

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM HORRY COUNTY

Edward B. Cottingham, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WALTER DORSCH,

APPELLANT

Appellate Case No. 2012-208507

RECORD ON APPEAL

WANDA H. CARTER
Deputy Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General
Office of the Attorney General
PO Box 11549
Columbia, SC 29211
(803) 734-3727

Attorney for Appellant

Attorneys for Respondent

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SC Court of Appeals

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ORIGINAL

STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF HORRY) 2011-GS-26-003034

THE STATE OF SOUTH)
CAROLINA,)

Plaintiff,) **Transcript of Record**

vs.)

February 8, 2012

WALTER DORSCH,)

Defendant.)

B E F O R E:

Honorable Edward B. Cottingham
Horry County Courthouse
Conway, South Carolina

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

Heather von Hermann, Esquire
Attorney for Plaintiff

Edward Chrisco, Esquire
Attorney for Defendant

Kay H. Richardson, CVR
Circuit Court Reporter

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BY THE COURT

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1 (February 8, 2012.)

2 COURT'S EXHIBIT NUMBER ONE

3 MARKED FOR IDENTIFICATION

4 THE COURT: All right. Mr. Chrisco?

5 MR. CHRISCO: Yes, Your Honor.

6 THE COURT: He is being tried for failure to register
7 second offense. I've reviewed the indictment and it does not
8 refer to a prior conviction. So, I want to make sure that you
9 understand that this indictment does not prejudice him by
10 indicating a prior conviction.

11 MR. CHRISCO: Yes, Your Honor.

12 THE COURT: I regard a prior conviction as a sentencing
13 element and not as a part of the charge itself but I want the
14 record to reflect that he does have a prior conviction for
15 this issue. Can you agree with that?

16 MR. CHRISCO: Yes, Your Honor. I've been furnished with a
17 copy of the sentencing sheet where he pled on September the
18 9th, 2004, Your Honor, on the first offense.

19 THE COURT: All right. We will keep that from the jury
20 in fairness to this defendant.

21 All right. For the State, now, I've got my jury
22 downstairs. They're getting ready to bring them up. Is there
23 any other motions we need to talk about?

24 MS. VON HERRMANN: Not that I'm aware of, Your Honor,
25 nothing from the State.

State v. Walter Dorsch (February 8, 2012)
JURY SELECTION

5

1 THE COURT: How about it, Mr. Chrisco?

2 MR. CHRISCO: Court's indulgence one second.

3 THE COURT: All right. Bring my panel up.

4 Was there any other motions, Mr. Chrisco?

5 MR. CHRISCO: No, Your Honor.

6 THE COURT: All right. Bring my panel.

7 Gentlemen, come forward, again.

8 (REPORTER'S NOTE: A bench conference was held off the
9 record.)

10 THE COURT: Just let the record reflect that she's got to
11 put into evidence that he is Tier III defendant to comply with
12 the statute.

13 (REPORTER'S NOTE: Jury panel enters courtroom.)

14 THE COURT: Are all my panel present?

15 DEPUTY: I think so, Your Honor. We're gonna do a head
16 count.

17 THE COURT: Well, I don't want to think; I want to know
18 about it.

19 DEPUTY: That's it, Your Honor.

20 THE COURT: Thank you. Good morning, ladies and
21 gentlemen. As I look upon your smiling faces, I recognize
22 some of you who were with me on Monday when we selected a jury
23 in another case and I see some of you who actually served in
24 that capacity. I want to welcome all of you again to my court
25 this morning.

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JURY SELECTION

1 For those who were not present on Monday, I am Judge
2 Cottingham, been on the bench for twenty-seven years. My home
3 is in Bennettsville, South Carolina, Marlboro County and I
4 have the pleasure of presiding as one of the trial judges this
5 week in a General Sessions term of court.

6 I told the panel on Monday and I say to those who were
7 not with me, our Constitution provides that no one shall lose
8 his liberty, not for one day, unless and until a jury of their
9 peers has convicted them by evidence satisfactory beyond a
10 reasonable doubt. That's an important process. By the
11 process, our system, it protects your liberties and with equal
12 importance, it protects mine.

13 And so I want to welcome all of you and from this number,
14 I will be drawing twelve jurors and two alternates.

15 Heather, did you find out what the situation is with the
16 remainder ---

17 CLERK: Tell them to come back at 1:00, Judge, that's the
18 last word I had.

19 THE COURT: Come back at 1:00?

20 CLERK: Yes, sir.

21 THE COURT: Those of you who are not selected will be
22 respectfully requested to return downstairs at 1 o'clock for a
23 further jury. We've got two or three judges working in the
24 trial court, so we are using you more than usual. We
25 appreciate your services and recognize that all of you are

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JURY SELECTION

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1 here at considerable inconvenience to your families, to your
2 personal lives and equally important to your work. But you
3 know, unless you were elected or appointed, most folks never
4 have the opportunity to actually participate in your
5 government. Jury service permits you to participate in your
6 city, county, state government and it's a wonderful
7 responsibility, it's an awesome responsibility to have the
8 opportunity to serve as a juror in a civil or criminal case.
9 And so, I look forward to giving twelve of you that wonderful
10 opportunity this morning.

11 The case before us is a -- an indictment wherein the
12 defendant, Walter Dorsch, is charged with violation of the
13 Sexual offender Registry Act. That is an act enacted by your
14 legislature which at the appropriate time I will explain to
15 you where in sexual offenders are required to register either
16 annually or biannually or every ninety days depending on
17 certain circumstances with the sheriff of the county. And Mr.
18 Dorsch, upon this indictment, is alleged to have violated that
19 registration requirement.

20 Now, I specifically tell you that this defendant, Mr.
21 Walter Dorsch specifically denies the allegations here and
22 pleads not guilty, thus placing the burden of proof upon the
23 State of South Carolina of proving him guilty beyond a
24 reasonable doubt if they can, to your satisfaction.

25 Again, I tell you at the outset, this paper that I hold

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JURY SELECTION

8

1 in my hand is the indictment and it contains these various
2 allegations. This is the way any defendant is brought to
3 trial in South Carolina. This indictment will be with you in
4 the jury room but I specifically tell you that the allegations
5 it contains against this defendant is no evidence whatsoever.
6 Evidence, if any, comes from this witness stand and such other
7 matters as may be introduced into the trial of this case.
8 During the trial of this case, there will be various documents
9 introduced which will be made a part of the record. The
10 person introducing them may decide to publish them at that
11 time or may wait. Anything that I permit to go into the
12 record will be with you in the jury room during your
13 deliberations.

14 Now, our system is such that I will explain to you fully
15 the law of the case and before I -- and you will have heard
16 all the testimony and the facts in the case and at the
17 appropriate time I will explain that further to you.

18 At this time, however, from your number, the State of
19 South Carolina and this defendant desires from your number
20 twelve jurors with no friends to reward, no enemies to punish,
21 twelve jurors who can say I have no biases or prejudices in
22 this case and if selected, I will base my verdict on the law
23 and evidence heard in this case.

24 Now, I'm going to ask of you several questions to secure
25 a jury with no friends to reward, no enemies to punish, no

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JURY SELECTION

9

1 juror with any hidden biases or prejudices. My first inquiry
2 is, Mr. Dorsch, I would respectfully ask that you stand and
3 face the jury. Are any of you related by blood or marriage to
4 this defendant, Walter Dorsch?

5 (REPORTER'S NOTE: No response.)

6 THE COURT: Do any of you have any close connections with
7 him such as neighbors, church workers, church people or
8 employees?

9 (REPORTER'S NOTE: No response.)

10 THE COURT: Do any of you know this defendant in any
11 capacity whatsoever?

12 (REPORTER'S NOTE: No response.)

13 THE COURT: You may be seated.

14 It is alleged in this indictment and specifically denied
15 by this defendant that he violated the terms of the Sexual
16 Registry Act and I will explain to you those terms as the
17 trial progresses.

18 Do any of you have any familiarity with this act or has
19 anybody in your immediate family been required to register as
20 a sexual offender, please stand.

21 Come forward, please, one at a time. Counsel, come
22 forward and join us.

23 Good morning. May I have your juror number, sir?

24 JUROR 146: 146

25 THE COURT: And your name?

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JURY SELECTION

10

1 JUROR 146: Samuel Goolsby.

2 (REPORTER'S NOTE: A bench conference was held off the
3 record.)

4 THE COURT: Yes, ma'am. Come forward. Good morning.
5 May first I have your juror number?

6 JUROR 307: 307.

7 THE COURT: And may I have your name?

8 JUROR 307: Carolyn Ross.

9 (REPORTER'S NOTE: A bench conference was held off the
10 record.)

11 THE COURT: Now, ladies and gentlemen, sometimes, whether
12 we like it or not, we develop biases or prejudices and I've
13 used this example last Monday for a jury and some of you
14 would've heard it but I want to give you an example of
15 sometime we develop prejudices that would prevent us from
16 giving a fair trial, either the State or the defendant. As
17 you jurors who were here were told, some years ago I was
18 trying a young girl -- a young man for a felony DUI, it being
19 alleged that while drunk driving he killed a young girl. I
20 asked the jury after qualifying them in every way, we were
21 getting ready to select they jury, I said, given the facts in
22 this case as are alleged, any of you have any other biases
23 that would prevent you from being a fair juror to both sides.
24 A lady on the left said, Judge, I can't be fair to him. My
25 daughter was killed by a drunk driver. I obviously excused

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JURY SELECTION

11

1 her, I was so glad that I asked the question. In that same
2 panel, a gentleman stood up and said, Judge, I can't be fair
3 to the solicitor's office. I said, why. He said, My son was
4 charged with driving under the influence felony. The first
5 two trials were eleven to one for acquittal and knowing that,
6 they made him go through the third trial where he was
7 immediately found not guilty. I can't be fair to that crowd
8 and would not be. I certainly understood that so I released
9 him too.

10 Now, this charge involves failure to registry as a sexual
11 offender. Given the nature of that charge, if anybody here
12 has some preconceived biases, we don't want to ask you what it
13 is, that you feel would prevent you from giving both the State
14 and the defendant a fair trial, please stand.

15 All right. My next inquiry -- please introduce yourself,
16 Solicitor.

17 MS. VON HERRMANN: Ladies and gentlemen, my name is
18 Heather von Herrmann, I'm a prosecutor here in the Fifteenth
19 Circuit Solicitor's Office. This is Sergeant Lori Avant from
20 the Horry County Sherriff's Department.

21 THE COURT: Any of you have any connection with the
22 Solicitor's Office of the Fifteenth Circuit or any of its
23 employees or any connection that I need to know about, please
24 stand.

25 (REPORTER'S NOTE: No response.)

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JURY SELECTION

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1 THE COURT: The defendant -- Mr. Chrisco, would you
2 please stand. Not the defendant, just Mr. Chrisco, sir.

3 MR. CHRISCO: My name is Ed Chrisco, I'm the Chief Public
4 Defender here in Horry County and I represent Mr. Dorsch.

5 THE COURT: Thank you. Anybody have any connection with
6 the Public Defender's office?

7 (REPORTER'S NOTE: No response.)

8 THE COURT: So that you'll know, we're gonna start this
9 case at 2 o'clock. It will be a short case but it's still a
10 serious case but the -- given the nature of the charges, it
11 will be a short case that we think we can conclude this
12 afternoon and we will work towards that effort.

13 Any additional inquiry required by the State?

14 MS. VON HERRMANN: Nothing from the State, Your Honor.

15 THE COURT: For the Defense?

16 MR. CHRISCO: No, Your Honor.

17 THE COURT: Give us a jury, five and five.

18 CLERK: When I call your name if you will please come to
19 the front of the courtroom and turn around and face the back
20 of the courtroom and bring any belongings that you have with
21 you.

22 Juror Number 378, James Vetter.

23 What say the State?

24 MS. VON HERRMANN: Please present the juror.

25 CLERK: Defense?

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JURY SELECTION

13

1 MR. CHRISCO: Seat the juror.
2 CLERK: Please be seated in the jury box.
3 166, Keith Herte.
4 What say the State?
5 MS. VON HERRMANN: Please present the juror.
6 CLERK: Defense?
7 MR. CHRISCO: Seat the juror.
8 CLERK: Please be seated in the jury box.
9 373, Mary Tucker.
10 What say the State?
11 MS. VON HERRMANN: Please present the juror.
12 CLERK: Defense?
13 MR. CHRISCO: Seat the juror.
14 CLERK: Please be seated in the jury box.
15 319, Mary Sattely.
16 What say the State?
17 MS. VON HERRMANN: Please present the juror.
18 CLERK: Defense?
19 MR. CHRISCO: Please excuse the juror from the trial of
20 this case.
21 CLERK: You're excused from this particular case.
22 329, Elizabeth Seib.
23 What say the State?
24 MS. VON HERRMANN: Please present the juror.
25 CLERK: Defense?

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JURY SELECTION

14

1 MR. CHRISCO: Please excuse the juror from the trial of
2 this case.

3 CLERK: You're excused from this particular case.
4 344, Roger Smith.
5 What say the State?

6 MS. VON HERRMANN: Please present the juror.

7 CLERK: Defense?

8 MR. CHRISCO: Seat the juror.

9 CLERK: Please be seated in the jury box.
10 341, John Smith.

11 What say the State?

12 MS. VON HERRMANN: Please present the juror.

13 CLERK: Defense?

14 MR. CHRISCO: Seat the juror.

15 CLERK: Please be seated in the jury box.

16 315, Francis Sarpong

17 What say the State?

18 MS. VON HERRMANN: Please excuse the juror in the trial
19 of this case.

20 THE COURT: You're excused from this particular case.

21 90, James Cox, Jr.

22 What say the State?

23 MS. VON HERRMANN: Please present the juror.

24 THE COURT: Defense?

25 MR. CHRISCO: Seat the juror.

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15

1 CLERK: Please be seated in the jury box.
2 131, Lauren Frey.
3 MR. CHRISCO: That was 141?
4 CLERK: 131.
5 What say the State?
6 MS. VON HERRMANN: Please present the juror.
7 CLERK: Defense?
8 MR. CHRISCO: Seat the juror.
9 CLERK: Please be seated in the jury box.
10 265, Anita Norman.
11 What say the State?
12 MS. VON HERRMANN: Please present the juror.
13 CLERK: Defense?
14 MR. CHRISCO: Please excuse the juror from the trial of
15 this case.
16 CLERK: You're excused from this particular case.
17 19, Robert Bastian.
18 What say the State?
19 MS. VON HERRMANN: Please present the juror.
20 CLERK: Defense?
21 MR. CHRISCO: Please excuse the juror from the trial of
22 case.
23 CLERK: You're excused from this particular case.
24 34, David Blalock, Jr.
25 What say the State?

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1 MS. VON HERRMANN: Please present the juror.
2 CLERK: Defense?
3 MR. CHRISCO: Seat the juror.
4 CLERK: Please be seated in the jury box.
5 304, Kathleen Rodriguez.
6 What say the State?
7 MS. VON HERRMANN: Please present the juror.
8 CLERK: Defense?
9 MR. CHRISCO: Seat the juror.
10 CLERK: Please be seated in the jury box.
11 347, Brandon Stafford.
12 What say the State?
13 MS. VON HERRMANN: Please present the juror.
14 CLERK: Defense?
15 MR. CHRISCO: Seat the juror.
16 CLERK: Please be seated in the jury box.
17 157, Walter Hand, Jr.
18 What say the State?
19 MS. VON HERRMANN: Please present the juror.
20 CLERK: Defense?
21 MR. CHRISCO: Seat the juror.
22 CLERK: Please be seated in the jury box.
23 278, David Pitsinger.
24 What say the State?
25 MS. VON HERRMANN: Please present the juror.

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JURY SELECTION

17

1 CLERK: Defense?

2 MR. CHRISCO: Seat the juror.

3 CLERK: Please be seated in the jury box.

4 THE COURT: I want two alternates. The strikes will be
5 one and two separately as to each alternate.

6 MR. CHRISCO: Thank you, Your Honor.

7 CLERK: 50, Erin Brooks.

8 What say the State?

9 MS. VON HERRMANN: Please present the juror.

10 CLERK: Defense?

11 MR. CHRISCO: Seat the juror.

12 CLERK: Please be seated in the jury box.

13 351, Lesia Stefanski.

14 MR. CHRISCO: What was that number?

15 CLERK: 351.

16 What say the State?

17 MS. VON HERRMANN: Please present the juror.

18 CLERK: Defense?

19 MR. CHRISCO: Please excuse the juror from the trial of
20 this case.

21 CLERK: You're excused from this particular case.

22 369, James Todd.

23 What say the State?

24 MS. VON HERRMANN: Please present the juror.

25 CLERK: Defense?

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JURY SELECTION

1 MR. CHRISCO: Seat the juror.

2 CLERK: Please be seated in the jury box.

3 THE COURT: All right, sir. Mike, please escort this
4 jury to the jury room and I'll be calling them out very
5 shortly.

6 BAILIFF: All right, sir.

7 (REPORTER'S NOTE: The jury retires to the jury room.)

8 THE COURT: All right. For the State, any motions
9 regarding the composition of the jury including Batson issues?

10 MS. VON HERRMANN: No, sir, Your Honor.

11 THE COURT: For the Defense?

12 MR. CHRISCO: No, Your Honor.

13 THE COURT: The jury will then stand as selected.

14 Ladies and gentlemen, for those of you who were not
15 selected, I'm gonna excuse you at this time and ask that you
16 report again downstairs at 2 o'clock -- excuse me -- 1
17 o'clock. I'm told that Judge John will be selecting a jury at
18 that time and hope that some of you will have that opportunity
19 to serve and participate. But thank you so much for being
20 with me this morning. You are excused.

21 (REPORTER'S NOTE: Remaining jury panel is excused for lunch.)

22 THE COURT: All right. Solicitor, are we now ready to
23 begin the case?

24 MS. VON HERRMANN: Your Honor, we're ready to go forward
25 at 2 o'clock.

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JURY SELECTION

19

1 THE COURT: That's what I -- and you'll be ready at 2:00
2 and we've got all the motions heard and everything?

3 MR. CHRISCO: Yes, Your Honor.

4 THE COURT: All right, sir. Thank you.
5 Bring the jury back.

6 (REPORTER'S NOTE: The jury returns to the courtroom.)

7 THE COURT: I have selected Mr. Pitsinger as foreman for
8 the jury and I will keep you fully advised at all times of
9 your duties. During the course of these proceedings, our
10 rules require that the foreman occupy that chair at all times.
11 Further requiring that the alternates occupy their chairs at
12 all times. The rest of you may sit as you choose.

13 Now, we are going to start this case at 2 o'clock this
14 afternoon, having every anticipation, even though it's a
15 serious case, that we will be concluding it sometime this
16 afternoon.

17 Now, during our various breaks and particularly since you
18 won't be back until 2 o'clock, it is important that you
19 understand the following admonitions. You must not discuss
20 this case with any one, permit no one to discuss it with you.
21 At any time, when you're on the courthouse premises, wear your
22 jury badge and that's important because people tend to start
23 talking about things in the corridors of the courthouse and I
24 want them to know that you can't do that in the presence of a
25 juror so I want that presence known by you wearing the jury

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JURY SELECTION

20

1 badge.

2 Now, after -- when you return at 2 o'clock, Mr. Foreman,
3 it is also important for you to tell me that you must not
4 discuss any element of this case in the jury room at any time
5 until I have given you the case for your deliberation. And
6 the reason is simply obvious and that is you must not make
7 your decision until you've heard all of the testimony.

8 Now, from this moment on, you and you alone are the sole
9 and only finders of the facts in the case, meaning you tell us
10 what occurred. Jurors say, well, how in the world and I
11 supposed to know what the facts are. Well, you will do that
12 by observing the various witnesses who testify under oath and
13 by examining various documents that may be introduced into
14 evidence. From this moment on, there is nobody in this wide
15 world that can tell you twelve what the facts are. You're the
16 judge of the facts and you're sole judges of the credibility,
17 meaning the believability of every witness that testifies.
18 During my final statement to you, I'll go into that in detail
19 but basically you bring your common sense to bear in observing
20 a witness and decide whether you want to believe all of it,
21 some of it or none of it. We have various tools in life that
22 we use to do that and you bring your common sense to bear but
23 you are the sole judges of the credibility and believability
24 of every witness who testifies and you're the sole judges of
25 the facts.

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BY THE COURT

21

1 I'm the judge of the law and I'll go into detail with you
2 in that regard and you must accept the law as I charge it to
3 you even though you or I might disagree with what the law is
4 or ought to be. Your oath requires you to accept the law as I
5 give it you remembering, however, that as the sole finders of
6 the facts, you take the facts as you find them to be, apply
7 those facts to the law of the case and thereafter reach your
8 verdict. There are only two verdicts in the case, one's not
9 guilty and one's guilty and I'll have a explanation as to
10 that.

11 And so with these admonitions, I'm gonna leave you
12 unsworn at this time to be back in your jury room, not
13 downstairs but in the jury room promptly at 2 o'clock and
14 we'll start this case and we'll finish it this afternoon.

15 Thank you so much.

16 Any further instructions as for the jury?

17 MS. VON HERRMANN: No, sir, Your Honor.

18 MR. CHRISCO: No, Your Honor.

19 THE COURT: You are excused.

20 (REPORTER'S NOTE: Jury is excused for lunch.)

21 THE COURT: All right. We are in recess as to this issue
22 until 2 o'clock.

23 *****OFF THE RECORD*****

24 (On the Record.)

25 THE COURT: All right. Good afternoon. Let's get on the

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BY THE COURT

22

1 record and let's discuss first any prior record of this
2 defendant that the State proposes to introduce as to
3 credibility and believability should he get on the stand.

4 MS. VON HERRMANN: Your Honor, the only thing that he --
5 he has a number of convictions on his record. The only things
6 I think that would qualify potentially would be, I believe, in
7 2002 there was a failure to stop for a blue light and 2004 the
8 previous failure to register as a sex offender. So, those are
9 the only two ---

10 THE COURT: Failure to stop for a blue light would not
11 come in anyway; that has nothing to do with credibility. He
12 being charged today with failure to register. I think it
13 would be highly prejudicial to show that he's already failed
14 to do that one time. You know, our Supreme Court has said
15 when you're trying somebody for something and you try and show
16 that prior record for the same thing that that's highly
17 prejudicial in the state and federal court; you're familiar
18 with those decisions?

19 MS. VON HERRMANN: I am. I agree with you, Your Honor,
20 about that.

21 THE COURT: And that'd be highly prejudicial now. You
22 are entitled as an element of proof to show that he was a
23 criminal sexual predator. That's a part of your proof; is it
24 not?

25 MS. VON HERRMANN: Well, that -- not that he's a sexually

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BY THE COURT

23

1 violent predator but rather that he's been convicted of a
2 sexual offense for which he is required to register, yes, sir.

3 THE COURT: Correct. You're entitled to prove that.

4 MS. VON HERRMANN: Yes, sir.

5 THE COURT: But don't bring in his prior conviction.

6 That would be an element that I would consider ---

7 MS. VON HERRMANN: I don't intend to.

8 THE COURT: All right. That's fine.

9 MR. CHRISCO: Your Honor, also, that 2004 failure to
10 register, at that time, that only carried ninety days.

11 THE COURT: Well, I'm not gonna let it in, anyway. So, I
12 just think the fact that he did or had been convicted one time
13 would be highly prejudicial to him and I'm not gonna let it
14 in.

15 MS. VON HERRMANN: Your Honor, the only other matter that
16 I'm aware of that we have is -- and this is something that I
17 don't actually have a position on, I'd just like to make the
18 Court aware of it. One of the exhibits that intend to
19 introduce is actually the registration packet ---

20 THE COURT: It's got the proposed sentencing on it?

21 MS. VON HERRMANN: It does.

22 THE COURT: I want it redacted.

23 MS. VON HERRMANN: Yes, sir.

24 THE COURT: Just white it out.

25 MS. VON HERRMANN: Okay. We'll do that.

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BY THE COURT

24

1 THE COURT: All right. Our courts have said many times
2 that the sentencing was not an issue for the jury. Mr.
3 Chrisco, obviously, you would want it whited-out, too, I
4 think?

5 MR. CHRISCO: Yes, Your Honor.

6 THE COURT: There will be no prior record introduced.
7 You know I'm gonna let you introduce the criminal sexual
8 conduct because that's an element of proof.

9 MS. VON HERRMANN: Yes, sir.

10 THE COURT: I assume all the jury is still available.

11 DEPUTY: Yes, sir, they are.

12 THE COURT: After I swear the jury, I'll make my
13 preliminary remarks as I usually do. They jury tells me it's
14 helpful to them.

15 MS. VON HERRMANN: I'm gonna show this to Mr. Chrisco.

16 THE COURT: My efficient law clerk has advised me of that
17 concern about that language.

18 You satisfied with that, Mr. Chrisco?

19 MR. CHRISCO: Yes, Your Honor.

20 THE COURT: All right. Thank you.

21 All right. Are we ready to proceed?

22 MS. VON HERRMANN: Yes, sir.

23 THE COURT: Defense ready?

24 MR. CHRISCO: Yes, Your Honor.

25 (REPORTER'S NOTE: The jury returns to the courtroom.)

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BY THE COURT

25

1 THE COURT: The jury is present. Good afternoon, Mr.
2 Foreman, ladies and gentlemen, we are now ready to proceed.
3 Ms. Heather, please, swear my jury.

4 CLERK: If you'll please stand and raise your right hand.
5 (REPORTER'S NOTE: Jury is duly sworn.)

6 THE COURT: Mr. Foreman, ladies and gentlemen,
7 recognizing that for some of you this is the first opportunity
8 you would've served as a juror, well may be the first time
9 you've served as a juror upon a criminal indictment. And in
10 that regard, let me tell you generally how we will proceed.
11 State of South Carolina, as I've told you before and I
12 emphasize to you has the burden of proof and that proof is
13 beyond a reasonable doubt. At the appropriate time I will
14 explain that concept to you.

15 Ms. Heather, representing the Solicitor's office and the
16 State of South Carolina, the County of Horry, has the
17 responsibility of bringing this case. And in the beginning
18 she will make to you a short statement as to what her case is
19 about and what she intends to prove. This is a guideline to
20 help you follow the witnesses as they come into court.

21 Mr. Chrisco, one of the chief public defenders here
22 represents the defendant. And he will make a short statement
23 to you as to the defendant's position. Following that, there
24 will be testimony by various witnesses who are called for your
25 consideration. After all of the testimony is in, I will give

1 you the law with regard to the issues in the case. Following
2 that, each side will have an opportunity to give you a final
3 summation after which I'll ask that you retire and we'll take
4 the evidence in with you and you will begin your
5 deliberations.

6 Now, I touched on it this morning but I want to emphasize
7 to you that with regards to the facts in this case, you twelve
8 are the sole and only finders of the facts. There's nobody in
9 this wide world that can tell you twelve what the facts are.
10 And as finders of the facts, you are the judge, the sole
11 judge, of the credibility, the believability of all the
12 witnesses who testify.

13 Now, as the trial judge, I emphasize to you, I am not
14 entitled to a factual opinion about any issue and I absolutely
15 have none. And so I tell you, if any ruling, mannerism of
16 mine might tend to indicate to any of you how I feel about any
17 factual situation between these litigants, disregard that. I
18 am not entitled to a factual opinion and I have none. You
19 folks, you twelve, are the judges of the facts. And whatever
20 your verdict will be, it must be the unanimous verdict of all
21 twelve.

22 There are only two verdicts in this case, one's not
23 guilty and one's guilty. And whatever it is, it must be the
24 unanimous verdict of all twelve.

25 Ms. Heather, you may have your opening.

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OPENING BY MS. VON HERRMANN

27

1 MS. VON HERRMANN: Thank you, Judge.

2 OPENING STATEMENT BY MS. VON HERRMANN:

3 Ladies and gentlemen of the jury, thank you for being
4 here. As I mentioned to you earlier when I spoke with you
5 just briefly, my name is Heather von Herrmann and I'm a
6 prosecutor here in the solicitor's office. My job is to try
7 criminal cases which occur here in Horry County. That's what
8 we're here for, of course, today.

9 In the State of South Carolina, there are certain
10 offenses that if you are convicted of those particular
11 offenses, you are required to register on something called the
12 Sexual Offender Registry. The defendant in this case was
13 convicted in 1995 of a crime called criminal sexual conduct,
14 third offense. And when he was convicted in that case, in
15 addition to whatever sentence he received, he was required to
16 go into the sheriff's office every ninety days, meet with
17 these ladies here, verify his address, have his photograph
18 taken and complete other forms as is required by the State of
19 South Carolina.

20 We're gonna show to you here today that he appeared in
21 July of 2010, did as he was required for the registry. He had
22 registered in previous times before that but on that
23 particular date, he was given a date three months out to
24 register, October of 2010. He did not come in and register on
25 October of 2010. That is a violation in and of itself of that

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OPENING BY MR. CHRISCO

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1 registry and that's what brings us here today. I think after
2 you hear the evidence, you hear the testimony of the
3 witnesses, you will find that he did in fact violate that
4 registration process and find him guilty of the offense for
5 which he is charged.

6 Thank you.

7 THE COURT: Mr. Chrisco.

8 MR. CHRISCO: May it please the Court.

9 OPENING STATEMENT BY MR. CHRISCO:

10 First of all, I want to correct the solicitor, it wasn't
11 criminal sexual conduct ---

12 THE COURT: Talk a little louder for us, please.

13 MR. CHRISCO: Thank you, Your Honor.

14 First, it wasn't criminal sexual conduct, third offense;
15 it was criminal sexual conduct, third degree, a lot of
16 difference.

17 You'll hear from the State and then you'll hear from the
18 Defense and what you're gonna hear is that he knew, should
19 have known to be there to register. What you're gonna hear
20 from him is that there was a lot of confusion. You're gonna
21 hear that when he was originally sentenced way back in 1995,
22 there was no requirement for the sexual registry. And then it
23 became a requirement and it was annual and then it became
24 biannual and then -- now, it's quarterly. It's changed and
25 evolved. You're gonna hear a lot of mitigating circumstances

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LORAIN AVANT - DIRECT EXAMINATION BY MS. VON HERRMANN

1 and then it's gonna be up to you to decide what to do.

2 Thank you.

3 THE COURT: Yes, ma'am. Proceed.

4 MS. VON HERRMANN: The State calls Sergeant Lori Avant.

5 CLERK: Please raise your right hand and place your left
6 hand on the Bible.

7 LORI AVANT, HAVING BEEN SWORN,

8 TESTIFIED AS FOLLOWS:

9 CLERK: If you'll state your full name and spell your
10 last name.

11 MS. AVANT: Loraine Avant, A-V-A-N-T.

12 DIRECT EXAMINATION OF LORAIN AVANT BY MS. VON HERRMANN:

13 Q: Tell the jury, if you will, please, how you are currently
14 employed?

15 A: I'm employed with the Horry County Sheriff's Office. I'm
16 a Sergeant with the Horry County Sheriff's Office.

17 Q: And how long have you been with Horry County?

18 A: Been employed with the Horry County Sheriff's Office
19 since April of 2002.

20 Q: And what are your duties there?

21 A: My responsibilities with the Horry County Sheriff's
22 Office are to oversee or supervise, if you will, the sex
23 offender registration and tracking unit.

24 Q: And tell the jury, please, what the Sex Offender Registry
25 is.

1 A: The Sex Offender Registry has been mandated by law where
2 an individual who has been convicted of certain sex related
3 offenses are required to register in person with the sheriff
4 in the county that they live in. As part of that
5 registration, they're required to register at intervals based
6 on the offense that they're convicted of. Some individuals
7 have to register every quarter or every ninety days while
8 other individuals register on a biannual basis.

9 Q: And where does a sex offender physically go to register?

10 A: An offender would physically report to the Horry County
11 Sheriff's Office if they're a resident of this county.

12 Q: And where is that located?

13 A: It's located in the building that you're in now, the
14 Horry County Government and Justice Center on the first floor.

15 Q: And when that sex offender comes in, is there some
16 paperwork or some forms that have to be filled out?

17 A: There is. The South Carolina Law Enforcement Division
18 has forms that they have prescribed that have to be filled out
19 to require certain data that is required by SLED for the Sex
20 Offender Registry. And those forms are consistent throughout
21 all the counties in South Carolina that offenders will provide
22 this information to the sheriff.

23 Q: And as a part of that, are they required to have a
24 photograph taken as well?

25 A: That's correct. Every registration requires that a

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LORAIN AVANT - DIRECT EXAMINATION BY MS. VON HERRMANN

1 photograph be updated at that time.

2 Q: So, one would not be able to register then by mail; one
3 must physically come into this courthouse in order to do that;
4 is that correct?

5 A: That's correct. You have to physically report for
6 registration.

7 Q: And during the course of filling out that paperwork or
8 those forms, is the sex offender also required to sign off on
9 those forms acknowledging that he has read those forms and
10 understands what's enclosed therein?

11 A: That's correct. As part of the protocol for registering
12 a convicted sex offender, the registering officer would cover
13 the mandates that's required of that person by South Carolina
14 law and as such, they would inform them both orally and in
15 writing and have those forms signed off as a declaration of
16 their understanding what those requirements are.

17 Q: Let's talk a little bit about reporting schedules. When
18 do the -- when did the law require that people begin to report
19 on the Sex Offender Registry; do you remember when that was?

20 A: I believe that would've been July the 1st of 1994.

21 Q: So, from 1994, people who were convicted after that
22 particular date have always been required to register?

23 A: That's correct, of those offenses that the law requires
24 registration, yes, ma'am.

25 Q: I'm gonna show you what's been marked as State's Exhibit

1 Number One for ID and ask you if you can tell me please what
2 that document is.

3 A: Yes, ma'am. This would be a sentencing sheet for
4 Defendant Walter Dorsch for criminal sexual conduct in the
5 third degree.

6 Q: And what date is on the bottom of that sentencing sheet?

7 A: It's dated September 21, 1995.

8 Q: So, he was convicted in 1995; is that correct?

9 A: That's correct.

10 MS. VON HERRMANN: I would move this exhibit into
11 evidence, Your Honor.

12 MR. CHRISCO: Your Honor, can I just look at it one ---

13 THE COURT: Yes, sir.

14 THE COURT: Without objection.

15 MR. CHRISCO: No objection, Your Honor.

16 STATE'S EXHIBIT NUMBER ONE

17 ADMITTED INTO EVIDENCE.

18 BY MS. VON HERRMANN:

19 Q: And so as I believe you just testified, he would have
20 always had to register on the Sex Offender Registry, correct?

21 A: That's correct, based on the date of his conviction.

22 Q: All right. And when they come in and fill out this
23 paperwork, are they given a date for their next report?

24 A: Yes. When offenders register, as part of that
25 registration process, we provide a month that they're required

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LORAIN AVANT - DIRECT EXAMINATION BY MS. VON HERRMANN

1 to report back to the sheriff's office for registration.

2 Q: And does the date that they're required to come back have
3 something to do with the particular offense which they've been
4 convicted?

5 A: It does. The convicting offense is the determining
6 factor as to whether a particular individual would have to
7 report on a quarterly basis or on a biannual basis.

8 Q: So, some people report two times a year?

9 A: That's correct.

10 Q: Some people report four times a year ---

11 A: That's correct.

12 Q: --- based on their particular offense?

13 A: Yes, ma'am.

14 Q: All right. And what is a Tier III offense, what does
15 that mean?

16 A: Tier III offenses are those offenses that have been
17 defined that would require an offender report every ninety
18 days or ever quarter for registration.

19 Q: And is criminal sexual conduct third degree is that a
20 Tier III offense?

21 A: That's correct. Criminal sexual conduct in the third
22 degree is a Tier III offense.

23 Q: And as a result of that, Mr. Dorsch, then would be
24 required to register every ninety days?

25 A: Yes, ma'am, that's correct.

1 Q: Did this defendant report on July the 14th of 2010?

2 A: Yes, he did.

3 Q: And when was he next required to report?

4 A: He would have been required to report during the month of
5 October of 2010.

6 Q: Are they given a specific date to report or can they just
7 report anytime during that month?

8 A: They can report anytime during the month that they're to
9 return. We do, as a matter of convenience for everyone,
10 assign a -- send out notification of a certain date and time
11 to come in but that's only for convenience sake. They are
12 allowed to report during the month at anytime during that
13 month.

14 Q: And did this particular defendant acknowledge that his
15 next date to appear would be October of 2010?

16 A: He did acknowledge that he understood his date for return
17 was October of 2010.

18 Q: And did he appear in the sheriff's office to register in
19 October of 2010?

20 A: No, ma'am, he did not.

21 Q: Did he appear in November of 2010?

22 A: No, ma'am, he did not.

23 Q: Did he appear in December of 2010?

24 A: No, ma'am, he did not.

25 Q: How about January of 2011?

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LORAIN AVANT - DIRECT EXAMINATION BY MS. VON HERRMANN

1 A: No, ma'am, he did not.

2 Q: February of 2011?

3 MR. CHRISCO: Objection, Your Honor.

4 THE COURT: What's your, objection?

5 MR. CHRISCO: We're here for October -- October 2010.

6 THE COURT: No, sir. This is appropriate testimony. You
7 may proceed.

8 BY MS. VON HERRMANN:

9 Q: Did he appear in ---

10 THE COURT: The jury will fully understand that but that
11 testimony is appropriate.

12 Q: Did he appear in January of 2011?

13 A: He did not appear in January.

14 Q: When did he next appear?

15 A: It would have been in April of 2011.

16 Q: So, that would've been some six months after October of
17 2010, correct?

18 A: That's correct, after October.

19 Q: And some nine months since his previous report?

20 A: Yes, ma'am. That's correct.

21 Q: So, he's supposed to report every three months and he
22 didn't report for nine months?

23 A: That's correct.

24 Q: Did you at some point go and obtain a warrant for his
25 arrest?

1 A: Yes, ma'am, I did.

2 Q: And was he ultimately located and placed under arrest?

3 A: He was.

4 Q: When was he arrested?

5 A: If you'll let me check the date on the warrant. He was
6 arrested on April the 14th of 2011.

7 Q: And so -- you just testified a moment ago that he
8 registered in April?

9 A: Yes, ma'am. His date of registration in April of 2011
10 was April the 19th.

11 Q: So, in other words, he did not register and after --
12 until after he was placed under arrest for the violation?

13 A: That's correct.

14 Q: Is anyone ever excused from reporting?

15 A: No, ma'am. When an offender is required by statute to
16 report as a sex offender, they are not excused from that.

17 Q: Can you excuse someone from that?

18 A: No, ma'am, I cannot excuse anyone from that.

19 Q: Even for a month?

20 A: No, ma'am. I can't excuse them from proper registration
21 at all.

22 Q: Is there anyone in your office who can excuse someone
23 from registering?

24 A: There is no one in the sheriff's office that can excuse
25 them.

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LORAIN AVANT - CROSS EXAMINATION BY MR. CHRISCO

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1 Q: I don't have any further questions. Please answer any
2 questions Mr. Chrisco may have.

3 CROSS EXAMINATION OF LORAIN AVANT BY MR. CHRISCO:

4 Q: Hey, Ms. Avant. When did the sexual registry take
5 effect, what date?

6 THE COURT: You're gonna have to talk louder, that
7 gentleman back at the back can't possibly hear you mumbling.

8 Q: What date did the sexual registry become effective in the
9 State of South Carolina?

10 A: I believe, sir, it was July the 1st of 1994.

11 Q: And that was for anyone that had committed a sexual act
12 that fell under that act, after that date?

13 A: That fell under that statutorily defined set of events,
14 yes, sir.

15 Q: If the incident date was before that, it wouldn't be
16 included, would it?

17 A: It would not be included unless the sheriff served notice
18 on that offender of the requirement to register.

19 Q: Did the sheriff serve notice on Mr. Dorsch that he was
20 required to register?

21 A: No, sir, the sheriff did not serve any notice on him, he
22 was required to register.

23 Q: Mr. Dorsch pled guilty in 1995.

24 A: Yes, sir.

25 Q: The incident date was before the effective date of the

1 sexual registry?

2 A: I do not have the incident date. I have his conviction
3 date. I'm not aware of what the original incident date was.

4 Q: Were you aware of what the act said from 1995?

5 A: Could you repeat that, please?

6 Q: You made the statement awhile ago that he was required to
7 register.

8 A: Yes, sir.

9 Q: Do you know for a fact that the statute says anyone that
10 pleads after the date or the incident happened after that
11 date?

12 A: I believe, sir, the statute says anyone convicted of
13 certain sex related offenses and the date of the -- that
14 enactment was July of 1994.

15 Q: I'm trying to think how to word this. Would you be
16 surprised to know that it's the incident date that rules?

17 A: Yes, sir. I believe it is the conviction date.

18 Q: You said that he was supposed to register in October and
19 he didn't?

20 A: That's correct.

21 Q: That he was supposed to?

22 A: He was supposed to re-register in October of 2010.

23 Q: Was he supposed to register in November?

24 A: The date that he had been advised to register was in
25 October of 2010. That would be the next required date of

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LORAIN AVANT - CROSS EXAMINATION BY MR. CHRISCO

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1 registration.

2 Q: Was he supposed to register in November?

3 A: He is supposed to keep current and accurate residential
4 information and other information with the sheriff's office
5 and October being the date he was advised to come back.

6 Q: Was he supposed to register in November?

7 A: I would say, yes, sir, he is supposed to register but the
8 date he was advised to come back was October -- as of
9 November, he still had not lawfully registered.

10 Q: Was he supposed to register in November?

11 A: Yes, sir. In the context that he had yet to lawfully
12 register -- to register with the sheriff's office, if that's
13 what you're asking me -- he still as of November had not and
14 needed to register, yes, sir.

15 Q: Was he charged for not being there in January?

16 A: He was not because we already had an existing -- excuse
17 me -- he had not registered in October and he was not charged
18 for not being in there the following January. We charged him
19 with not being there for October of 2010.

20 Q: Was he charged for not being there in March?

21 A: No, sir. The only charge we -- the only warrant that we
22 had for Mr. Dorsch was for October of 2010.

23 Q: And he started reporting on what date?

24 A: The original reporting date?

25 Q: Yes, ma'am.

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LORAIN AVANT - CROSS EXAMINATION BY MR. CHRISCO

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1 A: First registration ever with the Horry County Sheriff's
2 Office is that your question?

3 Q: Right.

4 A: The first date of registration with the Horry County
5 Sheriff's Office would have been February the 18th of 2004.

6 Q: What happened to all those years between 1995 and 2004?

7 A: He did not lawfully register with the Horry County
8 Sheriff's Office.

9 Q: How many times did he register in 2004?

10 A: There would have been one registration for the year of
11 2004.

12 Q: So it was an annual registration?

13 A: That's correct; at that time, registration was annual.

14 Q: When did it change? It went to biannual at some point?

15 A: It did and I do not know the date that registration
16 changed from annual to biannual; I'm sorry.

17 Q: 2007, does that sound familiar?

18 A: I am not sure of the date of the law change but I can say
19 that he registered in January of 2007 with a date to return in
20 July of 2007. So, based on those facts, I would guess that
21 that may be that year but I do not know the exact date of the
22 change in the law.

23 Q: So it could've been 2006 because it's -- normally, it was
24 the month in which you were born; is that correct -- is the
25 starting point?

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LORAIN AVANT - CROSS EXAMINATION BY MR. CHRISCO

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1 A: It is the starting point, the month of your birth. On
2 his March 2006 registration, he was advised to return March of
3 2007. So, at the time of his 2006 registration, he would've
4 been in annual registration. The following year would have
5 been different, yes, sir.

6 Q: When did it change to -- it went from once to twice and
7 then it went to four times. When did it go to four?

8 A: The law that changed requiring certain offenders to
9 register as Tier III offenders was, I believe, June of 2010.

10 Q: And this Tier III language, it came from what? It came
11 from ---

12 A: The statute.

13 Q: It was -- would you agree that it was the state adopting
14 the federal statute that was named after -- Adam Walsh Child
15 Protection and Safety Act?

16 A: Are you asking me if I agree that's why the legislature
17 adopted that? I'm not sure exactly what your question is for
18 me.

19 Q: My question is, Is that where the Tier III language comes
20 from?

21 A: The language does include Tier III. I -- the legislation
22 chose to incorporate that particular language. The federal
23 law does include that language; I'm not sure that I can say
24 that's why they specifically chose it but the federal law
25 includes the language Tier III, South Carolina law now

1 includes language Tier III.

2 Q: The fact that Walsh act includes the descriptions for
3 Tier I, Tier II and Tier III?

4 A: Sir, I believe it does, yes, sir.

5 Q: Criminal sexual conduct in the third degree falls under
6 the Tier III, does it not?

7 A: Yes, it does.

8 Q: Is there any way to -- any way for a person to protest or
9 to ask for a hearing to redetermine what tier that he falls
10 under?

11 A: Mr. Chrisco, I'm not sure that I can answer that
12 question. It's a statutorily defined process. If you're
13 asking me can anyone ask for a hearing, I don't know that I
14 would be able to answer that question.

15 Q: Is that a process that's laid out in the legislation that
16 allows a person to do that?

17 MS. VON HERRMANN: I'm gonna object. I think he's ---

18 THE COURT: No, I sustain that. She's not a lawyer and
19 not -- that's inappropriate.

20 MR. CHRISCO: Your Honor, I would argue that she is in
21 charge of the ---

22 THE COURT: I understand that but you you're asking her
23 to interpret the law for you and she's not qualified to do
24 that. I sustain the objection.

25 MR. CHRISCO: Thank you, Your Honor.

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LORAIN AVANT - CROSS EXAMINATION BY MR. CHRISCO

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1 BY MR. CHRISCO:

2 Q: Since 2005, has he missed any of the required show up?

3 A: If you can bear with me just a minute. I have to go
4 through the file.

5 Q: Take your time.

6 A: I do not see where he missed any required registration
7 prior to then.

8 Q: And also in the law changes in June of 2010, there were
9 other changes that affected if he moved or whatever from a
10 ten-day to a three-day; is that not right?

11 A: That's correct.

12 Q: And there was a lot of instances where the ten days
13 became three days?

14 A: Yes, sir. All of the instances where an offender would
15 have had ten days to report changes -- changed to three days.

16 Q: Such as moving?

17 A: That's correct.

18 Q: And I think they could actually ---

19 MS. VON HERRMANN: I'm gonna object because I think we're
20 getting ready to get into something that's not relevant to the
21 violation in this particular case.

22 THE COURT: Well, when we get there, I'll rule on it but
23 I don't see whether it's -- the relevancy of three days and
24 ten days to move at this time.

25 MR. CHRISCO: Bear with me one more question.

1 BY MR. CHRISCO:

2 Q: Can a person notify you by mail that they are moving or
3 do they have to come in in person?

4 A: At the time of this violation, they could notify us in
5 writing by mail. That has since changed.

6 Q: No further questions.

7 REDIRECT EXAMINATION OF LORI AVANT BY MS. VON HERRMANN:

8 Q: They can notify you by mail that they're changing
9 address, correct, or they could?

10 A: That's correct. Just to change an address but any
11 required registration must be in person.

12 Q: Every time they register, you've always had to physically
13 come in and register; is that correct?

14 A: That's correct. But the law ---

15 Q: There's no mailing in a registration?

16 A: That's correct; the law has always required in person
17 registration.

18 Q: No phoning it in?

19 A: That's correct.

20 Q: Because you've got to take a photograph every time that
21 they come in, correct?

22 A: Yes, ma'am. That's correct.

23 Q: And so, Mr. Chrisco asked you a minute ago about the
24 number of times that this particular defendant had reported
25 and he had reported a number of times before this particular

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LORAIN AVANT - REDIRECT EXAMINATION BY MS. VON HERRMANN

1 date, correct?

2 A: That's correct. He had reported a number of times.

3 Q: So, he knew what was required of him, right?

4 MR. CHRISCO: Your Honor, I'm gonna object to what he
5 knew.

6 THE COURT: Well, sir, she can give her opinion of it
7 because she's the custodian of the records there and works in
8 the office. I'll permit it. Let the jury make the
9 determination of whether she knew it or not. Proceed.

10 A: He -- each registration requires that the person doing
11 the registering, the individual who is required to register
12 signify that they understand this by signing these documents
13 and each registration that he'd been in, he signed documents
14 indicating that he understood what was required of him.

15 BY MS. VON HERRMANN:

16 Q: And so in your dealings with him, do you felt he
17 understood that process?

18 A: I do believe he understood that process.

19 Q: Mr. Chrisco also asked you about a reporting period prior
20 to 2004. Is that correct?

21 A: That's correct.

22 Q: And I believe your response to that was that he did not
23 lawfully report prior to 2004; is that also correct?

24 A: That's correct. He did not lawfully report prior to
25 2004.

1 MS. VON HERRMANN: Your Honor, I've got a matter we need
2 to take up at the bench.

3 THE COURT: All right. I'll let you go to jury room just
4 a moment. I'll be calling you back. Proceed to the jury
5 room.

6 (REPORTER'S NOTE: The jury retires to the jury room.)

7 THE COURT: What's your issue, Ms. -- yes?

8 MS. VON HERRMANN: Your Honor, I think he's opened the
9 door with regard to the initial -- the first sex offender
10 registry violation. He asked her if he had lawfully reported
11 before and she said that he ---

12 THE COURT: So, what -- I mean, she said, yes, so what's
13 the question.

14 MS. VON HERRMANN: Well, the fact of the matter is is
15 that he did not lawfully report and he was convicted for not
16 lawfully reporting. And they now are thinking that he just
17 didn't have to report. So, I think it ---

18 THE COURT: Mr. Chrisco, my record here, notes reflect
19 you opened that door and asked that question.

20 MR. CHRISCO: Your Honor, what I asked was did he have to
21 register because of the sex registry, when did it come into
22 effect and then when did he first register and she said, he
23 didn't until 2004.

24 THE COURT: I'm gonna leave it alone at this time. The
25 question here is for the jury, did he register in October of

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1 2010, period; isn't that it?

2 MS. VON HERRMANN: Well, it is, Your Honor, but I don't
3 want them to go away with the perception that he was not
4 required to register ---

5 THE COURT: Well, I don't think his questions went that
6 far, quite frankly. At this time I'm not going to permit it.
7 If he keeps on with it, I'm gonna let it in but I don't think
8 he went far enough to do that. Again, I say that that prior
9 registration is highly prejudicial to him but if they persist
10 on he didn't know what was going on, I'm gonna let it in and I
11 tell Mr. Chrisco that.

12 Chrisco, you understand that?

13 MR. CHRISCO: Yes, Your Honor.

14 THE COURT: If he even -- even if he testifies himself
15 that he didn't know, they're entitled to come back and say he
16 did know by prior effort. So, I'll leave it to him but I tell
17 you I warn you ahead of time.

18 MR. CHRISCO: All right. Your Honor, he's very -- I
19 think ---

20 THE COURT: But it's just not -- the State's entitled to
21 a fair trial as he his and if he starts maintaining that he
22 didn't know anything about anything, it's coming in.

23 MR. CHRISCO: I understand, Your Honor.

24 THE COURT: Well, I just want to warn you and him. But
25 at this time, I'm not gonna let it in.

1 MR. CHRISCO: Thank you, Your Honor.

2 THE COURT: All right. Bring the jury in.

3 And thank you, Ms. Heather.

4 MS. VON HERRMANN: Certainly, thank you.

5 (REPORTER'S NOTE: The jury returns to the courtroom.)

6 THE COURT: All right. You may proceed.

7 MS. VON HERRMANN: Thank you.

8 BY MS. VON HERRMANN:

9 Q: 2007, prior to 2007, there was annual registration,
10 correct?

11 A: Yes, ma'am; that's correct.

12 Q: And then in 2007 we went to the biannual registration?

13 A: That's correct.

14 Q: Did this defendant have any problem transitioning between
15 that annual registration and the biannual registration?

16 A: No, ma'am, he did not.

17 Q: So, when that was explained to him, he seemed to
18 understand and was able to conform his behavior for that; is
19 that correct?

20 A: That's correct.

21 Q: Thank you. I don't have any further questions for this
22 witness.

23 THE COURT: Any further cross examination?

24 MR. CHRISCO: No, Your Honor.

25 THE COURT: You may come down but please remain in the

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1 courtroom.

2 MS. AVANT: Yes, sir.

3 THE COURT: All right. Call your next witness.

4 MS. VON HERRMANN: Thank you. The State calls Paulette
5 Rathbun.

6 CLERK: Please raise your right hand, place your left
7 hand on the Bible.

8 PAULETTE RATHBUN, HAVING BEEN SWORN,

9 TESTIFIED AS FOLLOWS:

10 CLERK: If you'll state your full name and spell your
11 last name.

12 MS. RATHBUN: Paulette Rathbun, R-A-T-H-B-U-N.

13 DIRECT EXAMINATION OF PAULETTE RATHBUN BY MS. VON HERRMANN:

14 Q: Ms. Rathbun, how are you currently employed?

15 A: I'm employed with Horry County Sheriff's Office
16 registering the sex offenders in Horry County.

17 Q: How long have you been doing that?

18 A: I've been registering sex offenders since 2006.

19 Q: And did you have -- you had a number of occasions in
20 which you have registered this particular defendant?

21 A: Yes, I have.

22 Q: And did you meet with him on July 14th of 2010?

23 A: Yes, I did.

24 Q: And at that point, did you complete the registration
25 process with him?

1 A: Yes, I did.

2 Q: Let me show you what's been marked -- let me show you
3 what's been marked as State's Exhibit Number Two and ask you
4 if you can tell the jury, please, what that is.

5 A: This is the sex offender registration forms.

6 STATE'S EXHIBIT NUMBER TWO

7 MARKED FOR IDENTIFICATION

8 Q: How many pages are in that form?

9 A: There's five pages.

10 Q: And what's on the -- what is the predominant focus of
11 that first particular page?

12 A: The first page is the identification page, it has the
13 offenders photograph, description, date of birth, social
14 security number.

15 Q: So, that portion of the form, you fill out yourself?

16 A: I do.

17 Q: All right. And you took the photograph there of the
18 defendant on that particular day?

19 A: That's correct.

20 Q: And how about page two of the form, what's on page two?

21 A: Page two has the current home address, telephone numbers,
22 business, where they work, their work address and information
23 and next of kin information and vehicle information.

24 Q: And if you'll flip to page three, please, and tell the
25 jury what page three is.

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1 A: Page three has the original offense that required
2 registration to begin with.

3 Q: And what -- what again is that particular offense?

4 A: South Carolina criminal sexual conduct third degree.

5 Q: And are you -- you're familiar with the different types
6 of sexual offenses; is that correct?

7 A: That's correct.

8 Q: And what level offense is that?

9 A: It would be considered a Tier III.

10 Q: And did you explain what a Tier III offense was to Mr.
11 Dorsch?

12 A: Yes, I did.

13 Q: And how about the next page, what's on the next page?

14 A: The fourth page is the notice of Sex Offender Registry
15 conditions.

16 Q: And let's take a look at this particular page. Will you
17 -- the jury is gonna have this back there with them in the
18 jury room so they'll be able to read it but if you could just
19 give the jury, please, an overview of the information
20 contained in that particular page.

21 A: This particular one was right shortly after they changed
22 to the quarterly registration and the -- so the part of the
23 form on this that shows quarterly registration was not printed
24 on the forms yet, so I wrote it in. It's written in by my
25 hand and Mr. Dorsch signs it at the bottom that he understands

1 all of these conditions.

2 Q: So, you, yourself complained -- I mean, explained to him
3 the quarterly reporting process?

4 A: That's correct.

5 Q: And did he seem to have any problem understanding what
6 you were talking about on that particular day?

7 A: No, ma'am.

8 Q: Did he ask you any questions about it?

9 A: Not that I recall.

10 Q: Did he seem to have any concerns or be confused?

11 A: No, ma'am.

12 Q: And flip over to the last page there if you will. Tell
13 the jury, please, what that page contains.

14 A: This is the offender information form. The offender is
15 explained and reads each of the statements below and initials
16 that they understand it. There's ---

17 Q: All right. So, let's go through those items that he
18 initialed there. What's the first item you have listed there?

19 A: The information I've given this agency is true and
20 correct to the best of my knowledge.

21 Q: And did Mr. Dorsch initial that particular clause?

22 A: Yes, he did.

23 Q: How about the next clause?

24 A: I understand that I'm required to register with the
25 sheriff of the county in which I reside and own real property

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1 or is employed or attends any public or private schools.

2 Q: And did he initial that section?

3 A: Yes, he did.

4 Q: And what about the next section?

5 A: I understand that the registration process is not
6 complete until a photo or photo and prints have been taken by
7 this agency within twenty-four hours of registration.

8 Q: Okay. So, he understands that he's got to have a photo
9 taken every time he comes in to register?

10 A: That's correct.

11 Q: And he initialed that?

12 A: That's correct.

13 Q: And what's the next section there?

14 A: I understand that I must submit written notice of any
15 change of address to the sheriff's office where I reside or
16 use -- reside or own real property or is employed or attends
17 any public or private schools within three days of
18 establishing a new residence.

19 Q: And he initialed that as well; is that correct?

20 A: That's correct.

21 Q: How about the next one?

22 A: I understand that if I move to another state or county, I
23 must register in that state or county and notify the sheriff's
24 office of my new residence.

25 Q: All right. Do we have one more down there or are we at

1 the bottom?

2 A: There's three more actually.

3 Q: Okay.

4 A: I understand that if I am employed or attend school in
5 another state, I must notify the sheriff's office of any --
6 within three days.

7 Q: And he initialed that?

8 A: Yes. Any person required to register under this article
9 is prohibited from living on in-campus housing at a public
10 institution of higher learning.

11 Q: All right. And he acknowledged that one?

12 A: Last one, yes.

13 Q: Let's talk about that last one. Let's make sure the jury
14 hears about that last clause in there. Tell me what that one
15 says.

16 A: My next bi-annual -- and like I say, the forms at the
17 time had not been updated -- my next bi-annual registration
18 date is October 2010.

19 Q: So, this is in July, right?

20 A: This is in July.

21 Q: And you've explained this information to him?

22 A: Yes.

23 Q: And you've given -- and he's seen this on the form,
24 you've written there October of 2010.

25 A: That's right.

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1 Q: You've informed him that that's his next report date?

2 A: Yes.

3 Q: And he's initialed beside it?

4 A: That's correct.

5 Q: And did he sign the bottom of that form as well?

6 A: Yes, he did.

7 Q: And did you witness his signature?

8 A: I did.

9 Q: At the time, again, that he signed that form, did he
10 appear to have read it? Did there seem to be any confusion?

11 A: No confusion at all.

12 Q: Did you offer him a copy of that?

13 A: Yes.

14 Q: And I don't -- do you remember whether he took a copy or
15 not?

16 A: I do not remember if he took a copy.

17 Q: But as a rule ---

18 A: As a rule, I offer copies.

19 Q: --- when they come in and register, they're offered a
20 copy of that as sort of a receipt to prove that they were
21 there?

22 A: That's correct.

23 Q: Have you ever excused anybody from reporting?

24 A: No, ma'am.

25 Q: Let me show you what's been marked as State's Exhibit

1 Three and ask you to take a look at that and see if you can
2 identify it.

3 MS. VON HERRMANN: I'm gonna move State's Two into
4 evidence as well.

5 THE COURT: Have you had a chance to observe this
6 document?

7 MR. CHRISCO: Yes, Your Honor.

8 THE COURT: All right, sir.

9 MR. CHRISCO: No objection.

10 THE COURT: Without objection.

11 STATE'S EXHIBIT NUMBER TWO

12 ADMITTED INTO EVIDENCE

13 A: This is an appointment letter that we mailed from the
14 registry office to remind the offenders of their appointment
15 date and to assign a specific date and time for them to come
16 in to register.

17 MS. VON HERRMANN: I'd move that one in evidence as well,
18 State's Three is the letter.

19 THE COURT: Have you shown it to Defense?

20 MS. VON HERRMANN: I have.

21 MR. CHRISCO: No objection.

22 THE COURT: It is entered into evidence.

23 STATE'S EXHIBIT NUMBER THREE

24 ADMITTED INTO EVIDENCE

25 THE COURT: Again, Mr. Foreman, these documents that are

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1 permitted into evidence will be with you in the jury room
2 during your deliberations. And you, Ms. Heather, may if you
3 chose publish them at any time during the trial.

4 MS. VON HERRMANN: Thank you.

5 BY MS. VON HERRMANN

6 Q: If you will, please, tell the jury who that letter is
7 addressed to.

8 A: This letter is addressed to Mr. Walter Dorsch.

9 Q: And is the address on that letter the same address that
10 he provided to you when he came in and registered?

11 A: The address on this letter and the address on this
12 particular registration are not the same.

13 Q: Okay. And what's the difference between those two?

14 A: This letter was mailed sometime before October, sometime
15 during September, probably about the third week in September.
16 It's a possibility that he had moved from the address in July
17 by the time this letter was mailed in September.

18 Q: Okay. So, you think that there's a possibility that
19 between this registration in July that he had contacted you
20 and maybe let you know that he was gonna move?

21 A: Yes.

22 Q: All right. But that wouldn't affect his reporting date,
23 correct?

24 A: That's correct, huh-uh (negative response).

25 Q: And that would be something that would be explained to

1 him?

2 A: Yes.

3 Q: That even though you move, your report date stays the
4 same?

5 A: That's correct.

6 Q: Because moving and registering are two different things?

7 A: Entirely, yes.

8 Q: Thank you. And so tell the jury please what that letter
9 says.

10 A: It gives his name, address, his agency file number, and a
11 date and time to report which is Wednesday, October the 5th,
12 2011 at 3 p.m.

13 Q: So, not only did he sign the form acknowledging that his
14 next date was October of 2010 but he was also sent a reminder
15 letter by you?

16 A: That's correct.

17 Q: Thank you. I don't have any further questions. Please
18 answer any questions Mr. Chrisco has for you.

19 THE COURT: Mr. Chrisco.

20 CROSS EXAMINATION OF PAULETTE RATHBUN BY MR. CHRISCO:

21 Q: Ms. Rathbun, did you always send a letter -- do you
22 always send a letter to the person that needs to register?

23 A: Yes, as a courtesy.

24 Q: Do you remember when he reported in July of 2010?

25 A: Do I remember him coming in?

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1 Q: Yes.

2 A: I -- not personally but I do have my signature and
3 initials on this form so, yes, I was there. I was the one
4 that he reported to.

5 Q: Do you remember during that conversation or during your
6 meeting with him on July 14th, 2010 saying to Mr. Dorsch that
7 he may not -- that Tier III may not apply to him?

8 A: No, sir.

9 Q: Do you remember during that July 14th meeting when you
10 took his picture that you would let him know if it did?

11 A: No, sir. I don't remember telling him that -- anything
12 other than what the law told me I had to tell him which was he
13 had to come in quarterly due to the conviction -- original
14 conviction.

15 Q: And when these things are presented to a person that
16 needs to register, do you go over each line or do you just
17 have them read it and initial it?

18 A: Initially, I go over each line individually. When
19 there's any change in it, I go over that individually on a
20 regular basis.

21 Q: And with the massive amount of changes that came about
22 just the month before he reported in July, did you go over
23 each one of those?

24 A: Yes.

25 Q: How long from the time a person comes in to appear to say

1 I'm here to re-register, does it take from the time they come
2 in till the time they leave?

3 A: Normal re-registration, fifteen to twenty minutes.

4 Q: Thank you, ma'am.

5 MS. VON HERRMANN: Just one, Your Honor.

6 REDIRECT EXAMINATION OF PAULETTE RATHBUN BY MS. VON HERRMANN:

7 Q: You don't have any discretion about how often people
8 register, do you?

9 A: No, ma'am.

10 Q: So, you wouldn't advise them as to ---

11 MR. CHRISCO: Your Honor, beyond the scope of ---

12 THE COURT: Sir?

13 MR. CHRISCO: I said this is out of the scope of ---

14 THE COURT: No, sir, it's not. You went into that and
15 asked her if she advised him of something; they're entitled to
16 respond unless I didn't hear it and I know I heard you say
17 that and she told you no. Isn't that true? Proceed.

18 BY MS. VON HERRMANN:

19 Q: Have you ever advised a sex offender of anything
20 different than what the law requires with regard to when they
21 report?

22 A: No, ma'am.

23 Q: Thank you. I don't have any further questions.

24 THE COURT: You may -- any further questions, Mr.
25 Chrisco?

1 MR. CHRISCO: No, Your Honor.

2 THE COURT: All right. You may come down. You may
3 remain in the courtroom.

4 (REPORTER'S NOTE: Witness leaves the witness stand but
5 remains in courtroom.)

6 THE COURT: Any further witnesses?

7 MS. VON HERRMANN: No, sir, Your Honor.

8 THE COURT: All right. I'm gonna let you go to the jury
9 room just a few minutes and I'll be calling you back very
10 shortly. Thank you.

11 (REPORTER'S NOTE: The jury retires to the jury room.)

12 THE COURT: The State has indicated they have no further
13 witnesses and I assumed by that, Ms. Heather, that you meant
14 that the State rests?

15 MS. VON HERRMANN: That's correct.

16 THE COURT: Okay. All right. At the stage where the
17 State has completed its presentation, any motions?

18 MR. CHRISCO: Your Honor, I don't -- I think with the
19 facts that I've heard there's enough in evidence, Your Honor.
20 I'm not gonna make the motion just to be making the motion
21 because I believe that there's enough facts in evidence.

22 THE COURT: Well, in fairness to you, obviously there is.
23 There's testimony here that he was required to register.
24 There's testimony here that he was under Title III; there's
25 testimony in here that he did not register in October and it's

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1 for the jury to determine as finders of the facts but clearly
2 there's sufficient evidence here to go forward with the case.

3 Now ---

4 MR. CHRISCO: Your Honor, I would ask that the Court
5 instruct Mr. Dorsch about his constitutional rights to testify
6 or not testify so he can make an intelligent decision.

7 THE COURT: I will do so. Mr. Dorsch, please stand. Mr.
8 Dorsch, at this time, our rules permit you to testify in your
9 own behalf subject to cross examination by the State of South
10 Carolina. Our rules further provide that you at this time can
11 present any additional witnesses. Now, my concern is that you
12 fully understand your rights to testify or not to testify.
13 Let me first emphasis this, that you have without equivocation
14 the absolute right to testify, period; you understand that?

15 MR. DORSCH: Yes, sir.

16 THE COURT: Sir?

17 MR. DORSCH: Yes, sir.

18 THE COURT: Don't just shake your head, we can't put that
19 in the record; I got to hear it and know it.

20 MR. DORSCH: I'm sorry.

21 THE COURT: Now, with equal importance, you have the
22 absolute right not to testify. Do you understand that?

23 MR. DORSCH: Yes, Your Honor.

24 THE COURT: Okay. In the event and I say that -- in the
25 event -- because it's your right but in the event you elected

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1 not to testify and I make no suggestion as to where you would
2 or would not but I say to you in the event only that you
3 elected not to testify, I would charge the jury that you don't
4 have to prove a thing that the burden of proof is upon the
5 State of South Carolina. I would charge the jury that the
6 fact that you did not testify, if in fact you did not, would
7 not raise any adverse inferences against you whatsoever. I
8 would tell the jury that the fact that you did not testify
9 could not even be entered into their deliberations in the jury
10 room because it's your constitutional right as it is theirs
11 and mine; do you understand that?

12 MR. DORSCH: Yes, Your Honor.

13 THE COURT: Now, given a crucial decision as to testify
14 or not to testify, you would obviously discuss it with your
15 attorney but I want to emphasize to you that the ultimate
16 decision rests with you and not your lawyer. On many
17 occasions over the twenty-seven years I've been on the bench,
18 post-conviction relief, folks who did testify or not testify
19 to their detriment come in and say, well, my lawyer made me do
20 it. A lawyer can't make you do it; it's your decision. You
21 can consult with him, consider his opinion if you choose to
22 but the final decision to testify or not testify rests solely
23 with you. Do you understand that?

24 MR. DORSCH: Yes, Your Honor.

25 THE COURT: All right. Do you have any questions about

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1 what I say? You would not offend me, sir, if you have any
2 questions.

3 MR. DORSCH: No, I do not have any questions.

4 THE COURT: All right. Is it your decision to testify or
5 not testify?

6 MR. DORSCH: Can I have a minute with my lawyer?

7 THE COURT: Sure.

8 (REPORTER'S NOTE: Defendant has discussion off the record
9 with Defense counsel.)

10 *****OFF THE RECORD*****

11 (On the Record.)

12 THE COURT: What's your position, counsel?

13 MR. DORSCH: Your Honor, I'd like to testify.

14 THE COURT: You would like to testify?

15 MR. DORSCH: Yes, Your Honor.

16 THE COURT: I would certainly honor that request. Now,
17 you understand that that is your decision?

18 MR. DORSCH: Yes, Your Honor.

19 THE COURT: And not your attorney's decision?

20 MR. DORSCH: Yes, sir.

21 THE COURT: That's fine and we will certainly do that.

22 MR. DORSCH: Thank you.

23 THE COURT: All right, sir. Bring the jury in.

24 Now, first, let me say this to you, I've cautioned him
25 now about his testimony. I don't want him to have any

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WALTER DORSCH - DIRECT EXAMINATION BY MR. CHRISCO

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1 testimony that will permit the State to bring in that which I
2 have thus far disallowed. Do you understand, Mr. Chrisco?

3 MR. CHRISCO: Yes, Your Honor.

4 THE COURT: All right. I want to protect his rights but
5 at the same time, the State of South Carolina has rights under
6 cross examination.

7 Bring the jury in.

8 (REPORTER'S NOTE: The jury returns to the courtroom.)

9 THE COURT: Jury is present. Ms. Heather, for the
10 prosecution?

11 MS. VON HERRMANN: Thank you, Your Honor. The State
12 rests.

13 THE COURT: All right. We will now then proceed to the
14 defendant's case. You may proceed.

15 MR. CHRISCO: Your Honor, the Defense calls Walter
16 Dorsch.

17 THE COURT: All right, sir.

18 CLERK: Sir, please raise your right hand, place your
19 left hand on the Bible.

20 WALTER DORSCH, HAVING BEEN SWORN,
21 TESTIFIED AS FOLLOWS:

22 CLERK: Okay. If you'll state your full name and spell
23 your last name.

24 MR. DORSCH: My name is Walter Dorsch, D-O-R-S-C-H.

25 DIRECT EXAMINATION OF WALTER DORSCH BY MR. CHRISCO:

- 1 Q: Mr. Dorsch, let's clear up something from the last
2 witness. The conversation about whether you would or would
3 not have to report every three months, when did that take
4 place?
- 5 A: It took place the time before, I believe in July, it was
6 the time before that.
- 7 Q: That would be January?
- 8 A: January, yes.
- 9 Q: So, it wasn't July?
- 10 A: No.
- 11 Q: It was January?
- 12 A: Yes.
- 13 Q: The State has put into evidence State's Exhibit Number
14 Three.
- 15 A: I never received this.
- 16 Q: Is that the correct address?
- 17 A: This is the correct address.
- 18 Q: Is it a correct apartment number?
- 19 A: Yes. I'm sorry, I don't have my glasses so I can't
20 really ---
- 21 Q: It says ■ -- Apartment ■.
- 22 A: Yes, that is my -- and I've always shown up when I've
23 received those.
- 24 Q: Since 2005, have you ever missed a time?
- 25 A: No, sir.

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WALTER DORSCH - CROSS EXAMINATION BY MS. VON HERRMANN

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1 Q: No further questions.

2 CROSS EXAMINATION OF WALTER DORSCH BY MS. VON HERRMANN:

3 Q: Mr. Dorsch, did you report in October of 2010?

4 A: No, I did not.

5 Q: Did you report in November of 2010?

6 A: No, I did not.

7 Q: December?

8 A: No, I did not.

9 Q: January of 2011?

10 A: No, I did not.

11 Q: February of 2011?

12 A: I believe it was -- no -- I'm not sure on that date.

13 Q: Mr. Dorsch, you didn't report until after you were
14 arrested for failure to report; is that correct?

15 A: Correct.

16 Q: I don't have any further questions.

17 THE COURT: You may come down.

18 (REPORTER'S NOTE: Witness leaves the witness stand but
19 remains in courtroom.)

20 THE COURT: Do we have any further witnesses?

21 MR. CHRISCO: Defense rests, Your Honor.

22 THE COURT: Was there anything in reply?

23 MS. VON HERRMANN: No, sir, Your Honor.

24 THE COURT: I'm gonna let the jury go out just a moment;
25 I'll be calling you straight back.

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CHARGE OF THE COURT

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1 (REPORTER'S NOTE: The jury retires to the jury room.)

2 THE COURT: All of the testimony has now been concluded.

3 I'll be glad to hear any motions for the Defense.

4 MR. CHRISCO: Your Honor, as I said at the end of the
5 State's case ---

6 THE COURT: The end of all cases, you rested too.

7 MR. CHRISCO: Yes, Your Honor. I will say the same
8 think, I think there's enough evidence for the jury to decide.

9 THE COURT: There certainly is for the jury ---

10 MR. CHRISCO: It's overwhelming, Your Honor.

11 THE COURT: Well, it's the jury's determination but none
12 of the evidence necessary to convict has been contradicted by
13 the defendant but we'll let the jury decide as finders of the
14 facts.

15 Bring the jury in.

16 (REPORTER'S NOTE: The jury returns to the courtroom.)

17 CHARGE OF THE COURT:

18 THE COURT: Mr. Foreman, ladies and gentlemen, you've now
19 heard all of the testimony in the case and I'm going now to
20 charge you the law of the case after which we'll have short
21 summations from counsel. Ordinarily in our court procedure,
22 the judge charges after summation but jurors have said to me
23 in the last number of years, Judge, I wish you would've told
24 me what the law was first, I believe I could've followed the
25 lawyers' positions and that just simply makes sense, so with

State v. Walter Dorsch (February 8, 2012)
CHARGE OF THE COURT

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1 consent of the attorneys, I'm going to give you the law at
2 this time.

3 The first thing I want to emphasize to you is that this
4 defendant comes into court under an indictment alleging that
5 he has failed to register as a sex offender as required by
6 law. And to this indictment, this defendant pled and pleads
7 not guilty which places the burden of proof upon the State of
8 South Carolina to prove him guilty if they can to your
9 satisfaction beyond a reasonable doubt. Now, this indictment
10 will be with you in the jury room but I tell you that the
11 allegations are no evidence. Evidence comes from this witness
12 stand under oath.

13 Now, I have indicated to you that this defendant is
14 always presumed innocent and that presumption of innocence
15 remains with this defendant and all defendants throughout the
16 trial of a case until the jury has been convinced beyond a
17 reasonable doubt of his guilt. It has been said that the
18 presumption of innocence is something like a robe of
19 righteousness and that robe remains with this defendant and
20 all defendants until the jury has stripped him of that by
21 evidence to their satisfaction beyond a reasonable doubt. I
22 charge you that the presumption of innocence is not merely a
23 legal theory, it's just not a legal phrase, it is -- it is a
24 constitutional right that he is presumed innocent until proven
25 guilty beyond a reasonable doubt.

State v. Walter Dorsch (February 8, 2012)
CHARGE OF THE COURT

70

1 Now, let me define for you reasonable doubt. The State
2 has the burden of proving the defendant guilty beyond a
3 reasonable doubt. Some of you may have served as jurors in
4 civil cases where you were told that it is only necessary to
5 prove that a fact is more likely true than not true. Such as
6 the greater weight of the preponderance of the evidence.
7 However, in criminal cases, the State's proof must be more
8 than that. It must be beyond a reasonable doubt.

9 Ladies and gentlemen, proof beyond a reasonable doubt is
10 proof that leaves you firmly convinced of the defendant's
11 guilt. There are very few things in this wide world that we
12 know with absolute certainty and in criminal cases, the law
13 does not require proof that overcomes every possible doubt.
14 If based on your consideration of the evidence, you are firmly
15 convinced that this defendant is guilty of the crime charged,
16 you must find him guilty. If on the other hand you think
17 there is a real possibility that he is not guilty, then you
18 must find him not guilty.

19 Now, let me discuss with you briefly the duties of the
20 jury and the judge. I've emphasized to you that you are the
21 finders of the facts, you are the sole judges of the
22 credibility and the believability of all the witnesses who
23 testify.

24 I emphasize again to you that I am the judge of the law
25 and under your oath as jurors, you must accept the law as I

State v. Walter Dorsch (February 8, 2012)
CHARGE OF THE COURT

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1 charge it to you even though you or I for that matter might
2 disagree with what the law is or ought to be. But the law is
3 as I charge it to you. Remembering that you take the facts as
4 you find them to be and apply those facts to the law as I give
5 it to you and thereafter reach a verdict of either not guilty
6 or guilty.

7 Now, I touched on this a few moments ago at the beginning
8 of the trial but I want to emphasize to you that as finders of
9 the facts, you are the sole and only judges of the credibility
10 of every witness that testifies. You may believe all of what
11 a witness says or none, you may believe one witness against
12 that of many, you believe a part of a witness' testimony if
13 you chose to and disregard the larger. As I indicated to you,
14 you don't leave your common sense on the courthouse door when
15 you walk into this courtroom. And we all know that when folks
16 tell us things, raising our children or jobs or whatever,
17 sometimes we have certain tools, sometimes we asked ourselves
18 do they know what they're talking about, is their testimony
19 consistent with other testimony or is it inconsistent. We
20 generally ask ourselves, hey, does this person have some
21 reason or bias or prejudice that would want me to believe one
22 way or the other. In other words, do they have some interest.
23 These are things that you take into consideration using such
24 tools as you deem appropriate in judging credibility and
25 believability.

State v. Walter Dorsch (February 8, 2012)
CHARGE OF THE COURT

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1 Now, in this case, this defendant is charged with the
2 violation of the Sexual Offender Registry and in that
3 connection, I charge you the law with regard to this issue. A
4 person required to register pursuant to the Sexual Offender
5 Registry article of the South Carolina Code of Laws must
6 register with the sheriff of each county where he resides,
7 owns real property, is employed or attends public or private
8 schools. An offender shall not be considered registered until
9 the offender provides all required information to the sheriff.
10 I charge you, it is the duty of the -- it is the -- excuse me
11 -- it is the duty of the offender to contact the sheriff in
12 order to register.

13 I charge you further, a person classified as Tier III
14 offender by Title I of the federal Adam Walsh Child Protection
15 and Safety Act or the South Carolina law must register every
16 90 days, must register every 90 days.

17 I charge you that the criminal sexual conduct in the
18 third degree is classified as a Title III offense.

19 As I stated earlier, the State has the burden of proof in
20 this case. The State must prove beyond a reasonable doubt
21 that the defendant, one, was required to register as a sexual
22 offender at the specified time. And two, that the defendant
23 failed to register as required. If the State fails to meet
24 its burden of proof, you must find the defendant not guilty.
25 If however, the State proves beyond a reasonable doubt that

State v. Walter Dorsch (February 8, 2012)
CHARGE OF THE COURT

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1 this defendant was required to register and did not do so, you
2 must find him guilty. And as I have indicated before, you
3 take the facts as you find them to be and apply those facts to
4 the law as I have given it to you and thereafter reach a
5 verdict.

6 Now, as I told you earlier, Mr. Foreman, there are only
7 two verdicts in this case. One is not guilty; the other is
8 guilty. Whatever your verdict is, it must be the unanimous
9 verdict of all twelve. Must not be a verdict of the majority;
10 obviously, it would not be one of the minority.

11 Mr. Foreman, on the back of this indictment is the word
12 verdict. After your distinguished jury has reached a verdict
13 of either not guilty or guilty, please signify that by placing
14 it under the word verdict, sign your name. Let the bailiff
15 know and we'll call you out to view the verdict.

16 Thank you so much. You may now retire to the jury room.
17 The alternates will have to go in a separate room

18 Thank you. Do not begin your deliberations until I send
19 this indictment in along with other evidence in the case and
20 it'll be in there in about five minutes. Thank you.

21 Wait a minute. I've got to bring you back, I'm sorry.
22 But let me ask you this, we've got to have final summation,
23 does anybody need to step out or can you hear the summation at
24 this time? If everybody is all right, come on back and we'll
25 hear the ---

State v. Walter Dorsch (February 8, 2012)
CLOSING BY MR. CHRISCO

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1 All right. Will there be one or two arguments from the
2 State?

3 MS. VON HERRMANN: Just one.

4 THE COURT: One argument. Mr. Chrisco, you may go first.

5 MR. CHRISCO: Thank you, Your Honor. May it please the
6 Court.

7 CLOSING BY MR. CHRISCO:

8 You heard all the evidence for the last hour and a half.
9 Let me start by just saying even had he reported the same way,
10 it would've be a violation because beforehand, before any time
11 in the month, the first month and then six months later, any
12 time during the month, the letter that the sheriff's office
13 sent to that address had October 5th. If he'd come in there
14 on October 31st, he might have thought about the letter,
15 didn't receive the letter, just come on October 31st, he'd
16 still be in violation technically because the law says every
17 ninety days.

18 Some people when you get conditioned, when they send them
19 a bill every month, they pay the bill and they move on and
20 they wait until the next month when they get a bill. Some
21 people, if they don't get rebilled, they think they don't --
22 it's fortunate that they didn't get billed even though they
23 know they may owe money. And some people will not pay the
24 bill then when things happen and they have to make up for it.

25 Mr. Dorsch says that he did not receive the letter to

State v. Walter Dorsch (February 8, 2012)
CLOSING BY MR. CHRISCO

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1 come in and before every time when he got the letter, he came
2 in and he reported. Why he didn't get the letter, I have no
3 explanation. It was placed in the mail with a stamp on it.
4 Why it didn't get to his address, I don't know. Did someone
5 take it out of his -- don't know. He said that he didn't
6 receive it. He said that he had reported every time since
7 2005. You heard testimony that it was varying amount of
8 reporting times over the years, things just kept changing. I
9 do know one thing, as you get older, change don't come easy.

10 You decide the facts back there. My client asks you to
11 go back there, look over the facts and find out -- find that
12 it was a mistake.

13 The statute doesn't say that the State, County has to
14 send a letter that say he has a duty to report every ninety
15 days. Sometimes you just get conditioned to receive a notice
16 and he says that he didn't receive it period. I know that you
17 might be thinking well, why didn't he report the next month or
18 the next month or the next month or the next month. Why did
19 he finally have to be arrested? He's not being charged for
20 that. The only thing he's being charged for is that he missed
21 reporting in October 2010.

22 We ask you to come back and find a verdict of not guilty.
23 Thank you.

24 MS. VON HERRMANN: Thank you, Judge.

25 CLOSING BY MS. VON HERRMANN:

1 Ladies and gentlemen of the jury, you're gonna have these
2 documents that we've been referring to back there in your jury
3 room and I think this will provide you with the information
4 that you need to find the defendant guilty. You're gonna have
5 back there a copy of the sentencing sheet. This shows that he
6 was convicted back in 1995 of criminal sexual conduct, third
7 degree. You'll remember the testimony that that is what
8 triggers his being required to register on the sex offender
9 registry. As the Judge instructed you a moment ago, that is a
10 Tier III offense and a Tier III offense requires that that
11 person register every ninety days.

12 When you look through this packet here, the form --
13 really, these last two pages are the important pages. Clearly
14 up here at the top, this what -- it's written in here that
15 he's got to report quarterly. He signed the bottom of that
16 acknowledging that he's to report quarterly. And then on the
17 last page, he acknowledges that his registration date is for
18 October of 2010, signs the bottom there. You heard his
19 testimony he doesn't dispute apparently now that he failed to
20 report on that date. I think you've got plenty of
21 information. The reason that I -- continued to ask about the
22 following months was not to be obnoxious but really just so
23 that we know that it's not just that you forgot in October.
24 Let's assume for arguments sake that he's still back on
25 biannual time. His report date then would've been January and

State v. Walter Dorsch (February 8, 2012)
CLOSING BY MS. VON HERRMANN

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1 he didn't report in January or February or March either. So,
2 the reason that I asked those questions was not to be
3 repetitive but rather to show you all that this wasn't -- this
4 wasn't a matter of confusion between three months and six
5 months on his part.

6 Thank you all for your consideration. I appreciate it.

7 THE COURT: Mr. Foreman, you've now heard all of the
8 testimony, I've charged you the law, you've heard summation of
9 counsel. I'm gonna let you go the jury room and let you begin
10 your deliberations as soon as this document, the indictment
11 comes in along with all the other evidence. When you've
12 reached a verdict, let us know.

13 You may retire to the jury room.

14 Let's agree now -- come forward and agree as to what's
15 going into evidence. Have the jury go to the jury room, Mr.
16 Bailiff.

17 (REPORTER'S NOTE: The jury retires to the jury room.)

18 THE COURT: For the record, any exceptions or additions
19 to the charge?

20 MS. VON HERRMANN: No, sir.

21 THE COURT: For the Defense?

22 MR. CHRISCO: None, Your Honor.

23 THE COURT: All right. The record will reflect.

24 Tell the jury to begin deliberations.

25 I want the record to reflect that you personally have

State v. Walter Dorsch (February 8, 2012)
VERDICT OF THE JURY

1 taken both alternates out of there?

2 DEPUTY: Yes, sir. Both alternates are out.

3 THE COURT: All right. Thank you.

4 (REPORTER'S NOTE: Deliberations begin at 3:56 P.M.)

5 *****OFF THE RECORD*****

6 (On the Record.)

7 THE COURT: I want it clear that I will accept no
8 comment, outcry of any kind or anybody. If they do, they're
9 gonna be in contempt of court and go to jail for an additional
10 six months.

11 (REPORTER'S NOTE: 4:32 P.M. The jury returns to the
12 courtroom.)

13 THE COURT: Mr. Foreman, I've been advised that your jury
14 has reached a unanimous verdict; is that correct?

15 FOREMAN: Yes, sir.

16 THE COURT: If this be the unanimous verdict of all
17 twelve, please signify by raising your right hand.

18 (REPORTER'S NOTE: Jury unanimously raises right hands.)

19 THE COURT: The jury has so signified.

20 Ms. Heather, please accept the verdict and hand it to me.

21 Publish the verdict.

22 VERDICT OF THE JURY:

23 CLERK: Indictment Number 20011-GS-26-3034, State of
24 South Carolina, County of Horry, versus Walter Dorsch on the
25 charge of Sex Offender Registry violation, we the jury

State v. Walter Dorsch (February 8, 2012)
VERDICT OF THE JURY

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1 unanimously find the defendant guilty. Dated February 8th,
2 2012, signed by foreperson David Pitsinger.

3 Ladies and gentlemen of the jury, if this is your
4 verdict, so signify by raising your hand right.

5 (REPORTER'S NOTE: Jury unanimously raise right hands.)

6 CLERK: Thank you.

7 THE COURT: Mr. Foreman, ladies and gentlemen, over the
8 course of my years on the bench, twenty-seven, I've tried
9 thousands of cases and I tell you that this is the first case
10 that I ever saw tried that absolutely had no defense to it,
11 none. I really thought your verdict -- went outside and
12 turned around and come back, that's what I was looking for but
13 your verdict was obviously the correct one and let me tell you
14 why. Parents, grandparents, all of us are entitled to know if
15 a sexual offender lives in our neighborhood. We're entitled
16 to know if they're hanging around playgrounds. We as parents
17 and grandparents and custodians of children are entitled to
18 know if they're working in our schools or any time that they
19 have contact with children. And thus our strenuous rules that
20 require particularly a Tier III to register every ninety days
21 so your distinguished sheriff can keep up with them, know
22 where he is, has his picture. They're required to register
23 every ninety days and are told so they don't have to wait on a
24 message from anybody; they know that. And so it's a serious
25 charge when a sexual offender fails to register and it would

State v. Walter Dorsch (February 8, 2012)
VERDICT OF THE JURY

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1 be serious to you as parents and grandparents when we let them
2 go around in our neighborhood with our children and we don't
3 know about it. So, I tell you that your verdict here is
4 important today and it's important to your community.

5 Now, I did not let it into trial because I thought it
6 would be prejudicial to this defendant. If convicted, I want
7 him convicted on the evidence in this case. Chances are,
8 it'll be something in the paper tomorrow and you'll read he
9 was previously convicted of the same thing. And you're gonna
10 say, well, why didn't Judge Cottingham tell us that. Well, I
11 knew it but I felt like it'd be prejudicial so I wanted him,
12 if convicted at all, to be convicted on the evidence for this
13 case. He has a prior conviction doing the same thing. You
14 need to know that there's another one out there against him,
15 third offense. And he's gonna be tried next week or soon
16 thereafter as practical. The rule is, we gonna send a message
17 to these people that they're gonna register so we'll know
18 where they are or I'm gonna put them in jail and I'll know
19 where they are. There's no exceptions, no mitigation, either
20 register or go to jail.

21 So, I want to thank you for your services in this case.
22 I'm permitted now to say that all the cases this week have
23 been resolved. You are now excused for the day and for the
24 week and I thank you.

25 (REPORTER'S NOTE: The jury is excused.)

State v. Walter Dorsch (February 8, 2012)
SENTENCE OF THE COURT

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1 THE COURT: Thank you again, gentlemen.

2 All right, Ms. Heather, anything further from the State
3 prior to sentencing?

4 MS. VON HERRMANN: No, sir, Your Honor.

5 THE COURT: Now, Ms. Heather, I'm aware of the fact that
6 there's another pending charge.

7 MS. VON HERRMANN: Yes, sir, Your Honor.

8 THE COURT: I want this individual tried as soon as
9 possible and if necessary next week. If for some reason you
10 can't get a waiver or need an indictment, have him indicted as
11 fast as you can and try him as fast as you can. I don't want
12 to wait six months or a year now.

13 MS. VON HERRMANN: Yes, sir.

14 THE COURT: But I want him tried the third time.

15 MS. VON HERRMANN: Yes, sir.

16 THE COURT: All right. Mr. Chrisco, have your defendant
17 stand.

18 SENTENCE OF THE COURT:

19 Mr. Defendant, the jury has reached a verdict of guilty
20 in your case. I have to say to you as I told them, there was
21 absolutely no defense in this case. It's not sufficient for
22 you to say that you didn't get some communication. The
23 question is always for future references, did you register or
24 not? It's not a question did you receive some communication
25 or not, did you register. And the evidence is overwhelming

State v. Walter Dorsch (February 8, 2012)
SENTENCE OF THE COURT

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1 that you understood the process of registration and for some
2 reason didn't want to do it. So, therefore in accordance with
3 the statute made and provided, I'm going to give you 366 days
4 which is the minimum and which is the maximum. If convicted
5 again, though, you are subject to going to jail for five
6 years.

7 Thank you so much.

8 THE COURT: Now, Ms. Heather, I want him tried. The
9 State of South Carolina and the folks or Horry County are
10 entitled to that.

11 MS. VON HERMANN: Yes, sir.

12 THE COURT: I don't want anything else. I want him
13 tried.

14 Mr. Chrisco.

15 MR. CHRISCO: Yes, sir.

16 THE COURT: I want to congratulate you as public defender
17 under very difficult circumstances.

18 MR. CHRISCO: That's what I do, Your Honor.

19 THE COURT: I understand but you do a good job.

20 All right. Thank you.

21 MS. VON HERRMANN: Thank you, Judge.

22 THE COURT: I'm gonna give him credit for time served,
23 whatever it is.

24

25

(Adjourned.)

State v. Walter Dorsch (February 8, 2012)
CERTIFICATE OF COURT REPORTER


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C E R T I F I C A T E

I, the undersigned, Kay H. Richardson, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the trial held in the case of The State versus Walter Dorsch, held in the Court of General Sessions for Horry County, Horry County Courthouse, Conway, South Carolina, on February 8, 2012.

I do hereby certify that I am neither of kin, counsel, nor interest to any party hereto.



Kay H. Richardson, CVR
Official Reporter

April 17, 2012.

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

FILED
HORRY COUNTY
2012 FEB 10 PM 1:14
MELANIE HUGGINS
CLERK OF COURT

At a Court of General Sessions, convened on AUGUST 25, 2011, the Grand Jurors of Horry County present upon their oath:

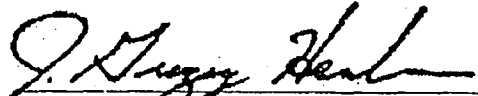
SEX OFFENDER REGISTRY VIOLATION

CDR: 2607 23-3-470(A)

That Walter Dorsch did in Horry County on or about March 9, 2011, being required to register as a sex offender pursuant to Section 23-3-460, S.C. Code of Laws, 1976, as amended fail to register with the sheriff's Department in the county where he resides, provide written notice of any change of address or notification of a change in attendance, enrollment, employment, or vocation status at any public or private school, in violation of Section 23-470 (A), S.C. Code of Laws, 1976, as amended.

CERTIFIED COPY
2012 FEB 10 PM 1:20
MELANIE HUGGINS
CLERK OF COURT

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


J. GREGORY PEMBREE
FIFTEENTH CIRCUIT SOLICITOR

WITNESSES

Lorraine Arant, Horry County Sheriff

HORRY COUNTY
2012 FEB 10 PM 1:14

CERTIFIED COPY

2012 FEB 10 PM 1:20

The State of South Carolina

County of Horry

MELANIE HUGGINS-WARD
CLERK OF COURT

Heather von Heintzen
1140293

CLERK OF COURT
HORRY COUNTY
COURT OF GENERAL SESSIONS

AUGUST, 2011 TERM

ARREST WARRANT NUMBER

M508270
CDR: 2607 23-03-0470(A)
DOA: 4/14/2011

THE STATE

vs.

Walter Dorsch
W/M

DOB:
SSN:

ATTORNEY: Chrisco, William Edward

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: AUG 25 2011

VERDICT

Guilty

Foreperson of Petit Jury
Date:

Indictment for

SEX OFFENDER REGISTRY VIOLATION

J. Gregory Hembree, Solicitor

ORIGINAL

STATE OF SOUTH CAROLINA

86 COUNTY OF Horry VS. Walter Dorsch

AKA: _____
Race: WHITE Sex: M Age: 52
DOB: _____ SS#: _____
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2011GS2600738
A/W#: M306716 M 508 2
Date of Offense: 7/13/2010
S.C. Code §: 23-03-0470(A)
CDR Code #: 2607

MELENIE HUGGINS-WARD
CLERK OF COURT
WARD
FILED
Horry County
FEB 10 PM 1:14

SENTENCE SHEET

CONVICTED OF or PLEADS

in violation of § 23-03-0470(A) of the S.C. Code of Laws, bearing CDR Code # 2607
 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's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Heather von Herrmann SCB06947 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 366 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 probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public De/Prob)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$
TOTAL	\$ 133.90 + 40.00 = 173.90

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 \$ 25.00 beginning 03/08/2013
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel. § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk
Court Reporter

Melanie Huggins-Ward
Kay Richardson

Presiding Judge _____
Judge Code: 2041
Sentencing Date: 2/8/2012

ARREST WARRANT

STATE OF SOUTH CAROLINA)

County/ Municipality of)

AFFIDAVIT

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

FILED
HORRY COUNTY
M-508270
STATE OF SOUTH CAROLINA
County/ Municipality of

2011 FEB 10 PM 1:18

CERTIFIED COPY
2011 FEB 10 PM 1:20

MELANIE HUGGINS WARD
CLERK OF COURT
HORRY COUNTY

FILED
HORRY COUNTY

2011 APR 18 PM 3:40

MELANIE HUGGINS WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA)
County/ Municipality of)
Horry)
Personally appeared before me the affiant Lorraine Avant who

being duly sworn deposes and says that defendant Walter Dorsch did within this county and state on or about 03/09/2011

State of South Carolina (or ordinance of County/ Municipality of Horry) in the following particulars:

DESCRIPTION OF OFFENSE Sex / Sex Offender Registry Violation, fail to register - 2nd offense

Address: _____

Phone: _____ SSN: _____
Sex: M Race: W Height: 6 6 Weight: 183

DL State: ct DL #: _____

DOB: _____ Agency ORI #: SC0260000

Prosecuting Agency: Horry County Sheriff

Prosecuting Officer: Lorraine Avant - 1490

Offense: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

Offense Code: 2607

Code/Ordinance Sec: 23-03-0470(B)(2)

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 WALTER DORSCH

on 04/14/2011

[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
PO-Box 677
1301 2nd Avenue
Conway, SC 29528

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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:

Therefore, there is probable cause that the defendant did commit the aforementioned charge. On or about 09-12-1995, Walter Dorsch was convicted of Criminal Sexual Conduct Third Degree in the state of South Carolina which requires that he register as a sex offender and maintain accurate and current residential information on file with the Horry County Sheriff's Office. Walter Dorsch acknowledged these obligations both orally and in writing multiple times including his last registration on 07-14-2010. Dorsch was due to register in October 2010. As of March 9, 2011, Walter Dorsch, while in Horry County, SC, has willfully and unlawfully failed to report for registration as required by SC Statute 23-3-470.

Signature of Affiant

[Signature]

STATE OF SOUTH CAROLINA)

County/ Municipality of)

Affiant's Address _____

Horry)

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 3/9/2011 defendant Walter Dorsch

did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Horry) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Sex Offender Registry Violation, fail to register - 2nd offense

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 03/10/2011)

Judge's Address J. Reuben Long Detention Center)

[Signature] (L.S.))
Signature of Issuing Judge

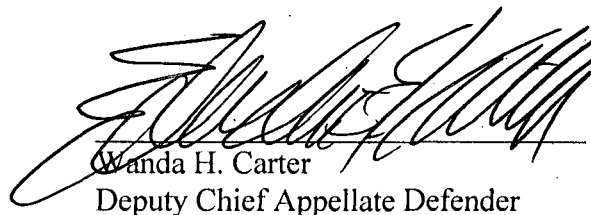
Judge's Telephone _____)
Issuing Court: Magistrate Municipal Circuit)

Judge Code: 5022)
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 21, 2012



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT