

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable James R. Barber, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF WAKE HUNT,

APPELLANT

APPELLATE CASE NO 2017-000585

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

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

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED FEBRUARY 21, 2017	1
JURY VOIR DIRE	9
JURY SELECTION	30
OPENING STATEMENT BY MR. MORROW	42
OPENING STATEMENT BY MR. FALK	45
TESTIMONY	
AMY SWAN	61
CHARLOTTE TAYLOR	155
VIRGINIA DARBY	173
ALAN HUNT	179
WAKE HUNT	184
AMY SWAN (RECALL)	207
CLOSING ARGUMENT BY MR. MORROW	212
CLOSING ARGUMENT BY MR. FALK	221
CHARGE ON THE LAW	230
VERDICT	245
STATE'S EXHIBIT NO. 1	250
STATE'S EXHIBIT NO. 2	253
STATE'S EXHIBIT NO. 3	255
STATE'S EXHIBIT NO. 4	256

STATE’S EXHIBIT NO. 5.....	259
DEFENDANT’S EXHIBIT NO. 1	261
COURT’S EXHIBIT NO. 1.....	268
CERTIFICATE OF COUNSEL	269

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF ORANGEBURG) FIRST JUDICIAL CIRCUIT

2015-CP-38-01272

State of South Carolina)
))
Plaintiff,)
))
v.) Transcript of Record
))
Wake Hunt,)
))
Defendant.)
))
_____)

February 21, 2017
Orangeburg, South Carolina

B E F O R E:

The Honorable James Barber, Judge and a jury

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

Christopher Andrew Morrow, Esquire
Attorney for the State

James Kristian Falk, Esquire
Attorney for the Defendant

Hilda M. Jordan, CVR-M
Circuit Court Reporter

I N D E X

Voir Dire	9
Jury Selection	30
Court's Open	34
State's Open	41
Defense's Open	44
Defense's Motion	52
State rests	152
Motion for Directed Verdict	153
Defense Rests	206
State's Closing	212
Defense Closing	221
Court's Charge	230
Verdict	245
Commitment Order signed	247

State v Hunt

2/21/17

3

	<u>WITNESS/DESCRIPTION</u>	<u>PAGE NO.</u>
1		
2	Amy Swan Direct.....	61
3	Amy Swan Voir Dire.....	66
4	Amy Swan Continued Direct.....	68
5	Amy Swan Cross.....	112
6	Amy Swan Redirect.....	151
7	Charlotte Taylor Direct.....	155
8	Charlotte Taylor Cross.....	172
9	Virginia Darby Direct.....	173
10	Virginia Darby Cross.....	177
11	Alan Hunt Direct.....	179
12	Alan Hunt Cross.....	181
13	Wake Hunt Direct.....	184
14	Wake Hunt Cross.....	203
15	Wake Hunt Redirect.....	206
16	Recall by State:	
17	Amy Swan Direct.....	207
18	Amy Swan Cross.....	208
19		
20		
21		
22		
23		
24		
25		

1 EXHIBITS:

2 State's Exhibit No. 1 ID..... 5

3 State's Exhibit No. 1 ENTERED..... 70

4 State's Exhibit No. 2 ID..... 5

5 State's Exhibit No. 2 ENTERED..... 71

6 State's Exhibit No. 3 ID..... 5

7 State's Exhibit No. 3 ENTERED..... 72

8 State's Exhibit No. 4 ID..... 5

9 State's Exhibit No. 4 ENTERED..... 81

10 State's Exhibit No. 5 ID..... 5

11 State's Exhibit No. 5 ENTERED..... 84

12 State's Exhibit No.

13 Defendant's Exhibit No. 1 ID..... 151

14 Court's Exhibit No. 1 60

15

16

17 Certificate of Court Reporter 249

18

19

20

21

22

23

24

25

State v Hunt

2/21/17

5

1 (Court in session February 21, 2017
2 at 9:30 a.m.)

3 (State's Exhibit No. 1, letter, was
4 marked for I.D.)

5 (State's Exhibit No. 2, letter, was
6 marked for I.D.)

7 (State's Exhibit No. 3, letter, was
8 marked for I.D.)

9 (State's Exhibit No. 4, arrest
10 warrant, indictment, sentencing sheet, was marked for I.D.)

11 (State's Exhibit No. 5, indictment,
12 sentencing sheet, was marked for I.D.)

13 (Jury panel in at 9:45 a.m.)

14 THE COURT: All right. Ladies and gentlemen, this
15 jury is now qualified. We're going to give you a little bit
16 of information about your jury service. First of all if you
17 have a cellphone, a beeper or some other electronic device,
18 you need to make sure it is turned off when you're in this
19 courtroom. So anytime you're in the courtroom, make sure
20 it's turned off. If, for some reason it goes off, it may
21 not be yours for very long. So turn it off.

22 If you get on a jury, when you're on the jury, we'll
23 have to take your cellphone while you're serving. Of
24 course, we'll give it back to you when you go home at night.
25 We'll give it to you when you go to lunch. But we'll have

1 to take it back, and I'm sure you understand the reason why.
2 We can't have cellphones going off in the middle of your
3 jury service, sitting in the jury box. And you can't be
4 back in the jury room talking to your child who just got
5 home from school to see what they might be able to eat,
6 things of that nature. So make sure your cellphone is
7 turned off at all times.

8 You're going to be in and out of the courthouse maybe
9 on several occasions during the week, ladies and gentlemen.
10 As you come in and move about the courthouse, I'm going to
11 ask that you not have any interaction with anybody that you
12 may come in contact with, because that person might be up
13 here -- they might be involved in a case that you are here
14 as a juror. They might be a litigant, they might be a
15 lawyer, they might be a witness. They might have some
16 involvement in some case that ultimately might come in front
17 of you. And even though you have the most innocent
18 conversation, if you, it will probably be seen and reported
19 to the Court or one of the security people or the clerk and
20 we'll have to deal with it. So if you see somebody you
21 know, be polite and speak to them, but don't stop and have a
22 conversation with them. If anybody says anything, you tell
23 them the Court has said that you're a juror and you're not
24 allowed to do that at that time.

25 I'm going to ask that you be prompt. Your time is

State v Hunt

2/21/17

7

1 valuable, but so is everybody else's time so when we ask you
2 to be here, I'm going to ask you to make sure you're here on
3 time. I like to go by two rules. One is what I call the
4 Chris Rock rule. And the Chris Rock rule is you're never
5 early. You're either on time or you're late. So you might
6 just plan on being -- if we ask you to be there at 9:30, you
7 know, you're not early if you get there at 9:15, you're on
8 time. The other is what I call the Vince Lombardi rule.
9 Now, many of y'all are probably too young to know who Vince
10 Lombardi is, but he was a football coach and the Super Bowl
11 trophy is named after him. But he was of the opinion that
12 if I said you need to be there at 9:30, you best served by
13 being there at 9:15. So if you keep those two rules in
14 mind, you will not have any problems with me because
15 promptness is one of my pet peeves. I'm coming from
16 Columbia everyday and I will do the best I can to make sure
17 I'm on time. And if I'm not, we'll take up what you think I
18 need to do with me. So, you please be on time.

19 Ladies and gentlemen, if an emergency occurs at home or
20 at work or if somebody needs to get in touch with you, we're
21 going to give you a number that you can call the clerk's
22 office or have whoever needs to call the clerk's office to
23 get in touch with you. If they do that, they call the
24 clerk, we will get that information to you just as quickly
25 as we possibly can so that you can deal with whatever that

1 situation is.

2 If some problem that occurs that affects your jury
3 service, if you bring it to our attention as soon as you
4 possibly can, we'll do everything we can to assist you in
5 that situation. And I use this as an example. If you have
6 a child and daycare and you have to pick the child up by
7 6:00, but you get a note from the daycare one day saying
8 we're closing at 5:30 on Thursday, well, if you tell us
9 that, we'll do what we can to make sure you get to your
10 child, pick your child up by 5:30. If you wait until 5:00
11 to tell us on Thursday, then it may be difficult for us to
12 assist you in that regard and the best we can do is give you
13 a telephone so you can get some help to deal with that
14 situation.

15 I like to start court each day about 9:30. At 9:30, so
16 we will go until -- generally 5:30 or so. We're going to -
17 - today, I have to be back in Columbia by 4:00 this
18 afternoon for a -- I teach a class at the law school and I
19 have that class scheduled today. So we're not going to go
20 late tomorrow -- I mean, today. But we will try to break
21 each day at 5:30 or so. I understand that everybody has
22 lives independent of being here. So we'll keep that in
23 mind. That doesn't mean that at 5:30 a bell goes off and
24 all of a sudden the jury gets up and walks out like you did
25 when you were in school. If we have a witness that's about

State v Hunt

2/21/17

9

1 to finish their testimony or some situation, we may go a few
2 minutes later than 5:30. By the same token if we finish
3 with a witness and the next witness is a long witness, we
4 might break at quarter 'til five and come back in the
5 morning and start up at that time. But we certainly realize
6 your situations with your private lives and we will try and
7 keep those in mind.

8 Now, ladies and gentlemen, we have a couple of cases
9 that we're all ready to proceed on. I'm going to give you
10 about a ten minute break to move around and relax a little
11 bit and then we'll come back in here and begin the process
12 of selecting a jury for the first case. And one thing I'm
13 going to ask that you not do at any time during the course
14 of this week, ladies and gentlemen is discuss -- if you're
15 on a jury discuss that case with anybody else on the jury or
16 anybody outside the jury until you've been given
17 authorization to begin your deliberations. And I will
18 explain that more to you, if you're on a jury, about that
19 situation. But don't talk about any case that you're
20 involved in. When your jury service is over, you can talk
21 to anybody you want about anything that happened up here,
22 but I don't want to affect anybody's rights who may be
23 involved in any of these case. So I have 11:12. We'll come
24 back here, how about in about 11:22 and we'll get ready to
25 go at that time, okay? Thank y'all.

State v Hunt

2/21/17

10

1 (Jury panel out at 11:12 a.m.)

2 (Court in recess for a short break

3 at 11:12 a.m.)

4 (Court in session after short break

5 at 11:25 a.m.)

6 THE COURT: We're going to go ahead and get both
7 juries today, Mr. Falk. We'll get the first one then where
8 we won't bring all of those people back up.

9 (Jury panel in at 11:25 a.m.)

10 THE COURT: We're here in the matter of the care
11 and treatment of Wake A. Hunt. This case is a little bit
12 different than most civil cases in South Carolina ladies and
13 gentlemen, in that in this case the state is attempting to
14 have the jury determine that Mr. Hunt, who is the
15 respondent, is what is known as a sexually violent predator
16 under the laws of the State of South Carolina and to have
17 him committed for some treatment. Of course, Mr. Hunt
18 denies that and the State has to prove by proof beyond a
19 reasonable doubt that Mr. Hunt is considered a sexually
20 violent predator under the sexually violent predator act of
21 South Carolina.

22 Now, before we begin, I have certain questions to ask
23 you and I have certain individuals I would like to introduce
24 you to.

25 Now, ladies and gentlemen, when I ask you these

State v Hunt

2/21/17

11

1 questions it is absolutely essential that we get accurate,
2 truthful and complete information to the questions that I
3 ask you. As I said this what we call a sexually violent
4 predator case. So it is going to be a case that relates to
5 sexual matters, which is always an uncomfortable situation.
6 So please be responsive to the questions that I have to ask
7 you. We're not going to try to embarrass anybody and we're
8 going to give everybody an opportunity to come down and meet
9 with me on a personal basis and -- well, the lawyers will be
10 there as well, so that you can tell me what you need to tell
11 me in these responses to this matter.

12 First, ladies and gentlemen, if I may inquire at this
13 time, this is -- where is Mr. Hunt. Where is Mr. Wake Hunt
14 right here, who is raising his hand. And I ask is there any
15 member of this jury panel or any member of the jury panel
16 who is related by blood or connected by marriage or either
17 now or in the past has had a close, personal relationship
18 with Mr. Hunt or either now or in he past has known Mr.
19 Hunt? If so, please stand?

20 Is any member of this jury --

21 COURT REPORTER: Judge.

22 THE COURT: Oh. Yes, sir. Tell me your name?

23 JUROR NO. 78: Kelsey Gunter.

24 THE COURT: Gunter.

25 JUROR NO. 78: May I ask where he resides?

1 THE COURT: I don't know that.

2 JUROR NO. 78: I think I know the family, is the
3 reason I'm asking.

4 THE COURT: Mr. Falk, does your client reside in
5 Orangeburg County? I mean, is his family here --

6 MR. FALK: His family is from Orangeburg County,
7 yes, Your Honor.

8 THE COURT: All right. You need to come down and
9 talk to me?

10 JUROR NO. 78: Yeah. I just need to ask what town
11 he's from, if I can ask that?

12 MR. FALK: Cordova.

13 THE COURT: Cordova.

14 JUROR NO. 78: Might be the same.

15 THE COURT: All right.

16 Yes, ma'am. Your name?

17 JUROR NO. 175: Allison Stone.

18 THE COURT: All right.

19 JUROR NO. 175: I go to church with his family.

20 THE COURT: Do you know this individual.

21 JUROR NO. 175: I do not know him.

22 THE COURT: All right. The fact that you go to
23 the same church that some members of his family may attend,
24 would that prevent you from listening to the evidence in
25 this case, and based upon such evidence, rendering a fair

State v Hunt

2/21/17

13

1 and impartial verdict.

2 JUROR NO. 175: No, sir.

3 THE COURT: All right.

4 Yes, sir. Your name.

5 JUROR NO. 81: David Hammond. I know some of his
6 family members. I don't know him.

7 THE COURT: You don't know him personally. You
8 may know some of his family members. The fact that you have
9 some knowledge of some member of his family, would that
10 prevent you from listening to evidence in this case, and
11 based upon such evidence rendering a fair and impartial
12 verdict?

13 JUROR NO. 81: No, sir.

14 THE COURT: All right. Thank you.

15 Does any member of this jury panel know anything about
16 any sexual offense for which Mr. Hunt may have been
17 convicted? If so, please stand.

18 (No one stands.)

19 THE COURT: Would the fact that Mr. Hunt has been
20 convicted of a sexual offense and has completed his criminal
21 sentence related to that conviction in any way prevent you
22 from being able to be fair and impartial in this trial? If
23 you do not believe you can be fair and impartial because of
24 that, please stand.

25 Yes, ma'am. Tell me your name.

1 JUROR NO. 31: Cynthia Coleman.

2 THE COURT: All right. The fact that he has
3 completed a criminal sentence would prevent you from being
4 fair and impartial.

5 JUROR NO. 31: May I come forward?

6 THE COURT: Ma'am?

7 JUROR NO. 31: May I speak to you about that
8 privately?

9 THE COURT: Yes, ma'am. You're welcome to come
10 down here.

11 JUROR NO. 31: I have been sexually abused.

12 THE COURT: Would that fact prevent you from being
13 fair and impartial?

14 JUROR NO. 31: Yes.

15 THE COURT: All right. What we're going to do is
16 we're going to excuse you from this case. Tell me your name
17 again?

18 JUROR NO. 31: Cynthia Coleman.

19 THE COURT: Ms. Coleman. If you're just --

20 She can just have a seat over there. I'm going to
21 excuse her from this jury.

22 All right. Has any member of this jury been on or any
23 member of the jury panel's close personal friend or
24 relatives ever been the victim of a sexual assault? If so,
25 would this experience effect your ability to render a fair

State v Hunt

2/21/17

15

1 and impartial jury verdict in this case if any --

2 All right. Do you want to come down and talk to me?

3 JUROR NO. 172: Yes, sir.

4 THE COURT: All right. What is your name, please,
5 ma'am?

6 JUROR NO. 172: Jacqueline Stanley.

7 THE COURT: Stanley?

8 JUROR NO. 172: Yes, sir. I was sexually abused by
9 my grandfather.

10 THE COURT: All right. Do you think that will have
11 affect on your ability to be fair and impartial in this
12 case?

13 JUROR NO. 172: Yes, sir.

14 THE COURT: Okay. What I'm going to do is excuse
15 you. Thank you, ma'am.

16 Yes, ma'am. Could I have your name, please ma'am.

17 JUROR NO. 86: Loretta Holloway. My daughter was a
18 victim of abuse.

19 THE COURT: Okay. The fact that you've had that
20 experience with your daughter, would that prevent you from
21 being fair and impartial on this jury?

22 JUROR NO. 86: Yes.

23 THE COURT: All right. We'll excuse you. Do you
24 know your juror number?

25 JUROR NO. 86. Eighty-six.

1 THE COURT: Eighty-six. Thank you, ma'am.

2 All right. Is any member of this jury panel or any
3 member of the jury panel's close personal friends or
4 relative been charge with or convicted of a sexual offense?
5 If so, please stand or if you want to come down and talk to
6 me.

7 Yes, ma'am.

8 JUROR NO. 7: My name's Vernell Baker.

9 THE COURT: Baker?

10 JUROR NO. 7: Yes.

11 THE COURT: All right. What's your situation?

12 JUROR NO. 7: (Inaudible) -- My son --

13 THE COURT: Would that prevent you from being fair
14 and impartial --

15 JUROR NO. 7: -- Yes. Yes.

16 THE COURT: All right. What's your name again.

17 JUROR NO. 7: Vernell Baker.

18 THE COURT: All right, Ms. Baker, what's your jury
19 number?

20 JUROR NO. 7: (No response.)

21 COURT REPORTER: Number seven.

22 THE COURT: Seven. Okay.

23 JUROR NO. 7: Seven.

24 THE COURT: All right, Ms. Baker. I'll excuse you.

25 All right. Does any member of this jury panel have any

State v Hunt

2/21/17

17

1 training or experience in the fields of psychiatry,
2 psychology, or the law? If so, please stand?

3 (No one stands)

4 THE COURT: Does any member of this jury panel or
5 any member of the jury panel's family ever been involved in
6 a case where you or another party was represented by an
7 attorney named Anna R. Goode? If so, please stand?

8 MR. MORROW: Your Honor, that's a typo. Could you
9 ask if they've been represented by Mr. Falk?

10 THE COURT: Why you got Anna Goode on here for? I
11 didn't know if she was involved in a prior --

12 All right. Ladies and gentlemen, as in most cases
13 that come to Court the parties are represented by attorneys
14 and that is, in fact, the situation here. The State of
15 South Carolina is represented by the Attorney General's
16 Office and handling the matter for the Attorney General is
17 Mr. Christopher A. Morrow. And this is Mr. Morrow here.
18 He's a member of the South Carolina Bar and works with the
19 AG's office in Columbia, but he tries cases throughout the
20 State of South Carolina. And I would inquire at this time
21 is there any member of this jury panel or any member of the
22 jury panel's immediate families related by blood or
23 connected by marriage, either now or in the past has been a
24 close personal relationship with Mr. Morrow? If so, please
25 stand?

1 (No one stands)

2 THE COURT: Ladies and gentlemen, representing Mr.
3 Hunt is Mr. James Falk and he is with the Falk Law Firm in
4 Charleston. And Mr. Falk is a member of the South Carolina
5 Bar and also practices throughout the State of South
6 Carolina. And I would inquire at this time is there any
7 member of this jury panel or any member of the jury panel's
8 immediate family is related by blood or connected by
9 marriage, either now in the past, has had a close personal
10 relationship with Mr. Falk or either now or in the past has
11 been represented by Mr. Falk. If so, please stand. All
12 right. Thank you, sir.

13 (No one stands)

14 THE COURT: Ladies and gentlemen, I'm now going to
15 read you the names of some potential witnesses who may
16 testify in this trial, and if any of them are here, I would
17 ask them to stand. Now, they may not be here because this
18 case may go beyond today and they would not be required to
19 be here all the time.

20 First is Dr. Amy C. Swan who is a doctor of psychology;
21 is that correct?

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

23 THE COURT: Lauren Zeigler; Carrie Goust, G-O-U-S-
24 T; Dr. William Burke; Dr. Charlotte Taylor; Alan Woodward.
25 If any of these witnesses are in the courtroom, I'd ask them

State v Hunt

2/21/17

19

1 to stand.

2 MR. FALK: Mr. Woodward's in the hall.

3 THE COURT: Yes, sir?

4 MR. FALK: Mr. Woodward's in the hall.

5 THE COURT: Well, ask Mr. Woodward to come in so
6 that -- this is so you can see who they are, ladies and
7 gentlemen.

8 Allen Hunt; Virginia Darby.

9 You Mr. Woodward?

10 MR. WOODWARD: Yes, sir.

11 THE COURT: All right. This is Mr. Woodward here.
12 We're identifying the potential witnesses in this case, Mr.
13 Woodward.

14 MR. WOODWARD: Yes, sir.

15 THE COURT: Apparently Mr -- is that it?

16 Are you Ms. Darby?

17 MS. DARBY: Yes, sir.

18 THE COURT: All right. Ms. Darby, and if you'll
19 face the jury. And you're Mr. Hunt?

20 MR. HUNT: Yes, sir.

21 THE COURT: All right. Ladies and gentlemen, I
22 would inquire at this time, these are potential witnesses
23 who may testify in this trial and I would inquire at this
24 time, is there any member of this jury panel or any member
25 of the jury panel's immediate family who's related by blood

1 or connected by marriage or either now or in the past has
2 had a close, personal relationship with any of these
3 potential witnesses. If so, please stand.

4 Yes, ma'am, tell me your name?

5 JUROR NO. 182: Jequetta Tyler.

6 THE COURT: All right. Ms. Tyler what is your
7 situation.

8 JUROR NO. 182: My cousin is married to Virginia.

9 THE COURT: Your cousin is married to Ms. Darby;
10 is that correct?

11 JUROR NO. 182: Yes.

12 THE COURT: That your first cousin?

13 JUROR NO. 182: Huh-uh. (Negative response)

14 THE COURT: How far down the line does the cousin
15 go?

16 JUROR NO. 182: Second.

17 THE COURT: Second cousin. All right. The fact
18 that you have a second cousin married to a potential witness
19 in this case, would that prevent you from listening to the
20 evidence in this case, and based upon such evidence,
21 rendering a fair and impartial verdict?

22 JUROR NO. 182: (No response)

23 THE COURT: Could you be fair or not fair? If you
24 can't be, just tell me.

25 JUROR NO. 182: I can be fair.

State v Hunt

2/21/17

21

1 THE COURT: Okay. Thank you, ma'am.

2 All right. Yes, ma'am, tell me your name again?

3 JUROR NO. 175: Allison Stone.

4 THE COURT: Stone?

5 JUROR NO. 175: Uh-huh. (Affirmative response)

6 THE COURT: All right. Ms. Stone, what you want
7 to tell me?

8 JUROR NO. 175: Mr. Woodward is my pastor and --

9 THE COURT: Mr. Woodward is what?

10 JUROR NO. 175: My pastor. And Mr. Hunt is my
11 son's best friend's dad.

12 THE COURT: Mr. Hunt is your what?

13 JUROR NO. 175: My son's best friend's dad.

14 THE COURT: All right. The fact that you have
15 these relationships with these two individuals, would that
16 prevent you from listening to the evidence in this case, and
17 based upon such evidence, render a fair and impartial
18 verdict?

19 JUROR NO. 175: No, sir.

20 THE COURT: All right. Thank you, ma'am.

21 Thank y'all. Y'all are certainly -- everybody that's
22 standing -- y'all can have a seat. As they say in France,
23 asseyez vous.

24 Is there any member of this jury panel who has been
25 involved in a prison ministry, a prison outreach program or

1 any other program involving contact with incarcerated
2 persons? If so, please stand?

3 (No one stands)

4 THE COURT: Is there any member of this jury panel
5 or any member of the jury panel's immediate family or close
6 personal friends or relatives ever been subject to a civil
7 commit procedure or been involuntarily civilly committed?
8 If so, please stand?

9 (No one stands)

10 THE COURT: Any member of this jury panel or any
11 member of the jury panel's immediate family ever been the
12 victim of a violent crime? If so, please stand.

13 (No one stands)

14 THE COURT: Is there any member of this jury panel
15 believe it is impossible to rehabilitate persons that were
16 convicted of committing sexual crimes against children? If
17 so, please stand?

18 (No one stands)

19 THE COURT: Does any member of this jury panel
20 believe that people who suffer from pedophilia can ever be
21 cured? If you do not believe they can be cured, please
22 stand?

23 (No one stands)

24 THE COURT: Does any member of this jury panel
25 believe that sentences Defendants receive for sexual crimes

State v Hunt

2/21/17

23

1 against children are too lenient? If so, please stand?

2 Yes, sir.

3 JUROR NO. 78: Kelsey Gunter.

4 THE COURT: All right. You believe that sentences
5 with children involved the sentences are too lenient?

6 Sometimes they're too lenient or always too lenient?

7 JUROR NO. 78: Sir, I think if you commit a crime
8 against a child that's sexual in nature, you should never
9 get out of jail.

10 THE COURT: All right. Well, I'm going to excuse
11 you from being on this jury. If you'll have a seat over
12 here.

13 Yes, sir.

14 JUROR NO. 39: Yes, sir, I --

15 THE COURT: Tell me your name?

16 JUROR NO. 39: Marion Cuttino.

17 THE COURT: Cuttino?

18 JUROR NO. 39: Yes, sir.

19 THE COURT: All right. You have the same beliefs
20 that --

21 JUROR NO. 39: Pretty much. Yes, sir.

22 THE COURT: So you believe you couldn't be fair?

23 JUROR NO. 39: Not really, Your Honor, I don't

24 THE COURT: All right. I'm going to put you over
25 here. You've been excused.

1 Yes, sir. Tell me your name?

2 JUROR NO. 70: Jonathan Gilmore.

3 THE COURT: All right. You can't be fair either?

4 JUROR NO. 70: Huh-uh. (Negative response)

5 THE COURT: All right. We'll put you over here
6 and you have a seat. Gilmore, Mr. Gilmore; isn't that your
7 name?

8 JUROR NO. 70: Yes, sir.

9 THE COURT: All right. Those last three witnesses
10 [sic] -- write their names down for me, if you would.

11 Is there any member of this jury panel been the subject
12 or had a close friend or family member that's been the
13 subject of a mental inquest warrant or other civil
14 commitment for mental health reasons? If so, please stand.

15 (No one stands)

16 THE COURT: Any member of this jury panel ever
17 worked for or in any way been connected with a social
18 services agency, a Guardian ad litem program, a foster care
19 program or any other entity, either private or governmental
20 that investigates or counsels victims of rape or sexual
21 assault? If so, please stand?

22 All right. Tell me your name, please, ma'am?

23 JUROR NO. 127: Deborah McDonald Jamison.

24 THE COURT: All right. Ms. Jamison, what is your
25 experience?

State v Hunt

2/21/17

25

1 JUROR NO. 127: I'm employed at Compton Family
2 Systems.

3 THE COURT: All right. The fact that you have
4 that employment, would that prevent you from listening to
5 the evidence in this case, and based upon such evidence,
6 render a fair and impartial verdict?

7 JUROR NO. 127: No.

8 THE COURT: All right. Thank you, ma'am.

9 Yes, ma'am. Your name?

10 JUROR NO. 21: Audrey Brown.

11 THE COURT: All right. Ms. Brown, what is your
12 situation?

13 JUROR NO. 21: I've done investigation of sexually
14 abused children.

15 THE COURT: The fact that you have that history,
16 would that prevent you from listening to the evidence in
17 this case and based upon such evidence render a fair and
18 impartial verdict?

19 JUROR NO. 21: No, it would not.

20 THE COURT: Thank you, ma'am.

21 Any member of this jury panel or any member of the jury
22 panel's immediate family ever worked for or with any law
23 enforcement agency, either on city, county, state, or
24 federal level? If so, please stand?

25 (No one stands)

1 THE COURT: Any member of this jury panel or any
2 member of the jury panel's immediate family work for the
3 solicitor's office or any other or any county, state or
4 federal correctional facility? If so, please, stand?

5 (No one stands)

6 THE COURT: Any member of this jury panel or any
7 member of the jury panel's immediate family ever work as an
8 emergency medical technician, a volunteer fire person or any
9 occupation that can be described as a first responder? If
10 so, please stand?

11 Yes, sir, your name?

12 JUROR NO. 76: Joseph Griffin.

13 THE COURT: I'm sorry?

14 JUROR NO. 76: Joseph Griffin.

15 THE COURT: All right. Mr. Griffin, you have
16 worked in what area?

17 JUROR NO. 76: EMS.

18 THE COURT: The fact that you have that work
19 history, would that prevent you from listening to the
20 evidence in this case, and based upon such evidence render a
21 fair and impartial verdict?

22 JUROR NO. 76: No, sir.

23 THE COURT: Thank you, sir.

24 Is there any member of this jury panel who is
25 associated with any victims' advocacy group, such as

State v Hunt

2/21/17

27

1 Darkness to Light? If so, please stand?

2 Yes, ma'am, your name again?

3 JUROR NO. 127: Deborah McDonald Jamison.

4 THE COURT: All right. And what advocacy group
5 are you associated with?

6 JUROR NO. 127: Compton --

7 THE COURT: All right. The fact that you have
8 that work experience, would that prevent you from listening
9 to the evidence in this case, and based upon such evidence
10 render an impartial verdict?

11 JUROR NO. 127: No.

12 THE COURT: All right. Thank you, ma'am.

13 Any member of this jury panel personally had any recent
14 communication with the First Circuit Solicitor's Office? If
15 so, please stand?

16 (No one stands)

17 THE COURT: Any member of this jury panel recently
18 have any communication with the South Carolina Attorney
19 General's Office? If so, please stand?

20 (No one stands)

21 THE COURT: Any member of this jury panel or
22 anyone in your immediate family ever been charged, accused
23 or convicted of a crime involving any kind of sexual abuse.
24 This does not apply to anybody that's already come up and
25 talked to me.

1 (No one stands)

2 THE COURT: Has anyone in your immediate family
3 ever been charged, accused or convicted of criminal sexual
4 conduct? Again, this does not apply to anyone who's already
5 talked to me.

6 (No one stands)

7 THE COURT: Is there any member of this jury panel
8 or any member of the jury panel's immediate family ever been
9 a victim of criminal sexual conduct or sexual abuse, whether
10 reported or unreported? Again, this does not apply to
11 anybody who's already been up and talked to me.

12 All right. You want to come down and talk to me,
13 ma'am?

14 Tell me your name?

15 JUROR NO. 162: Latonya Shivers. (Inaudible)

16 THE COURT: All right. The fact that you've had a
17 family member that had a prior conviction, would that
18 prevent you from listening to the evidence in this case and
19 based upon such evidence --

20 JUROR NO. 162: Yes, sir.

21 THE COURT: All right. I'm going to excuse this
22 one.

23 Did y'all get her number?

24 LAW CLERK: Number 162.

25 THE COURT: We'll excuse this juror.

State v Hunt

2/21/17

29

1 Oh, yeah. Another one.

2 JUROR NO. 191: Jennifer White. (Inaudible) --
3 unreported.

4 THE COURT: All right. Do you think that
5 experience with you and your daughter, would that prevent
6 you from listening to the evidence in this case and based
7 upon such evidence render a fair and impartial verdict?

8 JUROR NO. 191: Yes.

9 THE COURT: All right. Tell me your name, again?

10 JUROR NO. 191: Jennifer White.

11 THE COURT: Whit?

12 JUROR NO. 191: White, W-H-I-T-E.

13 THE COURT: White. And what's your number; do you
14 know your number?

15 JUROR NO. 191: No.

16 LAW CLERK: Number 191.

17 THE COURT: Number 191. All right. You are
18 excused, ma'am.

19 Does any member of this jury panel have any bias or
20 prejudice in connection with the case or any of the
21 individuals involved herein; if so, please stand.

22 (No one stands)

23 THE COURT: Does any member of this jury panel
24 have strong beliefs about sexual abuse of any kind, which
25 would effect your ability to be fair and impartial in your

1 consideration of the evidence in this case? If so, please
2 stand?

3 (No one stands)

4 All right. Any further inquiry from the State?

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

6 THE COURT: Anything from the Respondent?

7 MR. FALK: Nothing from the Respondent, Your
8 Honor.

9 THE COURT: All right. Are we ready to go, Madam
10 Clerk?

11 THE CLERK: I need ten minutes.

12 THE COURT: Ten minutes?

13 THE CLERK: Yes, sir.

14 THE COURT: All right. If y'all will just keep
15 your seat for a few minutes, they're going to have to run
16 you through the computer.

17 (Pause)

18 THE CLERK: Any alternates?

19 THE COURT: Yeah. I would say we probably ought
20 to -- how many alternates y'all want? Lawyers, how many
21 alternates y'all want?

22 MR. FALK: Two.

23 MR. MORROW: Two.

24 THE COURT: Yeah. Let's do two.

25 (Pause)

State v Hunt

2/21/17

31

1 THE COURT: You don't have enough jurors. The
2 alternates -- there's not enough for two alternates unless
3 y'all are willing to go with eleven jurors if something
4 happens.

5 THE CLERK: We'll run it again.

6 (Pause)

7 THE COURT: We got a new list. Toss the first list
8 and get a new one.

9 THE COURT: Y'all ready, the lawyers ready?

10 MR. MORROW: Yes, Your Honor.

11 THE COURT: All right. Madam clerk.

12 THE CLERK: Plaintiff?

13 MR. MORROW: Plaintiff strikes Juror No. 11.

14 THE CLERK: Defendant?

15 MR. FALK: Strikes Juror No. 12.

16 THE CLERK: Plaintiff?

17 MR. MORROW: Juror No. 2.

18 THE CLERK: Defendant?

19 MR. FALK: No. 20.

20 THE CLERK: Plaintiff?

21 MR. MORROW: Juror 3.

22 THE CLERK: Defendant?

23 MR. FALK: No. 19.

24 THE CLERK: Plaintiff?

25 MR. MORROW: No. 7.

1 THE CLERK: Defendant?

2 MR. FALK: One moment, please? No. 4.

3 THE CLERK: Plaintiff.

4 THE COURT: All right. You get one strike between
5 21, 22, and 23.

6 MR. MORROW: 23.

7 THE CLERK: Defendant?

8 MR. FALK: 22.

9 THE CLERK: Plaintiff?

10 MR. MORROW: 24.

11 MR. FALK: 26.

12 THE COURT: All right. Anything from the State
13 with respect to the composition of the jury?

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

15 THE COURT: Anything from the Respondent?

16 MR. FALK: Nothing from the Respondent, Your
17 Honor.

18 THE COURT: All right. Madam Clerk.

19 THE CLERK: When I call your name please come
20 forward and bring your belongings and have a seat in the
21 jury box.

22 Juror No. 1, John Millidge, 129, John Millidge;

23 Juror No. 58, Tanisha Fogle;

24 Juror No. 137, Gloria Odums;

25 Juror No. 120, John Long;

State v Hunt

2/21/17

33

1 Juror No. 171, Judy Ann Synder;
2 Juror No. 53, Kelvin Elmore;
3 Juror No. 179, Carole Thompson;
4 Juror No. 81, David Hammond;
5 Juror No. 118, Lynette Lessane;
6 Juror No. 154, Lisa Riley;
7 Juror No. 150, Kayla Rhoad;
8 Juror No. 152, Lynwood Rickenbacker;
9 And the alternates will be --
10 Juror No. 49, Janice Duckson;
11 Juror No. 5, Theresa Bagasra.

12 THE COURT: All right. Ladies and gentlemen of
13 the jury panel that did not get selected, all you folks over
14 here need to stay. Mr. Kler, you stay. Everybody else in
15 the jury panel, ladies and gentlemen, we're getting ready to
16 turn you loose. And what I'm going to ask you to do is
17 we're going to begin this trial. I'm going to ask you to
18 call back tomorrow night after 6:00 and you will get further
19 instructions as to what you are to do with respect to your
20 jury service. When we finish this case if we finish it
21 tomorrow, then we'll give you instructions about coming back
22 for the next case. If it goes into the next day, we'll give
23 you instructions about either coming back -- I mean, calling
24 back or whatever you have to do. But you are free to go for
25 the afternoon and I just ask that you call back tomorrow

1 night after 6:00.

2 Have they already gotten the number, Madam Clerk?

3 THE CLERK: The number is on the paper.

4 THE COURT: You already have the number, so make
5 sure you do that. And then make sure you -- I'm going to
6 ask you to come back, if you come back, all right. Y'all
7 are free to leave at this time.

8 (Remaining Jury panel out at 12:19
9 p.m.)

10 THE COURT: Can the attorneys step up here just a
11 minute?

12 (Off the record bench conference with counsel and the
13 Court.)

14 THE COURT: The jurors that I excused for this
15 trial, y'all stand up if you would. How many are there?

16 THE BAILIFF: Nine, Your Honor.

17 THE COURT: Nine. All right. Let me tell y'all
18 something. The next case we have is a sexual violent
19 predator after this, and we're probably going to get the
20 same response from you on that case that we got on this
21 case, so I'd just have to disqualify you. And there's no
22 point in making you come back in. However, if for some
23 reason the next case we have doesn't go forward or finishes
24 early, and we start another case, I'm going to want you to
25 come back, because I think the next case would be a wreck

State v Hunt

2/21/17

35

1 case and you wouldn't have the same issues in a wreck case
2 that you have in this one. I'm going to get the clerk to
3 get your name and telephone number. And if we need you to
4 come back, we will call you. Now, don't not answer the
5 phone because if you do we will see some -- see these good
6 looking men in uniform, we'll send them to find you. So if
7 you will give them your telephone number and your name,
8 we'll call you if you need you. If you don't hear from us,
9 you are -- you won't have to -- if we go forward with the
10 other one and it lasts as long as we think, that's going to
11 take up the whole week, that and this case right here. All
12 right.

13 All right. I thank y'all for your service and don't
14 get out of here without giving the clerk your name and
15 telephone number.

16 (Off the record discussion with counsel and the Court.)

17 THE COURT: All right. Madam Clerk, can you swear
18 the jury.

19 (WHEREUPON, the jury was duly
20 sworn)

21 COURT'S OPENING STATEMENT

22 THE COURT: All right. Ladies and gentlemen,
23 before I turn this over to the attorneys to make their
24 opening statements, I'm going to talk to you a few minutes
25 to tell you a little bit about this process.

1 As I told you, this is a case that's brought under a
2 sexually violent predator act, which exists in the State of
3 South Carolina. And in this case, the State of South
4 Carolina is alleging Mr. Wake Hunt, who is the Respondent,
5 should be confined for some period of time for treatment
6 because he has -- is qualified as a sexually violent
7 predator. The State has to prove these allegations by proof
8 beyond a reasonable doubt, which is the highest burden of
9 proof that we have in South Carolina. Normally, in a civil
10 case, you have to prove that case by the preponderance or
11 the greater weight of the evidence. In a criminal case, you
12 have to prove somebody guilty by proof beyond a reasonable
13 doubt.

14 This is a civil case, but it does have a higher burden
15 of proof and the State has to meet that burden of proof in
16 order to prevail in this matter. Of course, Mr. Hunt,
17 through his attorney, rejects the idea that he's a sexually
18 violent predator and as a result of this contest, we are
19 here before you so that you can listen to the evidence and
20 ultimately determine whether you believe that he qualifies
21 as a sexually violent predator under that act.

22 Now, this is a very, very important case to both the
23 State of South Carolina and to the Respondent, and we want
24 you to do everything you can to make sure that both parties
25 receive a fair and impartial trial. And one of the ways I'm

State v Hunt

2/21/17

37

1. going to ask you to help me to do that is, as I told you,
2. when I spoke to the jury as a whole, ask that you not
3. discuss this case with each other or with anyone else at any
4. time until you've been given authorization and told that you
5. can begin your deliberations in this case. So that means
6. only when you have heard all the evidence, lawyers have
7. completed the presentation and everything they wish to put
8. in front of you and you have been given the charge on the
9. law and retired to the jury room to begin your deliberation.
10. You will then determine what the facts are in this case,
11. apply the law and ultimately render your verdict.

12. The reason I ask you not to talk about the case with
13. each other is because if you begin discussing it before both
14. sides have had the opportunity to put everything in front of
15. you they wish to offer, you may begin to formulate some
16. opinion about the case, even though you've not heard
17. everything that you need to hear. I ask that you not
18. discuss it with anybody that you come in contact with
19. outside the courtroom. So when you go home at night and
20. talk to your family or your friends or whatever the
21. situation. You leave this afternoon, because we're going to
22. leave early, if you go back to work, you talk to anybody,
23. you also may be influenced by somebody who you're discussing
24. it with. For some reason, people who are not here seem to
25. have opinions about those matters and they have no problem

1 with telling you what that opinion is, even though they've
2 not heard the first bit of evidence in the case. So again,
3 do not discuss the case with each other or with anyone else
4 at any time until you've been given permission to begin your
5 deliberations. I promise you can talk to each other in the
6 jury room as long as you wish to talk to each other, and you
7 can -- when you're deliberating, when the case is over, you
8 can talk to anybody you want to talk to about the case.

9 Now, I'm also going to ask that you not do any
10 independent inquiry in this case. And by that I mean, don't
11 go home and get on the computer and look up anything that
12 you might want to look up on Google or anything like that.
13 Again, you are to decide this case based on the evidence
14 that's put in front of you here in this courtroom and by
15 nothing else. So please do not do any computer work about
16 this case. I will make a point of each and every time that
17 you leave this courtroom to request that you not discuss the
18 case. I will also inquire with you when you come back in
19 the mornings as to whether you've done anything that I've
20 asked you not to do or you've been approached by anybody to
21 discuss the case.

22 Now, ladies and gentlemen, the way this trial is going
23 to take place, the first thing that's going to happen, the
24 lawyers are going to have an opportunity to get up and make
25 an opening statement to you. And that's a chance for them

State v Hunt

2/21/17

39

1 to tell you a little bit about this case, to educate you or
2 information you about the case, also an opportunity to
3 introduce themselves to you so you know who's involved in
4 the case. After both sides have completed the opening
5 statement, then the State will go forward with the
6 presentation of its evidence and the State will offer
7 whatever evidence the State wishes to offer. And I would
8 assume most of its evidence will come in by way of testimony
9 from witnesses who will be put in this witness box under
10 oath and tell you information that they have about the case.
11 They've see something, heard something, smelled something,
12 tasted something, felt something, they have some information
13 from one of their senses. Or they're an expert in some
14 field. They have specialized knowledge, experience,
15 training, in some field by virtue of their education or
16 something of that nature and they can offer opinions in
17 their field of expertise. Other types of evidence that
18 could come in could be things like documents. That type is
19 actually introduced as an exhibit. That evidence will go
20 with you to the jury room for you to review during the
21 course of your deliberations. The testimony will go with
22 you in your memory so it's absolutely essential that you pay
23 close attention to what's being said here in the courtroom.
24 If for some reason you don't understand somebody, can't hear
25 somebody, let me know someway. Raise your hand, let me know

1 and we'll make sure that witness or that lawyer or whoever
2 it is speaks up or speaks more clearly in the case. The
3 other type of evidence that could come n would be what we
4 call a stipulation, and that's if the parties stipulate or
5 agree as to some fact or some matter. If there is a
6 stipulation, the lawyers will tell me and I will tell you.
7 And you are to accept that stipulation as though that
8 evidence has been proven here in the courtroom.

9 After the State has completed the presentation of its
10 case, the Defense or the Respondent has the opportunity to
11 offer any evidence that the Respondent wishes to offer.
12 And, again, that evidence will be of a similar nature to the
13 State's, I would think. Most of it would be testimony from
14 witnesses who would testify in the case.

15 So when both sides have offered whatever evidence they
16 wish to offer, then the lawyers are given another
17 opportunity to speak with you. This is what we call a
18 closing argument. A closing argument is the chance for the
19 lawyers to review with you what they think was introduced
20 into evidence, to point out to you what they wish that you
21 would seriously consider and discuss in your deliberations.
22 It's an opportunity for the lawyers to attempt to convince
23 or persuade you as to their respective positions in the
24 case. When both sides have completed their arguments, then
25 I will charge you or instruct you as to the law in this

State v Hunt

2/21/17

41

1 case. You will then retire to the jury room, determine what
2 you believe to be the facts, apply the law and ultimately
3 render your verdict.

4 Now, ladies and gentlemen, as I told you earlier, you
5 are the judges of the facts. You are the sole judges of the
6 facts. Nobody else will participate in that process but
7 you. My responsibility is a little bit different. My
8 responsibility is two-fold. One, as I told you, I'm going
9 to charge you or instruct you as to the law so you can apply
10 the law to the facts. My other responsibility is to see
11 that this trial is conducted according to the rules of
12 evidence, the rules for a trial of a case. I'm sort of the
13 referee in this case. As in most structured events, there
14 is somebody that enforces the rules and that's my
15 responsibility.

16 Now, as you know, we have lawyers in this case. We
17 have good lawyers in the case. I want you to pay close
18 attention to what the lawyers say during the course of the
19 trial, but understand that what they tell you is not
20 evidence in the case. They are advocates for their
21 respective clients. Their responsibility is to attempt to
22 successfully render a verdict that their respective client
23 wishes in this case. So what they tell you is not evidence
24 and don't consider it as evidence, but do pay close
25 attention to what they say.

1 All right. Are y'all ready to proceed with the opening
2 statement?

3 MR. MORROW: Yes, Your Honor.

4 THE COURT: All right. Are you ready?

5 MR. FALK: Yes, Your Honor.

6 THE COURT: All right if you could --

7 STATE'S OPENING STATEMENT

8 BY MR. MORROW:

9 Good afternoon, ladies and gentlemen. My name is
10 Christopher Andrew Morrow and I work for the South Carolina
11 Attorney General's Office. Now, you may hear one of the
12 other attorneys or the Court refer to me as Cam, that is my
13 nickname. It's my initials, Christopher Andrew Morrow, so I
14 didn't want you to have any confusion there. Like I said, I
15 work for the South Carolina Attorney General's Office. You
16 may be asking yourself why am I here? Why does somebody
17 come down from Columbia and handle this case? And the
18 simple answer to that question is all sexually violent
19 predator cases are assigned by statute to the South Carolina
20 Attorney General's Office. So that's why I'm here and why
21 I'm handling this case.

22 Now, this case has been brought by the State under the
23 sexually violent predator act. We are here because the
24 State is seeking the civil commitment of Wake Hunt as a
25 sexually violent predator. Now, you may -- now, what is a

State v Hunt

2/21/17

43

1 sexually violent predator? Well, the South Carolina General
2 Assembly considered that and when they passed the law they
3 thought about first, that there are certain individuals in
4 our State that suffer from mental abnormalities or
5 personality disorders that make them likely to commit acts
6 of sexual violence and that these individuals need treatment
7 in a secure facility to protect the public during the
8 treatment process.

9 Now, the State contends that Wake Hunt is a sexually
10 violent predator. I must prove to you that Wake Hunt has
11 been convicted of at least one sexually violent offense.
12 And ladies and gentlemen, I don't believe that the Defense
13 is going to contest that. Mr. Hunt has been convicted of at
14 least one sexually violent offense. You're going to hear
15 about his sexual offending history and you're going to also
16 hear about what happened to his victims. The second thing
17 that I have to prove to you is that Wake Hunt suffers from a
18 mental abnormality, personality disorder that makes him
19 likely to commit acts of sexual violence if not confined for
20 long-term care, control and treatment. And to prove that
21 element to you, the State's going to provide you with a
22 court-appointed expert, a Dr. Amy C. Swan. She diagnosed
23 Mr. Hunt with a pedophilic disorder. You'll hear testimony
24 from which you can decide whether Wake Hunt lacks control
25 over that mental abnormality and whether those disorders

1 make him likely to commit acts of future sexual violence.

2 Now, Dr. Swan is a psychologist who's testified in
3 hundreds of sexually predator cases. And you'll hear how
4 Dr. Swan spent a significant amount of time reviewing Wake
5 Hunt's case, to include the review of multiple files,
6 conducting an actuarial of Mr. Hunt's risk and interviewing
7 Mr. Hunt. Dr. Swan will tell you that Wake Hunt suffers
8 from the relevant mental abnormality of pedophilic disorder
9 and based on her thorough evaluation, she believes that Wake
10 Hunt is likely to commit another act of sexual assault.

11 You also will hear from any witness that the Defense
12 may provide. The question that will be presented to you is
13 after hearing all the witnesses who testify in this case,
14 assessing their thoroughness and credibility, whether Wake
15 Hunt suffers from a mental abnormality or personality
16 disorder, which makes him likely to reoffend sexually if not
17 confined to a secure facility for care, control and
18 treatment.

19 In other words, is Wake Hunt safe to be out in the
20 community on his own and not commit another crime of sexual
21 violence ever again?

22 Now, the burden of proof in this case is on the State
23 and the State welcomes that burden. The Judge will instruct
24 you that this is a civil case and not a criminal case. But
25 under the sexually violent predator act, the State must

State v Hunt

2/21/17

45

1 prove its case to the higher burden of beyond a reasonable
2 doubt. Keep in mind that beyond a reasonable doubt is not
3 beyond all doubt. It's not beyond every doubt and it's not
4 beyond any conceivable doubt. It's beyond a reasonable
5 doubt. Later the Judge will instruct you what that means.
6 And he will tell you that proof beyond a reasonable doubt is
7 proof that leaves you firmly convinced.

8 Now, these cases by their very nature are going to
9 contain a lot of disturbing facts. And I ask you to do one
10 thing, that's listen to the evidence. As you listen to the
11 evidence, the verdict that you should render will become
12 clear, that Wake Hunt is a sexually violent predator and
13 should be committed to the South Carolina sexual violent
14 predator treatment unit. Thank you.

15 THE COURT: Yes, sir.

16 MR. FALK: May it please the Court?

17 THE COURT: Yes, sir.

18 DEFENSE'S OPENING STATEMENT

19 BY MR. FALK:

20 Good morning, ladies and gentlemen. I guess good
21 afternoon. I'm representing Mr. Hunt in this case and Mr.
22 Hunt comes up here really and ask for one thing, just some
23 fairness. He wants just to get an even break from this
24 jury. I'm not sure Mr. Hunt has really ever had too many
25 breaks in his life. I think we're going to hear testimony

1 that his IQ is about seventy-six. And I think you'll hear
2 testimony that that's just a couple of notches above
3 somebody had a low basic -- severally mentally handicapped I
4 guess is what you'll say. And so I think you can guess what
5 kind of schooling opportunities, what type of, you know,
6 career opportunities that are available to somebody with
7 that kind of education and I mean, someone with that kind of
8 intellectual background. So I'm not sure he would have
9 gotten too many breaks. And like I say, I'm really looking
10 for fairness out of y'all today. And in order to be fair, I
11 want y'all to put aside some of your opinions that you may
12 have about some of the crimes that were committed back in
13 1999 and before that.

14 You heard two members of the panel, the group out there
15 stand up and say that they couldn't be fair in this case
16 because they don't think sentences that people receive who
17 have committed crimes against children are ever long enough,
18 and they want them to be put away for ever. I think I'm
19 paraphrasing Mr. Gilmore who said that? You all had that
20 opportunity to also stand up and voice that same opinion,
21 you all didn't. And I am hoping, Mr. Hunt is hoping and I'm
22 relying on y'all to stand by that and be fair. Put aside
23 any prejudice you may have about what happened in the past,
24 because there's no doubt about it, you're going to hear some
25 bad stuff about some of the stuff that happened back in the

State v Hunt

2/21/17

47

1 past. But again, I want you to be fair. So one of the
2 point of being fair is being able to put aside some of those
3 prejudices you may have and some of that real emotion that
4 you have about the underlying crime. Another way to be fair
5 would be to make sure that the State has treated him fairly
6 in this case. What I mean by that is are they trying to
7 tell you who Mr. Hunt is today. I guess it's February 22,
8 2017 or are they talking about who the man was in 1999. I
9 think you're going to hear a lot of evidence about the stuff
10 that happened back in the 90's and before that. But you
11 need to focus on and see if the State is trying to give you
12 any evidence about who the man is today or who he was.
13 Because I can tell you since 1999, he has been in the South
14 Carolina Department of Corrections. He's about forty-six
15 years old and he spent seventeen years because once he got
16 out of prison, he's been up here in the Orangeburg County
17 Detention Center. So since 1999, he's either been arrested
18 on these charges, the time at the South Carolina Department
19 of Corrections, different facilities around the State, or
20 he's been here in the local detention enter waiting for this
21 trial. So he's spent about seventeen years of his life --
22 he's about forty-six, that's about a third of his life. So
23 what I'm getting back to say who's the person now? Consider
24 that for the last seventeen years he's had a lot time to
25 reflect. He's had time to change some of his reaction, some

1 of his responses. He has had rehabilitation. He's had sex
2 offender treatment that's been offered by the South Carolina
3 Department of Corrections. He is not the same man he was in
4 1999 and make the State prove to you that today he's a
5 sexually violent predator, not who he was back in 1999.

6 There's some discussion about reasonable doubt and
7 y'all certainly have to make that consideration. The State
8 has to prove their case beyond a reasonable doubt and the
9 reason why, the reason why this is not just normal kind of
10 auto accident case or something like that, medical
11 malpractice case and why this has a higher standard, because
12 your decision is going to make a difference about where Mr.
13 Hunt is going to sleep tonight, where he's going to eat
14 dinner tonight or at the end of this trial. Your decision
15 is going to make the difference about whether or not he's
16 going to go a confined, secure facility or whether or not
17 he's going to be able to go back with his family. That's
18 why you have to make your decision beyond a reasonable doubt
19 because he has a substantial liberty which is at stake here,
20 whether or not he is going to be able to be back with his
21 family or whether he's going to be back in a confined
22 facility.

23 Mr. Hunt, as I said, has been in prison since 1999.
24 I'm sure any man who has spent seventeen years in prison
25 when he gets out of prison, all he wants is an opportunity

State v Hunt

2/21/17

49

1 for a fresh start. He's had rehabilitation. He's certainly
2 has paid a debt to society for the last seventeen years. He
3 just wants a fresh start. He wants an opportunity to go
4 live his life. He made sins in the past, he's committed
5 crimes in the past. He wants the opportunity to put that
6 behind him and have a fresh start. In order to do that,
7 he's relying on this jury to determine whether or not he has
8 already paid his debt to society and it's okay for him to
9 leave and be back with his family. I'm hoping at the end of
10 the trial, once you've heard the testimony, virtually had an
11 -- I'm going to put Mr. Hunt on the stand. He's going to
12 come up and talk to you. And once you've heard from that, I
13 think you're going to have an opinion that Mr. Hunt is no
14 longer a danger. That's the man in 1999, not the man in
15 2017. And I'm confident that once you've had an opportunity
16 to review all the evidence that you're going to hear in this
17 case, that you'll find that the State is unable to prove
18 beyond a reasonable doubt that Mr. Hunt is a sexually
19 violent predator.

20 THE COURT: Thank you, Mr. Falk.

21 Can y'all step up here?

22 (Off the record bench conference with counsel and the
23 Court.)

24 THE COURT: Ladies and gentlemen, we're trying to
25 schedule this because I have to leave. The lawyers didn't

1 know that I had a short day today. I think one of the
2 witnesses is from out of town and we're trying to figure
3 out, the configuration, whether we want to break for lunch
4 and come back at 2:00 and go for an hour or -- what would
5 you rather do? Go for an hour now and go home for the day?

6 THE JURY: (Conferring)

7 THE COURT: Let me tell you. Let me let y'all
8 step back to the jury room.

9 (Off the record bench conference
10 with counsel and the Court.)

11 THE COURT: All right. What we're going to do
12 ladies and gentlemen, we're going to send you home for the
13 day and ask you -- and we'll come back in the morning and
14 begin with the testimony of the witnesses in the morning.
15 So, again, please don't discuss the case. Don't do any
16 internet, don't do anything that we've talked about earlier.
17 I'm going to ask you to be back here at -- we're going to
18 start at 9:15 tomorrow because we didn't get a good full day
19 today.

20 So y'all be here tomorrow morning, ready to go, no
21 later than 9:15. I'd suggest you be here by 9:00 and we'll
22 get cranked up and we'll move rapidly through the case
23 beginning in the morning. So I thank you for your
24 willingness to be here. Y'all have a nice afternoon this
25 afternoon and we will see you ready to go at 9:15 in the

State v Hunt

2/21/17

51

1 morning.

2 All right. Y'all keep your seats until the jury leaves
3 the room, please?

4 (Jury out at 12:51 p.m.)

5 THE COURT: All right. I know you said you want
6 to make a motion. And I want to, before we leave here, make
7 sure that we have your client here for the second case?

8 MR. FALK: Yes.

9 THE COURT: And ready to go and fleshed out on
10 Wednesday morning. I don't know where he's coming from but
11 --

12 MR. FALK: The detention center here.

13 THE COURT: He's at the detention center now?

14 MR. MORROW: No, no. Gibson.

15 MR. FALK: I'm sorry. Gibson. Gibson.

16 THE BAILIFF: What's the full name?

17 MR. MORROW: James Gibson. There's an order to
18 transport for the 22nd.

19 THE COURT: That's tomorrow?

20 MR. MORROW: Yes.

21 THE COURT: But we're not going to need him
22 tomorrow; right?

23 MR. MORROW: We'll need him -- I guess we'll pick
24 the jury on Thursday, Your Honor, if we don't finish with
25 this case.

1 THE COURT: We'll pick a jury -- we're going to
2 finish this tomorrow. We're going to go through and finish
3 it tomorrow. But I want to make sure that he's here, ready
4 to go on Thursday.

5 MR. FALK: Yes, Your Honor.

6 THE COURT: Can y'all make sure he's here by 9:15?

7 THE BAILIFF: Yes, sir.

8 THE COURT: Thursday morning. And where does he
9 dress, here or there?

10 MR. FALK: I know my client's family brought
11 clothes here. I assume --

12 THE BAILIFF: They can dress here.

13 MR. FALK: That's right.

14 THE COURT: All right. What kind of motion did
15 you want to make?

16 MR. FALK: Your Honor, I've tried a couple of
17 these case. This is the first time that I've been made
18 aware that the State is planning to call the victim as a
19 witness in this trial. And I'm trying to understand what
20 the relevancy of that testimony would be. She certainly
21 would not be an expert to know about his mental condition.
22 I think if the victim testifies at this trial, it's only
23 going to prejudice my client with information that I cannot
24 believe that's relevant to a matter that's before the jury.

25 MR. MORROW: The victim intends -- or I intend to

State v Hunt

2/21/17

53

1 call the victim to testify about the location which Mr. Hunt
2 says he's going to live at, which is near her home. I'm
3 only calling the victim to talk about where that location is
4 in relation to her home and in relation to some other
5 addresses that are relevant in this case.

6 THE COURT: Well, that's not really the issue in
7 this case, is it? I mean, if he's a violent predator that
8 needs to be confined then whether he's thirty miles, three
9 hundred miles or three hundred yards, that's really not the
10 issue.

11 MR. MORROW: Yes, Your Honor, but I --

12 THE COURT: And there's no issue as to whether the
13 act occurred because he was -- y'all not contesting that he
14 was convicted of -- I don't know what the charge ultimately
15 was? Was it a CSC with a minor?

16 MR. MORROW: That's correct.

17 THE COURT: And that's not an issue in the case;
18 is it?

19 MR. FALK: No, Your Honor.

20 THE COURT: Mr. Morrow, I'm not sure I see the --
21 it seems to me it's more prejudicial than probative.

22 MR. MORROW: Your Honor, I would only argue that
23 there are four children who live at that home and I wanted
24 to make the jury aware of that.

25 MR. FALK: Your Honor, if my client has any

1 restriction based on his current sentence, he's, you know, I
2 guess he's still going to have some more probation and
3 parole, but that's his only obligation at this point. And
4 he's going to be a registered sex offender so he's going to
5 have to make a registration. But there is nothing else.
6 He's already served his sentence. I mean, I don't know of
7 any no contact orders that are still in existence. I'm just
8 not sure I understand where it's going to be relevant.

9 THE COURT: I have some concerns with that.

10 MR. MORROW: Your Honor, if I can't call her in my
11 case in chief, can I call the victim in rebuttal if any of
12 the witnesses try to downplay --

13 THE COURT: If they open door, certainly you're
14 going to be able to do that.

15 MR. MORROW: Thank you, Your Honor.

16 THE COURT: You understand?

17 MR. FALK: I understand, Your Honor.

18 THE COURT: If he gets up and says, you know,
19 wherever I'm going, I'm certainly not going to be a problem
20 and no children live in the area and this and that. It just
21 seems like it's more prejudicial than probative.

22 MR. FALK: Thank you, Your Honor.

23 MR. MORROW: Thank you, Your Honor.

24 THE COURT: All right. Well, we'll be here
25 tomorrow, start at 9:15 and we'll go through -- I don't know

State v Hunt

2/21/17

55

1 of any reason we can't finish this case tomorrow? Mr.
2 Morrow, do you -- I would think your expert would be out of
3 here by late morning?

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

5 THE COURT: All right. Y'all have a nice
6 afternoon.

7 MR. FALK: Thank you.

8 (Court in recess February 21, 2017
9 at 12:56 p.m.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

State v Hunt

2/22/17

56

1 (Court in session February 22, 2017
2 at 9:00 a.m.)
3 THE COURT: Did y'all hear that?
4 MR. FALK: Yes, sir.
5 THE COURT: One of the jurors had a death in the
6 family. I don't know which one it was.
7 THE CLERK: It's Kelvin Elmore.
8 THE COURT: So we'll move the first alternate up;
9 is that all right?
10 MR. FALK: Yes, sir.
11 MR. MORROW: Yes, Your Honor.
12 MR. FALK: Kelvin --
13 COURT REPORTER: Elmore.
14 MR. FALK: Elmore.
15 THE CLERK: Judge, do you need to see him or can I
16 go ahead and let him go?
17 THE COURT: Yeah. Kelvin Elmore, that's the one
18 that had the death?
19 COURT REPORTER: Yes, sir.
20 MR. FALK: Is he kind of the taller black
21 gentleman with shaved head?
22 THE CLERK: He's got kind of a little gray in it,
23 I think.
24 MR. FALK: Oh, okay.
25 THE COURT: Do you have anything we need to take

State v Hunt

2/22/17

57

1 up before we get going?

2 MR. FALK: Potentially, Your Honor, regarding a --
3 I may call a witness and he -- counsel has given me notice
4 of a prior conviction over ten years old. If you would want
5 to address that now, a 609 or wait to see if I call the
6 witness or --

7 THE COURT: Well, I mean, what's the problem?

8 MR. MORROW: The issue that Mr. Allen Hunt has, it
9 involves a minor, it's contributing to the delinquency of a
10 minor charge. If he testifies that he's going to keep his
11 brother out of trouble, away from minors, I think it's
12 relevant that he has a conviction contributing to the
13 delinquency of a minor, especially the fact that it was
14 originally charged as assault with intent to commit criminal
15 sexual violence.

16 THE COURT: Well, how you going to get it in under
17 the ten-year --

18 MR. MORROW: The ten-year rule under 609 says that
19 I can impeach him on it, but I have to make counsel aware
20 about it. It doesn't say I can't impeach him.

21 THE COURT: All right. Well, if you call him
22 we'll deal with it at that time.

23 MR. FALK: Okay.

24 THE COURT: Have we got all the jurors all here?

25 THE CLERK: I don't think they're all here, yet.

1 I'll check.

2 (Pause)

3 THE CLERK: The last one is coming up the walkway
4 now.

5 (Pause)

6 THE BAILIFF: Everybody here.

7 THE COURT: Did you tell me the alternate? And
8 that was --

9 THE CLERK: Ms. Duckson.

10 THE COURT: Duckson. That's correct.

11 All right. The jury's here. You don't say anything to
12 the jury. I'll talk to the jury about picking an alternate
13 [sic] at some point. Are we ready to go?

14 MR. MORROW: Yes, Your Honor.

15 THE COURT: We need to get a client in here, don't
16 we?

17 MR. FALK: Are you going to bring my client?

18 COURT SECURITY: He's back there.

19 THE COURT: Well, is the Defendant? Is the
20 Respondent here?

21 MR. MORROW: I believe so, Your Honor. I think
22 he's changing clothes.

23 COURT REPORTER: Yes, sir. He got here at 8:23.

24 THE COURT: Why would they not change his clothes
25 when he gets here? All right.

State v Hunt

2/22/17

59

1 (Pause)

2 THE BAILIFF: Your Honor, may I approach?

3 THE COURT: Yes, ma'am.

4 (Off record discussion)

5 MR. FALK: There was some confusion about the
6 clothes apparently. He's dressing out right now.

7 THE COURT: What was so confusing about the
8 clothes? Well, is he dressing out?

9 MR. FALK: No. The clothes were in one cell and
10 he's in the other holding cell and --

11 THE COURT: Why in the world wouldn't they have
12 dressed him when he got here?

13 MR. FALK: I don't know, but it's all being fixed.

14 (Off record discussion)

15 THE COURT: All right. How much longer y'all
16 going to be? If it's going to be more than a minute, don't
17 put that on him.

18 COURT SECURITY: Okay.

19 (Respondent enters courtroom)

20 THE COURT: All right. State ready?

21 MR. MORROW: Yes, Your Honor.

22 THE COURT: You ready, Mr. Falk?

23 MR. FALK: Yes, sir, Your Honor. We are.

24 THE COURT: All right. Let's bring the jury in.

25 THE BAILIFF: Yes, Your Honor.

1 THE COURT: Just for y'all's information, Carole
2 Thompson, Juror 179, is the forelady of this jury.

3 (Jury in at 9:26 a.m.)

4 (Court's Exhibit No. 1, jury
5 foreperson, Carole Thompson, selected.)

6 THE COURT: All right. Good morning, ladies and
7 gentlemen. Nice to see you this morning. I hope y'all had
8 a nice evening and, as you're aware, we lost one of your
9 colleagues. Unfortunately, one of your colleagues had a
10 death in the family and was not able to continue serving, so
11 Ms. Duckson has been replaced as the alternate for that
12 juror. Before we begin, let me --

13 THE BAILIFF: Hold on.

14 THE COURT: Well, we forgot one of the jurors,
15 huh?

16 Do y'all know what happened to that juror?

17 (Final juror enters courtroom)

18 THE COURT: All right. Before we begin, let me --
19 as I told you I have a couple of questions to ask you.
20 First of all, did anybody discuss this case with each other
21 or with anyone else since we left yesterday afternoon?

22 THE JURY: (Unanimous negative response)

23 THE COURT: Were you approached by anyone to
24 discuss this case since we left yesterday?

25 THE JURY: (Unanimous negative response)

State v Hunt

Dr. Swan - Direct

2/22/17

61

1 THE COURT: Anybody do any private investigating,
2 get on the internet and do any inquiries about anything
3 about this case since we left yesterday?

4 THE JURY: (Unanimous negative response)

5 THE COURT: All right. Ladies and gentlemen, as
6 you will recall, when we finished yesterday afternoon, both
7 the State and the Respondent, the attorneys had made their
8 opening statement. So we're now at the phase of the trial
9 where the State is going to begin presenting its evidence.
10 So, I'll call on Mr. Morrow. Are you ready to proceed, Mr.
11 Morrow?

12 MR. MORROW: Yes, Your Honor. The State's ready.

13 THE COURT: All right. If you'd call your first
14 witness, please, sir.

15 MR. MORROW: The State would call Dr. Amy C.
16 Swan.

17 (WHEREUPON, Amy Swan was sworn to
18 tell the truth.)

19 AMY SWAN - DIRECT EXAMINATION

20 BY MR. MORROW:

21 Q Dr. Swan, what is your occupation?

22 A I am a forensic psychologist.

23 Q And how long have you worked in that capacity?

24 A For nineteen years.

25 Q What advanced degrees do you possess?

1 A I have a bachelor's degree in nursing that I received
2 in 1987. I have a master's degree in clinical psychology
3 that I received in 1993, and I have a doctorate in clinical
4 psychology that I received in 1997.

5 Q Dr. Swan, what states are you licensed to practice in?

6 A I'm licensed to practice psychology in Missouri,
7 Florida and South Carolina.

8 Q Dr. Swan, what is the study of psychology?

9 A The study of psychology is the study of the mind and
10 behavior.

11 Q And, Dr. Swan, you mentioned that you were a forensic
12 psychologist; what is forensic psychology?

13 A Forensic psychologist deal with cases that involve the
14 legal system. So it's the application of psychology to
15 legal cases.

16 Q Dr. Swan, have you had any additional specialized
17 training or experience in the field of forensic psychology
18 beyond your doctorate degree?

19 A Yes, I have. It's hard to get information on sex
20 offenders while you're in your graduate program. There are
21 only a few programs -- So knowledge about a specialized area
22 for seminars and conferences, and I've received nine hundred
23 and ten hours of training since I received my doctoral
24 degree in the area of sex offenders. And two hundred and
25 eighty-nine of those hours are specifically in the area of

State v Hunt

Dr. Swan - Direct

2/22/17

63

1 assessing the risks that a sex offender would commit another
2 sexual crime.

3 Q And Dr. Swan, do you have any memberships in any
4 professional organizations?

5 A I do. I was appointed to the Board of Psychology by
6 the Governor of Florida. I served ten years on the board.
7 Then I served an additional five years as chairman of the
8 probable cause committee, determining whether psychologist
9 had broken the law. And so I had a total of fifteen years
10 of service on the board. I'm also a member of the American
11 Psychological Association; The Association for the Treatment
12 of Sexual Abusers; The Florida Chapter of the Association
13 for Treatment of Sexual Abusers; The International
14 Association of Forensic Nurses; and, The Association of
15 State and Provincial Psychology Boards.

16 Q Dr. Swan, does your work allow you to conduct forensic
17 evaluations of individuals?

18 A Yes, it does.

19 Q And do you have any experience working directly with
20 sex offenders?

21 A I do. I've worked with sex offenders for twenty-eight
22 years.

23 Q Dr. Swan, approximately how many sex offenders have you
24 evaluated?

25 A Eight hundred and seventy-five sexually violent

1 predators. And we have conducted over four hundred
2 evaluations for sex offenders that are not being evaluated
3 as a potential sexually violent predator.

4 Q And what types of evaluations have you conducted in
5 relation to sex offenders?

6 A Well, I've done pre-commitment evaluations, which is
7 the kind of evaluation that I did in this case. I've also
8 done annual reviews, because once someone is committed they
9 have a yearly review to see if they're ready to be released.
10 Yeah. I've also done sentencing evaluations, where a sex
11 offender has been convicted and they have not yet been
12 sentenced. I've done criminal cases. I've also done child
13 pornography cases and cases in which a licensed individual
14 has committed a sexual offense. I determine if they are
15 safe to practice as a licensed professional and what
16 restrictions they need to provide safety to the public.

17 Q Dr. Swan, can you briefly talk about your experience in
18 evaluating and treating sex offenders?

19 A Yes. Between 1989 and 1991, I set up a private
20 treatment program at a psychiatric hospital. And I provided
21 therapy or treatment to individuals who had committed sexual
22 offenses. Between 1993 and 1995, I worked at Nova Community
23 Mental Health Center doing treatment, evaluation and
24 treatment with victims and perpetrators of sexual abuse.
25 Between 1996 and '97, I worked with incarcerated adolescent

State v Hunt

Dr. Swan - Direct

2/22/17

65

1 sexual offenders, providing treatment to them. Between 1997
2 and 1999, I worked in court psychology and I evaluated child
3 victims of sexual abuse and perpetrators of sexual abuse.
4 In 1999, I was the first psychologist hired at the Florida
5 Civil Commitment Center to provide treatment to individuals
6 detained under the Florida law as sexually violent predator.
7 And in the year 2000, I went into private practice and I
8 began conducting evaluations for sexually violent predator.
9 And I also had a general forensic practice where I did
10 custody evaluations, child abuse evaluations, domestic
11 violence evaluations.

12 Q Dr. Swan, can you briefly describe your background in
13 relation to sexually violent predator cases?

14 A Yes. As I said I was hired by the Florida Civil
15 Commitment Center as the first psychologist. I provided
16 treatment there. And then I began doing evaluations in
17 Florida. I subsequently began doing evaluations in Missouri
18 in about 2011, and I began doing evaluations in South
19 Carolina in 2013.

20 Q Dr. Swan, have you been previously recognized and
21 testified as an expert witness in the field of forensic
22 psychology?

23 A Yes, I have. Over a thousand times.

24 Q And have you been qualified as an expert in sexually
25 violent predator cases?

1 A Yes, approximately two hundred and fifty times.

2 MR. MORROW: At this time, Your Honor, the State
3 would move that Dr. Swan be recognized as an expert in the
4 field of forensic psychology.

5 THE COURT: Anything from Respondent in voir dire?

6 MR. FALK: Just a couple of questions, Your Honor.

7 AMY SWAN - VOIR DIRE EXAMINATION

8 BY MR. FALK:

9 Q You said that you did eight hundred and seventy-five
10 evaluations?

11 A Yes.

12 Q Were those pre-commitment SVP evaluations?

13 A That would include annual reviews and sexually violent
14 predator, pre-commitment.

15 Q How many of them are pre-commitments?

16 A You know, I can't say. I haven't separated them out.

17 Q Okay. When you were talking about that you were hired
18 as the first --

19 A Psychologist.

20 Q -- psychologist, was that a -- were you an employee of
21 the State?

22 A I was -- well, a private treatment program had the
23 contract, so I was a -- hired by the private treatment
24 program, but I was the first psychologist at the program.

25 Q Were you paid by the state?

State v Hunt

Dr. Swan - Direct

2/22/17

67

1 A Was I paid^d by the state? I'm not sure. I believe that
2 I was paid by the private company contracting, and the state
3 allocated so much money to them and then they paid the
4 employees and all.

5 Q In what period of time was that, again?

6 A That was 1999.

7 Q That was just for one year?

8 A Yes.

9 Q Okay.

10 MR. FALK: No further questions. We'll accept her
11 as an expert witness.

12 THE COURT: All right. Ladies and gentlemen, as I
13 told you, we might have what is called an expert witness
14 testify. And under our rules if scientific, technical or
15 other specialized knowledge will assist you, the trier of
16 fact, in understanding the evidence or determining any fact
17 that may be at issue, then a witness may be qualified as an
18 expert by virtue of his or her knowledge, skill, experience,
19 training or education and as such may testify, and when they
20 testify offer an opinion in his or her areas of expertise.
21 I find that Dr. Swan has been qualified as an expert as a
22 forensic psychologist. I tell you that you are to give her
23 testimony such weight and credibility a you deem appropriate
24 as you will with any and all witnesses who testify in this
25 trial.

1 Mr. Morrow.

2 MR. MORROW: Thank you, Your Honor.

3 AMY SWAN - CONTINUED DIRECT EXAMINATION

4 BY MR. MORROW:

5 Q Dr. Swan, how long have you been a practicing
6 psychologist?

7 A Nineteen years.

8 Q In the nineteen years you've been a practicing
9 psychologist, have you ever faced discipline by a licensing
10 board?

11 A Never.

12 Q In the nineteen years you've been a practicing
13 psychologist, have you ever faced discipline from any
14 organization that you're a member of?

15 A Yes, once in 2014.

16 Q And what is the difference between discipline by a
17 licensing board and discipline by a voluntary professional
18 organization?

19 A Discipline by a licensing board means that you have
20 broken the laws with regard to the practice of psychology
21 for that state. Discipline by an organization, they have
22 standards that they want you to follow and if you violate
23 one of those standards, they may recommend that you have
24 certain things that you have to do in order to remain a
25 member in good standing.

State v Hunt

Dr. Swan - Direct

2/22/17

69

1 Q So Dr. Swan, in the nineteen years that you've been
2 practicing, you've been disciplined exactly one time by a
3 voluntary membership organization?

4 A That's correct.

5 Q And why were you disciplined by that organization?

6 A I used an outdated interview form and it was not an
7 interview that had, what we call norms and standardization.
8 And because it had no norms or standardization, when I
9 testified about that instrument, I placed too much weight on
10 it.

11 Q And was that instrument that you used commonly used in
12 the State of Florida at that time?

13 A It was. It was very commonly used in the State of
14 Florida. And the reason that I received that violation was
15 because I placed too much weight on it in my testimony.

16 Q And what disciplinary action was taken by that
17 organization?

18 A This was the Association for the Treatment of Sexual
19 Abusers and they required that I stop using that instrument
20 and that I submit two reports to one of my colleagues for
21 review. And my colleague, of course, found that there was
22 nothing wrong with my reports, and so I continue to be a
23 member in good standing of the Association for the Treatment
24 of Sexual Abusers.

25 Q And, Dr. Swan, what consequences could you have faced?

State v Hunt

Dr. Swan - Direct

2/22/17

70

1 A Well, if it was a serious infraction, they could have
2 kicked me out of the organization?

3 Q But that didn't happen?

4 A It did not.

5 Q Okay. And did you complete the requirements as
6 assigned by the Association for the Treatment of Sexual
7 Abusers satisfactorily?

8 A I did.

9 Q And have you maintained those requirements since then?

10 A Absolutely.

11 Q Dr. Swan, I'm going to show you what has been premarked
12 as State's Exhibit 1 for identification purposes only.
13 Could you take a moment and see if you recognize that
14 document?

15 A Okay. Yes, this is this letter from the Association
16 from -- from the Association for the Treatment of Sexual
17 Abusers. And this is what they found with regard to
18 violation and what they required, the sanctions that I
19 received.

20 Q Thank you.

21 MR. MORROW: Your Honor, at this time, the State
22 would enter State's Exhibit 1 into evidence.

23 MR. FALK: No objection.

24 THE COURT: So admitted.

25 (State's Exhibit No. 1, letter, was

State v Hunt Dr. Swan - Direct 2/22/17

71

1 marked and entered.)

2 Q Dr. Swan, I'm going to show you what's been premarked
3 for identification purposes only and it's State's Exhibit 2.
4 See if you recognize that document?

5 A Okay. Yes. This is the letter from the colleague who
6 reviewed my work and found that nothing was wrong with my
7 report.

8 Q Thank you.

9 MR. MORROW: At this time, Your Honor, we admit
10 State's Exhibit 2 into evidence.

11 MR. FALK: No objection.

12 THE COURT: So admitted.

13 (State's Exhibit No 2, letter, was
14 marked and entered.)

15 Q Finally, Dr. Swan, did any other organizations, were
16 they aware of this conduct?

17 A Yes. The individual who filed the complaint against me
18 also submitted the complaint to the American Psychological
19 Association. However, the American Psychological
20 Association dismissed the complaint. They didn't find that
21 it had enough merit to open a case.

22 Q Let me show you what's been premarked for
23 identification purposes only as State's Exhibit 3. Can you
24 take a moment and see if you recognize that document?

25 A Yes. Okay.

1 Q And what is that document?

2 A Yes. This is the letter from the American
3 Psychological Association informing me that they had not
4 opened a case and that the allegations had been dismissed.

5 Q Thank you.

6 MR. MORROW: At this time, Your Honor, the State
7 would admit State's Exhibit 3i into evidence.

8 MR. FALK: No objection.

9 THE COURT: So admitted.

10 (State's Exhibit No. 3, letter, was
11 marked and entered.)

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

13 A I was appointed by the court to evaluate Mr. Hunt.

14 Q And were you paid to conduct your evaluation in this
15 case?

16 A I was.

17 Q And who would have paid you?

18 A The Department of Mental Health.

19 Q And would you have been paid any differently if you did
20 not recommend commitment?

21 A No. I receive the same rate no matter what my decision
22 with regard to the individual is.

23 Q And Dr. Swan, what type of evaluation did you perform
24 in this case?

25 A This is a pre-commitment evaluation. And that's a

State v Hunt

Dr. Swan - Direct

2/22/17

73

1 commitment to determine if the individual meets the criteria
2 provided in the law as a sexually violent predator.

3 Q And when you ordered to do this evaluation, what did
4 the court ask you to do?

5 A The court asked me to determine if Mr. Hunt met the
6 criteria provided in law as a sexually violent predator.
7 And that would be -- the criteria are, that he must have
8 been convicted of a sexual crime as delineated in the law.
9 And that he has a mental abnormality or personality disorder
10 that makes him likely to engage in future acts of sexual
11 violence if not confined in a secure facility for long-term
12 care, control and treatment.

13 Q Dr. Swan, could you describe the method by which you
14 conduct the commitment evaluations in SVP cases?

15 A Yes. I first receive a referral and that can come
16 from, either the attorney general's office or the department
17 of mental health or a defense attorney. When I receive a
18 referral, I get all the documents that are pertinent to the
19 individual's criminal history, any contact with the legal
20 system, court records. I review that and then I schedule an
21 interview. If the individual agrees to the interview, then
22 I address everything that's happened to him from the day he
23 was born until the day he's sitting in front of me. And
24 that includes his early background history, his family
25 history, his educational history, occupational history, his

State v Hunt

Dr. Swan - Direct

2/22/17

74

1 medical history, substance abuse history, and mental health
2 history and sexual history.

3 Q Dr. Swan, as part of your evaluation, did you meet with
4 and interview Wake Hunt?

5 A I did. I saw him on two occasions on May 11th, 2016
6 and on July 21st, 2016.

7 Q And how long did you interview Mr. Hunt?

8 A For a total of two hours and ten minutes.

9 Q And is he in the courtroom today?

10 A Yes, he is.

11 Q And could you identify him to the Court?

12 A Yes. He is the individual in the stripped shirt
13 sitting beside Mr. Falk.

14 MR. MORROW: Your Honor, the State ask that the
15 record reflect the witness identified Mr. Hunt.

16 THE COURT: All right. It does.

17 Q Did you explain to Mr. Hunt the purpose of the
18 evaluation?

19 A I did. I read notification to him, which tells him why
20 he's being evaluated, what's going to be done with the
21 report, and what the potential consequences are to him.

22 Q And did he consent to go forward with the interview?

23 A He did.

24 Q Dr. Swan, in addition to meeting with and interviewing
25 Mr. Hunt, what information did you rely on in conducting

State v Hunt

Dr. Swan - Direct

2/22/17

75

1 your evaluation?

2 A I had forty-one different documents that I reviewed
3 regarding Mr. Hunt. And as I said, those are court
4 documents about the cases that he's involved in, witness
5 statements, police records, any mental health evaluations
6 that have been done.

7 Q And how did you obtain that information?

8 A I received that from the attorney general's office.

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

11 A Yes, it is.

12 Q And did you consider in relying upon that information
13 that you listed a moment ago, and upon your interview with
14 Mr. Hunt in rendering your opinion in this matter?

15 A Yes, I did.

16 Q Dr. Swan, can you explain to the jury how an
17 individual's past sexual offense behavior relates to his
18 future sexual offense behavior?

19 A The best predictor of future behavior is past behavior.
20 And with regard to sex offenders, what that means is that if
21 an individual is either arrested or convicted for a sexual
22 crime and he receives some kind of punishment or some kind
23 of sanction for it, then if he reoffends and does the same
24 thing again after he has received that sanction, then his
25 risk increases.

1 Q Dr. Swan, based on your interview with Mr. Hunt and
2 your review of his file, could you tell if he'd been
3 convicted of a sexually violent offense?

4 A Yes, he had.

5 Q In fact, you found that he'd been convicted of two
6 sexually violent offenses; is that correct?

7 A That's correct.

8 Q A lewd act on a child that happened in 1991, and he
9 pled guilty to that offense in 1994?

10 A That's correct.

11 Q And a criminal sexual conduct with a minor in the first
12 degree in 1999, that he pled guilty to in 2000?

13 A That's correct.

14 Q And why is it important for you to review and consider
15 this type of information in rendering your opinion?

16 A It's important to know the type of crime that he
17 committed because that's important in assessing risk.
18 Because if he reoffends, it's likely that he'll commit a
19 similar crime. So, for example, if someone made obscene
20 phone calls, I would place less weight on that, than someone
21 who had actually committed a contact offense with a child.
22 So that's an important part of the evaluation.

23 Q And Dr. Swan, could you give a brief overview of the
24 time line of Mr. Hunt's offense history?

25 A Yes.

State v Hunt Dr. Swan - Direct 2/22/17

77

1 Q Between August of 1991 and August of 1992, he abused
2 Female Complainant 1 He was arrested on September 30th, 1992 for his
3 crimes against Female Complainant 1 And on March 10th, 1994 he was
4 sentenced for that crime. He received six years suspended
5 to five years of probation. His probation expired on March
6 9th of 1999 and less than two months later, on May 8th,
7 1999, he had been reported for abusing Female Complainant 4 a five-year-
8 old female, as well as Female Complainant 2 and Female Complainant 3 four-year-old
9 twins. During the course of the evaluation, it was noted
10 that there were potentially four male victims. He was not
11 prosecuted for those victims.

12 MR. FALK: Objection, Your Honor. Relevancy.

13 MR. MORROW: Your Honor, under --

14 THE COURT: Hold on.

15 MR. MORROW: You want to take this up outside the
16 presence of the jury?

17 THE COURT: Ladies and gentlemen, I'm going to let
18 you step back in the jury room. Please don't discuss the
19 case while you're in there.

20 (Jury out at 9:51 a.m.)

21 THE COURT: All right.

22 MR. MORROW: Your Honor, based on this, in the
23 matter of care and treatment of in treatment of Eddle (sp)
24 v. State, the testimony concerned the defendant's prior
25 sexual offenses, which did not result in convictions, and a

1 prior murder conviction with relevant, admissible and
2 proceed to civilly commit a sex offender on an SVP act. The
3 expert relied upon the prior offenses in evaluating the sex
4 offender's need and likelihood for success in treatment, as
5 well as his ability to control his behavior. We've
6 established through Dr. Swan -- she relied upon this
7 information as part of the basis of her opinion that the
8 uncharged offenses are relevant, in that they are sexual
9 offenses, and that under the Eddle case these former
10 accusations should come in.

11 MR. FALK: Your Honor, I think regardless if it's
12 the Eddle case or anything else, the Eddle case didn't rule
13 that this stuff is automatically admissible. I think
14 perhaps in Eddle is that the court made an evaluation
15 whether or not the evidence was more probative than
16 prejudicial under the facts in that case. We would contend
17 that the facts in this that this testimony is prejudicial to
18 my client, because uncharged allegations that easily could
19 not have occurred. She's making an assumption that the
20 facts did occur. And I think it's highly prejudicial for
21 the jury to draw a conclusion that my client has additional
22 victims out there, when there was no proof that there were
23 additional victims.

24 THE COURT: All right. You want to say something
25 else?

State v Hunt

Dr. Swan - Direct

2/22/17

79

1 MR. MORROW: Your Honor, just that I would point
2 out that Mr. Hunt admitted in his interview to Dr. Swan that
3 these occasions did occur.

4 THE COURT: All right. I'm going to deny your
5 motion.

6 MR. FALK: Thank you, Your Honor.

7 THE COURT: I'm going to find that it is more
8 probative than -- clearly, you can -- if you want to cross-
9 examine her on that, it's nothing but allegations. I think
10 that, at least in that regard, but I think -- is very --
11 although, it is prejudicial, it is more probative.

12 All right. Let's bring the jury in.

13 THE BAILIFF: Yes, Your Honor.

14 (Jury in at 9:54 a.m.)

15 THE COURT: All right. Mr. Morrow, if you would
16 proceed.

17 Q Dr. Swan, if you could continue with your time line
18 that you were just giving?

19 A I believe that that was the end of the time line.

20 Q Okay. Dr. Swan, I'm going to show you now what's been
21 premarked for identification purposes only as State's
22 Exhibit 4. Would you take a moment to see if you're
23 familiar with these documents? Would you take a moment to
24 see if you're familiar with these documents?

25 A Yes, I am. This is the indictment, the arrest warrant

1 and the sentence in the 1990 case -- '92 case involving

2 Female Complainant 1

3 Q And have you seen those documents before?

4 A Yes, I have. I relied on those in formulating my
5 opinion.

6 Q And as part of -- are these the type of documents that
7 are typically and commonly relied upon by other experts in
8 your field?

9 A Yes, they are.

10 Q Is there anything on these documents to indicate their
11 authenticity?

12 A Yes, there's the court seal.

13 MR. MORROW: Your Honor, at this time the State
14 would move that State's Exhibit No. 4 be admitted into
15 evidence.

16 MR. FALK: Your Honor, I'm not sure why the actual
17 -- I mean, to see that the arrest warrant needs to be
18 admitted into evidence because it certainly has information
19 regarding the allegations. It's hearsay. I have no problem
20 with them seeing the indictment, he pled to the charges.
21 But I don't see any reason why the jury needs to see the
22 actual arrest warrant. She can testify to it. She's
23 testifying to it, but I --

24 THE COURT: Any reason, Mr. Morrow, you want the
25 arrest warrant in?

State v Hunt

Dr. Swan - Direct

2/22/17

81

1 MR. MORROW: Your Honor, I just think it's part of
2 the record of the original conviction.

3 MR. MORROW: All right. I'm going to let that in.

4 MR. FALK: Thank you.

5 THE COURT: We'll admit the sentencing sheet that
6 indicates the conviction, and we'll admit the indictment.

7 MR. FALK: Thank you.

8 THE COURT: All right.

9 MR. MORROW: Thank you, Your Honor.

10 COURT REPORTER: 4 is in.

11 (State's Exhibit No. 4, indictment
12 and sentencing sheet, was marked and entered.)

13 MR. MORROW: Thank you.

14 Q Again, Dr. Swan, why is it necessary to review the
15 details of the underlying facts of the events?

16 A Well, it's important to review those details because
17 one of the things that I must do in order to determine if he
18 meets criteria, to see if he has a mental abnormality or
19 personality disorder. And the pattern of his behavior will
20 tell me if he has one of those disorders.

21 Q And Dr. Swan, could you describe the facts and
22 circumstances regarding Mr. Hunt's 1994 lewd act upon a
23 child conviction?

24 A Yes. In 1994, Mr. Hunt was convicted of fondling
25 Female Complainant 1 vagina and pressing his genitals against her

1 vaginal area.

2 Q And how old was Female Complainant 1 at the time?

3 A Five.

4 Q And was she related to Mr. Hunt?

5 A Yes, she was.

6 Q How was she related to him?

7 A I believe that she was the daughter of his brother.
8 Basically, his niece.

9 Q What did Mr. Hunt have to say about these offenses
10 during your interview?

11 A Mr. Hunt stated it was a lie. They said I tried to
12 touch her in some way, but it was a lie. Then he went on to
13 say that he had noticed his attraction to children a long
14 time before he was accused of molesting Female Complainant 1. And he said
15 she said I tried to touch her vagina with my penis. I was
16 holding her and she slid down on his penis and that was an
17 accident. When I asked him why she told it if nothing
18 really happened, he stated she's crazy and her mom is always
19 acting crazy. When I asked him how a five-year-old would
20 know about the behavior that she described, Mr. Hunt looked
21 down in his lap and said, I don't know.

22 Q Dr. Swan, what sentenced did Mr. Hunt receive following
23 his conviction for lewd act on a child?

24 A He received six years suspended to five years and
25 probation.

State v Hunt

Dr. Swan - Direct

2/22/17

83

1 Q When he was released -- when was he released from
2 probation or supervision for that offense?

3 A March 9, 1999.

4 Q And when did he become charged with his next offense?

5 A The victim in the next offense reported on May the 8th,
6 1999, that he had molested her. And that's important that
7 there was this short time between his completion of
8 probation and his arrest for a new offense, because a
9 reasonable individual who'd gone through the court system,
10 been convicted of an offense, and had to do five years in
11 probation and having their life restricted in that way,
12 would -- you would think they would say, I didn't like that.
13 I'm not going to do that again. However, Mr. Hunt's drive
14 to molest children is so strong that he was barely off
15 probation before he committed another sexual offense.

16 Q Dr. Swan, I'm going to show you what's been premarked
17 for identification purposes only as State's Exhibit 5. Take
18 a moment to look at those documents and see -- see if you're
19 familiar with those?

20 A Yes. This is the indictment in his 1999 case and this
21 is his sentence for that 1999 case.

22 Q And Dr. Swan have you seen those documents before?

23 A I have.

24 Q And did you review those documents as part of your
25 evaluation?

1 A I did.

2 Q And were they part of the basis of your expert opinion?

3 A Yes. I relied on those documents for my opinion.

4 Q Are these the type of documents that are commonly and
5 reasonably relied upon by other experts in your field?

6 A Yes, they are.

7 Q Is there anything on these documents to indicate their
8 authenticity?

9 A Yes, the court seal.

10 MR. MORROW: At this time, Your Honor, the State
11 would move that State's Exhibit 5 be moved into evidence.

12 MR. FALK: No objection.

13 THE COURT: So admitted.

14 (State's Exhibit No. 5, indictment
15 and sentencing sheet, was marked and entered.)

16 Q Dr. Swan, again, why is it necessary to review the
17 details of the underlying facts of that offense?

18 A Again, to arrive at a diagnosis if there is one, and to
19 determine if he meets criteria as a sexually violent
20 predator.

21 Q And, Dr. Swan, could you describe the facts and
22 circumstances regarding Mr. Hunt's 2000 conviction for
23 criminal sexual conduct with a minor in the first degree?

24 A This involved a five-year-old little girl named Female Complainant 4
25 And she reported that she was in the car with Mr. Hunt on

State v Hunt

Dr. Swan - Direct

2/22/17

85

1 the way to a birthday party and he stopped the car in her
2 mother's parking place at her house and that he pulled her
3 panties down so that he could kiss her cootie or vagina. He
4 told her not to tell anyone and she said that he kissed it
5 two times. Then he put his hands on her coodie. He
6 unzipped his pants and made her kiss his penis twice. She
7 said that she sucked on it two times and once was in ^{Male Complainant 1's}
8 room, which was a minor child, a little boy, and once in the
9 car. And she said that he, Mr. Hunt, made her suck his
10 penis for about ten minutes and that in the first incident
11 in the car, white juice came out and went down her throat.
12 He said that he rubbed her vagina with his penis and he
13 tried to put his penis inside of her vagina. But she said
14 it hurt so he only tried twice. She said the he told her
15 that if she told anyone, he would not be her boyfriend any
16 longer. And he told her not to scream and not to cry out
17 loud. On the second incident, she said that Mr. Hunt was
18 babysitting her and he went in to ^{Male Complainant 1} room with her and
19 she said that he made love with me. She indicated that he
20 had a movie on and they were watching the movie while he did
21 this. She said that this was the second time that it
22 happened. And he told her to suck his penis in ^{Male Complainant 1's} room.
23 And he also told her to suck his boobies and his wee wee.
24 She stated again that the white juice came out and that he
25 stuck his hand down on her vagina and rubbed it and asked if

1 it felt good. Female Complainant 4 said that she knows that he had done
2 this to Female Complainant 3 and Female Complainant 2 also because they told her.

3 Q Again, how old was Female Complainant 4?

4 A Female Complainant 4 was five.

5 Q And how did he have access to Female Complainant 4?

6 A He was babysitting for her. Well, actually, I -- on
7 one occasion he was driving. On another occasion, I believe
8 he was babysitting.

9 Q And what did Mr. Hunt have to say about his offenses
10 during his interview?

11 A Mr. Hunt said -- when I asked him if he'd done this he
12 said we were going to a birthday party and I pulled her
13 pants down and made her suck my penis? And then he said, I
14 don't know. I was so busy keeping my eyes on the road to
15 get to the birthday party quick. When asked why he told her
16 that she was his girlfriend, he said I didn't say nothing
17 like that. When I asked him all the three girls were saying
18 that he told them that he was their girlfriend, he said they
19 just hear something like that. She said I made her do
20 something on the trip to my nephew's birthday party. She
21 said I pulled out my thing and touched her. How could I
22 have, when I had to keep my hands on the steering wheel the
23 whole time. She lives in North Carolina anyway. So when I
24 read the victim's statement about what she said, he said
25 that was a lie, right there about the white stuff. She did

State v Hunt

Dr. Swan - Direct

2/22/17

87

1 suck it but no white stuff came out of it. So, when I asked
2 him how a five-year-old girl would know about white stuff,
3 because that was a pretty explicit account of a sexual act
4 that a five-year-old would not be exposed to, he said that
5 -- he again said that no juice came out, that he just had
6 her suck it. When I asked him about why he pleaded guilty
7 to this crime if he did not do it, he said that he just
8 wanted to get the matter done because he didn't want to
9 spend a lot of time in prison. And he said that his public
10 defender didn't do as much for him as he would have liked.

11 Q Dr. Swan, what sentence did Mr. Hunt receive following
12 his conviction for criminal sexual conduct with a minor in
13 the first degree?

14 A He received twenty years in SCDC, the South Carolina
15 Department of Corrections.

16 Q And Dr. Swan, earlier you mentioned when you were
17 talking about the time line of his offenses, you talked
18 about allegations that did not result in conviction?

19 A That's correct.

20 Q Is it necessary to look at that as part of your
21 evaluation?

22 A It's important to look at those things as part of a
23 comprehensive evaluation. And the reason is that less than
24 ten percent of sexual crimes results in a conviction. But
25 examining the pattern and behavior for any offender can

1 provide important information in assessing his risks,
2 especially if those allegations fit his known pattern of
3 offenses.

4 Q And Dr. Swan, is this type of information that is
5 typically reasonably relied upon by other experts in your
6 field?

7 A Yes, it is.

8 Q And did you discover any such un-convicted allegations
9 against Mr. Hunt?

10 A I did.

11 Q And what were those allegations?

12 A There were several. Two four-year-old girls reported
13 that Mr. Hunt sexually abused them. They were twin girls.
14 And ^{Female Complainant 3} reported that Mr. Hunt watches her sometimes while
15 her mother is at work. And she said he puts his whacker on
16 me. He didn't quit when I ask him to quit. It didn't feel
17 good. She said that she was in ^{Male Complainant 1} room with ^{Female Complainant 2} and
18 ^{Female Complainant 4} and that Mr. Hunt said that he was making love to
19 her. She indicated that she stayed with him a lot but she
20 didn't want to stay with him anymore. She said that he told
21 her he was going to make love again and she said it happened
22 a lot of times. And she stated that he told her that he was
23 her boyfriend. ^{Female Complainant 3} also reported that Mr. Hunt babysat
24 for her. And she indicated that Mr. Hunt touched her
25 buttocks and her vagina and that he told her that she was

State v Hunt

Dr. Swan - Direct

2/22/17

89

1 his girlfriend. She said that he tried to make her kiss him
 2 on the mouth and that he made her suck his penis and that he
 3 did this to her a lot.

4 Q Dr. Swan, what did Mr. Hunt have to say about these
 5 allegations?

6 A Mr. Hunt said that all four of the children were
 7 cousins and he initially said that he didn't touch any of
 8 them. However, then he stated that there were eight
 9 children altogether that he was accused of touching,
 10 including Female Complainant 4 Female Complainant 3 Female Complainant 1 Female Complainant 2 Male Complainant 1 Male Complainant 2

11 Male Complainant 3 and Male Complainant 4 He said that he did not touch Male Complainant 4

12 because Male Complainant 4 was a baby. He said four of them were family
 13 members and four of them that he babysat for. He stated
 14 that his mom and he helped his mom babysit for them. And he
 15 said sometimes I just got carried away with them. I just
 16 went off with them and put my penis between their legs. He
 17 denied that he put his penis in Female Complainant 3 and Female Complainant 2's mouth.
 18 When I asked him about Female Complainant 3 he said I didn't say that,
 19 that I was going to make love to her. Sometimes she just
 20 says things. When I asked him about telling her that she
 21 was his girlfriend, he said, I didn't say that. And when I
 22 asked him if he kissed her vagina, he said that's a lie. I
 23 did not do that. He also said that he didn't tell the
 24 children not to tell on him. When I indicated that the
 25 girls demonstrated significant distress after they were

1 abused and that they were biting their nails and they were
2 having some problems, he said, if I did, I did. And when I
3 asked him about kissing his wee wee and boobies, he said I
4 don't remember that. When I asked about kissing his penis
5 and sucking on it, he denied that he made them do that. He
6 also denied saying that he would not be her boyfriend if she
7 told. He said I touched her with my hand. And when I asked
8 him about Female Complainant 2 he said I touched her vagina. I can't
9 remember how many times. He also went on to say that he had
10 been accused of touching four boys. Or he'd been accused of
11 touching eight children, the four girls that we just talked
12 about and then four boys. He said that he was accused of
13 touching Male Complainant 1 who was his four-year-old nephew, Male Complainant 2,
14 who was three-year-old nephew, Male Complainant 3 who was a five-year-old
15 family member. I'm not sure what that relationship was.
16 And Male Complainant 4 who was an infant, distant family member. He
17 said they said I touched them but it was a lie. But after I
18 talked with him about it, he admitted that he touched Male Complainant 1
19 Male Complainant 2 and Male Complainant 3 penises for a little while, maybe over a
20 period of six months. He said Male Complainant 4 was a cute little baby.
21 I wouldn't mess with no baby.

22 Q So Mr. Hunt admitted to having sexual conduct with
23 seven of the eight children he was accused of touching?

24 A He did.

25 Q Dr. Swan, did you rely solely on his past criminal

State v Hunt

Dr. Swan - Direct

2/22/17

91

1 history in making your ultimate decision in this case?

2 A I did not.

3 Q Would it be professionally acceptable to do so?

4 A No, it would not.

5 Q What about his criminal history did you find
6 significant to our opinion?

7 A Well, there are two things. Mr. Hunt basically didn't
8 have a criminal history apart from his sexual crimes. I
9 think he had one small infraction --

10 MR. FALK: Objection, Your Honor. Now, she's
11 talking -- I believe she's going to start talking about
12 irrelevant criminal history.

13 THE COURT: Come on up.

14 (Off the record bench conference with counsel and the
15 Court.)

16 Q Dr. Swan, let's talk about his probation. Again, when
17 was he put on probation?

18 A He was placed on probation on March 10th, 1994 and he
19 completed it on March 9th, 1999. So, only two months
20 elapsed prior to his next sex offense. And that was
21 important in my assessment because that indicates the
22 strength and his drive for having sex with children.

23 Q Well, what did Mr. Hunt tell you during his interview
24 regarding his sexual interests?

25 A I asked him what he is sexual urges and fantasies were

1 about? And he said that he was one hundred percent
2 exclusively sexually aroused by children between the age of
3 four and five years old. He said that eighty percent of his
4 fantasies were about four and five-year-old girls and twenty
5 percent were about four and five-year-old boys. When I
6 asked to describe his current sexual fantasies, he said that
7 fantasies occasionally pop up about the three female
8 victims, Female Complainant 4 Female Complainant 2 and Female Complainant 3 And that he was still
9 having those fantasies at the time I saw him in 2016. So he
10 was continuing to have those fantasies, you know, sixteen to
11 twenty years after he'd committed the crimes. When I asked
12 him what he had sexual fantasies about, he said that he had
13 sexual fantasies about having intercourse with kids. And he
14 said that he masturbated to fantasies of children three
15 times a day. He said that he never had an adult partner, an
16 age appropriate partner because he had no interest in adults
17 at all. He was only interested in having sex with children.

18 Q Dr. Swan, now Mr. Hunt -- is it necessary to look at
19 sex offender treatment an individual has while he was in
20 prison?

21 A Well, it's important, yes. Because if they've had
22 sufficient sex offender treatment, it would lower their risk
23 for committing another sexual crime. And then there would
24 not meet criteria under the law.

25 Q Is that something done by other experts in your field?

State v Hunt

Dr. Swan - Direct

2/22/17

93

1 A Oh, absolutely.

2 Q Did you rely on any such information as part of your
3 basis of your expert opinion?

4 A I did. The -- yes.

5 Q And what, if anything, did you find on Mr. Hunt's sex
6 offender treatment while at the South Carolina Department of
7 Corrections?

8 A The records state that he had treatment between July
9 12th of 2000 and November 22nd of 200.

10 Q And -- what?

11 A When I asked Mr. Hunt about his treatment, he -- and I
12 asked him what he learned because I wanted to figure out if
13 he learned enough that it would reduce his risk for another
14 sexual crime. And he said that what he learned in treatment
15 was to try to stay away from children and to have an adult
16 around him at all times so that he wouldn't reoffend. When
17 I asked him what would keep him from reoffending, he said
18 that he would stay busy all the time and have someone with
19 him all the time. Obviously, it's not possible to have
20 someone with you every minute of every day. And it's
21 important to know that other people were around when he
22 abused his victims, and that did not prevent him from
23 abusing. There were other people in the house when he
24 abused the little girls. His mom was often in the house
25 when he abused the children. So, clearly, that would not

1 keep him from abusing children and he did not learn enough
2 in treatment that he would be considered lower risk.

3 Q And Dr. Swan, how much treatment did Mr. Hunt indicate
4 that he completed?

5 A He said four months.

6 Q Okay. Did his prior treatment factor into your
7 ultimate opinion in this case?

8 A Yes, it did. Four months of treatment -- I considered
9 it. But four months of treatment would not be sufficient to
10 lower the risk in such a prolific child molester as Mr.

11 Hunt. And there's actually research that says that any
12 short term treatment, no matter how well it's designed or
13 how well it's implemented, could control a child molester.

14 Q And, Dr. Swan, let's talk about some more of your
15 report. Did you order any additional psychological testing
16 on Mr. Hunt?

17 A I did. I ordered what was called a penile
18 plethysmograph. We call this a PPJ. And this is a test
19 that involves placing a gauge on a man's picture [sic] and
20 showing them pictures of different scenarios. And these
21 people are all clothed. They're not nude pictures, but
22 pictures are shown of infant males and females, preschool
23 males and females, grammar school males and females and then
24 adult male and females. And for each of those different age
25 categories, the pictures are presented in a persuasive

State v Hunt Dr. Swan - Direct 2/22/17

95

1 scenario or a coercive scenario to reflect whether the
2 individual prefers persuading someone to have sex or forcing
3 them to have sex, such as a rape scenario.

4 Q And, Dr. Swan, what were the results of Mr. Hunt's PPG
5 test?

6 A Mr. Hunt's PPG showed that he was aroused to female
7 adult coercive, which would be raping adult females.

8 Q Now, do you believe the results of this testing
9 accurately reflects Mr. Hunt's sexual interest?

10 A I do not. It's totally inconsistent with his offense
11 history because he molested at least seven children between
12 the ages of three and five. He said that he never had any
13 interest in an adult female, so I believe that these were an
14 outlier and I did not assign any diagnosis based on this.

15 Q And, Dr. Swan, now you issued an initial report in this
16 case on July 25th, 2016 that did not include the results of
17 the PPG; correct?

18 A That is correct.

19 Q Okay. And why were those results omitted from the
20 report?

21 A I actually called the doctor who administered the test
22 to see if perhaps someone else had had an evaluation the
23 same day, perhaps there was a mistake. And he assured me
24 that there was not. But because there is no information
25 that Mr. Hunt ever raped anybody and he told me that he had

1 no interest in adult females, I didn't think it would be
2 fair to include those results, which might have labeled him
3 as a rapist.

4 Q And, Dr. Swan, did you issue an amended report that
5 addressed the PPG results?

6 A I did. I was asked to prepare another report and
7 actually include the result that PPG. And so I did. And I
8 submitted that report on October 3rd, 2016.

9 Q But, again, you don't believe the results of this test
10 to be accurate with regards to Mr. Hunt?

11 A I do not.

12 Q Dr. Swan, based on your examination of Mr. Hunt, your
13 review of his records and all the other factors we've been
14 discussing, were you able to diagnose Mr. Hunt with a
15 relevant mental abnormality?

16 A I did. I diagnosed him with pedophilic disorder,
17 sexually attracted to both, non-exclusive -- no, exclusive
18 type. And the technical definition of pedophilic disorder
19 states that over a period of at least six months the
20 individual has recurrent, intense sexually arousing
21 fantasies, urges or behaviors involving sexual contact with
22 prepubescent children. And that would be children under the
23 age of thirteen typically or children who have not yet
24 developed secondary sexual characteristics. Now, the
25 sexually attracted to both part means that he is sexually

State v Hunt

Dr. Swan - Direct

2/22/17

97

1 aroused by girls and boy children, and the exclusive type
2 means that he does not demonstrate arousal to an age
3 appropriate adult partner of any kind.

4 Q How does Mr. Hunt meet the criteria for pedophilic
5 disorder, Dr. Swan?

6 A Mr. Hunt admitted that he had touched seven children in
7 a sexual way, even though he minimized what he did to the
8 children. He said that his preferred ages are four and five
9 and that he prefers females over males. But he had admitted
10 that he touched boys as well. He said he's exclusively
11 attracted to children. The indications from the records,
12 indicate that he fondled them, kissed the girl -- the female
13 victims, he fondled and kissed their vaginas, rubbed his
14 penis on their vaginas, attempted to penetrate their vaginas
15 with his penis. Forced them to kiss his penis and his
16 breasts and forced them to suck his penis until he
17 ejaculated. He told them that they were girlfriends and he
18 told them that he was making love to them, and that they
19 should not tell on him. With regard to male victims, he
20 admitted that he rubbed his penis on their penis'. And all
21 of that attest to his sexual attraction to male and female
22 children. And he has actually acted on that attraction and
23 it has caused him significant social, occupational or
24 interpersonal difficulty. For example, he went to prison
25 for twenty years for it.

1 Q Dr. Swan, what is Mr. Hunt or Wake Hunt's diagnosis of
2 pedophilic disorder, what does it mean?

3 A Well, it means that he's sexually interested in
4 children and this is the one factor that constitutes the
5 greatest risk for him, because pedophiles are the group most
6 likely to reoffend. And specifically, pedophiles who have
7 male victims are the highest group to reoffend.

8 Q Dr. Swan, you also diagnosed Mr. Hunt with -- diagnosed
9 borderline intellectual functioning. What does that mean?

10 A Borderline intellectual functioning means that they
11 fall in a category of below average intelligence, but not
12 mentally retarded. Borderline intellectual function means
13 having an IQ in the range between 71 and 84. Mr. Hunt's IQ
14 was tested and it was found to be 76, which falls into that
15 range.

16 Q Dr. Swan, you said that -- what is the difference
17 between someone with borderline intellectual function and --
18 I'm sorry. Let me rephrase that. We heard yesterday the
19 term mentally challenged used.

20 A Yes.

21 Q Is that a professional term?

22 A It is not. That's just a general term that people use
23 to indicate that maybe someone's slow. In order for it to
24 be a term that has any relevant meaning, it has to have a
25 definition that all people would understand. Hearing

State v Hunt

Dr. Swan - Direct

2/22/17

99

1 mentally challenged would know that it meant this particular
2 thing. We don't use it in psychology because it's not a
3 professional term. We would either use that he was mentally
4 retarded or that he was intellectually disabled or that he
5 had borderline intellectual function. Those would be the
6 term in psychology.

7 Q So what would be the difference between somebody with
8 borderline intellectual function and someone who is mentally
9 retarded?

10 A In order to be diagnosed with mental retardation, the
11 individual has to have an IQ of 70 or under. It must -- he
12 must have had difficulties that showed up prior to the age
13 of eighteen. And he has to have, what we call, deficits in
14 adaptive functioning. And what that means is that someone
15 who has deficits in adaptive functioning -- there are
16 different areas that we assess. One would be communication.
17 Can the individual understand what's being said to him when
18 he's spoken to. Can he provide an acceptable answer back?
19 Does he have appropriate socialization skills? Can he
20 interact with other people? What are his motor skills?
21 Does he have any difficulties with gross motor skills or
22 fine motor skills? Can he engage in the activities of daily
23 living? That means, can he dress himself, can he go to the
24 bathroom by himself? Can he go to the grocery store by
25 himself? Can he prepare food for himself? Can he drive a

State v Hunt

Dr. Swan - Direct

2/22/17

100

1 car. Those are things that are looked at. And the last
2 category would be maladaptive behavior, does he throw temper
3 tantrums? Is his behavior such that it's uncontrollable.
4 Those things you would look at in order to diagnose mental
5 retardation. Mr. Hunt does not have those. He may be --
6 have somewhat diminished socialization skills, but he
7 doesn't have deficits in adaptive function and
8 communication. His motor skills seem fine. And his -- he
9 doesn't seem to have maladaptive behavior. He was evaluated
10 in conjunction with his trial for his sexual charges on
11 August 13th, 1999. The psychologist who evaluated him said
12 the test of non-verbal intelligence indicated a score of 76,
13 which places Mr. Hunt above the level of retardation.

14 Additionally, his appearance, verbal ability, and pattern
15 and a general appearance were consistent with that of
16 someone functioning above the level of mental retardation.

17 Q And, Dr. Swan, did you find that Mr. Hunt met the
18 criteria for mental retardation?

19 A I did not.

20 Q Does he have the ability to know right from wrong?

21 A Yes, he does. That was very clear to me.

22 Q When you do these evaluations, how do you measure a
23 person's risk to reoffend?

24 A Well, a great deal of research has been done on the
25 factors that are correlated with increased risks for sexual

State v Hunt

Dr. Swan - Direct

2/22/17

101

1 reoffense. So I look at the factors that have been
2 identified in the research as being correlated with
3 increased risk to commit another sexual crime.

4 Q And are there multiple types of risk factors that you
5 look at?

6 A There are. There are two primary types that we look
7 at. We look at static risk factors and these are risk
8 factors that never change. If you have them, they're always
9 going to be there. And the best example on this in Mr.
10 Hunt's case is the sexual preference for prepubescent
11 children. If you are aroused to children when you're
12 seventeen, you're still going to be aroused to children when
13 you're seventy. The only thing that changes is the amount
14 of time that you spend fantasizing about children and the
15 time you actually spend masturbating to those fantasies. So
16 his biggest risk factor is the sexual arousal to children.

17 Q And Dr. Swan, how are static risk factors measured?

18 A We use the Static-99R to assess the static risk
19 factors. The Static-99 is an actuarial risk assessment
20 instrument. And it's based on the premise that anyone who's
21 committed a sexual crime and received some type of sanction,
22 and then gone on to commit another sexual crime, that that
23 places them at greater risk. This is an instrument that's
24 similar to the actuarial tables that are used in the
25 insurance industry. For example, we know that males under

1 the age of twenty-five are most likely to have an auto
2 accident. And so the insurance companies charge more
3 premiums for those individuals because they're more likely
4 to sustain a loss. In the same way, the actuarial tell us
5 who's at greatest risk for a sexual reoffense. And what
6 that means is that greater restrictions need to be put in
7 place to control that behavior.

8 Q And, again, Dr. Swan, is the Static-99R the type of
9 actuarial assessment used by other experts in your field?

10 A Yes, it is.

11 Q And was it part of the basis of your opinion?

12 A Yes, it is.

13 Q What did the Static-99R reveal about Mr. Hunt's risk?

14 A The Static-99 ranges from a minus three to a twelve.
15 Mr. Hunt scored a three. When I first evaluated him in May
16 and July, his risk fell in the low-moderate range. In
17 October, after I submitted my second report, the scoring
18 categories changed. And so his risk would be in the average
19 risk category, and that would be the risk category of the
20 typical sex offender. However, we know that Mr. Hunt, his
21 score on this instrument is an underestimate of his true
22 risk for reoffense. Because he was only convicted for two
23 of his victims and he's acknowledged that there were seven
24 victims. So he wasn't prosecuted for five of these victims.
25 And so that underestimates his risk. Moreover, the statutes

State v Hunt

Dr. Swan - Direct

2/22/17

103

1 require an assessment of his risks to commit sexually
2 violent acts in his lifetime. But the Static-99 only tells
3 us what his risk is to be arrested or convicted in five
4 years or ten years. So Mr. Hunt is forty-six. So he could
5 have at least fifteen more years at risk for sexual crimes.

6 Q Dr. Swan, you just mentioned that the categories
7 changed. Who changed those categories?

8 A The developers of the Static-99R periodically change
9 the norm tables that we use so that they're more accurate,
10 based on today's population of sex offenders. So when they
11 changed it in October, the actual risks measures itself did
12 not change. The only thing that they changed was the actual
13 scoring categories. So it indicated that, you know, the
14 risk would be -- in terms of average risk, either below
15 average, average, above average, or well above average risk.
16 So those are the new categories.

17 Q And Dr. Swan, you mentioned some weaknesses in the
18 Static-99R, and that it underestimates risk. Again, how
19 does it underestimate risk?

20 A Well, it underestimates risk because of the under
21 reporting of sexual crimes. As I said, less than ten
22 percent of sexual crimes results in a conviction, so there
23 are a great number of unreported sexual crimes. Many times
24 the victims never report. And according to the research,
25 approximately sixty-six percent of sexual crime victims

State v Hunt

Dr. Swan - Direct

2/22/17

104

1 never report them. So that underestimates the risk and sort
2 of decreases the reliability of the Static-99 to some
3 degree.

4 Q So you also mentioned that you look at dynamic risk
5 factors, and this kind of offsets some of the weakness in
6 the Static-99R. What are dynamic risk factors?

7 A Dynamic risk factors are factors that are changeable.
8 These are ways of behaving or things that the person's doing
9 that we can change. And when an individual receives
10 treatment, these are the targets that we target so that we
11 can help them have a more productive life and not engage in
12 sexual crimes.

13 Q Does Mr. Hunt have any dynamic risk factors for
14 reoffense?

15 A He does. He has several.

16 Q And what are those?

17 A The first one is offense supportive attitudes. And
18 what this means that offense supportive attitudes are
19 beliefs that justify sexual offending in general. For
20 example, Mr. Hunt seemed to believe that having sex with
21 children did not harm them to any significant degree. And
22 he -- when I asked him true or false, children are so
23 willing to have sex that it's difficult to stay away from
24 them. He said true. So he thought that children were
25 willing to have sex with him and that he was entitled to

State v Hunt

Dr. Swan - Direct

2/22/17

105

1 have sex with them. Emotional congruence with children
2 refers to feeling that relationships with children are more
3 satisfying than relationships with adults. Mr. Hunt is
4 clearly more comfortable in dealing with children. He told
5 his four and five-year-old victims that they were his
6 boyfriend and girlfriend, and that they were making love.
7 And in addition, Mr. Hunt presented as somewhat childlike
8 himself and that's likely because it's easier to obtain
9 child victims if you act like a child yourself. The third
10 one is lack of emotionally intimate relationships with
11 adults. And this had a significant relationship with sexual
12 reoffense. Mr. Hunt has never had an appropriate
13 relationship with an adult. And he said that he was
14 exclusive focused on children, so that places him at risk.
15 The fourth one is lifestyle impulsiveness. And this means
16 that the individual has low self-control. He makes
17 irresponsible decisions and he has limited or unrealistic
18 long-term goals. And in this regard, it's very clear that
19 Mr. Hunt had low self-control because he re-offended so
20 quickly. He makes irresponsible decisions because he didn't
21 take a look at the fact that he received a sentence and had
22 his life restricted and immediately re-offended. And he had
23 limited or unrealistic long-term goals. He said that he was
24 just going to stay away from kids and have someone with him
25 all the time. So he clearly has lifestyle impulsiveness.

1 And the last one that he demonstrates is poor problem
2 solving. And poor problem solving means that the individual
3 tends to avoid their problems rather than acknowledging that
4 he has a problem and acting proactively to address that
5 problem. Mr. Hunt has problems recognizing the problems
6 that he has, generating an appropriate solution to his
7 problems, and then engaging in consequential thinking. And
8 that means well, I did this and I got placed on probation,
9 so I'm not going to do that again. He was not able to do
10 that. He knew that he was attracted to children. He knew
11 that he received a punishment for that, and he went right
12 out and did it again.

13 Q Dr. Swan, are these dynamic risk factors significant
14 with regard to your opinion?

15 A They are.

16 Q And why is it important to -- or why is it significant
17 to your opinion?

18 A They're significant to my opinion because these static
19 and dynamic risk factors can either increase an individuals
20 risk or decrease an individuals risk. Mr. Hunt demonstrated
21 that he had some problems in the -- with his dynamic risk
22 factors, but there are quite a few more dynamic risk factors
23 that he did not demonstrate issues with. And those would
24 serve to decrease his risk, while the ones that he has serve
25 to increase his risk.

State v Hunt

Dr. Swan - Direct

2/22/17

107

1 Q Dr. Swan, are you familiar with the treatment program
2 at the South Carolina Sexually Violent Predator Treatment
3 Unit?

4 A Yes, I am.

5 Q And are you familiar with the company who took, the
6 private company who took over management of that facility as
7 of December 1 of 2016?

8 A Yes, I am. It's Correct Care Solutions. They're the
9 same people that run the Florida program. And, in fact, the
10 director of the Florida program came up here to train the
11 individuals to implement the new treatment program here in
12 South Carolina.

13 Q Can you describe that treatment program?

14 A Uh-huh. (Affirmative response.) The treatment program
15 has four phases. The first one is preparation for change.
16 And this, the goal for this part of the treatment is
17 strengthening the person's self-regulation skills. And
18 their reduction of behaviors that could interfere with the
19 treatment process, the type of self-defeating behaviors that
20 would get him in trouble in treatment. Phase two involves
21 two phases. The first one is disclosure and that's where
22 they're asked to reveal all of their sexual offenses. And
23 then the discovery part, in this part the individual takes
24 polygraphs and makes sexual history disclosures about his
25 entire life. And this information helps them to identify

State v Hunt

Dr. Swan - Direct

2/22/17

108

1 their personal risk factors and the barriers that exist to
2 completing treatment, so that they can then, in phase three,
3 work on those behaviors and develop healthy alternative
4 behaviors. Now, phase three is one of the strongest parts
5 of the program and they work on increasing their self-
6 management, any mood disorders, their social functioning,
7 correcting any distorted attitude beliefs and working on
8 their arousal management, that is, diminishing inappropriate
9 arousal and increasing appropriate arousal. And then the
10 phase four, it's the last program. And essentially in this
11 program, they consolidate the gains that they've made and
12 they practice healthy proactive behaviors that they have
13 learned. And they develop a comprehensive plan for their
14 release so that -- we know that when sex offenders are
15 released, if they're unstable, they're more likely to
16 reoffend. So we want them to be as stable as possible when
17 they're released. There's a special needs track as well,
18 that has essentially the same phases, but it's geared for
19 individuals who have a lower than average I.Q.

20 Q And Dr. Swan, how many times a week would he receive
21 therapy at the SVP treatment unit?

22 A They receive therapy -- approximately three times a
23 week they have group treatment, because group treatment has
24 been identified in research as the most productive way of
25 helping a sex offender come to terms with his offense

State v Hunt

Dr. Swan - Direct

2/22/17

109

1 history. Because, you know, I might go in and say, well,
2 you did this. It's not appropriate to do that. But when
3 they start making excuses, another sex offender can call
4 them on that because they know all the excuses, and they're
5 not going to let anyone get by with making those type of
6 excuses and denying their offenses because they've already
7 been there. And they know what really happens.

8 Q Dr. Swan, let's talk about your ultimate opinion?

9 A Yes.

10 Q To be clear, is it your expert opinion that Mr. Hunt
11 suffers from a mental abnormality?

12 A Yes, he does. Pedophilic disorder.

13 Q And Dr. Swan, do you have an opinion as to whether Mr.
14 Hunt's pedophilic disorder causes him serious difficulty in
15 controlling his behavior?

16 A Yes, it does. As we've already discussed, he couldn't
17 even make it two months without offending against another
18 child.

19 Q Dr. Swan, do you have an opinion whether Mr. Hunt is
20 likely to commit acts of future sexual violence?

21 A Yes, I believe that he is.

22 Q Dr. Swan, do you have an opinion as to whether Mr.
23 Hunt's pedophilic disorder makes him likely to engage in
24 acts of sexual violence if not confined to a secure facility
25 for long term control, care and treatment?

State v Hunt

Dr. Swan - Direct

2/22/17

110

1 A Yes, I do.

2 Q And, Dr. Swan, do you have an opinion as to whether Mr.
3 Hunt meets the criteria to be found as a sexually violent
4 predator?

5 A Yes, he does. He has been convicted of a sexual crime,
6 two sexual crimes under the statute. He has pedophilic
7 disorder and that makes him likely to engage in future acts
8 of sexual violence if not confined in a secure facility for
9 long-term care, control and treatment.

10 Q And, Dr. Swan, are all of these opinions that you have
11 just expressed based on a reasonable degree of psychological
12 certainty?

13 A Yes, they are.

14 Q Thank you, Dr. Swan. Please answer any questions that
15 the Court or Mr. Falk may have for you.

16 THE COURT: Mr. Falk.

17 MR. FALK: One minute, Your Honor.

18 THE COURT: The problem we've got is we're going
19 to have to take a break at what time, Madam Court Reporter?

20 MR. FALK: All right. I'm okay.

21 THE COURT: Madam Court Reporter?

22 COURT REPORTER: Sir?

23 THE COURT: What time do we need to break?

24 COURT REPORTER: We're good. Whenever you say,
25 Judge.

State v Hunt

Dr. Swan - Direct

2/22/17

111

1 THE COURT: Do you need to make that phone call?

2 COURT REPORTER: No, no. I took care of that
3 yesterday. I'm good.

4 THE COURT: Oh. Well, if that's the case we will
5 -- all right. Ladies and gentlemen, we're going to take
6 about a ten-minute break. I'm going to let you step back to
7 the jury room and relax. Please don't discuss the case yet.
8 We'll bring you back in ten minutes.

9 Keep your seat until the jury leaves the room, please?

10 (Jury out at 10:49 a.m.)

11 THE COURT: Now, Doctor, you can step down --

12 THE WITNESS: Thank you.

13 THE COURT: -- but don't discuss your testimony
14 over the break with anyone.

15 THE WITNESS: Certainly.

16 THE COURT: All right.

17 How long are you going to be?

18 MR. FALK: I'm just going to use the restroom,
19 Judge.

20 THE COURT: No, but I mean --

21 MR. FALK: Probably as long as him, maybe a little
22 bit shorter.

23 THE COURT: Oh, really.

24 MR. FALK: Well, I don't know.

25 THE COURT: And then what you got after that?

State v Hunt

Dr. Swan - Cross

2/22/17

112

1 MR. MORROW: I'll be resting my case, Your Honor.

2 THE COURT: And what you got after that? Your
3 client?

4 MR. FALK: I have my client and two other
5 witnesses.

6 THE COURT: All right.

7 (Court in recess for a short
8 break.)

9 (Court in session after short
10 break.)

11 (Jury in at 11:07 a.m.)

12 THE COURT: All right. Mr. Falk.

13 MR. FALK: May it please the Court, ladies and
14 gentlemen.

15 AMY SWAN - CROSS-EXAMINATION

16 BY MR. FALK:

17 Q Dr. Swan, what roles have you had -- have you had any
18 roles at -- let me back up. You said that you were a member
19 of ATSA?

20 A Yes.

21 Q And what is ATSA?

22 A Association for the Treatment of Sexual Abusers.

23 Q Have you had any leadership roles in that organization?

24 A I have not.

25 Q How long have you been a member of that organization?

State v Hunt

Dr. Swan - Cross

2/22/17

113

1 A Since, I believe, about 1994. And the reason that I
2 did not have any leadership roles in the different
3 organizations is because as a member of the board of
4 psychology, I am not permitted to have any leadership role
5 in any organization that might conflict with what I do on
6 the board of psychology.

7 Q So what is the board of psychology?

8 A The board of psychology is the part of the government
9 that regulates the practice of psychology.

10 Q And what roles have you had on that?

11 A I was chairman; I was vice-chairman; I was head of the
12 probable cause committee.

13 Q Okay. You have talked earlier about the ethical
14 violation?

15 A That's correct.

16 Q And can you tell me what was the -- how did that come
17 up? Who were you testifying for in that case?

18 A I was testifying for the state in that case. And one
19 of the defense experts filed the complaint against me.

20 Q So you were giving an opinion -- what kind of an
21 opinion were you giving --

22 A This was an annual review.

23 Q Okay. And what was the result of the annual review
24 hearing?

25 A The judge determined that he continued to meet criteria

1 as a sexually violent predator.

2 Q Okay. So you testified on behalf of the state in that
3 case?

4 A That's correct.

5 Q And as a result of your testimony, possibly, or -- he
6 was not released from the program; is that correct?

7 A That's correct.

8 Q You have done a lot of annual reviews here in the State
9 of South Carolina; is that correct?

10 A I have.

11 Q And in the course of those annual reviews, have you
12 seen opinions from other private forensic psychiatrist?

13 A Yes.

14 Q And so, for example, you're familiar with Susan Knight?

15 A Oh, yeah. She's at MUSC.

16 Q And Donna Schwartz-Watts.

17 A Oh, yes. Uh-huh. (Affirmative response.)

18 Q So there are other people --

19 A Dr. Martin.

20 Q Dr. Martin, Charles Martin?

21 A Yes.

22 Q Exactly.

23 A Yes.

24 Q And Dr. Burke?

25 A Dr. Burke.

State v Hunt Dr. Swan - Cross

2/22/17

115

1 Q So there are several in the State of South Carolina who
2 are not employed by the Department of Mental Health who
3 could do these evaluations; is that correct?

4 A Yes, there are.

5 Q Okay. We just named four. Are there any others?

6 A Those are the ones that I've worked with most often.

7 Q Dr. McGee?

8 A Oh, Dr. McKee, yes.

9 Q McKee, is that right?

10 A Uh-huh. (Affirmative response.) Yes.

11 Q Dr. Mulbry?

12 A Yes. I've seen his opinions. I have not ever seen him
13 in person.

14 Q Okay. So there is sort of a big pool here in the state
15 of people who could perform these forensic evaluations?

16 A That's correct.

17 Q And you said that you -- did you have a contract with
18 the State of South Carolina? Was there some kind of
19 understanding? How did you get on the list to get appointed
20 to this case?

21 A I had a contract -- I still have a contract with the
22 State of South Carolina to do annual reviews and pre-
23 commitment evaluations.

24 Q When did that start?

25 A 2013.

1 Q And do you have an opinion about how many -- this is an
2 initial commitment evaluation; is that the way to describe
3 it?

4 A Yes.

5 Q Okay. So can you tell me about how many initial
6 commitment evaluations you've done in the state under this
7 contract?

8 A Let me think. So last year I did fifteen. And the
9 previous year -- I don't know if I did any the previous year
10 because I primarily did the annual reviews. But they had
11 lost one of the people that were doing the pre-commitments,
12 and so they assigned them to me. And I don't remember if it
13 was in 2014 or 2015.

14 Q Okay. Do you recall how many times that you have found
15 that the person did not need to be committed in that initial
16 commitment evaluation?

17 A I don't recall but there have been several.

18 Q You say you've done fifteen?

19 A No, I said --

20 Q In the State of South Carolina?

21 A I said I did fifteen last year.

22 Q How many have you done this year?

23 A None, actually.

24 Q Did you do a --

25 A I'm sorry. I'm talking about my contract years.

State v Hunt

Dr. Swan - Cross

2/22/17

117

1 Q Okay. All right.

2 A So I did fifteen between October of 2015 and October of
3 2016. And I haven't yet done any for this next contract
4 year.

5 Q Okay. So you did one for -- do you recall doing one
6 for John Henry Dorsey?

7 A I do.

8 Q And that was a commitment; was it not?

9 A That's correct.

10 Q And you did one for Joe Vann Brown?

11 A I did.

12 Q And that was a commitment?

13 A That's correct.

14 Q And you did one for Michael Kamenski?

15 A I did.

16 Q Okay. What was the result of that?

17 A He was committed.

18 Q And that was based on your opinion; right?

19 A That's correct.

20 Q And you gave the same opinion for a commitment in James
21 Felder; is that correct?

22 A I recommended for commitment; yes.

23 Q And some of these have not been adjudicated yet. For
24 example, Robbie Cotton. Do you recall your recommendation
25 in that case?

State v Hunt

Dr. Swan - Cross

2/22/17

118

1 A Yes. I recommended that he be committed.

2 Q Michael Belton?

3 A Yes.

4 Q Franklin Saunders?

5 A Yes.

6 Q Kenneth Martin?

7 A Correct.

8 Q Frederick Reeves?

9 A Yes.

10 Q Jimmy Philyaw?

11 A Yes.

12 Q Mr. Hunt?

13 A Yes.

14 Q Timothy Shaffer?

15 A That's correct.

16 Q Tara Rollins?

17 A Yes.

18 Q Joshua Flowers?

19 A Yes.

20 Q That's about one, two, three, four, five, six, seven,

21 eight, nine, ten, eleven, twelve, thirteen, fourteen,

22 fifteen, right there where you've recommended a commitment;

23 is that correct?

24 A That's correct. And there's a screening process before

25 they ever get to me. The prosecutors review committee has

State v Hunt

Dr. Swan - Cross

2/22/17

119

1 to determine if they meet criteria. And so I only get the
2 ones that they've already preselected for evaluation.

3 Q Can you give me the name of one where you recommended a
4 no? In the State of South Carolina?

5 A I cannot call up a name.

6 Q Because you remembered those fourteen names; right?

7 A I did.

8 Q Now, you said that you interviewed him over a period of
9 two, there were two sessions during the interview; is that
10 correct?

11 A I did.

12 Q And so the first time you spoke with him was for an
13 hour, hour and two-thirds?

14 A The first time I spoke with him was -- let me tell you.
15 It was for one hour and forty minutes and the last time I
16 talked with him for thirty minutes.

17 Q What did you talk to him about on the second occasion?

18 A On the second occasion, he provided some contradictory
19 information to me. For example, he kept calling ^{Female Complainant 4} a
20 boy. And as I was reviewing my notes it turned out that he
21 called her ^{Female Complainant 4}. And so he was addressing ^{Female Complainant 4} as a boy
22 and it was very clear she was a girl. So I came back to
23 talk to him about that. And if you'll give me just a
24 minute, I'll tell you what I also talked with him about on
25 that time. Okay. On the second time, I talked with him

State v Hunt

Dr. Swan - Cross

2/22/17

120

1 about ~~Female Complainant 4~~ about what did he learn in sex offender
2 treatment. What is his plan for a living situation when he
3 returns to the community? What kind of employment? What
4 kind of relationships he might have.

5 Q And that's not a recorded interview; is it?

6 A No. We're not permitted to record.

7 Q Who prescribes that?

8 A I imagine the department of mental health.

9 Q Have you been told that you're not allowed to record?

10 A Yes.

11 Q So when did you do this evaluation? No, when did you
12 do this interview?

13 A The second interview was done July 21s, 2016.

14 Q And you completed your report when?

15 A I believe it --

16 Q Your initial report?

17 A The initial report, I believe it was -- let me see. It
18 was July 25th.

19 Q And so when was the first time -- you spoke to him the
20 first time on May 11th?

21 A May 11th.

22 Q Okay. And how many interviews had you done between May
23 11th and July 27th?

24 A With Mr. Hunt?

25 Q No, with other people?

State v Hunt

Dr. Swan - Cross

2/22/17

121

1 A I do not know.

2 Q Did you do any other interviews at the --

3 A I do not recall if I did or not. I would say it's
4 pretty likely that I do because usually I do several over
5 the course of a few days.

6 Q So you spent two hours and ten -- you spent one hour
7 and forty minutes with him the first time. You came back
8 and clarified a couple of points during the second thirty
9 minutes; is that not correct?

10 A Yes.

11 Q That was a relatively short interview, was it not?

12 A It was. Mr. Hunt didn't talk very much.

13 Q Why do you think that was? Because he certainly
14 admitted to a lot of the -- was he not?

15 A Yeah. He was just not very spontaneous. He did not
16 offer any information. He only responded to questions.

17 Q Do you think he understood your questions?

18 A Yes.

19 Q He has a -- did you ever come across any information
20 that gave you an indication what his reading level was?

21 A I did not. I don't believe -- you know what? I did
22 have information about that. Let me see if I can find that.
23 I don't believe he reads well and that's why they gave him
24 the TONI intelligence test, which is a test of non-verbal
25 intelligence, because if you're not able to read well, you

1 won't do well on the test?

2 Q In your report you indicated that his level was 2.2.

3 What does that mean?

4 A Grade two, probably the second half of the year.

5 Q Second grade. That's not obviously a two-year-old.

6 Would that be the second grade?

7 A Yeah. Second grade. That's the grade level.

8 Q So obviously he passed and he's certainly not in the
9 second grade; is that correct?

10 A That's correct.

11 Q So he certainly has a diminished reading level; would
12 that be correct?

13 A That's correct.

14 Q Are you sure that he understood all of your questions?

15 A Yes, I am.

16 Q And do you conduct an interview differently when you
17 have somebody who has a lower reading level and lower IQ?

18 A Oh, definitely.

19 Q What would you do differently in this case?

20 A Instead of using some of the technical terms, I explain
21 everything. I ask them if they understood the question so
22 that I can make sure that I'm getting an answer that goes
23 with that question and not something that he misunderstood.

24 Q Uh-huh. (Affirmative response.) And you're sure his
25 answer was he had a fantasy about four and five-year-olds?

State v Hunt

Dr. Swan - Cross

2/22/17

123

1 A Absolutely.

2 Q Not children?

3 A No doubt about it. He specifically said four and five-
4 year-olds.

5 Q Now, wasn't he though referring to what he was
6 fantasizing about back in 1998, '99?

7 A Well, I asked him what he previously fantasized about.
8 And that's when he said he masturbated three times a day to
9 fantasies of children. He said that he still had fantasies
10 about Female Complainant 2 Female Complainant 3 and Female Complainant 4

11 Q Okay. But --

12 A At the current time.

13 Q Was he saying fantasies or just thought about them?

14 A Well, he said fantasies pop up.

15 Q Okay. Do you have any proof or any indication he's
16 ever acted on those fantasies since 1999?

17 A. Well, I'm pretty sure he hasn't. He's been in prison
18 and there are no children in prison.

19 Q And you had indicated that you felt he had a lifestyle
20 impulsivity; is that correct?

21 A That's correct.

22 Q Did you get an opportunity to review his SCDC records?

23 A I did.

24 Q And what was the result of that?

25 A He really didn't receive disciplinary infractions. He

1 was pretty well --

2 Q He received none; is that correct?

3 A None.

4 Q Yes?

5 A He was well-behaved.

6 Q Is that not an indication of controlling your lifestyle
7 impulsivity?

8 A Well, certainly, that's one thing we look at. And his
9 lifestyle impulsivity seems very much related only to his
10 sexual crimes.

11 Q But there was no -- you didn't see any indication of
12 possession of contraband; did you?

13 A Oh, no. No.

14 Q So there was -- again, no child pornography that he was
15 in possession of?

16 A No. Absolutely not.

17 Q And it's common in these cases to interview, where you
18 have people who have multiple SCDC infractions; is that not
19 correct?

20 A That's correct. I've had people with hundreds.

21 Q And those times you have testified that that's an
22 indication of whether people can live according to the
23 rules; is that correct?

24 A That's correct.

25 Q And so there's certainly plenty of indication that he

State v Hunt

Dr. Swan - Cross

2/22/17

125

1 knows how to live according to the rules now; is that not
2 right?

3 A Well, in a structured facility he is able to obey the
4 rules. We know that he wasn't able to when he was living in
5 the community because he was molesting children. So he
6 functions --

7 Q But he still -- the rules that are imposed, he was
8 obeying the rules?

9 A Can you repeat that?

10 Q Let me get a glass of water, please, ma'am. I'm just
11 saying so he's in a structured environment and he was given
12 a set of rules?

13 A That's correct.

14 Q And lived by the rules?

15 A Yes.

16 Q For a period of nineteen years?

17 A That's correct.

18 Q And it's not uncommon for people who are accused of
19 sexual offenses not to live by the rules while they're in a
20 structured environment; is that not correct?

21 A Well, that is true. But those are the individuals that
22 have antisocial characteristics. Pretty often, they're
23 rapist. Child molesters often have no infractions because
24 they have a different -- they don't often have the
25 antisocial -- and he didn't. You know, he had none of that.

1 Q What do you know specifically about the SOTP, the sex
2 offender treatment program that he received?

3 A There are a couple of stages. The stage one, which he
4 indicated that he completed is the psycho-educational part,
5 and that's basically learning about sexual offenses. They
6 don't really apply it to themselves at that part. So --

7 Q That's described as an intensive program; right?
8 Everybody is segregated in a particular area at Broad River;
9 is that correct?

10 A It is. Yes.

11 Q Okay. And so they're exposed to their peers and they
12 have group meetings; is that not correct?

13 A They do. They do.

14 Q Okay. And so there's some accountability with their
15 peers while they're in group meeting?

16 A There's some. A good comprehensive sex offender
17 treatment takes years. For example, the program that's at
18 the civil commitment -- program, they estimate that it will
19 take at least six years to complete it. And that's what it
20 would take to assist an individual who is totally sexually
21 aroused by children, at least six years.

22 Q So are you saying that if he is committed to the
23 program he's going to be there for six years at a minimum?

24 A Not necessarily.

25 Q Well, then what was your testimony?

State v Hunt

Dr. Swan - Cross

2/22/17

127

1 A Well, the testimony is that they anticipate that that's
2 what the treatment will take. Some individuals do much
3 better and get released. I've recommended release for
4 individuals who've been there four years. And some
5 individuals take longer. It's how they progress in
6 treatment and if they're willing to do the work that's
7 assigned to them to assist them in -- one of the most
8 important factors is diminishing their arousal, the arousal
9 management compliment is really important. And you don't
10 get that in the treatment program at SCDC because they don't
11 have the means to do it. They don't have the PPG's. They
12 don't have the polygraphs.

13 Q Are you saying that they perform PPG test at the
14 Correct Care facility here?

15 A I don't know if they do it yet, but they will. They do
16 it in all their facilities. It's an important tool in
17 treatment because what happens, the individual has a
18 baseline PPG to see what he's aroused to. And then they
19 have other PPG's later in treatment to see if they're
20 arousal has diminished. And if it has, that shows progress
21 in what they're working on. If it hasn't, then they get
22 additional assignments that they need to work on to diminish
23 that arousal.

24 Q He received a PPG test; did he not?

25 A He did.

State v Hunt

Dr. Swan - Cross

2/22/17

128

1 Q You said that in your testimony. And I'm concerned or
2 I'm curious about your testimony about looking his arousal
3 level because it did not show any pedophilic arousal; is
4 that correct?

5 A It did not.

6 Q And, in fact, Dr. Burke performed -- does some math and
7 he comes up with a pedophilic index; isn't that --

8 A That's correct.

9 Q } And what would it mean if you have a negative 2.78 in
10 that situation?

11 A That would indicate no arousal to children.

12 Q And pedophilic rape?

13 A If that's negative, it means that there's no interest
14 in raping children.

15 Q Okay.

16 A But we know that's not true about Mr. --

17 Q Well, how do we know that's not true? Because he has
18 done some bad things in 1999?

19 A Right.

20 Q And he's spent seventeen, nineteen, however many years
21 at the South Carolina Department of Corrections. He has
22 completed sex offender treatment program in the South
23 Carolina Department of Corrections --

24 A Which is inadequate as --

25 Q He has completed sex offender treatment program in the

State v Hunt

Dr. Swan - Cross

2/22/17

129

1 South Carolina Department of Corrections; is that not
2 correct?

3 A He has completed it, but that's not sufficient to
4 diminish the pedophilic arousal in a prolific child
5 molester.

6 Q In your opinion?

7 A In the opinion of the research as well.

8 Q Well, my point is that after spending so many years in
9 prison we have no pedophilic arousal of any kind based on
10 the PPG test; is that not correct?

11 A Based on the PPG. But he told me that he was still
12 fantasizing about Female Complainant 2 Female Complainant 3 and Female Complainant 4 all these years.
13 later.

14 Q So those people were still on his mind; is that
15 correct?

16 A Absolutely.

17 Q Now, you had just testified earlier about the PPG test
18 that --

19 A That's correct.

20 Q Okay. And it was your testimony that you did not
21 include it in your initial report. Why was that?

22 A I didn't think it would be fair to include it because I
23 thought it was an outlier. He has never committed a rape
24 and there's -- he could potentially be labeled as a rapist.
25 And I didn't think that was fair to him..

1 Q But he would be labeled as a pedophile; is that not
2 correct?

3 A Well, he --

4 Q Based on results of the test?

5 A Well, based on the results of the test. But his
6 history identifies him as a pedophile.

7 Q I'm not concerned -- so when you perform testing,
8 you're supposed to give an objective viewpoint; is that not
9 correct?

10 A That's correct.

11 Q You're appointed by the court. You're not necessarily
12 hired by the state. You're appointed by the court?

13 A I'm appointed by the court.

14 Q And your goal is to try and give an objective point of
15 view?

16 A That's correct.

17 Q And is it not fair to say that his results in the PPG
18 test directly contradicted your diagnosis?

19 A They did. But it then --

20 Q So they don't -- they do not support them at all; is
21 that correct?

22 A It did not contradict his offense history of sexually
23 abusing seven -- at least seven children.

24 Q Nineteen years ago?

25 A Yes. And it did not -- he indicated that he was still

State v Hunt

Dr. Swan - Cross

2/22/17

131

1 fantasizing about Female Complainant 2 Female Complainant 4 and Female Complainant 3

2 Q Well, were there other test that you performed that you
3 have not included in your report?

4 A None.

5 Q Is it ethical for somebody to give somebody -- how long
6 does this PPG test last; do you know?

7 A Usually, it takes about an hour.

8 Q And how does the PPG test work?

9 A The treatment provider places a string gauge on the
10 individual's penis. They show him different scenarios. If
11 he develops an erection to those scenarios, the gauge
12 captures the amount of arousal, the percentage of arousal.
13 And then a calculation is made as to whether that would be
14 indicative of sexual interest in the particular age group
15 that he is being shown?

16 Q Why has the PPG test become used in your profession?

17 A It's useful information.

18 Q Why is it more useful than just asking he questions?

19 A Well, because if someone's being potentially, civilly
20 committed, they're not going to tell you the truth always.

21 Q So it's your idea that the PPG test gets to the crux of
22 the --

23 A Well, it's just another piece of information. It's not
24 the be all end all.

25 Q But would it not have been more fair in preparing this

1 report to put that information in?

2 A Well, I considered it an outlier because it was totally
3 inconsistent with his history. So I didn't think it applied
4 at all. As I said, I even called Dr. Burke to see if a
5 mistake was made.

6 Q Had you not -- when did you then decide to put it in to
7 initiate the second report?

8 A Well, Mr. Morrow asked me to go ahead and include it
9 because I'd discussed it with him. And so I included it.
10 And then sent in a second report.

11 Q When did you discuss it with him?

12 A Well, some time prior to October 3rd, because that's
13 when I sent in the report.

14 Q Well, the PPG test was performed --

15 MR. FALK: May I approach the witness?

16 THE COURT: You may.

17 Q Have you seen this document?

18 A Oh, yes. I've seen it.

19 Q And can you tell me what that document is?

20 A This is the PPG report that Dr. Burke generated for Mr.
21 Hunt on May 24th, 2016.

22 Q So when did you have a conversation with Mr. Morrow
23 about the PPG test?

24 A I do not know.

25 Q Well, was it in June or was it in October?

State v Hunt

Dr. Swan - Cross

2/22/17

133

1 A I don't know.

2 Q Okay.

3 A I would assume it was closer to October because if it
4 was in June, I would have included it in my first report
5 that was generated in July. So --

6 Q Now your testimony is you would have put it in the
7 report?

8 A If I'd talked with Mr. Morrow about it.

9 Q Was Mr. Morrow -- so he was never aware of it; is that
10 correct?

11 A I don't think he was aware of it until after I
12 submitted my first report.

13 Q You're saying after you submitted the first report he
14 was aware of it?

15 A Yes.

16 Q How soon after?

17 A I do not know. It was probably pretty close to October
18 3rd because I tried to get a corrected report out as soon as
19 possible.

20 Q Because your first report was submitted in July; is
21 that correct?

22 A That's correct.

23 Q Okay. And so sometime, way later?

24 A Yes.

25 Q You decided to tell Mr. Morrow that you'd done this

State v Hunt

Dr. Swan - Cross

2/22/17

134

1 PPG test?

2 A No, I think he asked me if a PPG was done on Mr. Hunt.

3 Q Do you know -- do you have any information why he
4 asked?

5 A I do not. Maybe because I get PPG's on some of the
6 individuals.

7 Q Okay. It does appear as though that you were
8 concealing information that could have been valuable to me
9 during my representation of Mr. Hunt?

10 A Absolutely not.

11 Q Is it not true that the result of that test contradict
12 your diagnosis?

13 A Well, if you use only the test. But the guidelines for
14 ATSA say that the PPG should not be used as the sole measure
15 for a diagnosis.

16 Q You have testified before and you always talk about
17 data points; is that not correct?

18 A It's one piece of information.

19 Q Is it fair to withhold one piece of information from
20 his counsel?

21 A Well, I thought that being classified as a rapist
22 wasn't fair to him, and that's why I didn't include it.

23 Q Was that your decision to make or was that my decision
24 to make?

25 A It was my decision to make. I obtained the PPG and I

State v Hunt

Dr. Swan - Cross

2/22/17

135

1 determine what goes in my reports.

2 Q And so it's your opinion that it's okay to not put in
3 some information, although it may be helpful to the
4 representation of my client?

5 A Well, I didn't think that being classified as a rapist
6 would be helpful to him. And I didn't think it was fair to
7 him. It was clearly not an appropriate demonstration of his
8 history.

9 Q Do you recall performing a PPG test on Frank Sullivan
10 who was a case in Dorchester County?

11 MR. MORROW: Objection, Your Honor. Relevance.

12 THE COURT: Sustained.

13 Q Do you recall performing a PPG test on Mr. Sullivan on
14 a case in Dorchester County?

15 THE COURT: I just sustained the objection.

16 MR. FALK: I'm sorry. May we approach, Your
17 Honor?

18 (Off the record bench conference with counsel and the
19 Court.)

20 Q Okay. Have you ever given reports -- has there ever
21 been a time in the PPG test made -- has there ever been a
22 time when you've evaluated the PPG test?

23 A Yes.

24 Q And it showed possibly that the defendant had a greater
25 sexual interest and there could possibly be more potential

State v Hunt

Dr. Swan - Cross

2/22/17

136

1 victims?

2 A I'm not sure what you're asking.

3 Q All right. So the PPG test measures whether or not
4 people have a certain type of interest in a particular age
5 group; is that right?

6 A That's correct.

7 Q Both gender and age; is that not correct?

8 A That's correct.

9 Q So has there ever been a time when somebody has had
10 offenses as offending against perhaps preschoolers? And the
11 result of the PPG test showed a much more expansive group of
12 victims?

13 A Sure.

14 Q And in those situations have you not reported that in
15 your evaluation?

16 A Yes.

17 Q Okay. So why is that -- why was that fair in that
18 situation when you're saying it wouldn't be fair to Mr. Hunt
19 for this situation?

20 A Mr. Hunt demonstrated arousal to rape. There is no
21 history of rape. He's never committed a sexual crime
22 involving rape. There was no attempt to conceal
23 information. It just -- I believed it was an outlier. I
24 believe that some sort of mistake was made and I did not
25 include it. But when Mr. Morrow said that he would prefer

State v Hunt

Dr. Swan - Cross

2/22/17

137

1 that I had included it, then I generated another report.

2 Q Do you recall testifying in Mr. Sullivan's case?

3 MR. MORROW: Objection, relevance, Your Honor.

4 THE COURT: Sustained. We're not going into the
5 specifics about any other cases.

6 Q Did you ever give any sworn testimony about whether or
7 not you performed a PPG test in Mr. Hunt's case, other than
8 this one?

9 A I don't believe so. I've not had the opportunity.
10 I've not done a deposition or anything.

11 Q Were you ever asked while you under oath whether or not
12 you performed a PPG test on Mr. Hunt?

13 A Not to my knowledge.

14 MR. FALK: May I approach the witness?

15 Q Maybe this will help refresh your memory?

16 A Well, obviously, I was mistaken.

17 Q So now do you recall making that testimony?

18 A Yeah. Obviously, if it's here, that's what I said.

19 Q And what is the date of that?

20 A The date of this was September 19th. And obviously, I
21 didn't recall. I didn't have his file in front of me.

22 Q So you did testify that -- I asked you the question
23 whether or not you performed the test on Mr. Hunt; is that
24 correct?

25 A That's correct. And to my knowledge, at that time,

1 without my file in front of me, I didn't believe I did
2 because he was so clearly a pedophile.

3 Q I presented you with the report; is that not correct?

4 A I don't believe so.

5 Q Okay. Line 12. Could you look at line 12 on there?

6 A Okay.

7 Q What document? Do you have any -- what does that line
8 say?

9 A Well, that was obviously my report because it was not
10 the PPG evaluation, otherwise, I would have known that I did
11 it. You presented me with a copy of your report. You had a
12 whole stack of reports that I'd done on different people?

13 Q Exactly?

14 A Right.

15 Q And I showed you Mr. Hunt's?

16 A That's correct.

17 Q And you said you did perform a test?

18 A I said I did not because I did not have the evaluation
19 -- I didn't have the PPG test or my file in front of me.
20 I'm just looking at a report that you gave me.

21 Q So you just forgot; is that your testimony?

22 A Absolutely. You showed me probably ten reports that
23 I'd done. I can't remember what I did on any individual
24 person unless I have my file on that person. I did not
25 believe that I had done one.

State v Hunt

Dr. Swan - Cross

2/22/17

139

1 MR. FALK: May I approach the witness?

2 Q That's one of the State's Exhibits. I believe that's
3 Exhibit No. 2?

4 A Yes, it is.

5 Q Okay. And that's a sentencing sheet?

6 A Yes, it is.

7 Q And so you practice in South Carolina; is that correct?

8 A I do.

9 Q And so you're familiar with the sentencing sheets?

10 A Yes.

11 Q And as part of your being a forensic expert, is it
12 helpful to know what all the information on the sentencing
13 sheet means?

14 A Sure.

15 Q And on that sentencing sheet, can you -- is that from
16 the 1999 --

17 A 1999 case.

18 Q Okay. And that's marked as a most serious offense; is
19 that not correct?

20 A It is.

21 Q Are you aware of the significance of that?

22 A I'm not sure. It says a violent -- it's classified as
23 a violent offense. That's important. And the most serious,
24 I believe that means that it's the most serious of the
25 offenses listed for this individual.

State v Hunt

Dr. Swan - Cross

2/22/17

140

1 Q So are you aware of South Carolina having a one, two
2 and three strike policy?

3 A I'm aware of that policy.

4 Q And are you aware under that policy in South Carolina
5 what it means if it's a most serious offense, if that's a
6 one or two-strike offense?

7 A Oh, I do not. No.

8 Q Are you aware that South Carolina has a policy where if
9 some people commit a certain amount of offenses that then
10 they can be sentenced to life without parole?

11 A Yes. I am aware of that.

12 Q Okay. Is it your general understanding that that
13 happens after somebody gets too many strikes under --

14 A That's correct.

15 Q Okay. So your understand of, when people talk about
16 the three strike law, that means you get three strikes, it's
17 life without parole?

18 A That's correct.

19 Q Okay. He is going to be subject to probation or
20 community supervision; is that not correct?

21 A For one year, which would not be nearly sufficient
22 because he --

23 Q Until May of 2018; is that correct?

24 A 2018, April of 2018. But the last time he re-offended
25 in two months.

State v Hunt

Dr. Swan - Cross

2/22/17

141

1 Q And he's going to be subject to monitoring; is that not
2 correct?

3 A Yes.

4 Q GPS monitor?

5 A It's important to note that GPS monitoring doesn't
6 necessarily prevent offenses. It just tells you where the
7 person was after the offense was committed.

8 Q And he's going to be subject to sex offender
9 registration; is that not correct?

10 A Well, the sex offender -- the GPS monitoring is only
11 for six months and the registration, they typically register
12 -- some offenders have to register quarterly and some
13 register yearly.

14 Q For a period of time?

15 A Typically for life.

16 Q And do you know whether or not as committing a most
17 serious offense if he's going to have to register quarterly
18 or yearly?

19 A I do not. But the research on registration does not
20 indicate that it diminishes sexual reoffense.

21 Q Is it not true that the -- you're familiar obviously
22 with the DSM-V?

23 A Yes, I am.

24 Q Okay.

25 MR. FALK: If I could approach the witness?

1 THE COURT: Sure.

2 Q The highlighted section, if you could just read the
3 highlighted section on page 699?

4 A Sure.

5 Q And if you'd read it to yourself, familiarize yourself
6 with it?

7 A Yes.

8 Q So generally taht says that pedophilia can fluctuate
9 over time. It can increase or decrease; is that not
10 correct?

11 A Well, it says it's a lifelong condition, but some of
12 the conditions associated may change over time. And it can
13 either increase or decrease with age.

14 Q Okay. And you were paid four thousand dollars for
15 this?

16 A Yes. For each evaluation that I do and that includes
17 my travel from South Carolina, my hotel rooms, it's all
18 included in that four thousand dollars.

19 Q Okay. And you have performed commitment evaluations
20 for some period of time; is that not correct?

21 A I have, nineteen years.

22 Q And so over -- is it not true that over a ten-year-
23 period of time, you earn about two hundred and forty
24 thousand dollars a year performing these evaluations?

25 A I'm not sure what you're talking about?

State v Hunt

Dr. Swan - Cross

2/22/17

143

1 Q Are you familiar with the article that was in the Tampa
2 --

3 A Oh, the article that was in the newspaper? Yes. It
4 indicated that over a period of -- let me think. Over a
5 period of fifteen years, I earned two point two million
6 dollars, which would be, approximately, I believe a hundred
7 and forty-five thousand dollars a year for the work that I
8 did --

9 Q And that's in addition to other employment that you
10 had; is that not correct?

11 A Well, that's in Florida. And I was working primarily
12 in Florida at that time.

13 Q So that was in addition to other employment you had as
14 a forensic expert at the time; is that not correct?

15 A Well, I would say that approximately ninety percent of
16 my work was the sexually violent predator. I did some
17 custody cases, child abuse cases, domestic violence, but
18 ninety percent of my work was the sexually violent predator
19 work.

20 Q I'm not sure I understood your testimony about the
21 change in the way that the Static-99 was evaluated?

22 A I have the workbook here. Let me see if I can find it
23 and I'll show you. Here it is. Okay. This is the new
24 workbook. This is the sheet that says what they actually
25 revised on the Static-99. The percentile ranks, the

1 relative risk rates, and the absolute rates remain the same.

2 The only thing they changed was the scoring categories.

3 Q But he still -- I'll give you your stuff back here.

4 A Okay.

5 Q So he still had a three regardless?

6 A He still had a three regardless. That did not change.

7 Q And on your report from October on the static --

8 A That's moderate low risk.

9 Q Moderate low risk?

10 A That's correct.

11 Q Okay.

12 A But as we know that that's an underestimate of those
13 risks.

14 Q What is your basis for saying that's an underestimate
15 of those risks?

16 A Because Carl Hanson, the developer of the instrument,
17 in ever report that he wrote on the Static-99 said that
18 underestimate risks due to under reporting of sex crimes.

19 Q But this is a comparative basis, right? I mean, what
20 we're doing is we're comparing the risk of reoffense to
21 other people who have committed sexually violent crimes; is
22 that not correct?

23 A That's correct. That risk estimate doesn't say
24 anything about Mr. Hunt. It just says that individual who
25 have similar characteristics to Mr. Hunt re-offended at a

State v Hunt

Dr. Swan - Cross

2/22/17

145

1 low moderate risk.

2 Q All of those people -- I mean, if you're saying that
3 there's under reporting in Mr. Hunt's case, isn't there
4 going to be under reporting in everybody's case?

5 A Well, that's what I said. The actuarials
6 underestimate risk because Carl Hanson said there's under
7 reporting of sex crimes across the board.

8 Q But aren't you making a comparison between one person
9 who's committed one of these offenses and a pool of other
10 people who have committed these offenses?

11 A Well, the actuarials in general under estimate risk
12 because of under reporting. In Mr. Hunt's specific case, we
13 know that he had at least five other victims that he was not
14 sanctioned for. So he did not get points for that on the
15 Static-99 that would have elevated his score.

16 Q Are you aware of any type of programs that he
17 participated in while he's been in the South Carolina
18 Department of Corrections, other than SOTP?

19 A Let me see. I don't think I noted any. Since he's
20 been there for nineteen years, I'm assuming he took some of
21 the programs.

22 Q Did you inquire about any of them?

23 A Usually, it's in the records, but I don't see anything.
24 None of the programs in SCDC diminish risk for sexual
25 reoffense.

State v Hunt

Dr. Swan - Cross

2/22/17

146

1 Q Are you aware of all the programs that are --

2 A Pretty much, yes. The only thing that reduces sexual
3 recidivism risk is sex offender treatment specific or being
4 disabled to the point that you can no longer commit a sexual
5 crime.

6 Q Well, what are they going to learn? They're going -- a
7 relapse prevention program; is that not correct?

8 A Well, that's not the basis for the new programs. The
9 new programs are the Good Lives model and that's what
10 implemented in the new treatment program. And that's a very
11 well-rounded program to increase the quality of their life
12 in all areas, not just the sex offending. Because if they
13 learn appropriate ways to get their needs met in all areas
14 of their life, then it's less likely they're going to resort
15 to sexual offending.

16 Q So what types of topics are covered in those programs?

17 A Well, they do arousal management. They have building a
18 better life.

19 Q What is arousal management?

20 A Arousal management is teaching to diminish their
21 arousal to inappropriate targets and increase their arousal
22 to appropriate targets.

23 Q And you said then building a better life?

24 A Building a better life. They discuss -- where's my
25 treatment program and I'll tell you. They discuss all

State v Hunt

Dr. Swan - Cross

2/22/17

147

1 aspects of their life and how they were not getting their
2 needs met and how they were meeting it in appropriate ways
3 and how to get their needs met. They -- identify personal
4 risk factors in their sexual crimes, their offense pattern,
5 so that they can break the link. The barriers that they
6 have to treatment and the attitudes, behaviors that will
7 cause them not to be able to gain as much from treatment as
8 they should. They try to address self-management, social
9 functioning, distorted attitudes and beliefs, and then their
10 sexual interests. Those are the four main ones.

11 Q There have been other programs. There's a Rockwood
12 model; is that correct?

13 A Yes. They were previously using a modified Rockwood
14 Model, but they're not using it now.

15 Q But isn't it relapse prevention?

16 A Well, relapse prevention doesn't work. And that's what
17 the research showed, so that's why the treatment programs
18 have moved on to different models. There's a risk need,
19 responsivity, good lives model, so there are different
20 treatment models but the relapse prevention didn't work and
21 so they don't use it any more.

22 Q Would a faith-based program be helpful in this
23 situation?

24 A Well, I believe the faith-based program is really
25 important because the spiritual part of a person is really

1 important. It's not the be all end all. It has to be a
2 good comprehensive sex offender treatment. And there is
3 absolutely no treatment in the community that would be
4 intense enough to deal with Mr. Hunt's prolific offending
5 against children.

6 Q But they're only meeting three days a week; is that
7 correct?

8 A For sex offender specific. But they have programs
9 every hour of the day on some aspect that's related to their
10 sexual offending.

11 Q So what is the day like when you're in one of these
12 programs?

13 A Well, some of the individuals have jobs and develop
14 pro-social work skills. They have an interpersonal violence
15 module. They have substance abuse. They have different
16 programs that address different things for different
17 individuals and each person would have a treatment plan
18 developed specifically for him based on the factors in his
19 cases.

20 Q Is it important -- are they there the whole time? I
21 mean, in the program the whole time?

22 A Absolutely.

23 Q Can they leave the facility?

24 A Never, except for doctor's visits.

25 Q Why is that necessary?

State v Hunt

Dr. Swan - Cross

2/22/17

149

1 A It's a security risk.

2 Q And just to summarize, what is the current behavior
3 that Mr. Hunt has had. Any kind of behavior in the past two
4 years which has indicated that he would create a risk to
5 reoffend?

6 A The fact that he said that he continues to have
7 fantasies about his victims. That's a big risk factor.

8 Q That's it?

9 A Well, he's been in prison. He doesn't have access to
10 children in prison.

11 MR. FALK: I have no further questions.

12 THE COURT: Anything on redirect?

13 MR. MORROW: Briefly, Your Honor.

14 MR. FALK: If I may, Your Honor.

15 AMY SWAN - CONTINUED CROSS-EXAMINATION

16 BY MR. FALK:

17 Q This Southeastern assessment, you received that; is
18 that correct?

19 A I did.

20 Q Okay. And this is the one that you got from Mr. Burke;
21 is that correct?

22 A That's correct.

23 MR. FALK: We'd like to introduce it as evidence.

24 MR. MORROW: Objection, Your Honor.

25 THE COURT: What is it?

1 Q It is the assessment that you received from Dr. Burke
2 about his results of his PPG test?

3 A (Affirmative response)

4 THE COURT: Well, how you going to get that in? I
5 mean, that's part of the hearsay she uses to rely on forming
6 her opinion; right?

7 MR. FALK: Yes. We have hearsay on these other
8 documents that are still -- that she's relying on.

9 THE COURT: All right. What other documents are
10 you talking about, the warrant?

11 MR. FALK: Well, I mean, these three documents --
12 this document here is hearsay. That document's hearsay.

13 THE COURT: I don't know what you're looking at.

14 MR. FALK: Oh, I'm sorry. There's one from the
15 American Psychological Association. It's a hearsay
16 document. That's two documents on --

17 THE COURT: Once somebody admits hearsay then it's
18 open season.

19 What's your objection.

20 MR. MORROW: Your Honor, it's hearsay. It's not a
21 document that Dr. Swan authored herself. There's really no
22 proper foundation for the document to be moved into
23 evidence.

24 MR. FALK: And --

25 THE COURT: All right. I'm going to admit it.

State v Hunt Dr. Swan - Redirect 2/22/17 151

1 MR. FALK: Thank you, Your Honor.

2 COURT REPORTER: You want it as Defendant's 1?

3 MR. FALK: Defendant's 1.

4 (Defendant's Exhibit No. 1, PPG
5 results, was marked and entered.)

6 MR. FALK: No further questions.

7 THE COURT: All right.

8 Mr. Morrow.

9 MR. FALK: Briefly, Your Honor.

10 AMY SWAN - REDIRECT EXAMINATION

11 BY MR. MORROW:

12 Q Dr. Swan, let's talk about that PPG report?

13 A Okay.

14 Q Okay. When did you issue your amended report ???

15 A October 3rd, 2016.

16 Q And that amended report contained the PPG information?

17 A It did.

18 Q What was yesterday's date?

19 A Yesterday's date was February 21st, 2017.

20 Q So the Defense had that report for five months prior to
21 trial?

22 A That's correct.

23 Q Dr. Swan, you talked about the fact that there are no
24 children in prison. Let's talk about what he actually did
25 when he actually had access to children.

1 A Uh-huh. (Affirmative response.)

2 Q In the community his original offense was a lewd act on
3 a child; correct?

4 A That's correct.

5 Q And his second offense was -- that he was convicted of
6 was a criminal sexual conduct with a minor in the first
7 degree?

8 A That's correct.

9 Q So that's not only a pattern of repetition, but a
10 pattern of escalation?

11 A Absolutely. He escalated his offenses. And at the
12 time that he committed that criminal sexual conduct, he had
13 molested at least six other children at the same time. So
14 that's a definite escalation.

15 Q Thank you.

16 MR. MORROW: No further questions.

17 THE COURT: Anything else?

18 MR. FALK: No recross.

19 THE COURT: All right. Thank you, Doctor, you may
20 step down.

21 THE WITNESS: Thank you.

22 THE COURT: All right.. Mr. Attorney General,
23 anything further?

24 MR. MORROW: Nothing further from the State, Your
25 Honor. At this time the State would rest its case.

State v Hunt

2/22/17

153

1 THE COURT: All right. Anything?

2 MR. FALK: We would make our motion.

3 THE COURT: All right. Ladies and gentlemen, I
4 need to take up a matter of law with the attorneys. If
5 y'all will step back to the jury room. Please do not
6 discuss the case. We'll be with you momentarily.

7 (Jury out at 12:03 p.m.)

8 THE COURT: All right. Mr. Falk.

9 MR. FALK: We would move for a directed verdict.
10 The State has provided no evidence that he presents a
11 current risk to reoffend. The testimony of Dr. Swan was
12 based solely on -- as far as current evidence of any kind of
13 risk to reoffend, it's based on his statement that he still
14 thought about the three victims, but as far as she had
15 access to a PPG test, which completely disagreed with her
16 testimony which for whatever reason she failed to disclose
17 originally. But there is no -- the issue today is whether
18 or not he's at risk to reoffend tomorrow. There's plenty of
19 stuff that's bad that happened in 1999.

20 THE COURT: Well, didn't she testify that he is?

21 MR. FALK: Yes, Your Honor.

22 THE COURT: All right.

23 MR. FALK: That's my motion.

24 THE COURT: Mr. Morrow?

25 MR. MORROW: Your Honor, just that in a motion for

1 directed verdict, the court's concerned with the existence
2 of evidence and not its weight. In this case we have Dr.
3 Swan who testified that he is at risk to reoffend. She went
4 over her basis for that opinion. And there is evidence in
5 the record, from which the jury may decide whether or not
6 he's at risk to reoffend.

7 THE COURT: Well, all right. I'm going to deny
8 your motion. I'm going to find this really doesn't go to
9 the weight of the evidence. And she testified that he was
10 likely to reoffend based on whatever factors she testified
11 on. Whether they're something you agree with or disagree
12 with it will be what the jury determines.

13 All right. Are we ready to proceed?

14 MR. FALK: Yes, Your Honor.

15 THE COURT: All right. Bring the jury.

16 THE BAILIFF: Yes, Your Honor.

17 (Jury in at 12:07 p.m.)

18 THE COURT: All right. Ladies and gentlemen, you
19 heard the State rest, which means they've completed the
20 presentation of their case, their evidence in their case in
21 chief. The Defense now has the opportunity to proceed.

22 Mr. Falk, you may proceed.

23 MR. FALK: We call Dr. Taylor to the stand,
24 Charlotte Taylor.

25 (WHEREUPON, Charlotte Taylor was

State v Hunt Dr. Taylor - Direct 2/22/17 155

1 sworn to tell the truth.)

2 CHARLOTTE TAYLOR - DIRECT EXAMINATION

3 BY MR. FALK:

4 Q Dr. Taylor, what is your current profession?

5 A I'm a counseling psychologist.

6 MR. MORROW: Side bar, Your Honor.

7 (Off the record bench conference with counsel and the
8 Court.)

9 Q Dr. Taylor, what is your educational background?

10 A I have a -- can you hear me?

11 Q Yes?

12 A I have a undergraduate degree from Jacksonville
13 University in Florida; I have a master's degree.

14 Q What's your undergraduate degree in?

15 A Counseling and education. I have a master's degree in
16 counseling from the Citadel in Charleston, South Carolina.
17 I have a doctorate in counseling and psychology from the
18 University of Memphis in Tennessee. I'm certified by the
19 South Carolina Bar Association as a mediator. I'm certified
20 by Berkeley County Department of Social Services as a
21 Guardian ad litem. And I'm a nationally certified counselor
22 as well as counseling supervisor.

23 Q So you said that you have a Ph.D degree in counseling
24 and psychology?

25 A I have an Ed.D.

1 Q What is an Ed.D?

2 A It's a doctorate of education. It is -- rather than a
3 research degree, it is a hands-on degree.

4 Q And so what does -- and what is your degree in?

5 A Counseling and -- it's a major in counseling, minor in
6 psychology.

7 Q So have a Ph.D.; is that correct?

8 A I have an Ed.D.

9 Q An Ed.D?

10 A It's a doctor of education.

11 Q Okay.

12 A With emphasis on counseling and psychology.

13 Q Are you licensed as a psychologist?

14 A I'm licensed as a school psychologist. I'm licensed as
15 a national counselor, a South Carolina counselor, a South
16 Carolina counseling supervisor, a South Carolina provider
17 for educational opportunities for counselors and
18 psychologist. It may be helpful to look at the classes I
19 teach.

20 Q I'm not going to ask you any questions as an expert in
21 psychology. My sole purpose of this testimony is to talk to
22 you about the classes that you teach. And you have a degree
23 in teaching -- or you have a degree in counseling?

24 A I have one in both.

25 MR. FALK: Your Honor, we're not offering her as

State v Hunt Dr. Taylor - Direct 2/22/17 157

1 an expert in psychology. We're just offering her as an
2 Ed.D.

3 THE COURT: Are you offering her as an expert in
4 any area?

5 MR. FALK: No, Your Honor. As a fact witness.

6 THE COURT: Well, I guess if you're not offering
7 her as an expert, she's not offering any opinions?

8 MR. FALK: No, Your Honor.

9 MR. MORROW: No objection, Your Honor.

10 THE COURT: All right. Well, you can cross her on
11 any statements she may make, but no opinions.

12 Q And so what is your current -- do you do any volunteer?

13 A I do volunteer work in two prisons and I have a private
14 practice.

15 Q Which prisons are those?

16 A Lieber and Allendale.

17 Q And what is the course -- your volunteer work at
18 Allendale, what does that include?

19 A That includes life skills basic, life skills advanced,
20 and I teach psychology.

21 Q The life skills basic, what does that course include?

22 A If you'll give me a moment. It includes actions,
23 behaviors, consequences.

24 Q And what are you reading there?

25 A I'm reading the --

State v Hunt

Dr. Taylor - Direct

2/22/17

158

1 Q Is that like the syllabus of the class?

2 A No. This is the list that covers the syllabus and I
3 went to Columbia for approval to SCDC for the class.

4 Q So you teach these classes at Allendale; is that
5 correct?

6 A Yes, sir.

7 Q And they're approved by the South Carolina Department
8 of Corrections in your understanding?

9 A Yes, sir.

10 Q And what topics do you cover in that class?

11 A Actions, behaviors, and consequences.

12 Q What does that mean?

13 A That means if you engage in a certain action or
14 behavior, you must look at the consequences.

15 Q Let me back up three steps. Have you had an
16 opportunity to -- do you know my client, Mr. Hunt?

17 A Yes, I do.

18 Q What is the basis for knowing him? Was he in one of
19 these classes at Allendale?

20 A I began working with Mr. Hunt three years ago when he
21 was working with the animal advocates program and part of a
22 Christian-based Bible study program.

23 Q Okay. So now you were going through a description of
24 the topics that are covered in the classes you teach at
25 Allendale; is that correct?

State v Hunt

Dr. Taylor - Direct

2/22/17

159

1 A Yes, sir. He signed up for that class.

2 Q And did he complete that class?

3 A Yes, he did.

4 Q And what over course of period of time is that class
5 offered?

6 A The initial class was a year.

7 Q And so what's the frequency?

8 A Once a week.

9 Q For how long?

10 A A year with holidays off. The advanced class --

11 Q How long did each day --

12 A -- is six months.

13 Q How long each day?

14 A Two and a half hours.

15 Q Okay. And so these are modules that were covered in
16 this class that he took?

17 A Yes, sir.

18 Q Okay. What are some other of those topics that you
19 covered?

20 A Anger, aggression, assertiveness, cognitive
21 distortions.

22 Q What does that mean, cognitive distortions?

23 A The mind often, because it is so powerful, distorts
24 thinking so that reality becomes fantasy and is not
25 perceived or filtered appropriately.

1 Q Okay. What are some other topics?

2 A Communication skills.

3 Q And what does -- what's the goal of the communication
4 skills?

5 A It's to teach the inmates how to communicate
6 appropriately without emotionality with anyone with whom
7 they might come in contact.

8 Q And some of the other topics?

9 A Conflict resolution.

10 Q What do the inmates learn from that?

11 A They learn how to resolve differences without being
12 sanctioned because of inappropriate behavior. It piggybacks
13 on communication skills.

14 Q Please continue.

15 A And I might add, not to avoid differences, not to
16 approach in anger, but to communicate appropriately.
17 Decision-making skills. It's based on Glasser's what do you
18 want? What are you doing to get it? How do you evaluate it
19 based on what you're doing.

20 Q So each of these modules, would they be one class for
21 these?

22 A No. There would be several. Some two, some four, some
23 five.

24 Q Classes?

25 A Yes, sir.

State v Hunt

Dr. Taylor - Direct

2/22/17

161

1 Q Okay.

2 A Decision-making skills. If the plan is not working in
3 two weeks, with your monitor buddy, another inmate --

4 Q So what is the monitor buddy?

5 A The monitor buddy is an inmate with whom you have a
6 good relationship.

7 Q Did Mr. Hunt have a monitor buddy during this?

8 A Yes, he did.

9 Q And so these classes, it's two and a half hours. Are
10 there other inmates in the class at the same time?

11 A Yes, sir. This class had twenty.

12 Q Okay. And do the other inmates act to hold some
13 accountability for a particular inmate, that is, maybe if
14 he's deflecting?

15 A Yes.

16 Q You said decision-making. What are some of the other?

17 A Denial.

18 Q Denial of the offenses?

19 A Denial of offenses, denial of your behavior, if it's
20 inappropriate. Denial of who you present as opposed to who
21 you may be inside. May I give an example?

22 Q Yes?

23 A Mr. Hunt was schooled in educationally mentally
24 handicapped classes his entire life.

25 Q Is it typical for you to have that type of information

1 about the people in the classes?

2 A Yes.

3 Q Is that provided to you from the South Carolina
4 Department of Corrections?

5 A It's provided to me by the warden or the assistant
6 warden or the chaplains.

7 Q Thank you.

8 A He was in a self-contained. He was the first person I
9 assigned a buddy to because after two or three classes, it
10 was obvious, and I follow-up on Dr. Swan, his reading level
11 is 2.2.

12 Q So did you have to tailor your classes to meet his
13 educational abilities?

14 A No, sir. I connected him with a gentleman who has a
15 college degree and he was able to sit next to him and help
16 him.

17 Q So he acted like as a tutor almost?

18 A Yes, sir. They also have the homework assignments?

19 Q What did the homework assignments -- what did they
20 involve?

21 A Homework assignments might be doing an assessment,
22 which would involve drawing your family.

23 Q So some of their homeworks are designed for some type
24 of self-assessment?

25 A Homework is designed to learn as well as to do self-

State v Hunt

Dr. Taylor - Direct

2/22/17

163

1 assessment.

2 Q How long does it take to complete whatever homework? I
3 mean, what are they designed for? How long would you
4 expect?

5 A I would expect them to take at least twice as long as
6 class takes to finish their homework. Sometimes homework
7 might be a projected technique that I would interpret based
8 on my experience. Sometimes a homework assignment would be
9 writing a letter to the victim, which --

10 Q To be sent to the victim or just --

11 A No. It would not be sent. We would work through them
12 in class.

13 Q The assignment, you would through as a class. Would
14 they be read aloud to the rest of the class?

15 A I would never force any of the gentlemen to read them
16 out loud. Many of them chose to.

17 Q What are some other topics?

18 A Diversity and respect.

19 Q And that's another one?

20 A Forgiving myself. Forgiving others.

21 Q What's that one about?

22 A I discovered after six years of working in Allendale
23 that one of the things that is most difficult for many of
24 the inmates to do is forgive themselves for the things
25 they've done.

1 Q Why do you think that's important?

2 A I think it's important because we cannot move forward
3 in life as productive citizens unless we can recognize that
4 on the continuum of behavior, sins, whatever word you call
5 it, everyone fits at one place or another.

6 Q So after the forgiving yourself, what are some other
7 modules?

8 A Grief and loss. Many of the inmates that I work with
9 -- and I do individual therapy with inmates as well as group
10 therapy. Many of the inmates I work with experience deaths
11 of parents, children, siblings, spouses, while they're
12 incarcerated.

13 Q Why is that important to your class?

14 A Grief can be an all-consuming emotion that we simply
15 will not allow ourselves to get passed. And they are taught
16 the cycle of grief. They are given a book -- I buy them --
17 that gives them information they can read. It's a daily
18 meditation book about grief. I do small grief groups and we
19 learn to celebrate the life of the person we lost.

20 Q After the grief, what's --

21 A Health choices.

22 Q What does that relate to? Healthy eating, healthy
23 lifestyle?

24 A That's true, but it's other health choices. Who you
25 choose to spend your time. How you choose to spend your

State v Hunt Dr. Taylor - Direct 2/22/17 165

1 time. If you're a diabetic as Mr. Hunt is, how you monitor
2 -- if you're not on medication, which he's not -- how you
3 monitor your diabetes.

4 Q Some other topics?

5 A Personal power versus control over others.

6 Q What does that mean?

7 A Many inmates, because of -- I won't go into
8 backgrounds, but because of backgrounds, many inmates are
9 inclined to behave in a controlling manner. And certainly
10 sex offenders behave in a controlling manner.

11 Q Is that from an observation you had with working with
12 these people?

13 A No, sir. That's from my instruction.

14 Q In working with these --

15 A I have observed that as well, yes. Yes. But I was
16 taught by Sarah Shoe at the Medical University.

17 Q I just really want to go into your personal
18 observations --

19 A Okay. I'm sorry.

20 Q -- the classes you're teaching?

21 A Realistic life plan.

22 Q What is that?

23 A We develop a plan for what their short-term and long-
24 term goals are and each step along the way, including their
25 support system. At least two places where they may be

1 housed, more if possible. What will be a spiritual
2 foundation for them? What will be provided in terms of
3 belonging, whether it be people, places, things, activities,
4 hobbies, educational experiences they expect to engage in.
5 Those kinds of things.

6 Q Are there any other topics that you cover?

7 A Reality versus fantasy. I mentioned that before. It's
8 very important for people who have been locked up for
9 seventeen years to understand that they're not living a real
10 life. They are monitored 24/7, 365. And so I bring in
11 numerous examples of realistic lives. I bring in videos of
12 people who have already been released to talk about the
13 difficulties that they encountered and where they found
14 their support. I bring in information about jobs.

15 Q Did Mr. Hunt go through this entire program with you?

16 A Yes, sir. He did.

17 Q Did he do any other classes with you?

18 A Yes, sir. He did. He not only did --

19 Q So as far as his class, what was his participation?

20 A One hundred percent.

21 Q Were there ever times --

22 A Let me read you the last four.

23 Q Okay.

24 A Resiliency and rebuilding, responsibility and accepting
25 it. Thinking, changing, rearranging. That's toward the end

State v Hunt Dr. Taylor - Direct 2/22/17 167

1 of the class. It's a review of the cognitive distortions.
2 I apologize for not looking at you. Our minds are ninety
3 percent not used. I have to retrain people to look at the
4 crazy thinking in their heads. That sometimes we all have.
5 And stages of growth and development.

6 Q In your experience, did Mr. Hunt have any cognitive
7 distortions?

8 A No. Well, not at that point. Earlier he did. Earlier
9 in the class and in therapy -- may I have your permission to
10 speak freely. In therapy, which is confidential, even in
11 the prison unless someone is in threat of harm, his
12 cognitive distortions related to the number and type of
13 abuses he perpetrated upon his victims. I spent a great
14 deal of time, not just with Mr. Hunt, with several
15 gentlemen, individually and then in group -- because I
16 started out as an expert witness for victims. It's only in
17 the last six years --

18 THE COURT: Ma'am, we need to address the response
19 to the questions.

20 Q So you had some individual therapy with him?

21 A Yes, I did.

22 Q And how frequent would those sessions be?

23 A Weekly.

24 Q For what period of time?

25 A A year.

1 Q How many people were in those sessions?

2 A Twenty.

3 Q So the therapy was -- you had individual therapy with
4 --

5 A No, no, no, no. This is his class.

6 Q Oh, so you said you provided some individualized
7 therapy?

8 A I usually do five to six individual therapy sessions
9 and then put them in a group of six to eight people, because
10 more than that, you can't effectively work with.

11 Q So is this contact with him in addition to the contact
12 you had with him, as part of being in this class in this
13 case?

14 A Yes.

15 Q And were there similar types of topics?

16 A No.

17 Q What types of topics would you cover in your individual
18 therapy?

19 A In individual therapy, I took information I learned
20 from this class and invited or, in some cases they
21 approached me, the inmates to participate in therapy
22 regarding abuse in childhood, the death of a parent in
23 childhood, the loss of a spouse, their own topics.

24 Q What topics specifically did you discuss with Mr. Hunt?

25 A Okay.

State v Hunt Dr. Taylor - Direct 2/22/17 169

1 Q Just the topics?

2 A Abuse. Mr. Hunt did not go through this program with
3 me, but he did go through it.

4 Q So you said that -- so you did five or seven sessions
5 of therapy with him?

6 A Individually.

7 Q Individualized. And in addition to that, then once
8 you've gotten his therapy, then those people were in groups?
9 You said groups of six or seven, moderating those groups?

10 A Yes.

11 Q And you covered similar types of topics.

12 A I was going into deeper issue than you do in a class
13 with twenty.

14 Q Were they more designed to --

15 A Designed to hit the very things each member of the
16 group expressed, abandonment issues.

17 Q What type of progress did he make in the class?

18 A He's made significant progress.

19 Q What type of progress did he make during the therapy
20 sessions?

21 A Significant.

22 Q And these groups that area an off-shoot of that?

23 A It's important to note that I administered the Static-
24 99 to that group.

25 MR. MORROW: Objection.

1 THE COURT: Sustained.

2 Q I just want to know just specifically those classes you
3 were teaching. And so the groups, would that also be a
4 class that has homework?

5 A No.

6 Q No, I mean the individual --

7 A The group would be given homework.

8 Q Yeah, okay.

9 A Yes. Yes.

10 Q And so he did this one class that lasted a year; is
11 that correct?

12 A Yes.

13 Q And then he did -- that was an overlapping period of
14 time that he did the --

15 A Group?

16 Q -- the group?

17 A Yes.

18 Q And the individual therapy that you have provided?

19 A Yes.

20 Q Okay. When was the last time you met with him?

21 A Yesterday.

22 Q And was that still in the course of providing him
23 individualized therapy?

24 A I have met with Mr. Hunt periodically the entire time
25 he has been housed at the Orangeburg County Detention

State v Hunt

Dr. Taylor - Cross

2/22/17

171

1 Center.

2 Q And was the purpose of that providing additional
3 therapy?

4 A Yes, and assessment.

5 Q Is everybody -- you said you had twenty people in that
6 class at a time?

7 A Yes, sir.

8 Q Did everybody make significant progress in that class?

9 A No.

10 Q What were the factors, do you believe, that lead to
11 some people not making progress?

12 A I believe some people took the class to gain a
13 certificate. Periodically, I would have to meet one on one
14 with a class member because it was obvious they were not
15 taking the course seriously. This course is piggybacked on
16 a course taught at Clemson, that I taught at Clemson. And
17 it's important. These are important skills. So if the
18 person would not own their behavior, I would have to give
19 them a week or two to think about it, re-meet and decide
20 whether they felt the course was the right one for them or
21 not. Depending on their response, I would decide whether
22 they would continue with the course.

23 Q And did Mr. Hunt ever have that type of behavior?

24 A Mr. Hunt never had a single infraction the entire time
25 he was in Allendale -- in prison, period. Not limited to

1 but including masturbation.

2 Q And did you call him out ever for not participating in
3 the class?

4 A Never. He worked with a gentlemen whose name I will
5 not repeat, very bright, member of the Native American
6 population.

7 Q I have no further questions. Please answer any
8 questions Mr. Morrow may have.

9 CHARLOTTE TAYLOR - CROSS-EXAMINATION

10 BY MR. MORROW:

11 Q Dr. Taylor, now, you provided, I believe, it was two
12 voluntary life skills classes; correct? Is that what you
13 testified? One that lasted a year and the advanced class
14 lasted six months?

15 A That's correct. And they will start up again. I am
16 beginning -- I have begun teaching psychology. When it is
17 finished, it's a four-session ten-week class, I will start
18 life skills again.

19 Q Okay. And Dr. Swan's evaluation took place after the
20 completion of his life skills classes; is that correct?

21 A That's correct.

22 Q Thank you.

23 MR. MORROW: No further questions of this witness,
24 Your Honor.

25 MR. FALK: No redirect.

2 Y'all come up here just a moment, please?

5 MR. FALK: We would call Virginia Darby to the
6 stand.

9 VIRGINIA DARBY - DIRECT EXAMINATION

11 Q Are you related to Wake Hunt?

13 Q What's the age difference?

15 THE COURT: Ma'am, can I get you to speak up a
16 little bit, please. Speak into that microphone.

18 A He's forty-six and I'm forty-nine.

20 A Until I left home when I was eighteen years olds.

23 A Oh, sure. Yes.

24 Q What was your impression of what -- what was your
25 understanding of the school?

1 A Junior was always -- we call him Junior. He was always
2 in resource classes. I was more or less like his keeper in
3 school.

4 Q What is a resource class?

5 A He was not -- he couldn't grasp things like everyone
6 else. Everything was on a lower level than what he actually
7 -- that what his age was.

8 Q And you said that you were his keeper. What does that
9 mean?

10 A I kind of protected him in school because he got picked
11 at and bullied and I would always just kind of look out for
12 him.

13 Q Well, obviously, you are aware of everything that he
14 has pled guilty to?

15 A Yes.

16 Q Are you prepared to support him though?

17 A Oh, definitely.

18 Q What is your -- you'd provide him emotional support if
19 he's released?

20 A Oh, yes.

21 Q So have you -- does he drive a car?

22 A No. He used to.

23 Q Do you know if he will be able to get another driver's
24 license?

25 A He should be able to. He had to take a verbal --

State v Hunt

Ms. Darby - Direct

2/22/17

175

1 because he couldn't read the stuff, so he had to take a
2 verbal.

3 Q Okay. Do you work?

4 A Yes.

5 Q Where do you work?

6 A I'm an area coach for four different Taco Bells.

7 Q If he needs to get to a doctor's appointment, how would
8 he get that?

9 A I make my own schedule.

10 Q Okay. And where do you live?

11 A In Cordova, South Carolina.

12 Q Okay. And what county is that?

13 A Orangeburg County.

14 Q Okay. Have you talked to other family members about
15 this case?

16 A Yes, I have.

17 Q Are there other family members who are supporting him?

18 A Yes.

19 Q Do you have any understanding of what he can -- do you
20 know if he was ever receiving any social security
21 disability?

22 A He received SSI before he was incarcerated.

23 Q And what was your understanding of why he was receiving
24 SSI?

25 A Because he didn't work. I mean, he was just slower

1 than other people. And my mom always, you know, made sure
2 he got that to help support him.

3 Q So he applied for disability?

4 A Yes, sir.

5 Q Do you know if that was suspended while he was in
6 prison?

7 A It was because I called them and let them know that he
8 was incarcerated.

9 Q Okay. Do you have any understanding of whether or not
10 he'd be able to reapply for disability?

11 A He should be..

12 Q What about the other family members who you talked to
13 that are supporting, just by -- is brothers, sisters?

14 A Two sisters and a brother.

15 Q Okay. How many times did you visit with him while he
16 was in prison?

17 A As often as I could. There was one time when we would
18 go at least two times a month. There was a period of time
19 that I didn't go for a while because we had some death in
20 the family, and it seemed like -- we had a lot of death in
21 the family and it seemed like every time we go, we was
22 telling him something different. And one of them was
23 actually my son. So honestly, I didn't go for probably
24 almost a year and a half or something, because I just
25 couldn't face him at that time. I went to see him while

State v Hunt Ms. Darby - Cross

2/22/17

177

1 he's been here also, but I've been active doing that the
2 whole time he was gone. I mean, I sent him money. He could
3 call me. Whatever.

4 Q No further questions. Please answer any questions the
5 state may have.

6 VIRGINIA DARBY - CROSS-EXAMINATION

7 BY MR. MORROW:

8 Q Ms. Darby, Wake Hunt is your brother; correct?

9 A Yes, he is.

10 Q And you love your brother; right?

11 A Yes, I do.

12 Q You're aware that he was convicted in March 1994, lewd
13 act on a child?

14 A Yes.

15 Q And you would agree that incident took place in 1991
16 and 1992?

17 A Yeah. '92.

18 Q And you agree that the victim of that offense was

19 Female Complainant 1 ?

20 A Yes.

21 Q And you would agree that Female Complainant 1 was five-years-old?

22 A Probably about five. I'm not sure.

23 Q You would also agree that Female Complainant 1 is your brother,
24 Archie's daughter?

25 A Yes.

1 Q And that would make her your niece?

2 A Yes.

3 Q Now, at the time Wake Hunt committed these offenses, he
4 was living with your mother?

5 A Yes.

6 Q And were you also living in Orangeburg County at that
7 time?

8 A Yes, sir.

9 Q Okay. So you also lived nearby in 1991 and 1992?

10 A Yes.

11 Q And that he was sentenced to six years, suspended to
12 five years probation for that offense?

13 A Yes.

14 Q And then in 1999 he was charged again with sex
15 offenses?

16 A Yes.

17 Q And he ultimately pled guilty to criminal sexual
18 conduct with a minor in the first degree?

19 A Yes.

20 Q Okay. And the victim in that offense was another five-
21 year-old girl?

22 A Yes.

23 Q And he was sentenced to twenty years in prison for
24 that?

25 A Yes, he was.

State v Hunt Alan Hunt - Direct

2/22/17

179

1 Q And Mr. Hunt was also living with your mother in 1999;
2 correct?

3 A Yes.

4 Q And you also lived in Orangeburg County in 1999?

5 A Yes. I've always lived in Orangeburg County.

6 Q So you were around in 1999 as well?

7 A Yeah.

8 Q Thank you.

9 MR. MORROW: No further questions for Ms. Darby.

10 MR. FALK: No redirect.

11 THE COURT: All right. Thank you, ma'am. You may
12 step down.

13 MR. FALK: We would call Allen Hunt to the stand.

14 (WHEREUPON, Allen Hunt was sworn to
15 tell the truth.)

16 ALLEN HUNT - DIRECT EXAMINATION

17 BY MR. FALK:

18 Q Mr. Hunt, how are you related to Wake Hunt?

19 A He's my brother.

20 Q What is the age difference?

21 A A year.

22 Q Okay. Who's younger; who's older?

23 A He's older than I am.

24 Q He's older than you are?

25 A Yes, sir.

1 Q Are you currently employed?

2 A Yes, sir.

3 Q Where do you work?

4 A I work for Robert Elliott Trucking.

5 Q Are you -- do you support him emotionally?

6 A Yes, sir.

7 Q How often would you visit him while he was in custody?

8 A I didn't get to.

9 Q Would you be available to, if he needed a ride to --

10 A Yes, sir. I'll be living one mile from where he lives.

11 Q Okay. And is it your understanding that he used to get
12 Social Security income?

13 A Yes, sir.

14 Q If he's unable to get Social Security income, is there
15 any family support to help him financially?

16 A Yes, sir.

17 Q Who would that be?

18 A My three sisters and me.

19 Q That would be?

20 A Me and my wife and my three sisters.

21 Q Okay. And you are obviously aware of all the things
22 that he has --

23 A Yes, sir.

24 Q And you're aware that some of those victims of some of
25 those offenses that he pled guilty to were actually family

State v Hunt Alan Hunt - Cross

2/22/17

181

1 members of yours?

2 A Yes, sir.

3 Q And why do you still support him?

4 A I hate what he did, but I love my brother and I will
5 support him.

6 MR. FALK: No further questions.

7 ALAN HUNT - CROSS-EXAMINATION

8 BY MR. MORROW:

9 Q Wake Hunt is your brother; correct?

10 A Yes, sir.

11 Q And you testified you love your brother?

12 A Yes, sir.

13 Q And you're aware that Wake Hunt was convicted in March
14 1994 of lewd act on a child?

15 A I was not. I was not in the state at the time.

16 Q Were you aware in 1999 that he was charged with a
17 sexual offense?

18 A Yes, sir. I'd just got back.

19 Q Okay. And that was criminal sexual conduct with a
20 minor in the first degree?

21 A Yes, sir.

22 Q And the victim in that offense was a five-year-old
23 girl?

24 A Yes, sir.

25 Q Okay. And you were also living in Orangeburg County in

1 1999?

2 A Yes, sir.

3 Q And at the time in 1999 when he offended, Mr. Hunt was
4 living with your mother.

5 A Yes, sir.

6 Q Okay. Thank you.

7 MR. MORROW: No further questions for this
8 witness.

9 THE COURT: All right.

10 MR. FALK: No redirect.

11 THE COURT: All right. Thank you.

12 All right. Ladies and gentlemen, now we're going to go
13 ahead and break for lunch. I'm going to ask y'all to be
14 back here at 2:00. That'll give you about an hour and ten
15 minutes. Please do not discuss the case with each other or
16 with anyone else while you're gone. It's my understanding -
17 - I think we've got about one more witness and we'll be able
18 to get into arguing and charging after that. So y'all have
19 a nice lunch. Don't discuss the case and we'll see you back
20 here at 2:00 and please be prompt.

21 (Jury out at 12:49 p.m.)

22 THE COURT: All right. Y'all have a nice lunch
23 and we'll see you back here in an hour and ten minutes.

24 (Court in recess for lunch break at
25 12:49 p.m.)

State v Hunt

2/22/17

183

1 (Court in session after lunch break
2 at 2:00 p.m.)

3 THE COURT: Deputy, can we bring Mr. Hunt out.
4 Would you get them to bring Mr. Hunt.

5 We got them all?

6 THE BAILIFF: Yes, sir.

7 THE COURT: Well, let's get Mr. Hunt in here and
8 then we'll bring the jury in.

9 (Defendant Hunt enters courtroom.)

10 THE COURT: All right. Are y'all ready to
11 proceed?

12 MR. FALK: We are, Your Honor.

13 THE COURT: Mr. Morrow, you ready?

14 MR. MORROW: Yes, Your Honor.

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

16 THE BAILIFF: Yes, Your Honor.

17 (Jury in at 2:05 p.m.)

18 THE COURT: All right. Ladies and gentlemen, I
19 hope you had a nice lunch. If you recall when we broke, Mr.
20 Hunt was in the process through his lawyer of putting up
21 their case, so I call on Mr. Falk and ask him call your next
22 witness, please, sir.

23 MR. FALK: We'd like to call Mr. Hunt to the
24 stand.

25 THE COURT: All right.

State v Hunt

Wake Hunt - Direct

2/22/17

184

1 (WHEREUPON, Wake Hunt was sworn to
2 tell the truth.)

3 WAKE HUNT - DIRECT EXAMINATION

4 BY MR. FALK:

5 Q Mr. Hunt, what facilities have you been in at the South
6 Carolina Department of Corrections?

7 A I've been at Allendale, then they shipped me to Lee
8 County for four years, and then back to Allendale.

9 Q Okay. How long have you been in the Department of
10 Corrections?

11 A Sixteen years.

12 Q So you went in in -- the charges that you pled guilty
13 to, that was in 1999; is that correct?

14 A Yes.

15 Q But you were already arrested on the charges; is that
16 not right?

17 A Yes.

18 Q And so you were -- you didn't make bond; did you?

19 A No.

20 Q So you were in custody after the arrest?

21 A Yes.

22 Q And up through the trial?

23 A Yes.

24 Q And then you went to the department of corrections?

25 A Yes.

State v Hunt Wake Hunt - Direct 2/22/17 185

1 Q And then after the department of corrections, once you
2 served your sentence, where did you go?

3 A Back to the Orangeburg jail.

4 Q Here in Orangeburg?

5 A Yes.

6 Q About how long have you been there?

7 A About ten months.

8 Q Okay. So you've been nowhere else for the last --
9 since 1999; is that correct?

10 A That's correct.

11 Q While you were at -- let me just ask you something.
12 You had pled guilty in 1999; is that correct?

13 A Yes.

14 MR. FALK: If I may approach.

15 Q This has been marked as Exhibit 5, State's Exhibit 5.
16 Now, you didn't go to trial. You pled guilty; is that
17 correct?

18 A Yes.

19 Q And when you pled guilty, did the Judge ask you any
20 questions about making sure you understood what was going
21 on?

22 A A little bit.

23 Q For example, there's a box on here that's check that
24 says most serious offense. Do you know anything about what
25 that box -- did he explain to you what that box meant?

1 A No, he didn't.

2 Q Were you advised that there are some offenses that have
3 one strike or two strike?

4 A Yes.

5 Q And were you told that if you committed another serious
6 offense, something would happen?

7 A Yes.

8 Q What did they tell you?

9 A Life without parole.

10 Q Okay. So you understand that if you pick up another
11 charge, the consequences are going to be serious; is that
12 correct?

13 A Yes.

14 Q Now, while you were at Allendale, did you have an
15 opportunity to take any classes?

16 A Yes, I did.

17 Q What types of classes did you take?

18 A I was taking beekeeping, certified --

19 Q Beekeeping?

20 A Certified beekeeper.

21 Q And is that to learn a profession or --

22 A A profession.

23 Q Okay.

24 A And I took a quilting class; I learned that. I took
25 Jubilee Marketing?

State v Hunt

Wake Hunt - Direct

2/22/17

187

1 Q Jubilee Marketing?

2 A Yeah, for sex trafficking overseas, through Liz Glover.

3 Q I'm sorry. What was that?

4 A Liz Glover.

5 Q No, what is the class about?

6 A It's about sex trafficking overseas and all. We try to
7 help people.

8 Q Oh, I see. So did y'all raise money for them or --

9 A We raised a little bit of money and we did ten thousand
10 -- twenty thousand bracelets. One bracelet, one dollar, one
11 life we saved.

12 Q Oh, I see. So you made these bracelets?

13 A And we made clothing that's hand sewn. And we made
14 clothing. I did the art work for them and all.

15 Q Now, were you ever in the character dorm at Allendale?

16 A Yes, I was.

17 Q Tell me a little bit about that?

18 A The character housing unit, it's called CHU called the
19 character housing unit.

20 Q CHU, C-H-U?

21 A Yes. That means we take a different type of classes.

22 I took anger manager. I took beekeeping. I took life

23 skills, sustained living, anger management. The one class

24 Ms. Charlotte taught me. And I facilitate other classes. I

25 facilitate celebrate recovery. I --

1 Q You said you facilitate?

2 A I said teach celebrate recovery.

3 Q You taught the class?

4 A Yeah. I took the class and I went through the training
5 and I taught the class. And it was the art class I took
6 too.

7 Q What is celebrate recovery about?

8 A It's about different types of -- you've got anger,
9 different type of issues, you know, hurts, habit and hang-
10 ups.

11 Q Hurts --

12 A Habits and and hangups

13 Q -- habits and hangups?

14 A Yeah.

15 Q And who sponsors that class?

16 A A fellow named Lee out of Bamberg.

17 Q Okay. Is that faith-based? Is that church-based?

18 A Yeah. It's Cornerstone out of Bamberg County?

19 Q Did you say Cornerstone?

20 A Cornerstone out of Bamberg County.

21 Q Are you saying Cornerstone?

22 A Yeah.

23 Q Okay. And so you said this was celebrate recovery?

24 A Yeah.

25 Q How often did that meet?

State v Hunt Wake Hunt - Direct 2/22/17 189

1 A We meet every Friday. Small groups meets every Friday.
2 Then once a month or sometimes twice a month, we would have
3 a large group meeting.

4 Q Okay. And for what period of time?

5 A For one year, all year round.

6 Q Now, getting back to the character dorm, do you have
7 different levels of accomplishment?

8 A Yes.

9 Q And how do you know if you -- how did they designate
10 whether or not you passed a level? Do you get a color or --

11 A No, just a certificate.

12 Q Okay. And so did you get any certificates?

13 A Yeah. I got quite a few.

14 Q All right. So now the character dorm, what would
15 happen to somebody -- is everybody in Allendale in the
16 character dorm?

17 A They started with Bamberg, B-side, the A-side, then
18 Colleton. Different levels for different dorms.

19 Q When you say Bamberg and Colleton, those are dorms that
20 are out there; is that correct?

21 A Yeah. Yeah. And you got Barnwell and Hampton too.

22 Q Okay. Was it considered a privilege to get into the
23 character dorm?

24 A You have to work your way to it.

25 Q What do you mean by that?

State v Hunt

Wake Hunt - Direct

2/22/17

190

1 A You have to fill out an application. You got to be
2 disciplinary free. You can't get in no trouble.

3 Q You have to be disciplinary free, you said?

4 A Yeah. For about six months.

5 Q And what would happen if you picked up a disciplinary
6 infraction while you were there?

7 A They would send you to lockup or they send you to the
8 other dorm. Barnwell, A-side.

9 Q Was it -- was life any better in the character dorm
10 than it would have been in Barnwell, A-side?

11 A A whole lot better.

12 Q Why was there?

13 A I was taking so many classes. One day I take four
14 classes a day. And the people there, it was nice and clean
15 and just made you feel good that the people there really,
16 really care for you. The warden there will come in and see
17 what's going on. And he'll make sure you -- if you got any
18 questions, you can talk to him.

19 Q And you said that you got certificates as part of the
20 character dorm; is that correct?

21 A Yeah. Yeah.

22 Q What types of stuff did you have to accomplish? What
23 types of classes did you have to accomplish in order to get
24 a particular certificate?

25 A One year I went through Jump Start. I graduated and

State v Hunt

Wake Hunt - Direct

2/22/17

191

1 they pulled me in to be a leader, assistant leader through
2 Jump Start under Tim Terry.

3 Q Now, what is Jump Start?

4 A It's where you receive training to help you get jobs
5 and then help you get certain homes. If you don't got a
6 place to stay, they give you, help you -- they taught us how
7 to get a job and a house to stay at.

8 Q So back to -- did you have to take -- did you say you
9 took anger management classes?

10 A Anger management, manhood and character, the top three.

11 Q What did manhood mean?

12 A It means you have to step up, be like a man for your
13 family, your kids, and yourself.

14 Q What did you learn about the offenses that you pled
15 guilty to?

16 A Don't ever do it again and just stay out of trouble,
17 keeping myself occupied and busy.

18 Q The conduct that you pled guilty to, how do you think
19 it effected your victims?

20 A It hurt them real bad.

21 Q What do you mean by that?

22 A I hurt them and it hurt me too.

23 Q How did it hurt them?

24 A Because what I did was wrong, and I learned from my
25 mistakes.

1 Q And you said it hurt them as well?

2 A Yes, it did. And I was sorry, very sorry about it too.

3 Q Have you ever been the victim of any type of assault
4 when you were a child?

5 A Yeah.

6 Q What was that about?

7 A I used to get beat up on so often and I used to have
8 sexual abuse and other stuff like that.

9 Q Who were your perpetrators?

10 A I can't remember at the time.

11 Q Were they family members?

12 A Yeah. One of them was my oldest brother, Arthur.

13 Q That was Allen that testified here today; is that
14 correct?

15 A Yeah.

16 Q So how are you going to not be around children?

17 A I'm out in the country area, I'll be by myself and I'll
18 just stay by myself all the time.

19 Q Are you going to have any family around?

20 A I will have family members around?

21 Q Who would that be?

22 A Tilly and Anna Marie.

23 Q And who is Tilly?

24 A My oldest sister.

25 Q And who is Anna Marie?

State v Hunt

Wake Hunt - Direct

2/22/17

193

1 A My baby sister. And, you know, I'll have Ginny and
2 Allan too.

3 Q Are they in the courtroom today?

4 A Ginny and Allan's in here?

5 Q Okay. Were any of the classes that you talked about --
6 did any of the classes you take focus on any, like, relapse
7 prevention programs? What you were going to do so that you
8 wouldn't reoffend?

9 A I took that one class with Charles, Charles Sullivan
10 for a little while.

11 Q I beg your pardon?

12 A Charles Sullivan taught a separate class and I learned
13 some stuff from him too.

14 Q So you took this class that you took with Dr. Taylor?

15 A Yeah.

16 Q The people that were in that class, what had they been
17 convicted of?

18 A The same type of crime I was.

19 Q Same. So everybody in that class had some type of
20 sexual offense?

21 A Yeah.

22 Q Did you take any other classes that focused on sex
23 offender treatment?

24 A When I got to Allendale under Ms. Simpson and Ms.
25 Henderson.

1 Q And what was that?

2 A It was a sex class.

3 Q And how often would that meet?

4 A Once a week.

5 Q And for how long?

6 A About a couple hours.

7 Q And so that met once a week over what period of time?

8 A Four months.

9 Q Four months?

10 A Yeah..

11 Q What did you learn in that class?

12 A Just try to stay away from -- don't ever try it again,
13 do it again and try to focus on something else at the time.

14 Q When you were speaking with Dr. Swan, you remember
15 speaking with her?

16 A Yeah.

17 Q When you were talking about your fantasies, what did
18 you understand her question? What was she asking you about?

19 A I really didn't understand some of the questions at the
20 time. I tried to tell her I don't understand.

21 Q And what did she do when you told her that?

22 A I don't know. She just kept writing stuff down.

23 Q Do you think about things differently? She had said at
24 one time you spent eighty percent of your time fantasizing
25 about this and twenty percent -- were you talking about --

State v Hunt

Wake Hunt - Direct

2/22/17

195

1 is that your current -- is that currently what you
2 fantasize?

3 A No. Huh-Uh. (Negative response.)

4 Q What were you talking about there then?

5 A I was trying to tell her, I'm not into kids. I'm into
6 adults.

7 Q But did you tell her that you spent eighty percent of
8 your time fantasizing about fourth and fifth graders?

9 A No, no.

10 Q Or four and five-year-olds? Excuse me?

11 A No. Huh-uh. (Negative response.)

12 Q In 1999 and '98, did you have different fantasies?

13 A No.

14 Q Did you not fantasize about children back then?

15 A No, I didn't.

16 Q So when you were taking the -- you said you took a
17 four-month class in sex offender treatment?

18 A Yeah.

19 Q And that was in addition to the one-year class that Dr.
20 Taylor --

21 A Yeah.

22 Q How many people were in the other, the four-month sex
23 offender treatment program?

24 A About six or seven of us.

25 Q Okay. And what types of subjects did y'all cover?

1 A We had to write some questions down and answer them,
2 about the family and all. Wrote an essay about who we loved
3 the most and all. And I put my mother down on that.

4 Q Did you get awarded any certificates in any of these
5 classes?

6 A A few of them I did.

7 Q Do you recall which ones?

8 A The Jump Start ones.

9 Q And that was for completing the class; is that right?

10 A Yeah. And celebrate recovery. The blueprint class I
11 did.

12 Q What is the blueprint class about?

13 A It's about learning how to read a blueprint when you're
14 getting ready to build --

15 Q Oh, really, like engineering drawings?

16 A Blueprints, yeah.

17 Q Okay.

18 A And another one is the pet program.

19 Q Taking care of pets?

20 A Yeah. After I was out of Barnwell, Ms. Vicky Scott
21 hired me to take care of some dogs for her. I was one of
22 the lead dog handlers, one of the dog walkers, and the dog
23 pen worker. And I wash them and I learned how to groom them
24 and keep them clean and all.

25 Q Now, prior to your arrest, were you getting Social

State v Hunt

Wake Hunt - Direct

2/22/17

197

1 Security?

2 A Yes, I was.

3 Q And what's your understanding of why you were getting
4 Social Security?

5 A It was when the child's slow learning, you know. It
6 was through my dad.

7 Q So, I mean, you had -- they recognized you had a
8 disability, a learning disability and you were getting
9 Social Security?

10 A Yeah.

11 Q Or disability payments?

12 A Yeah.

13 Q And do you have any plans for reapplying for those if
14 you're --

15 A Yeah.

16 Q How much -- do you recall about how much money you were
17 getting?

18 A Four-o-seven a month.

19 Q And that was back in '99?

20 A Yeah.

21 Q Where would you work if you got out today?

22 A I'm going to try to go back to voc rehab.

23 Q Vocational rehab?

24 A Yeah.

25 Q Where would that be?

1 A On 21 Bypass.

2 Q In what city?

3 A Orangeburg.

4 Q And what is vocational rehab?

5 A It's training you how to make, build the pallet and do
6 different things like that.

7 Q Now, what kind of work did you have before you were
8 arrested?

9 A I delivered -- I worked under my sister-in-law's,
10 granddaddy's shop for a little bit. And before I got my
11 check I was working at voc. Rehab. I was doing pallets.

12 Q Oh, you were working at this before?

13 A Yeah. Before I got the check. And I was doing
14 pallets. I was doing lawnmower blades, different things
15 they had and I was doing.

16 Q What was your grade school education like? How far did
17 you go in school?

18 A Twelfth grade.

19 Q And did you get a diploma or a certificate or --

20 A I got a certificate.

21 Q Which meant that you went twelve years?

22 A Yeah.

23 Q Were you in any type of remedial classes?

24 A Yeah. I was.

25 Q Were most of your classes remedial classes?

State v Hunt

Wake Hunt - Direct

2/22/17

199

1 A Yeah. Most of them were remedial.

2 Q Were you ever given any type of diagnosis about a
3 learning disability?

4 A At one time I did.

5 Q And is that the -- is it your understanding that's the
6 basis for your Social Security that you were getting?

7 A Yeah.

8 Q Did you tell Dr. Swan that you still fantasize about
9 your victims?

10 A No, I don't.

11 Q Do you still think about them?

12 A No, I don't.

13 Q You don't think about them all?

14 A No, I don't --

15 Q I mean not sexually. Is it ever on your mind?

16 A I just think about them as kind of a family member that
17 one day I can help them understand.

18 Q But you recognize that you caused them pain?

19 A Yeah.

20 Q Is there anything that you can do about that?

21 A Just ask them to forgive me and I'll forgive them
22 because I learned forgiveness is a very important thing
23 because God has changed my life over so much.

24 Q How so?

25 A Because I went through -- God put me in that place for

State v Hunt

Wake Hunt - Direct

2/22/17

200

1 a reason, to rehabilitate myself, to help me to get through
2 the rough times.

3 Q God put you in what place?

4 A Prison.

5 Q To rehabilitate yourself is what you're saying?

6 A Yeah. And I took Bible classes. I went to church. I
7 was part of the church. I was a usher at two different
8 areas.

9 Q So these are churches that --

10 A In prison. And I just want to do some good for people,
11 helping someone's that can't get out, to help somebody that
12 needs help who can't get out and cut their grass, rake their
13 yard or something. That's what I want to do, keep busy.

14 Q I'm sorry. How are you going to help these people?

15 A Rake their yard.

16 Q Oh, I see.

17 A And cut their grass and stuff for them.

18 Q For people who can't do that for themselves?

19 A Yeah.

20 Q Do you know how many hours of instruction you would do
21 or classes you had to take in order to get a certificate
22 level when you were at the character housing unit?

23 A You got to go six months for each class. And that's
24 how I got one there. It was three hundred and eight hours
25 of class. I ain't got my other certificate now, but I think

State v Hunt

Wake Hunt - Direct

2/22/17

201

1 I've got over four thousand hours of class.

2 Q This is all at Allendale?

3 A Yeah.

4 Q As part of the character dorm?

5 A Yeah.

6 Q And are Dr. Taylor's classes included in that or is
7 that separate?

8 A They included. Included.

9 Q And you have done some one-on-one counseling with Dr.
10 Taylor?

11 A Yes, I have.

12 Q Has that been helpful?

13 A It has.

14 Q And how has it been helpful?

15 A She's always been there for me, encouraged me, and I
16 know she's praying for me and I pray for her every day,
17 because I know how she is. She's got a good heart.

18 Q And do you think that you've learned anything in the
19 other classes that she taught you?

20 A Yes, I have.

21 Q Obviously, you've committed offenses against part of
22 your family; is that correct?

23 A Yeah.

24 Q But they're still family that's important to you; is
25 that correct?

1 A Yes.

2 Q And they're going to testify that they love you; is
3 that correct?

4 A Yeah.

5 Q Assuming that you can get Social Security money again,
6 you'd have a means of income; is that correct?

7 A Yeah.

8 Q And you have worked at vocational rehabilitation
9 before; is that correct?

10 A Yes.

11 Q And so it's your expectation you'd be able to do that
12 again?

13 A Yeah.

14 Q You're going to have a year of probation; is that
15 right?

16 A Yeah.

17 Q Community service?

18 A Yeah. Supervision.

19 Q Community supervision?

20 A Yeah.

21 Q If you're told through that that you need to get sex
22 offender treatment, what would you do?

23 A I would go to class out there and take it.

24 Q And are you going to be on any type of ankle monitor?

25 A For six months.

State v Hunt Wake Hunt - Cross

2/22/17

203

1 Q For six months?

2 A Yeah.

3 Q And then you're going to have to register as a sex
4 offender; is that correct?

5 A Yeah.

6 Q I have no further questions. Please answer any
7 questions Mr. Morrow has.

8 WAKE HUNT - CROSS-EXAMINATION

9 BY MR. MORROW:

10 Q Mr. Hunt, you would agree that you pled guilty to lewd
11 act on a minor on March 10th, 1994?

12 A Yes.

13 Q And you would agree that the victim in that case was a
14 five-year-old female?

15 A Yes.

16 Q And that the actual crime occurred in 1991?

17 A Yeah.

18 Q Okay. And you would agree that you were given a
19 probationary sentence?

20 A Yes.

21 Q So you got a break?

22 A (Nods head affirmatively.)

23 Q And you agree that in 1999 you were charged with
24 criminal sexual conduct with a minor in the first degree?

25 A Yes.

1 Q Okay. You would further agree that you pled guilty to
2 that one count of criminal sexual conduct with a minor in
3 the first degree?

4 A Yes.

5 Q And the victim in that case was five-years-old?

6 A Yes.

7 Q The victim in your first case, again, she was niece?

8 A Yes.

9 Q And you received a twenty year sentence for that second
10 offense; correct?

11 A Yes.

12 Q So you pled guilty in 1994 and you got probation?

13 A Yes.

14 Q So you got a break. But then you went out and two
15 months after your probation ended, you committed another
16 offense?

17 A Yeah.

18 Q Let's talk about -- you mentioned something earlier --
19 you talked about all these classes and all this work that
20 you've done since you've been in prison, you've never had a
21 behavior, other than these sexual offenses when you were on
22 the outside; did you?

23 A No.

24 Q Okay. You did everything you were supposed to do in
25 school; right?

State v Hunt

Wake Hunt - Cross

2/22/17

205

1 A Yeah.

2 Q So how is that any different?

3 A Well, when I was attending classes, it helps me to
4 better see myself to when I do get out, that I'll be, if I
5 can learn to help somebody that needs help.

6 Q But, again, when you were on the outside, you still had
7 no conduct problems; correct?

8 A Right.

9 Q And then while you were in prison you were in the
10 character unit because you didn't have any conduct problems;
11 correct?

12 A Right.

13 Q Okay. Mr. Hunt, have you ever driven a car before?

14 A Yeah.

15 Q You had to pass a test in order to do that; right?

16 A Yeah.

17 Q Okay. You also mentioned a guy by the name of Charles
18 Sullivan?

19 A Yeah.

20 Q He taught you the sex offender treatment course?

21 A Yeah, for a little while.

22 Q And Charles Sullivan's another inmate?

23 A Yeah. He's in some type of program out there on the
24 street.

25 Q Would it surprise you to learn that Charles Sullivan is

State v Hunt Wake Hunt - Redirect

2/22/17

206

1 committed to the sexually violent predator treatment
2 program?

3 A Yeah. He told me.

4 Q Okay. Thank you.

5 MR. MORROW: No further questions of this witness,
6 Your Honor.

7 THE COURT: Anything?

8 WAKE HUNT - REDIRECT EXAMINATION

9 BY MR. FALK:

10 Q When you were on probation the first time, had you
11 taken any of these classes that you took -- you didn't take
12 any of those when you were on probation the first time, did
13 you?

14 A No.

15 Q So all of the classes you took all occurred after you
16 were arrested the second time and went to prison?

17 A Yeah.

18 MR. FALK: No further questions.

19 THE COURT: Anything?

20 MR. MORROW: Nothing further from the State, Your
21 Honor.

22 THE COURT: All right. Thank you. You may step
23 down, Mr. Hunt.

24 MR. FALK: We have nothing further.

25 THE COURT: All right. Anything in rebuttal?

State v Hunt Dr. Swan - Recall Direct 2/22/17 207

1 MR. MORROW: Yes, Your Honor.

2 THE COURT: All right.

3 MR. MORROW: The State would call Dr. Amy Swan to
4 the stand.

5 THE COURT: Dr. Swan, I would remind you, you're
6 under oath.

7 THE WITNESS: Yes, sir.

8 AMY SWAN - DIRECT EXAMINATION

9 BY MR. MORROW:

10 Q Dr. Swan, you were present in the courtroom for all of
11 Dr. Taylor's testimony?

12 A Yes, I was.

13 Q Okay. And did any of that testimony effect your
14 opinion in any way?

15 A It did not.

16 Q And why is that?

17 A Life skills is a wonderful course. In fact, we
18 actually have it at the Florida Civil Commitment Center. I
19 think everyone that's incarcerated should have that course
20 because it helps them build a better life. But it has no
21 component that addresses sex offender issues. There's no
22 arousal management, which is a critical part of sex offender
23 treatment. It doesn't help them to understand why they
24 committed their offenses, doesn't help them understand their
25 offense cycle and the chain of their offenses so that they

State v Hunt Dr. Swan - Recall Cross 2/22/17 208

1 can break that chain. It merely addresses peripheral
2 issues, which are important for every one, but it's very
3 important that someone who is a sex offender have sex
4 offender specific treatment. General classes do not
5 diminish risks for committing another sexual crime.

6 Q Dr. Swan, is it still your opinion to a reasonable
7 degree of psychological certainty that Mr. Hunt meets the
8 definition of a sexually violent predator?

9 A Absolutely.

10 Q And is it still your opinion that he needs treatment in
11 a secure facility for long term control, care and treatment?

12 A Absolutely.

13 Q Thank you, Dr. Swan. Please answer any questions the
14 Defense may have.

15 THE COURT: Anything?

16 MR. FALK: Briefly.

17 AMY SWAN - CROSS-EXAMINATION.

18 BY MR. FALK:

19 Q Do you know anything about the sex offender treatment
20 program that started at Allendale?

21 A I don't know specifically about that. But the fact
22 that it lasted four months would not been nearly sufficient
23 for someone who had committed as many sexual crimes as Mr.
24 Hunt. In fact, the research says that no sex offender
25 treatment no matter how well designed or implemented on a

State v Hunt Dr. Swan - Recall Cross 2/22/17 209

1 short-term basis will effectively control a child molester.

2 Q And if you were doing an evaluation, would it not be
3 important to know exactly what type of sex offender
4 treatment he'd gotten to this point?

5 A It was. And I know basically what phase I is. That's
6 a psycho educational component that tells them what they
7 expect that they'll be doing in phase II. But it is not a
8 comprehensive treatment program. It can be because each
9 phase only lasts six months, if that. And it's not nearly
10 enough to curtail a child molester.

11 Q Well, there's been testimony that he participated in
12 SOTP or whatever that was, sponsored by the South Carolina
13 Department of Corrections?

14 A Right. For four months.

15 Q And that he also participated in another class in
16 Allendale; is that correct?

17 A That's what they said.

18 Q And you don't know anything about the specifics about
19 that class at Allendale.

20 A I have seen the content of those classes. And I've
21 talked with individuals who've had the classes, but sex
22 offender treatment in SCDC is not sufficient to stop a
23 prolific child molester. As I said, good sex offender
24 treatment of the intensity that he needs takes years.

25 Q Thank you.

State v Hunt

2/22/17

210

1 MR. FALK: No further questions.

2 THE COURT: Anything?

3 MR. MORROW: Nothing further. Thank you, Your
4 Honor.

5 THE COURT: Thank you. And you may step down.

6 All right. Anything further from the State?

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

9 THE COURT: All right. Ladies and gentlemen, we
10 have now concluded the presentation of all the evidence in
11 the case and the next phase of the trial is where we --
12 lawyers are given an opportunity to speak to you again.
13 They'll make their closing arguments. Before we do that,
14 we're going to take a short break, so -- to let the lawyers
15 kind of collect their thoughts for a few minutes and let you
16 go back and relax. We're not going to be long, five to ten
17 minutes, and then we'll bring you back and we'll go through
18 the closing arguments and the charge. Don't discuss the
19 case while you're back in the jury room, please.

20 (Jury out at 2:37 p.m.)

21 THE COURT: All right. Anything we need to talk
22 about?

23 MR. FALK: I would renew my motion for directed
24 verdict and any other trial motions and objections that I've
25 made.

State v Hunt

2/22/17

211

1 THE COURT: All right. For reasons stated
2 previously I find there is some evidence that your client is
3 a sexually violent predator, and there's evidence that he
4 needs to be placed in a secure facility so that he can
5 receive treatment. The other motions you made, other than
6 your efforts to attempt to impeach the -- based on a
7 criminal -- an evaluation she had done on somebody else and
8 given statements at a trial or hearing?

9 MR. FALK: Yes, Your Honor.

10 THE COURT: Well, I think you got what you wanted
11 in anyway, but clearly in order to impeach a witness she's
12 going to have to deny she ever said it and she acknowledged
13 she said it based on your cross-examination of her. You got
14 to show her what you wanted to show her anyway.

15 All right. We'll take a few minutes. How long you
16 think you're going to be?

17 MR. MORROW: Not very long, Your Honor.

18 MR. FALK: Not very long.

19 THE COURT: All right. Well, we'll come back in
20 five minutes or so and -- you've seen the State's proposed
21 charge that they've provided --

22 MR. FALK: Can we make it one ---

23 THE COURT: It's a secure facility?

24 MR. FALK: Yes.

25 THE COURT: All right.

State v Hunt

2/22/17

212

1 (Court in recess for a short
2 break.)

3 (Court in session after short
4 break.)

5 THE COURT: All right. We ready to go?

6 MR. MORROW: Yes, Your Honor.

7 MR. FALK: Yes, Your Honor.

8 Bring the jury in.

9 THE BAILIFF: Yes, Your Honor.

10 (Jury in at 2:50 p.m.)

11 THE COURT: All right. Ladies and gentlemen, as I
12 told you we're at the stage where the lawyers have another
13 opportunity to speak to you. And then I will give you the
14 charge and we will turn the case over to you. So with that
15 said, are the attorneys ready?

16 MR. MORROW: Yes, Your Honor.

17 MR. FALK: Yes, Your Honor.

18 THE COURT: If you would, please.

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

20 THE COURT: Yes, sir.

21 STATE'S CLOSING

22 BY MR. MORROW:

23 Wade Hunt is a sexually violent predator. The Defense
24 in this case wants you to believe that Wade Hunt is a man
25 who made a mistake and he's paid for that mistake. And the

State v Hunt

2/22/17

213

1 big bad State is unfairly putting Mr. Hunt through this
2 trial. Let's think about a mistake for a moment. A mistake
3 can happen to anyone. You might, for example, forget to
4 attend a really important appointment or you might share
5 something a friend told you in confidence to someone else.
6 You might even forget to pay a bill when it's due. Those
7 are all mistakes and they all have consequences. However,
8 there is a difference between making one mistake and
9 repeating the same mistake over and over again. Repetition
10 of a mistake shows a pattern of behavior. If you forget
11 about an important appointment once, that's a mistake. If
12 you repeat that mistake again, you're unreliable. If you
13 accidentally share something a friend told you in confidence
14 once, that's a mistake. If you repeatedly share things that
15 people tell you are in confidence, you're a gossip. If you
16 forget to pay a bill once it's due once, that's a mistake.
17 If you repeatedly don't pay your bill, you're going to get
18 your stuff repossessed and you'll face real consequences for
19 that act. Repetition is evidence of a pattern of behavior,
20 especially repetition after you've faced the consequences
21 for that mistake once. This case is an example of
22 repetition and escalation.

23 Wake Hunt sexually molested his five-year-old niece in
24 1991. He took advantage of a five-year-old girl who had no
25 ability to consent to his behavior, who trusted him. He was

1 her uncle. Yet he was so drawn to a five-year-old girl, he
2 could not help himself and chose to violate that trust and
3 offend against her. He was arrested for that offense. He
4 went to -- he pled guilty. He was sentenced. And in that
5 sentence he got a break. He was sentenced to a probationary
6 sentence. And what happened two months after he got off
7 probation? He offended again. This time he offended
8 against seven children. He's admitted to that to Dr. Swan.
9 He was ultimately convicted of one count of criminal sexual
10 conduct with a minor in the first degree.

11 Now, criminal sexual conduct with a minor in the first
12 degree is escalation from his original offense. In the
13 State of South Carolina criminal sexual conduct with a minor
14 in the first degree requires penetration. He forced a five-
15 year-old girl to perform oral sex on him.

16 No, ladies and gentlemen, the State isn't being unfair
17 to Mr. Hunt. Mr. Hunt has demonstrated that he is a
18 sexually violent predator through his behavior. That
19 pattern of behavior is a sexual attraction to children and a
20 complete inability to control that attraction. The only
21 thing that stopped Mr. Hunt from reoffending is the fact
22 that he went to prison and there aren't any little children
23 in prison. Mr. Hunt simply can't stop. He couldn't stop in
24 1991 when he molested his niece and stole her innocence. He
25 couldn't stop in 1999 when after having been put on

State v Hunt

2/22/17

215

1 probation, he offended again. He cannot stop and he is a
2 sexually violent predator. And we're here today because the
3 State is seeking the civil commitment of Mr. Hunt to a
4 secure facility for long-term control, care and treatment.

5 Now, in order to have him committed the State has to
6 prove two elements. First, that he was convicted of a
7 sexually violent offense. You're going to have those
8 offenses to look at. They've been entered into evidence.
9 You're going to get to see that. The State has proven it's
10 elements in that case. Second, the State has to prove that
11 he suffers from a mental abnormality or personality disorder
12 that makes him likely to reoffend sexually.

13 Now, the burden of proof that we bear in this case is
14 proof beyond a reasonable doubt. And, again, I tell you
15 that's not beyond all doubt or any doubt or any conceivable
16 doubt. Proof beyond a reasonable doubt is proof that leaves
17 you firm convinced. There are a few things that we can be a
18 hundred percent sure on in our lifetime, ladies and
19 gentlemen, but if you are firmly convinced that Mr. Hunt is
20 a sexually violent predator, then you must find the verdict
21 for the State.

22 The State has provided you with evidence. First, we
23 have provided you with copies of his sexually violent
24 convictions. You'll have those to look at. The State has
25 also provided you with the testimony of Dr. Amy Swan, a

State v Hunt

2/22/17

216

1 court-appointed evaluator who has been a practicing
2 psychologist for nineteen years with a doctorate in clinical
3 psychology. She has licenses in Florida, Missouri and South
4 Carolina. Over nine hundred and ten hours of post-doctoral
5 education in the area of sex offenders and two hundred and
6 eighty-nine hours of post-doctorate education in the area of
7 sex offender recidivism. She has multiple memberships in
8 professional organizations and has worked with sex offenders
9 directly for over 28 years. She's also the former head of
10 the Florida civil commitment treatment center, Florida's
11 version of the SVP treatment unit. She went over the
12 methodology of her evaluation. She reviewed his records.
13 She interviewed -- not just his criminal records but all
14 these records that we have provided. She interviewed Wake
15 Hunt. She conducted a penile plethysmograph test on him.
16 Now, she didn't put that in her original report and we
17 discussed that. We told you about that. The State did in
18 or own direct examination. We weren't trying to hide that.
19 We told you that she did conduct this PPG but she didn't
20 include that in her original report and she didn't because
21 it showed he was attracted to rape and she felt that that
22 was an outlier of her overall examination. She also
23 conducted a risk assessment, using actuarial measures
24 similar to how insurance companies determine premium rates,
25 the Static-99R. And in that Static-99R, she found that he

State v Hunt

2/22/17

217

1 scored in the average risk to reoffend. But she also
2 explained to you the weaknesses of the Static-99R. They
3 underestimate risks to reoffend because of the fact that
4 sexual crimes are grossly under reported in this country.
5 And we, in fact, know in this case through Mr. Hunt's own
6 admission that he's committed seven assaults, but only
7 convicted of two. So how did she address the weaknesses in
8 that Static-99R? She looked at the dynamic risk factors
9 that Mr. Hunt has for reoffense. First, that he has a
10 sexual interest in prepubescent children. Well, he's been
11 convicted twice for crimes of children under the age of six.
12 He's been accused of offending against eight total children.
13 And he admitted to Dr. Swan he touched seven of them. He
14 also admitted to Dr. Swan he was attracted to children. He
15 also manifested those dynamic risk factors over a prolonged
16 period of time. She also talked to you about her diagnosis
17 of pedophilic disorder. She was talking about what that
18 was, what the requirements are for someone to be diagnosed
19 with pedophilic disorder. Those requirements are that he
20 had sexual interest in prepubescent children, which we went
21 over. That that sexual interest went on for a period of at
22 least six months. Well, a period of time between 1991 and
23 1999 is longer than a period of six months, so he meets that
24 criteria. And it also manifests itself by fantasies or his
25 behavior.

1 His behavior speaks for itself. He's been convicted
2 twice. And his urges, behaviors, he admits to having
3 fantasies about children currently. It's in his interview
4 with Dr. Swan. She also diagnosed him with borderline
5 intellectual functioning. That's an IQ between the range of
6 71 and 84. That's below average intelligence, ladies and
7 gentlemen. It's not mental retardation. He could drive a
8 car. He could dress himself. He can go to the bathroom by
9 himself. He can make decisions for himself and the court
10 found him competent to stand trial. Now, she went over the
11 criteria that would be required for him to be considered
12 mentally retarded and how he doesn't meet that criteria.
13 Finally, she addressed the -- whether or not his likely to
14 reoffend sexually if not committed for treatment. She
15 looked at again the Static-99 risk factors. We talked about
16 the weaknesses of that. And she also looked at his dynamic
17 risk factors. So six total dynamic risk factors apply to
18 Mr. Hunt. Offense, attitudes, emotional congruence with
19 children, lack of emotional intimate relationships with
20 adults, the lifestyle impulsiveness, poor problem-solving
21 skills and dysfunctional coping. She went through each one
22 of those and talked about how they applied to Mr. Hunt.

23 Now, let's talk about what you heard from the Defense.
24 You heard from Dr. Taylor who said that she volunteers at
25 Allendale Correctional Facility to provide life skills

State v Hunt

2/22/17

219

1 training classes. She did provide those life skills
2 training classes to Mr. Hunt. But you also heard from Dr.
3 Swan how that did not change or alter her opinion in any
4 way. You also heard from Alan Hunt. Alan Hunt is Wake
5 Hunt's brother. He loves him. He wants him to get -- he
6 wants him out. And the same is true for his sister. And I
7 do not doubt their sincerity when they say that they love
8 their brother, but they cannot watch him twenty-fours a day,
9 seven days a week. And they cannot prevent him from seeing
10 children. Let's think about that for a moment, ladies and
11 gentlemen. How many times have you been somewhere where
12 there aren't any children around? There are children
13 everywhere. When you go to the grocery store. When you go
14 anywhere. To do the things he basically needs to survive,
15 he's going to have to see some children on a daily basis.
16 So his plan to avoid reoffending by avoiding children
17 altogether, simply isn't realistic.

18 Finally, you heard from Wake Hunt. Wake Hunt testified
19 that he -- he admits that he offended in 1999. One, he
20 admits he was given a break in 1991 and given a probationary
21 sentence. And he admits that he went ahead and offended
22 again despite getting that break. He also stated that he
23 did all these classes while he was in prison. That's great
24 except for when I cross-examined him you heard about how he
25 never got in trouble for anything, other than sex offending

State v Hunt

2/22/17

220

1 when he was out of prison. This isn't changing any of his
2 behaviors. It's continuing on his good behavior, other than
3 sexual offenses against children while he was on the inside.
4 The only thing to stop Mr. Hunt from offending against
5 children was the fact that he went to prison.

6 And so fairness -- that's what Mr. Falk discussed in
7 his opening statement. He suggested the State wasn't being
8 fair to Wake Hunt. Nothing could be farther from the truth.
9 The State is not seeking to punish Mr. Hunt for his mistake.
10 The State to seeking to civilly commit Wake Hunt. Through
11 his own actions he has demonstrated a sexual attraction to
12 children and an inability to control that attraction to
13 children. He has re-offended against children. He has
14 demonstrated he is not scared of the consequences of
15 offending, and he re-offended after having already been
16 placed on probation once. In fact, he escalated his
17 offenses. In 1999, he stop with molestation. In 1999, he
18 forced a five-year-old girl to perform oral sex on him. He
19 has demonstrated through his actions that he will reoffend
20 again, that he is a sexually violent predator and the State
21 has proven that he is a sexually violent predator. The
22 State asks you to find that Wake Hunt is a sexually violent
23 predator and commit him to the South Carolina sexually
24 violent predator treatment unit so that he can get the
25 treatment that he so desperately needs and to protect the

State v Hunt

2/22/17

221

1 children of the State of South Carolina during the treatment
2 process.

3 THE COURT: Mr. Falk.

4 MR. FALK: May it please the Court?

5 THE COURT: Yes, sir.

6 DEFENSE CLOSING STATEMENT

7 BY MR. FALK:

8 Ladies and gentlemen, I did ask or tell you that the
9 only thing that we're looking for here is fairness.
10 Consider whether or not you spend eighteen years in prison,
11 come within six months of getting out, only find out that
12 you potentially could spend another six years in a confined
13 facility. But the real reason why I don't think that it was
14 fair, is in order for it to be fair, he had to be evaluated
15 by a fair and unbiased doctor. The court appointed Dr. Swan
16 to do the evaluation in this case. I want you to consider
17 whether or not she was truly be fair with him, being fair
18 with you and being fair with the rest of the court in her
19 evaluation here. And what we do know about Dr. Swan is she
20 was four thousand dollars for completing each one of these
21 evaluations. We also know that she said that she did about
22 fifteen of them under this contract that she has with the
23 State. She could not name one person who she evaluated
24 where she said that that person did not need to be committed
25 to the program. I listed fifteen cases that I had over

1 there. Each time, she said that the person needed to be
2 committed. Now, I appreciate that all the facts are
3 different in every case, but you have to consider whether or
4 not it's fifteen times -- she can't remember any time that
5 she has said that the person did not need to be committed.
6 She always commits. So is that a fair -- is that an
7 unbiased person or is that somebody who we know is going to
8 give the answer that the State's looking for. She's going
9 to give the answer. She can be relied on to give the answer
10 and say that the person needs to be committed. Now, she
11 acknowledge -- I asked her five or six names of people in
12 South Carolina who are competent to give these types of
13 evaluations. And I talked to her about some names. And she
14 said, oh, yeah. I'm familiar with that person. I'm
15 familiar with that person. I'm familiar with that person.
16 These are all people within the State that could have done
17 this evaluation and the State goes all the way to Florida to
18 pull Amy Swan and come up here, Dr. Amy Swan to come up here
19 and do this evaluation. You want to know why? The State
20 knows where they need to go in order to get a commitment
21 recommendation. They can count on her to commit. That's
22 why they don't use anybody else in the State of South --
23 they didn't use any of those five or six names. They go to
24 Amy Swan. They have a contract with Amy Swan because they
25 can count on Amy Swan making a commitment. And let's

State v Hunt

2/22/17

223

1 consider maybe what length Dr. Swan's going to go in order
2 to generate a report, which is going to support her
3 recommendation that the person needs to be committed. We
4 already know that she had been -- and just as recently --
5 she might have been practicing since -- maybe for nineteen
6 years. But as recently as 2014, she gets called on the
7 carpet for committing an ethical violation. She used some
8 type of testing method, methodology, some type of test she
9 performed, and you heard her testify that she was told that
10 she did not use that method properly. She put too much
11 emphasis on a test that was since outdated. And, also, it's
12 important to remember in that case is that she was
13 testifying against the person. And as a result of her
14 testimony, as a result of her maybe breaching one of the
15 ethical lines, that person was committed to the sexually
16 violent predator program in Florida. So what other lengths
17 will she -- we already know that if she has to, in the past,
18 she's sort of bent the rules in order to get a commitment.
19 We also know that she had a PPG test done on Mr. Hunt. And
20 this test is an extremely invasive test where they hook up a
21 probe onto his genitalia and they show him images and they
22 look to see how he responds to these images. Now, when she
23 did her report in July, she didn't results of that test in.
24 She's given an explanation. She thought she was just being
25 fair to my client. That's why she didn't put the results

1 in. She also said that the reason why she prepared the
2 second report was because Mr. Morrow told her to. So I'm
3 not sure if she was ever going to put that in the report had
4 somebody not told her to do it. Now, was it being fair?
5 Let's consider about whether or not it's being fair. That
6 report completely contradicted her diagnosis. It said he
7 did not have any pedophilic arousal. He did not have any
8 coercive pedophilic arousal, no pedophile rape. She
9 diagnosed him as a pedophile. She goes, hooks this man up
10 to this machine. And the reason why she testified about
11 that is because, you know, there's this notion that maybe
12 you can say one thing but your body's going to do something
13 else. So she hooks this man up to the machine and he
14 doesn't respond to any pedophilic stimuli. No pictures of
15 little girls. And I appreciate this. None of this is
16 pornography, but none of that stimuli that is intended to
17 arouse a response from somebody who is a pedophile, when
18 he's exposed to that, he did not respond to it. He did not
19 -- and it showed that he had a negative factor for
20 pedophilic arousal and negative value for pedophilic rape.
21 He did not respond to it. Now, how is Dr. Swan being fair
22 when she's going to prepare a report and she's not going to
23 tell the other side that this guy's -- I hooked this guy up
24 to this test, this test that's designed that's been used for
25 a long time. It's designed to sort of get the peoples'

State v Hunt

2/22/17

225

1 inner urges. And it doesn't support my diagnosis, so I'm
2 not going to put it in the report. She said that it was
3 going to maybe -- it would possibly prejudice him because it
4 said he had some other interests. And granted those are not
5 positive interests, but the point is she also said at other
6 times when the report -- when the PPG test would have come
7 back and it would have said the person had more victims than
8 she initially thought, she put it in the report at that
9 time. And the other thing is she took the stand in
10 Dorchester County and I asked her did you give Mr. Hunt the
11 PPG test. And she says no. She said I didn't give him the
12 test because I didn't think he needed it. Now, why did she
13 give him the test. Why didn't she tell us about the test
14 that Mr. Morrow told her to amend her report. I'm telling
15 you the reason why she didn't do it is because she didn't
16 want to put out any evidence that was going to be contrary
17 to her conclusion, the conclusion that she started. With
18 from her first question to Mr. Hunt, she decided what her
19 result was going to be. She wasn't going to put down any
20 information that was going to contradict or question her
21 results. Is that fair. She's not the lawyer for the State.
22 She's supposed to be the unbiased person who's just supposed
23 to give all the information out so that you all can have an
24 opportunity to listen to it. But she made an effort not to.
25 And it was only until the State told her she needed to that

1 she finally published his diagnosis, and it did not support
2 her original -- excuse me -- the results of her report, the
3 PPG test completely contradicted her results. And she tried
4 to say well, it's just an outlier. It doesn't really
5 matter. It's not part of my diagnosis.

6 Mr. Hunt has family support. Family support's
7 important in this case. He has committed offenses. And at
8 the very beginning I told you he did bad stuff in 1999. He
9 did horrible things in 1999. And you find out that these
10 offenses are against members of his family. I am sure that
11 some of these people here are members of the family who
12 aren't supporting him. We have two members of the family
13 who stood up and faced the other side of the family and
14 said, yes, I still love my brother. I still love him and
15 I'm going to support him. So I think that's a testament to
16 how strong the support. He has some family support.

17 And Dr. Swan talked a lot about how bad Mr. Hunt was in
18 1999, but she really could not point to any type of conduct
19 or anything that's happened in the last nineteen years that
20 would support her diagnosis today. So what is the current
21 conduct that he's done that would make you all believe that
22 tomorrow he would be a sexually violent predator. He would
23 commit another sexually violent crime. I can tell you that
24 the one difference from when he pled guilty the first time
25 and got probation to today, I'll tell you there's a lot of

State v Hunt

2/22/17

227

1 differences. First of all, he had sex offender treatment
2 program that was offered by the department of corrections.
3 He completed that with good participation. He had another
4 sex offender treatment program that was offered, that was at
5 Allendale. He took extensive other types of classes, the
6 ones that Dr. Charlotte Taylor talked about. He went
7 through eighteen years of prison without a disciplinary
8 offense. Right now today he knows that if he commits
9 another offense, he's going to be subject to life without
10 parole. He's going to get LWOP, life without parole because
11 of the prior offenses. He's going to have until April 2018,
12 he's going to be on probation. So there's going to be
13 somebody monitoring him until then. He's going to be
14 wearing a GPS tracking device for six months. He's going to
15 be a sex offender. He's going to be registering with the
16 sex offender registry. So there's a lot of difference
17 between who he was in 1999 and who he is today. He's taken
18 a lot of classes. First of all, you can't sit in prison for
19 eighteen years and not be a different person than you were
20 when you went in. You have an opportunity to reflect on
21 what you've done. You have an opportunity to -- he's taken
22 some classes. He's taken a lot of classes. He took four
23 thousand hours worth of classes. He's had two sex offender
24 treatment programs. And Dr. Swan thinks without really
25 knowing that much about the particular programs that he

State v Hunt

2/22/17

228

1 took, she just says that well, the studies say that they're
2 not good enough.

3 That is a reasonable doubt in this case. I think in
4 Dr. Swan's opinion there's plenty of room for reasonable
5 doubt. Her opinion is based solely on actions that he took
6 in -- nineteen years ago. She basically discredits --
7 anything that could have been positive in the last nineteen
8 years, she doesn't want to even consider. Dr. Swan has
9 already proven that she can cross an ethical line whether
10 it's by mistake or whatever, but she can cross an ethical
11 line if that's what's necessary in order to get a
12 conviction. We know that she is the go-to person. That she
13 gets four thousand dollars for each one of these cases. The
14 State goes all the way down to Florida to bring her up here
15 to testify. She's a guaranteed commitment. She never has -
16 - she did not say any case when she had said that the person
17 did not need to be committed to the program. Where's other
18 doubt? The fact that she did not put this PPG test in the
19 original -- in her original report and only did it after the
20 State to prepare a new report and include the results, I
21 think it shows that she was trying to hide any information
22 that was not consistent with what her diagnosis was. When I
23 asked her about it in another trial, when she was standing
24 on a witness stand just like this after having been sworn, I
25 asked her whether or not she'd ever given Mr. Hunt a PPG

State v Hunt

2/22/17

229

1 test and she said no. She explained her answer by saying
2 well, I forgot, I didn't understand or she was hiding it.
3 Those are two alternative possibility. Mr. Hunt has spent
4 eighteen years in prison. That's about a third of his life.
5 Of course Mr. Hunt is not the same person he was nineteen
6 years ago and Dr. Swan knows that. He's taken classes.
7 He's learned about his illness. He's taken classes. He's
8 had seventeen, eighteen years to reflect on it. But I think
9 the most telling thing is, is that when they hooked him up
10 to the PPG test he did not show any type of arousal to
11 pedophile. Any type of arousal to children, boys or girls,
12 any ages. He did not respond to that. He had other
13 responses. He did not respond to that. Dr. Swan knows that
14 he's not a pedophile because the best example that -- the
15 best evidence really, the most current evidence is a PPG
16 test that she gave him last year that said that he does not
17 respond to juveniles, to children, to little girls, to
18 little boys. He does not respond to that. She knows he's
19 not a pedophile.

20 He's spent plenty of time in prison. He has paid the
21 price for his crime. It's time for him to go. I hope if
22 you really consider the evidence, consider whether or not
23 there's some reason to question whether or not Dr. Swan's
24 opinion is truly fair and unbiased. I think if you give
25 some consideration to the fact that she's just a paid gun

State v Hunt

2/22/17

230

1 that comes up here from Florida to give her result and that
2 she doesn't want to tell us anything that's inconsistent
3 with her result, we're going to think about well, is that
4 really the kind of doctor I want to go to? Is that the kind
5 of doctor I want to put my children's care in? Is that the
6 kind of doctor I want do, is if I go to a doctor who conduct
7 a test and doesn't tell me the results of the test? I don't
8 think that's the kind of doctor I want. I don't think
9 that's the kind of doctor that should be making the decision
10 that's going to have an impact on Mr. Hunt's future. So at
11 the end of the day, Mr. Hunt asks that this jury treat him
12 fairly, and to consider all the evidence, I am confident
13 that you will decide that he is not a sexually violent
14 predator. Thank you.

15 THE COURT: Anything else?

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

17 COURT'S CHARGE

18 THE COURT: All right. Ladies and gentlemen,
19 Madam Forelady, members of the jury, it is now my duty as
20 the trial judge to instruct you as to the law that is
21 applicable in this case. It is your duty as jurors to
22 accept and apply the law as I will now state it to you.

23 The State of South Carolina has brought this case under
24 the sexual predator act. Now, the State seeks the civil
25 commitment of Wake Hunt, the Respondent, for long-term

State v Hunt

2/22/17

231

1 control, care and treatment in a secure facility. This is
2 not a criminal proceeding seeking incarceration, but rather
3 is a proceeding seeking civil commitment. The State of
4 South Carolina alleges or claims that the Respondent 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 Mr. Wade Hunt is a sexually violent
10 predator. If the State is unable to meet this burden of
11 proof as to one or more of the elements of this claim, the
12 Respondent is entitled to a finding that he is not a
13 sexually violent predator.

14 Now, members of the jury, I want to make sure that you
15 understand that Wake Hunt is not accused of committing a
16 crime in these proceedings. As you heard from the
17 testimony, he did have previous charges, for which he was
18 sentenced by the Court. Mr. Hunt has now completed this
19 sentence for those charges and the State is now alleging
20 that Mr. Hunt is a sexually violent predator. The State has
21 the burden of proof in this case and must prove its case
22 beyond a reasonable doubt. Again, if you find that the
23 State has failed to meet this burden and find the Respondent
24 is not a sexually violent predator he will be released. But
25 if he is found to be a sexually violent predator, he will be

1 committed to a secure treatment facility operated by the
2 State of South Carolina.

3 Now, during this trial you and I have had separate
4 duties to perform. As the trial judge it's my
5 responsibility to preside over the trial and I also have the
6 duty to rule upon the admissibility of the evidence offered
7 during the course of this trial. In that regard, you are to
8 consider only the competent evidence before you and you are
9 to disregard from your mind any testimony, which was not
10 permitted during the progress of this trial. You are to
11 consider only the testimony, which has been presented from
12 the witness stand, together with any exhibits admitted into
13 the record and any stipulations of counsel, which may have
14 been made in the record. Furthermore, I have the additional
15 duty to charge you on the applicable law of this case. And
16 in that regard, I am the sole judge of the law. It is your
17 duty to accept and apply the law as I state it to you. If
18 you have any preconceived ideas as to what the law is or
19 what you think the law should be, and it does not agree with
20 what I tell you the law is, you are obligated under your
21 oath to abandon those preconceptions because you are sworn
22 to accept the law precisely as I now state it to you. In
23 this trial you are the sole and exclusive judges of the
24 facts and I am the judge of the law. Do not infer that I
25 have any opinion about the facts of this case from anything

State v Hunt

2/22/17

233

1 that I have said during the course of this trial in ruling
2 upon the admissibility of evidence or otherwise, or from
3 anything that I now say during the course of this charge to
4 you. In this regard, the law simply does not permit me to
5 have an opinion about the facts.

6 As jurors, it is your duty alone to determine the
7 effect, the value and the weight of the evidence presented
8 during the course of this trial. Now, while argument of
9 counsel is a beneficial part of every trial, you should
10 remember that the statements made by counsel during the
11 course of the trial are not evidence. In presenting
12 arguments, counsel often refer to evidence. However, you
13 should base your verdict on the evidence as you remember it.
14 Therefore, if there are any conflicts between the
15 recollection of counsel about the evidence and your own
16 recollection, you should rely on your own understanding of
17 the evidence.

18 Now, ladies and gentlemen, in most civil cases tried in
19 the Court of Common Pleas, which is civil court, the burden
20 of proving a claim is by the preponderance or the greater
21 weight of the evidence. However, in this type of case under
22 this particular statute, the State's burden is greater than
23 that. Here it must be beyond a reasonable doubt.

24 As already stated to you, the State has the burden of
25 proof. Under the law of this state, according to sexually

1 violent predator statute, the State must prove its case to
2 the standard of proof beyond a reasonable doubt. If the
3 State fails to meet this high burden, then you must find Mr.
4 Hunt is not a sexually violent predator.

5 What is a reasonable doubt? Proof beyond a reasonable
6 doubt is proof that leaves you firmly convinced that Mr.
7 Hunt is a sexually violent predator. Ladies and gentlemen,
8 there are very things in this world that we know with
9 absolute certainty. And in this type case, the law does not
10 proof that overcomes every possible doubt. If, based on
11 your consideration of the evidence you are firmly convinced
12 that Wake Hunt is a sexually violent predator, then you must
13 return a verdict for the State. If, on the other hand, you
14 think there is a real possibility that he is not a sexually
15 violent predator, you must give him the benefit of the doubt
16 and return a verdict for Mr. Hunt. Reasonable doubt may
17 arise from the evidence that is in the case or from the lack
18 of evidence in this case. It is up to you to determine
19 whether or not reasonable doubt exists in this case.

20 Now, there are two types of evidence, which are
21 presented during a trial, direct evidence and circumstantial
22 evidence.. Direct evidence is the testimony of a person who
23 claims to have actual knowledge of a fact, such as an
24 eyewitness. It is evidence which immediately establishes
25 the main fact to be proved. Circumstantial evidence is

State v Hunt

2/22/17

235

1 proof of a chain of facts and circumstances indicating the
2 existence of a fact. It is evidence which immediately
3 establishes collateral fact from which the main fact may be
4 inferred. Circumstantial evidence is based on inference and
5 not on personal knowledge or observation. It is proof that
6 does not actually establish the fact in question, but that
7 asserts or describes something else from which you may
8 either reasonably infer the truth of the fact, or at least
9 reasonably infer an increase in the probability that the
10 fact is true. For circumstantial evidence to be sufficient
11 to warrant the finding of a fact, the circumstances must
12 lead to that fact with reasonable certainty. The facts and
13 circumstances should be considered in light of ordinary
14 experience and common sense. The existence of a fact cannot
15 be based on speculation, surmise or conjecture. The law
16 makes absolutely no distinction between the weight or value
17 to be given either direct or circumstantial evidence, nor is
18 a greater degree of certainty required of circumstantial
19 evidence than of direct evidence.

20 Now, in determining what the facts in this case are,
21 you must judge the credibility, which simply means the
22 believability of the witnesses and the value of the weight
23 to be given to their testimony. You alone must decide the
24 force, effect and truth of the testimony. In making this
25 decision, there are many things that you may and should take

1 into consideration, such as the appearance and manner of the
2 witness on the stand, a characteristic often referred to as
3 the demeanor of the witness. You should consider was the
4 witness forthright or was the witness hesitant. Was the
5 witnesses testimony consistent or did it contain
6 discrepancies? You should consider what was the ability of
7 the witness to know the facts about which he or she
8 testified. And you should consider was there some reason a
9 witness would want to give testimony, which would help or
10 hurt one side or the other. In other words, was the witness
11 biased or prejudiced? Was the testimony of the witness
12 reasonable when considered in light of all of the evidence
13 in the case and in light of your own experience and common
14 sense. And was the testimony of the witness corroborated or
15 made stronger by other testimony and evidence or was it made
16 weaker or impeached by such other testimony and evidence.
17 As jurors, please understand you have the right to believe a
18 small portion of a witness testimony and disregard the
19 larger portion or vice versa. You may believe all of a
20 witnesses testimony or none of the testimony. You may
21 believe the testimony of a single witness against that of
22 many witnesses or the other way around. However, you do not
23 determine the truth merely by counting the number of
24 witnesses who may have testified for one side or another.
25 The fact that a witness is not controverted does not mean

State v Hunt

2/22/17

237

1 you must accept it as true and undisputed. You still must
2 gauge the credibility of the witness to determine the
3 believability or truth of the facts offered.

4 In exercising your mental processes and attempting to
5 decide how to reach a verdict, the law simply requires that
6 you exercise your good judgment, your common sense, your
7 sense of logic and reason and your experiences in life.
8 Then you apply these attributes to the evidence and apply
9 the law as I am going to state it to you and thus arrive at
10 your verdict.

11 Now, during the course of the trial you heard the
12 testimony of an expert witness. The rules of evidence
13 ordinarily do not permit witnesses to testify as to opinions
14 or conclusions. Instead, they can testify as to the facts
15 that they perceive, such as what they saw, smelled, heard or
16 touched. However, an exception to this rule exists for what
17 we call an expert witness. A witness who has special
18 knowledge, skill, experience, training or education in a
19 particular field may state an opinion as to the relevant and
20 material matters in which the witness claims to be an
21 expert. In determining the weight to be given such an
22 opinion, you should likewise consider the qualifications and
23 credibility of the witness and the reasons given for the
24 opinion. You are not bound by such an opinion. Rather, you
25 should give it the weight, if any, which you think it

1 deserves. The value and effect of an expert's testimony is
2 a matter to be solely estimated by you, the jury. No
3 opinion of an expert can be accepted in and of itself as
4 truthful or reliable. What must be weighted by you and
5 convince your judgment beyond a reasonable doubt and with
6 the same force and effect as any other fact proved in this
7 case before you can rely on it. You must consider expert
8 testimony in the same manner as you do any other testimony
9 and give it such weight as you believe it entitled when
10 considered with all the other evidence in the case. Such
11 testimony is given for the purpose of helping you and not
12 for the purpose of controlling your judgment.

13 Now, Madam Forelady and members of the jury, the
14 elements which the State must prove beyond a reasonable
15 doubt are that the Respondent has been convicted of a
16 sexually violent offense. I charge you that criminal sexual
17 conduct in the first degree and lewd act on a minor are both
18 sexually violent offenses. And secondly, the State must
19 prove beyond a reasonable doubt that the Respondent suffers
20 from a mental abnormality or personality disorder that makes
21 him likely to engage in acts of sexual violence if not
22 confined in a secure facility for long-term control, care
23 and treatment. Inherent in these two elements is that the
24 State must prove the requirement that the Respondent's
25 mental abnormality or personality disorder causes him

State v Hunt

2/22/17

239

1 serious difficulty in controlling his behavior. In other
2 words, the State must prove beyond a reasonable doubt that
3 the individual it seeks to commit suffers from a mental
4 illness, which he cannot sufficiently control without the
5 structure and care provided by a secure facility, rendering
6 him otherwise likely to commit a dangerous act.

7 In order for you to better understand the elements of
8 the State's cause of action, I am going to define for you
9 some of the terms that I have used. Mental abnormality
10 means a mental condition affecting a person's emotional or
11 volitional capacity that predisposes the person to commit
12 sexually violent offenses. This mental abnormality or
13 personality disorder must cause Mr. Hunt serious difficulty
14 in controlling his behavior. Likely to engage in acts of
15 sexual violence means the person's propensity to commit acts
16 of sexual violence is of such a degree as to pose a menace
17 to health and safety of others, so that he is a danger to
18 others. Again, I remind you that the burden of proof is on
19 the State to prove to your satisfaction beyond a reasonable
20 doubt that the Respondent has been convicted of a sexually
21 violent offense, as I have instructed to you. And also
22 suffers from a mental abnormality or personality disorder
23 that makes him likely to engage in acts of sexual violence
24 if not confined in a secure facility for long-term control,
25 care and treatment. If the State carries its burden of

1 proof and convinces you beyond a reasonable doubt as to each
2 of the two elements of its cause of action, it is entitled
3 to a finding that Mr. Hunt is a sexually violent predator.
4 If the State does not meet that burden of proof as to one or
5 both of these elements, the Respondent is entitled to a
6 finding that he is not a sexually violent predator.

7 Now, Madam Forelady and ladies and gentlemen of the
8 jury, as you retire to begin your deliberations, I wish to
9 express the hope that each of you will be mindful in the
10 importance of your responsibility. You are not called upon
11 to serve as jurors very often and the proper performance of
12 the duty requires each of you to reach the height of freeing
13 your mind of all improper influence. As the presiding
14 officer of this court, I am vitally concerned that whatever
15 verdict you will find will be result of your going into that
16 jury room and confining your considerations to the evidence
17 and the law that you have heard in this courtroom, weighing
18 it fairly and impartially as I have every confidence you
19 will do. Your verdict cannot be based on sympathy,
20 compassion, prejudice or emotion or some other consideration
21 not found in the evidence. Your verdict must be unanimous.
22 In a moment, I will explain to you the verdict form and the
23 possible verdicts.

24 Now, Madam Forelady, as I told you your verdict and the
25 verdict of this jury must be the unanimous verdict of all

State v Hunt

2/22/17

241

1 twelve jurors. It cannot be eleven one or nine three. It
2 has to be the unanimous verdict of all twelve jurors.

3 Now, there are two possible verdicts that you can reach
4 in this case and I have prepared a verdict form here, which
5 sets forth these two possible verdicts. You should not
6 concern yourself about what goes first on this verdict form
7 or what goes second on the verdict form, because something
8 has to go first and something has to go second. But the two
9 possible verdicts are yes, Wake Hunt is a sexually violent
10 predator or no, Wake Hunt is not a sexually violent
11 predator. So your verdict has to be one of those two
12 verdicts. And as I said, again, your verdict has to be the
13 unanimous verdict of all twelve jurors.

14 Now, in just a moment, I'm going to let you go back to
15 the jury room, but I'm going to ask that -- all but he
16 alternate. If you'll remain with us, Madam Alternate -- but
17 do not begin your deliberations. I must review with the
18 attorneys the charge that I just gave you to determine
19 whether they believe I either failed to instruct you
20 something that I should have or I instructed you incorrectly
21 in some manner. If they convince me that I need to make
22 further instructions or correct any instructions, I will
23 bring you back and give you those instructions immediately.
24 If not, I will have the bailiff bring this verdict form to
25 you, along with all exhibits that have been introduced into

1 this trial, and when you receive them, you can begin your
2 deliberations.

3 Now, when you have reached your verdict, Madam
4 Forelady, the verdict of the jury, I'm going to ask you to -
5 - there's a blank by each one of the potential verdicts. To
6 one, check that verdict form and sign or initial right by
7 it. I'm also going to ask you to sign this verdict form as
8 foreperson of the jury and to date the verdict form. Once
9 the jury has reached its verdict and you have completed this
10 verdict form, if you will advise the bailiff, who will be
11 seated outside the jury room that you have reached a
12 verdict, we will bring the jury back in so that the verdict
13 can be published.

14 All right. If y'all will step back to the jury room.
15 Do not begin your deliberations, I will be with you
16 momentarily.

17 (Jury out at 3:46 p.m.)

18 THE COURT: All right. Madam Alternate,
19 apparently they survived the process and we're going to be
20 able to proceed without you. But as you noticed early-on we
21 did lose a juror and so we needed to make sure that we had
22 some. And if you'll hold on one second, I'll find out what
23 we're going to do with you.

24 Madam Clerk, how many juror do we have that we will be
25 calling back in to come in, in the morning?

State v Hunt

2/22/17

243

1 I assume that we have -- all of the questions we asked
2 are basically the questions for this case. So we won't --
3 unless somebody knows the Respondent in the next case, which
4 if they do, we probably will be at a minimum number of
5 people, but we won't know if we'll be able to keep all the
6 jurors.

7 Have you got over thirty?

8 THE CLERK: Yes, sir. I've got over thirty.

9 THE COURT: Well, I'm just going to bring that
10 panel in. I don't know what this panel's going to do but,
11 you know, if they're deliberating into the morning, then, at
12 least we'll have that other panel to pick the jury.

13 All right.

14 Ms. Bagasra? Is that how you pronounce it?

15 JUROR NO. 25: Yeah. Bagasra.

16 THE COURT: All right. I thank you for your
17 service. And what I'm going to do, I'm going to turn you
18 loose for the week.

19 JUROR NO. 25: Oh, thank you.

20 THE COURT: And let you go about your business.
21 Again, on behalf of both the State and the Respondent in
22 this matter, I thank you for your service. And I hope
23 you've realized how critical you are to the whole process.

24 JUROR NO. 25: Yes, sir.

25 THE COURT: And if you get the opportunity to do

1 this again, you will avail yourself to do so.

2 JUROR NO. 25: Yes, sir.

3 THE COURT: Unfortunately, you can't do it again
4 this year, but anyway, thank you again. You are free to
5 leave and you have a nice remaining portion of the week.

6 (Alternate juror excused at 3:49
7 p.m.)

8 THE COURT: All right. Anything from the State
9 with respect to the instruction?

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

11 THE COURT: Anything from the Respondent?

12 MR. FALK: Nothing, Your Honor.

13 THE COURT: All right. If y'all will get our
14 trusty court reporter here and make sure we've got all the
15 exhibits and here's the verdict form.

16 (Jury deliberating at 3:50 p.m.)
17 (Court in recess await verdict.)

18 (Court in session for verdict at
19 4:20 p.m.)

20 THE COURT: All right. It's been reported that
21 the jury's reached a verdict, they have reached a verdict.
22 Is the State ready to receive the verdict?

23 MR. MORROW: Yes, Your Honor.

24 THE COURT: Are you ready to receive the verdict?

25 MR. FALK: We are, Your Honor.

State v Hunt

2/22/17

245

1 THE COURT: All right. Let's bring the jury in.

2 (Jury in at 4:20 p.m.)

3 THE COURT: All right. Madam Forelady, you've
4 reached your verdict; is that correct?

5 MADAM FORELADY: Yes, sir. Yes.

6 THE COURT: And is it the unanimous verdict of all
7 twelve jurors?

8 MADAM FORELADY: That is correct.

9 THE COURT: All right. Madam Clerk, if you would
10 please publish the verdict.

11 THE CLERK: In the matter of the care and
12 treatment of Wake Hunt, case number 2015-CP-38-01272, we,
13 the jury, unanimously answer the question as followed: Yes,
14 Wake Hunt is a sexually violent predator.

15 THE COURT: All right. Anything from the State
16 with respect to the jury?

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

18 THE COURT: Anything from Respondent?

19 MR. FALK: Can we just poll the jury, please?

20 THE COURT: All right. Well, let me see if I can
21 remember how to do it. Ladies and gentlemen, I'm going to
22 ask -- I need to -- I'm going to ask you two questions and
23 you need to respond yes, if yes is the answer or no, if no
24 is the answer.

25 (The jury was polled and verdict

1 stands)

2 THE COURT: All right. Anything further with
3 respect to the jury from the Respondent?

4 MR. FALK: No, Your Honor.

5 THE COURT: All right. Ladies and gentlemen of
6 the jury. I thank you very much for your service. I've got
7 some good news for you. We've got another one of these
8 cases we're going to start in the morning, but we're going
9 to rely on the remaining jurors that did not get selected in
10 your case to do so, and I am going to be able to excuse you
11 for the week. But I do, on behalf of the State and
12 Respondent, I want to thank you for your service. I hope
13 you realize how important you are to the whole process. We
14 just can't operate either on the civil side or criminal side
15 without members of our community who participate, as you
16 have, in this particular case. So you should be getting a
17 small token of appreciation from the County of Orangeburg in
18 the not too distant future. I wouldn't plan a Big Mac on
19 it, but what about -- if you need an excuse for work, Madam
20 Clerk, what do we need to --

21 THE CLERK: They just need to go downstairs to the
22 clerk's office.

23 THE COURT: If you go down to the clerk's office,
24 they'll give you an excuse and the good thing is you get to
25 go back to your normal life tomorrow. And, again, I thank

State v Hunt

2/22/17

247

1 you for your service. All right. Y'all are free to leave
2 and have a nice evening.

3 (Jury out at 4:25 p.m.)

4 THE COURT: All right. Anything from the State?

5 MR. MORROW: Your Honor, I've prepared an order of
6 commitment.

7 THE COURT: All right. Well, hold on for one
8 second.

9 Anything from the Respondent?

10 MR. FALK: No, Your Honor.

11 THE COURT: All right. If you will bring that up,
12 we will sign the order.

13 (Commitment order signed by the
14 Court)

15 THE COURT: All right. I thank y'all for your
16 courtesies in this case and we'll see you tomorrow morning.
17 We're going to start -- I'm asking the jury to be here --
18 you put it on the telephone. Is that what you did?

19 THE CLERK: Yes, sir.

20 THE COURT: 9:15?

21 THE CLERK: 9:15.

22 THE COURT: Can y'all make sure -- what's, Mr.
23 Gibson, is that his name?

24 MR. FALK: Yes, Your Honor.

25 THE COURT: Mr. Gibson. Can you make sure he's

State v Hunt

2/22/17

248

1 here and have him dressed by 9:15 in the morning. We're
2 going to have a long day and we want to get in and get
3 started as quickly as we possibly can.

4 All right. Mr. Hunt, good luck to you.

5 MR. HUNT: Thank you.

6 THE COURT: I'll see you two gentlemen tomorrow
7 morning.

8 MR. MORROW: Thank you, Your Honor.

9 MR. FALK: Thank you, Your Honor.

10 (This proceeding was concluded.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

State v Hunt

2/22/17

249

C-E-R-T-I-F-I-C-A-T-E

I, THE UNDERSIGNED HILDA M. JORDAN, CVR-M, OFFICIAL COURT REPORTER FOR THE FIRST 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 PROCEEDING IN THE CAPTIONED CAUSE, IN THE COURT OF COMMON PLEAS FOR ORANGEBURG COUNTY, SOUTH CAROLINA, ON THE 21 AND 22 DAY OF FEBRUARY, 2017.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL, NOR INTEREST IN ANY PARTY HERETO.



Hilda M. Jordan, CVR-M

July 4, 2017

February 27, 2015

MAKING SOCIETY SAFER

Dear Dr. Swan,

ATSA's Ethics Committee has concluded its investigation of the ethical complaints that were lodged against you, and provided those findings to the Executive Board of Directors. The Board has made their final decision regarding disposition of the complaint, determined through discussion and a formal resolution. Therefore the next step in this process will be as outlined in ATSA's current Code of Ethics. The following is a synopsis of the Ethics Committee's decision and rationale:

The committee reviewed the report of an independent examination you conducted and wrote, as well as your court testimony supporting it. Central to the complaint (but by no means the entirety of it) was that you had used an interview guide namely, the Relapse Prevention Interview that has little or no empirical support, and made specific conclusions from it which were not supported. This interview guide which you referred to as a "test" was a central part of your report, and you testified in court that since the client described himself as being at five out of a possible ten on a ten-point scale of risk for repeated sexual offending, this constituted a 50% risk. The Committee further noted that in this independent examination you had not used an actuarial scale and/or an established measure of dynamic risk to establish a baseline or offered a reason why you had not used such measures to arrive at a conclusion about his risk. We noted you took into account what this client's treatment team had concluded about the examinee's dynamic risk factors, and yet this is not the same as an independent review of these factors. Finally, you testified regarding the client's score on the Relapse Prevention Interview, "He scored 75 percent of the risk factors and 62.5 percent of the coping strategies, which seems to indicate that his coping strategies are not quite where they should be in order to be safe in the community." Given the lack of any empirically identified cut scores for the measure, it appears the Relapse Prevention Interview was not an appropriate measure to make such a conclusion, and the statement of finding was not limited to the capabilities of the measure.

ATSA's Ethics Committee has found you to be in violation of the following ethical principal, Section 2(j): Any deviation from the ATSA Standards (published in the ATSA Standards and Guidelines document) shall be considered unethical, except to the extent that a Standard conflicts with applicable law or professional regulation that pertain to a member's practice.

The specific practice standards which were violated are:

- 18.06 Members use appropriate evaluation procedures and instruments to address the referral questions.

Association for the Treatment of Sexual Abusers
4900 SW Griffith Drive, Suite 274, Beaverton, Oregon 97005 USA
Phone: 503.643.1023 | Fax: 503.643.5084 | atsa@atsa.com | www.atsa.com

Winnia B. Clark
CLERK OF COURT
SOUTH CAROLINA

- *18.07 Members conducting risk assessments use an actuarial risk assessment instrument that is appropriate for the client population being evaluated.*
- *18.09 Members are aware of the relative strengths and limitations of the assessment measures used and avoid making statements that exceed the capability of these measures.*
- *23.05 Members use instruments and methods for which they are appropriately trained, follow recommended administration protocols for all assessment measures utilized, and offer statements of findings that are limited to the capabilities of these methodologies.*

Based on the final resolution by the ATSA Board of Directors the following sanctions are being imposed with specific timelines for completion. Since the purpose for investigating Complaints is to improve the profession and instill confidence from the community, any corrective action, directive and/or sanction recommended by the Committee and resolved by the Board has been fashioned with an aim to instruct and provide an opportunity to improve one's performance.

Sanctions:

- **Cease and Desist** using the Relapse Prevention Interview immediately. It has little or no empirical support for risk assessment purposes. This interview guide, which you referred to as a "test," was a central part of your report, and you testified in court to this fact.
- **Supervision or Clinical Consultation Requirement:** The resolution of the ATSA Board of Directors is that you receive supervision and consultation from any of the following professionals: Dr. Eric Imhof, Dr. Sheila Rapa, or Dr. Robin Wilson. Should the above professionals be unavailable for this purpose, the ATSA ethics committee can identify a suitable alternative. You must commence this consultation within the next four weeks and work with the consultant on your next two adult sex offender evaluations/re-evaluations at a minimum. The focus will be on adhering to and understanding the identified practice guidelines violated above and to use appropriate evidence based evaluation tools. The consultation will conclude when the consultant believes ATSA's practice guidelines will be upheld in future evaluations or one year, whichever is sooner. This requirement will be coordinated, verified and monitored by the chair of the ATSA ethics committee.

According to section (3 k, page 22) of the ATSA Code of Ethics, it states that if the Board finds that the subject member has violated the Code of Ethics, "it shall publish in the next scheduled issue of the ATSA newsletter the Subject Member's name; the circumstances of the violation; the Code of Ethics section(s) violated; the corrective action, directive and/or sanction(s) imposed; and the status of the Subject Member's ATSA membership."

Important to note in ATSA's Code of Ethics is the intention to make sure that all members are using ethical practices. As such it is hoped this will be an opportunity to learn from errors and help direct the ethical practice of all ATSA members. These current sanctions do not impact your past or current membership. Should you decide to resign your membership because of the actions taken by the ATSA Board of Directors, and we hope that you would consider following the Board's recommendations and maintain your ATSA membership, Section 8 c, page 27 of the ATSA Code of Ethics states the following: *"A Subject Member's resignation shall have no effect upon the investigation and resolution of a Complaint, so long as the Code of Ethics violation(s) alleged in the Complaint took place during the term of the Subject Member's membership with ATSA."*

Please let me know who you choose as your consultant so that I can coordinate and monitor the process.

Sincerely,



Erik Fox, J.D., Ph.D.
ATSA Ethics Committee Chair

SPECIALIZED TREATMENT AND ASSESSMENT RESOURCES, P.A.

P. O. BOX 267458, WESTON, FL 33326
 PHONE: (954) 646-6141 FAX: (954) 249-3107
 SERVING PALM BEACH/ FT. LAUDERDALE/ MIAMI

ERIC A. IMHOF, PSYD
 PRESIDENT/CLINICAL DIRECTOR
 FLORIDA LICENSED PSYCHOLOGIST
 VIRGINIA LICENSED CLINICAL PSYCHOLOGIST
 VIRGINIA BOARD OF PSYCHOLOGY CERTIFIED SEX OFFENDER TREATMENT PROVIDER
 ALABAMA LICENSED CLINICAL PSYCHOLOGIST

September 16, 2015

Erik Fox, PhD, Esq.
 Ethics Committee Chair
 The Association for the
 Treatment of Sexual Abusers
 4900 SW Griffith Dr. Ste., 274
 Beaverton, OR 97005

Re: Amy Swan Ethics Violation

Dr. Fox:

As you are aware, Dr. Swan was cited with the following violations of the ATSA Ethical Standards by the ATSA Ethics Committee as per correspondence dated February 27, 2015: 18.06 - Members use appropriate evaluation procedures and instruments to address the referral question; 18.07 - Members conducting risk assessments use an actuarial risk assessment instrument that is appropriate for the client population being evaluated; 18.09 - Members are aware of the relative strengths and limitations of the assessment measures used and avoid making statements that exceed the capability of these measures; and 23.05 - members use instruments and methods for which they are appropriately trained, follow recommended administration protocols for all assessment measures utilized, and offer statements of findings that are limited to the capabilities of these methodologies. The sanctions imposed upon Dr. Swan included to immediately cease and desist using the Relapse Prevention Interview and to enter into supervision to include a minimum consultation of two adult sex offender evaluations/re-evaluations she authored.

Pursuant to the request of the Ethics Committee, I entered into an agreement with Dr. Swan on March 25, 2015 to supervise her in reference to these violations. Accordingly, Dr. Swan provided copies of two Annual Review Evaluations for the Involuntary Civil Commitment of Sexually Violent Predators. It is noted these evaluations included the Static-99-R and did not include the Relapse Prevention Interview. Furthermore, Dr. Swan addressed a number of dynamic risk variables in these evaluations that are supported in the research. In a telephonic consultation with Dr. Swan on June 22, 2015,

ATTEST: TRUE COPY

Wingja B. Clark

CLERK OF COURT
 ORANGEBURG COUNTY, SOUTH CAROLINA



Additionally, I would like to offer my apologies to you, the ATSA Ethics Committee, and Dr. Swan for the delay in drafting this correspondence. Unfortunately, I experienced a number of family emergencies and tragedies subsequent to entering into the supervision agreement with Dr. Swan and greatly appreciate everyone's patience and support during this difficult time. If you have any questions, or if I may be of further assistance, please contact me at (954) 646-6141.

electronic signature electronic signature electronic signature
signature electronic signature electronic signature electronic

signature electronic signature electronic signature electronic
signature electronic signature electronic signature electronic
signature electronic signature electronic signature electronic

Eric A. Imhof, Psy.D.



AMERICAN
PSYCHOLOGICAL
ASSOCIATION

March 29, 2016

CONFIDENTIAL

Amy C. Swan, PsyD
2881 East Oakland Blvd
Suite 321
Fort Lauderdale, FL 33306

Dear Dr. Swan:

We have now completed our review of the ethics complaint filed against you by Dean R. Cauley, PhD, MBA. Our Rules and Procedures allow a case to be opened only if certain conditions are met. (See Part V, Sections 5.4 and 5.5.) On the basis of a review of all the information related to this matter, we have determined that an ethics case cannot be opened. Consequently, the allegations against you have been dismissed under Part V, Section 5.5, and the matter has been closed.

We have notified Dr. Cauley of this decision. Dr. Cauley may seek reconsideration of this matter only by submitting significant new evidence. (See Rules, Part V, Section 5.7 and Part II, Section 6.)

Thank you for your cooperation during our review of this matter.

Sincerely,

Patricia Dixon

Patricia Dixon
Director, Board & Committee Investigations
Ethics Office

ATTEST: TRUE COPY

Winnifred B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

750 First Street, NE
Washington, DC 20002-4242
(202) 336-5500
(202) 336-6123 TDD



Please Recycle

www.apa.org

256

WITNESSES

Det. Barbara Walters

ARREST WARRANT #:

D600707

Arrested on September 30, 1992

ACTION OF GRAND JURY

True
12/2/92

Foreman: *M. L. W.*

Grand Jury

VERDICT

Foreman: _____

Petit Jury

Date: _____

DOCKET #: 92GS38-1658

THE STATE OF SOUTH CAROLINA
County of Orangeburg

COURT OF GENERAL SESSIONS

Term: October, 1992

THE STATE

vs.

Wake Hunt

INDICTMENT FOR

0103

LEWD ACT UPON CHILD

16-15-140

ATTEST: TRUE COPY

Wingja B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

ATTEST: TRUE COPY

Wingja B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)
)
County of Orangeburg)

INDICTMENT #92GS38-1658

257

At a Court of General Sessions, convened on October 28, 1992,
the Grand Jurors of Orangeburg County present upon their oath:

COUNT: LEWD ACT UPON CHILD
16-15-140

That Wake Hunt did in Orangeburg County on or about August 21, 1991, and
August 8, 1992, being over the age of fourteen years, did willfully and lewdly
commit or attempt a lewd and lascivious act upon or with the body of one ^{Female Complainant 1}

, a minor child five (5) years of age, with the intent of arousing,
appealing to, and gratifying the lust, passions, and sexual desires of himself
or such child.

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

SOLICITOR

Laura A. McLane

THE STATE VS. Wake Hunt, DEFENDANT

INDICTMENT NUMBER: 92-GS-38-1658

COURT REPORTER: Henny Dot Walker

GUILTY PLEA

THE DEFENDANT IS PUT TO THE BAR AND ARRAIGNED AND, UPON HIS/HER ARRAIGNMENT, ~~WAIVES PRESENTMENT TO THE GRAND JURY~~ AND PLEADS GUILTY UNDER NC V. ALFORD AS CHARGED Lewd Act Upon Child

ATTEST: _____

x [Signature]
SIGNATURE OF DEFENDANT

SENTENCE

I CONSENT TO BE SENTENCED UNDER YOA: Wake Hunt

THE DEFENDANT IS COMMITTED TO THE STATE DEPARTMENT OF CORRECTIONS ^{Not for an} ~~COUNTY FOR A TERM~~ not to exceed 6 MONTHS/YEARS AND/OR ~~INDETERMINATE~~ TO PAY A FINE OF \$ ~~_____~~; PROVIDED UPON THE SERVICE OF ~~_____~~ MONTHS/YEARS AND/OR PAYMENT OF \$ ~~_____~~, PLUS PAY (WAIVE) COSTS AND ASSESSMENTS AS APPLICABLE*, THE BALANCE SUSPENDED WITH PROBATION FOR 5 MONTHS/YEARS.

RESTITUTION
YES/NO
TO BE PAID _____

FOR PHYSICAL INJURY \$ _____
PROPERTY DAMAGE \$ _____

OTHER CONDITIONS No contact with victim; defendant is to undergo full battery of tests regarding pedophilia & fully comply with all recommendations; intensive supervision for 6 months; fully comply with all recommendations of probation officer regarding counseling;
DATE 3/10/94

[Signature]
PRESIDING JUDGE

FINE
*COST AND ASSESSMENTS
NON-WAIVABLE
NOT WAIVED

\$ _____

\$ _____

\$ _____

TOTAL COSTS AND ASSESSMENTS

\$ _____

TOTAL AMOUNT DUE

\$ _____

Waiver, & for supervision by DMH & DMR; Voc. rehab., if deemed appropriate by probation officer.

PLEA RECOMMENDED
BY SOLICITOR

CLERK OF COURT

ATTEST: TRUE COPY

Wingya B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

** PAY TO VICTIM'S COMPENSATION IF SUBROGATED

WITNESSES

Det. B. Walters

ARREST WARRANT #:

F883605

Arrested on May 19, 1999

ACTION OF GRAND JURY

JUN 28 1999

TRUE BILL

Foreman:

Martin Snelson
Grand Jury

VERDICT

Foreman:

Petit Jury

Date:

DOCKET #: 99CS38-1367

THE STATE OF SOUTH CAROLINA
County of Orangeburg

COURT OF GENERAL SESSIONS

Term: June, 1999

THE STATE

vs.

Wake Hunt

INDICTMENT FOR

0159

CRIMINAL SEXUAL CONDUCT WITH MINOR

FIRST DEGREE (16-3-655)

ATTEST: TRUE COPY

Wingja B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA

ATTEST: TRUE COPY

Wingja B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

STATE OF SOUTH CAROLINA)

County of Orangeburg.)

INDICTMENT #99CS38-1367

At a Court of General Sessions, convened on June 28, 1999,
the Grand Jurors of Orangeburg County present upon their oath:

COUNT: CRIMINAL SEXUAL CONDUCT WITH MINOR
FIRST DEGREE (16-3-655)

That Wake Hunt did in Orangeburg County on or about May 08, 1999, wilfully
and unlawfully engage in criminal sexual conduct with a minor in the first
degree in that Wake Hunt engaged in a sexual battery, with Female Complainant 4 and
that the said Female Complainant 4 was of the age of (b) years old. ^{POV}

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

SOLICITOR

Carol J. Frick

Wake Hunt PPG Study



SouthEastern Assessments, Inc.

709 Old Trolley Road, Summerville, SC 29485

Office: (843) 821-2124

Fax: (843) 875-3149

Client: Wake Hunt

Evaluator: William Burke, Ph.D.

Date of Examination: May 24, 2016

Lab Tech: Christina Rieling, MA

Prior to the beginning of this assessment Mr. Hunt was fully informed that anything he discussed during this consultation could be reported in the following summary his treatment provider. He understood this as demonstrated by his ability to repeat back the conditions of this consultation as described above. He also so signed a release of records, so this consultation could be advanced to his treatment provider. This report contains personal information pertaining to Mr. Hunt, and as such, it should be treated with utmost confidentiality, and should not be advanced forward without the written consent of Mr. Hunt.

This Penile Plethysmograph Report (PPG) is intended to be utilized as one part of a comprehensive psychosexual evaluation (i.e. not as a stand-alone test to rule out a specific diagnosis). Dr. Burke has not been asked to provide a comprehensive psychosexual evaluation, but only to provide the PPG results from Mr. Hunt's to be utilized in conjunction with some other assessment not associated with his practice.

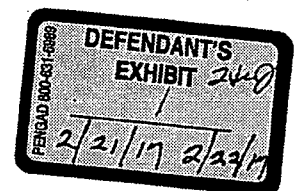
The Limestone Prefest Penile Plethysmograph is designed to measure sexual responsiveness to a variety of stimulus material across gender, age, and sexual activity. Simultaneously with his penile response, body movement as detected by the Stingray Pneumatic Pad, and Respiration traces are monitored to attempt to detect faking. Penile tumescence is measured by a strain gauge that detects minute changes in penile engorgement. The assessment was conducted using the Limestone Prefest Plethysmograph system. Prior to the assessment, the instrument was calibrated using a "four step cone" between 80 mm and 120 mm utilizing a Mercury strain gauge.

The standardized stimulus material utilized with this examination was the Real Child Voices Stimulus Set. The purpose of a physiological assessment for sexual interests was explained to Mr. Hunt and a voluntary participation consent form was signed. Mr. Hunt said his primary fantasies are about adult females. He stated he had not consumed any illegal drugs. He denied consuming alcohol within the past 24 hours before taking the PPG exam. He denied having a sexually transmitted disease.

ATTEST: TRUE COPY

Winnifred B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA



Real Child Voices Stimulus Set

Trial Name	Max - Min	AUC	Z(Max-Min)	Z(AUC)
Burke - Introduction Female	6.52	1.11	1.4	1.32
Burke - Adult Female Challenge	4.12	2.25	0.67	3.17
Burke - Adult Male Challenge	1.46	-0.5	-0.14	-1.29
Burke - Child Male Exhibitionism	1.6	-0.15	-0.1	-0.72
Burke - Grammar School Female Coercive	1.4	0.75	-0.16	0.74
Burke - Adult Male Coercive	0.36	-0.03	-0.48	-0.52
Burke - Neutral Buildings 2	0.1	0.01	-0.56	-0.45
Burke - Preschool Female Coercive	1.07	0.16	-0.26	-0.22
Burke - Child Female Violence	0.51	0.02	-0.44	-0.45
Burke - Infant Female	0.39	0	-0.47	-0.47
Burke - Adult Female Coercive	16.49	0.58	4.45	0.46
Burke - Grammar School Female Persuasive	3.74	1.4	0.55	1.79
Burke - Teen Female Persuasive	3.14	1.05	0.37	1.23
Burke - Grammar School Male Coercive	0.68	-0.49	-0.38	-1.26
Burke - Adult Female Exhibitionism	2.05	0.71	0.04	0.67
Burke - Infant Male	0.67	-0.36	-0.39	-1.06
Burke - Adult Male Persuasive	0.96	0.1	-0.3	-0.32
Burke - Preschool Female Persuasive	1.97	0.46	0.01	0.27
Burke - Neutral Buildings	0.14	-0.07	-0.55	-0.59
Burke - Adult Female Persuasion	0	0	-0.59	-0.47
Burke - Preschool Male Persuasive	0.75	0.01	-0.36	-0.45
Burke - Teen Female Coercive	1.81	0.73	-0.04	0.7
Burke - Grammar School Male Persuasive	1.14	0.21	-0.24	-0.13
Burke - Teen Male Persuasive	0.65	-0.05	-0.39	-0.55
Burke - Neutral Chairs	0.12	-0.02	-0.55	-0.5
Burke - Preschool Male Coercive	0.18	-0.01	-0.54	-0.49
Burke - Teen Male Coercive	0.12	0.02	-0.55	-0.44

The results of the PPG exam indicated that Mr. Hunt did exceed the minimum level of significance (4.7mm of stretch) to positively indicate sexual arousal; therefore this is a valid profile. There was no indication of response interference. A 10% increase in tumescence is

considered worthy of clinical attention. A 20% increase in tumescence is universally accepted as an indication of sexual arousal. Mr. Hunt greatest level of arousal was to the **Adult Female Coercive Stimulus** presentation with a 16.49mm increase in circumference (35.08%). His greatest level of appropriate arousal was to Adult Female Introduction presentation with a 6.52 mm increase in circumference (13.87%). Note: the percentages are in circumferential change scores for Howes (2007) equation.

A Pedophilic Index and Pedophilic Rape Index analysis was performed according to protocol established by Harris, et al (1992). This is done by subtracting the highest of the appropriate stimuli response from the highest of the deviant stimuli (Pedophilic & Pedophilic Rape). A positive value is indicative of a deviant sexual preference. A negative value is indicative of an appropriate sexual preference. The averages were derived from utilizing the sums of the PPG responses in those three categories. The results of this analysis are as follows:

Pedophilic Index:

$$(\text{Pedophilic}) 3.74 \text{ minus (Appropriate) } 6.52 = -2.78$$

Pedophilic Rape Index:

$$(\text{Ped. Rape}) 1.07 \text{ minus (Appropriate) } 6.52 = -5.45$$

Regarding the Pedophilic and Pedophilic Rapist index algorithm, it appeared that Mr. Hunt received a **negative** value for the Pedophilic Index and a **negative** value for the Pedophilic Rape Index. This is an indication of a preference for sexual behavior with an adult female in a consensual situation.

A second validation method for determining sexual preference is achieved by subtracting the highest deviant arousal z-score from the highest appropriate z-score. A difference of one standard deviation or greater is considered significant.

Pedophilic Index:

$$(\text{Pedophilic z-score}) 0.55 \text{ minus (Appropriate z-score) } 1.4 = -0.85$$

Pedophilic Rape Index:

$$(\text{Ped. Rape z-score}) -0.26 \text{ minus (Appropriate z-score) } 1.4 = -1.66$$

The results of the z-score preference method demonstrated **no significant difference** between the adult vs. child persuasive presentation. It also demonstrated a significant difference between or adult persuasive vs. pedophilic coercive presentations with a **preference for consensual sexual behavior with an adult female** over coercive sexual behavior with a female child.

Adult Rape Index (raw score & z-score):

$$(\text{Adult Rape}) 16.49 \text{ minus (Appropriate) } 6.52 = +9.97$$

$$\text{Adult Rape z-score} 4.45 \text{ minus (Appropriate z-score) } 1.4 = +3.05$$

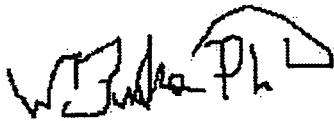
Wake Hunt PPG Study

An Adult Rape Index analysis was performed finding a clear preference for coercive sexual behavior over consensual sexual behavior with an adult female. The difference was more than 3 standard deviations greater than appropriate stimuli.

Evaluations of sexual interest and sexual arousal are designed to determine the client's treatment needs and risk level. OBJECTIVE SEXUAL RESPONSE PATTERNS CANNOT AND SHOULD NOT BE INTERPETED AS INDICATIONS OF GUILT OR INNOCENCE REGARDING ANY SPECIFIC SEXUAL ACT.

Conclusions: Mr. Hunt appears to have a clear and significant statistical preference for coercive sexual behavior with an adult female over a consensual scenario an adult female. His response to persuasive pedophilic sexual behavior with a prepubescent female is statistically the same as his arousal to consensual adult females.

Respectfully Submitted;



William Burke, Ph.D. LPC
President & Clinical Director of SEA
Assistant Clinical Professor of Forensic Psychiatry
Medical University of South Carolina

☐ RecordedIntake Form☒ EnteredNew Patient: ☒In House: ☐

803-935-5540 W/MH
 Date: 5/13/16 Referred By: Kathy Ganner To: WHD Int: _____
 Patient: WAKE HUNT DOB: 8/2/69 Age: _____ Sex: (M) F
 Parent/Guardian: _____ Relation: _____
 Address: N/A City: _____ Zip: _____
 Home Phone: _____ Work: _____ Cell: _____
 Reason: Transport for MH

Current Meds: _____

Primary Ins: _____ Insured: _____ EDC: _____
 Subscriber #: _____ SS#: _____ Group #: _____
 Ded: _____ Met: _____ Oop: _____ LF Max: _____ #visits: _____
 Coverage: _____ CPT code: _____
 Auth#: _____ Dates Auth: _____
 Type of provider covered: MD Y/N LPC Y/N Contact: _____
 Claims Mailing Address: _____
 Ins. Phone#: _____

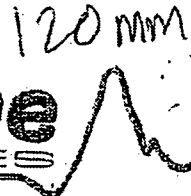
Secondary Ins: _____ Insured: _____ EDC: _____
 Subscriber #: _____ SS#: _____ Group #: _____
 Ded: _____ Met: _____ Oop: _____ LF Max: _____ #visits: _____
 Coverage: _____ CPT code: _____
 Auth#: _____ Dates Auth: _____
 Type of provider covered: MD Y/N LPC Y/N Contact: _____
 Claims Mailing Address: _____
 Ins. Phone#: _____

Appt. Date: 5/24/16 Time: 900 AM Provider: WHD

Hunt, W.

120 mm

Limestone
 TECHNOLOGIES
 Charting the future..



Limestone Technologies Preftest Penile Plethysmograph

Informed Consent Form

The Limestone Preftest Penile Plethysmograph is the most sophisticated and sensitive instrument designed to measure sexual arousal. You will either listen to descriptions of sexual behavior or look at pictures associated with the descriptions. The stories regarding sexual behavior are featured across a variety of situations categorized as male and female, persuasive and coercive and at different ages.

The Limestone Preftest Penile Plethysmograph is designed to measure sexual responsiveness to a variety of stimulus materials across gender, age and sexual activity. While your penile response is being measured, your body movement as detected by the Stingray Pneumatic Pad and respiration traces will be monitored to attempt to detect faking.

You will watch a video presentation describing the test you are about to take along with your instructions for taking the test.

There is no possibility that you will be shocked by the equipment while taking the exam, even if lightning hits the building.

There are stimulus presentations that may be disturbing to hear or watch.

There are no nude images of children or teenagers.

Nervousness or anger does not affect the results of the test (it is expected that you will be nervous).

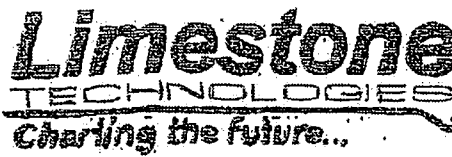
By signing below, you are giving your consent to undergo this plethysmograph examination.

Client: Wade Hunt

Date: 5-24-16

Witness: [Signature]

Date: 5/24/16



Limestone Technologies Prefest Penile Plethysmograph

Pre-Test Questionnaire

Please complete the following questionnaire. If you have any questions, please advise the test administrator.

1. Sexual Orientation (circle one): Bisexual Heterosexual Homosexual
2. Are you circumcised (circle one): Yes No
3. When was your last ejaculation (either through masturbation or sex with a partner):
2 weeks ago
4. Please list any STDs (sexually transmitted diseases) that you have:
none
5. When is the last time you consumed alcohol (include date, amount and what you drank):
none
6. Please list the medications you are currently taking and the last time you took them:
none

268 February 22, 2017

Orangeburg County Foreperson:

Carole Thompson

Print

Carole Patricia Thompson

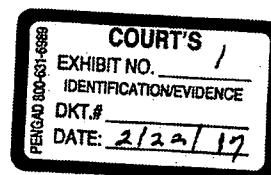
Signature

Orangeburg County Courthouse

ATTEST: TRUE COPY

Winnifred B. Clark

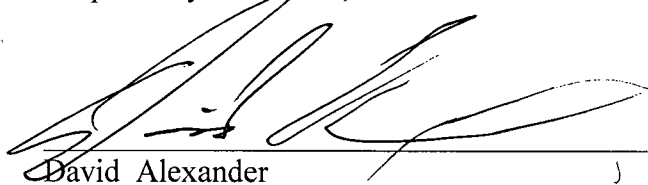
CLERK OF COURT
ORANGEBURG COUNTY, SOUTH CAROLINA



CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David Alexander", is written over a horizontal line.

David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 11th day of January, 2018.