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ORIGINAL

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Aiken County

Honorable Tanya A. Gee, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF DANIEL LEE LARD,

RECEIVED
NOV 28 2016
SC Court of Appeals

APPELLANT

APPELLATE CASE NO 2015-001940

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 31, 2015 – SEPTEMBER 1, 2015	1
OPENING STATEMENT BY MR. MORROW	26
OPENING STATEMENT BY MS. ZMROCZEK	30
TESTIMONY	
AMY C. SWAN	
Direct Examination by Mr. Morrow	33
Cross-Examination by Ms. Zmroczek	75
DANIEL LEE LARD	
Direct Examination by Ms. Zmroczek	109
Cross-Examination by Mr. Morrow	114
MARIE GAHLE	
Direct Examination by Ms. Zmroczek	118
Cross-Examination by Mr. Morrow	132
Redirect Examination by Ms. Zmroczek	139
MOTION FOR DIRECTED VERDICT	140
MOTION FOR DIRECTED VERDICT DENIED	141
CLOSING STATEMENT BY MR. MORROW	144
CLOSING STATEMENT BY MS. ZMROCZEK	151
VERDICT	171
STATE’S SVP PETITION AND EXHIBITS	178
PETITIONER’S EXHIBIT A	183
PETITIONER’S EXHIBIT B	185
PETITIONER’S EXHIBIT C	187
PETITIONER’S EXHIBIT D	201

PETITIONER’S EXHIBIT E.....	206
PETITIONER’S EXHIBIT F.....	231
PETITIONER’S EXHIBIT G.....	269
PETITIONER’S EXHIBIT H.....	272
PETITIONER’S EXHIBIT I.....	277
PETITIONER’S EXHIBIT J.....	280
PETITIONER’S EXHIBIT K.....	285
COURT’S EXHIBIT NO. 1.....	298
COURT’S EXHIBIT NO. 2.....	299
COURT’S EXHIBIT NO. 3.....	300
CERTIFICATE OF COUNSEL	301

1 STATE OF SOUTH CAROLINA

CIRCUIT COURT

2 COUNTY OF AIKEN

2014-CP-02-02521

3
4 IN THE MATTER OF THE CARE
AND TREATMENT OF:

6 TRANSCRIPT OF RECORD

7 DANIEL LEE LARD,
Respondent.

8
9
10 Heard on Monday, August 31, 2015

11 & Tuesday, September 1, 2015

12 Aiken, South Carolina

13
14 BEFORE:

15 THE HONORABLE TANYA A. GEE

16
17
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EXAMINATION INDEX

AMY C. SWAN

DIRECT BY MR. MORROW 57

CROSS BY MS. ZMROCZEK 99

REDIRECT BY MR. MORROW 126

DANIEL LEE LARD

DIRECT BY MS. ZMROCZEK 133

CROSS BY MR. MORROW 138

REDIRECT BY MS. ZMROCZEK 141

MARIE GEHLE

DIRECT BY MS. ZMROCZEK 142

CROSS BY MR. MORROW 156

REDIRECT BY MS. ZMROCZEK 163

JUDGE'S CHARGE TO THE JURY 179 - 189

VERDICT OF THE JURY 195

CERTIFICATE OF THE REPORTER 201

EXHIBIT INDEX

MAR ADM

State's:

1	Indictment and sentencing sheet - 2009	69
2	Indictment and sentencing sheet - 2006	73

Court's:

1	Note from jury	191
2	Note from jury	194
3	Note from jury	194

1 just leave?

2 THE CLERK: Only if they need a certificate
3 for service today.

4 THE COURT: Okay. If you need a
5 certificate for your work, then come up to the
6 clerk and she can give it to you -- or do you
7 want them to go to your office?

8 THE CLERK: Jury room.

9 THE COURT: Go to the jury room where you
10 started and you can get your certificate for
11 work, otherwise you all are cut loose and free to
12 go.

13 Thank you all very much for your service.

14 (Jury panel exits courtroom at 12:41 p.m.)

15 THE COURT: All right. Any housekeeping
16 matters before I cut you all loose for lunch?

17 MR. MORROW: Nothing from the State, Your
18 Honor.

19 MS. ZMROCZEK: Nothing right now.

20 THE COURT: Okay. And I told the jurors to
21 come back at 2:20. So we will start this trial
22 at 2:20.

23 MS. ZMROCZEK: Oh actually, yes. I have
24 been doing this, and I've been doing it all
25 morning. I literally have it in bold letters to

1 stop doing it because I'm not the Defendant. I'm
2 not the Defense in this case. It's weird.

3 THE COURT: You're the Respondent.

4 MS. ZMROCZEK: And I notice because you
5 said in State V -- I don't know who. And it's
6 just because the nature of what we do and the
7 nature of the charges.

8 THE COURT: Well, isn't it the State
9 versus? I mean, we've got a Petitioner and a
10 Respondent so.

11 MR. MORROW: I can refer to myself as the
12 Petitioner, Your Honor.

13 THE COURT: If I said the word Defendant, I
14 just --

15 MS. ZMROCZEK: Right. I did it all morning
16 too. And so -- but I'll probably just take a
17 moment in opening as I'm sure you will too to
18 clarify that. And I guess what threw me off this
19 morning was that I just thought we were going to
20 tell them what kind of trial it was. I was a
21 little thrown off, so that's -- I apologize.

22 THE COURT: That's okay. That's all right.

23 And in my preliminary charge once we begin,
24 I will very briefly explain that this is being
25 brought under the Sexually-Violent Predator Act.

1 I'll see you all back at 2:20 with the
2 exception of Mr. Bogle who I won't see until the
3 next trial.

4 (Luncheon recess taken at 12:43 p.m. After
5 lunch at 2:35 p.m., the trial resumed:)

6 THE COURT: We were waiting on a juror so
7 we're starting a little bit late. I'll be sure
8 to talk to the jurors about getting back on time.

9 MS. ZMROCZEK: Good. Your Honor?

10 THE COURT: Yes, ma'am, Ms. Zmroczek.

11 MS. ZMROCZEK: There's something I need to
12 address. I'm sorry.

13 I couldn't find it in all my papers. The
14 State's submitted a memo regarding details of
15 criminal sexual acts should not be limited to
16 sex, race and age of victims.

17 THE COURT: Yes, ma'am.

18 MS. ZMROCZEK: Okay. Your Honor, I have
19 problems with the testimony that they are seeking
20 to -- the hearsay testimony that they're seeking
21 to introduce and also with one of the exhibits
22 which has already been pre-marked.

23 Turning first to their memo, Your Honor.
24 On page three beginning at paragraph -- or
25 beginning at Exhibit Three to be introduced, it

1 starts talking about Dr. Burke.

2 Dr. Burke to my knowledge is not testifying
3 in this trial. And so I would, of course, object
4 to anything that comes from Dr. Burke. If
5 they -- if it's just a typo throughout and they
6 meant to put Dr. Swan instead of Dr. Burke,
7 that's fine. I still need to address those
8 issues.

9 THE COURT: Well, let's first clear that
10 up. Mr. Morrow?

11 MR. MORROW: It's a scrivener's error, Your
12 Honor. It should say Dr. Swan.

13 THE COURT: Okay. Now with that in mind,
14 Ms. Zmroczek, what's your argument?

15 MS. ZMROCZEK: Okay. With regards to --
16 and I believe what's been pre-marked as State's
17 Exhibit One.

18 MR. MORROW: State's Exhibit Two is the one
19 you're referring to, I believe, is the 2006.
20 You're talking about 2006 indictments?

21 MS. ZMROCZEK: Right. Well, in State's
22 Exhibit One, Your Honor, I have no problem with
23 the indictment going in, but they've attached the
24 sentencing sheet. I believe that's cumulative.
25 I think that the indictment and the fact that he

1 pled guilty to that is sufficient enough. I
2 don't think that additionally including the
3 sentencing sheet --

4 THE COURT: So your argument against it is
5 that it's cumulative?

6 MS. ZMROCZEK: Yes.

7 THE COURT: That is denied.

8 MS. ZMROCZEK: Okay. And then the second
9 one, Your Honor, is State's Exhibit Two. It's an
10 indictment for criminal sexual conduct with a
11 minor in the second degree. However, he actually
12 pled under Alford to assault and battery of a
13 high and aggravated nature.

14 And so, Your Honor, this would -- assault
15 and battery of a high and aggravated nature does
16 not, is not a qualifying offense under the
17 statute and so we would object to that.

18 THE COURT: All right. Mr. Morrow, what do
19 you say about that?

20 MR. MORROW: Your Honor, we have cited two
21 cases that deal with this issue. In the Care and
22 Treatment of Corley, the Court found indictments
23 underlying details of the defendant's assault and
24 battery high and aggravated nature conviction and
25 criminal sexual conduct conviction were relevant

1 to the issue whether the defendant was likely to
2 engage in acts of sexual violence.

3 Again for the purposes of the Sexually-
4 Violent Predator Act, and those were admissible
5 in proceeding -- in the proceedings to commit the
6 defendant for long-term control, care and
7 treatment under the Act. The State's expert
8 testified it was important if past crimes were
9 similar in nature as to where there were
10 similarity evidence, pattern of behavior which
11 indicated a person would be of an increased risk
12 to commit future offenses. The expert further
13 testified that defendant's two victims were
14 similar age, race, and gender.

15 Dr. Swan will be testifying about
16 Mr. Lard's prior convictions as part of her
17 testimony today. And it will evidence a pattern
18 of behavior. That's...

19 THE COURT: Do you only have the
20 indictments? Do you have anything from the
21 guilty plea transcript, or -- I understand this
22 was a plea under Alford -- where it was, how the
23 charge was presented to the judge? I know at the
24 Alford plea the indictment would have been
25 obviously part of it, but was this something that

1 he waived presentment on, or is it a
2 lesser-included offense, or how did that work at
3 the plea?

4 MR. MORROW: They have it marked as a
5 lesser-included offense on the sentencing sheet.

6 THE COURT: Okay. All right.

7 Considering the nature of this case, it's a
8 civil case, the case law that Mr. Morrow has
9 provided to the Court which I've read prior to
10 this trial, I think it's appropriate to allow
11 that into evidence.

12 Of course, Ms. Zmroczek will be allowed to
13 flesh out the picture, to explain that what was
14 in the indictment wasn't what he actually
15 accepted an Alford plea to, that it was a lesser-
16 included offense. And you'll be able to explain
17 that to the jury so the jury has a full and
18 complete picture.

19 MS. ZMROCZEK: Okay.

20 And then with regards, Your Honor, to the
21 information contained -- my serious concern then
22 turns to the, to the information that's going to
23 be presented as true when he pled under Alford.

24 And the -- and I'm citing in the Care and
25 Treatment of Harvey and its progeny. It talks

1 about the requirements and the improper admission
2 of hearsay is not harmless when we're talking
3 about -- I don't know why I've gotten a sore
4 throat all of a sudden, but when we're talking
5 about, she wants to talk about underlying facts
6 based on those indictments, based on that
7 indictment which were then pled down to a lesser
8 included which obviously, as you do criminal
9 cases, you understand that that meant there were
10 problems with the case. Or we don't know because
11 we don't even have a copy of the transcript or
12 the plea or we don't know why that was negotiated
13 the way it was.

14 And so my concern is the hearsay that's
15 going to come out of this charge in her report
16 which I know is not going into evidence but in
17 her report she lists victim one, victim two,
18 victim three, but a lot of those charges were
19 nolle prossed where these people are listed as
20 victims or, and in this case with the indictment
21 that's now being let in, has been reduced to a
22 lesser-included offense.

23 And so there are different elements. My
24 concern is that the hearsay -- what she's going
25 to be relying on is, I assume what she's -- what

1 we've all been provided with were incident
2 reports which obviously aren't -- they -- they --
3 I can't properly challenge them through her. And
4 so if she puts that information in, I understand
5 she's relying upon it but I can't, I can't attack
6 or challenge the veracity especially in this case
7 where he was charged with a serious crime, pled
8 to a much less serious crime.

9 THE COURT: Well, I don't know how it's
10 coming in exactly. If she is just testifying to
11 say that he was originally indicted on X, Y, or
12 Z, that wouldn't be admitting these indictments
13 in for the truth of the matter asserted in the
14 indictments, just procedurally how he came to
15 plead guilty under Alford.

16 MS. ZMROCZEK: Right. My concern is in
17 their memo they want to rely on the hearsay that
18 was the bases for those.

19 THE COURT: All right. Mr. Morrow?

20 MR. MORROW: Yes, Your Honor.

21 The case that she's talking about concerns
22 the admission of a logbook that was entered into
23 evidence. We're not looking to enter a logbook
24 into evidence.

25 What we're looking to enter in is

1 Dr. Schwartz-Watts -- sorry, Dr. Swan's opinion
2 based on the documents that she received and
3 reviewed as part of her evaluation process. And
4 the L case, it says: The testimony concerning
5 which is in the Matter of the Care and Treatment
6 of L, testimony concerning defendant's prior
7 sexual offenses which did not result in
8 conviction and his prior murder conviction
9 relevant and admissible in proceeding to civilly
10 commit the sex offender under the SVP Act.
11 Expert relied on the prior offenses when
12 evaluating sex offender's need for and likelihood
13 of success in treatment as well as the ability to
14 control his behavior in the future.

15 And also in Harvey they went on after that
16 point: However, other evidence presented by the
17 State's expert, in that case it was Dr. Donna
18 Schwartz-Watts, was allowed and she diagnosed
19 pedophilia in her written reporting explaining
20 the diagnosis was based on acts in the past to
21 demonstrate he was sexually aroused by young
22 children. And it goes on. She testified as to
23 her opinion based on the documents that she
24 received as part of her evaluation.

25 MS. ZMROCZEK: And just briefly, Your

1 Honor, in response to that. In that case there
2 was a definitive diagnosis of pedophilia.

3 In this case we have -- the crux of this
4 case is the diagnosis because you have a
5 non-specific paraphilia so that he's not
6 diagnosed with pedophilia or any specific sexual
7 paraphilia. And then her diagnosis, her
8 additional diagnosis is antisocial personality
9 disorder.

10 THE COURT: Well, but the issue of the case
11 in Harvey was whether the judge could allow in
12 these past crimes or supposed crimes even if
13 there was no conviction. So isn't that exactly
14 what we have here regardless of what the
15 diagnosis was? It wasn't as though the judges on
16 the court cared what the diagnosis was. They
17 were looking at the legal issue of whether these
18 prior crimes, bad acts could come in.

19 MS. ZMROCZEK: But I understand -- the way
20 that I read the cases and the way that I read the
21 cases is that they rely on that because it forms
22 the bases for her opinion of her diagnosis.

23 THE COURT: And you don't think that's
24 going to be true here?

25 MS. ZMROCZEK: No.

1 THE COURT: That she didn't have to look at
2 all of that information as an expert in
3 determining whatever diagnosis -- I don't know
4 what the diagnosis is but in determining her
5 opinion, it sounds to me like she necessarily did
6 look at this stuff.

7 Does it matter what the opinion is? All it
8 matters is what the expert relied upon in order
9 to get to that opinion.

10 MS. ZMROCZEK: Well, actually in this case
11 it specifically matters to what the opinion is
12 because, because that -- there are -- obviously
13 the first prong to being admitted is to have a
14 mental abnormality or personality disorder. And
15 since he didn't have a qualifying mental
16 abnormality her report says now that he has a
17 personality disorder.

18 So to rely on that information to form the
19 bases of -- to rely on that information which,
20 again, simply included the indictment, sentencing
21 sheets and incident report, no plea transcript,
22 no other information as to why it was reduced,
23 what problems there were with the case, I think
24 that is the problem in this case.

25 THE COURT: Okay. I am going to deny that

1 motion based on the Harvey case.

2 MR. MORROW: Thank you, Your Honor.

3 THE COURT: Anything additionally before we
4 bring in the jury?

5 MR. MORROW: Nothing from the State, Your
6 Honor.

7 MS. ZMROCZEK: Nothing else, Your Honor.

8 THE COURT: All right. Just one moment
9 before you bring in the jury.

10 Can you ask Mr. Farina to take the
11 Foreperson seat, please?

12 (Juror Farina enters courtroom.)

13 THE COURT: Oh. I want all the jurors to
14 come in. So, Mr. Farina, you'll be the
15 Foreperson. You'll have a special seat. Sorry.
16 A little miscommunication.

17 FOREPERSON OF THE JURY: Okay.

18 (Jury enters courtroom at 2:49 p.m.)

19 THE COURT: All right. Ladies and
20 gentlemen, welcome back from lunch.

21 We are now ready to begin. And,
22 Mr. Farina, I'll ask you to serve as the jury
23 Foreperson. And as Foreperson you have three
24 additional duties. Number one, you're the
25 spokesperson. And as spokesperson if somebody

1 needs to use the restroom, has an emergency,
2 needs anything, they can tap you on the
3 shoulder. It's hard for them to get my attention
4 but they'll get your attention and you can get
5 the bailiff's attention and we'll make sure that
6 we stop the trial if we need to for any reason.

7 You'll also preside over deliberations.
8 Your voice isn't more important than any other
9 juror's voice but we need somebody to sort of
10 start the ball rolling. And so that will be your
11 job during deliberations.

12 You'll also be responsible for writing the
13 verdict on the verdict form and signing that
14 verdict form. And in the end, again, there's no
15 juror more important than any others. It has to
16 be a unanimous verdict. Everybody has to agree
17 for us to come to a verdict.

18 Mr. Heyl, is that how you pronounce your
19 name,

20 THE JUROR: Hile (phonetically).

21 THE COURT: Mr. Heyl and Ms. Anderson, you
22 are both alternate jurors. Your role is to
23 replace other jurors if for some reason they
24 cannot continue to serve. And in that event you
25 would become the 12th juror. But if at the end

1 no alternate is needed, your service will end.

2 Okay. Thank you.

3 Madam Clerk, would you please swear in the
4 jury.

5 (Jury impaneled.)

6 THE CLERK: You may be seated.

7 THE COURT: All right. Ladies and
8 gentlemen of the jury.

9 The case we're about to try is the case of
10 the State of South Carolina versus Daniel Lee
11 Lard.

12 Before we begin this trial I want to tell
13 you that the trial will probably be different
14 from what you might expect. Many people do not
15 have a chance to attend actual court sessions as
16 you're going to have that ability to do now and
17 you may think from watching TV or movies or
18 reading books that trials are always full of
19 intense action, high drama, and riveting
20 circumstances.

21 That may be true at times but this trial is
22 not for entertainment. It's a fundamental part
23 of our democracy. It's a search for the truth in
24 an effort to make sure that justice is done
25 between the parties before the Court.

1 Searching for the truth and making sure
2 that justice is done is sometimes a slow
3 process. It's deliberate and it can be
4 repetitive, the opposite of what you may have
5 seen on television or in movies or what you may
6 have read in books.

7 This courtroom is a place of honor
8 dedicated to the protection and preservation of
9 citizens' rights through what many have called
10 the greatest justice system ever created. The
11 attorneys appearing before you are advocates for
12 the parties they represent but first and foremost
13 they are officers of this Court, sworn to uphold
14 the integrity and fairness of our judicial system
15 and to help you in the search for the truth.

16 You should expect them to be professional,
17 competent and ethical in the representation of
18 their client's interests.

19 Remember that you've taken an oath to try
20 this case and reach a fair and just verdict. And
21 you're also expected to be professional,
22 reasonable and ethical.

23 I appreciate and thank you for accepting
24 the important responsibility of jury service and
25 for your contribution to the justice system.

1 Now what I will say now is meant to serve
2 as an introduction to the trial of this case.
3 These remarks are not a charge on the law in this
4 case. I'll instruct you on the law at the end
5 before you retire to deliberate.

6 Before the trial begins I want to explain
7 the procedure that we'll follow so that you can
8 better understand what's happening.

9 The State of South Carolina has brought
10 this case under the Sexually-Violent Predator Act
11 of South Carolina. The State seeks the civil
12 commitment of Daniel Lee Lard for long-term
13 control, care and treatment in a secure facility.

14 Mr. Lard denies that he is a sexually-
15 violent predator. And the burden of proof is on
16 the State to prove by evidence sufficient to
17 satisfy each of you beyond a reasonable doubt
18 that Mr. Lard is a sexually-violent predator.

19 Your purpose as jurors is to find and
20 determine the facts in this case. You're the
21 sole judge of the facts.

22 If at any time I make any comment regarding
23 the facts, you must disregard it. You're to
24 determine the facts from the testimony you hear
25 and any other evidence that is presented in this

1 courtroom. You should not be influenced by any
2 opinions or statement you may have heard outside
3 the courtroom.

4 On the other hand and with equal emphasis,
5 the same law that makes you the judges of the
6 facts makes me the judge of the law. The law as
7 given by the Court is the only law you may
8 consider. You must accept and follow it even
9 though you may disagree with it.

10 I cannot tell you what the facts are and
11 you cannot disagree with me about what the law is
12 or should be. Your job is to take the law as I
13 give it to you and apply it to the facts as you
14 find them from the testimony of the witnesses and
15 any other evidence that's presented. After doing
16 that you will render your verdict under the
17 solemn oath that you've just taken as jurors.

18 Until I advise you to begin your
19 deliberations you must not discuss this case with
20 anyone including your fellow jurors, friends,
21 family members and anyone involved in the case.
22 This includes discussions that are face to face
23 and those by telephone or e-mail, text or any
24 sort of communication.

25 You may not use a computer, a cell phone or

1 other electronic device with communication
2 capabilities at any time while in the courtroom
3 or during deliberations. You may use these
4 devices during breaks. However, you may not at
5 any time use these devices to get or send
6 information about the case. This includes
7 information about a party, a witness, an attorney
8 or a court officer, news accounts about the case,
9 research on the topics raised, any topics you may
10 think would be helpful in deciding the case, or
11 any testimony presented by any witness.

12 During the trial don't read or listen to or
13 watch any news reports about the case. You must
14 not consider anything you may have read or heard
15 about the case outside the courtroom, whether
16 before or during the trial.

17 If you become aware of another juror's
18 violation of these instructions, please inform me
19 immediately.

20 After the case is submitted to you, you
21 must discuss it only in the jury room with your
22 fellow jurors. The attorneys and parties in this
23 case have been advised that they are not to talk
24 to you at all. So if you see anyone involved in
25 the case and they don't even say hello to you

1 they're not being unfriendly, they're just
2 following these instructions.

3 It's important that you keep an open mind
4 and not decide any issue in the case until all of
5 the evidence has been presented, the parties have
6 made their closing arguments and I have
7 instructed you on the law in this case.

8 Now in just a moment the attorney for the
9 State will make what's called an opening
10 statement. The attorney will explain to you the
11 issues in this case or at least what the attorney
12 believes them to be. And the attorney for
13 Mr. Lard will also make an opening statement.

14 What the attorneys tell you during their
15 opening statements is not evidence in this case.
16 It's only their contention as to what the issues
17 are. The evidence in this case will be presented
18 to you by the testimony of sworn witnesses from
19 this witness stand and by exhibits that may be
20 introduced into evidence.

21 Now from time to time during the trial you
22 may hear one of the lawyers say something like,
23 Your Honor, I believe we have a question of law
24 or a matter to discuss with you or they may ask
25 to approach the bench. Sometimes I myself might

1 find it necessary to excuse you from the
2 courtroom for a short while so the attorneys and
3 I can discuss a matter of law.

4 The reason for this is because you are the
5 judges of the facts in this case and sometimes
6 when I'm discussing the law it's necessary for me
7 to make some comment as to the facts in
8 connection with ruling whether or not particular
9 laws apply.

10 I'm not supposed to tell what I think the
11 facts are so I'll excuse you from the courtroom
12 while these discussions take place so that you
13 will not be influenced by anything that I might
14 say or do in connection with the facts.

15 In determining what the true facts are in
16 this case you must decide whether or not the
17 testimony of the witnesses is believable. It
18 will be my responsibility to rule as a matter of
19 law as to whether certain testimony is admissible
20 at all or not. But once the testimony is
21 admitted, whether or not you believe it is solely
22 for you to determine.

23 In deciding whether to believe a witness
24 you have the right to consider whether the
25 witness has an interest in the result of the

1 trial, whether the witness is prejudiced toward
2 either side, the opportunity for the witness to
3 have seen the matters and things about which the
4 witness may testify and the way the witness acts
5 on the witness stand.

6 You have a right to consider anything
7 that's in the record that will help you evaluate
8 the testimony of the witnesses. That means that
9 it's your duty to pay close attention to these
10 witnesses, to observe the witnesses, to listen to
11 the witnesses, and to pay close attention to the
12 attorneys and to the Court.

13 Now, I'll do all that I can to keep this
14 case moving. We don't want anyone to get worn
15 out sitting for too long. And I understand you
16 all might not be accustomed to sitting as much as
17 we're accustomed to sitting, so I'll try to keep
18 that in mind and make sure we take frequent
19 breaks. We want you to be fresh and alert during
20 this trial.

21 All right. We will now begin the trial.
22 We'll start with opening statements from
23 Mr. Morrow.

24 MR. MORROW: Thank you, Your Honor.

25 THE COURT: Uh-huh.

1 MR. MORROW: Good afternoon, ladies and
2 gentlemen.

3 My name is Christopher Morrow. I work for
4 the Attorney General's Office for the State of
5 South Carolina.

6 Now you might be wondering why I'm here
7 today, why isn't someone more local handling this
8 case. Well the simple answer to that question is
9 that when the State General Assembly passed the
10 Sexually-Violent Predator Act they put a
11 provision in that Act saying the Attorney
12 General's Office will handle all these cases
13 throughout the State.

14 This case today has been brought by the
15 State under the Sexually-Violent Predator Act.
16 We're here today because the State is seeking a
17 civil commitment of Daniel Lee Lard as a
18 sexually-violent predator.

19 Now, you might be asking yourself: What is
20 a sexually-violent predator? Well, about 16
21 years ago the South Carolina General Assembly
22 passed the Sexually-Violent Predator Act with two
23 thoughts in mind. First, there are certain
24 individuals in our state who suffer from mental
25 abnormalities or personality disorders that make

1 them likely to commit acts of sexual violence;
2 and that these individuals need treatment in a
3 secure setting to protect the public during the
4 treatment process because they are extremely
5 dangerous individuals.

6 Now the State contends that Mr. Lard is one
7 of those individuals that the General Assembly
8 had in mind when they passed the Sexually-Violent
9 Predator Act.

10 To prove that Mr. Lard is a sexually-
11 violent predator the State must prove two basic
12 elements to you. The first, that Daniel Lard has
13 been convicted of at least one sexually-violent
14 offense. Mr. Lard has been convicted of at least
15 one sexually-violent offense. I don't think the
16 defense is going to contest that. You will hear
17 about his sexual-offending history and what
18 happened to his victims.

19 If Daniel Lee Lard -- the second thing that
20 the State must prove to you is that he suffers
21 from a mental abnormality or personality disorder
22 that makes him likely to commit acts of sexual
23 violence in the future if he's not confined to a
24 treatment facility for long-term care, control
25 and treatment.

1 Now Mr. Lard has been diagnosed by the
2 expert that will testify for the State with
3 antisocial personality disorder. And you will
4 hear testimony from which you can decide whether
5 Mr. Lard lacks control over his antisocial
6 personality disorder and whether he is likely to
7 commit future acts of sexual violence based on
8 that antisocial personality disorder.

9 You will hear the testimony of Dr. Amy
10 Swan, a psychologist who's testified in over 100
11 sexually-violent predator cases. You will hear
12 how Dr. Swan has spent an extensive amount of
13 time in reviewing Mr. Lard's case including
14 reviewing multiple filings, conducting an
15 actuarial assessment of Mr. Lard's risks and
16 interviewing Mr. Lard.

17 Dr. Swan will tell that you Mr. Lard
18 suffers from a relevant personality disorder,
19 antisocial personality disorder. Based on her
20 thorough evaluation she believes that Mr. Lard is
21 likely to commit another act of sexual violence.

22 Now you will also hear from Dr. Marie Gehle
23 who will testify for the Defense in this case, or
24 the Respondent in this case. Dr. Gehle works for
25 the Department of Mental Health. She's appointed

1 whenever a new case is brought under the
2 Sexually-Violent Predator Act. She's appointed
3 by the Court to evaluate the individual.

4 And she is also one of the people who will
5 testify that she also scored Mr. Lard in the
6 high-risk category for re-offending on her
7 actuarial assessment. And when she doesn't
8 recommend commitment, which she didn't in this
9 case, under the law our office has the ability to
10 request a second opinion. We don't always do it
11 in every case but in this case we did.

12 And the question that we're presenting to
13 you is: After comparing the two experts that
14 will testify during this trial, in assessing
15 their credibility and the thoroughness and the
16 extent of their evaluations, whether Mr. Lard
17 suffers from a mental abnormality or personality
18 disorder which makes him likely to offend
19 sexually if he is not confined to a secure
20 facility for care, control and treatment.

21 Now the burden of proof in this case is on
22 the State. The State welcomes that burden. The
23 Judge will instruct you that this is a civil case
24 and a non-criminal case. But under the Sexually-
25 Violent Predator Act the State must prove its

1 case beyond a reasonable doubt.

2 Now keep in mind that it's not all doubt,
3 it's not every doubt. It's not even conceivable
4 doubt. It's beyond a reasonable doubt. The
5 Judge will tell you what that means. She will
6 tell you that proof beyond a reasonable doubt is
7 proof that leaves you firmly convinced.

8 Now these cases by their very nature are
9 going to contain some disturbing facts. I ask
10 you to do one thing for me and that's listen to
11 the evidence that's presented in this case, not
12 just the State's evidence but all the evidence.

13 After you listen to the evidence the
14 verdict that you should render will become
15 clear: That Daniel Lee Lard is a sexually-
16 violent predator and should be committed to the
17 Department of Mental Health to get the treatment
18 that he so desperately needs and to protect the
19 public of the State of South Carolina from him.

20 Thank you.

21 THE COURT: All right. Ms. Zmroczek?

22 MS. ZMROCZEK: Thank you, Your Honor. May
23 it please the Court.

24 THE COURT: Yes, ma'am.

25 MS. ZMROCZEK: Daniel Lee Lard is not the

1 worst of the worst. He's not. In fact, the
2 doctor that they used to determine who should be
3 admitted to this program or who should be
4 recommended is going to tell you that. She's
5 going to tell you that she did not recommend him
6 for the program because he is not the worst of
7 the worst. He isn't.

8 That's what this Act was for.

9 My name is Aimee Zmroczek. I always forget
10 that. This case isn't about me. My name doesn't
11 matter, but you'll hear the Judge tell you, Aimee
12 Zmroczek, Ms. Zmroczek, Ms. Zmroczek. I was
13 appointed to represent Mr. Lard. Happily.
14 Because I have faith in the system and I have
15 faith in you.

16 Sexually-violent predator. You're going to
17 hear it so many times that I hope that the shock
18 wears off of you because today when -- this
19 morning when Judge Gee said, and she asked you
20 would it matter if he's been convicted of a
21 sexually-violent offense, would you still be able
22 to be fair and impartial and as it does in these
23 cases, the air goes out of the room because fear
24 and the danger that the worst of the worst can
25 bring is what I'm afraid is going to underlie

1 this case.

2 And you swore and you took that oath and
3 you said, no, that doesn't matter to us. What
4 matters to us is can the State prove to us beyond
5 a reasonable doubt that he's going to do this
6 again.

7 That's what they have to prove. When our
8 country was founded one of the very, very, very
9 basic principles was the protection of our
10 liberty. Because with this Act Mr. Lard can be
11 confined indefinitely, even though he's already
12 served his time. The State's asking you to pay
13 for that. They're saying he's the worst of the
14 worst and that's -- and he needs to be locked
15 away.

16 And so I ask that you listen carefully to
17 the evidence because you have two doctors saying
18 different things. And no matter how many facts
19 they're going to try to offend you with, that
20 can't be the basis for your decision. This is a
21 serious, serious matter.

22 And Mr. Lard is not the worst of the
23 worst. I submit at the end of his testimony you
24 will find that he does not meet the criteria for
25 a sexually-violent predator.

AMY C. SWAN - DIRECT BY MORROW

1 Thank you.

2 THE COURT: Thank you. Mr. Morrow, you may
3 call your first witness.

4 MR. MORROW: The State calls Dr. Amy
5 C. Swan to the stand.

6 AMY C. SWAN, having been duly sworn, was
7 examined and testified as follows.

8 THE CLERK: Take a seat in the witness box
9 and state your name for the Court.

10 THE WITNESS: Amy C. Swan. That's S-W-A-N.

11 DIRECT EXAMINATION

12 BY MR. MORROW:

13 Q. Go ahead. Dr. Swan, what is your occupation?

14 A. I am a forensic psychologist. A forensic
15 psychologist is a psychologist who deals with cases
16 involved in the legal system.

17 MS. ZMROCZEK: Your Honor, I'm sorry. I'm
18 having a little trouble hearing.

19 THE COURT: If you could just speak up,
20 please. Sometimes that microphone doesn't work
21 quite right.

22 THE WITNESS: Is it right here?

23 THE COURT: You may just have to raise your
24 voice a little.

25 THE WITNESS: Okay. Great.

AMY C. SWAN - DIRECT BY MORROW

1 THE COURT: Better. Okay.

2 THE WITNESS: Thank you.

3 BY MR. MORROW:

4 Q. Dr. Swan, what degrees do you possess?

5 A. I have a bachelor of science in nursing that I
6 received in 1987.. I have a master's in clinical
7 psychology that I received in 1993. And I have a
8 doctorate in clinical psychology that I received in 1997.

9 Q. In addition to your degrees that you possess, have
10 you had any additional specialized training or experience
11 within the field of forensic assessment of sex offenders
12 beyond your doctorate degree?

13 A. Yes, I have. I have had 875 hours in addition to
14 my doctorate degree in the study of sex offenders. And
15 about 279 of those hours have been specifically in the
16 area of sex offender recidivism which is assessing the
17 risk that a sex offender who has been arrested or
18 convicted of a sexual crime will go on to be arrested or
19 convicted of another sexual crime.

20 Q. Do you have any memberships in any organizations?

21 A. I do. I was appointed to the Board of Psychology
22 in the State of Florida by Governor Jeb Bush. I served
23 on that Board for 10 years, and I'm currently Chairman of
24 the Probable Cause Committee.

25 I also am a member of the American Psychological

AMY C. SWAN - DIRECT BY MORROW

1 Association, the Association for the Treatment of Sexual
2 Abusers which is a large international organization
3 devoted to the study of sex offenders. I belong to the
4 Florida Chapter of that organization. I belong to the
5 International Association of Forensic Nurses, and also
6 the Association of State and Provincial Psychology
7 Boards.

8 Q. Dr. Swan, does your education and training allow
9 you to conduct forensic assessments of individuals?

10 A. Yes, it does.

11 Q. And do you have any experience working directly
12 with sex offenders?

13 A. Yes, I do. I've worked with sex offenders for 26
14 years.

15 Q. Approximately how many sex offenders have you
16 conducted assessments on?

17 A. 681 sexually-violent predator cases, and
18 approximately 400 other types of evaluations involving
19 sex offenders.

20 Q. What types of assessments have you conducted in
21 relation to sex offenders?

22 A. I've done evaluations such as this one which are
23 seeking to commit an individual for treatment. I've also
24 done annual reviews to see if individuals who have been
25 committed are ready for release. I've done sentencing

AMY C. SWAN - DIRECT BY MORROW

1 evaluations for individuals charged with sexual crimes
2 before they're -- before they're -- go to trial. I've
3 done criminal cases, also sentencing evaluations when
4 they've been convicted and they're determining a
5 sentence. I've also done child pornography cases.

6 And in Florida I worked for the license -- the
7 Department of Health and any licensed individual whose
8 been engaged in sexual misconduct, I would evaluate them
9 to determine if they're safe to practice their chosen
10 profession and under what conditions.

11 Q. Can you briefly talk about your experience in
12 relation to sex offenders?

13 A. Yes. Between 1989 and 1991, I had a Sexual
14 Survivors Program and what we found was some of those
15 individuals had actually committed sexual offense against
16 other individuals. And so we developed a very small sex
17 offender part of that program.

18 Between 1993 and 1995 I worked at Nova Community
19 Mental Health Center evaluating and providing therapy to
20 victims and perpetrators of sexual abuse. Between 1996
21 and 1997, I worked providing therapy to incarcerated
22 adolescent sexual offenders. Between 1997 and 1999, I
23 worked in court psychology where I evaluated victims and
24 perpetrators of sexual abuse.

25 In 1999 I began working at the Florida Civil

AMY C. SWAN - DIRECT BY MORROW

1 Commitment Center providing therapy to individuals who
2 are detained under the Sexually-Violent Predator Act.
3 And from the year 2000 until now, I've been in private
4 practice doing all sorts of sex-offender evaluations as
5 well as sexually-violent predator evaluations.

6 Q. Have you ever been hired by the defense counsel to
7 conduct evaluations in SVP cases?

8 A. Yes, I have. I'm -- in Florida I'm routinely hired
9 by the defense. I imagine that that's been approximately
10 100 times.

11 Q. And have you ever been recognized and testified as
12 an expert witness in the assessment of sex offenders?

13 A. Yes, I have, approximately 198 times in sexually-
14 violent predator cases and numerous other times in the
15 different kind of cases that I have done.

16 Q. Approximately how many of those times have been in
17 the State of South Carolina?

18 A. Approximately 14.

19 Q. Okay. How many times have you been qualified as an
20 expert in sexually-violent predator cases in South
21 Carolina?

22 A. Fourteen.

23 Q. Okay.

24 At this time, Your Honor, I move that -- for
25 Dr. Swan to be recognized as an expert in the field of

AMY C. SWAN - DIRECT BY MORROW

1 forensic assessment and evaluation of sex offenders
2 pursuant to SVP Act.

3 THE COURT: Any objection?

4 MS. ZMROCZEK: No objection, Your Honor.

5 THE COURT: All right. She is so
6 qualified.

7 And let me just give a brief instruction to
8 the jury at this point. Normally a person cannot
9 give opinion testimony. So normally when a
10 person testifies they must testify as to what
11 they either saw, heard or sensed by smell or
12 something of that nature.

13 However, there's an exception when
14 someone's qualified because of education or
15 experience. Then they're permitted to give their
16 opinion in certain areas of the Court -- if the
17 Court qualifies them that way.

18 Here I've qualified Ms. Swan as an expert
19 and so she may give opinion testimony. That does
20 not mean that you have to accept her opinion but
21 it is evidence for you to use in any way that you
22 see fit.

23 All right. Go ahead, Mr. Morrow.

24 MR. MORROW: Thank you, Your Honor.

25 Q. Dr. Swan, how did you become involved in this case?

AMY C. SWAN - DIRECT BY MORROW

1 A. I was retained by the Attorney General's Office to
2 evaluate Mr. Lard.

3 Q. And will you be paid to conduct your evaluation in
4 this case?

5 A. Yes, I will.

6 Q. And who will pay you?

7 A. The Attorney General's Office.

8 Q. And would you have been paid any differently if you
9 did not recommend commitment?

10 A. No. I receive the same rate for payment for my
11 evaluations no matter what my opinion.

12 Q. Dr. Swan, what type of evaluation did you conduct
13 in this case?

14 A. This was an evaluation to determine if Mr. Lard met
15 the criteria as a sexually-violent predator under the
16 laws of South Carolina.

17 Q. Could you describe the method by which you conduct
18 evaluations in sexually-violent predator cases?

19 A. Yes. I typically receive a referral either from
20 the Department of Mental Health or the Attorney General's
21 Office. And once I receive that referral, I'm provided
22 with information about the individual's particular cases,
23 and then I set up an interview and speak with the
24 individual that I'm evaluating.

25 And that interview covers everything from the day

AMY C. SWAN - DIRECT BY MORROW

1 he was born until the day he's sitting in front of me
2 that might impact or influence the situation that he's
3 in. And that includes their background history, their
4 educational history, their relationship history, medical
5 history, sexual history, legal history; everything that
6 is relevant to this particular evaluation.

7 Q. And, Dr. Swan, as part of your evaluation did you
8 meet with and interview Mr. Lard?

9 A. I did. I met with him on May 12th, 2015.

10 Q. And approximately how long did you interview him?

11 A. Four and a half hours.

12 Q. Is the man that you met with here in the courtroom
13 today?

14 A. Yes, he is. He's sitting right by Ms. Zmroczek.

15 MR. MORROW: Your Honor, may the record reflect
16 that Dr. Swan identified Mr. Lard?

17 THE COURT: Yes, sir. It so reflects.

18 BY MR. MORROW:

19 Q. Did you explain the purpose of the evaluation to
20 him?

21 A. Yes, I did.

22 Q. And did Mr. Lard consent to the evaluation?

23 A. Yes, he did.

24 Q. Dr. Swan, in addition to meeting with and
25 interviewing Mr. Lard, what information did you receive

AMY C. SWAN - DIRECT BY MORROW

1 to aid you in conducting your evaluation?

2 A. I received information from the Attorney General's
3 Office that was approximately three feet high when I
4 stacked it on the ground.

5 MS. ZMROCZEK: I'm sorry. I still can't
6 hear.

7 THE COURT: If you'll just repeat that last
8 answer and speak up a little bit.

9 THE WITNESS: Okay.

10 I received so many documents from the
11 Attorney General's Office that it stood about
12 three feet high when I stacked it up on the
13 floor. I utilized 116 of those documents to
14 actually write my report.

15 BY MR. MORROW:

16 Q. Is the type of information -- is this the type of
17 information, the information that you received, the type
18 that is typically and reasonably relied upon by other
19 experts in your field?

20 A. Yes, it is.

21 Q. And did you consider and rely on the information
22 you listed for the jury a moment ago and upon your
23 interview with Mr. Lard in rendering your opinion in this
24 matter?

25 A. Yes, I did.

AMY C. SWAN - DIRECT BY MORROW

1 Q. And, Dr. Swan, can you explain to the jury how an
2 individual's past sexual offense behavior relates to
3 future sexual offense behavior?

4 A. Yes. The best predictor of future behavior is past
5 behavior. In regards to sex offenders what that means is
6 that if an individual is arrested or convicted of a
7 sexual crime, a reasonable individual would think, you
8 know, I didn't like going to jail, I didn't like going to
9 prison, I'm not going to do that again.

10 However, if someone has been arrested and convicted
11 of a sexual crime and then they go on to do it again and
12 again, that increases their risk every time they
13 re-offend after that initial arrest or conviction for a
14 sexual crime.

15 In Mr. Lard's particular case, he committed an
16 offense in 2002. He was released on parole on February
17 6, 2004. Nine months later --

18 MS. ZMROCZEK: Your Honor, we have a matter
19 of law.

20 THE COURT: All right. Let's come over
21 here, see if we can handle it with the jury still
22 in here.

23 (Off-the-record discussion.)

24 THE COURT: All right. You may want to ask
25 that last question again. And go ahead,

AMY C. SWAN - DIRECT BY MORROW

1 Mr. Morrow.

2 MR. MORROW: Yes.

3 Q. Dr. Swan, can you explain to the jury how an
4 individual's past sexual offense behavior relates to
5 future sexual offense behavior?

6 A. Yes. In Mr. Lard's case he was arrested for a
7 sexual offense in 2002. He received a sanction or a
8 punishment for that crime. He was released on parole on
9 February 6th, 2004.

10 Approximately nine months later, on November 30th,
11 2004, he began molesting other victims. While he was
12 still on probation for his 2004 offense, he was arrested
13 for an offense in 2008.

14 Q. Dr. Swan, based on your interview with Mr. Lard and
15 your review of his file, at the time of your interview
16 with him, had he been convicted of a sexually-violent
17 offense?

18 A. Yes, he had. He had been convicted of criminal
19 sexual conduct with a minor in the first degree.

20 MR. MORROW: May I approach, Your Honor?

21 THE COURT: You may.

22 BY MR. MORROW:

23 Q. Dr. Swan, I'm going to show you what's been
24 pre-marked for identification purposes only as State's
25 Exhibit One. I want you to take a minute to look at that

AMY C. SWAN - DIRECT BY MORROW

1 document for me.

2 A. Okay.

3 Q. Do you recognize that document?

4 A. I do. And I realize that I made a mistake. It was
5 criminal sexual conduct with a minor in the second
6 degree.

7 Q. Okay. Did you review these documents as part of
8 your evaluation?

9 A. Yes, I did.

10 Q. Are these the type of documents that are commonly
11 relied upon by experts in your field?

12 A. Yes, they are.

13 Q. And why is it necessary to review the details of
14 the underlying facts of the offense?

15 A. It's necessary to review that information in order
16 to determine if he has a qualifying offense under the
17 statute, and if he has any diagnosis that would be
18 considered a mental abnormality or personality disorder.

19 Q. And, Dr. Swan, would you please describe for the
20 jury the underlying facts of the offense that Mr. Lard
21 was convicted of?

22 A. Yes. In this particular one, this was the offense
23 that he committed in 2008. And in this case Mr. Lard
24 badgered a 14-year-old girl to have sex with him when she
25 did not want to do so. And she did not report the

AMY C. SWAN - DIRECT BY MORROW

1 incident until several months later when she thought she
2 might be pregnant. Mr. Lard was 20 at the time that he
3 committed this offense against a 14-year-old girl.

4 Q. Dr. Swan, what sentence did he receive for his
5 conviction?

6 A. He was sentenced to 20 years of incarceration
7 suspended to 350 days and three years of probation. And
8 he also received a five-year sentence for violating his
9 probation on the previous cases.

10 Q. Dr. Swan, back to that document, is there anything
11 on that document that indicates its authenticity?

12 A. Yes. There's a clerk's seal on here.

13 Q. Okay.

14 At this time, Your Honor, the State would move
15 what's been pre-marked as State's Exhibit One for
16 identification purposes into evidence.

17 THE COURT: All right. Any objection?

18 MS. ZMROCZEK: Subject to my previous.

19 THE COURT: Okay. It's so entered.

20 (State's Exhibit No. 1, indictment and
21 sentencing sheet from 2009, received in
22 evidence).

23 BY MR. MORROW:

24 Q. In reviewing the legal documents in this case, did
25 you see whether Mr. Lard had been previously convicted of

AMY C. SWAN - DIRECT BY MORROW

1 additional sexual offenses?

2 A. Yes. There were two.

3 Q. Okay. Could you -- what were those offenses?

4 A. Okay. In the 2002 case. He was arrested on
5 October 22nd, 2002, and he was charged with criminal
6 sexual conduct with a minor second degree, lewd act upon
7 a child, assault and battery of a high and aggravated
8 nature.

9 And then in 2004, he was actually arrested May
10 11th, 2006, and he was charged with criminal sexual
11 conduct in the first degree, criminal sexual conduct with
12 a minor in the second degree, and criminal sexual conduct
13 with a minor second degree, and lewd act on a minor, lewd
14 act on a minor, and lewd act on a minor.

15 MR. MORROW: Your Honor, may I approach?

16 THE COURT: You may.

17 BY MR. MORROW:

18 Q. Dr. Swan, I'm going to show you what's been
19 pre-marked for identification purposes only as State's
20 Exhibit Two. Could you take a moment to review that
21 document and -- thank you.

22 Now, Dr. Swan, have you seen that document before?

23 A. Yes, I have.

24 Q. And what is it?

25 A. This is a certified copy of his conviction.

AMY C. SWAN - DIRECT BY MORROW

1 Q. Okay. Did you review these documents as part of
2 your evaluation?

3 A. Yes, I did.

4 Q. Are these the type of documents that are commonly
5 relied on by experts in your field?

6 A. Yes.

7 Q. Why is it necessary to review the details of the
8 underlying facts of the offense?

9 A. Again, to see if it's a qualifying crime under the
10 statute and to see if he carries any diagnosis that would
11 be a mental abnormality or personality disorder.

12 Q. And, Dr. Swan, would you please describe for the
13 jury the details underlying the, both the 2002 and 2004
14 offenses?

15 A. Yes. In the 2002 offenses, Mr. Lard sexually
16 abused his three step-sisters who were 12, nine, and
17 eight.

18 With regard to the 12-year-old, he penetrated her
19 vagina with his fingers. With the nine- and eight-year-
20 old, he played a game with them called the dark game. He
21 had the nine-year-old remove the eight-year-old's pants
22 so that she didn't have anything covering her pubic area.
23 He then had the eight-year-old do the same to the nine-
24 year-old and he told them to hide in a dark bedroom. And
25 then he pretended to find them. And as he found them he

AMY C. SWAN - DIRECT BY MORROW

1 fondled their genitals.

2 And this -- he also told them that if they told
3 anybody about what he did that he would kill them.

4 Q. Dr. Swan, could you go into the underlying details
5 of the 2004 offense?

6 A. Yes. The victims in this case were the 11-year-old
7 girl -- the 11-year-old sister of his girlfriend and his
8 girlfriend's four-year-old niece. And in this case the
9 11-year-old said that she went to sleep on the couch and
10 Mr. Lard came in the living room and woke her up by
11 putting his hand down her pants and placing his finger in
12 her vagina.

13 She said that three weeks prior to this offense he
14 had been watching her through a hole in the wall while
15 she took a shower. And she said between Christmas and
16 Thanksgiving of that year he offered her two cigarettes
17 to let him touch "it", meaning her vaginal area.

18 The four-year-old indicated that Mr. Lard touched
19 her first on the outside of her clothes and then he put
20 his hand in her pants and penetrated her vagina with his
21 finger. And, she stated that he also touched her
22 breasts.

23 Q. Dr. Swan, what sentence did Mr. Lard receive for
24 his 2002 conviction?

25 A. In the 2002 offense he was a minor. He was 15

AMY C. SWAN - DIRECT BY MORROW

1 years old when he committed that crime. And so he was
2 committed to the Department of Juvenile Justice for that
3 offense.

4 And in 2004 for the offense against his
5 girlfriend's sister and niece, he received 10 years of
6 incarceration suspended to 47 days of time served and
7 three years of probation.

8 Q. Dr. Swan, going back to the 2006 indictment that I
9 handed you for the 2004 offense, was there anything on
10 that indictment to indicate its authenticity?

11 A. Yes. There was the clerk's seal again which leads
12 me to believe that it was authentic.

13 Q. Okay.

14 And at this time the State would move what has been
15 pre-marked as State's Exhibit Number Two into evidence.

16 THE COURT: All right. Any objection?

17 MS. ZMROCZEK: Subject to my previous
18 objection.

19 THE COURT: Okay. So moved.

20 MR. MORROW: Thank you, Your Honor.

21 THE COURT: So entered.

22 (State's Exhibit No. 2, Indictment and
23 sentencing sheet from 2006, received into
24 evidence.)

25 BY MR. MORROW:

AMY C. SWAN - DIRECT BY MORROW

1 Q. Now in reviewing these files, were there any other
2 sexual behaviors that concerned you?

3 A. There was. And I want to make clear that he wasn't
4 charged or convicted for any of these incidents but they
5 are of concern because it indicates that he's started
6 this sexually-inappropriate behavior at an early age.
7 And that may indicate that his risk is higher.

8 When he was eight or nine his mother was baby
9 sitting and she saw him out back with the little girl
10 that she was baby sitting and they were both naked and he
11 was trying to, quote, hump the little girl.

12 When he was 10 his mother was baby sitting a four-
13 year-old male and he -- she saw him in the backyard
14 attempting to have sex with the little boy.

15 And when he was 12, he was found in bed under the
16 covers with a four-year-old female cousin and he had
17 pulled the child's panties down and had his hand in her
18 crotch.

19 Q. Now, in addition to his sexual offenses that you
20 went over previously, was Mr. Lard convicted of any other
21 non-sexual offenses that you found relevant to your
22 opinion?

23 A. Yes, I did. He was convicted of sale of a beverage
24 containing alcohol, unlawful use of a telephone, failure
25 to register as a sex offender, failure to comply with

AMY C. SWAN - DIRECT BY MORROW

1 requirements, providing false information, probation
2 violation twice.

3 Q. And why were these non-sexual convictions
4 significant in your opinion?

5 A. There are two pathways to committing a sexual
6 crime. One is having a sexual disorder. In this case I
7 did not diagnose Mr. Lard with a sexual disorder. But
8 the other pathway is having a general criminal lifestyle
9 or having antisocial personality disorder. I did
10 diagnose him with that. And having other criminal
11 offenses apart from his sexual crimes is important in
12 diagnosing that disorder.

13 Q. Now, Dr. Swan, did you rely solely on his past
14 criminal history in making your ultimate decision?

15 A. I did not. His criminal history is one part of the
16 comprehensive evaluation.

17 Q. And would it be professionally responsible to rely
18 solely on his criminal history?

19 A. It would not.

20 Q. Okay. Did you review his disciplinary history
21 while at the Department of Juvenile Justice and the
22 Department of Corrections?

23 A. I did.

24 Q. And how many disciplinary infractions did he have?

25 A. In the Department of Juvenile Justice he had 22

AMY C. SWAN - DIRECT BY MORROW

1 disciplinary infractions, and in the South Carolina
2 Department of Corrections he had one.

3 Q. Were any of those infractions that you just
4 mentioned, were any of them of a sexual nature?

5 A. No, they were not.

6 Q. Okay. Were any of these significant to your
7 ultimate opinion? And if so, what were they?

8 A. Yes. It was significant to my ultimate opinion
9 because I diagnosed him with antisocial personality
10 disorder. And one of the features of antisocial
11 personality disorder is obviously a rule-breaking
12 behavior, not being able to follow the rules, comply with
13 the laws.

14 Q. And, Dr. Swan, did you -- you personally
15 interviewed Mr. Lard for his evaluation, correct?

16 A. Yes, I did.

17 Q. What was his version of the events that led to his
18 convictions?

19 A. Yes. With regard to the 2002 offense he said that
20 he was sitting on his 12-year-old sister's bed and she
21 was sleeping and he put his hand on her thigh and started
22 going real slow up into her private area. And he said
23 when he got to her private area he put one -- or, he put
24 two fingers in her vagina and went up and down real
25 slow. And he indicated that he did this for

AMY C. SWAN - DIRECT BY MORROW

1 approximately 10 minutes. He stated that he had an
2 erection during this time and he was sexually aroused.

3 He said that he touched the nine-year-old on her
4 inner thigh and up near her crotch. He said that he did
5 not touch the eight-year-old but he made her walk around
6 naked and he also made the nine-year-old walk around
7 naked. When I asked him if he masturbated while he was
8 doing this, he said that he did not masturbate while he
9 was doing it but when I asked him if he did it later he
10 said, "I probably did later".

11 When I asked him specifically about playing the
12 dark game so that he could fondle them, he said that they
13 played hide and seek because it was raining but he denied
14 using it as an excuse to fondle the girls.

15 Q. Dr. Swan, the 2004 incidents that he was later --
16 what did Mr. Lard have to say about those 2004 incidents?

17 A. With regard to the 2004 incidents, he said that he
18 watched her through the hole in the baby's room, meaning
19 the victim, that he was looking through the hole. He
20 said that she was asleep but she said that she was in the
21 shower and obviously she could see him doing that.

22 He admitted that he fondled her and put his finger
23 in her vagina. He said that he did not do anything with
24 the four-year-old even though she reported that he put
25 his finger in her vagina. He said that he whipped her

AMY C. SWAN - DIRECT BY MORROW

1 like every uncle is supposed to do.

2 Q. And with regards to the 2006 incident, what did he
3 have to say -- or, I'm sorry, not 2006, excuse me, 2008
4 incidents that he was convicted on in 2009, what did he
5 have to say about those?

6 A. He said this was a one-night-stand thing. He said
7 that he didn't check her ID and he thought that she was
8 18. He said that the other person didn't try to talk
9 her into it, that none of that stuff happened. And
10 initially said, "I was not too drunk to know" what he was
11 doing but then he said, "I may have been too drunk but I
12 don't think so".

13 He said that "It was something I wanted to do and I
14 did it." And he said that when he was horny he wanted
15 instant gratification.

16 Q. Now, Dr. Swan, what about Mr. Lard's criminal
17 history did you find significant to your opinion?

18 A. The things that I found significant were that he
19 repeatedly violated his probation. Violation of
20 probation is one of the most robust predictors of sexual
21 re-offense.

22 A person -- in one study, a person who violated
23 their probation sentence before their release date was
24 six times more likely to commit a sexual crime after
25 their release date at both five- and 10-year intervals

AMY C. SWAN - DIRECT BY MORROW

1 than a person would be with no violation of supervision.

2 The other thing that I found significant about his
3 criminal history was that he had a long history of
4 violence beginning in childhood. And he's been actually
5 convicted of what we call non-sexual violence. That's
6 violence that occurs at the time of a sexual crime or at
7 another time that's not sexually related.

8 And research indicates that convictions for a
9 non-sexual violence crime is specifically predicted of
10 rape or other sexual offenses. This is such an important
11 factor that there are two, two items for that on the risk
12 assessment instrument that we're going to talk about
13 later.

14 The other thing that I found significant about his
15 criminal history was that, his failure to take
16 responsibility for a good part of it. For example with
17 regard to the 2002 crimes he said that, when I asked him
18 if he ever forced younger children into sexual activity
19 he said, "No, I had instance at home with Todd's
20 daughters but they weren't actually forced." And that's
21 despite what his victims said that he told them that he
22 would kill them if they told.

23 Q. And, Your Honor -- sorry.

24 Dr. Swan, Mr. Lard -- or what did Mr. Lard have to
25 say about his sexual interests?

AMY C. SWAN - DIRECT BY MORROW

1 A. Well, he said that he first learned about sex when
2 he was approximately eight or nine when he found the
3 pornographic magazines that belonged to his mother's
4 boyfriend. He also said that he was sexually abused and
5 he learned about sex that way.

6 He said that he was sexually abused between the
7 ages of five and 12, although there were other reports
8 that it may have been 10 and 14. But at any rate, he was
9 sexually abused for a period of years by his uncle. He
10 stated that he was aware of his mother having sexual
11 relationships with men because he walked in on her more
12 than once. And he said that he was curious about what
13 was happening. So he walked in on her more than once
14 because he wanted to see what was going on in there, and
15 that at other times he said he looked through a crack in
16 the door.

17 He said that 100 percent of his current sexual
18 fantasies are about adult women. He denied having any
19 sexual fantasies about children. He denied having any
20 sexual interests in children. He said that he denied any
21 other deviant sexual interests.

22 Q. And did you review any previous mental health
23 evaluations of Mr. Lard?

24 A. I did. Mr. Lard began receiving mental health
25 treatment by the age of five. And so there were pretty

AMY C. SWAN - DIRECT BY MORROW

1 extensive records about his mental health history.

2 Q. Did you find anything that was significant to your
3 ultimate opinion?

4 A. Yes. In many of the documents it said: That his
5 mother was unable to control his behavior; that he does
6 not abide by the rules; does not do his chores; doesn't
7 accept any type of limit setting; that he was aggressive;
8 that he hit and cursed his mother; that he hit walls and
9 breaks things; and he was in an emotionally-disabled
10 self-contained classroom because he could not control his
11 behavior.

12 When he was sent to the Department of Juvenile
13 Justice they sent him to the Midlands Evaluation Center
14 in order to assess what needs he had as far as treatment.
15 And during that evaluation they had quite a few things to
16 say about his behavior.

17 For example, they said he was explosive,
18 belligerent, disruptive and aggressive. They said he had
19 a chip on his shoulder; that he had poor attitude toward
20 the staff members; that he was impulsive and easily
21 frustrated when he could not get what he wanted when he
22 wanted it; that he was verbally and physically aggressive
23 with the correctional staff; that he frequently cursed
24 the staff; that he was unwilling to examine his own
25 behavior and how that might contribute to the

AMY C. SWAN - DIRECT BY MORROW

1 difficulties that he was experiencing; that he blames the
2 staff members and other residents for his explosiveness;
3 that his acting out escalated to the point where they had
4 him sleep in front of the control desk where they could
5 keep an eye on him at all times; that when they attempted
6 to intervene in his behavior that they were met with
7 resistance and sometimes it was physical resistance; that
8 he was an aggressive individual with little impulse
9 control, poor judgment, whose aggressiveness can be
10 frightening.

11 They said when he's frustrated he usually responds
12 with anger. And that he minimized his behavior problems,
13 failed to take responsibility for his actions and lied
14 frequently. And they also said that he had to be
15 physically restrained at times to control his behavior.

16 Q. Dr. Swan, did you perform an actuarial assessment
17 on Mr. Lard?

18 A. I did.

19 Q. And what kind of actuarial assessment did you
20 perform?

21 A. Well, let me first explain that an actuarial is a
22 tool that we use to assess someone's risk of committing
23 another sexual crime.

24 And the way these function is similar to the way
25 premiums for insurance companies function. For example,

AMY C. SWAN - DIRECT BY MORROW

1 we know that young males under the age of 25 are more
2 likely to have an automobile accident. So, obviously the
3 premiums for those individuals are higher because they're
4 more likely to have an accident.

5 In the same manner if someone is arrested and
6 convicted of a sexual offense and they continue to
7 re-offend, then that indicates that the precautions that
8 we need to take with those individuals are more -- need
9 to be more stringent because their risk is higher.

10 Q. Dr. Swan, what is the Static-99R?

11 A. The Static-99R is the most frequently used
12 actuarial instrument in sexually-violent predator
13 evaluations.

14 Q. Okay. And what -- did you perform the Static-99R
15 on Mr. Lard?

16 A. I did.

17 Q. And what did the Static-99R indicate regarding
18 Mr. Lard's risk of being re-convicted of another sexual
19 crime?

20 A. The Static-99 goes from a minus three to a 12.
21 Anything over a six is considered high risk. And
22 Mr. Lard scored an eight on that instrument.

23 Q. What does a score of eight mean, Dr. Swan?

24 A. That means that compared to other adult male sex
25 offenders he scored in the 99.1 percentile. And what

AMY C. SWAN - DIRECT BY MORROW

1 that means is that if you take 100 sex offenders that
2 98.5 percent of those sexual offenders scored below
3 Mr. Lard's score, that means less risky than Mr. Lard,
4 1.2 percent received the same score. So they had equal
5 risks. And only three-tenths of a percent scored higher
6 meaning that they were at a higher risk than Mr. Lard.

7 The recidivism rate of offenders with a score of an
8 eight is typically 7.32 times higher than the recidivism
9 rate of the typical offender. Offenders with a score of
10 eight have an absolute recidivism rate or a percentage
11 rate risk of re-offense at 45 percent at five years after
12 release and 55.3 years -- 55.3 percent at 10 years after
13 release.

14 Q. Is there anything that we need to remember in
15 regard to actuarial assessments?

16 A. Yes. The actuarials typically underestimate risk.
17 And they typically underestimate risk because we are
18 asked to evaluate -- or the actuarials tell us whether
19 someone will be arrested or convicted of another sexual
20 offense. And we want -- what we want to know under the
21 statute is whether someone's going to commit another
22 sexual offense so they underestimate risk in that degree.

23 We also know that they underestimate risk because
24 many sex offenses are undetected. So when they do the
25 actuarial risk tables there are undetected sex offenses

AMY C. SWAN - DIRECT BY MORROW

1 that might have occurred during that time that were not
2 reflected in the actuarial estimate.

3 The actuarials also tell us whether the individual
4 will be arrested or convicted in five years or 10 years
5 but what we want to know is if he's going to commit
6 another sexual offense during his lifetime. So for those
7 reasons they underestimate risk.

8 Q. Okay. Dr. Swan, did you review Dr. Gehle's report
9 before coming to trial?

10 A. I did.

11 Q. And what score did she give Mr. Lard on the Static-
12 99R?

13 A. She also scored Mr. Lard at a score of eight.

14 Q. For the Static-99R concerning Mr. Lard's score in
15 the high range, did you feel that the instrument
16 accurately stated Mr. Lard's risk to offend?

17 A. I do believe it accurately reflects his risk that
18 he is in a very high risk range for a sexual re-offense,
19 understanding that the actuarials may underestimate that
20 risk.

21 Q. And was his score on the Static-99R and the
22 information that you learned from it, was that part of
23 the basis for your opinion?

24 A. Yes, it is.

25 Q. Okay. Dr. Swan, what are risk factors?

AMY C. SWAN - DIRECT BY MORROW

1 A. Risk factors are anything that either increases or
2 diminishes someone's risk of committing another sexual
3 crime. There are two types of risk factors. One is the
4 static risk factors. And those are things that don't
5 change, like, once a person's committed a sexual crime he
6 can't take that back. So that's always going to be
7 reflected in his history.

8 The types of victims he had, whether they were
9 strangers, acquaintances, whether he's had a long-term
10 relationship where he lived with someone for at least two
11 years, those things don't typically change. So those are
12 the static items that are reflected on the Static-99.

13 We also have dynamic risk factors and those are
14 things that can change and these are usually the things
15 that we target in treatment to reduce someone's risk.

16 Q. And, what were Mr. Lard's dynamic risk factors?

17 A. His dynamic risk factors were, in addition to the
18 antisocial personality disorder, that's a static risk
19 factor, but the dynamic risk factors that I identified
20 for him are emotional congruence with children. And that
21 refers to a feeling that someone that is -- that
22 the relationships with children are more satisfying or
23 that he gets along better with younger children than he
24 does with adults.

25 And I believe that was reflected in the

AMY C. SWAN - DIRECT BY MORROW

1 relationships that he had with authority figures, both
2 his mother and some of the correctional staff at DJJ.

3 I also identified lifestyle impulsiveness. And
4 that refers to low self-control, chronic instability in
5 employment and housing, substance abuse and lack of
6 meaningful daily routines, irresponsible decisions and
7 limited or unrealistic long-term goals. And this is a
8 major determinant of criminal behavior.

9 And it was my view that he had most of these
10 characteristics.

11 I also identified poor problem solving. And this
12 involves difficulties generating and identifying
13 effective solutions for problems of daily living. And I
14 think that's apparent in the fact that he had
15 difficulties staying out of facilities and getting along
16 with others.

17 Resistance to rules and supervision. There are two
18 facets to resistance to rules and supervision. And
19 that's a defiant attitude toward authority and
20 oppositional behavior and rule breaking. And I think
21 that's been very clear in his history.

22 There's also grievance hostility and that is --
23 involves the perception that the individual feels that he
24 has been done wrong by the rest of the world and that
25 it's someone else's fault that he's in that particular

AMY C. SWAN - DIRECT BY MORROW

1 predicament rather than accepting responsibility for his
2 behavior. For example, when I asked him why he got in so
3 much trouble when he was in the Department of Juvenile
4 Justice he said, "I had to fight in DJJ because they took
5 me away from everything that was important" to him such
6 as his mom. Clearly failing to identify the fact that he
7 engaged in illegal sexual behavior and that was what got
8 him in DJJ, not that he was taken away without reason.

9 Q. And, Dr. Swan, are the risk factors that you've
10 identified, the dynamic risk factors, are they
11 significant regarding your opinion?

12 A. They are.

13 Q. And why are these risk factors significant?

14 A. Well, obviously these are -- the ones that I've
15 identified, I believe, increases his risk for another
16 sexual offense.

17 Q. And, Dr. Swan, why was it important for you to look
18 at the evaluation?

19 A. Well, those -- taking a look at those particular
20 risk factors, both the static and dynamic, it's important
21 because we need to -- in order to objectively assess
22 someone's risk, we need to look at factors that diminish
23 his risk as well as factors that increase his risk.

24 And I identified a factor that diminished his risk
25 and that was that I did not believe he had a sexual

AMY C. SWAN - DIRECT BY MORROW

1 interest in children or that he was exclusively turned on
2 sexually by children. Individuals who do have that
3 disorder are at higher risk. So that in my mind sort of
4 lowered a portion of his risk.

5 However the other factors that I cited increased
6 his risk, the dynamic risk factors.

7 Q. Dr. Swan, has Mr. Lard ever had any sex offender
8 treatment?

9 A. Mr. Lard has had repeated sex offender treatment.
10 When he was committed to the Department of Juvenile
11 Justice between 2002 and 2004, he was at the Birchwood
12 Sex Offender Treatment Program where he received
13 comprehensive sex offender treatment.

14 However, he did not do well in this treatment.
15 According to a board report dated February of 2004, which
16 is right prior to his release from the Department of
17 Juvenile Justice, it was stated: That he has not made
18 significant progress in treatment; he continues to be a
19 behavior problem on the unit; he continues to manipulate
20 the social worker in individual and group treatment; he
21 was sent to lockup on January 6, 2004, due to excessively
22 disrespecting a staff member; he has attempted to give
23 his disclosure of his offenses in group but there were
24 discrepancies in his account; he does not appear to show
25 empathy for his victims because he smiled and laughed

AMY C. SWAN - DIRECT BY MORROW

1 while he was talking about his offenses; he does not feel
2 that his offending was inappropriate.

3 And the person that wrote the report said: At this
4 time I strongly recommend that he not be released from
5 the Department of Juvenile Justice because he has not
6 taken the treatment program seriously throughout his time
7 at the Birchwood Sex Offender Treatment Program and his
8 behavior is rated as poor.

9 Despite her recommendation that he not be
10 released, he was released a short time later.
11 And he was -- he subsequently was placed on
12 probation and he received sex offender treatment
13 while he was on probation and he began this
14 treatment with Dr. EJ Holt in Augusta, Georgia.

15 Dr. Holt reported that he participated in
16 treatment for a period of six months but during
17 that six months his attendance was sporadic. He
18 did not go every week like he was ordered to do.
19 He only showed up about once every three or four
20 weeks. And he was terminated from treatment as a
21 result and his probation was violated in part
22 because he did not complete the treatment as he
23 was ordered.

24 He also received sex offender treatment in
25 the Department of Corrections and he began that

AMY C. SWAN - DIRECT BY MORROW

1 in February of 2015. And I believe he was
2 released in June of 2015 without completing that
3 treatment.

4 Q. Dr. Swan, did the fact that he -- that he had not
5 completed sex offender treatment but previously been
6 assigned sex offender treatment, did that factor into
7 your decision at all?

8 A. It did. Completing treatment is one of the things
9 that is one of the most powerful ways to reduce someone's
10 risk of committing another sexual offense. The fact that
11 he had three opportunities and did not complete either
12 time and did not comply with his orders to receive that
13 treatment with the exception of the SCDC that was
14 voluntary, is a pertinent factor that I considered.

15 Being terminated from treatment is considered, in
16 the research, to increase risk for committing another
17 sexual crime.

18 Q. Now, Dr. Swan, when you interviewed and spoke with
19 Mr. Lard about his offenses what did he have to say about
20 sex offender treatment?

21 A. Well, he said that he needed to go to classes and
22 that, you know, he probably would.

23 However, since he didn't take it seriously in the
24 Department of Juvenile Justice and he certainly didn't
25 take it seriously while he was on probation, I'm not

AMY C. SWAN - DIRECT BY MORROW

1 convinced that, being on probation that he'll get
2 treatment the next time either.

3 Q. And, Dr. Swan, based on your examination of
4 Mr. Lard and the review of the records, the assessments
5 you conducted and all the factors we've been discussing,
6 did you render an opinion as to whether Mr. Lard has a
7 mental abnormality or personality disorder?

8 A. I did. I diagnosed him with antisocial personality
9 disorder. And a personality disorder is a persuasive and
10 mal adaptive way of relating to your environment that's
11 out of step with the way most people in that environment
12 view things.

13 Q. Okay. And what is antisocial personality disorder?

14 A. The essential feature is -- of antisocial
15 personality disorder is a pervasive pattern of disregard
16 for and violation of the rights of others that begins in
17 early childhood or adolescence and continues into
18 adulthood. In order to be diagnosed with this -- you
19 can't diagnose someone until they're at the age of 18
20 because we recognize that adolescents are sort of in a
21 changing state. However, there has to be a pattern of
22 behavioral disorder which we call conduct disorder prior
23 to the age of 15.

24 Q. Is antisocial personality disorder considered a
25 relevant personality disorder amongst experts such as

AMY C. SWAN - DIRECT BY MORROW

1 yourself who conduct mental health evaluations on
2 sexually-violent predators?

3 A. Yes, it is.

4 Q. And what are the characteristics of antisocial
5 personality disorder?

6 A. The characteristics are failure to conform to
7 social norms with respect to lawful behavior,
8 deceitfulness, impulsivity, irritability and
9 aggressiveness, reckless disregard for the safety of self
10 and others, consistent irresponsibility, and lack of
11 remorse.

12 Q. Now is antisocial personality disorder, is that
13 curable?

14 A. It's not curable, but it tends to mellow out when
15 the individual's in their 40s. It's sort of what we call
16 a burnout of criminal behavior. However Mr. Lard's 28,
17 so he's not anywhere near 40 yet.

18 Q. And, Dr. Swan, why do you think that Mr. Lard has
19 antisocial personality disorder?

20 A. It's a pattern of behavior, as I said, that
21 developed very early in his life, as he was receiving
22 mental health treatment for anger and aggressiveness by
23 the age of five. He's got many of the characteristics of
24 antisocial personality disorder.

25 For example, with respect to failure to conform to

AMY C. SWAN - DIRECT BY MORROW

1 social norms and respect to lawful behavior, as an adult
2 he was arrested for grand larceny, burglary, substance
3 abuse crimes, burglary -- I'm sorry, probation violation
4 and criminal sexual conduct.

5 With regard to deceitfulness, he lied to his
6 probation officer. He was unfaithful to the mother of
7 his children. He lied about his sexual crimes. In my
8 evaluation he told me different things than he had told
9 other evaluators. With regard to impulsivity or a
10 failure to plan ahead, he violated his probation
11 sentences and he was noted to have poor impulse control
12 all the way back to his childhood.

13 With regard to irritability and aggressiveness, he
14 has a long history of anger problems beginning as early
15 as five. He was admitted to psychiatric hospitals for
16 anger and aggression in his childhood. He hit and cursed
17 his mother. He hit his mother with a gun. He didn't
18 shoot her with a BB gun, but he hit her with a BB gun.
19 He was observed in the Department of Juvenile Justice to
20 be belligerent, disruptive, aggressive.

21 With regard to the reckless disregard for the
22 safety of self and others, he sexually assaulted six
23 children. He was consistently aggressive towards the
24 staff at DJJ. He was aggressive toward his mother.

25 With regard to consistent irresponsibility, he told

AMY C. SWAN - DIRECT BY MORROW

1 me that he had been fired from jobs a lot, that he had
2 violated his probation sentences.

3 With regard to lack of remorse, he failed to accept
4 responsibility for his actions in his sexual crimes. For
5 example, the sexual crimes that he committed in 2002,
6 here we are 13 years later, he's had multiple
7 opportunities for treatment and he's still saying that
8 they were incidents that didn't involve force when
9 clearly that was not the case. And he repeatedly blames
10 other people for his problems.

11 With regard to evidence of conduct disorder prior
12 to the age of 15, by the age of seven he was noted to be
13 engaging in physical aggression, provoking his peers and
14 stealing. He took a knife to school at the age of 11.
15 He kicked several children in the groin at 11. He hit
16 his mother at 11. He punched holes in walls and
17 destroyed parts of his trailer. He shot a dog with a BB
18 gun. He put rocks in the beaks of baby birds. He stole
19 and lied that he had temper tantrums. He was expelled
20 from sixth grade. He was expelled at 14. And he had --
21 and his mother noted that she was afraid of him.

22 Q. Dr. Swan, do you have an opinion as to whether
23 Mr. Lard's antisocial personality disorder causes him
24 serious difficulty in controlling his behavior?

25 A. I believe that he does and that's demonstrated all

AMY C. SWAN - DIRECT BY MORROW

1 the way back to early childhood.

2 Q. Do you have an opinion as to whether Mr. Lard has a
3 propensity to commit future sexually-violent offenses?

4 A. Yes. I believe that he is at high risk.

5 Q. Okay. Dr. Swan, do you have an opinion whether
6 Mr. Lard's antisocial personality disorder makes him
7 likely to engage in acts of sexual violence if he is not
8 confined to a secured facility for long-term control,
9 care and treatment?

10 A. Yes, I believe that it does.

11 Q. And, Dr. Swan, do you have an opinion as to whether
12 Mr. Lard meets the legal criteria to be found as a
13 sexually-violent predator at this time?

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

15 Q. And are all of these opinions based on a reasonable
16 degree of psychological certainty?

17 A. Yes, they are.

18 Q. Dr. Swan, I'd like to come back to Dr. Gehle's
19 evaluation of Mr. Lard. For clarification, what score
20 did Dr. Gehle give Mr. Lard on the Static-99R?

21 A. It was an eight which is high risk. Same as mine.

22 Q. And, what was her ultimate opinion in the matter
23 concerning whether she believed Mr. Lard was a sexually-
24 violent predator?

25 A. It was her opinion that he did not meet the

1 criteria as a sexually-violent predator. Obviously I
2 arrived at a different opinion.

3 Q. And if Mr. Lard was not committed into the program,
4 what -- would Mr. Lard be on probation or community
5 supervision?

6 MS. ZMROCZEK: Objection, Your Honor.

7 THE COURT: Let's come over here.

8 MS. ZMROCZEK: Can we approach?

9 (Off-the-record discussion.)

10 BY MR. MORROW:

11 Q. Dr. Swan, I'm going to withdraw that previous
12 question I just asked you.

13 A. Uh-huh.

14 Q. Based on your evaluation, who would be at risk if
15 Mr. Lard is not committed to the sexually-violent
16 predator program?

17 MS. ZMROCZEK: Objection.

18 THE COURT: What's the basis for your
19 objection?

20 MS. ZMROCZEK: Relevance.

21 THE COURT: All right. Overruled.

22 THE WITNESS: Because his victims range
23 from four to 14, it's my opinion that those would
24 be that age range of his victims if he
25 re-offended, and that would be four to 14-year-

1 old females.

2 MR. MORROW: Thank you, Dr. Swan.

3 Please answer any questions that

4 Ms. Zmroczek or the Court may have.

5 THE COURT: And before Ms. Zmroczek begins

6 her cross-examination, I think this is a great

7 time for us to take a comfort break.

8 I just remind the jurors that you are not

9 to talk about the case even with your fellow

10 jurors. So y'all can talk about the big game

11 coming up on Thursday if you need a topic of

12 discussion, but just don't talk about anything

13 that's happened in the courtroom. Thank you.

14 (Jury exits courtroom at 4:08 p.m.)

15 THE COURT: I'm sorry to stop you while

16 you're in the middle of testimony. I remind you

17 you're still under oath. Don't speak about this

18 case with Mr. Morrow or anyone, but you are

19 welcome to take a break as well.

20 THE WITNESS: Thank you.

21 THE COURT: We'll take about a 10-minute

22 break.

23 MR. MORROW: Thank you, Your Honor.

24 (Break taken at 4:09 p.m., until 4:28 p.m.,

25 and the trial resumed as follows:)

AMY C. SWAN - CROSS BY ZMROCZEK

1 THE COURT: Anything from either side
2 before we bring in the jury?

3 MS. ZMROCZEK: I'm ready, Your Honor. I'm
4 just trying to get organized.

5 THE COURT: No problem. You can go ahead
6 and bring them in.

7 THE BAILIFF: Okay. Bring them in,
8 please.

9 (Jury enters courtroom at 4:29 p.m.)

10 THE COURT: All right. Welcome back.
11 We'll get back on the record. Ms. Zmroczek, you
12 may cross-examine the witness.

13 MS. ZMROCZEK: Thank you, Your Honor. May
14 it please the Court.

15 THE COURT: Yes, ma'am.

16 CROSS-EXAMINATION

17 BY MS. ZMROCZEK:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Dr. Swan, we've met before?

21 A. Yes, we have.

22 Q. And I've never hired you as an expert, right?

23 A. No, you have not.

24 Q. I know it was brought up previously that you had
25 been hired by defense counsel?

AMY C. SWAN - CROSS BY ZMROCZEK

1 A. Not in South Carolina, only in Florida.

2 Q. Only in Florida?

3 A. Yes.

4 Q. And so the 14 times that you've been hired as an
5 expert in this state have been by the Attorney General's
6 Office?

7 A. The 14 times that I've testified -- I've testified,
8 but some of them were on the behalf of the Department of
9 Mental Health because I work for the Department of Mental
10 Health also.

11 Q. So you're on a contract with the Department of
12 Mental Health?

13 A. Yes, I am.

14 Q. So they pay you separate and above what the
15 Attorney General's Office pays you?

16 A. Well, I only get paid by one source. So either the
17 Attorney General pays me or the Department of Mental
18 Health, not both.

19 Q. Okay. And, you said it's the same rate whether you
20 make a -- it's the same rate regardless of your opinion,
21 correct?

22 A. That is correct.

23 Q. I'm sorry. Take your time. Do you need to pick up
24 your papers?

25 A. Thank you. I'm dropping everything today.

AMY C. SWAN - CROSS BY ZMROCZEK

1 Q. That's fine. Do you have everything?

2 A. I think so.

3 Q. I'm not paying attention.

4 You said it's the same rate regardless of your
5 opinion?

6 A. Yes.

7 Q. And tell the jury what that rate is.

8 A. It's \$4,500 per case.

9 Q. And, so you went through three feet high,
10 approximately, of medical records?

11 A. Yes.

12 Q. Or records?

13 A. Records.

14 Q. And how many pages do you think that was?

15 A. I don't know. I did not count them. It was a lot.

16 Q. But you relied on 116 of those to make your
17 decision?

18 A. Yes.

19 Q. I want to talk briefly -- I need to clear something
20 up because -- and I apologize, it was hard for me to
21 hear. This courtroom is terribly large.

22 Mr. Morrow was asking you about convictions. And I
23 want to make sure that the jury understands that there's
24 a difference in this case between convictions and
25 arrests, isn't there?

AMY C. SWAN - CROSS BY ZMROCZEK

1 A. That is correct.

2 Q. And let's talk about that for a little bit. You
3 went through some gruesome details of inserting fingers
4 and things like that. And you talked about all the
5 crimes that he was arrested for, right?

6 A. That is correct.

7 Q. And I'm going to write them up here just so that we
8 can -- because, you know, it's a lot of terminology
9 that's kind of hard to remember.

10 A. Okay.

11 Q. So you said he was arrested in 2002 --

12 A. Yes.

13 Q. And sorry. My back is to you.

14 A. That's okay.

15 Q. Let me know if you can hear me.

16 A. Okay. Okay. Sure.

17 Q. -- with criminal sexual conduct with a minor,
18 second degree?

19 A. That's correct.

20 Q. And then he had a lewd act --

21 A. Yes.

22 Q. -- upon a child, and assault and battery of a high
23 and aggravated nature?

24 A. That's correct.

25 Q. And those were his 2002 charges?

AMY C. SWAN - CROSS BY ZMROCZEK

1 A. Yes.

2 Q. And, are you familiar with the elements of criminal
3 sexual conduct in the second degree?

4 A. I'm not sure what you're talking about.

5 Q. What the State is required to prove those crimes.

6 A. You know, I have read those and I'm not sure if I
7 can recite them for you.

8 Q. Okay. You're familiar that there are different
9 levels of crimes?

10 A. Yes, absolutely.

11 Q. For example, criminal sexual conduct in the first
12 degree has certain things that you have to prove?

13 A. Yes.

14 Q. And then criminal sexual conduct with a minor
15 second degree has certain things you can prove?

16 A. That's correct.

17 Q. But if you can't prove those, then they get
18 dismissed, right?

19 MR. MORROW: Objection, Your Honor.

20 THE WITNESS: Well --

21 THE COURT: What's the basis of your
22 objection?

23 MR. MORROW: Dr. Swan is not a lawyer and
24 would not have this information. She would not
25 be familiar with it.

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1 THE COURT: Ms. Zmroczek, I think I
2 understand where you're going but you're going to
3 have to go at it in a different fashion because
4 the witness is not a lawyer.

5 MS. ZMROCZEK: Okay. Certainly.
6 Certainly.

7 Q. You rely on legal documents to base your opinion?

8 A. Yes.

9 Q. It's important to understand the context of those
10 legal documents?

11 A. That's correct.

12 Q. It's important to know the crimes with which people
13 are charged with?

14 A. That's correct.

15 Q. It's important for the jury to know which crimes
16 they're actually convicted -- or pled to, correct?

17 A. That's correct.

18 Q. Okay. And in 2002, the criminal sexual conduct
19 with a minor was dismissed, wasn't it?

20 A. In the second degree?

21 Q. Yes, ma'am.

22 A. I have that the criminal sexual conduct with a
23 minor in the second degree was reduced to the assault and
24 battery of a high and aggravated nature.

25 Q. Okay. And the lewd act upon a child?

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1 A. The lewd act upon a child, I am -- I believe that
2 one, the lewd act upon a child was nolle prossed.

3 Q. And tell the jury what that means.

4 A. That means basically dismissed.

5 Q. And the assault and battery of a high and
6 aggravated nature?

7 A. That was -- he was convicted of that.

8 Q. Was he convicted of one or was he convicted of two?

9 A. He was convicted of two.

10 Q. Okay. And then we had 2004?

11 A. Yes.

12 Q. 2004 he was charged with, we told the jury about
13 the details of his criminal sexual conduct --

14 A. First degree.

15 Q. -- first degree?

16 A. Criminal sexual conduct, second; criminal sexual
17 conduct, second.

18 Q. (Writing on board.)

19 A. And three lewd acts.

20 Q. Now, he wasn't convicted of all of those, was he?

21 A. He was not.

22 Q. Okay.

23 A. He was -- the criminal sexual conduct, second was
24 reduced to assault and battery of a high and aggravated
25 nature.

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1 Q. Okay. And the criminal sexual conduct in the first
2 degree?

3 A. Those were apparently dismissed because he pled
4 guilty to one count.

5 Q. So the three lewd acts, the second criminal sexual
6 conduct in the second degree and then the criminal sexual
7 conduct in the first degree were also --

8 A. Right.

9 Q. -- dismissed? Okay. And in fact the 2004, which I
10 believe was the basis for State's Exhibit Number Two,
11 that was reduced to assault and battery, high and
12 aggravated nature?

13 A. That's correct.

14 Q. He -- are you familiar with the terms under which
15 he pled to that? Did -- you reviewed the sentence sheet?

16 A. Yes.

17 Q. Would it refresh your memory to look at it?

18 A. Thank you. I will.

19 Q. Certainly.

20 A. This was an Alford plea. An Alford plea is where
21 the person's saying, I'm accepting this plea, I'm not
22 saying I did it, I'm not saying I didn't do it, but I'm
23 willing to accept this plea.

24 Q. In essence it's saying that it's a negotiation with
25 the State?

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1 A. Yes.

2 Q. Okay. And that negotiation was from a criminal
3 sexual conduct charge to an assault and battery charge?

4 A. That's correct.

5 Q. And he received probation?

6 A. Let me just check that. He received 20 years of
7 incarceration suspended to 350 days and three years of
8 probation.

9 Q. Okay. So he didn't do the 20 years?

10 A. No.

11 Q. So when we're talking about these underlying awful
12 things that we heard about with the fingers and the body
13 parts, he wasn't actually convicted of those?

14 A. He was not.

15 Q. I want to talk about crimes of violence for a
16 moment. Are you familiar that drugs can be crimes of
17 violence, drug crimes?

18 A. That's correct. From --

19 Q. Go ahead. Sorry.

20 A. -- from my perspective in these particular cases,
21 any crime against a minor child is considered violent
22 from a psychological perspective.

23 Q. So, it's -- careful to -- when I think of the term
24 violence or oftentimes the term violence can be thought
25 of actual physical violence but that's not necessarily

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1 implied when you say crime of violence, correct?

2 A. Not from a psychological perspective. Children
3 don't have the ability to consent but it's considered
4 violent to offend against a child.

5 Q. Okay. In all those criminal charges, the State had
6 the same burden here. Are you familiar with what that
7 burden was to prove those crimes?

8 A. In what regard?

9 Q. The burden that the State had to meet to prove
10 those crimes that he was charged with?

11 A. I'm --

12 MR. MORROW: Objection, Your Honor.

13 THE COURT: What's the basis of your
14 objection?

15 MR. MORROW: Again, Dr. Swan is not a
16 lawyer. She's not been to law school. She does
17 not know what the --

18 THE COURT: We'll move along.

19 MS. ZMROCZEK: Okay. Thank you.

20 BY MS. ZMROCZEK:

21 Q. You told this jury that you never diagnosed him or
22 no one ever diagnosed him with pedophilia?

23 A. That's correct.

24 Q. In fact, prior to your diagnosis in 2015 he had
25 never received, he, Daniel, had never received a

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1 diagnosis of antisocial personality disorder?

2 A. To my knowledge, that's correct.

3 Q. In the three feet of records that you went
4 through --

5 A. Well, many of those records were when he was a
6 minor and you cannot diagnose that disorder until you're
7 18 years old. So those records referred to a period of
8 time when he would not have been eligible for the
9 diagnosis.

10 Q. But in fact you relied upon those behaviors to make
11 that diagnosis?

12 A. Well, that was for the pattern of conduct disorder
13 prior to the age of 15, and then also the acts that he
14 had engaged in from 15 up till 20 when he committed this
15 last crime. So there were two aspects that I looked at.

16 Q. And did you make a diagnosis of conduct disorder?

17 A. I did not, because antisocial personality disorder
18 supersedes conduct disorder. But in order to diagnose
19 this you have to have some evidence of conduct disorder.
20 He clearly would have met a criteria -- a diagnosis of
21 conduct disorder.

22 Q. Clearly would have?

23 A. He would have met a diagnosis of conduct disorder.

24 Q. And, in fact, conduct disorder was a disorder that
25 was available to all of the other evaluations he had

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1 previously?

2 A. Yes. And he has been diagnosed with that in the
3 past.

4 Q. And that's just one aspect of antisocial
5 personality disorder?

6 A. Yes, it is.

7 Q. So that does not form the basis for the antisocial
8 personality disorder?

9 A. Not in and of itself. I said, just one feature.

10 Q. Okay. I want to focus on that childhood behavior
11 that formed the conduct disorder.

12 A. Yes.

13 Q. You're familiar that Mr. Lard grew up in a very
14 neglectful environment?

15 A. Yes.

16 Q. That he was abused by his uncle?

17 A. Yes.

18 Q. Brutally sexually abused by his uncle?

19 A. That's my understanding.

20 Q. Had no adult parental support?

21 A. That's correct.

22 Q. In fact, couldn't go a day, it seems, in DJJ
23 without getting in trouble?

24 A. That's correct.

25 Q. But had one offense when he was an adult when he

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1 was in the Department of Corrections? He had one
2 write-up when he was in the Department of Corrections?

3 A. That's correct.

4 Q. And tell the jury what that was for.

5 A. Let me just check and see. Possession of
6 contraband.

7 Q. Contraband?

8 A. I think that he altered some of the uniform to make
9 it, like, shorts or something.

10 Q. So he had cut some pants to make some shorts?

11 A. Yes, it was not a serious offense.

12 Q. Okay. No sexual crimes, no sexual offenses while
13 in the Department of Corrections?

14 A. That's correct. There are also no children in the
15 Department of Corrections, and those were his victims.

16 Q. Without a diagnosis of pedophilia?

17 A. Well, he's clearly a child molester. I didn't
18 diagnose him with pedophilia but he clearly molests
19 children. The difference is that a pedophile is
20 preferentially sexually aroused by children whereas a
21 child molester molests children but he may be not
22 sexually aroused specifically by children.

23 Q. So the last, the last offense for which he was
24 arrested he was a 20-year-old?

25 A. Yes.

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1 Q. And had consensual sex with a 14-year-old?

2 A. Well, he said it was consensual. She said it was
3 not.

4 Q. And when you look at behaviors -- how old is he
5 now?

6 A. Pardon?

7 Q. How old is he now, Mr. Lard?

8 A. I believe that he is 28.

9 Q. Twenty-eight. So, for the last eight years you
10 have no evidence of sexual crimes?

11 A. That's correct, but he's in the Department of
12 Corrections where he's being supervised. Sometimes it
13 does happen there but it's unusual.

14 Q. You said that you spent four and a half hours with
15 him?

16 A. Face to face.

17 Q. And how many hours did you spend going through the
18 documents?

19 A. Probably 40 to 50.

20 Q. I want to talk a bit now about the actuarial
21 assessment that you did.

22 A. Yes.

23 Q. The basis for determining future sexual recidivism,
24 future sexual violence is unclear, it's not a science?

25 A. Well, it is a science.

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1 Q. Have there been any guidelines established by the
2 psychologists in, I think you said you were a member of
3 the American --

4 A. Psychological Association.

5 Q. -- Psychological Association. Have they
6 established any guidelines?

7 A. Actually the Association for the Treatment of
8 Sexual Abusers has very clear guidelines about what we
9 should and should not do in the assessment and treatment
10 of sex offenders. And because that's specifically
11 designed for sex offenders, those are the guidelines that
12 I follow when I do these types of evaluations.

13 Q. But there are no guidelines, if one were to look in
14 the American Psychological Association?

15 A. Well, they have ethical principles that we're
16 supposed to follow but there's no one -- ATSA to my
17 knowledge is the only one that has guidelines about how
18 to use the actuarials and what should an assessment
19 constitute and those types of things.

20 So clearly the American Psychological Association
21 is more generic because there's so much diversity and
22 things that psychologists can do whereas the Association
23 for the Treatment of Sexual Abusers is specific to that
24 particular clientele.

25 Q. And so you're talking about the Static-99 as the

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1 test that you used?

2 A. Yes.

3 Q. And --

4 A. Well, it's not considered a test as other
5 psychological tests are, but it is a risk assessment
6 instrument.

7 Q. And I want to talk about that risk assessment
8 instrument for a moment. You would agree with me that
9 the Static-99 the designer, Mr. Hanson, the designer of
10 the Static-99 said that it's only moderately successful
11 in predicting sexual recidivism?

12 A. That's correct because, as I explained before, the
13 Static-99 only handles, only deals with static factors,
14 things that cannot change. That's why we also do an
15 assessment of the dynamic factors, things that can
16 change, that might impact the person's risk. Because the
17 Static-99 just doesn't cover all relevant factors in
18 assessing risk.

19 Q. And those risks that you use to base that opinion
20 on was the impulsivity?

21 A. The dynamic factors that I saw?

22 Q. Yes. The dynamic factors were the impulsivity?

23 A. Yes. I can give them to you again. I think I can
24 give them to you again. Let me just find them.

25 It was the emotional congruence with children. It

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1 was poor problem solving; lack of emotionally-intimate
2 relationships with adults; lifestyle impulsiveness;
3 resistance to rules; and supervision and grievance
4 hostility.

5 Q. Since he's been in the Department of Corrections,
6 though, he's not resisted their rules except for that one
7 indiscretion?

8 A. He's had the one write-up, that's correct.

9 Q. And he also has been in an adult relationship?

10 A. He has. And the lack of an emotionally-intimate
11 relationship incorporates many things. He lived with her
12 on and off. He told me that there was a lot of conflict
13 in the relationship because there was arguing and
14 fighting because his mother didn't like her family and
15 her family didn't like him and that sort of thing. They
16 were also unfaithful to each other. So I did not view
17 that as an emotionally-intimate relationship.

18 Q. Thank you.

19 You can't tell this jury with certainty that he's
20 going to engage in any type of sexual, violent behavior?

21 A. That's correct. None of us have a crystal ball. We
22 use the research that has been generated in this area to
23 arrive at conclusions. And the Static-99 is based on
24 research and that tells us that individuals with the
25 characteristics that Mr. Lard has re-offended at a

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1 certain rate and that rate was in the 99.1 percentile.

2 Q. I want to switch to the sexual offender treatment.

3 A. Yes.

4 Q. He actually did receive treatment most recently in
5 the Department of Corrections?

6 A. He did. Now when I evaluated him he had not
7 completed that and he was scheduled for release. So it
8 was my understanding from what he told me that he was not
9 going to be able to complete that.

10 Q. So that was not through fault of his own?

11 A. Well, it wasn't. But it's important to note that
12 the research has indicated that no short-term treatment,
13 no matter how well designed or delivered, is likely to
14 attenuate sexual offending. And that treatment is only
15 six months long.

16 Q. And he met with -- it's led by --

17 A. Sylvia Roberts.

18 Q. Right. Ms. Roberts?

19 A. Yes.

20 Q. And she -- are you familiar with her
21 qualifications?

22 A. Yes.

23 Q. And she makes diagnoses as well?

24 A. Absolutely.

25 Q. And you received all her records?

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1 A. I did not receive her records. I received
2 information about his progress and treatment.

3 Q. Okay. And you would agree with me that she never
4 diagnosed him with antisocial personality disorder?

5 A. She did not.

6 Q. And that in fact she throughout her records
7 indicates that he was at the top of the class?

8 A. I did get that information. And it's important to
9 note that in SCDC they did not have access to all the
10 records that I had. They may have information about his
11 previous crime or the crime that he is -- most recent
12 sexual crime, but often they don't even know what the
13 previous crimes were.

14 Q. Are you familiar that she did not -- that she did
15 have all his records?

16 A. Well, I don't believe that she had all the ones
17 that I have, including the mental health records all the
18 way back to childhood.

19 Q. But you're not sure?

20 A. I'm pretty sure she doesn't, based on what I've
21 spoken with her about in the past.

22 Q. You talked about the relativity of risk in, in kind
23 of conjunction with, like, an insurance policy?

24 A. Yes.

25 Q. So, the data and all the information -- the data

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1 from the actuarial table which I understand now is
2 moderately predictable and the information, those are
3 what you used to form the basis of your opinion?

4 A. Yes. Those are the static factors. And it's
5 moderately predicted because it doesn't cover all
6 relevant factors. So that's why we assess the dynamic
7 risk factors too.

8 Q. Now, does being diagnosed with antisocial
9 personality disorder mean that he cannot control his
10 behavior?

11 A. Not necessarily. Sometimes they choose not to
12 control their behavior.

13 Q. Because the diagnosis for the basis to be
14 considered eligible for the SVP program has to have that
15 diagnosis and then be also unable to control their
16 behavior?

17 A. With regard to that, 75 to 80 percent of the men in
18 prison have antisocial personality disorder. For those
19 men who have never committed a sexual crime, then
20 antisocial personality disorder means nothing in terms of
21 risk for them.

22 However, if you have someone who has antisocial
23 personality disorder and they've repeatedly been
24 sanctioned for sexual crimes and they keep committing new
25 sexual crimes despite being sanctioned, that's where the

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1 antisocial personality disorder is a risk for them.

2 And the fact that he has re-offended repeatedly
3 after sanctions means that he has difficulty controlling
4 his sexual behavior.

5 Q. And so we don't confuse the jury, those sanctions
6 were for assault and battery of a high and aggravated
7 nature and then his criminal sexual conduct in the second
8 degree?

9 A. Yes, but it's important to note that with regard to
10 a risk assessment, the charges are very important. Even
11 if he didn't get convicted of them, the charges are very
12 important. He's had nine charges. And we know from the
13 research that even being arrested for a sexual crime,
14 even if you're not convicted, increases your risk.

15 Q. But you didn't go to law school?

16 A. I'm talking about the psychological research on
17 what increases risk. And even being arrested without
18 being convicted increases your risk for another sexual
19 crime.

20 Q. And you would agree with me that people get
21 arrested for crimes that they're not guilty of?

22 A. I agree with you that they do, but it's very
23 unusual to be arrested three times in error for a sexual
24 crime.

25 Q. And what's the basis of that opinion?

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1 A. The odds against being arrested three times in
2 error for a sexual crime are extremely high. And I base
3 that on a statistician that I dealt with in Florida, a
4 Dr. Hoffman. In fact, in her words, it was astronomical.

5 Q. So that is not necessarily a clinical approach to
6 his recidivism but an actuarial approach?

7 A. Well, it's a statistical approach. She figured out
8 the odds of someone being convicted three times in error
9 for a sexual crime. And in her words it was
10 astronomical.

11 Q. And when you're talking about odds, it's flipping a
12 coin?

13 A. Not in regard to this.

14 Q. Okay.

15 A. We're talking about being arrested by the State or
16 in error and that's very different from the odds that
17 you're talking about.

18 Q. And you're familiar with the backgrounds of the
19 people that accused him of these crimes?

20 A. I reviewed it in the record. It seems like they
21 all came from the same kind of chaotic family situation.

22 Q. Same kind of family situation?

23 A. Yes.

24 Q. Being severely neglected?

25 A. A lot of chaos in the family.

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1 Q. And that can have an impact on peoples' behavior?

2 A. Well, if you're saying that children lie about
3 sexual abuse because they're neglected, having dealt with
4 abused children for over 27 years I believe that that may
5 happen at times but it's very rare in my view.

6 Q. But we don't -- we don't have the underlying facts
7 of these charges?

8 A. Only what I reviewed in my records.

9 Q. And what he's pled to?

10 A. That's correct.

11 Q. The purpose and the requirements for the SVP act is
12 to ensure that these involuntary commitment procedures
13 are used to control a limited subclass of dangerous
14 persons?

15 A. That's correct.

16 Q. You testified 14 times in determination hearings or
17 trials?

18 A. Pre-commitment.

19 Q. Pre-commitment. And how many times have you
20 recommended that they not be in the program of those 14
21 times?

22 A. At the pre-commitment level? Well, those were also
23 annual review hearings. And I have recommended release.
24 I have -- I believe I've only done about eight
25 pre-commitment evaluations. And I've recommended that

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1 one individual -- well, actually two now, individuals do
2 not meet the criteria.

3 Q. To be -- and that's in the annual review?

4 A. No. This is in a pre-commitment.

5 Q. Okay. So two out of eight?

6 A. Yes.

7 Q. Can you tell me their names?

8 A. Well, I haven't completed the reports yet. I'm
9 submitting them. So.

10 Q. Okay. Let me rephrase the question.

11 A. Yes.

12 Q. Of the commitments that you have completed --

13 A. Yes.

14 Q. -- you testified to a jury, how many times have you
15 recommended that they be committed?

16 A. Each time.

17 Q. Each time?

18 A. Yes.

19 Q. You would agree that the law requires the
20 volitional impairment?

21 A. That's correct.

22 Q. Tell the jury what volitional impairment means.

23 A. It means having difficulty controlling your
24 behavior.

25 Q. But not just difficulty in this case, so difficult

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1 that they cannot be released into society?

2 A. That is correct. For example, Mr. Lard repeatedly
3 violated his probation on his sexual crimes, and even
4 committed a new sexual crime while he was on probation.
5 If you cannot control your behavior while you're -- your
6 sexual behavior while you're on probation and while
7 you're being completely very closely monitored, then you
8 can't control your sexual behavior. And that to me is
9 severe difficulty controlling your behavior.

10 Q. And you said repeatedly. It was actually one
11 time.

12 A. One time he committed a crime but he repeatedly
13 violated his probation on his sexual crimes.

14 Q. How many times was he arrested for probation
15 violations?

16 A. Twice.

17 Q. Two times?

18 A. That's correct. There were --

19 Q. Okay.

20 A. -- multiple sanctions for not adhering to his
21 requirements in between those times but he was only
22 arrested and convicted twice of probation violations.

23 Q. Some of those violations had to do with not being
24 able to pay his fines?

25 A. That was part of it, but part of it was not going

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1 to treatment. Part of it was absconding and leaving the
2 state while he was under probation.

3 Q. And that was the one time, the one time that he was
4 arrested?

5 A. That's correct.

6 Q. Not talking about these other violations --

7 A. Right.

8 Q. -- that he was not arrested?

9 A. That's correct.

10 Q. Okay.

11 A. Well, I think I missed that question. Those were
12 the ones that he was arrested for. He was cited for not
13 complying with treatment, not paying his supervision fees
14 and those in between, before he was actually arrested for
15 it.

16 Q. And those are the offenses that would make up the
17 substantial violations?

18 A. Yes. That's correct.

19 Q. Just want to be clear on that.

20 His behavior has significantly changed since he was
21 a teenager in DJJ?

22 A. There has been some improvement. However, he did
23 re-offend sexually as an adult.

24 Q. When he was 20?

25 A. When he was 20.

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1 Q. And you're saying that -- I'll move on.

2 You largely relied on the child and adolescent
3 behavior to form that antisocial personality disorder?

4 A. As I said, it was two distinct time periods. Prior
5 to age 15 where that would be the conduct disorder part
6 of the antisocial personality disorder, but after the age
7 of 15 he continued to get arrested. He continued to get
8 in all sorts of trouble. And that would go to the
9 antisocial personality disorder.

10 Q. You would agree with me he could not be diagnosed
11 with antisocial personality disorder until the age of 18?

12 A. That's correct.

13 Q. And to be clear, your involvement began in
14 Mr. Lard's case after the doctor, Dr. Gehle's report who
15 reviews all of the --

16 A. Yes.

17 Q. -- intakes?

18 Beg the Court's indulgence?

19 THE COURT: Okay.

20 MS. ZMROCZEK: Thank you very much,

21 Dr. Swan.

22 THE COURT: Any redirect?

23 MR. MORROW: Briefly, Your Honor.

24 THE COURT: Okay. I just want to note that
25 it's 5:05, so we didn't want to get out of here

1 too late.

2 MR. MORROW: Yes, ma'am.

3 REDIRECT EXAMINATION

4 BY MR. MORROW:

5 Q. Dr. Swan, how many times was Mr. Lard charged with
6 sexual offenses?

7 A. Nine separate sexual offenses.

8 Q. Okay. And how many times did he violate his
9 probation for sexual offenses?

10 A. Twice.

11 MR. MORROW: Thank you. No further
12 questions for this witness, Your Honor.

13 THE COURT: All right. Thank you,
14 Dr. Swan. You may step down.

15 THE WITNESS: Thank you.

16 THE COURT: Does the State plan to call any
17 other witnesses?

18 MR. MORROW: No, Your Honor. At this time
19 the State would rest its case.

20 THE COURT: All right. We will go ahead
21 and take a recess for the evening and we will
22 come back to resume this trial tomorrow morning.
23 I would ask that -- I would like to start this
24 trial tomorrow morning at nine a.m., so I ask
25 that you get here a bit early.

1 Mr. Bailiff, can we provide the jurors with
2 breakfast?

3 THE BAILIFF: I think we can. They look
4 like they're well fed, that they can buy us all
5 breakfast.

6 THE COURT: (Laughs.) All right.

7 And we'll just leave it to your discretion
8 what and we'll bring it in tomorrow morning. And
9 so if you would like to eat breakfast, please
10 come a few minutes early.

11 But be sure to be here about, I'll say
12 about 10 minutes till nine to be sure that we can
13 get started right at nine o'clock. Sometimes
14 there are matters of law that come up in the
15 morning so if you don't come in the courtroom
16 right at nine a.m., rest assured we are working.
17 But we look forward to having you tomorrow and
18 we'll feed you tomorrow as well.

19 Have a great evening and I remind you not
20 to speak about this case to anyone. Thank you.

21 (Jury exits courtroom at 5:09 p.m.)

22 THE COURT: All right. Are there any
23 motions or other matters to address at this
24 time?

25 MS. ZMROCZEK: Your Honor, at this time we

1 would move for a directed verdict motion based on
2 the lack of link between the antisocial
3 personality disorder and the volition
4 requirement.

5 And for the case -- I've got too many
6 papers on my desk. So I was trying to keep it
7 straight. But there was a case history of State
8 V Taft. And I'll hand it up or I can give you
9 the cite. I'll give him the cite.

10 THE COURT: Sure. I'm familiar with Taft.
11 You can go ahead.

12 MS. ZMROCZEK: Okay. And I understand in
13 that case, Your Honor, the difference is here
14 that they had no -- they had no one to testify as
15 to his current behavior. But I believe that the
16 testimony here has been largely based on
17 childhood testimony that -- or childhood
18 behaviors that couldn't even form the basis of
19 the antisocial personality disorder. He couldn't
20 even be diagnosed until he was 18.

21 I don't know how those behaviors can then
22 form the basis of a diagnosis that's not even
23 eligible to him when he's 18 before -- or, excuse
24 me, before the time that he's 18 but those form
25 the basis, a substantial basis for her finding

1 that personality disorder.

2 And, Your Honor, that personality disorder
3 is the only -- is what makes this case meet the
4 statutory requirement to even be eligible for
5 this program.

6 THE COURT: Are you arguing that if there's
7 a personality disorder that is diagnosed after
8 the commission of the qualifying offense, then --

9 MS. ZMROCZEK: When --

10 THE COURT: -- that can't be a basis --

11 MS. ZMROCZEK: No, no.

12 THE COURT: -- for an SVP?

13 MS. ZMROCZEK: I'm sorry. Maybe I'm not
14 being clear.

15 But the basis -- the antisocial personality
16 disorder is the basis for the -- is the
17 qualifying disorder.

18 THE COURT: Right.

19 MS. ZMROCZEK: That is based on behaviors
20 and crimes that were largely developed when he
21 was --

22 THE COURT: Okay. When he was -- you're
23 saying --

24 MS. ZMROCZEK: -- under -- when that
25 diagnosis wasn't even available to him.

1 THE COURT: Okay. Any additional
2 arguments?

3 MS. ZMROCZEK: Those would be my basis for
4 my arguments.

5 THE COURT: Okay. You're welcome to make
6 an argument.

7 MR. MORROW: Your Honor, the State would
8 suggest that it has provided evidence that
9 Mr. Lard was convicted of a sexually-violent
10 offense; has provided evidence that he suffers
11 from a mental abnormality or personality
12 disorder, in this case antisocial personality
13 disorder; and that Dr. Swan testified his
14 antisocial personality disorder is directly
15 linked to his risk to re-offend and his volition
16 of capacity. I believe that in considering it in
17 the light most favorable to the non-moving party
18 that we're fine.

19 THE COURT: All right. Thank you.

20 This is a directed verdict motion. I am to
21 view the evidence in the light most favorable to
22 the State to see if there's any evidence upon
23 which the jury could determine Mr. Lard to be a
24 sexually-violent predator.

25 And I find that the State has met that

1 burden and I respectfully deny your motion,

2 Ms. Zmroczek.

3 Anything else?

4 MR. MORROW: Nothing from the State, Your
5 Honor.

6 MS. ZMROCZEK: Nothing, Your Honor.

7 THE COURT: All right. You heard me talk
8 to the jury about starting bright and early
9 tomorrow at nine a.m. If there's anything that
10 you all want to bring up tomorrow morning, my law
11 clerk and I will be here around 8:45. So we'll
12 be available before nine a.m.

13 All right. Thank you very much. We'll see
14 you tomorrow.

15 MS. ZMROCZEK: And I'll e-mail those -- I
16 have some proposed charges as well. I'll make
17 sure to e-mail them tonight.

18 THE COURT: All right. Thank you very
19 much.

20 END OF DAY: 5:14 P.M

21 * * * *
22
23
24
25

1 ON TUESDAY, SEPTEMBER 1, 2015 AT 9:13 A.M.:

2 THE COURT: I understand the defense
3 attorney is not here yet but I wanted to go ahead
4 and take the bench and we will just wait for her
5 to arrive.

6 (Pause from 9:13 to 9:16 a.m.)

7 MS. ZMROCZEK: Sorry, Judge. I apologize.

8 THE COURT: That's all right.

9 We'll just get started, but we need to get
10 your client in here so we can get started.

11 MS. ZMROCZEK: Thank you.

12 (Respondent enters courtroom.)

13 THE COURT: We can go ahead and bring in
14 the jury.

15 (Jury enters courtroom at 9:16 a.m.)

16 THE COURT: Thank you very much. Good
17 morning.

18 THE JURY (COLLECTIVELY): Good morning.

19 THE COURT: Hope y'all had a nice evening
20 and a nice breakfast this morning. As you know
21 the State rested yesterday right before you left
22 for the day, and now the Respondent will present
23 its case.

24 Ms. Zmroczek?

25 MS. ZMROCZEK: Thank you. I call Daniel

DANIEL LEE LARD - DIRECT BY ZMROCZEK

1 Lee Lard.

2 DANIEL LEE LARD, having been duly sworn,
3 was examined and testified as follows:

4 THE CLERK: Please take a seat in the
5 witness box and state your full name for the
6 Court.

7 THE WITNESS: My name is Daniel Lee Lard.

8 DIRECT EXAMINATION

9 BY MS. ZMROCZEK:

10 Q. Daniel, how old are you?

11 A. I am currently 28 years old.

12 Q. Make sure you speak up.

13 A. Okay. Yes, ma'am. I'm currently 28.

14 Q. Okay. Are you nervous?

15 A. Yes, ma'am.

16 Q. All right. Just try to answer the questions for
17 me. Tell this jury where you live.

18 A. I live in Warrenville, South Carolina, which is
19 currently what they call the Valley.

20 Q. And who do you live there with?

21 A. I live with my mother.

22 Q. And, tell this jury, did you do any time in prison?

23 A. Yes. I did five years in prison.

24 Q. And why did you do those five years?

25 A. For violation of probation.

DANIEL LEE LARD - DIRECT BY ZMROCZEK

1 Q. And what were you on probation for?

2 A. For sexual misconduct with a minor, and I don't
3 remember all of them.

4 Q. Okay. And that minor was who?

5 A. A 14-year-old girl named Brittany.

6 Q. And did you have sex with her?

7 A. Yes, ma'am.

8 Q. And how old were you?

9 A. I was 20, 21, 20 years old at the time.

10 Q. And, were you arrested for that?

11 A. Yes, ma'am.

12 Q. And you pled guilty?

13 A. Yes, ma'am.

14 Q. And you went to prison or actually you got
15 probation --

16 A. Yes, ma'am.

17 Q. -- I think you said. And then what was the reason
18 you violated your probation?

19 A. I left the state without permission.

20 Q. And why did you leave the state?

21 A. Well, at the time I had to leave the state to make
22 money but I didn't say that to the probation officer. I
23 just left, you know what I mean. And when the probation
24 office called me I was too far away to come back and I
25 just told them that I was in New Mexico.

DANIEL LEE LARD - DIRECT BY ZMROCZEK

1 Q. And you say make money. Did you have to pay fees
2 when you're on probation?
3 A. Yes, ma'am.
4 Q. Were you having trouble doing that?
5 A. Yes, ma'am.
6 Q. Had you got in trouble for that?
7 A. Yes, ma'am.
8 Q. But not put in prison?
9 A. Yes, ma'am.
10 Q. Are you on the sex offender registry?
11 A. Yes, ma'am.
12 Q. When you're out, do you have to register with the
13 sheriff every three months?
14 A. Yes, ma'am.
15 Q. They keep track of you?
16 A. Yes, ma'am.
17 Q. And they give you rules?
18 A. Yes, ma'am.
19 Q. While you were in prison -- you heard the testimony
20 yesterday about your behavior in DJJ.
21 A. Yes, ma'am.
22 Q. Did you misbehave in DJJ?
23 A. Yes, ma'am. I was an analectic child. I made bad
24 decisions back then.
25 Q. Have -- since you've been in SCDC, how has it been

DANIEL LEE LARD - DIRECT BY ZMROCZEK

1 better?

2 A. Well, a whole lot better because I don't take and
3 get in trouble, or I think better about the decisions
4 that I make through the period of time.

5 Q. Had you -- did you take some classes?

6 A. Yes, ma'am.

7 Q. Are there classes available to you when you, if you
8 get to go back to your mom?

9 A. Yes, ma'am.

10 Q. Are you planning on taking those classes?

11 A. Yes, ma'am.

12 Q. Are you on any medications?

13 A. At this moment, not this second.

14 Q. Not this moment. Have you been on medications?

15 A. Yes, ma'am.

16 Q. What for?

17 A. I was hyperactive disorder, ADD and ADHD.

18 Q. And when they give you medication, do they give
19 that to you in prison?

20 A. Yes, ma'am.

21 Q. When you were taking it everyday, how did it make
22 you feel?

23 A. It calms me down, makes me realize what's going on
24 around me.

25 Q. Did they provide you with a way to receive your

DANIEL LEE LARD - DIRECT BY ZMROCZEK

1 medications when you get home to your mom?

2 A. Yes, ma'am.

3 Q. So the only reason that you went to prison is not
4 because of the CSC charge, it was because you violated
5 the probation?

6 A. Yes, ma'am.

7 Q. And did they violate -- how much time did they
8 violate you?

9 A. I don't know exactly that, but I just know that I
10 got five years and the rest of my probation which was a
11 year left freezed.

12 Q. Okay.

13 A. I think, I think it was two five-years to run
14 concurrent because I had two probation sentences I
15 violated at the same time.

16 Q. So you were out on probation for a good bit of
17 time?

18 A. Yes, ma'am.

19 Q. And the only violation you had were, what? When
20 you were out before you got arrested.

21 A. Failure to pay my fees which was hard on me, and
22 leaving state lines.

23 Q. Okay.

24 A. Which I had an unauthorized use of a telephone,
25 talking to my ex-fiancee.

DANIEL LEE LARD - CROSS BY MORROW

1 Q. Okay. After serving your punishment, do you feel
2 like you're -- how do you feel about re-entering society?

3 A. I feel like I'm ready.

4 Q. The charges that -- from 2002 and 2004 that you
5 received ABHAN, did you receive probation for those?

6 A. Yes, ma'am.

7 Q. And I'm not trying to embarrass you, but did that
8 have to do with family members?

9 A. Yes, ma'am.

10 Q. And has that situation been resolved?

11 A. Yes, ma'am.

12 Q. Please answer any questions Mr. Morrow may have.

13 THE COURT: Mr. Morrow?

14 MR. MORROW: Thank you. May it please the
15 Court.

16 CROSS-EXAMINATION

17 BY MR. MORROW:

18 Q. Mr. Lard, I just want to go over a brief history
19 with you real quick. You would agree with me that in
20 2002 you were committed to the State Department of
21 Juvenile Justice for an ABHAN charge, correct?

22 A. Yes, ma'am -- yes, sir, I mean.

23 Q. You would also agree with me that on -- in 2004,
24 you were released in February of that year on that ABHAN
25 charge?

DANIEL LEE LARD - CROSS BY MORROW

1 A. I'm not sure of the direct time, the date, but,
2 yes, sir.

3 Q. Okay. And then you would agree with me that later
4 that year in 2004 you were charged, or you were charged
5 and ended up pleading in 2006 for another crime not 10
6 months after you were released from DJJ?

7 A. Yes, sir.

8 Q. Okay. And then you would agree with me that you
9 received a sentence of probation for that 2006 offense?

10 A. Yes, sir.

11 Q. Okay. You would also agree with me that that,
12 while you were on probation for that 2006 offense you
13 were charged subsequently with another offense?

14 A. No, sir. I was -- it was -- at the time period
15 they couldn't violate me for my probation because of the
16 time period. It happened before the time period, during
17 the time period.

18 Q. I stand corrected. But you did plea after you were
19 placed on probation?

20 A. Yes.

21 Q. Okay. And for that 2008 charge, you would agree
22 with me that you were charged with criminal sexual
23 conduct with a minor in the second degree?

24 A. Yes, sir.

25 Q. And you would agree with me that you pled guilty to

DANIEL LEE LARD - CROSS BY MORROW

1 that charge?

2 A. Yes, sir.

3 Q. And you would agree with me that you received a
4 probationary sentence on that charge?

5 A. Yes, sir.

6 Q. Okay. And you would agree with me that while you
7 were on probation for that charge you left the State of
8 South Carolina without state -- telling your probation
9 officer that you were going to leave the State of South
10 Carolina?

11 A. Yes, sir.

12 Q. You would also agree with me that you had to attend
13 sex offender treatment while on probation for those
14 charges?

15 A. Yes, sir.

16 Q. You would agree with me that you did not
17 successfully complete that sex offender treatment while
18 on probation?

19 A. Yes, sir.

20 Q. Okay. Thank you.

21 No further questions for this witness, Your Honor.

22 THE COURT: All right. Thank you. Any
23 redirect?

24 MS. ZMROCZEK: Just briefly.

25

DANIEL LEE LARD - REDIRECT BY ZMROCZEK

REDIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Mr. Lard, when you were out on probation and not attending sex offender treatment, how much were those classes?

A. \$45 a week.

Q. Were you able to afford those?

A. No, sir -- no, ma'am.

Q. Did you learn job skills in prison?

A. Yes, ma'am.

Q. Are you able to get a job now?

A. Yes, ma'am.

MS. ZMROCZEK: Thank you.

THE COURT: All right.

Mr. Lard, thank you so much. You may step down.

MS. ZMROCZEK: Call Dr. Marie Gehle.

MARIE GEHLE, having been duly sworn, was examined and testified as follows:

THE CLERK: Please take a seat in the witness box and state your name for the record.

THE WITNESS: My name is Marie Gehle.

G-E-H-L-E.

MARIE GEHLE - DIRECT BY ZMROCZEK

DIRECT EXAMINATION

BY MS. ZMROCZEK:

Q. Dr. Gehle, where are you employed?

A. At the South Carolina Department of Mental Health.

Q. Would you please describe for the jury your educational background and any degrees including your undergraduate degree?

A. Sure. I have a bachelor's degree in psychology from Ohio Northern University. I have a master's degree in clinical psychology from Xavier University and I have a doctorate in clinical psychology from Xavier University.

Q. Any additional mental health professional experience?

A. Before I went to graduate school I worked as a case manager in the community, in a community mental health center with a variety of children, adolescents and adults with mental illness. During graduate school I worked at Cincinnati Children's Hospital in the in-patient Psychiatric Unit for four-plus years. I did a lot of research there.

I did a lot of, you know, on, like, in-school training, during graduate school with children, adolescents and adults, many with criminal behaviors, many with severe mental illness.

MARIE GEHLE - DIRECT BY ZMROCZEK

1 I did a pre-doctoral internship at Western State
2 Hospital in Tacoma, Washington. There I learned how to
3 do forensic evaluations, competency to stand trial,
4 criminal responsibility evaluations. And I also did some
5 training at their Special Commitment Center which is a
6 program for sexually-violent predators in Washington
7 State.

8 Q. I'm sorry.

9 A. I'm not --

10 Q. Okay.

11 A. And then I did a post-doctorate fellowship at East
12 Central Regional Hospital in Augusta where I worked with
13 criminal defendants with mental illness who were
14 committed to the hospital. I did evaluations with them
15 as well.

16 Q. After --

17 A. Now I'm finished.

18 Q. Thank you. After obtaining your doctorate degree,
19 what's been the nature of your work?

20 A. Well, I did a post-doctoral fellowship at East
21 Central Regional and then I also did some work for them
22 after that. Then I've been at the South Carolina
23 Department of Mental Health pretty much ever since, and
24 I've been employed by the Sexually-Violent Predator
25 Program.

MARIE GEHLE - DIRECT BY ZMROCZEK

1 Q. Describe for the jury what your duties are.

2 A. My sole job is to do these evaluations. I'm the
3 court-appointed expert in pre-commitment sexually-violent
4 predator evaluations. That's what I do all week long,
5 every day, all year for about the last, almost six years
6 I've been doing these. I've also supervised treatment of
7 sexually-violent predators. And I've done the
8 evaluations of people who are committed to the program.
9 They get evaluated every year. I've done those
10 evaluations as well.

11 Q. Approximately how many evaluations have you done
12 for the State as a court appointed --

13 A. As a court-appointed expert with the pre-commitment
14 evaluations, I've done between 80 and 90 of these
15 evaluations. And then I've done about the same amount of
16 the people who are up for annual review, the sexually-
17 violent predators who get their yearly evaluation.

18 Q. Have you ever been qualified as an expert?

19 A. Yes.

20 Q. How many times?

21 A. 75-plus times in these proceedings in South
22 Carolina.

23 MS. ZMROCZEK: Your Honor, at this time we
24 would move to have Dr. Gehle as an expert in
25 sexually-violent predator forensic evaluations.

MARIE GEHLE - DIRECT BY ZMROCZEK

1 THE COURT: Okay. Any objection from the
2 State?

3 MR. MORROW: No objection from the State,
4 Your Honor.

5 THE COURT: All right. So she is so
6 qualified.

7 And I just remind the jury as I instructed
8 you yesterday that Ms. Gehle is allowed to
9 testify as to her opinion. You are still to
10 determine her credibility and believability. And
11 what you take from her testimony, that's up to
12 you.

13 Thank you, Ms. Zmroczek.

14 MS. ZMROCZEK: Thank you.

15 Q. How is it that you were requested to get involved
16 in this case?

17 A. Well, the Sexually-Violent Predator Act says that
18 somebody from the Department of Mental Health will do
19 these evaluations. We do a lot of evaluations for the
20 State and for the courts. And this is just one type that
21 we do.

22 So, I've been assigned by the Department of Mental
23 Health to do these evaluations for them and I get court
24 appointed. I get a court order that orders me to do the
25 evaluation.

MARIE GEHLE - DIRECT BY ZMROCZEK

1 Q. So you were court ordered to do the evaluation in
2 this case?

3 A. That's correct.

4 Q. And what materials did you have to do that?

5 A. Well, as you can see, I have all these green file
6 folders are the information that I obtained. I often
7 receive the petition that the State files against the
8 person. I'll receive Department of Correction records,
9 their criminal history, their official, like, national
10 criminal history report. Typically I'll get police
11 reports. In this case I got some Department of Juvenile
12 Justice records.

13 And then I requested a bunch of additional records.
14 Mr. Lard told me that he had quite a background of mental
15 health treatment. I tried to get all of those records.
16 I got records from the Department of Social Services,
17 Children's Services. I got treatment records, DJJ
18 records; a lot of records in this case.

19 Q. Tell the jury why, why those records are important
20 when evaluating someone to be determined as a sexually-
21 violent predator.

22 A. Well, my goal in these cases is to understand
23 somebody, you know, throughout their whole life and
24 understand how they came to be in this position to get
25 evaluated under this Act. I'm always looking for, you

MARIE GEHLE - DIRECT BY ZMROCZEK

1 know, anything to do with their sexual behavior. I want
2 to see the history of that.

3 I'm also looking at their childhood behavior in
4 regard to whether they have conduct problems because
5 that's important for the diagnosis of antisocial
6 personality disorder which is relatively common with
7 criminals in prison.

8 I want to see their dynamic risk factors, their
9 static risk factors. And all of that stuff becomes
10 essential when I'm looking at that. So I need a lot of
11 information.

12 Q. How many hours did you -- or did you met with
13 Mr. Lard?

14 A. Yes, I did.

15 Q. For how many hours?

16 A. A little over nine hours.

17 Q. Where did that interview take place?

18 A. It took place at the Crafts Farrow State Hospital
19 Campus, Building Six, in Columbia.

20 Q. Tell the jury why it's important to not only go
21 through these extensive records but meet with an
22 individual.

23 A. Well, it's extremely important to get their side of
24 things especially when you're making diagnoses. And in
25 this case it's -- it was particularly relevant for the

MARIE GEHLE - DIRECT BY ZMROCZEK

1 diagnosis of antisocial personality disorder.

2 I met with him for nine hours. I interrogated him
3 at times. I, you know, got a lot of background. It
4 helped me understand what records could exist, how his
5 life had been as a child, to get his attitude, his, you
6 know, feelings about things, how he views the world which
7 is extremely important for the diagnosis of antisocial
8 personality disorder.

9 Q. Did you diagnose him with antisocial personality
10 disorder?

11 A. No.

12 Q. Tell the jury why you did not meet that -- why you
13 did not feel he met the diagnosis?

14 A. Well, I considered it because on the surface he
15 definitely has those characteristics. One is, he had a
16 lot of behavior problems prior to age 15 and that's
17 essential to the diagnosis because it's a lifelong
18 disorder.

19 He also had repeated criminal behavior which is
20 also an element of the disorder but for me that's where
21 it stopped. When I met with him he was open, honest.
22 His account of things matched the account that I found in
23 the records. Somebody with antisocial personality
24 disorder, That's unlikely. They'll lie a lot to you.

25 Q. (Water handed to witness.)

MARIE GEHLE - DIRECT BY ZMROCZEK

1 A. Oh. Thank you very much.

2 So, he was -- he was generally open and honest. It
3 was important to see what his attitudes were about his
4 past behavior. And he took responsibility for his
5 behavior which is very unlikely for somebody with
6 antisocial personality disorder. They just tend to blame
7 other people and rationalize how they hurt other people.
8 He didn't do that. He took responsibility. He expressed
9 remorse. He was open, honest, straight forward.

10 His irritability and aggressive behavior was
11 largely when he was a child. And I put that into the
12 context of he had grown up in a horrific environment. He
13 was physically abused. He watched his mom be beaten
14 regularly by boyfriends. She moved him around a lot. I
15 think he went to, like, six different schools just in the
16 first grade.

17 He has a history of learning disabilities. He was
18 analy raped and forced to give and received oral sex by
19 an uncle when he was a child and adolescent. And all of
20 this stuff was going on in a house where he was supposed
21 to be safe. And so he was acting out. And that's how I
22 viewed his early behavior problems.

23 He doesn't have those behavior problems now.
24 People change as they get older. And I've seen, just
25 looking at the records, a big change in his behavior over

MARIE GEHLE - DIRECT BY ZMROCZEK

1 time.

2 Q. And those records included -- did you review his
3 most-recent records with regards to any sexual violent
4 predator or sexual treatment, sexual violent treatment
5 that he received?

6 A. I did not get records, same as Dr. Swan, but I did
7 talk to the therapist that runs the program at the
8 Department of Corrections and I spoke to her.

9 Q. What -- and did you rely on her information in
10 forming your opinion?

11 A. It was one thing that I considered.

12 Q. Was the -- how has his behavior changed as far as
13 treatment attitudes?

14 A. Well, I can tell you that when I spoke to her the
15 therapist, Ms. Roberts, she said he was doing well in
16 group and that he wants to finish the treatment program.
17 He participates in group activities. Said -- she said he
18 becomes anxious at times.

19 So, she had, you know, relatively positive things
20 to say about him.

21 Q. Has that behavior changed since he's been in DJJ?

22 A. I would say absolutely.

23 Q. What, if anything, in the records did you find that
24 would support, even if he did have antisocial personality
25 disorder, that would support linking that to any sexual

MARIE GEHLE - DIRECT BY ZMROCZEK

1 violent behavior? Is there any link?

2 A. Well, he had one sexually-violent offense. And
3 that was -- I know people have testified that that was a
4 15-year-old or a 14-year-old girl, but from my review of
5 the records she was a 15-year-old girl. That's his only
6 offense that's sexually violent. He was 20 years old.
7 She was 15.

8 It said in the records that she initially said no
9 to having sex with him but then said yes and then they
10 had sex. She was also at this party with her, I guess it
11 was her father's girlfriend. And it appeared from the
12 records that the father's girlfriend, like, snuck the
13 girl out of the house, they went to a party and that's
14 where the sex occurred.. The father's girlfriend also had
15 sex with somebody apparently, and I think that she was
16 charged in the incident as well.

17 Q. Are you familiar with criminal sexual conduct as
18 far as what it requires to be found guilty in the second
19 degree?

20 A. The elements of it?

21 Q. Yes.

22 A. Yes, to some degree.

23 Q. And in this case, how did this meet those elements?

24 A. Well, it really was a matter of age. He was
25 older. He was older than 18. And that was markedly

MARIE GEHLE - DIRECT BY ZMROCZEK

1 older than she was. So he was 20 and she was 15. I
2 think the age of consent in South Carolina is 16. So
3 that's how it, it met the criteria for that charge.

4 Q. Did you also have an opportunity to review what the
5 criteria is for his other charges which are ABHAN,
6 assault and battery of a high and aggravated nature?

7 A. Yes.

8 Q. And in reviewing those elements, are there any that
9 have a sexual component to them?

10 A. No.

11 Q. Tell the jury what those are.

12 A. Assault and battery of a high and aggravated
13 nature, it's unlawfully injuring another person causing
14 either great bodily injury of another or an act
15 accompanied by means likely to produce death or great
16 bodily injury. It used to be a misdemeanor but now it's
17 classified as a felony.

18 Q. But when he pled it was a misdemeanor?

19 A. I'm not sure exactly what year it changed, but I
20 would say at least the early ones that he was charged
21 with it was a misdemeanor. I think it changed sometime
22 in the last few years.

23 Q. Okay. You did other testing on him?

24 A. I did an actuarial test with him.

25 Q. And tell the jury about those results.

MARIE GEHLE - DIRECT BY ZMROCZEK

1 A. So the way that I view risk, the risk to recidivism
2 or to be convicted of another sexually-violent offense, I
3 use an actuarial approach. And I do that because that's
4 what the research has shown has been the most accurate.

5 Basically we're being asked in this law to predict
6 the future. They want to know, you know, who's going to
7 do it again. That's extremely hard. This approach is
8 only moderately successful but it's the best that we have
9 right now. On that test, on the Static-99R which is the
10 same one that Dr. Swan talked about yesterday, he's high
11 risk to re-offend.

12 Q. How does that fit into your overall opinion in this
13 case?

14 A. Well, the Sexually-Violent Predator Act says that
15 somebody has to have a mental abnormality or personality
16 disorder that makes them likely to engage in acts of
17 sexual violence. If they don't have the mental
18 abnormality or personalty disorder their risk is
19 irrelevant. That's the essential component.

20 The mental abnormality or personalty disorder has
21 to pre-dispose them to commit acts of sexual violence.
22 It doesn't have to predispose them to commit ABHANS or
23 murders or, you know, hitting women. It has to be
24 sexually violent offenses as defined by the statute.

25 So his risk in this case, in my opinion, is, you

MARIE GEHLE - DIRECT BY ZMROCZEK

1 know, I acknowledge it, he's at a high risk on this
2 instrument, but he doesn't have the mental abnormality or
3 personality disorder. So therefore it's -- it factors
4 in, I guess, you know, in that way. I think about it but
5 I can't give an opinion that he meets the criteria
6 because he doesn't have that other requisite.

7 Q. And actually how many sex offenders actually do
8 re-offend?

9 A. The offense rate varies by study but generally
10 thought to be between five and 15 percent will re-offend.

11 Q. The Static-99, does it just -- when it's evaluating
12 risk, is it just for the sexually-violent offenses?

13 A. No, it, it's -- it's looking at any sexual offense
14 recidivism. So things like indecent exposure or peeping
15 tom, those aren't sexually-violent offenses per the South
16 Carolina statute. And the qualifying offenses vary state
17 by state. Not every state has a Sexually-Violent
18 Predator Act. The Static-99 was actually developed in
19 Canada. They don't have sexually-violent predator laws
20 there. So they're looking at broader-term sex offenses
21 and we are looking at a narrow class of sex offenses.

22 Q. How many times have you recommended someone be
23 committed to the Sexually-Violent Predator Program?

24 A. I couldn't tell you the specific number. I know
25 that my recommendation rates are around 30 to 40 percent,

MARIE GEHLE - DIRECT BY ZMROCZEK

1 35 to 40 percent probably. So, I recommend three to four
2 people out of every 10 I evaluate.

3 Q. Do you know the cost for a sex offender, to keep a
4 sex offender?

5 A. In the Sexually-Violent Predator Program?

6 Q. Correct.

7 A. I don't know the exact cost. I believe it's
8 between 75- and \$100,000 a year would be my estimate.

9 Q. Is it a set amount of time when they are put into
10 the program?

11 A. The commitment is indefinite. They can be there
12 for the rest of their lives. They're there until they
13 have shown the Court that they have changed. So they
14 have to change that mental abnormality or personalty
15 disorder.

16 Q. The report that you gave as the court-appointed
17 expert, did you find that he had a mental abnormality to
18 qualify under this Act?

19 A. No.

20 Q. And did you recommend that he be confined to the
21 program?

22 A. No.

23 MS. ZMROCZEK: Thank you. Please answer
24 any questions Mr. Morrow has.

25 THE COURT: Mr. Morrow?

MARIE GEHLE - CROSS BY MORROW

1 MR. MORROW: Thank you, Your Honor. May it
2 please the Court.

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. MORROW:

6 Q. Good morning, Dr. Gehle.

7 A. Good morning.

8 Q. Now, Dr. Gehle, isn't it true that you gave Daniel
9 Lee Lard an eight on the Static-99R?

10 A. That's correct.

11 Q. Isn't it also true that a score of eight on the
12 Static-99R would place Mr. Lard in a high-risk category
13 relative to other adult male sex offenders?

14 A. Yes, that's true.

15 Q. Okay. Dr. Gehle, did you further state a Static-
16 99R in your report was the most accurate approach to
17 determine sexual recidivism?

18 A. That's correct.

19 Q. Okay. Would you agree that individuals who had the
20 same score as Mr. Lard are 7.32 times higher than the
21 expected recidivism rate of the average sexual offender?

22 A. In the research examples, correct.

23 Q. Okay. Isn't it also true that Dr. Swan scored
24 Mr. Lard a score of eight on the Static-99R?

25 A. Yes, she did.

MARIE GEHLE - CROSS BY MORROW

1 Q. In addition to his static risk factor to re-offend,
2 isn't it true that you identified several empirically
3 supported, psychologically meaningful risk factors that
4 Mr. Lard suffers from?

5 A. That's correct.

6 Q. Okay. Would you agree that one of those risk
7 factors for Mr. Lard is a history of lifestyle
8 impulsiveness?

9 A. Yes.

10 Q. Would you agree that another risk factor for
11 Mr. Lard is poor problem solving abilities?

12 A. Yes.

13 Q. Would you also agree that Mr. Lard is resistant to
14 rules and supervision?

15 A. Yes, he violated probation.

16 Q. Would you further agree that another of the risk
17 factors for Mr. Lard are negative social influences?

18 A. Yes.

19 Q. Okay. Isn't it true that in 2002 Mr. Lard was
20 convicted in family court while he was a juvenile of
21 assault and battery of a high and aggravated nature?

22 A. Can you -- I'm sorry. Can you repeat that?

23 Q. Isn't it true that in 2002 in family court, 2002
24 case number, rather, there was a -- Mr. Lard was
25 committed to the Department of Juvenile Justice on

MARIE GEHLE - CROSS BY MORROW

1 assault and battery of a high and aggravated nature?

2 A. Yes.

3 Q. Okay. Isn't it also true that the victims in this
4 offense were Mr. Lard's 12-year-old, nine-year-old and
5 eight-year-old stepsisters?

6 A. That's not exactly true.

7 That first assault and battery of a high and
8 aggravated nature, that was for a physical assault
9 against one of his sisters. I believe it was for pushing
10 the nine-year-old daughter of his mother's boyfriend.

11 Q. He was also charged at that time with multiple
12 other offenses including a criminal sexual conduct
13 charge?

14 A. Yes.

15 Q. Okay. Have you ever been to law school, Dr. Gehle?

16 A. No.

17 Q. Are you a lawyer?

18 A. No.

19 Q. Have you ever been a prosecutor in this state?

20 A. No.

21 Q. Okay. There are multiple reasons why a prosecutor
22 might decide to dismiss charges, correct?

23 A. Correct.

24 Q. Okay. One might be that he might not have a good
25 case. One might be that he wants to spare the victims

MARIE GEHLE - CROSS BY MORROW

1 the trauma of trial; is that correct? It's impossible to
2 know for true.

3 A. It could be all kinds of different reasons, I'm
4 sure.

5 Q. Okay. Isn't it true that while committed at the
6 Department of Juvenile Justice Mr. Lard had multiple
7 disciplinary infractions?

8 A. Yes.

9 Q. Of those fractions he had four separate assault and
10 battery infractions?

11 A. I don't know the specific numbers, but that would
12 not surprise me.

13 Q. And isn't it also true that he was cited 14
14 separate occasions for inciting or creating a
15 disturbance?

16 A. Again, I don't know the specific number of times,
17 but he got in trouble almost every single day.

18 Q. Okay. And he was released from the Department of
19 Juvenile Justice on February 2nd, 2004; isn't that true?

20 A. I have February 5th, 2004. He was conditionally
21 released at that time.

22 Q. Okay. So in February of 2004. Okay. So Mr. Lard
23 was released in February of 2004 and within 10 months
24 Mr. Lard had offended again; isn't that true? It's a
25 2006 indictment, however the offense was alleged to have

MARIE GEHLE - CROSS BY MORROW

1 occurred in 2004.

2 A. Yes, that's correct.

3 Q. Okay. Because -- so the offense that led to his
4 2006 conviction for assault and battery of a high and
5 aggravated nature, isn't it true that the victims to that
6 offense were an 11-year-old female acquaintance and a
7 four-year-old female acquaintance?

8 A. I have a 12-year-old sister of his girlfriend and a
9 four-year-old niece of his girlfriend.

10 Q. Okay. So, in 2006 he was sentenced to 10 years of
11 incarceration. So he had 10 years hanging over his head
12 and a period of three years probation; isn't that
13 correct?

14 A. I have that he was sentenced to 10 years of
15 incarceration suspended to 47 days and three years of
16 probation.

17 Q. Okay. So he pled guilty in 2006, a 2006
18 indictment. While he was on probation for the 2006
19 indictments, then isn't it true he offended again in
20 2008? I'm sorry. Let me rephrase that.

21 In 2008 after -- after these offenses had taken
22 place in 2004, did he offend again in 2008?

23 A. Yes.

24 Q. Okay. So, in 2009 or 2008 he pled guilty or -- in
25 2009 he pled guilty to criminal sexual conduct with a

MARIE GEHLE - CROSS BY MORROW

1 minor in the second degree; is that correct?

2 A. That's correct.

3 Q. And, you would agree with me that he was sentenced
4 to 20 years suspended to 350 days time served and then
5 probation to follow that? You would agree with that?

6 A. Three years of probation, yes.

7 Q. And you would agree that he had 20 years hanging
8 over his head. So it would have been in his best
9 interests to be on his best behavior and to comply with
10 the terms of probation?

11 A. Yes.

12 Q. Okay. You would agree that he did not attend
13 court-mandated sexual offender treatment while he was on
14 probation?

15 A. Excuse me?

16 Q. He did not complete court-mandated sexual offender
17 treatment while he was on probation?

18 A. He did not complete, no.

19 Q. Okay. You would agree that he had violated the
20 terms of the rules of his probation while he was on
21 probation from the 2008 offense?

22 A. Yes.

23 Q. Okay. So his probation was revoked in 2011 for
24 failing to report, and for leaving the State of South
25 Carolina without permission, for failing to attend sex

MARIE GEHLE - CROSS BY MORROW

1 offender counseling as ordered; isn't that correct?

2 A. Well, he fled to Georgia and he was charged in
3 Georgia and convicted of failure to register as a sex
4 offender in 2010. And then the South Carolina probation
5 violation came after that.

6 Q. Okay. So isn't it true that Mr. Lard has offended
7 on multiple times despite having previously faced
8 criminal sanctions for his actions?

9 A. Can you say that one more time? I'm sorry.

10 Q. Okay. So despite the fact that in 2002 he faced
11 criminal sanctions, he was investigated, he went through
12 the process, he went to family court, he was sent to the
13 Department of Juvenile Justice, he was released on parole
14 then, and then while he's on parole for that offense he
15 committed another offense. You would agree that that's
16 true, right?

17 A. He committed another crime, yes.

18 Q. So -- and then in 2006, he pled guilty to, or --
19 I'm sorry. The 2004 offense, 2006 indictment for ABHAN,
20 he pled guilty to that. Okay. He was on probation for
21 that. He -- and then he offended again in 2008. Would
22 you agree with that?

23 A. Yes.

24 Q. Okay. You would also agree that in 2008 he pled
25 guilty, he was on probation, he was being monitored, and

MARIE GEHLE - REDIRECT BY ZMROCZEK

1 he again violated the terms of his probation. Would you
2 agree with that?

3 A. Yes.

4 Q. Okay.

5 MR. MORROW: Thank you. No further
6 questions for this witness, Your Honor.

7 THE COURT: All right. Any redirect?

8 MS. ZMROCZEK: Just briefly. Thank you.

9 THE COURT: Okay.

10 REDIRECT EXAMINATION

11 BY MS. ZMROCZEK:

12 Q. Dr. Gehle, you have all of that information when
13 you performed your opinion as the court-appointed expert,
14 right?

15 A. Yes.

16 Q. What's the purpose of the Sexually-Violent Predator
17 Act?

18 A. The purpose of it is to -- I mean, from what the
19 legislature said in the law, in the statute, is to
20 confine the worst of the worst, to provide them long-term
21 control, care and treatment. It's a community protection
22 act but it's also to take people out of society who are
23 mentally abnormal and personalty disordered and
24 considered dangerous in terms of sexually-violent
25 offending.

1 Q. And in your expert opinion to a reasonable degree
2 of medical certainty, does Daniel Lard meet those
3 requirements?

4 A. No. It's my opinion he doesn't have relevant
5 mental abnormality or personality disorder.

6 MS. ZMROCZEK: Thank you.

7 THE COURT: All right. Thank you very
8 much, Dr. Gehle. You may step down.

9 Anything else from the Respondent?

10 MS. ZMROCZEK: The Respondent rests, Your
11 Honor.

12 THE COURT: All right. Ladies and
13 gentlemen of the jury. We need to take a little
14 break now so I can take up a matter of law. We
15 will call you back into the jury room {sic} for
16 closing arguments shortly.

17 Thank you.

18 (Jury exits courtroom at 9:57 a.m.)

19 THE COURT: All right.

20 Any motions or matters of law we need to
21 take up?

22 MS. ZMROCZEK: Yes, Your Honor.

23 At this time I would renew my motion for a
24 directed verdict based, again, on the testimony
25 that now states that he wouldn't even qualify

1 under the Act and additionally renew any previous
2 motions that I had made.

3 THE COURT: All right. Those motions are
4 respectfully denied for the reasons stated
5 previously. Thank you.

6 I have received your e-mail, Ms. Zmroczek,
7 with some proposed changes to the jury charge.
8 It looked like everything had been incorporated
9 with the exception of that circumstantial
10 evidence charge had some additional language in
11 it.

12 The additional language, however, talks
13 about charges against the Defendant and just
14 isn't really applicable in a case such as this
15 that's a civil case.

16 I have and I've got -- and it's going back
17 and forth between my law clerk and I. With the
18 circumstantial evidence charge, I propose to
19 explain that circumstantial evidence is proof of
20 a chain of facts and circumstances indicating the
21 existence of a fact. It is evidence which
22 immediately establishes collateral facts from
23 which the main fact may be inferred.
24 Circumstantial evidence is based on inference and
25 not on personal knowledge or observation.

1 The law makes absolutely no distinction
2 between the weight or value to be given to either
3 direct or circumstantial evidence nor is a
4 greater degree of certainty required of
5 circumstantial evidence than of direct evidence.

6 And then don't talk about any sort of
7 charge or him being the Defendant.

8 MS. ZMROCZEK: That's perfect. Thank you.

9 THE COURT: Okay. Thank you.

10 Anything else before we do closing
11 arguments? One thing I would like to just open
12 it up for what you all think we should do. We
13 are at 10 o'clock right now. I don't know how
14 long your closing arguments will be.

15 And this would be normally a good time to
16 order lunch if we think that we need to order
17 lunch but if you guys are going to have quick
18 closing arguments we may not need to do that.
19 Just kind of let me know what your thought
20 process is.

21 MS. ZMROCZEK: Actually, Your Honor, I have
22 a little side show presentation that I would like
23 to do. So I need to go get my television since I
24 was running late and I couldn't bring it up.
25 That would actually be a good time because mine

1 will probably last about 30 minutes.

2 THE COURT: Mr. Morrow?

3 MR. MORROW: Mine won't take that long.

4 THE COURT: Okay. Well, I think I'd rather
5 have lunch available even if they were to make a
6 quick decision one way or the other. They can
7 bring it home with that if that's the worst case
8 scenario, that's wonderful, and I'd rather not
9 feel like I have them starving back there.

10 So while you go get your TV, we will give
11 lunch menus to the jurors so they can start
12 picking their lunches. Okay? Thanks.

13 MS. ZMROCZEK: Thank you.

14 (Break taken at 10:01 a.m. Jury enters at
15 10:21 a.m.)

16 THE COURT: All right. Ladies and
17 gentlemen, the parties have presented their
18 evidence in this case. And it's now time for
19 their closing arguments.

20 The arguments of the attorneys are not
21 evidence in this case. Their statements and
22 arguments are meant to help you understand the
23 evidence and apply the law to the evidence. You
24 should disregard any remark, statement or
25 argument that is not supported by the evidence

1 presented during the trial or the law that I will
2 explain to you after their arguments.

3 All right. Go ahead.

4 MR. MORROW: Good morning, ladies and
5 gentlemen.

6 THE JURY (COLLECTIVELY): Good morning.

7 MR. MORROW: Mr. Lard can't stop.

8 As I went home last evening one thing stood
9 out in my mind from yesterday. You heard the
10 testimony presented that Mr. Lard when given the
11 opportunity for a second chance simply can't
12 stop.

13 One mistake, one lapse in judgment. Now,
14 you could see where someone might have a lapse in
15 judgment and forget to pay a medical bill, a
16 monthly bill. I could see where if someone,
17 let's say, forgets to attend a scheduled
18 appointment or is a little late for a
19 meeting, that could be a lapse in judgment.

20 But there's a difference between a lapse in
21 judgment, a mistake, and a lack of control.

22 Let's think about what you heard. You
23 heard Mr. Lard had a lapse in judgment when he
24 was living at home in 2002 when at age 15 he
25 decided it would be a good idea to sexually

1 molest his 12-year-old stepsister, his nine-year-
2 old stepsister and his eight-year-old
3 stepsister.

4 It was a mistake that Mr. Lard encouraged
5 his eight-year-old stepsister and nine-year-old
6 stepsister to play what he called the dark game.
7 The Defendant's eight-year-old --

8 MS. ZMROCZEK: Objection, Your Honor.

9 THE COURT: Come forward.

10 (Off-the-record discussion.)

11 THE COURT: The objection has been
12 overruled. Mr. Morrow, you may continue as you
13 were.

14 MR. MORROW: It was a mistake that Mr. Lard
15 encouraged his eight-year-old stepsister and
16 nine-year-old sister to play what he liked to
17 call the dark game. He convinced his eight-year-
18 old stepsister to remove the nine-year-old
19 stepsister's pants exposing her pubic hair and
20 had the nine-year-old stepsister do the same,
21 then asked them to hide in bed with him.

22 Then when Mr. Lard found the two of them he
23 proceeded to fondle them both.

24 Oh, and then he warned his stepsisters that
25 if they ever told anyone he would kill them.

1 It was a mistake that Mr. Lard decided he
2 would take advantage of his sleeping 12-year-old
3 stepsister while digitally penetrating her while
4 she was asleep.

5 It was a mistake after having been
6 committed to the Department of Juvenile Justice
7 for those offenses and released in February of
8 2004 when not eight months later after being
9 released from DJJ, after knowing the consequences
10 for such actions, after facing criminal -- or
11 facing sanctions for such actions, Mr. Lard
12 decided to offend again. Mr. Lard knew the
13 consequences of his prior behavior. He knew what
14 would happen if he was caught acting on his
15 deviant desires, but he just couldn't stop
16 himself.

17 He made another mistake. This time he
18 offended against an 11-year-old acquaintance and
19 a four-year-old acquaintance. It was his
20 girlfriend's sister and her cousin. Mr. Lard
21 lived with the victim at the time. There was a
22 very high probability of being caught. He had
23 only a juvenile record. It would have been in
24 his best interests not to act on his deviant
25 thoughts.

1 Mr. Lard couldn't stop. He made yet
2 another mistake.

3 So Mr. Lard pled guilty to one count of
4 assault and battery of a high and aggravated
5 nature and was sentenced to 10 years suspended to
6 47 days time served and three years probation.

7 So Mr. Lard was again given another
8 chance. And what did he do with that chance?

9 In 2008 he was convicted of criminal sexual
10 conduct with a minor in the second degree. He
11 was sentenced to 20 years suspended to 350 days
12 with five years probation. He had 20 years now
13 hanging over his head. He had court-ordered sex
14 offender treatment. And it would have been in
15 his best interests to find some way to attend
16 that sex offender treatment and complete that sex
17 offender treatment and to comply with the
18 conditions of his probation.

19 But Mr. Lard failed to do so. And, again,
20 he violated his probation and he was sent to
21 prison.

22 Now the State has proven one element to you
23 that he has been convicted of at least one
24 sexually-violent offense, his criminal sexual
25 conduct conviction in the second degree from

1 2009. 2009 indictment, 2008 offense. Okay.

2 So, again, Mr. Lard went to court and pled
3 guilty to criminal sexual conduct, again
4 violating his probation. Again, he left the
5 state without notifying his agent. He moved
6 without consent of his agent and failed to attend
7 court-ordered, mandatory sex-offender treatment.

8 So Mr. Lard went to prison all because he
9 couldn't stop. He couldn't follow the rules.

10 The Court told you and I told you that the
11 burden of proof in this case is on the State.
12 The State welcomes that burden. In this case the
13 burden of proof is proof beyond a reasonable
14 doubt. Even though this is a civil case, a
15 non-criminal case, the State has to meet the
16 high-powered burden, proof beyond a reasonable
17 doubt.

18 Proof beyond a reasonable doubt is that
19 proof that leaves you firmly convinced. And I
20 submit to you that the State has met that
21 burden.

22 The State has provided you with Dr. Amy
23 Swan, a forensic psychologist who's been
24 recognized as an expert in the field of forensic
25 psychology in the treatment of evaluation of sex

1 offenders. You heard from Dr. Swan that Mr. Lard
2 suffers from antisocial personality disorder
3 which is a personality disorder that meets one of
4 the elements of the Sexually-Violent Predator
5 Act.

6 You have heard both experts testify to
7 facts which showed Mr. Lard has consistently
8 failed to control his impulses. Even when he was
9 under intensive supervision with prison time
10 hanging over his head, significant amount of
11 prison time hanging over his head he could not
12 control his actions. Even when Mr. Lard knew it
13 would be in his best interests to be on his best
14 behavior, he failed. He offended again despite
15 having twice before been through prosecution and
16 investigation for similar actions.

17 You also heard Dr. Gehle testify for the
18 Respondent. And Dr. Gehle told you that Mr. Lard
19 scored an eight on the Static-99R. It's the same
20 score that Dr. Swan gave him. And that score
21 places him in the high-risk category for
22 re-offending.

23 You heard from Dr. Gehle. Acknowledged
24 Mr. Lard's previous offenses, failure to comply
25 with supervision when given a chance. She

1 identified dynamic risk factors, the same dynamic
2 risk factors that Dr. Swan identified. Dr. Gehle
3 agreed with the State's expert on his risk level
4 to re-offend.

5 And let's talk about what Dr. Gehle said.
6 This Act was -- this Act was created to punish
7 the worst of the worst. Well, a score of eight
8 on the Static-99R places him in the 99th
9 percentile. Using the Defense's own word, the
10 worst of the worst, you can't argue with that
11 math, ladies and gentlemen. He's in the 99th
12 percentile when compared to other adult male sex
13 offenders.

14 Dr. Gehle agreed. One mistake is a lapse
15 in judgment. Consistently making the same
16 mistake over a prolonged period of time is a
17 pattern of behavior. A pattern of behavior shows
18 deviant sexual interests and a complete lack of
19 control over his actions. When you take any one
20 of these lapses in judgment by itself, then
21 perhaps it could be seen as a mistake. When you
22 view them as a whole, it shows a prolonged and
23 persistent pattern that Mr. Lard lacks control
24 over his sexual offending.

25 It also, in Dr. Swan's opinion, added a

1 pervasive pattern of following the rules which
2 combined with the other risks that Dr. Swan cited
3 for you shows that Mr. Lard suffers from
4 antisocial personality disorder.

5 Essentially Mr. Lard wants what he wants
6 when he wants it. In this case what he wants is
7 to engage in acts of sexual violence.

8 I submit to you that the State has met its
9 burden in this case. Mr. Lard is a sexually-
10 violent predator. He has a mental abnormality, a
11 personality disorder which makes him likely to
12 engage in acts of sexual violence unless confined
13 to a secure facility for long-term care --
14 control, care and treatment.

15 And I ask you to keep Mr. Lard in the
16 Department of Mental Health, place Mr. Lard in
17 the Department of Mental Health where he can get
18 the treatment that he so desperately needs and to
19 protect the public of the State of South Carolina
20 from him.

21 Thank you.

22 THE COURT: Ms. Zmroczek?

23 MS. ZMROCZEK: Daniel Lee Lard is not the
24 worst of the worst.

25 Ladies and gentlemen, what terrifies me is

1 that the State wants to commit Daniel Lee Lard to
2 indefinite, indefinite term, indeterminate term,
3 for a crime he may or may not commit.

4 They want you to speculate with a
5 moderately-accurate tool and guess if he's going
6 to re-offend. Ladies and gentlemen, that's not
7 the purpose of this Act.

8 Please don't get me wrong. Sexual crimes
9 are terrible. Violent crimes are terrible.
10 Drugs are terrible. And we have the criminal
11 system to deal with those. And we can't
12 speculate as to why, even though Mr. Lard was
13 charged with all of these offenses, that he
14 wasn't convicted. We can't speculate as to
15 whether they could prove the facts. We can't
16 speculate.

17 But what we do know and what the Judge is
18 going to tell you is that you have to follow the
19 law, the law that she gives you. And when you
20 were selected and you swore and you raised your
21 hand you said, I can do that. I'm not going to
22 be swayed by these terrible, terrible crimes
23 which Mr. Lard not only admitted to, but he did
24 time. He did his time.

25 And to indefinitely and indeterminately

1 lock him away for treatment is not the purpose of
2 this Act.

3 The Act operates to keep the worst
4 offenders and those most likely to repeat their
5 crimes behind bars. The worst. Sexually-violent
6 predators. White vans. People lurking in
7 playgrounds.

8 This isn't Mr. Lard. He didn't have money
9 for his sexually -- for his sexual treatment
10 program so he left the state to get a job. And,
11 yes, that was wrong. And he was punished for it
12 by five years even though he could have gotten
13 20. Five years.

14 And while -- those five years while he was
15 in the Department of Corrections he got his
16 medication straight, he attended and excelled in
17 treatment, has a place to live and has a job
18 waiting for him.

19 Daniel Lee Lard is not the worst of the
20 worst. This is not a Spielberg film. This is
21 not pre-crime. Our founders did not fight and
22 believe and write in the constitution these
23 protections of liberty so that the fear of a
24 crime could put somebody away.

25 Benjamin Franklin I think said it best.

1 Said that: "They that can give up essential
2 liberty to obtain temporary safety deserve
3 neither liberty nor safety".

4 I submit to you that by telling you these
5 awful crimes and not telling the ones that he
6 went through but the terrible things that were
7 done were only to inflame your passion, to only
8 go uh-uh, I don't want him around me. And that's
9 not the purpose of the Act. It's just, it's not.

10 And to find that he meets the Act when
11 their own expert, the court-appointed expert who
12 does these cases, it's her job, she reviews the
13 people and she says he doesn't have the
14 antisocial personality disorder. He can't be
15 committed.

16 Let's say he did have an antisocial
17 personality disorder. Where is the link that if
18 he did that he's likely to re-offend again? All
19 of the acts and all of the behaviors that
20 Dr. Swan testified to were when he was a kid who
21 was recovering from violent abuse and neglect in
22 the Department of Juvenile Justice.

23 But for five straight years when he was in
24 the South Carolina Department of Corrections he
25 had one violation. And it was because he had

1 cutoff jeans. Does that show a lack of impulse
2 control? Did he beat up anybody? Did he fight?
3 There's no testimony of that.

4 Ladies and gentlemen, the Judge is going to
5 give you the law. She's going to tell you you
6 have to follow it. And we selected you yesterday
7 because you have the hardest job in here as the
8 triers of fact. And as the holders of the
9 constitution you have to look at the evidence
10 that's been provided to you. And when you do
11 that, I'm going to ask you to find that he does
12 not qualify for the sexually-violent predator.

13 Thank you.

14 THE COURT: All right. I will now instruct
15 you on the law.

16 The Petitioner, the State of South
17 Carolina, has brought this case under the
18 Sexually-Violent Predator Act of South Carolina.
19 The State seeks the civil commitment of the
20 Respondent for long-term control, care and
21 treatment in a secure facility. This is not a
22 criminal proceeding seeking incarceration but
23 rather a proceeding seeking civil commitment.

24 The State of South Carolina alleges or
25 claims that Respondent, Daniel Lee Lard, is a

1 sexually-violent predator under the law.

2 Respondent denies that he is a sexually-violent
3 predator and the burden of proof is therefore on
4 the State to prove by evidence sufficient to
5 satisfy each of you beyond a reasonable doubt
6 that Respondent is a sexually-violent predator.

7 If the State is unable to meet that burden
8 of proof as to one or more of the elements of
9 this claim, Respondent is entitled to a finding
10 that he is not a sexually-violent predator.

11 In most civil cases the Petitioner only has
12 the burden of proving that a fact is more likely
13 true than not true such as by the greater weight
14 or preponderance of the evidence. However, in
15 this type of case the State's burden of proof
16 must be more powerful. It must be beyond a
17 reasonable doubt.

18 Under the constitution and laws of South
19 Carolina you are the sole finders of the facts in
20 this case. I may not intimate to you in any way
21 what I may think about the claims in this case.

22 You are also the judges of the credibility
23 and believability of the witnesses who have
24 testified. In passing upon their credibility you
25 may take into consideration many things such as:

1 What was the manner and appearance of the witness
2 who testified; was the witness straight forward,
3 or was he or she hesitant in answering; how did
4 the witness come to know the facts that were
5 testified to; or what was the witness's ability
6 to know these facts; is there some reason a
7 witness would want to give testimony which would
8 help or hurt one side or the other, in other
9 words, was the witness biased or prejudiced; and
10 was the testimony of a witness strengthened or
11 weakened by other testimony or evidence.

12 You, the jury, may believe as much or as
13 little of each witness's testimony as you think
14 proper. You may believe the testimony of a
15 single witness against that of many witnesses or
16 just the opposite. You may believe part of a
17 witness's testimony and disbelieve the rest.

18 And you do not determine the truth merely
19 by counting the number of witnesses presented by
20 each side. The fact that testimony is not
21 controverted does not mean you must accept it as
22 true and undisputed. You must gauge the
23 credibility of the witnesses to determine the
24 believability or truth of the facts offered
25 through the testimony.

1 Keep in mind throughout this process you
2 have but one objective: To seek the truth.

3 There are two types of evidence which are
4 presented during a trial; direct evidence and
5 circumstantial evidence. Direct evidence is the
6 testimony of a person who claims to have actual
7 knowledge of a fact such as an eyewitness. It is
8 evidence which immediately establishes the main
9 fact to be proved.

10 Circumstantial evidence is proof of a chain
11 of facts and circumstances indicating the
12 existence of a fact. It is evidence which
13 immediately establishes collateral facts from
14 which the main fact may be inferred.

15 Circumstantial evidence is based on inference and
16 not on personal knowledge or observation.

17 The law makes absolutely no distinction
18 between the weight or value to be given to either
19 direct or circumstantial evidence nor is a
20 greater degree of certainty required of
21 circumstantial evidence than of direct evidence.

22 You have heard the testimony of witnesses
23 who have special knowledge, skill, experience,
24 training or education in a particular field and
25 who have given their opinions as an expert as to

1 matters in which she is skilled.

2 In determining the weight to be given to
3 such an opinion, you should consider the
4 qualifications and credibility of the expert and
5 her reasons for giving her opinion. You are not
6 bound by such opinions. Give them the weight, if
7 any, to which you deem them entitled.

8 The value and effect of expert testimony is
9 a matter to be solely estimated by you, the
10 jury. No opinion of an expert can be accepted in
11 and of itself as truthful or reliable but must be
12 weighed by you and convince your judgment beyond
13 a reasonable doubt and with the same force and
14 effect as any other fact proved in this case
15 before you can rely upon it.

16 You must consider expert testimony in the
17 same manner as you do any other testimony and
18 give to it such weight as you believe it to be
19 entitled. When considered with all the other
20 evidence in the case, such testimony is given for
21 the purpose of helping you and not for the
22 purpose of controlling your judgment.

23 Now the same constitution and law that
24 makes you the finders of the facts makes me as
25 the judge the sole and only instructor in the

1 law. You must accept as correct the law which I
2 charge and apply it -- to it the evidence as you
3 find it and reach a verdict.

4 If I should make an error in the law as I
5 instruct it to you there is another time and
6 another place in another court in which that
7 error can be considered and if necessary
8 corrected. But for the purpose of this case
9 today, you must accept the law as I charge it.
10 And in that regard I tell you that neither you
11 nor I for that matter should be concerned about
12 what we think the law ought to be but only
13 concern yourselves with what I charge you the law
14 in fact to be.

15 As I have stated, the State has the burden
16 of proving beyond a reasonable doubt that
17 Mr. Lard is a sexually-violent predator. What is
18 a reasonable doubt in the law? A reasonable
19 doubt is the kind of doubt that would cause a
20 reasonable person to hesitate to act. Proof
21 beyond a reasonable doubt is proof that leaves
22 you firmly convinced.

23 There are few things in this world that we
24 know with absolute certainty and the law does not
25 require proof that overcomes every possible

1 doubt. What is required is if, based on your
2 consideration of the evidence, you are firmly
3 convinced that the Respondent is a sexually-
4 violent predator then you must return a verdict
5 for the State. If, on the other hand, you think
6 there's a real possibility that he is not a
7 sexually-violent predator, you must give him the
8 benefit of the doubt and find a verdict for the
9 Respondent.

10 Reasonable doubt may arise from evidence
11 that is in the case or from the lack or absence
12 of evidence in the case. It's up to you, ladies
13 and gentlemen, to determine whether or not a
14 reasonable doubt exists in this case.

15 The elements which the State must prove
16 beyond a reasonable doubt are: Number one, that
17 the Respondent has been convicted of a
18 sexually-violent offense. I charge you that
19 criminal sexual conduct in the second degree is a
20 sexually-violent offense.

21 Number two, that Respondent suffers from a
22 mental abnormality or personality disorder that
23 makes him likely to engage in acts of sexual
24 violence if not confined in a secure facility for
25 long-term control, care and treatment.

1 Inherent in these two limits is that the
2 State must prove the requirement that
3 Respondent's mental abnormality or personality
4 disorder causes him, quote, serious difficulty in
5 controlling his behavior.

6 In other words, the State must prove beyond
7 a reasonable doubt that the individual it seeks
8 to commit suffers from a mental illness which he
9 cannot sufficiently control without the structure
10 and care provided by a mental health facility
11 rendering him otherwise unlikely to commit a
12 dangerous act.

13 In order for you to better understand the
14 elements of the State's cause of action, I'm
15 going to define for you some of the terms that
16 I've just used.

17 Mental abnormality. Mental abnormality
18 means a mental condition affecting a person's
19 emotional or volitional capacity that predisposes
20 the person to commit sexually-violent offenses.
21 This mental abnormality or personality disorder
22 must cause Respondent serious difficulty in
23 controlling his behavior.

24 Likely to engage in acts of sexual
25 violence. Likely to engage in acts of sexual

1 violence means the person's propensity to commit
2 acts of sexual violence is of such a degree to
3 pose a menace to the health and safety of others
4 so that he is dangerous to others.

5 Again, I remind you that the burden of
6 proof is on State to prove to your satisfaction
7 beyond a reasonable doubt that the Respondent has
8 been convicted of a sexually-violent offense as I
9 have instructed to you, and also suffers from a
10 mental abnormality or personality disorder that
11 makes Respondent likely to engage in acts of
12 sexual violence if not confined in a secure
13 facility for long-term control, care and
14 treatment.

15 If the State carries its burden of proof
16 and convinces you beyond a reasonable doubt as to
17 each of the two elements of its cause of action,
18 it is entitled to a finding that Respondent is a
19 sexually-violent predator. If the State does not
20 meet that burden of proof as to one or both of
21 these elements, Respondent is entitled to a
22 finding that he is not a sexually-violent
23 predator.

24 Ladies and gentlemen, I am now drawing near
25 the end of my charge. And I want you to clearly

1 understand that you are not partisans or
2 advocates for the State or the Respondent. You
3 do not serve as jurors to reward your friends or
4 punish your enemies. In this regard you've been
5 selected by both the State and Respondent to be
6 impartial jurors. It is your duty by your joint
7 deliberations to determine the truth in this
8 case, giving to the Respondent the benefit of
9 every reasonable doubt on each and every issue.
10 Then to the facts which you determine to be true
11 you should take and apply the law which has been
12 given to you by this Court and thus arrive at a
13 verdict which speaks the truth in this case.

14 In fact the word verdict, which has a Latin
15 derivative, means a true saying. Thus when you
16 have accomplished these responsibilities you will
17 have satisfied your oath as jurors and you will
18 have discharged your duty to this Court.

19 There are two possible verdicts which you
20 may find in this case: Respondent is a sexually-
21 violent predator; or Respondent is not a
22 sexually-violent predator. There is no
23 significance whatsoever in the order in which I
24 state these possible verdicts. It is simply that
25 one must be stated first.

1 All 12 of you must agree on the verdict.
2 Your verdict must be unanimous. Your verdict
3 cannot be based on sympathy, passion, prejudice,
4 emotion, or any other consideration not in
5 evidence in this case.

6 Mr. Foreperson, when the jury agrees on the
7 verdict you will sign your name as Foreperson on
8 the line underneath the jury verdict, then knock
9 on the jury door and inform the bailiff that you
10 have reached a verdict. At that time we will
11 receive you back into the courtroom.

12 I ask that you now return to your jury room
13 but do not begin deliberations until you are told
14 by the clerk or the bailiff to do so. There are
15 still some matters that need to be discussed with
16 the attorneys before you may begin your
17 deliberations.

18 Thank you. You may retire to the jury
19 room.

20 (Jury exits courtroom at 10:49 a.m.)

21 THE COURT: All right. Anything with
22 regard to the instructions?

23 MR. MORROW: Nothing from the State, Your
24 Honor.

25 MS. ZMROCZEK: Nothing from the defense --

1 or Respondent. Gosh.

2 THE COURT: That's all right. No problem.

3 Let's just make sure we've got all the
4 exhibits in order. And we're going to make one
5 small change to the verdict form. The only
6 change is that it's got an August date and today
7 is September 1st. So we're going to make that
8 change real fast and then we'll print it off.

9 MS. ZMROCZEK: It's just these two
10 exhibits, right?

11 THE COURT: Right.

12 MS. ZMROCZEK: Okay.

13 THE COURT: I will go ahead and cut the
14 alternate jurors loose. Would you ask the
15 alternates to come on in here so I can cut them
16 loose?

17 THE BAILIFF: All right.

18 (Alternates Excused. Deliberations begin
19 at 10:52 a.m. At 11:08 a.m., the trial
20 continued:)

21 THE COURT: All right. We have received a
22 note from the jury. And the note states: Why is
23 Mr. Lard not on his medication now? Signed by
24 the jury Foreperson.

25 I -- my proposed response to that question

1 is to remind the jury that they can only consider
2 the evidence that was presented to them during
3 the trial and that I cannot answer that question
4 for them.

5 MR. MORROW: No objection.

6 MS. ZMROCZEK: No objections.

7 THE COURT: Okay. Let's bring the jury
8 back in.

9 (Jury enters courtroom at 11:08 a.m.)

10 THE COURT: Ladies and gentlemen, I have
11 received a note from you which states: Why is
12 Mr. Lard not on his medication now?

13 You are to consider only the evidence
14 presented during the trial. And I cannot answer
15 this question for you.

16 But, thank you. You may return to your
17 deliberations.

18 (Jury exits courtroom at 11:10 a.m.)

19 THE COURT: We are going to make this note
20 Court's Exhibit One.

21 MR. MORROW: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (Court's Exhibit No. 1, note from jury,
24 marked and received into evidence.)

25 (At 12:25 p.m., the trial resumed:)

1 THE COURT: We have two more notes from the
2 jury. The first note asks: What is the
3 definition and then they say in parenthesis
4 description of the antisocial personality
5 disorder.

6 The second note -- so note number three in
7 total, asks: Can we have the cross-examination
8 of Dr. Gehle and her response to the cross-
9 examination.

10 With regard to the first note asking for
11 the definition slash description of the
12 antisocial personality disorder, both Dr. Swan
13 and Dr. Gehle in their testimony defined that so
14 I would propose that we play back Dr. Swan's
15 testimony with regard to what the antisocial
16 personality disorder is, and Dr. Gehle's
17 testimony which was in her direct and not in her
18 cross. And then with regard to the other note we
19 can just play the cross-examination and the
20 redirect.

21 Anything from the attorneys with regard to
22 those proposed responses to those questions?

23 MR. MORROW: No objection from the State.

24 MS. ZMROCZEK: No objection. We would play
25 the cross and the redirect?

1 THE COURT: We would.

2 MS. ZMROCZEK: Okay.

3 THE COURT: YES. All right. We can bring
4 back in the jury.

5 (Jury enters courtroom at 12:27 p.m.)

6 THE COURT: All right. Ladies and
7 gentlemen, I have received two additional notes
8 from you. The first note asks: What is the
9 definition or description of the antisocial
10 personality disorder.

11 You heard testimony from Dr. Swan and
12 Dr. Gehle defining the antisocial personality
13 disorder. We do not have a transcript that you
14 can read but we can play back the portion of
15 their testimony with those definitions. So, we
16 can do that at this time while you're back in the
17 courtroom.

18 And this -- just as in your other note that
19 you sent out: Can we have the cross-examination
20 of Dr. Gehle and her response to the cross-
21 examination. We can also play that back for you.

22 And so our court reporter, it will just
23 take her a moment to get to the right part of the
24 recording and we'll play that for you now.

25 (Requested portions re-played for the

1 jury.)

2 THE COURT: All right. Thank you very
3 much. You may return to your deliberations.

4 (Jury exits courtroom at 12:41 p.m.)

5 THE COURT: All right. And I will make
6 each of these questions a Court's Exhibit so we
7 have Court's Exhibit Two and Court's Exhibit
8 Three.

9 MR. MORROW: Thank you, Your Honor.

10 MS. ZMROCZEK: Thank you.

11 THE COURT: All right. Thank you.

12 (Court's Exhibit Nos. 2 and 3, notes from
13 jury, received into evidence.)

14 (At 1:47 p.m., the trial continued as
15 follows:)

16 THE COURT: I understand we have a
17 verdict. We'll go ahead and bring in the jury.

18 (Jury enters courtroom at 1:48 p.m.)

19 THE COURT: I understand we have a
20 verdict. We do not have a clerk here so we are
21 waiting for the clerk. So, we'll be able to read
22 the verdict shortly. So y'all just hang tight.

23 (Pause.)

24 THE COURT: All right. Mr. Foreman, I
25 understand that we have reached a verdict.

1 FOREPERSON OF THE JURY: We have, Your
2 Honor.

3 THE COURT: I ask you to pass it to the
4 bailiff and she'll hand it to the clerk. If
5 you'll first hand it to me and then I'll hand it
6 to the clerk.

7 THE BAILIFF: (Complying.)

8 THE CLERK: Your Honor, in Case Number 2014
9 CP-02-2521, the State of South Carolina versus
10 Daniel Lee Lard, we, the jury, find: Has the
11 Petitioner, the State of South Carolina, proven
12 beyond a reasonable doubt that Daniel Lee Lard is
13 a sexually-violent predator under the South
14 Carolina Sexually-Violent Predator Act. Yes,
15 Daniel Lee Lard is a sexually-violent predator.

16 If this be your final verdict, please
17 indicate by raising your right hand.

18 THE JURY (COLLECTIVELY): (Complying.)

19 THE CLERK: You may put them down. Thank
20 you.

21 THE COURT: All right. Anything from
22 either party?

23 MS. ZMROCZEK: We would ask to poll the
24 jury.

25 THE COURT: Okay. Madam Clerk, could you

1 please poll the jury?

2 THE CLERK: Juror Number 150, E. Jason
3 Roberts. What is your verdict?

4 THE JUROR: Yes..

5 THE COURT: Juror Number 182, Joseph R.
6 Toomer.

7 THE JUROR: Yes.

8 THE CLERK: Juror Number 54, Martin
9 Falmlen, Jr.

10 THE JUROR: Yes.

11 THE CLERK: Juror 55, Gary J. Farina.

12 THE JUROR: Yes..

13 THE CLERK: Juror Number 5, Erika Bailey.

14 THE JUROR: Yes.

15 THE COURT: Juror 47, Andre Durham.

16 THE JUROR: Yes.

17 THE CLERK: Juror 66, Christina Goolsby.

18 THE JUROR: Yes.

19 THE CLERK: Juror 134, Linda Pickwell.

20 THE JUROR: Yes.

21 THE CLERK: Juror 75, Irene Haldezos.

22 THE JUROR: Yes.

23 THE CLERK: Juror 101, Jill Klopp.

24 THE JUROR: Yes.

25 THE CLERK: Juror 107, Holly Lopes.

1 THE JUROR: Yes.

2 THE CLERK: Juror 59, Victoria Furr.

3 THE JUROR: Yes.

4 THE CLERK: Juror 86, Stephen Heyl -- that
5 was an alternate.

6 THE COURT: Okay. Thank you. We had 12
7 jurors. I was keeping count.

8 THE CLERK: Yes.

9 THE COURT: Ladies and gentlemen, thank you
10 so much for your two days of jury service. I
11 couldn't have asked for a more attentive jury.
12 You have been absolutely wonderful to work with.
13 You are free to go.

14 I have a couple matters of law to take up
15 with the attorneys. If you would like to stay in
16 the jury room, I usually come back and speak with
17 jurors if they have any questions. I'm happy to
18 talk to you about them.

19 You also are able to talk about this case
20 now. Your service is over. From time to time
21 lawyers may call you to ask what you thought of
22 their performance. You are welcome to talk to
23 them but you don't have to talk to them. So if
24 you choose not to discuss the case, please don't
25 feel like you have any pressure on you to discuss

1 it. And if anybody harasses you, you can call me
2 or you can call the clerk of court here in Aiken
3 and we'll take care of it.

4 So if you'll step back in the jury room you
5 are free to grab your stuff and leave or you're
6 free to stay and I'll come back and chat with
7 anybody who would like to speak.

8 THE JURY (COLLECTIVELY): Thank you, Your
9 Honor.

10 (Jury exits courtroom at 1:53 p.m.)

11 THE COURT: Anything further from either
12 party?

13 MS. ZMROCZEK: Yes, Your Honor, at this
14 time we would ask that the verdict be set aside
15 based on the -- obviously when the question came
16 out about the definition of antisocial
17 personality disorder, I didn't know ahead of time
18 what portions of the transcript were going to be
19 played.

20 And going back in my notes, I just -- the
21 portions that were played I don't believe gave a
22 full -- I don't know that there was ever actually
23 a full definition given of the antisocial
24 personality disorder. And I don't dispute that
25 what was played was certainly a portion of it,

1 but just reviewing my notes from direct, I know
2 that there were different aspects of the
3 diagnosis that weren't played for the jury that
4 were actually testified to just through direct
5 and maybe even on some cross of Dr. Swan. So for
6 that -- and obviously that, I think, was the key
7 issue because they, you know, specifically sent a
8 note about it.

9 So for that reason we would ask that the
10 verdict be set aside due to the un-full -- or,
11 not -- the full definition of antisocial
12 personality disorder.

13 THE COURT: Okay. I think the time to
14 raise that issue would have been after you did
15 hear what was played for the jury than before the
16 jury returned a verdict. And so, I deny your
17 motion.

18 Furthermore, I believe what was played to
19 the jury was representative of the definition of
20 the antisocial personality disorder.

21 So your motion is respectfully denied,
22 Ms. Zmroczek.

23 MS. ZMROCZEK: Thank you.

24 THE COURT: Anything further from either
25 party?

1 MR. MORROW: Nothing from the State, Your
2 Honor.

3 MS. ZMROCZEK: Nothing else.

4 THE COURT: Okay. Thank you very much.

5 The jury has spoken and Mr. Lard will be
6 committed as a sexually-violent predator.

7 MR. MORROW: I have an order prepared, Your
8 Honor.

9 THE COURT: Okay.

10 Thank y'all both very much. You both did a
11 wonderful job during the trial and I appreciate
12 it. And I know, Mr. Morrow, I will not see you
13 tomorrow.

14 MR. MORROW: Well, I may come back because
15 I'm interested in Dr. Burke's testimony. He's
16 testifying for me next week.

17 THE COURT: So -- well I look forward to
18 seeing you -- Ms. Zmroczek, we'll start at
19 nine a.m.

20 MS. ZMROCZEK: And I will be here at 8:30.

21 THE COURT: I know I have a 403 to sign.

22 MR. MORROW: Thank you.

23 MS. ZMROCZEK: Thank you.

24 END OF CASE: 1:57 p.m.

25

CERTIFICATE OF REPORTER

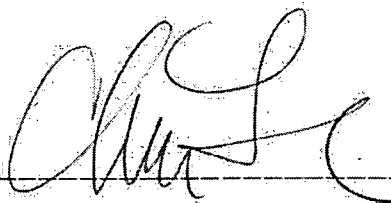
STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

I, Cheri L. Young, Registered Professional Reporter and Official Court Reporter for the State of South Carolina, Second Circuit-At Large, do hereby certify that the foregoing proceedings were written stenographically by me using computer-aided translation; further, that the foregoing is a true, accurate and complete record, to the best of my skill and ability, of all the proceedings had and evidence introduced in the hearing of the captioned case, relative to appeal, in the Court of Common Pleas for Aiken County, on the 31st day of August and the 1st day of September, 2015.

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

I have hereunder set my hand this 7th day of January, 2016.



Cheri L. Young, RPR
Official Court Reporter

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE MATTER OF THE CARE)
AND TREATMENT OF)
DANIEL LEE LARD,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS)
SECOND JUDICIAL CIRCUIT)
CASE NO. 2014-CP-02-02521)

PETITION PURSUANT TO THE)
SEXUALLY VIOLENT PREDATOR)
ACT)

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
J. Lee Cecil, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

OCT 30 2014

CCCP & G. A. Allen County, S.C.

Deputy Clerk

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Daniel Lee Lard (Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **The max-out date for this individual is June 22, 2015.**
3. The Multi-Disciplinary Team (MDT) on or about September 18, 2014 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions or adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee (PRC) on or about October 16, 2014 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute. (**PETITIONER'S EXHIBIT B**) The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.
5. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30 (1), to wit:

- (a) On or around January 2008, Respondent sexually assaulted **Victim 1** (14 year-old female). According to law enforcement documentation, Respondent came to the house where Victim 1 was visiting, and Respondent coerced Victim 1 in ultimately having vaginal intercourse with him. On June 24, 2009, Respondent pled guilty to one count of Criminal Sexual Conduct with a Minor in the Second Degree and was sentenced to 20 years of incarceration suspended upon 350 days and three years probation. (**PETITIONER'S EXHIBIT C**). On June 10, 2011, the court found Respondent to have violated his probation and he was sentenced to the Department of Corrections for five years. (**PETITIONER'S EXHIBIT D**).
- (b) Between November 30, 2004 and December 24, 2004, Respondent sexually assaulted **Victim 2** (11 year-old female) and **Victim 3** (4 year-old female). According to law enforcement documentation, Respondent was the boyfriend of Victim 2's older sister and moved into the residence. Victim 2 reported that Respondent digitally penetrated her vagina on two occasions, and offered her two cigarettes in order to "let him touch it." Victim 2 also reported that Respondent would watch her through a peephole while she showered. Victim 3 reported that Respondent touched her on the outside and inside of her clothing, and fondled her breasts. When questioned by police, Respondent indicated that he might have committed the sexual assaults, but could not remember due to memory lapses. Respondent was initially charged with one count of Criminal Sexual Conduct in the First Degree, two counts of Criminal Sexual Conduct in the Sexual Conduct with a Minor in the Second Degree, and three counts of Lewd Act on a Child. On March 10, 2008, Respondent pled guilty to one count each of Criminal Sexual Conduct with a Minor in the Second Degree and Assault and Battery of a High and Aggravated Nature (ABHAN) and received 10 years incarceration suspended to 47 days time served and three years probation. (**PETITIONER'S EXHIBIT E**).
- (c) Prior to the offense described in subparagraph (a), Respondent sexually assaulted **Victim 4** (12 year-old female), **Victim 5** (9 year-old female), and **Victim 6** (8 year-old female) from August 1, 2002 until October 10, 2002. According to law enforcement documentation, Respondent digitally penetrated Victim 4's vagina and fondled her breasts. In addition, Respondent made Victim 5 and Victim 6 remove the bottom half of their clothing while playing the "dark game" and told them to hide in a dark bedroom. When Respondent would find them, he would then fondle them. Respondent told them if they reported this "game" to anyone he would kill them. Respondent was originally charged with Criminal Sexual Conduct with a Minor in the Second Degree, Lewd Act Upon a Child, and ABHAN. Respondent was convicted of two counts of ABHAN and was committed to the Department of Juvenile Justice (DJJ) where he underwent a court ordered evaluation. Respondent was released on February 6, 2004, and committed the acts as set forth in

subparagraph (a) within 10 months of his release **(PETITIONER'S EXHIBIT F).**

(b) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has had one recorded disciplinary infraction. **(PETITIONER'S EXHIBIT G).**

(c) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that Respondent has serious difficulty in controlling his behavior or sexual desire impulses.

(a) In support of the State's allegations that the Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which it may present to the Court hereafter, submits the following for consideration:

(b) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for Pedophilic Disorder listed at Page 697 are:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. **(PETITIONER'S EXHIBIT H).**

(c) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for Paraphilic Disorder at Page 685 are:

Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. **(PETITIONER'S EXHIBIT I).**

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S.Ct. 2072, 2080 (1997). Respondent's instances of violent and non-violent behavior are:

- A. The basis of Respondent's 2009 convictions for Criminal Sexual Conduct with a Minor (**EXHIBIT C, *supra***).
- B. The basis of Respondent's 2008 convictions for ABHAN (**EXHIBIT E, *supra***).
- C. The basis for Respondent's 2002 adjudication for two counts of ABHAN. (**EXHIBIT F, *supra***).
- D. 1/7/2008 - Sale Beverage Containing Alcohol
- E. 5/7/2010 - Unlawful Use of a Telephone
- F. 3/22/2011 - Failure to Register as a Sex Offender

iv. The facts of Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges or behaviors involving underage children occurring over a period of at least six months.

v. Known risk factors increasing Respondent's likelihood to re-offend include: 1) Never legally married or never lived with a lover for at least two years; 2) Not related to victim; 3) Prior non-sexual convictions; 4) Prior sexual convictions; 5) Length of sexual offending history one to six years; 6) Force or threat of force used; 7) Victim age 13-15; 8) More than one victim; 9) Victim age 11 or younger.

vi. Upon information and belief, Respondent has not completed sex offender treatment while incarcerated in the South Carolina Department of Corrections. (**PETITIONER'S EXHIBIT J**).

vii. Attached also is Respondent's NCIC Report and additional miscellaneous criminal history. (**PETITIONER'S EXHIBIT K**).

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing, if Respondent is not already in custody, to contest probable cause be held within 72 hours after Respondent is taken into custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in

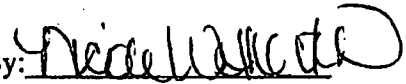
custody and be transferred to an appropriate facility for an evaluation to determine whether Respondent meets the statutory criteria as a Sexually Violent Predator;

6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
7. If probable cause is found, a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.*, and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

NICOLE T. WETHERTON
Assistant Attorney General

By: 
Attorneys for Petitioner
S. C. Bar No. 100500
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
V: (803) 734-0087
F: (803) 734-6679
nwetherton@scag.gov

October 28, 2014
Columbia, South Carolina

PETITIONER'S EXHIBIT A

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.P. & G.A., Aiken County, S.C.

Anita Knoepfle
Deputy Clerk

SEXUAL PREDATOR REFERRAL FORM

Offender Name: DANIEL LEE LARD Offender Number: 346392 Jurisdictional Agency: SCDC
 Age: 27 County: AIKEN Qualifying Offense(s): Guilty Plea: _____ Trial: _____
 Gender: Male No. of Incarcerations: 2 Criminal Sexual Conduct with Minor 2nd. A&B/HAN

Adult 5 years / probation revocation Parole Eligibility Max-Out
 Sentence: _____ Date: _____ Date: 06/22/2015
 Juvenile Parole SFII
 Guidelines: _____ Release Date: _____ Date: _____

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
4	0	0

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

[Signature] SCDC -- CHAIRPERSON
Howard A. Hunter SCDPPS
Jeffrey E. Munnick, PhD, ABPP DMH
[Signature] JDG
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on September 18, 2014, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

PETITIONER'S EXHIBIT B

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.P. & G. A., Aiken County, S.C.
Anita Knepper
Deputy Clerk

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

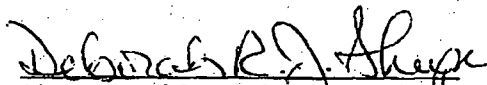
INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
DANIEL LEE LARD	346392	OCTOBER 16, 2014
		MEMBERS PRESENT:
		Barry Bernstein for Alan Wilson David M. Stumbo via telephone Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: SEPTEMBER 23, 2014

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

PETITIONER'S EXHIBIT C

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina, do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.P. & G. A., Aiken County, S.C.

Anita Knoepfle
Deputy Clerk

10/28/2014 10:53... 803-734-3273

PPPS

PAGE 05

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Aiken

vs.

Daniel Lee Lard

AKA: _____
 Race: W Sex: M Age: 22
 DOB: _____ SS#: _____
 Address: _____
 City, State, Zip: _____
 DL#: _____ SID#: _____

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Criminal sexual conduct with minor or Attempt - Second deg

In violation of § 16-03-0655(2) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ \$17-25-45
The charge is: ☒ As indicated; ☐ Lesser Included Offense; ☐ Defendant Waives Presentation to Grand Jury (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation; ☐ Negotiated Sentence; ☐ Recommendation by the State

ATTEST:

[Signature] 6543 *[Signature]* 65401
 Solicitor SC Bar # _____ Defendant Attorney for Defendant SC Bar # _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ 350 provided that upon the service of 350 days/months/years and or payment
 of \$ _____ plus costs and assessments as applicable, the balance is suspended with probation for
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services' standard conditions of probation, which are
 incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections; 350 days☐ The Defendant is to be placed on 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

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCOPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
§47-12 (Public Def. Prob)	\$500	\$	
§14-1-212 (Law Enforce. Funding)	\$25	\$	25.00
§14-1-213 (Drug Court Surcharge)	\$100	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
§90-7 (SCCJA Surcharge)	\$5	\$	5.00
3% to County (if paid in installments)		\$	3.90
TOTAL		\$	133.90

Clerk of Court/Deputy Clerk
 Court Reporter:

[Signature] Shannon D. Owen
[Signature] Cheri Young

INDICTMENT/CASE# 2009GS02289

AW#: K207554

Date of Offense: 1/1/2008 - 1/31/2008

S.C. Code §: 16-03-0655(2)

CDR Code #: 0396

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS(CSC w/minor, 1st or Lowd Act)

Defendant Waives Presentation to Grand Jury (defendant's initials)

Negotiated Sentence; Recommendation by the State

PT/UP

150 days/hours Public Service Employment

Obtain GED: ☐

Attend Voc. Rehab. Or Job Corp.

May serve WE beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning

\$ _____ Paid to Public Defender Fund

Other: *[Signature]* *[Signature]**[Signature]* *[Signature]**[Signature]* *[Signature]**[Signature]* *[Signature]**[Signature]* *[Signature]*☐ Appointed PO or appointed other counsel.

\$47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge *[Signature]*

Judge Code: 140

Sentence Date June 24, 2009

NO.	ENTD

Form AD1003 (04/19/07)

5/13/32

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

08-031163

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY Page 1 of 2 Pages
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Incident Type	Sexual Assault	Date:	011508	Time	0200
Victim's Name	Victim	Subject Name:	Lard, Daniel		

On 6/12/08 Cpl. Anders met with the comp. [REDACTED] at the Burnettown Police Department. Mrs. [REDACTED] stated that she was talking with the victim [REDACTED] about boys and sex when [REDACTED] told her that she had went to 39 Old Hadden Rd. Warrentown, SC and had sexual intercourse with the subject Daniel Lard. [REDACTED] stated that Whitney Ballinger who is the girlfriend of her father Andrew Williams talked her into sneaking out of the house with her and going to Old Hadden Rd. to meet Daniel. [REDACTED] stated while her and Whitney were walking Aaron Lott picked them up and drove them to the I/L. She stated while at the I/L Daniel told her to sit next to him on the couch. While sitting on the couch Daniel and Whitney were text messaging each other in which Daniel was asking Whitney to talk [REDACTED] into having sex with him. Whitney began urging [REDACTED] to have sex with Daniel at which time [REDACTED] stated "No". After Daniel and Whitney continued to badger her she gave in and said "yes". After Daniel had sex with her Aaron drove her and Whitney home. Cpl. Anders obtained a written statement.

On 6/23/08 [REDACTED] was interviewed by Anne Laver of the Child Advocacy Center at which time [REDACTED] disclosed that while out with Whitney who was looking to buy some marijuana they pulled into the yard of Old Hadden Rd. where Whitney began talking with Daniel and Aaron after leaving and returning home she stated that Daniel called and asked Whitney to bring [REDACTED] back over so he could get to know her better. Whitney asked her to go and get to know Daniel. She stated that Aaron picked them up and gave them a ride to the I/L. After being at the I/L Daniel asked her to sit on the couch next to him and he began to text message with Whitney asking Whitney to talk her into having sex with him. [REDACTED] stated that Daniel and Whitney kept badgering her until she gave in and went into his bedroom and had sex with Daniel. She stated that he did use a condom, which her got from his nightstand. She stated that Aaron then gave her and Whitney a ride home. I/O made contact with Aaron Lott who stated that Whitney and [REDACTED] had stopped by the house for about five minutes and left and about an hour later at approximately 2200 Daniel asked him to go pick up Whitney and [REDACTED] and bring them back. He stated that Daniel, Whitney and [REDACTED] went into Daniel's room and that he fell asleep on the couch and Daniel woke him up around 0200 and asked him to take Whitney and [REDACTED] home. I/O made contact with Whitney Ballinger, advised her of her Miranda Rights, and she signed a written Miranda form. Whitney stated that she stopped by the I/L with [REDACTED] and talked to Daniel and Aaron and then left. Whitney stated that Daniel called [REDACTED] on the phone and told her that he could pick her up for a party at his house but him and Aaron had to walked to the fire dept. and pick up Aaron's Camaro first. Whitney stated that Daniel and Aaron picked her and [REDACTED] went to Daniel's house for a party and that Daniel and Brittany had talked but she did not know they had sex until [REDACTED] came to her and

SUBJECT IDENTIFIED YES ☒ NO ☐	SUBJECT LOCATED YES ☐ NO ☒	☐ ACTIVE ☐ ADJUDICATED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☒ ARRESTED 18 & OVER	☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Prosecution ☐ Juvenile No Custody				
REPORTING OFFICER	DATE	UNIT #	APPROVING OFFICER	DATE
			J. GASKINS	7-7-08
Follow up investigation ☐ Yes ☒ No ☐ Officer				

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER	NCIC
08-031163	

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED

Page 2 of 2 Pages

Incident Type	Sexual Assault	Date:	011508	Time	0200
Victim's Name	Williams, Brittany "Nicole"	Subject Name:	Lard, Daniel		

said she thought she was pregnant by Daniel Lard. Whitney stated that while at the house that her and Aaron went to the Bryant's store and bought beer. Whitney denied encouraging [REDACTED] to have sex. She stated that [REDACTED] asked her if it was ok to have sex with Daniel and she stated that it was up to her. Whitney further stated that Aaron told her that Daniel was 16 years old. Whitney stated that Daniel gave them a ride home because Aaron was intoxicated and dropped them off behind the house. Whitney's interview was placed on a digital audio recorder.

On 6/27/08 I/O made contact with Daniel Lard who came to ACSO. I/O advised Daniel of his Miranda Rights and obtained a signed Miranda form. Daniel stated that Whitney and [REDACTED] had come by his house for a couple of minutes and talked to Aaron. He stated they then left and that they returned later that evening with Aaron. Daniel stated that he was having a party and that some people at the party wanted to "jump on" Whitney and [REDACTED] so he took them in his room. He then stated that Aaron and Whitney went into Aaron's room and he is not sure what they were doing. Daniel stated that [REDACTED] then started rubbing on him and then got on top of him while she was removing her clothing. He stated that after she removed her clothing he got a condom from the nightstand had sexual intercourse with [REDACTED] and that after they were done Aaron took Whitney and [REDACTED] home. I/O placed Daniel into custody and transported him to ACDC where he was placed on a hold for Criminal Sexual Conduct with a Minor 1st degree.

On 6/28/08 I/O obtained warrant #K-207554 Criminal Sexual Conduct with a Minor 1st Degree from Judge Neal. The warrant was served on Daniel Lard by Lt. Bowman at the Aiken County Detention Center.

On 6/29/08 Case Closed Arrested Over 18.

SUBJECT IDENTIFIED	SUBJECT LOCATED	ACTIVE	ADM CLOSED	ARRESTED UNDER 18	EX-CLEARED UNDER 18
ES ☒ NO ☐	YES ☐ NO ☒	☐ UNFOUNDED	☐	☒ ARRESTED 18 & OVER	☐ EX-CLEARED 18 & OVER
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Prosecution ☐ Juvenile No Custody					
REPORTING OFFICER	DATE	UNIT #	APPROVING OFFICER	DATE	UNIT #
SA. Mark Patterson		5612	V. Gaskins	7-7-08	4392
Follow up investigation ☐ Yes ☒ No ☐ Officer					

Aiken County Sheriff's Office
VOLUNTARY STATEMENT

08-051163

Time: 2:30^{pm} Date: 6/12/08Page 1 of 2 pages

Location where statement was obtained:

Name: [REDACTED] Date of Birth: [REDACTED] / SSN: [REDACTED]

Address: [REDACTED] City: Langley State: S.C. Zip: 29551I completed the 9 grade in school, and CAN CANNOT read and write. (Circle one)

We was at home and I was taken to Whitney and Jessica and Whitney said lets sneak out so we did then we came back after Whitney was talking to Aaron Lott and then after we got back home Daneil Lard called and asked Whitney if we could come back and she said I don't know so she talked me in to going by say oh Daneil wants to meet you and talk and she kept pushing till I said yes so we went and then I sat on the couch and and Daniel said oh you cant come sit by me and I said I could if I wanted to but I'm not and Whitney said go sit by him and talk so I gave in and went to sit by him.

I have read or have had read to me this statement consisting of 2 page(s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement.

This statement was completed at 2:15 a.m./p.m. on 11 day of June, 20 08

Signature of person giving voluntary statement

Witness

Witness

have been given a copy of this statement consisting of 2 pages.Initials of person making statement. BLW

Aiken County Sheriff's Office

00-001103

VOLUNTARY STATEMENT

Time: ____ Date: ____/____/____

Page 2 of 2 pages

Location where statement was obtained: _____

Name: _____ Date of Birth: ____/____/____ SSN: _____

Address: _____ City: _____ State: _____ Zip: _____

I completed the _____ grade in school, and I CAN/CANNOT read and write. (Circle one)

and then him and Whitney started
 texting back and forth and he asked
 Whitney to talk me into ~~me~~ having sex
 with him. and I said no and they
 keep asking and pushing and then
 I gave in so I did. and I regretted
 it but I was tired of them asking
 and pushing.

I have read or have had read to me this statement consisting of _____ page(s). This statement is true. I have initialed all corrections and initialed the bottom of each page containing the statement. I declare that the voluntary statement is made of my own free will, without promise or reward, without fear or threat of physical harm/punishment, without coercion, unlawful influence or unlawful inducement. This statement was completed at _____ a.m./p.m. on _____ day of _____, 20____

 Signature of person giving voluntary statement

 Witness

 Witness

I have been given a copy of this statement consisting of _____ pages.

Initials of person making statement. BW

ARREST WARRANT

K- 207554

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
AIKEN COUNTY

 THE STATE 08-031163
against

DANIEL LEE LARD

 Address: [REDACTED]
 Phone: [REDACTED] SSN: [REDACTED]
 Sex: M Race: W Height: 5 Weight: 135
 DL State: SC DL#: [REDACTED]
 DOB: [REDACTED] Agency ORI#: 0200
 Prosecuting Agency: SHERIFF DEPT
 Prosecuting Officer: DET. M. A. PATTERSON
 Offense: CRIMINAL SEXUAL CONDUCT
 W/ MINOR 1ST Offense Code: 0385
 Code/Ordinance Sec: 0385

 This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of [REDACTED]
 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant DANIEL LEE LARD
 on 6-28-08

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 BOND HEARING COURT
 435 WIRE ROAD
 AIKEN

SC 29801

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
AIKEN COUNTY

AFFIDAVIT

 Personally appeared before me the affiant INV. M. PATTERSON
 being duly sworn deposes and says that defendant DANIEL LEE LARD
 did within this county and state on 1/01/08 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
 in the following particulars:
 DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT W/ MINOR 1ST
 16-3-655

 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:
 UPON INFORMATION AND BELIEF. THE DEFENDANT, DANIEL LEE LARD,
 DID DURING THE MONTH OF JANUARY 2008 ENGAGE IN SEXUAL BATTERY
 WITH THE VICTIM [REDACTED] BY MEANS OF SEXUAL
 INTERCOURSE. THE VICTIM BEING UNDER THE AGE OF 16 AND THE
 DEFENDANT BEING A CURRENT REGISTERED SEX OFFENDER IN THE
 STATE OF SOUTH CAROLINA. THIS INCIDENT OCCURRING AT OLD
 HADDEN ROAD, WARRENVILLE, SC WITHIN THE COUNTY OF AIKEN. THIS
 BEING IN VIOLATION OF SC CODE OF LAWS AS AMENDED.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
AIKEN COUNTY

 Affiant's Address 420 HAMPTON AVE
 AIKEN SC 29801
 Affiant's Telephone 803 642-1762

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 1/01/08 defendant DANIEL LEE LARD
 did violate the criminal laws of the State of South Carolina (or ordinance of _____
☐ County/ ☐ Municipality of _____) as set forth below:

 DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT W/ MINOR 1ST
 16-3-655

 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

or [Signature] (L.S.)

Signature of Issuing Judge

Judge Code: 040

Judge's Address 420 HAMPTON AVENUE

AIKEN SC 29801

Judge's Telephone 803 642-1762

 Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

DOCKET NO. 2009-GS-02- 289

WITNESSES

M. Patterson, A.C.S.O.

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH 9, TERM 2009

ARREST WARRANT NUMBER

-207554

THE STATE

vs.

ACTION OF GRAND JURY

DANIEL LEE LARD

Preperson of Grand Jury

ate: March 5, 2009

VERDICT

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR-SECOND DEGREE**

SC Code: 16-3-655(2)

CDR Code: 396

Class FEL-C(V)

Preperson of Petit Jury

ate:

ARREST WARRANT

H- 813941

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
ALLEN COUNTY

THE STATE 08-031169
against

DANIEL LEE LAMB

Address: [REDACTED]
 Phone: [REDACTED] SSN: [REDACTED]
 Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: 140
 DL State: SC DL [REDACTED]
 DOB: [REDACTED] Agency ORI# 0200
 Prosecuting Agency: SHERIFF'S OFFICE
 Prosecuting Officer: DET. M.A. PATTERSON
 Offense: LEWD ACT UPON A MINOR
 UNDER SIXTEEN Offense Code: 240B
 Code/Ordinance Sec. 16-15-140

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of _____
 _____ The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge (LS.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant CHANDLER, JAMES EARL

on 2-17-08
[Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
 HON. J. L. M. MAGISTRATE COURT
 50 CANAL STREET, SUITE 14
 GRANITEVILLE, OH 43041-5600

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
ALLEN COUNTY

AFFIDAVIT

Personally appeared before me the affiant IMM M A PATTERSON wt
being duly sworn deposes and says that defendant DANIEL DE LEO
did within this county and state on 1/01/08 violate the criminal laws of th
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars:
DESCRIPTION OF OFFENSE: LEWD ACT UPON A MINOR UNDER SIXTEEN

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:
UPON INFORMATION AND BELIEF, THE DEFENDANT, DANIEL LEE LARK, JR.
DURING THE MONTH OF JANUARY, 2008 WILFULLY AND LEWDLY COMMITTED A
LEWD AND LASCIVIOUS ACT UPON THE BODY OF THE VICTIM, [REDACTED]
[REDACTED]. THE VICTIM BEING UNDER THE AGE OF 16. THIS INCIDENT
OCCURRING AT OLD HADDEN ROAD, WARRENVILLE, GA. WITHIN THE
COUNTY OF AIKEN. THIS BEING IN VIOLATION OF THE SOUTH CAROLINA
CODE OF LAWS AS AMENDED.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
ALLEN COUNTY

Affiant's Address 420 HAMPTON AVE
ATLANTA, GA 30301
Affiant's Telephone 803 545-6111

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 1/01/08 defendant DANIEL LEE LARSEN
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: LEWD ACT UPON A MINOR UNDER SIXTEEN
VIOLATION OF SC CODE 18-15-140

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

Judge's Address 50 CANAL STREET
GREENVILLE 21610

Judge's Telephone 303-453-6524

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

WITNESSES

M. Patterson, A.C.S.O.

ARREST WARRANT NUMBER

-813941

ACTION OF GRAND JURY

Preperson of Grand Jury
ate: March 5, 2009

VERDICT

Preperson of Petit Jury
ate:

DOCKET NO. 2009-GS-02-

288

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

MARCH 9, TERM 2009

THE STATE

vs.

DANIEL LEE LARD

Indictment for

LEWD ACT UPON CHILD

SC Code: 16-15-140

CDR Code: 2468

Class FEL-D

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on March 9, 2009, the Grand Jurors of Aiken County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR-SECOND DEGREE

That DANIEL LEE LARD did in Aiken County on or between January 1, 2008 and January 31, 2008, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery, to wit: sexual intercourse upon [REDACTED], a minor who was fourteen (14) years of age at the time of the incident and the defendant was older than the victim. All in violation of §16-3-655 of the Code of Laws of South Carolina (1976), as amended.

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


J. STROM THURMOND, SOLICITOR



Aiken County Sheriff's Office

Investigative Summary Report

Case Number	Defendant Name	Offense
08-031163	Lard, Dennis	CSC w/ a Minor 1 st Degree

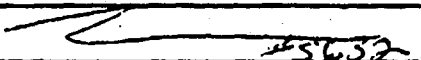
On 6/12/08 Cpl. Anders, a sworn deputy of the Aiken County Sheriff's Office met with the comp. Tracy Williams at the Burnetown Police Department. Mrs. Williams stated that she was talking with the victim [REDACTED] about boys and sex when [REDACTED] told her that she had went to [REDACTED] Warrenville, SC within the County of Aiken and had sexual intercourse with the subject Daniel Lard. [REDACTED] stated that Whitney Ballinger who is the girlfriend of her father Andrew Williams talked her into sneaking out of the house with her and going to Old Hadden Rd. to meet Daniel. [REDACTED] stated while her and Whitney were walking Aaron Lott picked them up and drove them to the I/L. She stated while at the I/L Daniel told her to sit next to him on the couch. While sitting on the couch Daniel and Whitney were text messaging each other in which Daniel was asking Whitney to talk [REDACTED] into having sex with him. Whitney began urging [REDACTED] to have sex with Daniel at which time [REDACTED] stated "No". After Daniel and Whitney continued to badger her she gave in and said "yes". After Daniel had sex with her Aaron drove her and Whitney home. Cpl. Anders obtained a written statement.

On 6/23/08 [REDACTED] was interviewed by Anne Laver of the Child Advocacy Center at which time [REDACTED] disclosed that while out with Whitney who was looking to buy some marijuana they pulled into the yard of Old Hadden Rd. where Whitney began talking with Daniel and Aaron after leaving and returning home she stated that Daniel called and asked Whitney to bring [REDACTED] back over so he could get to know her better. Whitney asked her to go and get to know Daniel. She stated that Aaron picked them up and gave them a ride to the I/L. After being at the I/L Daniel asked her to sit on the couch next to him and he began to text message with Whitney asking Whitney to talk her into having sex with him. [REDACTED] stated that Daniel and Whitney kept badgering her until she gave in and went into his bedroom and had sex with Daniel. She stated that he did use a condom, which her got from his nightstand. She stated that Aaron then gave her and Whitney a ride home. I/O made contact with Aaron Lott who stated that Whitney and [REDACTED] had stopped by the house for about five minutes and left and about an hour later at approximately 2200 Daniel asked him to go pick up Whitney and Brittany and bring them back. He stated that Daniel, Whitney and [REDACTED] went into Daniel's room and that he fell asleep on the couch and Daniel woke him up around 0200 and asked him to take Whitney and [REDACTED] home. I/O made contact with Whitney Ballinger, advised her of her Miranda Rights, and she signed a written Miranda form. Whitney stated that she stopped by the I/L with Brittany and talked to Daniel and Aaron and then left. Whitney stated that Daniel called [REDACTED] on the phone and told her that he could pick her up for a party at his house but him and Aaron had to walked to the fire dept. and pick up Aaron's Camaro first. Whitney stated that Daniel and Aaron picked her and [REDACTED] went to Daniel's house for a party and that Daniel and [REDACTED] had talked but she did not know they had sex until [REDACTED] came to her and said she thought she was pregnant by Daniel Lard. Whitney stated that while at the house that her and Aaron went to the Bryant's store and bought beer. Whitney denied encouraging [REDACTED] to have sex. She stated that [REDACTED] asked her if it was ok to have sex with Daniel and she stated that it was up to her. Whitney further stated that Aaron told her that Daniel was 16 years old. Whitney stated that Daniel gave them a ride home because Aaron was intoxicated and dropped them off behind the house. Whitney's interview was placed on a digital audio recorder.

On 6/27/08 Investigator Mark Patterson, a sworn deputy of the Aiken County Sheriff's Office made contact with Daniel Lard who came to ACSO. Investigator Patterson advised Daniel of his Miranda Rights and obtained a signed Miranda form. Daniel stated that Whitney and [REDACTED] had come by his house for a couple of minutes and talked to Aaron. He stated they then left and that they returned later that evening with Aaron. Daniel stated that he was having a party and that some people at the party wanted to "jump on" Whitney and [REDACTED] so he took them in his room. He then stated that Aaron and Whitney went into Aaron's room and he is

not sure what they were doing. Daniel stated that [REDACTED] then started rubbing on him and then got on top of him while she was removing her clothing. He stated that after she removed her clothing he got a condom from the nightstand had sexual intercourse with [REDACTED] and that after they were done Aaron took Whitney and Brittany home. Investigator Patterson placed Daniel into custody and transported him to ACDC where he was placed on a hold for Criminal Sexual Conduct with a Minor 1st degree.

On 6/28/08 Investigator Patterson obtained warrant #K-207554 Criminal Sexual Conduct with a Minor 1st Degree from Judge Neal. The warrant was served on Daniel Lard by Lt. Bowman at the Aiken County Detention Center.

Officer Signature		Employee Number	5632	Date	062908

PETITIONER'S EXHIBIT D

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard

C.C.P. & G. A., Aiken County, S.C.
Anita Knoepfle

Deputy Clerk

Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of York
STATE VS.

INDICTMENT#

Probation C/W#s: 10-01-01-0100AKA: _____
Race: W Sex: M
DOB: 10/10/1977
SSN: [REDACTED]
SID#: 010 10101Name of Original Offense: Count 1 of 2nd Degree Murder
Original A/W#: 10-01-01-0100
Date of Original Offense: 10/10/1977
Conviction S.C. Code §: 16-01-0100
Conviction CDR Code #: 10-01-01-0100
Original Sentence: 20 years to life
of 350 days

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 10-1-11 in the Court of General Sessions of York County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 10-1-11 as set forth in the attached warrant(s) or citation(s) dated 10-1-11. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$ _____.
- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 months/years of the original sentence and/or pay \$ _____; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

☒ Additional Conditions ordered by the Court:Continue on supervision upon release.Exempt supervision fee arrangement. Restructure Court

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant has previously served 350 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 1st day of June, 2011
York SCPresiding Judge Second Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Defender's Signature

Witnessed by

Signed this 1st day of June, 2011 at York SC

Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#

County of _____
STATE VS.GS- _____
Probation C/W#s: _____

AKA: _____

Name of Original Offense: _____

Race: _____ Sex: _____

Original A/V#: _____

DOB: _____

Date of Original Offense: _____

SSN: _____

Conviction S.C. Code §: _____

SID#: _____

Conviction CDR Code #: _____

Original Sentence: _____

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 3/1/11 in the Court of General Sessions of _____ County, and/or the additional conditions ordered by the Court in probation continuation order(s) issued on _____ as set forth in the attached warrant(s) or citation(s) dated _____. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)

Therefore, IT IS ORDERED that:

- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years, the remainder of the original sentence, and/or pay \$_____.
- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 months/years of the original sentence and/or pay \$_____ thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- ☐ the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- ☒ Additional Conditions ordered by the Court:

*Continue on supervision upon release.
Benefit supervision arrangement. Restructuring Court fine.
Vol. pay back while incarcerated*

- ☐ The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- ☐ The defendant has previously served 11 days months/years on this sentence.
(split sentence time and/or prior partial revocation time)
- ☐ The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 1st day of June, 2011
_____ SC_____
Presiding Judge _____
Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 1st day of June, 2011 at Aiken SC
Day Month Year City

Form 18.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-180
March 18, 1978

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Probation

ARREST WARRANT

Indictment Number 08-GS-02-01297

Warrant Number W-02-10-0149

State Identification No. (SID) 01696831

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF AIKEN, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that DANIEL LEE LARD, Daniel Lard, did on the 28 day of September, 2010 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

By violating conditions 1,2, 6,7,8,9,10 and special conditions of his probationary sentence ordered in Cause 2006-GS-02-1297 by the Honorable Clifton Newman on March 10, 2008 in the Aiken County Court of General Sessions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring DANIEL LEE LARD, Daniel Lard before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at AIKEN, S. C. this 28 day of September, 2010.

County of AIKEN

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Joseph B. Wilson, who, first being duly sworn, deposes and says that DANIEL LEE LARD, Daniel Lard did within this County and State on the 28 day of September, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

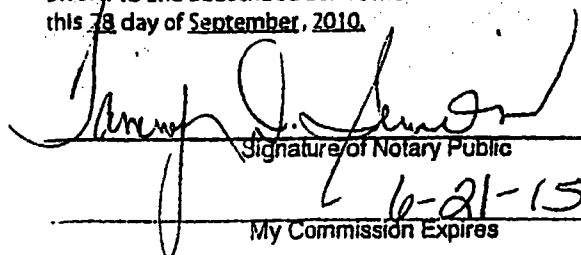
DESCRIPTION OF OFFENSE:

By violating conditions 1,2, 6,7,8,9,10 and special conditions of his probationary sentence ordered in Cause 2006-GS-02-1297 by the Honorable Clifton Newman on March 10, 2008 in the Aiken County Court of General Sessions.

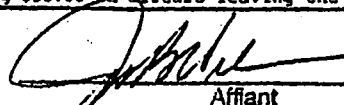
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

By failing to report as instructed for the month of September 2010; By leaving the State of South Carolina without permission of agent as admitted in phone conversation with supervising agent on 9/27/10 at 5:02 pm that he was in the State of New Mexico; by moving without consent of his agent as discovered by agent in a phone conversation with the offender on 9/27/10 and further verified during a home visit to his residence on 9/27/10 at 5:58 pm with his mother Melissa Moss who stated he has been gone a couple of weeks from residence at Project Rd. Warrentville SC- thus absconding supervision; By failing to attend sex offender counseling as ordered; By failing to immediately notify agent of arrest for Unlawful Use of a Telephone warrant #M025630 on 4/07/10 and by being convicted of this offense in the Midland Valley Summary Court by Judge Carl Stuart Inasley on 5/07/10 receiving a sentence of \$110.00 fine or jail time of 15 days; By being \$870.00 in arrears on supervision fees; By failing to pay his DNA fee of \$250.00 being \$56.00 in arrears leaving the outstanding

Sworn to and Subscribed before me
this 28 day of September, 2010.



Signature of Notary Public (L.S.)
My Commission Expires 6-21-15



Affiant

Address: P.O. BOX 2194
AIKEN, SC 29802-2194
AIKEN
USA
(803) 641-7690

Form 18.1- Arrest Warrant
Form Approved by
SC Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

Probation

ARREST WARRANT

Indictment Number 09-GS-02-00289

Warrant Number W-02-10-0150

State Identification No. (SID) 01696831

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF AIKEN, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:

It appearing from the attached affidavit that there are reasonable grounds to believe that DANIEL LEE LARD, did on the 28 day of September, 2010 violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Daniel Lard has violated conditions 1,2,6,7,8,9,10 and special conditions of his probationary sentence in Cause number 2009-GS-02-289 on 6/24/09 by the Honorable Michael Nettles in the Aiken County Court of General Sessions and conditions #2 and #9 of standard sex offender conditions.

Now, therefore, you are empowered and directed to arrest the said defendant and bring DANIEL LEE LARD before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at AIKEN, S. C. this 28 day of September, 2010.

County of AIKEN


Signature of Probation and Parole Agent

(L.S.)

STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Joseph B. Wilson, who, first being duly sworn, deposes and says that DANIEL LEE LARD did within this County and State on the 28 day of September, 2010, violate the criminal laws of the State of South Carolina in the following particulars:

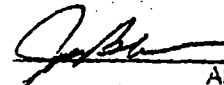
DESCRIPTION OF OFFENSE:

Daniel Lard has violated conditions 1,2,6,7,8,9,10 and special conditions of his probationary sentence in Cause number 2009-GS-02-289 on 6/24/09 by the Honorable Michael Nettles in the Aiken County Court of General Sessions and conditions #2 and #9 of standard sex offender conditions.

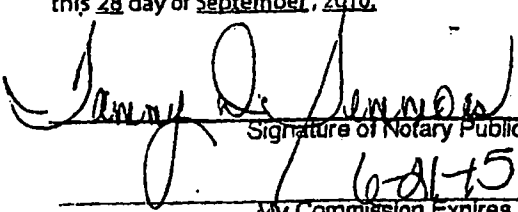
The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

By failing to report as instructed for the month of September 2010; By leaving the State of South Carolina without permission of agent as admitted in phone conversation with supervising agent on 9/27/10 at 5:02 pm that he was in the State of New Mexico; by moving without consent of his agent as discovered by agent in a phone conversation with the offender on 9/27/10 and further verified during a home visit to his residence on 9/27/10 at 5:58 pm with his mother Melissa Moss who stated he has been gone a couple of weeks from residence at Project Rd. Warrenville SC- thus absconding supervision; By failing to attend sex offender counseling as ordered; By failing to immediately notify agent of arrest for Unlawful Use of a Telephone warrant #M025630 on 4/07/10 and by being convicted of this offense in the Midland Valley Summary Court by Judge Carl Stuart Inasley on 5/07/10 receiving a sentence of \$110.00 fine or jail time of 15 days; By failing to pay his intensive supervision fees at the rate of \$20.00 a week being \$870.00 in arrears leaving the outstanding balance of

Sworn to and Subscribed before me
this 28 day of September, 2010.


Affiant

Address: P.O. BOX 2194
AIKEN, SC 29802-2194
AIKEN
USA
(803) 641-7690


Signature of Notary Public

(L.S.)

My Commission Expires 6-21-15

PETITIONER'S EXHIBIT E

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.

Anita Knoepfle
Deputy Clerk

10/28/2014 10:53 803-734-3273

PPPS

PAGE 02

STATE OF SOUTH CAROLINA

COUNTY OF Aiken
STATE Daniel VS Lard

AKA:

Race: W Sex: M Age: 21DOB: 7/1/93 SSN: [REDACTED]Address: [REDACTED]City, State, Zip: [REDACTED]DL# SC [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# Case 02-1298AW# R06 5143Date of Offense: 11-30-04S.C. Code §: 16-3-055CDR Code#: 0396

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS order Alford
TO: Assault & Battery of a High & Aggravated Nature
in violation of Common Law of the S.C. Code of Laws, bearing CDR Code # 013

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC) ☐ §17-25-45
within 1st or Lowd Act

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Prosecution to Grand Jury, (Defendant Initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 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 47 days/months/years and/or payment
of \$; plus costs and assessments as applicable, the balance is suspended with probation for 3
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which
are incorporated by reference.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCOPPS

Recipient:

Fines:

§14-1-208 (Assessments 107.5%)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§58-5-2985 (DUI Assessment)	\$12	\$
§35-13 (Public Def#Prob)	\$500	\$500.00
§73-3, 1B TP (Law Enforce. Funding)	\$25	\$25.00
§33-7, 1B TP (Drug Court Surcharge)	\$100	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§58-5-2942(J) (Vehicle Assessment)	\$40/fea	\$
3% to County (if paid in installments)		\$18.75
TOTAL		\$1043.75

PTUP

days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve WVE beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning\$ paid to Public Defender FundOther: Also contact w/ the Victim's attVictim's family other than SarahScott☒ Appointed PD or appointed other counsel; §35-13 TP

Requires \$500 be paid to Clerk during probation.

Court Reporter: [Signature]

Clerk of Court Deputy Clerk

PRESIDING JUDGE [Signature]Judge Code: 2111217Sentence Date: March 10, 2008

ARREST WARRANT

K- 065148

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

THE STATE

against

JAMON LEE GALT

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI: [REDACTED]

Prosecuting Agency: [REDACTED]

Prosecuting Officer: [REDACTED]

Offense: [REDACTED]

Offense Code: [REDACTED]

Code/Ordinance Sec: [REDACTED]

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to law.

(L.S.)

Signature of Judge

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to defendant

on 5-11-06

W. P. Rodgers 4169

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCGA 6.11

Personally appeared before me the affiant [REDACTED] being duly sworn deposes and says that defendant [REDACTED] did within this county and state on [REDACTED] violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of [REDACTED]) in the following particulars:

DESCRIPTION OF OFFENSE: [REDACTED]

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: [REDACTED] INFORMATION AND BELIEF BETWEEN [REDACTED] AND [REDACTED] ON [REDACTED] THE DEFENDANT, 17 YEAR OLD JAMON LEE GALT, [REDACTED] LEFT AND LASCIVIOUS ACT UPON THE VICTIM, [REDACTED] BY PUTTING HIS FINGER IN HER VAGINA WITH THE INTENT TO [REDACTED] HIS SEXUAL DESIRE. THIS TAKING PLACE IN THE [REDACTED] HOUSE AT 111 HEIMRAH ROAD, SEVENHILLS, [REDACTED] COUNTY. THIS BEING A VIOLATION OF [REDACTED] [REDACTED] [REDACTED]

Signature of Affiant

Sgt. D. I. Blum 4163

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

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 [REDACTED] on [REDACTED] defendant [REDACTED]

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of [REDACTED]) as set forth below:

DESCRIPTION OF OFFENSE: [REDACTED]

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 [REDACTED]

(L.S.)

Signature of Issuing Judge

Judge Code: [REDACTED]

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate

☐ Municipal

☐ Circuit

ORIGINAL

ARREST WARRANT

K- 065146

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Aiken

THE STATE

against

DANIEL LEE LARD

Address:

Phone: SSN

Sex: Race: Height: Weight:

DL State: DL:

DOB: Agency ORI:

Prosecuting Agency: Aiken Sheriff's Office

Prosecuting Officer: D. A. Blevins

Offense: CRIMINAL SEXUAL CONDUCT

Offense Code: 16-3-650

Code/Ordinance Sec. 16-3-650

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant DANIEL LEE LARD

on 5-11-06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Aiken County Primary Court

P.O. Box 709

Aiken

SC 29804

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Aiken

AFFIDAVIT

Personally appeared before me the affiant D. A. BLEVINS
being duly sworn deposes and says that defendant DANIEL LEE LARD
did within this county and state on 11/20/04 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT

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:

FOR INFORMATION AND BELIEF BETWEEN DATED
DECEMBER 31, 2004, THE DEFENDANT, 17 YEAR OLD DANIEL LEE LARD, DID
COMMIT A SEXUAL BATTERY UPON THE BODY OF THE VICTIM, 4 YEAR OLD
BY INSERTING HIS FINGER INTO HER VAGINA. THIS
TAKING PLACE IN THE LIVINGROOM ON THE COUCH AT 111 EAGLEMAN
GLOVERVILLE, SOUTH CAROLINA, AIKEN COUNTY. THIS BEING A
VIOLATION OF SECTION 16-3-650 OF THE SOUTH CAROLINA CODE.

Signature of Affiant

Affiant's Address:

Affiant's Telephone:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Aiken

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 11/20/04 defendant DANIEL LEE LARD
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT

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 5-11-06

Signature of Issuing Judge

Judge Code: 243

Judge's Address:

Judge's Telephone:

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ARREST WARRANT

K- 065145

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

THE STATE

against

DAVID LEE LARE

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

DL State: [REDACTED] DL: [REDACTED]

DOB: [REDACTED] Agency ORI: [REDACTED]

Prosecuting Agency: [REDACTED]

Prosecuting Officer: [REDACTED]

Offense: [REDACTED]

Offense Code: [REDACTED]

Code/Ordinance Sec: [REDACTED]

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

(LS.)

Signature of Judge

Date: [REDACTED]

RETURN

A copy of this arrest warrant was delivered to defendant [REDACTED]

on 3-11-06

W. P. Rodgen 4169

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

AFFIDAVIT

Form Approved by
SC Attorney General
April 21, 2003
SCCA 110

Personally appeared before me the affiant [REDACTED] who being duly sworn deposes and says that defendant [REDACTED] did within this county and state on [REDACTED] violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of [REDACTED]) in the following particulars:

DESCRIPTION OF OFFENSE: LEWD AND LASCIVIOUS ACT UPON THE PERSON

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:

UPON INFORMATION AND BELIEF BETWEEN [REDACTED] DECEMBER 04, 2004, THE DEFENDANT, 17 YEAR OLD MALE, COMMIT A LEWD AND LASCIVIOUS ACT UPON THE [REDACTED] 11 YEAR OLD [REDACTED] BY INSERTING HIS FINGER INTO VAGINA AFTER PROMISING TO GIVE HER TWO [REDACTED] INTENT OF GRATIFYING HIS SEXUAL DESIRES. THIS [REDACTED] 101 BERNHAY ROAD, COLUMBIA, SOUTH CAROLINA 29204. BEING IN VIOLATION OF [REDACTED]

Signature of Affiant

[Signature of Affiant]

Affiant's Address: [REDACTED]

Affiant's Telephone: [REDACTED]

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

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 [REDACTED] did violate the criminal laws of the State of South Carolina (or ordinance of [REDACTED]) as set forth below:

☐ County/ ☐ Municipality of [REDACTED]

DESCRIPTION OF OFFENSE: LEWD AND LASCIVIOUS ACT UPON THE PERSON

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 [REDACTED]

Signature of Issuing Judge

Judge Code: [REDACTED]

Judge's Address: [REDACTED]

Judge's Telephone: [REDACTED]

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ARREST WARRANT

K- 065144

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Aiken

THE STATE 05-040804

against

DANIEL LEE LARL

Address: [REDACTED]

Phone: [REDACTED] SSN: [REDACTED]

Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]

DL State: [REDACTED] DL #: [REDACTED]

DOB: [REDACTED] Agency ORI: [REDACTED]

Prosecuting Agency: SHERIFF'S OFFICE

Prosecuting Officer: D A BLEVINS

Offense: LEWD ACT UPON CHILD

UNDER SIXTEEN

Offense Code: 15-15-140

Code/Ordinance Sec. 15-15-140

 This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

 The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
 defendant DANIEL LEE LARL
 on 5-11-06

Signature of Constable/Law Enforcement Officer

 RETURN WARRANT TO:
 WILLIAM VALLEY SUMMARY COURT
 P.O. BOX 709
 LANGLEY 29904

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Aiken

AFFIDAVIT

 Form Approved by
 SC Attorney General
 April 21, 2003
 SCCA 619

 Personally appeared before me the affiant D A BLEVINS
 being duly sworn deposes and says that defendant DANIEL LEE LARL
 did within this county and state on 11/30/04 violate the criminal laws of
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of
 in the following particulars:
 DESCRIPTION OF OFFENSE: LEWD ACT UPON CHILD UNDER SIXTEEN

 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:
 UPON INFORMATION AND BELIEF BETWEEN NOVEMBER 24, 2004 AND
 DECEMBER 24, 2004, THE DEFENDANT, 17 YEAR OLD DANIEL LEE LARL, DID
 COMMIT A LEWD AND LASCIVIOUS ACT UPON THE BODY OF THE VICTIM,
 11 YEAR OLD [REDACTED] BY INSERTING HIS FINGER INTO THE
 VAGINA WITH THE INTENT OF GRATIFYING HIS SEXUAL DESIRE, THIS
 TAKING PLACE AT 11 BUCKHAM ROAD, GLOVERVILLE, SOUTH CAROLINA,
 AIKEN COUNTY, THIS BEING IN VIOLATION OF SECTION 15-15-140 OF THE
 SOUTH CAROLINA CODE OF LAWS.

Signature of Affiant

Affiant's Address: 400 HANFORD AVE

Affiant's Telephone: 803-882-1101

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Aiken

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 11/30/04 defendant DANIEL LEE LARL
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: LEWD ACT UPON CHILD UNDER SIXTEEN

 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 5/11/06

Signature of Issuing Judge

Judge Code: 140

Judge's Address: P.O. BOX 709

Judge's Telephone: 803-882-6101

 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

211

ARREST WARRANT

K- 065143

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

THE STATE

against

Address: _____
Phone: _____
Sex: _____ Race: _____ Height: _____ Weight: _____
DL State: _____ DL #: _____
DOB: _____ Agency ORI: _____
Prosecuting Agency: _____
Prosecuting Officer: _____
Offense: _____ Offense Code: _____
Code/Ordinance Sec. _____

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(LS.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant _____
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2013
S.C.A. 618

Personally appeared before me the affiant _____
being duly sworn deposes and says that defendant _____
did within this county and state on _____ violate the criminal laws of
State of South Carolina for ordinance of ☐ County/ ☐ Municipality of _____
in the following particulars:
DESCRIPTION OF OFFENSE: _____

I further state that there is probable cause to believe that the defendant named above did comm
the crime set forth and that probable cause is based on the following facts:
_____ BY INSERTING HIS FINGER INTO THE VAGINA OF THE VICTIM
TAKING PLACE IN THE LIVINGROOM ON THE CORNHILL BLVD. IN
GLAVERVILLE, SOUTH CAROLINA. THIS BEING IN VIOLATION OF
16-3-055(A)(1) OF THE SOUTH CAROLINA CODE OF LAWS.

Signature of Affiant

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

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 _____ defendant _____
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT WITH MINOR

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 _____

Signature of Issuing Judge

Judge Code: _____

Judge's Address

Judge's Telephone

Issuing Court:

☐ Magistrate

☐ Municipal

☐ Circuit

ORIGINAL

FILED
May 17 2006
Clerk of Court
Glaverville, SC

ARREST WARRANT

K- 065142

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Aiken

THE STATE

against

Address: 200 E. Main St.

Phone: SSN:

Sex: Race: Height: Weight:

DL State: DL#:

Agency ORI#:

Prosecuting Agency:

Prosecuting Officer:

Offense:

Offense Code:

Code/Ordinance Sec.:

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant.

on 5-11-06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Aiken

AFFIDAVIT

Form Approved by
SC Attorney General
April 21, 2003
SCCA 61PPersonally appeared before me the affiant E. A. BLEVINS
being duly sworn deposes and says that defendant CHARLES LEE LANE
did within this county and state on 5-10-06 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of Aiken)
in the following particulars:

DESCRIPTION OF OFFENSE:

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:On 5-10-06 at Aiken, South Carolina, the affiant, E. A. BLEVINS, 17 years old, male, white, 5'10", 170 lbs.,
committed a SEXUAL BATTERY UPON THE BODY OF KIMBERLY JONES BY INSERTING HIS FINGER INTO AN ORIFICE OF
KIMBERLY JONES BY PROMISING TO GIVE HER TWO (2) CIGARETTES. THIS OCCURRED IN
THE LIVINGROOM ON THE SOUTH SIDE OF E. BROADWAY ROAD, AIDEN, SOUTH CAROLINA. AIDEN COUNTY. THIS BEING IN VIOLATION OF
16-1-055 BY OF THE SOUTH CAROLINA CODE OF LAWS.

Signature of Affiant

Affiant's Address

Affiant's Telephone

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
Aiken

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 5-10-06 defendant CHARLES LEE LANE
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of Aiken) as set forth below:

DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL BATTERY UPON THE BODY OF KIMBERLY JONES

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

Signature of Issuing Judge

Judge Code:

Judge's Address

Judge's Telephone

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

AGENCY I.D.
SC0020000

SUPPLEMENTAL INCIDENT REPORT

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>1</u> OF <u>1</u> PAGES
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

VICT/SUBJ. I.D. OVERFLOW	☒ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)			VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	DOB	ETH
	☒ VICTIM # 1	[REDACTED]			11	12	13	YES					N
	☐ SUBJECT #	[REDACTED]											
	☐ RUNAWAY	[REDACTED]											
	☐ WANTED	[REDACTED]											
	☐ WARRANT	[REDACTED]											
	☐ ARREST	[REDACTED]											
	☐ JAIL	[REDACTED]											
	☐ SUMMONS	[REDACTED]											
	☒ JUVENILE	[REDACTED]											

☐ COMPLAINT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE		
	☐ VICTIM NO. _____ VISIBLE INJURY: ☐ NO ☐ YES				COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLASME ☐ ALONE				
	EXPLAIN:				CRUZE: ☐ NO ☐ YES TYPE: ☐ UNK.		☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED						
	☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES				USING DRUGS: ☐ NO ☐ YES → TYPE: ☐ UNK.								

[illegible]

	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	STATUS	TYPE	VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.						
	☐ STOLEN	☐ VEHICLE	SERIAL AND/OR OWNER APPLIED NO.					STATE		
	☐ RECOVERED	☐ GUN	YEAR OF REGISTRATION		YEAR OF EXPIRATION		YEAR	MAKE	TYPE	
	☐ FOUND	☐ BOAT	MODEL		STYLE		COLOR		BRAND NAME	CALIBER
	☐ TOWED	☐ LICENSE PLATE	VIN NO.		DENOMINATION		ISSUER		SECURITIES DATE	
	☐ SUSPECT	☐ SECURITIES, BONDS, STOCKS	MISCELLANEOUS							
	☐ VICTIM	☐ ARTICLE								

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
9ERED							

SUBJECT IDENTIFIED ☐ YES ☐ NO ☐		SUBJECT LOCATED ☐ YES ☐ NO ☐		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER			DATE	UNIT NUMBER	
				FOLLOW-UP					

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on August 14, 2006, the Grand Jurors of Aiken County present upon their oath:

LEWD ACT UPON CHILD

That DANIEL LEE LARD, being over the age of fourteen (14) years, did in Aiken County on or between November 30, 2004 and December 24, 2004, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [REDACTED], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR

STATE OF SOUTH CAROLINA)

INDICTMENT

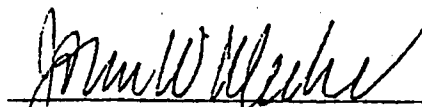
COUNTY OF AIKEN)

At a Court of General Sessions, convened on August 14, 2006, the Grand Jurors of Aiken County present upon their oath:

LEWD ACT UPON CHILD

That DANIEL LEE LARD, being over the age of fourteen (14) years, did in Aiken County on or between November 30, 2004 and December 24, 2004, wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body of [REDACTED], a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions and sexual desires of himself or such child. All in violation of §16-15-140 of the Code of Laws of South Carolina (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

INDICTMENT

At a Court of General Sessions, convened on August 14, 2006, the Grand Jurors of Aiken County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR-SECOND DEGREE

That DANIEL LEE LARD did in Aiken County on or between November 30, 2004 and December 24, 2004, commit the crime of Criminal Sexual Conduct With A Minor In The Second Degree, in that the Defendant did commit a sexual battery, to wit: digital penetration upon [REDACTED] a minor who was eleven (11) years of age at the time of the incident. All in violation of §16-3-655 of the Code of Laws of South Carolina (1976), as amended.

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


BARBARA R. MORGAN, SOLICITOR

WITNESSES

D. A. Blevins, A.C.S.O.

ARREST WARRANT NUMBER

K-065144

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date: August 10, 2006

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-02 - 1299

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AUGUST 14, TERM 2006

THE STATE

vs.

DANIEL LEE LARD

Indictment for

LEWD ACT UPON CHILD

SC Code: 16-15-140

CDR Code: 2458

Class FEL-D

WITNESSES

D. A. Blevins, A.C.S.O.

ARREST WARRANT NUMBER

K-065148

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: August 10, 2006

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-02 -

1300

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AUGUST 14, TERM 2006

THE STATE

vs.

DANIEL LEE LARD

Indictment for
LEWD ACT UPON CHILD

SC Code: 16-15-140

CDR Code: 2458

Class FEL-D

DOCKET NO. 2006-GS-02 - 1298

WITNESSES

D. A. Blevins, A.C.S.O.

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS

AUGUST 14, TERM 2006

ARREST WARRANT NUMBER

K-065146

THE STATE

VS.

DANIEL LEE LARD

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: August 10, 2006

VERDICT

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH MINOR-FIRST DEGREE**

SC Code: 16-3-655(1)
CDR Code: 385
Class FEL-A(V)

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-02 - 1297**WITNESSES**

D. A. Blevins, A.C.S.O.

The State of South Carolina

County of Aiken

COURT OF GENERAL SESSIONS**AUGUST 14, TERM 2006****ARREST WARRANT NUMBER**

K-065143

THE STATE

vs.

DANIEL LEE LARD**ACTION OF GRAND JURY**

Foreperson of Grand Jury

Date: August 10, 2006

VERDICT**Indictment for****CRIMINAL SEXUAL CONDUCT
WITH A MINOR-SECOND DEGREE**

SC Code: 16-3-655(2)

CDR Code: 396

Class FEL-C(V)

Foreperson of Petit Jury

Date:

AIKEN COUNTY SHERIFF'S OFFICE

CASE SYNOPSIS

Defendant: Lard, Daniel Case No#: 05-040890 Officer: Blevins, D.A.

During an interview [REDACTED] disclosed that between November 30, 2004 and December 24, 2004 the defendant, Daniel Lard committed a sexual battery on her by placing his finger into her vagina. [REDACTED] was 4 years of age at the time and Daniel was 17 years of age. This incident took place on the couch at Beckham Road Gloverville, SC in Aiken County.

AIKEN COUNTY SHERIFF'S OFFICE

CASE SYNOPSIS

Defendant: Lard, Daniel Case No#: 05-040886 Officer: Blevins, D.A.

During an interview [REDACTED] disclosed that between November 30, 2004 and December 24, 2004 the defendant, Daniel Lard committed a sexual battery on her by placing his finger into her vagina. This incident took place on the couch at Beckham Road Gloverville, SC in Aiken County.

Further more [REDACTED] disclosed that during the same time frame Lard inserted his finger into her vagina after promising her cigarettes. This incident occurred at the same location as that mentioned above. K. Scott was 11 years old at the time and Daniel Lard was 17 years of age.

AGENCY I. D.
3C0020000

SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

05-040886

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY Page 1 of 1 Pages
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Incident Type	Sexual Assault	Date	7-26-05	Time	
Victim's Name	K. Scott	Subject Name:	Lard, Daniel		

On 2-17-06 I/O met with [REDACTED] at Lovelle McCampbell Middle School in reference to a sexual assault report filed on 8-18-05. I/O conducted a semi structured interview known by its acronym, RATAc, with [REDACTED] (13 yoa). [REDACTED] proved competent on the truth/lie assessment and agreed to only talk about things that were true and really happened. I/O showed Kim the pictures of the male and female anatomical drawings. [REDACTED] identified the male and female parts of the body to include "breasts, private and butt" as places that people aren't suppose to touch a girl and "breast, private and butt" that people aren't suppose to touch on a boy. I/O asked [REDACTED] if anyone had ever touched her on one of those places. [REDACTED] shook her head up and down to signal "yes". I/O asked [REDACTED] to tell me about that and [REDACTED] said it was Daniel. I/O asked [REDACTED] who Daniel was and she stated it was her sister's boyfriend and that he lived with them. I/O asked [REDACTED] what happened and she said she went to sleep on the couch and [REDACTED] was sleeping in the chair. [REDACTED] stated Daniel Lard came back in the living room and woke her up. I/O asked [REDACTED] how Daniel woke her up and [REDACTED] stated she woke up because Daniel was putting his hand down her underwear and put his finger in her private part. [REDACTED] stated this happened a few months ago. [REDACTED] stated she couldn't remember the date but that it was after Thanksgiving and before Christmas. [REDACTED] stated the same week Daniel told her he would give her 2 cigarettes if she let him touch it. [REDACTED] said she was in the living room with her cousin [REDACTED] and that he saw it happen. [REDACTED] said Daniel put his hand down her underwear and put his finger in her private. I kept moving and Brandon was laughing and told me to go to sleep and I told him to shut up. [REDACTED] stated that was the second time Daniel Lard did this. [REDACTED] stated about 3 weeks ago she and her sister, [REDACTED] went to Daniels Trailer to spend the night and she was in the shower. [REDACTED] stated there was a hole in the wall of the baby's room looking into the bathroom and Daniel was looking at her while she was in the shower. [REDACTED] stated this happened before he moved in her trailer. I/O asked [REDACTED] who lived with her currently. [REDACTED] stated her mom and dad, Sara, Daniel, Aunt Shelia, her sister Marie, Marie's son (JR), [REDACTED] (Marie's daughter), Megan (Marie's daughter), Brian (her nephew), and Tiffany (her sister). [REDACTED] stated she sleeps on the fold out couch with Megan, Katlyn, Brian and Tiffany. [REDACTED] stated her Aunt Shelia sleeps in the chair. [REDACTED] stated her mom and dad have 1 bedroom, Sara and Daniel have one bedroom and Marie and JR share the third bedroom. [REDACTED] stated Daniel has been living with them for about 2 weeks. [REDACTED] stated her cousin Brandon was staying at Helping Hands right now. I/O asked [REDACTED] if anyone else has ever touched her in a place that made her uncomfortable and she stated no. [REDACTED] stated [REDACTED] told her mom that she had been touched a couple days after she told.

I/O provided the results of this interview to the investigator of this case, Inv. Blevins.

SUBJECT IDENTIFIED YES ☒ NO ☐	SUBJECT LOCATED YES ☒ NO ☐	☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 & OVER	☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Prosecution ☐ Juvenile No Custody				
REPORTING OFFICER K Sievers	DATE 2-23-06	UNIT # 4511	APPROVING OFFICER [Signature]	DATE 2-23-06
Follow up Investigation ☒ Yes ☐ No ☐ Officer				

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

05-040886

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Page 1 of 1 Pages

Incident Type	SEXUAL ASSAULT	Date:	12/2004	Time	2200
Victim's Name	K. White	Subject Name:	LARD, DANIEL		

On 5-11-06 I/O secured warrants for Lard and was able to locate Lard through his employer. I/O met with Lard at the Langley ACSO substation and arrested him. Lard was transported back to ACSO.

After arriving at ACSO Lard was served with the warrants and after the warrant service I/O asked Lard if he wanted to talk to I/O. Lard stated that he did and after advising him of his Miranda Rights and obtaining a waiver I/O conducted an interview with Lard. Note: I/O was unable to conduct a video interview as the interview room was occupied by another officer.

I/O advised Lard of the allegations that [REDACTED] had made. At first Lard denied them but later stated that he has memory lapses and could have done the acts and doesn't remember. Lard could not provide I/O with any other information. Lard was transported to ACDC for processing.

I/O closes case arrested 18 and over.

SUBJECT IDENTIFIED YES ☒ NO ☐	SUBJECT LOCATED YES ☒ NO ☐	☐ ACTIVE ☐ UNFOUNDED	☐ ADM CLOSED	☒ ARRESTED UNDER 18 ☐ ARRESTED 18 & OVER	☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Cooperation ☐ Juvenile No Custody					
REPORTING OFFICER BLEVINS	DATE 5-12-06	UNIT # 4163	APPROVING OFFICER [Signature]	DATE 5-23-06	UNIT # [Blank]
Follow up for citation ☐ Yes ☒ No ☐ Other ☐					

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

05-040890

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Page 1 of 1 Pages

Incident Type	SEXUAL ASSAULT			Date:	12/2004	Time	2200
Victim's Name	K. White		Subject Name:	LARD, DANIEL			

On 5-11-06 I/O secured warrants for Lard and was able to locate Lard through his employer. I/O met with Lard at the Langley ACSO substation and arrested him. Lard was transported back to ACSO.

After arriving at ACSO Lard was served with the warrants and after the warrant service I/O asked Lard if he wanted to talk to I/O. Lard stated that he did and after advising him of his Miranda Rights and obtaining a waiver I/O conducted an interview with Lard. Note: I/O was unable to conduct a video interview as the interview room was occupied by another officer.

I/O advised Lard of the allegations that [REDACTED] had made. At first Lard denied them but later stated that he has memory lapses and could have done the acts and doesn't remember. Lard could not provide I/O with any other information. Lard was transported to ACDC for processing.

I/O closes case arrested 18 and over.

SUBJECT IDENTIFIED YES ☒ NO ☐	SUBJECT LOCATED YES ☒ NO ☐	☐ ACTIVE ☐ UNFOUNDED	☐ ADM CLOSED ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 & OVER	☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER	
Reason For Exceptional Clearance ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Cooperation ☐ Juvenile No Custody ☐					
REPORTING OFFICER	DATE	UNIT #	APPROVING OFFICER	DATE	UNIT #
EVINS	5-12-06	4163	<i>[Signature]</i>	5-11-06	1342
Follow up Investigation ☐ Yes ☒ No			Officer		

AGENCY I.D.
 SC0020000

SUPPLEMENTAL INCIDENT REPORT

 NO. _____
 EXT. _____

☐ ORIGINAL
 REPORT
☐ MODIFIED
 ORIGINAL

☒ SUPPLEMENTAL
 REPORT
☐ CASE STATUS
 CHANGE

☐ ADDITIONAL
 VICTIMS
☐ ADDITIONAL
 OFFENDERS

☐ ADDITIONAL
 STOLEN PROPERTY
☐ ADDITIONAL
 RECOVERED PROPERTY

PAGE _____ OF _____ PAGES.

LOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	☒ VICTIM #1	[REDACTED]		#1	#2	#3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
D.C.	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ RUNAWAY	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE		
D.T.S.	☐ WANTED	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]		
	☐ WARRANT	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]		
D.T.S.	☐ ARREST	☒ VICTIM NO. 1: VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLASMT. ☐ ALONE				
	☐ JAIL	EXPLAIN		[REDACTED]		DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
D.T.S.	☐ SUMMONS	☐ SUBJECT NO. _____: USING ALCOHOL: ☐ NO ☐ YES		USING DRUGS: ☐ NO ☐ YES ☐ TYPE: ☐ UNK								
	☐	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		
LOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	☐ VICTIM #	[REDACTED]		#1	#2	#3	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
D.C.	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ RUNAWAY	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE		
D.T.S.	☐ WANTED	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]		
	☐ WARRANT	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]		[REDACTED]		
D.T.S.	☐ ARREST	☐ VICTIM NO. _____: VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLASMT. ☐ ALONE				
	☐ JAIL	EXPLAIN		[REDACTED]		DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
D.T.S.	☐ SUMMONS	☐ SUBJECT NO. _____: USING ALCOHOL: ☐ NO ☐ YES		USING DRUGS: ☐ NO ☐ YES ☐ TYPE: ☐ UNK								
	☐	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		

JURISDICTION OF THEFT
LAW ENFORCEMENT AGENCYJURISDICTION OF RECOVERY
LAW ENFORCEMENT AGENCY

STATUS	TYPE	VIN AND/OR LICENSE NO.		BOAT HULL NO. AND/OR REG. NO.	
		SERIAL AND/OR OWNER APPLIED NO.		STATE	
☐ STOLEN	☐ VEHICLE	YEAR OF REGISTRATION		YEAR OF EXPIRATION	YEAR
☐ RECOVERED	☐ GUN	MODEL		STYLE	COLOR
☐ FOUND	☐ BOAT	VIC NO.		DENOMINATION	ISSUER
☐ TOWED	☐ LICENSE PLATE	SECURITY'S DATE		SECURITY'S DATE	
☐ SUSPECT	☐ SECURITIES, BONDS, STOCKS	MISCELLANEOUS			
☐ VICTIM	☐ ARTICLE				
PE (GROUP)				TOTAL VALUE	
CLEAN					
DAMAGED					
PHOTO					
COVERED					
RECEIVED					
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ -OM. CLOSED	
☐ YES ☐ NO		☐ YES ☐ NO		☐ UNFOUNDED	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRACTION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ UNKNOWN - NO CUSTODY		REPORTING OFFICER(S)		DATE	
UNIT NUMBER		APPROVING OFFICER		DATE	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO		OFFICER		UNIT NUMBER	

AGENCY I. D.
SC0020000

JUVENILE SUPPLEMENTARY REPORT

CASE NUMBER

NCIC

05-040890

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED

Page 1 of 1 Pages

Incident Type: **SEXUAL ASSAULT** Date: 11/04 Time: 2200

Victim's Name: [REDACTED] Subject Name: **LARD, DANIEL LEE**

I/O received this case in reference to the victim, [REDACTED] disclosing that Daniel Lard had sexually assaulted her by putting his finger into her vagina. After numerous attempts to make contact with the victim and her guardians, I/O discovered that she attended Jefferson Elementary School in Gloverville, SC Aiken County. I/O scheduled an interview with [REDACTED] at the school on 3-20-06.

On 3-20-06 I/O met with [REDACTED] to conduct an interview. The results are as follows.

I/O conducted the interview with [REDACTED] using the method known by it's acronym as RATA. [REDACTED] is a 5 year old white female who attends Jefferson Elementary in Gloverville, SC. [REDACTED] lives on [REDACTED] with her grandmother and grandfather. She also lives with her sister, [REDACTED] niece Megan, and nephew, Bryan. I/O then conducted a truth- lie competency evaluation and found that K. could tell the difference between truth and lie. I/O moved into anatomy identification using anatomical drawings. [REDACTED] was able to correctly distinguish between male and female and identify the body parts, with the exception of the penis which she stated "I don't know". [REDACTED] identified the female drawing as the one that is like her. See drawings for body part identification. I/O proceeds with the touch inquiry at which point [REDACTED] stated that Daniel touched her pussy. I/O asked [REDACTED] to tell I/O about it and she stated that he first touched her on the outside of her clothes and then put his hand in her pants and put his finger in her pussy. [REDACTED] also states he touched her boobies with his hand also. [REDACTED] states that this was the only time it happened. [REDACTED] states that it happened in the living room while on the couch watching television. [REDACTED] states that it was cold outside and it was light outside. [REDACTED] could not give I/O any other details, but restated that it only happened that one time. I/O ended the interview with [REDACTED] with a safety briefing on who she could tell if anyone ever touches her again.

[REDACTED] was scheduled for a medical exam on 4-3-06 at the Aiken County CAC. The results of the exam were normal.

I/O will secure warrants for Lard.

SUBJECT IDENTIFIED YES ☒ NO ☐		SUBJECT LOCATED YES ☒ NO ☐		☒ ACTIVE ☐ ADJ CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 & OVER		☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED 18 & OVER			
Reason For Exceptional Clearance: ☐ Offender Death ☐ No Prosecution ☐ Extradition Denied ☐ Victim Declines Cooperation ☐ Juvenile No Custody											
REPORTING OFFICER		DATE		UNIT #		APPROVING OFFICER		DATE		UNIT #	
BLEVINS		5-10-06		4163		V. BLEVINS		5-24-06		4392	
Follow up Investigation ☒ Yes ☐ No Officer:											

AGENCY I.D.
SCO 0020000

AIKEN COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

CASE NUMBER

32
NO. ENT.

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. <u>Carjacking</u>	☐ YES ☐ NO	☐ YES ☐ NO	<u>Home</u>	<u>0</u>	☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc. Public ☐ Other ☐ Unknown ☐ Police CS	
2.	☐ YES ☐ NO	☐ YES ☐ NO				
3.	☐ YES ☐ NO	☐ YES ☐ NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)		DISPATCH DATE (TIME 24 HR. CLOCK)		WEAPON TYPE		
<u>[REDACTED]</u>		<u>07/10/05 2216</u>		<u>Hand</u>		
INCIDENT DATE	TIME CLOCK	DATE	TIME CLOCK	DISPATCH DATE (TIME 24 HR. CLOCK)	LOCATION NO.	
<u>07/10/05</u>	<u>—</u>	<u>07/10/05</u>	<u>—</u>	<u>07/10/05 2216</u>	<u>08N21</u>	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	
<u>Scott, T. L.</u>	<u>AN</u>	<u>JSOU</u>	<u>W</u>	<u>M</u>	<u>49</u>	
ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.		
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>08N21</u>		
VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	
<u>* CONFIDENTIAL *</u>	<u>AN</u>	<u>JSOU</u>	<u>W</u>	<u>M</u>	<u>49</u>	
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		
<u>5'8"</u>	<u>140</u>	<u>BLN</u>	<u>BRN</u>			
ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.		
<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>08N21</u>		
VISIBLE INJURY (VICT. I) ☐ YES ☐ NO ☐ EXPLAIN — COMPLAINT OF ANY NON-VISIBLE INJURY: ☐ YES ☐ NO ☐						
VICTIM (NO. 1) USING ALCOHOL: ☐ YES ☐ NO ☐ UNK. ☐ DRUGS: ☐ YES ☐ NO ☐ UNK. ☐ TYPE: ☐						
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ *J—This Jurisdiction, S—State, O—Out of State, U—Unknown						
☐ SUSPECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	
☐ RUNAWAY	<u>1. L. D. [REDACTED]</u>	<u>W</u>	<u>M</u>	<u>18</u>	<u>N</u>	
☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
☐ WARRANT	<u>ES # [REDACTED]</u>					
☐ ARREST	ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	
☐ JAIL	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>08N21</u>	
☐ SUMMONS	SUBJECT (NO. 1) USING ALCOHOL: ☐ YES ☐ NO ☐ UNK. ☐	ARRESTED NEAR OFFENSE SCENE: ☐ YES ☐ NO ☐	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST		
☐	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>		
CHARGE #1		CHARGE #2		CHARGE #3		
When taken with incident reference case # 05-040886, the subject victim of that case stated that victim of this case was also identified and subject also inserted this information into his interview. The witness told her that the three children involved in this case were with the victim at the time of the incident. He has no other information.						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
TYPE (GROUP)		TOTAL VALUE				
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
OTHER						
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED		
<u>[REDACTED]</u>		<u>[REDACTED]</u>		<u>[REDACTED]</u>		
☐ YES ☐ NO ☐		☐ YES ☐ NO ☐		☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18		
☐ YES ☐ NO ☐		☐ YES ☐ NO ☐		☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER		
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
REPORTING OFFICER(S)		DATE	SWO NUMBER	APPROVING OFFICER	DATE	
<u>[REDACTED]</u>		<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>	
FOLLOW-UP INVESTIGATION		OFFICER <u>[REDACTED]</u>				
☐ YES ☐ NO ☐						

PETITIONER'S EXHIBIT F

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, LEE Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Lee Godard
C.C.P. & G. S. Aiken County, S.C.
Anita Knoepfle
Deputy Clerk

08/21/2014 01:58 3038969162

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PAGE 04/28

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT

COUNTY OF AIKEN)

ANTHONY C. ODOM, ASSIST. SOLICITOR)
SECOND JUDICIAL CIRCUIT,)
Petitioner,)

JUVENILE PETITION

2002-JU-02-455

IN THE INTEREST OF)

DANIEL LEE LARD)

A Juvenile)

Address: [REDACTED]

Date of Birth:

ANTHONY C. ODOM, Assistant Solicitor, the petitioner, having sufficient knowledge to believe that a case has arisen which invokes the juvenile jurisdiction of the court alleges:

1. That the above named juvenile resides in or was found in Aiken County.
2. That the names and addresses of the child's parents/guardians/custodians are as follows:

Name	Relationship	Address
Melissa Moss	Mother/Father/Guardian	Same as Minor

3. The above named juvenile was a delinquent child in that between August 1, 2002 and October 10, 2002, in Aiken County, South Carolina, he did: digitally penetrate with his finger(s) the vagina of the victim, A. Brown a female child then twelve (12) years of age, and in so doing committed the offense of **CRIMINAL SEXUAL CONDUCT WITH A MINOR- SECOND DEGREE**, in violation of Section 16-3-655(1), Code of Laws of South Carolina 1976 (as amended).
4. The above named juvenile was a delinquent child in that between August 1, 2002 and October 10, 2002 in Aiken County, South Carolina, he did: being above the age of fourteen (14) years of age willfully and with the lewd and lascivious intent of gratifying his sexual desires and/or those of the victim, lewdly place his hand and/or fingers upon the breasts of a female child then twelve (12) years old, and hereby committed the offense of **LEWD ACT UPON A CHILD UNDER SIXTEEN**, in violation of Section 16-15-140, Code of Laws of South Carolina 1976 (as amended).

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, the Clerk of Court, do hereby certify that the foregoing constitutes a true and correct copy of the original documents filed in this case.

OCT 22 2002

Melany J. Bruckner
CCCP & G
Aiken County, SC
Deputy Clerk

5. The above named juvenile was a delinquent child in that between August 1, 2002 and October 10, 2002 in Aiken County, South Carolina, he did: wilfully and unlawfully commit an assault and battery of a high and aggravated nature upon N. Brown, a minor nine (9) years of age by pushing her about the body, the defendant being a male, older and much larger than N. Brown, and in so doing committed the offense of **ASSAULT & BATTERY OF A HIGH AND AGGRAVATED NATURE** in violation of the Common Law of the State of South Carolina.
6. That the above named juvenile was less than seventeen (17) years of age when the above mentioned acts occurred.

WHEREFORE, the petitioner prays that the court determine whether these allegations are true and whether the juvenile is in need of the care, protection or discipline of the State.


Petitioner

VERIFICATION MUST BE ATTACHED

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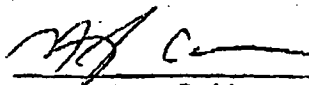
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PAGE 06/28

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

VERIFICATION

ANTHONY C. ODOM, ASSISTANT SOLICITOR, being duly sworn, deposes and says that he is the Petitioner herein, and that he has read the foregoing Petition and knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated to be alleged on information and belief; and as to those matters he believes them to be true.



Petitioner

SWORN TO and subscribed before me this
22nd day of October, 2002.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 12/21/2002

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PAGE 07/28

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

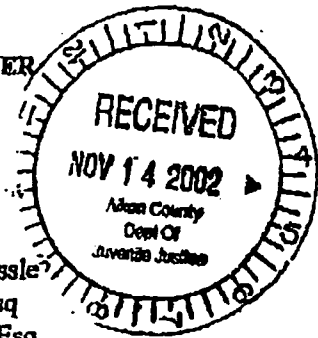
ANTHONY C. ODOM, ASST. SOLICITOR)
Petitioner,)

IN THE INTEREST OF)

DANIEL LEE LARD)IN THE FAMILY COURT
SECOND JUDICIAL CIRCUIT

DOCKET #: 2002-JU-02-455

ORDER



Date of Hearing: November 14, 2002

Presiding Judge: The Honorable Peter R. Nuessle

Attorney for the State: Anthony C. Odom, Esq

Attorney for the Defendant: Lane Danielson, Esq.

Court Reporter: Lisa Hicklin

This matter comes before this Court upon oral motion by the Attorney for the State, Anthony C. Odom, Assistant Solicitor, for an order of this court memorializing the immunity agreement between the State and Defendant's counsel concerning the above named juvenile. The agreement as stated on the record before this Court is as follows:

1. The purpose of this agreement is to allow the Department of Juvenile Justice to perform a sexual offender evaluation upon the Defendant, by allowing them to question the Defendant on his pending charges of Criminal Sexual Conduct with a Minor Second Degree and Lewd Act upon a Child Under Sixteen. Both these charges are contained in Juvenile Petition Docket Number 2002-JU-02-455.
2. That the charges contained in Juvenile Petition Docket Number 2002-JU-02-455 are the only charges bound by the agreement.
3. The State agrees, that any admission(s) made by the Defendant, during his questioning for the sexual offender evaluation concerning the referenced charges, shall not be used, in any subsequent prosecution on the referenced charges contained in Juvenile Petition Docket Number 2002-JU-02-455.

STATE OF SOUTH CAROLINA
County of Aiken
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that this is a true and correct copy of the original documents which have been filed in my office this

NOV 14 2002

Liz Godard
C.C.P. & G.A., Aiken County, S.C.Melony J. Bruckner
Deputy Clerk

4. That this Order constitutes to full and complete agreement between the State and Defendant as represented by his counsel.

THEREFORE, IT IS ORDER THAT:

1. The above agreement is approved and memorialized by this Court.
2. The sexual offender evaluation previously ordered by this Court on October 22, 2002 shall be conducted subject to the agreement contained in this Order.

Page 2 AND IT IS SO ORDERED this 14 day on November, 2002, at Aiken, South Carolina.


The Honorable Peter R. Nuessle
Family Court Judge for Second Judicial Circuit

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PAGE 09/28

STATE OF SOUTH CAROLINA

COUNTY OF AikenIN THE FAMILY COURT
2002-JU-02-455

IN THE INTEREST OF

Daniel Lee LardCOMMITMENT ORDER
FOR EVALUATION
(DJJ)

HEARING DATE: October 22, 2002 ATTORNEY FOR SOLICITOR: Anthony C. Odom
 JUDGE: Hon. Peter R. Nussle ATTORNEY FOR JUVENILE: Lane Danielson
 COURT REPORTER: Lisa Hicklin GUARDIAN AD LITEM: _____

On the 22nd day of October, 20 02, a verified Petition was filed in this Court
 by Anthony C. Odom / Asst. Solicitor alleging that Daniel Lee Lard was a delinquent child in
 that (he)(she) on/between August 1 and October 10, 20 02, in Aiken County
 did: Commit the offenses of Criminal Sexual Conduct with a Minor, - Second Degree; Lewd Act Upon a Child Under Sixteen,
Assault and Battery of a High and Aggravated Nature

Pled guilty to Assault & Battery of a High and Aggravated
Nature.
Remaining charges are continued to a another hearing.
 in violation of Section(s) 16-3-655(1), 16-15-140, Common Law Code of Laws of South Carolina 1976 (as amended).

An ADJUDICATORY HEARING was held and the following (X a plea of guilty / _____ a hearing
 on the merits), the allegations were determined to be true upon proof beyond a reasonable doubt. I find that an evaluation
 of this child is necessary in order to aid the Court in the disposition of this matter and that said child is suitable
 to be committed to a South Carolina Department of Juvenile Justice's Reception and Evaluation Center.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that

Daniel Lee Lard is hereby committed to the South Carolina Department of Juvenile Justice
 for a period not to exceed forty-five (45) days for the purpose of conducting an evaluation on said child and making recommendations
 to the Court concerning proper disposition of this case.

This commitment is suspended upon the child's acceptance and successful completion of a community
 evaluation and return to this Court for further disposition, and _____

Juvenile shall be detained upon completion of the evaluation until a dispositional hearing can be scheduled.

Juvenile shall receive psychiatric evaluation while at the evaluation center.

Sexual offenses evaluation shall be completed.

COUNTY OF AIKEN
 I, Liz Godard, Clerk of Court of Common Pleas and General
 Sessions for Aiken County, South Carolina, do hereby certify
 that the foregoing constitutes a true and correct copy of the
 original documents which have been filed in my office this

October 22

, 20

02

Aiken

S.C.

FAMILY COURT JUDGE

08/21/2014 01:58 8038969162

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PAGE 18/28

STATE OF SOUTH CAROLINA

COUNTY OF Aiken

IN THE INTEREST OF

Daniel Lee Lard

RE-COMMITTED

IN THE FAMILY COURT
2002-JU-02-455COMMITMENT ORDER
(DJJ)cc
12:20

HEARING DATE: June 12, 2003 ATTORNEY FOR SOLICITOR: Serena M. McDaniel
 JUDGE: Hon. Peter R. Nuessle ATTORNEY FOR JUVENILE: H. Lane Danielsen
 COURT REPORTER: Lisa Hicklin GUARDIAN AD LITEM: N/A

On the 22nd day of October, 20 02, a verified Petition was filed in this Court
 by Anthony C. Odom / Assistant Solicitor alleging that Daniel Lee Lard was a delinquent
 child in that (he)(she) in Aiken County on/between August 1 and October 10, 20 02
 did: Commit the offenses of Criminal Sexual Conduct with a Minor -- Second Degree, Lewd Act upon a Child under Sixteen,
Assault and Battery of a High and Aggravated Nature

in violation of Section(s) 16-3-655(1), 16-15-140, Common Law Code of Laws of South Carolina 1976 (as amended).

An ADJUDICATORY HEARING was held on the 22nd day of October, 20 02, and pursuant to
 (X a plea of guilty / a hearing on the merits), the above-named child was found upon proof beyond a
 reasonable doubt to be delinquent, for having: Committed the offense of Assault and Battery of a High and Aggravated Nature
The remaining charges of Criminal Sexual Conduct With a Minor -- Second Degree and Lewd Act Upon a Child Under Sixteen were
continued for another hearing.

in violation of Section(s) Common Law Code of Laws of South Carolina 1976 (as amended).

A DISPOSITIONAL HEARING for the charge of Assault and Battery of a High and Aggravated Nature was held on the
5th day of December, 20 02 and as result Daniel Lee Lard was a
 committed to the South Carolina Department of Juvenile Justice.

An ADJUDICATORY HEARING for the charge of Criminal Sexual Conduct With a Minor -- Second Degree was held on
 the 12th day of June, 20 03, and pursuant to (X a plea of guilty / a hearing
 on the merits), the above-named child was found upon proof beyond a reasonable doubt to be delinquent, for having:

Committed the offense of Assault and Battery of a High and
Aggravated Nature (from CSC 2nd)
The charge of Lewd Act Upon a Child Under Sixteen
was continued.

in violation of Section(s) Assault & Battery of a High and Aggravated Nature Code of Laws of South Carolina 1976 (as amended).

A DISPOSITIONAL HEARING for the charge of Criminal Sexual Conduct With a Minor -- Second Degree was held on the
 the 12th day of June, 20 03 and as result therefore Daniel Lee Lard was a
 suitable person to be committed to the South Carolina Department of Juvenile Justice.

DATE FILED

JUN 12 2003

JUN 12 2003

Lisa Hicklin
 CCRP & G.A., Aiken County, S.C.
Dana Salzman, DJJ

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PAGE 11/28

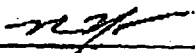
Therefore, it is,

ORDERED, ADJUDGED AND DECREED in the best interest of

Daniel Lee Lard that (he)(she) is hereby committed to the South Carolina Department of Juvenile Justice, which shall arrange for placement of this child in a suitable corrective environment, with said commitment being for an indeterminate period not to exceed the twenty-first birthday of said child, unless sooner released by proper authority.

~~This sentence shall run~~

*Daniel Lard shall register on the Sex Offender Register
DJJ - no look at Generations for Daniel*

June 12, 20 03Aiken, S.C.
FAMILY COURT JUDGE

SCCA/486 (9/93)

STATE OF SOUTH CAROLINA

IN THE COUNTY OF Aiken

JUN 16 2003

AMENDED
RE-COMMITTED
IN THE FAMILY COURT
2002-JU-02-455

COUNTY OF Aiken

JUN 16 2003

2002-JU-02-455

IN THE INTEREST OF

WECR & GA, Aiken County, SC

COMMITMENT ORDER

Deputy Clerk

(DJJ)

Daniel Lee Lard

HEARING DATE: June 12, 2003 ATTORNEY FOR SOLICITOR: Serena M. McDaniel
 JUDGE: Hon. Peter R. Nussle ATTORNEY FOR JUVENILE: H. Lane Danielson
 COURT REPORTER: Hilda M. Jordan GUARDIAN AD LITEM:

On the 22nd day of October, 2002, a verified Petition was filed in this Court by Anthony C. Odum / Assistant Solicitor alleging that Daniel Lee Lard was a delinquent child in that (he)(she) in Aiken County on/between August 1 and October 10, 2002 did Commit the offenses of Criminal Sexual Conduct with a Minor - Second Degree, Lewd Act Upon a Child Under Sixteen, Assault and Battery of a High and Aggravated Nature

in violation of Section(s) 16-3-655(1), 16-15-140, Common Law Code of Laws of South Carolina 1976 (as amended).

An ADJUDICATORY HEARING was held on the 22nd day of October, 2002, and pursuant to (X) a plea of guilty / a hearing on the merits, the above-named child was found upon proof beyond a reasonable doubt to be delinquent, for having: Committed the offense of Assault and Battery of a High and Aggravated Nature. The remaining charges of Criminal Sexual Conduct With a Minor - Second Degree and Lewd Act Upon a Child Under Sixteen were continued for another hearing.

in violation of Section(s) Common Law Code of Laws of South Carolina 1976 (as amended).

A DISPOSITIONAL HEARING for the charge of Assault and Battery of a High and Aggravated Nature was held on the 5th day of December, 2002 and as result Daniel Lee Lard was a committed to the South Carolina Department of Juvenile Justice.

An ADJUDICATORY HEARING for the charge of Criminal Sexual Conduct With a Minor - Second Degree was held on the 12th day of June, 2003, and pursuant to (X) a plea of guilty / a hearing on the merits, the above-named child was found upon proof beyond a reasonable doubt to be delinquent, for having: Committed the offense of Assault and Battery of a High and Aggravated Nature

The charge of Lewd Act Upon a Child Under Sixteen was Nolle Prossed. ✓

in violation of Section(s) Common Law Code of Laws of South Carolina 1976 (as amended).

A DISPOSITIONAL HEARING for the charge of Assault and Battery of a High and Aggravated Nature was held on the 12th day of June, 2003 and as result therefore, I find Daniel Lee Lard is a suitable person to be committed to the South Carolina Department of Juvenile Justice.

AIKEN COUNTY

JUN 16 2003

Therefore, it is,

ORDERED, ADJUDGED AND DECREED in the best interest of

Daniel Lee Lard that (he)(she):

(1) is hereby committed to the South Carolina Department of Juvenile Justice, which shall arrange for placement of this child in a suitable corrective environment, with said commitment being for an indeterminate period not to exceed the twenty-first birthday of said child, unless sooner released by proper authority.

(2) Daniel Lee Lard shall register on the South Carolina Sex Offender Registry.

(3) DJJ shall look into the Generations Program for Daniel Lee Lard.

off

June 16, 20 03

Aiken, S.C.

[Signature]

FAMILY COURT JUDGE

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)
SERENA M. McDANIEL, ASST. SOLICITOR)
Petitioner,)
IN THE INTEREST OF)
DANIEL LARD)

IN THE FAMILY COURT
SECOND JUDICIAL CIRCUIT
JUN: 2002-JU-02-455

**AMENDED
JUVENILE SUMMONS**

TO: Daniel Lard and parent/guardian: Ms. Melissa Moss
[REDACTED]

WHEREAS, the petition/file of Serena M. McDaniel, Assistant Solicitor, was filed with this Court on October 24, 2003, alleging that the above-named juvenile under the age of seventeen (17) years committed the following acts:

TRIAL

**CRIMINAL SEXUAL CONDUCT WITH A MINOR- SECOND DEGREE
LEWD ACT UPON A CHILD UNDER SIXTEEN**

and requesting that a summons be issued pursuant to statute,

Now, therefore, you, the above-named child, are hereby **SUMMONED TO APPEAR**, before the Family Court in Aiken, South Carolina on Thurs., May 8, 2003 at 8:30 A.M. and you, Ms. Melissa Moss, the child's parents/guardian are **SUMMONED TO APPEAR WITH THE CHILD** at the place and time stated, each of you then and there to show cause why the child should not be dealt with according to law. You are further informed that you have the right to be present and appear at the hearing/trial into this matter. However, should you fail to appear after receipt of this notice, the matter can and will be tried or heard without your presence, pursuant to South Carolina Rule of Criminal Procedure 16, and/or a Bench Warrant may be issued for your detention until the matter may be brought before the Court.

Aiken, South Carolina

March 21, 2003



****PLEASE DRESS APPROPRIATELY FOR FAMILY COURT****

SCCA/480 (3/00)

DATE FILED

APR 27 2003

CCCP & G.A. Aiken County, SC

Deputy Clerk

[Signature]

[Signature]

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PAGE 15/28

AGENCY I.D.
SCD 0020000

AIKEN COUNTY SHERIFF'S OFFICE
INCIDENT REPORT

CASE NUMBER:

YCB

NO.	ENTR

02-39878

EVENT	INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	DTYPE VICTIM
	1. SEXUAL ASSAULT				6 YES ☐ NO ☐	6 YES ☐ NO ☐	Home	0	☐ Individual ☐ Business ☐ Financial Inst ☐ Government ☐ Public Place ☐ Other
	2.				☐ YES ☐ NO ☐	☐ YES ☐ NO ☐			☐ Public Place ☐ Other
VICTIM NO. 1	3.				☐ YES ☐ NO ☐	☐ YES ☐ NO ☐			☐ Public Place ☐ Other
	INCIDENT LOCATION (SUBJECT'S ADDRESS AND INCIDENT SITE NAME AND NUMBER)				DATE		TIME	TIME	WEAPON TYPE
	[REDACTED]				8/02		1503	1508	15020
SUBJECT NO. 1	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	AGE	RACE	SEX	ETH
	BROWN TODD VIRGIL				"	48	WM	M	N
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SUBJECT NO. 2	VICTIM NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	AGE	RACE	SEX	ETH
	JUVENILE				"	18	WM	F	N
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SUBJECT NO. 3	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
SUBJECT NO. 4	VEHICLE IDENTITY (VCT, Y, N, YES, NO, EXPLAIN)				COMPLAINT OF ANY NON-VEHICLE DAMAGE: YES, NO				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 5	VICTIM (NO. 1) VEHICLE ALCOHOL: YES, NO, LINK, OTHER				TYPE				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 6	SUBJECT NAME (LAST, FIRST, MIDDLE)				RACE	SEX	AGE	ETH	DATE OF BIRTH
	JUVENILE				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
SUBJECT NO. 7	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				[REDACTED]				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 8	ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	[REDACTED]				[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
SUBJECT NO. 9	SUBJECT (NO. 1) VEHICLE ALCOHOL: YES, NO, LINK, OTHER				TYPE				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 10	CHARGE #1				CHARGE #2		CHARGE #3		
	[REDACTED]				[REDACTED]		[REDACTED]		
	[REDACTED]				[REDACTED]		[REDACTED]		
SUBJECT NO. 11	REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH, 2. NO PROSECUTION, 3. EXTRADITION DENIED, 4. VICTIM OBTAINS COMPENSATION, 5. JUVENILE - NO CUSTODY				[REDACTED]				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 12	TYPE (GROUP)				TOTAL VALUE				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 13	SUBJECT IDENTIFIED: YES, NO				SUBJECT LOCATED: YES, NO				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				
SUBJECT NO. 14	REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH, 2. NO PROSECUTION, 3. EXTRADITION DENIED, 4. VICTIM OBTAINS COMPENSATION, 5. JUVENILE - NO CUSTODY				[REDACTED]				
	[REDACTED]				[REDACTED]				
	[REDACTED]				[REDACTED]				

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PAGE 16/28

AGENCY I.D.
SC0020000

SUPPLEMENTAL INCIDENT REPORT

02039.078

NO. QNTD.

☐ CARNAL REPORT ☐ CARNAL CHARGE		☒ SUPPLEMENTAL REPORT ☐ CARNAL CHARGE		☐ ADDITIONAL VICTIM ☐ ADDITIONAL OFFENSES		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY		PAGE 1 OF 2 PAGES	
☐ COMPLAINT ☐ VICTIM # ☐ SUSPECT # ☐ RUMOR ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS		NAME (LAST, FIRST, MIDDLE) HEIGHT WEIGHT HAIR EYES FACIAL HAIR SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. ADDRESS CITY STATE ZIP CODE LOCATION NO. DAY PHONE EVENING PHONE		SEX RELATIONSHIP TO SUSPECT RESIDENT RACE SEX AGE DOB ETH					
☐ VICTIM NO. ☐ VEHICLE INQUIRY ☐ NO ☐ YES ☐ COMPLAINT OF NON-VIOLENCE ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK. ☐ TWO-WAY VEHICLE ☐ DETECTIVE/PLANT ☐ ALONE ☐ SUSPECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ UNK. ☐ ONE-WAY VEHICLE ☐ OTHER ☐ ASSAULTED		NAME (LAST, FIRST, MIDDLE) HEIGHT WEIGHT HAIR EYES FACIAL HAIR SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. ADDRESS CITY STATE ZIP CODE LOCATION NO. DAY PHONE EVENING PHONE		SEX RELATIONSHIP TO SUSPECT RESIDENT RACE SEX AGE DOB ETH					
☐ COMPLAINT ☐ VICTIM # ☐ SUSPECT # ☐ RUMOR ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS		NAME (LAST, FIRST, MIDDLE) HEIGHT WEIGHT HAIR EYES FACIAL HAIR SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. ADDRESS CITY STATE ZIP CODE LOCATION NO. DAY PHONE EVENING PHONE		SEX RELATIONSHIP TO SUSPECT RESIDENT RACE SEX AGE DOB ETH					
RD MET WITH THE COMP (BROWN, T.) WHO STATED THAT THE SUBJECT HAD FONDLED THE VICTIM'S BREASTS AND VAGINAL AREA. RD SPOKE WITH VICTIM #1 WHO CONFIRMED THIS INFORMATION AND GAVE RD A WRITTEN STATEMENT. VICTIM'S 2, AND 3 STATED THAT ON 10 OR 02 THE SUBJECT ACTED LIKE HE WAS PLAYING A GAME WITH THEM AND HAD VICTIM 2 REMOVE VICT. 3'S PANTS EXPOSING HER PINK AREA, THE SUBJECT THEN HAD VICT'S DO THE SAME TO VICT. #2. RD ASKED THE SUBJECT HIS MIRANDA RIGHT, THE SUBJECT INVOKED HIS RIGHT NOT TO TALK, AND RD ASKED HIM NO FURTHER QUESTION ON THIS.									
STATUS TYPE ☐ STOLEN ☐ VEHICLE ☐ RECOVERED ☐ GUN ☐ FOUND ☐ SOUP ☐ TOWED ☐ LICENSE PLATE ☐ SUSPECT ☐ SECURITY/DECK/STOCKS ☐ VICTIM ☐ ARTICLE		VIN AND/OR LICENSE NO. SERIAL AND/OR OTHER APPLICABLE NO. YEAR OF REGISTRATION YEAR OF EXPIRATION YEAR MAKE TYPE MODEL STYLE COLOR BRAND NAME COUNTRY REG NO. DENOMINATION COUNTRY ACQUISITION DATE MISCELLANEOUS		CONTINUED AND/OR REG. NO. DATE					
TYPE (GROUP) STOLEN DAMAGED BURNED RECOVERED OTHER								TOTAL VALUE	
SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ AKA CLOSED ☐ UNPUNISHED		☐ APPREHENDED UNDER 18 ☐ APPREHENDED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY		REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY		REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY		REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY		REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY	
REPORTING OFFICER [Signature]		DATE 10/10/02		UNIT NUMBER 370		APPROVING OFFICER [Signature]		DATE 10/10/02	
FOLLOW-UP INVESTIGATION ☒ YES ☐ NO		APPROVING OFFICER TUV		DATE 10/10/02		UNIT NUMBER 180			

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CENTRALRECORDSDJJ

PAGE 17/28

AGENCY I.D.
SC0020000

SUPPLEMENTAL INCIDENT REPORT

02-039878

PAGE 2

☐ ORIGINAL REPORT ☐ MODIFIED ORIGINAL		☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE		☐ ADDITIONAL VICTIM ☐ ADDITIONAL TYPE/INJURY		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY	

VICTIM SUBJ. L.D. OVERFLOW	☐ COMPLAINT	NAME (LAST, FIRST, MIDDLE)					VICTIM NO. ASSIGNED TO SUBJECT		PERCENT	PAGE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #													
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	☐ FURNITURE													
	☐ WANTED													
	☐ WARRANT													
	☐ ARREST													
	☐ JAIL													
	☐ SURRENDER													
	☐ SUMMARY													
☐ VICTIM NO. _____ VEHICLE INJURY: ☐ NO ☐ YES ☐ COMPLAINT OF NON-VEHICLE DAMAGE: ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. ☐ TWO-MAN VEHICLE ☐ DETECTIVE/FUGITIVE ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ACCIDENTED														
☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES ☐ USING DRIVER: ☐ NO ☐ YES ☐ TYPE _____ ☐ UNK.														

VICT. SUBJ. L.D. OVERFLOW	☐ COMPLAINT	NAME (LAST, FIRST, MIDDLE)					VICTIM NO. ASSIGNED TO SUBJECT		PERCENT	PAGE	SEX	AGE	D.O.B.	ETH
	☐ VICTIM #													
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARKS, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	☐ FURNITURE													
	☐ WANTED													
	☐ WARRANT													
	☐ ARREST													
	☐ JAIL													
	☐ SURRENDER													
	☐ SUMMARY													
☐ VICTIM NO. _____ VEHICLE INJURY: ☐ NO ☐ YES ☐ COMPLAINT OF NON-VEHICLE DAMAGE: ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK. ☐ TWO-MAN VEHICLE ☐ DETECTIVE/FUGITIVE ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ACCIDENTED														
☐ SUBJECT NO. _____ USING ALCOHOL: ☐ NO ☐ YES ☐ USING DRIVER: ☐ NO ☐ YES ☐ TYPE _____ ☐ UNK.														

NARRATIVE	SET. CLOUGH HAD DSS RESPOND TO R/O TO SET UP A SAFETY PLAN. MS. KOSH RESPONDED FROM DSS. WHO STATED AS LONG AS THE COMP. (BROWN, T.) WAS BEING PROTECTED WITH THE VICTIM(S) BY HAVING THE SUBJECT STAY WITH HIS BROTHER, THAT THEY WOULD NOT BE INVOLVED. R/O HAS NO FURTHER ON THIS INCIDENT.													

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	

VEH. / OWN. / ETC.	STATUS	TYPE	VEH. AND/OR LICENSE NO.	SOFT HIRE/LEASE AND/OR REG. NO.
	☐ STOLEN	☐ VEHICLE		
	☐ RECOVERED	☐ OWN.		
	☐ FOUND	☐ BOAT		
	☐ TOWED	☐ LICENSE PLATE		
	☐ SUSPECT	☐ SECURITIZED/BOARDS, STOCKS		
	☐ VICTIM	☐ ARTICLES		
			MISCELLANEOUS	

ADMINISTRATIVE	PROPERTY EST.	TYPE INQUIRY					TOTAL VALUE
	☐ STOLEN						
	☐ DAMAGED						
	☐ BURIED						
	☐ RECOVERED						
	☐ PRIOR						
	SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE ☐ AKA CHECKED ☐ UNFOUNDED ☐		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
	REPORTING OFFICER		DATE		APPROVING OFFICER		DATE
	[Signature]		10/10/02		[Signature]		10/10/02

☐ FOLLOWUP INVESTIGATION ☒ YES ☐ NO ☐	☐ OFFENSE ☒ YES ☐ NO ☐

JUVENILE

SUPPLEMENTAL INCIDENT REPORT

025039.858

NO.	ENTER

☐ ORIGINAL RETURN ☐ RECEIVED ORIGINAL		☒ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE		☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENSES		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY		PAGE <u>1</u> OF <u>2</u> PAGES	

COMPLAINT ☒ VICTIM ☐ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SLAMMERS	NAME (LAST, FIRST, MIDDLE) <u>LARD DANIEL ICE</u>		VICTIM OR SUBJECT TO SUBJECT		RESIDENT ☒ YES ☐ NO	RACE <u>WM</u>	SEX <u>M</u>	AGE <u>15</u>	D.O.B. <u>02 23 87</u>	ETH <u>N</u>				
	HEIGHT <u>506</u> WEIGHT <u>145</u> HAIR <u>BRN</u> EYES <u>BRN</u>		FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.											
	ADDRESS <u>[REDACTED]</u>		CITY <u>[REDACTED]</u>		STATE <u>IL</u>		ZIP CODE <u>6020</u>		LOCATION NO. <u>15020</u>		DAY PHONE <u>[REDACTED]</u>		EVENING PHONE <u>[REDACTED]</u>	
	☒ VICTIM NO. <u>1</u> VEHICLE PARTS ☐ NO ☐ YES		COMPLAINT OF NON-VEHICLE INJURY ☐ NO ☐ YES		VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/FLAME ☐ ALONE							
	EXPLAIN <u>[REDACTED]</u>		CRUISE ☐ NO ☐ YES TYPE <u>[REDACTED]</u>		☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED					
	☒ SUBJECT NO. <u>1</u> USING ALCOHOL ☐ NO ☐ YES		USING CRUISE ☐ NO ☐ YES TYPE <u>[REDACTED]</u>		☐ UNK									

COMPLAINT ☒ VICTIM ☐ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SLAMMERS	NAME (LAST, FIRST, MIDDLE) <u>[REDACTED]</u>		VICTIM OR SUBJECT TO SUBJECT		RESIDENT ☒ YES ☐ NO	RACE <u>WF</u>	SEX <u>M</u>	AGE <u>12</u>	D.O.B. <u>[REDACTED]</u>	ETH <u>N</u>				
	HEIGHT <u>500</u> WEIGHT <u>090</u> HAIR <u>BRN</u> EYES <u>GRN</u>		FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.											
	ADDRESS <u>[REDACTED]</u>		CITY <u>[REDACTED]</u>		STATE <u>IL</u>		ZIP CODE <u>6020</u>		LOCATION NO. <u>15020</u>		DAY PHONE <u>[REDACTED]</u>		EVENING PHONE <u>[REDACTED]</u>	
	☒ VICTIM NO. <u>1</u> VEHICLE PARTS ☐ NO ☐ YES		COMPLAINT OF NON-VEHICLE INJURY ☐ NO ☐ YES		VICTIM USING ALCOHOL ☒ YES ☐ NO ☐ UNK		☐ TWO-MAN VEHICLE ☐ DETECTIVE/FLAME ☐ ALONE							
	EXPLAIN <u>[REDACTED]</u>		CRUISE ☒ YES ☐ NO TYPE <u>[REDACTED]</u>		☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED					
	☐ SUBJECT NO. <u>1</u> USING ALCOHOL ☐ NO ☐ YES		USING CRUISE ☐ NO ☐ YES TYPE <u>[REDACTED]</u>		☐ UNK									

NARRATIVE		INDICATION OF THEFT LAW ENFORCEMENT AGENCY	

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM		TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITY/SWORDS, STOCKS ☐ ARTICLE		VIN AND/OR LICENSE NO. SERIAL AND/OR OWNER APPLIED NO. YEAR OF REGISTRATION YEAR OF EXPIRATION MODEL MAKE COLOR BODY DISPOSITION COLLISION SECURITY DATE MISCELLANEOUS	

TYPE (GROUP) ☐ STOLEN ☐ DAMAGED ☐ BURIED ☐ RECOVERED ☐ OTHER		TOTAL VALUE <u>[REDACTED]</u>	

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		INACTIVE ☐ AKA CLOSED ☐ UNFOUNDED		ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION USED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY									
REPORTING OFFICER <u>[Signature]</u>		DATE <u>10 10 02</u>		UNIT NUMBER <u>5770</u>		APPROVING OFFICER <u>[Signature]</u>		DATE <u>10 01 02</u>	
FOLLOWUP INVESTIGATION ☒ YES ☐ NO		OFFICER <u>JUV</u>							

NO.	ENTR.

☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENSES		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY		PAGE <u>2</u> OF <u>2</u> PAGES	

COMPLAINT VICTIM # SUBJECT # SUMMARY WANTED WARRANT ARREST JAIL SUMMONS	NAME (LAST, FIRST, MIDDLE) 	NEXT OF KIN RELATIONSHIP TO SUBJECT 	INCIDENT 	RACE 	SEX 	AGE 	D.O.B. 	ETH.
	VICTIM #1: NAME (LAST, FIRST, MIDDLE)							
	SUBJECT #1: NAME (LAST, FIRST, MIDDLE)							
	SUMMARY:							
ADDRESS 		CITY 	STATE 	ZIP CODE 	LOCATION NO. 	DAY PHONE 	EVENING PHONE 	HOME PHONE
VICTIM NO. 1: VEHICLE MAKE: ☐ NO ☒ YES COMPLAINT OF NON-VIOLENT BLAUNT: ☐ NO ☒ YES VICTIM USING ALCOHOL: ☐ NO ☒ YES ☐ UNK. TWO-WHEEL VEHICLE: ☐ DETECTIVE COMPLAINT: ☐ ALONE DRUGS: ☐ NO ☒ YES TYPE: ☐ UNK. ☐ ONE-WHEEL VEHICLE: ☐ OTHER: ☐ ASSISTED								
SUBJECT NO. 1: VEHICLE MAKE: ☐ NO ☒ YES USING DRUGS: ☐ NO ☒ YES TYPE: ☐ UNK.								

COMPLAINT VICTIM # SUBJECT # SUMMARY WANTED WARRANT ARREST JAIL SUMMONS	NAME (LAST, FIRST, MIDDLE) 	NEXT OF KIN RELATIONSHIP TO SUBJECT 	INCIDENT 	RACE 	SEX 	AGE 	D.O.B. 	ETH.
	VICTIM #2: NAME (LAST, FIRST, MIDDLE)							
	SUBJECT #2: NAME (LAST, FIRST, MIDDLE)							
	SUMMARY:							
ADDRESS 		CITY 	STATE 	ZIP CODE 	LOCATION NO. 	DAY PHONE 	EVENING PHONE 	HOME PHONE
VICTIM NO. 2: VEHICLE MAKE: ☐ NO ☒ YES COMPLAINT OF NON-VIOLENT BLAUNT: ☐ NO ☒ YES VICTIM USING ALCOHOL: ☐ NO ☒ YES ☐ UNK. TWO-WHEEL VEHICLE: ☐ DETECTIVE COMPLAINT: ☐ ALONE DRUGS: ☐ NO ☒ YES TYPE: ☐ UNK. ☐ ONE-WHEEL VEHICLE: ☐ OTHER: ☐ ASSISTED								
SUBJECT NO. 2: VEHICLE MAKE: ☐ NO ☒ YES USING DRUGS: ☐ NO ☒ YES TYPE: ☐ UNK.								

INVESTIGATION OF THEFT LAW ENFORCEMENT AGENCY		INVESTIGATION OF RECOVERY LAW ENFORCEMENT AGENCY	

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM	TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ RECURVED-MARKING STICKS ☐ AIRCRAFT	VIN AND/OR LICENSE NO. 	BOAT HULL NO. AND/OR REG. NO. 	SERIAL AND/OR OWNER APPLY NO. 	YEAR OF REGISTRATION 	YEAR OF EXPIRATION 	NAME 	TYPE 	MODEL 	STYLE 	COLOR 	MAKE NAME 	CALIBER
		H.C. NO. 	DENOMINATION 										

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE INTEREST OF:

DANIEL LEE LARD

IN THE FAMILY COURT
SECOND JUDICIAL CIRCUIT
FILED
AIKEN COUNTY

JUL 25 2002 DOCKET # 2002-JU-02-300

06/13/20
CLERK OF COURT
DISMISSAL ORDER

On July 16, 2002, a verified petition was filed in this Court by Serena McDaniel, Assistant Solicitor, alleging that the above-named minor was a delinquent child in that the child committed the offense(s) of:

Grand Larceny

The Undersigned represents and states that the aforementioned action should be dismissed for the following reason(s):

- ☐ (a) lack of evidence, without prejudice.
☐ (b) found not guilty, with prejudice.
☐ (c) plea-bargain, with prejudice.
☒ (d) arbitration/contract, without prejudice.
☐ (e) mistrial/directed verdict.
☐ (f) dismissed by the Court.
☐ (g) other:

ADDITIONAL INFORMATION: Refer back to Family Court if defendant fails to show for first JAP hearing date.

Therefore, it is respectfully requested that the Court enter its Order terminating and ending this action.

Dated: 7.24.02
Witness: [Signature]

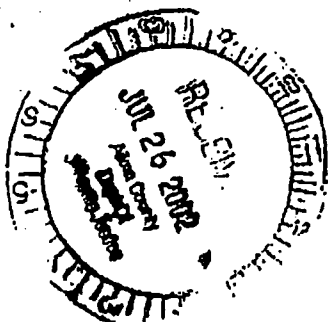
[Signature]
Petitioner

ORDER

IT IS THEREFORE ORDERED that the within action be terminated and ended.

AND IT IS SO ORDERED this 24 day of July, 2002, at

_____, South Carolina.



STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
_____, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, to hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JUL 26 2002

[Signature]
C.C.C.P. & G.A., Aiken County, S.C.
Deputy Clerk

08/21/2014 01:58

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CENTRAL RECORDS DJJ

PAGE 21/28

County: A
Law Enforcement: ACSO/Tim Randall
Agency Case #: 02-010773

D.J.

JUVENILE ARBITRATION PROGRAM

IN THE INTEREST OF: Daniel Lee Lard

OFFENSE(S): Grand Larceny, , ,

ASSISTANT SOLICITOR'S APPROVAL FOR ARBITRATION

I, the undersigned Assistant Solicitor of the Second Judicial Circuit, have reviewed the above referenced case and find that it would be best handled in the Juvenile Arbitration Program. Therefore, I am specifically approving it for Arbitration, based upon the following reason:

MINOR'S FIRST REFERRAL TO DJJ.

COMMENTS TO PROGRAM MANAGER/ARBITRATOR:

Co A to J&P, tenSee Law of Co. records5/22/02

DATE

[Signature]

ASSISTANT SOLICITOR

Program use Only

DATE/TIME: _____

PLACE OF HEARING: _____

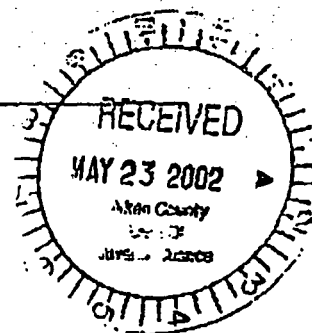
OFFICER: _____

ARBITRATOR: _____

PARENT/ADDRESS: _____

VICTIM: _____

CO-DEFENDANT: Joseph Todd, 13

RESTITUTION
AMOUNT: _____

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CENTRALRECORDSDJJ

PAGE 22/28

County: .
Law Enforcement: ACSO/Tim Randall
Agency Case #: 02-010773

DJD

JUVENILE ARBITRATION PROGRAM

IN THE INTEREST OF: Daniel Lee Lard

OFFENSE(S): Grand Larceny, , ,

ASSISTANT SOLICITOR'S APPROVAL FOR ARBITRATION

I, the undersigned Assistant Solicitor of the Second Judicial Circuit, have reviewed the above referenced case and find that it would be best handled in the Juvenile Arbitration Program. Therefore, I am specifically approving it for Arbitration, based upon the following reason:

MINOR'S FIRST REFERRAL TO DJJ

COMMENTS TO PROGRAM MANAGER/ARBITRATOR:

Now have a correct address for A. No restriction.
Victim in agreement w/ JPP

7/23/02
DATE

[Signature]
ASSISTANT SOLICITOR

Program use Only

DATE/TIME: _____

PLACE OF HEARING: _____

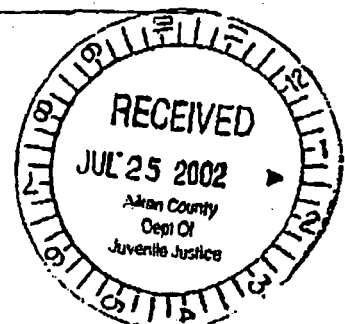
OFFICER: _____

ARBITRATOR: _____

PARENT/ADDRESS: _____

VICTIM: _____

CO-DEFENDANT: Joseph Todd, 13

RESTITUTION
AMOUNT: _____

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CENTRAL RECORDS DJJ

PAGE 24/29

STATE OF SOUTH CAROLINA
BOARD OF JUVENILE PAROLE

ORDER OF CONDITIONAL RELEASE

DANIEL LARD I.D. #273876

WHEREAS,

The above-named juvenile is eligible to be conditionally released from the South Carolina Department of Juvenile Justice,

WHEREAS,

It being the opinion of the South Carolina Board of Juvenile Parole that the release of this juvenile is compatible with the welfare of society,

WHEREAS,

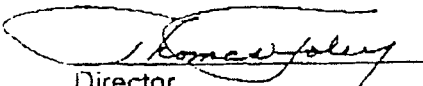
It further appearing that the Board is satisfied that this juvenile will not be a public charge on release.

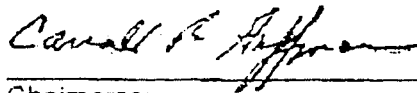
IT IS THEREFORE ORDERED THAT the juvenile be conditionally released, this 2nd Day of February 2004, subject to the specific conditions of such release as set forth on the attached Release Agreement. However, this release shall not prevent the delivery of this Juvenile to the authorities of Federal or any State government entities entitled to his custody.

IN WITNESS WHEREOF, this Order bearing the seal of the State of South Carolina is issued this 2nd Day of February 2004.

Witness:

STATE OF SOUTH CAROLINA
BOARD OF JUVENILE PAROLE


Director


Chairperson

Juvenile shall be released to:
Melissa Moss (mother)





State of South Carolina
Board of Juvenile Parole

On: February 6, 2004
And no later than February 9, 2004

DANIEL LARD I.D. #273876
PAGE 1

RELEASE AGREEMENT

I understand that I am being conditionally released from the South Carolina Department of Juvenile Justice and will be under the supervision of the Department of Juvenile Justice or its designated contract provider until February 6, 2005; however, the period of parole shall be automatically extended if all restitution has not been completed.

I understand that I will be expected to follow all of the standard and special conditions listed herein and any violation of these conditions will be cause to return me to the Department of Juvenile Justice or its designated contract provider to await a formal hearing by the South Carolina Board of Juvenile Parole which will determine whether or not my release will be revoked.

I understand that conditions of my parole may be added, modified or the term of my parole extended by the South Carolina Board of Juvenile Parole prior to my twenty-first birthday.

The following are standard conditions of my parole:

1. I will obey all laws, including but not limited to, state education laws, attend school regularly and obey all school rules and regulations so I will not be suspended or expelled or I will be gainfully employed.
2. I will not leave the state, change my approved placement, school or job without the prior permission of my aftercare provider.
3. I will maintain contact with my aftercare provider while in the community and I will keep all scheduled appointments unless excused by the aftercare provider.
4. I will not own, possess, or use any weapons or instruments which could cause injury to others.
5. I will not fight or harm any other persons.
6. I will not purchase, possess, or use any illegal drugs or alcoholic beverages.
7. I agree to submit to urinalysis tests and/or blood tests when required and agree that the test results may be used as evidence regarding violations of the conditions of my release.
8. I will keep the curfew set by my aftercare provider and parent or legal guardian.

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CENTRALRECORDSDJJ

PAGE 26/28

DANIEL LARD I.D. #273876
PAGE 2

The following are special conditions of my parole:

1. Must participate in and cooperate with mental health counseling.
2. Must participate in and cooperate with sex offender aftercare.
3. Must adhere to sex offender registry requirements as defined by law.
4. Must have no unsupervised contact with younger children.
5. Must have no contact with victim or victim's family.

This release agreement has been fully explained to me.

Daniel Lord 2/5/04
Juvenile Date

I certify that I have carefully reviewed this document with the juvenile, have explained its contents and answered any questions raised by the juvenile. A copy has been left with proper authorities to be given to the juvenile upon his/her physical departure from the institution. The juvenile has been instructed to report immediately to the aftercare provider listed below.

[Signature] 2/6/04
Parole Examiner Date

Aftercare Provider:

Betty Dix
Aiken County DJJ
Kalmia Mall, Suite #90
P.O. Drawer 1266
Aiken, SC 29802
803-641-7735

STATE OF SOUTH CAROLINA) IN THE FAMILY COURT
)
 COUNTY OF AIKEN)
)
 SERENA M. McDANIEL, ASST. SOLICITOR)
 SECOND JUDICIAL CIRCUIT,) JUVENILE PETITION
 Petitioner,)
)
 IN THE INTEREST OF)
)
DANIEL LEE LARD)
 A Juvenile

Address: Hubert Street
 Gloverville, South Carolina

Date of Birth: February 23, 1987

SERENA M. McDANIEL, Assistant Solicitor, the petitioner, having sufficient knowledge to believe that a case has arisen which invokes the juvenile jurisdiction of the court alleges:

1. That the above named juvenile resides in or was found in Aiken County.
2. That the names and addresses of the child's parents/guardians/custodians are as follows:

<u>Name</u>	<u>Relationship</u>	<u>Address</u>
Melissa Moss	Mother/Father/Guardian	Same as Juvenile

3. The above named juvenile was a delinquent child in that on or about March 24, 2002, in Aiken County, South Carolina, he did: wilfully and unlawfully take and carry away the personal goods of B. Black, valued at over \$1,000 and described as follows: one (1) Sundiro 50 cc four wheeler, valued at approximately Two Thousand Five Hundred Dollars (\$2,500.00), with the intent to deprive the owner permanently of said goods, and in so doing committed the offense of **GRAND LARCENY** and in violation of Section(s) 16-13-30(B)(1), Code of Laws of South Carolina 1976 (as amended).
5. That the above named juvenile was less than seventeen (17) years of age when the above mentioned acts occurred.

WHEREFORE, the petitioner prays that the court determine whether these allegations are true and whether the juvenile is in need of the care, protection or discipline of the State.


 Petitioner

VERIFICATION MUST BE ATTACHED

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PAGE 28/28

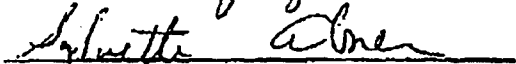
STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

VERIFICATION

SERENA M. McDANIEL, ASSISTANT SOLICITOR, being duly sworn, deposes and says that she is the Petitioner herein, and that she has read the foregoing Petition and knows the contents thereof; that the same is true of her own knowledge, except as to those matters therein stated to be alleged on information and belief; and as to those matters she believes them to be true.


Petitioner

SWORN TO and subscribed before me this

16th day of July, 2002.

NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 12/21/2002

*****CONFIDENTIAL*****

**SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE
MIDLANDS EVALUATION CENTER
PSYCHOSOCIAL EVALUATION AND PSYCHOSEXUAL ASSESSMENT**

**Date: 11/26/2002
Name: Daniel Lard
Committing County: Aiken**

MIS#: 273876**DOB: [REDACTED]**

Offense: Assault and Battery of a High and Aggravated Nature

REASON FOR REFERRAL

The Family Court of Aiken County committed Daniel Lard, a 15-year-old Caucasian male, to the Midlands Evaluation Center (MEC), on October 22, 2002. A comprehensive, predispositional evaluation was ordered to make recommendations regarding the most appropriate custodial and correctional care and any other interventions that might hold Daniel accountable for the current offense and reduce his likelihood of future offending. The Court ordered a psychiatric evaluation, as well as a sexual offender evaluation.

On 11/14/2002, an amended order was received allowing MEC to perform a sexual offender evaluation on Daniel by allowing "them to question the Defendant on his pending charges of Criminal Sexual Conduct with a Minor Second Degree and Lewd Act upon a Child Under Sixteen." The order also indicated that the information received would "not be used in any subsequent prosecution on the referenced charges." The DJJ legal department was consulted regarding this amended order.

NOTICE

This report is confidential and meant for use by qualified professionals only and others involved from a legal perspective with this evaluation for disposition. No unauthorized disclosure of this report or information contained in this report is allowed. Any person, who without proper authorization, discloses information contained in this report assumes all liability associated therewith. Some individuals and family members may tend to misunderstand and/or distort the information enclosed in this report. This may result in significant psychological distress to the individual or may interfere with any treatment and eventual recovery from psychological illness, if present. For individuals with self-destructive or assault tendencies, the consequences of ill-advised disclosure of this report may be serious. Release should be limited to that information pertinent to the needs of the requesting party and jargon and scores may need to be omitted or explained thoroughly.

Daniel was informed of the purpose of the evaluation and was informed that the results would be shared with SCDJJ staff, family court officials, qualified professionals, and others involved from a legal perspective. Daniel was informed that suspected child abuse or neglect must be reported to the proper authorities. Daniel indicated that he understood the limits of confidentiality.

Daniel Lard

MIS#: 273876

Page 2

SOURCES OF INFORMATION

Clinical interviews with Daniel Lard, juvenile
Collateral telephone interview with Ms. Melissa Moss, mother
Collateral telephone interview with Mr. Todd Brown, mother's boyfriend
Telephone contact with Ms. Jane Davis, Aiken County DJJ Community Specialist
Telephone contact with Ms. Esther Timmerman, Aiken County DSS
Telephone contact with Mr. Anderson, Principal, Midland Valley High School
Telephone contact with Ms. Lane Danielson, Daniel's Public Defender
Consultation with Larry Vanderbilt and Caroline Streater, DJJ Attorneys
Midland Valley High School records
Aiken County Sheriff's Office Incident Reports
Psychological evaluation conducted by School District of Edgefield County
DJJ file information
Behavioral observations
Psychological tests:
 Beery-Buktenica Developmental Test of Visual-Motor Integration (VMI)
 Behavioral Assessment System for Children (BASC) - Self-Report of Personality
 Reynolds Adolescent Depression Scale (RADS)
 Rotter Incomplete Sentences Blank (RISB)
 Substance Abuse Subtle Screening Inventory - Adolescent 2 (SASSI-A2)
 Wechsler Abbreviated Scale of Intelligence (WASI)
 Wechsler Individual Achievement Test (WIAT) -Selected Subtests

SUMMARY OF CURRENT OFFENSE AND OFFENSE HISTORY

Daniel pled guilty in the Aiken Family Court to the offense of Assault and Battery of a High and Aggravated Nature. The Juvenile Petition stated that between the dates of 8/1/2002 and 10/10/2002, Daniel pushed a nine-year-old female about the body. Offenses of Criminal Sexual Conduct with a Minor, Second Degree and Lewd Act Upon a Child Under Sixteen were continued for another hearing.

Daniel had a previous offense of Grand Larceny at age fifteen that was diverted to juvenile arbitration. Records indicate that Daniel was terminated from juvenile arbitration for failure to keep the scheduled appointment.

Juvenile's Account of the Offense

Daniel appeared confused regarding exactly the offense for which he was committed to MEC. He reported that he often played roughly with the three girls that are the children of his mother's boyfriend. He indicated that he believed that he was charged for pushing the middle child down to the floor, and admitted that he had done so on more than one occasion.

FAMILY FUNCTIONING

It should be noted that during the compiling of information, neither Daniel nor his mother were good historians, and it was difficult to extract specific, as well as general information. Prior to commitment, Daniel was residing with his mother and her boyfriend. Her boyfriend has three children that live with their mother. Following the allegation of sexual abuse, Daniel and his mother moved into their own trailer.

Daniel Lard

MIS#: 273876

Page 3

Daniel is the only child born to Ms. Melissa Moss (34) and Mr. Nicky Lard (36). Ms. Moss reported that she and Mr. Lard were married for fifteen days. She reported not seeing Mr. Lard for over twelve years. Ms. Moss reported that she married Mr. Neal Moss shortly after her separation from Mr. Lard. She reported that she was married to Mr. Moss for seven to nine years, and they have been separated for five years. She reported that she had two girls, ages thirteen and twelve with Mr. Moss. Ms. Moss reported that her ex-husband absconded with the children, and she has not seen her daughters for the past five years.

Ms. Moss reported that she is currently unemployed due to the problems that Daniel had been involved in. She reported that she used to clean motels. Ms. Moss described her health as being good, and said she takes no medication. She described a history of attending counseling, but indicated that she has not attended for three or four years. She reported a suicide attempt several years ago by attempting to drive into a telephone pole. She stated that she missed the pole. Ms. Moss also reported being raped at age twelve by a non-relative.

Ms. Moss denied being arrested in the past. She reported that she drinks alcohol occasionally. Ms. Moss admitted to smoking marijuana, which was verified by Daniel. Ms. Moss claimed that she had not used marijuana for about 48 months, but had started again about one week prior to being interviewed. Ms. Moss indicated that the Department of Social Services (DSS) investigated her home several years previously when Daniel had run away. She reported that the findings were that the house was unfit to inhabit, and she was forced to move. DSS confirmed a previous case from 1999 that is now closed.

Daniel reported that he, his mother, and the boyfriend's family enjoy watching television, sitting around talking, fishing, and swimming. Ms. Moss indicated that Daniel is resistive to being involved with her. She reported that they used to enjoy fishing until three years ago. Ms. Moss reported that she is unable to control Daniel and that she feels that he needs placement out of the home. She reported that Daniel will not abide by a curfew, will not do his chores, and does not handle any type of limit setting. The DJJ Community Specialist reported that Daniel demonstrated a hostile, oppositional attitude when the Specialist attempted to process him.

Ms. Moss reported that Daniel has been physically abusive towards her in the past. Daniel indicated that he has acted in self-defense, when his mother has come after him. Ms. Moss described Daniel as being a liar, who curses and smashes the wall when frustrated.

Juvenile's Report of Family Functioning

Daniel was very evasive and vague in providing details about his behavior in the home. He acknowledged "pushing" his "stepsisters." He acknowledged that he pushed the nine-year-old daughter more frequently than the others because "she aggravates me." He insisted that he was "just playing." He added that he does not know how to act with girls and is probably too rough with them. However, he excused his behavior by saying that he is used to playing with his friends and only plays with his "stepsisters" as he plays with his friends.

Daniel reported that he loves his mother. He acknowledged that he has hit and cursed at her in the past. However, he claims that this had not occurred recently. Mr. Brown, Mrs. Moss' boyfriend, reported that Daniel "can get carried away" and is "violent" with his mother. He acknowledged that Daniel used to hit her, but stated that Daniel has "got away from that." He suggested that when Daniel is angry now, he "busts walls and breaks things." Despite his

Daniel Lard

MIS#: 273876

Page 4

report of this type of behavior, Mr. Brown insisted that he is not afraid of Daniel, and claimed that his children are not afraid of Daniel either. However, police reports indicate that Mr. Brown's children are afraid of Daniel.

Daniel acknowledged that he does not follow his mother's rules and is late for curfew at times. He stated that she takes away his go-cart and dirt bikes as punishment. He acknowledged that he leaves frequently without telling her where he is going. However, he explained that there is mostly only one place that he goes, and his mother really knows where he is. Daniel denied sneaking out of the home. He stated that he has run away a few times, but insisted that he came back within 20 minutes each time he decided to run away.

During his evaluation at MEC, Daniel disclosed that his mother had left for a three-day period prior to his commitment. Daniel indicated that he did not know where his mother had gone, and that he had to find a place to spend the night, because he could not stay with Mr. Brown as a result of the offense. A referral was made to Aiken DSS while Daniel was at MEC.

ADOLESCENT FUNCTIONING

Relevant History

Ms. Moss reported that she had a normal pregnancy and delivery of Daniel. She denied using drugs during her pregnancy, but indicated that she did drink beer while pregnant. The extent of her drinking is unknown. Ms. Moss indicated that Daniel's father physically abused her, and that it continued during her pregnancy. She reported that Mr. Lard did not want to have a baby, and attempted to get her to miscarry her pregnancy by hitting her in the stomach, and throwing her on the floor. Daniel reported having a seizure in the past. Ms. Moss reported that she has observed Daniel black out for five-minute periods on at least seven different occasions. Daniel indicated that he "busted my head open" when he was young but could not provide any more details. He stated that he has "blackout" on occasion from too much heat.

In contrast to her above report, Ms. Moss reported that Mr. Lard had custody of Daniel until Daniel was 8 ½ months old. According to Ms. Moss, Mr. Lard would not let her have Daniel. She reported that Daniel was physically abused as well as neglected during that time, by being locked in the closet in dirty diapers, being forced fed, and said that Daniel had to be hospitalized for dehydration. Daniel denied any memory of being physically abused.

Daniel reported that an uncle sexually abused him over the course of two years ending at age fourteen. He indicated that he was forced into oral and anal sexual acts. He reported being raped by his uncle repeatedly. He also reported memories of abuse being triggered whenever he looks at a girl. He denied nightmares about the abuse. Ms. Moss reported that the alleged perpetrator is her ex-brother-in-law, and that there is a current criminal investigation. Daniel indicated that he did not make the allegation of sexual abuse until he was in court for his current offense. Authorities confirmed that Daniel had made allegations of sexual abuse while in court for his hearing.

Ms. Moss reported that Daniel attended North Augusta Mental Health for about six years. She reported that she attempted to have Daniel's counseling transferred to Aiken. When she did not hear anything, she failed to make any follow-up inquiry. She reported that Daniel was also in a day program for one month, but did not follow-up on why he was discharged. Daniel indicated that he participated in a partial hospitalization program at the Aurora Pavilion. He

Daniel Lard

MIS#: 273876

Page 5

stated that he was sent there because he was having difficulties getting along with his mother and his mother's boyfriend. Daniel complained that all he did was "take pills, shots, and do memory tests." Records of this hospitalization were not available. Daniel confirmed that he has also participated in mental health services in the past. However, he stated that the counselor cursed at him, and he did not want to talk to the counselor any more. He also complained that counselors frequently ask him "stupid questions" and he is concerned that they are trying to take him away from his mother. He added that he does not "need those people," and that he "can be good and control my own self."

Ms. Moss indicated that Daniel had previously been prescribed Ritalin, Wellbutrin, and Clonidine, and that Daniel was uncooperative about consistently taking his medications. According to Ms. Moss, Daniel has not been on any medications for the last two or three years. Daniel complained that he did not like to take medication, and that is why he quit taking it. He admitted that he was flushing medication down the toilet and lying to his mother about compliance. He also refused to go to counseling for the above stated reasons.

Daniel denied current suicidal or homicidal thoughts. He acknowledged that in the past he has informed people he would "die for my mother." However, he denied any attempted self-harm. Daniel reported that his aunt accused him of trying to stab her in the past. However, Daniel denied that this was so.

While at MEC, the psychiatrist evaluated Daniel. He was prescribed Zoloft, Vistaril, and Concerta. Later, Depakote was also added. He was diagnosed with Disruptive Behavior Disorder, ADHD, Anxiety Disorder NOS, rule out PTSD. A learning disability was also a rule out. The psychiatrist recommended residential treatment.

Current Symptomatology

Daniel indicated that he has difficulty sitting still, and reported that he is easily distracted, talks excessively, has problems listening to directions, and is forgetful. He also has problems sustaining attention and concentrating. He stated he is "naturally hyper." Daniel acknowledged that he frequently loses his temper, argues with adults, and is non-compliant with the rules in the home and at school. He frequently projects blame. Daniel displayed many of these same behaviors while at MEC. He reported that he is angry much of the time because other people bother him. He reported that he threatens others but only in response to them threatening him first. He has destroyed property in the home. Ms. Moss denied that Daniel had ever engaged in firesetting behavior. He denied being cruel to animals but admitted that he likes to aggravate them on purpose. He reported fighting with a piece of wood, but then stated that he did not hit anyone. He added that he only used wood because others would not leave him alone. Daniel reported that he is sad because he is not at home, and he is worried about his current circumstances. He denied symptoms of major depression, dysthymia, mania, and psychosis.

Daniel was very reluctant to talk about sexual abuse that was perpetrated against him. He reported some intrusive thoughts and frightening dreams. He stated that he is not afraid of the perpetrator, but added that he would not let the perpetrator hurt him any more. Daniel indicated that he does not like being around others, does not like to be touched, and feels different than other people. He was unable to articulate how or why he felt different. He stated that others tease him. Daniel reported that he has problems falling asleep and is irritable and has outbursts. He also reported to have difficulty concentrating.

Daniel Lard

MIS#: 273876

Page 6

Daniel reported that he has been smoking cigarettes since the age of five and prior to his commitment, was smoking half-a-pack per day. Daniel was inconsistent in providing information to different evaluators at the Center. He reported smoking marijuana from only one occasion to five occasions. When questioned about inconsistencies, Daniel explained that he does not like telling his "business." He reported experimenting with alcohol on two occasions and denied regular use of drugs or alcohol. He said he has never sold drugs. The SASSI-A2, a substance abuse screener, indicated a low probability of substance abuse. Daniel indicated that his father was a drug addict.

Behavioral Observations

Daniel is a thin, fifteen-year-old male who appears younger than his stated age. He was neatly groomed and appropriately dressed for the psychological evaluation. During the psychological evaluation, Daniel was compliant in taking prescribed medications (Zoloft, Concerta, and Vistaril - Later Depakote was added). Daniel's motor behavior was within normal limits, although, he did a little toe tapping and bouncing in his chair. However, this did not interfere with the evaluation. Daniel was alert, attentive, and fully oriented. He seemed very apprehensive and nervous. He was difficult to interview, as he was very evasive. When he became uncomfortable talking about a subject, he tried to change the subject. Daniel minimized behavior problems, lied, and frequently projected blame onto others. He reported mild symptoms of depression due to his current circumstances including problems staying asleep. He was noted to be a little bit fidgety and talked excessively. His thought processes were logical. There was no report of psychosis. Daniel's memory was very poor. He was evasive and vague in providing details and information. Daniel reads very poorly and had difficulty even with reading comprehension. Psychological inventories were read to him, however, he still seemed to have great difficulty comprehending what was being asked of him. Intellectual testing is considered valid as Daniel demonstrated adequate amounts of motivation and effort. However, personality testing has questionable validity due to his inability to comprehend. Rapport with the examiner was easily established and maintained throughout the evaluation.

Behavioral/Emotional/Personality Measures

On the BASC, a self-report measure of interpersonal, family, emotional, and academic functioning, Daniel's responses resulted in a valid profile. A significant elevation was noted on a measure of interpersonal relationships, confirming that Daniel has difficulty making and keeping friends, feels that he is not liked by others, and needs help in getting along with others. At MEC, he was not able to attend school or mingle with the other children due to frequent displays of aggression and temper. He had to be isolated frequently. Moderate elevations were noted on a number of scales indicating problems with his relationship with teachers, anxiety, and difficulty interacting with others and problems interacting with others in social situations. Daniel responded affirmatively to the following critical items: I can't seem to control what happens to me, Someone wants to hurt me, No one understands me, I have fainting spells, and Other kids hate to be with me. Daniel's responses on the RISB indicated that he is very fond of his mother and does not like being away from her. He complained about being teased by others. Reading is hard for him. He indicated having difficulty thinking and wrote that he cannot "tell you what I did." He acknowledges that most girls are mean to him. He also indicated regret for his actions. Daniel's responses on a measure of depressive symptomatology did not indicate he is suffering from clinical depression.

Daniel Lard

MIS#: 273876

Page 7

Psychosexual Functioning

Daniel report of sexual activity varied. Initially, Daniel reported having three sexual partners, but upon further questioning, informed the interviewer, that he had only been involved in touching his partners, and has never "gone all the way." He reported that he has had several girlfriends in the past, and added that he has two girlfriends now. He stated that he has kissed girls in the past. He also admitted, rather reluctantly, that he has touched girls in their private areas. He then added that he is doing what his uncle did to him when he touches them in their private areas.

Daniel denied having sex with animals, exposing himself, or peeking on others. He reported that he walked in accidentally while his mother was having sex, but stated that he left right away. Daniel denied that he had ever masturbated, but admitted that he has "itched it down there." He stated that his mother never talked to him about sex, and he found out about sex on his own. He added that he found videos and magazines belonging to his mother's boyfriend that depicted heterosexual sex. He stated that this gave him ideas about sex. He has also watched movies and has seen women naked. He added that he knows "mostly what to do." Daniel reported that he learned it was not right to touch others or to let others touch him, but stated that this education "didn't work." (He made this statement in regards to his uncle touching him inappropriately.) Daniel did not really understand that permission was needed between two parties before engaging in sex. However, he understood that it "might not be okay" if you did not have a girl's permission. He added that one would get into a lot of trouble because you did something that you were not supposed to do.

Daniel reported that he likes girls. However, he commented that he does not think about girls all the time like his friends do. He stated that he is attracted to girls who are "straight," meaning that they are good looking. He likes them if they are nice and not mean to others. Daniel indicated that he was shy in interacting with girls, and stated that he usually gets one of his friends to go ask a girl out for him. He then added that he was not taught how to interact with girls, and that is why he needs to do this. Daniel stated that he has been in love before and "loves" his current girlfriend, who is fourteen (remember that he earlier said he had two girlfriends, but now he only has one). Daniel indicated that he is attracted to girls who are near his age, but claimed that he does not like younger girls. He added that he would not ask out anyone younger than thirteen years of age. He denied daydreaming or fantasizing about girls, even his current girlfriend. He stated that looking at girls does not make him want to engage in sexual activity and does not make him "horny."

Ms. Moss stated that she was unaware of inappropriate sexual behavior occurring in the home. She reported that prior to moving in the home with Mr. Brown, she talked with all the children and Mr. Brown about dressing and behaving appropriately. She said that she addressed the eleven-year-old's dress in particular because she had a habit of wearing short shorts. Ms. Moss acknowledged that Daniel does have problems in school mainly for profanity and disruptive behavior. Daniel also complains that peers tease him but according to Ms. Moss, does not fight much.

Ms. Moss reported that when the family lived in Edgefield and Daniel was eight or nine years old, a four-year-old boy in the neighborhood accused Daniel of "trying to mess with him in the back." She remembered that she took Daniel to the "clinic" to have him "checked out." She said that she was told that authorities did not see "evidence of bodily harm." She stated that she asked the parents of the alleged victim to have him seen by a doctor but they would not.

Daniel Lard

MIS#: 273876

Page 8

Ms. Moss said that the police were not called. In the meantime, Ms. Moss informed Daniel's counselor (he was already in counseling by this time). In addition, she remembered when Daniel's case was transferred to North Augusta; she informed his counselors there that this had occurred. She was under the impression that Daniel's counseling addressed appropriate sexual behavior. In addition, she reported that she had talked with Daniel "over and over" about right and wrong concerning sexual behavior.

Daniel has charges of Criminal Sexual Conduct with a Minor, Second Degree and Lewd Act on a Minor Under Sixteen pending. Daniel was interviewed about these charges based on an agreement made in court. He was clearly uncomfortable discussing his behavior and also seemed to have difficulty expressing himself. He was aware of statements the alleged victims had provided to the police and was familiar with the content. He suggested that these statements were lies and these activities did not occur. He very reluctantly admitted that he had digitally penetrated the eleven-year-old victim's vagina on only one occasion. He could not give a reason for why he had done this. Daniel denied any other sexually inappropriate behavior with the nine-year-old alleged victim. He then commented that he really did not do anything and suggested that the alleged victims "really did it to themselves." He explained that they often walked down the hall naked after taking showers and admitted that he had seen them naked often. Daniel also admitted that he had played the "dark game" with them and explained that the victims hid in their bedroom in the dark and he had to use his hands to feel them and find them. He indicated that he was unaware if he had ever touched anyone inappropriately during this game. Daniel also mentioned that he had touched someone else in an inappropriate sexual manner and that it had occurred on one other occasion, when he lived in Edgefield. He had vague memories of being taken somewhere and being told (maybe by a counselor) that this was wrong. Daniel indicated that he does not know right from wrong. He added that his mother never taught him anything and he "had to learn it by myself." He also reported that he only doing what has been done to him by his uncle.

According to the victims' statements, Daniel digitally penetrated the eleven-year-old victim's vagina and fondled the breasts and private area of the nine-year-old. It was also reported that he had threatened to kill them if they told and both victims appeared afraid of Daniel. One victim also mentioned the "dark game" and also reported that Daniel made her take off her clothes. Daniel also approached his victims while they were asleep. They also reported that this occurred over several weeks. According to Ms. Moss, the victims reported being molested a few days after the pushing incident with the older sister.

Cognitive Functioning and Academic Achievement

IQ tests measure some of the abilities that affect academic performance. The WASI is a relatively brief test of intelligence whose scores tend to change more over time than those of longer intelligence tests. The WASI was administered to Daniel on 11/06/2002. He achieved a Verbal IQ of 74, which falls within the Borderline range, and a Performance score of 92, which falls within the Low Average range. The eighteen-point difference between his Verbal and Performance scores is significant and large enough to preclude the report of a Full-4 IQ score. These scores suggest that Daniel is more comfortable and proficient in performing non-verbal tasks rather than those that utilize his verbal skills.

Daniel was tested by the school district in Wilmington, North Carolina, on 7/06/1994. Apparently, Daniel had difficulty with "concentration, comprehension, reading, math, writing, content areas, direction-following, task persistence, peer relations, and need for supervision."

Daniel Lard**MIS#: 273875****Page 9**

He was immature and overactive and was noted to be physically aggressive, provoke peers, and steal. It was noted that the WISC-III was given to him; results "suggested average or near average learning potential, problems with attending, and language and knowledge delays possibly secondary to environmental issues." It is noted that Daniel frequently changed schools. Daniel also participated in a psychological evaluation conducted by the School District of Edgefield County on 5/26/1997. Results were considered reportable. Using the Wechsler Intelligence Scale for Children - Third Edition, Daniel obtained a Full Scale IQ score of 92, which was a composite of a Verbal score of 94 and a Performance score of 91. All three scores fell within the Average range of abilities. The Vineland Adaptive Behavior Scales were also administered to Daniel. At that time, age equivalencies in the communication and daily living skills domain were 7.3 and 7.6, respectively. An age equivalent of 14.3 for the socialization domain was reported.

Selected subtests of the WIAT were administered to Daniel during his current commitment to assess achievement skills. He achieved Standard Scores of 49 on the Reading Comprehension and a 57 on Numerical Operations subtests of the WIAT, respectively. Both scores are significantly below expectancy and indicate learning difficulties in reading and math. On a test of visual-motor integration, Daniel's efforts resulted in a Standard Score of 92, which falls within the Average range.

SCHOOL/JOB FUNCTIONING

Daniel reported that he last attended Midland Valley High School, where he was enrolled in the ninth grade. Daniel is receiving special education services with a classification of Emotionally Disabled, self-contained. Records indicated that Daniel receives services as Learning Disabled as well. Daniel reported that he repeated the fifth grade due to a reading deficiency. Information in a school evaluation indicated that Daniel also repeated the 1st grade.

Ms. Moss reported that Daniel has major attitude problems in school, and that he curses the teachers, and has slapped other students. She reported that he was expelled in the sixth grade, and completed the sixth and seventh grade attending a night alternative education program.

School records from Midland Valley high School indicate that during the first quarter of the current school year he received a B in Life Skills and Physical Education, a C in ROTC, English/Language Arts, and Math, and a D in another English class.

Daniel was present for a total of 375 of the possible 399 class periods. He had ten unverified period absences; five excused period absences, and two unexcused tardies. Teacher comments ranged from being a pleasure to have in class and good participation to behavior prevents progress. Daniel had no disciplinary referrals for the first quarter of the current school year.

An Individualized Education Program (IEP) for the school year 2002-2003 indicated that Daniel was scheduled to receive 30 hours of special education instruction during the week with 5 hours of general education during the week.

Daniel Lard

MIS#: 273876

Page 10

PEER RELATIONSHIPS

Daniel reported having one good friend, Eddie who is thirteen. He indicated that they enjoy bike riding, dirt biking, and go-cart driving. Daniel indicated that his friend is a positive influence on him, and attends school regularly. Ms. Moss reported that she approves of this friend, but related that the friend has not been around much lately. She attributed this to Eddie playing football, as well as his purposely decreasing contact due to Daniel's behavior.

COMMUNITY FUNCTIONING

Ms. Moss reported that she owns the singlewide trailer that she and Daniel are living in. She reported recently moving into the trailer after the alleged allegations of sexual offenses involving Daniel and her boyfriend's children. She reported that the trailer is located on property owned by her father, and that four other trailers are on the same property. She indicated that if not for the behavior of her son, the area would be considered safe.

ADJUSTMENT TO THE EVALUATION CENTER PLACEMENT

At the Midlands Evaluation Center, Daniel exhibited acceptable personal hygiene and grooming skills. Daniel adjusted poorly to the MEC environment. Daniel was observed to be very explosive. He walked around like he had a chip on his shoulder. Daniel entered the program in a highly agitated state. His crying appeared to be uncontrolled and he was evaluated by the consultant psychiatrist, and placed on medication. Daniel used his medication as an excuse not to work on classroom assignments, and when the medication was adjusted, used that as an excuse for his poor adjustment. On several occasions, he had to be restrained and handcuffed due to his combative behavior toward staff and peers.

Daniel did not exercise appropriate manners, and maintained a poor attitude towards staff throughout his stay. He is very impulsive and easily frustrated whenever he did not get what he wants when he wants it. The further Daniel got into the evaluation process, the more agitated he became. He began to get more verbally and physically aggressive towards the correctional staff, and began to frequently curse during consultations with his social worker. Daniel was unwilling to examine his own behavior and how that might contribute to his inability to adjust with his peers. The more he was pressured to examine his own style of interaction, the more he blamed staff and peers for his explosiveness. Daniel's acting out escalated to the point that he was eventually allowed to stay outside of the living area, and sleep in front of the control desk. Attempts to intervene in his behavior were met with resistance, sometimes physically. Eventually Daniel stated that he had given up, thought that he would always be locked up like his father, and was not willing to listen to any suggestions of change.

The MEC Educational Adjustment Summary indicated that Daniel was also impulsive in class. He reacted to situations without anticipating the logical consequences of his behavior. Daniel had difficulty following oral instructions, lacked self-control, was seen as not being responsible, and did not demonstrate age-appropriate social skills. The educational staff did note that Daniel sometimes could be redirected with praise. Toward the end of his stay however, he remained in isolation outside the control room because he could not tolerate being with other children at all.

Daniel Lard

MIS#: 273876

Page 11

SUMMARY

Daniel is a fifteen-year-old male adjudicated delinquent of the offense of Assault and Battery of a High and Aggravated Nature. Daniel was severely abused as an infant, and has recently divulged that he has been sexually abused over a period of several years. In addition, he reported that recently his mother could not be found for a three-day period, and he had to secure places to stay. It is felt that Daniel has experienced significant inconsistencies in the way he has been parented. He has a low level of trust, and significant fears of abandonment. His abandonment issues might be related to in part, to his former stepfather taking his two half-sisters and leaving without notice as well as his mother not consistently providing support for him. He and his mother resort to physical altercations to solve conflicts.

Daniel exercises very poor judgement, and has not had consistent parenting his entire life. Daniel is very angry and explosive. He is not able to or is unwilling to examine his own behavior and how it contributes to his inability to relate well with others. He has few developed social skills, and lashes out at anyone that he views as frustrating his ability to get his needs met. Daniel was not a reliable informant. He frequently minimized behavioral problems, was evasive, and reluctant to provide information. He frequently projected blame. His responses on personality testing suggested that he has significant difficulty interacting with others.

Intellectual testing conducted at the Evaluation Center revealed that Daniel's verbal abilities fall within the Borderline range, while his non-verbal abilities fall in the Low Average range. These scores suggest a learning disability in verbal skills, and is consistent with his being served in a learning disabled program.

Reports by those who interact with Daniel suggest an aggressive individual with little impulse control, poor judgment, whose aggressiveness can be frightening. When frustrated, he usually responds with anger. Daniel minimized behavior problems, failed to take responsibility for his actions, and lied frequently. He frequently projected blame. He complained of a poor memory that interfered with his functioning.

Daniel has displayed inappropriate sexual behavior with two alleged victims. According to reports, these victims are afraid of Daniel and also reported he acted aggressively with them. Daniel admitted to inappropriate behavior with one victim. He also mentioned an incident that had previously occurred when he interacted inappropriately with someone else. He denied engaging in sexual intercourse but admitted vaguely to inappropriate sexual behavior. His mother confirmed that Daniel was accused of "messing with" a four-year-old boy when Daniel was about nine or ten years old. Daniel denied engaging in other deviant sexual behavior.

Although there are no researched measures to determine risk to re-offend, the following issues should be taken into account:

1. There appear to be three separate victims, although Daniel denies contact with one of them.
2. All victims were significantly younger than him.
3. Daniel threatened to kill two of his victims and they currently fear for their safety.
4. Daniel has also displayed extremely aggressive behaviors.
5. Daniel has not been compliant with treatment before.
6. Daniel's mother indicated significant impulse behavior problems.
7. Daniel is in denial of some of his offending.

Daniel Lard

MIS#: 273876

Page 12

At this time, Daniel's denial of much of the inappropriate behavior, his limited cognitive abilities, poor impulse control and judgment, lack of insight and questionable supervision all suggest that outpatient counseling and home placement is not advisable. He needs much more supervision than his current living arrangement provides to eliminate opportunities for Daniel to reoffend sexually and/or aggressively. Intensive counseling is needed and Daniel has a history of noncompliance with both counseling and medication. He also needs frequent follow-up with a psychiatrist for medication management.

STRENGTHS

- By self-report, Daniel is not invested in drug or alcohol use.
- Daniel has average non-verbal skills.

DSM-IV DIAGNOSTIC IMPRESSIONS

Axis I: 314.01 Attention-Deficit/Hyperactivity Disorder, Combined Type
 312.9 Disruptive Behavior Disorder Not Otherwise Specified
 V61.21 Sexual Abuse of Child (Perpetrator)
 995.5 Sexual Abuse of Child (Victim)
 V61.20 Parent-Child Relational Problem
 Rule Out Posttraumatic Stress Disorder
 Rule Out Learning Disorder
 Rule Out Mood Disorder

Axis II: V71.09 No Diagnosis

Axis III: Diagnosis Deferred

Axis IV: Stressors: Poor social skills, frequent outbursts of anger, difficulty interacting with others, aggression, non-involvement of father.

Axis V: GAF = 50

NEEDS AND RECOMMENDATIONS

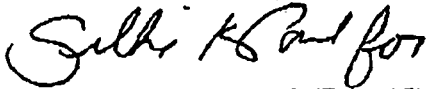
1. Due to Daniel's significant aggression, impulsivity, and unpredictability, he is considered a danger to the community. Daniel should receive a DJJ commitment.
2. Daniel should be placed in an institutional unit geared to deal with sex offending behavior and aggressive acting out youth.
3. It is suggested that DSS complete a thorough home investigation to determine the suitability of Ms. Moss taking care of Daniel, before he is allowed to return to her home. An initial report to DSS was generated from MEC. Ms. Moss would benefit from a parent training program that assists her in acquiring skills for appropriate behavior management, setting limits, and consistently enforcing consequences, prior to Daniel's return to the home.
4. Daniel would benefit from receiving counseling on anger control and conflict resolution. Counseling should also address his past sexual victimization, as well as addressing his issues of abandonment. Ms. Moss and Daniel should be engaged in family therapy prior to Daniel returning home. Counseling should be directed at Daniel in a very concrete manner with plenty of role rehearsal and modeling.

Daniel Lard

MIS#: 273878

Page 13

5. A psychiatrist should monitor Daniel's medication regimen. Daniel should be encouraged to consistently take prescribed medications. He is currently prescribed Depakote, Zoloft, Vistaril, and Concerta.
6. Daniel would benefit from having a strong male mentor assigned to him once he is returned to the community. It would be beneficial if the mentor could assist in monitoring Daniel's behavior in school.
7. Daniel needs to begin to understand and accept how he contributes to the difficulty he has relating to peers and authority. Attempts to develop insight during his confinement at MEC were not successful, and needs to be focused on.
8. A Psychoeducational Evaluation should be conducted again to review his current deficits and need for intervention.
9. Daniel would benefit from Drug and Alcohol Education.



Ryan Alexander, MA, LBSW
Social Worker



Celina L. Watson, M.S.
Psychologist III



Terry L. Fender, LMSW
Social Work Manager



Silke K. Parl, Psy.D.
Licensed Clinical Psychologist
Contract/Supervising Psychologist

/cw

PETITIONER'S EXHIBIT G

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.P. & G. A., Aiken County, S.C.

Antu Knoefle
Deputy Clerk

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, September 10, 2014

Classification Summary Reports

Inmate Number 346392

Submit

Classification Summary Report for LARD, DANIEL LEE :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 09/10/2014

SCDC# 00346392

LARD, DANIEL LEE

FBI# 316337MCS

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: RIDGELAND

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 5 YRS 0 MOS 0
SENT: DAYSVICTIM N SEPREQ:N
WITNESS:MED MED PROB/WORK
CLASS: RESTRICTINST 24 HOUR NURSING
RESTRICT: COVERAGEMENTAL NMH (NO MENTAL
CLASS: HEALTH TRECURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 27

RESIDENT
STABILITY: NA

DORMROOMBUNK_CODE: GA 0029 X

PROJ MAXOUT
DATE: 06/22/2015

PROJ PAROLE DATE: -

EWC JOB: SENIOR GROUNDSKEEPER

ASSIGNMENT: INSIDE GRDS-MAINT DET

EWC
LEVEL: 2F5 EEC LEVEL:-EDUC
PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	SENTENCE				SENTENCE		
	YRS	MOS	DYS	COUNTY	START	V/NV CAT	INDICT
CRIM SEX COND.W/MINOR(2N	5	0	0	AIKEN	03/25/2011 V	4	09GS02289

Classing Summary Reports - Report View

Page 2 of 2

ASSL&BATTERY-HIGH&AGG.NA 5 0 0 AIKEN 03/25/2011 N 3 06GS021297

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

12/07/2011 POSSESSION OF CONTRABAND CONVICTED ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

08/10/2011	RIDGELAND	INCARCERATED	ADMINISTRATIVE
06/10/2011	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
SENIOR GROUNDSKEEPER	07/10/2014	-		2F5
WARDKEEPER	04/08/2014	07/09/2014	INMATE REQUEST	2F5
SANITATION WORKER PLCL	03/07/2014	04/07/2014	MEDICAL	2F5
SANITATION WORKER PLCL	03/06/2014	03/06/2014	MI ELIGIBLE FOR LEVEL 2	3F5
WARDKEEPER	08/16/2011	03/05/2014	INMATE REQUEST	2F5
WARDKEEPER	08/16/2011	08/16/2011	CUSTODY REVIEW	3F5

HISTORY OF EARNED EDUCATION CREDITS:

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

PETITIONER'S EXHIBIT H

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.

Anita Knoepfle
Deputy Clerk

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "sadoomasochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their sadoomasochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism *per se* is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- B. The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

to individuals
sexual interest
antial objective
l interest in the
iduals." If these
tions or prefer-
y be diagnosed
stress, exempli-
nd are not ham-
r legal histories
; sadistic sexual

ogical suffering
ffering on mul-
out such sexual
were either un-
r involving the
any significant
her individual.
isal to pain and
l or socially im-
adism disorder
cal support for
and simultane-
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ion, if there are
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ring involving
efficient but not
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sexual sadism
general guide-
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s may be met if

fering is some-

rgely based on
sm, prevalence
s in the United
mitted sexu-
to 75%.

Specify if:

- Sexually attracted to males**
- Sexually attracted to females**
- Sexually attracted to both**

Specify if:

- Limited to incest**

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individuals may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.

Development and Course

Adult males with pedophilic disorder may indicate that they become aware of strong or preferential sexual interest in children around the time of puberty—the same time frame in which males who later prefer physically mature partners became aware of their sexual interest in women or men. Attempting to diagnose pedophilic disorder at the age at which it first manifests is problematic because of the difficulty during adolescent development in differentiating it from age-appropriate sexual interest in peers or from sexual curiosity. Hence, Criterion C requires for diagnosis a minimum age of 16 years and at least 5 years older than the child or children in Criterion A.

Pedophilia per se appears to be a lifelong condition. Pedophilic disorder, however, necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Adults with pedophilic disorder may report an awareness of sexual interest in children that preceded engaging in sexual behavior involving children or self-identification as a pedophile. Advanced age is as likely to similarly diminish the frequency of sexual behavior involving children as it does other paraphilically motivated and normophilic sexual behavior.

Risk and Prognostic Factors

Temperamental. There appears to be an interaction between pedophilia and antisociality, such that males with both traits are more likely to act out sexually with children. Thus, antisocial personality disorder may be considered a risk factor for pedophilic disorder in males with pedophilia.

Environmental. Adult males with pedophilia often report that they were sexually abused as children. It is unclear, however, whether this correlation reflects a causal influence of childhood sexual abuse on adult pedophilia.

Genetic and physiological. Since pedophilia is a necessary condition for pedophilic disorder, any factor that increases the probability of pedophilia also increases the risk of pedophilic disorder. There is some evidence that neurodevelopmental perturbation in utero increases the probability of development of a pedophilic orientation.

Gender-Related Diagnostic Issues

Psychophysiological laboratory measures of sexual interest, which are sometimes useful in diagnosing pedophilic disorder in males, are not necessarily useful in diagnosing this disorder in females, even when an identical procedure (e.g., viewing time) or analogous procedures (e.g., penile plethysmography and vaginal photoplethysmography) are available.

Diagnostic Markers

Psychophysiological measures of sexual interest may sometimes be useful when an individual's history suggests the possible presence of pedophilic disorder but the individual denies strong or preferential attraction to children. The most thoroughly researched and longest used of such measures is *penile plethysmography*, although the sensitivity and specificity of diagnosis may vary from one site to another. *Viewing time*, using photographs of nude or minimally clothed persons as visual stimuli, is also used to diagnose pedophilic disorder, especially in combination with self-report measures. Mental health professionals in the United States, however, should be aware that possession of such visual stimuli, even for diagnostic purposes, may violate American law regarding possession of child pornography and leave the mental health professional susceptible to criminal prosecution.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for pedophilic disorder also sometimes occur as comorbid diagnoses. It is therefore generally necessary to evaluate the evidence for pedophilic disorder and other possible conditions as separate questions.

Antisocial personality disorder. This disorder increases the likelihood that a person who is primarily attracted to the mature physique will approach a child, on one or a few occasions, on the basis of relative availability. The individual often shows other signs of this personality disorder, such as recurrent law-breaking.

Alcohol and substance use disorders. The disinhibiting effects of intoxication may also increase the likelihood that a person who is primarily attracted to the mature physique will sexually approach a child.

Obsessive-compulsive disorder. There are occasional individuals who complain about ego-dystonic thoughts and worries about possible attraction to children. Clinical interviewing usually reveals an absence of sexual thoughts about children during high states of sexual arousal (e.g., approaching orgasm during masturbation) and sometimes additional ego-dystonic, intrusive sexual ideas (e.g., concerns about homosexuality).

Comorbidity

Psychiatric comorbidity of pedophilic disorder includes substance use disorders; depressive, bipolar, and anxiety disorders; antisocial personality disorder; and other paraphilic disorders. However, findings on comorbid disorders are largely among individuals convicted for sexual offenses involving children (almost all males) and may not be generalizable to other individuals with pedophilic disorder (e.g., individuals who have never approached a child sexually but who qualify for the diagnosis of pedophilic disorder on the basis of subjective distress).

Fetishistic Disorder

Diagnostic Criteria

302.81 (F65.0)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from either the use of nonliving objects or a highly specific focus on nongenital body part(s), as manifested by fantasies, urges, or behaviors.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The fetish objects are not limited to articles of clothing used in cross-dressing (as in transvestic disorder) or devices specifically designed for the purpose of tactile genital stimulation (e.g., vibrator).

Specify:

- Body part(s)
- Nonliving object(s)
- Other

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in fetishistic behaviors are restricted.

In full remission: There has been no distress or impairment in social, occupational, or other areas of functioning for at least 5 years while in an uncontrolled environment.

PETITIONER'S EXHIBIT I

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.P. & G.A., Aiken County, S.C.

Anita Knepper
Deputy Clerk

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Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *algologic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82 (F65.3)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

PETITIONER'S EXHIBIT J

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.

Anita Knecht
Deputy Clerk

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SEXUAL PREDATOR MULTI-DISCIPLINARY TEAM**

REFERRAL DATA

INMATE: Lard Daniel L.

SCDC # 346392

INSTITUTION: Ridgeland

SSN#: B:

VICTIM/WITNESS: None

DOB/AGE: (27 y/o)

SCDC ARRIVAL DATE: 06/01/2011

MAX OUT DATE: 06/22/2015

SENTENCE START DATE:
JUVENILE SENTENCE: N/A

**SUPERVISED FURLOUGH
ELIGIBILITY DATE:** N/A

DATA SOURCE(S):

Automated Medical Record: ✓
Institutional Record:
Sex Offender Treatment Record:
Inmate Interview:
Attachment:

Hard Copy Medical Record:
Central Inmate Record:
Offender Management Summary: ✓
Other Data Source(s):
Specify:

CONVICTION HISTORY:

Current Conviction(s):
Criminal Sex Conduct with Minor 2nd Degree and Assault & Battery – High & Agg
Prior SCDC #'s:
Prior Conviction(s): Sex Offense Registry 1st Degree
Parole Revocation(s): N/A
Probation Revocation(s): N/A
Other Information:

INSTITUTIONAL ADJUSTMENT:

Disciplinary(s): Total: 0 Assaultive: 0
Narrative(s):
Work History: Inside Ground Maintenance

Sexual Misconduct: 0

Other Information:

SP Multi-Disciplinary Team
Lard Daniel - 346392
Page 2

SPECIAL NEEDS/DISABILITIES: N/A

Limitation(s) in Mobility and Sensory:

Level of Supervision Needed:

Ability to Complete Activities of Daily Living:

COGNITIVE FUNCTIONING/ACADEMIC ABILITY:

Beta Score: N/A

Other IQ Screening: 110

Mental Retardation: No

Disability/Other Known Impairment:

Wide Range Achievement Tests (WRAT)

Grade Level: Reading: 000

Math: 000

Language: N/A

SUBSTANCE ABUSE:

SASSI Score: Valid Yes No

TCUDDS: Valid Yes No

Other Screening(s):

Under influence at the Time of Crime (Self-Report):

Treatment History:

Chemically Dependent: Yes No

Chemically Dependent: Yes No

Other Information:

HEALTH SUMMARY CLASSIFICATION:

Mental Health Status: None

Medical Problem(s): Yes Work Restriction(s): Yes

Institutional Assignment: 24 hours Nursing Coverage

SP Multi-Disciplinary Team
 Lard Daniel - 346392
 Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
 Medications:
 Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None
 Medications:
 Problems/Compliance: N/A
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY: None in the file

	TYPE	DATES	STATUS
Phase I:			

SOTP GROUP:

Phase II: Education

Phase III: Education

OTHER

RTU: Intensive Residential
 Treatment

Admission of Sex Offense(s):
 Other Information:

SP Multi-Disciplinary Team
 Lard Daniel - 346392
 Page 4

VICTIM PROFILE: N/A

Conviction(s):

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

Aggravating Circumstances: N/A

Other Victims Alleged or Self-Reported by Inmate: N/A

Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:
Age:	Gender:	Relationship	Time Span:

** A = Alleged S = Self-Reported

Aggravating Circumstances:

Other Information:

Information submitted in this packet was obtained from the SCDC Offender Management System, Inmate's Primary Therapist and Automated Medical Records.

Submitted by: Sylvia Roberts, MSW
 Sylvia Roberts, MSW IISC II

Date: 9-17-14

PETITIONER'S EXHIBIT K

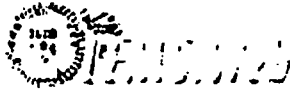
STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

OCT 30 2014

Liz Godard
C.C.C.P. & G. A., Aiken County, S.C.

Anita Knepper
Deputy Clerk



Menu - Refresh Screen

Messages

Check messages (6) below for: ATTSC406

	Date	Title
☐	September 19, 2014 at 15:46:20	CR 000823E98D from NLETS
☐	September 19, 2014 at 15:46:19	QWA 0006461AF1 from NC2K
☐	September 19, 2014 at 15:46:19	CR 000823E98C from NLETS
☐	September 19, 2014 at 15:46:17	QR 003517D26A from III
☐	September 19, 2014 at 15:46:14	ICHR 003F0EBDE7 from SCCH
☐	September 19, 2014 at 15:46:13	ICHR 003F0EBDE6 from SCCH

Check All

☐ Delete All Checked Messages☒ Print All Checked Messages

Submit

CR 000823E98D from NLETS - September 19, 2014 at 15:46:20

ATTSC406

.CR.000823E98D.NLETS.20140919 15:46:20

TO: ATTSC406-183 20140919 15:46:20 000823E98D

FROM: NLETS-2353540 20140919 15:46:20

CR.GAII10000

12:46 14540

09/19/2014 07039 SC040015A

*2D0A000085

TXT

HDR/2L012DCA0000852QR

ATN/DEB SHUPE;N

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

FBI Number 316337MCS
 State Id Number GA397366SA ()
 Purpose Code C
 Attention DEB SHUPE;N

The information in this rap sheet is subject to the following caveats:

--THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2014-09-19
 (GA/ 2007-08-11)

Important! Criminal history record information is obtained one of two ways: 1) by conducting an inquiry using personal identifiers such as name and date of birth (name search), or 2) by submitting fingerprint cards to the Georgia Crime Information Center (GCIC). When conducting a name search for criminal history record information, there is a possibility that the information returned belongs to a different person

with the same, or similar, identifiers. In this case, a positive match of the person whose criminal history record is sought requires submission of fingerprint cards to GCIC. When conducting a fingerprint search for criminal history record information, the information returned does, in fact, belong to the individual. In this case, conducting a name search using the individual's personal identifiers would be the same information. (GA; 2007-03-11)

When the information contained in a criminal history report causes an adverse employment or licensing decision the individual, business or agency making the decision must inform the applicant of all information pertinent to the decision. The disclosure must include information that a criminal history record check was conducted, the specific contents of the record and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision is a misdemeanor offense under Georgia law. Additionally, any unauthorized dissemination of this record or information herein also violates Georgia law. The plea of nolo contendere may be considered a conviction for some purposes; however, except as otherwise provided by law, it shall not be used against the defendant in any other court as a conviction or admission of guilt or for the purpose of effecting any civil disqualification of the defendant to hold public office, to vote, to serve upon any jury, or any other civil disqualification imposed upon a person convicted of any offense under the laws of this state. (GA; 2007-03-11)

In the event that identifiers are not clearly associated to a specific cycle, the information is most likely non-fingerprint based information received from the Department of Corrections at the time of release from incarceration. (GA; 2007-03-11)

***** IDENTIFICATION *****

Subject Name(s)

LARD, DANIEL LEE

Subject Description

FBI Number
316337MC5

State Id Number
GA3973868A

Social Security Number
[REDACTED]

Sex
Male

Race
White

Height
5'06" (2010-10-26)

Weight
135 (2010-10-26)
145

Date of Birth
[REDACTED]

Hair Color
Brown (2010-10-26)
-23)

Eye Color
Blue (2010-10-26)

Hazel (2010-10-26)

Place of Birth
GEORGIA

Citizenship
US (2010-10-26)

***** CRIMINAL HISTORY *****

===== Cycle 1 =====

Tracking Number 88377302613
 Earliest Event Date 2010-08-25 Incident Date 2010-09-30

 Arrest Date 2010-10-28
 Arrest Case Number 2010091661
 Arresting Agency GA0340000 COFFEE COUNTY SHERIFFS OFFICE
 Subject's Name LARD, DANIEL LEE
 Arrest Type Adult
 Charge 1
 Charge Number 88377302613001
 Charge Tracking Number 88377302613
 Charge Literal BURGLARY
 Statute (16-7-1; GA)
 State Offense Code 2203
 Severity Felony

 Court Disposition (Cycle 1)
 Court Case Number 10F00338
 Court Agency GA034025J COFFEE COUNTY SUPERIOR COURT
 Subject's Name LARD, DANIEL LEE
 Charge 1
 Charge Number 88377302613001
 Charge Tracking Number 88377302613
 Charge Literal BURGLARY
 Statute (16-7-1; GA)
 State Offense Code 2203
 Severity Felony
 Disposition (2011-03-31; NOLLE PROSSED)
 Charge 2
 Charge Number 88377302613002
 Charge Tracking Number 88377302613
 Charge Literal FAILURE TO REGISTER AS SEX OFFENDER/FAILURE TO COMPLY W
 ITH REQUIREMENTS/PROVIDED FALSE INFORMATION
 Statute (42-1-12(N); GA)
 State Offense Code 1129
 Severity Felony
 Disposition (2011-03-22; GUILTY (CONVICTED / ADJUDICATED))

 Sentencing (Cycle 1)
 Sentence Date 2011-03-22
 Court Case Number 11F00062
 Charge 2
 Charge Number 88377302613002
 Charge Tracking Number 88377302613
 Charge Literal
 Severity

Sentence PROBATION 10 YEARS
 Sentence COURT COST \$100
 Sentence FINE \$500

***** INDEX OF AGENCIES *****

Agency COFFEE COUNTY SHERIFFS OFFICE; GA0340000;

Agency Telephone (912) 334-4227
 Address 202 WEST BRYAN STREET
 DOUGLAS, GA 315330000

Agency COFFEE COUNTY SUPERIOR COURT; GA034025J;
 Agency Telephone (912) 334-2265
 Address 101 SOUTH PETERSON AVENUE
 DOUGLAS, GA 315330000

Agency COFFEE COUNTY SHERIFFS OFFICE; GA0340000;

Agency COFFEE COUNTY SUPERIOR COURT; GA034025J;

Agency COFFEE COUNTY SUPERIOR COURT; GA034025J;

* * * END OF RECORD * * *

Top of page or Menu

Delete

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Print

QWA 0006461AF1 from NC2K - September 19, 2014 at 15:46:19

ATTSC406

.QWA.0006461AF1.NC2K.20140919 15:46:19

TO: ATTSC406-182 20140919 15:46:19 0006461AF1

FROM: NC2K-4594417 20140919 15:46:19

1L012D0A0000862QWA

SC040015A

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

*** SEX OFFENDER REGISTRY INFORMATION ***

THE SUBJECT IDENTIFIED IN THE FOLLOWING RECORD WITH NIC/X131659727
 IS REGISTERED AS A SEX OFFENDER. DO NOT SEARCH, DETAIN, OR
 ARREST BASED SOLELY ON THIS RECORD. ADDITIONAL INFORMATION REGARDING
 SUBJECT MAY BE AVAILABLE FROM THE INTERSTATE IDENTIFICATION INDEX.

MKE/SEXUAL OFFENDER

OFS/75 - INACTIVE - INCARCERATED

ORI/SC0020003 NAM/LARD, DANIEL SEX/M RAC/W POB/GA

DOB/B. HGT/503 WGT/140 EYE/GRN HAI/BRO FBI/316337MC5 CTZ/US

SKN/FAR SMT/TAT CHEST

MNU/GA-SC01636531 SOC/280658442

OLN/0100564499 OLS/SC GLY/2020

ORD/20040211 ERD/NOVEXP SXP/M CRR/SEX ASSAULT

CON/20090624 CUV/N FLC/SC

OCA/12292

VLD/20131004

MIS/(CRR - 1199) 16-3-655(B)(1) - CRIM SEX CONDUCT W/ MINOR(11-14YRS)-2ND DEG

DNA/Y DLO/SLED DNA LAB COLUMBIA, SC 302 896 7309
 SNU// SNA/INCARCERATED
 CTY/RIDGELAND STA/SC ZIP/29936
 CON/JASPER
 ORI IS AIKEN CO SO AIKEN 803 642-2131
 AKA/LARD, DANIEL LEE
 SMT/SC L LEG
 SMT/SC R LEG
 MNU/CA-GA397386SA
 NIC/X131659727 DTE/20120719 0806 EDT DLU/20131004 0827 EDT

***** END OF SEX OFFENDER REGISTRY INFORMATION *****

Top of page or Menu

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CR 000823E98C from NLETS - September 19, 2014 at 15:46:19

ATTSC406
 .CR.000823E98C.NLETS.20140919 15:46:19
 TO: ATTSC406-181 20140919 15:46:19 000823E98C
 FROM: NLETS-2353548 20140919 15:46:19
 CR.WVFBINF00
 12:46 34781
 09/19/2014 07037 3C040015A
 *2D0A000085

TEXT

HDR/2L012D0A0000852QR

ATN/DEB SHUPE

***** CRIMINAL HISTORY RECORD *****

***** Introduction *****

This rap sheet was produced in response to the following request:

Purpose Code C
 Attention DEB SHUPE

The information in this rap sheet is subject to the following caveats:

(US)
 (US)
 (US)

***** IDENTIFICATION *****

Subject Name(s):

LARD, DANIEL LEE
 LARD, DANIEL (AKA)

Subject Description

FBI Number State Id Number

QR 003517D26A from III - September 19, 2014 at 15:46:17

ATTSC406
.QR.003517D26A.III.20140919 15:46:17
TO: ATTSC406-180 20140919 15:46:17 003517D26A
FROM: III-1561194 20140919 15:46:16
FLO12DGA0000952QR
SC040015A
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/316337MC5. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
FBI - FBI/316337MC5
GEORGIA - STATE ID/GA3973366A
AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
END

Top of page or Menu

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ICHR 003F0EBDE7 from SCCH - September 19, 2014 at 15:46:14

ATTSC406

.ICHR.003F0EBDE7.SCCH.20140919 15:46:14

TO: ATTSC406-179 20140919 15:46:14 003F0EBDE7
 FROM: SCCH-966119 20140919 15:46:14

PAGE-02 DATE-09/19/2014 TIME-15:43:28

REQ ORI-SC040015A ATT GENERAL

SID-SC01696831 FBI-316337MC5

CONTRIBUTOR/SUBJECT

DOA/RCVD CHARGE/DISPOSITION/ETC

CIT--MISDEMEANOR

DOC-02

WARR-M025630

COURT CHARGE 01-TELEPHONE/UNL

AWFUL USE OF TELEPHONE

COURT DISP-CONVICTED;110.00

Fine or Jail Time 15 DYS

COURT DATE-05/07/2010

ATN-02D000014481

LARD, DANIEL LEE

03/25/2011

SC040015G CENTRAL PPP

CASE-NONE

ATN-02D000021719

WARR-W02100149

CIT-N/A-MISDEMEANOR

ARREST CHARGE 01-PROBATION

VIOLATION

OFFENSE DATE-09/28/2010

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

WARR-W02100150

CIT-N/A-MISDEMEANOR

ARREST CHARGE 02-PROBATION

VIOLATION

OFFENSE DATE-09/28/2010

SC040015C SC DEPT CORRECTIONS 06/10/2011 CUSTODY STATUS-RECEIVED

CASE-003463

START DATE-06/10/2011

CIT-16-3-655(C)(3)-FELONY

COURT CHARGE 01-CRIM SEX

CONDUCT W/MINOR (11-14YRS)

2ND DEGREE

COURT DISP-CONVICTED;VOP 5

YRS EA CC

ATN-50D200009094

CIT-C/L,-MISDEMEANOR

COURT CHARGE 02-ASSAULT/BATTE

RY HIGH & AGGRAVATED NATUR

E
COURT DISP-CONVICTED/VOP
5YRS CC

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/316337MC5
REQUESTED FOR CRIMINAL JUSTICE PURPOSES

>>> *** N O T I C E *** <<<

* THE SUBJECT OF THIS RECORD IS A CONVICTED SEX OFFENDER. ADDITIONAL *
* INFORMATION MAY BE OBTAINED FROM THE SOUTH CAROLINA SEX OFFENDER *
* REGISTRY AT: > WWW.SLED.SC.GOV < *

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL.

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

Top of page or Menu

Delete Copy Print

ICHR 003F0EBDE6 from SCCH - September 19, 2014 at 15:46:13

ATTSC406

.ICHR.003F0EBDE6.SCCH.20140919 15:46:13

TO: ATTSC406-173 20140919 15:46:13 003F0EBDE6
FROM: SCCH-966113 20140919 15:46:13

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI-316337MC5 PUR-C

ATN-DEB SHUPE

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

PAGE-01 DATE-09/19/2014 TIME-15:43:28
 REQ ORI-SC040015A ATT GENERAL
 SID-SC01696831 FBI-316337MC5
 NAME-LARD, DANIEL LEE SEX-M RACE-W
 HEIGHT-508 WEIGHT-140 EYES-BLU HAIR-BLK SKIN- BORN-GA
 FPC- HENRY-

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--05/30/2006 DATE OF LAST UPDATE--06/23/2011

ADDITIONAL IDENTIFIERS	BIRTH DATES	MARKS	SOC SEC	MISC NUM
NAME	02231987	SC R LEG	250658442	
LARD, DANIEL		SC L LEG		
		TAT CHEST		

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

SC040115C SC DEPT JUVENILE JUS 10/22/2002 CUSTODY STATUS-RECEIVED;///// SCJ9001873 CONSOLIDATED
 START DATE-10/22/2002

CIT-C/L, -MISDEMEANOR

COURT CHARGE 01-ASSAULT/BATTE
 RY OF HIGH AND AGGRAVATED
 NATURE
 COURT DISP-CONVICTED; JUVENILE
 ARREST/NOT FOR PUBLIC
 DISSEMINATION/DJJ
 ATN-980000320598

LARD, DANIEL LEE
 SC0020000 AIKEN CNTY SO
 CASE-05040886
 ATN-990000188950
 WARR-K065142
 CIT-16-3-655(C)-FELONY

05/11/2006

ARREST CHARGE 01-CRIMINAL
 SEX CONDUCT W/MINOR<16
 YRS-2ND DEGREE
 OFFENSE DATE-05/11/2006

WARR-K065143
 CIT-16-3-655(C)-FELONY

ARREST CHARGE 02-CRIMINAL
 SEX CONDUCT W/MINOR<16
 YRS-2ND DEGREE
 OFFENSE DATE-05/11/2006

WARR-K065144
 CIT-16-15-140-FELONY

ARREST CHARGE 03-COMMITTING
 LEWD ACT UPON CHILD UNDER
 16

WARR-K065145
CIT-16-15-140-FELONY

OFFENSE DATE-05/11/2006

ARREST CHARGE 04-COMMITTING
LEWD ACT UPON CHILD UNDER
16
OFFENSE DATE-05/11/2006

WARR-K065148
CIT-16-15-140-FELONY

ARREST CHARGE 05-COMMITTING
LEWD ACT UPON CHILD UNDER
16
OFFENSE DATE-05/11/2006

WARR-K065146
CIT-16-3-652-FELONY

ARREST CHARGE 06-CRIMINAL
SEXUAL CONDUCT - FIRST
DEGREE
OFFENSE DATE-05/11/2006
ARREST INFO- DOCUMENT IN
JACKET

CIT-C/L, -MISDEMEANOR
DOC-06GS0201297
WARR-K065143

COURT CHARGE 01-ASSAULT/BATTE
RY HIGH & AGGRAVATED NATUR
E
COURT DISP-CONVICTED;REVOKE
5 YR CONTINUE ON SUPERVISI
ON UPON RELEASE E TODAY;
CTS;PTUP AFTER 2 YRS

CIT-16-15-140-FELONY
DOC-06GS0201299
WARR-K065144

COURT DATE-03/10/2008
ATN-990000188950

COURT CHARGE 02-COMMIT OR
ATTEMPT LEWD ACT ON CHILD
< 16
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-03/10/2008

CIT-16-3-655(C) (3)-FELONY
DOC-06GS0201298
WARR-K065146

COURT CHARGE 03-CRIM SEX
CONDUCT W/MINOR (11-14YRS)
2ND DEGREE
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-03/10/2008

CIT-16-15-140-FELONY
DOC-06GS0201300
WARR-K065148

COURT CHARGE 04-COMMIT OR
ATTEMPT LEWD ACT ON CHILD
< 16
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-03/10/2008

LARD, DANIEL LEE
SC0920000 AIXEN CNTY CO.
CASE-07-067930

11/27/2007

ATN-990000353569
WARR-17365EA
CIT-44-53-360-MISDEMEANOR

ARREST CHARGE 01-POSSESSION
OF DRUG PARAPHERNALIA
OFFENSE DATE-11/27/2007
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-H873001
CIT-44-53-370(B)(1)-FELONY

ARREST CHARGE 02-MDP, DRUGS
SCH I B,C, LSD AND SCH
II, COCAINE-1ST
OFFENSE DATE-11/27/2007

CIT-44-53-370(B)(2)-FELONY
DOC-00GS02
WARR-H873001

COURT CHARGE 01-MANUFT, POSSES
S OTHER SUB SCH I, II, III
WITD-1ST
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-01/15/2008
ATN-990000353569

CIT--MISDEMEANOR
DOC-02
WARR-17365EA

COURT CHARGE 02-SALE BEVERAGE
CONTAIN ALCOHOL/RESEMBLIN
G DRINK
COURT DISP-CONVICTED; GUILTY
- FORFEITED BOND
COURT DATE-01/07/2008

SC002015G AIKEN PPP
CASE-SC0020
CIT-C/L, -MISDEMEANOR

03/11/2008 CUSTODY STATUS-PROBATION
START DATE-03/11/2008

COURT CHARGE 01-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE
COURT DISP-CONVICTED; 10YRS.
CFTS 47 DAYS SUS. 3 YRS
PROB.
ATN-02P000500693

LARD, DANIEL LEE
SC0020000 AIKEN CNTY SO
CASE-03031163
ATN-990000406879
WARR-K207554
CIT-16-3-655(C)(1)-FELONY

06/27/2008

ARREST CHARGE 01-CRIM SEX
CONDUCT W/MINOR <11YRS
OLD 1ST DEGREE
OFFENSE DATE-06/12/2008
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-16-3-655(C)(3)-FELONY
DOC-09GS0200299
WARR-K207554

COURT CHARGE 01-CRIM SEX
CONDUCT W/MINOR (11-14YRS)
2ND DEGREE
COURT DISP-CONVICTED; REVOKE
5 YR CONTINUE ON SUPERVISI

ON UPON RELEASE E TODAY;
CTS;PTUP AFTER 2 YRS

COURT DATE-06/24/2009
ATN-990000106879

LARD, DANIEL LEE
SC0020000 AIKEN CNTY SO
CASE-08031163
ATN-990000408907
WARR-H813941
CIT-16-15-140-FELONY

07/09/2008

ARREST CHARGE 01-COMMIT OR
ATTEMPT LEWD ACT ON CHILD
< 16
OFFENSE DATE-01/01/2008
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

CIT-16-15-140-FELONY
DOC-09GS0200289
WARR-H813941

COURT CHARGE 01-COMMIT/ATTEMPT
LEWD ACT ON CHILD <16
COURT DISP-NON-CONVICTION;
DISM/NOL PROS/PROS ENDED
COURT DATE-06/24/2009
ATN-990000408907

LARD, DANIEL LEE
SC0020000 AIKEN CNTY SO
CASE-10-071530
ATN-02D000014481
WARR-M025630
CIT-16-17-430(B)-MISDEMEANOR

04/07/2010

ARREST CHARGE 01-TELEPHONE/UN-
LAWFUL USE OF TELEPHONE
OFFENSE DATE-04/07/2010
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

END OF PAGE

01 - PAGE 02 TO FOLLOW

Top of page or Menu

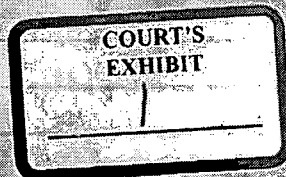
Delete

Copy

Print

Why is Mr. Lard not on his medication now?

Heard

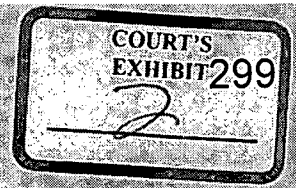


FILED

9.1.15

Lin Ireland
CCCP & GS

V. A. Ireland
Deputy Clerk



What is The ^(Definition)
_(description) of The Anti social personality
disorder?

[Handwritten signature]

FILED 9.1.15
[Signature]
CCCP & GS 1:55 PM
[Signature]
Deputy Clerk

Can we have the cross examination of Dr. Gehl
and her response to the cross examination

Paul Stan

FILED

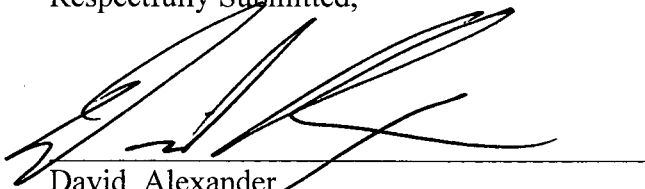
9.1.15

Lia Holland
CCCC & GS*V. [Signature]*
Deputy Clerk

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 28th day of November, 2016.

RECEIVED
NOV 28 2016
SC Court of Appeals