

ORIGINAL

**STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Beaufort County
Honorable Carmen T. Mullen, Circuit Court Judge
Appellate Case No. 2017-000085

RECEIVED
FEB 07 2018
SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT
OF GERALD BARRETT, JR.,

RESPONDENT,

THE STATE OF SOUTH CAROLINA,

APPELLANT.

AMENDED RECORD ON APPEAL

ALAN WILSON
Attorney General

DAVID ALEXANDER
Appellate Defender

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Senior Assistant Deputy Attorney General
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Columbia, SC 29201

South Carolina Commission on
Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-15889

ATTORNEYS FOR APPELLANT

ATTORNEY FOR RESPONDENT

STATE OF SOUTH CAROLINA

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STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT	)	
	)	
IN THE MATTER OF THE CARE	)	CASE NO.: 2016-CP-07-2140
AND TREATMENT OF	)	
GERALD BARRETT, JR.,	)	PROBABLE CAUSE ORDER
	)	
RESPONDENT.	)	

IT APPEARING FROM the petition filed by the State of South Carolina, after a review pursuant to S. C. Code Ann. Section 44-48-80, that there is probable cause to believe the Respondent meets the criteria to be a sexually violent predator pursuant to the statute, and the State of South Carolina has established sufficient evidence to require that the Respondent be taken into custody and confined in a secure facility, and a hearing be held to allow Respondent to contest probable cause as to whether Respondent is a sexually violent predator; therefore,

IT IS HEREBY ORDERED THAT:

1. If Respondent is not currently in custody in a secure facility, Respondent shall be taken into custody by the Sheriff of any county in which the Respondent may be found, and shall be transferred to the custody of the Sheriff of Beaufort County and shall be confined in the Beaufort County Detention Center pending the probable cause hearing held pursuant to Section 44-48-80(B);
2. Respondent shall be personally served, by the agency having custody of the Respondent, with a copy of the Petition filed in this action and this Order, as notice to the Respondent of this proceeding and of his opportunity to be heard;
3. A Probable Cause Hearing shall be held before the Court within 72 hours after Respondent has been taken into custody, unless he already in custody, to allow Respondent to contest probable cause exists to Order that Respondent remain in custody and be evaluated by an appointed expert;
4. The Clerk of Court for Beaufort County shall appoint the Commission on Indigent Defense Contract Attorney for court appointed indigent cases in Beaufort County, if there is one, to represent the Respondent at the above hearing, and until further Order of the Court. The Clerk of Court shall promptly notify said attorney of that appointment;
5. Counsel for the State shall ensure that Respondent is transported to Court for the hearing on the date and time of the hearing as will be set by the Court.

AND IT IS SO ORDERED.

10-17, 2016
Beaufort, South Carolina



CARMEN T. MULLEN
Chief Administrative Judge for the Fourteenth
Judicial Circuit Court of Common Pleas

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

In Re Care and Treatment of

Gerald Barrett Jr.

Respondent.)

IN THE COMMON PLEAS COURT

FOR THE 14th JUDICIAL CIRCUIT

CASE NO.: 2016-CP-07-2195

ORDER OF DISMISSAL

2016 SEP 29 AM 10:51
 JAMES K. ROSENBAUM
 BEAUFORT COUNTY, S.C.
 CLERK OF COURT

This matter is before the Court following the State of South Carolina filing a petition on September 29, 2016 pursuant to the South Carolina Violent Predator Act, S.C. Code Ann Sections 44-48-10 et seq. Pursuant to SC Code § 44-48-80 (A) this court determined that probable cause existed to believe that Respondent is a sexually violent predator. Respondent contested this court's finding of probable cause and a hearing was held October 19, 2016. Present at the hearing and representing Petitioner was James Bogle, Jr. Esq from the Office of the South Carolina Attorney General. Also present at the hearing was the Respondent and Respondent's counsel James K Falk Esq. The Court having reviewed the Petition and reviewing arguments of counsel, this court finds:

1. That following a jury trial in the Beaufort County Court of General Sessions Respondent was convicted of Lewd Acts upon a minor under age 16 under indictment 2012-GS-07-1633; the jury was unable to reach a verdict for Criminal Sexual Conduct in the Second Degree under indictment 2012-GS-07-1631 - the

charge was nolle prossed; and the jury acquitted Respondent of a Kidnapping charge under indictment 2012-GS-07-1632.

2. That this time, Respondent's criminal conviction was before the South Carolina Supreme Court (Appellate Case No. 2013-002158).
3. SC Code Ann § 44-48-30 (1) (a) defines a sexually violent predator is one who has been convicted of a sexually violent offense.
4. Because Respondent's criminal conviction is currently on appeal before the South Carolina Supreme Court and there is possibility that the underlying criminal conviction may be remanded for further proceedings, it is not ripe for a determination of whether Respondent has been convicted of a sexually violent offense.
5. SC Code Ann § 44-48-30 (1)(b) further defines a Sexually violent predator as a person who suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control care and treatment.
6. In its Petition the State alleges that Respondent suffers from a Pedophilic Disorder. The State alleges that a pedophilic disorder involves sexual activity with a prepubescent child or children (generally age 13 years or younger). The only alleged prepubescent victim in this matter was the alleged victim in nolle prossed indictment 2012-GS-07-1631. Therefore the State has offered no evidence that Respondent suffers from a pedophilic disorder.
7. In its Petition the State also alleges that Respondent suffers from a Paraphilic disorder. The Petition describes a paraphilic disorder as *"any intense and*

persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners."

8. The State has offered no evidence that Respondent engaged in a pattern of paraphilic conduct. Therefore the State has offered insufficient evidence for "a reasonable person to believe and conscientiously entertain suspicion" that Respondent suffers from any mental abnormality or personality disorder. *See, In re Care and Treatment of Chandler*, 382 S.C. 250, 676 S.E.2d 676, 680 (S.C. 2009) citing, *In Re Care and Treatment of Brown*, 372 S.C. 611, 643 S.E.2d 118, 122-23 (S.C. Ct. App. 2007).

THEREFORE IT IS ORDERED AND ADJUDGED,

1. The State has offered insufficient evidence to believe Respondent is a sexually violent predator.
2. This matter is dismissed with prejudice.

IT IS SO ORDERED!



Hon Carmen T Mullen
Beaufort Circuit Court

Jan
November 4, 2017
Beaufort, SC

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2016CP0702140

South Carolina State Of

Gerald Barrett Jr

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: ☐ Plaintiff ☐ Defendant
☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other: _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j) SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order;

☐ Statement of Judgment by the Court;

Order of Dismissal

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ C. T. Mullen

Circuit Court Judge

2142

Judge Code

1/4/2017

Date

For Clerk of Court Office Use Only

This judgment was entered on January 9, 2017, and a copy mailed first class or placed in the appropriate attorney's box on January 9, 2017, to attorneys of record or to parties (when appearing pro se) as follows:

James G. Bogle Jr. PO Box 11549 Columbia, SC 29211

James Kristian Falk PO Box 1058 Charleston, SC 29402

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Melissa Kilby

Court Reporter

Jerri Ann Roseneau - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1:

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

IN THE MATTER OF THE CARE AND
TREATMENT OF GERALD BARRETT, JR.,

Plaintiff(s)

vs.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016-CP - 07-2140

2016 SEP 29 PM 3:08
CLERK OF COURT S.C.Submitted By: James G. Bogle, Jr.
Address: Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211SC Bar #: 755
Telephone #: 803-734-1173
Fax #: 803-734-6679
Other:
E-mail: jbogle@scag.gov

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|---|--|---|--|
| Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ General (130)
☐ Breach of Contract (140)
☐ Fraud/Bad Faith (150)
☐ Failure to Deliver/Warranty (160)
☐ Employment Discrim (170)
☐ Employment (180)
☐ Other (199) _____ | Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
Previous Notice of Intent Case #
20 ____ -NI- ____
☐ Notice/ File Med Mal (230)
☐ Other (299) _____ | Torts - Personal Injury
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Assault/Battery (370)
☐ Slander/Libel (380)
☐ Other (399) _____ | Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) _____ |
| Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) _____ | Administrative Law/Relief
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture—Consent Order (850)
☐ Other (899) _____ | Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Transfer of Structured Settlement Payment Rights Application (760)
☐ Confession of Judgment (770)
☐ Petition for Workers Compensation Settlement Approval (780)
☐ Other (799) _____ | Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SCDOF (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Public Service Comm. (990)
☐ Employment Security Comm (991)
☐ Other (999) _____ |
| Special/Complex /Other
☐ Environmental (600)
☐ Automobile Arb. (610)
☐ Medical (620)
☐ Other (699) _____
☒ Sexual Predator (510)
☐ Permanent Restraining Order (680) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of State Depositions (650)
☐ Motion to Quash Subpoena in an Out-of-County Action (660)
☐ Pre-Suit Discovery (670) | | |

Submitting Party Signature: _____

Date: 9/27/16

Certified - A True Copy

Jeri Ann Roseaneau - Clerk of Court
Beaufort County, SC - Melissa Kirby

STATE OF SOUTH CAROLINA)
 COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
 FOURTEENTH JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE)
 AND TREATMENT OF:)

CIVIL ACTION NO. 2016-CP-07-2140

GERALD BARRETT JR.,)

PETITION PURSUANT TO THE
 SEXUALLY VIOLENT PREDATOR
 ACT

RESPONDENT.)

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

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (SCDC), having determined that Respondent, Gerald Barrett Jr. (hereafter, Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. Respondent's max-out date from SCDC is currently on or about April 12, 2017. His Inmate Number is 334201, and he was born in 1990.
3. The Multi-Disciplinary Team (MDT) on or about August 18, 2016 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (attached as **PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee (PRC) received the file from the MDT on August 22, 2016, and on September 20, 2016 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.

5. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30 (1), to wit:

QUALIFYING CONVICTION (EXHIBIT C):

- A. Type of Conviction: Lewd Act on a Child Under 16.
- B. Date of Conviction: on or about October 2, 2013.
- C. Trial or Plea: trial in Beaufort County.
- D. Sentence Received: 12 years, suspended to nine years and four years' probation.
- E. Original Charges: CSC with a Minor in the Second Degree (two counts), Lewd Act on a Child, and Kidnapping.
- F. Brief Facts:

Victim 1: 12-year-old Female (friend's brother).

Based on a complaint received on or about April 14, 2012 regarding a possible sexual assault, law enforcement was dispatched to a hospital to investigate the allegations. While at the hospital, Victim 1 refused to answer questions, refused to remove her clothing, and refused to submit to a pelvic examination. Victim 1 also stated that she and her friend had been drinking heavily, that she had blacked out, and that she did not recall much the night's events.

However, during a later forensic interview, Victim 1 disclosed that Respondent had forced her to have sexual intercourse with him. Victim 1 admitted she had been drinking that evening and gone into her friend's bedroom to watch television. Respondent then came into the room, lay down beside her, placed his hand under her clothes, and inserted his finger into her vagina. Respondent then proceeded to pull down her pajamas and underwear and forced his penis inside her vagina.

Law enforcement then interviewed Victim 1's friend, who was Respondent's sister. Initially, the friend was defensive when questioned. However, she later started crying and then stated that Respondent had been arrested and been found guilty of the same thing with a different female previously. She also stated that Respondent previously had participated in extensive counseling for having inappropriately touched her several years before.

Victim 2: 14-year-old Female.

On or about July 3, 2012, Victim 2's grandmother reported to law enforcement that her granddaughter had been sexually assaulted by a friend of Victim 2's mother.

A forensic interview was conducted, and Victim 2 reported that her mother and her boyfriend and Respondent had been outside drinking beer. Victim 2 stated that she had been inside the house watching television. Respondent came into the house and sat down beside her. She asked him to move, and he refused. Victim 2 then stated that Respondent was beginning to "creep her out," or words to that effect, so she went upstairs and got in bed with her sister.

Around 4:30 a.m. she woke up and went to her own bedroom. Victim 2 stated that about 15 minutes later Respondent walked into her bedroom and lay down on the bed beside her. She asked him: "What are you doing?" Respondent replied: "Don't worry about it," and then told Victim 2 she had better not tell anyone. Victim 2 stated that Respondent raped her; he forced his penis inside her vagina while climbing on top of her and holding her arms down.

OTHER SEXUALLY VIOLENT OFFENSES (EXHIBIT D):

- A. Type of Conviction: Contributing to the Delinquency of a Minor.
- B. Date of Conviction: on or about November 16, 2011.
- C. Trial or Plea: Guilty plea.
- D. Sentence Received: 90 days and credit for time served.
- E. Original Charge: CSC with Minor in the Second Degree.
- F. Brief Facts:

Victim 3: 14-year-old Female.

On or about July 28, 2011, Victim 3's mother reported to law enforcement that her daughter had been having intercourse with Respondent. Victim 3 was interviewed, and admitted that she and Respondent had been seeing each other for approximately six weeks. The two of them had began engaging in sexual intercourse during that time.

And (EXHIBIT E):

South Carolina Department of Juvenile Justice (DJJ) arrest history records have revealed a sexually violent offense in or about October 1, 2001 in Beaufort County: Criminal Sexual Conduct with a Minor in the First Degree. On or about September 20, 2002 the charge was *nolle pros'd*. At this time no further information regarding this charge is available. Inquiries are underway. But records attached suggest an extensive juvenile record above and beyond the CSC, including but not limited to Grand Larceny, Threatening a Public Official, and Malicious Injury to Animals.

PRIOR OFFENSES (OTHER THAN SEXUAL) (If Known):

- A. Type of Conviction: Disturbing Schools .
 - B. Date of Conviction; Unknown.
 - C. Sentence Received: Convicted; Juvenile matter not for public dissemination per DJJ. Inquiries are underway.
 - D. Brief Facts: unknown.
-
- A. Type of Conviction: Burglary in the Second Degree, Financial Transaction Card Fraud, sentences to be served concurrent.
 - B. Date of Conviction: 04/16/2009.
 - C. Sentence Received: Burglary, six years, Financial Transaction Card Fraud one year, concurrent.
 - D. Brief Facts: unknown.

SCDC RECORDS (EXHIBIT F):

- A. One Disciplinary infraction for Possession or/Attempt to Possess a Cell Phone.

SEX OFFENDER TREATMENT WHILE AT SCDC (EXHIBIT G):

No record on file.

GENERAL NOTES:

Risk factors common to cases of this nature include, but may not be limited to: (1) offender age 18 to 24.9, (2) never legally married or never lives with lover for at least two years, (3) not related to victim, (4) prior non-sexual convictions, (5) prior sexual offenses, (7) length of sexual offending history one to six years, (8) force or threat of force used, (9) victim age 13 – 15, and (10) more than 1 victim,

- (a) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that the Respondent has serious difficulty in controlling his behavior, or sexual desire impulses.
- (b) In support of the State's allegations that the Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term

control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following for consideration:

i. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilic Disorder** are:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. (**EXHIBIT H**).

ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilic Disorder** are:

A. Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners (**EXHIBIT I**).

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S. Ct. 2072, 2080 (1997). The Respondent's instances of violent and non-violent behavior are:

A. The basis of his 2013 conviction for Lewd Act on a Child Under 16 (**EXHIBIT C**, *supra*).

B. The basis of the fact that there appear to have been more than one victim in the 2012 investigation that led to the 2013 conviction (**EXHIBIT C**).

- C. The basis of his 2011 Contributing to the Delinquency of a Minor conviction, originally charged as CSC with a Minor in the Second Degree (EXHIBIT D).
 - D. The basis of his 2001 juvenile arrest for Criminal Sexual Conduct with a Minor in the First Degree, and the multiple juvenile arrests (EXHIBIT E).
 - E. The basis of his disciplinary record at SCDC (EXHIBIT F).
 - F. The basis of his lack of sex offender treatment while at SCDC (EXHIBIT G).
- iv. The facts of the Respondent's offenses indicate the existence of a mental abnormality in that they could involve recurrent sexual urges, or behaviors involving young children occurring over a period of at least six months.

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent Gerald Barrett Jr. is a Sexually Violent Predator and order:

- A. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined, such as at SCDC or in a county detention center;
- B. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
- C. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, but only if he is not already in custody as described *supra*;
- D. Counsel be appointed for Respondent if necessary;
- E. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
- F. The Court appoint a qualified expert for such an evaluation if probable cause is found;
- G. If probable cause is found a trial be held on all issues,

and if Respondent is found to be a Sexually Violent Predator that he be committed to the custody of the South Carolina Department of Mental Health for long term control, care, and treatment, until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.*, and

H. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney
General

By: 
Attorneys for Petitioner
S. C. Bar No. 755
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Office: 803.734-3970
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FAX: 803.734-6679
A.G. File No. 20165564
jbogle@scag.gov

September 27, 2016
Columbia, South Carolina

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

A

SEXUAL PREDATOR REFERRAL FORM

Offender	Offender	Jurisdictional
Name: GERALD BARRETT JR	Number: 334201	Agency: SCDC
Age: 26	County: BEAUFORT	Qualifying Offense(s): Guilty Plea: Trial:
Gender: Male	No. of Incarcerations:	Lewd Act on Child Under 16

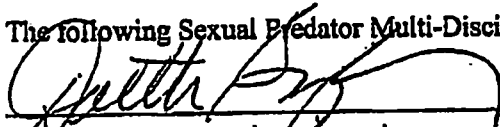
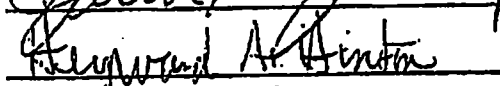
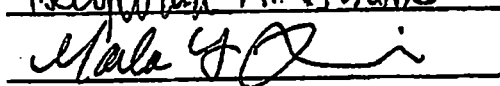
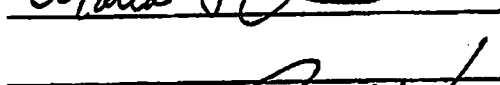
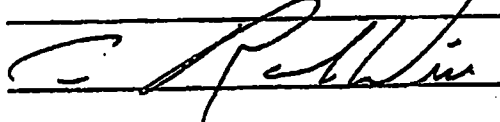
Adult	12 years suspended to 9 years	Parole Eligibility	Max-Out
Sentence:	with 4 years probation	Date:	Date: 04/12/2017
Juvenile		Parole	SFI
Guidelines:		Release Date:	Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
<u>3</u>	<u>1</u>	<u>0</u>

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

	SCDC – CHAIRPERSON
	SCDCPPS
	DMH
	JDG
	ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on ^{August 18, 2016} July 21, 2016, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

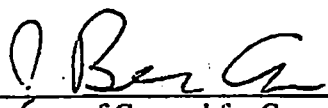
INMATE NAME: GERALD BARRETT, JR.	INMATE NUMBER 334201	PRC REVIEW DATE: SEPTEMBER 20, 2016 MEMBERS PRESENT: Barry Bernstein for Alan Wilson David M. Stumbo via telephone Beebe James via telephone
---	---	--

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: August 22, 2016

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


 Signature of Counsel for Committee
 for Deborah R. S. Shupe

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

C

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Beaufort

VS.

Gerald Barrett Jr

AKA:

Race: CAUCASIAN Sex: M Age: 23

DOB: 01-14-1990 SS#: 3643

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0701633

A/V#: 2012A0710300043

Date of Offense: 3/19/2012

S.C. Code §: 16-15-0140

CDR Code #: 3468

SENTENCE SHEET

in violation of § 16-15-0140

of the S.C. Code of Laws, bearing CDR Code # 2468

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☐ MOST SERIOUS☒ Mandatory GPS(CSC☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

(defendant's initials)

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed 10 years

and/or to pay a fine of \$ 4,000; provided that upon the service of 4 days/months/years and/or payment

of \$ 4,000; plus costs and assessments as applicable*; the balance is suspended with probation for 4 (four)

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Since June 12, 2010☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☒Random Drug/Alcohol testing ☒

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

Sex Offender, Counselor & successful completion

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

*Fines:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-236 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$ 500.00
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 17.98
TOTAL		\$ 648.98

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

10/27/13

STATE OF SOUTH CAROLINA)

COUNTY OF BEAUFORT)

STATE OF SOUTH CAROLINA)

vs.)

Gerald Barrett, Jr.)

Defendant.)

IN THE COURT OF GENERAL SESSIONS
FOR THE FOURTEENTH JUDICIAL CIRCUIT

Indictment No.: 2012-GS-07-1633

VERDICT FORMVERDICT

1. We, the Jury, find Gerald Barrett, Jr. NOT GUILTY. _____

OR

2. We, the Jury, find Gerald Barrett, Jr. GUILTY of Lewd Act, Committing a
Lewd Act upon a Child under 16. ~~X~~

I certify that this decision is the unanimous decision of the Jury.


Foreperson

May 22, 2013

WITNESSES

BCSO

ARREST WARRANT NUMBER

2012A0710300043

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

MAR 28 2013

VERDICT

Guilty

True Bill

Foreperson of Petit Jury

Date:

INDICT

3/22/13

DOCKET NO. 2012GS0701633

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

March Term 2013

THE STATE

vs.

Gerald Barrett Jr

Amended Indictment for

Lewd Act, committing or attempting lewd act
upon child under 16

SC Code: 16-15-0140
CDR Code: 2468

After being fully advised as to my legal
rights, I hereby waive presentment to the
Grand Jury.

Defendant

I
Hereby appear in my own proper person
and plead guilty to the within indictment or
to

Defendant

Witness:

C.C.C. PLS. and G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701633

At a Court of General Sessions, convened on March 28, 2013, the Grand Jurors of Beaufort County present upon their oath:

Lewd Act, committing or attempting lewd act upon child under 16

That in Beaufort County, South Carolina, between the dates of March 11 and March 19, 2012, the Defendant, Gerald Barrett Jr, 1990-01-14, a person over fourteen years of age, willfully and lewdly did commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, to wit: [REDACTED], date of birth [REDACTED] 1998, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, in violation of Section 16-15-140, S.C. Code of Laws 1976, as amended

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



Solicitor

ARREST WARRANT

2012A0710300041

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20120703-263

against

Gerald Thomas Barrett, Jr

Address: 7 Pine Needle Ct

Bluffton, SC 29910-5942

Phone: SSN: 3643

Sex: M Race: W Height: 5' 11" Weight: 145

DL State: SC DL #: 100700653

DOB: 990 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff's Office

Prosecuting Officer:

Offense: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive -

Offense Code: 0396

Code/Ordinance Sec: 16-03-0655(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on 07-24-2012

D. B. Madhupratna
Signature of Constable or Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 1128

102 Ribault Road, Rm. 208

Beaufort, SC 299011128

ORIGINAL

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ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Personally appeared before me the affiant J Adams

being duly sworn deposes and says that defendant Gerald Thomas Barrett, Jr

did within this county and state on or about 3/19/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

I further state that there is probable cause to believe that the defendant named the crime set forth and that probable cause is based on the following facts:

On or about March 19, 2012 the defendant, Gerald Thomas Barrett Jr (age 22), did willfully and unlawfully commit the offense of Criminal Sexual Conduct in the Second Degree. In that the accused did forcibly have vaginal intercourse with a minor, under the age of 16, against her will. The defendant is known to the victim and was positively identified by the victim through photographic lineup. Additionally, the victim's account was substantiated by a forensic interview at Hope Haven. These incidents occurred at the victim's residence of [redacted], Beaufort County, South Carolina. The affiant and others are willing to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address: [redacted]
Beaufort, SC 29902-

Affiant's Telephone: [redacted]

ARREST WARRANT

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

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

on or about 3/19/2012

defendant Gerald Thomas Barrett, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

) as set forth below.

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 7/24/2012

[redacted] (L.S.)

[redacted]

Judge Code: [redacted]

Judge's Address: Post Office Box [redacted]
Bluffton, SC 29910

Judge's Telephone: [redacted]

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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ORIGINAL

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 318

Certified a true and correct
 copy of the original document on file with
 the Office of the Beaufort County
 Sheriff's Office
 Chief Deputy Sheriff

ARREST WARRANT

2012A0710300042

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Beaufort

THE STATE **20120703-263**
against

Gerald Thomas Barrett, Jr

Address: **7 Pine Needle Ct**
Bluffton, SC 29910-5942

Phone: **SSN: 3643**
Sex: **M** Race: **W** Height: **5 11** Weight: **145**
DL State: **SC** DL #: **100700653**
DOB: **1990** Agency ORI #: **SC0070000**
Prosecuting Agency: **Beaufort County Sheriff's Office**
Prosecuting Officer: **[Signature]**
Offense: **Kidnapping / Kidnapping**

Offense Code: **0095**
Code/Ordinance Sec: **16-03-0910**

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant **Gerald Thomas Barrett, Jr.**
on **07-24-2012**

D. B. [Signature]
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Beaufort

Personally appeared before me the affiant **J Adams**

being duly sworn deposes and says that defendant **Gerald Thomas Barrett, Jr**
did warn this county and state on or about **3/19/2012**

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Beaufort**)
in the following particulars:

DESCRIPTION OF OFFENSE: **Kidnapping / Kidnapping**

I further state that there is probable cause to believe that the defendant named above committed the crime set forth and that probable cause is based on the following facts:

On or about March 19, 2012 the defendant, Gerald Thomas Barrett Jr (age 22), did willfully and unlawfully commit the offense of Kidnapping, in that the accused did while committing criminal sexual conduct with a minor, did unlawfully restrain and confine the victim by holding her down and restraining her arms. The defendant is known to the victim and was positively identified by the victim from a photographic lineup. These incidents occurred at the victim's residence of **Bluffton, Beaufort County, South Carolina**. The affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Beaufort

Affiant's Address: **Beaufort, SC 29902**
Affiant's Telephone: **[Redacted]**

ARREST WARRANT

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

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

on or about **3/19/2012**

defendant **Gerald Thomas Barrett, Jr**
did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of **Beaufort**) as set forth below:

DESCRIPTION OF OFFENSE: **Kidnapping / Kidnapping**

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on **7/24/2012**

[Signature] (L.S.)
Judge

Judge Code: **[Redacted]**

Judge Code: **[Redacted]**

Judge's Address: **Post Office Box 1128**
Bluffton, SC 29910

Judge's Telephone: **[Redacted]**

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

ORIGINAL

Notarized by
S.C. Notary General
April 21, 2009
SCCA 310

ARREST WARRANT

2012A0710300043

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Beaufort

THE STATE

20120703-263

against

Gerald Thomas Barrett, Jr

Address: 7 Pine Needle Ct

Bluffton, SC 29910-5942

Phone:

SSN: 6-11-3643

Sex: M

Race: W

Height:

5 11

Weight:

145

DL State:

SC

DL #:

100700653

DOB: 11-11-1990

Agency ORI #:

SC0070000

Prosecuting Agency:

Beaufort County Sheriff's Office

Prosecuting Officer:

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Offense Code:

2468

Code/Ordinance Sec:

16-15-0140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Gerald Thomas Barrett Jr
07-24-2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions

PO Box 1128

102 Ribaut Road, Rm. 208

Beaufort, SC 299011128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Beaufort

AFFIDAVIT

ORIGINAL

Revised by
S.C. Advisory Council
April 21, 2003
SCCA316

Personally appeared before me the affiant J Adams

being duly sworn deposes and says that defendant Gerald Thomas Barrett, Jr

did within this county and state on or about 3/19/2012

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

I further state that there is probable cause to believe that the defendant named above committed the crime set forth and that probable cause is based on the following facts:

That on or about March 19, 2012 defendant unlawfully committed lewd act with a minor by touching the victim's breasts and crotch area without the victim's consent and with the intent of gratifying the sexual desires of the defendant. These incidents occurred at the victim's residence of [redacted] Bluffton, Beaufort County, South Carolina. The affiant and others are witness to prove the same.

Certified to be true and correct
copy of the original document on file with
the Office of the Sheriff for Beaufort County
[Signature]
Chief Deputy Sheriff's Office

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/☐ Municipality of

Beaufort

Affiant's Address

Beaufort, SC 29902

Affiant's Telephone

ARREST WARRANT

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

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

on or about 3/19/2012

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/☐ Municipality of

Beaufort

) as set forth below

DESCRIPTION OF OFFENSE: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 7/24/2012

[Signature]
Judge

Judge Code:

(L.S.)

Judge's Address

Post Office Box

Bluffton, SC 29910

Judge's Telephone

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL



**Beaufort County
Fourteenth Judicial Circuit
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The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	2012A0710300043	Court Agency:	Beaufort County General Sessions	Filed Date:	07/25/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	~~XXXXXXXXXX~~
Disposition:	Trial Guilty				
Disposition Date:	10/02/2013	Date Received:	07/25/2012	Arrest Date:	07/25/2012
Law Enf. Case:	20120703-263	True Bill Date:	03/28/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS0701633	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Barrett, Gerald Thomas Jr	2468-Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)	2468-Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)	10/02/2013

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Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

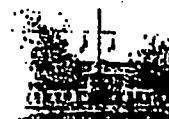
The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	2012A0710300042	Court Agency:	Beaufort County General Sessions	Filed Date:	07/25/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	~~XXXXXXXXXX~~
Disposition:	Trial Not Guilty				
Disposition Date:	05/22/2013	Date Received:	07/25/2012	Arrest Date:	07/25/2012
Law Enf. Case:	20120703-263	True Bill Date:	03/28/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS0701632	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Barrett, Gerald Thomas Jr	0095-Kidnapping / Kidnapping	0095-Kidnapping / Kidnapping	05/22/2013

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Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	2012A0710300043	Court Agency:	Beaufort County General Sessions	Filed Date:	07/25/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Appeal	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	~~W. J. ...~~
Disposition:	Trial Guilty				
Disposition Date:	10/02/2013	Date Received:	07/25/2012	Arrest Date:	07/25/2012
Law Enf. Case:	20120703-263	True Bill Date:	03/28/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS0701633	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	12 Yrs Susp upon serv. of 9 Yrs, And 4 Yrs Probation Crd Time Since June 12, 2012						

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**Beaufort County
Fourteenth Judicial Circuit
Public Index**



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Switch View

The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	2012A0710300041	Court Agency:	Beaufort County General Sessions	Filed Date:	07/25/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Nolle Prosequi	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	12/30/2013	Date Received:	07/25/2012	Arrest Date:	07/25/2012
Law Enf. Case:	20120703-263	True Bill Date:	03/28/2013	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS0701631	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Barrett, Gerald Thomas Jr	0396-Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.	0396-Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.	12/30/2013

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Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	J339495	Court Agency:	Beaufort County General Sessions	Filed Date:	06/18/2012
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Nolle Prosequi	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	12/30/2013	Date Received:	06/18/2012	Arrest Date:	06/17/2012
Law Enf. Case:	20120414-014	True Bill Date:	08/23/2012	No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS0701379	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Barrett, Gerald Thomas Jr	0396-Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.	0161-Sex / Criminal sexual conduct - Second degree	12/30/2013

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AGENCY I.D.
SC0 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

NOTE
INQ. QNTD.
LJG

☒ ORIGINAL REPORT ☐ MODIFIED ORIGINAL		☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE		☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENSES		☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY		PAGE 2 OF 3 PAGES	
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☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ IAL ☐ SIGNATURE ☒ Other	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	508 160 Blo Haz		Pink highlights in hair			W	F	31		N
	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.		DAY PHONE	NIGHT PHONE
	Bluffton		SC		29910					
	☐ VEHICLE NO. ☐ VEHICLE MAKE ☐ NO ☐ YES ☐ EXTRA ☐ NO ☐ YES ☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES TYPE		☐ COMPLAINT OF NON-VEHICLE OFFENSE ☐ NO ☐ YES ☐ VEHICLE MAKE ALCOHOL ☐ NO ☐ YES ☐ USE ☐ TWO-WAY VEHICLE ☐ OTHER/VEHICLE ☐ ALONE ☐ ONE-WAY VEHICLE ☐ OTHER ☐ ALONE							

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ IAL ☐ SIGNATURE	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.		DAY PHONE	NIGHT PHONE
	☐ VEHICLE NO. ☐ VEHICLE MAKE ☐ NO ☐ YES ☐ EXTRA ☐ NO ☐ YES ☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES TYPE		☐ COMPLAINT OF NON-VEHICLE OFFENSE ☐ NO ☐ YES ☐ VEHICLE MAKE ALCOHOL ☐ NO ☐ YES ☐ USE ☐ TWO-WAY VEHICLE ☐ OTHER/VEHICLE ☐ ALONE ☐ ONE-WAY VEHICLE ☐ OTHER ☐ ALONE							

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM		TYPE ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE		VIN AND/OR OWNER APPLIED NO. SERIAL AND/OR OWNER APPLIED NO. YEAR OF REGISTRATION YEAR OF OPERATION MAKE MODEL COLOR BODY NAME CALIBER HAZ NO. DISCONTINUATION LICENSE ACQUISITION DATE		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY LOCAL FILE NO. AND/OR ESD NO. STATE	
--	--	--	--	---	--	---	--

TYPE (G/L/T) STOLEN DAMAGED SURREYED RECOVERED SEIZED		TOTAL VALUE COPY of the original document on file with the Office of Sheriff for Beaufort County. Michael M. Hester Chief Deputy, Beaufort County Sheriff's Office	
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REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ CIVILIAN DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM UNCOOPERATIVE 5. ☐ REVOKED - NO CUSTODY		REPORTING OFFICER DATE UNIT NUMBER APPROVING OFFICER DATE UNIT NUMBER	
---	--	--	--

FOLLOWUP INVESTIGATION ☐ YES ☐ NO		OFFICER	
--	--	---------	--

AGENCY I.D.
SC0 070000

ORIGINAL SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120703-263

PCNO

INQ. DATE
LJG

☒ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECEIVED PROPERTY

PAGE 3 OF 3 PAGES

Interview with Complainant ():

stated that she picked up her granddaughter (the victim -) from her mother's house () to spend the week with her in Windsor, SC. advised that while she was traveling with , she observed that was not talking as much as she used to. said that she asked what was wrong and was advised that she had been sexually assaulted by one of her friend's friend.

stated that she continued to talk to and was advised that came into her room sometime within the last few months and laid down in the bed with her. advised that told her that laid on the bed and had non-consensual sex with her. stated that advised her that the incident occurred approximately 1-2 weeks prior to the conclusion of school. said would not tell her if removed her clothing or if it was already removed prior to him entering the room. further stated would not say if forced himself on her or if she allowed him to have sex with her because he was older. said would only say that she did not want to have sex with him but he made her. advised that did not want to provide any other information about the incident.

stated that she contacted mother () and advised her of the situation. advised that she would contact BCSO if she obtained further information.

Interview with :

stated that she was called by at approximately 0015 hours on 07-03-12 and was advised of the incident that occurred with .

stated told her the suspect came to her room at approximately 0100 hours and laid on the bed with her. said told her, after he laid on the bed with her, he forced himself on top of her and had sex with her without her consent. said she talked to and was advised the incident occurred the first time the suspect came to the residence (approximately March 1st, however she could not be certain of the date). said did not provide her with any other details about the incident.

advised the suspect had only been to her house twice within the last few months (between March 1st to the time school let out - June 7th).

Officer's Observations/Actions:

I made contact with the complainant by telephone () at her request and conducted an interview. I asked the complainant if she had contacted the victim's mother to which she advised me that she had.

I contacted the victim's mother by telephone and was advised she was at the Bluffton Police Department to file a report. I advised the victim's mother to wait for me and I would meet her there.

Upon arriving at the Bluffton Police Department, I made contact with the victim's mother and conducted a field interview. I issued this case number and advised her to contact BCSO if she required further assistance.

Additional Information:

I contacted the Beaufort County Communications Center and requested a Criminal History of Barrett. I was advised that Barrett has previously been charged, but not convicted, with Criminal Sexual Conduct with a Minor on 08-05-11.

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. [Signature]
Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☐ YES ☒ NO		☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OUTSTANDING DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM COOPERATES COOPERATION 5. ☐ JUVENILE - NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
D/S	07-03-12					
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

INFO UNIT

☐ ORIGINAL
REPORT
☐ ADDITIVE
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☒ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFICER

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 5 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #:20120703-263

INCIDENT TYPE: CSC with Minor, Kidnapping, Lewd Acts Upon a Child Under 16 Years of Age

INCIDENT LOCATION: [REDACTED] Bluffton, SC

REPORTING OFFICER: D/S [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Gerald Thomas Barrett Jr. (AKA: Bubba)

ASSIGNED OFFICER: Investigator [REDACTED]

ORIGINAL

SYNOPSIS:

On 07-03-2012 Beaufort County Deputies made contact with [REDACTED] in regard to incidents of Criminal Sexual Conduct with a Minor, Kidnapping, and Lewd Acts Upon a Child Under 16 years of Age.

Additional Officer Actions:

On 07-05-2012 I made contact with [REDACTED] the victim's mother by telephone to schedule a forensic interview for [REDACTED]. The interview was eventually scheduled for 07-20-2012 at Hope Haven of the Lowcountry. On 07-20-2012 [REDACTED] was brought to the forensic interview by her mother and father, [REDACTED]. The interview was conducted by [REDACTED], Forensic Interviewer with Hope Haven of the Lowcountry. [REDACTED] with Hope Haven of the Lowcountry was present in the observation room with me during the interview. This interview was recorded on video. A copy of this video was provided to me at the time of the interview. This copy would not play properly, so on 07-24-2012 I picked up another copy of the interview from [REDACTED] Program Manager with Hope Haven of the Lowcountry. This video was submitted to a Beaufort County Sheriff's Office Evidence Technician.

Summation of Forensic Interview with [REDACTED]

[REDACTED] stated that she and her mother had moved back to Bluffton in February of 2012. They had moved in with her mother's boyfriend, [REDACTED]. (Their residence at the time was at [REDACTED], Bluffton, SC.) Her mother had a friend by the name of "Bubba" (Gerald Thomas Barrett Jr.) that came over to the house one night approximately two days after St. Patrick's Day 2012. She knew that Bubba was 22 years of age. She said that her mother and [REDACTED] were outside drinking beer. She was inside watching television and sitting on the couch. Bubba walked into the house and sat down on the couch next to her. She asked him to move and he refused. So she got up from the couch and went and sat in a chair. He walked over and sat in the chair with her. He touched her breasts and crotch area under her clothing. She told him to "GO AWAY!" She got, "really creeped out" and went upstairs and got into bed with her sister, [REDACTED] (age 11). They talked for a long time and then they both fell asleep. She woke up at about 0430 in the morning and went to get into her own bed. She fell asleep for about 15 minutes and woke up hearing someone walking up the stairs, it was Bubba. He walked into her room and laid down in her bed. She asked him, "What are you doing?" He said, "Don't worry about it." (She said that she was wearing a tee shirt to sleep in. He was wearing a shirt with his pants partially pulled down.) He said to her, "You better not tell anyone." (She then wrote on a piece of paper, "He raped me." A copy of this paper is attached to this report. She then wrote that he climbed on top of her and she thought that she was dying and started crying. He heard her crying and the rap downstairs. He later sent her a text asking her to come downstairs. She shut her door and looked in the window and he would not come back. She took

Michael H. Hatfield

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ARM CLOSD		☐ ARRESTED UNDER 18 ☐ EXCLEAR UNDER 18	
				☐ UNFOUNDED		☐ ARRESTED 18 AND OVER ☐ EXCLEAR 18 AND OVER	
REASON FOR EXCEPTONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION ORDER 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
[REDACTED]		07-27-12	[REDACTED]	[REDACTED]			
FOLLOW-UP INVESTIGATION ☐ YES ☒ NO				OFFICER [REDACTED] 7-31-12			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120703-263

NCIC

INQ.

UNIT

☐ ORIGINAL
REPORT
☐ ADDITIONAL
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 5 PAGES

a shower and got dressed and went back to sleep.) She indicated that Bubba had forced her have vaginal intercourse. She indicated that he had forced his penis inside her vagina while climbing on top of her and holding her arms down. She stated that it was very painful and that she felt "helpless." She closed her eyes while this was happening. After it was over, she went to the bathroom. She said that she was bleeding "really bad." She also noted, "really weird white stuff" coming out of her on to the tissue. She said that this happened only once. She also stated that she had never had intercourse with anyone before or since the incident.

Additional Officer Actions:

Immediately after [redacted] forensic interview, I showed her a six person photo lineup containing Gerald Barrett in the number five position. She was immediately able to identify Barrett as the individual that touched her breast and crotch with his hands, and then later raped her while restraining her. The original photo lineup was submitted to a Beaufort County Sheriff's Office Evidence Technician. A copy of the lineup is attached to this report. She also provided me with a written statement. The written statement is attached to this report. After leaving the forensic interview at Hope Haven, I drove to the Beaufort County Detention Center to interview Gerald Barrett Jr. (AKA: Bubba) He was Mirandized and the interview was recorded. A copy of his Miranda form is attached to this report. A copy of the interview was submitted to a Beaufort County Sheriff's Office Evidence Technician.

Interview of Gerald Barrett Jr.:

Bubba admitted to knowing [redacted] and her family. He stated that they were part of his family. He stated that the last time he had gone over to their house he had gone to visit with Shawn. He said that the house was located in a neighborhood down Malphrus Road behind the Lowes in Bluffton. He said the last time he was there he brought two bears, one for himself and one for Shawn. He said that when he came over, he would watch TV, spend the night and go home the next day. He stated that he knew that [redacted] had daughters by the name of [redacted] and [redacted]. He stated that he thought that [redacted] was 16 years of age but he did not know for sure. He denied ever having done anything to any of the girls at the residence. He denied having an attraction to young girls and stopped the interview by walking out of the room.

Additional Officer Actions:

On 07-24-2012 I met with Beaufort County Magistrate [redacted] and obtained three arrest warrants for Gerald Barrett Jr. The warrants are as follows:

Warrant Number	Charge
2012A0710300041	Criminal Sexual Conduct with a Minor in the Second Degree
2012A0710300042	Kidnapping
2012A0710300043	Lewd Act Upon a Child Under the Age of 16

The arrest warrants were turned over to Beaufort County Civil Deputy Sgt. [redacted] and immediately served on Gerald Barrett Jr. at the Beaufort County Detention Center. (See Deputy Malphrus Supplement)

Case Status: Arrested 18 and Over

Attachments:

1-Forensic Interview Note
3-Copies of Arrest Warrants
1-Copy of Photo Lineup
1-Forensic Interview Report (Six Pages)
1-Written Statement
1-Miranda Form

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County

Michael A. [redacted]
Chief Deputy Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED		☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFF-DOOR DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURIS DEATH 4. ☐ VICTIM DEFLECTS COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
[redacted]	07-27-12	[redacted]	[redacted]				
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER			

		INVESTIGATION OF RECOVERY LAW ENFORCEMENT AGENCY		INVESTIGATION OF RECOVERY LAW ENFORCEMENT AGENCY	
		VIN AND/OR OWNER APPLIED NO.		BOAT HULL NO. AND/OR REG NO.	
STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM		TYPE ☐ VEHICLE ☐ CLM ☐ COAT ☐ LICENSE PLATE ☐ SECURITY/ID/BOMB, STOLEN ☐ ARTICLE		SERIAL AND/OR OWNER APPLIED NO. YEAR OF REGISTRATION YEAR OF EXPIRATION YEAR MAKE MODEL STYLE COLOR BRAND NAME CALIBER FIG NO. UMBRELLA ISSUED EXPIRATION DATE MISCELLANEOUS	
TYPE (GROUP)				Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County, NC Michael B. H. 202 Michel Deputy, Beaufort County Sheriff's Office	
STOLEN					
DAMAGED					
SURETY					
RECOVERED					
SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ UNFOUNDED	☐ ADM. CLOSED	☐ ARRESTED UNDER IT ☒ ARRESTED IN AND OVER	☐ IN-CLEAR UNDER IT ☐ IN-CLEAR IS AND OVER
☒ YES ☐ NO	☒ YES ☐ NO				
REASON FOR EXCEPTIONAL CLEARANCE		1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION		1. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINE COOPERATION 1. ☐ SURRENDER-NO CUSTODY.	
REPORTING OFFICER(S)		DATE 07-27-12		APPROVING OFFICER DATE OFFICER	
		FOLLOW-UP INVESTIGATION		☐ YES ☐ NO	

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

NO. INQ. CTR.

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ ORIGINAL ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECEIVED PROPERTY

PAGE 4 OF 5 PAGES

☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTION ☒ Person	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	[REDACTED]		[REDACTED]		[REDACTED]	W	M	35	07-10-77	N
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	600	180	BRN	GRN	[REDACTED] Ex-Boyfriend					
	ADDRESS		CITY	STATE	ZIP	COUNTRY		REMARKS		
	[REDACTED]		Bluffton	SC	29910	Unknown				
	☐ VICTIM NO. ☐ VEHICLE NO. ☐ NO ☐ YES ☐ CONTACTED ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ USE ☐ VICTIM USING DRUGS ☐ NO ☐ YES ☐ TYPE									
	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES ☐ TYPE									
☐ COMPLAINANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTION ☒ Contact	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	ETH.
	[REDACTED]		[REDACTED]		[REDACTED]	B	M	32	04-30-80	N
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.					
	602	245	BLK	BRN	Father of the Victim					
	ADDRESS		CITY	STATE	ZIP	COUNTRY		REMARKS		
	[REDACTED]		Bluffton	SC	29910	843-393-5813				
	☐ VICTIM NO. ☐ VEHICLE NO. ☐ NO ☐ YES ☐ CONTACTED ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ USE ☐ VICTIM USING DRUGS ☐ NO ☐ YES ☐ TYPE									
	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES ☐ TYPE									
STATUS TYPE ☐ STOLEN ☐ VEHICLE ☐ RECOVERED ☐ GUN ☐ FOUNDED ☐ BOAT ☐ TOWED ☐ LICENSE PLATE ☐ SUSPECT ☐ SECURITY/INCOME, STOCKS ☐ VICTIM ☐ ARTICLE										
VIN AND/OR OWNER APPLIED NO.			JURISDICTION OF TRAFFIC LAW ENFORCEMENT AGENCY			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY				
SERIAL AND/OR OWNER APPLIED NO.			BOAT HULL NO. AND/OR REG. NO.			STATE				
YEAR OF REGISTRATION			YEAR OF EXPIRATION			YEAR			TYPE	
MODEL			STYLE			COLOR			BRAND NAME	
MFG NO.			SERIALIZATION			ISSUE			EXPIRATION DATE	
MISCELLANEOUS			Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County. <i>Michael H. Haddad</i>							
TYPE GROUP			TOTAL VALUE							
STOLEN										
DAMAGED										
TOWED										
RECOVERED										
LOST										
SUBJECT IDENTIFIED			SUBJECT LOCATED			☐ ACTIVE ☐ ADM. STATUS ☐ UNFOUNDED			☒ ARRESTED IS AND OVER ☐ EX-CLEAR IS AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE			1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER			DATE			APPROVING OFFICER			DATE	
[REDACTED]			07-27-12			[REDACTED]				
FOLLOWUP INVESTIGATION			OFFICER			DATE			UNIT NUMBER	
[REDACTED]			[REDACTED]			[REDACTED]			[REDACTED]	

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

INC. NO. 0000
UNCL.

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>5</u> OF <u>5</u> PAGES
☐ MODIFIED ORIGINAL	☐ CASE FEATUR CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY	

☐ COOPERADANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTIONS ☒ Victim/Master	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	STYL
	[REDACTED]		[REDACTED]		[REDACTED]	W	F	31	08/08/81	N
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLASSES, CLOTHING, PHYSICAL PARTICULARS, ETC.					
	508	160	BLN	HAZ	Mother of the Victim, AKA: [REDACTED]					
ADDRESS		CITY		STATE	ZIP CODE	LOCATION		OUTINGS		REPORTING
[REDACTED]		Bluffton		SC	29910	[REDACTED]		[REDACTED]		[REDACTED]
VICTIM NO.		VICTIM NO.		CONTACT OF FOR VEHICLE		VICTIM USED ALCOHOL		VICTIM USED DRUGS		OTHER
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]
SUBJECT NO.		USING ALCOHOL		USING DRUGS		TWO-WHEEL VEHICLE		DEATH/INJURY		ALONE
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]
☐ COOPERADANT ☐ VICTIM # ☐ SUSPECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTIONS ☒ Person	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUSPECT		RESIDENT	RACE	SEX	AGE	D.O.B.	STYL
	[REDACTED]		[REDACTED]		[REDACTED]	W	F	00	Unknown	N
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLASSES, CLOTHING, PHYSICAL PARTICULARS, ETC.					
	XX	XX	XX	XX	Program Manager with Hope Haven of the Lowcountry					
ADDRESS		CITY		STATE	ZIP CODE	LOCATION		OUTINGS		REPORTING
[REDACTED]		Beaufort		SC	29906	[REDACTED]		[REDACTED]		[REDACTED]
VICTIM NO.		VICTIM NO.		CONTACT OF FOR VEHICLE		VICTIM USED ALCOHOL		VICTIM USED DRUGS		OTHER
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]
SUBJECT NO.		USING ALCOHOL		USING DRUGS		TWO-WHEEL VEHICLE		DEATH/INJURY		ALONE
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ DISPOSED ☐ VICTIM		TYPE ☐ VEHICLE ☐ CLM ☐ BOAT ☐ LICENSE PLATE ☐ SECURITY/DOWNS, STORIES ☐ ARMED		VIN AND/OR OWNER APPLIED NO. SERIAL AND/OR OWNER APPLIED NO.		BOAT HULL NO. AND/OR REG NO.	
YEAR OF REGISTRATION MODEL REG NO.		YEAR OF EXPIRATION TITLE DESCRIPTION		YEAR MAKE COLOR ISSUED		TYPE BRAND NAME CALIBER SECURITY DATE	
MISCELLANEOUS							
TYPE (GROUP)		Certified to be a true and correct copy of the original document or file with the Office of Sheriff for Beaufort County.					
STOLEN		TOTAL VALUE					
DAMAGED							
RETURNED							
RECOVERED							
SUBJECT IDENTIFIED		SUBJECT LOCATED		Chief Deputy, Beaufort County Sheriff's Office			
☒ YES ☐ NO		☒ YES ☐ NO		☐ ACTIVE ☐ ARM, CLOSER ☐ ASSAULT UNDER 18 ☐ SEX-RELATED UNDER 18			
REASON FOR EXCEPTIONAL CLEARANCE		1. OFFENSE DEATH		2. NO PROSECUTION		3. EXTRAJURISDICTION	
REPORTING OFFICER		DATE		APPROVING OFFICER		DATE	
[REDACTED]		07-27-12		[REDACTED]		[REDACTED]	
FOLLOW-UP INVESTIGATION		YES		NO		OFFICER	

AGENCY ID.
SCO 070000

ORIGINAL
SUPPLEMENTAL INCIDENT REPORT

201207030263

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☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
ITOLN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 1 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #201207030263

INCIDENT TYPE: Criminal Sexual Conduct 2nd Degree, Kidnapping and Lewd Act Upon a Child Under the age of 16

INCIDENT LOCATION: ~~REDACTED~~

REPORTING OFFICER: D/S L. Glass

COMPLAINANT: ~~REDACTED~~

VICTIM: ~~REDACTED~~

SUSPECT: Barrett, Jr, Gerald Thomas

ASSIGNED OFFICER: Sgt. ~~REDACTED~~

SYNOPSIS:

On the listed date and time BCSO was contacted by the complainant (via telephone) in reference to the listed incident types. Arrest Warrant Numbers 2012A0710300041, 2012A0710300042 and 2012A0710300043 were obtained for the suspect's arrest.

Follow Up:

On 07-24-12 at approximately 1640 hours the suspect was located at 106 Ribaut Road (BCDC) in Beaufort County, South Carolina. The three warrants were located and secured. ~~REDACTED~~ (Beaufort Magistrate Office) verified the warrants as being active. The suspect was read his Miranda Rights and the warrants were served. A Statement of Miranda Rights Form was completed. The victim's parents were contacted and a Victim Notification Form was completed. County Summons Numbers 51056, 51057 and 51058 were issued to the suspect all with court date on 08-24-12 at 0900 hours.

Attachments:

Prosecutorial Summary

Booking Report

Copy of Three Warrant Disposition Sheets

Copies of County Summons Numbers 51056, 51057 and 51058

Statement of Miranda Rights

Victim Notification Form

Copies of Arrest Warrant Numbers 2012A0710300041, 2012A0710300042 and 2012A0710300043

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copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED		☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ CITIZEN DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
~~REDACTED~~	07-24-12	~~REDACTED~~	~~REDACTED~~		7/27/12	~~REDACTED~~	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

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☐ ORIGINAL
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☒ SUPPLEMENTAL
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☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 2 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #:20120703-263

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

INCIDENT LOCATION: [REDACTED] Bluffton, SC

REPORTING OFFICER: [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Gerald Thomas Barrett Jr.

ASSIGNED OFFICER: Investigator [REDACTED]

SYNOPSIS:

On 07-03-2012 Beaufort County Deputies took a report of Criminal Sexual Conduct with a Minor.

Additional Officer Actions:

On 01-03-2013 I made contact with the victim, [REDACTED] at the Hilton Head High School. I wanted to update her contact information and address. I was able to find out that she is currently living with her father, [REDACTED]. His contact information is attached to this report.

I also made contact with [REDACTED] from Hope Haven of the Lowcountry. [REDACTED] faxed me a copy of the exam notes from [REDACTED] medical exam. These notes will be submitted to a Beaufort County Evidence Technician as soon as possible.

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copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hatfield

Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED		☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM UNWILLING COOPERATION 5. ☐ JUVENILE - NO CUSTODY							
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
[REDACTED]		01-03-13	[REDACTED]	[REDACTED]			
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			

AGENCY I.D.
SCO 070000

ORIGINAL
SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120703-263

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☐ ORIGINAL
REPORT
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☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFICERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 2 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20120703-263

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

INCIDENT LOCATION: [REDACTED] Bluffton, SC

REPORTING OFFICER: [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Gerald Thomas Barrett Jr.

ASSIGNED OFFICER: Investigator [REDACTED]

SYNOPSIS:

On 07-03-12 Beaufort County Deputies took a report of Criminal Sexual Conduct with a Minor.

Additional Officer Actions:

On 02-07-2013 I went to Hope Haven of the Lowcountry in reference to Forensic Interviews for [REDACTED] and [REDACTED]. [REDACTED] are the half-sisters of victim [REDACTED]. They all share the same mother, [REDACTED]. [REDACTED] has a different father, [REDACTED]. [REDACTED] father is [REDACTED]. [REDACTED] mother is the original complainant in this case, [REDACTED]. [REDACTED] were both interviewed by Forensic Interviewer Kendra Twitty. The interviews were recorded and copies of the interviews were submitted to a Beaufort County Evidence Technician. The girls were interviewed to determine if they had been assaulted by Gerald Thomas Barrett Jr.

Interview of [REDACTED]:

[REDACTED] stated that she knew Gerald Barrett Jr by the nickname "Bubba". She described him as being a "Creepy" and "Weird" guy that would sometimes spend the night at her mom's house. She said that he would either sleep on the couch or upstairs in a room next to her sister [REDACTED] room. She did not know why he would come by and sleep at the house. She was laying on the couch one night trying to go to sleep and Bubba came over and laid down on top of her. She described him being fully clothed and wearing a jacket and blue jeans at the time. He did not attempt to touch her in any other way. She asked him to get off of her and he complied. She then went into her mother's room and called her dad on the telephone. She did not tell her dad what happened.

She also described Bubba as repeatedly trying to get closed to her sister [REDACTED]. He would sit very close to her and tell her that she was very pretty. He would sit next to her and tap [REDACTED] repeatedly on the shoulder to get her attention. [REDACTED] later told her that Bubba had put his hand down her pants.

Interview of [REDACTED]:

[REDACTED] said that she had seen Bubba over at her mom's house before. He once picked her up and threw her on a bed, but did not touch her in any other way. He picked up her sister [REDACTED] and threw her on the couch. She did not make any other disclosures about Bubba.

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copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hatfield

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADJ. DISPOSED		☐ ARRESTED IS AND OVER		☐ EX-CLEAR IS AND OVER	
SEARCH FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINE COOPERATION 5. ☐ JUVENILE - NO CUSTODY		UNIT NUMBER A5232		DATE 2-8-13		REPORTING OFFICER(S) [REDACTED]		APPROVING OFFICER [REDACTED]	
FOLLOWUP INVESTIGATION ☐ YES ☒ NO		OFFICER [REDACTED]		DATE 2-21-13		[REDACTED]		[REDACTED]	

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120703-263

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☐ ORIGINAL
REPORT
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ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
STEAL PROPERTY
☐ ADDITIONAL
UPGRADED PROPERTY

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☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ IAL ☐ SUBORDINATE ☒ Contact	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	HT	WT
	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	510	250	BRN	XX	Father of [REDACTED] and [REDACTED], Step-Father of [REDACTED]						
ADDRESS		CITY		STATE	ZIP	[REDACTED]					
[REDACTED]		Bluffton		SC	29910	[REDACTED]					
☐ VICTIM NO. ☐ VEHICLE DAMAGE ☐ NO ☐ YES ☐ COMPLAINT OF NON-VEHICLE DAMAGE ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ USE ☐ VICTIM USING DRUGS ☐ NO ☐ YES ☐ TYPE		☐ TWO-WHEEL VEHICLE ☐ DETENTION/PLACED ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ARRESTED									
☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES ☐ TYPE											

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ IAL ☐ SUBORDINATE ☒ Contact	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	D.O.B.	HT	WT
	[REDACTED]		[REDACTED]		[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	XX	XX	BLN	XX	Half-Sister of [REDACTED], Daughter of [REDACTED] and [REDACTED]						
ADDRESS		CITY		STATE	ZIP	[REDACTED]					
[REDACTED]		Bluffton		SC	29910	[REDACTED]					
☐ VICTIM NO. ☐ VEHICLE DAMAGE ☐ NO ☐ YES ☐ COMPLAINT OF NON-VEHICLE DAMAGE ☐ NO ☐ YES ☐ VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ USE ☐ VICTIM USING DRUGS ☐ NO ☐ YES ☐ TYPE		☐ TWO-WHEEL VEHICLE ☐ DETENTION/PLACED ☐ ALONE ☐ ONE-WHEEL VEHICLE ☐ OTHER ☐ ARRESTED									
☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES ☐ USING DRUGS ☐ NO ☐ YES ☐ TYPE											

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM	TYPE ☐ VEHICLE ☐ CLW ☐ BOAT ☐ LICENSE PLATE ☐ SECURITY/BONDS, STOCKS ☐ ARTICLES	VIN AND/OR OWNER APPLIED NO.		BOAT HULL NO. AND/OR REG NO.		
		SERIAL AND/OR OWNER APPLIED NO.		STATE		
		YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
		MODEL	STYLE	COLOR	BRANDNAME	CALIBER
HIC NO.		SERMINATION		ISSUES		
MISCELLANEOUS		Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County. [Signature] Chief Deputy Sheriff, Beaufort County Sheriff's Office				

TYPE (GROUP)	TOTAL VALUE	
STOLEN	[REDACTED]	
DAMAGED	[REDACTED]	
SUNKEN	[REDACTED]	
RECOVERED	[REDACTED]	
OTHER	[REDACTED]	
SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED
☒ YES ☐ NO	☒ YES ☐ NO	☒ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE	1. ☐ CIVILIAN DEATH	2. ☐ NO PROSECUTION
REPORTING OFFICER	DATE	APPROVING OFFICER
[REDACTED]	02-8-13	[REDACTED]
FOLLOWUP INVESTIGATION		OFFICER
☐ YES ☐ NO		

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

INC. INVT.
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☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY

☐ COMPLAINANT ☐ VICTIM ☐ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTION ☒ Contact	NAME (LAST, FIRST, MIDDLE) [REDACTED]	VICTIM RELATIONSHIP TO SUSPECT [REDACTED]	RESIDENT [REDACTED]	RACE W	SEX F	AGE 9	D.O.B. [REDACTED]-03	STY. N	
	HEIGHT XX	WEIGHT XX	HAIR BRN	EYES XX	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PARTICULARS, ETC. Half-Sister of [REDACTED] Daughter of [REDACTED] and [REDACTED]				
	ADDRESS [REDACTED]	CITY Bluffton	STATE SC	ZIP 29910	[REDACTED]				
	☐ VEHICLE NO. [REDACTED] USING ALCOHOL ☐ NO ☐ YES ☐ VEHICLE NO. [REDACTED] USING DRUGS ☐ NO ☐ YES ☐ TYPE [REDACTED]								

☐ COMPLAINANT ☐ VICTIM ☐ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUGGESTION ☒ Interviewer	NAME (LAST, FIRST, MIDDLE) [REDACTED]	VICTIM RELATIONSHIP TO SUSPECT [REDACTED]	RESIDENT [REDACTED]	RACE W	SEX F	AGE 00	D.O.B. Unknown	STY. N	
	HEIGHT 508	WEIGHT 140	HAIR BRN	EYES XX	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PARTICULARS, ETC. Forensic Interviewer for Hope Haven of the Lowcountry [REDACTED]				
	ADDRESS P O Box 2502	CITY Beaufort	STATE SC	ZIP 29901	[REDACTED] 243-324-2256				
	☐ VEHICLE NO. [REDACTED] USING ALCOHOL ☐ NO ☐ YES ☐ VEHICLE NO. [REDACTED] USING DRUGS ☐ NO ☐ YES ☐ TYPE [REDACTED]								

STATUS ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM		TYPE ☐ VEHICLE ☐ CLM ☐ BOAT ☐ LICENSE PLATE ☐ SECURITY/STORAGE/STOCKS ☐ ARTS/TOOLS		VIN AND/OR OWNER APPLIED NO. [REDACTED]		JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY [REDACTED]		JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY [REDACTED]	
TYPE (GROUP) [REDACTED]		YEAR OF REGISTRATION [REDACTED]		YEAR OF EXPIRATION [REDACTED]		MAKE [REDACTED]		MODEL [REDACTED]	
STOLEN [REDACTED]		DAMAGED [REDACTED]		SURFACED [REDACTED]		RECOVERED [REDACTED]		TOTAL VALUE [REDACTED]	
SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACUTE ☐ CHRONIC ☐ UNFOUNDED		☐ ARRESTED UNDER 11 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 11 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER [REDACTED]		DATE 02-08-13		UNIT [REDACTED]		APPROVING OFFICER [REDACTED]		DATE [REDACTED]	
FOLLOW-UP INVESTIGATION [REDACTED]		YES ☐ NO ☐		OFFICER [REDACTED]		DATE [REDACTED]		UNIT [REDACTED]	

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the Office of Sheriff for Beaufort County.

Michael A. [REDACTED]
Chief Deputy, Beaufort County Sheriff's Office

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120703-263

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☐ ORIGINAL
☐ MODIFIED
☐ ORIGINAL

☒ SUPPLEMENTAL
☐ CASE STATUS
☐ CHANGE

☐ ADDITIONAL
☐ VICTIM
☐ ADDITIONAL
☐ OFFENSES

☐ ADDITIONAL
☐ STOLEN PROPERTY
☐ ADDITIONAL
☐ RECOVERED PROPERTY

PAGE 1 OF 3 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20120703-263

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

INCIDENT LOCATION: Bluffton, SC

REPORTING OFFICER: D/S

COMPLAINANT:

VICTIM:

SUSPECT: Gerald Thomas Barrett Jr.

ASSIGNED OFFICER: Investigator

ORIGINAL

SYNOPSIS:

On 07-03-2012 Beaufort County Sheriff's Deputies took an incident report of Criminal Sexual Conduct with a Minor.

Additional Officer Actions:

On 03-16-2013 at approximately 1000 hours I met with [REDACTED] at his residence. His residence is at [REDACTED] Bluffton, SC. It is the incident location for this incident. [REDACTED] allowed me to photograph the residence. These photographs will be submitted to a Beaufort County Sheriff's Office Technician as soon as possible. I will also submit a working copy of the photographs to [REDACTED] with the Solicitor's Office as soon as possible. I noted that the residence was consistent with the statements and Forensic interview of the victim. It was a two story residence with bedroom upstairs enclosed with a door made up of mostly glass.

[REDACTED] provided a written statement. The written statement is attached to this report. He also provided a verbal statement. He positively identified Gerald Barrett Jr. (AKA: Bubba) from a six person photo lineup. The photo lineup will be submitted to a Beaufort County Sheriff's Office Technician as soon as possible.

Interview of [REDACTED]:

[REDACTED] said that at the time of the incident, [REDACTED] lived with him at the [REDACTED] residence. He said that [REDACTED] daughter [REDACTED] lived with them. Her other daughters [REDACTED] would come and stay with them from time to time.

He said that he knew Gerald Barrett Jr by the nickname of "Bubba". Bubba would come to the house periodically to visit and spent the night at the house once or possibly twice. He was sure that he spent the night at least once. He believed that the night Bubba spent the night for sure was the night of the Town of Hilton Head Saint Patrick's Day Parade (Sunday March 11, 2012). He described Bubba as being one of [REDACTED] friends. He did not like Bubba very much but tolerated him because of her. Bubba often came to the house driving the car of [REDACTED]. He described the car as being a large four door American made sedan. Bubba frequently drove [REDACTED] car as if it was his own.

On the night of the St. Patrick's Day Parade, he could not remember if Bubba had driven over or gotten a ride with someone. They had all gone to the parade and went to the Wild Wing Cafe after the parade. After leaving the Wild Wing Cafe, they came back to the house. He said that they had run into Bubba at the parade and he wound up coming home with them after the parade. [REDACTED] and one of her sisters either [REDACTED] or [REDACTED] had also come back to the house with them. The adults were congregating around an outdoor fire in the back yard. [REDACTED] and her sister were inside the house watching television. Bubba seemed to be going back and forth between the fire and the girls watching TV. Bubba was younger than the rest of the adults and older than the girls, so he did not quite fit in with either group. Bubba was to spend the night on the couch downstairs. The adults came in to go to bed at roughly midnight. Bubba had

Certified to be a true and correct

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ UNFOUNDED		☐ EX-100 BAR INTERVIEW ☐ EX-100 BAR INTERVIEW IS	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION 3. ☐ EX-100 BAR INTERVIEW 4. ☐ VICTIM DECLINES COOPERATION		DATE 3-17-13		UNIT NUMBER [REDACTED]		DATE 3-17-13	
REPORTING OFFICER(S) [REDACTED]		DATE 3-17-13		UNIT NUMBER [REDACTED]		DATE 3-17-13	
FOLLOW-UP INVESTIGATION ☐ YES ☒ NO		OFFICER Chief Deputy Beaufort County Sheriff's Office		OFFICER [REDACTED]		UNIT NUMBER [REDACTED]	

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CALL NUMBER

20120703-263

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☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE 2 OF 3 PAGES
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL DISCOVERED PROPERTY	

come in earlier to watch TV with the girls. Bubba was alone with the girls for a time. When the adults went to bed at approximately midnight Bubba was still hanging out downstairs and the girls had already gone to bed upstairs. [redacted] said that he did not stay up later than midnight because he had to go to work the next day. He got up the next morning and went to work between 0630 and 0700 hours. [redacted] said that during the course of fourteen hours on St Patrick's Day, he consumed between eight and ten beers. He never heard any type of disturbance during the course of the evening or noticed anything unusual. He could not remember if Bubba was still at the house when he left for work the next day.

[redacted] described [redacted] as being a "great kid". She did not have any problems with drugs or alcohol. She did well in school academically. She was always very honest and believable. When she first moved into the residence, she was missing a boyfriend from the Aiken area named "[redacted]". [redacted] and [redacted] thought that this was more of a "puppy love" type relationship and nothing serious. He never knew [redacted] to be involved with any boys in the local area.

Attached:

- 1-Written Statement
- 1-Copy of Photo Lineup

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED		☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE - NO CRIMINAL RECORD							
REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT	OFFICER NUMBER	
[redacted]	03-17-13	[redacted]	[redacted]				
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO							

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120703-263

PAGE

3 OF 3 PAGES

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED CRIME	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY

☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO OFFENDER		AGE	SEX	RACE	DOB	HT	WT
☐ VICTIM	[REDACTED]		[REDACTED]		35	M	W			
☐ SUSPECT	REPORT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL IDENTIFIERS, ETC.					
☐ KIDNAP	600	180	BRN	GRN	Former Live in Boyfriend of [REDACTED] (Mother of the Victim)					
☐ WANTED	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO. DAY PHONE			
☐ WARRANT	[REDACTED]		Bluffton		SC	29910	[REDACTED]			
☐ ARREST	☐ VICTIM NO. ☐ VEHICLE USED ☐ NO ☐ YES		☐ COMPLAINT OF POSSIBLE CRIMES ☐ NO ☐ YES		☐ VICTIM UNHARMED ☐ NO ☐ YES ☐ UNL.		☐ TWO-WAY VEHICLE ☐ DESTRUCTIVE PLANT ☐ ALICE		☐ OTHER ☐ ADMITTED	
☐ JAIL	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES		☐ USING DRUGS ☐ NO ☐ YES		☐ TYPE		☐ ONE			
☐ SIGHTING	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES		☐ USING DRUGS ☐ NO ☐ YES		☐ TYPE		☐ ONE			
☒ WITNESS	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES		☐ USING DRUGS ☐ NO ☐ YES		☐ TYPE		☐ ONE			

☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO OFFENDER		AGE	SEX	RACE	DOB	HT	WT
☐ VICTIM	[REDACTED]		[REDACTED]							
☐ SUSPECT	REPORT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL IDENTIFIERS, ETC.					
☐ KIDNAP										
☐ WANTED	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO. DAY PHONE			
☐ WARRANT										
☐ ARREST	☐ VICTIM NO. ☐ VEHICLE USED ☐ NO ☐ YES		☐ COMPLAINT OF POSSIBLE CRIMES ☐ NO ☐ YES		☐ VICTIM UNHARMED ☐ NO ☐ YES ☐ UNL.		☐ TWO-WAY VEHICLE ☐ DESTRUCTIVE PLANT ☐ ALICE		☐ OTHER ☐ ADMITTED	
☐ JAIL	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES		☐ USING DRUGS ☐ NO ☐ YES		☐ TYPE		☐ ONE			
☐ SIGHTING	☐ SUBJECT NO. ☐ USING ALCOHOL ☐ NO ☐ YES		☐ USING DRUGS ☐ NO ☐ YES		☐ TYPE		☐ ONE			

SUBSIDIARY OF THEFT LAW ENFORCEMENT AGENCY		SUBSIDIARY OF RECEIPT LAW ENFORCEMENT AGENCY	
VIT AND/OR OFFENSE APPLIED NO.		DEPT. NO. AND/OR EDD NO.	
SERIAL AND/OR OFFENSE APPLIED NO.		STATE	
YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE
MODEL	STYLE	COLOR	DRIVE SHAFT
WED. NO.	DISSEMINATION	ISSUED	EXPIRATION DATE
REMARKS			

STATUS	TYPE	TOTAL VALUE	
☐ STOLEN	☐ VEHICLE		
☐ DISCOVERED	☐ CEN		
☐ FOUND	☐ DOAT		
☐ TOWED	☐ LICENSE PLATE		
☐ SURRENDER	☐ IDENTIFICATION/STOCKS		
☐ VICTIM	☐ ARTICLE		

TYPE (GROUP)		TOTAL VALUE	
STOLEN			
DAMAGED			
RECOVERED			
RECOVERED			
RECOVERED			
SUBJECT IDENTIFIED		SUBJECT LOCATED	
☒ YES	☐ NO	☒ YES	☐ NO
☐ ACTIVE		☐ ADJ. CLOSING	
☐ UNPROCESSED		☐ ARRESTED/CHARGED	
REASON FOR EXCEPTIONAL CLEARANCE		REASON FOR EXCEPTIONAL CLEARANCE	
1. ☐ OFFENSE DEATH		1. ☐ NO PROSECUTION	
2. ☐ EXTRADITION DENIED		2. ☐ VICTIM DECEASED/COOPERATION	
3. ☐ VICTIM DECEASED/COOPERATION		3. ☐ RECOVERED/NO CUSTODY	
REPORTING OFFICER	DATE	UNIT	APPROVING OFFICER
[REDACTED]	03-16-13	[REDACTED]	[REDACTED]
FOLLOW-UP INVESTIGATION		OFFICIAL	
☐ YES		☐ NO	

Supplemental Report - 201207030263-2013-05-14T17_14_49

Officer Actions:

On 05-14-2013 I went to the Quality Inn and Suites located at 200 Museum Street, Hilton Head, SC. I made contact with Michelle [REDACTED] (the Assistant General Manager of the hotel) and Angela [REDACTED] (Desk Clerk) at the hotel. I asked them about Edward James Palmer being a guest at the Quality Inn during 2012. Ms. [REDACTED] and Ms. [REDACTED] both stated that they remembered Mr. Palmer because he had been a long term resident of the hotel. They both said that Palmer had stayed at the hotel with a dog and a boy. Mr. Palmer told them that the boy was a nephew. Ms. [REDACTED] said that she did not recall Palmer staying at the hotel from January of 2012 until the present. Ms. [REDACTED] said that the computer records for the hotel did not show Palmer staying at the hotel from January 06, 2012 until the present date. [REDACTED] and [REDACTED] both provided me with written statements. The statements are attached to this supplement.

Case Status: Arrested Over 18

Attachments:

2-Written Statements

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County..

Michael M. Hartzfeld
Chief Deputy, Beaufort County Sheriff's Office

5/15/2013

Additional Officer Actions:

On 05-16-2012 I made contact with Michelle [REDACTED] at the Quality Inn and Suites on Hilton Head Island. [REDACTED] is the Assistant General Manager of the Hotel. I showed [REDACTED] the records for Edward Palmer's stay at the hotel provided to me by Assitant Solicitor [REDACTED]. [REDACTED] was able to use one of the customer numbers on the records to access hotel records for Edward Palmer's stay at the hotel. [REDACTED] then provided me with a print out of those records. These records contradicted [REDACTED]' earlier statement about Palmer's stay at the hotel. A copy of these records is attached to this report. I also emailed a copy of those records to the Solicitor's Office.

Attachment:

8-Pages of Records from the Quality Inn and Suites for Edward Palmer

Case status: Arrested over 18.

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hatfield
Chief Deputy, Beaufort County Sheriff's Office



BEAUFORT COUNTY SHERIFF'S OFFICE

Miranda Warning Form

07-20-2012 / 1656

Case Number: 20120703-263

Location Where Miranda Issued: Beaufort County Detention Center

Name: Gerrill Thomas Bennett Jr. Date of Birth: 1-14-1990

Statement of Rights

GD 1. You have the right to remain silent.
(Initials)

GD 2. Anything you say can and will be used against you in a court of law.
(Initials)

GD 3. You have the right to have an attorney present before or during questioning.
(Initials)

GD 4. If you cannot afford an attorney, one will be appointed for you before any
(Initials) questioning, if you wish.

Waiver of Rights

Do you understand each of these rights I have explained to you? YES: / NO: /
(Initials)

Having these rights in mind, do you wish to talk to us now? YES: / NO: /
Certified to be a true and correct copy of the original document on file with the Office of Sheriff for (Initials) County.

Signature: [Signature]

Michael A. Hartzfeld
Chief Deputy Beaufort County Sheriff's Office
Date: 7/20/12 Time: 1656

Witness: [Signature] Date: 7/20/12 Time: 1658

Witness: _____ Date: _____ Time: _____



BEAUFORT COUNTY SHERIFF'S OFFICE

Miranda Warning Form

Case Number: 201207030263

Location Where Miranda Issued: 106 Ribaut Rd (BCDC) Beaufort, SC

Name: Bennett Jr, Gerald Date of Birth: 1/14/90

Statement of Rights

G3 1. You have the right to remain silent.
(Initials)

G3 2. Anything you say can and will be used against you in a court of law.
(Initials)

G3 3. You have the right to have an attorney present before or during questioning.
(Initials)

G3 4. If you cannot afford an attorney, one will be appointed for you before any
(Initials) questioning, if you wish.

Waiver of Rights

Do you understand each of these rights I have explained to you? YES: G3 NO: _____
(Initials)

Having these rights in mind, do you wish to talk to us now? YES: _____ NO: G3
(Initials)

Signature: D. Bennett

Date: 7/24/12 Time: 1650

Certified to be a true and correct

copy of the original document on file with

Witness: D. B. Malphus

Date: 7/24/12 Sheriff's Office: Beaufort County

Michael M. Hatfield

Witness: _____

Date: _____ Deputy, Beaufort County Sheriff's Office

30120703-263

Date 7/20/12 Page No. 1

STATEMENT OF:

Name: [REDACTED] DOB: 1-1-1988 H: [REDACTED]Add: [REDACTED] SSN: [REDACTED] C: 1-1-1988W: [REDACTED]

2 days after St. Patrick's day I came home and Bubba was there my mom & her boyfriend [REDACTED] were drinking outside with a few friends my mom had made comments saying stay away from Bubba before but I didn't catch them, so when I walked inside I put my stuff by the door then I sat on the couch & turned the t-v on Bubba walked in and sat beside me I asked him to move he wouldn't so I moved to my chair that me and [REDACTED] usually watch movies in and he moved over to my chair sat down with me and touched me, I walked up to my mom around 12:00 got my sleep t-shirt on and went in the room with [REDACTED] we stayed up talking about her getting bullied and our mom until about 1-1:30 am. We both fell asleep but I woke up around 4:30 and walked to my room I fell asleep for about 15-20 minutes then I heard someone coming up the stairs, it was Bubba, then he came and layed in my bed and I asked what he was doing he said don't worry about it, he pulled his pants half way down got on top of me and raped me, he heard a noise and ran down stairs. Later he texted me saying come down stairs I got hurt I locked my door and went to the restroom. I was bleeding and some weird white stuff was on my tissue so I took a shower got some pants & a t-shirt on and went back to sleep.

[REDACTED] 7/20/12

20120703-263
 7-20-2012 after St. Patty's Day -
 2 days after St. Patty's
 He raped me. March or April 2012
 Step-mom -

he took his pants down
 and got on top of me
 and I thought I was dying.
 So I cried and he heard
 a noise so he ran down
 stairs and ~~texted~~ ten
 minutes later he ~~texted~~ me
 and said come down stairs
 so I shut my door and
 locked it so he wouldn't
 come back and I ~~went~~ took
 a shower and then got
 some pants and ~~on~~ shirt
 on and went back to sleep.

Certified to be a true and correct
 copy of the original document on file with
 the Office of Sheriff, Beaufort County.

Michael M. Hestfield
 Chief Deputy, Beaufort County Sheriff's Office

20120703-263

Date 3/16/13

Page No. 1

STATEMENT OF:

Name: [REDACTED]

DOB: 7/10/76

H: [REDACTED]

Add: [REDACTED]

SSN: [REDACTED]-97130

W: [REDACTED]

Bluffton, S.C. 29910

On the morning of 3/11/12, Day of St. Patrick's Day Parade (Hilton Head). Around 10am [REDACTED] Myself and [REDACTED] and [REDACTED] went to the Parade. We watched the Parade, Listened to Music and ate at several places. At around Dark, Someone Took the girls back to the house. We followed about an hour or two later. When we arrived either [REDACTED] or [REDACTED] went to there dad's. The other one was at the house with [REDACTED]. We mention to some people that if they wanted to stop by they could for a fire and a few drinks. A couple people including Bubba stopped by. We had a fire out back and were in and out of the house for the next several hours. [REDACTED] The girls were watching T.V. Downstairs with Bubba early on in the evening. About half way through the night the girls went upstairs. Bubba was back and forth. Inside and Out the rest of the get together. At some point he asked to spend the night and I said yes. I said he could stay the night and correct. Around 12 midnight everything went down and we all went to bed. I got up at 6:30-7:00am to go to work and can't recall if I saw him in the morning or not.

ORIGINAL

3/16/13 [REDACTED]

20120703-263

Date 5/14/13 Page No. 1

STATEMENT OF:

Name: [REDACTED] DOB: [REDACTED] H: [REDACTED]Add: [REDACTED] SSN: [REDACTED] C: [REDACTED]W: [REDACTED]I [REDACTED] [REDACTED]

Don't recall Mr. Palmer staying here

In January of 2012 until present

[REDACTED]

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. [Signature]
Chief Deputy, Beaufort County Sheriff's Office

MAY 24 2013

20120703-263

Date 5/14/13

Page No. 1

STATEMENT OF:

Name: [REDACTED]

DOB: [REDACTED] 71

H: [REDACTED]

Add: [REDACTED]

SSN: [REDACTED]

C: [REDACTED]

W: [REDACTED]

To my knowledge MG Palmer has not stayed at
Quality Inn + Suites since January 6, 2012. Based on
our computer records.

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

[Signature]
Chief Deputy Beaufort County Sheriff's Office

MAY 24 2013

ARREST WARRANT

J-339495

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
Beaufort

THE STATE **20120414-014**
against

Gerald Thomas Barrett, Jr

Address: **7 Pine Needle Ct.**
Bluffton, SC 29910-5942

Phone: **SSN: 3643**
Sex: **M** Race: **W** Height: **5 11** Weight: **165**
DL State: **SC** DL #: **100700653**
DOB: **1/14/1990** Agency ORI #: **SC0070000**
Prosecuting Agency: **Beaufort County Sheriff's Office**
Prosecuting Officer: **D. Seifert - 7154**
Offense: **Sex / Criminal sexual conduct - Second degree**

Offense Code: **0161**
Code/Ordinance Sec: **16-03-0653**

This warrant is **CERTIFIED FOR SERVICE** in the
County/ ☐ Municipality of

The accused
be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant **Gerald Thomas Barrett**
on **6-16-12**

Signature of the Law Enforcement Officer

RETURN WARRANT TO:
Beaufort County General Sessions
PO Box 1128
102 Ribault Road, Rm. 208
Beaufort, SC 299011128

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ORIGINAL

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Beaufort

AFFIDAVIT

ORIGINAL

RECEIVED BY
S. C. JUDICIAL BRANCH
JUL 21 2012
SCCA 516

Personally appeared before me the affiant **D. Seifert**
being duly sworn deposes and says that defendant **Gerald Thomas Barrett, Jr**
did within this county and state on or about **4/12/2012**
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Beaufort**)
in the following particulars:
DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Second degree

I further state that there is probable cause to believe that the defendant named above
the crime set forth and that probable cause is based on the following facts:
That on April 12, 2012, the defendant, Gerald Thomas Barrett, Jr, did willfully and unlawfully commit the offense of Criminal
Sexual Conduct- 2nd Degree with a female minor under the age of 16 years of age. During a Hope Haven interview, the victim
admitted to engaging in sexual intercourse with the defendant. The defendant is known to the victim as her best friend's brother.
This offense occurred at **Bluffton, Beaufort County, South Carolina**. The affiant and others are witness to
prove the same.

This is a true and correct
copy of the original document on file with
the Office of the Beaufort County
Chief of Police
Beaufort County Sheriff's Office

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Beaufort

Affiant's Address **Beaufort, SC 29902-**
Affiant's Telephone

RECEIVED

ARREST WARRANT

Beaufort County Sheriff's Office

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

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

on or about **4/12/2012** defendant **Gerald Thomas Barrett, Jr**
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of **Beaufort**) as set forth below.

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Second degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me
on **6/14/2012**

Signature of Issuing Judge (L.S.)
Judge's Address **Post Office Box 1128**
Bluffton, SC 29910
Judge's Telephone
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit
Judge Code: **7184**

Judge's Address **Post Office Box 1128**
Bluffton, SC 29910

Judge's Telephone
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

AGENCY ID.
SCO 070000

INCIDENT REPORT

CASE NUMBER
20120414-014

10

INCIDENT TYPE		COVERED		FORCENB/ID		PRISON TYPE		TYPE VICTIM	
1. Criminal Sexual Conduct With A Minor		☒ YES	☐ NO	☐ YES	☒ NO	Residence		☐ Individual ☐ Business ☐ Financial Inst ☐ Government ☐ Police ☐ Social/Relig ☐ Other	
2.		☐ YES	☐ NO	☐ YES	☐ NO			☐ Unknown ☐ Policy Ctr	
3.		☐ YES	☐ NO	☐ YES	☐ NO				
INCIDENT LOCATION (SUPERVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE		VARIATION TYPE	
Bluffton - SC						29910		None	
INCIDENT DATE		DOCC DATE		DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-12		0900		4:00	
DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-12		0900		4:00	
DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-12		0900		4:00	
DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-12		0900		4:00	
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DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-12		0900		4:00	
DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE		DOCC DATE	
04-12-12		2030		04-13-1					

AGENCY ID.
 SCO 070000

SUPPLEMENTAL INCIDENT REPORT

20120414-014

 JRS
 ID

☒ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL UNRECOVERED PROPERTY

☐ COMPLAINT ☐ VICTIMS ☐ SUSPECTS ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUSPENSE ☒ Other	NAME LAST, FIRST, MIDDLE		VICTIM RELATIONSHIP TO SUSPECT		AGE	SEX	RACE	DOB	ETH	
	501 118 Brn Blu		Bluffton		SC 29910					
	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL DESCRIPTION, ETC.									
	☐ VICTIM NO. ☐ VICTIM NO. ☐ NO ☐ YES ☐ CONTACT OF NON-PROSECUTABLE ☐ NO ☐ YES ☐ VICTIM NO. ☐ VICTIM NO. ☐ NO ☐ YES ☐ CONTACT OF NON-PROSECUTABLE ☐ NO ☐ YES		☐ TWO-WHEEL VEHICLE ☐ OTHER ☐ ALONE ☐ OTHER ☐ OTHER ☐ OTHER ☐ OTHER							

☐ COMPLAINT ☐ VICTIMS ☐ SUSPECTS ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUSPENSE ☒ Other	NAME LAST, FIRST, MIDDLE		VICTIM RELATIONSHIP TO SUSPECT		AGE	SEX	RACE	DOB	ETH	
	601 185 Brn Blu		Bluffton		SC 29910					
	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL DESCRIPTION, ETC.									
	☐ VICTIM NO. ☐ VICTIM NO. ☐ NO ☐ YES ☐ CONTACT OF NON-PROSECUTABLE ☐ NO ☐ YES ☐ VICTIM NO. ☐ VICTIM NO. ☐ NO ☐ YES ☐ CONTACT OF NON-PROSECUTABLE ☐ NO ☐ YES		☐ TWO-WHEEL VEHICLE ☐ OTHER ☐ ALONE ☐ OTHER ☐ OTHER ☐ OTHER ☐ OTHER							

STATUS	TYPE	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE
☐ STOLEN	☐ VEHICLE					
☐ RECOVERED	☐ CTR					
☐ OTHER	☐ BOAT					
☐ TOWED	☐ LICENSE PLATE					
☐ SUSPENSE	☐ REGISTERED/BOAT, STONES					
☐ VEHICLE	☐ ARTICLE					

TYPE (GROUP)		TOTAL VALUE	
STOLEN		copy of the original document on file with the Office of Sheriff for Beaufort County.	
DAMAGED			
SUSPENSE			
RECOVERED			
OTHER			
IS IDENTIFIED	IS NOT LOCATED	IS ACTIVE	IS IN-CUSTODY
☒ YES	☐ YES	☐ YES	☐ YES
REASON FOR EXCEPTIONAL CIRCUMSTANCE	DATE	DATE	DATE
04-14-12			
FOLLOWUP INVESTIGATION		OFFICE	

[illegible]

AGENCY ID.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120414-014

PAGE

2012

JD

☒ ORIGINAL
REPORT
☐ MINOR
ORIGINAL☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFENSES☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 4 OF 4 PAGES

Interview With Complainant: (Triage Nurse at Coastal Carolina)

stated she conducted triage of the victim, for her admittance to the hospital. stated she asked several standard questions about possible injuries may have sustained. stated that did not advise of any sexual related injuries. stated only told her she "blacked out" the night before and does not have any recollection from that night. stated adamantly declined having a pelvic examination and did not want to take her clothes off for any other examinations.

Interview With (Victim's Mother)

stated she had spoken with her friend Matthew Mitchell on the evening 04-13-12 about her daughter, stated Mitchell came to her with hearsay that her daughter had been out drinking the night before and was possibly sexually assaulted by Gerald Barrett Jr. stated she confronted about her actions on the previous evening. stated her daughter told her she had gotten very intoxicated at her friend, Christine Barrett's house, and she woke up the next day with no memory of what happened the night before. was unable to get any more information from. stated she was only able to get to agree to go to the hospital after had a private conversation with.

Interview With (Friend)

Mitchell stated he is a close friend of and that he is a father figure to her daughter, Mitchell stated he saw and her friend at about 2030 hours on 04-12-12 at Jock's Sports Bar in Bluffton, and they left together shortly after. Mitchell stated he did not know why the girls were at Jock's, but thought he saw Gerald Barrett Jr. at Jock's as well. Mitchell stated Barrett Jr. followed them as they left. Mitchell stated he received text messages from several friends on 04-13-12 who had heard rumors that was allegedly sexually assaulted by Gerald Barrett Jr. the night before. Mitchell was unable to provide how the rumors were perpetrated, but he stated he believed them and decided to tell what he knew. Mitchell stated about what had happened on the previous night at Christine Barrett's house, and that had not given her mother any information. Mitchell stated he spoke with on his own and he advised he could tell she was lying. Mitchell stated he asked several times, to tell him the truth. Mitchell stated she finally told him she had sex with Gerald Barrett Jr., but did not advise when or how. Mitchell advised of what told her and they decided to bring her to the hospital.

Interview With Witness: (Victim's Friend and Suspect's Sister)

stated she and got very intoxicated on the night of 04-12-12, at her house - Bluffton SC. stated they slept in her room that night, in the same bed, with the door locked. stated they were both wearing their clothes on the morning of 04-13-12 and that she could not remember anything else from the night before. provided her brother's information but could not provide anything further.

Interview With Victim:

stated she and her friend went to's house on the night of 04-12-12 and began consuming alcohol. stated she drank half of a bottle of Captain Morgan rum and woke up the next morning with in bed. stated all of her clothes were on and that she did not remember anything from the night before. stated she did not have any pain or discomfort and that she did not have sex with anyone on the night of 04-12-12. stated (in reference to her conversation with Mitchell) she only told Mitchell she had sex with Barrett Jr. because she grew tired of him asking about it. reaffirmed she did not have sex with anyone on the night in question. declined a sexual assault examination and did not provide any additional information.

Officer's Actions:

I obtained verbal statements from all parties involved and obtained the information of the suspect. My interview of the victim was conducted in the presence of her mother. I explained to what her options were in regards to reporting the incident and having a medical examination, but she was insistent that nothing had happened and declined examination. All parties were provided with case #20120414-014 and urged to contact BCSO if they obtain any additional information.

I was unable to locate Gerald Barrett Jr. for an interview, however a BCSO records check yielded several prior, including criminal conduct with a minor.

Copy of the original document on file with
the Office of Sheriff for Beaufort County.

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☐ YES ☒ NO		☐ ACTIVE	☐ ADM. CHARGE	☐ ARRESTED UNDER 18	☐ BE CLEAR UNDER 18
				☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ (B/C) (B/M) (B/F) (B/O) (B/S) (B/T) (B/U) (B/V) (B/W) (B/X) (B/Y) (B/Z)	☐ (B/C) (B/M) (B/F) (B/O) (B/S) (B/T) (B/U) (B/V) (B/W) (B/X) (B/Y) (B/Z)
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENSE DATE 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION		4. ☐ VICTIM DECLINED COOPERATION		5. ☐ JUVENILE - NO CUSTODY			
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER	
PFC	04-14-12						
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120414-014

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☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☒ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFICERS

☐ ADDITIONAL
STEALEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 4 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20120414-014

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

INCIDENT LOCATION: Bluffton, South Carolina 29910.

REPORTING OFFICER: Pfc. [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Barrett Jr., Gerald Thomas

ASSIGNED OFFICER: Cpl. [REDACTED]

SYNOPSIS:

On 04-14-2012 at approximately 0051 hours, Pfc. [REDACTED] met with [REDACTED] (complainant/nurse) at the Coastal Carolina Hospital emergency room in reference to an alcohol related incident involving [REDACTED] the night before. Tuten advised Pfc. [REDACTED] that [REDACTED] admitted to her that she was drinking Captain Morgan's spiced rum with one of her girlfriends and "blacked out". [REDACTED] advised Pfc. [REDACTED] that [REDACTED] wouldn't consent to a pelvic examination nor answer anymore questions regarding the incident. Pfc. [REDACTED] conducted a brief investigation and drew a case number.

Investigator's Actions:

On 04-17-2012 at approximately 1102 hours, I made contact with [REDACTED] via telephone and conducted a brief interview. I scheduled a time to meet with [REDACTED] at her residence for a further interview.

On 04-17-2012 at approximately 1242 hours, I made contact with Jeanne [REDACTED] (Hope Haven victim's advocate) via telephone and conducted an interview. [REDACTED] advised me that she responded to Coastal Carolina Hospital on the evening of 04-14-2012 and met with [REDACTED] and her mother ([REDACTED]). [REDACTED] advised me that [REDACTED] would not speak to her about her recent activities. [REDACTED] stated that she issued her contact information to [REDACTED] and advised her to contact her with any additional assistance.

On 04-17-2012 at approximately 1513 hours, I met with [REDACTED] at her residence and conducted an interview. [REDACTED] advised me that her daughter ([REDACTED]) has been recently wearing heavy make-up and revealing clothing. [REDACTED] advised me that [REDACTED] has admitted to her that she had sex with Gerald Barrett Jr. sometime during the night of 04-12-2012. [REDACTED] advised me that she already cleaned [REDACTED] clothing worn the night of 04-12-2012. [REDACTED] stated that she wants to pursue charges on Barrett Jr. for Criminal Sexual Conduct with a Minor. [REDACTED] stated that [REDACTED] now wants to talk about the incident with a victim's advocate. I advised [REDACTED] that I would be in contact with Hope Haven to set up an appointment with one of their victim's advocate to conduct an interview with [REDACTED]. I issued my contact information to [REDACTED] and advised her that I would be in contact with her in the upcoming days.

On 04-17-2012 at approximately 1531 hours, I contacted Hope Haven and spoke with Marian [REDACTED] (victim's advocate) and set up an appointment on 05-04-2012 at 1300 hours.

On 04-17-2012 at approximately 1537 hours, I contacted [REDACTED] via telephone and advised her the upcoming forensic interview at Hope Haven involving her daughter, [REDACTED].

continued...

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SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADJ. CLOSED	☐ ARRESTED UNDER 18	☐ RELEASED UNDER 18
				☐ UNFOUNDED		☐ ARRESTED 18 AND OVER	☐ RELEASED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFICER'S DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRAJURISDICTION							
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
Cpl. [REDACTED]		06-26-12	[REDACTED]	[REDACTED]		[REDACTED]	[REDACTED]
				FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120414-014

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☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☒ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 4 PAGES

On 05-04-2012 at approximately 1300 hours, I met with [REDACTED] (victim), Sgt. [REDACTED] (Family Advocate for Hope Haven) and [REDACTED] (Forensic Interviewer for Hope Haven) at Hope Haven of the Low Country for an interview. With [REDACTED] consent, [REDACTED] and [REDACTED] conducted a one and one taped interview in a separate interview room. [REDACTED] advised that on 04-12-2012, she was at her friend's house ([REDACTED]) just hanging out. [REDACTED] stated that [REDACTED] and her brother (Gerald Barrett) were whispering right in front of her, but didn't hear what they were saying. [REDACTED] stated that later that afternoon, [REDACTED] advised her that her brother (Gerald Barrett) wanted to "do stuff to her". [REDACTED] advised that evening at [REDACTED] she and [REDACTED] drank Captain Morgan's spiced rum that [REDACTED] had stored in her kitchen refrigerator. [REDACTED] stated that they eventually went to bed and watched television. [REDACTED] stated that while they were watching television, Gerald came into the bedroom and laid right next to her. [REDACTED] stated that Gerald started touching her vagina area. [REDACTED] stated that Gerald then placed his hand under her clothes and inserted his fingers inside her vagina. [REDACTED] stated, "It kinda hurt and I didn't know what to do". [REDACTED] stated that she immediately went into shock. [REDACTED] stated Gerald then pulled down her pajamas and underwear and spread her legs. [REDACTED] stated that Gerald then forcefully put his penis inside her vagina. [REDACTED] stated that Gerald never made any noises nor did he say anything during intercourse. [REDACTED] stated that she recalls that Gerald wore a condom. [REDACTED] stated that after Gerald ejaculated, he laid right next to her and spent the night. [REDACTED] started crying and kept apologizing. [REDACTED] was asked by [REDACTED] to draw the room description where they all three slept that evening. [REDACTED] agreed and drew the picture on a poster sheet. After the interview, [REDACTED] interviewed [REDACTED] without her daughter and advised her the updated information. [REDACTED] advised [REDACTED] and I that she wants to pursue charges on Gerald for having sex with her daughter. [REDACTED] and her daughter ([REDACTED]) then left the interview. [REDACTED] issued me the poster that [REDACTED] completed and a compact disc of the taped interview. Both the poster sheet and the compact disc will be turned into BCSO Evidence Division as soon as possible.

On 05-14-2012 at approximately 2100 hours, I turned the poster sheet and compact disc into the BCSO Evidence Division.

On 06-08-2012 at approximately 0830 hours, I contacted [REDACTED] via telephone and conducted a brief interview. I asked [REDACTED] if I could set up an appointment with her daughter ([REDACTED]) at Hope Haven of the Low Country. [REDACTED] advised me that [REDACTED] will not go back to Hope Haven because of a personal experience regarding her brother (Gerald). [REDACTED] agreed to meet with me at the BCSO Hilton Head Office.

On 06-12-2012 at approximately 1730 hours, I met with [REDACTED] and her mother ([REDACTED]) at the BCSO Hilton Head Office for an interview. I asked permission from [REDACTED] to speak to her daughter about the incident, at which time she agreed. I advised both [REDACTED] and [REDACTED] that I would be audio taping our interview. [REDACTED] advised me that she would rather me interview her daughter without her presence because she feels that she would be more honest. I asked [REDACTED] if she felt comfortable about what her mother suggested, at which time she did. [REDACTED] left the interview room and sat in our waiting room. I asked [REDACTED] about the evening of 04-12-2012 when she was at her residence with [REDACTED]. [REDACTED] stated that she and [REDACTED] were drinking Captain Morgan's spiced rum that evening which was stored in her kitchen freezer. [REDACTED] stated that she and [REDACTED] drank more than half the bottle and decided to spend the night in her bedroom. [REDACTED] stated that they both slept in her bed and woke up the next morning. [REDACTED] stated that nothing happened. I advised [REDACTED] that she needed to be more descriptive about what really occurred that evening. [REDACTED] became really defensive and sarcastic while answering questions. I advised [REDACTED] that [REDACTED] has been previously interviewed and admitted that she and her brother (Gerald) had sexual intercourse on the evening of 04-12-2012. [REDACTED] stated, "It could have happened". I advised [REDACTED] that [REDACTED] is not accusing her brother of raping her, but having casual sex with each other. [REDACTED] started crying and advised me that her brother has been found guilty once before of the same situation with a different juvenile female. [REDACTED] stated that she remembers her brother (Gerald) sleeping next to [REDACTED] on the night of 04-12-2012. [REDACTED] advised me that her brother has had extensive counseling for touching her several years ago. [REDACTED] immediately stopped crying, straightened her posture and would not answer anymore questions. [REDACTED] stated that she can't tell me any other information because her brother is going to jail for a really long time. [REDACTED] advised me that she wanted her mother to be present during our interview. I immediately brought [REDACTED] back to the interview room and [REDACTED] advised us that she is finished talking to us. Both [REDACTED] and [REDACTED] left the interview.

On 06-13-2012 at approximately 1112 hours, I contacted Gerald Barrett Jr. via telephone and requested a future interview. Gerald advised me that I could talk to his attorney and he hung up on me.

continued...

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SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ADJUDICATED	☐ ARRESTED UNDER 18	☐ BY CLEARANCE IS
				☐ UNFOUNDED	☐ ARRESTED IS AND OVER	☐ BY CLEARANCE IS AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION ORDER 4. ☐ LAUNTER BUREAU COOPERATION 5. ☐ LAUNTER BUREAU COOPERATION							
REPORTING OFFICER(S)	DATE	UNIT	APPROVING OFFICER	DATE	UNIT		
Cpl. [REDACTED]	06-26-12	[REDACTED]	Chief Deputy, Beaufort County Sheriff's Office				
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
20120414-014

NO
DJS
DATE

☐ ORIGINAL REPORT	☒ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIM	☐ ADDITIONAL STOLEN PROPERTY	PAGE 3 OF 4 PAGES
☐ MODIFIED ORIGINAL	☒ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSE	☐ ADDITIONAL RECOVERED PROPERTY	

On 06-14-2012 at approximately 1400 hours, I met with Judge [redacted] at the Bluffton Magistrate Courthouse and obtained a CSC with a Minor Arrest Warrant (#J-339495) for Gerald Barrett Jr. I immediately turned the warrant into the BCSO Hilton Head Office to be entered into the system.

On the evening of 06-16-2012, Pfc. [redacted] made contact with Gerald Barrett Jr. and placed him under arrest for the active warrant (see Pfc. [redacted] arrest report). Barrett was transported to the Beaufort County Detention Center without incident.

Attachments:

- 01-Copy of Arrest Warrant (#J-339495)
- 02-Receipt for Property Form
- 03-Copy of Hope Haven report
- 04-Copy of Evidence Division Form
- 05-Written Statement Forms (2)

Case Status: Arrested 18 and Over

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SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ UNFOUNDED	☒ ARRESTED 18 AND OVER	☐ ESCAPED 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENSE DEATH		2. ☐ NO PROSECUTION		3. ☐ EXTRACTION		4. ☐ INMATE NO CUSTODY	
REPORTING OFFICER(S) Cpl. [redacted]	DATE 06-26-12	UNIT NUMBER [redacted]	APPROVING OFFICER Chief Deputy, Beaufort County Sheriff's Office		DATE [redacted]	UNIT NUMBER [redacted]	
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO				OFFICER			

ORIGINAL

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120414014

NOTE

INC.

REV.

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFENSES☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 1 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #:20120414014

INCIDENT TYPE: Wanted Subject, CSC 2nd, Criminal Track

INCIDENT LOCATION: Area of [REDACTED] Bluffton-SC-29910

REPORTING OFFICER: PFC [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Gerald Barrett Jr.

ASSIGNED OFFICER: Inv. [REDACTED]

SYNOPSIS:

Inv. [REDACTED] obtained an arrest warrant for Gerald Barrett Jr. for CSC 2nd. While on regular patrol Cpl [REDACTED] had gained information that the suspect, Gerald Barrett Jr. may be traveling in a grey Dodge truck. Cpl [REDACTED] located the possible suspect vehicle traveling on Highway 46 into downtown Bluffton. He followed the vehicle until it parked in [REDACTED], Bluffton, SC. Cpl [REDACTED] pulled up to the area of the vehicle and observed what he believed to be the suspect running into a wooded area at the rear of [REDACTED]. Several individuals at the scene confirmed the suspect was Gerald Barrett Jr that ran off to include his own family members. An employee of the restaurant observed the area that the suspect had run into the woods and was able to point the area out to deputies. A perimeter was established and a criminal track run.

Criminal Track:

K-9 Buck handled by Sgt. [REDACTED] was cut along the edge of the wood line in the last known area of the suspect. Buck struck a track working through the woods and coming out to a fenced in dumpster at the front of an apartment complex. Buck crossed the roadway of the complex working in front of a set of apartments. Buck tracked around the side of the apartment to the rear and made a left turn going through an opening in a chain link fence. Upon going through the opening a perimeter unit that was approximately 50 yards away in the direction I was tracking located the suspect and placed him in custody on [REDACTED]. Buck was motivated throughout the track.

Follow Up:

The track was ended and perimeter was broken down. Upon his arrest the transporting deputy asked Mr. Barrett if he knew the dog was tracking. Mr. Barrett advised that he knew we were tracking him because he saw me take the dog out of my vehicle.

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the Office of Sheriff for Beaufort County.

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ARRESTED UNDER 18	☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFICER'S DEATH 2. ☐ NO PROSECUTION 3. ☐ EXEMPTION DECIDED		UNFOUNDED		CHIEF DEPUTY			
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER		
[REDACTED]	07-15-12	[REDACTED]	[REDACTED]	7-16-12	[REDACTED]		
FOLLOW-UP INVESTIGATION ☐ YES ☒ NO			OFFICER [REDACTED]				

AGENCY I.D.
SCO 070000

ORIGINAL

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20120414-014

NO.

BTJ

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
VICTIM PROPERTY
☐ ADDITIONAL
UNRECOVERED PROPERTY

PAGE 1 OF 1 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20120414-014

INCIDENT TYPE: Criminal Sexual Conduct With a Minor (Second Degree)

INCIDENT LOCATION: ~~Bluffton, South Carolina 29910~~ Bluffton, South Carolina 29910REPORTING OFFICER: Pfc. ~~Bluffton~~COMPLAINANT: ~~Bluffton~~VICTIM: ~~Bluffton~~

SUSPECT: Barrett, Gerald Thomas Jr.

ASSIGNED OFFICER: Cpl. ~~Bluffton~~

SYNOPSIS:

Synopsis:

On 04-14-12 Pfc. ~~Bluffton~~ obtained an interview from ~~Bluffton~~ who is employed by Hope Haven. ~~Bluffton~~ conducted a sexual assault examination on ~~Bluffton~~ and contacted the Beaufort County Sheriff's office for assistance. Cpl. ~~Bluffton~~ was assigned this investigation and obtained arrest warrant # J-339495 for the arrest of Gerald Thomas Barrett Jr. for the charge of Criminal Sexual Conduct with a Minor (2nd Degree). The incident occurred at ~~Bluffton~~, Bluffton, South Carolina 29910 on 04-12-12 at an unknown time.

Officer Actions:

On 06-16-12 I made contact with Barrett behind ~~Bluffton~~, Bluffton, South Carolina 29910 at 2100 hours. The Beaufort County Sheriff's Office received a anonymous tip that Barrett was seen driving a silver Dodge Ram truck with a black stripe down the front and rear of the vehicle. Cpl. ~~Bluffton~~ observed a vehicle traveling East bound on Hwy 46 that matched the description of the silver Dodge Ram. Cpl. ~~Bluffton~~ observed the vehicle park in front of Monster Pizza. As the Sheriff's Office responded to the parking lot of Monster Pizza we were informed that Barrett exited the vehicle and walked into the woods located to the rear of the business complex. Sgt. ~~Bluffton~~ arrived on scene and conducted a "K9 Track" (See supplement), in which time Barrett was located and placed under arrest.

I read Barrett his Miranda Rights and placed him in my vehicle. I obtained warrant # J-339495 and served it to Barrett charging him with Criminal Sexual Conduct With a Minor (2nd Degree) (16-03-0653). I transported Barrett to the Beaufort County Detention Center without incident. I issued Barrett County Ticket # 56599 with a General Sessions Court date of 07-27-12 at 1000 hours. Cpl. ~~Bluffton~~ contacted the victim's mother and advised that she would be present for Barrett's bond hearing.

Attachments:

County Ticket # 56599
Warrant Disposition Sheet
Prosecutorial Summary
Arrest Warrant # J-339495
Miranda Form
Victim Notification Form
Detainee Transportation Form

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copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael A. Underwood
Chief Detainee

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM-CLOSED ☐ ARRESTED-UNDER 12		☐ BY CLEAR-UNDER 18	
				☐ UNFOUNDED		Chief Detainee ☒ ARRESTED (18 AND OVER) ☐ EX-CLEAR, 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ ADJUDICATOR NO CUSTODY							
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER	
Pfc. ~~Bluffton~~		06-17-12		~~Bluffton~~		DATE	
						UNIT NUMBER	
FOLLOW-UP INVESTIGATION ☒ YES ☐ NO				OFFICER ~~Bluffton~~			

ORIGINAL

Case Number: 20120414-014

BEAUFORT COUNTY SHERIFF'S OFFICE

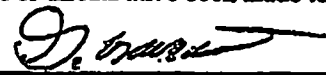
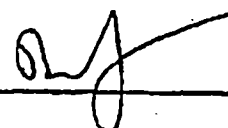
STATEMENT OF MIRANDA RIGHTSPLACE 142 Burnt Church Road
DATE 6-16-12 TIME 2100

BEFORE WE ASK YOU ANY QUESTIONS YOU MUST UNDERSTAND YOUR RIGHTS.

- (GJ) 1. You have the right to remain silent.
- (GJ) 2. Anything you say can and will be used against you in a court of law.
- (GJ) 3. You have the right to talk to an attorney for advice before we ask you any questions.
- (GJ) 4. If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.
- (GJ) 5. If you decide to answer questions now, without an attorney, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to an attorney.

WAIVER OF RIGHTS

- (GJ) I have read this statement of my rights and I understand what my rights are.
- () I cannot read and the statement has been read to me sufficiently so that I understand what my rights are.
- () I am willing to make a statement and answer questions. I do not want an attorney at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.


 SIGNATURE
AMOUNT OF EDUCATION: I have completed 11th , grade in school.Witness 

Witness _____

Witness _____


 SIGNATURE
DATE 6/16/12 to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.Michael M. Hatfield
Chief Deputy, Beaufort County Sheriff's Office

STATEMENT OF:

Date 4/17/2012

Page No. _____

Name: [REDACTED]DOB: [REDACTED] 1981 W # [REDACTED]Add: [REDACTED]Soc: [REDACTED]C: [REDACTED]H: [REDACTED]

I [REDACTED] the mother of [REDACTED] was told by my daughter that on the night of April 1st that Gerald Garrett came in to [REDACTED] room, and forced her to have sex with him. She did not want to and begged him to stop. Then again on Thur 12th she was told he would not be home, and he showed up to the house where he raped her again. She did admit to drinking the night of the 12th.

*I have reviewed
a copy of this
4-17-2012*

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copy of the original document on file with
the Office of Sheriff for Beaufort County

Michael M. [Signature]

Chief Deputy, Beaufort County Sheriff's Office

20120414-014

Date April 24, 2012 Page No. 1

STATEMENT OF:

Name: [REDACTED] DOB: [REDACTED], 1999 H: [REDACTED]

Add: [REDACTED] C: [REDACTED]

W: [REDACTED]

I

On Sunday over Spring break I stayed at my friend [REDACTED] house and her brother wanted to do it with me and he kept talking to her about it and then me and [REDACTED] went for a walk then came back layed down and then he started touching me, after that he pulled me pants down and doing it. After I went to sleep I did not want to do anything with him.

On Thursday I went to [REDACTED] house and started drinking (her brother wasn't there). Then after I had been drinking all I remember was [REDACTED] putting me in her room. (Still brother wasn't there). Next morning [REDACTED] told me that me and her brother did it.

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

Michael M. [Signature]

Chief Deputy, Beaufort County Sheriff's Office

[REDACTED]

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

D

11.0728.0795

STATE OF SOUTH CAROLINA

COUNTY OF Beaufort
STATE VS.

Gerald Thomas Barrett Jr

AKA:

Race: W Sex: M Age: 21

DOB: 990 SS#: 3643

Address:

City, State, Zip:

DL#: SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Contributing to the Delinquency of a Minor

BY THE COURT OF GENERAL SESSIONS

0-3715
INDICTMENT/CASE#: 2011GS0701691

A/W#: J338999

Date of Offense:

S.C. Code §: 16-03-0655(3)

CDR Code #: 0397

SENTENCE SHEET

☐ CONVICTED OF or ☒ PLEADS

in violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lowd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury, ☒ (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 90 (days/months/years) or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ Set by SCDFPPS

Recipient:

*Fines:

§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def Prob)	\$300	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(B) (Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$ 133.90

Clerk of Court/ Deputy Clerk

Court Reporter:

3CCA/217 (03/2011)

PTUP

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ Certified (paid to Public Defender Fund)

Copy of the original document on file with

the Office of Sheriff for Beaufort County.

Michael M. Haddad

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk
during probation.

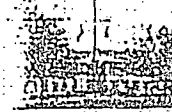
Presiding Judge:

Judge Code:

Sentence Date: 11/16/11



Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	J338999	Court Agency:	Beaufort County General Sessions	Filed Date:	08/08/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	[REDACTED]
Disposition:	Pled Guilty				
Disposition Date:	11/16/2011	Date Received:	08/08/2011	Arrest Date:	08/06/2011
Law Enf. Case:	20110728-795	True Bill Date:	09/15/2011	No Bill Date:	
Prosecutor Case:		Indictment Number:	2011GS0701691	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Barrett, Gerald Thomas Jr	0048-Minor / Contributing to the delinquency of a minor	0397-Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree	11/16/2011

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Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Gerald Thomas Barrett Jr					
Case Number:	J338999	Court Agency:	Beaufort County General Sessions	Filed Date:	08/08/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled GUILTY	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	
Disposition:	Pled GUILTY				
Disposition Date:	11/16/2011	Date Received:	08/08/2011	Arrest Date:	08/06/2011
Law Enf. Case:	20110728-795	True Bill Date:	09/15/2011	No Bill Date:	
Prosecutor Case:		Indictment Number:	2011GS0701691	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	90 days credit time served						

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ARREST WARRANT

J-338999

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

THE STATE

20110728-795

against

Gerald Thomas Barrett, Jr

Address: ~~Bluffton, SC 29910-5942~~

Bluffton, SC 29910-5942

Phone: ~~843-666-3643~~ SSN: ~~9-3643~~

Sex: M Race: W Height: 5' 11" Weight: 165

DL State: SC DL #: 100700653

DOB: 2/28/1990 Agency ORI #: SC0070000

Prosecuting Agency: Beaufort County Sheriff

Prosecuting Officer: L. Alberin - 8513

Offense: Sex / Criminal sexual conduct with minor, or
Attempt - victim under 16 years of age - Second

Offense Code: 0397

Code/Ordinance Sec: 16-03-0655(B)(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Gerald Thomas Barrett, Jr
on 8-5-2011[Signature]
Deputy Sheriff

RETURN WARRANT TO:

Beaufort County General Sessions
PO Box 1128
102 Ribaut Road, Rm. 208
Beaufort, SC 299011128

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

AFFIDAVIT

ORIGINAL

Notarized by
S.C. Notary General
April 21, 2009
CCCA 518Personally appeared before me the affiant [Signature]being duly sworn deposes and says that defendant Gerald Thomas Barrett, Jrdid within this county and state on or about 07/15/2011State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Beaufort

in the following particulars:

DESCRIPTION OF OFFENSE Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree

I further state that there is probable cause to believe that the defendant named above
the crime set forth and that probable cause is based on the following facts:That between July 15, 2011 and July 26, 2011 at 1700 hours the defendant, Gerald Thomas Barrett, Jr. did unlawfully and
unlawfully commit the offense of Criminal Sexual Conduct in the Second Degree. In that the accused did have vaginal intercourse
with a minor, [Signature], aged 14 at least three times. The defendant was positively identified by the victim from a
photographic lineup. These incidents occurred at the defendant's residence of [Signature], Bluffton, Beaufort County,
South Carolina. The affiant and others are witness to prove the same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Beaufort

Affiant's Address Post Office Box
Hilton Head Island, SC 29925-Affiant's Telephone: [Signature]

ARREST WARRANT

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

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

on or about 7/15/2011defendant Gerald Thomas Barrett, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Beaufort

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor, or Attempt - victim under 16 years of age - Second degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his arrest, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 08/03/2011

Signature of Issuing Judge

(L.S.)

Judge Code: [Signature]Judge's Address: P O BoxBluffton, SC 29910-

Judge's Telephone:

Beaufort County Sheriff's Office

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

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AUG 04 2011

AGENCY I.D.
 SCO 070000

ORIGINAL

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20110728-795

PAGE

INQ. EXT.

☒ ORIGINAL REPORT ☐ MOCHTER ORIGINAL	☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE	☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY
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PAGE 2 OF 3 PAGES

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ FAIL ☐ SUSPENSE ☒ Other	NAME (LAST, FIRST, MIDDLE) HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. 507 190 Bro Bro ADDRESS CITY STATE ZIP CODE LOCATION NO DAY PHONE EVENING PHONE Bluffton SC 29910 VICTIM RELATIONSHIP TO SUBJECT RESIDENT RACE SEX AGE D.O.B. TYPE M W M 60 2/3/51 N VICTIM NO. VEHICLE NO. YES NO YES COMPLAINT OF NON-FINABLE DAMAGE YES NO YES VICTIM USING ALCOHOL YES NO YES TYPE YES NO YES TWO-WHEEL VEHICLE DETECTIVE/PLAID ALARM YES NO YES ONE-WHEEL VEHICLE OTHER ALARMED
--	--

☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ FAIL ☐ SUSPENSE ☐ Other	NAME (LAST, FIRST, MIDDLE) HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC. ADDRESS CITY STATE ZIP CODE LOCATION NO DAY PHONE EVENING PHONE VICTIM RELATIONSHIP TO SUBJECT RESIDENT RACE SEX AGE D.O.B. TYPE VICTIM NO. VEHICLE NO. YES NO YES COMPLAINT OF NON-FINABLE DAMAGE YES NO YES VICTIM USING ALCOHOL YES NO YES TYPE YES NO YES TWO-WHEEL VEHICLE DETECTIVE/PLAID ALARM YES NO YES ONE-WHEEL VEHICLE OTHER ALARMED
---	---

STATUS TYPE ☐ STOLEN ☐ VEHICLE ☐ RECOVERED ☐ RUN ☐ FOUND ☐ BOAT ☐ TOWED ☐ LICENSE PLATE ☐ SUSPECT ☐ REGISTRATION/BONDS, STOCKS ☐ VICTIM ☐ ARTIFACT	VIN AND/OR OTHER APPLIED NO. SERIAL AND/OR OWNER APPLIED NO. YEAR OF REGISTRATION YEAR OF EXPIRATION YEAR MAKE TYPE MODEL STYLE COLOR BRAND NAME CALIBER NIB NO. DEMONSTRATION ISSUES SECURED DATE MISCELLANEOUS Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Bluffton County, South Carolina.
--	---

TYPE (GROUP)	STOLEN	DAMAGED	BURNED	RECOVERED	OTHER
--------------	--------	---------	--------	-----------	-------

SUBJECT IDENTIFIED ☒ YES ☐ NO	SUBJECT LOCATED ☐ YES ☒ NO	ACTIVE ☐ ADM. CLOTHED ☐ UNARMED	ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER ☐	EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER ☐	
SEARCH FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINE COOPERATION 5. ☐ JUVENILE - NO CUSTODY					
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
	7/28/11				
FOLLOWUP INVESTIGATION			OFFICER		

AGENCY I.D.
SCO 070000.

ORIGINAL SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20110728-795

NCIO

INFO

ENTER

☒ ORIGINAL REPORT ☐ MODIFIED ORIGINAL	☐ SUPPLEMENTAL REPORT ☐ CASE STATUS CHANGE	☐ ADDITIONAL VICTIM ☐ ADDITIONAL OFFENSES	☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY	PAGE 3 OF 3 PAGES.
---	---	--	---	--------------------

Interview of [REDACTED]

[REDACTED] stated she found out on 7/28/11 that her daughter, [REDACTED], had been having sexual relations with a 21 year old male. [REDACTED] was looking on [REDACTED] Facebook page and found a message from Gerald Barrett. The message from Barrett was accusing [REDACTED] of cheating on him with another guy. [REDACTED] advised she knows Barrett and his family. [REDACTED] is friends with Gerald Barrett's sister, [REDACTED]. [REDACTED] questioned [REDACTED] about her relationship with Barrett. [REDACTED] admitted to Laura that she is dating Barrett and that they have had sex several times. [REDACTED] contacted her ex-husband, [REDACTED], and advised him of the incident. [REDACTED] and [REDACTED] contacted BCSO to report the incident.

Interview of [REDACTED]

[REDACTED] stated that he found out from [REDACTED] that his daughter, [REDACTED], had been having sex with Gerald Barrett who is 21 years old. [REDACTED] contacted BCSO to report the incident.

Interview of [REDACTED]

[REDACTED] stated she has been dating Gerald Barrett for approximately six weeks. Around three weeks ago [REDACTED] started having sex with Barrett at his residence. [REDACTED] said she has had sexual relations with Barrett on at least three to five different occasions. [REDACTED] said the incidents occurred sometime during "the beginning of the month".

Officers Actions:

Originally, [REDACTED] contacted BCSO and wanted to take a report over the phone. Cpl [REDACTED] spoke with [REDACTED] by phone and [REDACTED] changed his mind and wanted to meet with an officer.

I responded to [REDACTED] and met with [REDACTED] and [REDACTED]. I gathered available information and issued [REDACTED] a case number for this incident. I had [REDACTED] write a written statement. I advised [REDACTED] to contact BCSO if she has any additional information or needs further assistance.

Attachment:

Statement from [REDACTED]

Certified to be a true and correct
copy of the original document on file with
the (Office of Sheriff for Beaufort County.

Michael H. H. H. H.
Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO	SUBJECT LOCATED ☐ YES ☒ NO	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENSE DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DECISION 4. ☐ VICTIM COOPERATION 5. ☐ UNUSUAL - NO CUSTODY					
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
[REDACTED]	7/28/11	[REDACTED]	[REDACTED]		
FOLLOW-UP INVESTIGATION			OFFICER		
☐ YES ☐ NO			☐ YES ☐ NO		

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20110728-795

DATE

INFO. DATE

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STEALING PROPERTY
☐ ADDITIONAL
ADULTERATED PROPERTY

PAGE 1 OF 2 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20110728-795

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

ORIGINAL

INCIDENT LOCATION: Bluffton, SC

REPORTING OFFICER:

COMPLAINANT:

VICTIM:

SUSPECT: Gerald Thomas Barrett Jr.

ASSIGNED OFFICER: Investigator

SYNOPSIS:

On 07-28-2011 Beaufort County Sheriff's Deputies responded to [REDACTED] in reference to a report of Criminal Sexual Conduct with a Minor.

Additional Officer Actions:

On 08-02-2011 Investigator [REDACTED] and I interviewed [REDACTED] at the Beaufort County Sheriff's Office Hilton Head Substation. She provided both a verbal and a written statement. This interview was recorded and the recording was submitted to a Beaufort County Sheriff's Office Evidence Technician. [REDACTED] was able to positively identify Gerald Thomas Barrett Jr (AKA: "Bubba") from a six person photographic lineup. The original photo lineup was also submitted to a Beaufort County Sheriff's Office Evidence Technician. A copy of this lineup is attached to this report. [REDACTED] was accompanied to the interview by both her mother and father, [REDACTED] and [REDACTED].

Interview with [REDACTED]

[REDACTED] stated that she became friends with a [REDACTED] from her school this past year. [REDACTED] is currently going into the eighth grade next year. She met [REDACTED] brother, Bubba (identified as Gerald Thomas Barrett Jr.) around this same time. She went to spend the night at [REDACTED] house and Bubba told her that she was pretty. They started talking and texting with each other. She stated that the relationship progressed and between July 15, 2011 and July 26, 2011 they had sex between three and five times. She stated that the sex was just vaginal intercourse. She stated that Bubba wore a condom each time they had sex. She stated that Bubba never used alcohol or drugs to coerce her into having sex with him. She stated that the sex always took place in his bedroom at the residence of [REDACTED] Bluffton, SC. She said that she actually lived with the Barrett family for several weeks during the month of July. She stated that her own mother is an alcoholic and she could not live with her at the time. She stated that her mother discovered the relationship with Bubba by reading her face book account.

Additional Officer Actions:

On 08-03-2011 Beaufort County Investigator [REDACTED] obtained the following warrant for Gerald "Bubba" Barrett Jr from Beaufort County Magistrate [REDACTED].

Warrant J-338999 for the charge of Criminal Sexual Conduct with a Minor in the Second Degree.

A copy of this warrant is attached to this report.

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ARRESTED	☐ ON OR UNDER 18
				☐ UNFOUNDED	☒ ARRESTED UNDER 18	☐ EXCEEDED AND OVER
REASON FOR DISCIPLINARY CLEARANCE 1. ☐ OFFICER DEATH 2. ☐ NO PRACTICE CONTROL 3. ☐ EXTRACTION DEATH 4. ☐ ALIEN DEPT 5. ☐ DISCIPLINARY CLEARANCE 6. ☐ VICTIM UNWILLING COOPERATION 7. ☐ INVEIGLE - NO CUSTODY						
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER
INW. [REDACTED]	8/8/11	[REDACTED]	[REDACTED]		8/8/11	[REDACTED]
FOLLOWUP INVESTIGATION ☐ YES ☒ NO			OFFICER			

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20110728-795

INQ. INTD.

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

On 08-05-2011 Gerald Barrett Jr. was arrested. He was Mirandized, interviewed (see Sgt. [REDACTED] supplement), and provided a written statement. The written statement is attached to this report. A copy of the Miranda form is attached to this report. Barrett referenced the fact that [REDACTED] had told him that she was 17 years of age. He indicated that he did not know her true age.

On 08-06-2011 Investigator [REDACTED] and I interviewed [REDACTED] at the Beaufort County Sheriff's Office Hilton Head Substation. She provided the following statement. She also provided a written statement that is attached to this report.

Interview of [REDACTED]:

She stated that she when she first started seeing Gerald Barrett she did text him. She sent him a text message stating that she was 17 years of age. She only sent him one text message stating this. She never told him her age in person. She felt certain that he knew of her actual age for several reasons. She went to school with Barrett's thirteen year old sister, [REDACTED]. They attend the same middle school. She also lived with the Barrett family for a period of weeks.

Attachments:

3-Written Statements

1-Arrest Warrant

1-Copy of Photo Lineup

1-Copy of Miranda Form

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Haddfield

Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFICER DEATH 2. ☐ NO PROSECUTION 3. ☐ UNLAWFUL DEATH 4. ☐ VICTIM DECLINED COOPERATION 5. ☐ JUVENILE - NO CUSTODY									
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER		
[REDACTED]		08-06-11	[REDACTED]	[REDACTED]					
FOLLOW-UP INVESTIGATION ☐ YES ☐ NO									

ORIGINAL

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

201107280795

PAGE

PAGE

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 OF 1 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #: 201107280795

INCIDENT TYPE: Criminal Sexual Conduct With a Minor in the 2nd. Degree

INCIDENT LOCATION: [REDACTED] Bluffton, SC

REPORTING OFFICER: Cpl. [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: Barrett, Gerald Thomas Jr.

ASSIGNED OFFICER: Sgt. [REDACTED]

SYNOPSIS:

BCSO responded to the listed location on the listed date in reference to the listed incident type. Arrest Warrant Number J-338999 was obtained for the suspect's arrest.

Follow Up:

On 08-05-11 at approximately 1200 hours contact was made with the suspect at [REDACTED] on Hilton Head Island. The warrant was located and secured. The warrant was verified by [REDACTED] (Beaufort Magistrate Office). The suspect was arrested and read his Miranda Rights. The warrant was served to the suspect. A Victim's Notification Form and a Miranda Rights Form was completed. The suspect was transported to BDCD without incident where he was incarcerated.

County Summons Number 42265 was issued to the suspect with a General Sessions Court date on 09-16-11 at 0900 hours.

Attachments:

Prosecutorial Summary

Booking Report

Copy of Warrant Disposition Sheet

Detainee Transportation Check Sheet

Copy of County Summons Number 42265

Statement of Miranda Rights

Victim's Notification Form

Copy of Warrant Number J-338999

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hatfield

Chief Deputy, Beaufort County Sheriff's Office

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADJ. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
				☐ UNFOUNDED		☒ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE									
1. ☐ OFFENDER DEATH		2. ☐ NO PROSECUTION		3. ☐ EXTRADITION DENIED		4. ☐ VICTIM DECLINES COOPERATION		5. ☐ INVELOS - NO CUSTODY	
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE	
[REDACTED]		08-05-11		[REDACTED]		[REDACTED]		8/9/11	
						OFFICER			
						FOLLOW-UP INVESTIGATION		☐ YES ☐ NO	

AGENCY I.D.
SCO 070000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER

20110728-795

DATE

INQ. ENTER.

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFICERS

☐ ADDITIONAL
STOLEN PROPERTY
ACCIDENTAL
RECEIVED

PAGE 1 OF 1 PAGES

REFERENCE A:

BCSO INCIDENT REPORT #20110728-795

INCIDENT TYPE: Criminal Sexual Conduct with a Minor

INCIDENT LOCATION: Bluffton, SC

REPORTING OFFICER: Cpl. [REDACTED]

COMPLAINANT: [REDACTED]

VICTIM: [REDACTED]

SUSPECT: [REDACTED]

ASSIGNED OFFICER: Sgt. [REDACTED]

SYNOPSIS:

Reference (A) reflects the report of Criminal Sexual Conduct with a minor in that the subject had sexual intercourse with the victim who was fourteen years old.

On 08-03-11 I obtained the following Warrant for Gerald Barrett Jr. from Beaufort County Magistrate [REDACTED] Warrant #J-338999.

On 08-05-11 Gerald Barrett was arrested and interviewed at the Hilton Head Office. Barrett was Mirandized before being interviewed. The interview was recorded with video and audio.

Interview with Gerald Barrett:

Initially during the interview Barrett stated he had never had sexual intercourse with [REDACTED]. Barrett then stated he had sexual intercourse with [REDACTED] one time. Barrett stated both of [REDACTED] parents are alcoholics and her mother is also a cocaine user. Barrett stated [REDACTED] and his younger sister are friends and [REDACTED] stayed at Barrett's mothers residence for approximately two months. Barrett stated his mothers residence is located at [REDACTED]. Barrett stated during the time that [REDACTED] stayed at [REDACTED] she slept in his sisters bedroom and he slept on the couch. Barrett stated he does not live with his mother so he does not have a bedroom at the residence. Barrett stated he and [REDACTED] met at the Westbury Park pool at the beginning of the Summer and when he asked [REDACTED] her age she informed him that she was seventeen years old. Barrett stated he was with [REDACTED], a female named [REDACTED] and his little sister, [REDACTED]. Barrett stated [REDACTED] was not friends with his little sister at that time. Barrett stated everyone left the pool and went to [REDACTED] apartment. Barrett stated [REDACTED] and [REDACTED] left the apartment and that is when he and [REDACTED] had sexual intercourse. Barrett stated [REDACTED] performed oral sex on him and then they had vaginal sexual intercourse. Barrett stated after they had sexual intercourse that one time he found out her real age and he never had sexual intercourse with her again. Barrett stated [REDACTED] took a picture of he and [REDACTED] kissing one time and he used to tell [REDACTED] that she was his little girlfriend but there really wasn't anything to their relationship. Barrett stated he never thought of [REDACTED] as a girlfriend. Barrett stated nothing else happened between he and [REDACTED].

Barrett provided a written statement of the incident. Barrett was then transported to the Beaufort County Detention Center by Sgt. [REDACTED].

Certified to be a true and correct copy of the original document on file with the Office of Sheriff for Beaufort County.

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE	☐ ARRESTED UNDER 18	☐ EXTRADITION UNDER 18
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER STATUS		2. ☐ NO PROSECUTION		☐ UNGUARDED	3. ☐ EXTRADITION CENTER	4. ☐ VICTIM DECLINES COOPERATION
REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER	
Sgt. [REDACTED]	08-24-11	[REDACTED]	[REDACTED]	08/25/11	[REDACTED]	
FOLLOWUP INVESTIGATION ☐ YES ☒ NO				OFFICER		

SEP 01 2011

201107280795

**BEAUFORT COUNTY SHERIFF'S OFFICE
PROSECUTORIAL SUMMARY**

1. DEFENDANT'S NAME Barrett, Gerald Thomas Jr. AGE 21 RACE W SEX M

2. (A) CHARGE Criminal Sexual Conduct With a Minor in the 2nd. Degree WARRANT J-338999 TICKET 42265
 (B) CHARGE _____ WARRANT _____ TICKET _____
 (C) CHARGE _____ WARRANT _____ TICKET _____
 (D) CHARGE _____ WARRANT _____ TICKET _____
 (E) CHARGE _____ WARRANT _____ TICKET _____
 (F) CHARGE _____ WARRANT _____ TICKET _____

3. INCIDENT DATE 07/15-26/2011 TIME 1700 hours LOCATION [REDACTED] Bluffton, SC

4. ARREST INFORMATION: DATE/TIME 08-05-11 / 1208 OFFICER D. B. Malphrus

5. DESCRIBE THE PROBABLE CAUSE FOR THE ARREST OF DEFENDANT:

That between July 15, 2011 and July 26, 2011 at 1700 hours the defendant, Gerald Thomas Barrett Jr. (age 21), did willfully and unlawfully commit the offense of Criminal Sexual Conduct with a Minor in the 2nd. Degree. In that the accused did have vaginal intercourse with a Minor, [REDACTED] age 14 at least three times. The defendant was positively identified by the victim from a photographic lineup. These incident occurred at the defendant's residence of [REDACTED] Bluffton, Beaufort County, South Carolina.

6. VICTIMS NAME [REDACTED] PHONE [REDACTED]

7. REPORTING OFFICER Cpl. [REDACTED] COMMENTS Prosecute

8. INVESTIGATING OFFICER Sgt. [REDACTED] COMMENTS Prosecute

9. SUPERVISOR SSgt. [REDACTED] COMMENTS Prosecute *J. Light*

NOTE: (A) ONE PROSECUTORIAL SUMMARY FOR EACH DEFENDANT. *copy of the original document on file with the Office of Sheriff for Beaufort County.*

(B) LIST ANY ADDITIONAL OR ADDITIONAL INFORMATION ON REVERSE SIDE. *[Signature]*
 Chief Deputy, Beaufort County Sheriff's Office

20110728-795

Date 7/28/11 Page No. 10F

STATEMENT OF:

Name: [REDACTED] DOB: H:
Add: SSN: C:
W:

I started dating Gerald Barrett about
a six weeks ago and I've had relations with
him about 3-5 times. I am 14 and he
is 21.

[REDACTED]

Verified to be true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Heston
Chief Deputy, Beaufort County Sheriff's Office

20110728-795

Date August 2, 2011 Page No. 1

STATEMENT OF:

Name: [REDACTED] DOB: H:
Add: SSN: C: W:

I have been dating Bubba Bennett for six weeks. We had sex 3-5 times from the time of July 15-26 he used a condom every time. We started talking about nine weeks ago. I do have feelings for him still. It occurred at his residence in [REDACTED] Bluffton SC.

[REDACTED]
8/2/2011

Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.

Michael M. Hartzfeld

Chief Deputy, Beaufort County Sheriff's Office

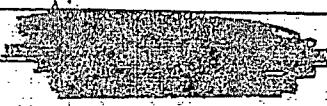
20110728-795

Date: 8-6-2011

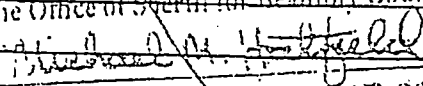
Page No. 1

STATEMENT OF:

I sent Bubba Barrett a text message once saying I was 17. I had a ~~bad~~ feeling that he knew I was 14 because I went to school with his sister. And knew all of his sisters younger and older friends. But we never did talk about my age.



Certified to be a true and correct
copy of the original document on file with
the Office of Sheriff for Beaufort County.


Chief Deputy, Beaufort County Sheriff's Office

20110728-795 //

Date 8/5/11

Page No. 1

STATEMENT OF:

Name: Gerald Barrett

DOB: 01/14/90

H:

Add:

SSN: [REDACTED] 5643

C:

W:

I Gerald Barrett meet [REDACTED] at the west bay pool and we all talked. for awhile she asked me how old I was and I said 21 and I asked her and she said 17 so we started talking and me and my little sister [REDACTED] and [REDACTED] went to [REDACTED] house and hung out and watched tv then my little sister and [REDACTED] left and me and [REDACTED] were still there and we had a sexual intercourse and then later on I found out that she was 14 years and it bothered me that she lied to me and I told her that I could get in alot of trouble over this and she told me sorry and then at the same point I told her I still would be her friend then she moved into my moms house because her mom and dad are drunks and she started opening up and talking to me about all the things that [REDACTED] MOMS put her through and we would vent with one another then we were playing around and saying we were each other boy friend and girl friend so one day I heard she got a boy friend and we were on face book and I said to her hows you and your new boy friend doing and she said back I dont have one your my boy friend and im in love with you and her mom read this and called the police on me and im here today to say i made a mistake and I willingly know I did and I am upset she did not be honest with me about her age when we meet. I do not show any interest in your girls at all other then friends and this all was one big trick for you to get from.

Michael M. [REDACTED]

Chief Deputy, Beaufort County Sheriff's Office

Gerald Barrett DeBarrett a copy

I have receive

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

E

STATE OF SOUTH CAROLINA
TOWN OF BLUFFTON

OFFICER [REDACTED]
BLUFFTON POLICE DEPARTMENT
Petitioner

IN FAMILY COURT

JUVENILE PETITION

IN THE INTEREST OF:
BARRETT, GERALD THOMES (JR.)

Address:
8 GIBBET ROAD
BLUFFTON SC 29910

Date of Birth:
[REDACTED] 90

2002-54-07-54
SEP 23 AM 9:15
FAMILY COURT
BEAUFORT COUNTY
BEAUFORT, S.C.

OFFICER [REDACTED], the petitioner, having sufficient knowledge to believe that a case has arisen which invokes the juvenile jurisdiction of the court alleges:

1. That the above named juvenile resides in or was found in the Town of Bluffton.
2. That the names and addresses of the child's parents/guardians/custodians are as follows:

Name	Relationship	Address
GERALD T. BARRETT SR.	FATHER	8 GIBBET RD, BLUFFTON SC
VALERIE BARRETT	MOTHER	SAME

3. The above named juvenile was a delinquent child, in that on 09-20-02 in the Town of Bluffton, South Carolina, (he)/(she) wilfully and unnecessarily interfere with and disturb the students & teachers at HE McCracken Middle School (250 HE McCracken Circle, Bluffton SC 29910). Barrett used profane language by saying the word "fucking" in several sentences. Barrett threw several chairs and flipped several tables over in the classroom. Barrett disobeyed teachers and administrators orders to cease and desist. [REDACTED], [REDACTED] and [REDACTED] are witnesses to prove the same. All against the peace and dignity of the State of South Carolina.

in violation of Sections(s): 16-17-420
Code of Laws of South Carolina Disturbing Schools

4. That the above named juvenile was less than seventeen (17) years of age when the above mentioned acts occurred.
WHEREFORE, the petitioner prays that the court determine whether these allegations are true and whether the juvenile is in need of the care, protection or discipline of the State.

[REDACTED]
Petitioner

237738

BARRETT, GERALD Jr.

8/30/2018 4:48:08 PM

Date	Description	Location
10/17/2008	10/04/2008 Status:Runaway 10/28/2008 -- Dismissed -- Solicitor 14th Circuit	Bluffton PD
	10/04/2008 Shoplifting:Shoplifting, value up to \$1,000 10/26/2008 -- Divert To Arbitration -- Solicitor 14th Circuit	Bluffton PD
08/24/2008	08/10/2008 Shoplifting:Shoplifting, value up to \$1,000 07/10/2008 -- Juvenile Diversion Program for Youth -- Solicitor 10th Circuit	Anderson County SD
04/18/2008	04/17/2008 Malicious:Malicious Injury to Animals, Personal Prop.(value \$1,000 or less) 04/18/2008 -- Prosecute -- Solicitor 1st Circuit 02/11/2008 -- Nolle Prossed -- Solicitor 1st Circuit	Dorchester County SD
03/15/2008	03/14/2008 Assault:Simple common law assault, no battery	Dorchester County SD
	03/14/2008 Assault:Simple Assault and Battery 03/15/2008 -- Prosecute -- Solicitor 1st Circuit 02/11/2008 -- Nolle Prossed -- Solicitor 1st Circuit	Dorchester County SD
03/14/2005	03/09/2005 School:Disturbing schools 04/13/2005 -- Prosecute -- Solicitor 1st Circuit 02/11/2008 -- Nolle Prossed -- Solicitor 1st Circuit	Summerville PD
	03/09/2005 Threat:Threatening life, person or family of public official, teacher, principal 04/13/2005 -- Prosecute -- Solicitor 1st Circuit 02/11/2008 -- Nolle Prossed -- Solicitor 1st Circuit	Summerville PD
10/31/2002	10/31/2002 Determinate Sentence Order 10/31/2002 Probation Order 09/23/2008 -- Statutory Expiration at 18 Yrs -- System Generated	Armstrong, Robert S Armstrong, Robert S
10/14/2002	08/08/2002 Larceny:Grand Larceny(over \$1,000, less than \$5,000) 10/14/2002 -- Prosecute -- Solicitor 14th Circuit 12/02/2008 -- Dismissed -- Solicitor 14th Circuit	Beaufort SD
09/20/2002	09/20/2002 School:Disturbing schools 09/20/2002 -- Prosecute -- Solicitor 14th Circuit 09/23/2002 -- Evaluation (Secure) -- Armstrong, Robert S 10/31/2002 -- Determinate Sentence -- Armstrong, Robert S	Beaufort SD
	09/20/2002 Threat:Threatening life, person or family of public official, teacher, principal 09/20/2002 -- Prosecute -- Solicitor 14th Circuit 09/23/2002 -- Continued Scheduling -- Armstrong, Robert S 10/31/2002 -- Probation -- Armstrong, Robert S -- Other Special Conditions -- Armstrong, Robert S	Beaufort SD

	09/08/2002 Grand Larceny	Beaufort SD
	09/20/2002 - Prosecute - Solicitor 14th Circuit	
	09/23/2002 - Continued Scheduling - Armstrong, Robert S	
	10/31/2002 - Probation - Armstrong, Robert S	
	- Other Special Conditions - Armstrong, Robert S	
	09/05/2002 Vehicle: Use of Car w/o Owner Consent w/ intent to commit a crime (Grand Larceny Auto)	Beaufort SD
	09/20/2002 - Prosecute - Solicitor 14th Circuit	
	09/23/2002 - Continued Scheduling - Armstrong, Robert S	
	10/31/2002 - Probation - Armstrong, Robert S	
	- Other Special Conditions - Armstrong, Robert S	
	10/01/2001 Sex: Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree	Beaufort SD
	09/20/2002 - Prosecute - Solicitor 14th Circuit	
	- Nolle Prossed - Solicitor 14th Circuit	
	09/23/2002 - Continued Scheduling - Armstrong, Robert S	
02/12/2000	02/09/2000 RSG: Receiving Stolen Goods, value less than \$200	Beaufort Court Office
	05/01/2000 - Dismissed - Solicitor 14th Circuit	
	11/18/1999 Status: Runaway	Beaufort Court Office
	05/01/2000 - Dismissed - Solicitor 14th Circuit	
01/11/2000	01/03/2000 Status: Runaway	Beaufort SD
	08/18/2000 - Dismissed - Solicitor 14th Circuit	

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

F

Classing Summary Reports - Report View

Page 2 of 3

COMPLETED OFFENSES	YRS	MOS	SENTENCE		START	SENTENCE		
			DYS	COUNTY		V/NV	CAT	INDICT
BURGLARY-2ND DEG/NON-VIOL	4	0	0	BEAUFORT	12/29/2008	N	3	09GS07-0223
FINANCL TRANS CARD FRAUD	1	0	0	BEAUFORT	11/29/2008	N	2	08GS07-2146
PRIOR COMMITMENTS OVER 90 DAYS:								
INMATE HAS NO PRIORS								
OFFENSES UNDER PREVIOUS NUMBER:								
NO PREVIOUS OFFENSES								
DETAINERS (HOLD,WANTED,NOTIFY):								
HOLD	IRO		CATEG:					
ESCAPES:								
NO ESCAPE HISTORY								
CRIMINAL CHARGES:								
NO CRIMINAL CHARGES HISTORY								
ASSAULTIVE DISCIPLINARIES:								
NO ASSAULTIVE DISCIPLINARY HISTORY								
PREVIOUS ASSAULTIVE DISCIPLINARIES:								
NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY								
NON-ASSAULTIVE DISCIPLINARIES:								
03/30/2014	POSS. OR/ATTEMPT TO POSSESS CELL PHONE			CONVICTED	MAJOR DISC. HEARING			
03/30/2014	POSS. OR/ATTEMPT TO POSSESS CELL PHONE			DISMISSED	CHARGES DROPPED/INSUFF. E			
12/21/2009	REFUSING OR FAILING OBEY ORDERS			CLOSED	OTHER ACTION TAKEN/INFORM			
PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:								
NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY								
HISTORY OF MOVEMENTS:								
12/16/2015	ALLENDALE	INCARCERATED	ADMINISTRATIVE					
12/16/2015	RIDGELAND	INCARCERATED	COURT/PAROLE HEARING VIA					
10/13/2015	ALLENDALE	INCARCERATED	ADMINISTRATIVE					
10/12/2015	KIRKLAND	INCARCERATED	MEDICAL					
01/13/2015	ALLENDALE	INCARCERATED	ADMINISTRATIVE					
01/12/2015	KIRKLAND	INCARCERATED	MEDICAL					
12/03/2013	ALLENDALE	INCARCERATED	ADMINISTRATIVE					
10/15/2013	KIRKLAND	INCARCERATED	R&E PROCESSING					
10/15/2013	LIEBER	INCARCERATED	PEND YO REV/NEW SENT					
04/15/2010	BEAUFORT CO	YOA PAROLE - CONDITIONAL	PAROLE BOARD ACTION					
03/23/2010	TURBEVILLE	INCARCERATED	ADMINISTRATIVE					
03/23/2010	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL					
01/29/2010	TURBEVILLE	INCARCERATED	ADMINISTRATIVE					
01/29/2010	CHARLESTON CO	AUTH ABSENCE (AWL)	MEDICAL					
12/04/2009	TURBEVILLE	INCARCERATED	ADMINISTRATIVE					
12/04/2009	SUMTER CO	AUTH ABSENCE (AWL)	MEDICAL					
11/04/2009	TURBEVILLE	INCARCERATED	ADMINISTRATIVE					
11/04/2009	KIRKLAND	INCARCERATED	MEDICAL					

15:06:11 Monday, August 22, 2016

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM08/22/16
WHITEAU

SCDC ID: 334201

DISPLAY INMATE OFFENSE HISTORY

BARRETT JR, GERALD -

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

CURR LOC: ALLENDALE

CASE#	DESCRIPTION	TYPE	OFFENSE	HEARING	NET GT	DHO	OFF
		ACTION	DATE	DATE	LOST	DECISION	LVL
00003	POSS. OR/ATTEMPT TO P	MAJOR DI	03/30/14	04/17/14	00000	CONVICTED	1
00001	REFUSING OR FAILING O	OTHER AC	12/21/09	/ /	00000	CLOSED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

15:06:16 Monday, August 22, 2016

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY08/22/16
WHITEAU

SCDC#/CASE#: 334201 - 00003

BARRETT JR, GERALD -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 898 POSS. OR/ATTEMPT TO POSS DATE: 03/30/14 TIME: 07:45 AM

OFFENSE LOCATION.: 0411 ALLENDALE

OFFENSE CAT LVL.: 1

LOCATION IN INST.: 01 ALPHA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.: S [REDACTED] SGT.

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0411 ALLENDALE

ACTUAL HEARING DATE: 04/17/14

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST. REQ.: N SCHD HEAR DATE: 04/16/14

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 898 POSS. OR/ATTEMPT TO

CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST....: 00000 APPRV.:

APPEAL DEADLINE: 05/02/14

GT RESTORED....: 00000

CREATED BY.....: [REDACTED]

04/05/14

LAST UPDATED BY: [REDACTED]

07/28/14

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:06:20 Monday, August 22, 2016

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/22/16
WHITEAU

NARRATIVE...>

SGT. [REDACTED] CONDUCTED A SEARCH OF BARNWELL A 33. THIS CELL HOUSES INMATE [REDACTED], SCDC #299770 AND GERALD BARRETT, SCDC # 334201. THEY WERE BOTH PRESENT DURING THE SEARCH. HE FOUND EIGHT KITES (NOTES) ADDRESSED TO SEVERAL DIFFERENT PEOPLE. THE KITES REQUESTED FINANCIAL NUMBERS (GREEN DOT), TOBACCO, MARIJUANA, AND OTHER CONTRABAND BE TAKEN TO LOCK UP. : INMATE [REDACTED] WORKS IN LOCK UP AND SGT. [REDACTED] FOUND KITES IN THE SECOND LOCKER, WHICH IS USED BY HIM. NO ONE CLAIMED OWNERSHIP. A CELL PHONE POWER CORD WAS FOUND ON THE BOTTOM BUNK. THE POWER CORD WAS BLACK IN COLOR AND ABOUT TWO FEET LONG. INMATE BARRETT CLAIMED OWNERSHIP OF THE POWER CORD.

CASE #03 WAS HEARD BY DHO [REDACTED] ON 4/17/14
CANTEEN/PHONE/VISITATION: 360 DAYS + 170 DD TIME DAYS = 530/530/530 DAYS EACH.
DD TIME: 180 DAY - 10 PHD CREDIT DAYS = 170 DAYS

CREATED BY.....: [REDACTED]
LAST UPDATED BY: [REDACTED]

04/05/14
07/28/14

(MORE)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:06:25 Monday, August 22, 2016

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/22/16
WHITEAU

NARRATIVE...>

7/25/14 PER WARDEN [REDACTED] (ACI) MH INMATE GERALD BARRETT IS BEING
RELEASED FROM SMU WITH DD TIME SUSPENDED. INMATE GERALD BARRETT HAS SIGNED
A CONTRACT WITH THE MENTAL HEALTH COUNSELOR.

CREATED BY.....: [REDACTED]
LAST UPDATED BY: [REDACTED]

04/05/14
07/28/14

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:06:33 Monday, August 22, 2016

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY08/22/16
WHITEAU

SCDC#/CASE#: 334201 - 00001

BARRETT JR, GERALD -

OFFENDER TYPE: ADULT-STRAIGHT

CURR LOC: ALLENDALE

CHARGED OFFENSE...: 825

REFUSING OR FAILING OBEY

OFFENSE
DATE: 12/21/09 TIME: 08:00 PM

OFFENSE LOCATION...: 0571

TURBEVILLE

OFFENSE CAT LVL.: 3

LOCATION IN INST.: 01

ALPHA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL...: [REDACTED]

TYPE ACTION.....: 03

OTHER ACTION TAKEN/INFORM

CHARG. OFF CHAR:

HEARING LOC.....: 0571

TURBEVILLE

ACTUAL HEARING DATE:

WITNESS/OFFICIAL REQUIRED:

COUNCIL SUBST. REQ.:

SCHED HEAR DATE: 12/29/09

DHO HEARING DEC: L CLOSED

PLEA.....:

CONVICTED OFF...:

CONVICT. OFF CHAR.:

DATE DROPPED...:

APPEAL DEADLINE:

TOT GT LOST...: 00000

APPRV.:

GT RESTORED...: 00000

CREATED BY.....: [REDACTED]

12/29/09

LAST UPDATED BY: [REDACTED]

05/18/10

PF4-MODIFY DISC.

PF5-NARRATIVE INQUIRY

PF8-NEXT DISCIP

15:06:37 Monday, August 22, 2016

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/22/16
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE GERALD BARRETT 334201 ORDERED TO HIS CELL
AND REFUSE TO COMPLY. I/M CHARGED WITH 825.

CREATED BY.....: [REDACTED]

LAST UPDATED BY: [REDACTED]

12/29/09
05/18/10

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

G

SP Multi-Disciplinary Team
 Barrett Gerald - 334201
 Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
 Medications:
 Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None
 Medications:
 Problems/Compliance: N/A
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY: None in the file

	TYPE	DATES	STATUS
Phase I:			
SOTP			
Phase II:			
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
 Other Information:

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

H

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "somasochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their somasochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism *per se* is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- B. The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

Development and Course

Adult males with pedophilic disorder may indicate that they become aware of strong or preferential sexual interest in children around the time of puberty—the same time frame in which males who later prefer physically mature partners became aware of their sexual interest in women or men. Attempting to diagnose pedophilic disorder at the age at which it first manifests is problematic because of the difficulty during adolescent development in differentiating it from age-appropriate sexual interest in peers or from sexual curiosity. Hence, Criterion C requires for diagnosis a minimum age of 16 years and at least 5 years older than the child or children in Criterion A.

Pedophilia *per se* appears to be a lifelong condition. Pedophilic disorder, however, necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Adults with pedophilic disorder may report an awareness of sexual interest in children that preceded engaging in sexual behavior involving children or self-identification as a pedophile. Advanced age is as likely to similarly diminish the frequency of sexual behavior involving children as it does other paraphilically motivated and normophilic sexual behavior.

Risk and Prognostic Factors

Temperamental. There appears to be an interaction between pedophilia and antisociality, such that males with both traits are more likely to act out sexually with children. Thus, antisocial personality disorder may be considered a risk factor for pedophilic disorder in males with pedophilia.

Environmental. Adult males with pedophilia often report that they were sexually abused as children. It is unclear, however, whether this correlation reflects a causal influence of childhood sexual abuse on adult pedophilia.

Genetic and physiological. Since pedophilia is a necessary condition for pedophilic disorder, any factor that increases the probability of pedophilia also increases the risk of pedophilic disorder. There is some evidence that neurodevelopmental perturbation in utero increases the probability of development of a pedophilic orientation.

Gender-Related Diagnostic Issues

Psychophysiological laboratory measures of sexual interest, which are sometimes useful in diagnosing pedophilic disorder in males, are not necessarily useful in diagnosing this disorder in females, even when an identical procedure (e.g., viewing time) or analogous procedures (e.g., penile plethysmography and vaginal photoplethysmography) are available.

Diagnostic Markers

Psychophysiological measures of sexual interest may sometimes be useful when an individual's history suggests the possible presence of pedophilic disorder but the individual denies strong or preferential attraction to children. The most thoroughly researched and longest used of such measures is *penile plethysmography*, although the sensitivity and specificity of diagnosis may vary from one site to another. *Viewing time*, using photographs of nude or minimally clothed persons as visual stimuli, is also used to diagnose pedophilic disorder, especially in combination with self-report measures. Mental health professionals in the United States, however, should be aware that possession of such visual stimuli, even for diagnostic purposes, may violate American law regarding possession of child pornography and leave the mental health professional susceptible to criminal prosecution.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for pedophilic disorder also sometimes occur as comorbid diagnoses. It is therefore generally necessary to evaluate the evidence for pedophilic disorder and other possible conditions as separate questions.

Antisocial personality disorder. This disorder increases the likelihood that a person who is primarily attracted to the mature physique will approach a child, on one or a few occasions, on the basis of relative availability. The individual often shows other signs of this personality disorder, such as recurrent law-breaking.

Alcohol and substance use disorders. The disinhibiting effects of intoxication may also increase the likelihood that a person who is primarily attracted to the mature physique will sexually approach a child.

Obsessive-compulsive disorder. There are occasional individuals who complain about ego-dystonic thoughts and worries about possible attraction to children. Clinical interviewing usually reveals an absence of sexual thoughts about children during high states of sexual arousal (e.g., approaching orgasm during masturbation) and sometimes additional ego-dystonic, intrusive sexual ideas (e.g., concerns about homosexuality).

Comorbidity

Psychiatric comorbidity of pedophilic disorder includes substance use disorders; depressive, bipolar, and anxiety disorders; antisocial personality disorder; and other paraphilic disorders. However, findings on comorbid disorders are largely among individuals convicted for sexual offenses involving children (almost all males) and may not be generalizable to other individuals with pedophilic disorder (e.g., individuals who have never approached a child sexually but who qualify for the diagnosis of pedophilic disorder on the basis of subjective distress).

Fetishistic Disorder

Diagnostic Criteria

302.81 (F65.0)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from either the use of nonliving objects or a highly specific focus on nongenital body part(s), as manifested by fantasies, urges, or behaviors.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The fetish objects are not limited to articles of clothing used in cross-dressing (as in transvestic disorder) or devices specifically designed for the purpose of tactile genital stimulation (e.g., vibrator).

Specify:

- Body part(s)
- Nonliving object(s)
- Other

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in fetishistic behaviors are restricted.

In full remission: There has been no distress or impairment in social, occupational, or other areas of functioning for at least 5 years while in an uncontrolled environment.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

I

Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *algalagmic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living at institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

1 In the Court of Common Pleas for the
2 State of South Carolina, County of Beaufort

3

4 Case No.: 2016CP072140

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8 In the Matter of the Care and

9 Treatment of:

10 Gerald Barrett, Jr.

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16 October 19, 2016

17 Beaufort, South Carolina

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23 BEFORE:

24 The Honorable CARMEN T. MULLEN

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PROCEEDINGS

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MR. BOGLE: May it please the Court. My name is Jim Bogle. For the record, I represent the State in this case. This is also a petition for an evaluation filed under the sexually violent predator act. He was born in 1990, we believe. His max-out date is not until April of next year, April 2017. The multi-disciplinary team met on August 18. You will notice Exhibit A to our petition is a copy of their report. It was typed in July 21. Apparently somebody was sick and they had to postpone things a month, so she handwrote in August 18th as the actual date.

The PR, the probable -- the prosecutor's review committee then met on September 20, within 30 days after getting materials from the multidisciplinary team, and voted to send the case forward. And we filed our petition, which you have before you today. It was filed on September 29th.

And I appreciate the work done by your office and the clerk's in getting this scheduled today as well to get them both out of the way. The qualified conviction is a trial conviction for a lewd act on a child under 16. The trial was October 2 of 2013. The original charge, it was CSC with a minor, second degree, and lewd act and kidnapping. My understanding is those

1 were dismissed.

2 Now, in my petition I describe more than one
3 victim. It may have be Mr. Falk pointed this out to me
4 earlier, but I have them backwards. It's hard to tell
5 from the documents, whether the one he went to trial
6 upon was the 14 year old girl or the 12 year old. It
7 may well have been the 14 year old girl instead. In my
8 petition I describe it as a 14 year old girl. It's
9 hard to tell from the documents.

10 But in any event, we have issues involving a 12
11 year old girl involve forcible sex. It also involved
12 drinking by the girl that was going on that night. She
13 went to a friend's bedroom to watch television. They
14 had been drinking. He came in, placed his hand on her
15 clothes, one thing led to another. He forced himself
16 upon her. And that led to the criminal sexual conduct.
17 She admitted in her forensic interview that this had
18 happened some years before as well.

19 The other girl, the 14 year old girl, which may
20 well have been the one he was convicted of, this --
21 there's no indication of her drinking beer in the
22 records I have seen. This was a separate incident.
23 Her grandmother reported that this girl may have -- her
24 granddaughter may have been assaulted by her daughter's
25 boyfriend, or something like that. Forensic interview

1 was done. The girl admitted he come in the house, laid
2 down beside her, and then got in the bed with her later
3 on and forced himself upon her.

4 So, prior to these crimes you have got a 2011
5 contributing to the delinquency of a minor. That case
6 began as a CSC in the second degree. I believe that it
7 was contested as consensual sex in involving another 14
8 year old girl and it resulted in the conviction for
9 contributing to the delinquency which itself is not a
10 sexually violent crime like the convicted crime is, but
11 we are starting to see a pattern here.

12 We are looking for some juvenile records. They
13 throw things away and they are hard to find. But a
14 juvenile rap sheet we got shows a nolle prossed CSC
15 with a minor in the first degree from back in 2001. We
16 are trying to track that down to see what we can find.
17 All we know right now is that the charge was made and
18 it got nolle prossed the following year. We don't know
19 why. We are trying to track that down.

20 Other convictions, disturbing schools, burglary,
21 and credit card fraud. Nothing sexual. He had one
22 disciplinary infraction in prison, not for sexual, it
23 was for possession or attempt to possess a cell phone.
24 And again, like the last case, we don't know why but
25 there is no record -- the Department of Corrections'

1 records they gave us show no record of sex offender
2 treatment.

3 So, that is what we have. We have his age. We
4 have the sexually violent conviction. Not related to
5 the victim is a factor they look at as being a risk
6 factor in cases like this. He does have prior
7 non-sexual convictions, which I have talked about. And
8 prior sexual offense, if you regard that the
9 contributing to the delinquency as a sexual offense.
10 And sometimes the way that the doctors look at these
11 things, when they are evaluating a guy, they of course
12 look at the conviction, but they also look at places
13 where you are charged, even though it didn't result in
14 conviction, because if you can get in enough trouble to
15 be charged, they try to look behind that to see what
16 happened. Look at what the victim said. See what
17 happened and try and study into that some and find out
18 exactly why the case didn't go forward. But the fact
19 that you got in enough trouble to get arrested or
20 charged suggests that something might have happened.
21 Again, not for criminal conviction purposes but the
22 view of the psychologist, that is what they look for.

23 We also have more than one victim and the
24 information that we have. Again, some of these charges
25 were nolle prossed. Now, I allege the possibility of

1 pedophilic disorder. That is a long shot. I bring it
2 up just for the Court's information because it's out
3 there and because we don't know right now, based on the
4 information that we have seen at this stage, what these
5 two girls look like. You know, whether they are 12
6 looking like 16 or they are 12 looking like ten, we
7 just don't know. The same thing with the 14 year old.
8 And that is the kind of thing that we are trying to
9 look for and see what kind of forensic record they
10 have.

11 Apparently there were forensic interviews done of
12 both girls. The questions are, where are they. And we
13 haven't gotten them yet. That is something that we are
14 looking for. That is the case, Your Honor. I will be
15 happy to answer any questions beyond that. But that is
16 what we have right now. The conviction date for
17 Mr. Barrett was October 2 of 2013. He got 12 years
18 provided upon the service of nine with four years
19 probation.

20 THE COURT: How old was he?

21 MR. BOGLE: He was born in 1990, so 22 or so when
22 things happened.

23 THE COURT: Mr. Falk.

24 MR. FALK: Your Honor, I have real concerns about
25 probable cause here. First of all, I think if you go

1 through the records it's clear to me that the 12 year
2 old victim is the case that was nolle prossed. It
3 seems to me that that comes out of the arrest warrant
4 down here, 2012A0710300401, which was the CSC with a
5 minor charge. That case was nolle prossed.

6 Now, this case went to trial, so this is not a
7 situation of, you know, being nolle prossed in exchange
8 for a guilty plea. It was nolle prossed, and there
9 obviously must have been a reason for that. He was
10 also found not guilty on the kidnapping charge. It is
11 not -- that case -- that was nolle prossed. It went to
12 trial on the 14 year old victim and that was found not
13 guilty.

14 Now, whether we like it or not there is nothing
15 biologically wrong with a man being attracted to a 14
16 year old girl. That is clearly criminal conduct and
17 statutory rape is a crime. But statutory rape is not
18 evidence of a paraphilia. Evidence of a paraphilia --
19 pedophilia would be an attraction to a 12 year old or
20 an 8 year old or a 7 year old. Or I think the way that
21 the experts will say is if the person is not showing
22 any secondary sexual characteristics.

23 So, we don't have any evidence of pedophilic
24 conduct in this case. And I'm not trying to trash the
25 possible victim of the 12 year old, but she was drunk

1 at the time. So, that makes me think that she was, you
2 know, doing -- she was maybe acting as though she was
3 older.

4 But anyways, again, I think that there's a very
5 important distinction that they are not -- they are
6 saying that this is a 21 or 22 year old that is having
7 a romantic and sexual interest with a 14 year old.
8 That is not a pathology, that is criminal conduct. I
9 always try and make the analogy, but if someone walks
10 into the Kangaroo and steals a chocolate bar and walks
11 out the door he could, A, really like chocolate, or he
12 could be a kleptomaniac.

13 All right. Now, and what I'm trying to say is the
14 attraction to the 14 year old, it was a biological urge
15 that is illegal in this state for good reason, but it
16 is not necessarily evidence of a pathology. There is
17 nothing in here showing evidence of any kind of a
18 pathology. It is very frustrating. And, again, this
19 is an even worse example of trying to say that this is
20 a statute that is made for the worst of the worst under
21 these circumstances.

22 And here is the last complication in this matter.
23 His underlying conviction is up before the Supreme
24 Court on a petition for cert that was filed in June of
25 this year. I talked to David Alexander. There are

1 real issues in this case about whether or not there
2 were problems with the underlying conviction. It is
3 sort of Kromah type issue with the testimony by the
4 forensic expert and the witness and what they are
5 allowed to testify to. And there is a real possibility
6 that this underlying conviction gets bounced by the
7 State Supreme Court.

8 Now, my guy is really going to be a problem if he
9 gets caught up in this system and then the case gets
10 bounced; that is the underlying conviction, and then it
11 is found to be remanded back to trial court. I don't
12 know where that puts us. I have got kind of -- I have
13 got a difficult argument to be making here because at
14 one point I want to say, Let's go forward, let's try
15 and get his case wrapped up and let's try and get him
16 evaluated before he would serve out. Because I'm
17 really pretty sure that Dr. Gale is going to say
18 there's no problem.

19 However, that might not happen. And so my other
20 argument is to say, Your Honor, I really think we have
21 to suspend this proceeding until this case has been --
22 a final decision in this case has happened. Just like
23 we wouldn't go forward with a PCR case while the case
24 is still pending. So, I mean, I really have got a
25 catch 22 here.

1 I think my only solution is for an order to be
2 crafted where you would withdraw, if you find probable
3 cause, that you would withdraw that in the event that
4 this case gets bounced. Because otherwise I can't risk
5 my guy going into the program, you know, and having the
6 case bounced. I don't know what to do. This is a bad
7 case. And I think that it is a great one to find that
8 there is no probable cause. Because there is just some
9 criminal conduct by a 21 year old.

10 THE COURT: Is there not some independent person
11 you can use? I know that you can normally use your own
12 by choice, but is there not someone else that the two
13 of you kind of agree upon? I know that it costs money.

14 MR. FALK: The State pays for that, but that's not
15 provided by the statute.

16 THE COURT: So I can't even order it.

17 MR. BOGLE: You mean, separate from Dr. Gale at
18 this point?

19 THE COURT: Yes, just someone that can get it done
20 quickly. If you are telling me that you don't think
21 that she's going to find him, you know, as far as the
22 pathology there. So based on that, I'm trying to
23 figure out if there's a way to get it done, get it done
24 more quickly. I mean, I guess that you run the risk
25 that maybe they will find --

1 MR. FALK: Quite honestly, I have had cases with
2 Dr. Gale. Of the people that this Court could possibly
3 appoint, I'm more likely to think that Dr. Gale is
4 going to say that he is not.

5 MR. BOGLE: Because there is a recognized
6 paraphilia called biastophilia that involves the sexual
7 interest for the teenage side. Older than pedophilia
8 and younger than legal age.

9 MR. FALK: Excuse me. Biastophilia is coercive
10 conduct. Hebephilia is the teenage one.

11 MR. BOGLE: Well, we have either one. You have
12 got the Corcephilia (phonetic). You have also got the
13 coercive crime. You have got the Hebephilia, if that's
14 the correct one. There is some debate among
15 psychologists as to how extensive that is. But we
16 don't know until they take a look at it.

17 MR. FALK: He's 21 and 14. This is not 44 and 14.

18 THE COURT: I understand.

19 MR. BOGLE: Now, the problem with the appeal is,
20 I'm not sure what to do about that, in all candor. We
21 are kind of a prisoner of the statute. The statute
22 gives us specific time line to have the guy evaluated,
23 have the MDT meet, the PRC, and have this hearing and
24 move on. And the statute says conviction is defined
25 as -- and it talks about guilty plea or it talks about

1 trial. So, it doesn't -- the statute for this law
2 doesn't carve out a "what if" as an appeal matter. So,
3 I really haven't got an answer there.

4 THE COURT: Okay.

5 MR. BOGLE: I would just say move on, but I don't
6 really -- and while he is being evaluated, the guy's
7 max-out date is sometime next year.

8 THE COURT: You said April of 2017?

9 MR. BOGLE: April 12 of '17 is what we have. If
10 his appeal suddenly gets disposed of by then, it looks
11 like we are in a spot because we haven't got a sexually
12 violent conviction any more.

13 THE COURT: All right. Let me think about it.
14 I'm concerned if I say that is the basis for -- or one
15 of the strongest basis for the underlying probable
16 cause, and if that's taken away, I would agree that
17 there still has to be some kind of -- if we do find
18 probable cause based on what I have got here, because
19 it hasn't been overturned yet, I am concerned. So, let
20 me just think about how I need to do that.

21 MR. BOGLE: Thank you. Would it be okay if I left
22 with you, since we are leaving today, if I could leave
23 with the Court a proposed order?

24 THE COURT: Of course.

25 MR. BOGLE: And I can modify it or I can send a

1 Word version to your law clerk if you need.

2 THE COURT: How about you do this, just for the
3 record, my law clerk came from the Court of Appeals and
4 apparently Judge Geathers wrote the opinion in this
5 case from the Court of Appeals; is that correct?

6 THE LAW CLERK: Yes.

7 THE COURT: So, I need you to be able to send it
8 directly to me, so to my direct email address so I can
9 look at it.

10 MR. BOGLE: CMullenJ?

11 THE COURT: Yes.

12 MR. BOGLE: Okay. I'll have that done when I walk
13 out of the door.

14 THE COURT: Thank you.

15 MR. BOGLE: So, email it directly to you, or would
16 you like a paper copy as well?

17 THE COURT: Actually I would like the PDF version
18 that I can change.

19 MR. BOGLE: Word version?

20 THE COURT: Word version is fine.

21 MR. BOGLE: Okay, I will send it. When we finish
22 I'll go out in the hall and I will have Diane email you
23 directly a Word version of the order.

24 THE COURT: And you can hand it to me as well. A
25 paper copy is fine, but I would like one that I can

1 change. All right.

2 MR. FALK: Thank you.

3 MR. BOGLE: Thank you, Your Honor.

4 THE COURT: Thank you.

5 (Whereupon, the hearing adjourned.)

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2 CERTIFICATE

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4 STATE OF SOUTH CAROLINA:

5 COUNTY OF BEAUFORT:

6 I, MONA L. MANLEY, Court Reporter, certify that I was
7 authorized to and did stenographically report the foregoing
8 proceedings and that the transcript is a true and complete
9 record of my stenographic notes.

8

DATED this 3rd day of March, 2017.

9

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Mona L. Manley /s/

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MONA L. MANLEY

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Official South Carolina Court Reporter

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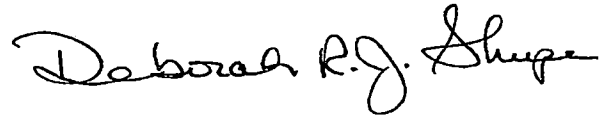
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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Amended Record on Appeal contains all materials 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 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,



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ATTORNEY FOR THE APPELLANT

This 7th day of February, 2018

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