

Bernardo J. Evans

v.

State of South Carolina

Appellate Case No. 2016-000604

12-12-16

Bernardo J. Evans # 361766

RECEIVED

DEC 28 2016

S.C. SUPREME COURT

Dear Ms. Shearouse

I would like to amend my writ of Certiorari. Would you please send me a stamped copy of all the papers of the writ and the amendments so that I can put them in my files. Thank you have a great day.

Regards



361766

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)
STATE OF SOUTH CAROLINA)
VS.)
BERNARDO JOSEPH EVANS)
DEFENDANT)

IN THE COURT OF GENERAL SESSIONS

ACKNOWLEDGEMENT OF RECEIPT
OF DISCOVERY DOCUMENTS

FILE: 13H01378
PROSECUTOR: Martin D. Spratlin

TO: JONNY D. MCCOY, ATTORNEY FOR DEFENDANT

PURSUANT TO YOUR DISCOVERY REQUEST, ENCLOSED PLEASE FIND THE FOLLOWING DOCUMENTS RELATIVE TO THE ABOVE REFERENCED MATTER:

<u>EVIDENCE FURNISHED BY THE STATE</u>	PAGES
Warrants 2013A2610700168, 2013A2610700169, 2013A2610700170	3
Bond Paperwork	4
Order for Home Detention	1
Initial Appearance Notice	1
HCPD Case Synopsis	1
HCPD Report of Investigation	3
HCPD Case Report 13022384	8
HCPD Voluntary Statement (Sara Thomas)	1
SLED Sexual Assault Examination Protocol	6
HCPD Crime Scene Investigations Unit Processing Report	1
Photos	15
JRLDC Detainer Information	1
HCPD Evidence Record	1
HCPD Case Activity Report	2
SCDMV Record	2
NCIC WARNING	1
NCIC	6

PLEASE NOTE: THE FOLLOWING EVIDENCE IS ALSO AVAILABLE UPON WRITTEN REQUEST AND BLANK DISCS/TAPES OR BY CONTACTING OUR OFFICE IF YOU WISH TO VIEW AND/OR LISTEN TO THIS MATERIAL: 1 CD-R containing victim's interview ← This is not a video ~~video~~

I ALSO ENCLOSE AND SERVE UPON YOU A COPY OF A MUTUAL RECIPROCAL DISCOVERY MOTION AND NOTICE OF INTENT TO IMPEACH BY EVIDENCE OF CRIMINAL CONVICTIONS RELATIVE TO THE ABOVE MATTER.

PLEASE ACKNOWLEDGE RECEIPT OF COPIES OF THE ABOVE DOCUMENTS AT THE BOTTOM OF THE PLACE PROVIDED BELOW AND RETURN A SIGNED COPY TO THIS OFFICE.

Conway, SOUTH CAROLINA

ATTORNEY FOR DEFENDANT

DATED: MAY 28, 2013

MARTIN D. SPRATLIN, ASSISTANT SOLICITOR

The Supreme Court of South Carolina

Bernardo J. Evans, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2016-000489

Lower Court Case No. 2015CP2600709

2016 MAR 30 PM 1:27
MELANIE HUGGINS-WARD
CLERK OF COURT
SPRYRY COUNTY

ORDER

Petitioner has served and filed a notice of appeal from a form order dated February 11, 2016. This order, which indicates that it ends this post-conviction relief case, states "PCR Hearing - DENIED." This order does not indicate that any full written order is to follow. In response to an inquiry from this Court, the attorneys in this case have confirmed that an evidentiary hearing was held prior to the issuance of this form order.

The form order does not contain specific findings of fact and conclusions of law as required by S.C. Code Ann. § 17-27-80. Accordingly, the order of February 11, 2016, is vacated, the notice of appeal is dismissed without prejudice, and the matter is remanded to the circuit court to enter a written order that complies with the statute.



C.J.

FOR THE COURT

Columbia, South Carolina
March 10, 2016

cc: James Kristian Falk, Esquire
Jessica Elizabeth Kinard, Esquire
The Honorable Melanie Huggins-Ward
The Honorable D. Craig Brown



HORRY COUNTY POLICE DEPARTMENT

Dedicating to Providing Comprehensive, Quality Law Enforcement

Sandra Rhodes
Chief of Police

2560 North Main Street, Suite 7 – Conway, SC 29526 – Tel: 843-915-5350 – Fax: 843-248-1886

Criminal Investigations Division

CRIME SCENE INVESTIGATIONS UNIT

PROCESSING REPORT

Date: 3/22/2013

Incident Type: CSC

Case Number: 13-022384

Incident Date: 3/18/2013

Detective/Officer: Frebowitz

Victim: Sara Thompson

Items:

- 1) Coco Butter lotion
- 2) Budweiser Bottle
- 3)
- 4)
- 5)
- 6)

Results:

1) Visual examination, fumed w/Cyanoacrylate, dusted with black fingerprint powder. No latents of value developed. Item destroyed.

2) Visual examination, fumed w/Cyanoacrylate, dusted with black fingerprint powder. No latents of value developed. Item destroyed.

- 3)
- 4)
- 5)
- 6)

Jill L. Domogauer

**Investigator Jill Domogauer
Crime Scene Investigations Unit**



HORRY COUNTY POLICE DEPARTMENT

Dedicated to Providing Comprehensive, Quality Law Enforcement

2560 North Main Street, Suite 7 - Conway, SC 29526 - Tel: 843-915-5350 - Fax: 843-248-1888

Case# 13022384

Johnny E. Morgan
Chief of Police

Voluntary Statement

Time: 0300 Date: 3/16/13 Location: 489 Lake Arrowhead Page 1 of 1
I, Sara Thomas am [redacted] years old, my date of birth is: [redacted]

my Social Security # is: [redacted]; my phone number is: [redacted]
my address is: [redacted]

I am giving this statement to Ofc McSpadden of the Horry County Police Department
I volunteer to give the following information of my own free will, for whatever purpose it may serve.

He came into the store and got a beer but didn't pay 4 it. He went to the bathroom and said it was taking he pushed me into the toilet and pulled out the tazer he made me get on my knees and suck his little dick (sum one name in he was black tall he acted like he knew him he left in a hurry. He told me to give him money and go in the back. Made me get on knees again. Two white people came in he acted like we was in a relationship went to door and I saw also he took the box cutter he said he would use it if I bite or scream.

I have read each page of this statement, consisting of 1 pages, each of which bears my signature and correction, any if, bear my initials and I certify that the facts contained herein are true and correct.

SIGNATURE: Sara Thomas

WITNESS: a. m. [redacted]

Horry County Police Crime Report

Case No. 13022384
 Report No. 13022384.1
 Report Date: 3/16/2013

Horry County Police
 2560 N Main ST
 Conway, SC 29526
 843 915-5350

1

Subject: **Robbery / Assault / 489 Lake Arrowhead Rd. Myrtle Beach, SC**

Case Report Status	S - Submitted	Date Entered	3/16/2013 8:22:09 AM	Reporting Officer	4277 - Manjarrez, Joseph
Status Indicator	A - Administrative Filler (Filler for when "U" or "C" is not used)	Entered By	4277 - Manjarrez, Joseph	Assisted By	
Status Change Date		Date Verified			
Occurred On	3/16/2013 4:30:00 AM	Verified By			
(and Between)	3/16/2013 5:00:00 AM	Date Approved			
End Date		Approved By			
End Time					
Location	489 Lake Arrowhead Rd Myrtle Beach, SC	Connecting Cases			
Jurisdiction	JJ - JURISDICTION	Disposition	Active		
Grid		Clearance Reason			
Sector	7 - Sector 7	Date of Clearance			
Map		Reporting Agency	Horry County Police		
Tract/Geo-Indicator		Division	North Precinct		
Call Source	Phone	Notified			
Vehicle Activity		Means			
Vehicle Travelling		Other Means			
Cross Street		Motive			
		Other Motives			

Report Narrative: On above date and time r/o assisted Cpl. Camp and Pfc. McSpadden with a robbery and assault that had occurred in the Lake Arrowhead and Kings Rd. section of Horry County. R/O met with Cpl. Camp who stated that Victim 2 was finishing up her statement and that she was forced to perform oral sex on the Suspect prior to him robbing the Scotchman where Victim 2 worked as a cashier. Victim 2 completed a voluntary statement which will be attached to this report.



Victim 2 described the Suspect as a short and muscular black male wearing a black hoodie and that he entered the store and approached the counter with a bottle of Budweiser Platinum, placed the beer on the counter and stated that he needed to use the bathroom. Victim 2 further stated that the suspect then opened the men's bathroom door which is next to the counter and summoned her to him stating that it was leaking and then pointed a taser at Victim 2 and forced her to perform oral sex on him. Victim 2 stated that a customer came into the store and the suspect was interrupted and never ejaculated. Victim 2 stated that the Suspect appeared to have known the customer and the customer left shortly after speaking with the suspect who then told Victim 2 to give him an undisclosed amount of cash from the register. Victim 2 further stated that after the Suspect had her go into the back office, two white people entered the store and the Suspect acted like he and she were in a relationship and Victim 2 took that opportunity to walk to the door, exit and run to the security guards at Apache Campground across the street.

R/O spoke with Entity 3 who located the beer, which was still full and without a lid in a brown paper bag, and a cigarette that appears to have been left by the Suspect, and was collected by the r/o and will be transported to ML Brown to be entered into evidence. Sgt. Graham advised the r/o to empty the contents of the beer bottle due to the likely hood of it spilling during transport. Entity 3 did not have an exact amount of money taken by the Suspect, but was able to provide in store video which was also collected as evidence and will be taken to to the ML Brown.

Victim 2 was transported to Grand Strand ER by Medic 7.

R/O has no further information at this time.

Offense Detail: 0480 - Larceny / Petit or Simple Larceny

Offense Description	0480 - Larceny / Petit or Simple Larceny	Offense Date	3/16/2013	No. Prem. Entered	
IBR Code	23H - All Other Larceny	Location	07 - Convenience Store	Entry Method	
IBR Group	A	2 nd Location Type		Type Security	
Crime Against	PR	Special Circumstance	Yes	Tools Used	
Using	N - Not Applicable	Offense Completed?	99 - Unknown (Offenders Motivation Not Known)	Cargo Theft	No
Victim Use	N - Not Applicable	Hate/Bias			
Criminal Activity		Domestic Violence	No		
Weapons/Force					

Horry County Police Crime Report

Case No. 13022384
 Report No. 13022384.1
 Report Date: 3/16/2013

Horry County Police
 2560 N Main ST
 Conway, SC 29526
 843 915-5350

2

Offense Detail: 0160 - Sex / Criminal sexual conduct - First degree

Offense Description	0160 - Sex / Criminal sexual conduct - First degree		Offense Date	3/6/2013	No. Prem. Entered
IBR Code	11A - Forcible Rape	Location	07 - Convenience Store	Entry Method	
IBR Group	A	2nd Location Type		Type Security	
Crime Against	PE	Special Circumstance		Tools Used	
Using	N - Not Applicable	Offense Completed?	Yes	Cargo Theft	
Victim Use	N - Not Applicable	Hate/Bias	88 - None (No Bias)		
Criminal Activity	N - None/Unknown	Domestic Violence	No		
Weapons/Force	40 - Personal Weapons (Hands, Feet, Teeth, etc.)				

Suspect S1: UNKNOWN SUSPECT

Suspect Number: S1
 Name: UNKNOWN SUSPECT
 AKA:
 Alert(s):
 Address:
 CSZ:
 Home Phone:
 Work Phone:
 Email Address:

DOB:
 Age: 30
 Sex: M - Male
 Race: B - Black
 Ethnicity: N - Not of Hispanic Origin
 HL: 5'10"
 Wt.:
 Eye Color:
 Hair Color: BLK - Black
 Hair Style:
 Hair Length:
 Facial Hair:
 Complexion: DRK - Dark
 Build: M - Medium
 Teeth:

Place of Birth:
 SSN:
 DLN:
 DLN State:
 DLN Country:
 Occupation/Grade:
 Employer/School:
 Employer Address:
 Employer CSZ:
 Res. Country:
 Res. Country:
 Resident Status: U - Unknown

Scars/Marks/Tattoos:
 Suspect MO:
 Other MO:
 Attire: Black Hoodie
 Habitual Offender Status:

Suspect Notes: Short, muscular, dark skinned black male wearing a black hoodie.

Victim V1: [E] Scotchman

Victim Code: V1
 Victim Type: B - Business
 Name: [E] Scotchman
 AKA:
 Alert(s):
 Address: 489 LK Arrowhead Rd.
 CSZ: Myrtle Beach, SC
 Home Phone:
 Work Phone: 843
 Email Address:
 Attire:
 Injury:
 Circumstances:

Victim Of: 0480 - Larceny / Petit or Simple Larceny
 DOB:
 Age:
 Sex:
 Race:
 Ethnicity:
 HL:
 Wt.:
 Eye Color:
 Hair Color:
 Facial Hair:
 Complexion:

Place of Birth:
 SSN:
 DLN:
 DLN State:
 DLN Country:
 Occupation/Grade:
 Employer/School:
 Employer Address:
 Employer CSZ:
 Res. Country:
 Res. Country:
 Resident Status:
 Testify:
 Horry
 USA - United States of
 America

Law Enforcement Officer Killed or Assaulted Information	Type
	Assignment Activity
	Other ORI

Justifiable Homicide Circumstances

Horry County Police Crime Report

Case No. 13022384
Report No. 13022384.1
Report Date: 3/16/2013

Horry County Police
2560 N Main ST
Conway, SC 29526
843 915-5350

5

Page 5 of 6

Drug Measure

Property Notes

Property Description Item 2: 1200 - Beer - Budweiser Platinum Beer Bottle

Item No. 2
Property Category 1200 - Beer
IBR Type 02 - Alcohol
UCR Type I - Consumable Goods
Status E - Evidence (Including Other Seized Property And Tools)
Count 1
Value 3
Manufacturer Budweiser
Model Platinum
Serial No.
License No.
Color BLU - Blue
Description Budweiser Platinum Beer Bottle
Vehicle Year
License Year
State
Body Style

Recovered Date 3/16/2013

Recovery ORI
Owner S1 - SUSPECT, UNKNOWN
Disposition
Evidence Tag
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Property Notes

Property Description Item 3: 1701 - Cigarettes/Tobacco - Unlit Cigarette

Item No. 3
Property Category 1701 - Cigarettes/Tobacco
IBR Type 08 - Consumable Goods
UCR Type I - Consumable Goods
Status E - Evidence (Including Other Seized Property And Tools)
Count 1
Value
Manufacturer
Model
Serial No.
License No.
Color WHI - White
Description Unlit Cigarette
Vehicle Year
License Year
State
Body Style

Recovered Date

Recovery ORI
Owner S1 - SUSPECT, UNKNOWN
Disposition
Evidence Tag
Alert(s)

Drug Type
Drug Quantity
Drug Measure

Horry County Police Crime Report

Case No. 13022384
Report No. 13022384.1
Report Date: 3/16/2013

Horry County Police
2560 N Main ST
Conway, SC 29526
843 915-5350

6

Page 6 of 6

Property Notes

Property Description Item 4: 1701 - Cigarettes/Tobacco - Cigarette Butt

Item No. 4
Property Category 1701 - Cigarettes/Tobacco
IBR Type 08 - Consumable Goods
UCR Type 1 - Consumable Goods
Status E - Evidence (Including Other Seized Property And Tools)
Count 1
Value
Manufacturer
Model
Serial No.
License No.
Color BRO - Brown
Description Cigarette Butt
Vehicle Year
License Year
State
Body Style

Recovered Date

Recovery ORI

Owner

S1 - SUSPECT, UNKNOWN

Disposition

Evidence Tag

Alert(s)

Drug Type

Drug Quantity

Drug Measure

Property Notes



ICHR 003FDDE828 from SCCH

HRRSL515

.ICHR.003FDDE828.SCCH.20130411 14:16:52
TO: HRRSL515-1319 20130411 14:16:52 003FDDE828
FROM: SCCH-14542888 20130411 14:15:31

ICHR REQUEST FOR RAP SHEET
ORI-SC026015A FBI-135315VD2 PUR-C
ATN-MARTIN SPRATLIN

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-04/11/2013 TIME-14:08:36
REQ ORI-SC026015A FIFTEENTH JUDICIAL C
SID-SC01756733 FBI-135315VD2
NAME-EVANS, BERNARDO JOSEPH SEX-M RACE-B
HEIGHT-603 WEIGHT-280 EYES-BRO HAIR-BLK SKIN-1 BORN-SC
FPC- HENRY-
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--05/16/2007 DATE OF LAST UPDATE--03/21/2013

ADDITIONAL IDENTIFIERS	BIRTH			
NAME	DATES	MARKS	SOC SEC	MISC NUM
EVANS, BERNARDO J	1982			
EVANS, BERNARDO JOSEPH				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
---------------------	---------------------------------

EVANS, BERNARDO JOSEPH 03/21/2013
SC0260400 Horry CNTY PD
CASE-HC0320131749
ATN-260200039936
WARR-2013A2610700169
CIT-16-11-330 (A)-FELONY

ARREST CHARGE 01-ARMED ROBBER
Y ARMED WITH DEADLY WEAPON
OFFENSE DATE-03/16/2013
PALM PRINTS AVAILABLE

WARR-2013A2610700170
CIT-16-3-910-FELONY

ARREST CHARGE 02-KIDNAPPING
OFFENSE DATE-03/16/2013

WARR-2013A2610700168
CIT-16-3-652-FELONY

ARREST CHARGE 03-CRIMINAL
SEXUAL CONDUCT - FIRST
DEGREE
OFFENSE DATE-03/16/2013

Horry County Police Follow-Up Report

Case No. 13022384
Report No. 13022384.2
Report Date: 3/25/2013

Horry County Police
2560 N Main ST
Conway, SC 29526
843 915-5350

2

Page 2 of 2

Arrestee A1: Evans, Bernardo Joseph



Arrestee Number **A1**
Name **Evans, Bernardo Joseph**
AKA
Alert(s) **WP - Armed With Weapon**
Address **3 Watgate DR**
CSZ **Myrtle Beach, SC 29588**
Home Phone
Work Phone
Email Address

DOB **9/20/1982**
Age **30**
Sex **M - Male**
Race **B - Black**
Ethnicity **N - Not of Hispanic Origin**
Ht. **6'2" Im: 6'3"**
Wt. **300**
Eye Color **BRO - Brown**
Hair Color **BLK - Black**
Hair Style
Hair Length
Facial Hair
Complexion **DRK - Dark**
Build **M - Medium**
Teeth

Place of Birth
SSN **007967519**
DLN
DLN State **SC - South Carolina**
DLN Country
Occupation/Grade
Employer/School
Employer Address
Employer CSZ
Res. County **Horry**
Res. Country **USA - United States of America**
Resident Status **J - This Jurisdiction**

Scars/Marks/Tattoos
Modus Operandi
Other MO
Attire **Black Hoodie**
Habitual Offender Status

Arrest No. **24401**
Arrest Type **T - Taken into Custody**
FBI No.
State No.
Armed With **17 - Club, Blackjacket, Brass Knuckles**
Multi. Clearance
Multi. Clearance
Offense **N - Not Applicable**
Prev. Suspect No. **1**
Notified

Arrested For **0160 - Sex / Criminal sexual conduct - First degree**
Fingerprints
Photos
Miranda Read
Miranda Waived
Number of Warrants
Juvenile Disposition
Adult Present

Arrested On **3/20/2013 5:00:00 PM**
Arrest Location **HCPD**
Booked On
Booked Location
Released Location
Released On
Released By
Release Reason
Held For

Type Criminal Activity
Drug Type

Arrest Notes
Warrant 2013A2610700168 CSC 1st Degree
Warrant 2013A2610700169 Robbery
Warrant 2013A2610700170 Kidnapping

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient information

Name of Hospital: Grand Strand Reg. Med. Ctr Date: 03/16/13 Time admitted: 0715

- Name: Sara Thomas
- Age: [REDACTED] Gender: M/F Ethnicity: Caucasian
- Home address: [REDACTED]
- Date of Birth: [REDACTED] Marital status: Single
- Parent or Guardian: _____

Law Enforcement:

- Agency: Horry County PD Case Number: 13022384
- Forensic Exam Requested: Yes No If no, describe: _____
- Reporting Officer: T. Manjarrez #603 Time: 1426
- Investigator: _____ Time: _____

Advocacy: •if indicated

- Rape crisis advocate: _____ Notified: _____ Arrival: _____
- Other: _____ Notified: _____ Arrived: _____
- Interpreter: _____ NA

Persons present during collection of history:

- Advocate Family Law Enforcement Other: _____

Persons present during medical exam:

- Advocate Family Other: _____

Pertinent medical history:

- LMP: 02/08/13 Normal Yes No G _____ P _____
- Any recent (60 days) anal-genital injuries, surgeries, diagnostic procedures or medical treatment that may affect the interpretation of current physical findings?
 Yes No If Yes, describe: _____
- Any other pertinent medical conditions or injuries that may affect the interpretation of current physical findings?
 Yes No If Yes, describe: _____
- Current medications: None: Bendryl

Pertinent pre and post assault related history:

Consensual intercourse within 7 days?	No	Yes	Date
Oral	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Vaginal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
Anal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____
If yes, was a condom used?	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other type of contraception used?	<input type="checkbox"/>	<input type="checkbox"/>	Describe _____

Medications, Social Drugs or Alcohol:

- Ingestion of alcohol/drugs by patient: No Yes Unsure
- If yes, Alcohol Drugs Time: NOON Date: 3/15/13
- Describe: Reports drinking alcohol yesterday, Smoking marijuana "last week"
- If yes Voluntary Forced Coerced Suspected
- Any voluntary use of alcohol 12 hours prior to assault? No Yes
- Any voluntary use of drugs 96 hours prior to assault? No Yes
- Any voluntary use of alcohol or drugs between time of assault and forensic exam? No Yes

South Carolina Law Enforcement Division Sexual Assault Examination Protocol

Patient information

Post-assault hygiene/activity:

- Urinated
- Defecated
- Genital or body wipes
- Douched
- Removed tampon/diaphragm
- Brushed teeth
- Mouthwash
- Bath/shower/wash
- Ate or drank
- Vomited
- Changed clothing
- Smoked

No	Yes
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Describe:
Reports cleaning genitals
with toilet paper after
voiding.
Also reports vomiting twice
around 0900 this
morning.

Assault History:

- Date of assault 03/16/13 Time of assault 0500
- Location of assault Scotchman, Corner of Lake Arrow Head and Kings Rd N Myrtle Beach
- Any witnesses see the assault? Yes No If yes, identify: _____

History of assault per patient:

Victim reports that male entered store where she was working and told her to check the bathroom because of a leak, he pulled a box cutter and a taser on her in bathroom. Victim states "in the bathroom, he made me pull my pants down and give him oral sex then someone came in the store so I had to go service them, he followed me out and told the customer, I was his girlfriend when they were leaving he took money from the cash drawer and then made me go to the office with him. In the office, he made me pull my pants down again and pulled out the box cutter, he made me do oral sex on him again. I saw customer on monitor so I had to go take care of them and I just tried not to cry in front of the customers because I was scared, after they left he tried to lock the door but I

Assailant Name	Age	Gender	Ethnicity	Relationship
#1: <u>Victim does not know</u>	<u>early 30s</u>	<u>M</u>	<u>African American</u>	<u>Stranger</u>
#2				
#3				
#4				

Method(s) employed by assailant(s):

- Weapons
- Threatened
- Injuries inflicted
- Types of weapons
- Physical blows
- Grabbing/holding/pinching
- Physical restraints
- Strangulation
- Burns
- Verbal threats of harm
- Other methods

No	Yes
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

If yes, describe:
Threatened with box cutter
and taser. Victim states
"he pushed and shoved
me around"

Initials SL

South Carolina Law Enforcement Division Sexual Assault Examination Protocol

Patient information

Were any injuries inflicted upon the assailant during the assault? No Yes

• If yes, describe: bruising to both forearms, and lower back

Is assailant known: to have STD No Yes If yes, describe: _____

• Had a vasectomy: No Yes Was sterile: No Yes

• Alcohol/drug use by assailant No Yes Unsure Time _____ Date _____

if yes, Alcohol Drugs Describe: _____

Contacts Described By Patient

*if more than one assailant, identify number

Penetration of vagina by:

Describe: _____

	No	Yes	Attempted	Unsure
Penis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Object	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Penetration of anus by:

Describe: _____

	No	Yes	Attempted	Unsure
Penis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Finger	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Object	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Oral copulation of genitals:

Describe: At states "he made me give him oral sex twice"

	No	Yes	Attempted	Unsure
Of patient	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Of assailant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Non-genital acts:

Describe: _____

	No	Yes	Attempted	Unsure
Licking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kissing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Suction injury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Biting	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fondle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other acts:

Describe: _____

	No	Yes	Attempted	Unsure
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Masturbation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Did ejaculation occur:

Describe: _____

	No	Yes	Unsure
<input checked="" type="checkbox"/> Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Vagina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Anus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Body	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Clothing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/> Bedding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Contraception or lubricant used:

Describe type/brand if known:

	No	Yes	Unsure
Foam used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jelly used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lubricant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Condom used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Victim states "he put Cocoa butter on his penis"

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient information

General Physical Examination

Describe general physical appearance: anxious

Describe general demeanor: Quiet Tearful Trembling Anxious Controlled Angry Sobbing Tense

• Response to questions: Briefly Reluctantly Readily

• Eye contact: Good Poor

• Describe: _____

c/o Non-genital injury, pain and/or bleeding? No Yes, describe both arms and lower back

c/o Anal-genital injury, pain and/or bleeding? No Yes, describe _____

Genital Examination-Females:

• Exam position used: Supine Lithotomy Lateral Knee-chest

• Exam methods for genital examination: Water lubricated speculum Foley catheter Toluidine Blue Dye

Colposcope UV light (Woods light) Positive Negative *show location on diagram on page 5

• Presence of sperm: vaginal wet prep: Motile Non-motile None visualized

Genital Examination-Males:

• Circumcised? Yes No

• Exam position used: Supine Lithotomy Lateral Other (describe) _____

• Exam methods for genital examination: Toluidine Blue Dye Coloscope UV light

Strangulation Assessment: NA *Note patient history

• Object used on neck: One hand Two hands Forearm Other _____

• How long was the patient strangled? _____ How many times? _____

• Any loss of consciousness? Yes No

• Throat hoarseness? Yes No

• Voice at time of exam _____

Drug-Facilitated Sexual Assault Assessment: NA *Note patient history

• Orientation: Oriented x 3 Disoriented; describe _____

• Ability to recall events: Well No memory Lapses of memory loss

• Patient's speech: Clear Garbled

• Patient's gait: Steady Unsteady; describe: _____

• History of nausea: Yes No Vomiting: Yes No times? _____

• Other concerning symptoms or assessments: _____

Lab tests performed:

Pregnancy Positive Negative NA

Wet prep/KOH prep

Urinalysis

Gonorrhea Culture site _____

Chlamydia Culture site _____

RPR, syphilis

HIV

Other _____

Radiological studies: lumber xrays

Surgical procedure required: No Yes, describe _____

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient Information

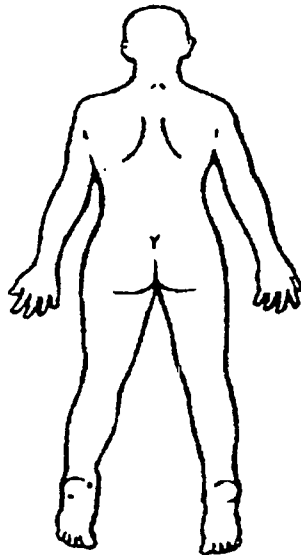
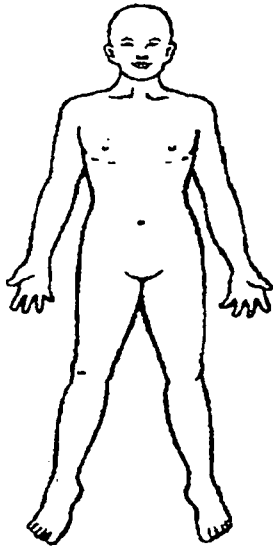


Diagram G

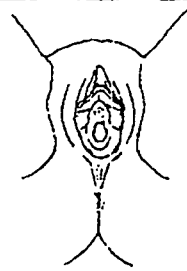


Diagram H



Diagram I

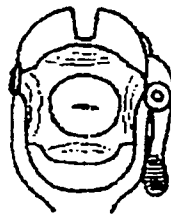


Diagram C

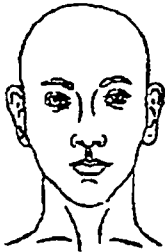


Diagram D

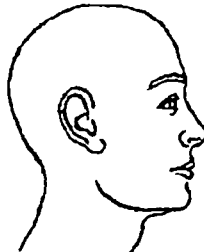


Diagram J

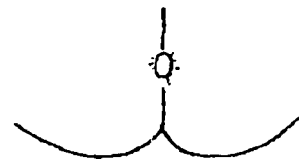


Diagram E

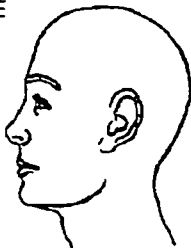
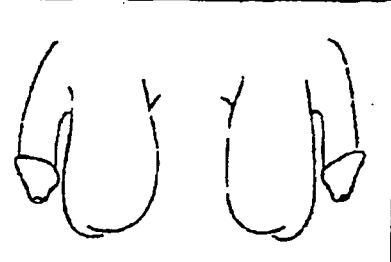
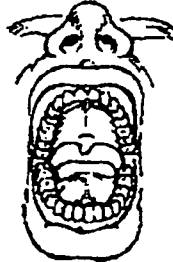


Diagram F



Location #	Description	Location #	Description

South Carolina Law Enforcement Division
Sexual Assault Examination Protocol

Patient information

*Evidence Collected is more than they tested! *

Clothing collected: describe clothing NA Changed clothes Bathed

Shirt blue polo style shirt

Pants black

Underwear black/pink color

Bra white

Jacket

Belt black/silver

Shoes

Other

Debris sheet

*DNA Evidence Collected:

	No	Yes	Describe
Miscellaneous materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Lick/kiss/suck/bite mark	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Oral swab and smear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Fingernail scraping/cuttings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Known DNA/Buccal swab	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Combed pubic hairs	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Vaginal swab and smear	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Rectal swab and smear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Suspected body fluid	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Toxicology Evidence Collected:

	No	Yes	Describe
Blood/grey top	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Urine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Vomit	<input type="checkbox"/>	<input type="checkbox"/>	
Other	<input type="checkbox"/>	<input type="checkbox"/>	

Photography:

	No	Yes	*Photographs stored with forensic chart
Colposcope	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Magnification _____
35mm camera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	# of pictures _____
Digital pictures	<input type="checkbox"/>	<input type="checkbox"/>	# of pictures _____

Medications administered:

Gonorrhea prophylaxis: Rocephin/Zithromax NA

Chlamydia prophylaxis: Rocephin/Zithromax NA

Pregnancy prevention: _____ NA

Tetanus toxoid: _____ NA

Other meds: _____ NA

Discharge Information:

• Time: _____ Discharged to: home

• Accompanied by: family

• Admitted to Hospital: No Yes/Room Number _____ Admitting MD _____

• Consults: NA Yes

Follow-Up:

• Medical: _____ Date: _____

• Counselor: _____ Date: _____

Signature of Officer receiving Evidence:

• Signature: _____ Time: _____

• Agency: _____

• Evidence Released: SLED kit Clothing Urine Other _____

Signature of SANE/MD

Revised June 2008

SCA1050

Initials SL
Page 6 of 6

Article 3: Preservation of Evidence

17-28-320: Sub section A, the physical evidence and biological material must be preserved for seven years from the date of seven years from the date of sentencing, or until the person is released from incarceration, dies while incarcerated or is executed for the offense enumerated in Subsection (A) whichever comes first.

Section 17-28-350: Willful destruction

A person who willfully and maliciously destroys, alters, conceals or tampers with physical evidence or biological material that is required to be preserved pursuant to this article with the intent to impair the integrity of the physical evidence or biological material, prevent the physical or biological material from being subject to DNA testing or prevent the production or use of the physical evidence or biological material in an official proceeding, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars for a first offense, and not more than five thousand dollars or imprisoned ~~for~~ for not more than one year, or both for each subsequent violation.

History 2008 Act No. 413 section 2 eff October 21, 2008

Bernardo Evans # 361706
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RECEIVED

DEC 28 2016

S.C. SUPREME COURT

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, SC 29211

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DEC 15 2016

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