

23104

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from York County

Honorable R. Scott Sprouse, Circuit Court Judge

RECEIVED

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SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF TIMOTHY GROVES OXENDINE,

APPELLANT

APPELLATE CASE NO. 2015-002241

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

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

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	)	COURT OF COMMON PLEAS
	)	
County of York	)	2013-CP-46-1054A
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
Petitioner,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
Timothy Groves Oxendine,	)	
	)	
Respondent.	)	
_____	)	

September 28th-29th, 2015
York, South Carolina

BEFORE:

THE HONORABLE R. SCOTT SPROUSE, JUDGE; and a
jury.

APPEARANCES:

CHRISTOPHER MORROW, ASSISTANT ATTORNEY GENERAL
Attorney for the Petitioner

AIMEE ZMROCZEK, ESQ.
Attorney for the Respondent

AMINAH R. HARDY, CM
Official Court Reporter

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P R O C E E D I N G S

THE COURT: All right, ladies and gentlemen. We are going to draw our first jury. This first case is the case of the state versus Timothy Groves Oxendine. This is a unique proceeding in which the state seeks to have the respondent, Timothy Groves Oxendine, declared a sexually violent predator. The respondent denies he is a sexually violent predator. Our law places this dispute in common pleas court. And this is a unique proceeding in which this court this week has concurrent jurisdiction. We'll hear some civil cases and some criminal cases. This is a civil case. If you are picked on the jury, you will hear the evidence in the case and you will determine if the respondent is a sexually violent predator. You're here to -- you're called here today to form a jury pool that the parties select the jury from.

Now, part of that is going to involve you being asked some more questions. Now, I realize you've already been put under oath downstairs, but would the clerk please put this new panel under oath again?

(Whereupon, the jury panel was sworn.)

THE COURT: Going to ask to you some more questions. It's not to pry into your personal lives, but merely to ensure the parties will receive a fair and impartial jury. In the event one or more of these questions applies to

1 you, please stand. First of all, have each attorney
2 introduce themselves and their clients to the jury.

3 MR. MORROW: My name is Christopher Morrow. I'm an
4 assistant attorney general with the Attorney General's
5 office of South Carolina.

6 MS. ZMROCZEK: I'm Aimee Zmroczek. I'm an attorney
7 from Columbia, South Carolina. This is my client, Timothy
8 Oxendine.

9 THE COURT: Is any member of the jury panel related
10 by blood or marriage or has a close personal or social
11 relationship with the respondent, Timothy Groves Oxendine,
12 or one of the attorneys involved in this case? If so,
13 please stand. There are no responses.

14 Has any member of the jury panel ever been
15 represented by one of the attorneys involved in the case
16 or their respective law firms, or a law firm they may have
17 been a part of? If so, please stand. There are no
18 responses.

19 Parties have submitted lists of potential witnesses
20 as follows: Dr. William Burke and Dr. Marie Gehle. Is
21 any member of the jury panel related by blood or marriage
22 or has close personal or social relationship with any of
23 those potential witnesses? No responses.

24 Has any member of the jury panel ever been treated by
25 either one of those doctors? No responses.

1 Does anyone have any prior knowledge from any source
2 about the facts of this case? If so, please stand. There
3 are no responses.

4 Would the fact that the respondent, Timothy Groves
5 Oxendine, has been convicted of a sexual offense and has
6 completed his criminal sentence related to that conviction
7 in any way prevent you from being able to be fair and
8 impartial as a juror in this trial of this case? If so,
9 please stand.

10 Yes, ma'am. What's your juror number?

11 JUROR: 29.

12 THE COURT: And so you're Ms. Caldwell. And do you
13 feel you could be fair and impartial in the case?

14 JUROR: My daughter's father is a registered
15 offender, so I do believe that I would have --

16 THE COURT: Okay.

17 SPEAKER: -- an emotional response to the situation.

18 THE COURT: Ma'am, I'll have you be seated. But
19 we'll remove juror number 29 from the pool. But ma'am,
20 I'll have you stay with us. Okay. Any other responses?

21 Has any member of the jury panel, a family member, or
22 close personal friend been the victim of a sexual assault?
23 If so, please stand. No responses.

24 Has any member of the jury panel, a family member, or
25 close personal friend ever been charged with or convicted

1 of a sexual offense? If so, please stand.

2 JUROR: I have an uncle.

3 THE COURT: What's your number?

4 JUROR: 169.

5 THE COURT: Okay. When you say your uncle?

6 JUROR: Yes. He was convicted of hanging -- around
7 computers or I can't remember the exact charge, but I know
8 he was. Don't talk to him anymore.

9 THE COURT: Do you feel even though your uncle has
10 been convicted of a sexual offense that you could be fair
11 and impartial in the case?

12 JUROR: I think I could. I just...

13 THE COURT: Could you be -- it's not think; either
14 yes or no. Could you be fair and impartial?

15 JUROR: Yes.

16 THE COURT: Thank you, sir.

17 Yes, ma'am. Your juror number?

18 JUROR: I'm Number 79.

19 THE COURT: Yes, ma'am.

20 JUROR: And my brother-in-law has been arrested for
21 the second time. First time he was not convicted. Second
22 time it's currently under process. He's not been tried
23 again.

24 THE COURT: Knowing that, do you feel you could be
25 fair and impartial?

1 JUROR: I don't think so.

2 THE COURT: Ma'am, I'll -- I appreciate your candor.
3 I'll excuse you from the case, but I'll have you be seated
4 and stay with us.

5 Any other responses?

6 Seeing no further, does any member of the jury panel
7 have any training in the field of psychiatry, psychology,
8 or law? If so, please stand. We'll start -- yes, sir.
9 Your number?

10 JUROR: 152. I was in law enforcement for 36 years,
11 eight months.

12 THE COURT: Do you feel your past employment with law
13 enforcement would make it impossible for you to be fair
14 and impartial in case?

15 JUROR: I believe I could be fair.

16 THE COURT: Okay. Thank you, sir. You can be
17 seated. Yes, ma'am, in the back?

18 JUROR: My number is 224.

19 THE COURT: Okay. Yes, ma'am.

20 JUROR: I have a bachelor's degree in psychology, a
21 master's in counseling, and I currently work -- I deal
22 with sex offenders and those with psychological disorders,
23 and I have training with diagnosis of the DSM-V.

24 THE COURT: Knowing that, do you feel you could be
25 fair and impartial as a juror in this case?

1 JUROR: I can be fair.

2 THE COURT: Thank you, ma'am. You can be seated.
3 I'll come forward next. Yes, ma'am?

4 JUROR: 229. I have a bachelor's degree in
5 psychology.

6 THE COURT: With that knowledge, do you feel you
7 could be fair and impartial in this case?

8 JUROR: Yes, sir.

9 THE COURT: Yes, ma'am.

10 JUROR: I'm Number 153, and I have a bachelor's
11 degree in psychology.

12 THE COURT: Do you feel you could be fair and
13 impartial in the case?

14 JUROR: Yes, sir.

15 THE COURT: Thank you, ma'am. You can be seated.
16 Yes, sir?

17 JUROR: Number 11. Prior Marine Corps security
18 forces, prior law enforcement, bachelor's in prelaw.

19 THE COURT: Do you feel that you could be fair and
20 impartial in this case?

21 JUROR: Yes, sir.

22 THE COURT: Thank you, sir. You can be seated.

23 Has any member of the jury panel been involved in a
24 prison ministry, prison outreach program, or any other
25 program involving contact with incarcerated persons? If

1 so, please stand.

2 Yes, ma'am, what's your number?

3 JUROR: 190. My cousin in Tennessee Department of
4 Correctionals (sic) for child abuse.

5 THE COURT: And?

6 JUROR: And we go down to see her.

7 THE COURT: Do you feel you could be fair and
8 impartial?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: Thank you, ma'am.

11 Any further responses? No further responses.

12 Has any member of the jury panel, one of your family
13 members or close personal friends ever been subject to
14 civil commitment proceedings or been voluntarily or
15 involuntarily civilly committed? If so, please stand.
16 There are no responses.

17 Does any member of the jury panel know of any reason
18 why he or she could not be fair or impartial to the
19 parties in the case? And if you already answered, you
20 don't need to answer again. But any other reason why he
21 or she could not be fair and impartial in the case? If
22 so, please stand. There are no further responses to that
23 question.

24 Any specific submissions further from the state?

25 MR. MORROW: Nothing from the state, Your Honor.

1 THE COURT: Any from the defense?

2 MS. ZMROCZEK: None from the defense, Your Honor.

3 THE COURT: Okay. Now, ladies and gentlemen, we have
4 a system for selecting a jury today that's computer based.
5 We don't have a big wheel that the clerk turns and draws
6 the numbers out of a hat like they used to. You may have
7 seen that in the old-time courtroom. It's all generated
8 by computer list. And the attorneys will strike from that
9 list. So we'll go off the record for just a moment while
10 the clerk generates a list for each attorney and we'll
11 proceed.

12 Do we need one alternate? I don't anticipate this --

13 MR. MORROW: We usually do two.

14 MS. ZMROCZEK: Generally we do two just because of
15 the nature of the proceedings.

16 THE COURT: We'll do two alternates, then, because
17 the attorneys request that.

18 (A discussion was held off the record.)

19 THE COURT: State ready?

20 MR. MORROW: Yes, Your Honor.

21 THE COURT: Madame Clerk?

22 THE CLERK: I'll begin with the plaintiff. We'll
23 alternate strikes.

24 THE COURT: Let me -- before we start, ladies and
25 gentlemen, like we said, this is a civil proceeding. So

1 the numbers they're going to call off the list do not
2 correspond to what your juror number actually is. There's
3 a different set of numbers on the page of the
4 computer-generated document. So don't be confused by
5 that. Go ahead.

6 MR. MORROW: Juror number 3.

7 MS. ZMROCZEK: Juror number 4.

8 MR. MORROW: Juror number 9.

9 MS. ZMROCZEK: Juror number 13.

10 MR. MORROW: Juror number 1.

11 MS. ZMROCZEK: Juror number 15.

12 MR. MORROW: Juror number 18.

13 MS. ZMROCZEK: Juror number 5.

14 THE CLERK: 21 through 23. I'll take your first
15 alternate for the plaintiff.

16 MR. MORROW: Juror number 21.

17 MS. ZMROCZEK: Juror number 23.

18 THE CLERK: 24 to 26. I'll take your second
19 alternate juror.

20 MR. MORROW: Number 25.

21 MS. ZMROCZEK: Juror 26.

22 THE CLERK: Like to confirm both strikes with both
23 sides. For the plaintiff, I have the following strikes:
24 Number 3, 9, 1, 18; as your first alternate number 21; and
25 as your second alternate, Number 25. Is this correct?

1 MR. MORROW: That's correct.

2 THE CLERK: For defendant I have the following
3 strikes: Number 4, 13, 15, 5; as your first alternate,
4 Number 23; as your second alternate, Number 26.

5 MS. ZMROCZEK: That is correct.

6 THE CLERK: Thank you. When I call your name, please
7 gather your personal belongings and come down and have a
8 seat to my left at the direction of the bailiff in the
9 jury box. Juror number 2, Dainna C. Alley. Juror
10 number 102, Mark A. Hernandez. Juror number 119, Juanita
11 M. Jones. Juror number 122, Christopher S. Kane. Juror
12 number 82, Larry E. Floyd. Juror number 171, Madeline C.
13 Oxendine. Juror 155, Diane C. Morse-Brady. Juror
14 number 251, Vincent F. D'Annuzio. Juror number 1,
15 Laquashia T. Adams. Juror number 36, Randolph S. Cheifer,
16 Number 229, Holly A. Torchia. Number 45, David R.
17 Coleman. Serving as the first alternate juror number 19,
18 Matthew R. Boles, and serving as the second alternate,
19 juror number 202, Anna M. Seamster.

20 THE COURT: Are there any motions or exceptions
21 pertaining to the selection of the jury from the state?

22 MR. MORROW: Nothing from the state, your Honor.

23 THE COURT: Any there any motions or exceptions
24 pertaining to selection of the jury from the respondent?

25 MS. ZMROCZEK: Nothing from the respondent, Your

1 Honor.

2 THE COURT: All right. Madame Clerk, please swear
3 our jury.

4 (Whereupon, the jury panel was sworn.)

5 THE COURT: Ladies and gentlemen, and the remainder
6 of the jury pool, this finishes your service for today.
7 You will be allowed to go home. Be sure to check the
8 phone number tonight after 7:00 p.m. that the clerk has
9 previously provided for you. It will be further
10 instructions for the week. Thank you for your attendance
11 this morning. You're now dismissed.

12 (The jury panel left open court.)

13 THE COURT: Ladies and gentlemen you have been sworn
14 as jurors in the case. We will actually begin the trial
15 in the morning. There are witnesses that are having to
16 come in from various locations, and the opening statements
17 will begin in the morning with the testimony, so I'll let
18 you go home for the day. Now, there's three very
19 important instructions that I'm going to give you at this
20 point, and I'm going to give you these any time we break
21 and you leave this courtroom. The first is that you are
22 to do no independent investigation about either the facts
23 of the case or the law. In this age of computers and
24 smart phones and the internet, it's very easy for persons
25 to attempt to research both the law and the facts of the

1 case. You are not to do that. I will question you when
2 we reconvene about that.

3 You cannot discuss the facts of the case with any
4 third parties. And I know that's a very difficult thing
5 because when you get home, your family wants to know what
6 you're doing as a jury. People want to talk to you.
7 Believe me, I get questioned too when we go home. But you
8 just have tell them as a juror you can't discuss the case
9 with them. The last thing is you can't deliberate amongst
10 yourselves until I tell you to at the end. Now, at the
11 end you'll be sent to the jury room and I will give you an
12 instruction on when you can begin your deliberations.

13 Now I'm going to -- we're going to convene in the
14 morning at 9:00. Your first order of business in the
15 morning -- I'm going to send you to the jury room and have
16 you elect a foreperson. I would do that today, but we've
17 run into the lunch hour and I know everyone is getting
18 hungry. So we're going to let you break now. But in the
19 morning, that will be your first order of business is to
20 elect a foreperson.

21 So I'm going to let you go now. Be here shortly
22 before 9:00, because the case will start at 9:00, and
23 remember my three instructions and I hope everyone has
24 good evening. You're now dismissed.

25

1 (The jury left open court.)

2 THE COURT: Anything from the state before we go into
3 recess?

4 MR. MORROW: Your Honor, the state has previously
5 made a motion in limine discussing whether or not to
6 admit -- whether or not -- not allowing the defense to
7 mention the kind of treatment or treatment facility he
8 will be placed in. The reason is it's not relevant in
9 this matter. This matter is to determine whether he's a
10 sexually violent predator, not the type of treatment he'll
11 receive, where he'll receive his treatment, things of that
12 nature.

13 THE COURT: So you want in your motion in limine to
14 exclude any testimony about the course of treatment or the
15 facility that the defendant would be housed in if he's
16 declared a sexually violent predator?

17 MR. MORROW: That's correct, Your Honor.

18 THE COURT: Yes, ma'am?

19 MS. ZMROCZEK: And Your Honor typically I do -- I
20 don't discuss treatment. That's not -- that's not an
21 issue and that won't be brought up. I do have -- and I do
22 believe -- this is what I've always said in these cases
23 that he is housed by the Department of Mental Health at --
24 on Broad River in facilities at Broad River, and that's
25 typically not -- this must be new.

1 MR. MORROW: No, that is fine.

2 MS. ZMROCZEK: Okay.

3 MR. MORROW: That definition of it.

4 MS. ZMROCZEK: Yes. I always say that they are
5 housed by the Department of Mental Health, but that
6 facility is located on -- within the prison grounds, but
7 it's still a Department of Mental Health facility. And so
8 just the way it was worded came different, but we've never
9 had --

10 MR. MORROW: We've never had an issue.

11 THE COURT: Well, and I will agree that the course of
12 treatment is irrelevant to the issue. But if y'all want
13 to get some language that you stipulate as to where he's
14 housed, y'all can discuss that during recess and get that
15 worked out for in the morning. Doesn't sound like there's
16 an issue about the treatment.

17 MS. ZMROCZEK: No, not at all. And I believe he has
18 some exhibits which I have reviewed, Your Honor, and he
19 can premark those. We don't have a problem.

20 THE COURT: That would be good. Save us some time
21 tomorrow if you can premark any exhibits that there is --
22 are no objections to.

23 MS. ZMROCZEK: And I don't anticipate having any at
24 this point.

25 THE COURT: Okay. So we will reconvene at 9:00 in

1 the morning. Again, what I will do is -- I'm going to
2 have the jury go out and elect a foreperson and we'll
3 begin with opening statements and you can get right into
4 the testimony after that.

5 MS. ZMROCZEK: And I spoke with the clerk earlier
6 because I do a closing PowerPoint presentation. And it's
7 my understanding that they may not have the equipment, so
8 I'll bring my TV in. So I'll just lug it up here.

9 THE COURT: The courthouse opens at 8:30; is that
10 correct? When does the courthouse open?

11 THE CLERK: At 8:00.

12 THE COURT: At 8:00. Y'all are doing better here
13 than we do in Oconee.

14 MS. ZMROCZEK: I can't guarantee I'll be here at
15 8:00.

16 THE COURT: My point is you'll have ample time to set
17 up your equipment for your presentation and make sure that
18 you let the state view anything you wish to present and
19 vice versa. Okay?

20 MS. ZMROCZEK: Certainly.

21 THE COURT: Okay.

22 MR. MORROW: Thank you, Your Honor.

23 THE COURT: We'll be in recess.

24 (State's Exhibits 1-6 were marked.)

25 (The proceedings were adjourned on September 28th,

1 2015 and resumed on September 29th, 2015.)

2 THE COURT: Any matters before the jury's brought
3 back in?

4 MS. ZMROCZEK: Yes, Your Honor, there is one matter.
5 I was reviewing again Dr. -- or the reports last night.
6 The first thing that is mentioned in his prior criminal
7 history is a 1977 reckless homicide and a 1980 possession
8 of marijuana with intent to distribute, '82 burglary, your
9 Honor, and then an '88 driving under the influence. Your
10 Honor, it's my position those convictions have no business
11 in this courtroom. I think it should be excluded, not
12 only under Lyle, which I understand is criminal, but since
13 this is kind of hybrid criminal-civil case, it's also any
14 prior bad acts that are over ten years. I think all of
15 that falls without -- outside of what the rules of
16 evidence call for. It's my understanding that -- I spoke
17 with the AG -- the assistant AG this morning, and he
18 advised me his doctor was going to say that he had prior
19 criminal convictions and then the years. I still think
20 that is improper. If he wants to say that he based a
21 score on prior convictions, or previous court appearances,
22 then that's okay. We're okay with that, and I think that
23 does not bring in all this bad character evidence with
24 regard to the -- they have nothing to do with determining
25 his risk as a sex offender and not to mention that they're

1 way outside the date, so we would ask that those be
2 excluded any reference to those be excluded.

3 MR. MORROW: Your Honor, the state -- while we do not
4 concede this is a quasi-criminal matter, this is a civil
5 commitment matter. Same as in probate court if someone is
6 a danger to themselves or others to to commit them to a
7 mental health care facility. The -- and in particular,
8 regarding his prior offenses, in the matter and care of
9 treatment of Ettel, 377 S.C. 558, 660 S.E. 2d 285 --
10 that's a 2008 case from the South Carolina Court of
11 Appeals -- testimony concerning defendant's prior sexual
12 offenses which did not result in conviction and his prior
13 murder conviction was relevant and admissible in
14 proceedings to civilly commit a sex offender under the SVP
15 act. If an expert relied on prior offenses when
16 evaluating the sex offender's need for and likelihood of
17 success in treatment as well as his ability to control his
18 behavior in the future I think that past criminal history
19 based on the Ettel case is admissible. And again, we did
20 offer to simply mention the dates of his prior nonsexual
21 1977, 1980, 1982, and 1988 offenses rather than the actual
22 convictions, even though we don't believe we have to do
23 that.

24 THE COURT: Okay. I got a copy of the Ettel case
25 here. How do you answer her concerns that these past

1 offenses are not related to his alleged propensity to
2 commit violent acts?

3 MR. MORROW: Our expert who will testify in the case
4 is simply going to talk about those offenses in relation
5 to his scoring of one of the -- one of the tests, the risk
6 assessment tests that he used. And if he cannot mention
7 these offenses, then it won't make any sense how he got
8 the score he got. He's going to be cross-examined about
9 the score and how he scored the offender on that test.

10 THE COURT: Ms. Zmroczek.

11 MS. ZMROCZEK: It's Zmroczek.

12 THE COURT: I'm still struggling. I apologize.

13 MS. ZMROCZEK: It's fine, it's actually on my cards
14 that I have it phonetically pronounced as Zimmer and then
15 Check.

16 THE COURT: Zmroczek.

17 MS. ZMROCZEK: Zmroczek.

18 THE COURT: Zmroczek.

19 MS. ZMROCZEK: Very easy. Just don't look at it and
20 it's very easy.

21 THE COURT: I'll practice. Have you read the
22 language of the Ettel case?

23 MS. ZMROCZEK: I have, Your Honor and I think you
24 focused in on the exact area I was focusing in on. It's
25 the propensity to commit violent acts. The reckless

1 homicide was -- in 1977 and, you know, if they wanted
2 to -- that was -- you know, we obviously don't have the
3 underlying facts of that, but reckless homicide versus a
4 murder, obviously there was some consideration in the
5 charges. The simple possession of marijuana, although --
6 the distribution of marijuana although legally a -- what's
7 to be considered now a violent crime, it's not a crime of
8 violence.

9 THE COURT: Violent crime is just a statutory
10 definition. They don't use that language in the case.

11 MS. ZMROCZEK: Right.

12 THE COURT: But it does say in the case "past
13 criminal history." And we have -- we've got what,
14 reckless homicide?

15 MS. ZMROCZEK: In 1977.

16 THE COURT: In 1977, and you've got a marijuana
17 conviction in what year?

18 MR. MORROW: 1980.

19 THE COURT: 1980, and what was the third one?

20 MS. ZMROCZEK: There was a burglary.

21 THE COURT: A burglary. And your expert is going to
22 say that this just goes towards criminal behavior, not
23 violence.

24 MR. MORROW: It's going to go to the scoring of an
25 actuarial assessment, the Static-99. When -- how he

1 scored that sheet, Your Honor, and it's -- one of the
2 scoring factors is the number of court appearances and
3 sanctions.

4 THE COURT: Okay. All right. I'm going to overrule
5 your objection; however, the state will not be allowed to
6 go into any of the facts of any of those convictions,
7 okay?

8 MS. ZMROCZEK: And Your Honor, I'll make myself a
9 note to renew that objection. And you're going to allow
10 them to say it was a reckless homicide, or just a
11 conviction?

12 THE COURT: It's my understanding you just want --
13 Mr. Morrow, you just want to say it's a conviction.

14 MR. MORROW: Your Honor, that's -- we're willing to
15 do that, Your Honor.

16 THE COURT: Okay. Again, I will allow it for the
17 purpose of the expert evaluating past criminal history in
18 the context of the Ettel case, but I will not allow any
19 fact-specific references to those offenses. In a vacuum,
20 a reckless homicide is not directly relevant to a SVP
21 definition. However, I understand we're in an area where
22 an expert may rely on information outside of the record,
23 information ordinarily that would not be admissible if
24 it's information he gathered in analyzing the case. And
25 so I think in keeping with the Ettel case and the other

1 case law, I think you would be allowed to have your expert
2 explain how he came to his conclusions. But again, I
3 don't want any factual references to those offenses put in
4 the record.

5 MS. ZMROCZEK: Thank you. And then, Your Honor, just
6 to clarify, when I said quasi-criminal -- and I know that
7 the assistant AG knows this, that the burden is one that
8 is applied to criminal cases that they have to meet.

9 MR. MORROW: But is the beyond a reasonable doubt?

10 THE COURT: It's beyond a reasonable doubt. We have
11 a unique proceeding in that we have a civil case with
12 criminal standards of proof, but beyond a reasonable doubt
13 will be certainly charged to the jury in the case.

14 MS. ZMROCZEK: Thank you, Your Honor.

15 THE COURT: Anything further before we bring our jury
16 in?

17 MR. MORROW: Nothing further from the state.

18 MS. ZMROCZEK: Nothing from the defense.

19 THE COURT: All right, if you could bring our jury
20 in.

21 (The jury entered the courtroom.)

22 THE COURT: Good morning, ladies and gentlemen. I
23 hope everyone had a good evening. You knew I was going to
24 ask this question. Any member of the jury have any
25 third-parties attempt to contact them about the case or

1 did any of you deliberate amongst yourselves or did any of
2 you do any independent research in the facts or the law of
3 the case? Let the record reflect there are no affirmative
4 responses.

5 I have received a note from you that juror
6 number 122, Mr. Kane, has been elected the foreperson of
7 the jury. Sir, you'll sit on the end where you're seated
8 right now. This is the presiding juror who will preside
9 over your deliberations at the end. You will also be the
10 juror that will communicate with the Court if there are
11 any concerns or questions or any matters the Court needs
12 to take up. You need to do that by way of written note,
13 as you have done here.

14 If we could make this a Court exhibit.

15 (Court's Exhibit Number 1 was marked.)

16 Before we start, ladies and gentlemen, let me explain
17 our roles in the trial. I am the judge of the law, and
18 you are the judges of the facts. As the judge of the
19 facts, you have the duty to evaluate the evidence that is
20 presented. You and you alone determine credibility of the
21 witnesses and how much weight to give their testimony.
22 Evidence is the sworn testimony that will be given from
23 the witness stand or any exhibits that are entered into
24 the record. The attorneys will have the opportunity to
25 give opening statements to outline their positions. Each

1 attorney's statement, however, is not evidence. It is
2 merely a tool that the attorney will use to help you
3 understand their position.

4 The state has the burden of proof in this trial. It
5 must prove its case beyond a reasonable doubt. The
6 state's burden is to prove beyond a reasonable doubt that
7 the respondent, Timothy Groves Oxendine, is a sexually
8 violent predator. If the state does not prove that beyond
9 a reasonable doubt, then you will find that he is not a
10 sexually violent predator. The respondent has no burden
11 of proof in the case. The state has the burden of proof.

12 Now a few more things before we begin. This is not
13 an endurance contest. We're going to take breaks as we go
14 along. If any jurors get in distress and need a break,
15 please let your bailiff know. We will begin the case with
16 opening statements.

17 Is the state ready to proceed?

18 MR. MORROW: Yes, Your Honor.

19 THE COURT: Okay.

20 OPENING STATEMENT

21 BY MR. MORROW:

22 Good morning, ladies and gentlemen. My name is
23 Christopher Andrew Morrow, and I work for the South
24 Carolina Attorney General's office. I'm assistant
25 attorney general. You may wonder, why am I here? Why

1 isn't someone more local handling this, like your local
2 solicitor's office? The simple answer to that question is
3 when the state legislature passed the Sexually Violent
4 Predator Act 16 years ago, they assigned to our office all
5 of these cases throughout the state.

6 Now, this case has been brought by the state under
7 the Sexually Violent Predator Act. We're here because the
8 state is seeking a civil commitment of Timothy Oxendine as
9 a sexually violent predator. Now, you may be asking
10 yourself, what is a sexually violent predator? About 16
11 years ago, the South Carolina general assembly passed the
12 Sexually Violent Predator Act with two thoughts in mind.
13 First, that there are certain individuals in our state
14 that suffer from mental abnormalities or personality
15 disorders which make them likely to commit acts of sexual
16 violence and that these individuals need treatment in a
17 secure facility to protect the public during the treatment
18 process because they are extremely dangerous individuals.

19 Now, the state contends that Mr. Oxendine is one of
20 those individuals, and the general assembly had in mind
21 when they passed the Sexually Violent Predator Act. To
22 prove that Mr. Oxendine is a sexually violent predator,
23 the state must prove two basic elements to you: First,
24 that Timothy Oxendine has been convicted of at least one
25 sexual violent offense. Now, "sexually violent offense"

1 is defined by statute and the judge will give you that in
2 his charge later today when we finish everything up.
3 He'll explain to you what the law is and he'll explain
4 what constitutes a sexually violent offense. Mr. Oxendine
5 has been convicted of not just one sexually violent
6 offense, but six. And I don't think the defense is going
7 to contest that. You'll hear about his sexual offending
8 history. You'll here what happened to his victims.

9 Now, Timothy Oxendine -- the state also has to prove
10 that Timothy Oxendine suffers from a mental abnormality or
11 personality disorder that makes him likely to commit
12 future acts of sexual violence if not confined to a secure
13 facility for long-term care, control, and treatment. Now,
14 Mr. Oxendine has been diagnosed -- the state's witness
15 will testify today and the defense's witness with
16 pedophilic disorder. You'll hear testimony from which you
17 can decide whether Mr. Oxendine lacks control over his
18 pedophilic disorder, and whether he is likely to commit
19 acts of future sexual violence.

20 You will hear the testimony of Dr. William Burke who
21 is affiliated with the Medical University of South
22 Carolina, who is one of the experts that was consulted
23 during the editing of the South Carolina Sexually Violent
24 Predator Act. You will hear how Dr. Burke spent a
25 significant amount of time reviewing Mr. Oxendine's case,

1 including reviewing multiple files, conducting several
2 actuarial assessments of Mr. Oxendine's risk, interviewing
3 Mr. Oxendine, and taking a closer look into Mr. Oxendine's
4 plan to avoid reoffense. Dr. Burke will tell you
5 Mr. Oxendine suffers from the relevant mental abnormality
6 of pedophilic disorder. Based on his thorough evaluation,
7 he believes that Mr. Oxendine is likely to commit future
8 acts of sexual violence if not treated in a secure
9 facility.

10 You also will hear from Dr. Marie Gehle, who will
11 testify for the defense in the case. Dr. Gehle works for
12 the Department of Mental Health. When a new petition is
13 filed under the Sexually Violent Predator Act, she's the
14 expert who is assigned by the court to evaluate, respond,
15 determine if he is a sexually violent predator. She
16 evaluated Mr. Oxendine. She also diagnosed Mr. Oxendine
17 with pedophilic disorder. Now, when she does not
18 recommend commitment under the Sexually Violent Predator
19 Act, the AG's office or the defense can choose to get an
20 expert to get a second opinion. We don't always do that
21 in every case, but in this case we did.

22 The question that will be presented to you is after
23 hearing two experts and assessing their evaluations and
24 assessing their thoroughness and credibility, whether
25 Mr. Oxendine suffers from a mental abnormality which makes

1 him likely to commit acts of future sexual violence and
2 whether he's a sexually violent predator. In other words,
3 is Mr. Oxendine safe to be out in the community on his own
4 and not commit another crime of sexual violence ever
5 again?

6 Now, burden of proof in this case is on the state.
7 The state welcomes that burden. The judge will instruct
8 you this is a civil case and not a criminal case. Under
9 the Sexually Violent Predator Act, the state must prove
10 its case beyond a reasonable doubt. Now, keep in mind
11 it's not beyond all doubt. It's not every doubt; it's not
12 any conceivable doubt. It's beyond a reasonable doubt.
13 Later the judge will tell you what that means, and he'll
14 instruct you on the law about reasonable doubt, and you'll
15 hear it's -- proof beyond a reasonable doubt is proof that
16 leaves you firmly convinced.

17 Now, these cases by their very nature are going to
18 contain some disturbing facts. This case is certainly no
19 different in that regard. But I ask you to do one thing
20 throughout the case. That's listen to the evidence. All
21 of the evidence that's presented, the state's evidence and
22 evidence for the respondent. And at the end of the day,
23 when you listen to the evidence, the verdict you should
24 render should become clear, that Timothy Oxendine is a
25 sexually violent predator and should be committed to the

1 Department of Mental Health sexually violent predator unit
2 so he can get the treatment he so desperately needs and so
3 the public can be protected from him. Thank you.

4 THE COURT: Ms. Zmroczek?

5 MS. ZMROCZEK: Thank you, Your Honor. May it please
6 the Court.

7 OPENING STATEMENT

8 BY MS. ZMROCZEK:

9 Good morning, ladies and gentlemen. Timothy Oxendine
10 is not a sexually violent predator. This morning, as I do
11 every single morning when I have one of these trials, I
12 was driving up here and in my car playing I had Minority
13 Report. Not because I love Steven Spielberg and certainly
14 not because I love Tom Cruise. But what I love is that
15 Hollywood has taken this concept of precrime and explored
16 the fallacies of it. Because that's what we're doing
17 here. The Constitution -- the very thing that founded our
18 country is being tested, and it's being tested in this
19 court. And the 14 of you have been asked to listen to
20 terrible facts.

21 And let me just tell you right now. Timothy Oxendine
22 has committed some crimes. And you hear about those
23 crimes, and I submit you'll hear about those crimes over
24 and over and over again so you are just so disgusted by
25 him that you don't want to see him anymore. But that's,

1 ladies and gentlemen, why we have criminal law. He was
2 charged with crimes. He pled guilty to those crimes, and
3 he received a sentence for those crimes. He completed
4 that sentence 23 months ago. But here he sits, still in
5 jail clothes because he has not yet been able to leave.
6 Because the state and the government said it's our job to
7 protect society.

8 Ladies and gentlemen, I submit to you when you hear
9 the two experts -- and please, please, I want to clarify
10 one thing that Mr. Morrow said is that I didn't hire any
11 expert because I didn't need to. The Court appointed
12 Dr. Marie Gehle. You'll hear from her. The Court
13 appoints her in every case, because this is what she does.
14 This is what she does. She makes a determination. And
15 her determination was he is not an sexually violent
16 predator. He doesn't fit under the confines of this act.
17 This act was created for the worst of the worst, and
18 that's how it should be. Our legislature pondered it, and
19 they said the worst of the worst.

20 That's not Mr. Oxendine. I admit, the facts you will
21 hear from Dr. Burke and his questionable testing methods,
22 are simply to disgust you and scare you and to have
23 Mr. Oxendine locked away in the Department of Mental
24 Health in a secure facility, which is located on the
25 grounds of the prison. He doesn't get to walk free for an

1 indeterminate period of time. I wrote this on my hand
2 because even though I've watched Minority Report countless
3 times, I wrote it down. It says sometimes in order to see
4 the light, you have to risk the dark. And this part in
5 the movie was played by this woman who had gathered these
6 three children of drug abusers that had this ability to
7 maybe see the future, but sometimes they didn't all agree.
8 And what the government is asking you to do is just look
9 at the dark and then say, the constitutional protections,
10 just ignore those. We want you to put him away because he
11 may or may not commit a crime again.

12 Ladies and gentlemen, it's a tough job that you have
13 to do to listen today to these facts. But as you do,
14 listen to the experts. Think about the basis of our
15 Constitution. Think about the reason you are all sitting
16 here to make this determination. And I submit at the end
17 of all the presentation, you will do your duty and find
18 that he is not a sexually violent predator to be
19 committed. Thank you..

20 THE COURT: Mr. Morrow, call your first witness.

21 MR. MORROW: State calls Dr. William Burke to the
22 stand, Your Honor.

23 WILLIAM BURKE, PhD, after having first being duly
24 sworn, testified under oath as follows:

25

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 BY MR. MORROW

2 Q. Good morning, Dr. Burke. Would you please state your
3 full name and spell your last name for the record?

4 A. William Henry Burke.

5 Q. Dr. Burke, what is your occupation?

6 A. I've got several. I'm assistant professor of
7 forensic psychiatry at the Medical University of South
8 Carolina, Department of Forensic Psychiatry. I also have
9 a private practice in which I specialize in the assessment
10 and treatment of individuals with sexual disorders. Those
11 are the relevant things that I do.

12 Q. Do you have any additional specialized -- I'm sorry.
13 What degrees do you possess, Dr. Burke?

14 A. I have a high school degree from Northwestern High
15 School down the street. I haven't been here for so long,
16 I didn't recognize it when I went by. I graduated from
17 The Citadel Corps of Cadets in 1980. I got a master's
18 degree from The Citadel in 1984 in clinical counseling. I
19 got a doctorate degree, a PhD from the University of South
20 Carolina in counselor education with a cognate in
21 psychology.

22 Q. That's fine. In addition to your degrees, do you
23 have any specialized training or experience within the
24 field of forensic assessment of sex offenders beyond your
25 doctorate degree?

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 A. I've studied with and trained with either the
2 inventors of specific tests or treatment methodologies.
3 All the tests that I've utilized in this assessment with
4 the exception of the MMPI and the Conners I've trained
5 with the inventor of the test. I've evaluated over 6,000
6 sex offenders in my career. I have an outpatient practice
7 that manages anywhere from 200 to sometimes 300 sex
8 offenders in 17 counties in South Carolina. I have a
9 staff of nine clinicians helping me do that.

10 I need to let you know that I had a stroke on
11 August 13th and I was hospitalized for four days, and
12 I'm dizzy a lot and sometimes I'm a little slow. My brain
13 is working. It's just a little slow.

14 Q. Dr. Burke, thank you. Do you have any memberships in
15 any professional organizations?

16 A. I'm a clinical and research member of the Association
17 for the Treatment of Sexual Abusers. It's a national and
18 international organization of clinician that includes
19 psychologists, psychiatrists, nurses, probation agents,
20 who work with sexually aggressive men and women and
21 adolescents.

22 Q. Dr. Burke, can you briefly describe your background
23 in relation to sexually violent predator cases?

24 A. I was involved with the very first sexually violent
25 predator case ever in South Carolina in Horry county. I

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 haven't really kept count of how many I've done. 'For the
2 defense' means the defense attorneys hired me to evaluate
3 an individual for a trial such as this. I'm going to
4 safely say 15 to 20, maybe more than that. I believe this
5 is my fifth case I've done for the attorney general's
6 office for the state of South Carolina. As mentioned in
7 the introduction, I was asked to testify in front of the
8 state senate so they could revamp the sexually violent
9 predator law. I was also asked to be on the Child
10 Victim's Act, which I would encourage you to look that up
11 at some point. It's a great thing, it's just not.

12 MS. ZMROCZEK: Objection, Your Honor.

13 MR. MORROW: Your Honor, I don't believe Dr. Burke is
14 suggesting they look it up now during the trial.

15 THE COURT: Sustained. Move along. Ask another
16 question.

17 BY MR. MORROW

18 Q. Doctor, have you previously been recognized as and
19 testified as an expert witness in the assessment of sex
20 offenders?

21 A. Yes, sir.

22 Q. How many times in the state of South Carolina?

23 A. I --

24 Q. Approximately.

25 A. I don't know, between 500 and a thousand times if you

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 count family court, criminal court, since 1981.

2 MR. MORROW: At this time Your Honor, I move that
3 Dr. Burke be recognized as an expert in the field of the
4 assessment and evaluation of sex offenders pursuant to the
5 Sexually Violent Predator Act.

6 THE COURT: Okay. State that again? Assessment and
7 what?

8 MR. MORROW: Assessment and evaluation of sex
9 offenders pursuant to the Sexually Violent Predator Act.

10 THE COURT: Ms. Zmroczek, any objection?

11 MS. ZMROCZEK: Your Honor, as long as it's limited to
12 the assessment and evaluation of sex offenders pursuant to
13 the Sexually Violent Predator Act, which I'm not quite
14 sure is an expertise, if he -- but I'll just cross-examine
15 -- I'll save my questions for cross-examination.

16 THE COURT: So no objection?

17 MS. ZMROCZEK: No objection.

18 THE COURT: Mr. -- Dr. Burke will be admitted as an
19 expert witness without objection in the field of
20 assessment and evaluation of sex offenders pursuant to the
21 Sexually Violent Predator Act.

22 BY MR. MORROW:

23 Q Dr. Burke, how did you become involved in the case?

24 A. My boss at the medical university, Dr. Dwyer, came to
25 me and said he was overloaded with cases and asked me to

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 take on some of his PT cases for him.

2 Q. Doctor, what kind of evaluation did you conduct in
3 the case?

4 A. It's a risk assessment that follows the standards of
5 care that are established by ATSA. That's the association
6 for treatment of sexual abusers.

7 Q. And Dr. Burke, can you describe for the jury your
8 protocol conducting an evaluation in this type of cases?

9 A. Sure. As required by the standards of care, we have
10 to review documents. I have to interview the client, as
11 it were. We're tasked with utilizing what's known as
12 actuarial instruments, which are from the insurance
13 industry. So if you, for example, if you don't exercise
14 and you smoke and you eat red meat all the time and eat
15 fatty foods, you're probably not going to live as long as
16 someone who takes care of themselves, eats vegetables,
17 sleep, things like that. So there are specific risk
18 factors that predict who is going to live longer. It's
19 similar in sex offender assessment. There are certain
20 risk factors that predict whether some -- someone's likely
21 to reoffend within a percentage of that group. Some of
22 those factors are what we call static, which they don't
23 really change, and some are more fluid. For instance, if
24 you lose a loved one and you become severely depressed,
25 that's a fluid risk factor that would affect your level of

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 risk. So those are actuarial scales.

2 We do use some standard psychological testing that
3 you could get anywhere else, you know, another clinic that
4 doesn't specialize in sexual disorders. And the reason we
5 do that is to look for any type of mental disorder,
6 because sometimes if someone has specific psychiatric
7 diagnoses, it may be a causal factor for their behavior.
8 In addition, there are what we call personality disorders,
9 and the one we look for most often is antisocial
10 personality, and that's the type of individual who doesn't
11 learn from past mistakes and gets involved -- gets
12 rearrested, things like that.

13 And then we do objective testing. Objective testing
14 means it's not my opinion, it's not the client's opinions,
15 it's data that's collected in a manner -- from different
16 instrumentation that we utilize. The main one that I
17 depend on is the penile plethysmograph. It is the only
18 instrument that is FDA approved, Food and Drug
19 Administration, for measuring sexual arousal.

20 For that particular test, the individual's in a room
21 by themselves. We never see them disrobe or we never
22 touch them or anything, but we give them instructions,
23 video instructions on how to place a gauge on the penis,
24 and then they look at 27 different, three-minute vignettes
25 of sexual behavior. Some sexual behavior is appropriate,

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1 like, for instance, one is a married couple, a man and a
2 woman having consensual sex. Two men having consensual
3 sex in a relationship would be considered normal. And
4 beyond that, we have everything else from age groups with
5 infants, preschool, grammar school, adolescent and adult,
6 male and female, and that's further divided by persuasive
7 stories, meaning they've talked to person into sexual
8 behavior and coercive stories, which are just forcible
9 rape.

10 So they're subjected to that and we measure their
11 blood flow to their penis. And as I stated, it's the only
12 FDA-approved instrument to detect sexual arousal. So it
13 doesn't matter what a person says, if they say I'm not
14 aroused to kids, if they get aroused in the laboratories,
15 you have to be -- you know -- you have to confront the
16 person about that. And then there's some other tests that
17 we use that we look at latency or how long a person looks
18 at different kinds of pictures -- or different age
19 categories, men, women, children in bathing suits that
20 correlates to sexual arousal, but it's really sexual
21 interest, which is different.

22 Q. Dr. Burke, did you create this protocol that you
23 followed, or where did it come from?

24 A. It came from ATSA, the Association for the Treatment
25 of Sexual Abusers. And the first standards of care were,

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1 you know, late 1980s. It's been revised as recently as
2 last year. So it's from that organization.

3 Q. Thank you. Dr. Burke, as part of your evaluation,
4 did you meet with and interview Mr. Oxendine?

5 A. Yes, sir.

6 Q. How long did you interview him for?

7 A. Two hours and 40 minutes.

8 Q. Is the man that you met with in the courtroom today?

9 A. Yes, sir.

10 Q. Can you point him out for the jury?

11 A. Orange jumpsuit.

12 MR. MORROW: Your Honor, may the record reflect that
13 Dr. Burke identified Mr. Oxendine?

14 THE COURT: So noted.

15 BY MR. MORROW:

16 Q Did you explain the purpose of your evaluation of
17 Mr. Oxendine?

18 A. Did I explain it to him? Is that your question?

19 Q. Yes.

20 A. I did, and so did two of the people in the office,
21 people who help administer the testing.

22 Q. Did he consent to the evaluation?

23 A. Yes, sir.

24 Q. Dr. Burke, in addition to meeting with and
25 interviewing Mr. Oxendine, what information did you

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 receive to aid you in conducting your evaluation?

2 A. I received what's commonly called a rap sheet. I
3 received -- let's see. Statements from the victims,
4 report to the sheriff's department's, police. Dr. Gehle's
5 report from the Department of Mental Health. That's off
6 the top of my head.

7 Q. How did you obtain that information?

8 A. Well, I just, you know, showed up at the office and
9 it was in the chart already. I imagine the AG's office
10 sent it.

11 Q. Is that the type of information that is typically and
12 reasonably relied upon by other experts in your field?

13 A. Yes, sir.

14 Q. Did you consider and rely upon that information you
15 listed for the jury a moment ago in conducting your
16 interview and in rendering your opinion on -- in this
17 matter?

18 A. Yes, sir.

19 Q. And can you explain to the jury how an individual's
20 past sexual offense behavior relates to his future sexual
21 offense behavior?

22 A. Well, it's long been established in research that
23 past behavior is a primary predictor of future behavior.
24 For example, no one in the jury has been charged with --

25 MS. ZMROCZEK: Objection, Your Honor.

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1 THE COURT: Could you take our jury in the jury room,
2 please, sir? Mr. Bailiff, could you take the jury in the
3 jury room?

4 (The jury left open court.)

5 MS. ZMROCZEK: Sorry --

6 THE COURT: Ms. Zmroczek, state your objection.

7 MS. ZMROCZEK: Your Honor, my objection is it's
8 improper commentary on the jury. The reason I didn't let
9 the statement get finished is because I've heard it
10 before, but the statement was going to be no one on the
11 jury has been charged with a sexual offense or an offense,
12 and Your Honor, it's improper to bring the jury into --
13 it's their job to just listen to the facts, and I think to
14 bring them into considering themselves in this position.

15 THE COURT: All right. I'll sustain the objection.
16 You can rephrase the question where he does not refer to
17 jury members or the jury in his answer. I think you can
18 answer the question without a jury reference. So I will
19 sustain the objection.

20 MS. ZMROCZEK: Thank you, Judge.

21 THE COURT: Okay. If we could get the jury back.
22 You understand my ruling?

23 MR. MORROW: Yes, Your Honor.

24 (The jury entered the courtroom.)

25 BY MR. MORROW:

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 Q Dr. Burke, could you give a different example of how
2 an individual's past sexual behavior relates to his future
3 sexual offense behavior?

4 A. Sure. If you take a group of individuals who have
5 never been accused of -- charged, convicted of a sex
6 crime, and compare that group to another group of
7 individuals who's been charged with one or two, and
8 compare that group with -- have a third group of someone
9 who has been charged three or four times, statistically
10 what you find is the person who that has a predisposition
11 to that behavior will also certainly have the highest
12 number of victims, the highest number of charges and
13 retrospectively looking back, their previous behavior is
14 certainly an indicator of future behavior.

15 Q. And Dr. Burke, based on your interview with
16 Mr. Oxendine and your review of his file, at the time of
17 your interview with him, had he been convicted of a
18 sexually violent offense?

19 A. Yes, sir.

20 Q. I'm going to show you, Dr. Burke, what's been
21 premarked for identifications purposes only as state's
22 exhibit 1.

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

24 THE COURT: Yes, sir.

25 BY MR. MORROW:

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1 Q Take a moment to review that document. Have you seen
2 that document before?

3 A. Yes, sir.

4 Q. What is it?

5 A. Well, there's a face sheet for a charge of lewd act
6 on a child. And an affidavit with lewd act upon a minor,
7 a description of the offense. Yeah, I mean, that's it.
8 Lewd act upon a minor, a face sheet, and an affidavit.

9 Q. Is there anything --

10 A. Description of the offense.

11 Q. Is there anything on that document that indicates its
12 authenticity?

13 A. It's got a sealed, stamped, certified true copy from
14 the Clerk of the Court, York County.

15 MS. ZMROCZEK: Your Honor, these are all without
16 objection. I mean, we waive any foundation issues.

17 THE COURT: Okay so state's exhibit 1 will be
18 admitted without objection.

19 (State's Exhibit 1 was admitted.)

20 MR. MORROW: Thank you.

21 BY MR. MORROW:

22 Q So Dr. Burke, what is -- could you please describe
23 what that conviction was for and the underlying facts of
24 that conviction?

25 A. It involved a lewd act upon a minor, 11 -- of 11

WILLIAM BURKE, PhD - DIRECT EXAMINATION BY MR. MORROW

1 years of age by touching and fondling her vaginal area
2 with his hand. This occurred in a swimming pool.

3 Q. And what sentence did he receive for his conviction?

4 A. Convict of lewd act, sentenced to ten years of
5 prison, suspended to three years of incarceration and
6 three years of probation.

7 Q. Dr. Burke, based on your interview with Mr. Oxendine
8 and review of his file, at the time of your interview with
9 him, had he been convicted of any other sexually violent
10 offenses?

11 A. Yes, sir.

12 Q. And what were those? I'm sorry, first --

13 MR. MORROW: Your Honor, may I approach the witness?

14 MS. ZMROCZEK: Those are without objection as well.

15 THE COURT: Just let me know what exhibit you're
16 talking about.

17 MR. MORROW: Your Honor, I'm showing Dr. Burke
18 state's exhibit's 2 -- what's -- through 6.

19 THE COURT: Any objection to those.

20 MS. ZMROCZEK: Without objection.

21 THE COURT: So state's exhibit 2 through 6 will be
22 admitted without objection.

23 (State's 2 through 6 were admitted.)

24 A. These are similar to the first document you showed
25 me, that they're all stamped and certified by the York

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1 County Clerk of the Court. We have sexual conduct with a
2 minor in the second degree, which involved Mr. Oxendine
3 performing -- well, had a child perform fellatio on him a
4 number of times who was 14 years of age at the time.
5 Absolutely -- I'm sorry, criminal sexual conduct with a
6 minor second degree. Then we have criminal sexual conduct
7 with a minor second degree again. Vaginal intercourse
8 numerous times over a year with a girl who is 14 years of
9 age at the time. Criminal sexual conduct with a minor
10 second degree, engaging in cunnilingus or performed oral
11 sex on her. She was 14. It's the same victim. There's
12 three. Then we have criminal sexual conduct with a minor
13 second degree, same victim who was around 12 years of age
14 at the time. Sexual intercourse with her at that time.

15 So I think in total we have one, two, three -- six
16 different convictions for sexual crimes against children,
17 female.

18 BY MR. MORROW:

19 Q State's exhibits 2 through 6, what year was he
20 convicted of those offenses?

21 A. I'm sorry, say again?

22 Q. What year did those offenses, what year was he
23 convicted of those offenses?

24 A. 2005 -- 2005, the ones you handed me are 2005.

25 Q. And what sentence did he receive on those exhibits 2

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1 through 6?

2 A. Convicted of three counts sexual conduct with a
3 minor, age 11 to 14. Second degree two counts of criminal
4 sexual conduct with a minor under the age of 16, second
5 degree. Sentenced to concurrent terms of ten years of
6 incarceration.

7 Q. And Dr. Burke, in reviewing the legal documents in
8 this case, did you see Mr. Oxendine had been charged with
9 a sexually violent offense but not convicted?

10 A. Yes, sir. If you're referring to -- are you
11 referring to the charge that was nolle prosequi?

12 Q. Dr. Burke, I'm referring to -- I'm sorry. I'm
13 referring to a charge that was plea deal when he pled to
14 a -- a assault and battery of a high and aggravated
15 nature. Do you know anything about that charge?

16 A. Yes, that's the same charge.

17 Q. Okay. Did you consider that charge in rendering your
18 opinion?

19 A. Yes. Part of the protocol is charges count in the
20 score in one of the actuarial scales, and you're also
21 given an extra 20 -- your level of risk is increased if
22 you've got what we call non -- nonsexual violent
23 conviction. That's assault and battery, criminal sexual
24 conduct -- I'm sorry, criminal domestic violence, assault
25 and battery of a high and aggravated nature. You have one

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1 of those charges that's not associated with the most
2 recent charge, again predicts -- increases your level of
3 risk.

4 Q. And Dr. Burke, can you describe the underlying facts
5 of that conviction for assault and battery of a high and
6 aggravated nature?

7 A. What year was that? Oh, here it is. He was
8 initially charged with lewd act upon a minor and there's
9 an agreement that would be nolle prossed, which is a legal
10 term for not going to prosecute it per accepting his plea
11 to a related charges which was assault and battery of a
12 high and aggravated nature. Sentenced to eight years
13 incarceration, suspended to three years with probation.
14 That's not an uncommon thing that occurs that there will
15 be a specific sexual charge and they may do a plea
16 agreement for assault and battery.

17 MS. ZMROCZEK: Your Honor, I'm going to object to
18 that. I think we're going outside the sex assessment and
19 into some legal conclusions that may or may not -- I don't
20 know he has the basis to state that.

21 THE COURT: Lay some foundation for that question,
22 Mr. Morrow.

23 BY MR. MORROW:

24 Q Dr. Burke, is it necessary for experts such as
25 yourself who conduct sexual offense evaluations to review

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1 legal documents?

2 A. Yes, sir.

3 Q. Is it necessary when conducting sexual offense
4 assessment to understand the legal documents that you're
5 reviewing?

6 A. Yes, sir.

7 Q. As part of your evaluation, do you review those legal
8 documents, understand them, and try to -- in trying to
9 base your assessment on those legal documents?

10 A. Yes, sir.

11 Q. In this evaluation on Mr. Oxendine's case, did you
12 review the assault and battery of a high and aggravated
13 nature charge?

14 A. Yes, sir.

15 Q. In relation to this case?

16 A. Yes, sir.

17 Q. Did you consider that as part of your evaluation?

18 A. Yes, sir. As is required by the standards of care.

19 Q. Dr. Burke, how old was the victim in the assault and
20 battery of a high and aggravated nature case?

21 A. She was six years old. Six years old at the time of
22 the offense, 13 at the time she reported it.

23 Q. Dr. Burke, were there any assessments performed as
24 part of your evaluation of Mr. Oxendine?

25 A. Were there any assessments?

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1 Q. Did you perform assessments as far as your evaluation
2 of Mr. Oxendine?

3 A. Well, I mean, the interview is part of the
4 assessment, the specific tests as I stated earlier.

5 Q. And the specific tests that you performed, could you
6 give the jury an idea of the specific tests that you
7 performed?

8 A. Sure. One is the Conners Continuous Performance
9 Test. It's a computer based tested, and what we're
10 looking for is two things, if the individual may have a
11 diagnosis of attention deficit hyperactivity disorder and
12 there may be impulsive -- and it's also a preliminary
13 screening for brain damage. Brain damage has been found
14 to be a risk factor for sexual behavior. In fact, some
15 sexual behavior in individuals historically never acted
16 out sexually before. They had brain damage. So in this
17 case, there was nothing to indicate that he had attention
18 deficit disorder. Or another way you could look at it is
19 the test was unable to determine if he had it. He scored
20 50, which is -- couldn't determine if he had it or not.
21 But from my perspective, he doesn't have it clinically.

22 He was also given -- I utilized the Static-99R, which
23 is an actuarial scale which goes back to what I was
24 talking about borrowing from the insurance company, that
25 kind of thing. I -- well, myself and other clinicians, I

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1 have my reservations about this particular instrument,
2 because it's changed significantly over the last 15 years.
3 I consider it a moving target. Depends on what year or
4 what month it is that you need to look at the manual
5 because things change and new research comes out
6 contradicting that, and -- but I think it's a good
7 thumbnail sketch of someone. I gave him a score of seven,
8 which ranked him in the high -- high-risk category.

9 Then we have the Stable-2000, which predicts what a
10 person will do over a year's time, where the Static-99R
11 predicted, depending on what you're using it for, five to
12 ten years into the future. If you use the old Static-99R,
13 it's 15 years into the future. I utilize the ten year
14 reoffense rate for him for the previous -- from the
15 Static-99R. So the Stable are those factors that can
16 change and predict a level of risk once the person is
17 released into the community. It is appropriate to do
18 this, this test -- in fact, you're instructed to do this
19 test by the organization that -- Canadian government that
20 sponsors the Static-99R, the Stable, and the Acute. So
21 the assumption is once they're released from prison and
22 are free in the community, then what's their risk during
23 that first year? And he came out as a moderate risk
24 there. Some of those things are -- elevated his risk are
25 child victims, sexual preference towards children, which

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1 could be argued not only from his sex offense history but
2 his penile plethysmograph laboratory responses. Then the
3 Acute is -- predicts -- you give it every 45 days. So if
4 you were released in, in the community today, it would give
5 you a level of risk for the next 45 days.

6 I also utilized the Abel Assessment for sexual
7 interest. That's 340 pictures of men, women, and children
8 that the individual looks at, and they rank whether
9 they're attracted to them or not sexually. And their
10 viewing time is tabulated and calculated and averaged
11 across categories. So how long did you look at little
12 boys, how long did you look at little girls. That
13 correlates to sexual interest and arousal. That showed
14 that -- this particular test, he just showed sexual
15 interest in adult females and not children. But an
16 important distinction is that's sexual interest, not
17 arousal.

18 Also part of the Abel Assessment is the Emerick
19 sexual victimization scales. It quantifies damage done to
20 people who have been sexually abused, and it quantifies
21 factors about how they view their own victimization,
22 because Mr. Oxendine was sexually abused when he was a boy
23 by an older female. So he didn't score anything for
24 traumatic intrusive thoughts, that's unwanted thoughts of
25 the abuse. Or trauma symptoms. He scored in the really

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1 low, 11 percent score, meaning he had no concern about
2 interpreting his own abuse and the potential to hold on to
3 enabling the views about sexual behavior. What that
4 refers to is sometimes -- and more often than not with
5 men, if they're sexually abused, particularly by a female,
6 they don't view it historically as abuse. They don't
7 categorize it as abuse.

8 He did indicate he had a high level of concern about
9 variables aggravating his trauma symptoms, which is sort
10 of counter to what he just scored on the previous two.
11 He's saying he really doesn't have any problems now, but
12 80th percentile involving from these problems.

13 Another thing is a mental status exam, and that's
14 simply do you know the date, do you know who the president
15 is, do you know why you're here, location? It's important
16 to document and understand that somebody is sort of with
17 it when you're interviewing them. Then a more structured
18 test if that is the mini-mental state evaluation. You're
19 given a task to remember three words immediately and then
20 ten or 15 minutes later, you're subtracting from 100 by
21 sevens, and if you can't do that, 100 by threes. You're
22 given specific instructions on how to fold some paper and
23 put it on the floor. Just to demonstrate you can follow
24 instructions, understand instructions, and that your
25 working memory, your consciousness, that you're involved

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1 in the conversation and understand what's going on. A
2 perfect score is 30, he got a 26, so that indicates
3 there's no problems with his memory, potential for brain
4 damage or anything like that.

5 Next is another actuarial scale. It's called the
6 Hare Psychopathy Checklist. It's different than the
7 others in that it looks for -- to determine if a person is
8 a psychopath or not. And that's another indication of
9 severe concern for someone if they're deemed to be a
10 psychopath or just close to it on the scale. He was below
11 the cutoff score. He was in the lower third percentile so
12 he's not -- in my opinion doesn't meet the diagnostic
13 criteria for psychopath.

14 He was given the personality assessment inventory,
15 which is a standardized psychological test where you
16 respond to 344 statements, whether you agree with them a
17 little bit, agree with them a lot, or disagree with them,
18 so on. Overall profile suggested an individual with
19 alcohol, substance abuse issues and a possible personality
20 disorder with antisocial features. Antisocial features
21 are associated with criminal thinking or viewing your own
22 needs above those of other individuals, particularly your
23 victims.

24 Then you have the penile plethysmograph, which is
25 when they put the gauge on the penis, which I talked about

1 earlier. He was given two different stimulus sets. The
2 one from Canada is just a monotone male voice describing
3 sexual behavior and no pictures. He didn't respond at all
4 to anything. And again, there are categories, there are
5 consensual sex between adult men and women, adult men.
6 And then there's categories as I mentioned earlier,
7 interactions with children. The second stimulus
8 presentation utilizes pictures, and it utilizes
9 children's -- real children's voices, so when they hear
10 the scenario, they hear a child's voice or an
11 adolescent -- each congruent voice.

12 Now, part of that stimulus set begins with giving you
13 pictures of very attractive naked females and then very
14 attractive naked males, the thought being you want to give
15 every opportunity to respond to the -- to be aroused to
16 something appropriate. From that point on, there are no
17 nude pictures, okay. There are the scenarios I spoke of
18 earlier with the children, infants, grammar school,
19 preschool, adolescent, adult. The results of that
20 particular test were that he showed -- responded
21 significantly to prepubescent and adolescent females. He
22 did not respond to any adult scenario at all. So again,
23 that's an objective measure. That's not what he says,
24 it's not what I think, it's how his body responded to that
25 stimulus.

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1 And the one he responded to for grammar school it's
2 very clearly -- it's a ten-year-old girl. She's fully
3 clothed. She has a dress on and she's holding books. And
4 in the scenario, she's asking her next-door neighbor for
5 help with her biology homework, and he turns it into an
6 opportunity to molest her and does so. So he responded
7 significantly to that. He also responded significantly to
8 adolescent females.

9 Now, it's within normality for adult men who are
10 heterosexual would respond to an adolescent female,
11 adolescent defined as 15- to 17-year-old female who has
12 secondary sexual characteristics such as breast
13 development, curvature of the body. I always go back to
14 the Brittany Spears Super Bowl commercial with Bob Dole
15 about 10 or 15 years ago. She was shaking her hips and
16 had -- was scantily clad and there was a sexual innuendo
17 about Bob Dole, talking about down boy, talking to his
18 dog. Well, she was 16 when she recorded that. So the
19 point being, it's normal to be aroused to that. What's
20 normal -- abnormal is the scenario involves getting the
21 girl drunk and then taking her out in the woods and having
22 sex with her on a car. So it's a deviant -- it's a
23 deviant act.

24 Q. So Dr. Burke, was information you gathered as part of
25 these assessments part of the basis of your opinion?

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1 A. Yes, sir.

2 Q. Okay. And Dr. Burke, what are risk factors?

3 A. Risk factors are things that have shown through
4 research to some degree predict whether somebody is going
5 to get in trouble for their sexual behavior in the future.
6 It's akin to -- a risk factor for someone who is an
7 alcoholic whether they're in treatment or not, whether
8 they're actively drinking or not, whether they're a
9 bartender at a bar and they're an alcoholic. That sort of
10 risk factors, for example.

11 Q. Dr. Burke, does Mr. Oxendine have any risk factors?

12 A. Yes, sir.

13 Q. And are those risk factors significant in regard to
14 your opinion?

15 A. Yes, sir.

16 Q. And why are those risk factors significant?

17 A. Well, again, standards of care dictate that you
18 address the risk factors. I diagnosed him with pedophilic
19 disorder, and that's kind of a recent change to the
20 diagnosis. It used to just be pedophilia. Now as of two
21 years ago, the DSM-V changed the diagnostic criteria. You
22 have to have pedophilia in order to have pedophilic
23 disorder, meaning you have to have chronic sexual arousal
24 to children in order to have the diagnosis of pedophilia
25 and the diagnosis of pedophilic disorder means you acted

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1 on it. So you can have pedophilia and be attracted to
2 children and have never acted on it, so that's the
3 distinction that's changed. So I gave him that diagnosis
4 and so did Dr. Gehle.

5 Another risk factor is sexual arousal to children in
6 the laboratory. Karl Hansen, one of the coauthors of the
7 Static-99 actuarial system that some clinicians hang a lot
8 more weight on than others, published and said that's the
9 single greatest predictor of recidivism for child
10 molestation. If you have a positive arousal response to
11 children in the lab, that is the -- one bit of data that
12 is most important. That's it. Four years later another
13 French Canadian -- I can't pronounce his name -- did
14 another metaanalysis and found the same thing, all though
15 his correlation coefficient was a little bit lower.

16 Now, what am I talking about with that? Well, Karl
17 Hansen said that the correlation was 0.3. The highest you
18 can have is 1.0 on correlation. You may think that .3 is
19 not a big deal. Smoking is defined by the CDC -- the
20 metaanalytic studies of smoking give smoking a correlation
21 of zero -- I'm sorry -- .05 to getting lung cancer. .05
22 to getting lung cancer. Hansen said about penile
23 plethysmograph and child molestation is .3. It's
24 substantially greater than 0.5 (sic).

25 Q. Doctor, going back to your Static-99 assessment of

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1 Mr. Oxendine, did you issue an addendum to your Static-99R
2 assessment after the initial report?

3 A. I did. I -- since the last time I -- well, since I
4 interviewed Mr. Oxendine, Mr. Oxendine had a birthday.
5 And according to the protocol, when a person reached 60
6 years of age, you subtract three points from their over
7 all score. The thought being at the time that the older
8 you are, the less likely you are to reoffend. However,
9 there's -- there's competing research papers. There's
10 papers that are contrary to that. So nevertheless -- so,
11 yeah, I changed it and -- so that lowered his level of
12 risk according to that one particular instrument.

13 Q. The new score would be a four, correct?

14 A. Yes, sir.

15 Q. And do you think that score of four accurately
16 reflects Mr. Oxendine's risk?

17 A. I don't. I mean, I think it's higher.

18 Q. And why is that?

19 A. He's had -- he went to prison twice --

20 MS. ZMROCZEK: Your Honor --

21 A. -- for previous sex crimes.

22 BY MR. MORROW:

23 Q Okay.

24 A. And then reoffended again. So that demonstrates to
25 me he can't -- he didn't learn from his previous

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1 incarceration. I think that's a factor that increases --
2 to me, that's one of the -- probably the biggest factor is
3 that he hasn't learned from prior experience of being
4 arrested for sex crimes and convicted of them.

5 Q. Dr. Burke, you mentioned that you diagnosed Mr.
6 Oxendine with pedophilic disorder?

7 A. (The witness nods his/her head.)

8 Q. All right. Is pedophilic disorder considered a
9 relevant -- or mental health abnormality, one an expert
10 such as yourself can conduct mental health evaluations on
11 sexually violent predators?

12 A. It is. When they rewrote -- when they wrote the law
13 and rewrote it, they said pedophilia. So pedophilic
14 disorder didn't exist. But he's got pedophilia also. But
15 I think -- I mean, I think one would have to agree
16 pedophilic disorder certainly meets that criteria for the
17 statute.

18 Q. What are the characteristics of pedophilic disorder?

19 A. It is a chronic condition that one does not recover
20 from -- is not cured of. If you think of diabetes, if you
21 manage it, if you exercise, take your insulin, that kind
22 of thing, you can manage it, but you've always got
23 diabetes. With pedophilic disorder, you've always got
24 pedophilic disorder. So therefore it's -- he had it
25 before he was in prison and he's going to have it if and

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1 when he's released from prison. So it's -- he's also
2 demonstrated in the laboratory which is part of the
3 diagnostic criteria of the DSM V, utilize the laboratory
4 results to help diagnose this. As I stated earlier, he
5 didn't get aroused to adults at all. He just got aroused
6 to grammar school female and adolescent female.

7 So what you're looking at it is individual who has a
8 long history of sexually abusing children. He's got these
9 same issues. Hasn't had the benefit of adequate treatment
10 while he's been in prison. He did complete what's called
11 C-Star, which is is really not a sex offender treatment
12 program. It's more of a sexual hygiene course. Doesn't
13 meet any standard of care for treating sex offenders. I,
14 can tell you that. So that's the basis.

15 Q. Did you find -- do you have an opinion whether
16 Mr. Oxendine has the propensity to commit future sex --
17 acts of sexual violence based on his pedophilic disorder?

18 A. I do. I think in terms of how the law is written,
19 from my professional opinion, does a person have a greater
20 than 50 percent chance of committing another crime upon
21 release? Now, 'upon release' means months, five years,
22 ten years, whenever they're released into the community.
23 And in my professional opinion, he has a greater than
24 50 percent chance to commit another sex crime.

25 Q. Dr. Burke, do you believe -- is it your opinion -- do

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1 you have an opinion as to whether Mr. Oxendine's
2 pedophilic disorder causes him serious difficulty in
3 controlling his behavior?

4 A. I believe so, as demonstrated by his past behavior.

5 Q. Did you find evidence that Mr. Oxendine has
6 difficulty controlling his sexual behavior?

7 A. Again, as evidenced by his past behavior and being
8 sanctioned for sexual -- sexual crimes and continuing to
9 offend.

10 Q. Dr. Burke, do you have an opinion whether
11 Mr. Oxendine's pedophilic disorder makes him likely to
12 engage in acts of sexual violence if he's not confined to
13 a secure facility for long-term care -- control, care, and
14 treatment?

15 A. I do. There's currently no other mechanism. I
16 don't -- I believe he maxed out his sentence, so he -- if
17 released into the community, would not be required to, you
18 know, probation or parole or subject to treatment or
19 polygraph follow-ups or making sure he was safe in the
20 community. Things of that nature are not available or are
21 not required so therefore he's just released into the
22 community on his own. The only thing you would have to do
23 is register for the sex offender registry four times a
24 year.

25 Q. Dr. Burke do you have an opinion as to whether Mr.

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1 Oxendine meets the legal criteria to be found a sexually
2 violent predator at this time?

3 A. Yes, I do. I believe he does.

4 Q. Are all of these opinions based on a reasonable
5 degree of professional certainty?

6 A. Yes, sir.

7 Q. Thank you, Dr. Burke. Answer any questions that
8 Ms. Zmroczek or the Court may have for you at this time.

9 MS. ZMROCZEK: Thank you.

10 CROSS-EXAMINATION

11 BY MS. ZMROCZEK

12 Q Good morning, Dr. Burke.

13 A. Good morning.

14 Q. You've been called a witch doctor, correct?

15 A. Yes, ma'am.

16 Q. By judges in this state?

17 A. What happened in Colleton county, I assessed a 29
18 year old African-American male, who climbed into the
19 window of a 12 year old African-American female's room,
20 had intercourse with her, and was caught by the girl's
21 dad. He fled. He was charged with criminal sexual
22 conduct in the second degree and he pled to assault and
23 battery, and was placed on the sex offender registry. He
24 was then sent to me for evaluation and treatment. One of
25 the things I did is what we've done -- what we've talked

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1 about in this case. I put him in a laboratory, and he was
2 attracted to the rape of young girls, and he refused to
3 participate in treatment. So I kicked him out.

4 So I went before the judge, and the judge said when
5 he heard that this 29-year-old African-American male had
6 crawled in the window of a 12-year-old African-American
7 female's bedroom and had sex with her, he said, and I
8 quote, "I don't see a crime here. That's what those
9 people do." And then he looked at me and he said, "And
10 you're no better than a witch doctor, Dr. Burke". And he
11 goes, "You know what" -- now I'm paraphrasing. What I just
12 said before is a quote.

13 MS. ZMROCZEK: I'm going to object to hearsay.

14 THE COURT: I'm going to overrule. You asked the
15 question.

16 MS. ZMROCZEK: Okay. Just the paraphrasing, Your
17 Honor.

18 A. Well, the paraphrase that I'm referring to is that he
19 decided to unilaterally remove him from the sex offender
20 registry. He said, "I don't think this is a crime. He
21 doesn't deserve to be on the registry." And he ordered
22 him to be taken off the registry, okay.

23 I had to testify in another county that afternoon.
24 When I got there, as providence would have it, the local
25 leader of the NAACP, an attorney I know was there, and I

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1 told her what happened. And she got right on the case.
2 And then it was -- the judge retracted his comments and
3 then -- I don't know who oversees judges, or whoever that
4 entity is informed the judge that he didn't have the power
5 to take this individual off the sex offender registry. So
6 yes, ladies and gentlemen, I was called a witch doctor by
7 that judge.

8 Q You said that you do careful evaluation, careful
9 evaluation -- and do you have the exhibits? Are they up
10 here? Thank you. You do careful evaluations in
11 determining prior offenses, correct?

12 A. Yes, ma'am.

13 Q. You said that he had -- he, Mr. Oxendine, had been
14 sentenced twice to -- for sexual offenses and then
15 reoffended, but that's not correct. He has not been
16 sentenced twice and then reoffended.

17 A. Well, let's see.

18 Q. He had -- talking about sexual convictions. He has
19 one in '90 --

20 A. 1994.

21 Q. 1994, and one in 2000.

22 A. He doesn't have any in 2005?

23 Q. In 2005, excuse me.

24 A. He's got one in 2000.

25 Q. And the 2000 was the ABHAN?

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1 A. It was a lewd act upon a minor that was nolle prosequi
2 and he pled to assault and battery high and aggravated
3 nature. It was sexual in nature.

4 Q. It was sexual in nature?

5 A. Right.

6 Q. And what are the elements of ABHAN?

7 A. What are the elements? I'm not an attorney, so
8 forgive -- I don't know the legalese, but to beat
9 somebody up. But I think -- what I believe you need to
10 understand is that what happens on a daily basis in the
11 United States is deals are cut to avoid things occurring.
12 What I mean by that is, sometimes it's better to say, All
13 right, I'll give you assault and battery -- I don't know
14 how many years that gives you, which I'm sure is a lot
15 less usually than criminal sexual conduct with a minor in
16 the first degree or second degree. But instead of putting
17 this poor victim on the stand and having her testify and
18 go through the trauma of that, the solicitor will accept a
19 lower plea. And see, here is another component that the
20 public isn't really aware of, because you're -- you think
21 you're safer because you know who is on the sex offender
22 registry. But what you don't know is there's probably
23 more people that should be on the registry but aren't
24 because they pled to ABHAN. Or I've seen the rape of a
25 12-year-old girl in Charleston county, the guy get PTI,

1 pretrial intervention. He had 90 days of counseling, no
2 sex offender registry. Okay. That's the best they could
3 work out.

4 So I think you're trying to confuse the issue for
5 these folks that he didn't go to prison for a sex crime.
6 The assault and battery was a sex crime. If you look up
7 in the Static-99R that you're so fond of, you know --
8 we've been in other trials together. It's in that manual,
9 you know, it's clearly a sex crime, considered a sex
10 crime.

11 Q. And Dr. Burke, sometimes deals are cut because they
12 can't prove what happened in the case. Isn't that true?

13 A. Yep, that's true.

14 Q. You don't know what happened in this case. You
15 didn't speak to the solicitor, did you?

16 A. No. Neither did you.

17 Q. Did you speak to the solicitor in the case?

18 A. No.

19 Q. You don't know what I've done to prepare for this
20 case, do you?

21 A. I've got a good idea. I've worked with you before.

22 Q. You don't know what I've done to prepare for this
23 case, do you?

24 A. I've got a good idea.

25 Q. Let's go back to your training. You've trained with

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1 Dr. Abel?

2 A. Yes.

3 Q. And his methods have been called into question,
4 correct?

5 A. His methods?

6 Q. His results have been called into question?

7 A. His results. Are you talking about the Abel
8 Assessment?

9 Q. Yes.

10 A. Okay. Yes, they have.

11 Q. You listed that you have a couple of jobs. You also
12 have an additional job that you're the developer of the
13 Limestone Sex Offender Certification Program, right?

14 A. Yes.

15 Q. So you make money by going out and teaching people
16 how to run these PPG tests, correct?

17 A. I make money by going out and teaching people -- how
18 I make money, which is \$900 for three -- them to be
19 trained by me over a three-day period. It's a pretty big
20 deal. I, along with Libby -- Dr. Dwyer, forensic
21 psychiatrist and prior to Dr. Dwyer, Renee Sartino, a
22 forensic psychiatrist in Boston, we developed the protocol
23 to teach people -- not people, to teach clinicians who are
24 qualified to administer and interpret the plethysmograph
25 system. You have to have at least a master's degree in a

1 behavioral science, be licensed in your state. So it's
2 not like, you know, Carowinds I've got people coming in
3 all day long doing this. I train -- I don't know, five to
4 eight people a year. There's only 220 of us really on the
5 planet that do this. Not many.

6 Q. You're certified to administer and interpret the
7 Monarch PPG?

8 A. Right.

9 Q. And then you're also the codeveloper of the real
10 child voice stimulus set?

11 A. Right. That's correct.

12 Q. And it's the only PPG stimulus set in the world that
13 utilizes real child voices?

14 A. Yes, ma'am.

15 Q. Are those -- is that what Monarch -- is that what
16 Monarch states you should use?

17 A. No.

18 Q. But that's --

19 A. Peter at Monarch called me. I used to have a deal
20 with Monarch. But you know that. So Peter, the lawyer,
21 called me and wanted to work out a deal to use my stimulus
22 set. And I told Peter, it's okay with me, but you have to
23 talk to Limestone. Limestone deemed it proprietary, so
24 Mr. Brown at Limestone turned him down.

25 Q. Because they wanted money, lots of it?

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1 A. Money, lots of it? Okay. I spent about \$34,000 out
2 of my pocket to develop this. Okay? We used Nelly Lewis
3 the talent agency, got kids, got their parents, got
4 professional studio to do all the work for us. I get \$137
5 every time that stimulus set is purchased, okay. If every
6 laboratory on the planet bought it, I'd still be about ten
7 grand under water. Okay? It's not about the money. It's
8 about safety, protecting children.

9 Q. You read -- you wrote a report, correct?

10 A. Yes, ma'am.

11 Q. And you listed all of the different items that you
12 used to make this determination?

13 A. Yes, ma'am.

14 Q. And I want to make sure, it's your professional
15 opinion that he has a greater than 50 percent chance?

16 A. Correct.

17 Q. And that's all you can say? 50 percent -- greater
18 than 50 percent chance?

19 A. That's all I can say?

20 Q. With regard to the chance?

21 A. I've been saying a lot for the last hour and a half.

22 Q. Let me be a little more specific. With regard to the
23 statement that you said, that he has a greater than
24 50 percent chance of reoffending?

25 A. Well, I've been told time and time again by judges is

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1 that's the criteria for this law. I think -- is it my
2 opinion that a person has a greater than 50 percent chance
3 to commit a sex crime in the future. That's what I've
4 been told. I'll be happy to get direction from Your Honor
5 if we need that.

6 Q. When you -- the judge will give the jury the law, so
7 we'll leave him to that.

8 When you did your report, you went through and
9 identified the victims in this case, correct?

10 A. I identified them by --

11 Q. Relationship status?

12 A. And -- yeah, their -- I didn't give their name. I
13 just gave Bonnie Taylor, BBT. It is what was in the...

14 Q. My point is this. When you go through and reviewed
15 it, you said is he related, does he know them, or are they
16 strangers?

17 A. Right.

18 Q. And he wasn't related to them?

19 A. Correct.

20 Q. But they weren't strangers. He knew them?

21 A. He did not know one of them the day he met her and
22 raped her.

23 Q. And what number was that?

24 A. What number? Are we talking about what number of
25 Static-99R question, or what rape number?

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1 Q. Which conviction?

2 A. Here it is. It is -- I believe your point is I
3 scored him as having a non -- stranger victim. The
4 definition for a stranger victim is did you know them more
5 than 24 hours when the offense occurred. Well, according
6 to the police report from the victim, who was 15 at the
7 time, "When I first met him, I was only 15 years old. At
8 that time, I went fishing with some friends along a bridge
9 in Fort Mill. He was there, 23 years old then, and I was
10 15 years old. That day, I remember him being drunk,
11 pushy, and arrogant, and he demanded sex, and I told him
12 no. That day, my best friend, Terry, left me and walked
13 off with another guy. I tried to follow her, but Tim
14 pushed me to the ground, ripped off my clothes. I told
15 him to stop, but he made me take the rest of my clothes
16 off. He was violent and raped me on the ground and called
17 me a dyke."

18 So in my professional opinion, he didn't know her 24
19 hours before he raped her, therefore he scored it that
20 way.

21 Q. 23, 15. She was 23; she was 15, right? Is that what
22 you wrote?

23 A. You're changing directions? What am I answering?

24 Q. I'm simply asking a question. He was 23?

25 A. Apparently so.

1 Q. She was 15?

2 A. Apparently so.

3 Q. And he was not convicted of -- not even charged with
4 criminal sexual conduct in the first degree?

5 A. He was not? Well, it doesn't matter. You can --
6 it's a victim question, and you don't need -- if you look
7 at the manual on how you properly score this, you don't
8 need a charge. You just need reasonable information that
9 a crime occurred. So that's a victim question. So it
10 qualifies to be scored.

11 Q. You said that you disagree with the Static-99R being
12 a tool that people should use?

13 A. I don't disagree with it being used. I use it. I
14 disagree with it being the center point in -- anchor to an
15 evaluation. I think it's too flawed.

16 Q. But in fact, the psychological community says that
17 that's the most accurate predictor?

18 A. No, it's not what the psychological community says.
19 You want me to quote you? You want me to give you some
20 references?

21 Q. If you feel like you need to explain your answer,
22 then yes.

23 A. I'm sorry, what?

24 Q. If you feel like you need to explain your answer with
25 those, then yes.

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1 A. Well, I mean -- I had referenced this the last time
2 we were in court together, and it was criticized for not
3 being a scholarly article. So what I did was, it lists 17
4 changes to how you score the Static-99R since the year
5 2000. And I've got another paper that would probably be
6 added to the list. So what that means is you're talking
7 about an instrument that if you go to the doctor for your
8 yearly check up, there's a good chance the criteria is
9 going to change. So whatever it is, your blood sugar, 100
10 bad this year, it's 75 next year. So that's one of the
11 main problems I have with it. And it's not very clear.
12 It has contradicting instructions in the manual. In fact,
13 they withdrew the manual last year. They put out a new
14 manual in January, and within 30 days withdrew and it said
15 it was inaccurate. So yeah, I got problems with it. Is
16 it a valid measure? I think it gives you a good thumbnail
17 sketch of someone. Particularly if you've got victims
18 against boys. I think it's really strong there. But just
19 in general, I think you need to look at it. You need to
20 consider it. I use it as I've been trained to, as a
21 baseline that I had to or subtract from. That's what
22 it...

23 Q. You would agree that the Static-99R is the most
24 widely used sex offender risk assessment instrument among
25 forensic evaluators in North America?

1 A. I would agree with that, yes.

2 Q. Talking about the PPG, there's no diagnostic criteria
3 for the picture -- there's no diagnostic criteria, there's
4 no baseline for the PPG, correct?

5 A. I don't understand the question.

6 Q. I'll ask you a different. What is the margin of
7 error in a PPG test?

8 A. Are you taking about sensitivity and specificity?

9 Q. Yes.

10 A. Okay. Sensitivity means how accurately it detects a
11 disease. So I think it was strep tests, how accurate is
12 that? Well, a strep test is about .81. Okay. What does
13 that mean? It's a little over 80 percent chance that it's
14 correct when you go to the doctor or Walgreens.

15 Specificity is false positive, okay? It's like how many
16 times does it say you have strep throat and you really
17 don't? So that's the question here. So with the
18 Limestone PPG, the sensitivity rate for the limestone is
19 .71. The doctor in Canada who is independently validating
20 the whole system, including the real child voices
21 stimulus, has got a higher response rate of .74. As far
22 as false positives with PPG, with the Limestone, we
23 believe there are no false positives. There are too many
24 safeguards to prevent that from happening. So if you put
25 zero false positives in an equation, statistical equation,

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1 it's going to give you a range of margin of error. That's
2 what is done in psychological testing, physiological
3 testing. So you probably heard of a score of a hundred is
4 average on an IQ test. What that means is for most IQ
5 tests, on any given day, you can score between 85 and 115.
6 So there's that margin. So there's a 5 percent margin for
7 sense -- I'm sorry -- specificity, but that's just the
8 statistical number. We've not had that happen. Federov
9 has had zero normals respond to children in the
10 laboratory. We've never had that occur either.

11 Q It's a perfect test.

12 A. No, it's not perfect. It is one of many data points
13 I rely on. I think it's an important data point.

14 Q. In this PPG, why was it given twice?

15 A. It always is given twice.

16 Q. How long did the first PPG test take?

17 A. Take? All right, the first one said between four...
18 Started at 8:30 in the morning. It was 69-degrees in the
19 room. And it included hour and 52 minutes for the first
20 one. And for the second one?

21 Q. Yes, please.

22 A. Okay. It started at 1:43 in the afternoon, room
23 temperature didn't change. An hour and 36 minutes.

24 Q. The replicated empirical link to PPG has never been
25 linked to recidivism, correct?

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1 A. Totally incorrect. Where are you getting that?

2 Q. From a power point written by Dr. Burns, who is the
3 developer of the PPG test which you're certified to
4 operate?

5 A. Okay. So what are we talking about please?

6 Q. I'm sorry?

7 A. Can you show me what you're talking about? I find
8 that almost impossible given Peter -- Peter gave me the
9 research from Karl Hansen about the correlations. All
10 right. Where should I be looking?

11 Q. The statement which I read to you.

12 A. Okay. Yeah, what you read was not what Peter Burns
13 said. It's what the ninth circuit court decided. I know
14 about this case. Okay. What it said was there was no
15 link and that it was a barbaric thing to do to a human
16 being. But they didn't utilize the Monarch system or --
17 and they didn't utilize the Limestone system. They
18 utilized another system. They showed them child
19 pornography. They touched them, they physically put the
20 garbage on the man's penis. They had him masturbate to a
21 full erection and measure him before they started the
22 procedure. That's not what we do. This ninth circuit
23 decision has nothing to do with what we're talking about
24 today.

25 Q. Tell the jury what you do do.

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1 A. Tell the jury what?

2 Q. Explain to them what they do, how it's -- how is it
3 different. How is the PPG different?

4 A. First of all, we don't show any child pornography.
5 Okay? Second of all, we don't ask them to masturbate.
6 Third of all, we don't touch them. I don't touch their
7 junk. I don't put the gauge on them. We show them a
8 video, and it's not rocket science. It's a rubber band
9 thingy and it stretches like 400 percent. It's about that
10 big. And if you get that big, we just say open it up and
11 slide it about halfway down. Or closer to your pubic bone
12 if you like, whatever you're comfortable with. It's not
13 rocket science. Well, we ask them not to get it all
14 twisted up. We can tell if it's twisted up because the
15 data looks all screwy. I don't know. Those are the big
16 differences. We don't touch them. We don't put it on
17 them. We don't show them child pornography. We don't
18 have them masturbate until they get a full erection and
19 then go over there and measure them so we know exactly how
20 big they are when they're erect. We don't do any of that.
21 Peter doesn't do that. And that is misleading to say that
22 Peter Burns of Monarch says there's no correlation.
23 That's not what he's saying at all. It's from an article
24 called Penile Perversity written by a lawyer, and it's
25 like comparing a VW bus, which I love, to a brand new

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1 Corvette. They're just totally different technologies,
2 and ways that you -- so...that's enough.

3 Q. You would agree that -- and I'll show you the
4 PowerPoint again -- that this is a PowerPoint put on
5 Mr. Burns?

6 A. Mr. Burns -- he may have gotten that from me. I've
7 got a PowerPoint that says almost the exact same thing.
8 But I'm not teaching people there's no correlation. I'm
9 talking about the absurdity of a California ruling,
10 ninth circuit ruling that's supposed to be applicable
11 across the universe for plethysmography. It's -- you
12 know. There are nine things in that -- there are nine
13 factors in that ruling that say you shouldn't give PPG and
14 we don't any of those, and Peter doesn't either. Monarch
15 doesn't either.

16 Q. You stated this is the fifth case you've done for the
17 attorney general's office?

18 A. Thereabouts, yes.

19 Q. How many times have you found that someone wasn't
20 qualified or wasn't -- should not be admitted to the
21 program?

22 A. For the attorney general's office?

23 Q. Correct.

24 A. None so far.

25 Q. So they all should be admitted, in your opinion, when

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1 you testified for the attorney general?

2 A. Well, I came to that opinion after evaluating them
3 and it wasn't like they said here are these five cases and
4 I said, oh, they must be -- they must -- you know, I
5 evaluated them, and that's what I think.

6 Q. So the answer was yes?

7 A. What was the question?

8 Q. The question was every time you've evaluated for the
9 attorney general's office, they have been committed -- you
10 have recommended commitment?

11 A. See, but what you're not getting at is there are
12 times with the attorney general's office and there are
13 myriad times with defense attorneys, public defenders and
14 private attorneys where I'll not take a case, you know. I
15 did one, what was it? Yesterday. I didn't take one from
16 Greenville. I said I'm not going to -- you know, defense
17 attorney want me to -- I said, you know, I -- given the
18 facts of the case, what you just told me, I don't see how
19 I could be helpful. So I mean, I turn them down if I --
20 you know, it depends -- you know, just on the
21 circumstances. So far, what I've been given by the
22 attorney general's office I believe has been spot on.

23 Q. So you turned down the public defender because you
24 couldn't be helpful?

25 A. What I said to the public defender, yeah, I'm not

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1 helpful to his cause if he doesn't want him to -- if he
2 wants me to defend him for an sexually violent predator
3 trial. He wants me to evaluate him and then go and tell
4 the jury, you know, what I think. But he's wanting, you
5 know, certainly for me to think he doesn't meet the
6 criteria. But sometimes, you know, you can just look at a
7 long rap sheet and just sort of figure out ahead of time
8 things aren't looking good for that guy.

9 Q But what the Court has asked you to do is to not look
10 at a long rap sheet and judge somebody. You're supposed
11 to rely on science and information; isn't that correct?

12 A This is what I've done, yeah.

13 MS. ZMROCZEK: I have no further questions.

14 THE COURT: Mr. Morrow, any redirect?

15 MR. MORROW: Yes, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. MORROW:

18 Q Dr. Burke, are you familiar with the DSM-V?

19 A Yes, sir.

20 Q What's the DSM-V?

21 A Diagnostic and Statistical Manual for Psychiatric
22 Diagnoses, Fifth Edition. It is what clinicians in our
23 field, psychiatrists, psychologists, counselors, social
24 workers, nurses, anybody -- mental health, anybody working
25 in the psychiatric community. This is the go-to book for

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1 diagnostics to issue the criteria for whether or not a
2 person needs specific diagnoses. It also has
3 recommendations --

4 MS. ZMROCZEK: Your Honor -- sorry. Your Honor, at
5 this time, I would object. It's outside the scope of my
6 cross.

7 THE COURT: I'm going to overrule the objection.
8 BY MR. MORROW:

9 Q Dr. Burke, does the DSM-V specifically mention penile
10 plethysmography as the test to be used when assessing sex
11 offenders?

12 A Twice. Under the pedophilic disorder diagnostic
13 criteria.

14 MR. MORROW: Thank you.

15 No further questions for this witness, Your Honor.

16 MS. ZMROCZEK: Just one question briefly, Your Honor.

17 RECROSS-EXAMINATION

18 BY MS. ZMROCZEK:

19 Q Does the DSM-V give a list of specific requirements
20 for determining recidivism, recidivism being --

21 A Does it give a specific requirement for determining
22 recidivism?

23 Q Right.

24 A No.

25 Q So the PPG is used in treatment, but not determining

WILLIAM BURKE, PhD - RECROSS-EXAMINATION BY MS. ZMROCZEK

1 recidivism?

2 A No. It's used both. Remember what I said earlier,
3 Karl Hansen, the Static-99 guy, co-developer of that test.
4 It is the single greatest predictor of recidivism, period.

5 MS. ZMROCZEK: Thank you.

6 THE COURT: Anything further from this witness?

7 MR. MORROW: Nothing from the State, Your Honor.

8 THE COURT: Any objection to this witness being
9 excused?

10 MS. ZMROCZEK: None at all.

11 THE COURT: Thank you, Doctor. You are excused.

12 MR. MORROW: Your Honor, at this time, the State
13 would rest its case.

14 THE COURT: Mr. Bailiff, if you would take our jury
15 to the jury room and we'll take our first break.

16 (WHEREUPON, the jury left open court.)

17 THE COURT: Yes, ma'am?

18 MS. ZMROCZEK: Thank you. Your Honor, at this time,
19 we would move for a directed verdict based on the
20 testimony of their expert who -- and I asked him numerous
21 times to clarify and he stated it numerous times, a
22 greater than 50 percent chance that he's likely to
23 reoffend.

24 Your Honor, the statute is very clear on what is
25 required. It says that it has to have -- they have a

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1 mental abnormality and that they are likely to reoffend
2 based on that mental abnormality.

3 THE COURT: Mr. Morrow?

4 MR. MORROW: Your Honor, Dr. Burke testified to that.
5 He testified that Mr. Oxendine suffers from mental --
6 relevant mental abnormality, a pedophilic disorder. He
7 testified that that pedophilic disorder makes him likely
8 to reoffend sexually. Considering the evidence presented
9 in the light most favorable to the nonmoving party, we've
10 met that burden.

11 THE COURT: I find there is -- this is a factual
12 question. There is evidence in the record. So this is a
13 jury question, so I'm going to deny your motion.

14 We'll go into recess and take our first break.

15 (WHEREUPON, a recess was taken.)

16 THE BAILIFF: All rise. Come to order.

17 THE COURT: Thank you. Y'all be seated.

18 Anything before we bring our jury -- well --

19 MS. ZMROCZEK: I just need my client, Your Honor.

20 THE COURT: Mr. Morrow and Ms. Zmroczek, when we went
21 out for the break, the bailiff informed me that they had
22 spotted one of the jurors taking notes. Apparently, they
23 had a pad in their purse and they were taking notes, so I
24 had the bailiff confiscate the notes. And I plan on
25 giving them an instruction that they cannot take notes

WILLIAM BURKE, PhD - RECROSS-EXAMINATION BY MS. ZMROCZEK

1 during the course of the proceedings. So the notes have
2 been confiscated and I will make those a Court's Exhibit.

3 MS. ZMROCZEK: Thank you.

4 THE COURT: I just wanted to inform each attorney
5 what we were doing before we did it.

6 MR. MORROW: Thank you, Your Honor.

7 MS. ZMROCZEK: And, I guess, advise them, too, that
8 we will be finished today, so it's not like a complicated
9 case.

10 THE COURT: Well, I understand that in this modern
11 era, there are some judges that allow the juries to take
12 notes. I am not one of those. I'm not an old judge, but
13 I'm old school from that respect. I don't allow the
14 jurors to take notes.

15 Madame Court Reporter, if we could mark this as a
16 court's exhibit.

17 (Court's Exhibit No. 2 was marked for
18 identification.)

19 THE COURT: Madame Bailiff, get our jury for us,
20 please, ma'am.

21 THE BAILIFF: Yes, sir.

22 (WHEREUPON, the jury enters the courtroom.)

23 THE COURT: Ladies and gentlemen, before we resume
24 the case, the issue has arisen regarding notes. You are
25 not allowed as jurors to take notes during this

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1 proceeding. The reason for that is that some people are
2 very good note takers and some people, like myself, are
3 not good note takers. And we don't want the deliberations
4 at the end to turn into a contest between who takes the
5 best notes. Also, we have factors in a case that can be
6 seen, such as the demeanor of witnesses. If you're head
7 is buried in a notepad, you might miss something during
8 the case that's important as a juror. So that's why we
9 don't allow note taking during the course of the
10 proceeding.

11 So is the defense ready to proceed?

12 MS. ZMROCZEK: We are, Your Honor. Thank you. We
13 call Mr. Timothy Oxendine.

14 THE COURT: Mr. Oxendine, come around to the witness,
15 chair, please.

16 TIMOTHY OXENDINE, after having first being duly
17 sworn, testified under oath as follows:

18 THE CLERK: Thank you. Come around and have a seat.

19 THE COURT: Ms. Zmroczek, your witness.

20 MS. ZMROCZEK: Thank you.

21 DIRECT EXAMINATION

22 BY MS. ZMROCZEK:

23 Q Mr. Oxendine, please tell the jury how old you are.

24 A Sixty-one.

25 Q And where are you currently residing?

TIMOTHY OXENDINE - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A At York County Detention Center.

2 Q How long have you been at York County Detention
3 Center?

4 A Since October the 28th, 2013.

5 Q October 28th, 2013. And before October 28th, 2013,
6 where were you living?

7 A Tyger River Correctional Institution.

8 Q In the Department --

9 A In York County.

10 Q The Department of Corrections?

11 A Yes, ma'am.

12 Q So how long have you lived there?

13 A Seven -- roughly, seven and a half years.

14 Q I want to talk about those seven and a half years
15 that you were in Tyger River. Tell the jury some of the
16 things that you did while in Tyger River.

17 A I worked at a wood plant there. We worked from 40 to
18 60 hours a week. They told me when I went to court that I
19 would be out in eight and a half years and I was planning
20 to save money for my release. I was on a long-term
21 savings program. That was for my future. And also, I
22 attended the religious services. I sang in the choir and
23 did a lot of reading stuff.

24 Q Did you also participate in any programs?

25 A Yes, ma'am.

TIMOTHY OXENDINE - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q Which programs -- tell the jury what programs you
2 participated in.

3 A I did a lot. I can't remember all of them I did so
4 many. Basically, everything they offered, I took it
5 trying to better myself.

6 Q Did you participate in sex offender treatment
7 services?

8 A Yes, ma'am.

9 Q And you completed that?

10 A Yes, ma'am.

11 Q And do you have plans if you're released -- let me
12 back up. When you're released -- if you're released in
13 the community, what's your understanding about
14 registration as a sex offender?

15 A That I'm required to do it.

16 Q Do you know what tier that you have to sign up as?

17 A No, ma'am.

18 Q Okay. But there are three different tiers, right?

19 A Yes, ma'am.

20 Q And you signed some paperwork that told you what tier
21 you were on, correct? We'll get back to that. You also
22 -- when you get out, you also are on community
23 supervision, won't you be?

24 A I'm supposed to be, yes.

25 Q For how long is that?

TIMOTHY OXENDINE - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A Not to extend two years. From a year and a half to
2 two years.

3 Q And what plans -- where do you plan to live?

4 A At my house.

5 Q Okay..

6 A Laurens Street, Rock Hill.

7 Q And with who?

8 A Well, with my dad, but they had to put him in a
9 nursing home. I'm hoping I can get out and get him, care
10 for him.

11 Q Do you have plans -- in addition to taking care of
12 your dad, do you have any additional plans? Do you have
13 plans for treatment?

14 A Yes, ma'am.

15 Q Tell the jury what those --

16 A Through the Mental Health Department.

17 Q Did you find that the treatment was -- how -- did you
18 find the treatment that you were given in the Department
19 of Corrections assisted you?

20 A Yes, ma'am.

21 Q And you want to continue that?

22 A Yes, ma'am.

23 Q And that's something that you're choosing to do --

24 A Yes, ma'am.

25 Q -- and you've researched on your own?

TIMOTHY OXENDINE - CROSS-EXAMINATION BY MR. MORROW

1 A Yes, ma'am.

2 MS. ZMROCZEK: Please answer any questions Mr. Morrow
3 has for you.

4 CROSS-EXAMINATION

5 BY MR. MORROW:

6 Q Mr. Oxendine?

7 A Yes, sir.

8 Q You were convicted in 199 -- you would agree with me
9 that you were convicted in 1994 of lewd act on a minor
10 under 14?

11 A Yes, sir.

12 Q Okay. You would agree that in 2000, you were -- that
13 you pled to a charge of assault and battery of a high and
14 aggravated nature?

15 A Yes, sir.

16 Q You would also agree in the year 2005, you pled
17 guilty to criminal sexual conduct with a minor?

18 A Yes, sir.

19 Q In the second degree?

20 A I don't know what degree it was, but I pled guilty,
21 yes, sir.

22 Q And there were five counts of that criminal sexual
23 conduct with a minor? There were five different charges?

24 A Yeah, they -- part of them was through the city and
25 then the county added more. I think they bind them

TIMOTHY OXENDINE - CROSS-EXAMINATION BY MR. MORROW

1 together.

2 Q And the victim in all of those -- the five charges
3 that you pled to in 2005 was all the same victim, correct?

4 A Say that again.

5 Q It was the same victim in 2005?

6 A No, it was different. That one allegedly occurred
7 before my first charge, but it wasn't brought up until
8 later on.

9 Q You're talking about the 2000 or the 2005?

10 A Yeah, the 2005.

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

13 THE COURT: Any redirect?

14 MS. ZMROCZEK: Nothing further.

15 THE COURT: Thank you, Mr. Oxendine. You may step
16 down.

17 MS. ZMROCZEK: Your Honor, we would call Dr. Marie
18 Gehle.

19 MARIE GEHLE, PsyD., after having first being duly
20 sworn, testified under oath as follows:

21 THE CLERK: Thank you. Come around and have a seat,
22 just watch your step up.

23 DIRECT EXAMINATION.

24 BY MS. ZMROCZEK:

25 Q Dr. Gehle, will you tell the jury where you're

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCEK

1 employed.

2 A I'm employed at the South Carolina Department of
3 Mental Health.

4 Q Describe your educational background, including your
5 degrees and undergraduate degrees.

6 A I have a bachelor's degree in psychology from Ohio
7 Northern University. I have a master's Degree in clinical
8 psychology from Xavier University and I have a doctorate
9 in clinical psychology from Xavier University.

10 Q What additional mental health professional experience
11 did you have while or prior to your doctorate?

12 A Well, after my undergraduate degree, I worked as a
13 case manager in Community Mental Health Center. There, I
14 had a case load of children, primarily, and I handled all
15 the children who had sexual behavior problems, the
16 children and adolescents who had sexual behavior problems
17 in the county. That was on my case load.

18 During graduate school, I did a lot of practicums,
19 like work experiences, training. I worked with children,
20 adolescents, adults with criminal behavior with major
21 mental illness, with more adjustment problems, things like
22 that. I did therapy and tons of assessments. That's sort
23 of the bread and butter of psychology is psychological
24 testing.

25 Q Have you had any specific work with sex offenders?

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A Yes. I did a pre-doctoral internship at Western
2 State Hospital in Tacoma, Washington. They have the first
3 sort of modern sexually violent predator treatment
4 program. It's on a little island in the Puget Sound. And
5 there, they treat some three to 400 sexually violent
6 predators. And I did a long rotation there doing
7 treatment with sexually violent predators. I also did
8 forensic evaluations and assessments during that time, so
9 I was out there for a year.

10 And after that, I did a post-doctoral fellowship with
11 -- or at East Central Regional Hospital in Augusta,
12 Georgia. And there, I did forensic evaluations and
13 treatment with forensic patients. Some of them had sex
14 offenses.

15 Q After obtaining your doctorate, what has been the
16 nature of your practice?

17 A After I finished my post-doctoral work, I have been
18 at the South Carolina Department of Mental Health almost
19 -- well, since I've been licensed, I've been at the
20 Department of Mental Health doing work with the sexually
21 violent predator program. I have previously supervised
22 the treatment providers and did some of the evaluations
23 that people get when they're committed to the program.
24 They get evaluations every year. I did some of those.
25 And then I switched over to my current role, which is just

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 to do -- a hundred percent of my time is to do sexually
2 violent predator evaluations to make the determination
3 whether somebody needs to go into the program, so the sort
4 of first evaluation that happens.

5 Q Are you on any faculty?

6 A Yes. I am on the faculty at the University of South
7 Carolina Medical School in the psychiatry department. And
8 I'm also on faculty at Georgia Regents University in
9 Augusta. I think they just switched the name to Augusta
10 University, but on the medical school there in the
11 psychiatry department.

12 Q How many times approximately have you been certified
13 as an expert in court?

14 A I've been certified as an expert in sexually violent
15 predator violations over 75 times in South Carolina. Then
16 I've testified in a handful of other cases for various
17 reasons in the State of Georgia and Washington.

18 MS. ZMROCZEK: Your Honor, at this time, we would
19 move to have Dr. Gehle admitted as a forensic psychologist
20 in addition to -- with an expertise in -- or focus on
21 sexually violent predators.

22 THE COURT: Any objection?

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

24 THE COURT: Dr. Gehle will be admitted as a forensic
25 psychologist with emphasis on sexually violent predator

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 evaluations.

2 MS. ZMROCZEK: Thank you.

3 THE COURT: Did I state that correctly?

4 MS. ZMROCZEK: You did. Thank you.

5 BY MS. ZMROCZEK:

6 Q What is forensic psychology, Dr. Gehle?

7 A Well, it's the application of the science of
8 psychology to questions of the law. So we typically do
9 things like competency to stand trial evaluations,
10 criminal responsibility, whether somebody is not guilty by
11 reason of insanity. We do risk assessments for the court.
12 Might be involved in personal injury cases to talk about,
13 you know, what somebody's deficits are given an injury.
14 We do sex offender risk assessments and sexually violent
15 predator evaluations. So there's a variety of things that
16 you can do as a forensic psychologist.

17 Q And how is a forensic psychologist different from an
18 otherwise -- a licensed psychologist or licensed clinical
19 psychologist?

20 A Well, we're licensed the same, but a forensic
21 psychologist is somebody who's specifically trained in how
22 to answer questions of the law. So there's a little bit
23 more legal training in the background and the way we look
24 at cases.

25 For example, I do some private practice. I do some

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 therapy with kids on the side. And when I do that, I
2 typically believe what they tell me. I have a more
3 trusting relationship with them. I'm not as skeptical.
4 And when I do these cases, I just assume people are lying
5 to me. There's a bigger stake. The outcome is different.
6 So it's very much a different perspective that you have
7 when you're a forensic psychologist then when you're just
8 a regular clinical psychologist.

9 I'm also not here to help the client. In fact, my
10 client is the Court because I'm court appointed in these
11 cases. So I don't care if my opinion helps Mr. Oxendine,
12 for example, or if it hurts him. My objective is to
13 answer the questions that the Court has asked me
14 regardless of who it helps or who it hurts.

15 Q You got my next question before I got to it. Your
16 involvement in this case, specifically with Mr. Oxendine,
17 when did that begin and how did it begin?

18 A There was an order for evaluation that was issued
19 from the York County Court of Common Pleas dated June
20 25th, 2013. So we would have got it in our office, you
21 know, a few days after that with filed information. And
22 that's how I was appointed. So I receive an order and it
23 tells me you have to do an evaluation to determine if
24 somebody is a sexually violent predator and that starts
25 the process.

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q And that came from the circuit court?

2 A Yes.

3 Q And then what -- how did you go about evaluating
4 Mr. Oxendine? What's your process?

5 A The first thing I do is I get all the records that --
6 typically, that come from the Attorney General's office
7 that's filed the petition and that is generated through
8 one step of the process. So I'm maybe the third or fourth
9 layer of the screening process in this law. I review all
10 the records. I make notes as to what specific stuff I
11 want to ask. I'll make some charts of their criminal
12 history. I'll -- if there's mention of whether they had
13 Department of Mental Health records --

14 MS. ZMROCZEK: Your Honor, may we approach?

15 THE COURT: Yes, ma'am.

16 (WHEREUPON, a bench conference was held in the
17 presence of the jury, but outside the hearing of the
18 jury.)

19 THE COURT: Ladies and gentlemen, it's very important
20 that we pay close attention to the testimony. All the
21 testimony in the case is important.

22 MS. ZMROCZEK: Thank you.

23 BY MS. ZMROCZEK:

24 Q And I'm sorry I had to interrupt you. And I don't
25 know where I interrupted you.

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A I can't remember what question I was answering.

2 Q I think the question was what did you do to get --

3 A Oh, yes. So I review all the records. I make notes
4 as to some specific questions that I'll want to ask about.
5 But, typically, I follow a very standard interview and it
6 follows sort of a standard process. I meet with the
7 person and I give them a long explanation of why we're
8 here. Oftentimes, they don't know what the law is or they
9 don't even know why they're being interviewed, so I
10 explain all that. So I'm very upfront up about why
11 they're there to see me, what the outcome can be, things
12 like that. That's, in part, to just gain some rapport, to
13 give them some information, to be very transparent about
14 the process, to be very fair about it.

15 And also, people are extremely nervous when they come
16 to see me about this because they know this is something
17 big hanging over their heads, so I try to give them some
18 reassurance that just because they're here doesn't mean
19 that they're a sexually violent predator. That's a
20 determination that will be made down the road and, you
21 know, they can just be as open and honest as they can in
22 the interview.

23 Q And you said -- you said standards of care or
24 something like that. Are there any -- are there any
25 required testing or standards that are required for

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 someone to be determined or be decided or help you
2 determine if they're a sexually violent predator? Are
3 there any checks?

4 A There's no standard operating procedure in the law.
5 What the law says is that you have to determine whether
6 somebody has a mental abnormality or personality disorder
7 that makes them likely to engage in acts of sexual
8 violence. Mental abnormality or personality disorder is
9 defined roughly as a condition that affects the emotional
10 or volitional control of a person as related to their
11 sexual offending and likely is defined in the law as -- I
12 have to recall this, but it's -- it's to such a degree
13 that the person poses a menace to the health and safety of
14 others. It's not more likely than not. It's not 25
15 percent chance, it's nothing like that. It's whether they
16 are at a degree of risk that they're likely to pose a
17 menace to the health and safety of others. It's very
18 vaguely defined.

19 Q And how -- and this is what you are tasked to do by
20 the attorney general's office or by -- excuse me, by the
21 Court when you're asked to make the determination,
22 correct?

23 A Yes. I go back to what the law says and I just
24 follow those guidelines that are offered in the law.

25 Q What tools do you rely on to make that determination?

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 A Well, the first thing is I have to determine whether
2 they have a mental abnormality or personality disorder.
3 The best way to do that is through a very thorough
4 interview and a review of the records. So I look --
5 that's how I approach that piece.

6 The likely part is I do an actuarial risk assessment,
7 that's what the research says is the most accurate way to
8 determine if somebody is going to sexually recidivate.
9 Clinical judgment has been shown that -- that's just going
10 with kind of what you think is important or, you know,
11 using your past experience as a clinician. That's been
12 shown to be extremely poor. You could flip a coin and be
13 more accurate. So I use an actuarial approach and that's
14 what's recommended by the literature that I've reviewed.

15 Q Has a Court ever ordered you or asked you to do any
16 PPG testing?

17 A No.

18 Q Have they ever asked you to do a testing of someone
19 that has ADHD?

20 A No.

21 Q Asked to do any testing of their sexual -- or
22 sociopath or psychopath?

23 A No.

24 Q Okay. This test that you rely on and that the
25 community relies on is -- there are several? It's not

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 just that test, right, other factors as well?

2 A I look at other factors, but primarily, when I'm
3 looking at risk, I look at the Static-99R.

4 Q What was your score on the Static-99?

5 A I originally -- when I wrote my evaluation, which was
6 dated February 3rd, 2014, Mr. Oxendine was 59 years old.
7 I scored him a four on the Static. Since then, he's
8 turned 60 and so you subtract two more points and so now,
9 he is a two on the Static.

10 Q And the two -- is the score of the -- describe what
11 that means as far as how that relates -- that score
12 relates to him as a sex offender.

13 A Well, the Static 99R is an actuarial measure. You
14 can score anywhere from a negative three. And that would
15 be if you're over 60 years old and you have absolutely no
16 risk factors, you'd be a negative three. It's the only
17 way you could be a negative three. And you could score
18 all the way up to a 12. So a two is actually what the
19 average sex offender is, so that's just your every --
20 everyday sex offender is a score of two. It's the average
21 in the research samples. And these are thousands upon
22 thousands of sex offenders that they evaluated. So a two
23 doesn't distinguish somebody from the average sex
24 offender.

25 Q When you say distinguish, what are you looking for

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 when you're evaluating risk to the community -- this law
2 as you understand it, was it designed for the average sex
3 offender?

4 A No, it says specifically in sort of the preamble to
5 the SVP Act, the Sexually Violent Predator Act, that it
6 was made for an extremely dangerous group of sex
7 offenders. And there's been case law that has reiterated
8 that, that there has to be a very significant level of
9 risk that they're going to sexually recidivate. It's not
10 enough to have a mental abnormality. It's not enough to
11 have a pedophilia. You have to have that risk. And the
12 best way to measure that risk is through an actuarial,
13 such as the Static-99.

14 In fact, the Static 99R is the best tool that we
15 have. Essentially, they're asking us to predict the
16 future and that's the best tool that we have. It's not
17 perfect, but it's the best one we have.

18 Q And so what percentage of those who score two are
19 likely to reoffend say within five years?

20 A I believe it's-- I believe that is 5.6, if I
21 remember it correctly. Yeah, it's -- so 5.6 percent of
22 people with a score of two with sexually reoffend in five
23 years. So that means it will be between five and six
24 people out of every 100 people.

25 Q Based on your evaluation, you did make a diagnosis in

1 this case, correct?

2 A Yes.

3 Q And what was that?

4 A Pedophilic disorder.

5 Q And then you take that diagnosis and then you assess
6 the risk -- then you go on to assess the risk?

7 A Yes. I look to see if the pedophilia, is that
8 related to the type of crimes that he committed. And it
9 was. For example, if somebody is diagnosed with
10 exhibitionism, so they like to show their genitals to
11 people, that's not related to sexually violent offending
12 because indecent exposure isn't a sexually violent
13 offense. So if they have exhibitionism, I wouldn't say
14 that that's something that would predispose them to
15 sexually violent offending because it's not the type of
16 crime that this Act addresses. This Act addresses a
17 specific list of sexually violent offenses. Not all sex
18 offenses, not all horrible crimes, just sexually violent
19 offenses.

20 Q So the term sexually violent, it doesn't
21 necessarily -- it's not dealing with the underlying facts
22 of the case, is it? Or is it more --

23 A No, you can actually -- a sexually violent offense is
24 defined by the statute and it's sort of a term that the
25 violent part of that is sometimes a bit of a misnomer.

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 You don't have to hit anybody. You don't have to hold
2 anybody against their will. You could -- you could have a
3 criminal solicitation, so you could try to get an
4 under-aged person to have sex with you, not touch them,
5 not even meet with them face to face and that could be
6 considered a sexually violent offense per the sexually
7 violent predator statute. So the violent part of that is
8 a bit misleading at times.

9 Q Have you had an opportunity to review Mr. Oxendine's
10 South Carolina Department of Corrections records?

11 A Yes.

12 Q How did that play into -- or can that play into your
13 determination of risk?

14 A Well, it plays into more into diagnosis. Because I
15 want to see like how his behavior is in there, is he
16 really impulsive? It can play into some of the risk
17 factors, I guess, like impulsivity, whether he had ongoing
18 sexual behaviors in there. But his behavior was -- he had
19 no disciplinary infractions. He wasn't really in the
20 Department of Corrections very long -- well, I mean,
21 compared to some people I see, but --

22 Q Eight --

23 A -- he had no infractions. Sorry.

24 Q Roughly eight years?

25 A Eight years.

MARIE GEHLE, PsyD. - DIRECT EXAMINATION BY MS. ZMROCZEK

1 Q Okay. Maybe not long for --

2 A Yes, I'm sorry. Eight years is probably an eternity.

3 Q So for eight years while he was in the Department of
4 Corrections, he had no --

5 A No infractions. So not a single behavioral
6 infraction, disciplinary infraction at all.

7 Q Did you have an opportunity to review the comments on
8 his work and his work ethic and behavior?

9 A I saw some of that stuff.

10 Q And what was that reflection?

11 A I mean, generally, it was pretty good. I got some
12 records from the sex offender treatment program and they
13 said that he finished with excellent participation there.
14 And I know that he was involved in a lot of other
15 activities.

16 Q And not everyone finishes with excellent
17 participation, do they?

18 A That's correct.

19 Q Okay. After reviewing all of the documents, what was
20 your report to the Court on whether or not Mr. Oxendine
21 qualified under the statute as a sexually violent
22 predator?

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

24 Q And you say that with a reasonable degree of
25 psychological certainty?

MARIE GEHLE, PsyD. - CROSS-EXAMINATION BY MR. MORROW

1 A Yes.

2 MS. ZMROCZEK: Dr. Gehle, please answer any questions
3 Mr. Morrow has.

4 THE COURT: Mr. Morrow, your witness.

5 CROSS-EXAMINATION

6 BY MR. MORROW:

7 Q Dr. Gehle, how are you doing?

8 A Good. How are you?

9 Q I'm well. Dr. Gehle, isn't it true that Timothy
10 Oxendine has been convicted of six previous sexual
11 offenses?

12 A Yes. Yes.

13 Q So you would agree with me that the respondent was
14 convicted of a lewd act upon a minor under 14 in 1995 for
15 a 1993 incident?

16 A Yes.

17 Q Isn't it true that the respondent was sentenced in
18 that -- during that time to 10 years suspended to three
19 years' incarceration and three years' probation?

20 A Yes.

21 Q You would further agree with me that he was convicted
22 of assault and battery of a high and aggravated nature in
23 2001?

24 A Yes.

25 Q So you would also agree with me that he was sentenced

MARIE GEHLE, PsyD. - CROSS-EXAMINATION BY MR. MORROW

1 to eight years in prison, suspended to five years'
2 probation for that offense?

3 A Actually, my records say eight years of incarceration
4 suspended to three years of probation.

5 Q I stand corrected. Isn't it also true that the
6 respondent was convicted in 2005 with three counts of
7 sexual misconduct with a minor, criminal sexual conduct
8 with a minor between the ages of 11 and 14 in the second
9 degree and two counts of criminal sexual conduct with a
10 minor under the age of 16 in the second degree?

11 A Yes.

12 Q And those offenses which he was convicted of in 2005
13 occurred starting somewhere between the summer of 2000 and
14 the end of September of 2002?

15 A I have summer of 2000 and January of 2001 and in the
16 fall of 2001 and the summer of 2002.

17 Q Okay. And isn't it true that these offenses occurred
18 after Mr. Oxendine had completed sex offender treatment in
19 the Department of Corrections, the 2005 offenses?

20 A Yes, I believe he completed it in 1996.

21 Q Isn't that true that in your interview with
22 Mr. Oxendine about his 2005 convictions, he described his
23 offenses as a romantic relationship -- I'm looking at page
24 9 of 13 -- and this would have been with a girl who was
25 between the ages of 10 and 15 when this occurred?

MARIE GEHLE, PsyD. - CROSS-EXAMINATION BY MR. MORROW

1 A Yes.

2 Q Isn't it true that respondent told you in your
3 assessment that he no longer needs sex offender treatment?

4 A I just want to be accurate here, so I'm going to
5 refer to my report. Yes, that's correct.

6 Q Did the respondent tell you that if released, he
7 plans on helping people like himself who have been
8 sexually abused?

9 A Yes.

10 Q Isn't it true that respondent stated that he wanted
11 to become involved in the ministry should he be released?

12 A I don't recall.

13 Q That's all right, Dr. Gehle. Moving along, you would
14 agree with me that Mr. Oxendine suffers from pedophilic
15 disorder?

16 A That's correct.

17 Q You would agree with me that pedophilic disorder is a
18 chronic condition?

19 A Yes, it is.

20 Q Cannot be cured?

21 A Yes. It significantly declines in offenses after age
22 60.

23 Q You'd also agree with me in your report you list that
24 the respondent suffers from several empirically reported
25 psychologically meaningful risk factors; is that correct?

MARIE GEHLE, PsyD. - CROSS-EXAMINATION BY MR. MORROW

1 A I think he has several risk factors above and beyond
2 what is evaluated in the Static 99R, yes.

3 Q And those risk factors are a history of sexual
4 preoccupation?

5 A Self-reported history of such, yes.

6 Q Criminal history and self-reported history of sexual
7 preference for prepubescent children?

8 A Yes.

9 Q A history of emotional congruence with children?

10 A Yes, sir.

11 Q And a self-reported described by him as a romantic
12 relationship with a minor female between the ages of eight
13 and 15?

14 A Yes.

15 Q Okay. So Dr. Gehle, we know the respondent has been
16 convicted of six offenses that are considered sexually
17 violent under the statute; is that correct?

18 A Correct.

19 Q We know that he meets the criteria for pedophilic
20 disorder; is that correct?

21 A That's correct.

22 Q We know the respondent offended even after he was
23 sanctioned?

24 A That's correct.

25 Q Okay. Now, we know that he offended after he

MARIE GEHLE, PsyD. - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 completed a course of sex offender treatment at South
2 Carolina Department of Corrections?

3 A That's correct.

4 MR. MORROW: Thank you. No further questions of this
5 witness.

6 THE COURT: Any redirect?

7 MS. ZMROCZEK: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. ZMROCZEK:

10 Q Dr. Gehle, knowing all those things, you still came
11 to the same conclusion and that he is not a candidate for
12 this program, correct?

13 A Yes.

14 Q How many -- he asked you about plans for after --
15 when he gets out. And you're aware that Mr. Oxendine has
16 to register as a sex offender?

17 A Yes.

18 Q And that there are different tiers of the sex
19 offender registry?

20 A Yes.

21 Q And that his classification would fall under a tier
22 two?

23 A I don't know what his tier is.

24 Q Okay. The tiers, though, how are they different?
25 What changes amongst the tiers?

MARIE GEHLE, PsyD. - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 A I actually really -- that's after my determination.
2 I really have no knowledge of how that works to be honest
3 with you.

4 Q Okay. Can people receive treatment outside of the
5 SVP program?

6 A Yes.

7 Q How many -- approximately how many registered sex
8 offenders are there in this state? Is it over 12,000?

9 A I would guess -- I know that there's a ton in prison
10 and there are a lot on the registry in South Carolina and
11 there's a lot being monitored by GPS.

12 Q And there are also -- are you aware that he is
13 ordered community supervision upon release?

14 A Yes.

15 Q And community supervision is when someone -- it's
16 like probation?

17 A Yeah, it's a special program through the Department
18 of Probation, Pardon and Parole Services. And if he's on
19 community supervision and he's a sex offender, sex
20 offender treatment is part of that, a requirement.

21 Q Thank you. And lastly, you said something about the
22 age of 60 and I'm sorry, I couldn't hear. The amount of
23 -- he asked you about recidivism or reoffending and what
24 did you say about after the age of 60?

25 A Sexual offending significantly declines after the age

MARIE GEHLE, PsyD. - REDIRECT EXAMINATION BY MS. ZMROCZEK

1 of 60. That's calculated into the Static. Even without
2 that, his risk is still pretty low. And that's
3 considering all those factors that we talked about. It's
4 really my job to look past the nature of the sex offenses
5 and to -- you know, that's the criminal courts to
6 determine what punishment they should get. This is not an
7 area for punishment. In fact, if it's punishment, then
8 it's unconstitutional. So I'm not here to punish them and
9 to make decisions based on the egregious nature of their
10 crime. I'm looking at it from an objective point of view.
11 Yes, he has an underlying abnormality. Yes, that's
12 related to his sexual offending. But he does not have a
13 level of risk that warrants involuntary civil commitment
14 in a long term controlled treatment.

15 MS. ZMROCZEK: Thank you.

16 THE COURT: Anything further from this witness?

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

19 THE COURT: Any objection to this witness being
20 excused?

21 MS. ZMROCZEK: No, Your Honor.

22 THE COURT: Thank you, Doctor. You're excused.

23 MS. ZMROCZEK: Your Honor, the respondent rest at
24 this time.

25 THE COURT: Any reply testimony from the State?

1 MR. MORROW: Nothing from the State, Your Honor.

2 THE COURT: Ladies and gentlemen, we have reached a
3 natural breaking point in the trial. I'm going to send
4 you to lunch now. You're under the same restrictions as
5 you were when I sent you home yesterday. Do not discuss
6 the facts or the law with any third parties. You may not
7 do any independent investigation related to the facts or
8 the law. You may not deliberate amongst yourselves until
9 I tell you to do so. So we will reconvene at 1:45, so
10 that gives you time to go get you something to eat.
11 Please be back in the jury room shortly before 1:45.

12 Madam Bailiff, take our jury out.

13 (WHEREUPON, the jury left open court.)

14 THE COURT: Anything before we go into recess?

15 MS. ZMROCZEK: Just briefly, Your Honor. I would
16 renew my motion for a direct verdict on the same grounds.
17 Thank you.

18 THE COURT: It's noted for the record. Your motion
19 is denied.

20 What I would suggest is let's get together just a few
21 minutes early and go over the charges before we bring the
22 jury back in.

23 MS. ZMROCZEK: Okay. And I'll bring the TV up. It
24 was raining real heavily this morning, so I didn't bring
25 it up, for my closing. Thank you.

1 THE COURT: The clerk's office can assist you in
2 getting it set up.

3 MS. ZMROCZEK: Thank you.

4 THE COURT: All right. We'll be in recess.

5 MR. MORROW: Thank you, Your Honor.

6 (WHEREUPON, a lunch recess was taken.)

7 THE COURT: All right. Ms. Zmroczek, I have gone
8 over the charges, and I just want to go over that with the
9 two of you before we bring the jury in and before you do
10 your closing. I have a general charge instructing the
11 jury how to conduct their deliberations and instructing
12 them that they're the trier of fact. I've taken
13 Mr. Morrow's proposed sexually violent predator charge and
14 I have adapted that to a general charge, but it's
15 substantially the same thing. It gives the burden of
16 proof. It gives the reasonable doubt standard. Then I
17 have the sexually violent predator statutory definitions
18 charge which I'm going to read them the statute, which the
19 two of you have already mentioned to them in your opening,
20 but we're going to put that as part of the charge.

21 Now, is there -- the offenses -- do each of you want
22 me to read the entire statute and list all of the
23 offenses, or just the -- do you stipulate that criminal
24 sexual conduct, second degree, and lewd act upon a minor
25 are sexually violent offenses?

1 MS. ZMROCZEK: Yes, we stipulate to it. And we would
2 just say that if you want to charge that he has been --
3 what we --

4 THE COURT: Well, I can't comment on the facts.

5 MS. ZMROCZEK: Right.

6 THE COURT: This is what I've got. I just say,
7 "South Carolina law defines the term 'sexually violent
8 offense' as criminal sexual conduct in the first, second,
9 or third degree; criminal sexual conduct with a minor in
10 the first or second degree; lewd act upon a minor, and
11 other offenses not pertinent to the facts of this case.
12 For purposes of this case, the parties stipulate that
13 criminal sexual conduct, second, with a minor and lewd act
14 on a minor are sexually violent offenses."

15 That acceptable to you Mr. Morrow, too?

16 MR. MORROW: Yes, Your Honor.

17 THE COURT: Okay. Then I define 'mental abnormality'
18 and also define 'likely to engage in acts of sexual
19 violence.' I'm just reading straight out of the statute on
20 both of those. Then I have taken my standard reasonable
21 doubt charge from criminal cases and just adapted it to
22 sexually violent predator cases. Then also include in
23 that is the charge that suspicion, however strong, is not
24 enough to sustain a verdict.

25 I have a credibility of witness charge. I have a

1 charge on expert witnesses. These are standard --
2 standard charges. And then I have a charge at the
3 end with a -- just a conclusion with instructions on the
4 verdict form. Now, I've taken the verdict form that
5 Mr. Morrow submitted -- Madame Clerk, could you hand the
6 attorneys a copy of these?

7 THE CLERK: Sure.

8 THE COURT: And I will instruct them that no
9 significance is to be placed on the order in which the
10 options appear on the page. Are there any other specific
11 charges that either party requests? Mr. Morrow?

12 MR. MORROW: None from the state, Your Honor.

13 MS. ZMROCZEK: None, Your Honor. We just -- I know
14 that their proposed submission, they had this whole
15 question or statement or sentence about appealability or,
16 you know, if a mistake is made, it will be appealed to a
17 higher court. And in the last trial that I had in an SVP,
18 one of the first questions from the jury was, "Can he
19 appeal?" and I just -- I don't want even want to mention
20 --

21 THE COURT: I don't mention appeal.

22 MS. ZMROCZEK: Okay. Good.

23 THE COURT: Now, I will instruct them in my general
24 charge that they are not to be given any impression that I
25 favor one side or the other --

1 MS. ZMROCZEK: That's fine.

2 THE COURT: -- or they're to place no significance on
3 any rulings of evidence or anything that are made. But I
4 don't mention appellate rights.

5 MS. ZMROCZEK: Okay. Good. A lot of times I find
6 jurors are like --

7 THE COURT: That's for a different court on a
8 different day.

9 MS. ZMROCZEK: Right.

10 MR. MORROW: We have no objection to that, Your
11 Honor.

12 THE COURT: Okay. All right. Let's -- Mr. Bailiff,
13 if you could get our jury for us, please, sir..

14 THE BAILIFF: Yes, sir.

15 MS. ZMROCZEK: And I actually opened my PowerPoint.
16 It's just easier -- even though he's going first, it's
17 easier to leave it.

18 (A discussion was held off the record.)

19 (The jury entered the courtroom.)

20 THE COURT: All right. Ladies and gentlemen, I hope
21 everyone had a good lunch. We're at the point of the
22 trial in which the attorneys will be able to make closing
23 arguments to you. Okay.

24 MR. MORROW: Your Honor, may it please the Court.

25 THE COURT: Yes, sir.

1 CLOSING ARGUMENTS

2 BY MR. MORROW:

3 Timothy Oxendine can't stop. As we sat here today,
4 that one thought really stood out in my mind. You heard
5 throughout the testimony today that even after prior
6 convictions, even when given an opportunity for a second
7 chance, Mr. Oxendine could not stop. He reoffended. Now,
8 one mistake, ladies and gentlemen, might be a lapse in
9 judgment. I could see where forgetting to pay a bill that
10 was due could be a lapse in judgment. I could see where
11 forgetting to attend a scheduled appointment, that might
12 be a lapse in judgment, or forgetting to get your car's
13 oil changed. That could be a lapse in judgment. But
14 there's a difference between a lapse in judgment and a
15 lack of control.

16 Let's talk about what you heard today. You heard
17 about how in 1993 Mr. Oxendine sexually assaulted an
18 11-year-old girl while swimming. Pled guilty in 1995 to
19 lewd act on a minor, and he was sentenced to ten years,
20 suspended to three years and three years' probation. You
21 heard that after that offense, he pled guilty to an ABHAN
22 charge in 2001, and was originally charged as a lewd act
23 on a minor, and his victim is six years old. You heard
24 despite having received sex offender treatment at SCDC in
25 1995 and 1996, and previously being sanctioned in 1993,

1 Mr. Oxendine again offended. This time he offended
2 against a girl who was ten years at the beginning of these
3 offenses multiple times and -- offended multiple times
4 over a period of years.

5 You heard from both Dr. Gehle and Dr. Burke that
6 Mr. Oxendine in his interview attempted to paint this
7 relationship between a 10-year-old girl and a 45-year-old
8 man as a consensual relationship. Mr. Oxendine had
9 previously been sanctioned, he knew of the consequences,
10 and despite these previous sanctions and his prior
11 consequences, he decided to again -- he gave in to his
12 deviant desires, and he just couldn't stop himself.

13 Now, the burden of proof in the case I told you at
14 beginning of the trial is on the state. We welcome that
15 burden. I have to prove to you beyond a reasonable doubt
16 Timothy Oxendine suffers from a mental abnormality or
17 personality disorder which makes him likely to commit
18 future acts of sexual violence and that he's been
19 convicted of prior sexually violent offenses. Defense
20 isn't going to challenge the fact that he was convicted of
21 six prior sexually violent offenses. Nor are they going
22 to challenge the fact their own expert, Dr. Gehle, also
23 diagnosed Mr. Oxendine with pedophilia, pedophilic
24 disorder. So both experts agree that he suffers from
25 pedophilic disorder.

1 You heard from Dr. Burke, who the state provided you
2 as an expert witness. He's evaluated over 6,000 sex
3 offenders in his career. He performed 14 different tests
4 during his evaluation and interviewed Mr. Oxendine. And
5 using those data points, one of those being a penile
6 plethysmograph test, which he invented the stimulus set
7 that was used, and has trained other experts in how to use
8 that test. Put \$30,000 of his own money into it. And the
9 result of that test were Mr. Oxendine is attracted to
10 prepubescent and adolescent females. Both of those
11 experts diagnosed Mr. Oxendine with pedophilic disorder.
12 Both experts agree that the pedophilic disorder is
13 chronic; it cannot be cured. It can be treated, but it
14 cannot be cured.

15 So what you've got to ask yourself is this: Both
16 experts agree that he was convicted of six sexually
17 violent offenses. Both experts agree that he suffers from
18 a relevant mental abnormality of pedophilic disorder. And
19 what you have to decide based on the testimony presented
20 here today is whether that pedophilic disorder makes him
21 likely to reoffend sexually. I submit to you that he
22 does. I submit to you that one mistake is a lapse in
23 judgment. But consistently making the same mistake over a
24 prolonged period of time is evidence of a pattern. A
25 pattern that consistently shows a lack of control over his

1 pedophilic disorder.

2 Mr. Oxendine is a sexually violent predator. He has
3 a mental abnormality of pedophilic disorder, which makes
4 him likely to engage in acts of sexual violence unless
5 placed in a secure facility for long-term control, care,
6 and treatment. I ask you to find that Mr. Oxendine is a
7 sexually violent predator and to place him in the
8 Department of Mental Health so that he can get the
9 treatment that he so desperately needs and that the public
10 can be protected from him. Thank you.

11 THE COURT: Ms. Zmroczek?

12 MS. ZMROCZEK: Thank you, Your Honor. I'm going to
13 move this so I can... Thank you, Your Honor. May it
14 please the Court.

15 CLOSING ARGUMENTS

16 BY MS. ZMROCZEK:

17 Good afternoon. This is not probably what you
18 had in mind when you got your jury slip in the mail. It's
19 not something exciting as a criminal case. It's not as
20 exciting as being able to decide who is at fault in a car
21 accident and being able to give money or not give money.
22 But I submit to you it's much more important than that.

23 When I went to law school, I never thought I would
24 stand in front of jurors and talk about things about PPGs
25 and sex and penises and -- never thought that's what I

1 would be doing. But that's what I'm called upon to do.
2 And my father wanted a boy. Had seven girls. And I was
3 talking to him about this, and he said, "How do you get up
4 there and talk about this -- and talk about this with
5 these people? If somebody did that to my daughter, I
6 would -- I would lose it." And I get that. I understand
7 that.

8 And we are not saying that what he did was okay,
9 because it wasn't. And he was punished for it, and we
10 don't have all of the underlying facts about what went
11 into those punishments. But we do know this: He was
12 placed on probation, but you didn't hear about any
13 probation violations. And then the six -- or these five
14 other crimes in 2005 -- these are going to go back there
15 with you. What they just list are the allegations. They
16 also have the sentencing sheets where it talks about --
17 the solicitor in this county, in York County, entered into
18 a negotiated sentence, a negotiated sentence for ten
19 years. And Dr. Burke testified that he'd like you to
20 believe because that -- they didn't want to put the
21 victims through trauma. And that may be it. But he also
22 agreed a lot of times they can't prove the underlying fact
23 of cases and that's why they negotiate.

24 But nonetheless, we're not here to discuss his
25 criminal behavior because he has been convicted, and he

1 has done his time. And he will be a registered sex
2 offender and he will be on community supervision.
3 Dr. Gehle -- Dr. Gehle -- and I wanted to clear something
4 up. Mr. Morrow said in his closing argument that my
5 expert -- let me be clear. She's not my expert. I did
6 not hire her. We did not hire her. She was appointed by
7 the Court to make this determination because that's what
8 she does.

9 The judge -- Judge Sprouse is going to give you a
10 whole list of charges, of what the law is. And in
11 criminal cases I make the argument, and I feel like I need
12 to make it here. Because one of my biggest concerns is
13 that you look at Mr. Oxendine, and nobody is asking you if
14 you condone what he did. Absolutely not. I don't condone
15 it, but that's not what the question is here. The
16 question is: Does he meet the legal definition? When the
17 judge gives you the law, he's going to tell you and
18 instruct that you have to apply the facts, not emotion and
19 not speculation. And I ask that you hold on to that
20 because the facts in this case are that Timothy Oxendine
21 is not the worst of the worst.

22 Benjamin Franklin said they can give up liberty --
23 that -- they that can give up essentially liberty to
24 obtain temporary safety deserve neither liberty nor
25 safety. And it goes back to the movie that I watched

1 again this morning because the fear, the fear that
2 Mr. Oxendine is going to get a white van full of puppies
3 and candy and drive around and pick up children is what
4 they're asking you to base your decision on. They want to
5 say he's going to reoffend, but they can't determine if
6 he's going to. They want to give you this magic 8-ball,
7 but only have yeses in here and say protect the community.
8 That's not what the law that Judge Spouse is going to give
9 you.

10 The state has proven that he has a conviction for a
11 sexually violent offense. We do not challenge that. 2001
12 and 2005, and I submit they wouldn't keep talking about
13 this ABHAN and they want to keep saying six-year-old girl,
14 six-year-old girl, six-year-old girl. The ABHAN -- we
15 don't have a conviction for that that doesn't fall under
16 this category, but they want to keep talking about it
17 because they want to appeal to your emotions.

18 Mental abnormality or personality disorder,
19 pedophilic disorder. Received treatment and plans to
20 continue to receive treatment under community supervision.
21 Ladies and gentlemen, this, I submit, is the question that
22 you're going to be asked to answer. Suffers from a mental
23 abnormality or personality disorder that makes him likely
24 to engage in acts of sexual violence if not confined in a
25 secure facility for long-term care, control, and

1 treatment. "That makes him likely to engage in act of
2 sexual violence." That's the question. Their expert, who
3 used the Static-99, which is the risk assessment -- a two.
4 Low level. Even Dr. Burke in his test -- when he was in
5 between his commentary, he was telling you that his
6 results of he didn't qualify for that, he didn't fall
7 under that, he was low risk for that. But I still think.

8 The judge is going to give you an instruction not
9 only on expert witness but also on their credibility.
10 Some of those things that you get to determine in
11 credibility is: Do they have an invested outcome, an
12 investment in the outcome? Is there a reason they want to
13 say these things? And then you get to judge for yourself.
14 A person is likely to engage in acts of sexually violence
15 if his propensity to commit acts of sexual violence is
16 such a degree to pose a menace to the health and safety to
17 others. The worst of the worst.

18 Judge Sprouse is going to give you the law. There's
19 been a lot of questions about treatment and treatment, and
20 you heard from Mr. Oxendine. And this is what's so
21 difficult in these cases is because the state -- the
22 burden is on the state. The burden is on the state to
23 prove beyond a reasonable doubt, regardless of whether we
24 put up witnesses or not. The purpose is to involuntarily
25 commit a limited subclass of dangerous persons. If you

1 recall, Dr. Gehle, the forensic psychologist, forensic
2 psychologist. She's not just a license -- a licensed
3 clinical psychologist. She's a forensic psychologist who
4 can apply the law to the facts. Says he does not fall
5 into this limited subclass. He was in prison for eight
6 years. No, no, zero, none infractions. Not even
7 sexual -- no sexual infractions, but no infractions,
8 period. He will be on community supervision. He's on the
9 sex offender registry. Not a threat to the community.
10 And he certainly does not fall within this definition.

11 The burden of proof -- and the judge will define it
12 for you, and it's always been the toughest thing when I do
13 criminal cases to explain. My dad didn't get the boy he
14 wanted. He got girls, and I was the oldest. And I was
15 the first one to play basketball in the boys' team. I was
16 very sports-oriented. My dad played college football and
17 he wrestled, and I wasn't doing either of those things.
18 But I did swim, and I got a scholarship, and I love
19 sports. And I thought about football. When I think about
20 football in describing and determining what reasonable
21 doubt is. It's not the 50-yard line. It's not just over
22 the 50-yard line. It's not the end zone. But
23 it's reason. Is there a reason to doubt?

24 We have two experts, both hired by the state. Is
25 there a reason to doubt? The notion that Timothy Oxendine

1 can get involuntarily committed for an indeterminate
2 period of time for a crime he hasn't committed is
3 dangerous, and that's the real injustice in this case.
4 And I know that what we're asking for you to find that
5 he's not a sexually violent predator is tough. There's no
6 news media. There's nobody that's going to ask you to
7 explain your decision. There's only the law that we all
8 in this society fight for. When we can have the
9 government say, Well, we think that he's dangerous and
10 that brings fear and more danger that bring fears and fear
11 bring more danger, especially when it comes to our rights.
12 Protecting the constitutional rights of sex offenders
13 who have served their sentence is not a matter of fairness
14 to them. It's necessary to -- it's necessary to protect
15 the integrity of this judicial system, and that's why
16 you're here. Because yes, he's a -- has pedophilic
17 disorder, and yes, he has the requisite crimes. So why
18 are we here? You are the determination of fact. You are
19 the ones that listen to the experts to try to predict his
20 likelihood of reoffending. And when you're told by the
21 state's expert, the court-appointed state's expert that
22 she doesn't that feel he meets this requirement, and then
23 the state goes out and they pay someone who has a vested
24 interest in moving his \$30,000 worth of investment, and
25 they determine that they are, you get to be the deciders

1 of fact.

2 The judge is going to tell you that. He's going the
3 read you the law. He's going to ask that you follow the
4 law. He's going to demand that you follow the law. And
5 set aside your disgust for the crimes which he's already
6 done his time for, and I'm going to ask that you find he's
7 not a sexually violent predator. Thank you.

8 MR. MORROW: Nothing further from the state.

9 JURY CHARGE

10 THE COURT: Ladies and gentlemen, we've come to the
11 point in the trial where I instruct you on the law. My
12 instructions will be somewhat lengthy. Now, I'm going the
13 give them to you in three parts. The first will be your
14 general instructions that define and control your duties.
15 Second will be instructions on what state -- the state
16 must prove, the rules of law that apply. And thirdly,
17 there will be some rules for your deliberations.

18 The general rules begin with your duty as jurors. It
19 your duty to find the facts from all of the evidence in
20 case. To those facts, you must apply the law as I give it
21 to you. You shall not be concerned with what the law
22 should be, but what it is. And you must not be influenced
23 by any personal likes or dislikes, opinions, prejudices,
24 or undue sympathy. This means that you must decide the
25 case solely on the evidence before you in accordance with

1 the law, the very thing you took an oath to do at the
2 beginning of the trial.

3 It is your responsibility and yours alone to
4 determine the facts of this case. I will therefore charge
5 you that if during the course of this trial or during this
6 charge, you have been given or left with the impression or
7 feeling that I have a personal feeling about the facts of
8 the case, or that I favor one side or the other, I would
9 specifically instruct you to disregard that impression.
10 Under our constitution, I'm not allowed to have an opinion
11 about the facts of the case. You should not be influenced
12 by any objections or the Court's rulings on them. You and
13 you alone are the judges of the facts. You determine the
14 facts by evaluating or weighing the evidence that you have
15 heard during the trial.

16 What is evidence? Evidence is the sworn testimony
17 from witnesses and any exhibits that have been entered
18 into evidence. The statements by the attorneys are not
19 evidence. What they have said in opening statements,
20 closing arguments, and at other times is intended to help
21 you interpret the evidence, but it is not evidence.

22 The petitioner, the state of South Carolina, has
23 brought this case under the Sexually Violent Predator Act
24 of South Carolina. The state seeks the civil commitment
25 of the respondent for the long-term control, care, and

1 treatment in a secure facility. This is not a criminal
2 proceeding seeking incarceration, but a proceeding seeking
3 civil commitment. The state of South Carolina alleges or
4 claims that the respondent, Timothy Oxendine, is a
5 sexually violent predator under the law. The respondent
6 denies that he is a sexually violent predator, and the
7 burden of proof is therefore on the state to prove by
8 evidence sufficient to satisfy each of you beyond a
9 reasonable doubt that the respondent is a sexually violent
10 predator. If the state is unable to meet that burden of
11 proof as to one or more of the elements of this claim,
12 then the respondent would be entitled to a finding that he
13 is not a sexually violent predator.

14 This is a unique proceeding. In most civil cases,
15 the petitioner only has the burden of proving a fact is
16 more likely true than not true, such as by the greater
17 weight or preponderance of the evidence. However, in this
18 type of case, the state's burden of proof must be more
19 powerful. It must be beyond a reasonable doubt.

20 In order for the state to meet its burden of proof in
21 this case, it must prove beyond a reasonable doubt that
22 the respondent is a sexually violent predator. A sexually
23 violent predator is defined under South Carolina law as a
24 person who has been convicted of a sexually violent
25 offense and who suffers from a mental abnormality or

1 personality disorder that makes the person likely to
2 engage in acts of sexual violence if not confined in a
3 secure facility for long-term control, care, and
4 treatment.

5 South Carolina law defines the term "sexually violent
6 offense" as criminal sexual conduct in the first degree,
7 second, or third degree; criminal sexual conduct with a
8 minor in the first or second degree; lewd act upon a
9 minor, and other offenses not pertinent to the facts of
10 this case. For purposes of this case, the parties
11 stipulate that criminal sexual conduct with a minor,
12 second degree, and lewd act upon a minor are sexually
13 violent offenses. "Mental abnormality" is defined as a
14 mental condition affecting a person's emotional or
15 volitional capacity that predisposes the person to commit
16 sexually violent offenses. "Likely to engage in acts of
17 sexual violence" means the person's propensity to commit
18 acts of sexual violence is of such a degree as to pose a
19 menace to the health and safety of others. Those are the
20 statutory definitions.

21 What is a reasonable doubt in the law? A reasonable
22 doubt is the kind of doubt that would cause a reasonable
23 person to hesitate to act. Proof beyond a reasonable
24 doubt is prove that leaves you firmly convinced that the
25 respondent is a sexually violent predator. There are very

1 few things in this world that we know with absolutely
2 certainty, and in sexually violent predator cases, the law
3 does not require proof that overcomes every possible
4 doubt. If, based on your consideration of the evidence,
5 you are firmly convinced that the state has met its burden
6 of proof beyond a reasonable doubt, then you must make a
7 finding that the respondent is a sexually violent
8 predator. If, on the other hand, after you have
9 considered the evidence you think that there is a real
10 possibility that the respondent is not a sexually violent
11 predator, you must give the respondent the benefit of the
12 doubt and find that he is not a sexually violent predator.

13 A reasonable doubt may arise from the evidence or
14 from a lack of evidence. The respondent is entitled to
15 every reasonable doubt that may arise in the case. If
16 upon any issue of fact essential to a finding that the
17 respondent is a sexually violent predator, you have any
18 reasonable doubt as to how that issue should be resolved,
19 it is your duty to resolve that doubt in favor of the
20 respondent. Suspicion, however strong, is not enough to
21 sustain a finding that the respondent is a sexually
22 violent predator. The evidence presented by the state
23 must be substantial evidence that proves beyond a
24 reasonable doubt that the respondent is a sexually violent
25 predator.

1 Necessarily, you must determine the credibility of
2 the witnesses who have testified in this case.
3 Credibility simply means believability. It becomes your
4 duty as jurors to evaluate the evidence and determine
5 which evidence convinces you it is true. In determining
6 the believability of witnesses who have testified in this
7 case, you may believe one witness over several witnesses,
8 or several witnesses over one witness. You may believe a
9 part of the testimony of a witness and reject the
10 remaining part of that testimony of the same witness. You
11 may believe the testimony of a witness in its entirety or
12 reject the testimony of a witness in its entirety. You
13 may consider whether the witness has an interest in the
14 result of the trial, whether the witness is prejudiced
15 towards one of the parties or the other, the opportunity
16 for the witness to have seen the matters about which the
17 witness may testify, and the way the witness acts on the
18 witness stand. Most certainly you do not determine the
19 matter of credibility or believability by counting up the
20 number of witness who may have testify on behalf the
21 parties in the case. Your sole objective is to find the
22 truth. It does not matter whether the truth comes from a
23 witness from the state or a witness from the defendant.

24 You have heard testimony from persons described as
25 experts. Persons who, by education and experience, have

1 become expert in some field may state their opinion on
2 matters in that field and may also state their reasons for
3 that opinion. Expert opinion testimony should be judged
4 just as any other testimony. You may accept it or reject
5 it and give it as much weight as you think it deserves
6 considering the witness's education and experience, the
7 reasons given for the opinion, and all the other evidence
8 in the case.

9 There are two type of evidence which are generally
10 presented during a trial, direct and circumstantial
11 evidence. Direct evidence directly proves the existence
12 of a fact and does not require deduction. Circumstantial
13 evidence is proof of a chain of facts or circumstances
14 indicating the existence of a fact. Cases may be proven
15 by circumstantial evidence. The law makes no distinction
16 between the weight or value to be given to either direct
17 or circumstantial evidence. However, to the extent the
18 state relies on circumstantial evidence, all the
19 circumstances must be consistent with each other, and when
20 taken together, point conclusively the status of the
21 respondent as a sexually violent predator. If the
22 circumstances merely portray the status as suspicious, the
23 state has failed. The state has the burden of proving the
24 respondent a sexually violent predator beyond a reasonable
25 doubt. The burden rests with the state regardless of

1 whether the state relies on direct evidence,
2 circumstantial evidence, or a combination of the two.

3 Ladies and gentlemen, we're almost the point where I
4 send you to the jury room to begin your deliberations.
5 This has been a long instruction on the law, but I leave
6 you with some final thoughts. You were chosen as jurors
7 because both sides believed that you could be fair and
8 impartial in deciding this case. I instruct you to make
9 use of your life experience, your good common sense, your
10 sense of logic and reason in evaluating the evidence in
11 case. You are not partisans or advocates for either side.
12 You have no friends to reward nor any enemies to punish.
13 You are the judges of the facts. Your sole interest is to
14 find the truth from the evidence presented in the case.
15 Be courteous with one another, listen to the views of your
16 fellow jurors, take the amount of time necessary for you
17 to thoroughly evaluate the evidence. This case is
18 important to both sides, and this is their day in court.

19 Now, Mr. Foreman, I'm going to go over the verdict
20 form with you. This is a simple verdict form, and it
21 gives the caption of the case and it has a question: Has
22 the petitioner, the state of South Carolina, proven beyond
23 a reasonable doubt that Timothy Groves Oxendine is a
24 sexually violent predator under the South Carolina
25 Sexually Violent Predator Act. We, the jury, unanimously

1 answer the question as follows, and you have two options.
2 The first is, Yes, Timothy Groves Oxendine is a sexually
3 violent predator; and the second is, No, Timothy Groves
4 Oxendine is not a sexually violent predator. Place no
5 significance on the order in which the choices appear on
6 verdict form. One simply had to go on the page before the
7 other.

8 When you have reached a verdict, you will check the
9 appropriate box, and Mr. Foreman, you will sign the line
10 above your name. Your verdict must be unanimous. Now,
11 I'm going you to send the jury room. I'm not going to
12 send the verdict form back with you right now. I have
13 a -- some matters of law to take up with the attorneys.
14 You cannot begin your deliberations until I send the
15 verdict form and the exhibits back with the bailiff. So
16 retire the -- Madame Bailiff, if you'll take them to the
17 jury room right now.

18 THE BAILIFF: Yes, sir, Your Honor.

19 (The jury left open court.)

20 THE COURT: Any exceptions to the jury charges from
21 the state?

22 MR. MORROW: Nothing from the state, Your Honor.

23 THE COURT: Any exceptions from the respondent?

24 MS. ZMROCZEK: None from the respondent, Your Honor.

25 THE COURT: Let's get our verdict form and make sure

1 we have all our exhibits. If the attorneys will check the
2 exhibits and make sure all the exhibits are present.

3 Take the verdict form the jury and inform them they
4 begin their deliberations. We'll be in recess. We need
5 the alternates. We need the alternates.

6 (The jury began deliberation at 2:23 p.m.)

7 (The alternate jurors entered the courtroom.)

8 THE COURT: Well, I -- y'all are alternates, so your
9 service has ended since all the primary jurors were able
10 to make it through the trial. We appreciate your service.
11 You're free to leave if you would like to. If you want to
12 stay and see how it comes out, you're welcome to stay, but
13 y'all are dismissed and we appreciate your service.

14 (A recess was taken.)

15 THE COURT: We have received a note from the jury
16 with three questions on it. I will read what it says.
17 "How long is treatment? How often will he be re-evaluated
18 in treatment? Will he have the opportunity to be
19 re-evaluated by a jury after being in treatment?"

20 Now, my initial feeling is that none of these
21 questions are relevant to the issue at hand. These are
22 matters outside of the record, outside of the case.
23 Unless either party objects, I'm just going to tell -- and
24 I'll listen to your objections, but I'm just going to tell
25 the jury that the Court can't comment on matters outside

1 of the record, and that they're to base their decision on
2 what evidence is currently in the record. Is there any
3 objection to that?

4 MR. MORROW: No objection from the state.

5 MS. ZMROCZEK: No objection, Your Honor. It's just
6 that is always my main concern in these cases is that they
7 want -- like I said to kind of pass the buck. That's my
8 concern is that they hear what could happen afterwards and
9 they'll base their decision on that. And I guess if you'd
10 just remind them they have to base it only on what they've
11 heard.

12 THE COURT: I'm just going tell them they must base
13 their decision on what evidence is currently in the
14 record.

15 MS. ZMROCZEK: Perfect.

16 THE COURT: Okay. If we could get our jury, please,
17 sir.

18 (The jury entered the courtroom.)

19 THE COURT: All right, ladies and gentlemen. I'm
20 holding your question that you sent. The Court cannot
21 comment on the facts of the case. You must base your
22 decision on evidence that is currently in the record. And
23 that's the only way I can answer these questions. So with
24 that, Mr. Foreman, I'll ask you to retire back to the jury
25 room with the jury and resume your deliberations.

1 (The jury left open court.)

2 THE COURT: Any objections, exceptions to that
3 instruction from the state?

4 MR. MORROW: None from the state.

5 THE COURT: Respondent?

6 MS. ZMROCZEK: None from the respondent.

7 (Court's Exhibit Number 3 was
8 marked.)

9 THE COURT: I have received a note from the jury they
10 have reached a verdict.

11 (The jury entered the courtroom at 3:11 p.m.)

12 THE COURT: Mr. Foreman, has the jury reached a
13 unanimous verdict?

14 JUROR: We have.

15 THE COURT: Okay. Would you hand that verdict to the
16 bailiff, sir? Madame Clerk, would you publish the
17 verdict, please, ma'am.

18 VERDICT

19 THE CLERK: Yes, sir. State of South Carolina,
20 County of York, the Court of Common Pleas, in the matter
21 of matter of the care and treatment of Timothy Groves
22 Oxendine, case number 2013-CP-46-1054. Has the
23 petitioner, the state of South Carolina, proven beyond a
24 reasonable doubt that Timothy Groves Oxendine is a
25 sexually violent predator under the South Carolina

1 Sexually Violent Predator Act? We, the jury, unanimously
2 answer the question as: Yes, Timothy Groves Oxendine is a
3 sexually violent predator. Signed September 29th, 2015,
4 by Foreperson Christopher Kane.

5 Ladies and gentlemen, if this is your verdict, please
6 indicate by raising your right hand. All hands are
7 raised. Thank you.

8 THE COURT: Anything further from the state before we
9 release the jury?

10 MR. MORROW: Nothing from the state, Your Honor.

11 THE COURT: Anything from the respondent?

12 MS. ZMROCZEK: We would ask they be polled
13 individually, Your Honor.

14 THE COURT: Madame Clerk, would you poll the jury
15 individually.

16 THE CLERK: Yes, sir. Ladies and gentlemen, when
17 your name is called, please stand. Dainna C. Alley.
18 Ms. Alley, was this your verdict?

19 JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR: Yes.

22 THE CLERK: Juror 102, Mark A. Hernandez.
23 Mr. Hernandez, was this your verdict?

24 JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 JUROR: Yes.

2 THE CLERK: Juror 119, Juanita M. Jones.

3 Ms. Jones, was this your verdict?

4 JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 JUROR: Yes.

7 THE CLERK: Juror 122, Christopher S. Kane.

8 Mr. Kane, was this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror 82, Larry E. Floyd. Mr. Floyd, was
13 this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: Juror 171, Madeline C. Oxendine.

18 Ms. Oxendine, was this your verdict?

19 JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR: Yes.

22 THE CLERK: Juror 155, Diane C. Morse-Brady.

23 Ms. Morse-Brady, was this your verdict?

24 JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 JUROR: Yes.

2 THE CLERK: Juror 251, Vincent D'Annuzio. Mr.

3 D'Annuzio, was this your verdict?

4 JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 JUROR: Yes.

7 THE CLERK: Juror Number 1, Laquasha T. Adams.

8 Ms. Adams, was this your verdict?

9 JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 JUROR: Yes.

12 THE CLERK: Juror Number 36, Randolph S. Cheifer.

13 Mr. Cheifer, was this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 JUROR: Yes.

17 THE CLERK: Juror 229, Holly A. Torchia.

18 Ms. Torchia, was this your verdict?

19 JUROR: Yes.

20 THE CLERK: Is it still your verdict?

21 JUROR: Yes.

22 THE CLERK: Thank you. Juror Number 45, David R.

23 Coleman. Mr. Coleman, was this your verdict?

24 JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 JUROR: Yes.

2 THE COURT: Okay. Ladies and gentlemen, thank you
3 for your service. Our court could not function without
4 our citizens being willing to serve as jurors, and we
5 appreciate your service in this case and this week in jury
6 duty. Now, unfortunately, the week is not over, so I'm
7 going to ask you to refer to the telephone tonight after
8 7:00 p.m. in which the clerk will give you further
9 instructions for the week for your jury service. So you
10 dismissed for the day. Just call that number after
11 7:00 tonight.

12 (The jury left open court.)

13 THE COURT: Anything from the state?

14 MR. MORROW: No, Your Honor.

15 THE COURT: From the defense?

16 MS. ZMROCZEK: Nothing from the defense, Your Honor.

17 THE COURT: Okay, thank you. The respondent.

18 MS. ZMROCZEK: Nothing, Your Honor.

19 THE COURT: Now, for purposes of the case, is there a
20 formal order that's necessary?

21 MR. MORROW: I have prepared an order, but I noticed
22 that there are two typos in it I would like to correct if
23 I can email it to Your Honor.

24 THE COURT: As long as you send Ms. Zmroczek a draft
25 copy before you submit that to the Court.

1 MR. MORROW: Thank you, Your Honor.

2 THE COURT: The record is closed. We'll go into
3 recess.

4 (Court's Exhibit Number 4 was marked.)

5 (Whereupon, the proceedings were concluded.)
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CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

I, Aminah R. Hardy, CM, Official Court Reporter
for the 16th Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
Common Pleas for York County, South Carolina, on the
28th-29th day of September 28th - 29th, 2015.

March 14th, 2016



Aminah R. Hardy, CM

FILED-RECEIVED
 STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
 COUNTY OF YORK 2013 APR 11 PM 2:56
 CASE NO. 2013-CP-46- 1054

IN THE MATTER OF THE CARE AND TREATMENT OF)
 TIMOTHY GROVES OXENDINE,) PETITION PURSUANT TO THE
) SEXUALLY VIOLENT PREDATOR ACT
 RESPONDENT.)

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (Supp. 2008).
2. The South Carolina Department of Corrections, having determined that Respondent, Timothy Groves Oxendine, 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 (Supp. 2008). **Respondent's anticipated release date from custody is on or about November 22, 2013.**
3. The Multidisciplinary Team met on **February 25, 2013** and 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 (Supp. 2008), and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 (Supp. 2008) as to whether probable cause exists to believe Respondent is a Sexually Violent Predator. **(PETITIONER'S EXHIBIT A)**. The assessment of the Multidisciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee met on **March 22, 2013** and 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 Multidisciplinary 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) (Supp. 2008), to wit:

- (a) Between the summer of 2000 and September of 2004, Respondent sexually assaulted **Victim 1** (10/11-14-year-old female). According to law enforcement documents, the victim's mother was a friend of Respondent's and would often leave Respondent alone with the victim. The victim and her mother also lived with Respondent during a brief period of time. The victim stated that Respondent would have sexual intercourse with her approximately twice a week over the span of four years, and that they would also engage in oral sex with each other. The victim further stated that Respondent would then purchase gifts for her after having sex, and took her to out-of-town trips and golf outings. Respondent told the victim that these sexual acts were acceptable, and the victim stated that she felt "brainwashed" into believing that this behavior was not criminal. The victim ended the relationship when she told the Respondent that she wanted to be with someone her age, and that she was then moving in with her birth father. The acts were then reported in 2005 after the victim told her boyfriend and then it was subsequently reported to her father. Respondent was charged with five counts of Criminal Sexual Conduct with a Minor - Second Degree in violation of South Carolina Code Section 16-3-655(3). On October 6, 2005, Respondent pled guilty as charged and was sentenced to a concurrent sentence of 10 years incarceration for all of the aforementioned counts. **(PETITIONER'S EXHIBIT C)**.
- (b) Prior to the offense described in subparagraph 5(a), on or about June 22, 2000, it was reported that Respondent sexually assaulted **Victim 2** (13 year-old female at the time of reporting/6-year-old female at the time of offense) seven years prior. According to law enforcement documents, the victim reported that she went to Respondent's house to play, similar to other children in the neighborhood. While she was alone with Respondent in his home, Respondent grabbed her while she was trying to leave and began fondling her vagina. After a brief struggle, Respondent then stopped and told the victim that if she told anyone, he would find her "no matter where she was and kill her." Respondent was charged with one count of Lewd Act Upon a Child Under 16 in violation of South Carolina Code Section 16-15-140. On or about January 1, 2001, Respondent pled guilty to one count of ABHAN and sentenced to eight years of incarceration suspended to three years probation. **(PETITIONER'S EXHIBIT D)**.
- (c) Prior to the offenses described in subparagraph 5(b), on or around June 22, 1994, it was reported by the Department of Social Services (DSS) that Respondent sexually assaulted **Victim 3** (10-year-old female) in July of 1993. According to law enforcement documentation, the victim was spending the summer with her mother and they were swimming with friends at the time of incident at a river park with Respondent. The victim reported that Respondent asked if the victim was a virgin, and

when she replied yes, Respondent grabbed her and held her with his legs around her. Respondent then rubbed her vaginal area with his hand for approximately five minutes. The victim repeatedly asked him to stop, but was unable to get away. When Respondent stopped, Respondent told the victim she would "get it" if she told anyone. Respondent was charged with Lewd Act on a Child Under 14 in violation of South Carolina Code Section 16-15-140. On or about January 12, 1995, Respondent pled guilty as charged and was sentenced to 10 years suspended on the service of three years and three years probation. **(PETITIONER'S EXHIBIT E).**

(d) During Respondent's incarceration at the South Carolina Department of Corrections, Respondent has not had any recorded disciplinary infractions. **(PETITIONER'S EXHIBIT F).**

(e) 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.

(f) In support of the State's allegations that Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following:

i. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilia** listed in Section 302.2 are:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion

A. (PETITIONER'S EXHIBIT G).

- ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilia**:
 - A. Recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving (1) the suffering or humiliation of oneself or one's partner, or non-consenting person, (2) over a period of at least 6 months. (PETITIONER'S EXHIBIT H).
- 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. Respondent's five 2005 convictions for Criminal Sexual Conduct with a Minor – Second Degree as set forth above. (PETITIONER'S EXHIBIT C, *supra*).
 - B. Respondent's 2001 conviction for ABHAN as set forth above. (PETITIONER'S EXHIBIT D, *supra*).
 - C. Respondent's 1995 conviction for Lewd Act on a Child Under 14 as set forth above. (PETITIONER'S EXHIBIT E, *supra*).
- iv. The basis of his record of convictions and arrests in South Carolina dating back to at least 1977, include convictions for:
 - 1. 12/17/1982 – Burglary.
 - 2. 02/13/1981 – Possession of Marijuana.
 - 3. 04/12/1977 – Reckless Homicide.

(see NCIC Report, PETITIONER'S EXHIBIT J, *infra*).
- v. 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.

- vi. **Known risk factors** increasing Respondent's likelihood to re-offend include: 1) Not related to victim; 2) Prior non-sexual convictions; 3) Prior sexual offenses; 4) Offender under supervision when offense occurred; 5) force or threat of force used; 6) Two or more age groups victimized; 7) Victim age 13-15; 8) More than one victim; and 9) Victim age 11 or younger.
- vii. Upon information and belief, Respondent has completed C-Star (Education) sex offender treatment while incarcerated in the South Carolina Department of Corrections during 08/30-1995 – 02/07/1996. **(PETITIONER'S EXHIBIT I).**
- viii. Attached also is Respondent's NCIC Report. **(PETITIONER'S EXHIBIT J).**

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, if he is not already in custody;
4. Counsel be appointed for Respondent, if necessary;
5. If probable cause is found at that hearing, Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
6. The Court approve 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

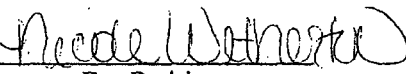
personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.* (Supp. 2008); and

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

March 29, 2013
Columbia, South Carolina

Petitioner's Exhibit A

SEXUAL PREDATOR REFERRAL FORM

Offender Name: TIMOTHY GROVES OXENDINE Offender Number: 217478 Jurisdictional Agency: SCDC
 Age: 58 County: YORK Qualifying Offense(s): Guilty Plea: Trial: Criminal Sexual Conduct with Minor 2nd (5 counts)
 Gender: Male No. of Incarcerations: 6
 Adult 10 years Parole Eligibility Max-Out
 Sentence: Date: Date: 11/22/2013
 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
<u>✓ 4</u>	<u>0</u>	<u>0</u>

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

[Signature] SCDC -- CHAIRPERSON
[Signature] SCDPPS
[Signature] DMH
[Signature] JDG
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on February 21, 2013, and based upon that assessment, we find that:

- 1 The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Petitioner's Exhibit B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

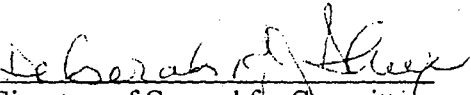
INMATE NAME:	INMATE NUMBER:	PRC REVIEW DATE:
Timothy Groves Oxendine	217478	March 22, 2013
		MEMBERS PRESENT:
		John McIntosh for Alan Wilson Deborah R.J. Shupe BeeBe James via telephone David M. Stumbo via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: February 25, 2013

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

Petitioner's Exhibit C

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE VS.

TIMOTHY G. OXENDINE

AKA: _____

Race: W Sex: M Age: 50

DOB: _____ SS#: _____

Address: _____

DL#: _____ SID#: SC00154266IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#2005 GS 46 2667A/W#: G792662Date of Offense: 06-01-2003S.C. Code § : 16-3-655(3)CDR Code #: 0397☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct with a Minor Second Degreein violation of § 16-3-655(3) of the S.C. Code of Laws, bearing CDR Code # 0397☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____

Solicitor: _____

Defendant: Timothy G. OxendineAttorney for Defendant: [Signature]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 _____ 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 given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the
State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 - (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Surcharge) \$ 100

§ 14-1-211(A)(2) (Surcharge) \$ _____

§ 56-5-2995 (DUI Assessment) \$ _____

3% to Count (if paid in installments) \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$ _____

§ 50-21-114(BUI Breath Test Fee) \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$ _____

TOTAL \$ 125David Hamilton

Clerk of Court/Deputy Clerk

Court Reporter: Garet Rich

PTUP _____

_____ days/hours Public Service Employment

Obtain GED _____

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to clerk during probation.PRESIDING JUDGE [Signature]Judge Code: 0101419Sentence Date: 06/05

SOUTH CAROLINA

COUNTY OF YorkSTATE VS.TIMOTHY G. OXENDINE

AKA: _____

Race: W Sex: M Age: 50

DOB: _____ SS#: _____

Address: _____

DL#: _____ SID#: SC00154266IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#

2005 GS 46 2665

A/W#: G792660Date of Offense: 07-01-2003S.C. Code § : 16-3-655(3)CDR Code #: 0397☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was

TO: Criminal Sexual Conduct with a Minor Second Degreein violation of § 16-3-655(3) of the S.C. Code of Laws, bearing CDR Code # 0397☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: _____

Solicitor: _____

Defendant: Timothy G. OxendineAttorney for Defendant: [Signature]

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 _____ 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: 10/6/05☒ The Defendant is given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 - (Assessments 107.5 %) _____ \$ _____

§ 14-1-211(A)(1) (Surcharge) _____ \$ 100

§ 14-1-211(A)(2) (Surcharge) _____ \$ _____

§ 56-5-2995 (DUI Assessment) _____ \$ _____

3% to Count (if paid in installments) _____ \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) _____ \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) _____ \$ _____

§ 50-21-114(BUI Breath Test Fee) _____ \$ _____

§ 56-5-2942(J) (Vehicle Assessment) _____ \$ _____

TOTAL _____ \$ 125

Clerk of Court/Deputy Clerk

Court Reporter: [Signature]

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to clerk during probation.PRESIDING JUDGE [Signature]Judge Code: 0101419Sentence Date: 10/6/05

SCCA017/00000

STATE OF SOUTH CAROLINA

COUNTY OF York

STATE

VS.

TIMOTHY G. OXENDINE

AKA:

Race: W Sex: M Age: 50DOB: SS#:

Address:

DL#: SID#: SC00154266IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#

2005 GS 46 2664

A/W#: F916879Date of Offense: 06-01-2000S.C. Code § : 16-3-655(2)CDR Code #: 0396☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL #2In disposition of the said indictment comes now the Defendant who was
TO: Criminal Sexual Conduct with a Minor Second Degreein violation of § 16-3-655(2) of the S.C. Code of Laws, bearing CDR Code # 0396☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor:

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 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 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: 10/6/05☒ The Defendant is given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the
State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ § 14-1-206 - (Assessments 107.5 %) \$ § 14-1-211(A)(1) (Surcharge) \$ § 14-1-211(A)(2) (Surcharge) \$ 100§ 56-5-2995 (DUI Assessment) \$ 3% to Count (if paid in installments) \$ § 73.3, 1B TP (Law Enforce. Funding) \$ 25§ 33.7, 1B TP (Drug Court Surcharge) \$ § 50-21-114(BUI Breath Test Fee) \$ § 56-5-2942(J) (Vehicle Assessment) \$ TOTAL \$ 125David Hamilton
Clerk of Court/Deputy ClerkCourt Reporter: Janet Rich

PTUP

 days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling Random Drug/Alcohol testing Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to clerk during probation.PRESIDING JUDGE John HaganJudge Code: 01 418Sentence Date: 10/6/05

COUNTY OF York
STATE SC VS.
TIMOTHY G. OXENDINE

AKA: _____
Race: W Sex: M Age: 50
DOB: _____ SS#: _____
Address: _____
DL#: _____ SID#: SC00154266

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#

2005 GS 46 2666

A/W#: G792661
Date of Offense: 06-01-2000
S.C. Code §: 16-3-655(2)
CDR Code #: 0396

☐ CASE RESTORED
SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was
TO: **Criminal Sexual Conduct with a Minor Second Degree**

in violation of § 16-3-655(2) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State

ATTEST

Solicitor: _____

Defendant: Timothy G. Oxendine

Attorney for Defendant: B. B. B.

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 _____ 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: 10/6/05

☒ The Defendant is given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the
State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 - (Assessments 107.5 %) \$ _____

§ 14-1-211(A)(1) (Surcharge) \$ 100

§ 14-1-211(A)(2) (Surcharge) \$ _____

§ 56-5-2995 (DUI Assessment) \$ _____

3% to Count (if paid in installments) \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) \$ _____

§ 50-21-114(BUI Breath Test Fee) \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$ _____

TOTAL \$ 125

David Hamilton
Clerk of Court/Deputy Clerk

Court Reporter: Janet Reech

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to clerk during probation.

PRESIDING JUDGE John H. Hays

Judge Code: 0 10 1 4 1 7

Sentence Date: 10/6/05

COUNTY OF York
STATE VS.
TIMOTHY G. OXENDINE

AKA: _____
Race: W Sex: M Age: 50
DOB: _____ SS#: _____
Address: _____
DL#: _____ SID#: SC00154266

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#

2005 GS 46 2663

A/W#: F916878
Date of Offense: 06-01-2000
S.C. Code § : 16-3-655(2)
CDR Code #: 0396

☐ CASE RESTORED
☒ SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was
TO: **Criminal Sexual Conduct with a Minor Second Degree**

in violation of § 16-3-655(2) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] Timothy G. Oxendine [Signature]
Solicitor: Defendant 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 _____ 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 given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the
State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 - (Assessments 107.5 %) _____ \$ _____

§ 14-1-211(A)(1) (Surcharge) _____ \$ 100

§ 14-1-211(A)(2) (Surcharge) _____ \$ _____

§ 56-5-2995 (DUI Assessment) _____ \$ _____

3% to Count (if paid in installments) _____ \$ _____

§ 73.3, 1B TP (Law Enforce. Funding) _____ \$ 25

§ 33.7, 1B TP (Drug Court Surcharge) _____ \$ _____

§ 50-21-114(BUI Breath Test Fee) _____ \$ _____

§ 56-5-2942(J) (Vehicle Assessment) _____ \$ _____

TOTAL _____ \$ 125

David Hamilton
Clerk of Court/Deputy Clerk

Court Reporter: Janet Rich

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol testing _____

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: South Atlantic Regional

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to clerk during probation.

PRESIDING JUDGE John H. [Signature]

Judge Code: 0149

Sentence Date: 10/6/05

ARREST WARRANT

G-792662

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

 THE STATE
against

Timothy G. Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: _____ Race: _____ Height: _____ Weight: _____

State: _____ DL#: _____

DOB: _____ Agency ORI#: 309460000

Prosecuting Agency: Rock Hill Police Department

Prosecuting Officer: E. Harveston

Offense: Criminal Sexual Conduct with a Minor

Offense Code: _____

Code/Ordinance Sec. 16-3-555.11

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality of

The accused

to be arrested and brought before me to be

all with according to law.

 _____ (LS.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Timothy Oxendine

5-25-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Municipal Judge.

0 East Black Street

Rock Hill, SC 29731-1706

3-329-7200

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

AFFIDAVIT

Personally appeared before me the affiant E. G. Harveston who

being duly sworn deposes and says that defendant Timothy G. Oxendine

did within this county and state on June 1, 2005 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill)

in the following particulars:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a Minor

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:

The defendant did willfully and unlawfully violate S.C. Code of Laws, Section 16-3-555(1), Criminal Sexual Conduct with a Minor, Second Degree by engaging in fellatio numerous times between the dates of June 1, 2003 and September 30, 2004, with one _____ who was 14 years of age and the defendant being 44 years of age at the time of the incidents. This occurring at the residence located at

which is within the city limits of Rock Hill, SC.

"Police Investigation"

"Sworn Statement"

Sworn to and subscribed before me

on 05/24/2005

Signature of Affiant

Affiant's Address 100 E. Black Street

Rock Hill, SC 29731-1706

Affiant's Telephone 803-329-5695

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

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 June 1, 2005 defendant Timothy G. Oxendine

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill

as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a Minor

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Judge's Address 100 East Black Street

Rock Hill, SC 29731-1706

803-329-7200

Judge's Telephone

Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

Judge Code: 16670

ORIGINAL

 Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

163

ARREST WARRANT

G-792661

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Rock Hill

THE STATE

against

Timothy B. Oxendine

Address: _____

Date: _____ SSN: _____

Sex: ☒ Male Race: ☒ White Height: 6'02" Weight: 315

State: SC DL#: _____

DOB: _____ Agency ORI #: 300460300

Prosecuting Agency: Rock Hill Police Department

Prosecuting Officer: K. Harveston

Offense: Criminal Sexual Conduct with a Minor

Offense Code: _____

Code/Ordinance Sec. 16-3-655(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

 The accused
 to be arrested and brought before me to be
 salt with according to law.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

 A copy of this arrest warrant was delivered to
 defendant Timothy Oxendine
 on 5-25-05
K. Harveston
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

 Municipal Judge,
 126 East Black Street
 Rock Hill, SC 29731-1706
 803-329-7200

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Rock Hill

AFFIDAVIT

 Personally appeared before me the affiant K. E. Harveston who
 being duly sworn deposes and says that defendant Timothy B. Oxendine
 did within this county and state on June 1, 2003 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill)
 in the following particulars:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a Minor

 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:

 The defendant did willfully and unlawfully violate S.C. Code of Laws, Section 16-3-655(1), Criminal
 Sexual Conduct with a Minor, Second Degree by engaging in cunnilingus numerous times between the dates of
 June 1, 2003 and September 30, 2004, with one [REDACTED] who was 14 years of age and the defendant
 being 49 years of age at the time of the incidents. This occurring at the residence located at
 which is within the city limits of Rock Hill, SC.

'Police Investigation'

'Sworn Statement'

Sworn to and subscribed before me

on 05/24/2005
Stacy S. Howe (L.S.)
 Signature of Issuing Judge

Signature of Affiant

Affiant's Address 126 E. Black StreetRock Hill, SC 29731-1706Affiant's Telephone 803-329-5505

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
 Rock Hill

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 June 1, 2003 defendant Timothy B. Oxendine
 did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a Minor

 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

Stacy S. Howe (L.S.)
 Signature of Issuing Judge
Judge's Address 126 East Black StreetRock Hill, SC 29731-1706Judge's Telephone 803-329-7200
 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

ARREST WARRANT

G-792660

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

THE STATE

against

Timothy G. Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: ☒ Male Race: ☒ Height: 5'10" Weight: 150

State: SC DL #: _____

DOB: _____ Agency ORI #: 306466000

Prosecuting Agency: Rock Hill Police Department

Prosecuting Officer: K. Harverson

Offense: Criminal Sexual Conduct with a

Minor

Offense Code: _____

Code/Ordinance Sec. 16-3-655 (1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
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 Timothy Oxendine

5-25-05

K. Harverson

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Municipal Judge.

120 East Black Street

Rock Hill, SC 29731-1706

803-329-7300

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

AFFIDAVIT

Personally appeared before me the affiant K. Harverson who
being duly sworn deposes and says that defendant Timothy G. Oxendine
did within this county and state on June 1, 2003 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill)
in the following particulars:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a

Minor

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:

The defendant did willfully and unlawfully violate S.C. Code of Laws, Section 16-3-655(1), Criminal
Sexual Conduct with a Minor, Second Degree by engaging in vaginal sexual intercourse numerous times
between the dates of June 1, 2003 and September 30, 2004, with one [redacted] who was 14 years of age
and the defendant being 46 years of age at the time of the incidents. This occurring at the residence
located at [redacted] which is within the city limits of Rock Hill, SC.

'Police Investigation'

'Sworn Statement'

Sworn to and subscribed before me

on 5/25/2005

Timothy S. Howe (LS.)
Signature of Issuing Judge

Signature of Affiant

Affiant's Address 120 E. Black Street

Rock Hill, SC 29731-1706

Affiant's Telephone 803-329-5695

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Rock Hill

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 June 1, 2003 defendant Timothy G. Oxendine
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct with a

Minor

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Timothy S. Howe (LS.)
Signature of Issuing Judge

Judge's Address 120 East Black Street

Rock Hill, SC 29731-1706

803-329-7300

Judge's Telephone

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Form Approved by
S.C. Attorney General
July 28, 1990
SCCA 518

ARREST WARRANT

F- 916878

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

THE STATE

against

Timothy Groves Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: M Race: W Height: 603 Weight: 240

State: SC DL #: _____

JB: _____ Agency ORI #: SC0460000

Prosecuting Agency: YCSO

Prosecuting Officer: Beth Tolson

Offense: Criminal Sexual Conduct W/Minor, 2nd Degree

Offense Code: _____

Code/Ordinance Sec. 16-3-655(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Timothy Groves Oxendine

on 6-1-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
200500016351

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

AFFIDAVIT

Personally appeared before me the affiant Det. Beth Tolson who
being duly sworn deposes and says that defendant Timothy Groves Oxendine
did within this county and state on between Summer 2000 and January 2001 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
In the following particulars:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct W/Minor, 2nd Degree 16-3-655(2)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That the defendant, Timothy Groves Oxendine, did violate the criminal laws of this State by committing a
sexual battery upon a minor, _____, who was 11 years of age at time of offense. This battery
was accomplished by defendant engaging in sexual intercourse with said child. This battery took place at the
child's residence, _____, which is in York County. All against the peace and dignity
of the State and all such laws so made and provided. Probable cause is based upon victim's statement and police
investigation.

Timothy Groves Oxendine - 09-17-54 (D.O.B.)

Sworn to and subscribed before me
on 6-1-05

Signature of Issuing Judge (L.S.)

Signature of Affiant Beth Tolson

Signature of Affiant 1675-2A York Hwy.

Affiant's Address York, SC

Affiant's Telephone 803-628-3059

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

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 between Summer 2000 and January 2001 defendant Timothy Groves Oxendine
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, 2nd Degree 16-3-655(2)

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge Code: 806

Judge's Address Moss Justice Center

Judge's Address 1675 York Hwy., York, SC

Judge's Telephone 803-628-3029

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ARREST WARRANT

F- 916879

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YorkTHE STATE
against

Timothy Groves Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: M Race: W Height: 503 Weight: 240State: SC DL #: _____JB: _____ Agency ORI #: SC0460000Prosecuting Agency: YCSOProsecuting Officer: Beth TolsonOffense: Criminal Sexual Conduct W/Minor, 2nd DegreeOffense Code: _____
Code/Ordinance Sec. 16-3-655(2)This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____The accused
is to be arrested and brought before me to be
dealt with according to law._____
Signature of Judge (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant Timothy Groves Oxendineon 6-2-05CM Nicholas
Signature of Constable/Law Enforcement OfficerRETURN WARRANT TO:
General Sessions
200500016351

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518Personally appeared before me the affiant Det. Beth Tolson who
being duly sworn deposes and says that defendant Timothy Groves Oxendine
did within this county and state on Between Fall 2001 and Summer 2002 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: Criminal Sexual Conduct W/Minor, 2nd Degree 16-3-655(2)I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That the defendant, Timothy Groves Oxendine, did violate the criminal laws of this State by committing a
sexual battery upon a child, _____ who was around 12 years of age at time of offense. This
battery occurred by defendant engaging in sexual intercourse with said minor. This incident took place the
minor's residence, which was located at _____ in York County. All against
the peace and dignity of the State and all such laws so made and provided. Probable cause is based upon
victim's statement and police investigation.

Timothy Groves Oxendine - 09-17-54 (D.O.B.)

Sworn to and subscribed before me
on 6-1-05
Regina Beyrout (L.S.)
Signature of Issuing JudgeBeth Tolson
Signature of Affiant
Affiant's Address 1675-2A York Hwy.
York, SC
Affiant's Telephone 803-628-3059

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 Between Fall 2001 and Summer 2002 defendant Timothy Groves Oxendine
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, 2nd Degree 16-3-655(2)Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
defendant at the time of its execution, or as soon thereafter as is practicable.Regina Beyrout (L.S.)
Signature of Issuing Judge
Judge's Address Moss Justice Center
1675 York Hwy., York
Judge's Telephone 803-628-3029
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

AGENCY I.D.
SC0480300

INCIDENT REPORT

CASE NUMBER

0504160867

INC. NO.
No

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE V		
	1. FORCIBLE RAPE		☒ YES ☐ NO	☐ YES ☒ NO	RESIDENCE/HOME		☐ Indiv ☐ Busin ☐ Financ ☐ Govern ☐ Relig. ☐ Soc/P ☐ Other ☐ Unknown ☐ Police		
	2.		☐ YES ☐ NO	☐ YES ☐ NO					
	3.		☐ YES ☐ NO	☐ YES ☐ NO					
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYP		
	313 LAURENS ST ROCK HILL SC					29730-	PERSONAL WEAPC		
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME		LOCATION NO	
	08/10/2004	18:00		08/10/2004	18:00	DISP. DATE	DISP. TIME	TIME ARRIVED	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH	
[REDACTED]		[REDACTED]		J	W	M	52	N	
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.			
[REDACTED]		[REDACTED]							
SUBJECT NO. 1	VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH
	[REDACTED]		[REDACTED]		J	W	F	18	N
	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.		
	[REDACTED]		[REDACTED]						
HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.				
505		130	3	2					
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.			
[REDACTED]		[REDACTED]							
VISIBLE INJURY (VICT. 1) ☐ YES ☐ NO ☐ EXPLAIN--		COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☐ NO							
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☐		DRUGS: ☐ YES ☐ NO ☐ UNK ☐ TYPE							
TWO-MAN VEN. ☐		ONE-MAN VEN. ☐		DETECTIVE/SPLASMT. ☐		OTHER ☐		ASSISTED ☐	
* J—This Jurisdiction. S—State. O—Out of State. U—Unknown									
SUBJECT NO. 1	☒ SUSPECT	NAME (LAST, FIRST, MIDDLE)			RACE	SEX	AGE	ETH	DATE OF BIRTH
	☐ RUNAWAY	OXENDINE, TIMOTHY GROVES			W	M	50	N	
	☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.			DAYTIME PHONE		EVENING PHONE		
	☐ WARRANT	[MEDICAL CONDITIONS AND DISEASES, NO MEDICAL PROBLEMS,]							
☐ ARREST	ADDRESS			CITY	STATE	ZIP CODE	LOCATION NO.		
☐ JAIL	[REDACTED]			ROCK HILL	SC				
☐ SUMMONS	SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☐ NO ☐ UNK ☐			ARRESTED NEAR OFFENSE SCENE: ☐ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
DRUGS: ☐ YES ☐ NO ☐ UNK ☐ TYPE:			TOTAL # ARRESTED: 1		08/10/2004 18:00:00		05/25/2005		

Narrative Title: 0504160867

Date Entered: 04/19/2005 09:37:19

OFFICER CULBREATH:

ON 04-16-2005 OFFICER CULBREATH RESPONDED TO 120 E. BLACK ST. (LAW CENTER) IN REFERENCE TO CRIMINAL SEXUAL CONDUCT WITH A MINOR. THE COMPLAINANT ME [REDACTED] STATED THAT HIS DAUGHTER [REDACTED] STATED THAT SHE HAS BEEN SEXUALLY ASSAULTED FOR THE LAST FOUR YEARS. [REDACTED] STATED THAT SINCE SHE WAS 11 YEARS OLD, SHE WAS SEXUALLY ASSAULTED BY MR TIMOTHY

ADMINISTRATIVE	JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
PROPERTY EST.	TYPE (GROUP)							TOTAL VALUE
	STOLEN							
	DAMAGED							
	BURNED							
ADMINISTRATIVE	RECOVERED							
	SEIZED							
	SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18	
	☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY		DATE		UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
CULBREATH, CARLOS		04/17/2005		04358				

AGENCY: ROCK HILL POLICE
Jurisdiction: SC0460300
Report Date / Time: 04/17/2005 16:00:00
Incident/Case Number: 0504160867
Case Description: RAPE [REDACTED]
Primary Officer Name/ID: CULBREATH, CARLOS/04355
Approved By:
Date/Time Printed: 06/17/2005 17:39:09

Narrative: Page 2

OXENDINE. [REDACTED] STATED THAT SHE NEVER TOLD ANYONE ABOUT THE ENCOUNTER WITH MR. OXENDINE. [REDACTED] STATED THAT HER AND MR. OXENDINE HAD SEX SEVERAL TIMES. [REDACTED] STATED THAT SHE WAS MANIPULATED INTO HAVING SEX WITH MR. OXENDINE. MS. SHIPMAN STATED THAT SHE WAS TIRED OF THE SEXUAL ABUSE, AND NOTIFIED HER FATHER ABOUT THE INCIDENT. [REDACTED] AND [REDACTED] CAME TO THE LAW CENTER TO SIGN A WARRANT AGAINST MR. OXENDINE. THE CASE WILL REMAIN ACTIVE PENDING INVESTIGATION.

Narrative Title: 0504160867 - SUPPLEMENTAL
Date Entered: 05/27/2005 14:00:22

OFFICER HARVESTON:

DET HARVESTON OBTAINED THREE WARRANTS ON 05-24-05 FOR CRIMINAL SEXUAL CONDUCT WITH A MINOR AGAINST OXEDINE BASED ON INFORMATION OBTAINED DURING THE INVESTIGATION. OXENDINE TURNED HIMSELF IN AT THE LAW CENTER WHERE HE WAS TAKEN INTO CUSTODY AND SERVED WITH WARRANT NUMBERS G-792660, G-792661 AND G-792662. THIS CASE IS CLOSED BY ARREST.

MAY-26-2005 12:51 FROM:RH DETECTIVE DEPT. 10033252516

100-66203158

P. 002/005

AGENCY: D. ROCK HILL POLICE DEPARTMENT
INCIDENT REPORT

SC0460300

CASE NUMBER
0504160867

NO. ENVD.

EVENT	INCIDENT TYPE		COMPLETED	ICED ENTRY	PHENOM TYPE	UNITS ENTERED	TYPE VICTIM	
	1. Criminal Sexual Conduct with a Minor		☒ YES ☐ NO	YES ☐ NO	Residence		☒ Individual	
	2.		☐ YES ☐ NO	YES ☐ NO			☐ Business	
	3.		☐ YES ☐ NO	YES ☐ NO			☐ Financial Inst.	
VICTIM NO. 1	313 Laurens St, Rock Hill, SC		ZIP CODE	29730		WEAPON TYPE		
	INCIDENT DATE	10/05	1600	DATE OF BIRTH	4/17/05	600	LOCATION NO.	
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	[REDACTED]		DATE OF BIRTH	1605	1630	3	
	ADDRESS	[REDACTED]		STATE	SC	ZIP CODE	LOCATION NO.	
SUBJECT NO. 1	Victim Name (Last, First, Middle)		Relationship to Subject	Sex	Age	Eth	Daytime Phone	
	[REDACTED]		Acq	M	52	N	[REDACTED]	
	Address		City	State	Zip Code	Location No.	09-28-1952	
	[REDACTED]		Rock Hill	SC	29730	09-17-1950		
NARRATIVE	Victim Name (Last, First, Middle)		Relationship to Subject	Sex	Age	Eth	Daytime Phone	
	[REDACTED]		Acq	F	5	N	[REDACTED]	
	Address		City	State	Zip Code	Location No.	09-28-1952	
	[REDACTED]		Rock Hill	SC	29730	09-17-1950		
ADMINISTRATIVE	On 04-16-2005 Officer Culbreath responded to 120 E. Black St. (Law Center) in reference to criminal sexual conduct with a minor. The complainant [REDACTED] stated that his daughter [REDACTED] stated that she has been sexually assaulted for the last four years. [REDACTED] stated that since she was 11 yrs old, she was sexual / assaulted by Mr. Timothy Oxendine. [REDACTED] stated that her and Mr. Oxendine had sex several times. [REDACTED] stated that she was manipulated into having sex with Mr. Oxendine. [REDACTED] stated that she was tired of the sexual abuse, and notified her father about the incident [REDACTED] and [REDACTED] to the Law Center to sign a warrant against Mr. Oxendine. This case will remain active pending investigation.		JURISDICTION OF INCIDENT		JURISDICTION OF RECORDING LAW ENFORCEMENT AGENCY		TOTAL VALUE	
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]	
SUBJECT IDENTIFIED		SUBJECT LOCATED		ARRESTED UNDER 18		EX-CLEAR UNDER 18		
☒ YES ☐ NO		☒ YES ☐ NO		☒ YES ☐ NO		☒ YES ☐ NO		
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTIVE AGENCY 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM OF ASSAULT		DATE		DATE		DATE		
Culbreath		4/17/05		4/17/05		4/17/05		
FOLLOWUP INVESTIGATION		YES ☐ NO ☒		FOLLOWUP INVESTIGATION		YES ☐ NO ☒		

COPY

AGENCY I.D.
C0460000YORK COUNTY SHERIFFS OFFICE
INCIDENT REPORT
1. WHITE COPY 2. YELLOW COPY 3. PINK COPY

CASE NUMBER

200500016351

NCIC

IND. INTD.

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM	
1. Sex Offense (CSC W/Minor)				☒ YES ☐ NO	☐ YES ☒ NO	Residence		☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./ Public ☐ Other ☐ Unknown ☐ Police Officer	
2.				☐ YES ☐ NO	☐ YES ☐ NO				
3.				☐ YES ☐ NO	☐ YES ☐ NO				
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE		
[REDACTED]						29732	Personal		
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISP. DATE	DISPATCH TIME	TIME ARRIVED	DEPART TIME	LOCATION NO.
2400			Summer 2003		05-23-05	Report	Taken By	Phone	RHSD
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.
Rock Hill Police Department (Det. Harveston)					☒ YES ☐ NO	J S O U			
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.		
129 B. Black Street				Rock Hill	SC	29730	RH City		
VICTIM NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.
[REDACTED]				AQT	☒ YES ☐ NO	J S O U	W F	15	N
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
505	130	Bro	Bro	D.O.B.					
Address				CITY	STATE	ZIP CODE	LOCATION NO.		
[REDACTED]				Rock Hill	SC		RHSD		

VICTIM INQUIRY (MGT. 1) ☐ YES ☒ NO ☐ EXPLAIN -		COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO ☐	
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK ☐ DRUGS ☐ YES ☐ NO ☒ UNK ☐ TYPE			
TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/PLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐		- J - This Jurisdiction 9 - State, 0 - Out of State, U - Unknown	
☒ SUSPECT	NAME (LAST, FIRST, MIDDLE)		
☐ RUNAWAY	Oxendine, Timothy Groves		
☐ WANTED	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		
☐ WARRANT	ADDRESS		
☐ ARREST	CITY		
☐ JAIL	Rock Hill		
☐ SUMMONS	STATE		
	SC		
SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☐ NO ☒ UNK ☐		ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☒	
DRUGS ☐ YES ☐ NO ☒ UNK ☐ TYPE		DATE / TIME OF OFFENSE	
TOTAL # ARRESTED		DATE / TIME OF ARREST	

Detective Kathy Harveston, RHPD, reported to this R/O that she had recently interviewed [REDACTED] in regards to a sexual assault investigation which occurred in the City of Rock Hill. [REDACTED] reported that Oxendine had been engaging in sexual activity with her since she was around 10 or 11 years of age and that it first started occurring at [REDACTED] previous residence, [REDACTED], which is in York County. The assaults continued to occur after [REDACTED] and her mother moved in with Oxendine, in the City of Rock Hill, during the summer of 2003. These assaults included intercourse, fellatio, as well as cunnilingus. Charges are pending in regards to the incidents that occurred in the City of Rock Hill. This investigation continues in regards to the incidents which took place in York County's jurisdiction.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE(GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE ☒ ADM. CLOSED ☐		ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18 ☐	
☒ YES ☐ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER ☐	
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTIVE MERIT 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DENIES COOPERATION 5. ☐ JUVENILE-NO CUSTODY 6. ☐ CIVIL MATTER							
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
Tolson, Beth T4593		05-26-05	632	[REDACTED]		5/27/05	630
FOLLOW-UP				[REDACTED]			

YORK COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL INCIDENT REPORT

AGENCY I. D.
3C0460000

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CASE NUMBER

NCIC

INQ. ENTD.

200500016351

PAGE 1 OF 1 PAGES

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MOOPIER ORIGINAL	☒ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

☐ COMPLAINANT ☐ VICTIM # ☒ SUBJECT # 1 ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST, FIRST, MIDDLE) Oxendine, Timothy Groves	VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3	RESIDENT ☐ YES ☐ NO	RACE ☐ W ☐ B ☐ O ☐ U	SEX ☐ M ☐ F	AGE ☐ 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 ☐ 00	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 H ☐ B ☐	EVENING PHONE H ☐ B ☐	
☐ 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		
EXPLAIN		☐ DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
☐ SUBJECT NO. 1		USING ALCOHOL: ☐ NO ☐ YES		☐ UNK				
		USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK						

☐ COMPLAINANT ☐ VICTIM # ☒ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3	RESIDENT ☐ YES ☐ NO	RACE ☐ W ☐ B ☐ O ☐ U	SEX ☐ M ☐ F	AGE ☐ 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 ☐ 00	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 H ☐ B ☐	EVENING PHONE H ☐ B ☐	
☐ 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		
EXPLAIN		☐ DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK		☐ ONE-MAN VEHICLE ☐ OTHER		☐ ASSISTED		
☐ SUBJECT NO. 1		USING ALCOHOL: ☐ NO ☐ YES		☐ UNK				
		USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK						

Arrest Location: York County Detention Center - 1675 York Hwy., York

Oxendine, who is currently incarcerated at YCDC on RHPD charges, was served with additional arrest warrants on 06-02-05. Oxendine was charged with 2 cts. of Criminal Sexual Conduct W/Minor, 2nd Degree (F-916878, F-916879).

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY	
---	--	--	--

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM	TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITY/BONDS, STOCKS ☐ ARTICLE	VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.	
		SERIAL AND/OR OWNER APPLIED NO.	STATE	
YEAR OF REGISTRATION		YEAR OF EXPIRATION	YEAR	MAKE
MODEL		STYLE	COLOR	BRAND NAME
NIC NO.		DENOMINATION	ISSUER	SECURITIES DATE
MISCELLANEOUS				

TYPE (GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						

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 PROSECUTIVE MERIT 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DENIES COOPERATION 5. ☐ JUVENILE-NO CUSTODY 6. ☐ CIVIL MATTER	
REPORTING OFFICERS Tolson, Beth T4593	DATE 6/2/05
UNIT NUMBER 632	APPROVING OFFICER DATE 6/2/05
FOLLOWUP INVESTIGATION ☐ YES ☐ NO OFFICER	

Statement of [REDACTED]
 05-27-05 / 1:45 p.m. / YCSO-MJC
 Detective Beth Tolson
 200500016351

[REDACTED] came to YCSO to meet with Det. Tolson. Det. Tolson had received a copy of [REDACTED] previous statement from Det. Kathy Harveston, RHPD. Det. Tolson confirmed with [REDACTED] that the statement was indeed the one she had given Harveston. Det. Tolson interviewed [REDACTED] in an attempt to receive additional information concerning incidents which occurred in York County. The following is the additional information received from [REDACTED]

[REDACTED] stated that she thinks that she was 11 years old when she lived on [REDACTED] with her mother and sister. Her mom would work and Tim Oxendine would come get [REDACTED] to go pick up her mother from work. One day, unsure exactly when, during the summer of 2000 she remembers being the first time Oxendine had touched her inappropriately. She went to brush her teeth or something and when she came back out Tim began to touch her. She remembers him kissing her while they were in the living room of her [REDACTED] home. She can't remember all the details about what led up to it. Tim then had sexual intercourse with [REDACTED]. She doesn't remember if he used lubricant nor does she remember if he wore a condom. Tim told her everything was okay and that what he was doing to her was fine. [REDACTED] stated that she grew up with the mindset that what Tim did to her was okay. He was like a parent to her. [REDACTED] stated that Tim brainwashed her. Tim would usually buy [REDACTED] something afterwards. Tim had sexual intercourse with [REDACTED] a couple times a week. Tim was always around, everyday. [REDACTED] can't remember if Tim engaged in oral sex with her while living on [REDACTED]. She only remembers that this was the time period when he first started having intercourse with her. She never told anybody about what Tim had done to her until she recently told her boyfriend. Her boyfriend, [REDACTED] went with her to help her tell her father. Her father then immediately went to file a report with Rock Hill Police Department.

[REDACTED] stated that Tim and his wife separated and that she and her mother, after moving several times, eventually moved in with Tim at his home on [REDACTED] in Rock Hill. Before moving in with Tim, [REDACTED] and her mother lived at [REDACTED] in [REDACTED]. They lived there from around fall 2001 until around summer 2002. [REDACTED] was around 12 years of age during this time. Tim continued to engage in sexual intercourse with [REDACTED] still about twice a week, while her family resided at [REDACTED].

[REDACTED] explained how she and her mother moved so many times that it was hard for her to keep up with the exact dates of when they lived where. [REDACTED] and her mom moved in with Tim around summer 2003. Her mother left her, abandoned her, and left her there with Tim until she moved in with her father, [REDACTED], in September of 2004. Her father eventually received custody of her.

YORK COUNTY SHERIFF'S OFFICE
GENERAL SESSIONS CASE FILE SUMMARY

Incident Report #: 200500016351

Lead Investigator: Detective Beth Tolson

Defendant(s): Timothy Groves Oxendine

Charges / Warrant #: Criminal Sexual Conduct W/Minor, 2nd Degree - 2 counts / F-916878, F-916879

Witness List: [REDACTED]

Summary:

Det. Beth Tolson was contacted by Detective Kathy Harveston, Rock Hill Police Department, on 05-23-05. Det. Harveston stated that she was investigating a sexual assault case involving [REDACTED] and Timothy Groves Oxendine (s). Det. Harveston had recently taken a statement from [REDACTED] in which [REDACTED] made allegations that Timothy Oxendine had been sexually assaulting her since she was around 11 years of age. [REDACTED] gave information that these type of assaults first started occurring when she and her mother, [REDACTED] lived at [REDACTED] which is in [REDACTED] County. Det. Harveston obtained arrest warrants and arrested Oxendine on those incidents which occurred in the City of Rock Hill. Det. Tolson then contacted [REDACTED] who at the time was 15 years of age, in an effort to schedule an interview with her in order to gather additional information on the incidents that took place in York County's jurisdiction. [REDACTED] met with Det. Tolson on 05-27-05. [REDACTED] stated that she and her mother moved into a trailer on [REDACTED] when she was 11 years old. Her mother was good friends with Timothy Oxendine and his wife. Oxendine would come over to their home while her mother was at work. [REDACTED] stated that Oxendine was always around. While her mother was at work, during the summer of 2000, Oxendine came over to their [REDACTED] home. This was the first time that Oxendine engaged in sexual intercourse with [REDACTED]. Oxendine was like a parent to [REDACTED] and she explained that Oxendine brainwashed her to believe that what he was doing to her was okay. Oxendine would usually buy her things after he sexually assaulted her. Oxendine had sexual intercourse with [REDACTED] approximately twice a week while living on [REDACTED] and her mother eventually moved to [REDACTED], which is also in [REDACTED] County. Oxendine continued to engage in sexual intercourse with [REDACTED] while she lived there as well. [REDACTED] and her mother lived in the apartments from around fall 2001 and summer 2002. [REDACTED] and her mother moved several times. [REDACTED] is unclear of exactly when she lived there. She does know that she was around 12 years old at the time. Around summer 2003, [REDACTED] and her mother moved in with Timothy Oxendine at his [REDACTED] home in Rock Hill. The assaults continued to occur until [REDACTED] moved in with her father in September 2004. Det. Tolson verified the locations and time frames of where [REDACTED] lived over a 4 year span. Det. Tolson obtained arrest warrants for Oxendine, who was currently being housed at YCDC on Det. Harveston's charges, on 06-01-05. Det. Tolson received one warrant for Criminal Sexual Conduct W/Minor, 2nd Degree in regards to sexual intercourse that took place at [REDACTED] as well as one warrant for Criminal Sexual Conduct W/Minor, 2nd Degree for the sexual intercourse which took place at [REDACTED]. Both of these locations are in [REDACTED] County. Oxendine was served with those warrants on 06-02-05.

MAY-26-2005 12:51 FROM: RHPD DETECTIVE DEPT. 18033252516

TO: 66283158

P. 003/005

STATE OF SOUTH CAROLINA)
 CITY OF ROCK HILL)
 ROCK HILL POLICE DEPARTMENT)

VICTIM/WITNESS STATEMENT

Personally appears before me: [REDACTED], who after being duly sworn deposes and says: "My name is [REDACTED].

Social Security Number: [REDACTED]

My address is: [REDACTED]

Place of employment: Student

Home Phone Number: [REDACTED]

Work Phone Number: [REDACTED]

I completed 10 years in school and I can (x) cannot () read and write.

When I was 10 or 11 years old, I can't remember exactly, my mom was good friends with Tim Oxendine and his wife Debra. Tim's wife died sometime b. 2002. I guess I have known him for about 8 years. The first time I recall him touching me was in York in a trailer park called [REDACTED] where me my mom and my sister lived. Later my mom couldn't provide a home for us so me and her moved in with Tim in the summer of 2003. I was 14 at the time and Tim had been molesting me since I was 11. When we moved in with him on [REDACTED] street, his dad Steadman lived there and Mom and I slept in Tim's bedroom and sometimes I would sleep on the couch. Tim slept on the other couch. I never questioned what he doing with me, because it was just something I grew up with. He would buy me whatever I wanted and take me places. I got everything I wanted. After he would do something with me, I normally got something new. I can not remember how many time that we had sexual intercourse. We also had oral sex. He did it to me and I did it to him. Sometimes I remember that he wore a condom. Most of the time it happened during the day when I would get home from school and no one would be at home. Sometimes when I slept on the couch, he would come over to me. Last summer we went to the beach the week of July 4th. My mom couldn't go because she was in the hospital, but a lot of my family on my mom's side went. We stayed at the Waverider across from the Landmark in Myrtle Beach. I stayed with my cousins all day and then I would share a room with Tim at night. It had double beds and no one thought anything about it, because they had known Tim for a long time and thought he was really nice. We also had sex at night time at the motel.

I told Tim in August of 2004 that I didn't want to do that stuff any more and Tim said OK. I was Wanting to have a boyfriend my age and I started realizing that what we were doing was not OK. So in September 2004, I moved in with my dad in Charlotte and then he got a house in Rock Hill. I did get a boyfriend in September 2004 and after we had dated for seven months, I told him what had happened with Tim. Then I decided I needed to tell my dad and I did on April 17, 2005

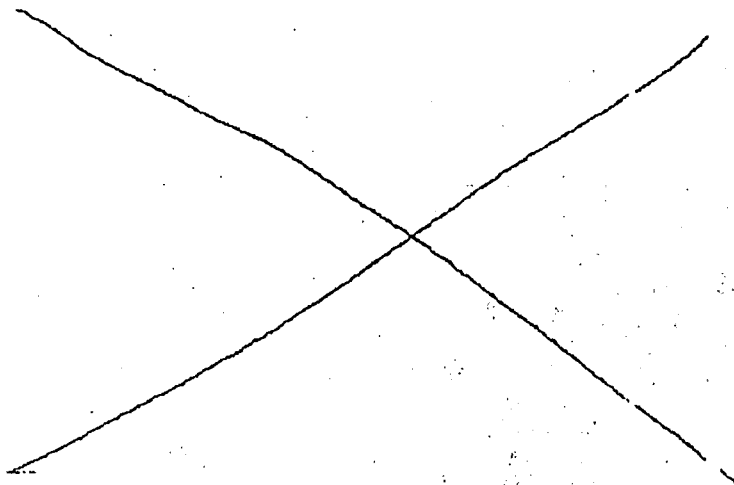
AS

MAY-26-2005 12:52 FROM: RHFD DETECTIVE DEPT. 18033252516

TO: 66283158

P. 004-005

and he came and made a report to the police.



Victim/ Witness Signature

5-3-05

Date

MAY-26-2005 12:52 FROM:RHPD DETECTIVE DEPT. 18033252516

TO: 06283158

P. 005-005

STATE OF SOUTH CAROLINA)
CITY OF ROCK HILL :
ROCK HILL POLICE DEPARTMENT)

PERSONALLY appears before me: [REDACTED] who
deposes and says: "I make this statement of my own free will and accord, without reward or hope
of reward. I have not been mistreated or threatened in any way. All of the above is the truth, the
whole truth, and nothing but the truth so help me God."

I have read or had read to me the above statement consisting of 2 page(s) and have received
a copy of this statement."

[REDACTED]
(SIGNATURE)

[REDACTED]
(WITNESS)

SWORN AND SUBSCRIBED BEFORE ME
THIS 31st DAY OF May 2005


NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 02-16-09

STATEMENT PREPARED BY: K.D. Harveston
DATE: 05-03-05 TIME: 5:30 pm

**ROCK HILL POLICE DEPARTMENT
GENERAL SESSIONS COURT CASE SUMMARY**

DEFENDANT(S) : Timothy Groves Oxendine

OFFENSE DATE: June 1, 2003 to September 30, 2004

CHARGE(S): Three counts:
Criminal Sexual Conduct with a Minor (2nd degree)

WARRANT NUMBER(S): G-792660, G-792661

VICTIM(S): [REDACTED]

WITNESS(ES): [REDACTED]
[REDACTED]
[REDACTED]

CASE AGENT: Det. Kathy Harveston

OFFICERS: Officer Carlos Culbreth

SUMMARY: On 04-17-05, the victim, [REDACTED] told her father [REDACTED] that for the past several years that she had been sexually assaulted by Tim Oxendine. [REDACTED] made a report with the Rock Hill Police Department and Det. Harveston began investigating the case.

In a sworn statement given to Det. Harveston on 05-03-05, [REDACTED] stated that she has known Tim Oxendine since she was 10 or 11 years old. Oxendine's now deceased wife was a friend of [REDACTED] and had allowed [REDACTED] to stay in his home at [REDACTED] Street in Rock Hill from June of 2003 until September 2004. [REDACTED] stated that during that time, Oxendine told her that she and him were going to do things that adults did. Oxendine bought [REDACTED] whatever she needed, took her to play golf and on out of town trips and according to [REDACTED] "he was very nice to me and my family". [REDACTED] said that she does not remember when she first had sex with Oxendine. She stated that sometimes when she came in from school and no one else was at home, he would be there and they would have sexual intercourse. She also stated that Oxendine had allowed her and her mother to use his bedroom and he slept on one of the couches in the living room. Sometimes she would sleep on the other couch and that he would have sex with her while everyone else was sleeping. [REDACTED] stated that she and Oxendine also engaged in oral sex with each other. [REDACTED] became aware of boys

her age in September of 2004 and told Oxendine that she wanted to have a boyfriend her age. During that time, her father moved from [REDACTED] and [REDACTED] moved into his home. Approximately 7 months later and she told her boyfriend about Oxendine's relationship with her and he told her that she must tell her dad, which she did.

On 05-24-05 at 1:40 pm [REDACTED] came to the Rock Hill Police Department and wanted to make a taped phone conversation to Oxendine. In the presence of Det. Harveston, [REDACTED] called Oxendine from her cell phone and he when he did not answer she left a message for him to call her. [REDACTED] attempted the call again and Oxendine answered. In the course of the conversation, [REDACTED] asked Oxendine if they could have sex again, to which he answered yes. This taped was placed into evidence control by Det. Harveston.

Three warrants were obtained charging Oxendine with Criminal Sexual Conduct with a Minor for engaging in sexual intercourse, fellatio, and cunnilingus with [REDACTED] who was 14 years old at the time the incidents occurred on [REDACTED]. Oxendine turned himself in to Det. Harveston at the Rock Hill Police Department on 05-25-05. York County Sheriff's Detective Beth Tolson obtained additional warrants on Oxendine for incidents that [REDACTED] stated occurred in locations in York County.

Petitioner's Exhibit D

STATE OF SOUTH CAROLINA

COUNTY OF York
STATE VS.

Timothy Overdine

AKA:

Race: W Sex: M Age: 41

DOB: 11/11/68

Address:

DL# SC00154266 SID#:

Direct Indictment
IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:

2001-GS-46-0027

A/W#: 6519975 Direct Indictment

Date of Offense: 8/1/93 - 9/30/93

S.C. Code #: 17-25-30

CDR Code #: 0013

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Assault and Battery High & Aggravated

in violation of § 17-25-30 of the S.C. Code of Laws, bearing CDR Code # 010113

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Team Weaver
Solicitor

Timothy D. Overdine
Defendant

Debbie L. Hester
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

Left open.
☒ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS

Recipient: _____

*Fine:\$

§14-1-206 (Assessments 100%).....\$

§14-1-211(A)(1) (Surcharge).....\$ 100.00

§14-1-211(A)(2) (Surcharge).....\$

§56-5-2995 (DUI Assessment).....\$

3% to County (if paid in installments).....\$

TOTAL.....\$ 100.00

David Hamilton
Clerk of Court/ Deputy Clerk

Court Reporter: Mike Watts

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund.
Other: Restrained from contact
with victim or family.
DNA Data Base

PRESIDING JUDGE: Carol Plunk

Judge Code: 010411

Sentence Date: 01/11/2001

DOCKET NO. 2000-GS-46-3461

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

WITNESSES

RHPD \ THOMPSON

The State of South Carolina

County of York

Defendant

COURT OF GENERAL SESSIONS

NOVEMBER 16, TERM 2000

I hereby appear in my own proper person and plea guilty to the within indictment or to

sgb

ARREST WARRANT NUMBER

G - 519975

Defendant

THE STATE

vs.

Witness:

TIMOTHY GROVES OXENDINE

C.C.C. PLS. AND G.S.

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 11-16-00

VERDICT

Indictment for

LEWD ACT UPON A CHILD

09 11/11/01

Placed in lock

Y. P. L. O. G. S.

Foreperson of Petit Jury

Date:

SC Code: 16-15-140

CDR Code: 2468

ARREST WARRANT

G-519975

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

 THE STATE
 against
Timothy Groves Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: M Race: W Height: 602 Weight: 205

DL State: _____ DL#: _____

DOB: _____ Agency ORI#: 460300Prosecuting Agency: Rock Hill Police Dept.Prosecuting Officer: S.W. ThompsonOffense: Lewd Act Upon a Child Under 16

Offense Code: _____

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.

 _____ (L.S.)
 Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant Timothy Groves Oxendineon 7/15/2000
S.W. Thompson
 Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO: 0006220976

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

AFFIDAVIT

 Form Approved by
 S.C. Attorney General
 July 26, 1990
 SCCA 518

 Personally appeared before me the affiant S.W. Thompson w
 being duly sworn deposes and says that defendant Timothy Groves Oxendine
 did within this county and state on August 1, 1993 to Sep. 30, 1993 violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Rock Hill
 in the following particulars:
DESCRIPTION OF OFFENSE: Lewd Act Upon a Child Under 16 (16-15-140)
 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:

 The defendant did willfully and unlawfully violate SC Code of Laws, Section
 16-15-140, lewd act upon a child under the age of 16, by grabbing and fondling a
 victim, a minor child under the age of 16, in the vaginal area while at
 Street, within the city limits of Rock Hill, SC. At the time of the incident, the
 defendant was over the age of 14.

***Police Investigation

***Victim's statement

 Sworn to and subscribed before me)
 on July 18, 2000)

 _____)
 Signature of Issuing Judge (L.S.)

Signature of Affiant

Affiant's Address 120 East Black StreetRock Hill, SC 29730Affiant's Telephone (803) 329-7200

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill

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 Aug. 1 to Sept. 30, 1993 defendant Timothy Groves Oxendine

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill) as set forth below:

DESCRIPTION OF OFFENSE:

Lewd Act Upon a Child Under 16 (16-15-140)
 Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before
 me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the
 defendant at the time of its execution, or as soon thereafter as is practicable.

 _____) Judge's Address 120 East Black Street
 _____) (L.S.) Rock Hill, SC 29730

 _____) Judge's Telephone (803) 329-5695

 Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

183

NCKC	
INO	ENTO.
No	No

INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE		UNITS ENTERED	TYPE VICTIM		
1. 11D FORCIBLE FONDLING/CRIMINAL SEXUAL CONDUCT WITH MINOR				☒ YES ☐ NO	☐ YES ☒ NO	20 RESIDENCE/HOME			☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.		
2.				☐ YES ☐ NO	☐ YES ☐ NO						
3.				☐ YES ☐ NO	☐ YES ☐ NO						
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)							ZIP CODE	WEAPON TYPE			
313 LAUREN ST ROCK HILL SC							29730-	40 PERSONAL WEAPON			
INCIDENT DATE		24 HR. CLOCK		TO		DATE		24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK	
09/01/1993		00:01				09/01/1993		00:01		DISPATCH DATE 06/22/2000 DISPATCH TIME 09:51 TIME ARRIVED 10:11	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH
[REDACTED]				[REDACTED]			J	W	F	31	N
DAYTIME PHONE				EVENING PHONE							
803- [REDACTED]				[REDACTED]							
ADDRESS				CITY			STATE	ZIP CODE	LOCATION NO.		
[REDACTED]				[REDACTED]			SC	[REDACTED]	[REDACTED]		
SUBJECT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	ETH
[REDACTED]				[REDACTED]			J	W	F	13	N
DAYTIME PHONE				EVENING PHONE							
[REDACTED]				[REDACTED]							
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							
504	92	BROWN	1 BLUE								
ADDRESS				CITY			STATE	ZIP CODE	LOCATION NO.		
[REDACTED]				[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]		
VISIBLE INJURY (VCT.1) ☐ YES ☒ NO ☐ EXPLAIN-											
COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES ☒ NO											
VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:											
TWO MAN VEH. ☐ ONE MAN VEH. ☐ DETECTIVE/SPLASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J—This Jurisdiction. S—State. O—Out of State. U—Unknown											
☒ SUSPECT		NAME (LAST, FIRST, MIDDLE)				RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT
☐ RUNAWAY		OXENDINE, TIMOTHY GROVES				W	M	45	N		602
☐ WANTED		FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.							DAYTIME PHONE	EVENING PHONE	
☐ WARRANT		[REDACTED]							[REDACTED]	[REDACTED]	
☐ ARREST		ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.		
☐ JAIL		[REDACTED]				ROCK HILL	SC	[REDACTED]	[REDACTED]		
☐ SUMMONS		SUBJECT (NO. 1) USING: ALCOHOL: ☐ YES ☒ NO ☐ UNK ☐ DRUGS: ☐ YES ☒ NO ☐ UNK ☐ TYPE:				ARRESTED NEAR OFFENSE SCENE ☒ YES ☐ NO ☐ TOTAL # ARRESTED 1			DATE/TIME OF OFFENSE		DATE/TIME OF ARREST
									9/1/93 12:01:00 AM		7/18/00 10:30:00 AM
0006220976											
OFFICER OLIVER THE COMPLAINANT STATED APPROXIMATELY 7 YEARS AGO HER DAUGHTER WAS VISITING A NEIGHBOR DURING WHICH TIME THE SUSPECT PLACED HIS HAND UNDER THE VICTIM'S DRESS AND TOUCHED HER ABOUT THE STOMACH AND PRIVATE PARTS AREA. THE VICTIM STATED SHE MOVED AWAY FROM THE SUSPECT AND AS SHE LEFT THE SUSPECT'S RESIDENCE HE STATED, "IF SHE TOLD ANYONE THAT HE WOULD FIND HER NO MATTER WHERE SHE WAS AT AND KILL HER." THE VICTIM WAS AND STILL IS TERRIFIED OF THE SUSPECT. THE VICTIM HAS SUFFERED BOTH PHYSICAL AND EMOTIONAL DISTRESS THAT HAS CAUSED PROBLEMS WITH HER HEALTH. THE VICTIM IS SEEKING COUNSELING AND IS BEGINNING TO TALK ABOUT THE INCIDENT. THE COMPLAINANT STATED SHE HAS RECENTLY FOUND THIS OUT AND WOULD LIKE FOR THE INCIDENT TO BE INVESTIGATED. THE VICTIM											
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY					
TOTAL VALUE											
TYPE (GROUP)											
STOLEN											
DAMAGED											
BURNED											
RECOVERED											
SEIZED											
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADAM CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18			
☒ YES ☐ NO		☒ YES ☐ NO		☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH. 2. ☐ NO PROSECUTION. 3. ☐ EXTRADITION DENIED. 4. ☐ VICTIM DECLINES COOPERATION. 5. ☐ JUVENILE - NO CUSTODY											
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER	
OLIVER, G F		09/01/1993		06515		[Signature]		07-18-2000		4060	
FOLLOW UP INVESTIGATION ☒ YES ☐ NO ☐ OFFICER THOMPSON, S W											
06/22/2000											

Detective Thompson was able to procure a warrant on Timothy Oxendine for a lewd act upon a minor child on July 18, 2000 after speaking with Victim and her mother. Detective Thompson located Timothy Oxendine at his residence at _____ Street on July 18, 2000 and placed him under arrest for the outstanding warrant. Thompson transported Oxendine to the Rock Hill Law Center where he was interviewed in the Detective Division interview room. Detective Thompson read Mr. Oxendine his Miranda warnings at 10:57 AM on July 18, 2000 and then spoke with him briefly. Mr. Oxendine stated that he had done something similar to this at the lake one time and that he actually did fondle that child, but that he did not commit this offense. Mr. Oxendine then requested an attorney at 11:00 AM. Detective Thompson stopped the interview at that time and took Mr. Oxendine to the holding area for processing.

**ROCK HILL POLICE DEPARTMENT
GENERAL SESSIONS COURT CASE SUMMARY**

DEFENDANT: Timothy Groves Oxendine

D/A: 07/18/2000

OFFENSE DATE: Between August 1, 1993 and September 30, 1993

CHARGE(S): Lewd Act Upon a Child Under 16 (G-519975)

VICTIM(S):

[REDACTED]
[REDACTED]
[REDACTED]

HOME

OFFICERS INVOLVED: S.W. Thompson

CHAIN OF EVIDENCE: Victim's statement in folder

CASE AGENT: S.W. Thompson

OFFICERS NEEDED FOR COURT: S.W. Thompson

NARRATIVE: During the beginning of the school year in 1993, August or September, [REDACTED] within the city limits of Rock Hill, SC, with her mother, [REDACTED]. On one weekend, the exact date is uncertain, [REDACTED] was out in her yard playing. [REDACTED] asked her mother if she go down the street to Timothy Oxendine's residence, which is located at [REDACTED] Street, within the city limits of Rock Hill, SC. Timothy Oxendine's residence is located 2 houses away from [REDACTED] residence. [REDACTED] and [REDACTED] both state that the neighborhood children used to go to Timothy Oxendine's residence to watch television or watch Timothy play his guitar. [REDACTED] stated that her mother told her that she could go to Mr. Oxendine's residence, which she did. [REDACTED] stated that she was in the living room of Timothy Oxendine's residence watching television and that the only other person in the residence was Timothy Oxendine. [REDACTED] stated that Timothy was in the kitchen cooking something and that she got up and went to use the bathroom. [REDACTED] stated that when she came out of the bathroom, she began walking towards the front door to go home, as it was near lunch and she was getting hungry. [REDACTED] stated that Timothy Oxendine grabbed her by her hand with one of his hands and that with the other hand, Timothy Oxendine grabbed her between her legs and was grabbing at her. [REDACTED] was only 6 years old at the time that this occurred. [REDACTED] began fighting Timothy Oxendine, at which time, Mr. Oxendine released his hold on [REDACTED]. [REDACTED] retrieved her jacket and opened the front door of the residence, at which time Timothy Oxendine told her that if she told anyone what happened, he would find her no matter where she lived and killed her. The [REDACTED] moved away from the neighborhood after that incident.

State of South Carolina)
 City of Rock Hill)
 Rock Hill Police Department)

PERSONALLY appears before me: [REDACTED], who after being duly sworn deposes and says: "My name is [REDACTED] Date of Birth: [REDACTED] Social Security Number: Unknown
 My address is [REDACTED]
 Place of Employment: [REDACTED]
 Home Phone Number: [REDACTED] Work Phone Number: None
 I have completed 7 years in school and I can (X) cannot () read and write.:

At the beginning of the school year in 1993, I was playing outside of my residence located at [REDACTED] within the city limits of Rock Hill, SC. I was playing in my yard and I asked my mother if I could go over to Tim Oxendine's house, which was two houses down from my house. All of the neighborhood children used to go over to Mr. Oxendine's house to watch television and play. I was sitting in Mr. Oxendine's house watching television, it was just myself and Tim Oxendine. Mr. Oxendine was in the kitchen cooking something while I was watching television. I went to the bathroom and came back out. I was getting ready to go back home because it was getting towards lunch time. This happened on the weekend. I was walking towards the front door of the house to go home when Tim Oxendine grabbed me by the hand. Then Tim Oxendine grabbed me with the other hand and was feeling my private area between my legs. I was kind of fighting with Mr. Oxendine to make him stop and he did. Then I got my jacket and went towards the door and when I opened the door, Mr. Oxendine told me that if I told anyone what had happened, he would find me no matter where I was at and kill me. Then I left and went home.

X [REDACTED]
 Signature of person giving statement

ROCK HILL PD
n#: SC0460300
Date / Time: 9/1/93 12:01:00 AM
I: 0006220976

Narrative: Page 2

ED SHE HAS SEEN THE SUSPECT RECENTLY AND HE WOULD RIDE BY HER SCHOOL AND
E AT HER. THE VICTIM HAS SEEN HIM RIDE BY THE SCHOOL IN DIFFERENT VEHICLES AND
IS AFRAID HE WILL HARM HER.

rative Title: SUPPLEMENTAL TO 0006220976
tered By: S W THOMPSON
i: 7/18/00 11:27:26 AM

HOMPSON SPOKE WITH THE VICTIM IN THIS CASE AND TOOK A SWORN STATEMENT OF THE
EVENTS THAT TRANSPIRED. THOMPSON WAS ABLE TO OBTAIN A WARRANT ON THE SUSPECT
FOR LEWD ACT ON A MINOR, G-519975. THOMPSON LOCATED THE SUSPECT AT HIS
RESIDENCE AND TRANSPORTED HIM TO THE LAW CENTER FOR PROCESSING. CASE CLEARED
BY ARREST.

Petitioner's Exhibit E

STATE OF SOUTH CAROLINA

COUNTY OF YORK

COUN. NO.:

CASE NO: 94 GS-46- 34424WARRANT NO: D-721061CHARGE: Child NeglectChild 14 1/23

THE STATE

VS.

The sentence of the Court is that Demetrius Jones, the defendant named in the indictment be confined to the State Board of Corrections/ York County Detention for a term of 10 YEARS (and/or) pay a fine of \$ _____: provided that upon the service of 3 YEARS (and/or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance is suspended and the defendant is placed on probation for 3 (months) (years).

RESTITUTION: (Yes) (No)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PROPERTY DAMAGE \$ _____

PAYABLE TO CLERK FOR (VICTIM) _____

TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE: Intentional Assault

Consent to Treatment, no contact with
Victims of Family. Complete verbal
agreement from age.

DATE: 1-10-75

YORK, SOUTH CAROLINA

COST AND ASSESSMENTS:

FINE \$ _____
ACADEMY \$ _____
C.C.A. \$ _____
L.C.F. \$ _____
C.A.T. \$ _____
OTHER \$ _____
GRAND TOTAL \$ _____

COPY RECEIVED BY: X [Signature]

Defendant

RECEIVED
JAN 12 1975
CLERK OF COURT
RECORDS

Presiding Judge

Clerk of Court

Date of Birth

Social Security

Drivers License

ATTORNEY FOR DEFENDANT

ADDRESS: [Signature]

M/F

B/W

D- 961061

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YORKTHE STATE
against

Timothy Groves Oxendine

Address: _____

Phone: _____ SSN: _____

Sex: M Race: W Height: 6'3" Weight: 205

DL State: _____ DL #: _____

DOB: _____ Agency ORI #: 0460000Prosecuting Agency: Y.C.S.D.Prosecuting Officer: Det. Pat BenfieldOffense: Lewd Act Upon A Minor

Offense Code: _____

Code/Ordinance Sec. 16-15-140This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____The accused
s 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 _____

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YORK

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518Personally appeared before me the affiant Det. Pat Benfield
being duly sworn deposes and says that defendant Timothy Groves Oxendine
did within this county and state on or about July 1993 violate the criminal laws
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of YORK
in the following particulars:DESCRIPTION OF OFFENSE: LEWD ACT UPON A MINOR - SECT. 16-15-140I further state that there is probable cause to believe that the defendant named above did
the crime set forth and that probable cause is based on the following facts:Defendant did wilfully and unlawfully commit a lewd and lascivious act on o
_____, a minor of 11 years of age by touching and fondling h
vaginal area with his hand. Defendant was swimming with minor and he wrappe
his legs around her legs underwater and while he held her, he took his hand
rubbed her between her legs in her vaginal area over her bathing suit. This
occurred at Ebenezer Boat Landing while Defendant and minor's family were c
a swimming outing in York County. This act was committed with the intent to
satisfy his own sexual desires. Probable cause is based on statement from t
victim and others who were told of the incident at that time. All against t
peace and dignity of the State and such laws as made & provided.Sworn to and subscribed before me
on July 7, 1994
M. S. Dennyson, Jr. (L.S.)
Signature of Issuing Judge

Signature of Affiant

Affiant's Address 1675-2A York Hwy
York, SC 29745Affiant's Telephone 628-3056

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
YORK

ARREST WARRANT

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

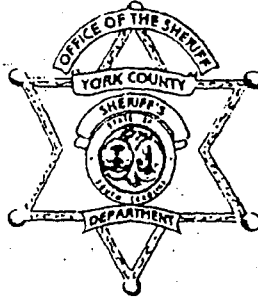
It appearing from the above affidavit that there are reasonable grounds to believe
on or about July 1993 defendant Timothy Groves Oxendine
did violate the criminal laws of the State of South Carolina (or ordinance of☒ County/ ☐ Municipality of YORK) as set forth below:

DESCRIPTION OF OFFENSE:

LEWD ACT UPON A MINOR - SECT. 16-15-140Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her be
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
defendant at the time of its execution, or as soon thereafter as is practicable.Judge's Address 529 S. Cherry Rd.
Rock Hill, SC 29730
Judge's Telephone 328-1866
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Signature of Issuing Judge M. S. Dennyson, Jr.
Judge Code: 726

ORIGINAL

OFFICE OF SHERIFF
MOSS JUSTICE CENTER
1675-2A YORK HIGHWAY
YORK, S.C. 29745-7430



JOE W. MITCHELL
SHERIFF

Det. Copy

(803) 628-3059—NON-EMERGENCY
(803) 628-3056—EMERGENCY ONLY
(803) 628-3075—FAX

CASE SUMMARY

VICTIM:

[REDACTED]

DEFENDANT:

Timothy Groves Oxendine

W/M DOB:

CHARGE:

Lewd Act Upon A Minor - Sect. 16-15-140

On June 22, 1994 the York County Sheriff's Department received a report from the Department of Social Services of a sexual abuse that occurred at the Ebenezer Park located off Mt. Gallant Road in Rock Hill, SC in York County. This incident occurred on or about July 1993. [REDACTED] was interviewed by Det. Pat Benfield on June 28, 1994 and she stated that she was at the park with her mother, [REDACTED] and some of her mother's friends, [REDACTED] and Defendant, Tim Oxendine. Victim stated she and Defendant were swimming and picking up clams from the bottom of the river. Once they both raced to the ropes and when they finished, the Defendant asked victim if she was a virgin and then while he was floating on his back, he grabbed victim with one of his legs and wrapped his leg around her and pulled her against him and then she stated he took his hand and rubbed her vaginal area between her legs and when he stopped he grabbed victim by both shoulders and he told her if she told anybody, that she would get it and she was afraid.

On July 11, 1994, Timothy Groves Oxendine was charged with Lewd Act Upon A Minor and taken to the York County Detention Center in Rock Hill, SC.

))

Then I went to the shallow end and sat down. My mom kept asking me what was wrong, and I said "nothing". I didn't want to get out of the water, because the chair that I had gotten was right beside Tim's chair. Then we left. My mom took me to her place. I couldn't stop thinking about what happened.

6-22-94

X ~~XXXXXXXXXX~~

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369

Page - 2 -

DATE OF INTERVIEW: _____ TIME: _____

LOCATION OF INTERVIEW: _____

PERSON INTERVIEWED: _____

ADDRESS: _____ PHONE: _____

RACE: _____ SEX: _____ AGE: _____

EMPLOYED BY: _____

ADDRESS: _____ PHONE: _____

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: NA meeting place at the 12 step center on White St. That was
the last time I have seen Tim and then one night Mother called me and asked me what
_____ told me about what happened at the lake and I told her that _____ did tell
me that Tim was acting weird that day, held her by his legs in the water and she did
tell me some of what happened and then I went on to tell Mother what _____ told me
at _____ that day.

PORT

0094019369

TIME: 7:30 PM

, York, SC

PHONE: No Phone

MED ☐ YF ☐ W

SEX: F

AGE: DOB:

EMPLOYED BY:

ADDRESS: Rock Hill, SC

PHONE:

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: In July 1993 my mother [REDACTED] and I were at Ebenezer Boat Landing swimming with some of mother's friends, [REDACTED] and Tim Oxendine. We had been swimming at the boat landing for about 30 minutes and Tim and I were in the water at one time and he was standing beside me and he was showing me how to pick up clams from the bottom with our hands, then he asked me if I wanted to have a race from one end of the swimming area to the next and I told him yes and we raced and he won and then we started picking up clams again and opening them and then Tim asked me if I was a virgin and I answered yes and he said "Oh" and then I reached down in the water to grab another clam and while I was under the water, Tim wrapped one of his legs around me and was holding me, then he pulled his body beside mine and I then asked him what he was doing and he just ignored me and then he took his hand and touched me on my vagina, he didn't make me touch him, he rubbed me in my vagina about 5 minutes, I kept telling him to stop but he was holding me. He finally stopped and then he grabbed my shoulders from the front and told me if I ever told anyone that I was going to get it, then he left the water area to get a drink and then I swam to the shallow end and sat down. I didn't tell anybody because I was scared. The other day I told [REDACTED] first when he was calling my mother. I have seen Tim since then with my mom at her Narcotic's Anonymous Meetings and he has never mentioned it to me. I have been living with my Dad in Columbia since last summer and moved back with my Mother a few weeks ago.

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369

DATE OF INTERVIEW: 7/6/94 TIME: 11:30 AM

LOCATION OF INTERVIEW: Y.C.S.D.

PERSON INTERVIEWED: [REDACTED]

ADDRESS: [REDACTED] PHONE: No Phone

RACE: W SEX: F AGE [REDACTED]

EMPLOYED BY: [REDACTED]

ADDRESS: Rock Hill, SC PHONE:

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: I saw Tim at my mother's meeting but I didn't talk to him a few weeks ago, I first told [REDACTED] one day that it happened to a girl, then that day we went to Carowinds and then she asked me who and I told her it was me and then I told her what he did to me and then she told me that he did it to her roommate, [REDACTED] who is 33 years old now but that he did it to her when she was 15 years of age. I told [REDACTED] first about what Tim did to me and then she told me about him raping [REDACTED]. Nobody told me to tell you this about Tim, I would not lie about something like this and I have tried not to think about it. That day I was staying with [REDACTED] and she mentioned that Tim had called my mother about looking for a key to open a building for a meeting and it just came out when I heard his name. At first I told her that Tim had done something to somebody and didn't give any names and then I told her it was me and she made a tape of my statement and wrote down my statement on paper. I had on a 2-piece pink bikini and Tim wore a pair of bathing trunks like bikini style.

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369.

DATE OF INTERVIEW: 6/28/94 TIME: 8:15 PM

LOCATION OF INTERVIEW: [REDACTED]

PERSON INTERVIEWED: [REDACTED]

ADDRESS: [REDACTED] PHONE: No Phone

RACE: W SEX: F AGE: DOB: [REDACTED] YOA

EMPLOYED BY: [REDACTED]

ADDRESS: [REDACTED] PHONE: [REDACTED]

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: [REDACTED] saw Tim's car last week-end at our NA meeting but did not get close to him to talk to him and she is never around him except for the NA meetings. I remember one time when we were living on [REDACTED], a guy in our neighborhood had a child and one of our neighbors told the parents that they better watch their 12 year old child around Tim Oxendine. And I was dating [REDACTED] at that time. I met Tim thru a neighbor on [REDACTED] which is down the street from Tim's residence at [REDACTED] and he has been around [REDACTED] since she was 3 years of age. But I do remember being at [REDACTED] that day in the water and once when [REDACTED] got out of the water, I remember asking her several times what was wrong with her, she acted mad and was almost crying and she had just came out and was sitting on the edge of the water. She wouldn't sit beside him after she came out of the water but sat down beside my chair on the outside until we left. When I asked her what was wrong, she stated "not a thing, just leave me alone." Then I called [REDACTED] last week and she stated that [REDACTED] did tell her that Tim wrapped his legs around her.

INCIDENT FOLLOW UP REPORT
Incident Number 0094019369

DATE OF INTERVIEW: 6/28/94 TIME: 8:00 PM

LOCATION OF INTERVIEW: 740 S. Shiloh Rd., York, SC

PERSON INTERVIEWED: [REDACTED]

ADDRESS: [REDACTED] PHONE: [REDACTED]

RACE: W SEX: F AGE: [REDACTED]

EMPLOYED BY: Unemployed

ADDRESS: N/A PHONE: N/A

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: Last Monday, June 20, 1994, [REDACTED] was staying with me and she was on the phone with her mother [REDACTED] and then I checked our messages and mentioned that Tim had called her mother about a key that he needed to open a building for the Narcotic's Anon Meeting and [REDACTED] asked me which Tim was that and I told her that it was Clint's Dad, Tim Oxendine and she made the statement "I don't like him, he is weird" and I asked "what do you mean?" Then [REDACTED] said "well there was this little girl and he touched her". I tried to stay calm and I asked her where it happened and she stated "Ebenezer Boat Landing" last summer. Then I asked her where did he touch her? And she stated "On her Coochie". Then I told her that it was very important that she tell me who this little girl is and she just looked down at the floor with a scared look and she stated "it was me." We were going to Carowinds and I made her promise to tell me the details the next day and she told me that she went swimming with her mother and two of her friends, [REDACTED] and Tim, they were at the Ebenezer Boat Landing and she took her shorts/shirt off and went swimming in her 2-piece pink bikini and Tim followed her into the water toward the deep end and he started hunting for clams diving into the water and she found one and threw it down and then he got her one and told her she could eat them and was talking to her and then he asked her if she was a virgin and she told him yes and then he was "oh". Then she went back into the water under to get more clams and then he started rubbing her between her legs and she asked

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369

Page - 2 -

DATE OF INTERVIEW: _____ TIME: _____

LOCATION OF INTERVIEW: _____

PERSON INTERVIEWED:

ADDRESS: _____ PHONE: _____

RACE: _____ SEX: _____ AGE: _____

EMPLOYED BY: _____

ADDRESS: _____ PHONE: _____

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: him what he was doing and he ignored her and then she kept asking him to stop, it lasted about 5 minutes and she got away and was moving out of the water and he grabbed both her shoulders and shook her and told her that if she ever told anyone that she was going to get it. Then she went into the shallow end of the water because she was scared and angry. Then her mother came over and asked her what was wrong and she said nothing. She said she wanted to go to the chair to sit but it was beside Tim so she just remained standing until they left that day. I told my sister who lives in Columbia, SC once that it was Clint's Dad.

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369

DATE OF INTERVIEW: 7/6/94 TIME: 4:27 PM

LOCATION OF INTERVIEW: Y.C.S.D. (Phone)

PERSON INTERVIEWED:

ADDRESS:

PHONE:

RACE: W

SEX: F

AGE: DOB:

EMPLOYED BY:

ADDRESS:

PHONE:

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: I had known Tim Oxendine before I met him recently again 3 years ago when I first met him I was only 15 years of age and that time I was fishing with some friends along beside the bridge on US #21 on the Fort Mill side and he was there, he was 23 years old then and I was 15 years old. That day I remember he was drunk, pushy and arrogant and he demanded sex and I told him no. That day my best friend Terry left me and walked off with another guy and I tried to follow Terry but Tim pushed me on the ground, ripped off my clothes, I told him to stop several times but he made me take the rest of my clothes off, he was violent and he raped me on the round and he called me a "Dyke" and I did not ever report this rape, I had been seeing a therapist and I am still going for counseling now.

INCIDENT FOLLOW UP REPORT

Incident Number 0094019369

DATE OF INTERVIEW: 6/28/93 TIME: 11:30 AM

LOCATION OF INTERVIEW: S.D.

PERSON INTERVIEWED:

ADDRESS: PHONE:

RACE: SEX: F AGE:

EMPLOYED BY:

ADDRESS: PHONE:

INTERVIEWING OFFICER: Det. Pat Benfield

DETAILS OF INTERVIEW: I am [REDACTED] sister and I currently live with my Dad, [REDACTED] in [REDACTED] and [REDACTED] did live with us in [REDACTED] at time of incident but was in [REDACTED] visiting our Mother for the summer for a few weeks and I was at home with our Dad. She stayed for 4 or 5 days and it was in July 1993. After she returned home one day, [REDACTED] and I were sitting at a friend's house, an apartment across the street talking with her friend [REDACTED] and [REDACTED] babysitter [REDACTED], when we were all talking when [REDACTED] mentioned something about Tim, that once they were looking for clams or oysters on the bottom of the river and he was holding her so she would not drown and Tim started acting weird. [REDACTED] told me just last week when visiting that the reason she didn't tell then at that time was because there were other people there with us at [REDACTED] and she was really embarrassed. Then just last week she told me that, when I asked her what happened, She said I told you but I told her then that all she told me was that he was holding her by her legs, she continued they were looking for clams and he started holding her down with his legs and then he started touching her, I asked her where he touched her, and at first she would not say, but then she told me that he touched her in her vaginal area. I have known Tim thru the family for about 6 years and he has always be nice to me and me and his son Clint are good friends. Also during the week recently of June 20th, me, [REDACTED] and his son Clint played and talked together outside the

[REDACTED] Statement Dictated:
 Dictated to Linda Lane 6-22-94
 This happened in July of 1993.

When we got there I took off
 my clothes that I had on over my
 bathing suit. Then I got in the
 water, and Tim came into the water
 at the same time that I did.

Tim then said, Follow me so
 that we can go get some clams at
 the bottom of the lake. We went
 to the deep part. I said I don't
 know how to get the clams. Then,
 Tim said, Well, I'll show you.
 Then Tim went under the water and
 got a clam. He opened the clam,
 and he said - you can eat these, and
 asked me if I wanted to try one.
 I told him no. Then I went under
 the water to get a clam. I couldn't
 find one, so Tim went under again, and
 got me a clam. I opened it up, and
 there was nothing in it, so I threw
 the shell back into the water. Then Tim
 asked me if I wanted to have a race
 with him.

AGENCY I. D.
SC0460000YORK COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

C.D. 94.01.9369

NCIG

INO. E

☐ ORIGINAL
REPORT
☐ MODIFIES
ORIGINAL☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 of 2 PAG

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	
	☒ VICTIM # 1	[REDACTED]		[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ RUNAWAY	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE			
	☐ WANTED	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
	☐ WARRANT	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
	☐ 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/SPLASMT. ☐ ALONE			
	☐ JAIL	EXPLAIN:		☒ NO ☐ YES		DRUGS: ☒ NO ☐ YES TYPE:		☐ UNK. ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTEC				
	☐ SUMMONS	☐ SUBJECT NO. _____		USING ALCOHOL: ☐ NO ☐ YES		USING DRUGS: ☐ NO ☐ YES ☐ TYPE:		☐ UNK.				
	☐	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		

VICT/SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	
	☒ VICTIM # 1	Oxendire, Timothy Droues		[REDACTED]			[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	☒ SUBJECT # 1	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ RUNAWAY	6'3" 235		BD	HAZ							
	☐ WANTED	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE			
	☒ WARRANT	[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]			
	☐ ARREST	☐ VICTIM NO. _____	VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK.		☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT. ☐ ALONE			
	☐ JAIL	EXPLAIN:		☐ NO ☐ YES		DRUGS: ☐ NO ☐ YES TYPE:		☐ UNK. ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTEC				
	☐ SUMMONS	☒ SUBJECT NO. 1		USING ALCOHOL: ☒ NO ☐ YES		USING DRUGS: ☒ NO ☐ YES ☐ TYPE:		☐ UNK.				
	☐	[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		

On July 11, 1994 Timothy Droues Oxendire was arrested and charged with Lewd Act upon A Minor and taken to the York County Detention Center in Rock Hill, SC.

NARRATIVE

JURISDICTION OF THEFT
LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY
LAW ENFORCEMENT AGENCY

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
☐ FOUND	☐ BOAT	YEAR	MAKE
☐ TOWED	☐ LICENSE PLATE	MODEL	STYLE
☐ SUSPECT	☐ SECURITIES/BONDS, STOCKS	COLOR	BRAND NAME
☐ VICTIM	☐ ARTICLE	NIC NO.	DENOMINATION
		ISSUER	SECURITIES DATE
MISCELLANEOUS			

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EXP. UNDER 18
☒ YES	☒ YES				

Petitioner's Exhibit F

South Carolina Department of Corrections

Classification Summary Reports

Date: Thursday, February 14, 2013

Classification Summary Reports

Inmate Number 217478

Submit

Classification Summary Report for OXENDINE, TIMOTHY GROVES :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 02/14/2013

SCDC# 00217478

OXENDINE, TIMOTHY GROVES

FBI# 510842W8

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: TYGER RIVER

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 10 YRS 0 MOS 0
SENT: DAYSVICTIM Y SEPREQ:N
WITNESS:MED MED PROB/NO WORK
CLASS: RESTRICTINST DAILY NURSING
RESTRICT: COVERAGEMENTAL NMH (NO MENTAL
CLASS: HEALTH TRECURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 58

RESIDENT
STABILITY:

NA

DORMROOMBUNK_CODE: U8 0104 A

PROJ MAXOUT 11/22/2013
DATE:

PROJ PAROLE DATE: -

EWC JOB: MACHINE OPERATOR

ASSIGNMENT: PRISON INDUSTR

EWC 2F5 EEC LEVEL:-
LEVEL:EDUC NO CURR EDUC PROGRAM
PGM:

PREVIOUS NUMBERS:

00115349

CURRENT OFFENSES	SENTENCE				START	SENTENCE	
	YRS	MOS	DYS	COUNTY		V/NV CAT	INDICT
CRIM SEX COND W/MINOR(2ND	10	0	0	YORK	05/26/2005 V	4	05GS462665+

CRIM SEX COND W/MINOR(2ND	10	0	0	YORK	05/26/2005 V	4	05GS462663+
LEWD ACT/CHILD UNDER 14	3	0	0	YORK	01/10/1995 N	4	94GS463434

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

08/31/1982	BURGLARY
11/22/1980	MARIJUANA POSS INT/DIST

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:

NO NON-ASSAULTIVE DISCIPLINARIES HISTORY

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

12/03/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
12/02/2008	KIRKLAND	INCARCERATED	MEDICAL
11/05/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
11/05/2008	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
10/08/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
10/07/2008	KIRKLAND	INCARCERATED	MEDICAL
09/16/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
09/16/2008	KIRKLAND	INCARCERATED	MEDICAL
07/03/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
07/03/2008	KIRKLAND	INCARCERATED	MEDICAL
03/06/2008	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
03/06/2008	KIRKLAND	INCARCERATED	MEDICAL
01/18/2007	TYGER RIVER	INCARCERATED	ADMINISTRATIVE
12/19/2005	MCCORMICK	INCARCERATED	ADMINISTRATIVE
12/19/2005	KIRKLAND	INCARCERATED	MEDICAL
11/07/2005	MCCORMICK	INCARCERATED	ADMINISTRATIVE
10/11/2005	KIRKLAND	INCARCERATED	NEW SENT W/O PR/CS/SF REV
05/31/1996	YORK CO	PROBATION	RELEASED TO PROBATION
05/02/1996	WATKINS	PRE-RELEASE	PRE-RELEASE
02/22/1995	TURBEVILLE	INCARCERATED	ADMINISTRATIVE

01/26/1995	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
01/12/1995	BROAD RIVER R&E	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
MACHINE OPERATOR	07/03/2007	-		2F5
SR DINING ROOM OPERATOR	01/23/2007	07/02/2007	INMATE REQUEST	2F5
PROFESSIONAL PERSONNEL	08/03/2006	01/18/2007	INSTIT TRANSFER	2F5
UPHOLSTERER	04/06/2006	08/02/2006	PROMOTION	2F5
INDUSTRIES TRAINEE	12/02/2005	04/05/2006	PROMOTION	2F5
INDUSTRIES TRAINEE	11/08/2005	12/01/2005	MI ELIGIBLE FOR LEVEL 2	3F5
SENIOR WARDKEEPER	04/08/1995	05/31/1996	INSTIT TRANSFER	2F7
WARDKEEPER	03/28/1995	04/07/1995	PROMOTION	3F7
GENERAL WORKER	02/23/1995	03/27/1995	PROMOTION	7F7

HISTORY OF EARNED EDUCATION CREDITS:

NO SCHOOL ASSIGNMENTS

***** END OF REPORT *****

[Create PDF](#)

Source : SummaryReport.jsp

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 [Version: 1.4.4 Built: 08/23/2012 09:37:57 AM Time: 11:26:58 AM]

Petitioner's Exhibit G

302.2 Pedophilia

The paraphilic focus of Pedophilia involves sexual activity with a prepubescent child (generally age 13 years or younger). The individual with Pedophilia must be age 16 years or older and at least 5 years older than the child. For individuals in late adolescence with Pedophilia, no precise age difference is specified, and clinical judgment must be used; both the sexual maturity of the child and the age difference must be taken into account. Individuals with Pedophilia generally report an attraction to children of a particular age range. Some individuals prefer males, others females, and some are aroused by both males and females. Those attracted to females usually prefer 8- to 10-year-olds, whereas those attracted to males usually prefer slightly older children. Pedophilia involving female victims is reported more often than Pedophilia involving male victims. Some individuals with Pedophilia are sexually attracted only to children (Exclusive Type), whereas others are sometimes attracted to adults (Non-exclusive Type). Individuals with Pedophilia who act on their urges with children may limit their activity to undressing the child and looking, exposing themselves, masturbating in the presence of the child, or gentle touching and fondling of the child. Others, however, perform fellatio or cunnilingus on the child or penetrate the child's vagina, mouth, or anus with their fingers, foreign objects, or penis and use varying degrees of force to do so. These activities are commonly explained with excuses or rationalizations that they have "educational value" for the child, that the child derives "sexual pleasure" from them, or that the child was "sexually provocative"—themes that are also common in pedophilic pornography. Because of the ego-syntonic nature of Pedophilia, many individuals with pedophilic fantasies, urges, or behaviors do not experience significant distress. It is important to understand that experiencing distress about having the fantasies, urges, or behaviors is not necessary for a diagnosis of Pedophilia. Individuals who have a pedophilic arousal pattern and act on these fantasies or urges with a child qualify for the diagnosis of Pedophilia.

Individuals may limit their activities to their own children, stepchildren, or relatives or may victimize children outside their families. Some individuals with Pedophilia threaten the child to prevent disclosure. Others, particularly those who frequently victimize children, develop complicated techniques for obtaining access to children, which may include winning the trust of a child's mother, marrying a woman with an attractive child, trading children with other individuals with Pedophilia, or, in rare instances, taking in foster children from nonindustrialized countries or abducting children from strangers. Except in cases in which the disorder is associated with Sexual Sadism, the person may be attentive to the child's needs in order to gain the child's affection, interest, and loyalty and to prevent the child from reporting the sexual activity. The disorder usually begins in adolescence, although some individuals with Pedophilia report that they did not become aroused by children until middle age. The frequency of pedophilic behavior often fluctuates with psychosocial stress. The course is usually chronic, especially in those attracted to males. The recidivism rate for individuals with Pedophilia involving a preference for males is roughly twice that for those who prefer females.

Diagnostic criteria for 302.2 Pedophilia

- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify if:

Sexually Attracted to Males
Sexually Attracted to Females
Sexually Attracted to Both

Specify if:

Limited to Incest

Specify type:

Exclusive Type (attracted only to children)
Nonexclusive Type

302.83 Sexual Masochism

The paraphilic focus of Sexual Masochism involves the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer. Some individuals are bothered by their masochistic fantasies, which may be invoked during sexual intercourse or masturbation but not otherwise acted on. In such cases, the masochistic fantasies usually involve being raped while being held or bound by others so that there is no possibility of escape. Others act on the masochistic sexual urges by themselves (e.g., binding themselves, sticking themselves with pins, shocking themselves electrically, or self-mutilation) or with a partner. Masochistic acts that may be sought with a partner include restraint (physical bondage), blindfolding (sensory bondage), paddling, spanking, whipping, beating, electrical shocks, cutting, "pinning and piercing" (infibulation), and humiliation (e.g., being urinated or defecated on, being forced to crawl and bark like a dog, or being subjected to verbal abuse). Forced cross-dressing may be sought for its humiliating associations. The individual may have a desire to be treated as a helpless infant and clothed in diapers ("infantilism"). One particularly dangerous form of Sexual Masochism, called "hypoxiphilia," involves sexual arousal by oxygen deprivation obtained by means of chest compression, noose, ligature, plastic bag, mask, or chemical (often a volatile nitrite that produces a temporary decrease

Petitioner's Exhibit H

1. No (or substantially diminished) subjective erotic feelings despite otherwise-normal arousal and orgasm
2. Situations in which the clinician has concluded that a sexual dysfunction is present but is unable to determine whether it is primary, due to a general medical condition, or substance induced

Paraphilias

Diagnostic Features

The essential features of a Paraphilia are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors generally involving 1) nonhuman objects, 2) the suffering or humiliation of oneself or one's partner, or 3) children or other nonconsenting persons that occur over a period of at least 6 months (Criterion A). For some individuals, paraphilic fantasies or stimuli are obligatory for erotic arousal and are always included in sexual activity. In other cases, the paraphilic preferences occur only episodically (e.g., perhaps during periods of stress), whereas at other times the person is able to function sexually without paraphilic fantasies or stimuli. For Pedophilia, Voyeurism, Exhibitionism, and Frotteurism, the diagnosis is made if the person has acted on these urges or the urges or sexual fantasies cause marked distress or interpersonal difficulty. For Sexual Sadism, the diagnosis is made if the person has acted on these urges with a nonconsenting person or the urges, sexual fantasies, or behaviors cause marked distress or interpersonal difficulty. For the remaining Paraphilias, the diagnosis is made if the behavior, sexual urges, or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning (Criterion B).

Paraphilic imagery may be acted out with a nonconsenting partner in a way that may be injurious to the partner (as in Sexual Sadism or Pedophilia). The individual may be subject to arrest and incarceration. Sexual offenses against children constitute a significant proportion of all reported criminal sex acts, and individuals with Exhibitionism, Pedophilia, and Voyeurism make up the majority of apprehended sex offenders. In some situations, acting out the paraphilic imagery may lead to self-injury (as in Sexual Masochism). Social and sexual relationships may suffer if others find the unusual sexual behavior shameful or repugnant or if the individual's sexual partner refuses to cooperate in the unusual sexual preferences. In some instances, the unusual behavior (e.g., exhibitionistic acts or the collection of fetish objects) may become the major sexual activity in the individual's life. These individuals are rarely self-referred and usually come to the attention of mental health professionals only when their behavior has brought them into conflict with sexual partners or society.

The Paraphilias described here are conditions that have been specifically identified by previous classifications. They include Exhibitionism (exposure of genitals), Fetishism (use of nonliving objects), Frotteurism (touching and rubbing against a nonconsenting person), Pedophilia (focus on prepubescent children), Sexual Masochism (receiving humiliation or suffering), Sexual Sadism (inflicting humiliation or suffer-

ing), Transvestic Fetishism (cross-dressing), and Voyeurism (observing sexual activity). A residual category, Paraphilia Not Otherwise Specified, includes other Paraphillias that are less frequently encountered. Not uncommonly, individuals have more than one Paraphilia.

Recording Procedures

The individual Paraphillias are differentiated based on the characteristic paraphilic focus. However, if the individual's sexual preferences meet criteria for more than one Paraphilia, all should be diagnosed. The diagnostic code and terms are as follows: 302.4 Exhibitionism, 302.81 Fetishism, 302.89 Frotteurism, 302.2 Pedophilia, 302.83 Sexual Masochism, 302.84 Sexual Sadism, 302.3 Transvestic Fetishism, 302.82 Voyeurism, and 302.9 Paraphilia Not Otherwise Specified.

Associated Features and Disorders

Associated descriptive features and mental disorders. The preferred stimulus, even within a particular Paraphilia, may be highly specific. Individuals who do not have a consenting partner with whom their fantasies can be acted out may purchase the services of prostitutes or may act out their fantasies with unwilling victims. Individuals with a Paraphilia may select an occupation or develop a hobby or volunteer work that brings them into contact with the desired stimulus (e.g., selling women's shoes or lingerie [Fetishism], working with children [Pedophilia], or driving an ambulance [Sexual Sadism]). They may selectively view, read, purchase, or collect photographs, films, and textual depictions that focus on their preferred type of paraphilic stimulus. Many individuals with these disorders assert that the behavior causes them no distress and that their only problem is social dysfunction as a result of the reaction of others to their behavior. Others report extreme guilt, shame, and depression at having to engage in an unusual sexual activity that is socially unacceptable or that they regard as immoral. There is often impairment in the capacity for reciprocal, affectionate sexual activity, and Sexual Dysfunctions may be present. Personality disturbances are also frequent and may be severe enough to warrant a diagnosis of a Personality Disorder. Symptoms of depression may develop in individuals with Paraphillias and may be accompanied by an increase in the frequency and intensity of the paraphilic behavior.

Associated laboratory findings. Penile plethysmography has been used in research settings to assess various Paraphillias by measuring an individual's sexual arousal in response to visual and auditory stimuli. The reliability and validity of this procedure in clinical assessment have not been well established, and clinical experience suggests that subjects can simulate response by manipulating mental images.

Associated general medical conditions. Frequent, unprotected sex may result in infection with, or transmission of, a sexually transmitted disease. Sadistic or masochistic behaviors may lead to injuries ranging in extent from minor to life threatening.

Petitioner's Exhibit I

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
SEXUAL PREDATOR MULTI-DISCIPLINARY TEAM**

REFERRAL DATA

INMATE: Oxendine, Timothy Groves

SCDC #: 217478

INSTITUTION: Tyger River

SSN#:

VICTIM/WITNESS: Yes

DOB/AGE:

SCDC ARRIVAL DATE: 10/11/05

MAX OUT DATE: 11/22/13

SENTENCE START DATE: 05/26/05

SUPERVISED FURLOUGH

JUVENILE SENTENCE: N/A

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 w/Minor 2nd Degree (2 counts); 10-year sentence, sentence date 5-26-05

Prior SCDC #'s: N/A

Prior Conviction(s): N/A

Parole Revocation(s): N/A

Probation Revocation(s): N/A

Other Information:

INSTITUTIONAL ADJUSTMENT:

Disciplinary(s): Total: 0

Assaultive: 0

Sexual Misconduct: 0

Narrative(s):

Work History: Prison Industries

Other Information: No Problems in SCDC

SP Multi-Disciplinary Team
Oxendine, Timothy Groves -#217478
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: 116

Mental Retardation: None

Disability/Other Known Impairment:

Wide Range Achievement Tests (WRAT)

Grade Level: Reading: 12.8

Math: 6.9

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: No Mental Health Treatment

Medical Problem(s): Yes Work Restriction(s): No

Institutional Assignment: Daily Nursing Coverage

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: Hep C, Overactive Bladder, Acid Reflux

Medications: Ranitidine, Ibuprofen, Niacin, Aspirin EC, Atenolol

Other Information:

SP Multi-Disciplinary Team
 Oxendine, Timothy Groves -#217478
 Page 3

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None on file
 Medications: N/A
 Problems/Compliance:
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY:

	TYPE	DATES	STATUS
Phase I:	Education C-Star	8-30-95 – 2-7-96	Completed(excellent)

SOTP GROUP:

Phase II: Education

Phase III: Education

OTHER

RTU: Intensive Residential
 Treatment

Admission of Sex Offense(s):
 Other Information:

SP Multi-Disciplinary Team
 Oxendine, Timothy Groves -#217478
 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, HSC II
 Sylvia Roberts, MSW, HSC II

Date: 2/19/13

Petitioner's Exhibit J



ICHR 003FDA2F81 from SCCH

ATTSC412

.ICHR.003FDA2F81.SCCH.20130226 10:43:13

TO: ATTSC412-2097 20130226 10:43:13 003FDA2F81

FROM: SCCH-14299009 20130226 10:43:13

ICHR REQUEST FOR RAP SHEET

ORI-SC040015A FBI- 510842W8 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-02/26/2013 TIME-10:36:35

REQ ORI-SC040015A ATTORNEY GENERALS

SID-SC00154266 FBI- 510842W8

NAME-OXENDINE, TIMOTHY GROVES SEX-M RACE-W

HEIGHT-603 WEIGHT-205 EYES-HAZ HAIR-BLN SKIN-MED BORN-SC

FPC-PO03101311PO0306PI10 HENRY- 3 O 5 U III 11

O 18 U III

PHOTOGRAPH AVAILABLE

PALM PRINTS AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

* DNA - TAKEN

DATE RECORD ENTERED--08/18/1977 DATE OF LAST UPDATE--07/19/2012

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
OXIDINE, TIM		SC L LEG		
OXENDINE, TIMOTHY GRAVES		TAT UL ARM		
OXEDINE, TIMOTHY GROVES		TAT LF ARM		
OXENDINE, OX		TAT R SHLD		
OXENDINE, TIMOTHY GROVE		TAT L HND		
OXENDINE, TIM		TAT UR ARM		

OXENDINE, TIMOTHY G	TAT L ARM
---------------------	-----------

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
	04/12/1977
	ARREST CHARGE 01-ARREST DATA NOT RECEIVED
	COURT CHARGE 01-HOMICIDE RECKLESS 2 CTS CAR
	COURT DISP-CONVICTED;5Y SUSP; 5Y PROB; \$1000 FINE; TIME & FINE CONS WITH PROB CONC
	CUSTODY STATUS-PROBATION START DATE-04/12/1977
SC040015G CENTRAL PPP CASE-129277	
SC0460300 ROCK HILL PD	11/22/1980

CASE-144551
CIT-SC44-53-370

ARREST CHARGE 01-POSS OF
MARIJUANA W/I TO DIST
OFFENSE DATE-11/22/1980
ARREST INFO- REL ON BOND

CIT-SC44-53-370

COURT CHARGE 01-POSS OF MARIJ
UANA W/I TO DIST
COURT DISP-CONVICTED;5Y SUSP;
1Y CONFINEMENT; 5Y PROB;
\$1015 FINE;CONFINEMENT OR
FINE;OR \$5000 SUSP
COURT DATE-02/13/1981
COURT CHARGE 02-VIO PROB
COURT DISP-CONVICTED;\$512
FINE
COURT DATE-02/13/1981
CUSTODY STATUS-PROBATION
START DATE-02/13/1981

SC040015G CENTRAL PPP
CASE-166997

OXENDINE, TIMOTHY GROVE
SC0460300 ROCK HILL PD
CASE-144551
WARR-A751506
CIT-SC16-11-310

08/31/1982

ARREST CHARGE 01-BURGLARY
OFFENSE DATE-08/28/1982
ARREST INFO-HELD;BOND HEARING

CIT-SC16-11-310
WARR-A751506

COURT CHARGE 01-BURGLARY
COURT DISP-CONVICTED;5Y CONFI
NE
COURT DATE-12/17/1982
CUSTODY STATUS-RECEIVED
START DATE-01/04/1983
CUSTODY STATUS-PAROLED
START DATE-01/23/1984

SC040055C R & E CENTER COLA
CASE-115349
SC040015G CENTRAL PPP

OXENDINE, TIMOTHY GROVES
SC0460000 YORK CNTY SO
CASE-16985
WARR-N731289

08/27/1988

ARREST CHARGE 01-DRIVING
UNDER INFLUENCE
OFFENSE DATE-08/27/1988
PHOTOGRAPH AVAILABLE

OXENDINE, TIMOTHY GRAVES
SC0460000 YORK CNTY SO
CASE-940002394
WARR-D961061

07/11/1994

ARREST CHARGE 01-LEWD ACT
UPON A MINOR
PHOTOGRAPH AVAILABLE

CIT-16-15-140 FELONY
DOC-94GS4603434
WARR-D961061

COURT CHARGE 01-LEWD ACT ON
CHILD UNDER 14
COURT DISP-CONVICTED;10 YEARS
SUSP ON 3 YEARS AND 3

YEARS PROBATION
COURT DATE-01/10/1995

SC040055C R & E CENTER COLA
CASE-217478
CIT-16-15-140 FELONY

01/12/1995 CUSTODY STATUS-RECEIVED
START DATE-01/12/1995

COURT CHARGE 01-LEWD ACT
UPON CHILD UNDER 14 YEARS
OF AGE
COURT DISP-CONVICTED;10Y SS
3Y & 3Y PROBATION

OXENDINE, TIMOTHY GROVES
SC0460300 ROCK HILL PD
ATN-
WARR-G519975

07/18/2000

ARREST CHARGE 01-LEWD ACT ON
A CHILD
OFFENSE DATE-08/01/1993
PALM PRINTS AVAILABLE

CIT-16-15-140 FELONY
DOC-00GS4603467
WARR-G519975

COURT CHARGE 01-COMMITTING
LEWD ACT UPON CHILD UNDER
16
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-01/15/2001
ATN-

SC040015G CENTRAL PPP
CIT-C/L,-UNCLASSIFIED

COURT CHARGE 02-ASSAULT/BATTE
RY OF HIGH AND AGGRAVATED
NATURE
COURT DISP-CONVICTED;8Y SUSPE
NDED 3Y PROBATION
COURT DATE-01/11/2001

OXEDINE, TIMOTHY GROVES
SC0460300 ROCK HILL PD
CASE-NA
ATN-990000066214
WARR-G792660
CIT-16-3-655(2)-FELONY

05/25/2005

ARREST CHARGE 01-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
OFFENSE DATE-05/25/2005
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-G792661
CIT-16-3-655(2)-FELONY

ARREST CHARGE 02-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
OFFENSE DATE-05/25/2005

WARR-G792662
CIT-16-3-655(2)-FELONY

ARREST CHARGE 03-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE

CIT-16-3-655 (C) -FELONY
DOC-05GS4602665
WARR-G792660

OFFENSE DATE-05/25/2005
ARREST INFO- SC01636259 CONSO
LIDATED

COURT CHARGE 01-CRIMINAL SEX
CONDUCT W/MINOR<16 YRS-2ND
DEGREE
COURT DISP-CONVICTED;10 YEARS
;CONCURRENT;CFTS
COURT DATE-10/06/2005
ATN-990000066214

CIT-16-3-655 (B) -FELONY
DOC-05GS4602666
WARR-G792661

COURT CHARGE 02-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
COURT DISP-CONVICTED;10 YEARS
;CONCURRENT;CFTS
COURT DATE-10/06/2005

CIT-16-3-655 (C) -FELONY
DOC-05GS4602667
WARR-G792662

COURT CHARGE 03-CRIMINAL SEX
CONDUCT W/MINOR<16 YRS-2ND
DEGREE
COURT DISP-CONVICTED;10 YEARS
;CONCURRENT;CFTS
COURT DATE-10/06/2005

OXENDINE, TIMOTHY GROVES
SC0460000 YORK CNTY SO
CASE-200500002590
ATN-990000068965
WARR-F916878
CIT-16-3-655 (2) -FELONY

05/26/2005

ARREST CHARGE 01-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
OFFENSE DATE-06/01/2003
PHOTOGRAPH AVAILABLE
PALM PRINTS AVAILABLE

WARR-F916879
CIT-16-3-655 (2) -FELONY

ARREST CHARGE 02-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
OFFENSE DATE-06/01/2003

CIT-16-3-655 (B) -FELONY
DOC-05GS4602663
WARR-F916878

COURT CHARGE 01-CRIM SEX
CONDUCT W/MINOR(11-14YRS)-
2ND DEGREE
COURT DISP-CONVICTED;10 YEARS
;CONCURRENT;CFTS REGISTER
AS SEX OFFENDER
COURT DATE-10/06/2005
ATN-990000068965

END OF PAGE

01 - PAGE 02 TO FOLLOW



ICHR 003FDA2F83 from SCCH

ATTSC412

. ICHR.003FDA2F83.SCCH.20130226 10:43:14

TO: ATTSC412-2098 20130226 10:43:14 003FDA2F83

FROM: SCCH-14299011 20130226 10:43:14

PAGE-02 DATE-02/26/2013 TIME-10:36:35

REQ ORI-SC040015A ATTORNEY GENERALS

SID-SC00154266 FBI- 510842W8

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

CIT-16-3-655(B)-FELONY

DOC-05GS4602664

WARR-F916879

COURT CHARGE 02-CRIM SEX

CONDUCT W/MINOR(11-14YRS) -
2ND DEGREECOURT DISP-CONVICTED;10 YEARS
; CONCURRENT; CFTS

COURT DATE-10/06/2005

SC040015C SC DEPT CORRECTIONS 10/11/2005 CUSTODY STATUS-RECEIVED
CASE-101120 START DATE-10/11/2005

CIT-16-3-655(B)-FELONY

COURT CHARGE 01-CRIM SEX

CONDUCT W/MINOR(11-14YRS) -
2ND DEGREECOURT DISP-CONVICTED;10 YRS
COURT DATE-10/11/2005

ATN-500300036903

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/ 510842W8
REQUESTED FOR CRIMINAL JUSTICE PURPOSES-----
>>> *** NOTICE *** <<<*****
* 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 CAROLINAINFORMATION 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 **

STATE OF SOUTH CAROLINA)
 COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS
 CASE NO. 2013-CP-46-01054

IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 TIMOTHY OXENDINE,)
 RESPONDENT.)

**ORDER FOR EVALUATION PURSUANT
 TO THE SEXUALLY VIOLENT PREDATOR
 ACT**

This matter comes before me on petition of the State of South Carolina for an order requiring the Respondent, Timothy Oxendine, to submit to an examination and to be detained in an appropriate secure facility pending a trial pursuant to the Sexually Violent Predator Act (S.C. Code Ann. Sections 44-48-10 *et seq.*; hereafter "the Act"). A Probable Cause hearing was held on June 25, 2013 in the York County Court of Common Pleas. The State was represented by Assistant Attorney General Nicole T. Wetherton, and the Respondent was personally present and represented by Michael Hemlepp, Esquire.

I have considered the showing made in respect to this matter and am of the opinion that probable cause exists to find that the Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED

That the Respondent shall be:

- (a) Confined, once he has been released from the South Carolina Department of Corrections, in the York County Detention Center until a final disposition of this action; and
- (b) Examined and observed at an appropriate facility of the South Carolina Department of Mental Health to determine whether the Respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

The ordered examination shall be requested by the Office of the Attorney General of South Carolina and scheduled by the examining facility as soon as possible. The Respondent is to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. The Respondent continues under jurisdiction of this Court.

The Court appoints, Marie E. Gehle, Psy.D, to examine the Respondent.

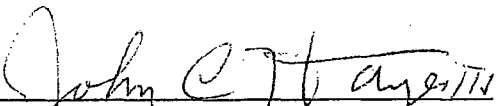
FILED-RECEIVED

2013 JUN 25 PM 2:39

DAVID HAMILTON
 C.C. CP & C.S.
 YORK COUNTY, SC

Within five days of the receipt of the written report of the examination by the Office of the Attorney General of South Carolina, said office shall make a copy of such examination available to Respondent's attorney.

IT IS SO ORDERED.


The Honorable John C. Hayes, III
Chief Administrative Judge
for the Sixteenth Judicial Circuit
Court of Common Pleas

June 25, 2013
York, South Carolina

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS)

COUNTY OF YORK)

CASE NO: 2013-CP-46-01054)

IN THE MATTER, CARE AND)
TREATMENT OF)NOTICE OF RETENTION OF)
INDEPENDENT EXPERT)TIMOTHY OXENDINE,)
RESPONDENT)

To: W. Michael Hemlepp, Jr., Esquire, Attorney for Respondent

You will please take notice that the Attorney General is exercising its right pursuant to South Carolina Code Section 44-48-90(C) to an independent evaluation of the above Respondent regarding whether he suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. Attached as Exhibit 1 is a copy of the letter from the Attorney General's Office retaining Dr. R. Gregg Dwyer or his designee, through the Medical University of South Carolina, to conduct such examination.

Respectfully Submitted,

ALAN WILSON
Attorney GeneralNICOLE T. WETHERTON
Assistant Attorney General

FILED-RECEIVED
2014 FEB -6 PM 1:30
DAVID HAMILTON
C.C.P. & G.S.
YORK COUNTY, SC

February 4, 2014
Columbia, South Carolina

By: *Nicole Wetherton*
Attorneys for Petitioner
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-0087



ALAN WILSON
ATTORNEY GENERAL

February 4, 2014

R. Gregg Dwyer, M.D., Ed.D
Associate Professor
Director, Community and Public Safety Psychiatry Division
Department of Psychiatry and Behavioral Sciences
Medical University of South Carolina
29-C Leinbach Drive
Charleston, SC 29407

Re: *In the Matter of the Care and Treatment of Timothy Groves Oxendine*
C.A. No. 2013-CP-46-01054

Dear Dr. Dwyer:

Pursuant to the March 2013 Consultation Agreement, this letter confirms the Attorney General's Office has retained you, or your designee, as an expert in the above referenced Sexually Violent Predator action. The Office will pay up to \$2000 for a review of the existing records, and discussion of the findings and recommendations with this Office. If a full comprehensive evaluation is recommended, the fee will be \$4000, with all fees previously paid applying toward that amount. This amount will include any and all psychological and physiological tests for evaluation purposes, preparation of such expert reports as may be necessary, and one day of trial appearance.

You, or your designee, will work with Assistant Attorney General Nicole Wethereton to advise her in this matter and prepare for trial if necessary. As soon as possible, please let Ms. Wethereton know who will be working on this case, and if the work cannot be substantially completed within sixty days. Please keep in mind there are specific statutory deadlines for evaluations and trial in Sexually Violent Predator cases, and failure to meet those deadlines could result in dismissal of the State's case.

During your work for this Office, you will need to ensure you do not accept any other work that could create the fact or appearance of a conflict of interest. Please submit invoices within thirty days of rendering services. The invoices should be mailed to the South Carolina

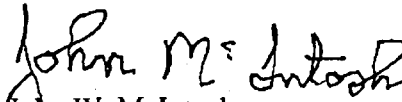
R. Gregg Dwyer, M.D., Ed.D

February 4, 2014

Page Two

Attorney General, Attn: Finance, PO Box 11549, Columbia, SC 29211. The Attorney General very much appreciates your willingness to serve as an expert in this case.

Sincerely,

A handwritten signature in black ink that reads "John W. McIntosh". The signature is written in a cursive style with a large, stylized "J" and "M".

John W. McIntosh

Chief Deputy Attorney General

cc: Assistant Attorney General Nicole Wetherton
Thomas Osmer, Director of Finance
Senior Assistant Deputy Attorney General Deborah R.J. Shupe

STATE OF SOUTH CAROLINA)
 COUNTY OF YORK)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 TIMOTHY OXENDINE,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 SIXTEENTH JUDICIAL CIRCUIT
 CASE NO. 2013-CP-46-01054

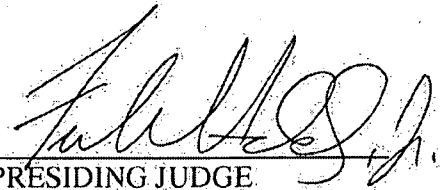
ORDER FOR TRANSPORT

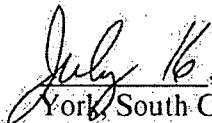
This matter comes before the Court by motion from the State for an Order for Transportation. Respondent is scheduled to complete an evaluation on July 24, 2014 at 9:00 a.m. and July 30, 2014 at 8:30 a.m. at the Department of Psychiatry and Behavioral Sciences at the Medical University of South Carolina in Charleston, South Carolina.

NOW THEREFORE IT IS ORDERED ADJUDGED AND DECREED THAT

1. The York County Detention Center must arrange transportation for Respondent and ensure that Respondent is transported to 29-C Leinbach Drive, Charleston, South Carolina at 9:00 a.m. on July 24, 2014 and 8:30 a.m. on July 30, 2014.

IT IS SO ORDERED.


 PRESIDING JUDGE
 Sixteenth Circuit Judicial Circuit
 Court of Common Pleas

 July 16, 2014
 York, South Carolina

RECEIVED
 2014 JUL 16 PM 4:57
 CLERK OF COURT
 YORK COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF YORK

FILED - RECEIVED
 2015 JAN 27 PM 2:22
 THE COURT OF COMMON PLEAS
 FOR THE SIXTEENTH JUDICIAL CIRCUIT
 CIVIL ACTION NUMBER: 2013-CP-46-1054

DAVID HAMILTON
 C.C.P. & G.S.
 YORK COUNTY, SC

IN THE MATTER OF:

THE CARE AND TREATMENT OF
 TIMOTHY OXENDINE,

RESPONDENT,

)
) PRE-TRIAL ORDER RELIEVING
) COUNSEL AND APPOINTING
) NEW COUNSEL
)
)
)
)

This is an action instituted by the State of South Carolina pursuant The South Carolina Sexually Violent Predator Act, SC. Code Ann. Sections 44-48-10 *et seq.* The State is represented by the South Carolina Attorney General, by and through his designee, Jim Bogle of the Attorney General's Office. The Respondent is represented pursuant to appointment by W. Mike Hemlepp, Jr. of the York County Bar.

Counsel for the State and the Respondent had a pre-trial conference. At that time, W. Mike Hemlepp, Jr., Counsel for the Respondent, moved to be relieved on this matter. The grounds for relief being that he has accepted full time employment in Richland County, South Carolina and will no longer be acting as a "contract attorney" for SVP cases in York County. The State took no position on this matter. I find that Mike Hemlepp has shown good cause to be relieved as counsel for the Respondent.

This case is currently scheduled for a dispositional hearing, so the Respondent is in need of an attorney immediately. Aimee J. Zmroczek, Esquire, of the Richland County Bar is a contract attorney for SVP cases in the midlands and has agree to accept this appointment. I find that Aimee J. Zmroczek should be immediately appointed as counsel for the Respondent.

Due to the foregoing, I find that it is best that this case be continued and not scheduled for trial prior to April 1, 2015 to ensure that the Attorney for the Respondent is adequately prepared.

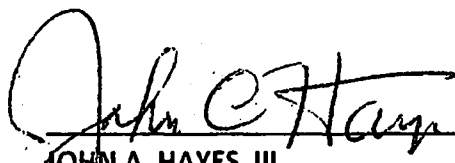
NOW, THEREFORE, based upon the foregoing, it is hereby

ORDERED, that Mike Hemlepp, Jr. is hereby relieved as Counsel for the Respondent in this action; and it is further,

ORDERED, that Aimee J. Zmroczek of the Richland County Bar is hereby substituted as counsel; and it is further,

ORDERED, that the hearing scheduled for January, 2015 is hereby continued to be heard as soon as practical, but not before April 1, 2015.

AND IT IS SO ORDERED.


JOHN A. HAYES, III #2
CHIEF ADMINISTRATIVE JUDGE
SIXTEENTH JUDICIAL CIRCUIT

January 20th 2015

York South Carolina

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
TIMOTHY GROVES OXENDINE,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

CASE NO. 2013-CP-46-01054

ORDER OF COMMITMENT

RECEIVED

OCT 29 2015

SC Court of Appeals

The trial of this case was held in the County of York in the Court of Common Pleas the week of September 28, 2015. A jury of citizens from York County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Christopher A. Morrow represented the State of South Carolina. Aimee Zmroczek, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to South Carolina Code Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Timothy Groves Oxendine, is a sexually violent predator as that term is defined in South Carolina Code Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to continue to be detained at the York County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.



R. SCOTT SPROUSE
Circuit Court Judge
Sixteenth Judicial Circuit
Court of Common Pleas

September 29, 2015
York, South Carolina

FILED-RECEIVED
2015 SEP 30 PM 3:11
DAVID HAMILTON
C.C.J. S.C.
YORK COUNTY, SC

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on July 21, 2005, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 2nd DEGREE

That Timothy C. Oxendine, did in York County, South Carolina, on or between June 1, 2000 and January 1, 2001, willfully and unlawfully commit criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: vaginal intrusion, fellatio and/or cunnilingus with and upon Child
, date of birth , in violation of Section 16-3-655(2), S.C. Code of Laws, 1976, as amended.

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



ASSISTANT SOLICITOR

F-783

P0003

T-744

3b

8036283133

COC General Sessions

02-13-17 11:24 FROM-

WITNESSES

YCS/D/Tolson

ARREST WARRANT NUMBER

-916878

ACTION OF GRAND JURY

TRUE BILL

Linda Walker
Foreperson of Grand Jury
Date: *July 21, 2005*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2005-GS-46-2663

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2005

THE STATE

vs.

TIMOTHY GROVES OXENDINE

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 2ND DEGREE**

SC Code: 16-03-655(2)
CDR Code: 396

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

Stephanie Cook Clerk III
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

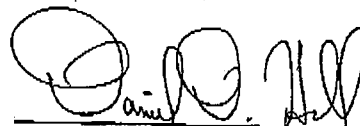
INDICTMENT

At a Court of General Sessions, convened on July 21, 2005, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 2nd DEGREE

That Timothy G. Oxendine, did in York County, South Carolina, on or between June 1, 2000 and January 1, 2001, willfully and unlawfully commit criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: vaginal intrusion, fellatio and/or cunnilingus with and upon Child
, date of birth , in violation of Section 16-3-655(2), S.C. Code of Laws, 1976, as amended.

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



ASSISTANT SOLICITOR

F-783

P0005

T-744

8036283133

COC General Sessions

FROM-

11:24

02-13-17

WITNESSES

YCSD/Tolson

eb

ARREST WARRANT NUMBER

F-916879

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-2664

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2005

THE STATE

vs.

TIMOTHY GROVES OXENDINE

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 2ND DEGREE**

SC Code: 16-03-655(2)

CDR Code: 396

After being fully advised as to my
legaghts, I hereby waive presentment
to the Grand Jury.

Defendant

I
here appear in my own proper person and plead
guilt to the within indictment or to

Defendant

Witness

Stphanie Cook Clerk III
C.C.PLS. AND G.S.

238

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

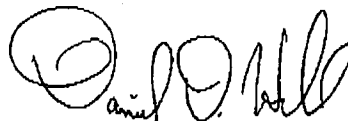
INDICTMENT

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That Timothy G. Oxendine, did in York County, South Carolina, on or between June 1, 2003 and September 30, 2004, willfully and unlawfully commit criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was at least fourteen (14) years of age but who was less than (16) years of age, to wit: vaginal intrusion, fellatio and/or cunnilingus with and upon Child
date of birth , in violation of Section 16-3-655(3), S.C. Code of Laws,
1976, as amended.

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



ASSISTANT SOLICITOR

F-783

T-744 P0007

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COC General Sessions

02-13-17 11:25 FROM-

WITNESSES

RHPD/Harveston

eb

ARREST WARRANT NUMBER

G-792660

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jur.

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKETED. 2005-GS-46-1665

Thetate of Soun Carolina

County of Trk

CRT OF GENERA SESSIONS

July 21, Tern 2005

THE STATE

vs.

TIMOTHY G. OXIDINE

Indictmen or

IMINAL SEXUAL ONDUCT

2nd DEGR.

SC Code: 16-0355(3)

CDR Code: 7

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

Stephanie Cook Clerk III
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

INDICTMENT

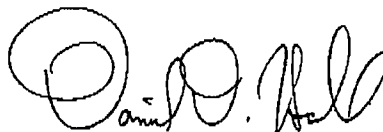
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Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

F-788

P0009

T-744

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COC General Sessions

02-13-17 11:26 FROM-

WITNESSES

RHPD/Harveston

ARREST WARRANT NUMBER

G-792661

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: July 24, 2005

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-2666

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2005

THE STATE

vs.

TIMOTHY G. OXENDINE

Indictment for

CRIMINAL SEXUAL CONDUCT
2nd DEGREESC Code: 16-03-655(2)
CDR Code: 396After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

Stephanie Cook Clerk III
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

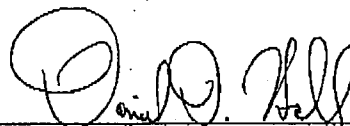
COUNTY OF YORK)

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date of birth , in violation of Section 16-3-655(3), S.C. Code of Laws,
1976, as amended.

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



ASSISTANT SOLICITOR

F-783

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T-744

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8036283133

COC General Sessions

02-13-17 11:26 FROM-

WITNESSES

RHPD/Harveston

ARREST WARRANT NUMBER

G-792662

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2005-GS-46-2667

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

July 21, Term 2005

THE STATE

vs.

TIMOTHY G. OXENDINE

Indictment for

CRIMINAL SEXUAL CONDUCT
2nd DEGREESC Code: 16-03-655(3)
CDR Code: 397After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

Stephanie Cook Clerk III
C.C.C. PLS. AND G.S.

RECEIVED

FEB 13 2017

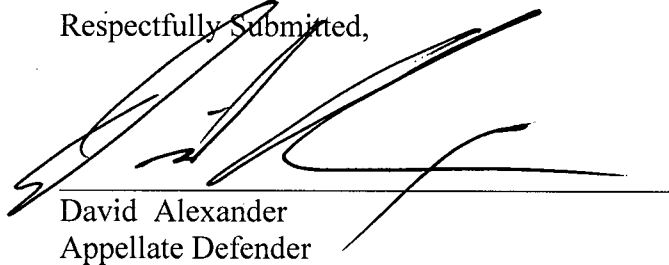
245

SC Court of Appeals

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,



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 13th day of February, 2017.