies and gentlemen, let me
17 go over with you, I know you heard a lot about the law
18 and what the law is and what the law requires of us,
19 both myself, the attorneys, and the responsibility that
20 you have in this case. Let me review it with you for
21 just a few minutes in what are called my final
22 instructions to you on the law.

23 The petitioner, that is the State of South Carolina,
24 has brought this case under the Sexually Violent
25 Predator Act of South Carolina. The State seeks the

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1 civil commitment of a respondent for long-term care,
2 control, and treatment in a secure facility. This is
3 not a criminal proceeding seeking incarceration, but
4 rather a proceeding seeking civil commitment.

5 The State of South Carolina alleges or claims that
6 the respondent Randal Wade McCoy is a sexually violent
7 predator under the law. Respondent denies that -- Mr.
8 McCoy denies that he is a sexually violent predator and
9 that puts the burden of proof on the State of South
10 Carolina to prove by evidence sufficient to you beyond a
11 reasonable doubt that respondent is a sexually violent
12 predator.

13 If the State is unable to meet that burden of proof
14 as to one or more of the elements of this claim,
15 respondent is entitled to a finding that he's not a
16 sexually violent predator. In most civil cases, the
17 petitioner only has the burden of proving a fact is more
18 likely true than not true such by the greater weight of
19 the evidence or the preponderance of the evidence.
20 However, in this type of case, the State's burden of
21 proof must be more powerful than that. It must be
22 beyond a reasonable doubt.

23 Now, under the Constitution and laws of the State of
24 South Carolina, you are the sole finders of the facts in
25 this case. I may not intimate to you in anyway what I

1 might think about the claim in this case. You also are
2 the judges of the credibility and the believability of
3 the witnesses who have testified in passing upon the
4 credibility of the only witness that testified, that
5 being Dr. Gehle. You may take into consideration such
6 things as was her manner and appearance -- what was her
7 manner and appearance when she testified? Was she -- in
8 other words, was she straight forward or was she
9 hesitant in answering the questions? How did she come
10 to know the facts that she testified to? And what was
11 her ability to know these facts? Is there some reason
12 that she would want to give testimony which would help
13 or hurt one side or the other. In other words, was her
14 testimony biased or prejudiced and was the testimony of
15 that witness strengthened or weakened by any other
16 testimony that you might have heard.

17 You the jury may believe as much or as little of any
18 witnesses testimony that you think proper. You may
19 believe the testimony of one witness over several or
20 several over one. You may believe a part of the
21 testimony of a witness and disregard the testimony of --
22 the remaining testimony of that same witness. And you
23 do not determine truth by counting the number of
24 witnesses presented by either side.

25 The fact the testimony is not controverted does not

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1 mean you must accept and understand it as true and
2 undisputed. You must gauge the credibility of the
3 witness to determine the believability or truth of the
4 facts offered through that testimony. Keep in mind that
5 throughout this process, you have but one objective, to
6 seek the truth regardless of the source from which it
7 comes.

8 Now, the two types of evidence which are generally
9 presented during a trial and that is direct evidence and
10 circumstantial evidence. Direct evidence is primarily
11 the evidence that was presented in this trial is the
12 testimony of a person who claims to have actual
13 knowledge of a fact such as an eyewitness. It's
14 evidence which immediately establishes the main fact to
15 be proved. And circumstantial evidence on the other
16 hand is evidence of a proof of series or chain of facts
17 or circumstances indicating the existence of some fact.

18 But the law makes absolutely no distinction between
19 the weight or value to be given to either direct or
20 circumstantial evidence nor is a greater degree of
21 certainty required of circumstantial evidence than of
22 direct evidence.

23 Now, in ordinary cases, or dealing with witnesses in
24 cases, witnesses generally speaking are not allowed to
25 give opinion testimony to you. Witnesses that are

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1 called in most cases are fact witnesses. Some are
2 called expert witnesses. But most are fact witnesses
3 who talk to you about what they saw and what they heard
4 and that sort of thing. But in some cases, we have
5 testimony of an expert who has certain training and
6 skill and experience. And in those cases, experts are
7 allowed to give you a -- an opinion as to what their --
8 what they deduce from the facts that they have
9 considered.

10 But I will tell you that an expert's testimony is of
11 no greater value or weight than the weight of any other
12 testimony. You must consider the testimony of an expert
13 in the same manner as you do the testimony of any of the
14 witness and give it such a weight as you believe it is
15 to be entitled when you consider that with any other
16 evidence that may be presented during the case. The
17 testimony of an expert generally is given for the
18 purpose of helping you and not for the purpose of
19 controlling your judgment.

20 Now, the same constitution in law makes you the
21 finders of the facts makes me the Judge of the law as I
22 discussed with you earlier. You must accept as correct
23 the law as I charge you and accept it -- and apply it to
24 the evidence as you find it to reach a verdict. If
25 you -- if I should make an error in the law and I

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1 instruct -- as I instruct it to you, there will be
2 another time and another place and another court in
3 which that error can be considered and if necessary,
4 corrected. But for the purpose of this case today, you
5 must accept the law as I charge it. And in that regard,
6 I tell you that neither you nor I for that matter should
7 be concerned about what we think the law should be but
8 only concern ourselves and yourselves with what I charge
9 you the law is.

10 Well, what is a reasonable doubt? The lawyers have
11 talked to you about reasonable doubt. What's a
12 reasonable doubt at the law? A reasonable doubt is the
13 kind of doubt that would cause a reasonable person to
14 stop and hesitate before they do something. Let me
15 repeat that. A reasonable doubt, if you think about it,
16 is the kind of doubt that would make a reasonable person
17 hesitate to act or to do something.

18 Now, proof beyond a reasonable doubt is proof that
19 leaves you firmly convinced. There are few things in
20 this world that we know with absolute certainty and the
21 law does not require proof that overcomes every possible
22 doubt. What is required if based on your consideration
23 of the evidence you are firmly convinced that the
24 respondent is a sexually violent predator, then you must
25 return a verdict for the State. But on the other hand,

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1 if you think there's a real possibility that he is not a
2 sexually violent predator, you must give him the benefit
3 of the doubt and find the verdict for Mr. McCoy.

4 Reasonable doubt may arise from evidence that is in
5 the case from or from the lack of evidence or absence of
6 evidence in the case. But it's up to you, ladies and
7 gentlemen, to determine whether or not a reasonable
8 doubt exists in this case.

9 Now, the elements that the State must prove beyond a
10 reasonable doubt and must prove all the elements of this
11 crime -- I mean, this Statute beyond a reasonable doubt.
12 First that the respondent has been convicted of a
13 sexually violent offense. And you have the evidence of
14 the sexually violent offense that I charge you that lewd
15 act on a child under 16 is a sexually violent offense.

16 Two, that respondent suffers from a mental
17 abnormality or personality disorder that makes him
18 likely to engage in acts of sexually violent if not
19 confined in a secure facility for long-term care and
20 treatment.

21 Now, inheriting these two elements is that the State
22 must prove the requirement that respondent's mental
23 abnormality or personality disorder causes him serious
24 difficulty in controlling his behavior. In other words,
25 the State must prove to you beyond a reasonable doubt

1 that the individual that seeks to commit suffers from a
2 mental illness which he cannot sufficiently control
3 without the structure and care provided by a mental
4 health facility rendering him otherwise likely to
5 commitment a dangerous act.

6 In order for you to better understand the elements
7 of the State cause -- causes -- cause of action, I'm
8 going to define for you some of the terms that were just
9 used in the trial of this case.

10 Mental abnormality means a mental condition
11 affecting a person's emotional or volitional capacity
12 that predisposes a person to commit sexually violent
13 offenses. This mental abnormality or personality
14 disorder must cause the respondent serious difficulty in
15 controlling his behavior.

16 Second, likely to engage in acts of sexual violence
17 means the person's propensity to commit acts of sexual
18 violence is of such a degree as to pose a menace to the
19 health and safety of others so that he is a danger to
20 others. And again, and this is most important, I remind
21 you that the burden of proof is on the State to prove to
22 your satisfaction beyond a reasonable doubt that the
23 respondent has been convicted of a sexually violent
24 offense as I've instructed you and also suffers from a
25 mental abnormality or personality disorder that makes

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1 the respondent likely to engage in acts of sexual
2 violence if not confined to a secure facility for
3 long-term care and treatment.

4 If the State carries its burden of proof and
5 convinces you beyond a reasonable doubt as to each of
6 the two elements of this cause of actions, it is
7 entitled to a finding that the respondent is a sexually
8 violent predator. If the State does not meet the burden
9 of proof as to one or both of these elements, the
10 respondent is entitled to a finding that he is not a
11 sexually violent predator.

12 (Coughing interrupted the charge)

13 THE COURT: All right. Ladies and gentlemen, as I
14 said, I'm nearing the end of my charge. And I want you
15 to clearly understand that you are not partisans or
16 advocates for the State or for the respondent. You do
17 not serve as jurors to reward your friends or punish
18 your enemies. In this regard, you've been selected by
19 both the State and the respondent to be fair and
20 impartial jurors.

21 It is your duty by your joint deliberations to
22 determine the truth in this case, giving to the
23 respondent the benefit of every reasonable doubt on each
24 and every issue then to the facts which you determine to
25 be true you should take and apply the law which has been

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1 given to you by this Court and thus arrive at a verdict
2 that speaks the truth in this case.

3 In fact, the word verdict has a Latin derivative
4 which means, a true saying. Thus when you've
5 accomplished these responsibilities you will have
6 satisfied your oath and as juror you will discharge your
7 duty to this Court.

8 Two possible verdicts in this case, Madam Forelady,
9 and I'll send with you to the jury room a verdict form
10 which reads, has the State of South Carolina proven
11 beyond a reasonable doubt that Randal Wade McCoy is a
12 sexually violent predator under the South Carolina
13 Sexually Violent Predator Act.

14 We the jury unanimously answer the question as
15 follows: Yes, Randal McCoy is a sexually violent
16 predator; or no, Randal Wade McCoy is not a sexually
17 violent predator. Once you've reached that decision, if
18 you will sign and date the verdict form, knock on the
19 jury room door, we will receive your verdict.

20 All 12 of you must agree on a verdict. The
21 alternates will be released before you begin your
22 deliberations. In other words, your verdict must be
23 unanimous. Your verdict cannot be based on sympathy, or
24 passion, or prejudice, or emotion, or any other
25 consideration that's not in evidence in this case.

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1 All right. Ladies and gentlemen, I'm going to ask
2 you to return to the jury room at this time. Don't
3 begin your deliberations until the bailiff has brought
4 to you the evidence in this case and the verdict form at
5 which time you may begin your deliberations. Thank you
6 very much.

7 (The jury retires to the jury room to begin
8 deliberations)

9 THE COURT: Any exceptions to the charge from the
10 State?

11 MR. BOGLE: No, Your Honor. Thank you.

12 MS. ZMROCZEK: None, Your Honor.

13 THE COURT: All right. Any objection to releasing
14 the alternates?

15 MR. BOGLE: No objections.

16 MS. ZMROCZEK: No, Your Honor.

17 THE COURT: Bring the alternates.

18 Well, Ms. -- it's kind of hard to get used to
19 calling everybody by their numbers. Ms. 189, Mr. 172.

20 MS. FREEBERN: I'm 51.

21 MR. DESROCHER: And I'm 39.

22 THE COURT: You know what? Oh, I'm sorry. 39 and
23 51. I got my checkmarks mixed up. Thank you for your
24 service. You're going to be dismissed now. Check is in
25 the mail.

1 THE CLERK: As soon as we're finished for the week.

2 THE COURT: Well, the check will be in the mail.

3 But I do want to thank you for your service. I will
4 tell you that many, many, many times in trials, we need
5 alternates because -- even in a particular case like
6 today where we have weather problems, jurors sometimes
7 can't make it. You'd be surprised how many grandmothers
8 get sick. I think in Richland County we've got a rent a
9 grandmother that is always -- she's always available if
10 anybody needs to get out of jury service, they've got a
11 grandmother that's sick. But I joke about it a little
12 bit, but it is an important service that you render for
13 your county and your state.

14 So thank you very much, you're now excused to go and
15 good luck to both of you.

16 You want to take those two exhibits and verdict
17 form, please. All the counsel stand at ease until we
18 hear from the jury.

19 (Court is in recess)

20 THE COURT: Bailiff informs the Court the jury has
21 reached a verdict. Are you ready to proceed with the
22 verdict?

23 MR. BOGLE: Yes, Your Honor.

24 MS. ZMROCZEK: Yes, Your Honor.

25 THE COURT: All right. Bring the jury in, please.

VERDICT

1 (The jury enters the courtroom)

2 THE COURT: Has the jury reached a verdict?

3 THE FOREWOMAN: Yes, we have.

4 THE COURT: Will you hand it to the clerk, please.

5 Madam Clerk, will you publish the verdict, please.

6 THE CLERK: Your Honor, in the case of Case Number
7 2013-CP-02-02577, In The Matter of the Care and
8 Treatment of Randal Wade McCoy, we the jury unanimously
9 answer the question, yes, Randal Wade McCoy is a
10 sexually violent predator.

11 Is this still your verdict?

12 THE JURY: Yes.

13 THE COURT: Do you want to poll the verdict?

14 MS. ZMROCZEK: Yes, sir.

15 THE COURT: Madam Clerk, if you would poll the jury,
16 please.

17 THE CLERK: Number 180, William Todd, is this still
18 your verdict?

19 MR. TODD: Yes.

20 THE CLERK: 190, Addie Ware, is this still your
21 verdict?

22 MS. WARE: Yes.

23 THE CLERK: 176, David Tacchi, is this still your
24 verdict?

25 MR. TACCHI: Yes.

1 THE CLERK: 118, Jonathan Morrison, is this still
2 your verdict?

3 MR. MORRISON: Yes.

4 THE CLERK: 154, Donald Seeders, is this still your
5 verdict?

6 MR. SEEDERS: Yes.

7 THE CLERK: 126, Bernard Nora, is this still your
8 verdict?

9 MR. NORA: Yes.

10 THE CLERK: 88, Phillip Kimbrell, is this still your
11 verdict?

12 MR. KIMBRELL: Yes.

13 THE CLERK: 21, Jasmine Butler, is this still your
14 verdict?

15 MS. BUTLER: Yes..

16 THE CLERK: 63, Gene Hamilton, is this still your
17 verdict?

18 MR. HAMILTON: Yes.

19 THE CLERK: 81, Gail Hydrick, is this still your
20 verdict?

21 MS. HYDRICK: Yes.

22 THE CLERK: 19, Timothy Buchner, is this still your
23 verdict?

24 MR. BUCHNER: Yes.

25 THE CLERK: And, number 20, Wendy Buckner, is this

RULING OF THE COURT

1 still your verdict?

2 MS. BUCKNER: Yes.

3 THE COURT: All right. Ladies and gentlemen, thank.
4 You very much for your service. These are difficult
5 matters that must be decided in our community and I know
6 you've listened intently to the testimony and the
7 evidence in this case and deliberated and made a
8 unanimous decision. So I want to congratulate you on
9 your service -- thank you for your service.

10 Now, normally in a criminal case, the procedure
11 would be for the Court to sentence the defendant
12 immediately following a jury verdict. But this, as
13 we've indicated, this is a unique procedure in our law.
14 So at this time, Ms. Zmroczek, would you have your
15 client stand, please.

16 Mr. McCoy, I need to inform you the jury has found
17 you to be a sexually violent predator and according to
18 the Act -- the Sexually Violent Predator Act of the
19 State of South Carolina, I hereby now confine you to a
20 secure facility for long-term care, control -- long-term
21 control, care, and treatment. Good luck to you, sir.

22 MR. MCCOY: Thank you, sir.

23 MR. BOGLE: We have a proposed order, Your Honor,
24 whenever you're ready.

25 THE COURT: All right. Ladies and gentlemen of the

1 jury, that completes your service. Now the clerk tells
2 me that -- you going to pay extra this week?

3 THE CLERK: If I could give, yes, I would. Twenty
4 dollars a day.

5 THE COURT: Twenty dollars a day?

6 THE CLERK: Yes, sir.

7 THE COURT: In Richland County they pay them \$10 a
8 day. Y'all must be a wealthy county. Seriously, I know
9 it's not enough to compensate you for your service, but
10 your service is vital to the administration of justice
11 not only in this county, but in this state and this
12 nation.

13 And as I indicated earlier, in talking to the entire
14 jury panel, as a matter of fact, you were out of the
15 room when I thanked the rest of the venire, but your
16 role is so important to the administration of justice in
17 this county, this state, and this nation that your role
18 what you're doing today and yesterday was written into
19 the Constitution of the United States some 250 years
20 ago. And in every county, every state in this United
21 States, citizens are doing today what you're doing --
22 the same thing you're doing today and did yesterday.
23 They come, they attend, and they serve as jurors in our
24 community.

25 This is such an important part of our judicial

1 system that you don't really have to think very long to
2 think about the people who have sacrificed their lives
3 to preserve this system of justice in this country. So
4 it's an important role that you serve. I tell jurors
5 all the time that this system can do without me, can do
6 without these lawyers, but they can't do without you.
7 Thank you very much for your service. You're now
8 excused.

9 (The jury left the courtroom)

10 THE COURT: Any motions?

11 MS. ZMROCZEK: Your Honor, at this time we would ask
12 that the motion be set aside just based on the length of
13 time of deliberation and evidence presented.

14 THE COURT: All right. Well, I won't say that these
15 issues are not complicated, but I will say that they
16 only have one thing to consider and that is -- and the
17 testimony was not that long, we only had one witness.
18 So I respectfully deny your motion.

19 MR. BOGLE: If I could approach, Your Honor.

20 THE COURT: Yes, sir. You want to let Ms. Zmroczek
21 look at it?

22 MR. BOGLE: We've got a proposed commitment order.
23 Now, when I was preparing it, as you can see, I had to
24 alter the docket number at the top as I typed in 14
25 instead of 13. I can have a fresh one printed up and

1 emailed to the clerk for you in a few minutes or we can
2 go with what you've got.

3 THE COURT: It's not necessary.

4 MR. BOGLE: What we'll do is, I'll give a file copy
5 to the jail and I'll give them a contact number.
6 They're to call mental health to set up a time to bring
7 him. You can't just drive him down there. You have to
8 call ahead and set up a time. I'll give you the contact
9 number and a direct number to her line before we leave
10 today.

11 All right. Here's your order.

12 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN	)	CASE NO. 2013-CP-02-02577
IN THE MATTER OF THE CARE	)	
AND TREATMENT OF	)	RESPONDENTS MOTION TO QUASH
RANDAL WADE MCCOY,	)	
RESPONDENT.	)	
_____	)	

To: James R. Bogle, Jr., Esquire, Attorney for Petitioner.

You will please take notice that the Respondent moves before the Court to quash the testimony of Dr. Marie Gehle regarding her opinion on his status as a sexually violent predator. In support of this Motion the following is offered:

1. A jury in the instant matter will determine whether Respondent is a sexually violent predator. A sexually violent predator, which is defined by statute, is a person who 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." See S.C. Code Ann. Section 44-48-30 (1) (a) and (b). The State is only required to prove the required elements above, and by allowing Dr. Gehel to present opinions when her own report on page 19 of 20 states that her opinion is "limited by several factors."
2. Furthermore, relevant evidence is defined as "evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." SC.R.E. 401. As stated above, the testimony offered does not aid a juror in determining the criteria as to

whether Respondent satisfies the definition of a Sexually Violent Predator, and is irrelevant if the opinion and information is "limited by several factors."

- a. In the alternative, even if evidence regarding her opinion is relevant, such evidence should would cause unnecessary confusion and mislead the jury. "Although relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or by misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of evidence."

SC.R.E. 403. As stated above, the State is only required to prove Respondent has been convicted of a 1) sexually violent offense, and 2) has 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. See S.C. Code Ann. Section 44-48-30 (1) (a) and (b). Allowing evidence regarding Dr. Gehel's opinion allows for the State to prove their case on admitted limited evidence, which can potentially confuse and mislead the jury.

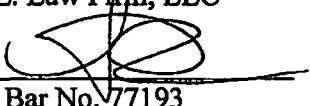
3. In addition, any testimony proffered as to Respondents meeting the definition of a Sexually Violent Predator from the State's witness, Marie E. Gehle, Psy.D. would be speculative. In this case, Dr. Gehle will be offered as an expert in forensic psychology and will discuss whether

Respondent meets the criteria to be admitted into the Sexually Violent Predator Treatment Program. The risk analysis testimony is likely to be misleading.

WHEREFORE, it is respectfully requested that this Court prohibit Dr. Gehel to offer an opinion as to the Respondent's criteria for admittance to the Sexually Violent Predator Program. Respondent would also seek any such relief as is just and proper.

Respectfully Submitted,

A.J.Z. Law Firm, LLC

By: 

S.C. Bar No. 77193

Post Office Box 11961

Columbia, South Carolina 29211

V: 803.400.1918

F: 803.403.8005

aimee@ajzlawfirm.com

Attorney for Respondent

February 23, 2015
Columbia, South Carolina

WITNESSES

Aiken County Sheriff

Mark Patterson

Law Enforcement Case #: 2008 70570

ARREST WARRANT NUMBER

09-DI02-0023

ACTION OF GRAND JURY

True Bill

[Signature]
Foreperson of Grand Jury
Date: May 14, 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-02-00903

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2009

THE STATE
vs.

RANDAL WADE MCCOY

CDR #: 2468

Indictment for

LEWD ACT UPON CHILD

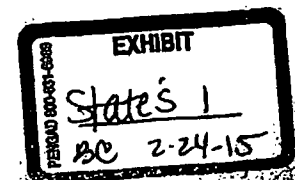
§ 16-15-0140

J. STROM THURMOND, SOLICITOR

FILED May 14 2009
[Signature]
C.C.P. & G.S.
[Signature]
Deputy Clerk

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, *[Signature]*, Clerk of Court of General Sessions and General
Sessions for Aiken County, South Carolina, do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this
17 day of February 2015
C.C.P. & G.S. *[Signature]*
Deputy Clerk

FILED February 24 2015
[Signature]
C.C.P. & G.S.
[Signature]
4:10 PM



STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

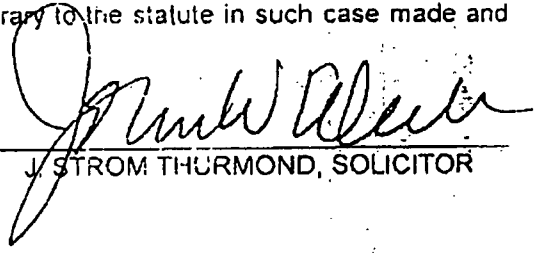
INDICTMENT FOR
LEWD ACT UPON CHILD

§ 16-15-0140

At a Court of General Sessions, convened on May 18, 2009, the Grand Jurors of Aiken County present upon their oath:

That RANDALL WADE MCCOY, being over the age of fourteen (14) years, did in Aiken County on or between April 1, 2008 and May 31, 2008, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of Minor 1
Minor 1, a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

280

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.

Randal Wade McCoy

AKA:

Race:

Sex: M

Age:

DOB:

SS#:

Address:

DL#:

SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-02-00903

A/W#: 09-DI02-0023

Date of Offense: 4/1/2008 - 5/31/2008

S.C. Code § 16-15-0140

CDR Code #: 2468

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Lewd Act. committing or attempting lewd act upon child under 16 (June 4, 1996)

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468.

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

ATTEST:

Solicitor

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed 3 years and/or to pay a fine of \$ 0; provided that upon the service of 0 days/months/years and/or payment of \$ 0; plus costs and assessments as applicable*; the balance is suspended with probation for 3 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: 09-65-02-00902☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ 0 plus 20% fee: \$ 0

Payment Terms:

☐ set by SCDPPPS

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 \$ 0 beginning\$ 0 paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

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)

§ 56-1-286 (DUI Breath Test)

§ 35.13 (Public Def/Prob)

§ 73.1, 1B TP (Law Enforce. Funding)

§ 33.7, 1B TP (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 36-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

§ 90.11 TP (SCCJA Surcharge)

TOTAL

Sharon Skipper
Clerk of Court/Deputy Clerk

Court Reporter:

Cheri Young

PRESIDING JUDGE

Judge Code: 01361

Sentence Date:

M. B. Early
June 15, 2009

WITNESSES

Aiken County Sheriff

Mark Patterson

Law Enforcement Case #: 2008 70570

ARREST WARRANT NUMBER

M005017

ACTION OF GRAND JURY

True Bill

[Signature]
 Foreperson of Grand Jury
 Date: May 14, 2009

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2009-GS-02-00902

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2009

THE STATE

VS.

RANDAL WADE MCCOY

CDR #: 2468

Indictment for

LEWD ACT UPON CHILD

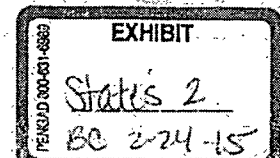
§ 16-15-0140

J. STROM THURMOND, SOLICITOR

FILED May 14 2009
[Signature]
 C.C.H. & G.S.
[Signature] 28
 Deputy Clerk

STATE OF SOUTH CAROLINA
 COUNTY OF AIKEN
 I, the Undersigned Clerk of Court, do hereby certify that the foregoing indictment is a true and correct copy of the original indictment which was filed in my office this
17 day of February 2009
[Signature]
 Clerk of Court

FILED February 24 2009
[Signature]
 J.C.C.P. & G.S.
[Signature] 4:10 pm



STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
)

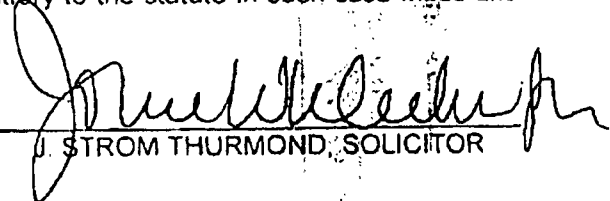
INDICTMENT FOR
LEWD ACT UPON CHILD

§ 16-15-0140

At a Court of General Sessions, convened on May 18, 2009, the Grand Jurors of Aiken County present upon their oath:

That RANDALL WADE MCCOY, being over the age of fourteen (14) years, did in Aiken County on or about December 19, 2008, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of Minor 1, a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Aiken
STATE VS.
Randal Wade McCoy
AKA: _____
Race: _____ Sex: M Age: _____
DOB: _____ SS#: _____
Address: _____
DL#: _____ SID#: _____

INDICTMENT/CASE#: 2009-GS-02-00902
A/W#: M005017
Date of Offense: 12/19/2008
S.C. Code § 16-15-0140
CDR Code #: 2468

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Lewd Act. committing or attempting lewd act upon child under 16 (June 4, 1996)
In violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC w/minor 1st or Lewd Act)
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 68453 SC Bar# _____ Defendant [Signature] Attorney for Defendant 71222 SC Bar# WABH

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ _____ plus 20% fec: \$ _____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____
*Fine: \$ _____
§ 14-1-206 (Assessments 107.5 %) \$ _____
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____
§ 56-5-2995 (DUI Assessment) \$12 \$ _____
§ 56-1-286 (DUI Breath Test) \$25 \$ _____
§ 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) \$ 3.90
§ 90.11 TP (SCJA Surcharge) \$5 \$ 5.00
TOTAL \$ 133.90

_____ 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: No contact w/ victim or
her family
☐ Appointed PD or appointed other counsel § 35.13 TP
Requires \$500 be paid to Clerk during probation.

[Signature] Clerk of Court/Deputy Clerk
Court Reporter: Cheri Young

PRESIDING JUDGE [Signature]
Judge Code: 01561
Sentence Date: Jan 15, 2009

ARREST WARRANT

M-005017

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Aiken

THE STATE

08070570

against

Randal Wade McCooy

Address:

Phone: _____ SSN: _____
 Sex: M Race: W Height: 6 2 Weight: 220
 DL State: SC DL #: _____

DOB: _____ Agency ORI #: SC0020000Prosecuting Agency: Aiken County SheriffProsecuting Officer: Mark Patterson - 5632Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)Offense Code: 2468Code/Ordinance Sec: 16-15-0140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
 defendant Randal McCoy
 on 12/19/08

Signature of Court/Clerk Enforcement Officer

RETURN WARRANT TO:

Aiken County Bond Court
 435 Wire Road
 Aiken, SC 29801

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Aiken

AFFIDAVIT

ORIGINAL

Form Approved by
 S.C. Attorney General
 April 21, 2003
 SCCA 518

Personally appeared before me the affiant Mark Patterson whobeing duly sworn deposes and says that defendant Randal Wade McCooydid within this county and state on or about 12/19/2008

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 19, 2008 in the city/county of Aiken, one Randal Wade McCooy did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of victim, a person under sixteen years of age, on his back under the back of her shirt and begin rubbing her back and rubbing her buttocks with the intent of arousing. The defendant is over the age of fourteen years. This being a violation of South Carolina code of law.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North EastAiken, SC 29801-Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/19/2008 defendant Randal Wade McCooy

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of AikenDESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 12/19/2008Signature of Issuing Judge Carolyn Phinicky Neal (S.)Judge Code: 5849Judge's Address Savannah River Research ParkAiken, SC 29803-Judge's Telephone (803)652-7227Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

BAIL set by

Judge

on

Type and Amount.

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

COUNTY OF AIKEN

IN THE MATTER OF THE CARE AND TREATMENT OF
RANDAL WADE MCCOY, A/K/A RANDALL WADE MCCOY

Plaintiff(s)

vs.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2013-CP - 02-02577

(Please Print)

Submitted By: James G. Bogle, Jr.

Address: Office of the Attorney General

P.O. Box 11549

Columbia, SC 29211

SC Bar #: 755

Telephone #: 803-734-1173

Fax #: 803-734-6679

Other:

E-mail: jbogle@scag.gov

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete this section.

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts: ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 -CP- ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Label (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	CCCP & G.A. Administrative ☐ Chain of Liability (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Other (799)	Administrative Law/Relief ☐ Reinstate Driver's License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCIDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Commission (990) ☐ Employment Security Comm (991) ☐ Other (999)
Special/Complex/Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☒ Sexual Predator (510)		

Submitting Party Signature:

Date: NOVEMBER 5, 2013

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE)
AND TREATMENT OF:)

CIVIL ACTION NO. 2013-CP-02-02577

RANDAL WADE McCOY, A/K/A)
RANDALL WADE McCOY.)
RESPONDENT.)

PETITION PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR
ACT

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (SCDC), having determined that Respondent, Randal Wade McCoy, A/K/A Randall Wade McCoy (hereafter, 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 June 11, 2014.** His Inmate No. is 335349, and his date of birth is:

The Multi-Disciplinary Team (MDT) on September 19, 2013 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 October 18, 2013 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

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Gohari, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office; this

NOV 12 2013

C.C.C.P. & G.A., Aiken County, S.C.

Deputy Clerk

as defined by S.C. Code Ann. Section 44-48-30 (1), to wit:

QUALIFYING CONVICTIONS (EXHIBIT C):

- A. Type of convictions: Lewd Act on a Child Under 16 (2 counts).
- B. Date of convictions: on or about June 15, 2009.
- C. Trial or plea: guilty pleas in Aiken County.
- D. Sentence received: 15 years, suspended to 10 years with 3 years' probation for each count.
- E. Original charges: Lewd Act on a Child (1 count, on or about December 19, 2008), and Lewd Act on a Child (1 count, May 2009).
- F. Brief facts:

Victim 1: 8-year-old Female/Acquaintance.

Respondent was a regular customer where Victim 1's mother worked. The mother reported to law enforcement that she had noticed her daughter had a scared look on her face when Respondent was standing next to her daughter in the store. When Respondent left the store, she asked her daughter if Respondent had done anything to her, and Victim 1 told her Respondent had placed his hand underneath her shirt and had rubbed her back. He had also rubbed her buttocks and her legs outside of her clothing. Victim 1 reported that this incident had not been the first time Respondent had done these things to her.

When interviewed by police, Respondent admitted that the incident had happened, and admitted to being a pedophile and fantasizing about prepubescent females, preferably 10 year olds. Respondent also stated he was a registered sex offender.

In a follow-up interview with Victim 1, she remained consistent in her statements about what Respondent had done to her. She was unable to recall the number of times these incidents took place. However, she stated that on one occasion Respondent had touched her underneath her shorts, but on top of her underwear.

PRIOR/OTHER SEXUALLY VIOLENT OFFENSES AND/OR CONVICTIONS:

- A. Types of convictions: Sexual Abuse in the First Degree (4 counts, Coffee County, Alabama).
- B. Date of convictions: on or about January 10, 1994.
- C. Trial or plea: guilty pleas in Coffee County, Alabama.
- D. Sentence received: 5 years.

E. Original Charges: Sexual Abuse, First Degree (3 counts); the arrest date was on or about May 21, 1993 in Alabama.

F. Max-out date: Not available.

G. Brief Facts:

Victim 2: 10 year-old-Female.

On or about April 19, 1993, authorities in Enterprise, Alabama (Coffee County) were contacted by a mental health therapist at River Oaks Psychiatric Hospital in New Orleans, who reported that during a therapy session with Respondent he had disclosed that he had sexually molested a 10-year-old girl in Enterprise on several occasions. When interviewed, Respondent appears to have admitted sexually offending against at least 4 girls, aged from infant to 12 or 13 years old.

Records were provided by the Coffee County District Attorney's Office. Attached as **EXHIBIT D** is a copy of what appears to be extracts from Respondent's records at River Oaks, including written materials by him about his sexual urges toward young girls. Attached as **EXHIBIT E** are Sentencing Order, arrest warrants, investigation materials, and victim/witness/defendant interviews from the Alabama convictions.

PRIOR/OTHER OFFENSES (OTHER THAN SEXUAL, if known):

None.

SCDC RECORDS: No record of disciplinary infractions.

SEX OFFENDER TREATMENT WHILE AT SCDC:

None on file.

GENERAL NOTES:

SCDC records indicate that during a meeting with Respondent on or about August 26, 2013, Respondent reported to authorities in South Carolina a prior history of mental health services at River Oaks Psychiatric Hospital in Louisiana for sexual addiction. He reported participating in six weeks of in-patient treatment, and two-weeks of outpatient treatment (**EXHIBIT F**). See **EXHIBIT D**, *supra*.

Risk Factors common to sex offenders present here: (1) never legally married or never lived with lover for at least two years, (2) not

related to victims, (3) prior sexual convictions, (4) length of sexual offending history one to six years, (5) offense committed in a public place, (6) multiple victims, and (7) victims age 11 or younger.

(a) 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.

(b) 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, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilic Disorder** 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 G**).

ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilic Disorder** are:

A. Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners

(EXHIBIT H).

- 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 2009 convictions for Lewd Act on a Child Under 16 (**EXHIBIT C, *supra***).
 - B. The basis of his treatment records and disclosures at the psychiatric hospital in New Orleans in about 1993 (**EXHIBIT D and F**).
 - C. The basis of his 1994 convictions in Alabama for Sexual Abuse in the First Degree (**EXHIBIT E**).
- iii. The facts of the Respondent's offenses indicate the existence of a mental abnormality in that they could involve recurrent sexual urges, or behaviors involving an underage child occurring over a period of at least six months.
- iv. Attached is Respondent's NCIC report (**EXHIBIT I**).

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

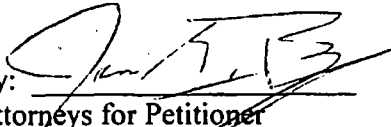
1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, but only if he is not already in 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 as to whether Respondent is 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

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) 734-1173
F: (803) 734-6679
jbogle@scag.gov

November 5, 2013
Columbia, South Carolina

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

A

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina, do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

NOV 12 2013

Liz Godard

C.C.C.P. & G.A., Aiken County, S.C.

Anita Knoepfle

Deputy Clerk

SEXUAL PREDATOR REFERRAL FORM

Offender Name: RANDAL WADE MCCOY Offender Number: 335349 Jurisdictional Agency: SCDC
 Age: County: AIKEN Qualifying Offense(s): Guilty Plea: Trial:
 Gender: Male No. of Incarcerations: 2 Lewd Act on Child Under 16 (2 counts)

Adult 15 years suspended to 10 years Parole Eligibility Max-Out
 Sentence: with 3 years probation Date: Date: 06/11/2014
 Juvenile Parole SFII
 Guidelines: Release Date: Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
4	0	0

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

[Signature] SCDC -- CHAIRPERSON
[Signature] SCDPPS
[Signature] DMH
[Signature] JDG
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on September 19, 2013, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

B

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

NOV 12 2013

CCC.P. & G. A., Aiken County, S.C.

Deputy Clerk

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

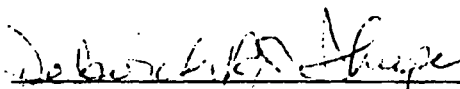
INMATE NAME:	INMATE NUMBER:	PRC REVIEW DATE:
BILLY JOE MORRIS	246938	OCTOBER 18, 2013 MEMBERS PRESENT: John McIntosh for Alan Wilson David M. Stumbo via telephone Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: SEPTEMBER 23, 2013

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

C

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

NOV 12 2013

Liz Godard *830*
C.C.P. & G. A., Aiken County, S.C.

Anita Knoerle
Deputy Clerk

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.Randal Wade McCoy

AKA: _____

Race: W Sex: M Age: _____DOB: [REDACTED] SS#: [REDACTED]

Address: _____

DL#: [REDACTED] SID#: _____

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-02-00902A/W#: M005017Date of Offense: 12/19/2008S.C. Code § 16-15-0140CDR Code #: 2468

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Lewd Act. committing or attempting lewd act upon child under 16 (June 4, 1996)in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 8/15/3 [Signature] [Signature]
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of 10 days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: \$ _____

§ 14-1-206 (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

§ 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) \$ 3.90§ 90.11 TP (SCCJA Surcharge) \$5 \$ 5.00TOTAL \$ 133.90[Signature]

Clark of Court/ Deputy Clerk

Court Reporter: Cheri Young

_____ 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: No contact w/ victim orper privacy☐ Appointed PD or appointed other counsel, §35.13 TP

Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE [Signature]Judge Code: 0136Sentence Date: Jan 15, 2009

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE VS.Randal Wade McCoy

AKA:

Race: 2 Sex: M Age: DOB: SS#: Address: DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2009-GS-02-00903A/W#: 09-DI02-0023Date of Offense: 4/1/2008 - 5/31/2008S.C. Code § 16-15-0140CDR Code #: 2468

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Lewd Act. committing or attempting lewd act upon child under 16 (June 4, 1996)in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☒ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Randal Wade McCoy 68163
Solicitor SC Bar# Defendant Attorney for Defendant SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 15 days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for 3
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: 09-GS-02-00902☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ set by SCDPPPS days/hours Public Service EmploymentObtain GED Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender Fund Other: ☐ Appointed PD or appointed other counsel §35.13 TP
Requires \$500 be paid to Clerk during probation.PRESIDING JUDGE Judge Code: 01361Sentence Date: June 15, 2009Recipient:

*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)

§ 56-1-286 (DUI Breath Test)

§ 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)

§ 90.11 TP (SCCJA Surcharge)

TOTAL

Court Reporter: Cheri Young

Clerk of Court/Deputy Clerk

WITNESSES

Aiken County Sheriff
Mark Patterson

Law Enforcement Case #: 2008 70570

ARREST WARRANT NUMBER

05017

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: May 14, 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-02-00902

The State of South Carolina
County of Aiken

COURT OF GENERAL SESSIONS
MAY TERM 2009

THE STATE
vs.
RANDAL WADE MCCOY

CDR #: 2468

Indictment for

LEWD ACT UPON CHILD
§ 16-15-0140

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

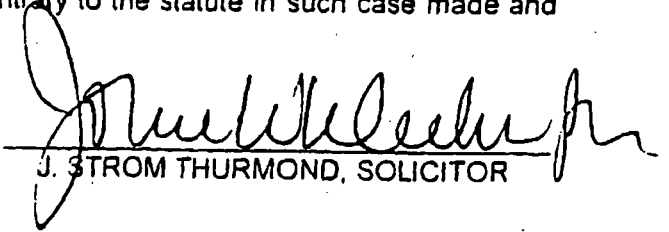
INDICTMENT FOR
LEWD ACT UPON CHILD

§ 16-15-0140

At a Court of General Sessions, convened on May 18, 2009, the Grand Jurors of Aiken County present upon their oath:

That RANDALL WADE MCCOY, being over the age of fourteen (14) years, did in Aiken County on or about December 19, 2008, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of ^{Mino} _{r 1} a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR

WITNESSES

Aiken County Sheriff

Mark Patterson

Law Enforcement Case # 2008 70570

ARREST WARRANT NUMBER

CS-DI02-0023

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: May 14, 2009

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2009-GS-02-00903

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MAY TERM 2009

THE STATE
vs.

RANDAL WADE MCCOY

CDR #: 2468

Indictment for

LEWD ACT UPON CHILD

§ 16-15-0140

J. STROM THURMOND, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF AIKEN)
)

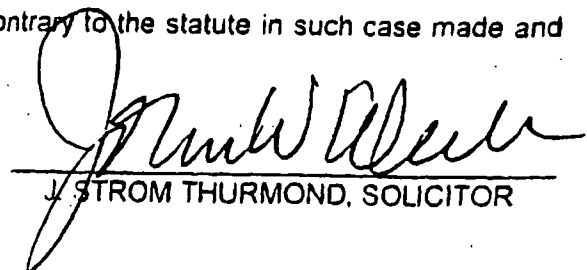
INDICTMENT FOR
 LEWD ACT UPON CHILD

§ 16-15-0140

At a Court of General Sessions, convened on May 18, 2009, the Grand Jurors of Aiken County present upon their oath:

That RANDALL WADE MCCOY, being over the age of fourteen (14) years, did in Aiken County on or between April 1, 2008 and May 31, 2008, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of ^{Minor 1} a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


 J. STROM THURMOND, SOLICITOR

M-005017

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Aiken

THE STATE

08070570

against

Randal Wade McCoy

Address

Phone: SSN: [REDACTED]
Sex: M Race: W Height: 6 2 Weight: 220

DL State: SC DL #: [REDACTED]
B. [REDACTED] Agency ORI #: SC0020000

Prosecuting Agency: Aiken County Sheriff

Prosecuting Officer: Mark Patterson - 5632

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Randal McCoy

in 12/19/08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Aiken County Bond Court

435 Wire Road

Aiken, SC 29801

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

Aiken

Personally appeared before me the affiant Mark Patterson

who

being duly sworn deposes and says that defendant Randal Wade McCoy

did within this county and state on or about 12/19/2008 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Aiken)

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on December 19, 2008 in the city/county of Aiken, one Randal Wade McCoy did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of victim, a person under sixteen years of age, by placing his hand under the back of her shirt and begin rubbing her back and rubbing her buttocks with the intent of arousing. The defendant is over the age of fourteen years. This being a violation of South Carolina code of law.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Aiken

Affiant's Address 420 Hampton Avenue North East

Aiken, SC 29801-

Affiant's Telephone (803)642-1763

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 12/19/2008 defendant Randal Wade McCoy

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Aiken) as set forth below

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Sworn to and subscribed before me

on 12/19/2008

Signature of Issuing Judge Carolyn Phinicky Neal

Judge Code: 5849

Judge's Address Savannah River Research Park

Aiken, SC 29803-

Judge's Telephone (803)652-7227

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

S.C. Attorney General's
April 21, 2003
SCCA 518

ORIGINAL

ORIGINAL



Aiken County Sheriff's Office

Investigative Summary Report

Case Number	Defendant Name	Offense
08-070570	McCoy, Randall Wade	Lewd Act on a Child Under 18

On 12/19/08 Deputy Aubuchon, a sworn deputy of the Aiken County Sheriff's Office responded to the Montmorenci Junction store at 3049 Charleston Highway, Montmorenci, SC within the County of Aiken for the report of a sexual assault. Upon his arrival he advised that the defendant Randall McCoy rubbed the 8 year old back under her shirt and then rubbed her buttocks and leg outside her pants.

Minor 1

On 12/19/08 Investigator Mark Patterson, a sworn deputy of the Aiken County Sheriff's Office conducted an interview with Randall McCoy after advising him of his Miranda Rights. He admitted to rubbing back under her shirt and rubbing her buttocks. He further stated that he knows that he is a pedophile and that he is currently a registered sex offender.

Minor 1

On 11/22/08 Investigator Patterson obtained warrant M-005017 (Lewd Act on a Child Under 18) for Randall McCoy from Judge Neal. The warrant was served on Randall McCoy at ACDC.

Officer Signature	Employee Number	Date
	5632	122608

AGENCY I.D.
SC0020000

A Protective
SUPPLEMENTAL INCIDENT REPORT

08

070570

NO.

EXTD

☐ ORIGINAL REPORT
☐ MODIFIED ORIGINAL

☐ SUPPLEMENTAL REPORT
☐ CASE STATUS CHANGE

☐ ADDITIONAL VICTIMS
☐ ADDITIONAL OFFENDERS

☐ ADDITIONAL STOLEN PROPERTY
☐ ADDITIONAL RECOVERED PROPERTY

PAGE 1 OF 2 PAGES

VICTIM/SUBJECT I.D. OVERFLOW	NAME (LAST, FIRST, MIDDLE) Minor 1		VICTIM/ADDED TO BUREAU		REASON	AGE	SEX	DOB	ETH
	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL ABILITIES ETC.					
	405	068	BLN	BLU					
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE	
				SC		82 C-4			
VICTIM/SUBJECT I.D. OVERFLOW	NAME (LAST, FIRST, MIDDLE) Minor 3		VICTIM/ADDED TO BUREAU		REASON	AGE	SEX	DOB	ETH
	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL ABILITIES ETC.					
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE	
	VICTIM NO. 1: VISIBLE INJURY ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNKNOWN		TWO MAN VEHICLE ☐ DETECTIVE/PLASBY ☐ ALONE		ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED
EXPLAIN				CRUISE ☐ NO ☐ YES TYPE ☐ UNKNOWN					
SUBJECT NO. 1: USING ALCOHOL ☐ NO ☐ YES		USING CRUISE ☐ NO ☐ YES ☐ TYPE ☐ UNKNOWN							

VICTIM/SUBJECT I.D. OVERFLOW	NAME (LAST, FIRST, MIDDLE) Minor 1		VICTIM/ADDED TO BUREAU		REASON	AGE	SEX	DOB	ETH
	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL ABILITIES ETC.					
	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE	
	VICTIM NO. 1: VISIBLE INJURY ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES		VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNKNOWN		TWO MAN VEHICLE ☐ DETECTIVE/PLASBY ☐ ALONE		ONE MAN VEHICLE ☐ OTHER ☐ ASSISTED
EXPLAIN				CRUISE ☐ NO ☐ YES TYPE ☐ UNKNOWN					
SUBJECT NO. 1: USING ALCOHOL ☐ NO ☐ YES		USING CRUISE ☐ NO ☐ YES ☐ TYPE ☐ UNKNOWN							

NARRATIVE

R/O met with comp (Minor 1) and vic (Minor 1). Comp stated that she is an employee at the Montmorency Junction and that a regular customer by the name of Randall is on the sex offender registry. Comp stated that on listed date and time, the sub (Randall) came into the store where she was working. Comp stated that the (Minor 1) was standing at the end of the counter drawing when the sub came into the store. Comp stated she got distracted helping other customers, and that when she looked over at the (Minor 1) she had a very scared look on her face and the sub was standing right against the (Minor 1). Comp stated that after the sub left the (Minor 1) she pulled the (Minor 1) into a back stock room and asked her if the sub had done anything to her. Comp and (Minor 1) both stated that when the sub was standing behind the vic, he placed his hand under the vic's shirt and rubbed her back. The vic also stated that the sub rubbed her buttock and legs from the outside of her jeans. (Minor 1) also stated that this was not the first time that the sub had done these things to her inside the store. R/O also spoke with witness (Minor 1) who stated she also witnessed (Minor 1).

JURISDICTION OF TRAFFIC LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEHICLE/ETC 1	STATUS	TYPE	VEHICLE LICENSE NO.	BODY MAKE AND MODEL YEAR
	☐ STOLEN	☐ VEHICLE	MODEL MAKE AND MODEL YEAR	STATE
	☐ RECOVERED	☐ GUN	YEAR OF RECONSTRUCTION	YEAR OF EXPIRATION
	☐ FOUND	☐ BOAT	YEAR	MAKE
	☐ TOWED	☐ LICENSE PLATE	MODEL	TYPE
☐ SUSPECT	☐ SECURITY/RECORDS	COLOR	SEARS NAME	CALIBER
☐ VICTIM	☐ ARTICLE	NO. NO.	DESCRIPTION	DATE
		UNRECORDED		SECURITY DATE

PROPERTY EST.	TYPE							TOTAL VALUE
	STOLEN							
	DAMAGED							
	RECOVERED							
	SEIZED							

ADMINISTRATIVE	SUBJECT CERTIFIED ☐ YES ☐ NO	SUBJECT LOCATED ☐ YES ☐ NO	ACTIVE ☐ ADJ. RECORD ☐ UNFOUNDED	ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. NO PROSECUTION 3. EXTRACTOR ORDER 4. VICTIM DECLINES COOPERATION 5. JUVENILE - NO CUSTODY				
	REPORTING OFFICER	DATE	JURY NUMBER	APPROVING OFFICER	DATE
	J. Aubuchon	12/19/2008	5344	LT Abdulh	12/19/08
	FOLLOWUP INVESTIGATION ☐ YES ☐ NO		OFFICER		

PAGE 2 OF 2 PAGES

Juv

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

08-070570

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY Page 1 of 1 Pages
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Incident Type	Sexual Assault	Date:	121908	Time	0915
Victim's Name	Minor 1	Subject Name:	McCoy, Randall		

On 12/19/08 Dep. Aubuchon met with the comp. S. G. who stated that she is an employee at the Montmorenci Junction store and that a regular customer by the name of Randall who is a sex offender came into the store where she was working. She stated that her daughter the victim was at the end of the counter drawing and when she looked over had a very scared look on her face. She stated that told her that Randall placed his hand under her shirt and rubbed her back and rubbed her on the buttocks and leg outside of her jeans. stated this is not the first time this has happened with this person while she was at the store. A witness Brenda Airington stated that she observed Randall place his hands over eyes and Mrs. Airington told him to remove his hands. Dep. Aubuchon obtained the video from the store, completed a chain of custody to place it into evidence. Dep. Aubuchon obtained a written statement from Mrs. Airington and Mrs. Glover.

On 12/19/08 I/O made contact with Randall McCoy at Graves Auto Salvage. He agreed to come to ACSO for an interview. Upon his arrival to ACSO I/O advised him of his Miranda Rights and conducted an interview. During the interview Mr. McCoy stated that he had been at the Montmorenci Junction and that he had placed his hands under the shirt of and rubbed her back and that he had patted her on the buttocks that may have been more of a rub. He stated that he is a pedophile and prefers females the age of 10 but that he could have been attempting to groom the victim. He stated that he has attempted to view child pornography on the internet without success and that he had fantasized about prepubescent females. A CAC interview was conducted with Child Advocacy Center where she disclosed that Randall had placed his hands under her shirt and rubbed her back and rubbed her leg outside her pants. Randall McCoy was placed into custody and transported to ACDC. I/O obtained warrant M-005017 Lewd Act on a Child Under 16 from Judge Neal. The warrant was served on Randall McCoy at ACDC.

12/26/08 Case Closed Arrested Over 18.

SUBJECT IDENTIFIED YES ☒ NO ☐		SUBJECT LOCATED YES ☒ NO ☐		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☒ ARRESTED UNDER 18 ☐ ARRESTED 18 & OVER		☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER			
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Prosecution ☐ Juvenile No Custody											
REPORTING OFFICER		DATE		UNIT #		APPROVING OFFICER		DATE		UNIT #	
Inv. Mark Patterson		12/26/08		5632		12/26/08		12/26/08		5632	
Follow up ☐ Yes ☐ No ☐ Officer											

Aiken County Sheriff's Office

08-0705

VOLUNTARY STATEMENT

Time: 12:18 Date: 12/19/08

Page 1 of 1 page

Location where statement was obtained:

Montmorency Station

Name: Brenda A. Smith Date of Birth: [REDACTED]

SSN: [REDACTED]

Address: [REDACTED] City: [REDACTED]

State: SC Zip: [REDACTED]

I completed the 10 grade in school, and I CAN/CANNOT read and write. (Circle one)

On Dec 19 About 7:15 or 7:30
 I came in the store to see [REDACTED]
 [REDACTED] and I stood around by
 her daughter. [REDACTED] was
 drawing a gun named Ramon
 came up and was talking to [REDACTED]
 very close to Taylor. I do not
 believe he put his hands
 over her. [REDACTED] told Ramon to move
 his hands. He was [REDACTED]
 extremely close to Taylor. He
 was looking on her.

I have read or have had read to me this statement consisting of 1 page(s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement.
 This statement was completed at 10:25 a.m./p.m. on 19th day of Dec, 2008

Signature of person giving voluntary statement

Witness

Witness

I have been given a copy of this statement consisting of 1 pages.

Initials of person making statement: BA

Aiken County Sheriff's Office

26-070570

VOLUNTARY STATEMENT

Time: 9:30 Date: 12/19/08Page 1 of 1 pages

Location where statement was obtained:

Montmorency JunctionName: S. G.Date of Birth: [REDACTED]SN: [REDACTED]Address: [REDACTED] CITY: [REDACTED]State: SC Zip: [REDACTED]I completed the 11th grade in school, and I CAN/CANNOT read and write. (Circle one)

I was working at cash register ringing a customer when Randall came in my daughter (Minor) was sitting at the end of the counter he came up behind her standing so close we was almost pressing up to her. I seen a look on her face like help me so I sent my friend Brenda who had come in down where my daughter was sitting and he back off. Then when he left she told me that he had run his hand up the inside of her shirt and then on her pants down passed her bottom

I have read or have had read to me this statement consisting of 1 page(s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement. This statement was completed at 9:30 a.m./p.m. on Dec day of 19th 2008

Signature of person giving voluntary statement

Witness

Witness

I have been given a copy of this statement consisting of 1 pages.Initials of person making statement. [Signature]



Aiken County Sheriff's Office

Investigative Summary Report

Case Number	Defendant Name	Offense
08-070570	McCoy, Randal Wade	Lewd Act

On February 16, 2009 Investigator Mark Patterson, a sworn deputy of the Aiken County Sheriff's Office received a written statement from Felicia Mims the victims advocate in Aiken County. Within the statement she stated that while Aiken County Asst. Solicitor Brenda Brisben and herself were interviewing her about her daily activities she was asked if she knew why she was being interviewed by them. She stated yes and went over the details of the incident that occurred at the Montmorenci store. During the interview ^{Minor 1} stated that the incident happen more than one time but was unable to recall an exact number of times. She stated that on one of the other occasions Randall McCoy had touched her under her shorts but on top of her panties. She stated that she believed it occurred last Spring when it was warm outside.

Officer Signature		Employee Number	5632	Date	022009

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

08-070570

☐ORIGINAL
REPORT☒SUPPLEMENTAL
REPORT☐ADDITIONAL
VICTIMS☐ADDITIONAL
STOLEN PROPERTY

Page 1 of 1 Pages

☐MODIFIES
ORIGINAL☐CASE STATUS
CHANGE☐ADDITIONAL
OFFENDERS☐ADDITIONAL
RECOVERED

Incident Type

Sexual Assault

Date:

021809

Time

1914

Victim's Name

Minor 1

Subject Name:

McCoy, Randall

On 2/16/08 I/O received a written statement from Felicia Mims the victims advocate in Aiken County. Within the statement she stated that while Aiken County Asst. Solicitor Brenda Brisben and herself were interviewing her about her daily activities she was asked if she knew why she was being interviewed by them. She stated yes and went over the details of the incident that occurred at the Montmorenci store. During the interview Minor 1 stated that the incident happen more than one time but was unable to recall an exact number of times. She stated that on one of the other occasions Randall McCoy had touched her under her shorts but on top of her panties. She stated that she believed it occurred last Spring when it was warm outside. She further stated that he would let her and her brother would sit on his motorcycle.

I/O made contact with Brenda Brisben who stated that she would direct-indict Randall McCoy for Lewd Act for this incident.

SUBJECT IDENTIFIED YES ☒ NO ☐		SUBJECT LOCATED YES ☒ NO ☐		☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 & OVER		☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER					
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☒ Victim Declines Prosecution ☐ Juvenile No Custody													
REPORTING OFFICER			DATE		UNIT #		APPROVING OFFICER			DATE		UNIT #	
							V. G. G. G.			2-20-09		1392	
Follow up ☐ Yes ☒ No ☐ Officer													

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

D

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

NOV 12 2013

Liz Godard
C.C.P. & G. A., Aiken County, S.C.

Antia Knochen
Deputy Clerk

Feelings

I was feeling that [redacted] was controlling our relationship, by having me come over every night after work and have sex. Even when I ^{felt} I needed to go home after work and rest. I felt that she was using me for sex, I didn't want to talk to her about my feelings as I was afraid of losing my sex sexual outlet. I feel that she ^{was} manipulating me to have sex when she wanted it not when we wanted it. She would have me come by a see if her kids were home, if they were she wanted me to go home, if they were not there, she expected me come in and we would fuck. I felt that she should of come to my house if she needed sex and didn't have that kids ^{but I didn't suggest the} (I felt that ^{her} [redacted] placed my needs after hers and her kids) ^{I felt that} [redacted] was using her ~~body~~ ^{that Debbie} body and sexual favors to keep me hooked, I thought, I felt she had all the power or control in the relationship. I did not care if ^{we} ~~we~~ had sex every night or not, but she seemed to demand sex from me every night. Even when she learned that I was not up to this demanding routine, she still wanted me to come over and sleep with her. I felt guilty & inadequate. angry at what I thought as a lack on my part, of not being able to perform for her every night.

I felt ^{obligated} ~~obligated~~ to place her needs and her kids needs before my own. ^{unsatisfied}

I felt ~~unsatisfied~~ because we did not have any romantic romance, ~~there~~ or expression of love, all we did was fuck.

I felt sad, angry, lonely, frustrated, ashamed, and disgusted with myself.

I felt

External Cue

(General) Craving - refers to the subjective desire or need to experience the effects of a specific response

(Specific) Urges - compulsive ^{temporarily} intention to engage in a specific behavior that will satisfy or reduce the craving

PIG - Problems with Immediate Gratification

deviant sexual
sexual arousal
thought
US ————— UR

Modina 2: Dev. Sex.
Music thought

CS + US UR
Music
CS CR

Coping with Urges and Cravings

1. Naming

2. Reframing

Journal twice daily

3. Empowerment

Self-Monitoring
(Negative Emotional States)
Affective

3x's per day
- ST Group
- Ind. session
- Night

Emotional - mad, glad, sad, scared

Physical - where in body

Cognitive - self-statements

"I really need"
"I'm a victim too"

Ken Stewart Construction Serv.

6741

Paint Shop

598-0558

Alt

~~May 11 11:00 am~~

Polk

2.

Cond 0

D 0

W 0

Room 0

Linda

Oct 4 John

Feeling

~~switch~~ ~~Consistent~~

Fangs.

~~switch~~

598

0433

Planning

~~switch~~

(Action Plan)

~~switch~~

Dr. Nathan

Behavior 205-774-0398

11 May 11:00 am 793-1820

Janet Dick-Gruce

Singer

Doc.

598-0555

Wiregrass Mental Health

P.O. Box 1124

Ozark, AL 36360

Fax 205-774-3052

ON 3X5 Index Card
Decision Matrix
(2x2x2)

Need name C WHH

Sign release to hand from

ask about Hostings

NA, CA, LA, SAA

Short term

Consequences

Long term

Consequences

Positive	Negative
1. Feel good	1. Guilt/ Shame
2. Exciting	2. Fear/ Depression
3. Thrilling	3. Useless/ Anger
4. Feeling control	4. Anxiously over-keep
5. ~~Self-control~~	5. ~~Self-control~~
6. ~~Self-control~~	6. ~~Self-control~~
7. ~~Self-control~~	7. ~~Self-control~~
8. ~~Self-control~~	8. ~~Self-control~~
9. ~~Self-control~~	9. ~~Self-control~~
10. ~~Self-control~~	10. ~~Self-control~~
11. ~~Self-control~~	11. ~~Self-control~~
12. ~~Self-control~~	12. ~~Self-control~~
13. ~~Self-control~~	13. ~~Self-control~~
14. ~~Self-control~~	14. ~~Self-control~~
15. ~~Self-control~~	15. ~~Self-control~~
16. ~~Self-control~~	16. ~~Self-control~~
17. ~~Self-control~~	17. ~~Self-control~~
18. ~~Self-control~~	18. ~~Self-control~~
19. ~~Self-control~~	19. ~~Self-control~~
20. ~~Self-control~~	20. ~~Self-control~~

Positive	Negative
1. Above the Law	1. Shame/Anguish
2. Pleasure	2. Loss of family
3. Exciting Risky life	3. Taken toughness to stop
4. No rejection from adults	4. Loss of freedom
5. ~~Self-control~~	5. Loss of job
6. ~~Self-control~~	6. Loss of self-esteem
7. ~~Self-control~~	7. Negative effect of victims
8. ~~Self-control~~	8. Loss of life
9. ~~Self-control~~	9. ~~Self-control~~
10. ~~Self-control~~	10. ~~Self-control~~
11. ~~Self-control~~	11. ~~Self-control~~
12. ~~Self-control~~	12. ~~Self-control~~
13. ~~Self-control~~	13. ~~Self-control~~
14. ~~Self-control~~	14. ~~Self-control~~
15. ~~Self-control~~	15. ~~Self-control~~
16. ~~Self-control~~	16. ~~Self-control~~
17. ~~Self-control~~	17. ~~Self-control~~
18. ~~Self-control~~	18. ~~Self-control~~
19. ~~Self-control~~	19. ~~Self-control~~
20. ~~Self-control~~	20. ~~Self-control~~

698-1515

698-1515

698-1515

1515

1515

1515

Minor 2

[REDACTED]

Minor 2

R [REDACTED] R [REDACTED]

Minor 3

Minor 2

Child whose name I don't know or remember [REDACTED]

[REDACTED]

Child I physically abuse taller count

[REDACTED] who I ~~beat up~~ beat up Two years old

[REDACTED] (sister) who I separated from her mother

[REDACTED]

[REDACTED] cousin

Child I sexually abuse (Name) (unknown) (the one I thought was my fir

[REDACTED] cheerleader Jr High

[REDACTED] cheerleader Jr High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

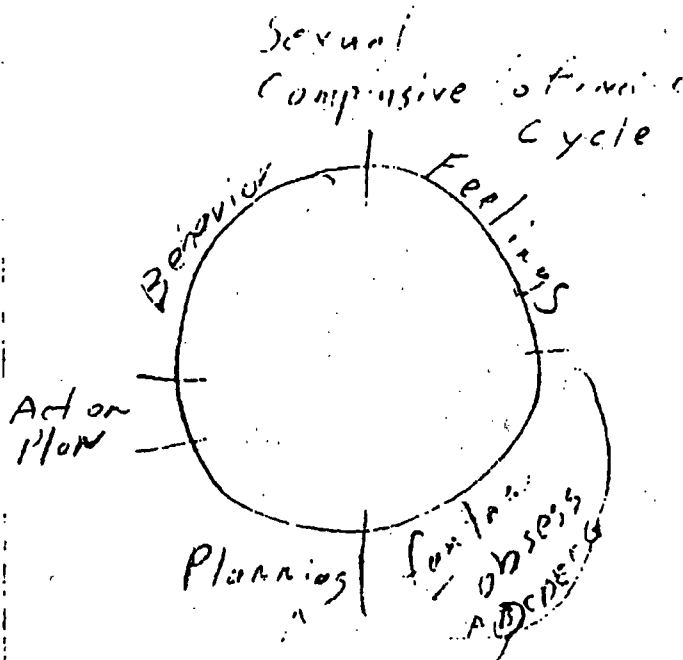
Rog. leaving today, a better man in his mind that when he arrived, I hope he makes peace with himself and his family, that he makes friends and stays on his recovery. That he walks thru his life with God ~~and~~ guiding him his way.

21 days

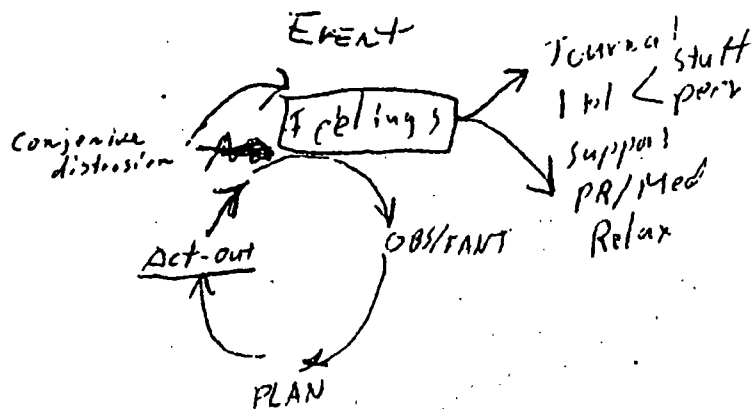
I have used drugs in the past to be accepted by people, to make them feel comfortable in whatever relationship we may have. I still use drugs this way, but I also use drugs to change my mood, to relax me, to stop me from having my sexual compulsion, of fantasies of children in my life at this time, of feeling that I am alone.

I need to identify the source of my ~~anger~~ and remove it from my life, for I am worthy of more than I have thought I was before, friends, family, and even fun. My life has not change I only hope that my behavior has, with God leading my way maybe I can live a healthy life.

Osc



I am addicted to the thoughts and fantasies of my addiction



intra = intra = (within oneself)
 inter = between two persons

Abstinence Violation Effect AVE

the response that accompanies an initial slip, or lapse in one's pledge of abstinence

de-
viate

- sexual urges
- thoughts
- fantasy

Minor 2

I start to fantasize about ~~my daughter~~ ^{the person} to fulfill my need for a close ^{Intimate} ^{sexual} relationship. I ~~try~~ ^{imagine} ^{Minor 2} ~~my daughter~~ ^{imagine} close to me, she feels good to my arms pressing her ~~body~~ ^{body} against mine. I think of Chasity sleeping with me every night, the curve of her rounded bottom fitting into the palm of my hands. I fantasize that she has come to me without ~~any~~ ^{underwear} ~~underwear~~. I imagine running my hand up her ~~gown~~ ^{touching} her underdeveloped ~~breast~~ ^{breast} and circling her nipples with my finger tips, as I stimulate her nipples they become hard and pointed. I told myself Ah! she wants it and proceed to move my hand lower to ~~where~~ ^{where} her hairless cunt is waiting. I think of how small and tight her vagina must be. I imagine ~~that~~ ^{how} her soft and smooth skin would feel as I slide my hand inside of her thighs and up to her ~~cunt~~ ^{cunt}. I think of massaging her outer lips with my finger as she slowly opens her legs. I imagine that she wants me to continue and is giving me easier access to her pussy. ~~My hand enters her pussy and I begin to move it in and out.~~

I fantasize of slipping her gown over her head and off her body leaving her nude. ~~I imagine her naked and I begin to touch her.~~

~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~

I fantasize about working my finger slowly into her vagina as my cock is rapidly become hard as a steel pole. ~~I imagine her naked and I begin to touch her.~~

~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~

~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~

~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~

~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~ ~~I imagine her naked and I begin to touch her.~~

~~I thought she was a very beautiful woman.~~

~~She was a very beautiful woman.~~

~~She was a very beautiful woman.~~

~~I thought she was a very beautiful woman.~~

~~She was a very beautiful woman.~~

~~She was a very beautiful woman.~~

~~I thought she was a very beautiful woman.~~

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~~I thought she was a very beautiful woman.~~

~~She was a very beautiful woman.~~

~~She was a very beautiful woman.~~

Plans

^{have}
 I become obsessed with my fantasy of sex with ^{Minor 2} when
 D. calls asking me to pick up ~~her~~ the next day from some
 friends house and bring her home before D. gets off work. ^{to}
 I think this is a good time for me to be alone with ^{Minor 2} to
 see how receptive she will be to my advances. (I have planned on
 asking her what she needs or wants and provide them for her in exchange
 for a kiss and a hug.) I plan on holding and touching in nonsexual ways
 at first and then progressing to more sexual contact. I think of
 caressing her body with my hands in places that should excite her
 I plan on touching her in the places that should be her arousal zones
 and having her sit in my lap where she can feel my desire for her
 by pressing my erection into her small bottom. I imagine her in a
 loose fitting shorts or dress with her legs on either side of my
 truck's gearshift and I plan on placing my right hand on the inside
 of her left knee. As I shift into second gear I plan on placing
 my hand further up her leg and stroking the inside of her smooth
 interthigh moving closer and closer to her virgin pussy. I plan on
 slipping a finger inside the crotch of her shorts running my
 finger along her pantie line and over her cunt lips. I think of kissing
 her as I work my finger under her pantie line. I plan on spreading
 her legs wider to open her pussy to my probing fingers. I then imagine
 reaching with my ^{left} hand and ~~plan on~~ lowering her shorts down
 off her hips ^{then I plan on} ~~and sliding~~ ^{my left} hand down inside of the front of her
 panties and caressing her pubic mound. I plan on
 stimulating her clitoris with my left index finger and then slipping
 my finger down inside her vagina. I think of the feeling that her
 tight juicy virgin pussy will give my finger. I am obsessed with
 my fantasy when I wake the next day and I reach for my truck
 keys to pick ^{Minor 2} up early!

I have become obsessed with the fantasy of sex with [redacted], so when [redacted] calls to ask me to pick up the next day, I am completely agreeable to the idea.

Minor 2

I think that this will be a good time for me to start grooming [redacted] Minor 2 — for my sexual advances by giving her gifts and "spending quality time with her." I think of bring home with me and as we sit close playing Nintendo with her. I plan on hugging her as we play, also I plan on talking to her about her father, her brothers, her school work, her classmates, and any possible boyfriends she may have. I plan on using the example of the grooming I am using on Nicole to make [redacted] expectant of the things she could receive from "such a nice man" like I want her to appreciate me.

I plan on ~~hand~~ giving her the gifts in exchange for a "kiss and a hug". I plan on progressing from touching her in nonsexual ways to making more sexual contact with her.

Feelings Convert Sensitization Tape Rewrite # Don't Rush

One day I was feeling unsatisfied, angry, and frustrated over my relationship with Debbie. I felt that I was inadequate as a man for not meeting what I thought were her needs of sex every night. I felt that I was obligated to meet her need and the needs of her kids, before meeting my own needs. I started to fantasize about ^{Minor 1} ~~me~~ ^{mine your old daughter on} at how I could instruct her to become my Ideal Love mate. I imagine ^{Minor 2} ~~my~~ ^{my} smuggling up close to me, pressing her young body against mine, I think of how good her body will feel in my arms, the curve of her rounded bottom fitting into the palm of my hand. I became ^{so} ~~obsessed~~ ^{My} with ^{Minor 2} ~~the~~ ^{my} fantasy. ~~that I plan on~~ holding her and touching her till she become ~~accustom~~ ^{accustomed} to my hand on her physical ~~touch~~ ^{carressing} her body, I plan on playing Nintendo with her, talking to her, giving her gifts, of using the grooming of Nicole, a friend of her, to make ^{Minor 2} ~~feel~~ ^{feel} expectant of the attention she could receive from a ^{such} ~~nice~~ ^{man} like me. I plan on caressing her in her arousal zones, have her sit in my lap where she can feel my erection pressing into her small bottom, "pause" breath

Switch Switch

Minor 2

~~tells~~ ^{Minor 4} ~~of the things I did with her. Nicole tells~~ ^{Lost friends with my ada sister in tri friend of mi. I fear to lose trust} her Mom, who tells Debbie. Debbie confronts me, I admit my guilt, Debbie flies into a rage, hitting me, throwing things at me, yelling and screaming at me, and threatens to call the police. As I stand there receiving all the anger Debbie throws at me I think that the reason I am here is because one day I was feeling unsatisfied, angry, frustrated, obligated and ~~and~~ ^{Minor 2} ~~Inadequate~~ with relationship with ~~Christy~~ Debbie. I became obsessed with the fantasy ~~becoming~~ ^{becoming} my Ideal Love mate. I planned on grooming her with gifts and attention.

Switch

5. ~~was~~ see how small

Neutral Scene

I am sitting with my back against a tree, a graft piece, bring the smell of pine to my nose, as I look out from underneath the overhanging branches I see a rolling ^{meadow} pasture dotted with wild flowers, a cool mountain Brook flowing thru, bubbling and sparkling over the rocks and pebbles. I see a buck exiting the tree line alert but not frightened, across the meadow. I reach down slowly and bring my camera up to take a picture of this ^{majestic creature} buck, the camera is ^{cool} heavy and ^{heavy} cool ~~in~~ in my hands as I ~~focus~~ focus on the deer. I take the picture and lower the camera back to my lap, I bring bring up my canteen pop the top and drink the cold clear water. I had drawn from the brook ^{earlier} before I found.

see how much love we'll

Escape Scene

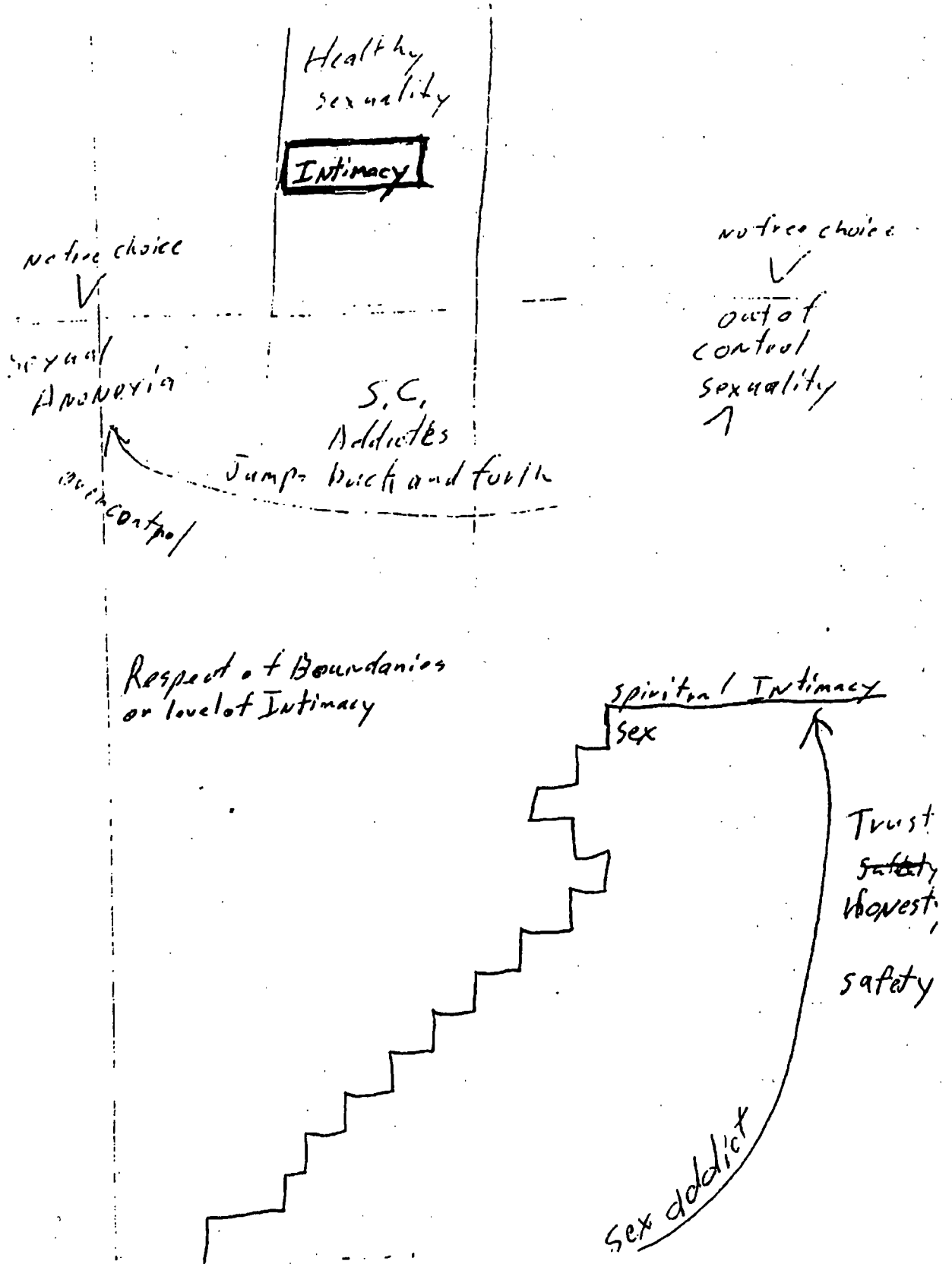
I am lying in bed, my girlfriend snuggled up and protected in my arms. I breathe in the very heavy smell of her shampoo as I pull the soft cotton sheets and blanket over her. Her breathing is slow and regular as we listen to the concert music playing over the radio. She tilts her head back, and pulls my head down to hers and kisses me on my lips. I taste her lipstick strawberry ^{flavored} lipstick as I smile at her. I think of how beautiful her face is laying upon my chest, as she smiles back then with a sigh of contentment she closes her eyes and drifts off to sleep. I think of how one day we have spent more time together and thank our lord above for this sweet woman who has come into my life.

Hi Jon,

^{sp. 11 ck}
~~Even~~ in leaving this ~~poem~~ behind
 you are helping me in my recovery. For
 writing you helps me express my feelings on
 paper.

In my childhood I have felt much
 lost, ^{from} friends ~~let~~ leaving and leaving friends.
 I got in touch with my inner child, during
 your closer, and I felt sad because you
 were leaving.

I never told you of my crimes. I raped
 the children in my life, all the children, in one from or and
 I took the innocent from my sisters. got my jollies
 from the girl next door, invaded the boundaries
 of two of my classmates, both cheerleaders, and
 raped a girl who was willing to have sexual
 intercourse with me.



Needs

Healthy Triggers

Safe ~~fantasy~~ fantasies

a friend I can talk to

~~to make a phone call to~~

~~to turn myself in~~

to know my high power better

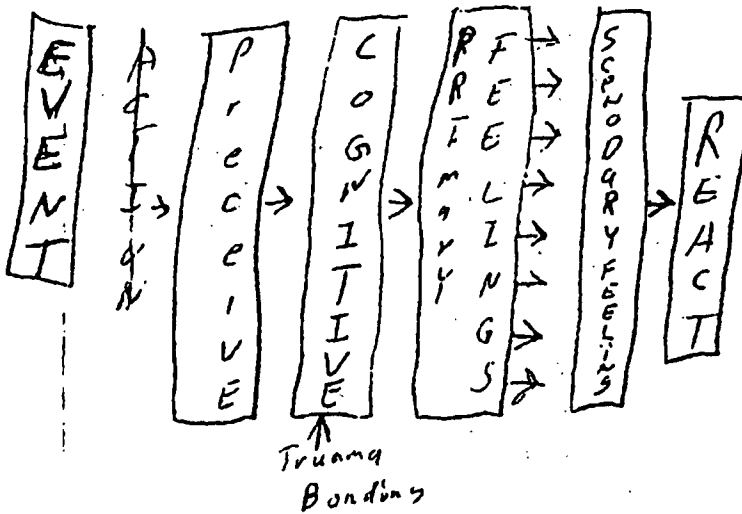
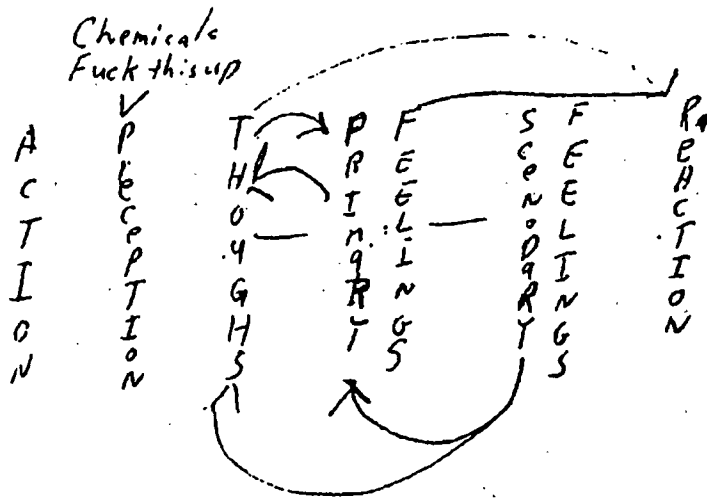
Hot tub I think this is want

I feel like shit. OK little guy tell me ~~the~~
How you feel.

I don't want to hurt my mommy
How could you hurt your mommy by saying she
was a bad mommy. She loves me I love her
she didn't mean ~~it~~; hurt me by not stopping
daddy from calling at me and saying how bad
I was. I did very bad things he was there
to keep me from hurting myself. I don't
know I fell from the back of the car
I don't know if I ate the Aspen like sheep I did or not

I think Appy hit John to hard and
to much Donna is mean to us boys I don't
know why she just hates us. She and John
don't have any mommy or daddy but they are not
brother and sister, Donna face is full of holes
Appy yes that's what it is. I think Mary, Karen,
Pina, and Gawn are mad at me &erton. Our
us want'ing to be by ourself with out the
girls, just boy stuff we don't want them
to override, us in a vote

Did mom hit you



I don't feel good in ^{Large} circle of people

EVENT - PERCEPTIVE - COGNITIVE - PRIMARY FEELINGS - SECONDARY FEELINGS - ACT

Rational + GP LIVED

Comfy

ABUSED

Set UP

CBTECT

Powerless

Disposable

Devalued

Loose/Worth

Anger

Rage

Weak

Overwhelmed

NUMB

who am I mad at
Anger is my primary feeling
 back up by Rage

How I victimize Nicole, ^{Minor 3} and others I would inductate fear into them with my physical presence to make ~~met~~ them keep their distance from ~~them~~ me and I thought that I was keeping them safe, but in fact I was trying to keep me safe.

Cog d's ← (Lie to myself,

I know I thought I gave them a choice of my victimization by stopping myself when they said No. One had to said it twice before I stopped, and ~~the~~ told me not to do it again and I did it anyway

Minor 2

when I was ~~you~~ younger (14 to 15) I thought that my ~~cock~~ dick was too large for me to use with girls of my age. Later after reading Pornographic ~~(sex books)~~ (sex books) I felt ~~Inadequate~~ that my cock was Inadequate in size. Smaller women became my sexual desires as my feeling of Inadequacy increase young girls enter my fantasies, where my cock size would become huge compared to their little bodies. I believed the bullshit of the Authors of the sex stories in the Sex ~~Mag's~~ Mag's. One of my escapes from the Emotional abuse was reading SF.

I have been crying out for help for a long time, but I have been asking the wrong people. Need to find the right person or persons to talk to
healthy adult

I seem to be unable to find a female partner with whom I can relate to both sexual and socially, or am unable to present myself to them where they would not reject me. I think now that I unconsciously presented myself in a manner that they would reject me.

HC 423

p 62020

Dear Mom

I am in River Oak Hospital because (your son is a)
 (child molester) of severe depression, sexual dysfunction,
 and drug abuse. My Insurance is ^{covering} the bill so far,
 so if I don't respond to the legal paperwork on time it's because
 I have other things on my mind. One to my fellow patient
 is a lawyer and he said I should ask if there is a will and then
 only ask by the will, for it is costing one thousand \$/a
 day here by it is the best in the nation. I would not mind
 having the small sofa, but I don't know if I can pick it
 up soon or if I even will be able to pick it up at all.

4/19

Blow Run

 14 water
 2000000

3

4/19

 14 water
 1500000

Orleans, Louisiana 70123

Off Counselor's testimony

E

~~399~~
~~14 water~~
~~50~~
~~5000000~~

Metzerio

A Goal?

~~a goal?~~

400

499.00 month

(I ~~relax~~ prevention for me would be to not think about sex with girls (children?) and not to fantasize about sexual action or interaction with a girl child what about boys?

with I switch from girls to boy? ~~negative thought~~
I hope not

{400000}
(1 foil)

a sex ~~patter~~ ~~patter~~ ~~patter~~ ~~patter~~? bad? good?
when someone (adult female) would perform oral sex with me I would feel uncomfortable regardless of the pleasure I was receiving. I have only fantasize about ejaculation in a female mouth a few time (less than twenty) (girl or woman) from soft to hard yes but not to ejaculation.

Once a sexual touch all ways a sexual touch to a child and to my self

467-1791

456-9081

456-0003

835-8511

464-~~464~~ 1644

466 1401

1-800-725-2525

1-800-228-5150

889-6855

may
how much room

how much down

how much furniture

Phone

Airport Roadway Inn

Shoney's Inn

La Quinta Inn

" " "

Quality Inn

Ramada Inn

Days

Almond Tree

Howard Johnson

50% cash check

39.50 75

504-469-2531

RPP put in

avoid children (especially coming in Physical
 contact with them) remember that ~~they~~ are people.
 Stay busy during leisure time so that I don't sit
 and fantasize, Meditate, stay in touch with feelings and
 learn how to express them positively

I'm pissed at ^{Minor 2} Debbie because I feel she
 set up _____ in order to keep me under control

C/O Oper ^{Minor 2}

I'm pissed at Debbie because she led me to believe
 divorced. I did not check to see if she was
 or not. Ms. Debbie told me that Debbie was divorced.

A.I.D.P

I had sex with Debbie the first time because
 I was afraid of act out with Nicole or (her friend) M. L. P.

Loneliness

guilt, Loneliness, ~~the~~

saw girl thought (pretty 155) I would
be (nice) to fuck her ~~discovered~~
fantasized about ~~as~~ me and ^{Minor} ~~the~~ and what
I would do together and how this girl and I could get together.

29 Mar I sexual act out by masturbation at this time. why because I don't want to have sex with a female partner now. because of the harm I have cause with sex. (E)

10 April I sexual act out at this time by joking about sexual matters, when I should reflex on sex seriously, I think I ^{use?} am fighting my addiction, where I should be learning to work my addiction in a more positive way for I shall never be rid of my addiction. I am sitting here triggered and trying not to be obsessing about what has triggered me. I believe that I read or heard somewhere that it takes 28 days to acquire a habit and 28 days to break a habit

Sexual Contact 5
Physical Contact with the...

Five Eight
~~Five~~ I keep 15.
Three Actual,
Physical Contact
~~Sexual Contact~~ as
~~children~~

Shirley ^{prio?} is the name I have taken for the girl I
abused in Kansas. CD I am my first and last
is and will be my last Victim

Minor 2

Minor 4

Minor 4

third
first?

or Staff

talk to Lisa about it

why feel

when feeling guilty I place my hand together
as if handcuff or bound, also when I feel uncomfortable
I place my hands together between my legs.

I was feeling closed in sitting in Module #3 under
SVC

Train trip (fold, stitches id)
 horse ride (bottle Aspen)

0-3 years of age: climbed bookshelf fell back hit
 coffee table, as told to me by Mom. seven ~~stitches~~ back of
 head

mis took ^{baby} bottle of ~~Aspen~~ for bottle of candy, ate whole
 bottle, stomach pumped, would not let doctors stick tube down
 throat ~~would~~ ^{they} stuck tube down thru nasal passage to
 my stomach. also as told to me by my mother

My Mother also told of my being afraid of riding a
 horse (Sheldland pony) I ~~see~~ have seen a picture of me
 being held by my Mom, my brother riding the pony and my father
 holding my sister.

Birth I was a ^{reach} ~~breast~~ breach baby or so my
 mother told me during a disquisition of why she mothered
 me so much. (My first sister ^{June} died when she was six months
 old. My only memories of her are visiting her gravesite, after I
 (five))

G ~~being~~ born
 ↓
 hole in ceiling
 over bath

4-6 years first memory: light, darkness, saw playground
 Kinsbrauden first time Germany ^{alot of new people to get}
 tree fell over christmas tree Germany ^{found upset from m.}
 G ~~being~~ born stayed at Neighbor's Apartment ^{had fun}
 hole in ceiling over bath tub made me ~~scared~~ scared
 of taking a bath in that bathroom

Tina getting lost as she was going home two to three week after
 first memory, relayed by Mom

Name

S J

S. Hart

H. [redacted]
P. [redacted]
L. [redacted]
G. [redacted]
K. [redacted]
D. [redacted]

J. [redacted]
J. [redacted]
J. [redacted]
S. [redacted]
L. [redacted]
L. [redacted]

what^{at}
what do I do

17-12 Pappy
Sparkling
John

17-12 Denton being bit by neighbor's dog.

Denton beating me up over Log book

Denton mistaking to point he was ~~beaten up~~ ~~beaten up~~ ~~beaten up~~

Denton talking

~~Denton~~ hit us yell at us ~~degraded~~ us verbally
about ~~ATC~~ age 11 parents said it was OK, had one glass during dinner for
re. and sister Tina bottle after

Denton introduced us kids to ~~sex~~ (sex books).

Pappy sparkling John

Something about Donna but can't bring it to focus. made sexual
by her.

Pappy cutting off ~~chicken~~ head.

being scared of TV movie, parents away, ~~needed~~ ~~needed~~ to sleep
with ~~someone~~, slept with older brother in his bed. Tina + Lincon

appt apartment in Germany Denton, Me, Tina, and Genn
slept in same room but separate beds two sets of bunk beds

I slept on top bunk

age 9? ~~first~~ cigarettes

~~first~~ ~~first~~ ~~first~~

Germany second time

clunk of ~~clunk~~ clunk

Pray for the dead and the dead with pray for
you

Dad story or advice on how to fight (brick) or ~~club~~ hit them
with brick then tell them see I told you I would hit you with a brick

Me, Denton, and John coming home from boys club, black
boy, pulled knife on us, returned and ran home.

13-18

~~Heavy use of Navy Tonic age 20 to 21~~
 went to Army DARE program, stop use for
~~in park 6 months one joint.~~

age 14.15 would play with ~~friends~~ and when tired would lay down and ~~blat~~ ^{blat}

age 16 ~~started use of marijuana~~ ~~marijuana~~ ^{of a}

age 16 ~~started buying beer.~~

age 17 ~~first oral sex~~ with willing partner ~~unable to get erect~~

age 17 First Anal penetration Diana Carroll or her twin sister?

age 18 first Rejection by ?

age 17 joined Civil Air Patrol lied about age.

age 15 brother and me when to see Marie Thunder Bolt and
 Light Foot (brother age 16) dad hunted us down and pulled
 us from theater ~~blame it on~~ ~~more than me~~, said he
 me that ~~was not responsible~~ for anything and would not
 be punished

age 16 join Army after leaving

age 18 1/2 Jan. got a job bagboy Riggly Wiggly

age 18 1/2 Dad cosign loan so I could buy car and Insurance

age 15 ~~mom left dad~~ Me, Tina, and Gwen when with mom
 to Gainesville Me and Tina returned to Augusta to finish school
 stayed with family friends

age 15 1/2 Day schedule at school finals spent ~~second~~ ^{dated}
 half of day with Ruby ^{one of her friends} ~~tried to date Ruby's~~
 friend during those ~~three days~~ ^{two of those} hugging, kissing, heavy breathing rubbing
 Gwen spilling pot of coffee on her leg, ~~dad~~ ^{nodie}

Dad's ~~idea~~ of punishment for me from age 13
 to age 18 was to send me to my room, my jail, my safe place

age 19 to 21? heavy use of Marijuana

age 19 ~~left my father's house~~

age 19 joined Army inactive till 3 Feb 78

age 19 graduated High School on 1 June 1977 my birthday

age 19 June 20 1977 was hired from Piggly Wiggly for missing work
the two day I when and returned from Army Induction Center

found job working for ~~Mr. Coilling's~~ Plumbing

change takes stayed pipe, low pay, good work, ~~left~~ good

about Mr. ~~Coilling~~ and family. quit working.

for Mr. Coilling ~~when I started to feed~~ ~~disorder~~ for Mr. Coilling's ~~living~~

laughter's Return ~~to my family~~, lived by my father's rules

got job ~~cutting glass~~, moving furniture at a Apartment Complex

age 19 Inducted into the Active Army, Boot Camp, AIT?

Attack Helicopter School graduated after three months

Assigned to E company 724 Maintenance ~~Brigade~~ Bn.

met a ~~close~~ friend from ~~high school~~ and his wife another

close friend but from the Tech School my friend and I attended

in ~~the barracks~~ the weekends, lived in

Barracks during the week, worked on my first flying

aircraft that first week and ~~said a prayer for the pilots and~~

crew that would fly in the aircraft would be safe in God's

hand. ~~the aircraft~~ return safely to earth.

Aircraft crashed ~~the~~ two pilots and injured the

crew chief, a friend

year? later E 6 ~~PAI~~ jumped my case while I was on CQ ~~about~~

Slappy Maintenance was reason aircraft crashed I cried

with ~~no~~ anguish over the two pilots.

two months later Started fantasizing about a girl across the street

three four months later Raped the child who was living behind my house

two months later Started Smoking Marijuana again to escape from being alone

with my fantasizes of children

soldier

my Aircraft when down with a Fuel Control Problem, I didn't
~~launch~~ Launch aircraft that afternoon. Replaced overs,
 governor, re riggle near Actuator. test flew OK.
 year later Aircraft fuel control develop ~~fault~~ fuel leak on back
 side of fuel control replace fuel control

in new platoon sergeant me & him did not get along.

Unit was given a ~~position~~ ~~last shift~~ of platoon to non aircraft
 related work. ~~problems with platoon sergeant maintenance~~

unit when went to Dagway, Utah for 30 days for training

~~assigned position as sergeant of the~~ ~~sergeant of relief~~ ~~blowing ground~~
 guard duty. snowed heavily during the night. on last shift I
 didn't get normal sleep

kept my people in guard shack and not on their positions.
~~some soldier~~ soldier who was in the barracks ~~said~~ ~~he~~ would
 not put on a uniform and get ready for guard duty. ~~the~~ point
 reloaded ~~and~~ ~~said~~ ~~what~~ ~~do~~ ~~I~~ ~~have~~ ~~to~~ ~~do~~ ~~make~~

you do it at gun point

~~Results~~ Lost sergeant's stripes

got in Argument with platoon sergeant over aircraft maintenance
 or his house keep of equipment was more important. ~~Lost~~ ~~Cobra~~

~~remember~~ ~~position~~ ~~when~~ ~~went~~ ~~to~~ ~~maintainance~~ ~~platoon~~

~~from~~ ~~Cobra~~ Phase Maintenance team, ran I was Cobra

Phase Maintenance Team, had more experience than sergeant

In charge of Team. he was busy running squad

After new platoon sergeant
 young lady fell into my lap during party at friend's house
 submitted request for

26-35
Pres

26-35

when on first date in years ~~got~~ was ~~and~~ ~~was~~ but she
was friendly and pretty, small build.

Met Throttle dated over phone for six months.

Landlady had trouble with boyfriend

put in request for 90 days terminal leave, out of Army.

Landlady decides to move to Washington leaves in June

40 day leave ^{is} ~~improved~~ proved

Pack up and leave 2 July 84 go home for a month ~~fructed~~ Throttle

intole in AATC for A&P ~~Wagonate Shined~~ Hooker for me one time
graduate Feb. 28, 85

intole in Enterprise Jr. College

Miss Out of Associate Degree by one class (Speech) (Credit thou
Move ~~to~~ to Gainesville

got job a Del Taco Mexican Restaurant

~~Folk's~~ ~~from~~ ~~to~~ Gainesville lived with Nini ~~lived with Kay~~ the
~~Water~~ ~~Renew~~ ~~er~~

started work at Ft. Rucker 27 May 87 for Skyousti

got UH-1H run-up card.

~~Frank~~ ~~Brenda~~ she ~~lived~~ with me ~~in~~ ~~for~~ ~~Brenda~~ she started going to Al in
~~stock~~ ~~Brenda~~ ~~and~~ ~~for~~ ~~99~~

I fired 9 months away back

pick Brenda up from Tampa

Brenda gets ~~Dennis~~ I kicked her out ~~met~~ Debbie + John, Nicole, Grant, + C
Layoff, I roll to Ammo Loader ~~Meet~~ ~~Lumpy~~ she moves in with Steven and C
Dynacorp takes over ~~with~~ ~~the~~ ~~in~~ ~~the~~ ~~way~~ ~~the~~ ~~way~~ ~~the~~ ~~way~~

return to Mechanics Hankey Hill ~~(arrested for possession of Marijuana)~~

Move in with friends of friends ~~plagued~~ ~~thou~~ ~~K2~~ ~~Bambi~~ ~~Bambi~~ ~~fantasy~~ ~~je~~ ~~ab~~
her and some of her friends, try to make out with Bambi's time to keep from do

anything with Bambi. ~~arrested~~ ~~for~~ ~~DUI~~ when ~~I~~ ~~try~~ ~~to~~ ~~make~~ ~~out~~ ~~with~~

Brevety. Charges dropped after Blood test return

Move out to trailer court ~~meet~~ ~~Tom~~ she is with child and beautiful
child of about three running around trailer court asked if she can.

^{she forbids me to make}
 I expose myself to her when I go bathroom she says she needs to
 child ~~to say~~ Mother later says that I molested her girl
~~and~~ I go back to the bars drinking I am beat up by two men
 who know of Beverly and me.

I move from trailer court when the Mother of the little girl
~~is~~ ^{she} that I have molested her girl. ~~on a different day~~ I was
 not home that day and when I was I was asleep.

Moved to house in Ozark rent from ~~the~~ Co-worker.
 I start go to church with Debbie & John in Enterprise
~~fantasy about Nicole~~ ^{the friend}.

bad day
 good day

29 June 91 Nicole's birthday, I get ~~to go~~ baptize, hear
 that Dad has died at his stepfather funeral when I get home.

Feb. 91 transfer from ~~Hatchery~~ Hatchery to knots ~~the~~ field to get
 N.G. unit Ready to go to Sudia (war over) / transfer to Cairns field
 UH-60 Project (cut ^{personnel} people) sent to ATTC March mention CH-47D
 CH-33, 4H-AH, AH-1Fs, OH-58A/Cs, and UH-60 ~~at~~

meet Debbie around March 92 ~~stay~~ go to Beach with Debbie
 & John & their kids I Nicole and Mouthie are looking real good in
 my eyes in their bathing suits. ~~I am afraid that I may make~~
 advances to them when Debbie arrives ~~stay~~ ~~and~~ ~~that~~
~~I will not think of the girls and fantasize about them~~ Me and Debbie
 sleep and ~~back~~ ~~that night~~ the next day I take the girls and boy
 to the beach and lay out in the sun the girls are looking fine and
~~I~~ ~~and~~ get sun position.

Debbie has me coming over every night when the kids are
 not home then ~~she lets me stay the night with the children~~ there
~~she lets me stay the night with the children~~ John & Debbie's home and bring
 them to the store where she is working. ~~I ask Cassidy if she wants~~
~~to stay~~ ~~she lets me stay the night with the children~~

R	V
60	61
<u>50</u>	<u>62</u>
0	123
<u>80</u>	<u>50</u>
80	173
<u>61</u>	<u>50</u>
141	224

Thought I can't go thru my ^{life} with someone hold^{ing} my hand
 but I need someone to keep me in the here and now ^{to express m.}
 PRD Drive thru Newton to work because of school in
 Daleville

Realization

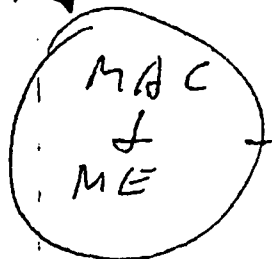
Sex is an action ~~not a feeling~~ not a thing to own

I don't think it was my childhood where my problem started
 but the inability to communicate my feeling started during
 my childhood which led to my sexual compulsive
 behavior? thoughts? or did I chose in my ~~adult~~ ^{adult} hood
 to become sexually compulsive.

I tried to wash my memories of my feeling of shame and
not to forget the pain and suffering I have caused

Remember work on ~~the~~ letter for 10

Rigid Negative
Attitudes



Moral Conflicts

Lies

Manipulate

Anxiety Guilt

Panic

Fear

Anger

Self Image

old Messages

Guilt

Loss of control

Shame

Rigid Negative Attitudes take away ^{from} (humful)
behavior Destructive

Frame of Mind if negative or Rigid

verbal Expression

suspicious attitude

intolerance

Stubbornness

hard headedness

rigidity of Mind

Mental State

Hateful posture

Aversion or rejection posture

Loneliness posture

Discouragement posture

disperation and despair posture

Sadness posture < self-pitying

Anger posture < comes from resentment

~~I felt like crying during~~ "present" and
during "H" "present"

I was confused at first why I could not present my
letter to group but L'ann, Dawn and L'sa
said that I should not. I feel I am hiding something
from myself and group! like why can I not remember
She's real name, why do I blame all the blame on
others. why do I keep the silence with me?

when D. presented about what her brother had
done to her I felt angry at him, and hurt for her.
I was afraid when she presented about her father, like
she was losing someone she loved.

When H. presented about the abuse that she and
her child received I wanted to run away. I was angry at what
had ^{done} to her and her child, when H. stated that it
happen when she was 13 ^{I felt like crying} but could not let myself.
I still feel uncomfortable in groups larger than eight.

I cannot seem to blame myself for choosing to do the
things I have done I can see myself standing up and
saying "yes I did it" but not with any remorse or concern
about what I did do.

It is difficult to write for I feel people are
 trying to shame me for my actions, but It is
 really my ~~sadist~~ ^{addict} ~~on trying to keep it's hold on me by~~
~~overwhelming me~~ with feelings of shame.

sex with children is **RAPE** of Children
~~Rape is sexual violence or acts of direct aggression~~
 Minor 2
 is ~~is~~ ^{is} talking to other children increasing my crime on
 her person by possibly turning her into a perpetrator (such
 as ~~Deaton's~~ ^{Deaton's} ~~and~~ introduction of pornography to me).
 I am a bully, pervert, coward, rapist,

I fantasize about one and/or out with another

Feeling

I was feeling depressed, lonely, worthless, inadequate, and grief over the loss of both my grandfathers ^{within one and} ~~death~~ and the deaths of two pilots in my unit. ~~I felt a need~~
to

Obsession

I felt a need to be close to someone, ~~to feel that I was~~
loved, that I was worthy, ~~someone to whom I could express~~
my feelings of grief from the loss of both grandfathers and
the two pilots. I did not or was not, I see a girl ^{Sherry} playing outside
I think of getting close to her, ^{holding} her in my arms, caressing her, ~~as~~
I watch her start to mentally undress her and her sit in my lap facing
me moving back and forth across my erection. ~~I fantasize about~~
caressing her bottom my hands slow moving closer to her vaginal
genital area.

Planning

I see Sherry outside alone playing on my car. ~~I think she~~
would be nice to talk to for a while. I go outside

I have been hurting myself and others
 because mom and dad teacher
 I HAVE RATIONALIZED THE PAIN AND
~~STAYED~~ I HAVE GOT IT FROM MY
 MOM AND DAD
 I DON'T KNOW WHY THE TEACHER
 HATES ME

I Feel (How do you feel) How do you feel about
 this. She makes me nervous I feel she is against
 with me that she may hurt herself for I
 am the only person she is talking to I am I have
 done some terrible things in my life, but
 I have also done a lot of good things
 During my life I feel I need to dance I have
 to find away to get her into a group and
 find some way to repair the damage I have done to
 her without endangering her I should call
 Debbie and tell her she must put clips
 into a Victim Recovery Treatment Program
 not Charities only

10 April 93

645

woke up depressed early in morning I was:
 depressed about ~~the~~ memories of the pain I have given
 others. Even with Tigger in my arms. Needed
 to talk to someone, any body, so I would not feel so
 alone. I drank a strong cup of coffee and ~~who~~ went
 to check on ~~the~~ breakfast they were busy cooking so
 I sat down. When I sat down I had an attack of Vertigo.
 I saw Shamin And ask him to ^{call} get the nurse. She
 was busy with John so I move to her station and in-
 formed her about what was going on with Me. She check
 my ~~blood~~ blood pressure. it was high so she gave me
 a pill for my ^{blood} pressure. I then sat down and ate breakfast.
~~I then went to the information~~ SC meeting to make
 John feel more at ease and myself to feel relaxed around
 John. We did interdictions and listen to Lynn's tape up
 to the escape scene to hear ~~and~~ how the tape should
 be worked. discussed cognitive Sen Covert Sensitization
 and how I or We ~~and~~ should apply it to our lives and why.
 session with Lisa talk to Lisa about journal, left hand
writing, thoughts on chastity, thoughts and concerns about
Law matters, Vickie and my problems, and obsessing about pictures.
 assigned homework with I will do NOW. after the
 others returned from the Nature Walk, I passed out
 time frame 1:30 ^{pm} to 3:00 ^{pm}.

Relapse Prevention Plan

1. List emotional and interpersonal triggers

emotional

depressed worthless
lonely no good
very sad inferior
grief guilty
angry Shame

interpersonal

blamed for something I didn't do at work
~~but~~ not being able to express my feelings and
thoughts with friends and coworkers

2. Identify high risk situations for you.

being around young girls alone ~~and~~ ^{early or late} ~~adult~~ company
schools - playground - hang out spots - movie theatres at night

Avoid using Alcohol and Marijuana as a means to escape ^{negative} thoughts
drive thru Doleville or way to work ^{because not school} should drive thru Newton
drinking, doing drugs. don't sit and watch the door at restaurants

3. Specify nonaddictive coping resources you will use.

stay busy during leisure time. ~~Decision Matrix~~ Decision Matrix
meditates, go to church, pray

stay in touch with feeling and learn how to express them properly

Kick in the
punch factor
+ I am
dangerous to
others

remember that I can induce fear in others with my physical presence?

exercise socialize with adults not smoke or drink cards & games

don't become obsess about the problems at work and bring them home with

4. Describe some apparently irrelevant decisions (AID's) made in the past.

fantasizing about them does not harm them > makes them objects in my mind
buying things for one girl because she wants them ~~not me~~

fantasizing about one, but acting out with another why?

fantasizing doesn't make a victim ^{we can} (this is a CD)

Looking at them to check them out is objectifying, women

Relapse Prevention Plan

5. Identify some lapses you have experienced in the past:
 - dayshift Fuckups, we are blamed, release anger by fantasizing and ~~fantasize~~ ^{fantasize}
 - felt overpowered by negative feelings, fantasize and masturbate
 - lonely ~~not~~ no one to talk with, fantasize and masturbate

6. Write Name and telephone numbers of persons you would call to discuss urges.
 1. Rod Martin
 2. Debbie
 3. Debbie & John
 4. Lynne Galassi
 5. David
 6. Sponsor #1
 7. ^{back up} Sponsor #2
 - 8.
 - 9.
 10. River Oaks Hospital (504) 734-~~1476~~ 1740

7. Record plans for modifying your work life for better balance
 - ~~take work~~ take more time off from work
 - get on dayshift if I can
 - learn to leave home problems at home and work problems at work
 - learn to express myself about my concerns and fears at work

Relapse Prevention Plan

8. Record plans for modifying your leisure life for better balance

1. #1 plan some leisure Activities
2. cooking meals to take to work caretaking yourself
3. enjoy the day with Batman (walks and play)
4. do things with friends
5. write my feeling down doesn't fit here
6. start back drafting (drawing) houses, machinery, places? people?
7. Reading books (Non Recovery book)
8. fishing & hunting
- 9.

9. Record plans for modifying your social life ^{for} better balance. what's social?

1. visit friends
2. talk to friends
3. go out and be friendly (meet people) get a social life
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

10. List tentative plan of aftercare for first 90 days.

1. session with Dr. Jacobs
2. Attend Meetings SAA, AA, CA, NA
3. Stay abstinent
4. Journal/write down thoughts

11. State your present sexual boundaries.

No sex with myself or others
avoid physical contact with others esp especially young girls
no acting out in a verbal way or physical way (rage factor)

12. State your present relationship boundaries:

need to find friends ~~who I can~~ with whom I can relate to
tell the friend I have now what I feel they need to know
tell sponsor everything?
trust myself ~~and others~~ and learn to trust other
learn who I can talk to about what subjects

12 April awoke tried ~~to~~ not depressed not Numb
 just awoke ~~when~~ went thru the process of opening my eyes
 to the day ST group went well? Linda presented ^{made} ~~her~~ ~~concerns~~
 me concerned that she would hurt herself, but ~~she~~ I felt she
 relieved those feelings I was feeling when she said something
 to the effect that she felt better now. Most of what Ginny
 said effect me differently I thought that Daddy Monster should
 it been Monster Daddy the I own you touch a nerve when I
 saw it and again when she spoke of that Drawing. Olivia
 was a help to me talked to Dan the path of Least Resistance
 is not always the right path. true in my case

being arrested

feeling at guilt of shaming my fan

Losing my job

Losing my friends

not being able to return to any kind of work

going to jail

abuse in jail

rape of minor

beaten up

newsp

shelter cove waves rolling gently salty air
 warm breeze red snapper

walking arm in arm with _____ on beach talking
 at how well the journey has gone so far and how excited
 we are about reaching our destination

Escape?

Neatral? Scene

I see a quiet landscape the cows are dotted in the pasture across the road. the sun's shining on the ^{5 acres} pond in the ~~mid~~ middle of ^{the} pasture, as I sit on the ^{por} in front of my friends trailer

I smell ^{the} fresh clean air as the breeze gently moves across the peanut field to the right of the trailer

I feel the warmth of the sun as I think of the ~~do~~ Events of the day the ^{warm} sunlight washes away the Anxiety I felt on the early morning trip to my friends house

I taste the strong, ^{but} sweet coffee Annette has made for me as Rob comes out the door looking once again for his lighter that he has misplaced.

I hear the bulls in the pen to the left crying out to the heifers in the pasture. and a car moving rapidly across the highway at the far End of the pasture

I was feeling that ~~D~~ was controlling over
 relationship, by having me come over every night ^{required}
~~after work~~ ^{and have sex} when I need to go home and rest. I ^{required}
~~to have~~ by myself to do my ^{shit}. I felt that she was using me
 I didn't want to talk to her about my feeling I was afraid of
 losing my sexual outlet. ^{I feel} She wanted sex every night -
 when her kids were not there I felt that she ^{should go over}
~~my house and not me coming over to her home~~ ^{place, but I didn't suggest,}
~~not know if her kids were there or not til I got there.~~ ^{I feel} If she
~~had come to my house she could of been waiting for me.~~ ^{C.D?} if she
 needed to have sex. I felt manipulated by ~~D~~ ^{to meet} of meeting
 her needs and placing my needs second. I was thinking
 that she was using her body to keep me hooked, ^{sexual favours} this would
~~make me feel angry, and frustrated.~~ I felt that she had
 all the power in the relationship. I didn't care if she
 had other men? as long as I got my needs met but she
 seemed to demand sex from me every night. When I told
 her that she was draining me dry she still wanted me
 to come over if not for sex then to stay with her. I felt
 guilty and inadequate, angry at what I perceive as a lack
 on my part (I was angry at ~~D~~ for not telling me that
 she was not ~~divorced~~) I felt unentitled because
 we did not have any romance, love, all we did was
 Fuck. I felt use, angry, lonely, frustrated, ashamed, ^{I felt} for
 guilty about fantasies, disgusted with my self.
 I felt jealous

see —
 hear —
 smell —
 taste —
 touch —

Neutral

I am working on converting my old AM radio to a new AM/FM/cassette ^{Radio} Player with a hook up for a C.P. player that will fit in the ~~dash~~ of my 74 Roadrunner with out ~~cutting~~ ^{some old and new Rock and Roll} destroying the original look of the dash. I hear the ~~stereo~~ stereo playing in the background.

I see the ^{components} ~~components~~ lying laying on the coffee table in a ~~unorganized~~ ~~unorganized~~ unorganized mess, as I heat up the ~~soldering~~ soldering Iron. I make some sense of the pile of wires, resistors, and capacitors.

I smell the soldering Iron burning the Air as it reaches the desired temperature.

cold Lemonade

I taste the ~~lemonade~~ ^{lemonade} I am drinking the ~~lemonade~~ ^{lemonade} as Batman my dog put his head on My leg as I being to stroke his head and ~~stait~~ ^{bat?} straight his ears. Batman's hair still wet from his ~~run~~ ^{run} running being outside waiting for me to return.

Inadequate

~~She~~ I go over to ~~Daddy~~ feeling motivated by my relationship
with this woman. ^{I find out her daughter is about 18 and I feel uneasy about this and express my disliking} After sex ^{Daddy and I have} and I dose, and her daughter go home. ^{I have a good time}
~~Daddy's~~ I allow ~~Daddy~~ to talk me into staying the night on.

~~the Chastity~~
~~Debbie's~~ I allow ~~Debbie~~ to talk me into staying the night on.
 Chastity climbs in bed with us, because she have wet her bed. ~~She~~ ^{Chastity} ~~shugges~~ up
 close to me not realizing that I am nude. I feel good with Chastity
 lying on my side and my Arm goes around her small body. I feeling
 very content with chastity in my arms, that ^{Min} ~~she~~ ^{or 2} came to me for
 protection. I think of her ^{Chastity pressing her body} ~~pressed~~ ^{mine} against me every night and
 long for the Intimacy of a close personal relationship with
 Chastity. I fantasize of teaching her about life and sex as I Imagine -
~~begin to~~ ^{Coarsely} caress her hips and bottom. I discover that she has on
 no underwear under her night ~~gown~~ and Imagine what
~~she~~ ^{her legs, small, tight,} ~~she~~ ^{hot skin} ~~she~~ ^{soft} ~~she~~ ^{per th}
 a would feel and look like. ~~Debbie's~~ ~~cocks~~

I think of ~~the~~ ^{Min or 2} sliding up and down my body arousing herself and me. I fantasize that ~~she~~ ^{Ehasity} slides her leg over mine and straddles my pick. working her hips back and forth over my dick until I am as hard as a steel pole. I imagine reaching down between ^{lifting her body up} her legs ~~and aligning my erection with her vagina~~ ^{and aligning my erection with her vagina} and then ~~and allow her to slowly slide down~~ ^{then I allow her to slowly slide down} till I have penetrated her completely. I fantasize that I lift and Lower ~~Ehasity~~ ^{Ehasity} a numerous ^{accustomed} ~~times~~ amount of times slowly as she become ~~accustomed~~ ^{accustomed} to my size. ~~she~~ ^{she} takes over and increase ^{the} pace I Imagine My hands working their way up ~~and under her garter~~ ^{up to her} ~~up to her~~ undevelope breast, as I stimulate ^{Min or 2} ~~by~~ this way she increases the tempo even more almost engulf my member within herself. ^{Minor 2} begins to moan and lets out small cries of pleasure. I fantasize that she reaches orgasm as I ~~at~~ ^{fire} my cannon deep ~~within her~~

Planning

I Plan to get ^{Minor 2} alone with me, talking to her pretending to be her friend, that she can trust me. I plan on ^{grooming Chasity} ~~making her feel comfortable~~ around me so that ^{Chasity she} ~~she~~ comes to me when she feels or wants protection. I plan on ⁱⁿ ~~holding~~ ~~and~~ ~~hugging~~ her so she becomes accostum ~~to~~ my physical touch. I think perhaps I can take ^{Min} ~~her~~ somewhere in my truck with her sitting close, I ~~plan~~ plan on asking her if she wants to steer with me working the peddles. I think if she would sit in my lap with her legs spread over mine. I plan to act ~~as if~~ ^{as if} (her weight is uncomfortable and slide my hand to her genital area and reposition.

Minor 2

I think that after two or three times of this I will leave my hand there and slowly work my fingers up and down into ~~Chasity's~~ vaginal. Debbie call and asks me to pick up ^{Minor 2} ~~at a friend house~~ and bring Chasity to where Debbie is working. I agree and reach for my truck keys.

Pa

I become obsessed with my fantasy of sex with Chasity. I think of getting her alone with me, where I can see how ~~recept~~ receptive to my advance she will be. I plan on ~~buying her things~~ so that ~~she will look on me as a provider~~. I plan on asking her what she needs and if she wants and then buying these thing for her in ^{exchange} for a kiss and a hug. I plan on holding and touching her in places that will comfort ^{her and I plan on} ~~then~~ ~~excite~~ her, moving ~~my hand~~ ^{my hand} to places that ~~she~~ should excite her. I plan on ~~sease~~ ⁱⁿ caress her body with ^{motion} ~~movement~~ that come closer and closer to her ^{arousal} ~~sexual~~ zones. I plan on having sit next to me, perhaps even on my lap where she can feel my erection pressing in to her bottom. I think of driving her in my truck sitting next to me with my hand on her knee ^{before} ~~after~~ shifting ~~into~~ gear. As I shift into second gear I will move my hand further up her leg and then I plan on stroking the inside of her thighs moving closer and closer to her pussy. I imagine her backhoe fitting short her legs on either of my truck's gear shift.

b
H
SC

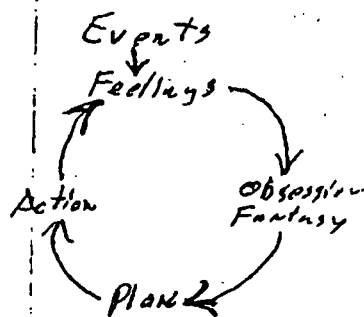
Conflict = Opportunity

fight	fatigue	punishment
fear	pain	dissociation
problems	tension	escape
anxiety	feelings	avoidance
disagreement	insecurity	agreement
death	clash	growth
battle	disaster	communication
right/wrong	turmoil	resolution
MPD	decision	strength

I plan on slipping a finger inside the crotch of her shorts running the finger along ~~her~~ ^{and secluded} pantie line. I plan on stopping somewhere quiet with her in my truck. I plan on kissing her neck as I worm my finger under her panties. I plan on spreading her legs wider to open her cunt to more of my fingers. Then I think of reaching with my other hand and lowering her shorts off her hips and sliding that hand down inside of her pantie from the front and ~~working~~ caressing her public round & I plan on stimulating her clitoris with my left hand then slipping my index finger up inside her vagina. I think of the feeling ~~that~~ ^{second} ~~that~~ her tight, juicy pussy will give my finger. ~~At this~~ ^{Minor 2} ~~time~~ ^{from some} Debbie calls and asks me to pick up ~~and~~ ^{up} some friends house and bring her home before Debbie gets off work the next day. I am obsess with my ~~fantasy~~ ^{fantasy} of ^{Minor 2} and the next day when I pick up my truck keys.

I touch her under developed breast and
 circle her nipples with my finger as they become hard
 I told myself oh! she wants it and then proceeded
 to move my hand lower to her crotch where her vagina
 is hidden. I touch it now small and tight her vagina
 must be ^{small} her skin is so soft and smooth as I
 run my hand along her interior up to her
 vagina. I imagine that the outer lips of
 her vagina as she slowly opens her legs. I think
 she wants me to continue and is giving easier access
 to her vagina. My cock is rapidly getting harder
 I fantasize working my fingers slowly ~~into~~ ^{near} her
 near vagina I began to kiss her face and neck. I fantasize
 about working my fingers slowly between her vagina lips
 and inserting them into her vagina passage way.

Cognitive Distortions
Apparently Irrelevant Decisions
SUBTLE
Seemingly unimportant Behaviors that Lead to Errors



retention/lotioning
direct

he would have
late anyway

do relationship map in chapter 4 for
Mood Altering Chemicals

Big EGO posture (opposed to humility)
inadequacy posture (opposed to self-confidence)
frustration posture (opposed to accomplishment, achievement, success)
belligerent posture (opposed to peace, harmony, concord)
defiant posture (opposed to acceptance, gentleness)

what bothers me at work is the way 1st shift always
seems to shift the blame for their action onto my shift
which is 2nd shift. It's almost like they don't want to deal
with the conflict of owning up to their actions or lack of
action which is the case most times. I feel like 1st shift
expects us to do half of their work and then do all of ours.

when I realized that I had another Cognitive Distortion
about what I had done or the harm I have done to Charity I started
feeling that I was a piece of shit, that I was indeed my father
Bastard: with his rage. I started to obsess about this feeling
but I exited by expressing my feeling of shame to my peers
in the SC group.

I have become obsessed with the fantasy of sex with Chasity,
 so when Debbie calls to ask me to pick up ^{Minor 2} from some friend's
 house and bring her home before Debbie gets off from work, I am
 readily ~~wholly~~ ^{completely} agreeable to the idea. I think that
 this will be a good time for to start grooming ^{Minor 2} for my sexual
 advances with gifts and ^{quality} time with her. I think of playing
 Nintendo with her, sitting close to her, hugging her, talking to her
 about her father, her brothers, school, and her possible boyfriends.
 I think of using the previous grooming of Nicole to make ^{Minor 2}
 feel expectant of the things she could receive from "such a nice
 man like me" ~~with~~ exchange for a kiss and a hug. I plan on holding and
 touching in nonsexual ways at first and then progressing to more sexual
 type of touching. I think of how my caressing her body in sexual places
 should excite ^{Minor 2} and arouse her body into wanting more from
 me. I think of ^{Minor} sitting on erection as I explore her little body
 for all of her aroused zones. I think of her wearing a loose
 fitting shorts outfit, so I can feel the smoothness of her ~~skin~~ inter-
 thigh. I plan on her sitting next to me in the truck her legs to
 either side of the gearshift, with my hand resting on her knee Fantasy or 1
 I plan on...

(consequence

~~consequence~~

Minor 2

1 tells^{Minor 4} of the thing I did to her, ^{Minor 4} her mom, my adopted sister? a true friend of mine and I trust. I fear I will lose my friendship with her. She has looked at me thru some my ~~hard times~~ ^{but} and I don't think she will stay by me this time, ~~when I need someone to help~~. My adopted sister become distant and I worry that I will lose the closeness of our relationship with her and her husband. As I grow more and more concerned I think ~~I think that~~ ^{I think} the reason this happens to me is because one day I was feeling unsatisfied, angry, frustrated, obligated, and inadequate with my relationship with Debbie. Then I became obsessed with the fantasy of ^{my} ^{Minor 2} my ideal love mate and I planned on grooming her by ~~showing her~~ ^{grooming her} for attention and giving her gifts. (pause) SWITCH!

2 My adopted sister tells Debbie, who confronts me and physically attacks me, hitting me with things she throws at me, yelling and screaming that she will call the police. As Debbie releases more of her Anger at me I think that the reason this is happening to me is because one day I was feeling unsatisfied, angry, frustrated, obligated and inadequate with my relationship with Debbie. Then I became obsessed with my fantasy becoming my ideal love mate and I planned on grooming her by ~~showing her~~ ^{grooming her} for attention and giving her gifts. (pause) SWITCH!

Minor 2

3 The police call me in for questioning and ask incriminating questions about my actions with ^{Minor 2} Debbie. The police handle me ruthlessly, grilling me continuously for hours, after questioning me they sit me out front of the interrogating room. The police people who walk pass look at me with disgust and hatred, staring at me and talking to each other just below my hearing range. As I sit there in shame, I think that the reason this is happening is because one day I was feeling unsatisfied, angry, frustrated, obligated and inadequate with my relationship with Debbie. Then I became obsessed with my fantasy ^{Minor 2} becoming my ideal love mate and I planned on grooming her by ~~showing her~~ ^{grooming her} for attention and giving her gifts.

Consequences

1. ^{Minor 2} ~~I get caught~~ ^{only} ~~and~~ Debbie breaks up with me and I lose my ~~sexual~~ ^{only} outlet. Debbie threatens to inform ^{Minor 2} ~~my~~ father about what I have done as she throws things at me, the reasons Debbie and me are fighting are because one day I was feeling used, angry, lonely, and frustrated over my ~~inability~~ ^{inability} to express my feelings and needs to Debbie about our relationship. I became obsessed with my fantasy of sex with ^{Minor 2} ~~my~~ Debbie's daughter who I imagine as the person to fulfill my need for a close intimate relationship. I plan on grooming ^{Minor 2} ~~my~~ so she will accept my sexual advances. SWITCH
2. The Police call me in for questioning and ask incriminating questions about the thing I had done ^{to} ~~with~~ ^{Minor 2} ~~the~~ ^{back} The police sit me out in front of the ~~interrogating~~ ^{interrogating} interrogates room and all the people stare at me with looks of hatred and disgust. As I sit there in shame, I think ^{that the} ~~of the~~ reasons I am here is because one day I was feeling used, angry, lonely, and frustrated over my ~~inability~~ ^{inability} to express my feelings and needs to Debbie in our relationship. I become obsessed with my fantasy of sex with ^{Minor 2} ~~my~~ ^{back} Debbie's daughter who I imagine as the person to fulfill my need for a close intimate relationship. I plan on grooming ^{Minor 2} ~~my~~ so she will accept my sexual advances. SWITCH
3. ~~My~~ father and Terry, and some of his friends beat me up. I spend two days in the hospital worried about how I will pay this bill. As I lay there in the bed I realize that the reason I am here is because one day I was feeling used, angry, lonely, and frustrated over my relationship Debbie. I become obsessed with my fantasy of sex with Debbie's daughter, ^{Minor 2} ~~my~~ ^{back} I made plans to groom ^{Minor 2} ~~my~~ so she will accept my

4, I working on Aircraft on top of BC 2 when I notice a police ^{two} car and pull into the parking lot. As I watch the HP's and county sheriffs get out of their cars I know why they are here. ~~Asks me what~~ they approach my lead man and ask where I am he calls me down from the Aircraft, looking at me in wonderment, the sheriffs ask if I am Daniel Wade McCoy _____ I say that I am and they tell me the arresting me for the Rape of a Minor. ~~Big B~~ B and Mr. Crook look at me with Disgust and as the police handcuff me and haul me off I think that the reason reason that this is happening one day I was feeling Lonely and Frustrated with my relationship with Debbie to the point ~~Excessive~~ Obsessed with the fantasy of having sex with her daughter as a means for my revenge on Debbie. 6)

I objectify women

I need to talk about Beating ^{Minor 5} and
be truthful about the Amount ~~of~~ of Abuse I
did. how I sexually abuse him and his sister ^{Minor 6}

Voguer ^{Minor 6} I check to see her skin over her vagina,
(CD)
I anal abuse Steven, trying to unplug him, beating him for
messing ^{messing} not shitting and peeing his dapper, ^{and not using the toilet} beating him for being two
years old and active when I wanted to sleep, taking ^{my} ~~Vengeance~~ ^{my} ~~Virginian~~ ^{my}
out on him

- 4 I'm working on BC2 when I notice two patrol car
pulling into the parking lot. As I watch the AP's and county
sheriff's approach my leadman I know why they are here.
Mr Crook, my leadman calls me down from the Aircraft, Looking
at me in wonderment, they ask if I am Randal McCoy, I say
that I am and they arrest me for the Rape of a Minor. A fellow
co-worker and Mr Crook look at me with Disgust as the police
handcuff me. I realized that this is happening because one day
I had become obsessed with the fantasy of having a child fill my
need for a Intimate Relationship in place of the relationship
between her mother and me. A relationship in which I was unable
to express my feeling of being frustrated, Lonely, ^{Angry} ~~frustrated~~, inadequate,
(and my thoughts of being) ^{and} powerless, so I started grooming ~~thru~~ ^{my} ~~thru~~ ^{my}
desire to fulfill my needs.

S W I T C H

- 5 All the time I spent away from work dealing with the Legal
consequences of my actions, get me fired, As the Bills stack
up and ^{my} savings are depleted I realize the reason I am now
jobless is one day I was feeling powerless in my relationship with
my girlfriend and I fantasized about her daughter to the point that
I began to groom her for my sexual Advances

I am feeling that I am unworthy of the Insurance money being spent on me here. that It would be better spent on my victims. Some of them don't know they are my victims because I only victimize them in my Mind.

- 6 The TV Channels and Newspaper run My story, Making headlines in the Community. I Imagine everyone staring at me with hatred and ~~sub~~ suspicion of what I have do or could do. I think back to the reason that this happening, because one day I ~~could~~ would not express my feelings about my relationship with my girlfriend and I started to fantasize about starting a close Intimate Relationship with her nine year old daughter and began to groom her to that end.

SWITCH

- 7 I lose my friendship with all my friend, because they ^{feel that they} can no longer trust me with their children. I reflex back on the reasons for this distrust is because one day I started to fantasize about ^{fulfilling} ~~fulfill~~ my need for a Intimate sexual relationship because I was unable to express my emotions about my relationship with ^{Minor 2} 's Mother. I fantasized to the point that I started to groom ^{Minor 2}

SWITCH

8. I start feeling that I have Shamed my family and have lost their Respect for me when they are ~~confronted~~ confronted with what I have done. I realize that this is because one day I started to groom ^{Minor 2} to fulfill my need for a close Intimate sexual relationship to replaced the seemly inadequate Relationship I was having with ^{Minor 2} 's mom because I was unable to express my feeling and concerns ^{about that} in that Relationship.

SWITCH

9. As I stand before the judge, awaiting my sentence I feel the ~~anger~~ rage within me boiling, because of the things I have done to ^{Minor 2} I am here because one day I started to fantasize about Chasity to get revenge on ^{Pebble} (her mom) for my inability to improve or break off the ~~for~~ sexual relationship I started with Pebbie.

SWITCH

10. I Lose my ATP licence because of my conviction of Rape of a Minor and Now unable to work in my chosen field of Aircraft Maintenance for any Airline, Defense Contractor, or private Company. I have lost this licence because one day I Molested ^{Molested} groomed a Child name ^{Minor 2} by grooming her as a sex object to get revenge on her Mother for my lack of courage to tell her mother my wants and desires.

SWITCH

11. I go to a state pent for my crime of Child Molestation as I sit in the bus knowing that my guilt is know to all the other convicted criminals by their looks of disgust and ~~that~~ h I think back on the reason I am here is because one day I ~~saw~~ groomed a child for my sexual advances so I could use the act of sex for an act of revenge against my girlfriend for my own inadequates

SWITCH

12. I am abused in jail by fellow inmates for their need to enact their revenge on their pr. As I am laying on my bunk, battered and bruised from the last Attack on my person I reflex back to the reason I am here, which is one day I abused a child for my own selfish pleasure I derived from using her as a object (~~to strike out at her mother~~) as the result of my inability to communicate with her mother.

feeling frustrated, angry, unsatisfied, obligated and inadequate with my relationship with Debbie. Then I become obsessed with my fantasy of Chastity becoming my ideal Love mate. I planned on grooming her by fulfilling her need for attention and giving her gifts.

(pause) Switch!

14. I am working on BC 2 when I notice the patrol cars pulling into the parking lot. As I watch the M.P.s and county sheriffs approach my lead man, I know why they are here. My lead man calls me down from the aircraft, looking at me in wonderment. They ask if I am Randal McCoy, I say that I am and they arrest me for the Rape of a Minor. B, a fellow co-worker, and my legmen appear ~~star~~ surprised and ~~begin~~ begin to look at me with ~~surprise~~ suspicion. As I am being handcuffed I think that the reason this is happening to me is because one day I was feeling unsatisfied, angry, frustrated, obligated and inadequate with my relationship with Debbie. Then I become obsessed with my fantasy of Chasity becoming my ideal love mate and I planned on grooming her by fulfilling her need for attention and giving her gifts. (pause) SWITCH

B. I am fired from work because of the time ~~tyed up~~ with the logat con I have miss out on at work because of my arrest and time spent on preparing for court. As I sit there at home watching the Bills pile up I think that the reason this is happening to me is because one day I was feeling ~~unsatisfied~~

#2 on Prevention of Relapse Plan

#1

High Risk Situation

a condition that jeopardizes the addict's ability to maintain control over illicit sexual behaviors, and therefore increase one's chances of slipping back into compulsive/aberrant thoughts, urges, or actions

ABC

Emotional + Interpersonal Triggers

Emotional	A) negative emotional state
Emotional	B) negative physical state
Emotional	C) testing control
Interpersonal	A) Conflict
Interpersonal	B) social pressure

Environmental Triggers

- manage exposure to victims
- maintaining a criminal lifestyle

Personal Triggers

- expectation of control
- capable of making choices

Emotional + Personal + potential victim = RELAPSE

Craving - refers to the subjected desire or need to experience the effects of addicted response (sex, drugs, eating)

Urges - compulsive intention to engage in a specific behavior that will temporarily satisfy or reduce craving

Healthy Lifestyle

work/career/Education

work life

G
I
V
E

Interpersonal
Relationship

Social life

A
N
D

T
A
K
E

E

Intrapyschic
(your Needs)

Leisure life

Rest/Sleep

Nutrition

Exercise

relaxation/leisure

Leisure

Self-Explore/Reflection

Fun

Takes mind off

Knowing self

Thinking

Enjoy

- Most urges - cravings - experienced are responses to external cues;
conditioned responses

deviant
sexual
thoughts $\longrightarrow$ sexual
arousal

madonna + deviant
music + sexual
thoughts $\longrightarrow$ sexual
arousal

madonna music $\longrightarrow$ sexual
arousal

(Journaling) Self-monitoring (3x's per day)

Emotional - how did I feel, sad, scared

Physical - where in body

Cognitive - self-statements

20 April woke up after 4 hours sleep tried, was triggered in ST by my preception of Heather, crossed with Vickie than the group. got jumped on by Rob and Michael for staying up late last night, desired it I should of when to bed when I first got tried but I tried to help Vickie should of tried to help me first. The Insurance Company pulled the rug out from under me today was not expecting it so soon. ~~the~~ have been trying to form a plan for ~~continued~~ continued treatment by finding a place to live. This may be good for me as I will probly need to move when I return to Ozark.

I am lying in bed writing because I do not ~~not~~ want to fantasize about ^{Minor 2} Started thinking about her when I started to think about returning home and confessing to Human Resource of what I did to her I suspect that they will think I took her virginity. I do not recall sticking anything into her, but once I did drag my finger down between her outer lips and discover that she was wet there this is after I had stimulated her clitoris with that same finger.

21/4 woke up a 3:30 bathroom, woke up a 6:00 rested but still needing sleep, ^{but} you never get your sleep or so I told ~~and~~ you don't get your sleep back

24/4 woke up at 7:00am. fantasy of Nicole in my arm lying next to me, switched thoughts, got up went to bathroom, typed back down turn on TV, girl in fantasy was more nature than ~~was~~ before, ^{arranged room for tonight only possibly for} shower at 8:00am. after wakeup call, ate breakfast with Paul drove to hospital. talked to Paul he looks better than he did all week, gave my day contribution for the cause. Marijuana is my drug of choice after sexual violence. Alcohol is a drug I use to be socially accepted. I don't have sexual fantasies when I am on marijuana, but I think I may still be acting out ^{sexually} even when I am using marijuana, I know I am able to perform when I have been drinking, it just takes me longer to become excited and it takes me longer to ejaculate

I was a chemist so why should I try to leave Germany

back against a tree corner in my lap my rifle
on the ground right side

tree limbs hang down blocking the bright sun in
Mid to late Summer grass is green brook runs
thru meadow bird sing in distant right side of me
smallst willow ^{that} ^{she} dot meadow rabbit drinking from brook deep
at edge of tree line alert but not frightened.

10:30 am

24/4 Dear Program why I am in Dear. I am in Dear to educate
myself to how drugs are an addictive coping ~~meas~~ means of
escaping my feeling, and how when I escape I feel worse
after I use which feeds my low self esteem. (Good Group Done
12:00 Parrell worries me a little. (there but for the grace of God go I)
Rest of day busy getting frustrated over not finding Apartment
when went to CA meeting good meeting then went to Hotel
two hours of fighting myself til I went to sleep

12:00

25/4; awoke at 5:00 am. again turn on TV watch cartoons change
channel watched Flight of the Intruder til Paul came we ate
breakfast, enjoyed the triggers, checkout of Hotel or Inn went
to Hospital. need to do yesterdays Event forms, and go to Dear
Group should be in there now.

was I trying to keep our connection with money by offering to pay for her treatment

how I play the Hero role I find a woman who is having trouble with money, shelter or love life. I turn on the quiet, gentle guy who is there to listen ^{to her} and may be help her. I work my way into her confidence to where she starts to lean on me for support. I plan on giving her a

$$\begin{array}{r} 1,740 \\ 1,112 \\ \hline 3980 \\ 17400 \\ \hline 20,880 \end{array}$$

I help them get on their feet a little bit where they can see what it could be like to be independent ^{but} as long as they stay some what dependent on me I then don't / did did this with the mom after us kids were somewhat grown especially when me and Ben were almost old enough to strike out on our own. He let her get a job? after that she wasn't home when we got home. felt a band by me because she was not there right at them were home. dad put me to work working with him after school or did I want to work with him to spend time with him I learn the basic of upholstery work for him there two years. It was on one of the trips home from delivering a couch or chair that dad told me not to worry about getting a girl pregnant that he would stand by me and we could say it was a mine but some other boy's that I was not the only one to have sex with her. It soon were were to do that, there was a girl who live down street who I like that got pregnant she was 13-14? she was pretty nice. She gave her by my. I could not see doing something like that to a girl he also told me that he had fuck a whore while he was in Vietnam that same trip I thought that he should't have told me that, that he had been unfaithful to my mom.

feeling depressed and lonely
noon

I wake up late around 12:00, I am feeling rushed as I go to the bank and then to the store for groceries. I ^{have no time to} ~~wait~~ ^{wait} ~~at home~~ ^{at home} I see the time is 2:15, I want to see Robert but know how I am feeling so I hurry out the door. I decided to take the short route thru the housing area and by the grammar school. As I pass the grammar school I see a young girl in a dress walking back into the building her dress is hitched up showing her bottom. I see that her underwear has bunched up into her small ass ~~that~~ ^{her} cheeks. I begin to imagine how her ass would feel to my touch ~~of my hand~~ ^{of my hand} ~~caressing~~ ^{caressing} her bottom.

I think of ^{Minor 2} ~~and~~ as I turn on to the road going thru Ft. Rucker I start to plan about go by their schools to see if I can pick up either one and drive around with them in my truck for ~~a~~ a little bit. buy her something sweet to eat so she will let me hug her and touch her. I plan on turning at the next turn to go to Enterprise to see if my plan will work. for when I hold them I plan on running my hand down behind their back under her billon and between her legs. (gas)

^{Minor 2} ~~climbs~~ ^{climbs} into my truck sitting next to me. I put my hand on her left leg. moving my hand back along her interthighs she remains quiet as I reach her ~~front~~ ^{groin} and I begin to move my hand up and down pressing my pinkie finger into the cloth cover her pussy I ^{proceed} ~~start~~ slowly, but I ^{am} ~~continually~~ ^{continually} add pressure forcing her legs apart as I stimulate her love bottom

why do I feel ~~all~~ angry all the time
 why should I feel angry. My Mother
 Loves me my daddy loves me. My brother
 loves me he does know how to love me and I don't
 know how to love him I don't know how to love any one.
 I know that I do but I don't know how to
 why do you want to have sex with girls they say no or most
 of them don't. Nicole can say no but she says it in ways
 that she knows won't hurt me she wants my love and
 friendship but not to have sex with me. I want to love
 her anyway that she will let me. she is in danger if
 she shows pain or hurt toward me because I want to remove
 her hurt and pain and the only way I know how is with
 sex, because that is how I get rid of my feelings, so if
 she can't be strong I will not try to get out with her, that I
 want the way to show love because she should be able to express
 her feeling with out me trying to release my feelings that hurt and pain, that
 I pick up from her, thru sex.

when I start to get to know ^{a woman} someone and they tell me about the misery
 that is in their life, I start to think I can make their life better by making
 love or having sex with them and what I really do is fuck up their
 lives even worse. I don't mean to, but I really don't know how else that
 I can help them, because (somehow I feel sex with someone will be the
 answer to my problems and when it doesn't work I feel that
 something is wrong with me and I get pissed at myself, then at them for
 making me realize that sex is not the answer to my problems. That is
 why I am so angry all the time.)
 this is Important

The sound of a Bullet going glass - this sound come
in to my head as I was sitting in ST on the morning of 26 April, 93.
26 April. Dear Group Revnot Tape

I pissed right now because Lisa says that all my sexual
fantasies go back to children, even when I fantasize about adult
women. ~~She~~ I take this to mean she does not want me
to fantasize at all this is an attack on the only ~~thing~~ means
I have at this time of having sex, with is in my head/she says
that I am fantasizing about children even when I am thinking about
women, with or without a child like figure. If any fantasy about
women is a fantasy about child then the only way I can have sex
is without fantasies and without women. Lisa must want me
to turn gay well she can stick that back into her head
because I am not now or ever will be gay. The ~~women~~ women
that cause my sexual feelings will never see any rage at them but
Lisa may see and (I hope not) receive harm if I lose it in session with
I am afraid right now that I will physically act out with Lisa I need to
tell her this and perhaps get a male therapist for my safety.

Call Wiregrass Mental Health see if they have a
male therapist who is SC? SA? qualified

Things I need to Improve

Relating to other people verbally my feeling, about work,
about my lack of a healthy sex life or just ^{alack of} sex life, about my life,
about my needs

Myself How I feel about myself, about how and why I feel about
other, but male and female, How I view the world,

U1H-1 / A1H-1

Fuel flow ~~thru~~ from Fuel tank to Exhaust Pipe

Fuel pump (Electric or Air driven) picks up Fuel from Fuel tank Sump (lowest part of fuel tank) thru Fuel lines (metal braided hoses) to Fuel Shut off valve (mounted below Eng Air inlet) from Shut off valve the Fuel flow thru Fuel Filter and to Fuel Filter system. The Fuel then flows to the Fuel Control (device used to meter fuel flow to Eng Fuel Nozzles) where the Fuel Pressure and Flow are measure and adjusted and sent out thru fuel lines to the Fuel Nozzles at the back of Eng. The Fuel is atomizes when the Fuel is Force thru the Fuel Nozzles and mixed with compressed air in the Combustion Chamber and ignited by a spark at first if Eng is a Full burner. The Spark is shut off when ignition is completed and not turn on till Eng is started again. The Fuel burns and as it expands it ex. force pass a group of free wheeling and stationary blades and out the exhaust pipe

Air Flow thru Eng

Air is Sucked in by compressor blades thru the Inlet ^{Pressure} ~~Pressure~~ Filter, pass the Particulate Separator into the Air Inlet of the Eng. From the Air Inlet the air is Compressed by a series of compressor blades that are driven by the first two free wheeling blades in the Combustion Section. The Air is continually compressed by the Compressor blades til it reaches the diffuser section where it loses some of its compression as it is swirled into the Combustion Section where it is mixed with fuel, ignited and ~~expands~~ ^{ignited}. The ~~Expanding~~ ^{Ignited} Air/Fuel Expands in the Combustion Section and is forced out of the Combustion Section by the incoming compressed Air. As the Air/Fuel Burns and is forced out of the Combustion Section it turns the first set of Free wheeling blades driving the compressor section, it then turns a second set of Free wheeling blades which drive a shaft at 6600 rpm.

Review devices what are they.

Acid

- (1) Identity
- (2) Protection of self
- (3) Protection of others

Semi Permeable membrane 2 way
cell can protect itself and still undergo its
and get rid of waste products

what is me and what is not me



1 May 93 got up at 730 went downstairs cashed at
 Check, got cigarettes from across the street (Highvish
store), sold Alcohol, left as soon as I paid for cigarettes. Later
 sat in Hotel drank coffee two cups. Called taxi asked
 them to meet me at back door, Highvish group of
 young girls at back door waiting to get into pool ~~area~~
 did not want to try three second rule, sat on curb
 and waited for taxi. Arrived at Hospital about a quarter
 to ten, ate breakfast. Rehab started at 10:30 am, listen
 to Kretzeams start of her first step. got and I hope gave
 good feedback, realized that why I may be attracted to
 girls of nine to fourteen age group is they were my
 peers! at the start of my interest in sexual matters. that
 I was looking for sex to be accepted by people when I started
 to drink as well as a break from my parents. Started smoking Marijuana
 to ^{hang out} ~~be~~ with an older crowd so I could not figure out why girls
 stop talking to me and being my friend between ~~age~~ the age of nine
^{and} ~~and~~ to sixteen, the only one who seem to be interested in me where
^{who were} girls ~~two~~ to four years younger. All the girls I was interested in seem
 to reject me, maybe because they realize my obsession with they
 bodies and not their ^{being} ~~person~~. so I started partying with ~~the~~ older
 crowd to escape from my frustration with not actually being able
 to satisfy my sexual urges, being with the older men enabled
 me to learn about "how to make Love" to women with out any actual
 experiences of my own to draw on to prove or disprove what I heard
 or ~~needed~~ read for promo book were able thru then as well.
 I kept smoking Marijuana because it gave me the escape I want from
 what I thought was a lack on my part. I was unsatisfied with
 the attention I was getting from the younger girls because I did
 not want at that time to take advantage of their lack of experience to
 satisfy my lust, I didn't want to hurt them (then?) when I could not
 find anyone older or ~~of my own~~ later.

I had such low self-esteem about my sexual abilities and my guilt and shame over the helicopter crash in Alaska showed me ^{as a man for} looking toward children or young girls ~~to~~ relief of my sexual desires. I now know that the children who I acted out upon were not in fact the girls I was fantasizing about at first, or at least the first time that I molested a child. There is a period of ^{five} years between my first acting out and my next attempt of raping a child. By this time my fantasize had become entrenched in my mind. I started acting out with adult women in order to appease my sexual urges which was unsatisfying because the women who I was in were, in a manner, using me to satisfy their sexual needs and not mine.

May 93
girls in Elevator at Hotel

That ~~kind~~ vulnerability and possibly vulnerability of other adult women at Meetings

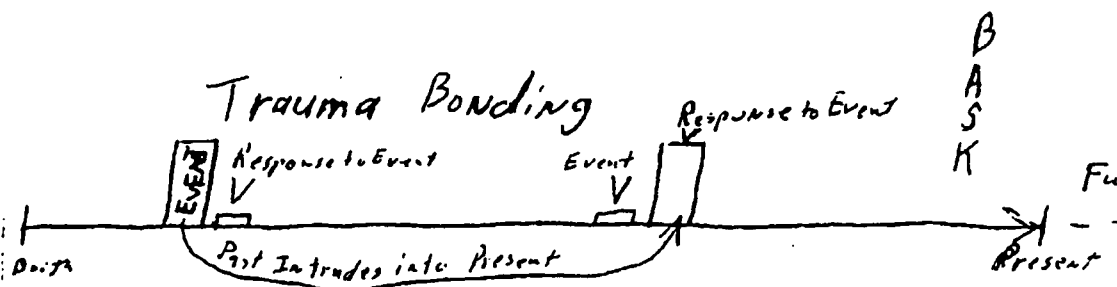
Visitor or kids of other addicts how they may be triggered

After visitors group?

SC. Treatment film how first sex scene affected me ^{physically} and my thoughts on how it would be graded on a meter scale compare to how I feel it was stimulated

SC group 4 May 93

voices in my head doors closing with one
conversation going on outside I hear a noise at the
door closing my mind changes that noise into a voice
sometimes female sometimes male



93% of Sexual Addicts are victims of Sexual Trauma

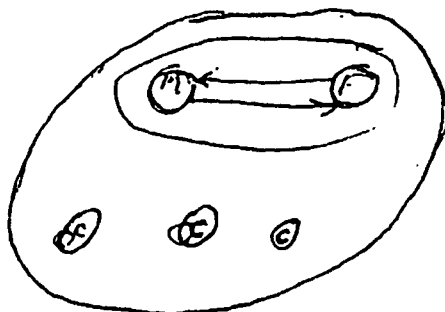
Birth

Age 6-12 year Boys and Girls know that Boys and Girls are different
around 8 years Boys and Girls separate
12 years ^{touch} or start physically touch each other

Protect
"

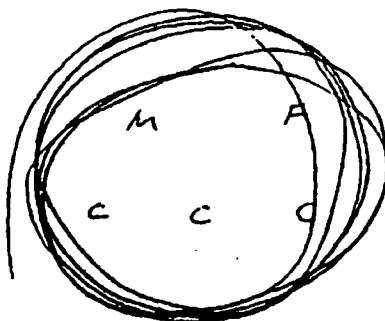
I a

Healthy



Me, you, and me

unhealthy



who the parent
who the child
no boundary around it
there's a wall

I am still Rationalizing and Minimizing, which means I still have work to do. It ~~that~~ take time to get thru 35 years of shit that I have build up in my mind about why and what I have done, but with each day that I work the program I will unravel more and more of it til I get to the truth all of the truth. I will need lots of help from others to accomplish this to point out when I am rationalizing and minimizing or when my thinking is out of wfracts

Meeting may help in this course if I can find one or more that I can go to, but finding one that I can address all my issues in may take some time, perhaps meeting with Rob will do, but I think I need more outlets than just Rob, In fact I know I will need more support than the people I have now, because

View women as threatening to me. Ideas
 of women are based on preconceived
 notions and fantasy than on actual
experiences. I harbor hostility and anger
 at women. However, since I view them as threats,
 I tend to direct these hostility feelings in in-
 appropriate ways.

I view women as a threat to me. My ideas women
 based on preconceived notions and fantasy ~~than~~ ON
 actual experiences. I harbor hostility and anger toward
 women - however since I view them as threatening, I
 tend to direct these hostilities in inappropriate ways.
 I hate what I have done to others and to myself.
 I am still angry at my father for disciplining me
 when I spoke up during a TV show.
 I am thinking that my Mother may be the cause of
my addiction that I want to hurt her for something she
 did or did not do.

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

E

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

NOV 12 2013

Liz Godard
C.C.P. & G.S., 13th Cir. S.C.

Anita Knoepke
Deputy Clerk

STATE OF ALABAMA,	)	IN THE CIRCUIT COURT OF
	)	
PLAINTIFF,	)	COFFEE COUNTY, ALABAMA
	)	
VS.	)	ENTERPRISE DIVISION
	)	
RANDALL WADE McCOY,	)	
	)	
DEFENDANT.	)	CASE NO. CC-93-M-302; CC-93-M-303
		CC-93-M-305 AND CC-93-M-306.

S E N T E N C E O R D E R

Defendant appeared before the Court and was represented by Rick Hollingsworth, attorney at law. The State was represented by Joel Folmar, District Attorney for the Twelfth Judicial Circuit, State of Alabama.

On arraignment, Defendant entered four (4) separate pleas of guilty to **SEXUAL ABUSE IN THE FIRST DEGREE** in violation of Section 13A-6-66 of the Code of Alabama as charged in each of the four (4) offenses of the indictment.

The Court conducted colloquy with defendant and did ascertain that defendant made four (4) separate knowledgeable, intelligent and voluntary pleas and that a factual basis exist sufficient to substantiate each plea.

Defendant is pronounced/declared **GUILTY** of four (4) separate offenses of **SEXUAL ABUSE IN THE FIRST DEGREE** in violation of Section 13A-6-66 of the Code of Alabama, against the peace and dignity of the State of Alabama, as charged in each of the four separate offenses of the indictment.

Defendant was then:

1. Afforded an opportunity to make a statement in Defendant's own behalf before sentencing and was further asked if Defendant had anything to say as to why the sentence of the law should not be imposed;
2. Given an opportunity to present evidence as to any matter probative to the issue of sentence and/or facts in mitigation of any penalty that is to be imposed.

The State was then afforded an opportunity to present evidence as to any matter probative to the issue of sentence and/or facts in aggravation or mitigation of any penalty that is to be imposed.

After considering the arguments of the parties and any evidence presented;

IT IS ORDERED THAT FOR EACH OF HIS FOUR (4) SEPARATE CONVICTIONS, **RANDALL WADE McCOY IS SENTENCED TO SERVE FIVE (5) YEARS IN THE PENITENTIARY, STATE OF ALABAMA.** The CC-93-M-302 and CC-93-303 sentences are ordered to run consecutive to each other, but concurrently with the CC-93-M-305 and CC-93-306 sentences.

DEFENDANT IS GIVEN CREDIT FOR ANY TIME HE HAS ALREADY SERVED WHILE AWAITING TRIAL AND/OR DISPOSITION IN THESE CASES.

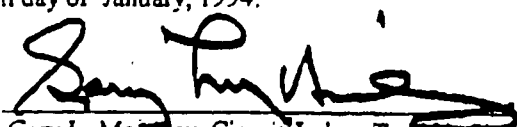
AS AN ADDITIONAL PART OF DEFENDANT'S SENTENCE, DEFENDANT IN EACH OF THESE FOUR CASES IS ORDERED TO PAY TO THE CLERK OF COURT, COFFEE COUNTY, ALABAMA, COSTS OF COURT; TO PAY \$50.00, WHICH SUM IS TO BE DISTRIBUTED BY THE CLERK OF COURT TO THE ALABAMA CRIME VICTIM'S COMPENSATION COMMISSION AND IS ALSO ORDERED TO REIMBURSE THE STATE OF ALABAMA FOR ANY ATTORNEY FEES THE STATE IS CAUSED TO PAY OUT DUE TO DEFENDANT'S REPRESENTATION HEREIN.

PAYMENT OF THE ABOVE IS TO BE MADE IN THE HERETOFORE LISTED ORDER AND IS TO BE MADE A CONDITION OF PAROLE OR OTHER EARLY RELEASE. SHOULD THE DEFENDANT HAVE ANY INCOME WHILE INCARCERATED IN AN ALABAMA PENITENTIARY, THE ALABAMA DEPARTMENT OF CORRECTIONS IS ORDERED TO PAY TWENTY FIVE (25%) PERCENT OF DEFENDANT'S SAID FUNDS (WHICH FUNDS OF DEFENDANT THE DEPARTMENT MAY COME INTO POSSESSION OF) TO THE CLERK OF COURT, COFFEE COUNTY, ALABAMA, AS IS ALLOWED BY LAW AND SAID DEPARTMENT IS ORDERED TO CONTINUE TO PAY SAME TO THE CLERK OF COURT UNTIL SUCH TIME AS ALL COSTS AND ABOVE ORDERED FEES ARE PAID IN FULL.

Defendant's sentences are ordered executed.

DEFENDANT WAS IN OPEN COURT ADVISED OF HIS RIGHT TO APPEAL, AS LONG AS HE PERFECTS HIS APPEAL WITHIN A SPECIFIED TIME; OF HIS RIGHT, IF DECLARED INDIGENT, TO A FREE TRANSCRIPT FOR THE PURPOSES OF PURSUING ANY APPEAL AND OF HIS RIGHT TO COURT APPOINTED LEGAL REPRESENTATION, ALONG WITH DEFENDANT'S OTHER APPEAL RIGHTS INCIDENT THERETO.

Done and ordered this the 10th day of January, 1994.


Gary L. McAtney, Circuit Judge, Twelfth Circuit, AL

AFFIDAVIT AND WARRANT

**STATE OF ALABAMA,
COFFEE COUNTY**

**DISTRICT COURT
Coffee County, Alabama**

AT Enterprise, Al.

Personally appeared before me, the undersigned authority in and for said County, _____

Terry Wise

_____, who, being duly sworn,

says on oath that he has probable cause for believing and does believe that Randall Wade McCoy, he being sixteen years of age or older, within twelve months before making this affidavit, in said County, did subject to sexual contact ^{Minor 2} who was less than twelve years of age, in violation of Section 13A-6-66 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

Terry A. Wise
Affiant

Sworn to and subscribed before me this the 20th day of May, 19 93

Barbara C. Hays
MAGISTRATE
COFFEE COUNTY, ALABAMA

WRIT OF ARREST

**THE STATE OF ALABAMA,
COFFEE COUNTY**

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA—GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST Randall Wade McCoy

AND bring him **before the District Court of Coffee County, at** Enterprise.

In said County, to answer the State of Alabama on a charge of Sexual Abuse - First Degree

_____, preferred by Terry Wise

Witness my hand, this 20th day of May, 19 93

Barbara C. Hays
MAGISTRATE
COFFEE COUNTY, ALABAMA

WITNESSES FOR THE STATE:

Terry Wise,
CINDY DUNAWAY, c/o Enterprise Police Dept., Enterprise, Al. 36330
^{Minor 2}

JUDY MELO, c/o Dept. of Human Resources, P.O. Box 1655, Enterprise

CLEAN HANDS

Executed this _____ day of _____
 19_____, by arresting the within-named Defendant
 and taking him before _____

_____, Sheriff.
 By _____, Deputy Sheriff.

COMMITMENT

THE STATE OF ALABAMA County of Coffee

The within-named Defendant having been brought
 before me under this warrant, and having failed to
 give bail for his appearance, is committed to jail to
 await the further order of this Court.

Witness my hand, this _____ day of _____

19____

_____, Judge

In compliance with the above Commitment the
 Defendant was lodged in jail this _____
 day of _____, 19____

_____, Sheriff.

By _____, Deputy Sheriff.

Executed this _____ day of _____, 19____
 by arresting the within-named Defendant and said
 Defendant was released on bond.

_____, Sheriff.

By _____, Deputy Sheriff.

No. _____

THE STATE OF ALABAMA Coffee County

DISTRICT COURT

AT _____, Enterprise, Al.

THE STATE
 VS.

RANDALL WADE McCOY

WARRANT OF ARREST

The officer arresting may admit the Defendant
 to bail upon _____, entering

into bond in the sum of _____
 _____ Dollars

with two good securities approved by said officer.

_____, Judge

Case set for trial _____

Name RANDALL WADE McCOY

Offense SEXUAL ABUSE - FIRST DEGREE

Color White Sex Male

D.O.B. [REDACTED]

Near _____ years old. Weight about _____ lbs.

Height about _____ feet _____ inches.

Is called a _____

Complexion _____

Beard, hair, eyes, etc. _____

Has _____

Scar on _____

Lives _____

Works _____

Clothes _____

Hangs out _____

Any Peculiarities _____

AFFIDAVIT AND WARRANTSTATE OF ALABAMA,
COFFEE COUNTYDISTRICT COURT
Coffee County, AlabamaAT Enterprise, Al.

Personally appeared before me, the undersigned authority in and for said County, _____

Terry Wise

_____, who, being duly sworn,

says on oath that he has probable cause for believing and does believe that Randall Wade McCoy, he being
 sixteen years of age or older, ^{Minor 2}
 within twelve months before making this affidavit, in said County, did subject to sexual contact
 who was less than twelve years of age, in violation of Section 13A-6-66 of the Code
 of Alabama,

against the peace and dignity of the State of Alabama.

Terry Wise
 Affiant

Sworn to and subscribed before me this the 20th day of May, 19 93

Charles C. Hays
 MAGISTRATE
 COFFEE COUNTY, ALABAMA

WRIT OF ARRESTTHE STATE OF ALABAMA,
COFFEE COUNTY

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA—GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST Randall Wade McCoyAND bring him before the District Court of Coffee County, at Enterprisein said County, to answer the State of Alabama on a charge of Sexual Abuse - First Degree_____, preferred by Terry WiseWitness my hand, this 20th day of May, 19 93

Charles C. Hays
 MAGISTRATE
 COFFEE COUNTY, ALABAMA

WITNESSES FOR THE STATE

Terry Wise,
 CINDY DUNAWAY, c/o Enterprise Police Dept., Enterprise, Al. 36330
 Minor 2

JUDY MELO, c/o Dept. of Human Resources P.O. Box 1655

Executed this _____ day of _____
 19____ by arresting the within-named Defendant
 and taking him before _____

_____, Sheriff.
 By _____, Deputy Sheriff.

COMMITMENT

THE STATE OF ALABAMA County of Coffee

The within-named Defendant having been brought
 before me under this warrant, and having failed to
 give bail for his appearance, is committed to jail to
 await the further order of this Court.

Witness my hand, this _____ day of _____

19____

Judge

In compliance with the above Commitment the
 Defendant was lodged in jail this _____
 day of _____, 19____

_____, Sheriff.
 By _____, Deputy Sheriff.

Executed this _____ day of _____, 19____
 by arresting the within-named Defendant and said
 Defendant was released on bond.

_____, Sheriff.
 By _____, Deputy Sheriff.

No. _____

THE STATE OF ALABAMA Coffee County

DISTRICT COURT

AT _____ Enterprise, Al.

THE STATE
 VS.

RANDALL WADE McCOY

WARRANT OF ARREST

The officer arresting may admit the Defendant
 to bail upon _____ entering
 into bond in the sum of _____
 _____ Dollars
 with two good securities approved by said officer.

Judge

Case set for trial _____

Name RANDALL WADE McCOY

Offense SEXUAL ABUSE - FIRST DEGREE

Color White Sex Male

D.O.B.
 Near _____ years old. Weight about _____ lbs.

Height about _____ feet _____ inches.

Is called a _____

Complexion _____

Beard, hair, eyes, etc. _____

Has _____

Scar on _____

Lives _____

Works _____

Clothes _____

Hangs out _____

Any Peculiarities _____

AFFIDAVIT AND WARRANTSTATE OF ALABAMA,
COFFEE COUNTYDISTRICT COURT
Coffee County, Alabama

AT Enterprise, Al.

Personally appeared before me, the undersigned authority in and for said County, _____

Cindy Dunaway

_____, who, being duly sworn,

says on oath that he has probable cause for believing and does believe that Randall Wade McCoy, he being sixteen years of age or older, within twelve months before making this affidavit, in said County, did subject to sexual contact ^{Minor 2} _____ who was less than twelve years of age, in violation of Section 13A-6-66 of the Code of Alabama,

against the peace and dignity of the State of Alabama.

Cindy Dunaway
Affiant

Sworn to and subscribed before me this the 25th day of May, 19 93

Laurel A. Hays
MAGISTRATE
COFFEE COUNTY, ALABAMA

WRIT OF ARRESTTHE STATE OF ALABAMA,
COFFEE COUNTY

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA—GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST Randall Wade McCoyAND bring him before the District Court of Coffee County, at EnterpriseIn said County, to answer the State of Alabama on a charge of Sexual Abuse - First Degree_____, preferred by Cindy DunawayWitness my hand, this 25th day of May, 19 93

Laurel A. Hays
MAGISTRATE
COFFEE COUNTY, ALABAMA

WITNESSES FOR THE STATE:

Terry Wise,
Cindy Dunaway, c/o Enterprise Police Dept., Enterprise, Al. 36330
Minor 2

Judy Melo, c/o Dept. of Human Resources, P.O. Box 1455

Executed this _____ day of _____
 19_____, by arresting the within-named Defendant
 and taking him before

_____, Sheriff.
 By _____, Deputy Sheriff.

COMMITMENT

THE STATE OF ALABAMA County of Coffee

The within-named Defendant having been brought
 before me under this warrant, and having failed to
 give bail for his appearance, is committed to jail to
 await the further order of this Court.

Witness my hand, this _____ day of _____,
 19_____,
 _____ Judge

In compliance with the above Commitment the
 Defendant was lodged in jail this _____
 day of _____, 19_____.

_____, Sheriff.
 By _____, Deputy Sheriff.

Executed this _____ day of _____, 19_____
 by arresting the within-named Defendant and said
 Defendant was released on bond.

_____, Sheriff.
 By _____, Deputy Sheriff.

No. _____

THE STATE OF ALABAMA Coffee County

DISTRICT COURT

AT _____ Enterprise, Al.

THE STATE
 VS.

RANDALL WADE McCOY

WARRANT OF ARREST

The officer arresting may admit the Defendant
 to bail upon _____ entering

into bond in the sum of _____
 _____ Dollars

with two good securities approved by said officer.

_____, Judge

Case set for trial: _____

Name RANDALL WADE McCOY

Offense SEXUAL ABUSE - FIRST DEGREE

Color White Sex Male

D.O.B. [REDACTED]
 Near _____ years old. Weight about _____ lbs.

Height about _____ feet _____ inches.

Is called a _____

Complexion _____

Beard, hair, eyes, etc. _____

Has _____

Scar on _____

Lives _____

Works _____

Clothes _____

Hangs out _____

Any Peculiarities _____

AFFIDAVIT AND WARRANTSTATE OF ALABAMA,
COFFEE COUNTYDISTRICT COURT
Coffee County, AlabamaAT Enterprise, Al.

Personally appeared before me, the undersigned authority in and for said County, _____

Terry Wise

_____, who, being duly sworn,

says on oath that he has probable cause for believing and does believe that Randall Wade McCoy, he being
sixteen years of age or older, ^{Minor 2}
 within twelve months before making this affidavit, in said County, did subject to sexual contact
who was less than twelve years of age, in violation of Section 13A-6-66 of the Code
 of Alabama,

against the peace and dignity of the State of Alabama.

Terry Wise
 Affiant

Sworn to and subscribed before me this the 20th day of May, 19 93

Randal C. Sharpe
 MAGISTRATE
 COFFEE COUNTY, ALABAMA

WRIT OF ARRESTTHE STATE OF ALABAMA,
COFFEE COUNTY

TO ANY LAWFUL OFFICER OF THE STATE OF ALABAMA—GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST Randall Wade McCoyAND bring him before the District Court of Coffee County, at Enterprisein said County, to answer the State of Alabama on a charge of Sexual Abuse - First Degree_____, preferred by Terry WiseWitness my hand, this 20th day of May, 19 93

Randal C. Sharpe
 MAGISTRATE
 COFFEE COUNTY, ALABAMA

WITNESSES FOR THE STATE:

Terry Wise,

CINDY DUNAWAY, c/o Enterprise Police Dept., Enterprise, Al. 36330

Minor 2

JUDY MELO, c/o Dept. of Human Resources, P.O. Box 1655, Enterprise, Al. 36330

SUSAN LANDRUM, c/o Dept. of Human Resources, P.O. Box 1655, Enterprise, Al. 36330

Executed this _____ day of _____
 19_____, by arresting the within-named Defendant
 and taking him before _____

_____, Sheriff.
 By _____, Deputy Sheriff.

COMMITMENT

THE STATE OF ALABAMA County of Coffee

The within-named Defendant having been brought
 before me under this warrant, and having failed to
 give bail for his appearance, is committed to jail to
 wait the further order of this Court.

Witness my hand, this _____ day of _____
 19_____,
 _____ Judge

compliance with the above Commitment the
 endant was lodged in jail this _____
 of _____ 19_____.
 _____ Sheriff.
 _____ Deputy Sheriff.

Executed this _____ day of _____, 19_____
 arresting the within-named Defendant and said
 endant was released on bond.

_____, Sheriff.
 _____ Deputy Sheriff.

No. _____

THE STATE OF ALABAMA Coffee County

DISTRICT COURT

AT _____ Enterprise, Al.

THE STATE
 VS.

RANDALL WADE McCOY

WARRANT OF ARREST

The officer arresting may admit the Defendant
 to bail upon _____ entering
 into bond in the sum of _____
 _____ Dollars
 with two good securities approved by said officer.
 _____ Judge
 Case set for trial _____

Name RANDALL WADE McCOY

Offense SEXUAL ABUSE - FIRST DEGREE

Color White Sex Male

D.O.B. [REDACTED]

Near _____ years old. Weight about _____ lbs.

Height about _____ feet _____ inches.

is called a _____

Complexion _____

Beard, hair, eyes, etc. _____

Has _____

Scar on _____

Lives _____

Works _____

Clothes _____

Hangs out _____

Any Peculiarities _____

OFFICE OF THE DISTRICT ATTORNEY
12TH JUDICIAL CIRCUIT OF ALABAMA
STATE OF ALABAMA

PROSECUTOR ASSIGNED: Joel

COUNTY: COFFEE DIV: ENTERPRISE

G.J.# 5 - 8; SEPT 1993

TERM

DEFENDANT: RANDALL WADE MCCOY

D.C.# 93-536, 537, 538, 539

ORIG. AGENCY: ENTERPRISE PD

OFFENSE: SEXUAL ABUSE, 1ST DEG.
(4 OFFENSES)

PRIMARY INV.: CINDY DUNAWAY

RESTITUTION: \$.00

SYNOPSIS: (DICTATED BY: (HOLLEY)

On Thursday, May 13, 1993, Judy Melo, social worker with the Coffee Co. DHR, called Inv. Cindy Dunaway and advised her that DHR had received a complaint of sexual abuse of a young white female, ^{Minor 2} [REDACTED] Melo also advised Dunaway that her office had received a report from River Oaks Hospital in New Orleans that McCoy had disclosed in a session that he had sexually abused ^{Min or 2} [REDACTED] ^{Minor 2} [REDACTED] while he was dating her mother.

Susan Landrum, also a social worker for the Coffee Co. DHR, related to Inv. Dunaway that she had spoken with McCoy over the phone and that he had relaved the information to her and advised that he had sexually abused ^{Minor 2} four times in Enterprise and two times at his home in Ozark.

On May 18, 1993, Dunaway, along with Melo, interviewed ^{Minor 2} [REDACTED] during the interview, ^{Min or 2} [REDACTED] ld of three incidences where she was sexually abused by McCoy. ^{Min or 2} [REDACTED] stated that the first time was when McCoy was taking her to the store where her mother worked on Hwy 84. She stated that, at that time, McCoy touched her in her private parts. ^{Min or 2} [REDACTED] also stated that the other times were in Enterprise at her house located at

^{Minor 2} [REDACTED] stated that on both occasions, McCoy was spending the night and that she had gotten up and got into the bed with her mother where she found McCoy to be. ^{Min or 2} [REDACTED] stated the first time McCoy touched her in her private areas and then had her touch his penis. She stated that the second time was also in the bedroom and that McCoy again touched her in her private area. Also during the course of the investigation, it was determined that these three incidences had occurred between September 1, 1992, and December, 1992.

On May 21, 1993, Inv. Dunaway travelled to the Ozark PD where she met with Lt. Tony Spivey and advised him of the facts of the case. Lt. Dunaway, along with Spivey, travelled to McCoy's residence in Ozark where they met with McCoy, and he agreed to accompany them to the PD where they could talk

STATE OF ALABAMA VS. RANDALL WADE McCOY

GJ #5 THROUGH 8 (CONT'D)

with him. After arriving at the PD, McCoy was advised of his constitutional rights, and he stated that he understood those rights and waived them. During the interview, McCoy admitted to four incidences of sexual abuse of in Enterprise and two incidences at his house in Ozark.

Minor 2

WITNESSES:

1. Cindy Dunaway - EPD

Minor 2

-

3. Terry Wise -

4. Susan Landrum - Coffee Co. DHR, Enterprise

5. Judy Melo - Coffee Co. DHR, Enterprise

6. - , Enterprise

7. Dr. Karen Mockler - Medical Ctr Enterprise, Enterprise

8. Tony Spivey - Ozark PD, Ozark

AL JAMA UNIFORM INCIDENT/OFFENSE REPORT

DUNAW

1. DATE AND TIME OF THIS REPORT 01/31/84 19:43		2. AGENCY NAME ENTERPRISE POLICE DEPARTMENT		3. CASE # 13051847	
4. REPORTED BY TIMOTHY MELO		5. VICTIM OR VICTIM 1		6. ADDRESS (STREET, CITY, STATE, ZIP) OFFICE ADVISORY DEPT. OF HUMAN RESOURCES	
7. VICTIM (LAST, FIRST, MIDDLE NAME) Minor 2		8. ADDRESS (STREET, CITY, STATE, ZIP) ENTERPRISE AL		9. PHONE ()	
10. EMPLOYER/SCHOOL STUDENT		11. OCCUPATION		12. ADDRESS (STREET, CITY, STATE, ZIP)	
13. RESIDENT NON-RESIDENT		14. RACE A		15. SEX M	
16. HEIGHT 40		17. WEIGHT 165		18. AGE 10	
19. TYPE INCIDENT OR OFFENSE SEXUAL ABUSE		20. DEGREES (CIRCLE) 1		21. UCR CODE 13A-6-66	
22. TYPE INCIDENT OR OFFENSE FEL. MISD.		23. DEGREES (CIRCLE) 1		24. UCR CODE	
25. PLACE OF OCCURRENCE		26. SECTION		27. STATE CODE/LOCAL ORIGIN	
28. POINT OF ENTRY DOOR WINDOW OTHER		29. METHOD OF ENTRY FORCIBLE ATT. FORCIBLE NO FORCE		30. ASSEMBLY SIMPLE AGGR.	
31. OCCURRED ON OR BETWEEN 01/29/84 01/31/84		32. TIME AM PM		33. LIGHTING NATURAL MOON ART. EXT. ART. INT. LINK	
34. WEATHER CLEAR CLOUDY RAIN FOG SNOW HAIL LINK		35. PREENSE HWY-ST. ALLEY RAILROAD RESIDENCE CHURCH SCHOOL CONVENIENCE INDUSTRIAL SERVICE STA.		36. CODE	
37. WEAPON USED FIREARM KNIFE HANDS, FISTS, VOICE, ETC. OTHER DANGEROUS		38. DESCRIPTION OF WEAPONS/PREENSE/TOOLS USED IN OFFENSE		39. HANDGUN RIFLE SHOTGUN UNKNOWN	
40. QUANTITY		41. STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.)		42. DOLLAR VALUE STOLEN DAMAGED DATE VALU	
43. MOTOR VEHICLE		44. CURRENCY, NOTES		45. JEWELRY	
46. ELECTRONICS		47. HOUSEHOLD		48. CONSUMABLE GOODS	
49. LIVESTOCK		50. MISCELLANEOUS		51. OFFICE EQUIPMENT	
52. CHECK CATEGORIES STOLEN RECOVERED SUSPECTS VEN. VICTIMS VEN. UNAUTH. USE ABANDONED		53. STOLEN		54. LOST	
55. TAG COLOR		56. VIN		57. ADDITIONAL DESCRIPTION	
58. STOLEN MTR.		59. AREA STOLEN		60. OWNERSHIP	
61. TAG RECEIPT		62. TITLE		63. OTHER	
64. AUTO INSURER NAME (COMPANY)		65. ADDRESS (STREET, CITY, STATE, ZIP)		66. PHONE	
67. STOLEN IN YOUR JURISDICTION?		68. RECOVERED IN YOUR JURISDICTION?		69. WHERE?	

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED		DATE AND TIME OF REPORT M D Y		AM PM MIL	CASE #	SPE	OFFENDER SUSPECT MISSING PERSON	CHECK IF MULTIPLE	
10 NAME (LAST, FIRST, MIDDLE) MC COY, RANDAL WADE		100 NICKNAME/ALIAS RANDY		101 RACE ☒ W ☐ A ☐ B ☐ I	102 SEX ☒ M ☐ F	103 DOB M D Y		104 AG	
106 ADDRESS (STREET, CITY, STATE, ZIP)		108 HGT	107 WGT	108 EYE	109 HAIR	110 COMPLEXION			
111 PROBABLE DESTINATION		112 ARMED? ☐ Y ☒ N ☐ UNK		113 WEAPON					
114 CLOTHING		☐ SCARS ☐ MARKS ☐ TATTOOS				115 ☐ ARRESTED ☒ WANTED			
116 NAME (LAST, FIRST, MIDDLE)		117 NICKNAME/ALIAS		118 RACE ☐ W ☐ A ☐ B ☐ I	119 SEX ☐ M ☐ F	120 DOB M D Y		121 AG	
122 ADDRESS (STREET, CITY, STATE, ZIP)		123 HGT	124 WGT	125 EYE	126 HAIR	127 COMPLEXION			
128 PROBABLE DESTINATION		129 ARMED? ☐ Y ☒ N ☐ UNK		130 WEAPON					
131 CLOTHING		☐ SCARS ☐ MARKS ☐ TATTOOS				132 ☐ ARRESTED ☒ WANTED			

WITNESSES	133 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		134 ADDRESS (STREET, CITY, STATE, ZIP)		135 RES. PHONE () () ()	136 BUS. PHONE () () ()	
	1	SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y			() () ()	() () ()	
	2	SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y			() () ()	() () ()	
	3	SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y			() () ()	() () ()	
	4	SEX ☐ M ☐ F RACE ☐ W ☐ A ☐ B ☐ I M D Y			() () ()	() () ()	
WITNESS #1 SIGN		WITNESS #2 SIGN		WITNESS #3 SIGN		WITNESS #4 SIGN	

NARRATIVE	137	
	MS. MELD REPORTED THAT HER OFFICE HAD RECEIVED A REPORT OF SEXUAL ABUSE INVOLVING ^{Minor 2} MS. MELD ADVISED THE SUSPECT WAS RANDY MCCOY, A FORMER BOYFRIEND OF HER MOTHER'S. ^{Minor 2} WAS INTERVIEWED AND RELATED THAT SHE HAD BEEN SEXUALLY MOLESTED BY MCCOY AT HER HOUSE WHEN SHE LIVED ON AND AT HIS RESIDENCE IN OZARK, A	

CONTINUED ON SUPPLEMENT ☐	
ASSISTING AGENCY ONE	ASSISTING AGENCY CASE #

I hereby certify that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.

SIGNATURE _____

MULTIPLE CASES CLEARED	CASE #	SPE	CASE #	SPE	CASE #	SPE	ADDITIONAL CASES CLEARED
147 CASE STATUS ☒ PENDING ☐ INACTIVE ☐ CLOSED ENTERED AIC/NCIC DATE	148 CASE DISPOSITION ☐ CLEARED BY ARREST (JUV.) ☐ CLEARED BY ARREST (ADULT) ☐ UNFOUNDED		☒ EXCEPTIONAL CLEARANCE ☐ SUSPECT/OFFENDER DEAD ☐ OTHER PROSECUTION ☐ EXTRADITION DENIED ☐ LACK OF PROSECUTION ☐ JUVENILE NO REFERRAL ☐ DEATH OF VICTIM		149 REPORTING OFFICER C.A. DUNAWAY		150 ASSISTING OFFICER
151 SUPERVISOR APPROVAL				152 WATCH CHGR.			

TYPE OR PRINT IN BLOCK LETTERS

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED		10 DATE AND TIME OF REPORT 05/21/93		11 AM ☐ PM ☐ WL		12 CASE # 91310151261141		13 SFX		14 OFFENDER SUSPECT MISSING PERSON		15 CHECK IF MULTIPLE	
		16 NAME (LAST, FIRST, MIDDLE) MCCOY RANDAL WADE		17 NICKNAME/ALIAS		18 RACE ☐ W ☐ A ☐ B ☐ I		19 SEX ☐ M ☐ F		20 DOB		21 AGE	
22 ADDRESS (STREET, CITY, STATE, ZIP)		23 HGT 6'2"		24 WGT 180		25 EYE GRY		26 HAIR RW		27 COMPLEXION MED			
28 PROBABLE DESTINATION		29 ARMED? ☐ Y ☐ N ☐ UNK		30 WEAPON									
31 CLOTHING		32 SCARS		33 MARKS		34 TATTOOS		35 ARRESTED		36 WANTED			
37 NAME (LAST, FIRST, MIDDLE)		38 NICKNAME/ALIAS		39 RACE ☐ W ☐ A ☐ B ☐ I		40 SEX ☐ M ☐ F		41 DOB		42 AGE			
43 ADDRESS (STREET, CITY, STATE, ZIP)		44 HGT		45 WGT		46 EYE		47 HAIR		48 COMPLEXION			
49 PROBABLE DESTINATION		50 ARMED? ☐ Y ☐ N ☐ UNK		51 WEAPON									
52 CLOTHING		53 SCARS		54 MARKS		55 TATTOOS		56 ARRESTED		57 WANTED			

WITNESSES	132 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB		133 ADDRESS (STREET, CITY, STATE, ZIP)		134 RES. PHONE		135 BUS. PHONE	
	136		137		138		139	
	140		141		142		143	
	144		145		146		147	
	148		149		150		151	

NARRATIVE	152 INS. MFG. OFFICE RECEIVED A REPORT OF SEXUAL ABUSE INVOLVING									
	Minor 2 MCCOY DISCLOSED THAT HE HAD SEXUALLY MOLESTED									
	Minor 2 WHILE HE WAS SPENDING THE NIGHT AT HER									
	RESIDENCE IN ENTERPRISE. MR. MCCOY STATED THAT THIS OCCURRED									
	DURING THE MONTH OF SEPTEMBER 1992.									

153 I hereby affirm that I have read this report and that all information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying this agency if any stolen property or missing person hereby reported is returned.										154 LOCAL USE					
155 SIGNATURE										156 STATE USE					
157 MULTIPLE CASES CLOSED		158 CASE #		159 SFX		160 CASE #		161 SFX		162 CASE #		163 SFX		164 ADDITIONAL CASES CLOSED NARRATIVE	
165 CASE STATUS ☐ PENDING ☐ INACTIVE ☒ CLOSED ENTERED AGENCY DATE		166 CASE DISPOSITIONS ☐ CLEARED BY ARREST (JUV.) ☒ CLEARED BY ARREST (ADULT) ☐ UNFOUNDED		167 EXCEPTIONAL CLEARANCE: ☐ SUSPECT/OFFENDER DEAD ☐ OTHER PROSECUTION ☐ EXTRADITION DENIED ☐ LACK OF PROSECUTION ☐ JUVENILE NO REFERRAL ☐ DEATH OF VICTIM		168 REPORTING OFFICER C.A. DUNAWAY		169 ASSISTING OFFICER		170 SUPERVISOR APPROVAL		171 WATCH CMDR.		172	
						173		174		175		176			

A JAMA UNIFORM INCIDENT/OFFENSE REPORT

DISNEY

[illegible]

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED		96 DATE AND TIME OF REPORT M D Y		97 AM PM 98 CASE #		99 SFX		100 OFFENDER 101 SUSPECT 102 MISSING PERSON		103 CHECK IF MULTIPLE	
				913101512161141							
104 NAME (LAST, FIRST, MIDDLE) <u>MCCOY, RANDAL WADE</u>				105 NICKNAME/ALIAS		106 RACE 107 W 108 A 109 B 110 I		109 SEX 110 M 111 F		112 DOB	
113 ADDRESS (STREET, CITY, STATE, ZIP)				114 HGT		115 WGT		116 EYE		117 HAIR	
118 PROBABLE DESTINATION				119 Y 120 N 121 UNK		122 WEAPON		123 COMPLEXION		124	
125 CLOTHING				126 SCARS 127 MARKS 128 TATTOOS				129 ARRESTED 130 WANTED			
131 NAME (LAST, FIRST, MIDDLE)				132 NICKNAME/ALIAS		133 RACE 134 W 135 A 136 B 137 I		138 SEX 139 M 140 F		141 DOB	
142 ADDRESS (STREET, CITY, STATE, ZIP)				143 HGT		144 WGT		145 EYE		146 HAIR	
147 PROBABLE DESTINATION				148 Y 149 N 150 UNK		151 WEAPON		152 COMPLEXION		153	
154 CLOTHING				155 SCARS 156 MARKS 157 TATTOOS				158 ARRESTED 159 WANTED			
160 NAME (LAST, FIRST, MIDDLE) SEX, RACE, DOB				161 ADDRESS (STREET, CITY, STATE, ZIP)				162 RES. PHONE		163 BUS. PHONE	
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AL IAMA UNIFORM INCIDENT/OFFENSE REPORT

DUNAW

1 INCIDENT 2 OFFENSE 3 CASE #		7.3.0.5.2.6.1.6.	
4 ORI # 0.1.9.0.2.0.0		5 DATE AND TIME OF THIS REPORT 01/51/2019 13:20:00	
6 REPORTED BY LINDY DUNAWAY		7 AGENCY NAME ENTERPRISE POLICE DEPARTMENT	
8 VICTIM (LAST, FIRST, MIDDLE NAME) MINOR 2		9 ADDRESS (STREET, CITY, STATE, ZIP) ENTERPRISE POLICE DEPT ENTERPRISE AL	
10 EMPLOYER/SCHOOL		11 OCCUPATION STUDENT	
12 RESIDENT NON-RESIDENT		13 INJURY 14 RACE 15 SEX 16 HEIGHT 17 WEIGHT 18 DOB 19 AGE 20 WAS OFFENSE KNOWN TO VICTIM 21 VICTIM WAS (EXPLAIN RELATIONSHIP) GIRLFRIEND DAUGHTER	
22 TYPE INCIDENT OR OFFENSE 23 FEL 24 MISD		25 DEGREE (CIRCLE) 26 UCR CODE 27 STATE CODE/LOCAL ORDINANCE	
28 TYPE INCIDENT OR OFFENSE 29 FEL 30 MISD		31 DEGREE (CIRCLE) 32 UCR CODE 33 STATE CODE/LOCAL ORDINANCE	
34 PLACE OF OCCURRENCE		35 SECTOR	
36 POINT OF ENTRY 37 METHOD OF ENTRY 38 ASSAULT 39 TREATMENT FOR ASSAULT INJURY		40 WEATHER 41 LIGHTING 42 PRESENCE 43 CODE	
44 OCCURRED ON OR BETWEEN 45 TIME 46 TIME 47 CIRCUMSTANCES 48 LOCATION RAPE 49 WEAPON USED 50 DESCRIPTION OF WEAPONS/FIREARMS/TOOLS USED IN OFFENSE 51 HANDGUN 52 RIFLE 53 SHOTGUN 54 UNKNOWN		55 QUANTITY 56 STOLEN, RECOVERED, LOST, FOUND OR DESTROYED (INCLUDE MAKE, MODEL, SIZE, TYPE, SERIAL NUMBER, COLOR, ETC.) 57 DOLLAR VALUE 58 RECOVERED	
59 MOTOR VEHICLE 60 CURRENCY, NOTES 61 JEWELRY 62 CLOTHING/PURE 63 FIREARMS 64 OFFICE EQUIPMENT		65 ELECTRONICS 66 HOUSEHOLD 67 CONSUMABLE GOODS 68 LIVESTOCK 69 MISCELLANEOUS	
70 CHECK CATEGORIES 71 STOLEN 72 RECOVERED 73 SUSPECTS VEH 74 VICTIMS VEH 75 UNAUTH. L38 76 ABANDONED		77 TAG COLOR 78 VIN 79 TAG RECEIPT 80 WARRANT SIGNED	
81 AUTO INSURER NAME (COMPANY) ADDRESS (STREET, CITY, STATE, ZIP)		82 STOLEN IN YOUR JURISDICTION? 83 WHERE? 84 RECOVERED IN YOUR JURISDICTION? 85 WHERE?	

TYPE OR PRINT NAME

OFFICER'S WORK PRODUCT MAY NOT BE PUBLIC INFORMATION

INCIDENT/OFFENSE REPORT CONTINUED		30 DATE AND TIME OF REPORT 05/21/93 21:00		31 AM PM PM		32 CASE # 913101510101101		33 AGE		34 OFFENSE SUSPECT MISSING PERSON		35 CHECK IF MULTIPLE			
36 NAME (LAST, FIRST, MIDDLE) MCCOY RANDAL WADE				37 NICKNAME/ALIAS				38 RACE W M A O		39 SEX M F		40 DOB MM/DD/YY			
41 ADDRESS (STREET, CITY, STATE, ZIP)				42 HGT 6'2"		43 WGT 190		44 EYE BLU		45 HAIR BRN		46 COMPLEXION FIR			
47 PROBABLE DESTINATION				48 ARMED? ☐ Y ☒ N ☐ UNK				49 WEAPON							
50 CLOTHING				51 SCARS ☐ MARKS ☐ TATOOS ☐				52 ARRESTED ☐ Y ☒ N ☐ WANTED							
53 NAME (LAST, FIRST, MIDDLE)				54 NICKNAME/ALIAS				55 RACE ☐ W ☒ M ☐ A ☐ O		56 SEX ☐ M ☒ F		57 DOB MM/DD/YY			
58 ADDRESS (STREET, CITY, STATE, ZIP)				59 HGT		60 WGT		61 EYE		62 HAIR		63 COMPLEXION			
64 PROBABLE DESTINATION				65 ARMED? ☐ Y ☒ N ☐ UNK				66 WEAPON							
67 CLOTHING				68 SCARS ☐ MARKS ☐ TATOOS ☐				69 ARRESTED ☐ Y ☒ N ☐ WANTED							
70 NAME (LAST, FIRST, MIDDLE) SEX RACE DOB				71 ADDRESS (STREET, CITY, STATE, ZIP)				72 RES. PHONE () () () ()		73 BUS. PHONE () () () ()					
WITNESSES	74 #1		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O		75 #2		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O				
	76 #3		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O		77 #4		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O				
	78 #5		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O		79 #6		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O				
	79 #7		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O		80 #8		SEX ☐ M ☐ F		RACE ☐ W ☐ M ☐ A ☐ O				
81 WITNESS #1 SIGN				82 WITNESS #2 SIGN				83 WITNESS #3 SIGN				84 WITNESS #4 SIGN			
NARRATIVE	85 I RECEIVED A REPORT OF SEXUAL ABUSE FROM CREEK COUNTY DEPARTMENT OF HUMAN RESOURCES REGARDING AND RANDAL MCCOY. RELAYED THREE INCIDENTS OF SEXUAL ABUSE ABOUT MCCOY WHEN MCCOY WAS INTERVIEWED ON 5-21-93, HE ADMITTED TO A 4 th TIME THAT OCCURRED AT HARDEES IN ENTERPRISE, AL														
86 CONTINUED ON SUPPLEMENT ☐ Y ☒ N															
87 ASSISTING AGENCY OR															
88 ASSISTING AGENCY CASE #															
89 LOCAL USE															
90 STATE USE															
91 SIGNATURE <u>Cindy Adunaway</u>															
92 MULTIPLE CASES CLOSED															
93 CASE #															
94 AGE															
95 CASE #															
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97 CASE #															
98 AGE															
99 ADDITIONAL CASES CLOSED															
100 NARRATIVE															
101 CASE STATUS ☐ PENDING ☐ INACTIVE ☒ CLOSED ENTERED AIC/MIC DATE															
102 CASE DISPOSITION ☐ CLEARED BY ARREST (JUV.) ☐ CLEARED BY ARREST (ADULT) ☐ UNFOUNDED															
103 EXCEPTIONAL CLEARANCE ☐ SUSPECT/OFFENDER DEAD ☐ OTHER PROSECUTION ☐ EXTRADITION DENIED ☐ LACK OF PROSECUTION ☐ JUVENILE NO REFERRAL ☐ DEATH OF VICTIM															
104 REPORTING OFFICER <u>C. A. Adunaway</u> 114															
105 ASSISTING OFFICER															
106 SUPERVISOR APPROVAL															
107 WATCH CHGR.															

-1-

4-19-93
JM/bjfINTAKE:

It was reported to Coffee County DHR that the perpetrator placed his hands on the victim's chest and vaginal area on four different occasions. Some were with clothes on and some were without clothes. The child told her mother and the mother told perpetrator that he must get help. The perpetrator checked into River Oaks Hospital on 3-29-93. Over the past ten years, he has molested four other female children, ranging in age from infant to 13. He does not know their names.

4-19-93
SL/bjfINTERVIEW WITH REPORTER, LISA MARTIN:

Mrs. Martin contacted our office by telephone to make this report. She is a mental health therapist with River Oaks Hospital in New Orleans, Louisiana. During a therapy session with Randall McCoy, he disclosed that he had sexually molested ^{Minor 2} on several occasions.

At this point, she stated that Mr. McCoy was there and she would let him talk with me further about the incidents.

INTERVIEW WITH ALLEGED PERPETRATOR, RANDALL MCCOY:

Mr. McCoy was interviewed by telephone on this date. Mr. McCoy stated he was seeing ^{Minor 2} s mother, ^{Minor 2} when the abuse occurred. The first time he was in bed with Mrs. ^{Minor 2}, and ^{Minor 2} age 10, climbed in bed with them. Mrs. ^{Minor 2} was unaware that he had put his hands on the outside ^{Minor 2} panties. Usually the incidents occurred in his truck.

Nothing was said during the abuse. Once afterwards, he told ^{Minor 2} that he shouldn't do this and she replied "that she didn't mind, in fact, she liked it."

After about the fourth time, ^{Minor 2} told him she didn't want him touching her again and he never did. ^{Minor 2} told her mother about the abuse and she in turn, confronted Mr. McCoy. He admitted it and she told him that he needed to get some help.

Mr. McCoy stated that he had touched ^{Minor 2} above and under her clothing, on her chest and vaginal area. He said there was no penetration of any kind.

Since 1982, Mr. McCoy has sexually molested four girls, all under the age of 13. He does not know any of their names. They range in age from infant to teen.

Mr. McCoy heard about River Oaks Hospital from a friend and checked himself in on 3-29-93. Prior to his hospitalization, he lived at

-3-93
:/bjf

Letter written to mother of child victim, ^{Minor 2}.

0-93
bjfINTERVIEW WITH MOTHER OF CHILD VICTIM, DEBBIE WISE:

Mrs. ^{Minor 2} advised that she was aware of the abuse and her first knowledge was September of 1992. She said she was dating ^{Minor 2}.

-2-

when the relationship ended.

Minor 2

She said that she understood that we needed to talk with _____ and that law enforcement would be involved. She said she would not talk with _____ until we interviewed her. She said she told _____ that Mr. McCoy would have to get help or they would have to do something to him. She said she did not report this because she did not want to put _____ everything she was going to have to face.

She said _____ had told her that Randall McCoy fondled her with his hand. He put his penis up against her leg. She said that they were in bed together and _____ got in bed and he "messed with her." She said she was asleep and did not know about it. She said _____ nor Randall McCoy had mentioned any penetration.

Mrs. W. _____ informed me that she had been sexually molested as a child and her own mother ignored this. She said she can empathize with her daughter and they have discussed this several times. She said she feels like she is dealing with this problem. She told me that her daughter's father's name is _____ and his number is _____. She said she wanted to talk with him in person before I called him and asked me not to contact him. She said he works for GE in Dothan. She also advised that he might be abusive and violent and she wanted a chance to talk with him first. She said he lives at _____ in Enterprise.

Minor 2

INTERVIEW WITH CHILD VICTIM, _____

Minor 2

Minor 2

_____ informed me that she knew why she was in my office and it was because of what Randall McCoy had done. She said that she did not mind talking with me. I told her that I would make an appointment with Lt. Cindy Dunaway and that all three of us would talk together. She said that was fine and she did not seem nervous or upset about the incident. She was very well dressed and very pleasant on today's date.

5-11-93
JM/bjf

SECOND INTERVIEW WITH MOTHER OF CHILD VICTIM, _____

Mrs. W. _____ advised that she was not divorced from her husband but they had been separated for a year. She said he had been dating and bringing in women to his home before she moved out. She told me that he had never beaten her but had started hitting on her before they separated. She said he has a temper.

She does not know how he will react to this report because he cannot seem to accept responsibility for his errors. She told me that he had threatened her but there were no witnesses. She is in counseling now for sexual abuse that she had as a child. She said she was also receiving counseling for his treatment of her.

She told me she would feel better if a policeman was present when he was told about the sexual abuse of his daughter. She is afraid to talk with him about it. She is afraid he will be vicious and cruel to her after he is told since she was dating Randall McCoy.

-3-

She said the sexual abuse occurred at the country but still in Enterprise.

but now they live out in

She said th^{Minor} [redacted] told her that one incident occurred just about the time school started in August of 1992, in the truck. She said he put his hand between her legs. She had told her mother she had on her clothes. A second incident occurred the same way after he had picked her up from school, after school started. A third time it happened after [redacted] had wet her bed, removed her panties and gotten in bed with her mother and Mr. McCoy. She did not have any underwear on. [redacted] told her mother that Mr. McCoy felt of her between her legs and put his penis between her legs but did not try to penetrate. [redacted] said on one occasion, he asked her if she liked it or did it feel good and she told him yes. She said another^{Minor 2} told him she didn't like it and Mr. McCoy said he wouldn't do it anymore. Another time was in January of 1993 at his home in Ozark and [redacted] was sleeping alone. He got up in the middle of the night and got in bed with [redacted]. He tried to feel of her and [redacted] made him quit. [redacted] got up and woke her mother up to tell her that Randy had gotten in bed with her. [redacted] told her mother that she told Randy, she had to go to the bathroom but went to her instead. Mrs. [redacted] said that Randy came to the bedroom door and she asked him what was wrong with him. Mr. McCoy replied that he needed help. After this incident is when [redacted] told her mother about the other times he had touched her.

Mrs. [redacted] informed me that Mr. McCoy had told her that this was an urge that he could not stop and promised he would get help. She said [redacted] had not seen Mr. McCoy since. The next day Mr. McCoy went to see Walter Jacobs in Dothan, a psychiatrist at Southeast Psychological Services. Dr. Jacobs told Mrs. [redacted] that he would contact DHR and speak to me on Mr. McCoy's behalf. Dr. Jacobs was trying to get Randy McCoy into a hospital but had problems with insurance.

Mrs. [redacted] had kept in touch with Mr. McCoy to only make sure he got help and hopefully to ensure, he never hurts another child. She told me he would not be around [redacted] again. She told me that she had been in love with Mr. McCoy but was very angry with him now. She wants him to get help and is concerned about his problems.

Mrs. [redacted] talked a lot about her own sexual abuse and the problems she had with her father. She also was upset with the way her mother ignored the problem. She did mention once or twice that she was glad [redacted] talked to her and she had talked with [redacted] at length several times. She said [redacted] probably waited to tell because she knew Randy McCoy and she were very happy. Mrs. [redacted] said [redacted] had remarked to her about how happy she was. She said she feels bad now because [redacted] did not want to take that happiness away by telling on Mr. McCoy.

SECOND INTERVIEW WITH CHILD VICTIM, ^{Minor 2} [redacted]

^{Minor 2} [redacted] was interviewed at the Enterprise Police Department with this worker and Lt. Cindy Dunaway, Enterprise Police Department, present. She

5-18-93
JM/bjf

-4-

advised that she goes to [REDACTED] and is in the 4th grade. She is an A Honor Roll student. [REDACTED] ^{Minor 2} advised Lt. Dunaway and this worker that she understood why she was there and it was to tell us about how Randy McCoy had molested her. He used to be her mother's boyfriend but she has not seen him since last year. She said she knew him since the beginning of last year when she was in the third grade. She knew him for a few months and she liked him a lot. They did not live together.

She said he rubbed her on her privates. She said the first time was in his truck going to see her mother at work at Store #2 on highway 84. She pointed to her genital area and told us that's where she had been touched. She said she did not tell her mother about this. She said he did this "too many times to count." She said the next major time was when he was spending the night with her mother. She said she wet the baby and went to get in bed with her mother. She said Randy rubbed her between the legs real hard with his fingers. She said he used his right hand and asked her "is this alright"? She said she said nothing. She told us that it burned. She said her mother was asleep and this was when they lived at [REDACTED] in Enterprise.

She said all this probably happened 7 or 8 times, all in Enterprise.

She said the next time he took his private and put between her legs and pretended he was making love, going back and forth. She said he had on underwear and she had on panties and a shirt. She said he just touched her legs. She denied that she had ever seen his privates. She said nothing came out. She said he made her touch him down there and made her rub it up and down.

He put his tongue in her mouth and one time, he rubbed her on her breast area. She said her mother was not at home when this happened and it happened on a week day. She said she thought it was at the beginning of this school year, sometime before Halloween. She said she told her friend, ^{Minor 4} [REDACTED]. She said [REDACTED] ^{Minor 2} told her that he had tried this with her too. She said she was going to tell her mother but ^{Minor 2} asked her not to. She said [REDACTED] told her mother anyway. She said she did not want to tell her mother about this because she did not want to hurt her. She said ^{Minor 2} [REDACTED] told her own mother.

She said this happened in Ozark when she and her mother spent the night with Randall McCoy. [REDACTED] ^{Minor 2} said she woke up and found him in bed with her and he had put his privates between her legs. She said he moved back and forth and hugged her. She said he never tried to put his privates into her privates but he never told her she could not tell anybody.

She said he would always tell her he was sorry when she would try to get him to stop. She said she had only touched him one time but he had touched her a lot. She said the first time he put his hands under her panties, his fingers would move in a circle on her vagina and then, he would to put them into her and it burned. She said he would change then and do something else. She said she feels better now that something is going to be done but does not want him put in jail because he was real nice to her before he started this. She said she feels he needs help and wants him to get help.

-5-

She does not want to see him alone but would like to see him again. She said if someone else was around, she would be okay. She said she is afraid of him.

She also advised that she would be interested in having someone to talk about this, a professional person.

Copies of the police department's interviews are attached to this report.

5-19-93
JM/bjf

INTERVIEW WITH FATHER OF CHILD VICTIM, TERRY WISE:

Mr. ~~Wise~~ called this worker at home and advised that he had just found out from his wife about his daughter. Mr. ~~Wise~~ sounded as if he was struggling to stay calm. He said he had no idea that this had happened and was upset that he saw no signs in ^{Minor 2} 's behavior. He said she had not told him and does not want to talk about it now. He cried while we talked and said over and over, he could not believe this had happened to his child. He was angry with his wife (they are separated) for not telling him. He wants something done to Randall McCoy but agreed he would wait and let the police and the Department of Human Resources handle this matter.

He stated that he was going to see ~~Cindy Dunaway~~ tonight and that he does want to sign a warrant.

5-20-93
JM/bjf

SECOND INTERVIEW OF CHILD VICTIM BY ENTERPRISE POLICE DEPARTMENT:

Copies of report attached.

INTERVIEW WITH PERPETRATOR, RANDALL MCCOY:

Attached is an interview between the Enterprise Police Department, Cindy Dunaway, and Randall McCoy. Mr. McCoy was interviewed in Dale County. He admitted that he had molested ^{Minor 2} ~~on~~ on several occasions and substantiated everything she had told us.

5-21-93
JM/bjf

INTERVIEW WITH MOTHER OF CHILD VICTIM, DEBBIE WISE:

This worker received a phone call from Debbie Wise and she stated that Randall McCoy was also a perpetrator in a case in Dale County, she feels like for slapping a child. She said he told her this and said that a 2 year old was about to get in a fan and he slapped the child. He said the girlfriend was at work. He babysat for the children while the mother worked during the day. He worked at nights. This went to court and the children were taken away for six months. She advised that Mr. McCoy has never been married and has received counseling for a temper.

INTERVIEW WITH FATHER OF CHILD VICTIM, TERRY WISE:

Mr. ~~Wise~~ feels his wife is sympathetic to Mr. McCoy and is unhappy about this. His wife told him that ^{Minor 2} ~~she~~ told ^{Minor 4} and ^{Minor 4} told her mother, Debbie ~~Wise~~. Mrs. ~~Wise~~ told Mrs. ~~Wise~~. He said this

-6-

was last year and she never told him nor reported this to the Department of Human Resources.

He also feels Mrs. [REDACTED] is staying in touch with Mr. McCoy and will "tip him off" about any police involvement. Mr. [REDACTED] told me that he had talked to Mrs. [REDACTED]'s brother, Jeff Tyler, and he said he has not seen Randall McCoy back at their house in several months.

He told me that at one time, Debbie had lived with Randall McCoy. He feels she is very smart and sensitive but reality is not one of her strong points. He said she is not responsible with money or decisions.

He thinks that Mrs. [REDACTED] feels Randall has already "paid" for his mistake with [REDACTED] ^{Minor 2}. She feels he turned himself into River Oaks for therapy and cannot understand why he's making a big deal about this abuse. He told me that Mrs. [REDACTED] said he treated her like "gold" and that's why she stayed with him (referring to Mr. McCoy).

Mr. [REDACTED] told me that he works at GE in Dothan and that his work number is [REDACTED]. He said if there was no answer, to call back in ten minutes.

5-21-93
JM/bjf

INTERVIEW WITH COLLATERAL, LT. CINDY DUNAWAY:

Lt. Dunaway had received a report that [REDACTED] ^{Minor 2} had been examined by a doctor at Humana Hospital and that there was no sign of penetration. She told me she would get a copy of the medical report and mail to me.

8-2-93
JM/bjf

ASSESSMENT, DISPOSITION, RECOMMENDATION:

This case involves a single mother and her 10 year old daughter. The mother and father of the child victim are separated and the father lives in another home with the other two children in this family. [REDACTED] is the only child in this home and was when the incidents occurred. Allegations were made that the mother's boyfriend sexually molested [REDACTED] on several occasions.

During the investigation, it was learned that the perpetrator admitted that he had fondled and touched [REDACTED] ^{Minor 2} several different times. The victim admitted that she had been touched and fondled by Mr. McCoy.

The allegation of sexual molestation will be considered indicated for the child and indicated for the perpetrator. The perpetrator is incarcerated in the Coffee County Jail and the child is no longer at risk of harm from the perpetrator.

The mother and father have agreed to have the child attend mental health counseling and in fact, already have had several appointments.

It was also learned during the investigation, that the father has filed a petition for custody of this child.

-7-

This case will be opened to protective services to ensure that this child receives mental health counseling and is further traumatized by the parents' separation and divorce. Since there's going to be a custody battle for this child and she has already been through so much with this sexual molestation, I feel a worker and homemaker would benefit this child.

Case material prepared to be sent to SDHR with copy to DA's office.

Date: 8-5-93 Approved: [Signature]

CASE PLAN:

This case involves a single mother and her 10 year old daughter. Allegations were made that the mother's boyfriend had sexually molested this child. The perpetrator and the victim both admitted this had happened. The child's parents are separated and are in the process of getting a divorce. Her custody is at issue.

Both parents have agreed that the child will receive mental health counseling. The perpetrator is incarcerated in the Coffee County Jail and the child is not at risk of harm from the perpetrator. She is, however, at risk from the trauma she has experienced and will experience during this custody battle.

GOALS:

1. Social worker will visit with this child to ensure that she is attending mental health counseling.
2. Worker will encourage mother and father to see that the child keeps her appointments.
3. Homemaker will visit this child to see if there's a need for transportation and to ensure the child is not being further abused during the divorce and custody battle.
4. Worker will communicate with mother and father during the next six months to see that this child is not abused any further.

-8-

8-5-93
JM/bjf

INTERVIEW WITH PERPETRATOR, RANDALL MCCOY:

Mr. McCoy was interviewed in the Coffee County Jail by this social worker and in the presence of co-worker, Mickey Lewis.

Mr. McCoy admitted all of the allegations. He told me that the first and second times he fondled ~~Chloe~~^{Minor 2} over and under her clothes, occurred in his truck in late August or September of 1992.

He said the next two times happened in ~~Chloe's~~^{Minor 2} home in Enterprise. He was sleeping in the nude with Debbie ~~Wise~~, when ~~Chloe~~^{Minor 2} got into bed with them. The first night, he just held her and rubbed her. The second time, he almost penetrated her vaginal area with his middle finger but stopped.

Another time occurred in Ozark in his home. He got in bed with ~~Chloe~~^{Minor 2} put his penis between her legs and rubbed her. He tried to penetrate but did not. ~~Chloe~~^{Minor 2} got up and went and got in bed with her mother. Debbie ~~Wise~~ confronted him and told him he needed help.

He said he continued to see Debbie ~~Wise~~ after this and she had ~~sex~~^{Minor} with her. He said he was never alone with ~~Chloe~~^{Minor 2} after Mrs. ~~Wise~~ found out.

He said he could not stop himself from "holding and crawling into bed with ~~Chloe~~^{Minor 2}." He said when young girls or women look vulnerable, he gets triggered to do the things he does. He said young girls, 8 - 11 years, are his "range."

He stated he had fantasized about a lot of young girls but only touched some. He does not remember their names.

Mr. McCoy became very nervous and upset. He was shaking and began to cry. He appears very upset by the incidents and admits he has a problem.

MEDICAL CENTER ENTERPRISE (MENTAERT JACKEM RCF TWESMOO)
ENTERPRISE, AL 36330

Locat
11

Minor 2

Patient No.	PT	Admit Date	Admit Time	PC	Age	Date of Birth	Sex	Mental Status	RC	Free	Physician No.	Physician Name
	E	5/20/93	04:24PM	P	010		F	S	1	N	69	PAGE, RUSSELL L
Location: ERS				Social Security No.		Patient's Employer		Medical Records No.				
				2591		NA		0000501081				
				Phone		NA		2059999991				
				2052203596		ENTERPRISE		AL 36330		STUDENT		

Guarantor Name and Address	Relation	Guarantor Employer	Phone
W. [redacted] A.	FATHER	GENERAL ELECTRIC	
		300 HODGESVILLE RD	
		DOTHAN	AL 36301 LABOR

Carrier No.	Name	Insured	Birth Mo/Day	Religion	Effective Date	Group No.	Cert. No.	Policy HSB	Benefit Code

Nature of Accident	On Job	Where	Date	Time
			1/1	

Test Complaint	Need of Kid	Relation
POSSIBLE SEXUAL ASSAULT	WISE, TERRY A	FA

Comments	Requested by
DR. MOCKLER	SF

Physician Assessment	Private Physician	Notified	Response
	☒ Home ☐ Off ☐ Serv		

TIME	TEMP	PULSE	RESP	Wt/B
ON ADMIT	99°	80	24	

ALLERGIES	SEE NURSING ASSESSMENT

LABILES	
[Patient]	
[Family/Friend]	
[Med. Examiner]	
[Safe]	
[rv. No.]	

TRIED	
[Police]	
[Family/Friend]	
[Med. Examiner]	
[Animal Ctl.]	
[Clergy]	
[Family Serv.]	

CH. COND.	
[Improved]	
[Critical]	
[Unchanged]	
[Exacerbated]	

POSITION	
[Home]	
[Other Facility]	
[AMA]	
[Expend.]	
[XOA]	
[In ED]	

ADMIT	
[2010]	

Diagnosis	Case
Sexual	

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

Referral Physician Noted	Response	Referral Physician Noted

**ALABAMA DEPARTMENT OF HUMAN RESOURCES
REPORT OF SUSPECTED CASE OF CHILD ABUSE/NEGLECT**

Pg

Co: 16 Case # 26,693 Date Report Received: 04-19-93 Inv. Wkr: _____
 Case Name: Wiles ☐ P. Abuse ☐ E. Abuse ☒ S. Abuse ☐ Neglect

SECTION G - DESCRIPTION OF ALLEGATION(S)

Description of Allegations: (Include date of incident, if known, and effects of abuse/neglect upon child(ren)).

Perp placed hands on victim's chest
and vaginal area on 4 occasions.
Interview with gloves on & some without.
Child told her mother & mother told perp
that he must get help.

SECTION H - ADDRESSES

Child's Address: _____ Phone: _____
 If different from child, other addresses and phone numbers: _____
 Legal Mother: _____ Phone: Hm _____ Wk _____
 Legal Father: _____ Phone: Hm _____ Wk _____
 Alleged Perpetrator: _____ Phone: Hm _____ Wk _____
 Other Address: (specify) _____ Phone: Hm _____ Wk _____

SECTION I - HOUSEHOLD COMPOSITION

Other Adults in Home	Relationship	Other Children in Home	Age/Sex
_____	_____	_____	____/____
_____	_____	_____	____/____
_____	_____	_____	____/____

SECTION J - REPORTER

Reporter Name: Lisa Martin Relationship: MHP
 Address: Riverside Hospital New York Phone: Hm _____ Wk _____
 Did reporter observe the victim? Yes _____ No _____
 If no, how was the reporter aware of the abuse/neglect? perp disclosed in therapy

Other people with information:

Name: _____ Relationship: _____
 Address: _____ Phone: Hm _____ Wk _____
 Name: _____ Relationship: _____
 Address: _____ Phone: Hm _____ Wk _____
 Parental or mandatory reporter requested notification of disposition Yes _____ No _____

SECTION K - OTHER

Is the family known to Child Protective Service outside the county? Yes _____ No _____
 If yes, give any identifying data (dates, places, dispositions, aka's etc.)

Other Pertinent Information: Mr. McCoy checked into Riverside
Hospital on 3-29-93. Over the past 10 years
he has molested 4 other children ranging in
age from infant to 13. He does not know
their names.

Report referred to D.A. _____ Date _____
 Law Enf. _____ Date _____

Method of Intake: Phone _____ In-Person _____ Letter _____
 Intake Worker's Signature: Susan Anderson
 Date: 4-19-93

RECORD OF CONTACT

Name of Applicant/Recipient WiseCase Number 20, 1073

CAN

DATE AND PERSON/SOURCE	PURPOSE/RESULTS
4-19-93	<u>Interview with reporter; Lisa Martin!</u> Ms. Martin contacted our office by phone to make this report. She is a mental health therapist with River Oaks Hospital in New Orleans, La. During a therapy session with Randall McCoy, he disclosed that he had sexually ^{Minor 2} molested ~~her~~ on several occasions. At this point she stated that Mrs. McCoy was there and she would let him talk with me further about the incidents.
4-19-93	<u>Interview with alleged perpetrator Randall McCoy!</u> Mrs. McCoy was interviewed ~~by~~ by telephonic on marginal date. Mrs. McCoy stated he was seeing ^{Minor 2} ~~his~~ mother, Debbie Wise, when the abuse occurred. The first time he was in bed with Mrs. Wise and ^{age 10} climbed in bed with them. Mrs. Wise was unaware

RECORD OF CONTACT - (Continued)

DATE AND PERSON/SOURCE	PURPOSE/RESULTS
	that he had put his hands on the outside of ^{Minor 2} 's ~~clothes~~ Garter usually. The incidents occurred in his truck.
	Nothing was said during the abuse. Once afterward he told ^{Minor 2} that he shouldn't do this and she replied that she didn't mind, in fact she liked it.
	After about the ~~10th~~ 14th time, ^{Minor 2} told him she didn't want him touching her again and he never did. Christine told her mother about the abuse and she intervened contacted Mr. McCoy. He admitted it and she told him that he needed to get some help.
	Mr. McCoy stated that he ^{Minor 2} had touched ^{Minor 2} above and under her clothing on her chest and vaginal area. He said there was no penetration of any kind. Since 1982, Mr. McCoy has sexually molested 4 girls all under the age of 13. He does not know any of their names, they range in age from

Name of Applicant/Recipient _____

Case Number _____

DATE AND PERSON/SOURCE	PURPOSE/RESULTS
	infant to teen). Mrs. McCoy heard about Biver Oaks Hospital from a friend and checked himself in on 3-29-93. Prior to his hospitalization, he lived at 415 Green Creek Dr. Ozark, AL.

5/11/93 Mrs. Wise

Not divorced from husband
but sep. for a year. He has
been dating + living in women
to his house before she moved
out. He's never beaten her
but had started hitting her before
they separated. He has a temper.

She does not know how
he will react to this report.
She cannot accept responsibility
for his error. She has been
threatened by him but has no
witnesses. She is in counselling
now for her sexual abuse as a
child & his treatment of her.

Feels a policeman needs to
be present when he is told
about this sexual abuse of his
daughters. She is afraid to talk.

to him about it. She is
 afraid he will be vicious &
 cruel to her after he is told.

The sexual abuse occurred
 at Jeagin Street but now
 they live out in the country
 but still in Entymore.

Minor 2

told her one Aug 1992
 incident occurred in the truck when
 he put his hand between her
 leg. She had on her clothes.
 A second incident occurred the
 same way after he picked her up
 from school. A third time
 happened after.

Minor 2

had met
 her bud, removed her panties &
 gotten in bed with her mother
 and Mr. Mr. 15 Cory. She had
 no panties on.

Minor 2

told
 her Mr. Mr. 15 Cory he felt of
 her between the legs & put his

penis between her legs but
 did not try to penetrate.
 said on one occasion he asked
 her if she liked it or did it feel
 good & she told him yes. Another
 time ^{Minor 2} ~~she~~ told him she didn't
 like it and ^{Minor 2} ~~she~~ said he
 wouldn't do it anymore.

A fourth time ^{January 1993} ~~was~~ at his
 house, in Ozark, &
 was sleeping alone. He got up
 in the middle of the night &
 got in bed with ^{Minor 2} ~~her~~. He
 tried to feel of her &
 made him quit. ^{Minor 2} ~~He~~ got up
 & woke mother up & told her
 Randy got in bed with her. ~~She~~
 Chastity told her mother that she
 told Randy she had to go to
 the bathroom but went and got
 her mother instead. Mrs. Wise

said Randy then came to the
 bedroom + Mr. Wise asked him
 what was the matter. Mr. McCoy
 replied he needed help. After this
 incident a ^{Minor 2} ~~when~~ told her
 mother about other times he had
 touched her.

Mr. McCoy told Mr. Wise
 that this was an urge he could
 not stop + promised he would
 get help. ^{Minor 2}

Mr. McCoy has not seen
 Mr. McCoy since. The next
 day Mr. McCoy went to
 see Walter Jacobs a Doctor
 a psychiatrist (So East Psychol
 Services). (793-1850) ~~1850~~

Dr. Jacobs told Mr. Wise
 on 5/10/95 ~~he~~ would speak
 to me ~~about~~ on his behalf.
 Dr. Jacobs was trying to get
 Randy McCoy into hospital

but had problem w/ insurance.

Mr. Wise has kept in touch
w/ Mr. McCoy to make sure
he got treatment & hopefully, to
insure he never built another
Chief. ^{She} Said he would not be
avoid ^{Minor 2} again. ~~She~~ She
told me she had been in love
with Mr. McCoy but was
very angry with him now. She
wants him to get help & is
concerned about his problem.

Mr. Wise talked a lot about
her own past about the problems
she had with her father & the way
her mother ignored the problem. She
did mention once or twice that she
was glad ^{Min or 2} ~~she~~ talked to her
& she had talked with Cheryl
at least several times. She
^{Minor 2} said ~~she~~ probably wanted to

feel because she knew Randy
 & Mr. Corg & her mother were
 happy. When she said Chastity
 had remarked about how happy
 her mother was. She felt bad
 that she thought ^{Minor 2} didn't
 want to take that happiness
 away by telling on Mr. & Mrs. Corg.

5/18/93 Interview with child

victim

Minor 2

w/ C. Dunaway at Epure P.D. -
Hillcrest - 4th grade - A honor roll

Minor 2

sd Randy Mc Coy molested
her. He used to be mo boyfriend. I don't
see him since last year. Knew him
since beginning of last year - year she
was - 3rd. Knew him for few
months & liked him. They did not
live together.

He rubbed her on her private.
1st time - his truck - going to see mo
at work at Store # 2 on Hwy 84 -
Pointed to ^{gated} area. Didn't tell them.
She did this too many times to
count.

1 major time. She was sleeping
the night w/ her mo. She went
back & got in bed w/ mo -

Randy rubbed between legs real hard w/
fingers

w/ right hand. "Is this all right?"
 She sd nothing. It burned. Mo
 was asleep in bed. They were
 living 102 Georgia St.

Happened 7-8 times. All other
 time is E'prise.

Next time he tk his privates +
 put between her legs + pretended
 he was making love, going back +
 forth. She had on underwear. She
 had on pants + shirt. Just touched
 legs. Never saw his privates.
 It was ~~hard~~ soft. Nothing came
 out. When he made her touch
 him he make her rub it up +
 down.

He put his tongue in her mouth.
 One time he rubbed breast area.
 Mom went somewhere + wasn't
 home. Happened on week day. Begin
 of this school year. Before Halloran +
 wore pants. Minor 4 ~~Idol~~

She told her mo + sd he had tried
the w/ her too. She didn't tell
mo - didn't want to hurt.

Did this at Ozark. Her + her mo
spent the night. She woke up +
found him in bed w/ her. Put his
private between her legs. Moved back +
forth + hugged her. Never put on tried
to put in private. Never told her
not to tell.

He would always tell her he was
sorry when she tried to get him
to stop.

Had her to touch him - 1

Touched her a lot -

1 time he put his hands under her pants.
His fingers would move in a circle on
her vagina + try to put them in. It
burned. He would chg + do smthg else

She feels better. That smthg going to
be done. Doesn't want him put in jail

because he was not nice to her
before he started this.

She ^{he} feels ¹ needs help & wants him to
get help.

She doesn't want to see him alone.
If some one else was around she's
be OK. She's afraid of him.

Minor 2

5/19 Jerry Wise - father 3
witen -

Called the worker at
home + advised he had
just found out from wife
about his daughter. Mr. Wise
seemed as if he was struggling
to stay calm.

He said he had no idea
this had happened + was
upset that he saw no signs
in ^{Minor 2} behavior. He said
she had not told him + does
not want to talk about
it now.

He cried while we talked
+ said over + over he
couldn't believe this had
happened to his child. He was
angry with his wife (they are
separated) for not telling him. He

wants something done to Randall
McCoy but will wait &
let police & D.H.R. handle.

Was going to see Cindy
Dunaway tonight. She
wants to sign warrant.

ENTERPRISE POLICE DEPARTMENT

CRIMINAL INVESTIGATION DIVISION

CASE REPORT

93052615/93052616

DATE OF REPORT: May 26, 1993

CASE NUMBER: 93051847/93052614

TYPE OF CASE: Sexual Abuse 1st Degree 4 counts

LOCATION OF OCCURANCE:

Hardees, Enterprise, AL

DATE OF OCCURANCE: August 25, 1992 through October 1992

VICTIM(S)

Minor 2

SUBJECT(S)

Randal Wade McCoy

W/M, DOB:

LKA:

On Thursday May 13, 1993, Judy Melo, Social Worker, Coffee County Department of Human Resources called me and advised that her office had received a complaint of sexual abuse of ~~Minor 2~~ Ms. Melo made an appointment with ~~Minor 2~~ and her mother, Deborah ~~Minor 2~~ for May 18, 1993 for ~~Minor 2~~ to be interviewed. Ms. Melo advised me that her office had received a report from River Oaks Hospital in New Orleans that MCCOY had disclosed in a session that he had sexually abused ~~Minor 2~~ while he was dating her mother. Susan Landrum, Coffee County Social Worker spoke with MCCOY over the phone and he relayed the information to her and advised it had happened four times in Enterprise and two times at his house in Ozark. On May 18, 1993, myself and Judy Melo interviewed ~~Minor 2~~ and she told us of three incidents where she was sexually molested by MCCOY. ~~Minor 2~~ advised the first time was one morning when MCCOY was taking her to where her mother worked, Store #2 Highway 84, Enterprise, AL. ~~Minor 2~~ stated that while riding in the truck with MCCOY he touched her in her private part, (genital area). ~~Minor 2~~ stated the other two times in Enterprise were at her house,

~~Minor 2~~ stated that on both occasions MCCOY was spending the night and she got up and went and got in the bed with her mother, where she found MCCOY. The first time MCCOY touched her in her genital area and had her touch his penis. The second time was also in the bedroom and MCCOY again touched her in her genital area. ~~Minor 2~~ advised that MCCOY had also done this to her when she and her mother were staying the night at his house in Ozark, AL. On May 19, 1993 Terry ~~Minor 2~~, ~~Minor 2~~ father contacted me and advised that Deborah had just made him aware of what was going on and his understanding was that this had occurred in the fall of 1992. I advised Mr. Wise that so far the investigation revealed a time frame of between the dates of September 1, 1992 and the first part of December 1992. Mr. Wise advised that he wished to sign a warrant on MCCOY at that time I advised Mr. Wise I would contact the District Attorney's Office the next day and set up an appointment to see them. I also informed him that I had contacted an officer with the Ozark Police Department and we were scheduled to interview MCCOY on Friday May 21, 1993. On Thursday May 20, 1993 myself and Mr. Wise spoke with Bruce Devane of the District Attorney's Office, then obtained warrants on MCCOY for three counts of sexual abuse. After obtaining the warrants I again interviewed ~~Minor 2~~ about each individual time that she was molested by MCCOY. After completing the interview, I accompanied ~~Minor 2~~ and Mr. Wise to Medical Center Enterprise where she was examined by Dr. Page in the emergency room. Dr. Page's findings were that the hymen was intact and he could find no evidence of penetration.

() 1. INVESTIGATION PENDING

(X) 4. INVESTIGATION CLEARED/ARREST

() 2. INVESTIGATION INACTIVE

() 5. INVESTIGATION CLOSED

() 3. INVESTIGATION CLEARED

() 6. INVESTIGATION UNFOUNDED

DISTRIBUTION:

(1) DA

(2) FILE

INVESTIGATOR: Cindy A. Dunaway

TYPED BY: Cindy A. Dunaway

DATE: 052693

APPROVED BY: 

page 2

May 21, 1993 at approximately 1340 hours I arrived at the Ozark Police Department and met with Lt. Tony Spivey and advised him of the facts of the case and that I had obtained warrants on MCCOY since had last spoke with him. Myself and Lt. Spivey along with a uniformed officer traveled to MCCOY's residence, where we met MCCOY and introduced ourselves to him. MCCOY agreed to accompany us to the police department where we could talk with him. After arriving at the police department MCCOY was advised that I wanted to talk to him about [REDACTED] ^{Memo} I advised MCCOY of his constitutional rights that he stated he understood and waived. ^{Memo 2} During the interview MCCOY admitted to four (4) incidents of sexual molestation of [REDACTED] in Enterprise and two (2) incidents at his house in Ozark. During the interview MCCOY stated he was a pedophile and was unable to control his behavior and had been in treatment for it and was still seeing Dr. Nolin in Dothan, AL. MCCOY admitted to other victims during the interview but none of them lived in Enterprise. After the interview was completed MCCOY was asked if he would sign a consent search for his residence for us to look for child pornography, which he did. Myself, Lt. Spivey, two members from the District Attorney's Office went to the residence where a search was made. During the search two notebooks and an audio cassette tape were seized. MCCOY was arrested on the three warrants and transported back to Enterprise. On Tuesday May 25, 1993 I advised Bruce DeVane of the District Attorney's Office of the fourth incident that MCCOY had admitted to, a warrant was obtained on MCCOY for that charge. Later that same day myself and Lt. Spivey traveled to the Coffee County Jail in NewBrockton where warrants wer served on MCCOY.

Minor 2

THIS IS A TAPED INTERVIEW BETWEEN Q . PRESENT IN THE INTERVIEW IS LT. CINDY DUNAWAY WITH ENTERPRISE POLICE DEPARTMENT AND JUDY MELLOW COFFEE COUNTY SOCIAL WORKER. TODAY IS TUESDAY MAY 18, 1993. THE TIME IS 11:15. THE LOCATION IS THE ENTERPRISE POLICE DEPARTMENT.

DUNAWAY:

Minor 2

what we want to talk to you about today is a report that Mrs. Mellow got where something has possibly happened to you that made you feel uncomfortable, has it?

Minor 2

Yes ma'am.

DUNAWAY:

Okay can you tell me what happened that made you feel so uncomfortable?

Minor 2

:

Randy McCoy molested me.

DUNAWAY:

Okay and who is Randy McCoy?

Minor 2

He was momma's boyfriend.

DUNAWAY:

Okay when's the last time you saw Randy?

Minor 2

I think last year.

DUNAWAY:

Last year.

Minor 2

I think.

DUNAWAY:

Last year okay. And during the time that you knew, how long did you know Randy?

Minor 2

I've known him since the beginning of last year.

DUNAWAY:

Okay and your talking like last year when you were in the 3rd grade?

Minor 2

I thinks so, yeah.

DUNAWAY:

Okay so when were talking last year were talking about the year that you were in the 3rd grade, because your in 4th grade this year right?

Minor 2

Yes ma'am.

DUNAWAY:

And how long did you know him?

Minor 2

I've known him for a few months and I gotten to like him cause he's real nice.

DUNAWAY:

Okay during the time that he was your mom's boyfriend did you all live together?

Minor 2

No.

DUNAWAY:

Okay and can you tell me what Randy did that made you feel uncomfortable?

Minor 2

Yes he rubbed me while I was wearing all my clothes, he rubbed me on my private.

DUNAWAY:

Okay do you remember where you were when this happened?

Minor 2

The first time was in his truck.

DUNAWAY:

Okay where were you all do you know?

Minor 2

We were um going to my mothers work place.

DUNAWAY:

Okay where was your mother working at that time?

Minor 2

The store #2.

DUNAWAY:

Okay up on highway 84, like going to New Brockton?

Minor 2

Yes.

DUNAWAY:

Okay and he just touched you in your private area. And when you say your private area you were pointing to the area between your legs is that right?

Minor 2

Yes ma'am.

DUNAWAY:

Okay. Did you tell anyone about that?

Minor 2

Not for along time.

DUNAWAY:

Okay and you said that was the first time. How many times did he do something that made you feel uncomfortable?

Minor 2

To many to count.

DUNAWAY:

To many to count. Can you tell me about some other times?

Minor 2

Yes he the one major time he did was he was spending the night with my mother and I have a bladder problem so whenever I get up in the night I take my wet underpants off and I go and get in the bed with my mom. And he was in the bed with her and I got to the side where she was usually at and I laid down and he was in the bed right there and I think that was the first night that he did that, that was another

night that he....

DUNAWAY:

Okay what did he do that night?

Minor 2

He rubbed me between my legs real hard.

DUNAWAY:

Okay what was he rubbing you with?

Minor 2

His fingers.

DUNAWAY:

His fingers okay.

Minor 2

The first two fingers.

DUNAWAY:

The first two fingers okay. Could you remember which hand he was using?

Minor 2

I think it was his right hand.

DUNAWAY:

Okay did he say anything to you during that time?

Minor 2

He said is this alright?

DUNAWAY:

Okay and what did you tell him?

Minor 2

I didn't say anything cause it was burning to bad, I was about to cry.

DUNAWAY:

Okay where was your momma when all this was happening?

Minor 2

She was asleep on the other side of the bed.

DUNAWAY:

Okay where were you all living when this all occurred?

Minor 2

Umm

DUNAWAY:

Okay here in ?

Minor 2

DUNAWAY:

here in . Okay how many other times did it happen?

Minor 2

Um about, I'd say maybe 7 or 8.

DUNAWAY:

Okay those other times that it happened where you living on ?

Minor 2

Yes ma'am.

DUNAWAY:

What happened on the other times?

Minor 2

Um the next night, another night he'd um he took his private and he put in between my legs and and he pretended like he was making love to me.

DUNAWAY:

Okay.

Minor 2

He went back and forth.

DUNAWAY:

He went back and forth. Did he put his private part inside of you?

Minor 2

No just between my legs.

DUNAWAY:

Okay did he have his clothes on?

Minor 2

He had his underwear on.

DUNAWAY:

Okay did you have your clothes on?

Minor 2

Yes I had um I had a shirt on.

DUNAWAY:

Okay is that all you had on?

Minor 2

Um and I had my panties on.

DUNAWAY:

And your panties on. Did he touch your private area though with his private parts through your panties?

Minor 2

No.

DUNAWAY:

Okay just your legs?

Minor 2

Yes ma'am..

DUNAWAY:

Okay can you describe what his private part looked like? Did you see it?

Minor 2

I never saw it.

DUNAWAY:

Could you feel it?

Minor 2

He put my hand on it.

DUNAWAY:

Okay describe what it felt like?

Minor 2

It was sort of, you mean hard or soft?

DUNAWAY:

Yeah can you tell me that?

Minor 2

It felt sorta soft.

DUNAWAY:

Okay did anything ever come out of his private

Minor 2

parts?

No.

DUNAWAY:

Okay when he had you touch it what did he say to you?

Minor 2

He didn't say, I don't think he said anything he just took my hand and rubbed it up and down it.

DUNAWAY:

Okay he put your hand on it and caused your hand to rub up and down on his private parts?

Minor 2

Yes ma'am.

DUNAWAY:

Okay did his private part do anything when you were rubbing it?

Minor 2

No.

DUNAWAY:

Okay you never say anything come out of his private part?

Minor 2

I saw his private part.

DUNAWAY:

Did you ever feel anything come out of his private part?

Minor 2

No he didn't put my hand at the end of it.

DUNAWAY:

Okay can you think of anything else that he did to you?

Minor 2

Um yes that night he put his tongue in my mouth. And one time he put his hand in my shirt and rubbed my, he rubbed right here.

DUNAWAY:

Okay your showing your breast area?

Minor 2

Yes ma'am.

DUNAWAY:

Okay where was your mom when he did that?

Minor 2

That was the next morning and she went somewhere and he wouldn't, he didn't tell me where he just said she went somewhere and she wasn't home. And he put his tongue in my mouth that morning to, I tried to keep my teeth closed but he forced his tongue in there.

DUNAWAY:

Okay do you remember what day that was, was it a holiday or?

Minor 2

It was a school morning.

DUNAWAY:

It was a school morning and it was last school year not 4th grade but 3rd grade right? Or was it...?

Minor 2

It was...

DUNAWAY:

Think real hard.

Minor 2

It was 4th grade the beginning of 4th grade.

DUNAWAY:

So it would have been back the beginning of this school year, the very beginning of this school year?

Minor 2

The very beginning.

DUNAWAY:

Okay would it have been before Halloween?

Minor 2

Ummm I don't think so, I think it was after.

DUNAWAY:

Okay would it have been before Thanksgiving?

Minor 2

I think it was before that, yeah it was before both of those I think.

DUNAWAY:

Okay do you remember what you wore to school that morning? Did you have on pants or shorts?

Minor 2

I don't, I think I had on pants.

DUNAWAY:

Okay but you think it was before Halloween, but after school started. Your sure it was a school morning?

Minor 2

Yes ma'am cause my mother took me to school.

DUNAWAY:

Did you tell you momma that morning?

Minor 2

Umm I don't think so. The first person I told about all this was my mom's friends daughter and she's, she was fifteen.

DUNAWAY:

Okay what's her name?

Minor 2

Minor 4

DUNAWAY:

Okay and when did you tell her?

Minor 2

I told her after, I told her after the time he did it to me in the bed.

DUNAWAY:

Okay at your house?

Minor 2

Yes ma'am I told her at her house.

DUNAWAY:

You told her at her house what he had done to you at your house is that right?

Minor 2

Yes.

DUNAWAY:

Okay and what did she do?

Minor 2

That he had done that to her to and she told her mother and her mother told mine.

DUNAWAY:

And then your mom talked to you?

Minor 2

Yes ma'am.

DUNAWAY:

Okay when did you and your mom talk about this?

Minor 2

We talked about the very night when she found out.

DUNAWAY:

Okay do you remember when that was?

Minor 2

I don't remember the day.

DUNAWAY:

Okay was it before Christmas or after Christmas?

Minor 2

I think it was before Christmas.

DUNAWAY:

Okay what happened then after you and your mom talked?

Minor 2

She tried to keep me away from him for along time.

DUNAWAY:

Okay does your mom still see him?

Minor 2

She doesn't see him anymore I don't think.

DUNAWAY:

Okay when was the last time that you saw him?

Minor 2

I think the last time I saw him was last year. I don't remember seeing him very often no more, I don't see him.

DUNAWAY:

Okay did he ever do this to you any other time other than that morning at your house? Like that night in your mom's bed and that morning after she left?

Minor 2

That morning also he said you remember feeling this and he pointed down to his private.

DUNAWAY:

And you knotted your head that you did?

Minor 2

Um um (yes).

DUNAWAY:

Okay and then what did he say.

Minor 2

He just, he just knotted his head and that's when he kissed me.

DUNAWAY:

Did he say anything to you about it, about not telling anyone?

Minor 2

No.

DUNAWAY:

Did he say anything about keeping it a secret?

Minor 2

No.

DUNAWAY:

Okay why didn't you tell someone before you told your friend? Why didn't you tell you mom about it?

Minor 2

Cause I was afraid it would hurt her feelings real bad.

DUNAWAY:

Okay did he ever this to you besides your house?

Minor 2

He did it at his house.

DUNAWAY:

Okay and where does he live?

Minor 2

He lives in Ozark.

DUNAWAY:

Okay what did he do at his house?

Minor 2

He did the same things.

DUNAWAY:

He did the same things, tell me what he did?

Minor 2

Um my mother and I spent the night at his house alot of nights and I slept in his guest room and they slept together in his room and during the night he would get in the bed I was sleeping in and I would wake up in the middle of the night and I would look back there and he would be sleeping back there. And then I'd turn my head back the other way and he would wake up and then he would put his private between my legs and it would start again.

DUNAWAY:

Okay what would he do?

Minor 2

Um he would move back and forth with his private between my legs and he sorta of hugged me while he was doing it.

DUNAWAY:

Okay did he ever put his private part inside your

private part?

Minor 2

No ma'am.

DUNAWAY: Did he ever try?

Minor 2

Um um (no).

DUNAWAY: Okay did he say anything to you during this time, did he ever tell you he was sorry?

Minor 2

Yes.

DUNAWAY: Okay tell me about that?

Minor 2

When um I would wiggle around to try to get him to stop it he would say he was sorry and sorta just kiss my head right there.

DUNAWAY: Okay have you talked to him after your mom talked to him when she found out what happened?

Minor 2

I didn't ever talk to him about it.

DUNAWAY: Okay did he ever say anything to you after your mom confronted him, talk to him about it?

Minor 2

Um um (no). One time I was laying on the couch and he was laying behind me and he my mother was in the kitchen and we were in the living room and he started moving back and forth and I just kicked him and he stopped.

DUNAWAY: Okay that was a good thing to do. You did the right thing. Where were you when that happened?

Minor 2

At my house.

DUNAWAY: Minor 2 how many times did he have you touch his private parts?

Minor 2

Just one time.

DUNAWAY: Okay just one time and how many times did he actually touch your private part?

Minor 2

That was the thing that he did most. He did that just about, he did that I think everytime he started it.

DUNAWAY: Okay did he touch you underneath your panties or on top of your panties?

Minor 2

One time he put his hand in my panties.

DUNAWAY:

Tell me about that time.

Minor 2

Um I can't remember very clearly but he um he would um his fingers would get right at my hole and it would burn real bad.

DUNAWAY:

What would he do with his fingers when they were right at your hole?

Minor 2

He would move them like this and he move them deeper in.

DUNAWAY:

Okay your doing your fingers like a circle?

Minor 2

Yes ma'am.

DUNAWAY:

Like that and you say he would make them go in?

Minor 2

He tried to make them go in.

DUNAWAY:

Okay and you said he did it harder. Did he ever say anything when he was doing it harder?

Minor 2

He said, he said is this better.

DUNAWAY:

What would you say?

Minor 2

I didn't say anything.

DUNAWAY:

Do you realize that what he did was wrong? Do you know that what he did was wrong?

Minor 2

My mother told me.

DUNAWAY:

It's wrong, that's your private part and nobody has any business to touch you there. But a doctor if your hurt or a your momma when she's checking to make sure your okay. But other grown ups have no right at all or anybody else for that matter to touch you down there. And I want you to remember that. If anyone ever touches you there again you go right then and tell an adult that you trust, wether it be your mom or your teacher or somebody because that's wrong to do what he did to you okay? Cause he made you have bad feelings didn't he? And he's not supposed to do that, he doesn't have any right at all to do that. How do you feel about talking about it?

Minor 2

I feel better that something is going to be done about it.

DUNAWAY: Okay what do you want done about this ^{Minor 2}

Minor 2 I don't want him put in jail.

DUNAWAY: Okay why don't you want him put in jail?

Minor 2 Cause I still think he's a nice man.

DUNAWAY: Why do you think he's a nice man?

Minor 2 Because he was real nice to me before he started all that.

DUNAWAY: They usually are. Okay what do you want me to do with him? Cause I'm a police officer and it's my job to put people in jail. When they do wrong things like hurt children and he hurt you, he really did. Do you think he has a problem?

Minor 2 Yes.

DUNAWAY: Do you think he needs to get some help?

Minor 2 Yes.

DUNAWAY: Do you want him to get some help?

Minor 2 Yes.

DUNAWAY: Do you want to see him again?

Minor 2 It wouldn't matter, if I saw him again along I'd be real nervous.

DUNAWAY: We would never let you see him alone.

Minor 2 Well if there was, if someone else was in the room then it would be okay if I wasn't sitting on the same piece of furniture with him.

DUNAWAY: Okay are you afraid of him?

Minor 2 Yes.

DUNAWAY: Afraid he might do this to someone else?

Minor 2 He might.

DUNAWAY: Okay do you know anyone else that he's done this to?

Minor 2 Yes. He did this to the girl I told first.

DUNAWAY: Okay what did she tell you?

Minor 2

She told me that he rubbed her private part also but when he tried to kiss her she slapped him.

DUNAWAY:

Okay where did this happen do you know?

Minor 2

I don't think she told me that.

DUNAWAY:

Okay where does she live, what's her name now?

Minor 2

Minor 4

DUNAWAY:

Okay.

Minor 2

It's one of those, her mother has been married 3 times so.

DUNAWAY:

Okay.

~~MELD~~
MELLOW:

I think you about covered everything that I needed to know. I have to look at my notes, I'm older than Mrs Cindy.

DUNAWAY:

That's on tape recorder.

~~MELD~~
MELLOW:

Do you know where Mr. McCoy is now?

Minor 2

No. I think he's at his house, he may be at a friends house.

~~MELD~~
MELLOW:

You remember the name of the street that he lives on?

Minor 2

It's somewhere around the streets like , streets like that.

~~MELD~~
MELLOW:

Where is that, is that here in Enterprise?

Minor 2

No that's Ozark.

DUNAWAY:

Anything else?

~~MELD~~
MELLOW:

No.

DUNAWAY:

You have any questions of us?

Minor 2

No.

DUNAWAY:

Okay anything else that you can think of that you need to tell us that he didn't ask you about?

Minor 2

Um um.

~~MELD~~
MELLOW:

Would you like to have somebody to talk to about

this? They have people that help children. When somebody has molested them to go and talk to them. Would you like to go and talk to somebody?

Minor 2

Um um.

DUNAWAY:

You want to forget about all this?

Minor 2

I want to but it's planted in my mind.

DUNAWAY:

That's why you need to talk to somebody that can help you get through it. The person Mrs. Judy is talking about, they can help you allot. They help you to get over all this and it goes away.

Minor 2

Okay then I will.

~~MELLO:~~
~~MELLOW:~~

Then I'll talk to your mother about that and well get that started right away.

DUNAWAY:

And you know if you ever need someone to talk to you can always call one of us. Okay?

Minor 2

Okay.

DUNAWAY:

This concludes this interview. The time is 11:35

TYPED BY MICHELLE HALL
5/19/93

THIS IS A TAPED INTERVIEW BETWEEN LT. CINDY DUNAWAY AND ^{Minor 2}
 Minor 2 TODAY IS THURSDAY, MAY THE 20, 1993. THE TIME OF THE
 INTERVIEW IS 3:37 P.M. AND THE LOCATION IS THE ENTERPRISE
 POLICE DEPARTMENT.

DUNAWAY: ^{Minor 2} on Tuesday you and I and Miss
 Mellow talked. Do you remember?

Minor 2
 Yes, Mam.

DUNAWAY: And we were talking about what had happened
 to you with Randall, with Randy McCoy. Is
 that right?

Minor 2
 Yes.

DUNAWAY: O.K. I want to talk about that again today
 but I need to break it down to each time. Can
 you tell me the first time Randy did
 something that made you feel uncomfortable?

Minor 2
 He did it in his, in his truck.

DUNAWAY: O.K. Where were you. Were you in Enterprise?

Minor 2
 Yes.

DUNAWAY: O.K. Do you have an idea of where in Enterprise
 you were?

Minor 2
 Uh around where Debbie DeRossi lives.

DUNAWAY: O.K., O.K. had you been at her house?

Minor 2
 Yes.

DUNAWAY: O.K. You had been at Debbie's house and you
 left there and it was on the street around
 , around ?

Minor 2
 Yes.

DUNAWAY: O.K. Do you remember about when this happened?

Minor 2
 Um.

DUNAWAY: Do you know a month maybe? O.K. You said
 you were in his truck and you were up at
 . Is that right?

Minor 2
 Yes.

DUNAWAY: O.K. And you had just left Debbie's house.

Minor 2

: Yeah right.

DUNAWAY:

O.K. Tell me what happened when you were in the truck?

Minor 2

!:

He rubbed between my legs.
And and said is that O.K. and and I started
nodding my head and I didn't say anything.

DUNAWAY:

O.K. Where were you sitting in the truck?

Minor 2

I was sitting right next to the passenger
side's door.

DUNAWAY:

O.K. Did he say anything to you to to get
you to move closer to him or when he started
to put his hand between your legs?

Minor 2

No.

DUNAWAY:

He just did it?

Minor 2

:

Yes.

DUNAWAY:

Did he just reach reach over?

Minor 2

Yes.

DUNAWAY:

Do you remember which hand he used?

Minor 2

His right hand.

DUNAWAY:

O.K. And was anyone else in the truck besides
you and him?

Minor 2

No.

DUNAWAY:

O.K. Where were you all going that day?

Minor 2

We were going to my to my the store my mother
manages.

DUNAWAY:

O.K. Which store was that?

Minor 2

The Store Number 2.

DUNAWAY:

O.K. That's here in Enterprise up on Highway
84 like you are going towards New Brockton?

Minor 2

?

Yes.

DUNAWAY:

O.K. Did he say anything else to you when
you were in the truck that day?

Minor 2 ;

He said he he told me that his that there wasn't enough room between my legs the way that they were spread out so that so that I would have to spread my legs out more.

DUNAWAY:

O.K. What happened then?

Minor 2 ;

Then I spread my legs out more and he took my seat belt off.

DUNAWAY:

O.K. During that time you took your seat belt off and did you scoot over or did you stay where you were?

Minor 2 ;

I stayed where I was.

DUNAWAY:

O.K. Do you remember what you were wearing that day, did you have on shorts or jeans or a dress?

Minor 2

I had on jeans.

DUNAWAY:

O.K. Did he touch you between your legs on top of your clothes or underneath your clothes?

Minor 2 ;

On top.

DUNAWAY:

O.K. During that time did he have you touch him anywhere?

Minor 2

No.

DUNAWAY:

O.K. How long did he do this?

Minor 2 ;

For about one minute or maybe two or three.

DUNAWAY:

O.K. And did, when did he stop doing it?

Minor 2 ;

When we when we got to where there was a lot of people driving by.

DUNAWAY:

O.K. Did you say anything to your Mom that day when you got to the store?

Minor 2 ;

No.

DUNAWAY:

Did he did he say anything to you about telling your Mom?

Minor 2

No.

DUNAWAY:

O.K. Did he say anything to you after he finished touching you?

Minor 2 ;

I think he said, I think he said something

like do you want me to stop now?

DUNAWAY: O.K. Can you remember anything else about that time, when that happened, the first time in the truck?

Minor 2 : No.

MELLOW: Do you remember what kind of truck he has?

Minor 2 Yes, um I think it was a black Mazda.

DUNAWAY: O.K. So it was a small truck?

Minor 2 Yes.

DUNAWAY: O.K. And you are pretty sure it was a Saturday because you did not be you said you didn't go to school that day?

Minor 2 Uh I think I went to school um, I think I spent the night with the DeRossis' and then he took me to my mother's door to have a friend come pick me up and take me to school.

DUNAWAY: So was it early in the morning?

Minor 2 Yes, I think so.

DUNAWAY: O.K. Think hard for me. The time of day it would have been? Had you eaten breakfast?

Minor 2 No, I ate breakfast at I ate breakfast at my mother's store.

DUNAWAY: O.K. So you remember eating breakfast at the store?

Minor 2 I think so.

DUNAWAY: O.K. Do you remember what you had that morning for breakfast. What would you have gotten at the store usually?

Minor 2 Usually uh a steak biscuit.

DUNAWAY: O.K.

Minor 2 And white milk.

DUNAWAY: O.K. So your Mom worked the morning shift?

Minor 2 : Uh huh.

DUNAWAY: You are sure of that?

Minor 2 : Uh huh.

DUNAWAY: And you feel sure that he picked you up to take you up there so you could eat breakfast before you went to school?

Minor 2 : Yes.

DUNAWAY: O.K. How did you get to school?

Minor 2 : Um Melissa Moore took me to school.

DUNAWAY: O.K. Did you tell her what had happened?

Minor 2 : No.

DUNAWAY: O.K. Can you think of anything else from the first time?

Minor 2 : Um he had me sit in his lap and he let me steer the truck for for a while.

DUNAWAY: He did.

Minor 2 : Uh huh.

DUNAWAY: Did he do anything while you were sitting in his lap?

Minor 2 : He helped, he helped me steer when when I got out of hand but nothing else.

DUNAWAY: O.K. Where were his hands during the time you were sitting in his lap? Were they both on the steering wheel the whole time?

Minor 2 : They were on his they were on his legs some and when when I got out of hand he he put his hands on the wheel.

DUNAWAY: O.K. Did he touch you anywhere else?

Minor 2 : No.

DUNAWAY: When you were driving?

Minor 2 : No.

DUNAWAY: O.K. What did he have on that morning?

Minor 2 : He had on jeans and that night shirt.

DUNAWAY: O.K. Did he undue his clothes any time that morning?

Minor 2

No.

DUNAWAY: O.K. What what did it feel like to sit in his lap, do you know anything about that?

Minor 2

Well I sort of sat on one leg because I didn't want to sit between his legs.

DUNAWAY: O.K. Did you feel anything when you were sitting in his lap?

Minor 2

Uh uh.

DUNAWAY: O.K. The second time, you told me about was the time at your house when you had an accident. You said you went and got in the bed with your Mom?

Minor 2

Yes.

DUNAWAY: And he was in the bed with her?

Minor 2

Yes.

DUNAWAY: Is that correct? What were you wearing when you went and got in the bed with your Mom?

Minor 2

Uh a tee shirt and um I might of had on a pair of underpants but I'm not sure.

DUNAWAY: O.K. When would that have been, do you remember have any idea? This is when you were living on ?

Minor 2

What time?

DUNAWAY: Of day? Was it during the week?

Minor 2

Yes.

DUNAWAY: School night?

Minor 2

Yes.

DUNAWAY: O.K. Do you remember anything you had watched on T.V. that night?

Minor 2

Uh uh.

DUNAWAY: O.K. But you are sure that it was a school

night?

Minor 2

Yes.

DUNAWAY:

O.K. Any any idea on what kind of what month it might have been? Was it right before, was it when school first started? Middle of school, towards Christmas? Thanksgiving?

Minor 2

Uh I don't know. It was sort of in the middle of the year.

DUNAWAY:

O.K. Alright. Do you remember if it was the rest, if had you been out of school for a holiday any time during that time?

Minor 2

Uh uh.

DUNAWAY:

O.K. Would have been before Thanksgiving?

Minor 2

I think it was before Thanksgiving.

DUNAWAY:

O.K. Would it have been before Halloween?

Minor 2

Yes.

DUNAWAY:

O.K. So it was sometime in the month of September or October?

Minor 2

Yeah.

DUNAWAY:

O.K. Do you remember anything going on during that time at school, anything special going on at school?

Minor 2

Uh I.

DUNAWAY:

Any plays or anything or any special things you are all talking about in class?

Minor 2

Uh uh.

DUNAWAY:

O.K. Tell me what happened when you got in the bed with your Mom that night?

Minor 2

Um there was a first but he didn't do anything the first night.

DUNAWAY:

O.K. What happened the first night?

Minor 2

He, he just he just he just kept putting putting his arms around me but uh uh around my shoulders.

DUNAWAY: O.K.
Minor 2
And he didn't do anything that night. It was the next night.

DUNAWAY: O.K.
Minor 2
That he did something.

DUNAWAY: So these nights are like one night and then the very next night?
Minor 2
Uh huh.

DUNAWAY: Of the same week?
Minor 2
Yes.

DUNAWAY: O.K. Did he say anything to you the first night when he put his arms around your shoulders?
Minor 2
No.

DUNAWAY: O.K. What were you wearing that night?
Minor 2
Uh uh a tee shirt.

DUNAWAY: O.K.
Minor 2
That went, that went to my knees I think.

DUNAWAY: O.K. Was your Mom in bed asleep?
Minor 2
I think she, she woke up when I got in bed.

DUNAWAY: O.K. Did Randy say anything to you that night?
Minor 2
No.

DUNAWAY: O.K. Tell me about the next night. What happened?
Minor 2
First he rubbed me between my legs.

DUNAWAY: O.K. You got in the bed with your Mom, right, and he was in bed with her? Is that right?
Minor 2
Yes.

DUNAWAY: That's what you told me Tuesday? O.K. what were you wearing that night?

Minor 2

I think I was wearing a tee shirt again.

DUNAWAY:

O.K. Was it a long tee shirt or a short tee shirt?

Minor 2

Long, long, uh.

DUNAWAY:

Goes to your knees?

Minor 2

Yeah.

DUNAWAY:

You are pointing down to your knees. O.K. What did he do?

Minor 2

He rubbed between my legs.

DUNAWAY:

O.K.

Minor 2

I, I was between.

DUNAWAY:

Between your Mom and Randy. O.K.

Minor 2

And, and he rubbed between my legs.

DUNAWAY:

O.K.

Minor 2

He, he uh he put he put his private part between my legs.

DUNAWAY:

O.K.

Minor 2

And he moved back and forth with his waist.

DUNAWAY:

O.K. ~~On that~~, that night that he did and he rubbed you between your legs, did he rub you on top of your panties or beneath your panties?

Minor 2

He was beneath them.

DUNAWAY:

Do you remember feeling it?

Minor 2

Yes.

DUNAWAY:

Can you describe that to me?

Minor 2

It was right next to my hole and it burned real bad.

DUNAWAY:

O.K. Can you show me what he rubbed you with?

Minor 2

His first.

DUNAWAY:

His fingers?

Minor 2

His first two fingers.

DUNAWAY:

How did he rub you?

Minor 2

Uh he went around in a circle.

DUNAWAY:

O.K. And after he rubbed you, what did he do?

Minor 2

Then he turned my head his way and kissed me.

DUNAWAY:

O.K. Then what happened?

Minor 2

Then he put my hand on his private parts.

DUNAWAY:

It was his private parts. Did he have any clothes on that night?

Minor 2

Um um I I remember it, I think, I think he had on his underwear..

DUNAWAY:

O.K.

Minor 2

He just had it pulled down so that I could touch his, his skin.

DUNAWAY:

O.K. Tell me about touching his rough skin?

Minor 2

The skin was sort of soft but I think I've sort of changed my mind and it was sort of stiff?

DUNAWAY:

You just remember, what do you remember think real hard for me. You just be sure, all I want is the truth, O.K. Think for me what it felt like?

Minor 2

Well the skin was soft and his private didn't move or anything it was just staying so still.

DUNAWAY:

O.K. How was it when you say it was staying still, how what position was it in?

Minor 2

Uh it was laying um towards the towards the left and down sort of.

DUNAWAY:

O.K. Was it on his leg? Or was it standing out?

Minor 2

Uh it was sort of I think I, I don't I think it was standing out uh about this much.

DUNAWAY:

About half an inch?

Minor 2

Yeah between it and the bed.

DUNAWAY:

It and the bed. Alright. When he had you touch his private parts, how were you laying in the bed?

Minor 2

I was laying facing him.

DUNAWAY:

Facing. Were you on your side?

Minor 2

Yes.

DUNAWAY:

And how was he?

Minor 2

He was on his side, I think, yeah, he was on his side.

DUNAWAY:

O.K. When he had you touch his private, how did he have you touch his private part?

Minor 2

He just gently put my hand over it just so I could feel the skin.

DUNAWAY:

O.K. Did you feel anything on it other than skin?

Minor 2

Hair.

DUNAWAY:

O.K. Anything else?

Minor 2

No.

DUNAWAY:

O.K. Did he say anything to you when he had you touch his private part?

Minor 2

No.

DUNAWAY:

O.K. When he put his private parts on your legs, tell me how he did that?

Minor 2

His, his private part, between my legs?

DUNAWAY:

Uh huh. O.K. We have to turn the tape recorder off for a minute to answer the phone, its fives minutes until 4:00 and we are back on tape. O.K. Chastity when he was you said he put his private part between your legs, how were you laying on the bed?

Minor 2

Um that time I was I was between him and my Mom and I was laying facing my Mom.

DUNAWAY: O.K.

Minor 2

And he he he didn't, he just uh put it between my legs and started.

DUNAWAY: O.K. Were you laying on your back or on your side or on your stomach?

Minor 2

On y, on my on my side, facing my Mom.

DUNAWAY: O.K. So show me where he put it on your legs?

Minor 2

Um about right here.

DUNAWAY: Uh was he behind you?

Minor 2

Uh huh.

DUNAWAY: O.K. Uh how did he O.K. so he was behind, you were facing your Mom and he was behind you, is that right?

Minor 2

Yes.

DUNAWAY: And he put it, tell me about that now exactly how did he do that?

Minor 2

Uh I was laying like this and my Mom and he he was laying like this and he and he just put it between my legs.

DUNAWAY: O.K. What did he do when he put it between your legs?

Minor 2

He moved back and forth.

DUNAWAY: He moved back and forth, O.K. Did anything come out of his private part?

Minor 2

No.

DUNAWAY: O.K. Did he say anything to you when he was doing that?

Minor 2

No.

DUNAWAY: O.K. Uh so that happened that night. That's the night that he had you touch his private part and he put his private part between your legs and he also rubbed you?

Minor 2

And kissed me.

DUNAWAY:

And kissed you. And that time you said he rubbed you uh underneath your panties or on top of your panties?

Minor 2

Under me.

DUNAWAY:

O.K. And when was another time at your house?

Minor 2

Uh the next morning my Mom we went somewhere.

DUNAWAY:

O.K. Where was she going to, do you remember?

Minor 2

I, I didn't, I don't I don't remember um she told me when she was taking me to school but I don't remember.

DUNAWAY:

O.K. So what happened that morning when your Mom was gone?

Minor 2

He asked me did I remember touching his private and he and then he kissed again.

DUNAWAY:

Did he touch you again?

Minor 2

No.

DUNAWAY:

O.K. Did he ever touch you again at your house?

Minor 2

One time I he didn't really touch me I was laying on the couch and he was laying behind me.

DUNAWAY:

Uh huh.

Minor 2

And he he just started moving back and forth back and forth with his waist and I, I stopped him.

DUNAWAY:

O.K. Was there any time that he rubbed you between your legs that he did it on top of your panties, besides the truck?

Minor 2

Not that I can remember.

DUNAWAY:

Was there any other time that he put his private parts between, his private part between your legs and moved up and down?

Minor 2

Yes.

DUNAWAY:

When was that?

Minor 2

At his house.

DUNAWAY: Tell me about that time?

Minor 2

Um there was two or three times at his house.

DUNAWAY: Do you remember any dates or anything? When was the last time Randy touched you in a way that made you feel uncomfortable?

Minor 2

Uh at his house at night uh when he put his private part between my legs.

DUNAWAY: O.K. Tell me about that?

Minor 2

He, he put his private part between my legs and after a while moving it back and forth he said stuff and.

DUNAWAY: What did he say?

Minor 2

Oh baby, baby.

DUNAWAY: O.K. When he said oh baby, baby, did anything come out of his private part?

Minor 2

No.

DUNAWAY: O.K. When he rubbed it, put his private part between your legs, how did he do it that time?

Minor 2

The same, same way that before I wasn't facing him and but he he did the same he he put it between his legs the same way.

DUNAWAY: From the back?

Minor 2

Yes.

DUNAWAY: O.K. Uh you said he did that two or three times at his house?

Minor 2

Yes.

DUNAWAY: In Ozark?

Minor 2

Yes.

DUNAWAY: Which room were you in when you did that?

Minor 2

His, his guest bedroom.

DUNAWAY: Where was your Mama?

Minor 2

She was in in his water bed asleep not knowing that he had got out of bed.

DUNAWAY:

O.K. When did that happen?

Minor 2

That was uh a school night and I, I don't remember the exact date.

DUNAWAY:

Was it around a holiday?

Minor 2

No.

DUNAWAY:

Was it before Christmas or after Christmas?

Minor 2

Before.

DUNAWAY:

Was it before or after Thanksgiving?

Minor 2

Before.

DUNAWAY:

O.K. Do you feel real comfortable in saying that all of this occurred during September and October? Did any of it occur during November?

Minor 2

Uh I don't, I don't think so.

DUNAWAY:

You think it was September and October?

Minor 2

Yes.

DUNAWAY:

O.K. And how many times did he do, you said two or three times at his house?

Minor 2

Yes.

DUNAWAY:

Was it always the same thing at his house?

Minor 2

Yes.

DUNAWAY:

O.K. Did he ever touch you at his house?

Minor 2

Uh.

DUNAWAY:

Did he ever rub with his fingers at at his house?

Minor 2

No.

DUNAWAY:

He would just place his private parts between your legs?

Minor 2

Yes.

DUNAWAY: What part of your body was he touching?
Do you remember?

Minor 2

Sort of he'd bring down here he'd touch
my legs.

DUNAWAY: Your legs and your private parts is what
you're pointing to. Towards your back,
is that what you are pointing to?

Minor 2

Yes.

DUNAWAY: Did you have your panties off? Do you
remember?

Minor 2

No, but I, I pulled my shirt down as far
as I could.

DUNAWAY: What did it feel like? Do you remember?
Feeling it?

Minor 2

It wasn't, it was very stiff that time.

DUNAWAY: Huh?

Minor 2

Very stiff.

DUNAWAY: Very stiff, when you were at his house?

Minor 2

Yes.

DUNAWAY: O.K. Could you feel his skin?

Minor 2

Off his private part, yes.

DUNAWAY: On to your skin?

Minor 2

Yes.

DUNAWAY: O.K.

Minor 2

Well I pulled my shirt down but between my
legs so so it wouldn't touch.

DUNAWAY: O.K.

Minor 2

The sheets, too.

DUNAWAY: But you still were feeling it?

Minor 2

One time I think.

DUNAWAY: O.K. Where do you remember feeling his
private parts on you?

Minor 2

Just on my legs.

DUNAWAY:

O.K. between, down between your legs, on your legs but that area down there?

Minor 2

Further down my leg.

DUNAWAY:

O.K. On the back side or the inside or?

Minor 2

Back side.

DUNAWAY:

O.K. But each time you say, you keep pointing that its from the back? You're on your side when he's done this?

Minor 2

Uh huh.

DUNAWAY:

And he puts it between your legs, next to your private area?

Minor 2

Yes.

DUNAWAY:

And moves back and forth?

Minor 2

Uh huh.

DUNAWAY:

And what did he say to you over at his house?

Minor 2

Oh baby, baby.

DUNAWAY:

Did he say anything else to you.

Minor 2

Minor 2

Uh uh.

DUNAWAY:

O.K. Has he ever said anything to you when he did these things?

Minor 2

Um when when it got morning and the alarm clock went off and he he got out of bed and I was still under the covers, and he said its probably safer when we are like this.

DUNAWAY:

You know why he would have said that?

Minor 2

Yes. Because he kept me touching him.

DUNAWAY:

When did he say that to you?

Minor 2

My my mother would it was.

DUNAWAY:

When you were at your house or his house?

Minor 2

His house.

DUNAWAY: O.K. So at your house one morning he rubbed you?

Minor 2

Yes.

DUNAWAY: And then he had you touch him?

Minor 2

Yeah.

DUNAWAY: That was the same night?

Minor 2

Uh huh.

DUNAWAY: And he also rubbed his private parts toward your legs?

Minor 2

Yes.

DUNAWAY: Was all of that the same night?

Minor 2

Yes.

DUNAWAY: O.K.

Minor 2

And he kissed me on the same night.

DUNAWAY: And he what?

Minor 2

Kissed me.

DUNAWAY: O.K. Can you think of anything else?

Minor 2

No.

DUNAWAY: There is one other person you may have to talk to, his name is Lt. Spivey. He is a police officer with the Ozark Police Department because some of this happened over there but he is an O.K. fellow, O.K.?

Minor 2

O.K.

DUNAWAY: And he'll just want you to tell him about what happened over at Randy's house. Before this we talked a little bit about court and going to court. Do you think you can do that? You are nodding your head yes, right?

Minor 2

Yes.

DUNAWAY: What do you do when you go to court?
What do you do when you go to court?

Minor 2

You tell you tell the whole truth and

everything.

DUNAWAY: Have you told me the truth?

Minor 2

Yes.

DUNAWAY: The whole truth?

Minor 2

Yes.

DUNAWAY: Have you left anything out?

Minor 2

Uh no.

DUNAWAY: O.K. Well that's all I want you to do is to tell the truth when we go to court and you think you can do that?

Minor 2

Yes.

DUNAWAY: O.K. Do you have any questions of me?

Minor 2

You know when the court will be?

DUNAWAY: That I don't know I'm sorry.

Minor 2

Um.

DUNAWAY: But you'll be O.K. Alright?

Minor 2

That's the only question I had.

DUNAWAY: ALRIGHT. THIS CONCLUDES THE INTERVIEW THE TIME IS 4:08.

THIS IS A TAPED INTERVIEW WITH LT. CINDY DUNAWAY ENTERPRISE POLICE DEPARTMENT AND RANDALL WADE MCCOY. ALSO PRESENT IS LT. SPIVEY WITH OZARK POLICE DEPARTMENT. TODAY IS FRIDAY MAY 21, 1993. THE TIME OF THE INTERVIEW IS 14:35. THE LOCATION IS THE OZARK POLICE DEPARTMENT.

DUNAWAY: Mr McCoy I went over your right before I turned the tape recorder on is that correct?

MCCOY: Yes you did.

DUNAWAY: You stated that you understood them?

MCCOY: Um um.

DUNAWAY: Told you I needed to talk with you about a report my office had received about ^{Minor 2}

MCCOY: Um um.

DUNAWAY: Do you know ^{Minor 2}

MCCOY: Yes I do.

DUNAWAY: How do you know ~~stupid~~?

MCCOY: I know her, she's the daughter of Debbie ~~Wade~~ who I was going out with some.

DUNAWAY: Okay during the time, how long did you date Debbie ~~Wade~~?

MCCOY: Approximately 6 months.

DUNAWAY: Okay during that time did you ever have an occasion to stay at her house in Enterprise or her to stay at your house here in Ozark?

MCCOY: Yes she did, I did.

DUNAWAY: Okay did anything ever occur between you and ^{Minor 2}

MCCOY: Yes, yes things did happen between me and ^{Minor 2} yes.

DUNAWAY: Could you tell me what happened between you and ^{Minor 2}

MCCOY: Ah let me see how I can get this right. I sexually molested ^{Minor 2}

DUNAWAY: Okay where were you when you did this?

MCCOY: Ah four times I did it, on four different occasions was in Enterprise.

DUNAWAY: Okay.

MCCOY: Twice in Debbie's and ^{Min or 2} [redacted]'s home ah one other time at my home and one more attempted my home.

DUNAWAY: Okay each time that you did this to her was it in the house?

MCCOY: No one time, twice was in a vehicle and twice was in her house.

DUNAWAY: Could you tell me about the first time you ever molested ^{Minor 2} [redacted] Touched her out of the way. Would you have been in the house or in the vehicle?

MCCOY: We were in a vehicle. I was taking her from some friends house to where Debbie was working.

DUNAWAY: Okay was that during the day or night?

MCCOY: During the day.

DUNAWAY: Okay could you tell me what happened that day?

MCCOY: I picked up ^{Min or 2} [redacted], well went over to some friend's ^{Minor} house and talked to them for a little bit. ² [redacted] got dressed, she wanted to go, her mother wanted me to bring her over to where she was working. So when I put her in there I asked her, well going out there kids asked her ya know how about driving my truck which I was staying with some friends of mine. I let there friend drive my truck before and ^{Minor 2} [redacted] said, I asked if she wanted to drive it ya know try steering my truck ya know. So she got in my lap and when she was in my lap she had her legs spread open on my legs and I touched her genital area with my hand.

DUNAWAY: On top of her clothing or beneath her clothing?

MCCOY: On top of her clothing.

DUNAWAY: Okay how old is ^{Minor 2} [redacted]?

MCCOY: She was 9 at the time.

DUNAWAY: Okay do remember approximately when this was that this occurred?

MCCOY: Late August early, no correction late July early August.

DUNAWAY: In the truck?

MCCOY: In the truck yes.

DUNAWAY: Okay could you tell me about the time's at the house? Do you know which house they were living at at the time this occurred?

MCCOY: Yes this is the one on .

DUNAWAY: Okay.

MCCOY: Um I (unintelligible) the address.

DUNAWAY: That's okay but it's there in ?

MCCOY: Yes.

DUNAWAY: Okay what happened at the house?

MCCOY: Ah what happened at the house is that ^{Minor 2} woke up in the middle of the night for some reason and come to the bed not knowing, first time not knowing I was there.

DUNAWAY: Okay.

MCCOY: And crawled in bed with me, well me and Debbie. She did not know I was there and she crawled on the side that I was on and I just put my arm around her and I put my hand on her bottom.

DUNAWAY: On top of her clothes or underneath her clothes?

MCCOY: On top of her clothes.

DUNAWAY: Okay and you said this was the first time in the bedroom?

MCCOY: Yes.

DUNAWAY: Can you tell me about the second time?

MCCOY: Ah she knew I was there I told her through council woke up in the middle of the night.

for some reason or another. She crawled up in the bed. Well the first time she had on a long gown therefore I couldn't have done anything and the second time she had on a T-shirt or a short gown?

DUNAWAY: Okay.

MCCOY: And I reached in underneath her gown and put my hands under, to the back of her panties all the way up to her crotch.

DUNAWAY: Okay did you touch her genital area?

MCCOY: Yes.

DUNAWAY: Underneath her panties?

MCCOY: Yes.

DUNAWAY: Okay did anything else happen?

MCCOY: No ah for some strange reason that I yet haven't figured out is that I stopped before I penetrated or ah..

DUNAWAY: Okay did you ever have your penis out of your?

MCCOY: The first time I wasn't, I didn't have any clothes on.

DUNAWAY: In the bed?

MCCOY: In the bed and the second time I had a pair of underwear on. I put her hands on my penis.

DUNAWAY: Okay did you have your penis outside your shorts or what?

MCCOY: No I had my shorts pulled down.

DUNAWAY: Okay she touched your penis?

MCCOY: No I placed her hand on my penis.

DUNAWAY: That's what I mean you took her hand and she touched it by you placing your hand on your penis?

MCCOY: Yeah yeah.

DUNAWAY: Okay did you ever touch any part of her body with your penis?

MCCOY: Ah her legs, ah let me think. She got up right after the incident right when I put my hand inside her panties.

DUNAWAY: Okay.

MCCOY: And I pulled my hand out and she got up and went to the bathroom and came back and got in between me and Debbie and I rolled later on that morning I guess, I rolled over that way and I had an erection and ah I tried to put my penis between her legs.

DUNAWAY: Okay was this the first?

MCCOY: This was the second.

DUNAWAY: The second time. Where was Debbie what all this was going on?

MCCOY: She was in the bed, the other side of the bed.

DUNAWAY: Asleep?

MCCOY: Yes.

DUNAWAY: She was not aware of any of this at that time?

MCCOY: As far as I know she wasn't.

DUNAWAY: Okay the second time that you woke up you said that you had an erection, what did you do?

MCCOY: What did I do well I just kinda rolled over on my right side and ~~she~~^{Minor 2} ~~was~~^{Minor 2} there and I put my arm around

DUNAWAY: Okay.

MCCOY: And my penis well I more or less tried to force my penis in between her legs from the back side.

DUNAWAY: Okay at any time did you ever penetrate her with your penis?

MCCOY: No I did not.

DUNAWAY: Okay did it ever occur again in Enterprise?

MCCOY: Ah no.

DUNAWAY: Do you remember approximately at time or a date or anything like that?

MCCOY: The only day I know for sure is the first day of school was also in my truck when I touched her with her with my hands.

DUNAWAY: Okay.

MCCOY: And I think that was the first time I got between, inside of her clothing.

DUNAWAY: Okay.

MCCOY: I can't say I got to where I touched her flesh to flesh inside of her crotch. But I do know that I got to the outer layer of clothing.

DUNAWAY: And that was inside the truck?

MCCOY: Yes that was the first day of school in Enterprise and at a half day I picked her up cause Debbie couldn't.

DUNAWAY: Okay so there was the first time though when you took her to the store correct?

MCCOY: Um um.

DUNAWAY: The second time was when you picked her up from school?

MCCOY: Picked her up from school and took her to the store to Debbie then I took her to Hardee's.

DUNAWAY: And at that time you did it?

MCCOY: And then I let her steer to the parking lot, the same thing. This time she was wearing a pair of shorts and I was able to put my hands up inside her shorts.

DUNAWAY: And you did touch her vaginal area with your finger?

MCCOY: Through the cloth lining of her panties.

DUNAWAY: Of her panties.

MCCOY: Before it was always just on clothes.

DUNAWAY: Now and at that time you were where when that occurred?

MCCOY: Ah over at the Hardee's in Enterprise.

DUNAWAY: Okay okay those were the four times over

in Enterprise correct?

MCCOY: Yes.

DUNAWAY: Do you remember approximately when the two times would have occurred there at the house in Enterprise?

MCCOY: The first time I know is Thursday night, I don't know precisely what day. But I know it was in September, probably late September.

DUNAWAY: Okay and the second time when was it?

MCCOY: It was also on a Thursday night. Ah trying to think the date, it was a little later. It was like October, it was about 2, 2 -3 weeks later.

DUNAWAY: Okay and how many times did this occur at your house in Ozark?

MCCOY: Twice. I got to Christmas, well was it, I'm really confused about this. Whether it was before Christmas or after Christmas. Ah
 Minor 2 _____ and Debbie were staying at my house cause the house they were living in didn't have any heat.

DUNAWAY: Okay.

MCCOY: Okay ^{Minor 2} _____ had a friend come over and they were playing Nintendo and I was sitting on the floor and ^{Minor 2} _____ was sitting beside me and I was just... she had clothes on, jeans and I just put my hand down into her crotch area.

DUNAWAY: Was the friend there?

MCCOY: Yes.

DUNAWAY: Did she see it?

MCCOY: I do not know, I do not think she was in the room when I did this.

DUNAWAY: Okay.

MCCOY: But she probably with my hand around her like this but not like this.

DUNAWAY: Okay so the first time over here was on top of her clothing?

MCCOY: Yes. The second time when I made an attempt was, I know the precise date of that it was January 3rd.

DUNAWAY: Okay.

MCCOY: Which is the Sunday before school started.

DUNAWAY: Okay.

MCCOY: I got up in the middle of the night after me and Debbie went to bed and I couldn't sleep. I have a water bed and I just couldn't, my back seemed to be messed up on it. I went on up to check on ~~Q~~^{Min} y, ~~Q~~^{mor 2} I has a bed wetting problem and I felt underneath the the sheets underneath the bed and then they weren't wet and so I touched her up in her crotch area and that wasn't wet. As I was trying to leave I changed my mind and I went in there and climbed in bed with her and put my arms around her.

DUNAWAY: Okay.

MCCOY: And I got an erection and I kinda like froze up.

DUNAWAY: Okay what did you do with your penis?

MCCOY: Ah my penis?

DUNAWAY: Did you again put it between her legs?

MCCOY: No I pushed it away from her where it wouldn't but it kept falling back over where it did try to go up the back side of her legs like right in here.

DUNAWAY: Okay.

MCCOY: I didn't try to put it between her legs.

DUNAWAY: But it just went between her legs?

MCCOY: Yeah when I was laying against her.

DUNAWAY: Okay did you do any movement that would have woke her up ?

MCCOY: I put my arms around her and I moved my hands up and down her legs and that was about it. I don't know if she woke, well she woke up about 30 minutes to an hour

later I'm not sure. I fell asleep and she said she had to go to the bathroom and then she went to the bathroom and then she went and got in bed with Debbie. And I realized what in the heck I was doing and I got up and went in the living room and tried to figure out what in the hell I was doing.

DUNAWAY: Do you remember or did you ever attempt to do this again with her?

MCCOY: No as a matter of fact I told Debbie I didn't ever want to be in physical location with ^{Minor 2} since. And I haven't seen her since then.

DUNAWAY: Okay when did the, when did her mother find out?

MCCOY: November.

DUNAWAY: Her mother knew in November?

MCCOY: Yes.

DUNAWAY: What did you all discuss it when she found out in November?

MCCOY: Ah she asked me what, if it was true and I told her it was. But she asked me did I know that it was harmful to her? ^{Minor 2} what it would do to ^{Minor 2} and I said I didn't. She was all so, she also told me that she was sexually molested when she was a child and she told me all the problems that she's had with it. And she pretty much told me she said okay and ^{Minor 2} at one time,

Minor 2

wanted to talk to me and I to ^{Minor 2} it wasn't her fault it was all mine. Ya know it's something I think anybody can control myself with.

DUNAWAY: Why ^{Minor 2} ?

MCCOY: Why ^{Minor 2} Well I talked to the doctors and they put me in treatment for this. I'm a pitifile?

DUNAWAY: Um um.

MCCOY: And ah she's very much resembles the girl that was next door than the first one that I started acting out with when I was younger, when I was 9 or 10, 11 years old up to 14. She's the same physical built ah same color hair, eyes and it's

like trying to relive.

DUNAWAY: Okay are there any other little girls in Enterprise?

MCCOY: No.

DUNAWAY: Okay.

MCCOY: Not to my knowledge.

DUNAWAY: Okay.

MCCOY: Ah there's I do say that we have a supply towards (unintelligible) but I don't know.

DUNAWAY: Does the name ^{Minor 4} mean anything to you?

MCCOY: ^{Minor 4} does yes.

DUNAWAY: How do you know ^{Minor 4} ?

MCCOY: ^{Minor 4} is the daughter of Debbie Jarosit whose a friend of mine. Alright now...

DUNAWAY: Do you remember anything happening between you and ^{Minor 4} ?

MCCOY: All I did was hold her and kiss her that's all I did.

DUNAWAY: How old was ^{Minor 4} when you did that?

MCCOY: 13, 14. And up till she was about 15.

DUNAWAY: So the only thing you ever did to her was hold her and kiss her?

MCCOY: Yeah I never grabbed her breast or any other part. For some reason I don't know why.

DUNAWAY: Do you remember doing anything else to ^{Minor 2} other than fondling her genital area? Do you remember kissing her?

MCCOY: Yeah I remember kissing her...

DUNAWAY: Did you touch her in the breast area?

MCCOY: Yes I don't remember when that was.

DUNAWAY: Okay did you...

MCCOY: But maybe more than once.

DUNAWAY: You did it just about every time that you fondled her?

MCCOY: No.

DUNAWAY: She remembers you kissing her several times.

MCCOY: No I don't think, kissing her I might have kissed her on top of the head several times the way she was positioned. But kissing her no, I fondled her breast a couple of times.

DUNAWAY: How many times did you kiss her on the mouth?

MCCOY: Ah.

DUNAWAY: Got an idea. She remembers a couple of times you kissing her on the mouth.

MCCOY: A couple 3 or 4 maybe 6 times.

DUNAWAY: Did you ever say anything to ^{Min} ~~her~~ _{or 2} when you were doing this?

MCCOY: No. I remember asking her after the first time if she liked it.

DUNAWAY: Okay.

MCCOY: And the first time over at my house I asked if it's okay.

DUNAWAY: And the first time over at your house you just put your hand down her pants?

MCCOY: Yeah.

DUNAWAY: Then the one time in the bed at your house here in Ozark?

MCCOY: Well we didn't talk at all then. Well except when she said she was gonna go to the bathroom.

DUNAWAY: Okay so the doctors that you saw recently told you that you are petifile?

MCCOY: Yeah.

DUNAWAY: Okay do you think you have your problem under control.

MCCOY: That's what were working on and that's along process they tell me. I hope I've got it under control but they say just when you think

you've got it under control you don't have it under control. It's really contradicting.

DUNAWAY: Have you had any other victims besides ^{Minor 2}

MCCOY: Yes.

DUNAWAY: As an adult?

MCCOY: As an adult, yes. I mentioned it to my doctor in Dothan and that she contacted, Debbie contacted Human Resources. ^{Minor 3} ~~Adrian~~ who was 13 at the time and all I did was pin her down with my hips and that was in Dale County over in Daleville.

DUNAWAY: In Daleville. When was that?

MCCOY: That was in 89.

DUNAWAY: And all you did was pin her down you said.

MCCOY: Hold her down well hold her down like this with one hand, with her hands over her head and then ah was not removing any clothes matter of fact I got this hand away from her so I could put her hand down on her hip. Well let's see I had her pinned down and I had my hips in between her legs and I was dry humping her is what I call it. And ah while I was doing this with my, I was kissing her on the neck and as I moved my hand down to where her tops and short, her shirt and her top bottoms were ah she said no and it just threw me out of it and I just stopped what I was doing.

DUNAWAY: And what was her name?

MCCOY: ^{Minor 3} ~~Adrian~~.

DUNAWAY: Okay were there anymore after her?

MCCOY: Well no there was a ^{Minor 6} h who was a girlfriend of mine and her one year old daughter. It's called boaderism. One day when I was cleaning her up ah I stopped and really took a good look at her genital area and one morning I have a habit of sleeping without any clothes on or pajamas or anything like that. And one morning her mother went to work and she put her into bed with me and I woke up to that and cuddled her up and make sure she wouldn't go anywhere and later I woke

up and had an erection and I didn't have anything on where she could have seen it. My physiatrist told me he didn't know if that was gonna be traumatic to her or not.

DUNAWAY: Okay.

MCCOY: So basically I exposed myself to her.

DUNAWAY: During the time ^{Minor 2} did you ever attempt to put your penis in her mouth?

MCCOY: No.

DUNAWAY: Did you ever put your mouth anywhere on her genital area?

MCCOY: No.

DUNAWAY: Okay do you have any other questions Lt. Spivey?

SPIVEY: No.

DUNAWAY: Any other victim?

MCCOY: They tell me that as a petifile that I go around and I see a young girl and then I stop and go home and masturbate to thoughts of having sex with that child. That makes her a victim to so there's about millions if you want to go that way.

DUNAWAY: No I'm talking about actual victims that you've touched?

MCCOY: There is one person that said I molested her daughter, but I didn't.

DUNAWAY: Okay.

MCCOY: I didn't think about it she might have.. I went to the bathroom while she was in the trailer that I was living at and she might have seen me peeing. So that could have very well, I didn't close the door.

DUNAWAY: But there's not been any other little girls that you've touched?

MCCOY: No.

DUNAWAY: Okay.

MCCOY: (Unintelligible) I could be holding something back but..

DUNAWAY: Okay anything else that you want to tell me
 Minor 2 that maybe I forgot to ask you?

MCCOY: (Unintelligible).

DUNAWAY: About the times in the truck, the two times in the house.

MCCOY: The two times in the house. No let's see my problem is with, before the first time in my house, was it before or after Christmas. I think it was before Christmas.

DUNAWAY: Where you touched?

MCCOY: Yeah New Years Eve.

DUNAWAY: What happened New Years Eve?

MCCOY: We went to a friends of mine party. New Years bon fire. And let's see Minor 2 My was there, Lynn's girlfriends daughter. Who is about 11 or 12. And Minor 2 inted to go to the store to get something and on the way back they had talked about, Christy had driven my truck, sitting in my lap but not in the same way Minor 2 did. Minor 2 said that she could drive my truck and I said no your used to driving real slow. So Minor 2 said she could do it so she sat on this leg and drove and I put my hand on her leg and it may have got inside her inner thigh, I'm not real sure. I probably know how I am I probably did. I don't know if I got to her genital area or not.

DUNAWAY: Okay.

SPIVEY: What doctor do you see? What's your doctor?

MCCOY: Dr. Knowel.

SPIVEY: Where is that located?

MCCOY: Ah I've got his card right here. Ah Southeastern Physiological and Counseling Service's in Dothan. It's on Ross Clark Circle.

SPIVEY: So this is in Dothan?

MCCOY: Yeah.

SPIVEY: How many times total did this happen with her in Ozark? I think you said 2 times.

MCCOY: Once, twice.

SPIVEY: That's all. What if anything did she say to you when you were doing this to her?

MCCOY: She usually would not say anything to me. Ah the last time in Enterprise she asked me to stop.

DUNAWAY: What were you doing when she asked you to stop?

MCCOY: She was getting ready to go to school and I was just holding on to her.

DUNAWAY: Okay where were you touching her at?

MCCOY: I had my hands on the outside of my legs and I guess my thumb could have been working it's way up. I think she might have told me to stop then.

DUNAWAY: Was it up around her genital area?

MCCOY: No I think there was a couple of inches.

DUNAWAY: Okay.

MCCOY: She's not all that big.

DUNAWAY: Okay.

MCCOY: But my hand on her knee and about two or three inches away from her genital area.

SPIVEY: Both of the times here in Ozark where were they at?

MCCOY: They were at my residence.

SPIVEY: What part of the house did that happen in?

MCCOY: One was when we were playing Nintendo in the living room and the time in the bedroom was in the ah bedroom in the corner of the house. There's a few bedroom in the house and mine is in the back and one in the corner is a small bedroom .

SPIVEY: Was her mom there when this happened? I mean in the house?

MCCOY: Ah yes.

SPIVEY: And you said that the mother has known about this since November?

MCCOY: Yes.

SPIVEY: What did the mother say to you about her being quite. Is she mad, is she mad at you?

MCCOY: Ah I talked to her when I got back from New Orleans and ah she said she was agree before I went to New Orleans and then after words she didn't say much of anything. As a matter of fact we didn't even talk very much. Just, she just gave me my key back and just sat there and not talked. And she wanted me to tell her how far it had gone and why I was doing things and stuff like that and I told her what I knew.

SPIVEY: Had you talked to her in the past week?

MCCOY: No.

SPIVEY: Ah..

MCCOY: I hadn't talked to her since last Sunday before that.

SPIVEY: What made you go get treatment? Why did you go get treatment?

MCCOY: Well ah it actually happened that I got confronted with it in November. I was talking to a friend of mine and he's had problems stem from this, sexual compulsive problems. And he told me about the place out in Nuvolks Hospital in New Orleans. And he was telling me what was happening and what I was doing and I think that's the reason why I froze up and that was the reason why I said well you can't control this. And then I went to see Dr. Jacob's, he's a partner to Dr. Knowel. And he said well you need to get treatment but I'm not set up for it. And I said okay and I said where is some treatments and he gave a list of hospitals so I told him that we were broke and he said okay and he worked threw my company insurance to get me to go. To get them to approve then for me to go.

SPIVEY: So you took it upon yourself to recognize that you had a problem that you didn't think that you could control.

MCCOY: Yes sir.

SPIVEY: You took it upon yourself without anyone having to ask you to go get you some help?

MCCOY: Yeah well he was nudging as much as he could.

SPIVEY: Yeah well, that's about all.

DUNAWAY: This concludes this interview. The same people are present. The time is 15:00 hours.

TYPED BY MICHELLE HALL
6/7/93

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

F

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina, do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

NOV 12 2013

Liz Godard
C.C.P. & G. A., Aiken County, S.C.

Amita Knapke
Deputy Clerk

MDCF820D SCDC HEALTH SERVICES SYSTEM/SOAP NOTES 08/26/13
 SCDC#: 335349 MCCOY,RANDAL WADE CURR LOC: RIDGELAND C011419
 ENC LOC: 0442 RIDGELAND ENC#: 00053 DATE 08/26/13 TIME> 10:15 COMP
 D: MET WITH INMATE MCCOY TO COMPLETE SPMT. REPORTS EVERYTHING IS GOING
 GOOD AT THIS TIME AND HE IS EMPLOYED AS A DORM WORKER. REPORTS MAX OUT
 DATE IS 6-11-14. I/M SHARES THAT HE WILL NOT BE ON PROBATION UPON RELEASE
 BUT HE MUST SIGN UP AS A SEX OFFENDER. (REPORTS THAT HE WAS NOT INFORMED
 ABOUT PROBATIONARY STATUS). REPORTS PRIOR HX OF MENTAL HEALTH SERVICES AT
 RIVER OAKS PSYCH HOSPITAL IN LOUISIANA FOR EVALUATION OF SEXUAL ADDICTION.
 REPORTS 6 WEEK INPATIENT AND 2 WEEKS OUTPATIENT. REPORTS THAT IT WAS A
 MISDEMEANOR CRIME BUT ENHANCED TO A FELONY. REPORTS EATING AND SLEEPING,
 DENIES A/V HALLUCINATIONS, DELUSIONAL THOUGHTS, AND DENIES S/H THOUGHTS
 OR PLANS.
 A: NONE
 GAF: 72
 A: I/M APPEARS ALERT AND ORIENTED X3; MOOD ANGRY, MAINTAINED EYE CONTACT,
 SPEECH CLEAR AND COHERENT, COOPERATIVE WITH APPROPRIATE INTERACTION.
 P: I/C FU PER PRN
 YVONNE WILKINS-SMITH, CCC
 SIGNED OFF ON 08/26/13 @ 11:38 BY YVONNE W SMITH, HUMAN SERVICES COORD I

COMPLETED ENCOUNTER NO CHANGES ALLOWED
 PF2=> INSERT LINE PF4=> SIGN-OFF/REVIEW PF5=> RX PF7=> PREV PF8=> NEXT
 4-0 1 Sess-1 167.7.50.33 SCDC1280 4/5

SEXUALLY VIOLENT PREDATOR ACT
PETITIONER'S EXHIBIT

G

STATE OF SOUTH CAROLINA
COUNTY OF Aiken

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

NOV 12 2013

Liz Godard
C.C.P. & G.S., Aiken County, S.C.

Arthur Knoles
Deputy Clerk

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "sado-masochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their sado-masochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism *per se* is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

- 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 individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

largely based on
ism, prevalence
ers in the United
committed sexu-
% to 75%.

Specify if:

- Sexually attracted to males**
- Sexually attracted to females**
- Sexually attracted to both**

Specify if:

- Limited to incest**

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences, impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individuals may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.