

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Brian M. Gibbons, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF ROBBIE CARROLL COLLINS,

ORIGINAL

RECEIVED

AUG 22 2018

SC Court of Appeals

APPELLANT

APPELLATE CASE NO. 2017-002287

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

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

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

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

ATTORNEYS FOR RESPONDENT

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1 State of South Carolina) Court of Common Pleas
2 County of Horry) 2017-CP-26-03015
3

4 State of South Carolina)
5 vs.) Transcript of Record
6 Robbie Collins)
7

8 October 2nd-4th, 2017
9 Conway, South Carolina
10

11 BEFORE:

12 Honorable Brian Gibbons, Judge.
13

14 APPEARANCES:

15 Christopher A. Morrow, Esq.
16 Attorney for the State

17 James K. Falk, Esq.
18 Attorney for the Defendant
19
20
21

22 Teresa J. F. Bautz, RPR
23 Official Court Reporter
24
25

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1 (The hearing commenced at approximately 1:43 p.m.)

2 THE COURT: All right. We're on the record, then,
3 of the matter of The Care and Treatment of Robbie
4 Collins. Mr. Collins present?

5 MR. FALK: They were supposed to bring him over at
6 1 o'clock.

7 THE COURT: Okay.

8 MR. FALK: He hasn't gotten here yet, but I know
9 they're supposed to get him here at one.

10 THE COURT: We'll go ahead and do the motions in
11 limine and any other pretrial matters before I bring
12 the panel up here.

13 DEPUTY: He's downstairs if you would like us to
14 bring him up.

15 MR. FALK: Yes, please.

16 THE COURT: Yeah, if y'all would bring him up,
17 we'll go ahead and start doing the pretrial stuff while
18 we're waiting on him. Unless you waive his presence
19 here for the pretrial stuff?

20 MR. FALK: That's fine, we would waive it.

21 THE COURT: Okay.

22 MR. FALK: May I approach?

23 THE COURT: Yes, sir.

24 (Discussion off the record.)

25 THE COURT: While we're waiting on Mr. Collins to

1 come up, then, we do have some pretrial matters that
2 are before the Court. And, I believe -- yes, sir.

3 MR. FALK: Judge, this is my wife and she's,
4 helping me today.

5 THE COURT: Oh, all right. Pleasure having you
6 here.

7 MS. FALK: Thank you.

8 THE COURT: All right. And it's Mr. Morrow;
9 correct?

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

11 THE COURT: And I believe the State has what's
12 called Petitioner's first motion in limine. It's my
13 understanding that the State has withdrawn the second
14 motion in limine; is that correct?

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

16 THE COURT: Okay, that's withdrawn. Let me hear
17 from you on your first motion in limine.

18 MR. MORROW: Yes, Your Honor. The State would
19 simply ask that the -- that referring to the section of
20 the violent predator treatment unit as prison or as
21 being punished for life or as the old death row unit be
22 prohibited. They are going to be treated in a secure
23 facility operated by the Department of Mental Health.

24 So that's -- and then on the face of that motion
25 we'd say that treatment at a sexually violent treatment

1 unit will last until Respondent's mental abnormality or
2 personality disorder has so changed, and he is safe to
3 be at large. The statute is civil and nonpunitive.
4 And that's In the Matter and Care and Treatment of
5 Matthews, 345 SC 638.

6 Your Honor, we just ask that the Respondent not
7 refer to it as prison or for life or that's the old
8 death row unit.

9 THE COURT: All right. Yes, sir, what's your
10 position?

11 MR. FALK: Your Honor, I'm certainly not going to
12 say it is the old death row unit. I do think it's fair
13 to have some understanding of what a secure facility
14 means, you know, that that means that they are not free
15 to come and go as they want. I mean, I'm not going to
16 use any buzz words, I'm not going to say they are going
17 to prison, I'm not going to say they are going to Broad
18 River, but I do think it's fair for the jury to know
19 that --

20 THE COURT: They can't come and go.

21 MR. FALK: -- they can't come and go.

22 THE COURT: They are secured in a facility to be
23 evaluated and treated.

24 MR. FALK: Yes, sir.

25 THE COURT: I think he's right on that. Any

1 problem with that, Mr. Morrow?

2 MR. MORROW: None whatsoever, Your Honor.

3 THE COURT: All right. So if you just tailor your
4 language appropriately that way.

5 MR. FALK: Yes, Your Honor.

6 THE COURT: And, of course, if something happens
7 during the trial, you can of course object, and I'll
8 rule on it at that, you know, as it goes on. But the
9 Court's intention is to not allow it to -- you know,
10 during the trial to not call mental health treatment as
11 continued prison or continued punishment or a lifetime
12 sentence or anything like that. Certainly he's being
13 evaluated, can't come and go as he pleases.

14 MR. FALK: Right.

15 THE COURT: He's not free.

16 MR. FALK: It's not fair for them to think he's
17 just going to a hospital.

18 THE COURT: Correct, right. All right. So that
19 resolves your motion in limine. Let me hear from you,
20 then, Mr. Falk, as to the defense's motion in limine.

21 MR. FALK: Your Honor, I believe that I would
22 expect the State possibly to want to use some terms in
23 their opening statement about the legislative history
24 of the statute, talking about an extremely dangerous
25 group of sexually violent predators that the statute

1 was designed to catch with mental abnormalities. I
2 think those are buzz words that I'm not even sure that
3 the jury really needs to hear that introductory.

4 But I do think, you know, my client being
5 considered an extremely dangerous violent predator at
6 this point until there's been any type of adjudication
7 can tend to be prejudicial to my client.

8 THE COURT: All right.

9 MR. FALK: I'm sorry.

10 THE COURT: Yeah, we'll go through each one.
11 What's your -- the State's position as to that?

12 MR. MORROW: Your Honor, basically my opening
13 statement, typically I refer to the fact that the State
14 Legislature passed this law 16 years ago. And I talk
15 about the legislative findings in 44-48-20 and that
16 they passed it with basically two bills in mind. If
17 Your Honor thinks that's inappropriate, it's -- I can
18 remove that from my opening statement.

19 THE COURT: Yeah, let's better safe than sorry.
20 Just tailor your opening to the case at bar.

21 MR. MORROW: Thank you, Your Honor.

22 THE COURT: Okay. All right, be seated,
23 Mr. Collins, thank you. All right. Mr. Falk, next
24 point?

25 MR. FALK: I would like nobody to discuss the fact

1 that my client can petition for release on an annual
2 basis if he were convicted. Because I do think that
3 that tends to have a jury think, well, maybe it's okay
4 to just send him there for a year.

5 One, the reality is that they don't get annual
6 releases because, in matter of fact, that usually comes
7 about every two years. And if, you know, a discussion
8 that he's going to be going to a facility that's more
9 like a prison, I don't think it's fair for the jury to
10 hear that, well, he can get out next year maybe.

11 THE COURT: All right.

12 MR. MORROW: Your Honor, the State was not
13 planning on making any references to the annual review
14 process or that.

15 THE COURT: All right. So that motion in limine
16 is granted. And then granting that, you know, it's
17 similar to -- the Court looks at that similar to the
18 Court would look at trying a criminal case wherein the
19 issue of how much time somebody gets if convicted,
20 that's irrelevant to -- for the jury to hear, and it
21 could be prejudicial for the jury to hear.

22 So upon that basis, then, I'll grant the Defense's
23 motion in limine on that issue. So nobody will talk
24 about that, you know, if he is committed he gets an
25 annual evaluation to possibly be released.

1 MR. FALK: Your Honor, and really three, four,
2 five, six and seven are all basically the same question
3 as to what extent the State's expert is going to be
4 able to get in and talk about my client's past record.

5 I would expect that the State is going to talk
6 about -- possibly talk about disciplinary
7 infractions -- well, maybe not in this case, I'll put
8 that one aside. But I think charges that have been
9 nolle prossed I do not think are appropriate because I
10 think the jury is going to possibly take a negative
11 spin on that. I think it -- meaning that I think the
12 probative value is going to be outweighed by the
13 prejudice to my client because my client hadn't had an
14 opportunity for his day in court on those charges. But
15 yet the expert is going to say, well, I considered
16 these nolle prossed charges because they could have
17 been true.

18 I think that felony convictions that are over ten
19 years old even after release from confinement is so far
20 in the past that it is, again, more prejudicial than
21 probative. I think misdemeanor convictions that are
22 more within five years, even five years tacked onto the
23 end of any type of sentence, again, are more
24 prejudicial than probative.

25 THE COURT: All right. Mr. Morrow?

1 MR. MORROW: Yes, Your Honor. The State would
2 contest those. And first, I would say that in looking
3 at the Ettle case, In the Matter of the Care and
4 Treatment of Ettle, 377 South Carolina 558 or 660 S.E.
5 2d 285, it's a South Carolina Court of Appeals case
6 from 2008, the Court found in that case that testimony
7 concerning Defendant's prior sexual offenses which did
8 not result in conviction and his prior murder
9 conviction were relevant and admissible in proceeding
10 to civilly commit a sex offender under the South
11 Carolina Sexually Violent Predator Act.

12 An expert relied on the prior offenses when
13 evaluating the sex offender's need for and likelihood
14 for success and treatment as well as his ability to
15 control his behavior in the future.

16 Further, the State would argue that based on the
17 Chandler case, consider it -- which is 362 South
18 Carolina 250 676 S.E. 2d 676, South Carolina Supreme
19 Court case from 2009, consideration of a person's past
20 criminal history is directly relevant to establishing
21 whether a person has been convicted of a sexually
22 violent offense, and which in turn bears directly on
23 whether one suffers from mental abnormalities
24 supporting determination that one is a sexually violent
25 predator.

1 In this case, particular case, Your Honor, Mr.
2 Collins is convicted of a lewd act on children in 1986,
3 which is one of his sexually violent convictions. And
4 he also was convicted of a criminal sexual conduct in
5 the second degree in 2004.

6 THE COURT: The one that he is in front of me for
7 today for this SVP proceeding is the CSC?

8 MR. FALK: Second, yes.

9 THE COURT: Second.

10 MR. MORROW: But both --

11 THE COURT: But taking everything, right, I
12 understand.

13 MR. MORROW: Those are part of the basis of the
14 expert's opinion, Your Honor.

15 THE COURT: Okay. Right, come on back.

16 MR. FALK: My response is still regardless of what
17 the Court of Appeals said and Ettle, it's still the
18 trial court's responsibility as the gatekeeper to
19 determine what evidence under 403 is more probative --
20 or is more prejudicial than probative.

21 And especially when we start talking now about
22 hearsay statements that are going to come in as
23 police -- I mean, again, it's the detail that the
24 State's expert is allowed to go into. I mean, I'll
25 acknowledge that my guy had lewd act charges in 1996,

1 and I know that my guy had a CSC charge in, I guess,
2 2006. But how much of the detail is necessary because
3 all of a sudden what we -- what wind up -- I want to
4 guard against the fact that my client winds up getting
5 recharged for crimes that were committed in the past.

6 And when we start dredging up all of these /
7 details, especially with a lot of hearsay statements
8 read in from police reports, my client is, in effect,
9 trying to defend himself on crimes that he's already
10 been sentenced and paid the price for.

11 So I admit that there's probably biographical
12 information, demographic information that is relevant,
13 age of the victims, that kind of stuff. But, you know,
14 I think there's a point along a continuum as to when we
15 start going beyond what is necessary for the expert's
16 opinion and what becomes just an opportunity to retry
17 my client on past convictions.

18 THE COURT: All right.

19 MR. MORROW: Your Honor, I just would cite one
20 more case, Your Honor. It's In the Matter and Care and
21 Treatment of Corley. In that case the Court found that
22 indictments outlined underlying details of the
23 Defendant's assault and battery of high and aggravated
24 nature conviction and criminal sexual conduct
25 conviction were relevant as to the issue of whether the

1 Defendant was likely engaged in acts of sexual violence
2 for purposes of the SVP Act.

3 He evidenced a pattern of behavior which indicates
4 a person would be of increased risk to commit future
5 offenses. And the expert further testified that
6 Defendant's victims were in similar age range.

7 Also in Corley, the probative value of details
8 underlying those offenses outweighed the danger of
9 undue prejudice in that case. And I would argue that
10 that is the case in this case as well. I mean, the
11 details of his underlying offenses from 1986 are
12 crucial to the diagnosis of our expert witness in this
13 case.

14 THE COURT: All right. And coming back to you.

15 MR. FALK: And I could live with even if there's a
16 recitation of the facts that were set forth in the
17 affidavit supporting the indictments is fine. And
18 maybe that's enough detail. But when we start looking
19 at police reports about what the victim said to the
20 investigator, I think we have crossed the line.

21 THE COURT: What's your response to that issue?

22 MR. MORROW: That issue, Your Honor, I mean, the
23 victim impact statements and police reports are part of
24 the documents gathered by that expert that she reviewed
25 and part of the basis for her opinion, that she could

1 not reach the same opinion without seeing those
2 documents and relying on those documents. And that
3 directly contradicts some of the information that
4 Mr. Collins told her in her interview.

5 So if we start excluding things that she reviewed
6 as part of the basis for her opinion, then she won't be
7 able to testify as to what her opinion is.

8 THE COURT: All right. I'm going to take those
9 under advisement and issue a decision here momentarily.
10 Let me hear you on number eight, then, Mr. Falk.

11 MR. FALK: This is somewhat unique to this case.
12 The expert in this case performed an evaluation that's
13 called the HARE, H-A-R-E, P-C-L, dash, R, which is a
14 test that is a testing method used by forensic
15 psychologists and psychiatrists. The test measures a
16 degree of psychopathy, P-S-Y-C-H-O-P-A-T-H-Y,
17 psychopathy.

18 And I am concerned that psychopathy may have a
19 clinical term meaning to a forensic expert, but those
20 12 people are only going to hear psychopath. And I
21 think psychopath is a very charged word. And
22 especially in this case where she's going to testify, I
23 believe, that the cut-off level even to say somebody is
24 a psychopath you have to get a 30 on this test. He got
25 a 25, so he does not meet the cut-off for psychopathy.

1 But she could testify, as she did in her opinion,
2 that he has psychopathic traits. And, again, any other
3 word, even if you put it all in Latin and nobody could
4 understand it would be fine. But the term psychopath
5 and psychopathy, I think, are extremely charged terms
6 especially in this context.

7 THE COURT: All right.

8 MR. MORROW: Your Honor, I have Dr. Swan who is
9 here and could testify to the merits of the therapy CLR
10 test. And I could also have her testify as to the word
11 psychopathy and its clinical uses, if that would help
12 matters.

13 THE COURT: Why don't we just do that. I'm going
14 to deny the Defense's motion to not mention those
15 words. I mean, I think the best way to handle it --
16 you know, she's a doctor and she's going to talk and
17 use big words like doctors do anyway -- is to have her
18 describe it, what that means, in laymen's terms. And
19 presumably you can ask her on direct, you're not saying
20 he's a psychopath; are you, doc? No, I'm not, okay.
21 And then that will clear it up.

22 MR. FALK: Thank you, Your Honor.

23 THE COURT: I'm going to handle it that way. All
24 right, anything else you want me to consider before I
25 start reading the memorandum and you consider your

1 arguments for ruling on those motion in limine issues?

2 MR. FALK: I'm good, Your Honor.

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

5 THE COURT: All right. Well, y'all just hang in
6 tight while I look over everything. And I'll announce
7 my decision.

8 (Discussion off the record.)

9 MR. FALK: First of all, what's going to be your
10 thought on what he needs to have on?

11 THE COURT: You don't have a --

12 MR. FALK: Well, he got picked up yesterday.

13 THE COURT: Got you.

14 MR. FALK: Because he had been out on release, and
15 he got picked up. And he had clothes, but the jail did
16 not bring his clothes over, you know, his civilian.
17 Which, I mean, I guess I could send my wife over to
18 jail to pick up his clothes if they'll do that.

19 THE COURT: Or the jail can bring them over here
20 because they didn't bring them when they needed to.

21 MR. FALK: Yeah. And my other question is, are
22 you going to require...

23 THE COURT: No.

24 MR. FALK: Okay.

25 THE COURT: We'll take off the belly chain, and

1 he's entitled to wear civilian clothes. So call the
2 jail and tell them that they need to bring those over
3 here ASAP.

4 THE DEPUTY: Okay.

5 THE COURT: Okay?

6 MR. FALK: Thank you, Your Honor.

7 (Discussion off the record.)

8 THE COURT: We're back on the record. Any further
9 argument on the Defense's motion in limine, items three
10 through seven, Mr. Falk?

11 MR. FALK: No, Your Honor.

12 THE COURT: Anything else from the State?

13 MR. MORROW: Nothing further from the State.

14 THE COURT: All right. Based upon arguments of
15 counsel and my review of the relevant case law, I am
16 going to deny, respectfully deny, the Defense's motion
17 in limine in regards to three, four, five, six and
18 seven. Of course, you're protected in the record, Mr.
19 Falk. To the extent any of that information comes out,
20 of course you can make your contemporaneous objection
21 as well.

22 MR. FALK: Thank you.

23 THE COURT: And the Court will rule on it at that
24 time. But you're protected on the record. All right,
25 anything else to handle on the record prior to his

1 change of clothes getting here. Other than -- any
2 objections to the State's proposed voir dire?

3 MR. FALK: No.

4 THE COURT: Any objections to the Defense's
5 proposed voir dire?

6 MR. MORROW: None from the State, Your Honor.

7 THE COURT: Okay. We are in a holding pattern,
8 then.

9 MR. FALK: Can we swing our chairs around for
10 the...

11 THE COURT: Absolutely, yeah. All right, we're
12 off the record.

13 (Discussion off the record.)

14 THE COURT: All right. Y'all ready for the jury
15 panel?

16 MR. FALK: Yes, sir.

17 THE COURT: All right. Let's bring them up.

18 (WHEREUPON, the jury came into open court at
19 approximately 3:02 p.m.)

20 THE COURT: All right. All members of the jury
21 panel are present. Ladies and gentlemen, thank you so
22 much for your patience today. It's been a long day,
23 and I know y'all sat through a lot of stuff this
24 morning. And, you know, we depend on computers to do a
25 lot of things for us. And if something goes haywire,

1 it really just turns our world upside down. And that's
2 why it's taken so long today. Thank you for your
3 patience. I'm sorry you've had to sit there twiddling
4 your thumbs so long this morning, okay.

5 Let me tell you what's about to happen. First of
6 all, let me introduce myself to you. My name is Brian
7 Gibbons, I am a circuit judge from Chester, South
8 Carolina, which is right below Rock Hill. You're
9 probably asking yourself, well, why are you all the way
10 over here working in Horry County. Well, circuit
11 judges, there's 49 of us, we travel all over the State
12 of South Carolina holding court in different judicial
13 circuits.

14 I'm over the Sixth Judicial Circuit which consists
15 of Fairfield County, Chester County and Lancaster
16 County. But from time to time I will travel around the
17 State of South Carolina to hold court. Keeps me fresh,
18 keeps the lawyers fresh and that's why we in the great
19 State of South Carolina do that, okay. So that's why
20 I'm here, I've been here several times before, and it's
21 always a pleasure and privilege to come over here and
22 work with the citizens of Horry County.

23 Having said that, let me tell you a little bit
24 about the case which the lawyers are about to select a
25 jury for. This is not the typical type of lawsuit or

1 type of case which comes before the Court. This is not
2 criminal court today, and this is civil court where
3 typically in civil court somebody sues somebody else
4 for something, either typically money damages like a
5 car wreck case or something of the like.

6 In this case, however, the name of the case is
7 called In the Matter of the Care and Treatment of Robby
8 Collins. And Mr. Collins is seated below me to my
9 right. Mr. Collins, if you'll raise your hand. That's
10 Mr. Collins. And so this case is about him.

11 And in this case there's two parties, there's the
12 State of South Carolina who's represented by the
13 Attorney General's office which is there to my left.
14 And I'm going to have Mr. Morrow introduce himself to
15 you here momentarily. And of course Mr. Collins, who
16 is seated with his attorney who I'll have introduce
17 himself to you in a moment.

18 This is a civil proceeding wherein the State is
19 seeking civil commitment of Mr. Collins. Again, this
20 is not criminal court, but this is a civil proceeding,
21 and I'll explain this as it goes forward. And due to
22 the nature of this type of case that's before the Court
23 today, that's why the Court handed out a written
24 question or a questionnaire for each of you to fill out
25 prior to asking questions of the whole panel, okay.

1 So I'll remind you, ladies and gentlemen, that you
2 are still under oath. I'm going to go through a series
3 of questions with you, it's called voir dire questions.
4 And these are questions which the lawyers request the
5 Court to ask so they can get a general feel for you, so
6 they can decide who they want on the jury. So that's
7 what we're going to go through now.

8 So just like y'all did a couple hours ago with
9 Judge John, if a question applies to you, I'll need you
10 to stand. The first question I'll have for you is
11 please tell me your juror number, and then we'll go
12 from there, okay.

13 So having said that, before we do anything else,
14 I'm going to have the lawyers introduce themselves to
15 you, and we'll go from there. So first from the
16 Attorney General's office.

17 MR. MORROW: My name is Christopher Andrew Morrow.
18 I am originally from Duncan, South Carolina. It's in
19 the upstate near Spartanburg, if you're familiar with
20 that area. I now work at South Carolina Attorney
21 General's office in Columbia, and I handle sexually
22 violent predator cases for the State. Thank you.

23 THE COURT: All right. And Mr. Falk?

24 MR. FALK: I'm James Falk. My office is in
25 Charleston. I've been appointed today to represent

1 Mr. Collins. I get appointed on several of these
2 sexually violent predator cases.

3 THE COURT: All right, thank you. So the first
4 question I have of the jury panel is, has anybody ever
5 been represented or have a close personal or social
6 relationship with any of the attorneys involved in this
7 case? If so, please stand. All right. No response.

8 The next question is now that you've seen
9 Mr. Collins and you hear his name, Robbie Collins, does
10 any member of the jury panel, are you related by blood
11 or marriage or have a close personal or social
12 relationship with Mr. Collins or know anything about
13 his prior case with this Court? If so, please stand.
14 All right. No response.

15 I will list out some names in no particular order.
16 These are what's called potential witnesses. So these
17 people may testify or may not testify, okay. But these
18 are the names: Dr. Amy Swan, Robbie Collins, Gary
19 Sandberg, Ronald Conklin, William Harrison and Sylvia
20 Roberts. So the question is if anybody recognizes any
21 of the names of those witnesses as having a close
22 personal or social relationship with any of them or
23 being represented to any of these people by blood or
24 marriage, please stand.

25 JUROR #393: Did you say Gary Sandberg?

1 THE COURT: Gary Sandberg.

2 JUROR #393: Where does he reside?

3 THE COURT: Mr. Falk, do you know?

4 MR. FALK: I believe he resides here in Horry
5 County.

6 THE COURT: Do you know what he does for a living?

7 JUROR #393: Is he retired?

8 MR. FALK: Yes, he is.

9 JUROR #393: Is he retired military?

10 MR. FALK: May I approach?

11 THE COURT: Yes, sir.

12 (WHEREUPON, a bench conference was held off the
13 record in the presence of the jury but out of the
14 hearing of the jury.)

15 THE COURT: Okay. He is a volunteer chaplain
16 for --

17 MR. FALK: At the Horry County detention center.

18 THE COURT: At the Horry County detention center.

19 JUROR #393: Okay.

20 THE COURT: Sir, what's your juror number?

21 JUROR #393: 393.

22 THE COURT: All right, juror number 393 is the one
23 asking these questions. You think you know him?

24 JUROR #393: I think I know him, yes.

25 THE COURT: Okay. In what capacity do you think

1 you know him?

2 JUROR #393: I think I know him from my church.

3 THE COURT: Okay. And where do you go to church,
4 sir?

5 JUROR #393: Calvary Chapel, Myrtle Beach.

6 THE COURT: All right. And when you say you think
7 you know him, I mean, how well do you know him?

8 JUROR #393: I know him very well.

9 THE COURT: Okay. Would the fact that he's a
10 witness in this case, don't know what he's going to
11 testify about, but the fact that he's a witness in this
12 case, would that affect your ability to be fair and
13 impartial?

14 JUROR #393: Maybe.

15 THE COURT: All right. Thank you, sir. That's
16 juror number 393, all right. Anybody else with any of
17 those names? All right. Next question.

18 All right, I asked you earlier if you knew
19 Mr. Collins or was aware of about any of the -- or the
20 reason that Mr. Collins was previously in this court.
21 Mr. Collins was previously convicted of a sexual
22 offense in the courts of the State of South Carolina.

23 Now, would the fact that Mr. Collins was convicted
24 of a sexual offense and has completed his criminal
25 sentence related to that conviction, in any way prevent

1 you from being a fair and impartial juror in the trial
2 of this case?

3 All right. So I want you to think about the
4 question. Remember, this case is about a civil
5 commitment, this is a civil case. He has completed his
6 criminal sentence, and the issue is whether or not he
7 should be civilly committed for treatment, okay. So
8 that's the issue before the Court today, and that's the
9 issue that if you're selected to be on a trial jury
10 that you'll have to decide.

11 So the fact that he has been convicted of a sexual
12 offense and has completed his criminal sentence, if
13 that would in any way prevent you from being able to be
14 fair and impartial in the trial of this case, please
15 stand. All right. We'll go from my left back to my
16 right. Juror number, ma'am?

17 JUROR #91: 91.

18 THE COURT: All right. Thank you, you may be
19 seated. Yes, sir?

20 JUROR #399: 399.

21 THE COURT: Juror number 99?

22 JUROR #399: 399.

23 THE COURT: 399, sorry. Thank you, sir, you may
24 be seated. I got you.

25 JUROR #413: 413.

1 THE COURT: Thank you, got you. All right. Next
2 question, does any member of the jury panel have any
3 training or experience in the fields of psychiatry,
4 psychology or the law? If so, please stand. All
5 right. You're good, you can be seated. Thank you.
6 Over there, yes, sir, what's your juror number?

7 JUROR #6: Six.

8 THE COURT: Juror number 6?

9 JUROR #6: Yes. I was a police officer.

10 THE COURT: I'm sorry?

11 JUROR #6: Police officer.

12 THE COURT: You're a police officer, a retired
13 police officer?

14 JUROR #6: Retired, yes.

15 THE COURT: Where did you work, sir?

16 JUROR #6: New York City Police Department.

17 THE COURT: How long you been retired?

18 JUROR #6: 12 years.

19 THE COURT: All right. And can you be fair and
20 impartial in this case?

21 JUROR #6: I believe I can.

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

24 JUROR #4: Number four. I worked for Mass state
25 police for 36 years, retired two years now.

1 THE COURT: All right. Would that affect your
2 ability to be fair and impartial in this case?

3 JUROR #4: Maybe.

4 THE COURT: Thank you, sir, be seated. All right.
5 Has any member of the jury panel been involved in a
6 prison ministry, prison outreach program or any other
7 program involving contact with incarcerated persons?
8 If so, please stand. All right, yes, sir, juror
9 number?

10 JUROR #185: 185.

11 THE COURT: And how does this apply to you?

12 JUROR #185: I'm a former corrections officer with
13 the City of Myrtle Beach.

14 THE COURT: All right. And how long ago did you
15 do that?

16 JUROR #185: Three years ago.

17 THE COURT: Would that affect your ability to be
18 fair and impartial in this case?

19 JUROR #185: No, sir.

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

22 JUROR #352: I visited someone in prison.

23 THE COURT: Okay. And what's your juror number,
24 ma'am?

25 JUROR #352: 352.

1 THE COURT: Would that affect your ability to be
2 fair and impartial?

3 JUROR #352: No.

4 THE COURT: Thank you. All right, next question.
5 Has any member of the jury panel or any of your close
6 personal friends or relatives ever been the subject of
7 a civil commitment proceeding to be involuntarily
8 civilly committed or perhaps voluntarily civilly
9 committed? If so, please stand. No response.

10 Is there any member of the jury panel who is
11 related to or had a close friend who has accused Robbie
12 Collins of committing a sexual offense against them?
13 If so, please stand. No response.

14 Is there any member of the jury panel who's been a
15 victim or have a close family member or friend who's
16 been a victim of a violent crime? If so, please stand.
17 All right, again, from my left to my right. Yes, sir,
18 juror number?

19 JUROR #103: 103.

20 THE COURT: All right. How does this apply to
21 you, sir?

22 JUROR #103: I have a friend who was assaulted
23 twice.

24 THE COURT: How long ago was that?

25 JUROR #103: Five years ago or something.

1 THE COURT: Would that affect your ability to be
2 fair and impartial?

3 JUROR #103: I don't think so.

4 THE COURT: Thank you. Remember, ladies and
5 gentlemen, this is a civil case concerning civil
6 commitment. This is not the criminal case, this is not
7 the underlying criminal case, this is a civil case.
8 Yes, sir, juror number?

9 JUROR #399: 399. And my brother-in-law was
10 killed for the Night Bolts club shooting last year.

11 THE COURT: All right. Thank you, sir, you can be
12 seated. You've already answered the second part of the
13 question earlier. Thank you. All right, yes, ma'am?

14 JUROR #413: 413. My close friend was sexually
15 abused.

16 THE COURT: All right. Thank you. You've already
17 answered, I believe, the second part of that question
18 already, so you can be seated. Yes, ma'am?

19 JUROR #160: 160. I was a witness to a triple
20 murder.

21 THE COURT: All right. Would that affect your
22 ability to be fair and impartial in this civil trial?

23 JUROR #160: No.

24 THE COURT: Thank you. All right, next question.
25 Has any member of the jury panel been a victim or have

1 a close family member who's been a victim or of
2 domestic violence? If so, please stand. No response.

3 Next question, has any member of the jury panel
4 been the victim or have a close family member that was
5 sexually assaulted by a husband, boyfriend, social
6 acquaintance or victim of a date rape? If so, please
7 stand. 399, thank you, sir, you can be seated. Yes,
8 sir, juror number?

9 JUROR #235: 235.

10 THE COURT: All right, yes, sir.

11 JUROR #235: If the question is would that make me
12 partial?

13 THE COURT: No, sir. The question is, have you or
14 any close family member ever been sexually assaulted?

15 JUROR #235: Do you want to hear what happened?

16 THE COURT: No, I don't want to hear what
17 happened.

18 JUROR #235: Yes, it has.

19 THE COURT: I just want to know if you've had a
20 friend, a social acquaintance --

21 JUROR #235: Yes. Yes, sir.

22 THE COURT: -- or know somebody who's been the
23 victim of a date rape.

24 JUROR #235: Yes.

25 THE COURT: All right. Would that affect your

1 ability to be fair and impartial?

2 JUROR #235: Because it was so new, it very
3 possibly might.

4 THE COURT: Thank you, sir. And what's your juror
5 number again?

6 JUROR #235: 235.

7 THE COURT: 235, thank you. Next question. And
8 again, thank you for your patience, ladies and
9 gentlemen. I know these are tough questions. I know
10 y'all hate sitting in this courtroom being questioned
11 like this, and I thank you again for your willingness
12 to do so. There's no higher honor of civil service
13 than being on a jury, okay, I will tell you that.

14 Next question, does anyone believe -- does any
15 member of the jury panel believe that pedophilia, which
16 is called -- which is defined as a sexual attraction to
17 children, is an incurable disease? If you believe that
18 pedophilia is incurable, please stand.

19 Okay. All right, from my left to my right. I
20 just need your jury number at this time. All right.
21 Yes, ma'am, jury number?

22 JUROR #93: 93.

23 THE COURT: All right. Thank you, you can be
24 seated. Yes, sir?

25 JUROR #103: 103.

1 THE COURT: Thank you, you can be seated. Yes,
2 ma'am? Go ahead.

3 JUROR #24: 24.

4 THE COURT: 24. Yes, ma'am?

5 JUROR #200: 200.

6 THE COURT: 200. Yes, sir?

7 JUROR #250: 250.

8 THE COURT: 250. Got you, 399. Yes, sir?

9 JUROR #235: 235.

10 THE COURT: 235, got you. 393, got you. Yes,
11 ma'am?

12 JUROR #302: 302.

13 THE COURT: 3-0?

14 JUROR #302: 302.

15 THE COURT: 302.

16 JUROR #4: Four.

17 THE COURT: Got you in the back in the peach. And
18 yes, ma'am?

19 JUROR #22: 22.

20 THE COURT: All right. Now, if you answered -- if
21 you just answered that question, if you were one of
22 the -- oh, yes, yes, ma'am?

23 JUROR #413: 413.

24 THE COURT: Thank you, you can be seated. 403,
25 401. 413. And the peach or pink, what is your number?

1 JUROR #4: Four.

2 THE COURT: All right, if you just answered or
3 stood up to that question, if you believe that that
4 affects your ability to be fair and impartial, please
5 stand. If you answered that question and you believe
6 that will make you un-capable or incapable of being
7 fair and impartial, please stand. All right. And,
8 again, just real quick, what's your number?

9 JUROR #93: 93.

10 JUROR #200: 200.

11 JUROR #250: 250.

12 JUROR #399: 399.

13 JUROR #235: 235.

14 THE COURT: 393, 4.

15 JUROR #22: 22.

16 THE COURT: And 413?

17 JUROR #413: Yes.

18 THE COURT: Thank you. All right, next question.

19 Does any member of the jury panel believe that it is
20 impossible to rehabilitate persons that were convicted
21 of committing sexual crimes against children? If you
22 believe it's impossible to rehabilitate people
23 convicted of committing sexual crimes against children,
24 please stand. All right. Yes, ma'am -- yes, sir?

25 JUROR #178: 178.

1 THE COURT: 158 -- I'm sorry?

2 JUROR #178: 178.

3 THE COURT: 178. Would that affect your ability
4 to be fair and impartial?

5 JUROR #178: I...

6 THE COURT: All right. Yes, ma'am?

7 JUROR #200: 200.

8 THE COURT: All right. Would that affect your
9 ability to be fair and impartial?

10 JUROR #200: Yes.

11 JUROR #399: 399, and yes, it most definitely
12 would.

13 THE COURT: Thank you.

14 JUROR #235: 235.

15 THE COURT: Yes, sir.

16 JUROR #393: 393.

17 THE COURT: 393, four.

18 JUROR #4: Four.

19 THE COURT: All right. Yes, ma'am?

20 JUROR #302: 302, no.

21 THE COURT: No, thank you. You can be seated.

22 Has any member of the jury panel been the subject of or
23 had a close friend or family member that was the
24 subject of a mental inquest, warrant or other civil
25 commitment proceeding for mental health reasons?

1 So if you or a member of your family or close
2 friend's ever been involved in any type of civil
3 commitment proceeding for mental health reason, please
4 stand. All right. Yes, ma'am, juror number?

5 JUROR #20: 20.

6 THE COURT: Would that affect your ability to be
7 fair and impartial?

8 JUROR #20: No.

9 THE COURT: Thank you. All right. Has any member
10 of the jury panel ever worked for or in any way been
11 connected with a social services agency, a guardian ad
12 litem program, a foster care program, or any other
13 entity, either like private or governmental, that
14 investigates or counsels victims of rape or sexual
15 assault?

16 So if you have ever in any way been connected
17 with, worked for or volunteered for any of those type
18 organizations, please stand. All right, 399. Thank
19 you, sir.

20 The next one. Does any member of the jury panel
21 or spouse of the jury panel work for or with currently
22 any law enforcement agency either on the city, county,
23 state or federal level? If so, please stand. All
24 right. 399, thank you. Yes, ma'am, what's your juror
25 number?

1 JUROR #91: 91.

2 THE COURT: All right. Thank you, ma'am, you can
3 be seated. Yes, ma'am?

4 JUROR #160: 160.

5 THE COURT: All right. And how does that...

6 JUROR #160: My husband worked for Horry County
7 Police Department.

8 THE COURT: All right. Would that affect your
9 ability to be fair and impartial?

10 JUROR #160: No.

11 THE COURT: Thank you. Yes, ma'am?

12 JUROR #223: 223. My husband was a -- is a
13 retired correctional officer.

14 THE COURT: Would that affect your ability to be
15 fair and impartial?

16 JUROR #223: No.

17 THE COURT: Thank you. All right, does any member
18 of the jury panel or your spouse or significant other
19 work for the Fifteenth Circuit solicitor's office, the
20 Horry County Solicitor's Office or for the office of
21 the South Carolina Attorney General?

22 The Fifteenth Circuit is Georgetown and Horry
23 Counties. Why it's numbered 15, I don't know. Why is
24 mine numbered six, I don't know. But that's just the
25 way it is, okay. There's 16 judicial circuits. Y'all

1 are in the Fifteenth, I don't know why. Sixteenth is
2 York and Union. You would think that maybe because
3 York is Y, it's at the end and they get 16. But then
4 y'all are Horry and Georgetown which you would think
5 would be like, you know, number seven or eight. But
6 anyway, that's to the side.

7 But does anybody work for the Fifteenth Circuit
8 solicitor's office or the Attorney General's office or
9 somebody in your family? All right, no.

10 Okay. We're almost done. Anybody or your spouse
11 work at the county, state or federal correctional
12 facility other than previously replied to? No
13 response.

14 Does any member of the jury panel or spouse of a
15 member of the jury panel work as an EMT, volunteer fire
16 fighter or what could be called as a first responder?
17 If so, please stand. All right, no response.

18 Does any member of the jury panel have a degree in
19 psychiatry or psychology? If so, please stand. All
20 right, no response.

21 Does anybody in the -- any member of the jury
22 panel associated with any crime prevention group or
23 victims rights group for any criminal or law
24 enforcement organization such as things like the
25 Neighborhood Watch group, Citizens Against Violent

1 Crime, Mothers Against Drunk Driving, Darkness to
2 Light, Fraternal Order of Police or the Highway
3 Troopers Association or things likes that where you
4 think you can get out of a traffic ticket? Anything
5 like that? No. No response. Yes, ma'am?

6 JUROR #302: I don't have a degree in psychology,
7 it's in interdisciplinary studies, but I do have a
8 focus on psychology.

9 THE COURT: Okay.

10 JUROR #302: And I did an internship at a group
11 home for abused girls.

12 THE COURT: Thank you for volunteering that. What
13 is your juror number, ma'am?

14 JUROR #302: 302.

15 THE COURT: Thank you, 302. See, ladies and
16 gentlemen, the purpose of all of these questions is not
17 to embarrass you or shame you publicly, okay. It's for
18 the lawyers and each person represented here to be able
19 to select jurors for a trial.

20 Because, you know, this great country of ours
21 affords everybody a fair trial and their day in court,
22 okay. And, again, there's no greater civic
23 responsibility than offering to be a juror, okay. So,
24 again, thank you so much for being here.

25 Has anybody in the jury panel communicated

1 recently with either the Fifteenth Circuit Solicitor's
2 Office or the Attorney General's office outside of
3 these proceedings today? If so, please stand. All
4 right.

5 Any other voir dire questions from the State?

6 MR. MORROW: Nothing further from the State.

7 THE COURT: Any further from the Defense?

8 MR. FALK: No, Your Honor.

9 THE COURT: All right. Normally, ladies and
10 gentlemen, I tell you at this point in time, the
11 clerk's office is going to print out a list of names
12 just totally randomly. But since computers are down,
13 we can't do that, so we're doing it manually. And
14 shouldn't take too long, but for that reason, I'm going
15 to take a brief recess, communicate with the lawyers,
16 and I'm going to have you all back in your seats in 15
17 minutes. And then we will be done, okay. 15 minutes,
18 so y'all can walk out, walk around and be back in your
19 seats in 15 minutes. All right, let me see the lawyers
20 up here.

21 (WHEREUPON, a brief recess was taken at 3:29 p.m.)

22 THE COURT: I will tell you the lawyers and I have
23 agreed that we will not start the trial today, we'll
24 start first thing in the morning. So that's one ray of
25 sunshine on your otherwise tough day here in the Horry

1 County courthouse.

2 Also having said that, always take an opportunity
3 before we officially start proceedings to, since y'all
4 are a captive audience and I'm the one talking, and I
5 like to talk, give you a little bit of civic stuff --
6 is everybody here?

7 THE BAILIFF: I don't believe, judge.

8 THE COURT: Okay, we'll keep waiting. You're a
9 captive audience. Of course, y'all know there's 46
10 counties in South Carolina; correct? And how many
11 judicial circuits are there? 16. Thank you, we have
12 16 judicial circuits. Who could tell me who's in the
13 First Judicial Circuit?

14 I know you can. The First Judicial Circuit is
15 Orangeburg County, where I'm from. I was born and
16 raised in Orangeburg. Orangeburg County, Dorchester
17 County and Calhoun County. And, again, I'm sure there
18 is some political reason how and when and why circuits
19 are made up the way they are.

20 For example, I've always wondered why York County
21 and Union County, South Carolina, they only touch only
22 about a mile or two, they have a contiguous border for
23 only like a mile or two, but yet they're the Sixteenth
24 circuit; whereas Union and Spartanburg are right smack
25 dab together. But Spartanburg County and Cherokee

1 County are the Seventh Circuit, whereas York and Union,
2 almost like we're playing checkers, are the Sixteenth
3 Circuit, I don't know why. But that's the way it is.

4 So there's sixteen circuits. And, of course, each
5 circuit has a resident circuit judge and at least two
6 Family Court judges, okay. Now, there's -- I think
7 there's 60 Family Court judges in the State of South
8 Carolina now. And, of course, they travel around as
9 well and hold court all over the place. And, of
10 course, you have certain at larges as well, which serve
11 the State as well as the State's needs grow.

12 But each judicial circuit has an elected lawyer
13 who prosecutes criminal cases, okay. That person is
14 called a solicitor. We call them a solicitor in South
15 Carolina, they are called State's attorneys or DA's or
16 district attorneys or prosecuting attorneys in other
17 states.

18 THE BAILIFF: Judge, I've got one that must have
19 lost their way back.

20 THE COURT: Okay. We'll find them. But, of
21 course, all of the sixteen solicitors, each one of them
22 is elected individually and within their own circuit.
23 And they kind of fall under the umbrella of the
24 Attorney General of the State of South Carolina
25 government. So that's kind of how things are set up.

1 THE BAILIFF: Yes, sir, judge, they are all back.

2 THE COURT: We're all back, okay. I'll quit
3 talking, all right. All right, ladies and gentlemen,
4 we're going to commence with selecting the jury in this
5 case. Now, the way this is done since this is a civil
6 case and not a criminal case, you don't have to stand
7 and come up here and, you know, have the lawyers decide
8 whether they want you or not, and then if you don't get
9 selected you got to have that walk of shame back to
10 your seat. We don't do any of that, okay.

11 What happens is the Clerk of Court right here is
12 going to ask the lawyers who they are going to strike,
13 okay. And the lawyers are going to use a number, which
14 is not your juror number, to strike you from the trial
15 of this case. So at the end the Clerk of Court will
16 keep up with who the lawyers strike, and then she will
17 call you into the jury box at which time you'll be
18 sworn in as the trial jury of this case.

19 So we will commence with selecting a jury. Madam
20 clerk, you run the show.

21 THE CLERK: Yes, sir. Beginning with the State,
22 please.

23 MR. MORROW: The State strikes number 10.

24 THE CLERK: State number 10.

25 MR. FALK: Respondent number 18.

1 THE CLERK: Respondent number 18.
2 MR. MORROW: State number 13.
3 THE CLERK: State number 13.
4 MR. FALK: Respondent number five.
5 THE CLERK: Respondent number five.
6 MR. MORROW: State number 19.
7 THE CLERK: State number 19.
8 MR. FALK: Respondent number three.
9 THE CLERK: Respondent number three.
10 MR. MORROW: State strikes number six.
11 THE CLERK: State number six.
12 MR. FALK: May I have a moment.
13 THE COURT: Yeah, one moment.
14 MR. FALK: Number eight.
15 THE CLERK: Respondent number eight.
16 THE COURT: All right. One strike apiece on the
17 alternate. That would be for numbers 21 through 23.
18 MR. MORROW: State strikes 21.
19 THE CLERK: State number 21.
20 MR. FALK: Respondent 22.
21 THE CLERK: Respondent number 22. May we review
22 the strikes, please. State strikes numbers 16, 13, 19,
23 21.
24 MR. MORROW: That's correct.
25 THE CLERK: Respondent strikes numbers 4, 7, 10,

1 18, 22.

2 MR. FALK: I believe mine are --

3 THE COURT: Three.

4 MR. FALK: -- three, five, eight.

5 THE CLERK: Oh, I'm sorry, I'm calling the wrong
6 numbers.

7 THE COURT: That's right.

8 THE CLERK: Three, five, eight.

9 MR. FALK: 18.

10 THE CLERK: 18, 22.

11 MR. FALK: 22.

12 THE COURT: Right. All right, ladies and
13 gentlemen, I think we got it down, even though we had
14 to do it manually. Thank you again for your patience.
15 The Clerk of the Court at this time is going to call
16 your name. If your name is called, need you to stand
17 and walk on up here to the jury box, you can have a
18 seat in the jury box.

19 THE CLERK: Yes, sir. Number 324, Stephanie
20 Ravaschio. Number 247, Earl Main. Number 132, Phillip
21 Foriska. Number 160, Lisa Graham. Number 20, Carol
22 Beard. Number 45, James Burgess. Number 26, Brandi
23 Bittinger. Number 252, Douglas Martin. Number 178,
24 Charles Hardwick. Number 255, Carolyn Maust. Number
25 262, Christopher McLeod. Number 135, Thomas Francis.

1 Number 13, Lydia Baraga.

2 THE COURT: All right. Any matters of law
3 regarding jury selection from the State?

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

5 THE COURT: From the Defense?

6 MR. FALK: Nothing, Your Honor.

7 THE COURT: All right, thank you. Madam clerk, if
8 you'll swear in the trial jury, please.

9 THE CLERK: Yes, sir. Please stand and raise your
10 right hands.

11 (WHEREUPON, all jurors were duly sworn.)

12 THE CLERK: Thank you, please be seated.

13 THE COURT: Ladies and gentlemen of the trial
14 jury, what's going to happen is the bailiff is going to
15 show you where you're going to be during the pendency
16 of this case. And then after he does that, y'all are
17 going to be free to leave, okay.

18 Ladies and gentlemen of those who weren't
19 selected, if I could -- if I had the ability to say
20 y'all can go home as well, I'd do that. But since I'm
21 in Horry County, I got to send you back down to the
22 jury room.

23 Whoever the jury consultant is sends them home;
24 isn't that how that goes?

25 THE CLERK: No, sir. You can just have them call

1 back after six tonight.

2 THE COURT: How about that, it's magic. That's
3 the way we do it in mine. Y'all are free to leave,
4 call back after 6 p.m. tonight. Call back after 6 p.m.
5 tonight on that call-in number, okay. Y'all show him
6 where they are going to be, and then y'all can leave as
7 well, okay.

8 THE BAILIFF: Judge, what time you want them back
9 in the morning?

10 THE COURT: I was going to talk to the lawyers
11 real quick. What time y'all want to start; 9:30 good?
12 Since it's 30 minutes away; is that fair?

13 MR. FALK: Yes.

14 MR. MORROW: Yes.

15 THE COURT: Okay. All right. They'll be there
16 earlier working on that. That way if y'all need to
17 take care of at home or work or whatever, y'all be --
18 tell you what, we'll get proceedings started promptly
19 at 9:30. Y'all be in the -- where do they come, do
20 they come downstairs?

21 THE BAILIFF: Downstairs, yes.

22 THE COURT: Y'all show up downstairs where you're
23 supposed to be, be there at 9:15, okay. We'll get you
24 up here and get rolling in the morning, okay. Thank
25 you.

1 (WHEREUPON, the jury exited the courtroom at
2 3:58 p.m.)

3 THE COURT: Anything else for the record today?

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

6 THE COURT: Anything?

7 MR. FALK: Nothing, Your Honor.

8 THE COURT: We'll see y'all in the morning. Thank
9 you so much.

10 (WHEREUPON, Court's Exhibit No. 1 was marked for
11 identification only.)

12 (The hearing adjourned at approximately 3:58 p.m.)

13 (The hearing resumed on Tuesday, October 3rd,
14 2017, at approximately 9:35 a.m.)

15 THE COURT: Anything you want to put on the record
16 before the jury comes in?

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

19 MR. MORROW: Nothing from the State.

20 THE COURT: Okay.

21 (WHEREUPON, State's Exhibit Nos. 1 and 2 were
22 marked for identification only.)

23 THE COURT: All right, let's go ahead and bring
24 the jury in.

25 (WHEREUPON, the jury came into open court at

1 approximately 9:38 a.m.)

2 THE COURT: All right, all members of the jury are
3 present. Good morning, ladies and gentlemen, hope you
4 had a nice evening, and hope you enjoyed the treat that
5 the clerk had for you this morning. I know I did. So,
6 again, thank you, madam clerk. Her idea, I don't get
7 the credit, her idea.

8 Anyway, I want to speak to you for a brief moment
9 before I turn it over to the lawyers for the
10 presentation of evidence in this case to kind of give
11 you a feel or an idea of what to expect. As I told you
12 yesterday, the name of the case that you have been
13 selected and sworn to serve as a trial jury on is
14 called, In the Matter of the Care and Treatment of
15 Robbie Collins, Respondent.

16 And the two parties to this lawsuit are the State
17 of South Carolina represented by the Attorney General's
18 office, Mr. Morrow, and Robbie Collins who is
19 represented by Mr. Falk. And the issue that you have
20 to decide is whether -- and I'll define this for you
21 when I give you the law at the end of the case, because
22 you're the fact finders, ladies and gentlemen, you make
23 the decision as to what the facts are. That's your
24 job, you're the judge of the facts, I'm the judge of
25 the law, okay.

1 And I will define to you what the legal definition
2 of a sexually violent predator is. But your
3 determination in this case is whether or not
4 Mr. Collins is a sexually violent predator. That's
5 what you're going to be called upon to decide at the
6 end in the conclusion of this case, okay. So before I
7 begin the trial, let me tell you that, you know,
8 because this is not your typical lawsuit or typical
9 criminal proceeding which comes in front of a jury,
10 this trial is probably going to be different from what
11 you might expect.

12 Many people don't have the chance to attend actual
13 court sessions as you are doing now, much less
14 participate in them by being on a trial jury. And
15 people tend to think that what they see on TV, I mean,
16 there's a countless number of TV shows, especially now,
17 you got CSI, you got a new one called, Bull, I think.
18 Y'all know what I'm talking about, all of these crime
19 and drama shows and these courtroom drama shows.
20 People tend to think that trials are always full of
21 intense action and riveting circumstances and high
22 drama.

23 While all of that may be true at some times,
24 ladies and gentlemen, this trial is not for
25 entertainment. This trial is a fundamental part of our

1 democracy. It's a search for the truth in an effort to
2 make sure that justice is done between the parties
3 before the Court. You know, when searching for the
4 truth and making sure that justice is done can often
5 times be a slow, deliberate and repetitive process, the
6 opposite of what you might be expecting just from
7 social media and the like.

8 This courtroom, this beautiful courthouse, this
9 courtroom that y'all have provided as taxpayers is a
10 place of honor, dedicated to the protection and
11 preservation of citizens' rights, what many have called
12 the greatest justice system ever created.

13 The attorneys who are appearing before you, they
14 are advocates for the parties they represent. But
15 first and foremost, they're officers of this court
16 sworn to uphold the integrity and fairness of our
17 judicial system and help you in your search for the
18 truth. You should expect them to be professional,
19 competent and ethical in the representation of their
20 client's interest.

21 And remember yesterday when you were sworn in as
22 the trial jury, you took an oath to try this case and
23 reach a fair and just verdict. So you're also expected
24 to act that way as well. Thank you again for accepting
25 this important responsibility for your civic

1 contribution to our justice system.

2 Now, what's going to happen is the Plaintiff, or
3 in this case the Petitioner, which is the State of
4 South Carolina, they'll go first, okay. And they'll go
5 first by making an opening statement to you, kind of
6 giving you a brief outline about what they expect the
7 evidence will show. And then after that, Mr. Falk will
8 make a few remarks to you.

9 These are called opening statements. Opening
10 statements are not evidence, they are simply the
11 attorneys' opportunity to speak directly to you and
12 kind of let you know what the case is about, what they
13 got or what the one side believes the other side
14 doesn't have and what they're going to want you to do,
15 okay.

16 After that, that's when we start the evidence
17 phase of the trial. Typically the evidence phase of
18 the trial consists primarily of testimony, okay, sworn
19 testimony from that witness stand. And it's very
20 important, ladies and gentlemen, that you keep an open
21 mind in this case and not make any decision until
22 you've heard everything and until I've given you the
23 law.

24 Especially, you know, we're going to take a lunch
25 break, and when you go out -- when you leave the

1 courthouse, you're going to have access to your phone
2 or to your laptop or whatever, you can't do any
3 independent research on the case. You have been sworn
4 as the trial jury -- excuse me -- to consider only the
5 evidence presented in this courtroom when making your
6 decision. You're the finders of facts as the facts are
7 presented to you, not extraneous information.

8 All right. So it'll be -- you'd be violating your
9 oath if you do any independent research, you'll be
10 violating your oath if you talk about this case with
11 anybody, other than yourselves after I tell you you can
12 begin to talk about it. See, you can't start talking
13 about it until you've heard everything, okay.

14 Anyway, so after -- during the testimony the
15 witnesses, physical exhibits like paperwork and stuff
16 may come in. And then after the Plaintiff finishes,
17 they will rest, and then the Respondent gets to go and
18 present all that testimony. And then after all that
19 the attorneys will again have an opportunity to make
20 closing arguments to you where they get to try to
21 persuade you about their particular case, okay.

22 And after the closing arguments are made, that's
23 when I will instruct you on the law that you must use
24 in determining your verdict in this case. See, you
25 take the facts as you find them to be. And you apply

1 the law as I give it to you, and that's how you reach
2 your verdict, okay.

3 Now, let me make some additional comments to you
4 before we start. From time to time an attorney may
5 object to some bit of testimony or evidence which the
6 other side is seeking to present. You know, just like
7 in sports, business, or other activities, we have
8 certain rules of court, rules of evidence to go by.

9 And, of course, the reason we have those rules is
10 because it's very important that you, the jury, as fact
11 finders have the best evidence possible. So that's why
12 we have evidentiary rules. So if a lawyer on one side
13 thinks that the other side is violating the rules of
14 evidence, that lawyer may say, objection. Y'all seen
15 it, you've read about it, you know what I'm talking
16 about.

17 And of course that puts me on notice, and I have
18 to make a decision as to whether or not the question
19 can be answered or the thing can come into evidence.
20 Now, whenever I overrule the objection, that means the
21 question can be answered or the thing can come into
22 evidence. Whenever I sustain an objection, that means
23 the question cannot be answered or the thing cannot
24 come into evidence.

25 Now, see, whenever I sustain an objection, you

1 can't speculate as to what you think the answer would
2 have been or what you think the thing would have shown,
3 because, again, you would be going beyond your role as
4 a jury. Remember, you're the fact finders, you take
5 the evidence as it's presented to you.

6 You know, you can't speculate about other stuff,
7 okay. And the reason we have those rules is, again,
8 we're not trying to keep anything from you, we just
9 want to make sure you have the best evidence possible.

10 The burden of proof in this case is, even though
11 this is a civil case, where normally the burden of
12 proof is called the preponderance of the evidence, you
13 know, the scales of justice tipping ever so slightly,
14 this is not that type of burden of proof case. Even
15 though this is a civil case on the civil docket, the
16 burden of proof is on the State of South Carolina to
17 prove this case beyond a reasonable doubt just as if it
18 were an actual criminal prosecution, okay.

19 And I will define in greater detail what beyond a
20 reasonable doubt means. But just so you can kind of be
21 thinking about it while evidence is presented to you,
22 beyond a reasonable doubt means that a reasonable
23 person would hesitate to act, okay. And I'll describe
24 that in more detail to you when the time becomes ready.

25 Now, ladies and gentlemen, you're not going to be

1 able to take notes during the trial. And it's very
2 time consuming and costly to have my court reporter go
3 through and try to pull back up lengthy testimony.
4 You're not going to have a written transcript back in
5 the jury room to consult. So listen carefully to the
6 evidence as it's presented.

7 This isn't going to be a long trial, okay. But of
8 course don't take the fact that this may not be a long
9 trial as taking away from its importance. It's very
10 important to both sides because it's their day in
11 court, okay.

12 Now, please pay close attention to everything.
13 You're going to have to judge the credibility or the
14 believability of the witnesses, and I will talk to you
15 about that later on as well. You're participating in a
16 time tested system, and it's extremely important for
17 each one of you to listen carefully, okay. Thank you
18 again for your jury service. We will now proceed with
19 opening statements. Mr. Attorney General?

20 MR. MORROW: Thank you, Your Honor. Good morning,
21 ladies and gentlemen. My name is Christopher Morrow,
22 and I'm an assistant attorney general with the South
23 Carolina Attorney General's office. You might be
24 wondering why am I here, why not someone more local,
25 why not your local solicitor's office. And the answer

1 to that question is when the State legislature wrote
2 this statute, they assigned all sexually violent
3 predator cases to the South Carolina Attorney General's
4 office. So that's why.

5 Now, this case today has been brought by the State
6 under the South Carolina Sexually Violent Predator Act.
7 We're here because the State is seeking the civil
8 commitment of Robbie Collins to a secure facility where
9 he will receive mental health care treatment as a
10 sexually violent predator. Now, you might be asking
11 yourself, what is a sexually violent predator.

12 To prove that Robbie Collins is a sexually violent
13 predator, the State must prove basically two basic
14 elements to you. First, that Robbie Collins has been
15 convicted of at least one sexually violent offense; and
16 second, that Robbie Collins suffers from a mental
17 abnormality or personality disorder that makes him
18 likely to commit future acts of sexual violence if not
19 confined for long-term control, care and treatment in a
20 secure facility.

21 You're going to hear that Mr. Collins has been
22 convicted of a sexually violent offense today, and
23 you're going to hear about that offense. You'll also
24 hear from court-appointed expert, Dr. Amy Swan, who
25 will testify that she has diagnosed Mr. Collins with

1 pedophilic disorder and other specified personality
2 disorder with antisocial features.

3 You'll hear testimony from which you can decide
4 whether Robbie Collins lacks control over his mental
5 abnormalities and personality disorder and whether
6 those disorders make him likely to commit acts of
7 future sexual violence. You will hear the testimony of
8 Dr. Swan, a psychologist who's testified in hundreds of
9 sexual predator cases. And you'll hear how she spent a
10 significant amount of time reviewing Mr. Collins' case,
11 including reviewing his file, conducting an actuarial
12 assessment of Mr. Collins' risk to re-offend and
13 interviewing Mr. Collins.

14 You will also hear from any witnesses that the
15 Defense will provide. So the question that will be
16 presented to you at the end of the day after assessing
17 the witnesses that will testify during this trial and
18 assessing their credibility and the thoroughness and
19 extent of their evaluation and knowledge is whether
20 Robbie Collins suffers from a mental abnormality or
21 personality disorder which makes him likely to
22 re-offend sexually if not confined in a secure facility
23 for care, control and treatment.

24 In other words, is Robbie Collins safe to be out
25 in the community on his own and not commit another

1 crime of sexual violence?

2 Now, the burden of proof in this case is on the
3 State, and the State welcomes that burden. The judge
4 will instruct you that this is a civil case, not a
5 criminal case, in fact, he just did. But under the
6 Sexually Violent Predator Act, the State must prove its
7 case beyond a reasonable doubt. Keep in mind that it's
8 not beyond all doubt or every doubt or any conceivable
9 doubt, but beyond a reasonable doubt.

10 Proof beyond a reasonable doubt is proof that
11 leaves you firmly convinced. These cases by their very
12 nature are going to contain some disturbing facts, and
13 this case is certainly no different in that regard. I
14 ask you to just do one thing, and that's listen to the
15 evidence. And at the end of the day as you listen to
16 the evidence, the verdict you should render will become
17 clear, that Robbie Collins is a sexually violent
18 predator who must be committed to the Department of
19 Mental Health to get treatment that he needs and to get
20 treatment in a secure facility to protect the public of
21 the State of South Carolina. Thank you.

22 THE COURT: Thank you, Mr. Morrow. Mr. Falk.

23 MR. FALK: Good morning, I'm James Falk. I think
24 we talked a little bit during the voir dire on
25 yesterday. I agree with Mr. Morrow that this case,

1 this is a sexually violent predator case, and really
2 the only issue here today is whether my client is a
3 sexually violent predator.

4 And I do somewhat disagree a little bit with what
5 Mr. Morrow said is that the State only has to prove two
6 things, one being that he's committed crimes of sexual
7 violence, and two, about whether or not he has a mental
8 disease or defect that makes it likely that he would
9 commit crimes in the future.

10 I have no quibble with the fact that my client has
11 committed sexually violent crimes, he's committed those
12 crimes, he's gone to prison for those crimes, he served
13 an entire prison sentence for those crimes. That issue
14 will be uncontested.

15 But I do want to say that the second thing that
16 the State has to prove really has two parts. It's one,
17 the State's going to have to prove that he has a mental
18 disease or defect. But importantly, the State is going
19 to have to prove that it is this mental disease or
20 defect that makes it likely that he would recommit an
21 act. Not everybody who has a particular mental disease
22 or defect is likely to re-offend.

23 Also, just the fact that somebody who has gotten
24 out of prison is likely to re-offend is not what we're
25 talking about here. I mean, people who commit crimes

1 often commit crimes again. But what -- and that's not
2 what we're talking about here. That's a problem maybe
3 with the criminal justice system.

4 But what we're talking about here is whether or
5 not he has a mental disease that makes it likely that
6 he's going to re-offend another crime of sexual
7 violence. That's going to be the issue. And I expect
8 the State's going to put up one witness, and that's
9 going to be Dr. Swan. And Dr. Swan is a PhD in
10 psychology.

11 Now, just maybe a little analogy here is that I
12 just recently had open heart surgery on the 27th of
13 July. And certainly the doctor told me that I was
14 sick. And I didn't suggest, well, maybe we ought to
15 convene a jury trial and get 12 people in here, hear
16 what the doctor has to say, and then -- then let the
17 jury tell me whether or not I need surgery.

18 No, the doctor reviewed some tests. He was able
19 to show me the printout for my stress test, and he was
20 able to show me how my EKG pattern was irregular. And
21 then he was able to show me X-rays of some fluid that
22 they ran through my chest, and he could show where
23 there was some -- but he could show me pictures, he
24 could show me X-ray pictures, and he could say, look
25 there, you got six spots right there that we need to

1 address. And here's your EKG showing that.

2 I was comfortable because that's kind of a hard
3 science. I was comfortable, I saw some like raw data
4 that I looked at, and I was confident that he could
5 have sent that data to a doctor in California or in
6 Bangalore, and he could have -- and that same doctor
7 could have looked at those same test results and said,
8 yeah, this guy has got a problem.

9 But that's not what we're going to be dealing with
10 today. And you're going to hear terms like diagnosis,
11 but it's not like a medical diagnosis that's supported
12 by tests that other doctors can look at and, you know,
13 show the patient. This is a softer science, it's not a
14 hard science like medicine. And there's probably even
15 some softness in medicine, there's some interpretation.
16 But this is all interpretation. This is Dr. Swan's
17 opinion. And that's what we're talking about today.

18 Now, I expect that the judge is going to talk to
19 you about the reasonable doubt standard, and it's going
20 to be the judge's responsibility to instruct you on
21 what the law is. But I expect that you're going to
22 hear some language that if the State fails to meet its
23 burden of proof, you must find my client is not a
24 sexually violent predator.

25 So I am not here today to prove to you that my

1 client is not. The State's got to prove to you that he
2 is, and only if they prove to you beyond a reasonable
3 doubt. And what that's going to mean is if you
4 think -- I think you'll also be instructed that if you
5 think there's a real possibility that he's not, a real
6 possibility that he's not, then you must release him,
7 and that reasonable doubt can arise from the evidence
8 that you're going to hear from the case, or the State's
9 lack of evidence.

10 Also, you're going to hear the testimony of an
11 expert witness. And I expect that the judge is going
12 to instruct you that you are not bound to just follow
13 the expert witness' opinion. Now, kind of if this was
14 a cardiologist coming in here and saying you need
15 surgery, that would be one thing.

16 But in this case you're not bound by the expert
17 witness' opinion. I think the judge is going to tell
18 you that you should give it the weight that you would
19 give any thing, that it deserves. You should just give
20 it the weight that you feel that it deserves, but you
21 should not give it any more weight just because it's
22 coming from an expert. Just any other factual evidence
23 that's coming in here.

24 And I expect that the judge is going tell you --
25 and the reason why I'm going over this is because I

1 need you to have the right frame of mind when you are
2 listening to the testimony from the State's witness. I
3 want you to listen to it critically and not just
4 assume, well, if an expert says it, I agree with it.

5 I expect that the judge is going to tell you that no
6 opinion of an expert can be accepted in and of itself
7 as truthful or reliable, but must be weighed by you and
8 convince you beyond -- excuse me. No opinion of an
9 expert can be accepted in and of itself as truthful or
10 reliable but must be weighed by you and convince your
11 judgment beyond a reasonable doubt with the same force
12 and effect as any other fact proven by the State in the
13 case.

14 And also, I expect that the State -- that you'll
15 be instructed that you can consider the testimony of an
16 expert witness like you consider any other testimony of
17 a witness and consider whether or not there's possibly
18 bias or that the expert is advocating a point of view
19 or advocating for a particular side in this case. So
20 you can consider that there might be bias in the
21 expert's opinion.

22 I'm afraid what's going to happen is the State's
23 going to want you to focus on the crimes that my client
24 has committed, and they're bad. My client's gone to
25 jail for those, gone to prison. Prison is hard time.

1 Now, during the voir dire process, I asked the
2 judge to ask you some kind of pointed questions and
3 some personal questions. And the reason why I asked
4 him to do that is because I need to make sure that you
5 all will put your prejudices aside that you might have
6 against somebody who has committed crimes that my
7 client has committed.

8 The whole group, when y'all were seated over here,
9 you were asked two questions. You were asked whether
10 or not you thought that somebody who suffered from
11 pedophilia, you know, an attraction -- sexual
12 attraction to children, was an incurable disease. And
13 I believe that you all are the ones who either didn't
14 stand up or maybe stood up but didn't think that that
15 would influence your opinion. So, I mean, I believe
16 that you're going to be sitting there without having
17 some type of prejudice that pedophilia is an incurable
18 disease.

19 And also, I asked the question about whether or
20 not you thought it was possible for rehabilitation of
21 somebody who has been -- committed a sex crime. And
22 there were a group of people I think, who stood up and
23 said, no, it's impossible, these people can't be
24 rehabilitated. But you y'all didn't. I'm relying on
25 you, my client's relying on you, this whole judicial

1 process is relying on you to be able to put any
2 prejudices you might have aside, which you said that
3 you all were going to do, and just focus not on what my
4 client did, but you need to focus on whether or not my
5 client has a mental disease or defect that makes it
6 likely that he's going to commit a crime in the future.

7 Also, one more thing. I expect that the judge is
8 going to instruct you not to begin your deliberation
9 until you've heard all of the evidence. I think he
10 probably just said that. And that also means don't
11 start your deliberation, don't start your decision
12 about my client once you've just heard the State's
13 witness. Because my client's got something to say here
14 too. He's got people who, I think, you need to hear
15 from before you can make this determination.

16 So I'm asking you, please, keep an open mind
17 through the State's case and through up until both of
18 us, Mr. Morrow and I, both rest. Then it's y'all's
19 time. Because my client has a part of that story that
20 you all need to hear before you make this decision. I
21 appreciate your time today. Thank you.

22 THE COURT: Thank you, sir. The State ready to
23 proceed?

24 MR. MORROW: Yes, Your Honor.

25 THE COURT: Call your witness.

AMY C. SWAN-DIRECT BY MR. MORROW

1 MR. MORROW: Thank you, Your Honor. The State
2 would call Dr. Amy Swan to the stand.

3 AMY C. SWAN, after being duly sworn, testified as
4 follows:

5 THE CLERK: Have a seat, please ma'am. State your
6 name for the Court, please, ma'am.

7 THE WITNESS: Amy C. Swan.

8 DIRECT EXAMINATION

9 BY MR. MORROW:

10 Q Dr. Swan, what is your occupation?

11 A I am a forensic psychologist.

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

13 A I have worked as a forensic psychologist for 19
14 years.

15 Q And Dr. Swan, what advanced degrees do you
16 possess?

17 A I have a Bachelor of Science degree in nursing
18 that I earned in 1987. I have a Masters in Clinical
19 Psychology that I earned in 1993, and I have a
20 Doctorate in Clinical Psychology that I earned in 1997.

21 Q And Dr. Swan, what states are you licensed in?

22 A I'm licensed in Florida, South Carolina and
23 Missouri.

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

25 A Psychology is the study of the mind and the

1 brain -- I'm sorry, the mind and behavior.

2 Q And Dr. Swan, what is forensic psychology?

3 A Forensic psychology is when you take what you know
4 about psychology and apply it to cases involved in the
5 legal system.

6 Q Have you had any additional specialized training
7 or experience within the field of forensic psychology
8 beyond your doctorate degree?

9 A I have. I have had -- it's hard to get
10 information about sex offenders while you're in the
11 doctoral program. There aren't that many programs that
12 address that. So I've had 922 hours since I've
13 received my doctorate specifically in the area of sex
14 offenders. And 291 of those hours were assessing the
15 risk that a sex offender would commit another sexual
16 crime.

17 Q Dr. Swan, do you have any memberships in any
18 professional organizations?

19 A I do. I was appointed to the Board of Psychology
20 by the Governor of Florida, and that's the part of the
21 government that regulates the practice of psychology.
22 I served on that board for ten years. And then I spent
23 five years as chairman of the probable cause committee
24 where I investigated all the complaints that come in
25 about psychologists.

AMY C. SWAN-DIRECT BY MR. MORROW

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1 I just took about a year and a half break, and I'm
2 going to be reappointed to that committee in November.
3 I'm also a member of the Association For the Treatment
4 of Sexual Abusers, which is the largest international
5 organization devoted to the study of sex offenders. I
6 belong to the Florida chapter of that organization.

7 I belong to the American Psychological
8 Association, the International Association of Forensic
9 Nurses, and the Association of State and Provincial
10 Psychology Boards.

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

13 A Yes, it does.

14 Q And do you have any experience working directly
15 with sex offenders?

16 A I've worked directly with sex offenders for 29
17 years.

18 Q And approximately how many sex offenders have you
19 evaluated in that time?

20 A I have evaluated probably over a thousand, maybe
21 1500 to 2,000 sex offenders in general. But I've
22 evaluated specifically 907 individuals as potential
23 sexually violent predators.

24 Q Dr. Swan, what types of evaluations have you
25 conducted in relation to sex offenders?

1 A Well, I've done pre-commitment evaluations to
2 determine if the individual meets criteria as a
3 sexually violent predator. I do sentencing evaluations
4 to determine if there are any factors that mitigate the
5 risk of sex offenders. I do child pornography cases,
6 and I also have a contract with the board -- the
7 Department of Health in Florida to evaluate licensed
8 individuals who have gotten in trouble because of their
9 sexual behavior, to see if they are safe to practice
10 their profession and under what conditions they might
11 need to be restricted.

12 Q Dr. Swan, can you briefly talk about your
13 experience in evaluating and treating sex offenders.

14 A Yes. I started out in 1989 where I set up a
15 sexual offender program at a private psychiatric
16 hospital. Between 1993 and 1995 I worked at a
17 community mental health center evaluating and treating
18 victims and perpetrators of sex offenders. Between
19 1996 and 1997 I worked with incarcerated adolescent
20 sexual offenders. In between 1997 and 1999 I worked in
21 court psychology in Florida, and I evaluated child
22 victims of sexual abuse and the perpetrators of that
23 sexual abuse.

24 In 1999 I was hired as the first psychologist at
25 the Florida Civil Commitment Center to provide

AMY C. SWAN-DIRECT BY MR. MORROW

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1 treatment to individuals under this particular law in
2 Florida. And in the year 2000 I went into private
3 practice, and I worked under contract with the State of
4 Florida to do sexually violent predator evaluations.

5 Q Dr. Swan, can you briefly describe your background
6 in relation to sexually violent predator cases.

7 A Well, as I said, it started in 1999 when I was
8 hired to provide treatment under the Florida law. And
9 I continued from 2000 to the present time, 17 years,
10 doing evaluations.

11 Q And have you ever been previously recognized and
12 testify as an expert witness in the field of forensic
13 psychology?

14 A Yes, I have, over a thousand times.

15 Q And how many times have you been qualified as an
16 expert in sexually violent predator cases?

17 A In excess of 275 times.

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

21 THE COURT: All right. Any further voir dire?

22 MR. FALK: I have no questions, Your Honor.

23 THE COURT: All right. So ordered, she is
24 recognized as an expert in the field of forensic
25 psychology. Ladies and gentlemen, we'll briefly --

1 what an expert -- when the Court declares somebody as
2 an expert witness, as I have done in this case, that
3 means that that witness can give an opinion.

4 Normally when a witness testifies, they can only
5 testify about what they saw or heard or smelled or
6 something like this. But there is an exception for
7 witnesses who are expert witnesses because of their
8 training, their education, their work experiences, that
9 type of thing. Now, just because an expert renders an
10 opinion doesn't mean you have to accept that opinion.
11 You can consider that opinion when you weigh all of the
12 evidence together at the end of the case, okay.

13 So that will be your job, then, as jurors to
14 analyze and weigh all of the evidence considering her
15 testimony along with whatever other testimony comes
16 into the record, okay. All right. You may proceed
17 with questions.

18 MR. MORROW: Thank you, Your Honor.

19 Q Dr. Swan, how long have you been a practicing
20 psychologist?

21 A 19 years.

22 Q And in the 19 years you've been a practicing
23 psychologist, have you ever received discipline by a
24 licensing board?

25 A I have not.

AMY C. SWAN-DIRECT BY MR. MORROW

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1 Q In the 19 years you've been practicing
2 psychologist, have you ever faced discipline from any
3 organization you were a member of?

4 A Yeah. I received a complaint in 2014 for a
5 voluntary organization that I was a member of.

6 Q What is the difference between a discipline by a
7 licensing board and discipline by a voluntary
8 professional organization?

9 A Well, discipline by a licensing board means that
10 you've broken the law with regard to psychology. And
11 you could be sanctioned such as having your license
12 revoked. Violating one of the guidelines of a
13 voluntary organization means that you haven't abided by
14 one of their standards, and that's obviously a less
15 significant offense than breaking the law.

16 Q And Dr. Swan, so in the 19 years that you've been
17 practicing you've been disciplined exactly one time by
18 a voluntary organization?

19 A That is correct.

20 Q And why were you disciplined by that organization?

21 A In 2014 I used an outdated interview, and I placed
22 too much weight on it in my testimony.

23 Q And why did you use that outdated interview?

24 A Well, it's common -- it was commonly used at that
25 time in the state of Florida, and it provided good

1 information.

2 Q What disciplinary action did the voluntary
3 organization take?

4 A Well, the organization indicated that they would
5 like me to stop using the interview, which of course I
6 did, and to submit two reports just to insure that I
7 was following the guidelines. I did that, and I am
8 still a member in good standing of that organization.

9 I might add too that the same complaint was filed
10 with the American Psychological Association, and the
11 American Psychological Association did not find that
12 the complaint had any merit at all, and they dismissed
13 the complaint.

14 Q And, Dr. Swan, what kinds of consequences could
15 you have faced?

16 A Well, if it was a serious offense, I could have
17 been kicked out of the organization.

18 Q But that didn't happen?

19 A It did not happen.

20 Q And did you complete the requirements assigned to
21 you by the Association For the Treatment of Sexual
22 Abusers satisfactorily?

23 A Yes, I did.

24 Q And have you maintained compliance ever since
25 then?

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1 A Absolutely, I have.

2 Q And Dr. Swan, how did you become involved in this
3 case?

4 A I was appointed by the Court to evaluate
5 Mr. Collins.

6 Q And were you paid to conduct your evaluation in
7 this case?

8 A I was.

9 Q Would you have been paid any differently if you
10 did not recommend commitment?

11 A No. The amount that I'm paid is a flat fee. And
12 it doesn't matter who I'm working for or what my
13 opinion, I still get the same amount.

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

16 A Well, this is a pre-commitment evaluation. And
17 that's a case where the individual has been identified
18 as a potential sexually violent predator, and I
19 evaluate them, make a decision about whether I think
20 they meet the criteria that are listed in the State
21 statutes, and then we have a trial to determine if
22 indeed he meets criteria.

23 Q And, Dr. Swan, could you describe the method by
24 which you conduct a pre-commitment evaluation.

25 A Yes. When -- after I'm appointed by the Court, I

1 get a packet of information. And this information
2 comes from the Attorney General's office. And I review
3 this information and it contains police reports, court
4 records, any evaluations by psychologists or
5 psychiatrists. And I take this information and review
6 it.

7 And then I go out to meet the individual. And
8 when I meet with the individual, I conduct an
9 evaluation that covers everything from the day he was
10 born until the day he is sitting in front of me. I
11 want to know about his family life, I want to know
12 about his academic history. I want to know about his
13 work history. I want to know about his relationship
14 history. I want to know about his medical history and
15 even his sexual history.

16 So I talk with him about all of those things, and
17 then I bring the information back. And based on
18 research about sex offenders, I make a decision about
19 whether he meets criteria as a sexually violent
20 predator.

21 Q Dr. Swan, you just mentioned all of those
22 documents that you received and looked at. Are those
23 the type of documents that are reasonably and typically
24 relied upon by experts in your field?

25 A Yes, it is.

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1 Q And did you rely on those documents as part of
2 performing the basis of your expert opinion?

3 A I did.

4 Q Thank you. Did you also meet with and interview
5 Mr. Collins as part of your evaluation?

6 A I did. I met him on August 6th, 2015.

7 Q And how long did you interview Mr. Collins for?

8 A I interviewed him for four hours.

9 Q And is Mr. Collins in the courtroom today?

10 A Yes, he is. He's the man in the bright green
11 shirt sitting beside Mr. Falk.

12 MR. MORROW: And, Your Honor, may the record
13 reflect the witness identified Mr. Collins.

14 THE COURT: All right. So noted.

15 Q Did you explain the purpose of the evaluation to
16 Mr. Collins?

17 A I did.

18 Q And did he consent to the evaluation?

19 A Yes.

20 Q Dr. Swan, in addition to meeting with and
21 interviewing Mr. Collins, what information did you
22 receive in order to conduct your evaluation?

23 A I received a packet of information that contained
24 44 different documents.

25 Q And how did you obtain that information?

1 A I obtained that information from the Attorney
2 General's office.

3 Q And is that the type of information that is
4 typically or reasonably relied upon by other experts in
5 your field?

6 A Yes, it is.

7 Q Did you consider and rely upon that information
8 when rendering your opinion on Mr. Collins in this
9 matter?

10 A I did.

11 Q And, Dr. Swan, can you explain to the jury how an
12 individual's past sexual offense behavior relates to
13 his future sexual offense behavior.

14 A Well, the best predictor of future behavior is
15 past behavior. And what we mean by that is if a person
16 is arrested and convicted for a sexual crime, then if
17 he goes out and does it again, that means his risk
18 increases for another sexual crime. Because if you
19 receive punishment for a crime and you don't learn your
20 lesson, then you're at higher risk than if you don't do
21 it again.

22 Q Dr. Swan, based on your interview with Robbie
23 Collins and your view of his file, could you tell if he
24 had been convicted of a sexually violent offense?

25 A Yes, he had.

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1 Q And, in fact, you found he had been convicted of
2 two sexually violent offenses; correct?

3 A I did.

4 Q And, I'm sorry, what were those offenses?

5 A He was convicted of criminal sexual conduct in the
6 second degree and lewd acts on children under 14.

7 Q And why is it important for you to review and
8 consider this type of information when rendering your
9 opinion?

10 A What I have to determine under the law is, first
11 of all, if the person's been convicted of a sexually
12 violent offense, and Mr. Collins has been convicted of
13 two. And then I need to find out if he has a mental
14 abnormality or personality disorder that makes him
15 likely to commit future acts of sexual violence if not
16 confined in a secure facility for long-term care,
17 control and treatment.

18 So I need to figure out if he has a mental
19 abnormality or personality disorder, and if that mental
20 abnormality or personality disorder predisposes him to
21 commit future sexual crimes.

22 Q Dr. Swan, I'm going to show you what has been
23 premarked for identification purposes only as State's
24 Exhibit 1. Would you take a moment to see if you're
25 familiar with these documents.

1 A Yes.

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

3 THE COURT: Yes, sir.

4 THE WITNESS: Yes, I'm familiar with this
5 document. This is an indictment for the lewd act upon
6 children under 14. And this is part of the information
7 that I reviewed.

8 Q And Dr. Swan, have you seen -- did you review
9 those documents as part of your evaluation?

10 A I did.

11 Q All right. Is that the type of document that is
12 commonly relied upon by experts in your field?

13 A Yes, it is.

14 Q Dr. Swan --

15 MR. MORROW: At this time, Your Honor, the State
16 would move that State's Exhibit 1 be admitted into
17 evidence.

18 THE COURT: Any objection?

19 MR. FALK: No objection, Your Honor.

20 THE COURT: Without objection, admitted into
21 evidence.

22 (WHEREUPON, State's Exhibit No. 1 was admitted in
23 evidence.)

24 Q Dr. Swan, if you could look at that document one
25 second for me.

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1 A Okay.

2 Q You'll notice that there was a -- is there
3 anything on that document to indicate its authenticity?

4 A There is a court seal stamped on here to show that
5 it's an authentic copy.

6 Q And on the right-hand side of that document, is
7 there a stamp indicating the sentence for and about
8 that crime?

9 A Yes, there is.

10 Q All right, thank you. Dr. Swan, why is it
11 necessary to review the details of the underlying
12 offense as part of your evaluation?

13 A To see if he has that mental abnormality or
14 personality disorder and to see if that particular
15 mental abnormality or personality disorder makes him
16 likely to commit future acts of sexual violence. And
17 on the other hand, I need to assess whether perhaps he
18 doesn't have a mental abnormality or personality
19 disorder, and he doesn't meet criteria.

20 Q And Dr. Swan, could you describe the facts and
21 circumstances regarding Mr. Collins' conviction for
22 lewd acts on children under 14.

23 A Yes. This particular crime involved four
24 children. His --

25 MR. FALK: Your Honor, may I approach on point.

1 THE COURT: Yes, sir.

2 (WHEREUPON, a bench conference was held off the
3 record in the presence of the jury but out of the
4 hearing of the jury.)

5 THE COURT: Mr. Falk, you object?

6 MR. FALK: Yes, Your Honor, I'm objecting to the
7 expert witness' use of the term children. I believe
8 she's using that term in order just to inflame the
9 passion of the jury here. She is a medical -- she is a
10 psychological expert, she's a doctor. There are
11 clinical terms that doctors use.

12 Somebody who is not an adult is either post
13 adolescent, they are adolescent, or they are
14 pre-adolescent. Those are the clinical terms. She's
15 using children in order to try and inflame the jury.

16 THE COURT: All right. Mr. AG, Mr. Morrow?

17 MR. MORROW: Your Honor, the ages of the children
18 on the -- the persons listed on the indictment are a
19 nine-year-old female, a six-year-old female, a
20 four-year-old female and a two-year-old female. Under
21 any definition those are children.

22 THE COURT: All right. Objection overruled.
23 Continue with your question.

24 Q Dr. Swan, could you continue, describe the facts
25 and circumstances.

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1 A Yes. As I said, this involved four children
2 between the ages of two and nine, and it involved acts
3 of oral sex on these four children. And there was an
4 indication that there was attempted penetration that
5 fell short of penetration of these four children.

6 And Mr. Collins was convicted of unlawfully,
7 willfully and lewdly committing or attempt to commit a
8 lewd or lascivious act or acts upon the body or part or
9 member of the bodies of these four children, with the
10 intent of arousing, appealing to or gratifying the lust
11 or passions of sexual desires of the Defendant.

12 Q And Dr. Swan, what did Mr. Collins have to say
13 about these offenses during your interview?

14 A Well, Mr. Collins said that it started off with
15 his two-year-old stepdaughter. And he said that his
16 mother-in-law had bought the family a trailer and that
17 he permitted the trailer to be repossessed and that
18 they were angry with him. So his mother-in-law said
19 that she was going to get him --

20 MR. FALK: Objection, Your Honor. This is
21 hearsay.

22 MR. MORROW: Your Honor, under Rule 703 an expert
23 may testify -- testify for statements made for the
24 purpose of diagnosis, that it's not hearsay.

25 MR. FALK: She's quoting the mother.

1 THE COURT: Yeah. Well, don't quote the mother,
2 ma'am. I do agree with the Defense on that. Don't say
3 specifically what he said the mother said or what she
4 said. Certainly you can rely on that under that
5 exception as you mentioned, Mr. Morrow.

6 But rephrase your question, like as a result.
7 Certainly she can base her opinion as a result of a
8 review and all that, but we don't need to get into the
9 specifics.

10 Q Dr. Swan, as a result of your interview with
11 Mr. Collins, what if anything did you learn as part of
12 the basis of your diagnosis?

13 A Mr. Collins said that his mother-in-law was out to
14 get him and that she fabricated charges about the two
15 year old. And the next thing he knew that the police
16 were knocking at the door. And then he got charged
17 with the charges for the other three children, the four
18 year old, the six year old and the nine year old.

19 And he said that his lawyer did not do a good job
20 for him and that he did not touch any of those four
21 children, but he got convicted anyway. He said that
22 the only thing that happened was that it was just a
23 misunderstanding because the six-year-old girl -- let
24 me see if it was the six-year-old. No, it was the
25 nine-year-old little girl reported that she was growing

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1 breasts. And Mr. Collins said, you're too young to
2 grow breasts, let me see them. And he said that they
3 took that out of context, and he was convicted.

4 However, he denied that he performed oral sex on
5 the girls as the girls reported. He denied that he
6 penetrated the girls, and he denied that he beat them
7 as he was alleged to have beaten the two year old when
8 she was one. And when I read the statement about what
9 was reported about what he did to the children, he said
10 that it was a total fabrication.

11 Q And, Dr. Swan, when rendering your expert opinion
12 in this matter, did you find the explanations provided
13 to you in your interview with Mr. Collins important to
14 your ultimate decision?

15 A Well, it's really important that I talk to the
16 individual, and I need to weigh what he says and then
17 compare it to what the official reports say. And in
18 this case, I found that his statement did not match the
19 reports that I reviewed by the police.

20 In fact, he blamed his mother-in-law for being
21 arrested, he blamed his sister-in-law for telling the
22 children what to say, and he blamed his attorney. So
23 he blamed everyone but himself for this crime.

24 Q And, Dr. Swan, what sentence did Mr. Collins
25 receive for his conviction for -- his 1986 conviction

1 for lewd act on a child under 14?

2 A He was sentenced to ten years in the South
3 Carolina Department of Corrections.

4 Q Dr. Swan, I'm going to show you what's been
5 premarked for identification purposes only as State's
6 Exhibit 2. Could you take a moment to see if you're
7 familiar with these documents or if you've seen them
8 before.

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

10 THE COURT: Yeah. While you're over there, hand
11 my court reporter Exhibit No. 1 so she can go ahead and
12 mark that.

13 THE WITNESS: I have seen this document before,
14 and this is a document that I relied on in arriving at
15 my opinion.

16 Q Are they the types of documents that are commonly
17 relied upon by experts in your field?

18 A Yes, it is.

19 Q What is that document?

20 A This is the indictment and the sentence sheet.

21 Q And are these, were they part -- again, they were
22 part of the basis of your expert opinion?

23 A Yes, it is.

24 Q Is there anything on that indictment and
25 sentencing sheet to indicate its authenticity?

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1 A Yes. There's the Court seal.

2 Q Thank you.

3 MR. MORROW: At this time, Your Honor, the State
4 would move that State's Exhibit 2 be admitted into
5 evidence.

6 MR. FALK: May I just review it for a second, Your
7 Honor?

8 THE COURT: Yes.

9 MR. FALK: Without objection.

10 THE COURT: Without objection, admitted as No. 2.
11 (WHEREUPON, State's Exhibit No. 2 was admitted in
12 evidence.)

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

15 A Again, to determine if Mr. Collins has the mental
16 abnormality or doesn't have the mental abnormality or
17 personality and whether that personality disorder makes
18 him likely to commit future acts of sexual violence.

19 Q Dr. Swan, can you describe the facts and
20 circumstances regarding Mr. Collins' 2004 conviction
21 for criminal sexual conduct in the second degree.

22 A Yes. In this case, the person who called the
23 police said that he went to his 95-year-old mother's
24 home, and he found that she was the victim of a sexual
25 assault. He said that she was sitting on a chair

1 unable to move and that she had been on that chair all
2 night. And she indicated that she was watching TV when
3 a man came to the door and asked to use the telephone,
4 and she let him in.

5 And, well, actually she opened the door and he
6 pushed his way in. And the man said that they were
7 meant -- that he had been watching her and that they
8 were meant to be together. And he then told her that
9 he was going to rape her, and he pushed her to the
10 floor and sexually assaulted her. After the first
11 attack, there was a tear in her vaginal area, and he
12 got blood on his clothes. So he used her washing
13 machine to wash his clothes.

14 And during that time he was talking with her, and
15 he sexually assaulted her again. And at the end of the
16 second rape, he used her telephone to call someone to
17 come pick him up. When the police came, they
18 recognized the individual because they had had -- they
19 had had contact with him --

20 MR. FALK: Your Honor, I object.

21 THE COURT: Sustained.

22 Q All right. Dr. Swan, what if any information did
23 you learn from your interview with Mr. Collins in
24 regards to your ultimate opinion in this matter?

25 A Well, he said that he had been -- gone to the

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1 Christmas parade and he'd been drinking. And he
2 stopped at a gas station and he spent about 45 minutes
3 or an hour flirting with some of the girls at the gas
4 station. And he started walking home because he was
5 not able to drive, he'd lost his license in a DUI.

6 And he -- as he started walking home, he tried to
7 call his girlfriend, but the phone battery was dead.
8 So he went to several houses and knocked on doors. And
9 when he came to this one, she -- the 95-year-old lady
10 answered the door. And he said that they began talking
11 and that he always helps older people because he
12 admires older people. So he told her his name and
13 where he lived and everything about him. And he,
14 again, tried to call his girlfriend, and they started
15 arguing.

16 And so he asked this 95-year-old lady, ma'am, have
17 you ever thought about having sex with a younger man.
18 And he said that she said, yes, I have a time or two.
19 And so he asked her if she wanted to have sex, and she
20 agreed. And he said that he learned in sex offender
21 treatment that he had developed an anger toward women
22 because he had lost his license, and he always had to
23 depend on a girlfriend or someone to drive him around.
24 And he said that he was angry because he talked to his
25 girlfriend and they had an argument. And all those

1 things came together, and he raped this lady.

2 But he also said, even if she wanted to have sex
3 with a younger man, she should have kept her stuff to
4 herself. And he said that when he came -- after the
5 rape, he noticed that she was bleeding. And he noticed
6 that she was on the floor and that she had vomited.
7 And he said that she had vomited because she'd taken
8 some new medicine, that it didn't have anything to do
9 with the fact that he raped her.

10 And he said that, I was like a honeymooner, always
11 trying to make things right with her. So that was his
12 explanation for what he did to this 95-year-old woman.
13 He denied that -- he said that he'd been watching her.
14 He denied that he told her that they were meant to be
15 together, and he denied that this was anything other
16 than just sex.

17 He said that he learned in treatment that it was
18 probably coercion. But when I pointed out that he was
19 framing this whole violent sexual attack on a
20 95-year-old woman like a romantic encounter, and he
21 said, well, at first I thought it was consensual, but I
22 coerced her into having sex, and I know I shouldn't
23 have done that.

24 Q Dr. Swan, what if anything about this explanation
25 during your interview did you find significant to your

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1 ultimate opinion?

2 A Well, again, I have to weigh what he says about
3 what the official records saw. And it appeared to me
4 that when he said, well, I learned in treatment that,
5 you know, I was angry at women, but that would appear
6 to show some insight. But he's already had treatment
7 and he's telling me, even if she wanted to have sex
8 with a younger man, she should have kept her stuff to
9 herself, like it was her fault.

10 And he said that she vomited due to medicine, not
11 the fact that, you know, raping a 95-year-old woman
12 might cause her to be upset and vomit. And when I
13 asked him if he -- if she was traumatized by this, he
14 said that she looked to be over 100 and that what he
15 did did not damage her.

16 And he said, she's dead now. And I said, did it
17 have a negative effect. He said, it's kind of hard to
18 know. So he really didn't have any insight into the
19 huge trauma that he caused this woman, and he really
20 didn't accept responsibility for his behavior.

21 Q Dr. Swan, what sentence did Mr. Collins receive
22 following his conviction for criminal sexual conduct in
23 the second degree?

24 A He received a sentence not to exceed 15 years.

25 Q Is this the sort of information and type that are

1 typically and reasonably relied upon by other experts
2 in your field?

3 A Yes, it is.

4 Q Dr. Swan, did you rely solely on his past criminal
5 history in making your ultimate decision in this
6 matter?

7 A I did not.

8 Q Would it be professionally acceptable to do so?

9 A No.

10 Q What about his criminal history did you find
11 significant to your opinion?

12 A Well, there are two things. The first one is that
13 most sex offenders do not re-offend. So if someone
14 commits a sexual crime, they are sent to prison and
15 they get out and do it again, then they are higher risk
16 than your average sex offender. The second thing is
17 that there are two pathways to committing a sexual
18 crime, one is a criminal history and the other is
19 having a sexual disorder.

20 And so I reviewed his criminal history, and I
21 found that Mr. Collins had both. And that's a double
22 whammy because that makes him more likely to commit
23 sexual crimes in the future.

24 Q What did Mr. Collins tell you during -- what if
25 any information did Mr. Collins inform you during his

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1 interview regarding his sexual interests?

2 A Well, Mr. Collins denied that he had any sexual
3 interest in the children, despite the fact that he
4 abused those four children over a period of three
5 years.

6 MR. FALK: Objection, Your Honor. That is --
7 that's beyond the scope of the affidavit. I don't know
8 where this information is coming from.

9 THE COURT: Overruled.

10 THE WITNESS: He denied that he sexually assaulted
11 any of those four children. He denied sexual interest
12 in rape. He blamed the victim, he framed it as a
13 consensual encounter. He said, I'm always a
14 tender-hearted person and I feel for other people.
15 I've always been gentle, loving, kind and generous with
16 my sex partners. And he absolutely denied that he --
17 that he assaulted the four children or that he had
18 harmed the 95-year-old woman in any way.

19 Q Dr. Swan, as part of your evaluation and
20 evaluation into a pre-commitment evaluation, is it
21 necessary to look whether an individual has had sex
22 offender treatment while he was in prison?

23 A Yes, it is.

24 Q And why is it necessary to look at that?

25 A Well, you cannot heal pedophilia. If you have

1 sexual thoughts or fantasies about children at 17, you
2 will still have them at 70. But what we can do with
3 treatment for some subset of sex offenders is that we
4 can teach them strategies to control those sexual urges
5 so that they don't continue to sexually assault
6 children.

7 Sex offender treatment is the primary pathway that
8 we use to help individuals learn to control those
9 impulses so that they don't act on them. Mr. Collins
10 had sex offender treatment between March of 1988 and
11 August of 1988. And he also had a second sex offender
12 course between August of '88 and December of '88.

13 However, it's important to note that when I asked
14 him if those classes helped him, he said no, they
15 didn't. And, in fact, they didn't because he committed
16 another sexual crime after he had that treatment. Now,
17 he has recently had treatment in SCDC between December
18 of 2014 and August of 2015.

19 Q Dr. Swan, is looking at the sex offender treatment
20 that an inmate would have while he's in prison
21 something done by other experts in your field?

22 A It is. And it's an important part of an
23 assessment, because we can determine based on the
24 research whether someone has learned enough in sex
25 offender treatment in, for example, SCDC or and whether

1 that will decrease his risk.

2 Now, it's important to note that sex offender
3 treatment in SCDC typically lasts about six months.

4 Q I'm sorry, and you relied upon that information as
5 part of the basis of your opinions?

6 A I did. I reviewed all of the treatment records.
7 And good solid sex offender treatment lasts anywhere
8 from three years to seven years, depending on the
9 individual. It's not something that you can do in six
10 months. So the treatment they have in SCDC is
11 primarily psycho-educational. It hits the high points
12 of what you will learn when you get into really
13 intensive sex offender treatment. But it's typically
14 not enough to prevent re-offense.

15 Now, with Mr. Collins, what I noticed was the
16 absolute first thing that we want someone to learn in
17 sex offender treatment is to accept responsibility for
18 their behavior. So he's had two episodes of sexual
19 offender treatment, and he still is denying his crimes,
20 denying the impact of his crimes, which tells me that
21 that that sex offender treatment didn't really do
22 anything for him.

23 He said that -- so it's my assessment that even
24 though he had two different episodes that it did not
25 benefit him sufficiently to prevent him from

1 re-offending, that he needs an intensive sex offender
2 treatment such as he would get if he received treatment
3 as a sexually violent predator.

4 Q Dr. Swan, based on your examination of
5 Mr. Collins, your review of his records and all of the
6 other factors we've been discussing today, were you
7 able to diagnose Mr. Collins with a relevant mental
8 abnormality?

9 A I was. I diagnosed him with pedophilic disorder,
10 sexually attracted to females, nonexclusive type. And
11 I diagnosed him with other specified personality
12 disorder with antisocial features.

13 Q Dr. Swan, what is pedophilic disorder?

14 A Pedophilic disorder is sexual interest in
15 children. And the technical definition that I have to
16 use in order to determine if he meets criteria is that
17 he has over a period of at least six months, he has had
18 recurrent intense sexually arousing fantasies, urges or
19 behaviors involving sexual contact with children.

20 And in Mr. -- and children is defined as under the
21 age of 13 and typically prepubescent. That means they
22 haven't developed their secondary sexual
23 characteristics yet.

24 Q And, Dr. Swan, what are the criteria -- again,
25 actually, Dr. Swan, where do the criteria for diagnosis

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1 for pedophilic disorder come from?

2 A Well, we have an 800-page book that tells us all
3 the criteria that we can use to diagnose an individual
4 with any particular mental disorder.

5 Q And that's the DSM-V?

6 A That is called the DSM-V, The Diagnostic and
7 Statistical Manual Five.

8 Q And that's a learned treatise in your filed?

9 A Yes, it is.

10 Q And can you explain how Mr. Collins meets the
11 criteria for pedophilic disorder.

12 A Okay. Mr. Collins sexually abused four children
13 over a period of three years. Obviously that's more
14 than the six-month criteria. And if you sexually abuse
15 them over a period of time more than once, and it's
16 obvious that you have a sexual interest that you have
17 recurrent sexual fantasies, because the fantasy
18 precedes the actual behavior. So in this case
19 Mr. Collins definitely meets criteria for pedophilic
20 disorder.

21 Q Dr. Swan, what does Mr. Collins' diagnosis with
22 pedophilic disorder mean in regards to your ultimate
23 opinion?

24 A Well, sexual interest in children is one of the
25 most prominent features that we use to determine if a

1 sexual -- if an individual will commit another crime,
2 sexual crime. And the reason for that is that there
3 was a study involving 30,000 sex offenders, and the
4 number one most important factor was sexual interest in
5 children. So that's an important predictor of whether
6 an individual will commit another sexual crime.

7 Q Did you also diagnose Mr. Collins with a
8 personality disorder?

9 A I did. And I want to add before I finish that up
10 that Mr. Collins raped a 95-year-old woman. But to my
11 knowledge, he only has one rape. It's not clear that
12 he was sexually aroused by that act since he had some
13 difficulty sustaining an erection. So I did not assign
14 a diagnosis based on his rape of the 85-year-old woman.

15 And I also diagnosed him with other specified
16 personality disorder with antisocial features. There
17 is a personality disorder called antisocial personality
18 disorder. In order to -- and that's a criminal
19 lifestyle as I'll explain. In order to receive a
20 diagnosis of antisocial personality disorder, you must
21 have had some evidence of conduct disorder prior to the
22 age of 15.

23 In Mr. Collins' case, he did not reveal to me that
24 he got into any trouble prior to the age of 15. So I
25 wasn't able to give him the full diagnosis. But I did

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1 diagnose him with a personality disorder with
2 antisocial features. And the only thing that's lacking
3 in the antisocial personality disorder is the conduct
4 disorder prior to the age of 15.

5 Q And Dr. Swan, is other specified personality
6 disorder, is that in the DSM-V as well?

7 A Yes, it is.

8 Q And what are -- what are the characteristics of
9 other specified personality disorder with antisocial
10 features?

11 A Well, we look at failure to conform to social
12 norms with respect to lawful behavior. And then this
13 regarding Mr. Collins has been arrested 12 times. He
14 used illegal substances, he had DUIs. We look for
15 deceitfulness, and he was not truthful about his sexual
16 crimes. We look at irritability and aggressiveness,
17 and in this regard he sexually assaulted four children
18 and a 95-year-old woman.

19 We've looked at reckless disregard for the safety
20 of others, and again, his sexual assaults harmed the
21 other victims. He also drove repeatedly while he was
22 intoxicated. He demonstrated consistent
23 irresponsibility for continuing to drive while he was
24 intoxicated, for driving without a driver's license,
25 and leaving the scene of an accident. And I also look

1 at lack of remorse. And he didn't demonstrate any
2 remorse for what he did to these four children or the
3 95-year-old woman. In fact, he blamed his victims for
4 fabricating the allegations or for magnifying the
5 allegations.

6 Q And does having sexual disorders or pedophilic
7 disorders and a personality disorder make him more
8 likely to commit sexual offenses than just having one
9 disorder?

10 A It does. There are two pathways to committing a
11 sexual crime. You can have a sexual disorder which
12 increases your risk, or you can have a personality
13 disorder with antisocial features, and that increases
14 your risk. If you have both of them, then that's a
15 double whammy because you've got both pathways to
16 committing a new sexual offense, so your risk has
17 increased.

18 Q Dr. Swan, I noticed you administered or I believe
19 you administered a psychological test called the Hare
20 PCL-R.

21 MR. FALK: Your Honor, may I approach.

22 THE COURT: Yes, sir.

23 (WHEREUPON, a bench conference was held off the
24 record in the presence of the jury but out of the
25 hearing of the jury.)

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1 THE COURT: Ladies and gentlemen, we're going
2 to -- I have a matter of law I need to take up with the
3 lawyers. In addition, now is a good time, it's almost
4 11 o'clock, let's take our mid morning recess. Y'all
5 don't talk about the case, you've only heard from half
6 of one witness, okay. So don't talk about the case at
7 all, and go finish enjoying your donuts and maybe drink
8 some coffee, okay. We'll get you back out here
9 shortly.

10 Gentleman in the pink shirt, what's your name,
11 sir, what's your last name? Peach shirt, whatever.

12 FOREPERSON: Main.

13 THE COURT: Okay. You're going to be the foreman
14 of the jury, okay. I'll tell you what you're supposed
15 to do when you come back in.

16 (WHEREUPON, the jury exited the courtroom at
17 10:51 a.m.)

18 THE COURT: Earl Main is the foreman. That's
19 juror #247.

20 THE CLERK: Yes, sir.

21 MR. MORROW: Okay. Dr. Swan, I noticed you
22 administered a Hare --

23 MR. FALK: And, Your Honor, I would object to the
24 testimony about the Hare. I have a question about the
25 validity of the testing, what her -- and what her

1 diagnosis could mean. I would like the opportunity to
2 ask her some questions about that.

3 THE COURT: All right. So you want to ask her
4 questions rather than just proffer the testimony at
5 this point in time?

6 MR. FALK: Yes.

7 THE COURT: Okay. Why don't we just do that,
8 then, then I can rule on his objection. And, of
9 course, you can ask her any follow-up questions to his
10 line of questions as well, Mr. Morrow; okay?

11 MR. MORROW: Thank you, Your Honor.

12 THE COURT: Go ahead.

13 (The following testimony was proffered on the
14 record outside the presence of the jury:

15 BY MR. FALK:

16 Q You spoke with my client for four hours; is that
17 correct?

18 A I did.

19 Q And what portion of that time was devoted to the
20 interview for the Hare examination?

21 A All of it. Because it covers childhood features,
22 it covers the individual's entire life because it's a
23 pattern of behavior, not just one or two things.

24 Q If you were going to give somebody a Hare -- we're
25 talking about the Hare PCL-R test?

1 A Yes.

2 Q PCL-R; is that correct?

3 A Yes.

4 Q If you were going to give somebody that test, how
5 long does the interview usually take?

6 A Well, it depends on the individual, but it would
7 be probably an hour and a half, two hours.

8 Q Okay. And I believe you're going to testify that
9 he got a score of 25?

10 A I did.

11 Q Do you have any data that shows what a score of 25
12 means?

13 A I do.

14 Q Can you show that to me.

15 A Um-hum. Let's see. A score of 25 means that --
16 let me just -- you know, I don't have my scoring sheet
17 here. There are different tables that we look at
18 because this is a normed and standardized report. That
19 means that it's been tested on research subjects. And
20 all of their information has been documented and put in
21 the form of tables that tell you what it means.

22 And in Mr. Collins' case, his score of 25 falls in
23 the sixty-second percentile, which means that of every
24 hundred individuals, he has more than psychopathic
25 features than 62 of them.

1 Q Did you look at -- have you seen the Hare website,
2 the www.hair.org.scales.pclr?

3 A Yes.

4 Q Are you familiar with that website?

5 A Um-hum.

6 Q And on that website, does it not say that the best
7 practice to insure that we have -- let me just show you
8 a bullet point that I took off of the website.

9 A Okay. Okay.

10 Q Can you see that last bullet point?

11 A Yes.

12 Q And does that not say that the best practice is
13 for two people to provide the Hare examination and then
14 use an average score of the two independent examiners?

15 A Well, that is what they suggest for testing when
16 you're learning. Because I've received two different
17 trainings that lasted three days in the Hare
18 psychopathy checklist. There's like a 150-page manual
19 that teaches us how to score those 20 items. And when
20 you are learning to score it, you must submit your
21 score and another person's score on the vignettes that
22 they give you in order to train you. After that, once
23 you're trained and your vignettes were accepted, you
24 don't have to do that anymore.

25 But obviously if you have like two experts who

1 have done the Hare psychopathy checklist, that would be
2 an excellent way to use it. But in this case we only
3 have me, but I've been trained on two occasions. I've
4 submitted my vignettes, and my vignettes matched with
5 Dr. Eric Emhoff who was my partner in the study -- in
6 the PCL-R training.

7 Q You received training in September of 1999. When
8 was the other training?

9 A The other training was, I believe I received it in
10 '99, and I think there was one in like 2000 -- it may
11 have been 2003, 2006, something like that.

12 Q Do you remember the American Psychological
13 Association?

14 A Yes.

15 MR. FALK: May I approach.

16 THE COURT: Yeah.

17 Q Does that look like a reprint from a peer-reviewed
18 article that appears in their journal?

19 A It is.

20 Q Have you seen that article?

21 A I have.

22 Q Is it fair to say that there is questions with the
23 validity of Hare tests that are done by field
24 examiners?

25 A There is. And what they have found is that

1 there's a difference between evaluators who work for
2 the State and for the Defense, and that Defense
3 evaluators may score a lower than the norm and State
4 evaluators may score higher than the norm.

5 Q And you're a field evaluator, in this context
6 you're considered a field evaluator; is that not
7 correct?

8 A Well, yeah. The field is out there in the
9 community, yes.

10 Q Right, I mean.

11 A Yes.

12 Q Do they -- does that indicate that there is a high
13 probability, or what kind of probability that field
14 evaluators representing the State like yourself are
15 higher than normal?

16 A Well, this particular article doesn't address that
17 issue, that's a different research study. But this
18 just says that the validity may not be as great as they
19 would like. But, again, it -- it's all determined on
20 whether the individuals have had sufficient training to
21 update their skills and keep them updated. And
22 obviously I don't control that, so I can't impact that.

23 Q But you're making comparisons, you said this has
24 all been validated by control studies as opposed to the
25 field evaluators; is that correct?

1 A It is. We have a booklet that -- similar to the
2 DSM that describes the criteria that you could actually
3 diagnose people on each of these 20 items. And I have
4 a check-off sheet. And so if the person has that
5 particular aspect, I check it off, if they don't, I
6 don't check it off. And then you arrive at a decision.

7 Q There's a bit of subjective determination here;
8 isn't there?

9 A There is some subjective, yes, absolutely.

10 Q So is there any guarantee that two people would
11 score somebody exactly the same?

12 A Well, I don't think there is any guarantee of
13 that, but obviously two people who have been trained
14 should score within one standard deviation of each
15 other. And that would be within three points.

16 Q So if somebody had a 22, what would that mean?

17 A It would mean the same thing as if they had a 25
18 because it's in the same standard error of measurement.
19 So scores that are three points apart don't mean
20 anything. The 22 would mean he had prominent
21 psychopathic traits, just like my score of 25 would
22 mean he had prominent psychopathic traits.

23 Q But as far as the bell curve distribution of
24 whether or not it's sixty-seventh percentile, you're
25 saying 22 and 25 are both the same percentile?

1 A Well, no. 22 and 25 are not the same percentile.
2 But the standard error of measurement means that
3 they're statistically -- that it's not statistically
4 significant if they are three points different. Now,
5 30 --

6 Q What if somebody had a 22, what would their
7 percentile be?

8 A ' Less than the sixty-second. I don't have 22 up
9 here because he didn't score 22. But obviously the
10 cut-off for clinical use, like we're using here, is a
11 30. He didn't achieve that, so I can't say that he's a
12 prototypical psychopath.

13 Q But you also can't say with any degree of
14 certainty that he's a sixty-seventh percentile or the
15 fiftieth percentile; can you?

16 A I can say that he's at the sixty-second percentile
17 because that's what his score of 25 means.

18 Q Provided he has a 25 and not a 22?

19 A That's correct.

20 Q And another field examiner working for the State
21 could have had a -- could have done it and gotten a 22;
22 is that not correct?

23 A Or they could have gotten a 28. Anything within
24 three points of the score is not statistically
25 significant because that's the standard error of

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1 measurement.

2 Q What does the term psychopathy mean?

3 A Well, psychopathy is a pattern of behavior in
4 which the person demonstrates interpersonal, emotional
5 and behavior characteristics which demonstrate a cold,
6 callous view of others. They don't seem to have a
7 conscience that's well developed, they take what they
8 want when they want it, and they don't care who they
9 hurt.

10 MR. FALK: Your Honor, I have no more questions at
11 this time, but I would like to be heard.

12 THE COURT: All right. Do you have any questions
13 on this line of questioning?

14 MR. MORROW: Your Honor, just briefly.

15 BY MR. MORROW:

16 Q Dr. Swan, is the Hare PCL-R technique, has it been
17 published and receive peer review in your field?

18 A Yes, it has.

19 Q And has the Hare PCL-R had prior application into
20 evidence in cases like this, sexually violent predator
21 cases?

22 A Absolutely. In Florida we use it in virtually
23 every evaluation.

24 Q And what quality control methods are used to
25 insure reliability?

1 A Well, making sure that the individual has adequate
2 training, and that consists of like a three-day
3 workshop, you submit the vignettes to see if your
4 scores match up with your partner's scores. And
5 obviously I've been doing this a long time, so I got
6 retrained a second time because, you know, the first
7 time there's a lot of information, and you want to make
8 sure that you get it all.

9 Q And Dr. Swan, finally, is this test consistent
10 with a method that's recognized by recognized
11 scientific laws and procedures in your field?

12 A It is. As I said, there are norms and
13 standardization, and there are percentile ranks. And
14 it's well known as a psychological test.

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

16 THE COURT: All right.

17 MR. FALK: Just briefly.

18 THE COURT: Follow up, go ahead.

19 BY MR. FALK:

20 Q The first time you got tested was in '99, and then
21 you got retested in 2002; is that correct?

22 A That's correct.

23 Q So you haven't been retested or recertified in 15
24 years; is that correct?

25 A I have not. But I have --

1 Q When was the last time you submitted vignettes to
2 the Hare organization and they evaluated their
3 accuracy?

4 A That would be 2002. They don't -- I don't think
5 they do that anymore.

6 Q So there's no way -- so are you saying at this
7 time there is no way to independently evaluate the
8 accuracy of the field evaluators like yourself?

9 A Well, we have a scoring manual that has check-off
10 points that we check off to score it.

11 Q To score the test. But how do we know you're
12 right?

13 A Well, if you have been trained, most people have
14 training once in their life. I've had it twice, just
15 because I wanted to make sure that I was doing it
16 correctly. And I scored within the standard error of
17 measurement along with my partner, and that's all that
18 they require. If you follow the manual, it's just like
19 following the diagnostic and statistical manual, you
20 have to follow the rules to make sure that you're
21 right.

22 Q But there is a certain amount of subjectivity in
23 these tests?

24 A Well, there is, because --

25 Q And so somebody's point of view drifts over a

1 period of time, over 15 years, that can't be reflected;
2 can it?

3 A Well, I don't think so. Because like you're asked
4 to ignore -- to evaluate whether they have like -- if
5 they haven't been responsible, if they are cold and
6 callous, and they give you the characteristics of those
7 items. So if you follow the rules, you're going to be
8 relatively accurate.

9 MR. FALK: Argument, Your Honor?

10 THE COURT: Yes.

11 MR. FALK: It would be my position that when Dr.
12 Swan is performing this Hare test, I mean, she's
13 acknowledged that there's quite a bit of subjectivity
14 to it. And this would in effect be -- I believe it's
15 very similar to going in on a DUI case and having the
16 breathalyzer who is giving the testimony here that has
17 never been recertified in the last 15 years.

18 How do we know that this breathalyzer is still
19 accurate, how do we know that her opinions on these
20 subjective scores have not drifted? She's already said
21 that you can have a standard deviation of three points
22 on this, that could be a 25 or a 27. I guess it could
23 be a 28.

24 I have a very significant problem that I don't
25 think she has the competency, and I don't think there's

1 proof that it is reliable enough for her to start
2 giving specifics about scores on this test and
3 percentiles. She's already said that this percentile
4 could be as low as a 25. So we should be at least
5 talking about a range of people here.

6 And, again, this is not like getting an X-ray,
7 this is -- she's the breathalyzer, and it hasn't been
8 recertified in 15 years. I think there's got to be
9 some proof as to reliability of this examination. I
10 think that we're going to talk about the Static-99
11 next. I believe that's significantly different because
12 those are questions that you could almost fill out the
13 test. But this is a lot of subjectivity on a machine
14 that hasn't been recertified in 15 years.

15 THE COURT: Thank you. Yes, sir.

16 MR. MORROW: Your Honor, looking at the
17 admissibility of this kind of evidence under State
18 verse Council, the issue is, will the evidence assist
19 the trier of fact, is the expert witness qualified and
20 is the underlying science reliable.

21 The evidence would assist the trier of fact
22 because it provides information to them about Dr.
23 Swan's ultimate opinion. Dr. Swan has been qualified
24 as an expert in her field of forensic psychology. The
25 last question, is the underlying science reliable?

1 Looking at the Jones standard, which was State versus
2 Jones, 273 SC 723, at 59, that's S.E. 2d 120, 1979.

3 Has the technique been published and received peer
4 review? Dr. Swan has testified that it has been
5 published and has received peer review. She's
6 testifying about the extent of that peer review. Has
7 it been priorly applied to the evidence in cases like
8 this? And Dr. Swan has testified that it has.

9 Are there quality control methods used to insure
10 reliability? Dr. Swan testified as to the quality
11 control methods that are present, about a 150-page
12 manual and the two trainings that she received.

13 And finally, the consistency of the method with
14 recognized science law, the scientific laws and
15 procedures, Dr. Swan has discussed that at length as
16 well. I think this -- I think we can discuss this is
17 part of the basis for her opinion.

18 THE COURT: Coming back to you.

19 MR. FALK: Well, she's also shown peer review that
20 there is a reason to question the Hare test when it's
21 done by field evaluators. So, I mean, there's peer
22 review that she's acknowledged from a source that she
23 accepts saying that there can be problems with the
24 validity of the testing.

25 THE COURT: Right. I think she testified that the

1 psychologists who work for the Defense tend to err on
2 the side of the Defense. They work for the State, they
3 tend to err on the side of the State, as I recall her
4 testimony. And I think you've made excellent points,
5 Mr. Falk, and those all go to the credibility of this
6 witness' opinion, not the admissibility.

7 MR. FALK: Thank you, Your Honor.

8 THE COURT: So I overrule your objection. I am
9 going to allow her to testify about that. But
10 certainly I think you've raised enough of an issue to
11 make a persuasive jury argument there.

12 MR. FALK: Thank you.

13 THE COURT: All right, let's take about a
14 ten-minute recess, and then we'll reconvene.

15 (End of testimony outside the presence of the
16 jury.)

17 (WHEREUPON, a brief recess was taken at
18 11:10 a.m.)

19 THE COURT: All right. Anything else before we
20 bring the jury in?

21 MR. FALK: No, Your Honor.

22 MR. MORROW: No, Your Honor.

23 (WHEREUPON, the jury came into open court at
24 approximately 11:31 a.m.)

25 THE COURT: All right. All members of the jury

1 are present. Mr. Morrow?

2 BY MR. MORROW:

3 Q Dr. Swan, you administered what's known as a Hare
4 Psychopathy Checklist; is that correct?

5 A That is correct.

6 Q And in clinical terms, what is psychopathy?

7 A Psychopathy is a pattern of behavior that affects
8 your interpersonal relationships, it affects your
9 emotional presentation and it affects your lifestyle.
10 And essentially, what it means is that the individual
11 is cold-hearted and callous. They are self-centered,
12 they lack empathy, they lack guilt and they are selfish
13 to a degree that's generally appalling to the rest of
14 us in society.

15 They are deceitful, many of them are pathological
16 liars. And they never seem to get enough excitement.
17 And they don't seem to learn from their mistakes, they
18 keep doing the same thing over and over. About
19 75 percent of people in prison have what we call
20 antisocial personality disorder that I just talked
21 about. And that's a criminal lifestyle.

22 But about 25 percent of those with antisocial
23 personality disorder we also designate as psychopaths.
24 And that's the -- it's like supercharged antisocial
25 personality disorder because they don't seem to have a

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1 conscience, they're cold and callous and they take what
2 they want when they want it. And they don't care who
3 they hurt.

4 Q Now, this Hare Psychopathy Checklist is designed
5 to test an individual -- what is it designed to do?

6 A Okay. It is designed to identify people that
7 have -- that are what we call a prototypical
8 psychopath. Because those who are prototypical
9 psychopaths in the area of sex offenders are more
10 likely to commit sexual crimes. Because, again, they
11 don't care who they hurt, they just do what they want
12 without -- and take what they want without any desire
13 to spare the feelings of others.

14 And when you have a sexual disorder plus prominent
15 psychopathic traits, that increases the risk for
16 another sexual crime.

17 Q Dr. Swan, what if anything did you learn about
18 Mr. Collins when performing this Hare PCL-R test?

19 A When I scored him on this instrument, he scored a
20 25. Now, the instrument goes from one, from two ,
21 basically, two -- well, I guess zero to 40. If you
22 score a 30, that means that you're what we call a
23 prototypical psychopath. That means that you're just
24 really -- you have the whole nine yards. For a score
25 of 25, that's the score that we use in research to

1 determine if someone has psychopathic traits. So those
2 are prominent psychopathic traits, but they don't quite
3 reach the cut-off score. And that's what I found with
4 Mr. Collins, he had a score of 25 which is the
5 prominent psychopathic traits but not quite reaching
6 the prototypical psychopath.

7 Q And what if anything about that did you find
8 significant to your ultimate opinion?

9 A Well, again, those prominent psychopathic traits
10 combined with his sexual disorder, pedophilic disorder,
11 increase the risk that he'll commit another sexual
12 crime.

13 Q Dr. Swan, were there any other diagnoses that you
14 made about Mr. Collins that might impact his risk for
15 sexual re-offense?

16 A Yes. I diagnosed him with alcohol use disorder.
17 And what that means is someone who has a problem with
18 alcohol. Mr. -- when I talked with him, Mr. Collins
19 minimized his alcohol use. But he has been arrested at
20 least four times for DUI. He lost his license, he's
21 been arrested for disorderly conduct. He said he was
22 intoxicated at the time of his crime with the
23 95-year-old woman. So this is a significant problem
24 for him.

25 Q And Dr. Swan, how does his alcohol use disorder

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1 impact his risk of re-offense?

2 A Well, alcohol doesn't make you commit a sexual
3 crime, because you have to have those deviant thoughts
4 in your head. But what happens, it increases the
5 likelihood that you'll act on those deviant thoughts.
6 Alcohol increases the chance that you'll act out in
7 many different ways that are not productive for your
8 life, and committing a sexual crime is just one that
9 might be disinhibited.

10 Q Dr. Swan, when you do these types of evaluations,
11 how you measure a person's risk to re-offend?

12 A We look at what we would call static risk factors
13 and dynamic risk factors. These are risk factors that
14 have been identified in the research as contributing to
15 the risk that a person has to commit another sexual
16 crime.

17 Q And so what are static risk factors?

18 A Static risk factors are risk factors that don't
19 change. Once you have them, they are pretty much there
20 for life. And that would include pedophilic disorder.
21 Because if you've got it as a young man, you'll have it
22 as an old man. The issue is whether you've had
23 treatment that would help you control it or not.

24 The most prominent factor that indicates whether
25 you'll commit another sexual crime is having pedophilic

1 disorder. So the Static-99 assesses whether you have
2 the criminal lifestyle and whether you have the sexual
3 disorder, so to speak, that would increase your risk
4 for a sexual re-offense.

5 Q Dr. Swan, you just mentioned the Static-99, the
6 Static-99R. How -- is that a measure that is used by
7 you guys to measure static risk factors?

8 A It is. The Static-99 is an instrument that was
9 developed based on that research that I mentioned with
10 30,000 sex offenders. And the Static-99R has ten
11 items. And in case you think that it's easy to score
12 ten items, we have a book that's over a hundred pages
13 to teach us how to score those ten items.

14 And this instrument was developed, it's similar to
15 the insurance tables that people use in the insurance
16 industry. For example, we know that young men under
17 the age of 25 are more likely to have an automobile
18 accident. And if they have an accident and then they
19 have another one, they are increased risks, their risk
20 is increased each time they have another accident.

21 And that's the way it is with the Static-99R that
22 we use for sex offenders. If they have a sexual crime,
23 they receive some kind of punishment for it, and then
24 they'll go out and do it again, that means that their
25 risk increases each time.

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1 Q And Dr. Swan, what if anything did the Static-99R
2 reveal about Mr. Collins' risk?

3 A So Mr. -- the Static-99 ranges from minus three to
4 12, and Mr. Collins scored a three. And what that
5 means is that he's in the average risk range. And his
6 percentile rank was 65. And what that means is that
7 50 percent of sex offenders scored below him or were
8 less risk. So out of every hundred sex offenders he
9 carries more risk than 57 of them. And only
10 25.7 percent received a higher score or were more risky
11 than he is.

12 Q Is the Static-99R the type of actuarial assessment
13 used by other experts in your field?

14 A Yes, it is.

15 Q Was it part of the basis of your expert opinion?

16 A Yes, it is.

17 Q Is there anything significant about the Static-99R
18 that you keep in mind when you're performing these
19 actuarial assessments?

20 A Yes. We have to keep in mind that the Static-99
21 is scored based on official court documents. In
22 Mr. Collins' case, he scored a three. And he received
23 one charge or one count for sexually assaulting four
24 victims. Typically you get a charge for each victim,
25 each sexual act. So his score of three is an

1 underestimate. If he had been scored in a typical
2 fashion, he would have received a score of six which
3 would be in the high risk range.

4 The other area that the Static-99 underestimates
5 risk is that the Static-99 tells us whether Mr. Collins
6 has a chance of being arrested or convicted in five
7 years. But what we want to know based on the law is
8 whether he's going to commit another sexual offense in
9 his entire life.

10 Now, most sex offenders sort of stop sex offending
11 by the time they are 60. But with pedophiles it's
12 different, they can offend way into the advanced age
13 groups. The oldest one that I had was 89. So he has
14 many more years that he could commit sexual crimes past
15 that five-year mark. So, again, the Static-99
16 underestimates risk.

17 Q And, Dr. Swan, I just want to go over one point
18 real quick about the Static-99. You said that the
19 Static-99 is a comparison of other sex offenders;
20 correct?

21 A It is. Other sex offenders, not just regular
22 people, it's other sex offenders. So his score of
23 three makes him almost one and a half times more likely
24 than the average sex offender to commit another sexual
25 crime.

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1 Q Dr. Swan, you also mentioned dynamic risk factors.
2 What are dynamic risk factors?

3 A Dynamic risk factors are factors that impact an
4 individual's likelihood to commit another sexual crime.
5 But these are changeable factors, so these are things
6 that we can change. And these are what we target in
7 treatment to work on so that the individual learns how
8 to control his sexual impulses.

9 Q And in your evaluation of Mr. Collins did you find
10 that he had any dynamic risk factors for re-offense?

11 A I did. He demonstrated lifestyle impulsiveness,
12 which is low self-control, irresponsible decisions and
13 limited or unrealistic long-term goals. And we see
14 that in the fact that he continued to use alcohol. He
15 made poor decisions to drink and drive. He made poor
16 decisions to drink and rape a 95-year-old woman. So
17 clearly he has that dynamic risk factor.

18 He also has poor problem solving which means
19 failing to address obvious problems and arriving at
20 ineffective solutions to the problems that you have.
21 And his criminal history demonstrates that as well. He
22 obviously had problems with alcohol, he had problems
23 with children, he failed to get treatment for that in
24 the community, and he continued to get in trouble for
25 that. And that impacts his risk.

1 He also has resistance to rules and supervision.
2 And what that means is that it's a defiant attitude
3 toward authority and breaking laws. And we know that
4 he's been arrested at least 12 times and that despite
5 being told by the Court not to drive under the
6 influence of alcohol, he continued to do that at least
7 four other times.

8 We also have dysfunctional coping. And what that
9 means is the way sex offenders manage negative emotions
10 like anger, anxiety, rejection and humiliation. In
11 Mr. Collins' case, he manages those emotions by
12 breaking the law, which we call externalizing
13 behaviors. And he also manages them in sexual
14 responses because, as he said, he got angry at women
15 because he had to depend on them. And that's resulted
16 in his rape of the 95-year-old woman.

17 Q Are those dynamic risk factors that you just
18 listed, were they significant with regard to your
19 opinion in this matter?

20 A Yes.

21 Q And why is it important to look both at static and
22 dynamic risk factors to re-offend?

23 A Well, you want to know if there are any factors
24 that increase his risk for re-offense or decrease his
25 risk for re-offense. So we look at the dynamic risk

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1 factors. The ones that he had include about half of
2 them. There are another six or so factors that he does
3 not have that do not impact his risk.

4 Q And to be clear, it is your expert opinion that
5 Mr. Collins suffers from a mental abnormality; is that
6 correct?

7 A Yes, he does. He suffers from pedophilic
8 disorder, sexually attracted to females, nonexclusive
9 type. And what that nonexclusive means is that not
10 only is he sexually aroused by children, but he's also
11 sexually aroused to adult partners.

12 Q And, Dr. Swan, it is also your opinion that
13 Mr. Collins suffers from a personality disorder; is
14 that correct?

15 A Yes. He suffers from other specified personality
16 disorder with antisocial features. So he has both
17 pathways to sexual re-offense.

18 Q And Dr. Swan, do you have an opinion as to whether
19 Mr. Collins' pedophilic disorder and his personality
20 disorder cause him areas of difficulty in controlling
21 his behavior?

22 A Yes, I believe it does.

23 Q And do you have an opinion whether Mr. Collins is
24 likely to commit future acts of sexual violence?

25 A Yes, I believe that he is.

1 Q And, Dr. Swan, do you have an opinion as to
2 whether Mr. Collins' pedophilic disorder and other
3 specified personality disorder with antisocial features
4 make him likely to engage in sexual violence if not
5 confined to a secure facility for long-term control,
6 care and treatment?

7 A Yes, I do.

8 Q And do you believe that he needs to be confined
9 for long-term control, care and treatment?

10 A I do.

11 Q Dr. Swan, does Mr. Collins have any kind of
12 supervision after his release that will insure that he
13 will have sex offender treatment?

14 A Not to my knowledge.

15 Q Dr. Swan, do you have an opinion as to whether
16 Mr. Collins meets the criteria to be found a sexually
17 violent predator?

18 A Yes, he does meet that criteria.

19 Q And are all of these opinions based on a
20 reasonable degree of psychological certainty?

21 A Yes, they are.

22 MR. MORROW: Thank you. Please answer any
23 questions that Mr. Falk or the Court may have for you.

24 THE COURT: Mr. Falk, your witness.

25 MR. FALK: One moment, Your Honor. Your Honor, I

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1 misplaced something, I apologize to the Court.

2 THE COURT: All right.

3 CROSS-EXAMINATION

4 BY MR. FALK:

5 Q Apologize for my delay. Dr. Swan, do you --

6 MR. FALK: May I approach the witness?

7 THE COURT: Sure.

8 Q Do you recognize that document?

9 A I do.

10 Q And can you tell me what that is.

11 A This is a list of all of the information provided
12 by the Attorney General's office.

13 Q And is this also a list of the documents that you
14 relied on in completing your report?

15 A That is correct.

16 Q Did you rely on any documents that aren't on this
17 list?

18 A I did. I got some information from you regarding
19 his most recent sex offender treatment.

20 Q Okay. And when did you get that information?

21 A I think it was two days ago.

22 Q All right. So you did not rely on that
23 information in preparing your report; did you?

24 A I did not. I had records from his treatment in
25 1998, but I did not have this additional information.

1 Q Would that not have been important for you to have
2 reviewed the information from his most recent sex
3 offender treatment?

4 A It would. However, it did not impact my opinion
5 once I reviewed it.

6 Q Are you aware -- did you have any conversation
7 with Sylvia Roberts?

8 A I did not. I'd requested information from Sylvia
9 Roberts, but I did not receive it. So obviously you
10 did receive it.

11 Q So do you know many -- you know, how many times
12 over a given -- so he was in sex offender treatment
13 most recently with Sylvia Roberts for about eight
14 months; is that correct?

15 A That is correct.

16 Q How many times a day did they meet?

17 A They meet once a day for one week -- each week.

18 Q Okay. And how much homework did they have in
19 between?

20 A Well, they have assignments each time.

21 Q And what types of topics did they cover?

22 A Well, according to the records, they cover a
23 number of topics, such as thinking errors, they talk
24 about at least one of their crimes. They also have
25 topics such as registration, what to do when they get

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1 out, domestic violence, anger management, things that
2 do not directly prevent a sex offender from committing
3 another sexual crime.

4 Q They talk about relapse prevention; do they not?

5 A They do.

6 Q And they talk about denial?

7 A They do.

8 Q Denying it, their crimes?

9 A Denial.

10 Q And they talk about the offense cycle; is that
11 right?

12 A They do. They talk briefly, but they don't
13 address all of their crimes. They only address one.

14 Q What about --

15 A Usually the most recent once.

16 Q What about relapse prevention, don't they discuss
17 that?

18 A They do.

19 Q Now, you are a psychologist; is that correct?

20 A I am.

21 Q That is, what's the difference between a
22 psychologist and a psychiatrist?

23 A Well, a psychiatrist is a medical doctor, and they
24 just specialize in psychiatric treatment and
25 prescribing medication.

1 Q And so a psychologist can't write prescriptions
2 for medications for treatment; is that correct?

3 A In some states they can. I have just chosen not
4 to take that training or do that. In Florida they can.

5 Q In South Carolina, can they?

6 A No, cannot.

7 Q So the extent of treatment from a psychologist is
8 talking with the people?

9 A Well, yes, usually talking.

10 Q I mean, what else can a psychologist do to treat
11 somebody?

12 A Well, it's therapy, they learn in school. We
13 learn all different types of therapies how to choose
14 which type of therapy applies to that particular
15 individual's problems. We study -- have extensive
16 study on the mind and the brain. One of my
17 concentrations was neuropsych or neuropsychology. And
18 that's a study of the brain and how it impacts medical
19 conditions.

20 Q Excuse me, just as far as treatment?

21 A As far as treatment, yes.

22 Q The only kind of therapy that a psychologist can
23 give to somebody is some type of talk therapy at some
24 level; is that correct?

25 A That is correct.

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1 Q Okay. Now, you spoke with him for four hours; is
2 that correct?

3 A I did.

4 Q And you testified about the Hare PCL-R test; is
5 that correct?

6 A I did.

7 Q And part of your opinion is based on the Hare test
8 that you gave him; is that correct?

9 A Yes. It was one part of the evaluation.

10 Q And so you talked to him for four hours?

11 A Yes.

12 Q Which part of that time was devoted to
13 administering the Hare test and which part was -- and,
14 again, it's H-A-R-E?

15 A Yes.

16 Q And that's somebody's last time; right?

17 A Yes. It was the entire interview because the
18 interview that goes along with the Hare Psychopathy
19 Checklist, talks about childhood issues, talks about
20 all issues across your life span. So I have a 65-page
21 interview, and I have integrated the questions from the
22 Hare Psychopathy Checklist list into my 65-page
23 questionnaire.

24 Q Have you always done that?

25 A Always.

1 Q When do you decide to give somebody the Hare test?

2 A Well, in Florida we give it all, every evaluation.
3 If it's clear to me that someone doesn't have a
4 criminal lifestyle, they have never been arrested
5 before except for their sexual crimes, I might not give
6 it.

7 Q But in South Carolina?

8 A In South Carolina.

9 Q You're paid to do these for the Department of
10 Mental Health in South Carolina; is that correct?

11 A Yes.

12 Q And how much do you get for each one of them?

13 A \$4,000.

14 Q Okay. So you are paid to do this test in South
15 Carolina, this evaluation in South Carolina. Now, when
16 did you decide to administer the Hare test to my
17 client, Mr. Collins?

18 A Well, when I was reading through the materials, it
19 appeared that he had a substantial criminal history.
20 And that would trigger using the Hare Psychopathy
21 Checklist because it's a -- basically a test for
22 someone who has a criminal history and antisocial
23 lifestyle.

24 Q So you decided to use the test before you started
25 to speak with him?

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1 A Yes.

2 Q Okay. Why don't you use it in other cases?

3 A Well, if someone has had one sex offense, and
4 they've never been arrested for any other thing, it's
5 highly unlikely that they would be a psychopath. So I
6 wouldn't give it in South Carolina in that case. We do
7 in Florida, but not necessarily here.

8 Q In cases that I've been involved in when you've
9 been the expert -- been about 15, would that sound
10 about right to you?

11 A Probably.

12 Q Okay. And in all 15 of those cases you've
13 recommended the person for commitment; is that correct?

14 A If you say so. I haven't counted them up. I've
15 done about 26 evaluations, and I think I have
16 recommended 20 for civil commitment.

17 Q Okay. But Mr. Collins is the only one that you
18 used the Hare test on?

19 A Um-hum.

20 Q And why is that?

21 A His criminal history was substantial, and I
22 believe that it merited it.

23 Q So you were sort of predisposed to giving him this
24 test, the Hare test, before you asked him the first
25 question; is that correct?

1 A Well, if I review the criminal history and it
2 looks like he's committed a whole lot of crimes, then
3 that would be an indication that I would use the --

4 Q So you had in your mind that you thought there was
5 a problem before you gave him the test; is that
6 correct?

7 A Well, I didn't think there was a problem, I just
8 wanted to assess if indeed he had any psychopathic
9 traits.

10 Q But the decision to make the assessment you don't
11 do -- you did it in this case because you thought it
12 was justified by his criminal record; is that correct?

13 A That's correct.

14 Q Okay. So before you started asking him any of
15 these questions, you already had in mind that there was
16 an issue; is that correct?

17 A Well, I ask everyone the questions because I've
18 integrated them into my interview. If it's clear on
19 those questions that, you know, he doesn't have the
20 type of responses that would merit scoring the test,
21 then I just don't even score it.

22 Q Oh, so you only put a Hare score down, even though
23 you've administered the test, you only put it down when
24 you think it would favor an opinion of commitment; is
25 that correct?

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1 A No.

2 Q Well, you just said that you only score -- I'm
3 sorry, then, could you repeat your last statement.

4 A Yes, you misinterpreted what I say. I ask
5 everyone the questions. But whether I actually go back
6 and spend the time to score in the test, to go through
7 the 100-page manual to see if they meet criteria and
8 all, I only do if it appears that the individual's
9 criminal lifestyle is such that it may apply.

10 Q Well, you are -- are you an employee of the State?

11 A I have a contract with the Department of Mental
12 Health.

13 Q Okay. The purpose in generating this report that
14 you generated is not to have my client committed; is
15 it?

16 A No.

17 Q It's just to give an opinion whether or not --
18 just in order to express your opinion whether or not he
19 needs commitment; is that correct?

20 A Well, whether he meets the criteria listed in the
21 law as a sexually violent predator.

22 Q Well, I'm curious then, why if on other
23 examinations, why don't you put the Hare score down on
24 other examinations when it could be low? Let's say,
25 you know -- you say you only do the Hare when you think

1 it's going to show up on here; is that correct?

2 A Yes.

3 Q Would it not be helpful for me and other people
4 representing people in these cases to put the Hare
5 scores when they are low in order to show that, well,
6 on this test, he doesn't? You're only putting results
7 down on tests when you think it favors commitment; is
8 that correct?

9 A Well, you can't base commitment strictly on the
10 Hare Psychopathy Checklist.

11 Q That's not my -- yes, Dr. Swan, I appreciate that,
12 but that's not my question. My question, my assertion
13 is you only put the Hare scores down on the test when
14 you think they are going to recommend commitment?

15 A That's not true.

16 Q Have you put -- you said you use the same
17 evaluation for every person?

18 A Yes.

19 Q I have 15 exams here?

20 A Yes.

21 Q I have 14 of them have no Hare score on it at all.
22 That means that you did not put it on that -- you did
23 not put it on this evaluation?

24 A That's correct.

25 Q So if, for example, on James Felder, which you

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1 did?

2 A Yes.

3 Q If he had a low Hare score, that would have been
4 something helpful to people representing Mr. Felder;
5 would it not?

6 A Well, Mr. Felder didn't have a significant
7 criminal history apart from his sex offenses.

8 Q My question is would that not be helpful to show
9 that he had a low Hare score, if I was representing
10 him?

11 A Well, if you were representing him, possibly. But
12 my job is to determine if he meets criteria as a
13 sexually violent predator. So I put the information
14 that will help me either say that he does or does not.

15 Q Okay. You had talked about the coding rules. You
16 said there's a 100-page book on the coding rules?

17 A That's correct.

18 Q Okay. And you performed a Static-99 on
19 Mr. Collins; is that correct?

20 A I did.

21 Q Do you have a copy of that?

22 A I do.

23 Q Can you look at item number six.

24 A Yes.

25 Q In that middle column you have a category that

1 says, data element --

2 A Yes.

3 Q -- correct? What are the significance of those
4 dates?

5 A Those are just dates that he came up for
6 sentencing for one crime or another.

7 Q Okay. And how is that significant for scoring,
8 the dates of sentencing, how is that significant?

9 A The research indicates that individuals who have
10 come before the Court for sentencing on a crime, not
11 necessarily a sexual crime, more than three times are
12 at higher risk for committing a sexual crime.

13 Q Okay. And we're talking about sentencing dates,
14 so you actually have to have --

15 A Sentencing dates.

16 Q -- a sentence; is that correct?

17 A That's correct.

18 Q So in order to give the person that point there --

19 A That's correct.

20 Q -- there have to be four occasions when he's had a
21 sentencing?

22 A That's correct.

23 Q And if he's only had three occasions that there's
24 been a sentencing, he would have gotten a zero there;
25 is that correct?

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1 A No, he would have -- yes, three or less would be a
2 zero.

3 Q Okay. Now, did you have any information about the
4 sentencing on 9/19/03?

5 A Let me see. Yes.

6 Q And is that in your report?

7 A Yes.

8 Q Does it show on page 15 of 25 of your report?

9 A Yes, it does.

10 Q And does it show that three of those charges,
11 counts two and five of that charge were nolle prossed,
12 and three and four were dismissed -- excuse me, one,
13 two, and five were nolle prossed, and three and four
14 were dismissed?

15 A That is correct.

16 Q So that was not a sentencing; is that correct?

17 A Well, it could be a sentencing because --

18 Q Now, can you -- there are coding rules; are there
19 not?

20 A There are.

21 Q Do you want me to get the coding rules and show
22 where it says it's got to be an actual imposition of a
23 sentence? Because it is in the book.

24 A Well --

25 Q Do you need me to show that to you?

1 A No, I don't need you to show that to me.

2 Q Do you acknowledge that in order for it to count
3 under this category, it's got to be a sentencing?

4 A It should, absolutely.

5 Q No, not should. Yes or no? I mean, is it vague
6 or is it cut and dry?

7 A Well, there are like at least ten pages of
8 exceptions to the sentencing code, but I will agree
9 with you that there must be some kind of sentence
10 imposed. It's an appearance in court that is the
11 primary thing.

12 MR. FALK: One moment, Your Honor.

13 THE COURT: All right.

14 Q I'm looking at the coding rules, the Static-99
15 coding rules for 2016. Do you have those?

16 A I don't have them with me.

17 Q If I could show you what I have. And I believe
18 that it's been updated as of November 2016, and that's
19 the older version.

20 A Right.

21 Q And I've copied the pages from the newer version,
22 I just didn't want to copy all 95 pages.

23 A Okay.

24 Q But could you read this section here where it's
25 determining when something is a conviction, the first

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1 highlighted line.

2 A Right. A conviction requires a Court or
3 administrative tribunal using due process resulting in
4 an admission or finding of guilt, a sanction. The
5 threshold is fairly high, arrests and charges without
6 convictions do not count. The finding of guilt should
7 be beyond a reasonable doubt.

8 Q Is there anything in the coding rules that would
9 indicate that a nolle prossed charge, or this nolle
10 prossed charge, and these dismissed charges should have
11 counted as a conviction for scoring number six?

12 A Well, there are exceptions, but in general I'd say
13 no.

14 Q So really, he should have only gotten a zero
15 there; is that not correct?

16 A Well, no, that's not the case. Let me just count
17 these real quick for you. Because I think I may have
18 put the wrong date in there. We've got one on 1/23/81.
19 We've got one on 9/12/86. We've got one on 9/19/03.
20 We've got one on 12/27/02. And then we've got one for
21 that first sexual crime. So that would be five or six
22 I just listed, so...

23 Q Well, I'm sorry, can you go back through those
24 again.

25 A Yes, okay. This is on page 13. We've got

1 1/23/81, he was convicted; okay?

2 Q Yes. Driving under the influence.

3 A Right. He was convicted of other charges, but I
4 don't have a date so I didn't count those. He's got
5 9/12/86, convicted of counts one through three.

6 Q Does it show that there was any type of
7 consequence imposed?

8 A It does not.

9 Q So how do we know that that should be a
10 sentencing?

11 A Well, because if he was convicted, that's a court
12 date.

13 Q Okay.

14 A Okay. Then we've got --

15 Q But don't they exclude minor traffic offenses
16 where people don't get jail time?

17 A I don't believe so. If some sanction was imposed,
18 that counts.

19 Q Well, certainly if you got a speeding ticket, that
20 doesn't count; does it?

21 A Well, yeah. And typically -- typically those
22 don't reflect that -- I don't see those that often in a
23 criminal history.

24 Q Okay.

25 A So we've got 12/27/02, that was count one. And

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1 then we have for the first sexual crime in 1986, that
2 also counts. And that would be whatever date he was
3 convicted for that. Let me see where that is. That
4 would be -- and that would be 12/9/86, so that would be
5 four prior sentencing dates.

6 Q Now, you had said that the concern is that you're
7 not worried about his fear of offending five years out,
8 but you're worried about up until 70, I think is what
9 your testimony is; is that correct?

10 A No. I didn't give an age group. I said
11 pedophiles don't necessarily stop offending at 60 like
12 rapists do. Pedophiles can extend their offending
13 later in life.

14 Q But is it not true that if he is 54 now, then he
15 is -- in six years he'll be 60; is that correct?

16 A That is correct.

17 Q And so then his score would go down two points;
18 would it not?

19 A It would.

20 Q And what risk category would that put him in?

21 A That would -- well, it would still be an average
22 risk because one to three is average risk.

23 Q But still, when we're talking about that, we're
24 not talking about that gentleman's absolute risk to
25 re-offend; are you not?

1 A I am not. Because the actuarials are not a
2 crystal ball, they don't tell us anything about
3 Mr. Collins. What they tell us is that individuals who
4 have characteristics similar to Mr. Collins re-offended
5 at a particular rate. So that's what the actuarials
6 tell us.

7 No one can say for sure that Mr. Collins is the
8 one that's going to re-offend. But based on the
9 probabilities and the research that go behind that
10 instrument, we know that he has similar characteristics
11 to the group that re-offended at a particular rate.

12 Q You were saying whether or not you're comparing --
13 I thought your statement was that it's more likely than
14 the typical sex offender; was that not correct?

15 A It was.

16 Q So it's really a relative risk to another group of
17 people; is that correct?

18 A Well, we have the relative risk and we have the
19 percentile rank. His relative risk is one and a half
20 times more likely than the average sex offender. And
21 his percentile rank is that he is in the
22 sixty-fifth percentile, so he has greater risk than
23 57 percent of sex offenders. So out of every hundred
24 sex offenders, he has greater risk than 57 of them.

25 Q What's the risk that any sex offender is going to

1 recommit?

2 A The risk that any sex offender would recommit
3 would be a score of two on the Static-99. That's the
4 average sex offender.

5 Q Okay. And what's the risk of the average sex
6 offender is going to recommit?

7 A I don't have the percentile ranks for the average,
8 I just --

9 Q So you're making a relative comparison to another
10 group of people?

11 A Yes.

12 Q But you have no information as to that other group
13 of people, how likely they are to re-offend?

14 A Well, I do have that information. I just didn't
15 bring it with me because it didn't apply to
16 Mr. Collins. I can look it up for you.

17 Q Why did it not apply to Mr. Collins?

18 A Because he scored a three, not a two.

19 Q Okay.

20 A And not a one.

21 Q But you're saying it's actually 1.3; isn't it?

22 A It's 1.39.

23 Q Okay. So that's, let's say, 1.4?

24 A Okay.

25 Q 1.4 times more likely than the average sex

1 offender?

2 A That's correct.

3 Q How likely is the average sex offender to
4 re-offend?

5 A Well, his is a score of two.

6 Q Is that a probability?

7 A No. The Static-99 goes from minus three to 12.
8 The average sex offender scores a two.

9 Q Yes. But you're trying to tell this jury why you
10 think it's likely that he is going to re-offend in the
11 future; is that not correct?

12 A That is correct.

13 Q How likely is it that the average sex offender is
14 going to re-offend?

15 A I don't have those scores in front of me.

16 Q And you do not include that in your report; is
17 that correct?

18 A Well, it's not typical to include the average sex
19 offender. In a report you provide the information
20 about the client that you're evaluating.

21 Q But you're trying to make a -- but you're making
22 an opinion how likely it is he's going to re-offend?

23 A That is correct.

24 Q And you're doing it by comparing to it another
25 group of people, and you're not telling us how likely

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1 that group of people are going to be to re-offend.

2 A I can list the scores from minus three all the way
3 to 12 and tell you how likely every single group is to
4 re-offend. But it doesn't matter because Mr. Collins'
5 score is a three.

6 Q Okay. Now, on the MDT, did you review that?
7 Excuse me. Did you review the MDT package, the
8 multi-disciplinary --

9 A I did.

10 Q Okay. And what's your understanding of how the
11 multi-disciplinary committee works here? There's five
12 people on it; is that correct?

13 A That's correct.

14 Q And there's a -- and they make a recommendation.
15 And it's based on that recommendation that this case
16 moves forward through the system; is that correct?

17 A That is correct.

18 Q What significance in Mr. Collins's case did you
19 put on the fact that they voted three to two in favor
20 of pushing the program forward?

21 A Well, I can't place any significance because I
22 don't know the people that are on that committee. I
23 don't know if any of them know anything about sex
24 offenders. So that's just a piece of information that
25 I view, but it really doesn't have any meaning for me.

1 Q It's not worth finding out what those people knew,
2 why they thought -- why two of them didn't think that
3 he was a sex offender?

4 A Well, a lot of states have committees like that.
5 But mostly they're lawyers or, you know, other types of
6 people but not psychologists.

7 Q Now, you have really no knowledge -- Mr. Collins
8 pled guilty in both these cases; is that correct?

9 A He did.

10 Q Okay. So we really have no firsthand account, we
11 have no -- we don't really know what happened because
12 we weren't there, you weren't there when the alleged
13 offenses occurred; is that correct?

14 A That is correct.

15 Q Okay. So you're going -- all that you have at
16 best is statements that the victims said; is that
17 correct?

18 A That is correct.

19 Q And what were the ages of some of the victims?

20 A Two, four, six and nine.

21 Q Okay. Was there even a forensic examination done?
22 I did not see it in my package; did you have access
23 to --

24 A I didn't have the forensic examination.

25 Q Okay. So we just had statements by juveniles?

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1 A That is correct.

2 Q Do you accept the fact that in cases some people
3 will sort of plead guilty in order to sort of cut their
4 risk? If somebody charges, you know -- because as you
5 know, in South Carolina you can be charged with CSC
6 first based on the testimony of the victim; is that
7 correct?

8 A That's correct.

9 Q And CSC first carries a substantial penalty; is
10 that not correct?

11 A That's correct.

12 Q Would it surprise you that learn that some people
13 will accept a plea bargain and plead to a lesser
14 offense?

15 A I know that that happens.

16 Q Do you have any reason to believe that that was
17 not happening in this case?

18 A Well, personally, I can't imagine standing before
19 the judge and swearing an oath, and then saying that
20 you committed the crimes when, in fact, you didn't.

21 Q Are you familiar with what a plea under North
22 Carolina versus Alford is?

23 A It is -- I mean, I am.

24 Q And is it not correct that he pled under Alford to
25 the CSC second?

1 A Yes.

2 Q And can you explain to the jury what your
3 understanding of an Alford plea is.

4 A Yes. For all intents and purposes, it's a guilty
5 plea. But the individual is saying that he's
6 recognizing that there's enough information in the
7 indictment to convict him, and so he's taking a plea
8 but he's not admitting his guilt.

9 Q So that is somebody who is standing up before the
10 judge and not false swearing to anything; is that
11 correct?

12 A Well, for all intents and purposes, it's a guilty
13 plea, yes.

14 Q But there is no -- there was no statement that
15 yes, I did it?

16 A That's correct.

17 Q Did you put any consideration into the fact that
18 Mr. Collins only had one disciplinary infraction while
19 he was in SCDC custody?

20 A Well, obviously I look at that, but mainly what
21 I'm concerned about is if they are getting in sexual
22 trouble in SCDC. And he didn't have any disciplinary
23 infractions for much of anything.

24 Q He had one disciplinary infraction; is that not
25 correct?

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1 A That's correct.

2 Q And that included both times that he was in
3 custody; is that not correct?

4 A Yes. There was no sexual misconduct.

5 Q And there was really no misconduct at all the
6 second time he went to prison; is that not correct?

7 A That's correct.

8 Q That infraction was only for the first time?

9 A That's correct.

10 Q And it was a minor infraction; is that not
11 correct?

12 A That's correct.

13 Q He lost 20 days of good time; is that not correct?

14 A That's correct.

15 Q Does that not show that somebody who is conforming
16 to the rules that they can live in an environment like
17 SCDC where there are lots of rules, and they don't get
18 in trouble?

19 A Well, what it shows is that they do well in a
20 structured environment like prison, but that they don't
21 do very well on the outside where he was arrested 12
22 times.

23 Q He's conforming to the rules; is that not correct?

24 A In a structured facility, yes.

25 Q And you have seen cases where people have 50, 60

1 disciplinary infractions?

2 A That's correct.

3 Q And he's had no -- none of the disciplinary
4 infractions he's had have had a sexual nature to them;
5 is that correct?

6 A That is correct.

7 Q Now, you diagnose him as having pedophilia?

8 A Yes.

9 Q And that is based on actions that took place 31
10 years ago?

11 A That's correct.

12 Q And at that time he was about 22, 23 years old?

13 A That's correct.

14 Q Do you have any evidence that -- of any type of
15 activity on his part where he acted on a pedophilic
16 desire?

17 A He has not been arrested for it.

18 Q And you have -- you uncovered no allegations,
19 there's been no whisper of anything, has there, of
20 pedophilia?

21 A I did not.

22 Q And that was sort of a cluster, though, of events
23 that occurred when he was 23; is that not correct?

24 A That is correct.

25 Q And so it's your position that you never get over

1 pedophilia; is that correct?

2 A That's correct, that's what the research shows.

3 Q But what we're talking about is whether or not
4 there's a likelihood that he would re-offend?

5 A That's correct.

6 Q And there's no evidence that he would re-offend
7 against children; is there?

8 A Well, we can't say that, because he re-offended
9 against children in the past. And the best predictor
10 of future behavior is past behavior.

11 Q How long was he free in the community in between
12 sentences?

13 A Well, not very long.

14 Q About 15 years?

15 A I don't think it was that long. Let me just find
16 my criminal history here. So he was arrested in 1981.

17 Q He was paroled in 1990?

18 A Well, he's been arrested in between all of those.
19 So he was paroled in 1990.

20 Q Okay, let me rephrase my question. He was out in
21 the community for 16 years between his parole from the
22 first offense in 1990 and his re-arrest in 2006; is
23 that correct?

24 A That is correct, except for all the times he got
25 arrested in between.

1 Q Yeah. But none of those arrests are at all sexual
2 in nature; is that not correct?

3 A They are not -- well, they are not sexual in
4 nature, but what they mean is that he was in jail and
5 not out in the community re-offending.

6 Q What was the maximum sentence that he got in the
7 intervening time; what, three months?

8 A Well, the maximum sentence that he got was 15
9 years.

10 Q During that 16-year time.

11 A During the 16 years. Okay, that's one year. I
12 don't have sentences on all of these, so I can't really
13 say. But looks like he was just in and out of jail.

14 Q But if you read the -- but if you read the scoring
15 sheet or if you read the handbook for scoring this
16 Static-99, doesn't it indicate that if you are five
17 years outside without picking up a new sexual offense,
18 that your likelihood to re-offend cuts in half?

19 A Well, it does. But that is if you were in the
20 community able to re-offend. And it doesn't count in
21 between the two crimes because he was arrested for
22 another crime. It's only if you've been arrested,
23 convicted and you're out and you never commit another
24 crime. That's when you cut the risk in half.

25 Q But you looked at the summary sheet from SCDC that

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1 was part of the MDT package; did you not?

2 A I did.

3 Q He served no time in SCDC, South Carolina
4 Department of Corrections, from 1990 to 2006; is that
5 not correct?

6 A Yes. But cutting your time in half only applies
7 if you are out in the community with the opportunity to
8 re-offend. It doesn't count in prison.

9 Q I know. So he was 16 years out in the community,
10 at most he was a couple of months in jail, so --

11 A And then he re-offended. So any time that he had
12 in the community is nullified. That completely makes
13 no difference.

14 Q But doesn't it indicate a likelihood to re-offend
15 as a pedophile?

16 A Not necessarily based on the research.

17 Q Which research are you citing?

18 A All of the research that went into the Static-99R.
19 There's research by Carl Hanson, the guy that developed
20 the Static-99, that said pedophiles can re-offend up to
21 31 years after that initial time. They could still be
22 at risk for engaging children in sexual acts.

23 Q Now, you performed, just sort of on another
24 subject -- but I'm going to go back to the Hare test --
25 you conducted the -- you did the evaluation for the

1 Hare test?

2 A I did.

3 Q And you admit that there's a certain amount of
4 subjectivity in the way you can score some of those
5 responses?

6 A That is correct.

7 Q And you will acknowledge that there are
8 peer-reviewed studies in publications by the American
9 Psychological Association, which you're a member of?

10 A Yes.

11 Q Which indicate that some of the PCL-R's that are
12 conducted in the field, which is what you were doing?

13 A Yes.

14 Q Can't necessarily be compared for reliability to
15 the ones that are conducted in the standardized
16 environment; is that not correct?

17 A Well, that's true. And that's because in the
18 field you don't have any control over whether the
19 evaluator has been properly trained and if they are
20 properly using the handbook. So there could be some
21 variation.

22 Q And you have been -- you got certified or you got
23 some 13 hours of training in 1999; is that correct?

24 A That is correct.

25 Q And you got additional training in 2002?

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1 A That's correct.

2 Q Which training have you had since 2002?

3 A I have not. Because it's only necessary to get
4 one training. I got two because I wanted to make sure
5 that I did it right.

6 Q I'm sorry, you said it's only necessary since --
7 who says it's necessary?

8 A The developers of the Hare Psychopathy Checklist.

9 Q So the issue is whether or not you're being
10 accurate?

11 A That is correct.

12 Q And this is a subjective test; is that not
13 correct?

14 A Well, there's some degree of subjectivity because
15 you have to decide if the individual has some of the
16 characteristics, like a superficial charm, for example.

17 Q What are some of the other ones? Superficial
18 charm, what are some of the other ones?

19 A Well, there's callousness, there is shallow moods,
20 the glib -- the glib charming personality. You also
21 have to assess how many sexual crimes, how many times
22 they have been arrested, how many different types of
23 sexual crimes like --

24 Q And are your answers to that, is it yes or no or
25 is it one, two or three, how are you --

1 A No. Well, the answers, you have a score of zero
2 which means that that item is not present in this
3 individual. Then you have a score of one that says,
4 well, they've got some characteristics, but it's not
5 what you would consider the full exhibition of that
6 characteristic. And then you have two, that they've
7 got it all.

8 Q And so there's a bit of discretion in how you
9 would rate or response --

10 A Yes.

11 Q -- whether or not somebody has a glib personality;
12 is that correct?

13 A That's correct.

14 Q Okay. And that study about the Hare that was
15 published in the American Psychology Association --

16 A Yes.

17 Q -- that indicated that people, field evaluators
18 like yourself, when you were doing these evaluations,
19 sometimes were more -- they tended to give people a
20 higher score on the Hare test than people working for
21 Defense counsel; is that correct?

22 A Not that study that you're mentioning, that was a
23 different study. There is some indication that
24 evaluations for the State and Defense, that the
25 evaluators may have discrepancies in scores, that the

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1 State evaluators tend to score a little higher, and the
2 Defense experts tend to score a little lower.

3 Q But how do we know -- I mean, you're an -- I guess
4 it's similar to a breathalyzer test possibly or any
5 type of -- you're actually like a piece of machinery,
6 you're taking in data, and you're giving a result; is
7 that correct?

8 A That's correct, based on a scoring manual and
9 training.

10 Q And if you're a machine, when was the last time
11 you were recalibrated?

12 A Well, it's not necessary as long as you know the
13 coding rules. Most people that I know have been doing
14 this for 20, 30 years and have never had a retraining.
15 I'm just extra vigilant about that. I don't want to
16 forget anything. And I make sure that I am up on all
17 the research, and I was retrained. But I don't know
18 anyone else that's had two trainings in my field.

19 Q You appreciate that you're making an opinion in
20 this case is going to have a significant consequence
21 for my client; is that not correct?

22 A I do. And my score was that he was not a
23 prototypical psychopath.

24 Q Let's just back way up. You're giving a general
25 opinion here today that he is a sexually violent

1 predator, which means that in your opinion he has a
2 mental defect or a mental disease that makes it likely
3 that he's going to recommit if not confined?

4 A That is correct.

5 Q Okay. Your decision on that is going to have a
6 significant impact on his life going forward; is that
7 not correct?

8 A That is correct.

9 Q Because, what did you say, sex offender treatment
10 needs three to six years?

11 A Three to seven years for good substantial sex
12 offender treatment.

13 Q How can this jury know what your error rate is?

14 A Well, the standard error of measurement for
15 someone who's been appropriately trained is three
16 points. That means I said that he scored a 25.

17 Q I'm not talking about the Hare.

18 A Oh.

19 Q I'm talking about your general opinion that he's a
20 sexually violent predator, how many times have you been
21 wrong?

22 A Well, I don't know, I haven't --

23 Q There's no way to tell; is there?

24 A There's no way, yes.

25 Q There's no check; is there?

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1 A Well, I guess you could figure out how many
2 individuals you had recommended, how many didn't get
3 committed, and then see how many re-offended.

4 Q What we are talking about is how many times you'd
5 give an opinion?

6 A Right.

7 Q 15 times here and certainly the one time today?

8 A Right.

9 Q We don't know if you're accurate or not; do we?

10 A Well, I don't think you do.

11 Q Which is different than another type of doctor; is
12 it not? Because you didn't get...

13 A Well, if you get medicine and it doesn't work,
14 that doesn't mean the doctor did it wrong, though, you
15 know.

16 Q But there's feedback?

17 A Yes.

18 Q There's feedback from the patient.

19 A Yes.

20 Q Or if you look at an X-ray and you say that
21 there's a cardial blockage, some -- you know, and you
22 could be wrong. But another doctor could look at that
23 X ray; is that correct?

24 A That is correct.

25 Q We don't have that here; do we?

1 A Not in the way that you're talking about.

2 Q So there's really no check. I mean, we don't know
3 how accurate you are?

4 A That's correct.

5 Q Now, you had talked about the time that you were
6 sanctioned for using --

7 MR. MORROW: Your Honor, might I have a moment at
8 the bench.

9 THE COURT: Yes.

10 (WHEREUPON, a bench conference was held off the
11 record in the presence of the jury but out of the
12 hearing of the jury.)

13 THE COURT: All right. Ladies and gentlemen, it's
14 a little after 12:30, we're going to go ahead and break
15 for lunch, okay. I saw some of your faces. I can read
16 people.

17 Mr. Foreman, I forgot to tell you, your duty,
18 you're going to be the official spokesperson for the
19 jury here in court. You're also going to preside over
20 deliberations when you get the case and start
21 deliberating. And you'll be the only one who can write
22 on the verdict form. You're not authorized to write on
23 the verdict form until y'all have reached a unanimous
24 verdict. I will explain that to you later on, okay.

25 We'll go do that, we're going to go ahead and

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1 recess for lunch. I want you back in your jury room at
2 2 p.m., I'll give you an hour and a half for lunch.
3 Again, if you want to ride home, I guess, if you live
4 within 15 miles or so, you can do that with the traffic
5 around here. But be back in your jury room at 2 p.m.,
6 okay. You have a good lunch, don't talk about the
7 case. Don't talk to anybody about the case, not even
8 yourselves. All right.

9 (WHEREUPON, the jury exited the courtroom at
10 12:35 p.m.)

11 THE COURT: All right. The jury is gone.
12 Mr. Morrow, you brought up you believe that the Defense
13 has opened the door to allow you to elicit testimony
14 about this independent psychological exam he had?

15 MR. MORROW: Yes, Your Honor. I believe that
16 Mr. Falk asked Dr. Swan if there was any independent
17 way to know if she got the right conclusion or if she
18 got the -- if there was any independent check on her.
19 And I believe I can now address that issue.

20 THE COURT: Okay. So you want to do that by
21 bringing up his independent exam, which I don't even
22 know what that would find, just for the purpose of the
23 record.

24 MR. MORROW: Just wanted to bring up the fact that
25 he got one and the doctor is not here, Your Honor.

1 THE COURT: Okay.

2 MR. FALK: If I can be heard, we're talking about
3 the Jones standards. And, again, I'm making my analogy
4 to the testing equipment is she's an expert, she's
5 providing expert testimony. There is no way to tell
6 whether or not she is being accurate.

7 This is the State's case. And they are putting
8 on, in effect, results from a machine that they can't
9 tell me how accurate the machine is. I think in the
10 context of the factors under Jones as to what we can
11 talk about as far as expert testimony, I should be able
12 to question the person, how do I know if you're being
13 right. And I think those were the questions that I
14 asked.

15 THE COURT: Yeah, I follow you. But I do recall
16 when you questioned about it, you know, how do we -- I
17 forget exactly, I'm sure it's in the transcript
18 somewhere, but I'll think about it over the lunch
19 break. You just want to bring up the fact that he was
20 tested by a doctor of his choice and chose not to
21 present that testimony?

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

23 THE COURT: Okay.

24 MR. FALK: And, of course, I'm going to object.

25 THE COURT: Sure, I'm with you. Let me think

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1 about that, let me digest that while I'm digesting
2 other stuff. Okay. We'll be back at 2 p.m., all
3 right.

4 MR. FALK: But, Your Honor, I mean --

5 THE COURT: Yeah.

6 MR. FALK: -- a criminal case, you can attack the,
7 you know -- somebody puts on fingerprint evidence in a
8 criminal case, Defense counsel certainly can challenge
9 that person without having to put on their own expert.

10 THE COURT: I know, I haven't made my decision.
11 yet.

12 MR. FALK: I'm sorry.

13 THE COURT: Yeah, I want to think about it. I
14 just haven't decided.

15 MR. FALK: All right.

16 THE COURT: I want to talk with my law clerk about
17 it, do a little research on it, and I'll let you know
18 what I'm going to do at two.

19 MR. FALK: Thank you, Your Honor.

20 THE COURT: Yeah. But y'all have a good lunch,
21 we'll be back at 2 p.m. And, ma'am, you're still under
22 oath.

23 THE WITNESS: Yes, sir.

24 THE COURT: You've testified enough, you know,
25 don't talk about your testimony --

1 THE WITNESS: Yes.

2 THE COURT: -- while we break, okay.

3 THE WITNESS: Yes.

4 THE COURT: Y'all have a good break.

5 MR. MORROW: Thank you, Your Honor.

6 (WHEREUPON, a luncheon recess was taken at
7 12:38 p.m.)

8 THE COURT: Gentlemen, on the matter which we left
9 right before we went to lunch, after considering
10 y'all's arguments, I do find that the Defense did
11 slightly open the door for the State to get into the
12 independent psychological exam he may have had.

13 However, I find that any evidence of such would be
14 more prejudicial than prohibitive, so I'm not going to
15 allow the State to explore that.

16 MR. FALK: Thank you, Your Honor.

17 THE COURT: Okay.

18 (WHEREUPON, Defendant's Exhibit No. 1 was marked
19 for identification only.)

20 (WHEREUPON, the jury came into open court at
21 approximately 2:02 p.m.)

22 THE COURT: All right. All the members of the
23 jury are present, I hope you had a good lunch. We'll
24 jump right into this afternoon. Yes, sir, Mr. Falk.

25 BY MR. FALK:

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1 Q Dr. Swan, I started my questioning of you at the
2 beginning about this appendix.

3 A Yes.

4 Q And you'll confirm that that is the appendix that
5 accompanied your report?

6 A That is correct.

7 Q And I had that marked as Defense Exhibit No. 1 --

8 A Yes.

9 Q -- for identification purposes.

10 A Yes.

11 Q And you -- just so we're clear, all of the
12 information that you used in preparing your report
13 shows up on that appendix; is that right?

14 A That is correct.

15 Q Other than, you said, some information that I sent
16 to you recently; is that correct?

17 A That's correct.

18 MR. FALK: And can I approach.

19 THE COURT: Yes.

20 Q I'm going to have that marked as Defense Exhibit
21 No. 2. But if you could just look through there and
22 confirm that that's what I sent you.

23 A Yes, it is.

24 Q And what is that?

25 A These are treatment records for the treatment that

1 he had in SCDC between December 14 of -- I'm sorry,
2 December 4th, 2014 and August of 2015.

3 Q Thank you. All right. Now, you had talked to
4 Mr. Collins, you said, for four hours; is that correct?

5 A Yes.

6 Q And a lot of -- is it fair to say that when you
7 are doing one of these evaluations, you're relying on
8 the person being candid; is that fair?

9 A That's correct.

10 Q Okay.

11 A But I always have to keep in mind that they're not
12 going to be honest with me. Because if you do therapy,
13 you expect that the people are coming because they want
14 help and they are going to be honest with you. But in
15 an evaluation of this kind that could result in a
16 person being civilly committed, they may not always be
17 honest because the consequences for them might not be
18 positive.

19 Q Sure. So, I mean, it would be understandable if
20 somebody is doing some puffing?

21 A That's correct.

22 Q And maybe minimizing their conduct?

23 A That's correct.

24 Q Does it take -- I mean, so do you do any therapy,
25 have you done therapy?

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1 A I have done therapy in the past.

2 Q As part of the therapy, does it take a while to
3 generate some rapport between...

4 A It does.

5 Q So even when you're doing therapy, it takes a
6 while for people to sort of warm up to their --

7 A That's correct.

8 Q Okay. I was kind of going this direction right
9 before lunch. And there was a sanction that you
10 received for use of the relapse prevention tool; is
11 that...

12 A It's just an interview form. There's nothing
13 special about it.

14 Q Okay. And what was the context that it was being
15 used?

16 A Just to get information. This was --

17 Q Was it a pre-commitment evaluation?

18 A No, it was not.

19 Q What was it?

20 A It was an annual review.

21 Q Okay. So that's one for whether or not somebody
22 is ready for release?

23 A Yeah. It's just to see how much the guy knew
24 about what he learned in treatment.

25 Q What were the consequences, was he granted his

1 annual review?

2 A Yes, he had his annual review.

3 Q Was he granted release that year?

4 A No, he was not.

5 Q Now, you were cited for using an improper -- how
6 do you want to characterize it?

7 A You know, let me explain it this way. There was a
8 theory of sex offender treatment called relapse
9 prevention. That is an outdated theory because they
10 found that it doesn't work. So I did not adhere to
11 that theory of when I was assessing the individual.
12 But the interview that went with that type of
13 treatment, you know, what would keep you from
14 committing another sexual crime. Some of the questions
15 were really valuable and so I used some of them. I
16 wasn't using the entire interview forum.

17 Q But you testified before a jury or --

18 A Well, I testified before a jury about the
19 individual. And that was one piece of my evaluation.

20 Q And somebody brought it to somebody else's
21 attention that some certification that it was an
22 improper use of that?

23 A Well, another evaluator, a defense evaluator,
24 filed a complaint. Because we no longer used that
25 relapse model with regard to treatment. What we use

1 now is like the Good Lives Model.

2 Q Um-hum.

3 A And so, because the theory behind it was outdated,
4 he filed a complaint.

5 Q But the guy who was having -- who you testified
6 against?

7 A Right.

8 Q He didn't get another trial; did he?

9 A No. Because it was one piece of an evaluation.
10 It wasn't the entire evaluation. And I actually
11 recommended him for release the next year because he
12 had accomplished enough in treatment to be released.

13 Q Let me kind of sort of wrap this up. Now, let me
14 make sure, you have never testified in South Carolina
15 on behalf of a Respondent; is that correct?

16 A I have not yet. But I have two trials coming up
17 where I've recommended release for someone, and the
18 State is opposing that release.

19 Q But to date, you have not?

20 A To date I have not.

21 Q And you've never been retained by a defense expert
22 in a -- excuse me, you've never been retained as a
23 defense expert?

24 A That's correct. My contract in South Carolina
25 prevents that.

1 Q Okay. And have you spoken with Mr. Collins since
2 August of 2015?

3 A I have not.

4 Q And have you reviewed any other documentation
5 regarding his case other than the notes that I sent you
6 since 2015?

7 A I have not.

8 Q Now, you rendered four diagnoses; is that correct?

9 A Let me look at my report real quick.

10 Q Well, I think you said that there's a pedophilic
11 disorder, there was the other disorder with --

12 A Other specified personality disorder.

13 Q -- with antisocial tendencies; is that correct?

14 A Yes.

15 Q And then there was a cannabis use disorder,
16 alcohol?

17 A Yes.

18 Q I'm just curious, why did they not go on the front
19 page of your report, is that...

20 A I typically only put the diagnoses on the front
21 page that are relevant to the Sexually Violent Predator
22 Act. Like the alcohol and substance abuse disorders, I
23 usually just put those in the diagnostic section.

24 Q So you would not say that he -- that because he
25 has cannabis use disorder that he's likely to commit a

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1 crime?

2 A Absolutely not. /

3 Q Okay. Now, you did not diagnose him -- you did
4 not render a diagnosis that he has antisocial
5 personality disorder?

6 A I did not. He didn't have the evidence of conduct
7 disorder that would have been required for that
8 diagnosis.

9 Q Well, how significant is that to the diagnosis?

10 A Well, antisocial personality disorder is a
11 criminal lifestyle. But the research indicates that
12 even if you don't have the full disorder, even if you
13 only have antisocial traits or antisocial features,
14 it's still one of the two factors propelling that could
15 lead you to re-offense.

16 Q And now, that is classified as a personality
17 disorder?

18 A It is.

19 Q What is it?

20 A In fact, the research says that antisocial
21 personality disorder, antisocial features, any score on
22 the psychopathy checklist, those are all measures of
23 the criminal lifestyle that can lead to someone being
24 at increased risk for sexual re-offense.

25 Q Now, you had talked about psychopathy, but that's

1 not a diagnosis that's found in the DSM-V?

2 A It is not a diagnosis, no.

3 Q So there are no diagnostic criteria that -- let me.
4 back up. When I've looked through here, I've seen some
5 pages, and they have something called diagnostic
6 criteria.

7 A Yes.

8 Q What is that?

9 A Well, those are the requirements, so to speak, in
10 order for you to be able to diagnose that particular
11 disorder.

12 Q And how are they developed, is it -- do all the
13 psychologists get together and decide this is what
14 or --

15 A Psychologists, psychiatrists, all different
16 professions participate in the DSM. It's like it was
17 revised in 2013, it took like maybe five years to
18 revise it. And all of these people do research in the
19 field that is then used to change diagnoses, change
20 criteria for meeting the diagnoses. It's a huge
21 undertaking that takes many years each time it's
22 revised.

23 Q So the diagnostic criteria that is set forth in
24 here, there's almost universal agreement that those are
25 the requirements; is that correct?

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1 A Yes.

2 Q What are the diagnostic criteria for the other
3 personality disorder?

4 A The other specified --

5 Q Are those diagnostic criteria set forth in this
6 book?

7 A Nothing specific. For that particular diagnosis,
8 the other specified personality disorder indicates that
9 it is for situations in which the person doesn't meet
10 the full criteria for the disorder.

11 Q Okay. Now, antisocial personality disorder which
12 Mr. Collins doesn't really reach that level; does he --

13 A He does not reach that level, no.

14 Q I've seen reports that 60, maybe even 80 percent
15 of SCDC population in South Carolina Department of
16 Corrections, the population there may have -- could be
17 diagnosed with antisocial personality?

18 A 75 to 80 percent of individuals in prison could be
19 diagnosed with it. Because it's criminal lifestyle,
20 and if you're a criminal you may end up in prison.

21 Q Now, what is the -- what's the specific
22 correlation with this other personality disorder and
23 his likelihood to re-offend?

24 A Well, the research by Karl Hanson in 2004, and he
25 did a meta analysis, and the meta analysis in 1998 that

1 resulted in the Static-99. Those particular research
2 studies indicated that having antisocial features or a
3 personality disorder with antisocial features, even if
4 it's not the full antisocial personality disorder, is
5 still correlated with increased risk for sexual
6 re-offense and is one of the primary pathways.

7 Q But, now, there is no universal agreement on the
8 diagnostic criteria for that diagnosis; is there?

9 A Well, it's the criteria for antisocial personality
10 disorder minus the conduct disorder prior to the age of
11 15.

12 Q But, I mean...

13 A They don't set it forth in the book, but that's --

14 Q Personality disorders are relatively common in the
15 population as a whole; is that right?

16 A And there are multiple different kinds.

17 Q Because I'm looking at a sentence in the DSM-V on
18 page 646 where it says, national epidemiological
19 survey, blah, blah, blah, 15 percent of US adults have
20 at least one personality disorder?

21 A Absolutely.

22 Q And you think that's accurate?

23 A Um-hum.

24 Q So that's what, one out of six people, somewhere
25 in there?

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1 A That's correct. But not all of them have
2 antisocial personality disorder.

3 Q Now, you had diagnosed him with pedophilia?

4 A Pedophilic disorder.

5 Q Is there a difference?

6 A There is.

7 Q What's the difference?

8 A An individual can have sexual interest in children
9 but never commit a crime against a child. They would
10 be diagnosed with pedophilia, which is sexual interest
11 in children. The pedophilic disorder is for
12 individuals who have either lost their freedom or had
13 some major consequence as a result of the pedophilia,
14 and that would be pedophilic disorder. It has impaired
15 their social, occupational or other functioning.

16 And obviously if you go to prison for a sexual
17 crime against a child, your functioning is impaired
18 because you're not out there in the community.

19 Q But there is no doubt that since 2006 -- no,
20 excuse me, since 1985, when was his sentencing date?

21 A His sentencing date was, let me just find that.

22 Q Yeah, since 1986, that was his sentencing date.

23 A Yeah.

24 Q There has been no evidence, no allegations of him
25 committing any type of pedophilic act; is that correct?

1 A That's correct.

2 Q Okay.

3 A But he's been in prison for about 25 of those
4 years.

5 Q But for 16 of those years, plus or minus, he was
6 not in prison?

7 A Not in prison, that's correct.

8 Q He was paroled in 1990 and then rearrested in
9 2007?

10 A That's correct.

11 Q And certainly the target of the crime in 2006 was
12 significantly different than the victims in 1986?

13 A That's correct.

14 Q So that's not really a sign of a pedophilic
15 attraction?

16 A No, that's not.

17 Q And you had an opportunity, and I'm jumping back
18 and forth, and I apologize, but the report that I gave
19 you is the documents from Department of Corrections
20 that I sent you?

21 A Yes.

22 Q You had a chance to look at all of those?

23 A I did.

24 Q And it's your testimony that that didn't change
25 your opinion any?

1 A It did not. Because the research by Karl Hanson,
2 again, who developed the Static-99, indicated that no
3 short-term treatment, no matter how well it is designed
4 or delivered, is likely to stop sexual re-offending,
5 that only the long-term treatment is really successful
6 at stopping re-offense.

7 MR. FALK: I have no further questions. Thank
8 you.

9 THE COURT: All right. Any redirect, Mr. Morrow?

10 MR. MORROW: Briefly, Your Honor.

11 THE COURT: Okay.

12 REDIRECT EXAMINATION

13 BY MR. MORROW:

14 Q Dr. Swan, Mr. Falk asked you about the
15 documentation from his treatment in SCDC with Sylvia
16 Roberts?

17 A That is correct.

18 Q And in that documentation does it state or did you
19 find anywhere that he continued to voice cognitive
20 distortion?

21 A Absolutely. He still continued to minimize what
22 happened in this crime and to blame the victims.

23 Q And, in fact, that was at the end of his SCDC
24 treatment?

25 A That is correct. And when I evaluated him after

1 that treatment, he was still doing the same thing which
2 seems to indicate that he did not benefit from
3 treatment.

4 Q Dr. Swan, do people still go to prison if they
5 plead guilty in an Alford plea?

6 A Absolutely.

7 Q Are they considered guilty?

8 A Absolutely.

9 Q Does it remain on his criminal history?

10 A Yes, it does.

11 Q Is there any kind of asterisk or anything put on
12 it to indicate that he did an Alford plea other than...

13 A No. They are still guilty and they still go to
14 prison.

15 Q Were both of his pleas an Alford plea, or was only
16 one of them?

17 A I believe both of them were.

18 Q Dr. Swan, you last interviewed him in 2015, it's
19 2017 now. This case was twice scheduled for trial or
20 you weren't available for two of those dates; what
21 happened?

22 A I fell and fractured my pelvis. And so the trials
23 had to be continued. So it took a lot longer to get
24 this one to trial than normal.

25 MR. MORROW: Thank you. No further questions,

1 Your Honor.

2 THE COURT: Any redirect based upon cross -- I
3 mean, recross based upon redirect?

4 MR. FALK: No redirect, Your Honor.

5 THE COURT: Thank you, ma'am. You may step down.

6 (Witness excused.)

7 THE COURT: Okay. The State may call its next
8 witness.

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

11 THE COURT: All right. Ladies and gentlemen of
12 the jury, let's take a brief comfort recess and get you
13 back out here in about seven minutes. Don't talk about
14 the case.

15 (WHEREUPON, the jury exited the courtroom at
16 2:21 p.m.)

17 MR. FALK: We would move for a directed verdict.
18 I have three grounds that I would like to discuss.

19 THE COURT: Yes, sir.

20 MR. FALK: First of all, I would like to call the
21 Court's attention to the South Carolina decision in
22 Taft, In the Matter and Treatment of Taft, which is 774
23 S.E. 2d 462. The South Carolina cite is 413 SC 16.
24 It's a 2015 decision. And why I think this case is
25 important is because it recognizes that the State

1 needed to prove that he currently is a sexually violent
2 predator. And the issue is not whether he was a
3 sexually violent predator in 2015, but whether today on
4 whatever date this is, October 3rd, 2017, he's a
5 sexually violent predator. If you read the fact
6 pattern in Taft, the State tried to use an opinion by
7 an expert which was two years old.

8 And the Court and State, certainly my
9 interpretation of the decision is they said that that
10 opinion was stale and that it was not prohibitive of
11 whether or not he currently is a sexually violent
12 predator. It's a two-year old opinion, it's not a
13 current opinion.

14 Now, I understand that this case started years
15 ago, and for various reasons it got restarted.
16 However, she pretty much testified that she did nothing
17 to update her conclusions, she didn't talk to him, she
18 didn't review any documents other than documents that
19 I've supplied to her. And it's a two-year-old
20 diagnosis, I feel.

21 THE COURT: Okay. Mr. Morrow, what's the State's
22 response to that first ground?

23 MR. MORROW: Your Honor, in this case the State --
24 was not the State's fault that the case was continued,
25 the State's expert witness fractured her pelvis. And

1 the opinion, there has been nothing intervening in the
2 previous two years that would have changed
3 Mr. Collins', no therapy or anything that he's
4 received, no -- nothing of that nature. Dr. Swan
5 testified as to his Static-99 score, which would be the
6 same. I believe that, Your Honor, the opinion remains
7 valid.

8 THE COURT: You have the case, I thought I had it
9 in my packet up here. Have you reviewed this case, Mr.
10 Morrow?

11 MR. MORROW: I have not.

12 MR. FALK: Mine is highlighted, but --

13 THE COURT: Okay. Any argument in this case
14 distinguishable or anything from the State?

15 MR. MORROW: Your Honor, again, I would say it's
16 distinguishable because, again, Taft was dealing with a
17 different situation. This case, the inability of the
18 expert had to do with medical reasons. The expert has
19 looked at -- there has been nothing intervening since
20 the -- since this opinion was rendered that would have
21 changed her opinion, and I believe she testified.

22 MR. FALK: But that's not her testimony.

23 THE COURT: All right, go ahead.

24 MR. FALK: You know, it's not for Mr. Morrow at
25 this time to add to the testimony of the expert. She

1 did not opine that nothing in the last two years would
2 have changed my opinion. And I don't think why we got
3 here, I don't think the fact pattern that's set up in
4 Taft, there was no allegation that anybody was at fault
5 for doing anything wrong in Taft.

6 I mean, at the end of the day they had a -- they
7 went forward on a jury trial with a two-year-old
8 opinion, and that's what we've done here today. I'm
9 not saying that a full -- I mean, but she didn't even
10 testify, yeah, I talked to him on the phone, I, you
11 know, updated anything.

12 THE COURT: Give me just a second. All right, the
13 Court denies your directed verdict motion based upon
14 that issue. Having read Taft, I find the case is
15 distinguishable from the case at bar. All right.

16 MR. FALK: I want to make two more grounds.

17 THE COURT: Yes, sir.

18 MR. FALK: There is currently a case before the
19 Supreme Court, I believe, in South Carolina, and so I
20 don't think this issue has been determined in the State
21 of South Carolina, whether or not a diagnosis of
22 antisocial personality disorder can support a
23 conviction or a finding that somebody is a sexually
24 violent predator.

25 We would cite a New York decision in State versus

1 Donald D.D. And I can give you a copy of that cite
2 which it says -- and granted they are talking about New
3 York law, but they're still saying that a diagnosis of
4 antisocial personality disorder does not show a
5 sufficient nexus between a mental disease and a
6 likelihood to commit a crime of sexual violence in the
7 future.

8 THE COURT: Okay. Well --

9 MR. FALK: We're talking about a diagnosis which
10 affects 60 to 80 percent of the population in SCDC.

11 THE COURT: Sure. And I recall her testimony on
12 that. But then she also testified that in her opinion
13 he was a pedophile and it was a risk -- what I'm
14 getting at is I understand what you're saying as far as
15 the antisocial personality disorder. But isn't there
16 evidence in the record which would support going to the
17 jury on the other issues?

18 MR. FALK: Well, and that's what I want to address
19 is that -- I mean, on the pedophilia, granted there is
20 pedophilic conduct that he pled guilty to. When you've
21 got a cluster of events that occurred 31 years ago, and
22 there has been no evidence of any type of -- acting out
23 on any type of pedophilic urges in 31 years, and
24 considering his age at the time, 22, 23 years old,
25 saying that that is how a 52-year-old man is going to

1 still act, a 54-year-old man. I just think that I can
2 appreciate that that was her testimony, but it seems to
3 be rather strange to try and say that still would
4 justify him going to the sexually violent predators
5 program based on evidence that's 31 years old with no
6 other type of conduct that would reinforce that
7 opinion.

8 THE COURT: All right. Mr. Morrow?

9 MR. MORROW: Your Honor, I believe that the ruling
10 on motion for directed verdict, this Court's concerned
11 with the existence of evidence and not its weight. Dr.
12 Swan testified that he suffered from both pedophilic
13 disorder and antisocial -- or other specified
14 personality disorder with antisocial features. She
15 talked about how the combined nature of both of those
16 two diagnoses increased his risk to re-offend. And she
17 also talked about how those two related to one another.

18 I think there exists evidence that he does suffer
19 from a mental abnormality or personal disorder in the
20 record. And what Mr. Falk's arguing about goes to the
21 weight of the evidence, and he's certainly free to
22 argue that to the jury.

23 THE COURT: All right. Your motion is denied on
24 that ground. Any other grounds?

25 MR. FALK: No, Your Honor.

1 THE COURT: And you talked about your third ground
2 on that one. Directed verdict motion denied on that as
3 well. All right. Anything else before we bring the
4 jury back?

5 MR. FALK: No, Your Honor.

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

7 THE COURT: And you want to call your witness out
8 of order?

9 MR. FALK: Well, I mean, I'm just -- she's next.

10 THE COURT: You ready? All right, we'll get you
11 up here in a second. I just want to make sure you knew
12 and you were ready. All right, let's bring the jury
13 in.

14 (WHEREUPON, the jury came into open court at
15 approximately 2:33 p.m.)

16 THE COURT: All right. All members of the jury
17 are present. The State has rested, we'll now proceed
18 with the Respondent's case. Mr. Falk.

19 MR. FALK: We would call Sylvia Roberts to the
20 stand.

21 THE COURT: All right, ma'am.

22 SYLVIA ROBERTS, after being duly sworn, testified
23 as follows:

24 THE CLERK: Have a seat, ma'am. State your name
25 for the Court, please, ma'am, and spell your first and

1 last name.

2 THE WITNESS: My name is Sylvia Roberts.

3 S-Y-L-V-I-A, R-O-B-E-R-T-S.

4 DIRECT EXAMINATION

5 BY MR. FALK:

6 Q Ms. Roberts, where are you currently employed?

7 A With the South Carolina Department of Corrections.

8 Q What are your responsibilities?

9 A Currently I'm the sex offender treatment
10 coordinator for the State of Corrections.

11 Q And what does -- so what does -- what do you do?

12 A What I do daily, that I evaluate sex offenders
13 that are convicted, that are within the department. I
14 do programming. We do therapy, sexual therapy within
15 the department. And then we do discharge and relapse
16 prevention planning.

17 Q Now, so this is -- these people are currently
18 serving a sentence, Department of Corrections sentence;
19 is that correct?

20 A Yes.

21 Q So this is not sex offender -- this is not
22 sexually violent predator treatment program, that's a
23 separate entity; is it not?

24 A Yes.

25 Q So this is for people who have been charged with a

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1 sexually violent crime and are currently serving time
2 anywhere in the SCDC system?

3 A Yes.

4 Q And those people then are able to transfer --
5 because you do yours at Broad River?

6 A I do mines at Broad River. But I am responsible
7 for 2,146 inmates currently today within the Department
8 of Corrections.

9 Q Okay. And I'm just saying, so if somebody wants
10 to get into the program, they have to come to Broad
11 River?

12 A They will have to come to Broad River. But we
13 will have to do an interview process in which we will
14 start questioning the inmate to see whether they are
15 ready for treatment. Because the inmate states that
16 they are ready for treatment, many sex offenders are
17 not ready or they deem to use our treatment as a way of
18 avoiding other services within the system.

19 Q I see. Now, if somebody is -- so sort of tell me,
20 is everybody who was going through sex offender
21 treatment, are they segregated at Broad River?

22 A No, sir. They are integrated within the
23 population of Broad River. We do not segregate because
24 they end up becoming abused by other inmates if they
25 found out about their sexual crimes.

1 Q I see. And so if somebody has been admitted to
2 the program --

3 A Um-hum.

4 Q -- why don't you tell me what the instruction is
5 like, what do y'all do?

6 A Well, the first thing that we do, the program is a
7 structured program, it's a year program in which when
8 they come in, we acclimate them to the community of
9 other sex offenders. Because many sex offenders, when
10 they are within the department, they hide behind other
11 crimes saying, for example, that they dealt drugs and
12 stuff. So we deal with those distortions.

13 So we deal with psychoeducation, and that's the
14 most critical part. And that can last from four to
15 five months within itself before we can go into the
16 assault cycle, which is cognitive therapy, which is
17 we're dealing with the thinking patterns. And when we
18 deal with that, that is another six months. So the
19 program can end up -- and relapse prevention is three,
20 so it really goes over a year program.

21 Q I see.

22 A And sometimes when -- in your client's case, he
23 maxed out before he can complete the full program.

24 Q Okay. So some people come to the program sort of
25 like, well, I was drunk at the time that I committed a

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1 crime?

2 A You can get some of those denials. But those are
3 systems of denial. We talk about substance abuse
4 issues. We bring in more experts at this time at the
5 Department of Corrections to deal with those expertise
6 and substance abuse, anger management. I deal mainly
7 with individual therapy. It is customary that I meet
8 with that client once a week within their therapeutic
9 patterns.

10 I can interface with an inmate well over 300 hours
11 within the year. So that that would not only give me
12 the opportunity to study them, that we have an
13 opportunity to build rapport and respect. And
14 sometimes when it comes down to the victimization and
15 learning about victim empathy, many of them are open to
16 other group members. They talk about their victims.

17 Q So after four hours -- I mean, it takes a while to
18 develop some rapport where people will start being
19 honest with themselves?

20 A Yes.

21 Q What happens if somebody doesn't participate in
22 the groups; are they asked to leave?

23 A It is a voluntary program, and they will be
24 discharged from the program. Because they will affect
25 the other inmates, or they will change the way the

1 group think is going and where other inmates will shut
2 down. There have been instances in which I had to
3 discharge inmates back to their own population.

4 Q So how many people do you think have gone through
5 the program while you've been responsible for it?

6 A I am up to 220 that went up through the program.
7 My return rate is seven, and two have been admitted to
8 DMH.

9 Q So you're saying out of the 280 that have been
10 through your program, seven have recommitted?

11 A Have recommitted crimes, sexual crimes.

12 Q And of that, two of those seven, two of them were
13 sent to the Department of Mental Health?

14 A Yes.

15 Q Is that the sex offender program, or is that the
16 craft service or what craft row has?

17 A They went to the sex offenders services.

18 Q Okay. Can we talk just a little bit, I don't want
19 to drag on too long, but relapse prevention, how long
20 would y'all talk about that? I mean, is that one of
21 the topics that you did during your -- is that one of
22 the topics that you cover as part of the SOTP program?

23 A Yes, sir. That is the most critical part.

24 Relapse prevention only does not start with me. I just
25 open it up in the beginning in the Department of

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1 Corrections. And we talk about being safe, being --
2 safe catchment, going to therapy, understanding, taking
3 responsibility for their crimes. Also, we have paired
4 with the South Carolina Department of Probation, Parole
5 and Pardon, because many of the inmates who do max out
6 from the Department of Corrections have already been in
7 community supervision in which these services remain in
8 place with them for the next two to three years while
9 they are in the community.

10 Q And I was looking through the notes. And when
11 y'all were talking about relapse prevention, they were
12 talking about Guardrails; what is Guardrails?

13 A Guardrails was a group that came in from the
14 chaplain's office, it's another way of staying safe,
15 understanding their victimization, understanding their
16 triggers, what goes on with them in the community, how
17 to stay out of things. So those was one of my experts
18 that came in to teach the group. And I had various
19 people come in and do training.

20 Q So when the group would meet, how many hours a
21 week would they meet?

22 A We meet four hours -- no, excuse me. Let me
23 correct that. From Monday through Thursday, we meet
24 two hours a day. That's eight day -- that's eight
25 hours a week. A week time 32 so we are well into

1 hundreds now.

2 Q Okay.

3 A So they are not -- the sex offender treatment is a
4 part of their day within the Department of Corrections.
5 So they with us two hours, then they are mandated to
6 take other classes within the Department of
7 Corrections. It is not going back to their cell. They
8 have to go to chaplain services, if it's alcohol abuse
9 or if it's other thinking processes that we offer, they
10 are supposed to be attending those groups.

11 Q Anger management, is that something that's part of
12 your treatment, or something that --

13 A That is offered to the inmates. And then they can
14 get other treatments outside of SOTP.

15 Q Conflict resolution, what does -- what are you
16 talking about on that as one of your topics?

17 A Well, conflict resolution is mainly with inmates
18 trying to talk to others, trying to negotiate other
19 outside social agencies, how to handle themselves.
20 Like many of them come to us with not that kind of
21 problem solving skill. And that's what it's all
22 leading to, more of CBT training, that's cognitive
23 behavior therapy, in which we -- they don't understand
24 the social fabric within the communities in which they
25 could negotiate. And a lot of people cannot do that

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1 very well, you know.

2 Q Make them aware of resources?

3 A Make them -- yes.

4 Q Jump Start, is that one of the resources?

5 A Jump Start is a program and it is offered with
6 inside the Department of Correction, but it's offered
7 through the chaplain's office. And the inmates are
8 welcome to attend, as I stated, all programming.

9 Q And so one of your modules you talking about
10 cognitive distortions?

11 A Yes. That is the most heaviest ones of them all.
12 Because many sex offenders does come with a distortion
13 pattern that they have relied upon that they use as
14 their coping mechanisms, especially when they cannot
15 have healthy relationships, that they go and say that
16 they have a healthy relationship, but it has not been
17 healthy, or they have not been within a healthy
18 relationship.

19 Q Okay. And y'all also talk about there are
20 triggers?

21 A We talk about triggers. We talk about triggers.
22 Because the psychoeducation, we look at history, family
23 background, dynamics that played into their roles of
24 not having healthy relationships, alcoholism. Then we
25 talk about assault cycles on how did the assault

1 happen. Many of the inmates that I have interfaced
2 with, substance abuse was always a problem within that
3 community whereas it's drugs, alcohol or any other mind
4 changing substance that has always been a problem
5 within the sex offense community.

6 So we talk about all of these cycles. We talk
7 about how do they come to offend, and then we come to a
8 peace when it is their assault cycle, they talk about
9 their victims. And they are not forced or accosted to
10 talk about the victim. It is because of the therapies
11 that they do receive that they start talking about the
12 victims to where they are taking responsibility for
13 their actions within that assault at that particular
14 time.

15 Q And so we're talking about the people in the
16 program are talking specifically about their victims?

17 A Yes.

18 Q And they aren't sharing that with other people in
19 the -- they're not just talking to you; right, they are
20 also talking to the group?

21 A Yes.

22 Q And they get feedback from the group?

23 A Yes.

24 Q They are accountable to the group?

25 A Yes.

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1 Q If -- can the group tell when somebody's lying?

2 A Yes. And they do. And they have been held
3 responsible. And in many cases within the group
4 dynamics, we have found out about other abuses. They
5 had been abused themselves when they was younger, and
6 that is just because of the strengthening of the group.

7 Q If somebody comes into the program and says, I
8 really don't have a problem, I was just drunk one
9 night, the group will hold them accountable to that
10 statement?

11 A The group will. But we would not go into that
12 level of discussion until the group is cohesive. And
13 usually those group members will usually drop out
14 within the first two to three weeks after doing the
15 group therapy. Because we just don't just sit down and
16 we're going to talk about victimization, because if we
17 didn't build a rapport or the foundation in the first
18 couple of months, it will be hard for the group to move
19 on. And then the group is sharing to a distortion
20 themselves.

21 Q So is a person's participation in the group, does
22 that help them with their therapy?

23 A It does. And --

24 Q Does that contribute to other people's therapy?

25 A Yes, it does. And many of them meet with me on an

1 individual basis as well. And it assists them to talk
2 about it making it easier and them accepting that they
3 do have the title of a sex offender.

4 Q But they can also contribute to other people's
5 therapy?

6 A Yes.

7 Q By participating in the group?

8 A By participating in the group. Most of them build
9 relationships, friendships, they talk with one another.
10 And many of them understand that within this group
11 therapy module that there is some level of support,
12 because there is no support at this time for sex
13 offenders. So they look at it as a support for one
14 another.

15 Q I'm asking you what may be seeming like random
16 questions. I'm just talking about a phrase that I saw
17 and you wrote in your notes. And let me just approach
18 for a second. And I'm going to eventually mark that as
19 my Exhibit No. 2. Does that look like your notes?

20 A Yes, these are my notes.

21 Q Okay. And so, do you have a document similar to
22 that up there with you?

23 A I only have one or two of the documents, but this
24 is my complete notes.

25 Q Okay, thank you. So when they would meet after a

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1 group meeting, would you evaluate their participation
2 in the group?

3 A Yes.

4 Q And so what was the purpose of keeping your notes?

5 A The purpose of keeping my notes was for
6 documentations and court purposes. Because my notes
7 can be called into court at any time.

8 Q Okay.

9 A So it's a mainstream for documentation and the
10 measurement of improvement of their group skills.

11 Q So you were trying to -- so one of the reasons why
12 you're rating them -- because on a particular day, and
13 I'm looking, I don't know if you have this one with
14 you, and I'll certainly show you this. I just randomly
15 picked up a note that you left on, its on page 19 of
16 the document I have.

17 And you're talking about a mental health clinic
18 that met on April 1st, 2015. And it said, the lesson
19 is unhealthy and unhealthy relationships. So that
20 would be typical that you would want to memorialize or
21 reflect what y'all were talking about that day.

22 And then, there is a statement that says, the
23 effect is bright, he actively participated in the group
24 discussion. So what would that mean?

25 A That means that he was active, he was smiling,

1 there was no symptoms of depression at that time, that
2 he was open, that he was interfacing with group
3 members. There was no negative overtone within his
4 affect during that day. So that's why I wrote that
5 within his report.

6 Q If he was being disruptive or being negative,
7 would you also reflect that?

8 A I would reflect it in the assessment piece. And
9 if any inmate becomes disruptive or disrespectful to
10 the groups or talk inappropriate or talk about actual
11 sexual acts or they are going to commit, that all goes
12 in the notes. And also I have a duty to warn.

13 Q Oh, okay. But let's just say if it was even to
14 the extent of not participating, just sitting in the
15 corner, would you reflect that in the notes also?

16 A Yes.

17 Q Okay. How did he do?

18 A Overall, he did well. Looking at my last report,
19 I don't have her notes on the last day of the group. I
20 had to say the day before I put the notes in as my
21 group reflection that his affect was normal, he was
22 participating in the discussions, he shared his
23 feedback to the groups, and sometimes he held the
24 groups responsible for their actions and reactions.

25 He was -- he was receptive, he received a

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1 certificate. Sometimes he showed stress when he talked
2 about his crimes. He had some victim empathy there.
3 Some -- that he did take -- and it took a lot for him
4 become responsible. I had to push him to the point in
5 the group sessions and individuals to where that he
6 understood that he was wrong.

7 He continued to voice cognitive distortion about
8 women in which he feels that he's always wanted by
9 women. And that's something that he knew that he would
10 have to get individual therapy if he left the
11 Department of Corrections and went to outside care. He
12 was receptive of getting community services that would
13 have been connected. And let's remember, this was in
14 2015, this report.

15 And the Department of Parole, Probation and Pardon
16 was sending them to therapists, and they had to go to
17 group therapy if they left the Department of
18 Corrections. So our relationship was earlier in this
19 piece, which I was under the impression he was going
20 that way.

21 He was trying to understand his distortion. He
22 was trying to understand why he has these distortions.
23 And, again, and he was very receptive towards the group
24 work. In my opinion, at that point that he had a low
25 rate of recidivism because of his openness to the

1 group, his work in the group, coming to group. He was
2 going to other groups to address it, and he was open to
3 going to therapy once he left the Department of
4 Corrections as well as going to sex offender group
5 therapy within the community to have those supportive
6 programs out there. But that was in 2015 before I
7 found out he was here.

8 Q So certainly you were with him for, you said,
9 before you can maybe spend 300 hours with somebody?

10 A Um-hum.

11 Q Do you think you spent about that much time with
12 Mr. Collins?

13 A Oh, yeah, I spent that much time. Even in
14 individual he sought me out when he wanted to talk
15 about his crimes and stress and stress levels he was
16 feeling. And at times, in one session he called him,
17 you know, undesirable, you know, that he should have
18 changed. He understood he had problems with alcohol,
19 and he knows that he would have to go to supportive
20 programming, like AA meetings, for example, on top of
21 sex offender groups, on top of therapy.

22 But he was -- and this is just two years ago -- he
23 was receptive of doing that. I have not interfaced
24 with him since this report.

25 Q Sure, sure. And I might be backtracking. Did

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1 they have, looked like something they got -- did they
2 take tests?

3 A Yes. They take -- what I do that is for
4 measurements on the material they were receiving, how
5 did they -- how was the material receptive. We're
6 using the Beck Model that is used throughout the
7 country for -- right now for inmates who have sexual
8 charges. It is an acceptable model, it's a three-layer
9 model that all corrections are using. I'm using the
10 New York -- New York, Florida, and I'm using the North
11 Carolina model. And that's what we use is those three
12 models. It's sexual education, attack and relapse
13 prevention, and we have other experts coming in to help
14 us with that model.

15 Q And do they have homework sometimes, do they have
16 to come in and like prepare? I saw some notes about an
17 I story; what does that mean?

18 A The I story is mainly -- that's the beginning when
19 they start talking about themselves. The sex
20 offenders, when they come into groups, they don't talk
21 only -- they talk about everybody else but themselves
22 because that's how they had to protect themselves. So
23 that is just one way of helping to open up the
24 conversation. And in the I story they talk about how
25 do they see themselves as, being they're offenders. So

1 that's what we use that for.

2 But that's like really early in the beginning.

3 And I could pretty much tell whether this inmate is
4 going to go through or not. Because some of them,
5 those distortions jumps out right at first. With
6 Mr. Collins, on the other hand, I can't remember all of
7 his homework, but homework is given every night. It is
8 graded, it is some reflections on the homework, and it
9 is given back to them.

10 Q Okay. So when they leave the group for the two
11 hours possibly on Monday, they are going to do
12 something else before they come to the group on
13 Tuesday, they are going to have some homework?

14 A Yes.

15 Q They have to do some more preparation?

16 A Yes.

17 Q And so although you may have spent 300 hours with
18 him, he may have actually spent more time participating
19 or doing sex offender treatment; would that be fair?

20 A Oh, yes. He could have went to the AA meeting. I
21 know that he was very involved within the chaplain's
22 office and their programming. But I -- I have started
23 since his class, we have stopped intermittent or
24 starting to document their participations in other
25 programs.

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1 Q Okay. But I mean --

2 A At that time it wasn't required for me to do that.

3 Q But, I mean, in addition to the two hours that he
4 had for that class, he might have spent an hour working
5 on his homework to prepare for the next class?

6 A Yes.

7 Q So he may have spent more time?

8 A Yes.

9 Q Devoted more hours?

10 A Yes.

11 Q There's a phrase that I saw repeated, I don't
12 know, seven or eight times, cheap grace.

13 A Oh, that.

14 Q What does that mean?

15 A That is -- that is one of his programs.

16 Q It's a focus in here; isn't it?

17 A Yes.

18 Q There's a lot of discussion about cheap grace?

19 A Yes.

20 Q And what is that?

21 A Well, that is a part of the Guardrail program, and
22 that is looking at how do they see themselves being the
23 victim. And it's another way of victim empathy of
24 trying to help them to understand the victim's
25 perception. And that's what is done through the

1 chaplain's office that they came to a part of the
2 group. And it is a part of the Guardrail to help them
3 take responsibility for their actions. So that's why
4 you kept seeing it repeated, because that was a part of
5 that expert's group.

6 Q So you incorporate for people who want to
7 participate a spiritual element to this?

8 A Yes, yes, at some point.

9 Q My preacher's talked about cheap grace, and I just
10 didn't know if that was sort of the same context.

11 A No. This is something that they have
12 incorporated, and I do give them time to work in.
13 Because Guardrails is not only for victim empathy, but
14 they do incorporate some spirituality. But there are
15 some group members that does not prescribe to that
16 faith. Once he is over or that group is done, they
17 will come back to the SOTP program, and we will keep on
18 with the programming. So there was just a party that
19 we just added into, but it's not mandatory that they
20 have to take it.

21 Q And so after all of the time that you have spent
22 with him on whatever this date was, August 20th, 2015,
23 you felt based on your time spent with him and your
24 experience with the sex offender treatment program at
25 SCDC, that you put him at a low risk of re-offending;

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1 is that correct?

2 A At that time, yes. Because when I was doing the
3 final notes and I looked back over my case record, he
4 did not have any disciplinaries. He did not show any
5 antisocial behaviors whereas smoking cigarettes,
6 getting disciplinary write-ups. He was very
7 respectful. He wore his uniform the way he was
8 supposed to, he was never caught out of place.

9 And as I stated, he came to group, he took his
10 test, he was very open. He was a helper, so at that
11 time -- and he was receptive to more services beyond.
12 Because SOTP, because they are with us within the
13 Department of Corrections, due to the pairing with the
14 South Carolina Department of Parole and Probation, they
15 are not alone, there is not a disconnect of services.
16 They will receive more sex offender services within the
17 community.

18 And it is more supervised which in -- they will
19 get GPS monitoring. They must go to therapy and they
20 must go to group therapy. And their parole officer
21 sees them very much often. So with this pairing that
22 they do just -- they do not fall out of the community.
23 They are very much monitored within those communities.
24 And I think this was an excellent relationship with us.

25 MR. FALK: No further questions. Please answer

1 any questions Mr. Morrow has.

2 THE COURT: Mr. Morrow, your witness.

3 CROSS-EXAMINATION

4 BY MR. MORROW:

5 Q Good afternoon, Ms. Roberts.

6 A Good afternoon, Mr. Morrow.

7 Q Ms. Roberts, I was just looking through your notes
8 here. It looks like on August 21st of 2015, you did
9 your final test in Mr. Collins' group; correct?

10 A Yes, sir.

11 Q And it looks like in your notes there, you wrote
12 that the inmate showed signs of stress when talking
13 about his crime and that he voiced cognitive
14 distortions about women wanting him; is that correct?

15 A Yes, sir.

16 Q Also, on August 11th of 2015 there is some notes
17 on that day. In that note you note, the inmate
18 minimized his part in his sexual crime, inmate raped
19 his victim twice and he never mentioned it. Is that an
20 accurate reflection of your notes from that day?

21 A May I see that to refresh myself, because I only
22 have the August 21st. I don't have that note.

23 Q Yes, ma'am.

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

25 THE COURT: Yes.

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1 THE WITNESS: Thank you. Thank you, I remember
2 this part.

3 Q Did you write in your notes that he minimized his
4 part in his sexual crime on August the 11th?

5 A Yes. On the overall before he went into the group
6 therapy on the attack. He had only mentioned one
7 sexual assault on the woman that was in question. But
8 when we had the group therapy, he mentioned that he
9 raped her twice. And I made mention of that within my
10 documentation.

11 But I want to put this in the right context. We
12 were talking about the SVP and the SVP process. And he
13 was trying to understand that he has worked and he has
14 done everything that he needed to do. And he could not
15 understand why is the State taking a second look at his
16 case. And I explained what he must go through. But
17 however, you know, I always -- and I have explained to
18 him that he may end up being community supervision as
19 well. So he was giving both of the stories on what
20 would have been done.

21 MR. MORROW: Thank you, Ms. Roberts. I have no
22 further questions, Your Honor.

23 THE COURT: Any redirect?

24 MR. FALK: Just briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. FALK:

2 Q I don't want to go through all of these, but let
3 me just draw your attention. You don't have your notes
4 from June 15th, 2015 with you?

5 A No. May I refresh myself with that note?

6 Q Just that highlighted section.

7 A Excuse me.

8 THE WITNESS: Please excuse me, Your Honor, I
9 turned it off. I'm familiar with this. This is --

10 Q What did you write about him on that day, on
11 June 15th what did you write about him?

12 A That was the day that he made a disclosure within
13 the group about him having -- having -- his victim
14 wanted to have sex with him when he actually had his
15 first attack. And that is when I wrote that there.
16 But when I talked to him about the SVP, he said that he
17 had sex with her twice. And that's why I put that.

18 Q But you also talked about the cognitive
19 distortion. He's acknowledging that --

20 A Yes. Absolutely.

21 Q -- they weren't boyfriend and girlfriend or
22 anything like that?

23 A No. He had a distortion, he thought that he
24 wanted her. He thought that they was going to enter a
25 relationship, which he understood that that was not the

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1 point. And then, I think that that's when the stress
2 started to calm down, when he became open and honest
3 that he did something wrong. And he admitted to that
4 within the open group.

5 Q Thank you.

6 MR. FALK: No further questions.

7 THE COURT: All right. Thank you, ma'am. You're
8 free to leave.

9 (Witness excused.)

10 THE COURT: Call your next witness.

11 MR. FALK: We call William Harrison to the stand.

12 THE CLERK: Have a seat, please, sir. State your
13 name for the Court, please, sir, and spell your last
14 name.

15 THE WITNESS: William Harrison, H-A-R-R-I-S-O-N.

16 DIRECT EXAMINATION

17 BY MR. FALK:

18 Q Mr. Harrison, where are you employed, or what do
19 you currently do?

20 A I'm the outside program director for Jump Start.

21 Q For Jump Start?

22 A Um-hum.

23 Q And where are you based out of?

24 A Spartanburg, South Carolina.

25 Q You drove down here today?

1 A Yes, sir.

2 Q And what is Jump Start?

3 A Jump Start is a program that helps ex-felons
4 transition back into society.

5 Q Is there a faith component to it?

6 A Yes, it's a faith-based program.

7 Q How does somebody get into Jump Start?

8 A Well, we actually start the program two years
9 prior to someone getting out. They have to apply
10 through the chaplain's office. And if they qualify for
11 our program, we will enter them. And it's a 40-week
12 long program, and we call it getting the junk out of
13 the trunk.

14 Q So they spend 40 hours or 40 weeks --

15 A 40 weeks, yeah.

16 Q -- while they're still in custody?

17 A That's correct.

18 Q And what is the, outpatient is not the right term,
19 but when they are out of custody, what's that component
20 about?

21 A The outside program?

22 Q The outside program.

23 A The outside program is continuation of working on
24 their issues, and it gives them an opportunity to get
25 with other people that have been in the same

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1 predicament and slowly transition back into their
2 communities.

3 Q Mr. Collins in Jump Start?

4 A Yes.

5 Q So Mr. Collins completed the 40-week program on
6 the inside?

7 A That is correct.

8 Q And where is he living now; do you know?

9 A In Spartanburg.

10 Q And so, is he in the -- is he actively involved in
11 the program right now?

12 A Yes, he is.

13 Q And what does the program -- what does it provide
14 the person; does it help him find a job?

15 A We are -- when they first get out, we sit down
16 with them, go over our intake process. We help them
17 get IDs, birth certificate, if they need, get their
18 social security cards. We have an employment director
19 that helps them get jobs. We supervise them closely,
20 anywhere they go they have to sign in, sign out.

21 We have a relationship with probation and parole.
22 All of the community entities that help with
23 transitioning them back into society partner with us.
24 We actually meet once a month to help them transition.

25 Q Now, is everybody in Jump Start, are they sexual

1 offenders, or can other people be in Jump Start?

2 A No. We are not a respective -- if a person goes
3 through our program on the inside, they complete the 40
4 weeks. We do have a prerequisite. They have to
5 graduate with a green or blue folder, meaning they have
6 to participate to the level that they graduate with a
7 certificate of green or blue. You can get a yellow,
8 you can get a red. Those certificates are saying
9 you're not ready, didn't do everything he was supposed
10 to do.

11 But that's why we start it two years before you
12 max out. During those two years if you go to 40 weeks
13 which is about a year and you don't complete it, you
14 have another year to go back through and try it again.

15 Q What does junk in the trunk -- what are you
16 talking about there?

17 A We're talking about what brought you to prison
18 from the very beginning, what happened. Have you dealt
19 with it. If you haven't, let's talk about it. And
20 let's -- while we are in these classes, let's discuss
21 how to help you not go that way again.

22 Q Are they -- is there a group part of this, are
23 they talking in groups?

24 A Yes. It's group, they meet once a week. We have
25 inside -- what we call inside leaders, these are guys

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1 that went through the program, have qualified as
2 leaders and went back through the program again. And
3 they help facilitate different tables where they sit
4 and talk about their issues.

5 Q Oh, I see, I see. What happens -- so when
6 somebody is in the outside program, are they allowed to
7 drink?

8 A No, no. No. Drinking is not allowed, drugs,
9 alcohol, none of that is allowed.

10 Q What kind of accountability do they have?

11 A We do drug testing. We actually -- I actually
12 drug test people three times a week. We actually do --
13 we have house managers that actually manage the houses.
14 We do alcohol testing. So they are well supervised.

15 Q And your program, you can accommodate people who
16 have sexual offenses?

17 A Yes.

18 Q Because there's probably some geographic
19 restrictions on where they can live; isn't that right?

20 A That is correct.

21 Q And the housing that you have in Spartanburg or in
22 Greenville, whatever, it's all compliant with that?

23 A Yes.

24 Q Probation and parole is aware of y'all?

25 A Yes.

1 Q What would happen if somebody tested positive?

2 A They would have an option. Our boundaries say if
3 you test positive for drugs, alcohol, you'll have an
4 option. You can either go and get treatment, and we
5 have several different programs that we recommend for
6 getting treatment, if it's alcohol, if it's drugs or
7 whatever the case may be. If they choose to do so --
8 we don't force anybody to do anything -- if they choose
9 to do so, they can go to their program, they complete
10 their program. And then they are allowed to come back
11 and continue their year on the outside with Jump Start.

12 Q So when he's in Jump Start, is the idea that he's
13 going to be working full-time?

14 A Yes.

15 Q And then people who are working full-time, do they
16 have meetings in the afternoon or in the evening?

17 A We have meetings -- every Friday we have what we
18 call a mandatory group meeting, that means everybody in
19 the ministry has to participate.

20 Q What happens if they don't participate in the
21 group meetings?

22 A They are -- well, three write-ups and you're
23 automatically dismissed.

24 Q Okay. And so if you got written up and got thrown
25 out of Jump Start, he would lose his housing?

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1 A Yes.

2 Q Y'all would evict him?

3 A Yes.

4 Q How long have you been associated with Jump Start?

5 A For about five and a half, six years now.

6 Q Did you participate -- you participated in the
7 program yourself; did you not?

8 A I actually didn't participate in the Jump Start
9 program. I went to a similar program.

10 Q You've been -- you've had an SCDC sentence; don't
11 you?

12 A Yes. I did seven years and nine months.

13 Q Seven years and nine months?

14 A Yes, sir.

15 Q Mr. Collins, do you know how long he's been there?

16 A At Jump Start?

17 Q At Jump Start.

18 A He's been there now about a little over a month.

19 Q Okay.

20 A Going on two months. Five -- no, he's been there
21 five months now, that's right, yeah.

22 Q Okay. And he hasn't obviously been thrown out?

23 A No. He's done well.

24 Q And actually, you were planning on bringing him
25 down here on Monday; were you not?

1 A I was.

2 Q Because he didn't know he was going to get picked
3 up before that?

4 A That is correct.

5 Q Okay. And they picked him up to bring him to
6 court today?

7 A Yes.

8 Q So if he needs to -- so transportation, if these
9 people need to go to social security or they need to
10 get to work?

11 A Yes. We provide transportation to go to work,
12 social security, any appointments they may have.

13 Q And did you help him get his job, or did --

14 A Yes.

15 Q -- somebody at Jump Start help him get his job?

16 A We have employment coordinator that has -- he has
17 a 30 employer listing that will hire ex-offenders no
18 matter what they're charged with.

19 Q So even if they are sex offenders, then --

20 A Yes.

21 Q Okay.

22 MR. FALK: I have no further questions. Thank you
23 for driving down here today.

24 THE WITNESS: Thank you.

25 MR. FALK: Please answer any questions Mr. Morrow

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1 may have.

2 THE COURT: All right, Mr. Morrow.

3 CROSS-EXAMINATION

4 BY MR. MORROW:

5 Q The Jump Start program is a voluntary program;
6 correct?

7 A Yes.

8 Q And Mr. Collins could leave at any time; correct?

9 A Yes.

10 Q And if he chose to leave, you wouldn't be able to
11 stop him or prevent him from doing that?

12 A That is correct.

13 Q And there is no mechanism you can make to force
14 him to go to treatment or get sex offender treatment
15 while he's at Jump Start; correct?

16 A No.

17 Q Okay.

18 MR. MORROW: Thank you, I have no further
19 questions, Your Honor.

20 THE COURT: Thank you, sir, you may step down.

21 (Witness excused.)

22 THE COURT: Y'all want to take a little break, or
23 you want to keep going?

24 MR. FALK: Ronald Conklin.

25 (Discussion off the record.)

1 RONALD CONKLIN, after being duly sworn, testified
2 as follows:

3 THE CLERK: Have a seat, please, sir. State your
4 name for Court, please, sir.

5 THE WITNESS: Ronald Conklin.

6 DIRECT EXAMINATION

7 BY MR. FALK:

8 Q Mr. Conklin, where are you currently working,
9 where are you working now?

10 A Right now I'm a volunteer at J. Reuben Long
11 Detention Center as a chaplain.

12 Q Did you have any training in order to become a
13 chaplain?

14 A Yes. We went through SLED -- let me see. We did
15 SLED approved training for individual crisis
16 intervention and peer support, citizen application with
17 children and sharing hope in crisis.

18 Q So during part of as a volunteer at J. Reuben
19 Long, that's the Horry County detention center; is that
20 correct?

21 A That's correct, yes.

22 Q So during that time at the Horry County detention
23 center, did you have an opportunity to talk to
24 Mr. Collins?

25 A Yes, I did. I met him on or about the end of

RONALD CONKLIN-DIRECT BY MR. FALK

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1 September 15th in 2015.

2 Q Since 2015?

3 A Yes.

4 Q And why would you have met with him?

5 A Two reasons. One, he was a new -- he was new to
6 the facility, and two, he put a request in for a
7 chaplain visit.

8 Q So how many times would you have met with him
9 while he was at J. Reuben Long?

10 A I met with him 32 times.

11 Q Over what period of time?

12 A Between October -- beginning of October, 2015
13 through 4/17 of 17.

14 Q There's a lot of folks at J. Reuben Long; is there
15 not?

16 A Yes.

17 Q Have you met with everybody 32 times?

18 A No.

19 Q Why did you meet with him so many times?

20 A One, because he put in for a chaplain visit. And
21 once we became acquainted with each other, it was a --
22 it was a place for him to talk, to talk to somebody
23 besides an inmate.

24 Q What type of stuff would he talk about with you?

25 A Well, we did end up -- at first we just talked

1 about prison and, you know, the things that he went
2 through. And when he got to his charges -- which I
3 read his charges when he came in, so I had an idea of
4 what he was in there for, he -- he -- at first he
5 didn't -- you know what I mean, he didn't open up for a
6 while. But about, I don't know, probably six to eight
7 months into our relationship he did open up.

8 Q Do you think he was being honest with you about
9 his charges?

10 A Yes.

11 Q Was he accepting responsibility for what he had
12 done?

13 A He seemed to be. All his actions seemed to be.

14 Q Do you know how long he had been in prison?

15 A I thought it was around ten years.

16 Q Okay.

17 A Yeah.

18 Q Have you had a chance to formulate any kind of
19 opinion about him; do you think he's a dangerous
20 person?

21 A No. No. He at a certain point gave his life to
22 Christ. And he -- the change was real. That's in my
23 opinion.

24 Q So he's been safe?

25 A Yes.

RONALD CONKLIN-CROSS BY MR. MORROW

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1 Q You talk to a lot of people in the -- when you say
2 it is real, I mean, have you come across people who
3 have just been talking the talk --

4 A Yes.

5 Q -- but not walking the walk, I guess, is the
6 question?

7 A Yes. Yes. Yes, I -- yeah. Yes, I have.

8 Q How long have you been a chaplain at Horry County?

9 A Ten years.

10 MR. FALK: I have no further questions.

11 MR. MORROW: Briefly, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. MORROW:

14 Q You mentioned he was reluctant -- or you
15 familiarized yourself with his charges. Are you
16 familiar with his 1986 conviction for lewd act to a
17 child?

18 A No, I wasn't.

19 Q Okay. But you were familiar with his most recent
20 conviction from 2004 for criminal sexual conduct in the
21 second degree?

22 A Yes.

23 Q Okay. Well, do you believe it's important to know
24 the full history of someone to be able to help them?

25 A Yeah. I would say so.

1 Q So it would have been good to know about his prior
2 charges from 1986; correct?

3 A I don't know. You know what I mean, that's -- to
4 me, I'll put it this way, you have -- we're living in
5 today, and what happened 20 years ago is 20 years ago.
6 There is stuff that I did 20 years ago that I regret.
7 I'm sure that's the case in most of our lives.

8 Do we have an opportunity to change, yes, I think
9 we do.

10 MR. MORROW: Thank you, Your Honor. I don't have
11 any further questions for this witness.

12 THE COURT: Thank you, sir. You may step down.

13 (Witness excused.)

14 THE COURT: Call your next witness.

15 MR. FALK: Mr. Sandberg.

16 GARY SANDBERG, after being duly sworn, testified
17 as follows:

18 THE CLERK: Have a seat, please, sir. State your
19 name for the Court, please sir. Spell your first and
20 last name, please.

21 THE WITNESS: My name is Gary Sandberg, G-A-R-Y.
22 Sandberg, S-A-N-D-B-E-R-G.

23 DIRECT EXAMINATION

24 BY MR. FALK:

25 Q Thank you. Mr. Sandberg, what do you do on a

GARY SANDBERG-DIRECT BY MR. FALK

1 daily basis now; you're retired?

2 A I'm retired, yes.

3 Q Okay. So what do you do?

4 A I volunteer at J. Reuben Long. I try to go about
5 three times a week, sometimes I do. I like to garden,
6 I'm involved in the church, and I have a model
7 railroad.

8 Q So do you ever run into Mr. Conklin at J. Reuben?

9 A Yes, yeah. We're together a lot.

10 Q And again, J. Reuben, this the Horry County
11 detention center?

12 A Yes, detention center.

13 Q Now, have you had an opportunity to talk to
14 Mr. Collins?

15 A Recently or any time? I'm sorry.

16 Q Yeah, what --

17 A Yes.

18 Q Do you know my client, Mr. Collins?

19 A Yes. Of course I do.

20 Q And how did you get to know him?

21 A When I started volunteering at J. Reuben Long, I
22 met him.

23 Q How?

24 A Well, I can go into a little more detail. We had
25 a Bible study at first, and he was coming to our Bible

1 study. And he was a good person to have, he helped
2 with the discussion. And I think he was very
3 interested in hearing what we had to say. I started
4 volunteering shortly after that where I could make a
5 one-on-one visit with the inmates. And I got very
6 close to Robbie then.

7 Q How much time do you think you spent with him on a
8 one-on-one basis?

9 A We usually spent about an hour or two hours every
10 time I visited. And I think I probably visited him
11 probably a total of about 12 or 13 times. I'm kind of
12 new out there.

13 Q Are you aware of the crimes that he's committed?

14 A I was aware of what he was charged with, yes.

15 Q And what would y'all talk about?

16 A Well, anything that came up. My purpose there was
17 to help him strengthen his relationship with God, so we
18 talked about the Bible a lot and, you know, the -- why
19 the Bible is important, who wrote it and that type of
20 thing. And I just tried to encourage him. Because
21 when I first started meeting with him, he was -- well,
22 he wasn't depressed but, you know, he was -- he was a
23 little down. And the Bible gives you evidence of being
24 part of Christ in three ways. I would look for peace,
25 I would look for joy, and I would look for love.

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1 And a lot of times I would question, how in the
2 world do you find peace, joy and love in a prison. You
3 can't fake that. But it's there, it really is, I've
4 seen it many times. And I saw it in Robbie.

5 Q Do you see it in everybody you meet with there?

6 A No, no, I don't. But he was at peace, you know,
7 he wasn't angry. He didn't blame anybody. He accepted
8 what he did, and he was at peace with God. Joy was a
9 little harder. I can't say that he was thrilled to be
10 where he was, but he was always in a good mood, always
11 optimistic and very easy to talk to. In fact, a lot of
12 times I think I left more cheered up than he was.

13 And love, love in the Bible is not romantic love,
14 arrows is the translation. It's the fellows, the
15 fellowship, Philadelphia, brotherhood. Evidence of
16 that was he -- inmates can't have a Bible study in
17 prison, but they can help prisoners study the Bible.
18 And he did that. He had six people that he was working
19 with at one time. And there may have been more. And
20 he was -- he would get very excited about that. He was
21 very anxious to help people.

22 And he told me that his goal was to be -- have a
23 ministry in music, to sing and have a band. And he's
24 doing that. Is that correct, Robbie? I think he is, I
25 can't talk to him.

1 Q Did you notice a change in him over the period of
2 time that you --

3 A Oh, yes, yes.

4 Q Can you just --

5 A Just more mature, just stronger and more
6 confident. He was ready to get out and get on with his
7 life, hit the road running. And I think that I was
8 really happy that he got into Jump Start. That's a
9 great program. Because they need that. There's so
10 many people that get out and they have literally
11 nothing. If they had a car they lost it, if they had a
12 house they've lost it. They lose their clothes, money,
13 they don't have anything. And you've got to have
14 somewhere to go just to get your feet on the ground.
15 And he did, he did that.

16 Q Did you see a change in his faith or in his
17 spirituality?

18 A Oh, yes, yes. One of the things we talked about
19 is finding a good church, a good Bible teaching church.
20 And when you do that, you have a family. You have
21 somebody that will comfort you, that will encourage you
22 and care for you. And if you need somebody to be
23 accountable, they will do that too. They do what a
24 good family does. And he's done that. I know the
25 church that he's in now is very supporting. So he's

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1 done all of the things that we talked about.

2 MR. FALK: I have no further questions. Please
3 answer any questions Mr. Morrow may have.

4 THE WITNESS: Okay. Thank you.

5 THE COURT: Mr. Morrow?

6 MR. MORROW: I have no questions for this witness,
7 sir.

8 THE COURT: Thank you, sir. You may step down.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 MR. FALK: My client's my last witness.

12 THE COURT: All right. Y'all want to take a break
13 before he testifies, or you want to keep going? Okay,
14 you're the spokesperson.

15 ROBBIE COLLINS, after being duly sworn, testified
16 as follows:

17 THE CLERK: Have a seat, please. State your name
18 for the court, please, sir.

19 THE DEFENDANT: My name is Robbie Collins.

20 DIRECT EXAMINATION

21 BY MR. FALK:

22 Q When did you -- Mr. Collins, when did you go to
23 SCDC this second time, when did they take you to prison
24 the second time?

25 A 2006.

- 1 Q 2006?
- 2 A Yes, sir.
- 3 Q And were you in local custody before that?
- 4 A Yes, sir.
- 5 Q You got arrested on the charge of what?
- 6 A 2003.
- 7 Q In 2003.
- 8 A And I stayed in J. Reuben Long for about two
- 9 years.
- 10 Q Okay. And then you went to prison and you went,
- 11 like everybody else, through several different prisons;
- 12 is that correct?
- 13 A Yes, sir.
- 14 Q You were at Kirkland at some time for R and E?
- 15 A Yes.
- 16 Q And moving around?
- 17 A Yes. Allendale.
- 18 Q Were you ever at Allendale?
- 19 A Yes, sir.
- 20 Q What kind of dorm were you in when you were in
- 21 Allendale?
- 22 A I was in -- I helped got a character housing unit
- 23 started.
- 24 Q So what is a character housing unit?
- 25 A Character housing unit is a program that started

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1 at Allendale, and it's a dorm that we all go to as
2 coordinators and stuff, there's character coordinators.
3 And we get it started with classes and stuff.

4 Q Who's responsible for keeping the dorm clean?

5 A Sir?

6 Q Who's responsible for the janitorial cleanliness
7 of the dorm?

8 A Oh, the inmates that's in the group, character
9 housing unit.

10 Q So the inmates take care of the dorm?

11 A Sure, yes, sir. And they run the dorm pretty
12 much, and we have classes to participate in.

13 Q What types of classes?

14 A Well, that's like characters one and two and
15 leadership one and two, peaceful solution and life
16 skills and authentic manhood and victim impact, anger
17 management, AA.

18 Q So what would happen if you don't go to the
19 classes?

20 A Well, you get written up or you get booted out of
21 the dorm pretty much.

22 Q Why would anyone care if they got booted out of
23 the dorm?

24 A Why would they get care?

25 Q Why would they care? Is it --

1 A It's difficult --

2 Q Would you rather be in the character dorm or the
3 other dorm at Allendale?

4 A Oh, the character dorm.

5 Q Why is that?

6 A Because it's more peaceful and you have more like
7 freedom like. And everybody -- each inmate holds each
8 inmate accountable for their actions instead of having
9 an officer in charge of us.

10 Q So if you mess up, the other inmates are going to
11 write you up?

12 A Well, yes, sir, you can -- another inmate can
13 write you up, yes.

14 Q Okay.

15 A We have to meet and stuff, you know, the
16 coordinators do.

17 Q How long were you at the character dorm at
18 Allendale?

19 A Well, from 2008 till 2015.

20 Q Okay. And that's about when this proceeding
21 started originally; is that correct?

22 A Yes, sir.

23 Q All right. And so when you got -- when you served
24 out at SCDC, then you were in the Horry County
25 detention center for a period of time?

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- 1 A Yes, I sure was.
- 2 Q About how long was that?
- 3 A Horry County detention center, stayed there two
4 years --
- 5 Q Okay.
- 6 A -- before I went to SCDC.
- 7 Q And is that when you met Mr. Sandberg and
8 Mr. Conklin?
- 9 A No, sir. I met them when I came back from -- when
10 I maxed out to October 2015.
- 11 Q Yeah.
- 12 A Five days before I maxed out, J. Reuben Long
13 Detention Center came and escorted me back to J. Reuben
14 Long. And I stayed there for like 19 months.
- 15 Q During the 19 months when you were at J. Reuben
16 Long, that's when you met Mr. Conklin and Mr. Sandberg?
- 17 A Yes, sir, I sure did.
- 18 Q Okay. Where are you living right now?
- 19 A Right now I'm living at the Jump Start program in
20 Spartanburg.
- 21 Q They came and picked you up, though, on Sunday; is
22 that right?
- 23 A Yes, sir.
- 24 Q The detention --
- 25 A From the bus station. Are you talking about

1 from --

2 Q No. How did you get to the Horry County detention
3 center this week?

4 A From J. Reuben Long Detention Center came and
5 escorted me back.

6 Q Okay. Had you done anything wrong?

7 A No, sir.

8 Q I mean, it's not that you committed an offense,
9 it's because you got picked up to come to this trial;
10 is that correct?

11 A Yes, sir.

12 Q Okay. That shirt that you're wearing, is that
13 your employer?

14 A Yes, sir, that's where I was employed. They can't
15 pick me up from the job site.

16 Q Okay.

17 A It's with Custom Forest Products.

18 Q I'm sorry, Custom Forest Products?

19 A Custom Forest Products, yes, sir.

20 Q And what is that?

21 A Well, right -- it's a making pallets, they're
22 making pallets and they're recycling pallets.

23 Q And so you -- Mr. Harrison said that you were at
24 Jump Start, so that's where you're living right now, in
25 Jump Start?

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1 A Yes, sir, absolutely.

2 Q And they provided that house for you?

3 A Yes, sir, surely did.

4 Q Okay. What else have they provided for you?

5 A Transportation back and forth to work. And I have
6 to sign in and out whenever I go to work and come back.
7 Wherever I go to I have to sign in and out. The house
8 I'm living I pay for the gas, you know, slight -- it's
9 really cheap. It's like \$100, \$110 a week you have to
10 pay.

11 But they really help us out to achieve our goals
12 and stuff like. Like Mr. Harrison was saying, you
13 know, help you get your license, and which I got my
14 license now back, and I had to pay a lot of money to
15 get them back. But finally get them back after about
16 30 years.

17 Q So what do you do, what is your specific
18 responsibility at custom products, custom wood
19 products?

20 A Recycling and sorting out pallets. And sometimes
21 I am on forklifts and sometime on front-end loader.
22 And I got a raise within a month.

23 Q How many people work with you?

24 A Probably about 48 people. And I'm training
25 several people myself.

1 Q So some people actually report to you; is that
2 correct?

3 A Yes, sir.

4 Q Does everybody who worked there, are they all on
5 Jump Start, or some are and some aren't?

6 A No, sir. Some are, some aren't. Like maybe six,
7 I believe it is.

8 Q Okay. So how long have you been at Jump Start?

9 A Ever since I -- about five months now.

10 Q Five months?

11 A Yes, sir.

12 Q And --

13 A Since April.

14 Q -- what happened, did you go -- when you got
15 released from J. Reuben Long, Horry County detention
16 center, you went right to Jump Start?

17 A Yes, sir.

18 Q Okay. So had you completed the program while you
19 were at SCDC?

20 A Yes, sir, surely did.

21 Q Okay. So --

22 A I supported our green card, like he was talking
23 about, the high card, you know, the certificate?

24 Q Yes, sir.

25 A Yes, sir.

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1 Q So tell me what you learned when you were at Jump
2 Start, did you get the junk out of your trunk?

3 A Yes, sir, there is a lot of junk I got in there
4 that I shed a lot of tears and stuff and a lot of hurt
5 and a lot of pain and stuff that I know I had, some
6 hang-ups that I had. Kind of got rid of it and stuff
7 and got closer to the Lord, a lot closer.

8 Q What did you learn when you were at sex offender
9 treatment?

10 A Well, I learned that my --

11 Q First of all, how did you get there; did you ask
12 to go to that program?

13 A Yes, sir, I surely did.

14 Q Okay. So did you leave Allendale to go there?

15 A Yes, I left Allendale and I requested -- I heard
16 of sex offender, was going to have a sex offenders
17 class at Broad River. And immediately I asked to be
18 enrolled in it.

19 Q What's life like at Broad River?

20 A Broad River was -- it's okay, but it's just
21 stressful sometimes. But then again, it was okay
22 because I was getting something, I was feeling better
23 about myself because I was learning something about
24 myself.

25 Q All right.

1 A By being in a class.

2 Q Were the people on your dorm, whatever, are they
3 the -- is it easier to get along with the people at
4 Broad River or at Allendale when you're in the
5 character dorm?

6 A Allendale, most definitely.

7 Q So, I mean, relatively speaking, you had it pretty
8 good at Allendale?

9 A Yes, sir.

10 Q And you chose to go to Broad River?

11 A Yes, sir. It was --

12 Q Is Broad River a little bit more violent place?

13 A It's a lot more violent. Now, when I first
14 entered into Broad River, it was in 2006, and it was
15 okay, it was not rough. But now it's full of gang
16 members when I came back in 2015.

17 Q Did you say gang members?

18 A Gang members a lot, yes, sir.

19 Q Um-hum.

20 A And then after everything and I started seeing a
21 lot of blood, and I started seeing a lot of fights and
22 lot of knife shanking, making shanking and all that
23 kind of stuff. But I still volunteered to go back
24 there because of the class.

25 Q So, I'm sorry, I took you off the path a little

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1 bit. So do you think you spent 300 hours with
2 Ms. Roberts during the course of time?

3 A Plus, a little more than that.

4 Q And how much time would you spend on doing the
5 homework in between?

6 A Probably about an hour and a half to two hours.
7 Sometimes a little bit more because of studying and not
8 understanding it. I just keep going over the structure
9 of the sentence or the question that was asking.

10 Q What's your level of education?

11 A Right now, it's GED.

12 Q Where did you get the GED?

13 A SCDC.

14 Q Okay.

15 A And I also scored a gold card WorkKeys.

16 Q Gold card WorkKeys?

17 A Yes, sir. That's a higher education. It's
18 WorkKeys, it's mathematics and read for information and
19 writing for information. It assists -- it used to be,
20 it's 2 percent -- platinum is 2 percent higher than the
21 gold. And when I first got to SCDC, I took a test and
22 I was in the seventh grade education --

23 Q Um-hum.

24 A -- level. That was really embarrassing, to me it
25 was, because I thought I was a smarter person than what

1 I was. And then I kept studying and studying and
2 studying and studying year after year after year, and I
3 took the test and -- the GED test and finally achieved
4 it. And that was one of the biggest goals I ever
5 achieved. I was really proud of myself.

6 Plus I participated in over 5,000 hours of
7 different programs at Allendale because I wanted to
8 better my life. Because I seen my life went down the
9 path, and I'm tired of going through this. Because I'm
10 trying to better my life and do better for my life.
11 And the only way to do this is to continue doing
12 better, and I only -- and keeping God on my side.
13 God's on my side, and I'm a full-fledged Christian, and
14 I'm going to live that way no matter what.

15 All my whole life I was raised up on the farm
16 right down here, the road here, tobacco and hogs and
17 cows and soybeans and corn and all that stuff right
18 down the road here. But -- and I thought I was doing
19 really good, you know, and I was raised up to work, and
20 I believe in working.

21 So after I got locked up for this crime, I was
22 thinking, you know, I just never had nothing. And I
23 was thinking the wrong way in certain areas of my life,
24 and I understood what I was doing was wrong. Because I
25 wound up in jail and wound up in something I'm not

1 proud of at all.

2 Q If someone's at Broad River and they wanted a
3 drink, would they be able to find one?

4 A You can get drink, you can get a phone, you can
5 get smoke, you can get whatever you want.

6 Q If you want a pill, can you find one there?

7 A Sure, you could.

8 Q Did you ever have any write-ups for contraband?

9 A No, negative, no, sir, at all.

10 Q Have you been sober?

11 A I been sober since 2003 when I got locked up, I
12 been sober ever since. I don't take drugs, only thing
13 I take is a vitamin. I may take a headache pill, I
14 haven't took a headache pill in over -- since 2008,
15 haven't smoked a cigarette since 2008.

16 Q Has there been any AA meetings?

17 A Plenty of them, yes, sir. Even when I came back
18 to J. Reuben Long Detention Center, I participated in.
19 When they came and locked me up when I maxed out.

20 Q Um-hum.

21 A I participated in AA meetings too there, every one
22 they had. And since I gotten out, I could have had an
23 opportunity to drink too, but I never chose to. Could
24 have had a opportunity to smoke, and didn't choose -- I
25 chose not to.

1 Q Why not?

2 A Because I just want to better my life, it's just
3 me and the good Lord now. I'm married to the good
4 Lord. That's how I feel in my heart, and that's what
5 I'm going to do. I haven't even had sex in over 15
6 years with a woman. I could have had it when I got
7 out, but I didn't. Because I'm steady focusing on
8 bettering my life, and that's what I'm going to do, no
9 matter what.

10 Q How did your actions affect the 95-year-old victim
11 of your crime?

12 A I'm sure it had a horrible impact on her. And I
13 feel sorry for what I did. And it's -- I led myself
14 down that road to what I did. And I was thinking, I
15 was asking her all about sex, was it okay to have sex
16 with a younger man. And I was thinking it was okay.
17 And has she ever had sex with a younger man. And we
18 started talking, I left my full name with the alleged
19 victim, with the victim. And --

20 Q You know what you did --

21 A -- I saw the police report as well, I left my full
22 name there, locked the door on my way out.

23 Q But y'all were not --

24 A It was not consensual. I --

25 Q You coerced her, did you not?

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1 A Yes, sir.

2 Q There's no question in your mind about that;
3 right?

4 A No, sir. She didn't -- no, sir. I thought --

5 Q You didn't have any distortions in your mind about
6 that?

7 A Now?

8 Q Right.

9 A No, sir. I clearly understand exactly where my
10 wrong was at. I should have never approached a lady
11 like that with a question like I had. I shouldn't
12 never have even come on to it like that because -- and
13 I figure what was the problem was when I was calling my
14 friend to come pick me up from the place, because my
15 cellular phone was dead. And whenever I called her up,
16 anger saying, and I turned right around and started
17 asking the alleged victim --

18 Q Okay.

19 A -- did she want to have sex with a younger man.

20 Q So 31 years ago you pled guilty to lewd acts?

21 A Yes, sir, I sure did.

22 Q Have you had any interest in children in some type
23 of romantic way since?

24 A No, sir, absolutely not. And it just -- it's
25 awful for anybody to even think that way toward a

1 child.

2 Q And these are children that you knew; right, they
3 were stepchildren of yours or --

4 A No, sir. I was -- no, sir, it's not stepchildren.
5 It's my ex-wife's sister's children.

6 Q Oh, I see.

7 A It started off with my stepdaughter.

8 Q Okay.

9 A And then it -- that charge was dismissed. And
10 then it started picking up with my sister-in-law's
11 children, and then they started changing and everything
12 else like that too, but --

13 Q And you've gone to prison for that?

14 A Yes, sir, I have done my time for that.

15 Q And do you feel like that still haunts you as far
16 as having some type of desire that way?

17 A No, sir, it doesn't haunt me at all because of --
18 I don't think about having sex with no children. I
19 mean, if I even thought that I had sex like the wanting
20 to have sex with children, I would quickly admit my own
21 self.

22 Q Do you appreciate the pain that you've caused
23 those children?

24 A No, sir, I don't appreciate it.

25 Q No, I'm sorry. Do you understand the pain that

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1 you've caused those children?

2 A Yes, sir.

3 Q Just like the pain that you caused the 95-year-old
4 lady; is that correct?

5 A Yes, sir.

6 Q What are you going to do next, how long you going
7 to stay at Jump Start?

8 A As long as I possibly can.

9 Q And then are you going to stay up in that part of
10 the State?

11 A Yes, sir, I'm thinking about it. Because I got a
12 good job, and the people really like me really well.
13 And he's also going to have my job waiting for me when
14 I get out. And since I gotten out, within those five
15 months since I got out from J. Reuben Long staying 19
16 months in there, I got out and I went back to South
17 Carolina Works and got Selective Service, because I
18 signed up for the military when I was 17 years old.
19 They approved for me to go to schooling for two years
20 or less, and they paying for it through South Carolina
21 Works.

22 So now I have the opportunity to go to school now
23 to better my life even more for robotics and hydraulics
24 or heating and air, welding or CDL. And I'm choosing
25 CDL because my boss man has trucks stuff that he has,

1 and he said he can hire me for that as well.

2 Q Did you sign up for any counselling?

3 A Yes, sir.

4 Q Why don't you tell me about that.

5 A Well, I'm in the sex offenders treatment program
6 right now with Dr. Gunter.

7 Q And where is that?

8 A It's at Spartanburg every Monday morning.

9 Q And how long do you talk with him?

10 A For at least an hour and a half. And we have
11 intensive homework to do.

12 Q Were you required to -- was that a condition of
13 your release from prison?

14 A Well, I suggested it too, but then it was -- I'm
15 supposing it was, because when I got off probation -- I
16 mean, when I got out I got on probation for, you know,
17 because two years community supervision after.

18 Q I mean, did anyone tell you that you had to go see
19 this guy on Monday morning?

20 A Yes, sir.

21 Q Or did you volunteer to go?

22 A Well, they suggested that I go ahead and go to it,
23 and I said yes. Because I suggested about going to sex
24 offenders treatment program, then I was told that I
25 would have to go see this person.

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1 Q Okay. So they got you -- who's paying this guy?

2 A Me. \$30 each visit.

3 Q And you see him. And over what course of time
4 have you been...

5 A The whole time I was out.

6 Q So for five months?

7 A Yes, sir.

8 Q And you said it's a lot of homework?

9 A A lot of homework, yes, sir.

10 Q Like what do you mean, what kind of homework?

11 A Well, he gives us homework participating in sex
12 offender --

13 Q Is this a group?

14 A It's a group.

15 Q Okay.

16 A It's about maybe 12 to 14 of us in a group.

17 Q Okay.

18 A And we meet at this place, and it's part of the
19 Jump Start program. And we meet, it's what we call an
20 accelerator house, and that's where our meetings are
21 at. And I go to that program every Monday, every
22 Monday evening 7 o'clock.

23 Q Is it similar to the like group meetings when you
24 were at Ms. Roberts' programs?

25 A Yes, sir. It's similar to it, yes, sir. But it's

1 more in-depth too, it's more in-depth. But Ms. Sylvia
2 Roberts' class was in-depth too because I learned more
3 about empathy and victim and my family and what
4 happened and what went on and why it went on, and what
5 started it and what triggered it. And the I
6 statements, the I's, use my I, I did this, I did that,
7 I don't blame it on nobody. I blame it on me, sitting
8 here. I did this to myself.

9 But I am bettering my life. From a seventh grade
10 education I got a GED, I got a gold card WorkKeys, I
11 got over 5,000 hours of programs. And I got -- I'm
12 participating in sex offenders program right at this
13 present time. I'm serving the Lord with all of my
14 heart, and I'm going to for the rest of my life.

15 I play the guitar, I play music, gospel music.
16 And I have -- he had a little maller (phonetic) he gave
17 to me. So I'm concentrating my time on music and
18 playing music and doing it for the Lord. And no matter
19 what happens in this life, I'm still going to do that.
20 I just want to better my life and get on with my life.

21 I'm tired of wasting everyone's time, efforts.
22 I'm tired of going through this the rest of my whole
23 life, talking about it. Because I know what I did
24 wrong. I did it, nobody else did it.

25 Q Why don't you tell me just a little bit in closing

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1 about the church, your church up in...

2 A All Saints Church. It's like a Catholic church.

3 Q Um-hum.

4 A But it's a really good church. And the people are
5 really loving there. And there's a lot of people
6 wanted to come here today, but instead a lot of people
7 wrote you letters about me. My boss man wrote you a
8 letter, he said, about me that I was a value to the
9 success of his company. And how hard working and
10 honest and dependable I was.

11 Q The people at your church know that you've...

12 A Yes, sir, every single one of them does. And they
13 all accept me for who I am. And they know everything,
14 nothing is left unturned. God knows it all.

15 Q But the people who -- the people in your
16 congregation, they know?

17 A Yes, sir. And they accept me.

18 Q Did you go to church prior to 2006?

19 A Yes, sir. I was in prison choir for the whole
20 time I was in prison.

21 Q When you were on the outside, were you a big
22 church goer?

23 A Yes, sir, somewhat. Not as much, not as much. Me
24 and my sister and my brother went a few times, my daddy
25 used to be a preacher. And he taught us pretty well.

1 But I went off and did my own thing for a while.
2 Ignorant, that's what I was, I was ignorant. But I
3 blame myself, I did it. And I learned from my
4 mistakes.

5 I don't have to keep going through -- keep going
6 through this to say who did it, are you going to do it
7 again. I know I'm not going to do it again, without a
8 shadow of a doubt. I know me. I know if I wanted to,
9 what I would do, I would admit myself quickly, very
10 quickly. I don't think about it, I don't even like to
11 even think about anybody else doing it. I'm just
12 thinking about myself.

13 Q So the sex offender treatment that you're doing
14 right now, is that required as part of being in Jump
15 Start?

16 A Yes, sir. If you got a problem with sex offender,
17 yes, sir, it's part of that probably, I would think so,
18 yes, sir, absolutely. And if you got a problem with
19 alcohol, they help you get that too.

20 Q Okay. So you planning on continuing?

21 A Jump Start ministry, yes, sir.

22 Q How about the sex offender treatment, are you...

23 A Yes, sir.

24 MR. FALK: I have no further questions. Please
25 answer any questions Mr. Morrow may have.

ROBBIE COLLINS-CROSS BY MR. MORROW

1 THE DEFENDANT: Yes, sir, sure will.

2 THE COURT: Mr. Morrow, your witness.

3 MR. MORROW: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. MORROW:

6 Q Good afternoon, Mr. Collins.

7 A Good afternoon, sir.

8 Q In 1986, you were charged with committing a lewd
9 act on a child; correct?

10 A It was attempted lewd act on a child, that's what
11 my warrant said.

12 Q And at the time it was alleged that you had four
13 victims; correct?

14 A No, sir. It alleged, it started off with one
15 victim.

16 Q But by the time that case was over, it said that
17 you had four; correct?

18 A It said four, and they dismissed it to one.

19 Q Right. Let's talk about that. So they dismissed
20 it to one. I have here what's be admitted as State's
21 Exhibit 1 is indictment for committing or attempting to
22 commit a lewd act on children under 14.

23 Would you please take a look at the back of that
24 indictment.

25 A It has three of them on it. I seen this one, I

1 mean, this indictment.

2 Q And how many children does it list on there?

3 A It's named out three. Four.

4 Q Four?

5 A Yes, sir.

6 Q Okay, thank you. And you pled guilty to that
7 offense in 1986; correct?

8 A Sir, I was under the impression that I pled guilty
9 to one attempt.

10 Q Well, let me ask you about that. So you've been
11 in court before; right?

12 A Yes, sir.

13 Q And you've seen what a guilty plea is like; right?

14 A Yes, sir.

15 Q And so in a guilty plea, the solicitor stands over
16 here on one side of the courtroom, on the other side of
17 the courtroom, you and your lawyer stand on the other
18 side; correct?

19 A Yes, sir.

20 Q And the judge is sitting up on the bench; correct?

21 A Yes, sir.

22 Q And at that time he asked the solicitor to read
23 the facts of the case, and that's this right here,
24 reading the indictment; correct?

25 A Yes, sir.

1 Q And then he asks you if you are pleading guilty
2 because you are guilty of those facts that the
3 solicitor just read into the evidence; correct?

4 A Yes, sir.

5 Q And so this indictment was read and had all four
6 children's names in it in court, and you swore under
7 oath that you did in fact commit that offense in 1986?

8 A Yes, sir. Okay. At first this went through
9 several indictments because I had several indictments.
10 But yes, sir, I pled to it.

11 Q Okay. You also admit that in 2004 you pled guilty
12 -- well, actually, hold on, let's go back to that 1986
13 crime one more time. When you were discussing that
14 with Dr. Swan, you denied that you committed that
15 offense; correct?

16 A That I denied it?

17 Q Yeah, that you denied that you committed...

18 A I had made sexual gestures toward the oldest one.

19 Q Okay. But you denied anything else with the other
20 children; correct?

21 A Yes.

22 Q When you talked with Dr. Swan?

23 A Well, yes, sir.

24 Q Okay. But in 1986 you said that you did --

25 A Well, at first, talking about Ms. Amy Swan, we

1 talked about that. But the story was changed around.
2 Now, I told her about the story. And just everything
3 got changed around whenever I was talking to Ms. Swan
4 about that.

5 Q All right. And so then you in 2004 pled guilty to
6 criminal sexual conduct in the second degree; correct?

7 A Yes, sir.

8 Q And that was because -- and your victim in that
9 case was a 95-year-old lady; correct?

10 A Yes, sir.

11 Q And this was after you had been in prison before
12 for lewd act on a child?

13 A 30 years later, yes, sir.

14 Q Correct, okay. And while you were in prison the
15 first time you had sex offender treatment; correct?

16 A Only for about three months.

17 Q But you did have sex offender treatment during
18 that prison term?

19 A For about three months, yes, sir.

20 Q And yet you re-offended?

21 A Well, yes, sir.

22 Q Okay.

23 MR. MORROW: Thank you, no further questions for
24 this witness.

25 THE COURT: All right. Any redirect?

1 MR. FALK: No redirect.

2 THE COURT: All right. Thank you, sir, you can
3 step down.

4 (Witness excused.)

5 THE COURT: Do you have any other witnesses?

6 MR. FALK: We do not.

7 THE COURT: All right. Defense rests?

8 MR. FALK: We would rest. We rest.

9 THE COURT: All right. Anything in reply?

10 MR. MORROW: Nothing in reply, Your Honor.

11 THE COURT: All right. Ladies and gentlemen,
12 let's take a brief recess prior to going into the next
13 phase. I'll get you back out here in about 10 or 15
14 minutes. Do not talk about the case, okay. Thank you.

15 (WHEREUPON, the jury exited the courtroom at
16 3:56 p.m.)

17 THE COURT: All right. Mr. Falk?

18 MR. FALK: I'd like to renew my motion for
19 directed verdict under the same grounds, preserve the
20 other objections that I made to the hearsay testimony
21 and some of the other testimony when it was, you
22 know --

23 THE COURT: Yes, sir.

24 MR. FALK: You overruled my objections and made
25 sure I'm protected on those.

1 THE COURT: You are protected on the record. The
2 Court respectfully denies your motions.

3 MR. FALK: Thank you.

4 THE COURT: All right. Let's take a brief recess
5 before we start with closing arguments. And then we
6 will -- then I'll charge the law. Any issue as to the
7 order in which we close in these cases?

8 MR. FALK: I'm thinking I'm going last.

9 MR. MORROW: Your Honor, I have no issue with
10 that.

11 THE COURT: That's what I thought. Well, yeah,
12 civil case. Well, we all agree that he gets to go
13 last?

14 MR. MORROW: Right, yeah.

15 THE COURT: Okay, good. Then we agree. Y'all
16 know why I'm asking that question, because of the
17 recent developments in our law.

18 MR. MORROW: Yes. Okay, good.

19 (WHEREUPON, a brief recess was taken at 3:58 p.m.)

20 (WHEREUPON, Defendant's Exhibit No. 2 was marked
21 for identification only.)

22 (WHEREUPON, the jury came into open court at
23 approximately 4:08 p.m.)

24 THE COURT: All right. All members of the jury
25 are present. Ladies and gentlemen, I want to thank

1 you, once again, one, for your patience, and number
2 two, for your attention span. Y'all have been a
3 fantastic jury, I've looked at you during the trial of
4 this case, and you know, I thank you for doing that.
5 You're supposed to do that, and I thank you for doing
6 that, and I know the lawyers do as well.

7 So that being said, we have completed the
8 testimony and evidence phase of the trial. We're now
9 going to move into closing arguments, okay. After you
10 hear from the lawyers as far as closing arguments,
11 that's when I will instruct you on the law that you
12 must use in determining your verdict in this case.

13 You are the fact finders, remember I give you what
14 the law is, and you use the conjunction of those two to
15 come up with your verdict, okay. So please give the
16 lawyers your utmost and undivided attention.
17 Mr. Morrow.

18 MR. MORROW: Thank you, Your Honor.

19 Ladies and gentlemen, we are all familiar with the
20 stereotype of a predator, a stranger dressed in a long
21 trench coat who drives a windowless van, a person who
22 attempts to abduct children with promises of candy and
23 stories of lost puppies. I mean, that's a pretty
24 common stereotype.

25 Mr. Collins is not that type of predator. That

1 type of predator is far less dangerous than Mr. Collins
2 because that type of predator is easy to spot, he's
3 easy to identify. A vigilant parent can protect their
4 child from that kind of predator, and children have
5 been taught how to spot that type of predator. They
6 yell, stranger danger, and they go find an authority
7 figure or a parent or guardian or teacher at that time
8 that person approaches them.

9 Now, Mr. Collins is not that type of predator,
10 he's far worse, he's a likeable person. He comes off
11 as a normal, regular guy -- kind of guy, the kind of
12 guy who might marry a woman and become a stepfather to
13 her children, the kind of guy who you might hire to
14 paint your house or the kind of guy that would stop by
15 an elderly woman's house and be able to charm his way
16 inside by talking to her at the front door, telling her
17 his phone went dead.

18 The real threat posed by Mr. Collins is exactly
19 like the story most of us are familiar with, and that's
20 a wolf in sheep's clothing. You see, Mr. Collins, a
21 wolf, disguises himself as one of the sheep and
22 pretends to be something that he is not and does it
23 pretty convincingly. He lulls his victims into a false
24 sense of security. There's nothing to worry about
25 here, it's just **Minor 4** -- **Minor 4** 's stepdad. No,

1 there's nothing to worry about here, it's just that
2 nice painter guy from down the street whose cell phone
3 went dead, and he just needs to come in and use my
4 phone. He seems trustworthy and genuine.

5 That's precisely what makes him so dangerous.

6 He's not a stereotype, he's not easy to spot, he's not
7 easily identifiable. He's a wolf dressed in sheep's
8 clothing.

9 Let's think about Mr. Collins' legal history for a
10 second. Dr. Swan told you about that, and in 1986
11 while married to -- he molested his two-year-old
12 stepdaughter, his nine-year-old step niece and
13 six-year-old step niece and a four-year-old step niece.
14 Mr. Collins wasn't a stranger to these children, wasn't
15 some guy who pulled up in a van, he was family member.
16 He had a position of authority over these children, and
17 he used that authority to molest them.

18 He pled guilty to that offense in 1986 and was
19 sentenced to ten years in prison. Mr. Collins paroled
20 for that offense in 1990. Before he left, he got sex
21 offender treatment. And Mr. Collins stood in court in
22 1986 and swore under oath that he's pleading guilty to
23 those charges because he was in fact guilty. He was
24 reminded of his right to pursue a trial. In order for
25 a guilty plea to go forward, he had to answer those

1 questions. And he did. And he was rightfully guilty
2 and he went to prison.

3 Yet in 2015 when interviewed by Dr. Swan, he
4 denied that he ever committed these offenses. In fact,
5 he tried to downplay it to minimize what he did. Let's
6 talk about Mr. Collins' life after prison, what did he
7 do after he got out of prison. He found employment as
8 a painter, and he went back to wearing his disguise,
9 being able to try to convince the sheep that he was one
10 of them.

11 This time he went to a 95-year-old lady's home,
12 came off like he did on the witness stand today,
13 charming. Convinced her to let him inside, let him use
14 her phone. Then he proceeded to rape her twice.

15 When he discussed this, Dr. Swan told you that he
16 told her that the lady should have kept her stuff to
17 herself. He also tried to romanticize his encounter as
18 if the 95-year-old lady was actually interested in
19 having sex with him.

20 Well, the victim had a certainly different version
21 of those events, and Dr. Swan told you about her
22 version of those events. And time after time
23 Mr. Collins sought to blame his victims or to blame his
24 circumstances or blame some vast conspiracy that's out
25 to get him. One thing he doesn't do is admit that he

1 even molested four children back in 1986, went to
2 prison, got sex offender treatment, got out and then
3 raped a 95-year-old woman.

4 South Carolina Sexually Violent Predator Act, the
5 State has to prove its case beyond a reasonable doubt.
6 In order to do that, the State has to prove two
7 elements. First, Mr. Collins has been convicted of at
8 least one sexually violent offense; and second, that he
9 suffers from a mental abnormality or personality
10 disorder that makes him likely to commit acts of sexual
11 violence if not confined to secure facility for
12 long-term control, care and treatment.

13 As the first element, the State has provided you
14 with certified copies of Mr. Collins' conviction from
15 his 1986 lewd act on children charged and from his
16 criminal sexual conduct charge in the second degree.
17 And they are marked as State's Exhibit 1 and State's
18 Exhibit 2. You will have those back in your jury room
19 to look at. There is an indictment, there is a
20 sentencing sheet, there are places on that page where
21 signatures are made. There is an official seal that
22 shows that those documents are official. The State has
23 proven that Mr. Collins has been convicted of a
24 sexually violent offense.

25 So the next element the State has to prove is that

1 Mr. Collins suffers from a mental abnormality or
2 personality disorder that makes him likely to re-offend
3 if not confined for treatment. To prove that element
4 the State has provided you with the testimony of Dr.
5 Amy Swan, a forensic psychologist who's been practicing
6 for over 19 years. She's licensed in the State of
7 Florida, Missouri and South Carolina. She has had over
8 922 hours of post-doctorate education and training
9 specifically related to sex offenders and 291 hours
10 specifically related in the area of sex offender
11 recidivism.

12 She's served on the Board of Psychology in
13 Florida, and she's a member of the American
14 Psychological Association and the Association of
15 Treatment of Sexual Abusers. She's worked with sex
16 offenders for a very long time. She has worked -- she
17 has evaluated 907 offenders specifically for sexually
18 violent predator proceedings and 400 other sex offender
19 evaluations. And she has been a recognized expert in
20 forensic psychology over a thousand times.

21 In the 19 years that Dr. Swan has been practicing
22 psychology, she has never faced discipline from a
23 licensing board. And the only time she's ever been in
24 trouble is when she used an outdated report. One
25 association she's a member of didn't think -- did not

1 take any disciplinary action against her. The other
2 had her do -- redo two reports and have them monitored.
3 She did comply, and she's still in compliance to this
4 day.

5 Dr. Swan diagnosed Mr. Collins with a mental
6 abnormality and a personality disorder. First, she
7 diagnosed him with pedophilic disorder. She told you
8 that in order to meet the criteria for pedophilic
9 disorder, Mr. Collins has to have intense sexual
10 arousal with prepubescent children, and sexual arousal
11 of those children is manifested by fantasies, urges and
12 behaviors involving sex with prepubescent children.
13 And that behavior took place over a period greater than
14 six months.

15 And she told you that he molested four girls
16 between the age of two and nine years old for a period
17 of over three years. A period of three years is
18 greater than six months, and the girls were all under
19 the age of puberty. So it meets criteria for that
20 disorder.

21 Dr. Swan also diagnosed him with other specified
22 personality disorder with antisocial features. She
23 explained to you that in order to meet that diagnosis
24 of other specified personality disorder, a person must
25 have a failure to conform to social norms and respect

1 for lawful behavior, they demonstrate deceitfulness,
2 irritability and aggressiveness, and reckless disregard
3 for the safety of himself or others, consistent
4 irritability and lack of remorse.

5 She explained that Mr. Collins had demonstrated a
6 failure to conform to social norms because he'd been
7 arrested several times. Mr. Collins violated his
8 probation, and he's used illegal substances while in
9 the community as well as used alcohol. She explained
10 that he demonstrated deceitfulness because he was not
11 truthful when interviewed about his sexual crimes. He
12 engaged in sexual assaults against four children and a
13 95-year-old woman, that demonstrated his irritability
14 and aggressiveness.

15 She talked about his reckless disregard for the
16 safety of others, including engaging in sexual assaults
17 of four children and a 95-year-old woman and driving
18 while intoxicated. He demonstrated consistent
19 irresponsibility for driving while intoxicated, being
20 arrested for driving without a license.

21 And, finally, she talked about his lack of remorse
22 by continuing to have these cognitive distortions and
23 talking about his circumstances rather than accepting
24 blame for what he did. She also explained to you that
25 having both a personality disorder and a pedophilic

1 disorder is essentially, it's a pathway that leads more
2 likely to that he'll re-offend.

3 And she discussed with you his score on the Hare
4 Psychopathy Checklist which indicated that he had --
5 while not a psychopath, had psychopathic tendencies.
6 She talked to you about his history with alcohol abuse
7 and explained the increased risk factors for re-offense
8 that come with such substance abuse.

9 Dr. Swan also explained how she measures risk to
10 re-offend. She explained that she used what's called
11 static risk factors and dynamic risk factors. Now,
12 static risk factors are factors that do not change.
13 And she explained that Mr. Collins scored a three on
14 the Static-99R, an actuarial instrument used to measure
15 those static factors. And that score meant that he
16 scored higher than 57 percent of other sex offenders.
17 She also explained to you about how that particular
18 test sometimes underestimates risk.

19 And so to address the problem of looking at the
20 static risk factors, Dr. Swan explained she also looks
21 at dynamic risk factors, factors that change over time.
22 She found that Mr. Collins demonstrates several
23 significant dynamic risk factors for re-offense, and
24 she testified to that, lifestyle impulsiveness, poor
25 problem solving, resistance to rules and supervision

1 and dysfunctional coping mechanisms.

2 Folks, the State has proven its case. The State
3 has proven that Mr. Collins both has been convicted of
4 a sexually violent offense and suffers from a mental
5 abnormality and personality disorder that makes him
6 likely to re-offend if not confined for treatment.

7 Let's talk about the Defense's case, what have
8 they told you today. Sylvia Roberts, she testified
9 that he was in the SOTP program and did participate in
10 sex offender treatment while at SCDC. She also
11 testified that as recently as on the day of his final
12 exam, he still exhibited cognitive distortions. And
13 then even just a few days before that, he had voiced
14 the idea that the 95-year-old woman who he raped had
15 wanted to have sex with him. That's at the end of his
16 sex offender treatment at South Carolina Department of
17 Corrections, not the beginning, the day of his final
18 exam.

19 Let's talk about what Mr. Collins told you. When
20 he got up here on the stand today, he talked about his
21 crime from 1986 and he kind of hoe-hummed about his
22 responsibility in that and about exactly what he did or
23 how did he it. You heard him, he's not fully admitting
24 his responsibility in that, and he's not fully
25 admitting what he did.

1 Let's talk about the pastor at J. Reuben Long,
2 both of them. Now, Mr. Collins, they testified that he
3 had made some significant progress in his faith, and
4 I'm happy and I hope that's true. I have no reason to
5 doubt that it is -- isn't.

6 Mr. Collins' father was also a minister. He grew
7 up exposed to faith, and he was raised to believe, and
8 he actively attended services both when he was a child
9 and also while he was in prison the first time around.
10 Yet he still re-offended.

11 The other witness you heard from was a guy from
12 Jump Start. And he told you that he's not required to
13 stay at Jump Start, he can leave at any time. There is
14 nothing to prevent him from leaving, there's no force
15 that will make him go to treatment if he doesn't want
16 to go to treatment anymore. There's nothing that will
17 make him have to do it if he doesn't want to.

18 So we come to the burden of proof. You're going
19 to hear a lot about that in a minute. The State bears
20 the burden of proof in this case. It must prove its
21 case beyond a reasonable doubt. In order to prove
22 Mr. Collins is a sexually violent predator, I've been
23 talking about these two elements to you, I have to
24 prove he's been convicted of a sexually violent offense
25 and he suffers from a mental abnormality or personality

1 disorder that makes him likely to commit acts of sexual
2 violence if not confined to a secure facility.

3 I want you to keep in mind that proof beyond a
4 reasonable doubt is proof that leaves you firmly
5 convinced. It's not proof beyond all doubt or any
6 conceivable doubt or every possible doubt. It's proof
7 beyond a reasonable doubt.

8 In closing, ladies and gentlemen, Mr. Collins went
9 to prison in 1986 for molesting four girls. He got out
10 of prison, and in December of 2003 he raped a
11 95-year-old woman. Mr. Collins is a sheep -- is a wolf
12 that he's pretending to be a sheep. The State has
13 proven its case, and the State asks you to find that
14 Mr. Collins is a sexually violent predator, put him in
15 the Department of Mental Health sexually violent
16 predator treatment unit, so that he can get the help
17 that he needs and to protect the public during the
18 treatment process. Thank you.

19 THE COURT: Thank you, Mr. Morrow.

20 MR. FALK: May I approach on a point.

21 THE COURT: Yes, sir.

22 (WHEREUPON, a bench conference was held off the
23 record in the presence of the jury but out of the
24 hearing of the jury.)

25 THE COURT: All right, Mr. Falk.

1 MR. FALK: I don't know why the State is talking
2 about something that happened 31 years ago when my
3 client was 21, 22 -- 22, 23 years old. Yet there's no
4 question that lewd acts against a minor is an awful
5 thing. It was 31 years ago, and there's really been no
6 evidence of any conduct, anything since that time. And
7 Dr. Swan was never able to tell you anything since that
8 time, any conduct that he has, any type of pedophilic
9 disorder.

10 Honestly, I know why the State's doing it, because
11 they know if they talk about the crimes against
12 children, they are really going to play on your
13 emotions and the emotions that any normal person would
14 have against allegations against children. But this is
15 something, if it happened, he pled guilty to it, it was
16 31 years ago when he was 21, 22 years old. And there's
17 been nothing since then. There's no reason to think
18 that he's going to commit a crime against a child going
19 forward. There is nothing in the testimony.

20 And the only thing that Dr. Swan said is that
21 people, sex offenders against children can keep
22 committing offenses up until when they are 70 years
23 old. But there's no evidence that that man right
24 there, not with some population of people, what some
25 static group of people, you know, some statistics, but

1 whether that man right there is going to commit a crime
2 against a child.

3 And I want y'all just briefly on point, the State
4 told you that he had committed a probation violation.
5 And there was absolutely no testimony on that. And
6 there was no probation violation. And I've reviewed
7 the -- reviewed his criminal record and there is no
8 probation violation. And the only reason why I'm
9 arguing on this point is because I can accept that if,
10 you know, you're on probation and you violate the
11 rules, then that maybe says something about your
12 ability to live by the rules.

13 My client has never violated probation. He knows
14 what the rules are, he's going to live by what the
15 rules are. When he got out after spending two years
16 waiting for this case originally in Horry County
17 detention center, what did he do when he got out? He
18 went to Jump Start. He went to be associated with a
19 group of people who are going to be supportive, are
20 going to help him find a job. He's going to be
21 accountable to these people. He's not going to be able
22 to drink, he's not going to be able to do drugs. He's
23 going to have to go to work. He's going to have to go
24 to meetings.

25 Because he is doing what you want somebody to do

1 when they get out of prison. He doesn't go back out
2 and hit the streets and get back into trouble. Now,
3 he's doing what we want people to do when they get out
4 of prison, is go to a halfway facility and try and
5 reintegrate into society. And at that time, you know,
6 find a job, get rid of some of those impediments that
7 are going to cause you to do something wrong again in
8 the future.

9 He's gotten his license, and he's got a job. He's
10 got a means of support. He's got a group of people who
11 will support him, he's got financial support, he's got
12 a job. And he's going to be way up in Spartanburg
13 working.

14 Yeah, I don't know what happened in 1986. But
15 when I do my practice in criminal law, I do a lot, I
16 represent criminal defendants, and I can tell you and I
17 think anybody can appreciate the fact that people will
18 plead guilty because they -- you know, they may not
19 have done exactly what they're charged with doing, but
20 they are -- you know, if they get a plea offer,
21 sometimes they are going to eliminate the risk of what
22 they could have gotten, and they are going to plead
23 guilty even though that's not exactly what happened.
24 Something happened in 1986, he did it, he went to
25 prison for it, he served his time.

1 He was out for 16 years from 1990 to 2006. I
2 mean, yes, he committed another crime. But there's no
3 reason to think that that crime is related to any type
4 of pedophilia, they are totally unrelated. He
5 committed another crime, was out for 16 years. If you
6 really had some type of pedophilic desires, we would
7 have heard something about that. But there weren't, he
8 is not a pedophile.

9 Sixteen years on the street, and she testified
10 that when people are on the street for five years,
11 their risk -- without picking up new charges, their
12 risk of re-offense is cut in half. Now, whether or not
13 that applies exactly in his case, I don't know. I'm
14 not an expert. But we did hear from Dr. Swan.

15 I wanted you to consider whether or not Dr. Swan
16 is the State's expert in this case or whether Dr. Swan
17 is an independent expert in this case. Because this is
18 a decision, I mean, this is kind of going back to what
19 I was talking about in my opening is, you know, I go to
20 a doctor and the doctor tells me I'm sick. And I can
21 respond to that and I'm going to get the treatment, and
22 I'm not expecting 12 people to, you know, discuss it
23 without having a jury trial on that for me to decide.

24 Because that kind of medicine is something that is
25 precise. There are tests, there are tests that can be

1 done that can be repeated over and over, and there are
2 going to be test results that one other doctor can look
3 at the other test results, you know, the same doctor
4 can look at the same test results or a different doctor
5 can. And they can reach the same conclusion because,
6 you know, it's an X-ray picture that you can see.

7 It's very easy to try, and we're talking about
8 doctors and we're talking about diagnoses, to try and
9 equate the kind of science and the kind of diagnoses
10 that a psychologist is doing with what a medical doctor
11 is doing. And I contend that they are significantly
12 different, there's a lot more room for interpretation.
13 And if you have any particular biases, they are going
14 to show.

15 She -- yes, she conducted this test, this Hare
16 test. And she admits that it can be very subjective,
17 you know, there are questions, does the person have a
18 glib personality, is he -- she said some of the other
19 things. There's obviously very subjective, and if
20 you're the State's witness, you're going to wear the
21 State's hat, and you're going to grade the test higher
22 because you're the State's witness.

23 I mean, there's a statement that, you know, kind
24 of one of those old adages your grandfather says that
25 if you're a hammer everything looks like a nail to you.

1 Well, I think that's what we have going on here is that
2 she's the State's witness, and she's going to prepare a
3 report that's going to be sufficient in order to
4 convict him.

5 And what I thought was interesting is, when she was
6 talking about the Hare test, after she admitted that
7 she'd never done it on any other -- I mean, I've had 15
8 cases with her, and she's never done it on any of those
9 other 15 cases, but she did it on his case, she
10 reported the score. And at first I thought it was
11 because she just decided that this is the first time
12 she's going to do the test.

13 But she said, no, that's the first time I reported
14 -- I mean, I asked him the same questions, I asked
15 everybody the same questions, but on his case I decided
16 to try and look it as how he would do on the Hare test.
17 And that's fine, and I mean, she's -- that's what the
18 State paid her to do was give a report that would get
19 him convicted.

20 But what does that mean if she only reports scores
21 when they are going to get the guy convicted. But on
22 the other 14 times she doesn't report the score if it's
23 not going to get the guy convicted. And again, that's
24 fine if you're the State's witness. But that's not the
25 way you do it if you're an independent expert.

1 Do you understand what I'm saying is that, you
2 know, when the test goes the right way, she doesn't
3 talk about it, when the test goes the wrong way, she
4 puts it on the report. That's what a State's expert
5 does. Now, at the end of the day, you're going to
6 have -- the judge is going charge you, and I really
7 feel confident he's going to charge you about how you
8 can look at expert witness testimony.

9 And I'm confident that he's going to tell you that
10 you don't have to -- you can choose not to follow the
11 expert witness's testimony. You should treat the
12 testimony just like any other fact that the State's got
13 to prove. And I expect that he's going to tell you
14 that anytime a witness -- I mean, granted, I had
15 witnesses up there, they obviously came here to support
16 him. I mean, I guess they had some bias in his favor.
17 But the State's witness has a bias in their favor.
18 That's not an independent expert, that's a State's
19 expert. She is a hammer, he's a nail.

20 This is a serious case. You need to be convinced
21 beyond a reasonable doubt before you come back. I
22 mean, it's going to be very easy to say, oh, he did
23 this bad thing to some children 31 years ago, I don't
24 like that. You know, let's send him away for three to
25 seven more years for some treatment. That's totally

1 discounting the fact that he spent eight months and
2 over 300 hours working with Sylvia Roberts.

3 She thinks he's okay. She said she thinks -- she
4 puts his risk at -- she doesn't think after spending
5 all that time with him, and when she let him out of the
6 program, she said, I don't think he -- I think he,
7 presents a low risk to re-offend. Dr. Swan, granted
8 she's an expert, she spent four hours with him.
9 Ms. Roberts spent over 300 hours with him. I don't
10 know who's more qualified, I just know who spent more
11 time with him.

12 Dr. Swan wants to make a lot out of the fact that
13 he was not always candid, and he was kind of maybe
14 being disingenuous with some of his answers to her. He
15 talked to her for four hours. Obviously he's going to
16 be defensive. Anybody would be defensive if they were
17 talking to that person. I think it's understandable
18 why you might try and color your opinions, you know,
19 try and influence the other person's opinion can
20 happen.

21 I mean, she only talked to him four hours, she
22 really didn't have a chance to develop any type of
23 rapport with him in order for him to get to the point
24 where he's being completely honest with her. Not like
25 he was being honest with the two gentlemen from -- the

1 two chaplains that he talked with at the Department of
2 Corrections, or not like he was being honest with
3 Ms. Roberts at the end of the day.

4 Y'all have to make this decision. This is a
5 serious decision for my client. Before you take away
6 somebody's rights and take away their liberty, and put
7 them in a secure facility for three to seven years of
8 more treatment, you need to be absolutely sure that
9 you're making the right decision, that there is no
10 doubt in your mind.

11 I tell you, I believe that there is doubt, one,
12 because he's gotten eight months, a year, however long,
13 he's gotten sex offender treatment while he was at the
14 Department of Corrections this last time. Maybe it
15 didn't take the first time, maybe he was too young the
16 first time. He's gotten treatment. The only kind of
17 treatment -- I mean, it's talk therapy treatment that
18 he's been through, group -- he's done that for eight
19 weeks for the Department of Corrections. And when he
20 gets out and he's up at Jump Start and he's working
21 up -- he's going to more treatment. He's getting
22 treatment.

23 There is nothing magic that's going to happen at
24 the sex offender treatment program. It's the same
25 psychologists, and they are going to be putting him

1 through more groups and more, you know, discussion.

2 He's gotten treatment. He's also, whether you want to
3 accept it or not, he's a different man than he was
4 before.

5 He's made a conversion to Christ and I applaud
6 that, and I hope it's genuine and I hope it's honest.
7 And ultimately that's something else that you've got to
8 factor in when you're considering this. It will be
9 very easy to just say, yeah, he's a sex offender, he's
10 going to commit the crime again if we don't do
11 something about it. But I contend there is very little
12 proof of that.

13 31 years of a crime, nothing since then. This
14 horribly stupid act with this poor lady at 95 years
15 old, he did ten years for that. It's going to be real
16 easy to want to punish him some more because you don't
17 like him. But your job today is to interpret the -- is
18 to listen to the law as it's explained to you and be
19 fair to my client, and determine whether or not you
20 think he has a mental disease or defect and whether or
21 not you think that he's going to recommit a crime
22 unless he's confined to a secure facility for long-term
23 care and treatment.

24 He's on the right path right now, he's doing Jump
25 Start, he's got a job. Don't take him off that path.

1 Don't send him into some other kind of downward spiral.
2 He's doing what we want him to be doing, let's keep him
3 there. Thank you.

4 JURY CHARGE

5 THE COURT: Thank you, gentlemen. Now, Mr.
6 Foreman, ladies and gentlemen of the jury, please pay
7 particular close attention to me as I give you the law
8 of this case that you must use in determining your
9 verdict. It's my duty as the trial judge under the
10 Constitution of this state to charge and instruct you
11 on the law applicable to this case. It is your duty as
12 jurors to accept and apply the law as I now state it to
13 you.

14 Now, the State has brought this case under the
15 sexually violent predator law of South Carolina. The
16 State is seeking the civil commitment of Robbie
17 Collins, the Respondent, for long-term control, care
18 and treatment in a secure facility. This is not a
19 criminal case, as I've told you, seeking incarceration,
20 but rather this is a proceeding seeking a civil
21 commitment.

22 Now, the State of South Carolina alleges or claims
23 that the Respondent, Robbie Collins, is a sexually
24 violent predator under the law. Now, the Respondent
25 denies that he is a sexually violent predator, and the

1 burden of proof is therefore on the State to prove by
2 evidence sufficient to satisfy each of you beyond a
3 reasonable doubt that Mr. Collins is a sexually violent
4 predator. If the State's unable to meet that burden of
5 proof as to one or more of the elements of this claim,
6 the Respondent is entitled to a finding that he is not
7 a sexually violent predator.

8 Now, ladies and gentlemen, I want to make sure
9 that you understand that Robbie Collins is not accused
10 of committing a crime in this proceeding. As you heard
11 from the testimony, he did have previous charges for
12 which he was sentenced by the Court. The Respondent
13 has now completed his criminal sentence for those
14 charges, and the State is now alleging that Mr. Collins
15 is a sexually violent predator. The State has the
16 burden of proof in this case and must prove its case
17 beyond a reasonable doubt.

18 If you find the State has not met this burden, the
19 Respondent will be released. If you find that the
20 State has met this burden, he will not be released.
21 But he will be committed to a secure treatment facility
22 operated by the South Carolina Department of Mental
23 Health in Columbia.

24 Now, during this trial you and I have had separate
25 duties to perform. As the trial judge, it has been my

1 responsibility to preside over this trial. And also I
2 have the duty and have ruled upon the admissibility of
3 various evidence offered during this trial. In that
4 regard, ladies and gentlemen, you are to consider only
5 the competent evidence before you, and you are to
6 disregard from your mind any testimony which has been
7 ordered stricken in this case or which was objected to
8 and sustained during the process of the trial, if there
9 was any. You are to consider only the testimony which
10 has been presented from that witness stand together
11 with any other exhibits which have been made a record
12 of this case.

13 I am the sole judge of the law of this case. It
14 is your duty as a juror to accept as correct and to
15 apply the law as I've now stated it to you. If you
16 have any preconceived ideas as to what the law is or
17 what the law ought to be and it doesn't agree with what
18 I tell you the law is, you're obligated under your oath
19 to abandon those preconceptions because you're sworn to
20 accept the law precisely as I give it to you.

21 You are the judge, the exclusive judge and the
22 sole judge, of the facts in this case. Do not infer
23 from, you know, looking at me during this trial as to
24 what you think I think of the evidence because it
25 doesn't matter what I think of the evidence. That's

1 solely for you to determine. I don't -- the law does
2 not permit me or allow me to have an opinion about the
3 facts in this case. Your job as jurors, it is your
4 duty alone to determine the effect, value and weight of
5 the evidence presented.

6 Now, I've already told you that the opening
7 statements and the closing arguments of the lawyers,
8 they are certainly beneficial to a trial; remember they
9 are not evidence, okay. Counsel in making arguments
10 will often refer to the evidence, but your verdict
11 should be based on the evidence as you remember it, as
12 you recall it from the witness stand. So if you have
13 any conflicts between your recollection and what the
14 lawyer may have said in closing arguments, you should
15 rely upon your own understanding of the evidence and
16 what you heard.

17 Now, let's talk about the burden of proof.
18 Typically civil cases, the burden of proof is what's
19 called by the greater weight or the preponderance of
20 the evidence. That's not what's happening here. This
21 is a civil case where the State's seeking civil
22 commitment, but as you've heard me say and you heard
23 the lawyers say numerous times, the burden of proof
24 here is beyond a reasonable doubt.

25 The State has that burden of proof. The State

1 must prove beyond a reasonable doubt that the
2 Respondent is a sexually violent predator as defined
3 under the law. If the State fails to meet this high
4 burden, then you must find that Mr. Collins is not a
5 sexually violent predator.

6 So what is a reasonable doubt? A reasonable doubt
7 is that kind of doubt which would make a reasonable
8 person hesitate to act. Proof beyond a reasonable
9 doubt is proof that leaves you firmly convinced that
10 Respondent is a sexually violent predator.

11 Now, ladies and gentlemen, there are very few
12 things in this world that we know with absolute
13 certainty. And in this type of case the law does not
14 require proof that overcomes every possible doubt. If
15 based upon your consideration of the evidence you're
16 firmly convinced that Robbie Collins is a sexually
17 violent predator, then you must find -- must return a
18 verdict that way.

19 If, on the other hand, you think there's a real
20 possibility that he's not a sexually violent predator,
21 you must give him the benefit of the doubt and return a
22 verdict for the Respondent finding that he's not a
23 sexually violent predator.

24 In determining what the facts in this case are,
25 you must judge the credibility, which simply means the

1 believability, of the witnesses and the value of the
2 weight to be given to the witnesses' testimony. You
3 alone, ladies and gentlemen, must decide the force,
4 effect and truth of the testimony offered during the
5 trial of this case.

6 And in passing upon the credibility or the
7 believability of witnesses, you may and should take
8 into consideration many things, such as the demeanor
9 and the manner in which a witness testifies. Was the
10 witness forthright or was the witness hesitant. Was
11 the witness' testimony consistent or did it have
12 discrepancies. What was the ability of the witness to
13 know the facts about what he or she testified to. Was
14 there some reason a witness would want to give
15 testimony which would help or hurt one side or the
16 other. In other words, did the witness appear to be
17 biassed or prejudice.

18 Was the testimony of the witness reasonable when
19 considered in the light of everything else of all of
20 the other evidence in the case and in light of your own
21 experience and common sense. Was the testimony of the
22 witness corroborated or made stronger by other
23 testimony and evidence, or was the testimony made
24 weaker or impeached by such other testimony and
25 evidence.

1 Now, see, as jurors, please understand that you
2 have the right to believe everything a witness says,
3 just a portion of what a witness says, or none of what
4 a witness says. That's the power that you have as the
5 fact finders in this case. And of course, you don't
6 determine the truth merely by counting the number of
7 witnesses presented by each side.

8 And the fact the testimony may not be controverted
9 does not mean you must accept that testimony as true
10 and undisputed. You still must gauge the credibility
11 of the witnesses to determine the believability or
12 truth of the facts offered through their testimony.

13 In exercising your mental processes and attempting
14 to decide how to reach a verdict, ladies and gentlemen,
15 the law simply requires that you exercise your good
16 judgment, your common sense, your sentence of logic and
17 reason and your life experiences. You then apply these
18 attributes to the evidence and apply the law as I'm now
19 giving it to you, and that's how you arrive at your
20 verdict.

21 Let's talk about expert witnesses. And you
22 remember I paused and kind of told you what an expert
23 witness is. The rules of evidence ordinarily do not
24 permit witnesses to testify as to opinions or
25 conclusions. Instead, they just simply testify as to

1 facts, what they saw, heard, smelled, etcetera.

2 However, there is an exception to people we call
3 expert witnesses because they may have special
4 knowledge, skill, experience, training or education.
5 And because of that special education or training, they
6 may be allowed to state an opinion as to any relevant
7 or material matter which the witness claims to be an
8 expert.

9 So in determining the weight to be given to such
10 an opinion, ladies and gentlemen, you should likewise
11 consider the qualifications and credibility of the
12 expert and the reasons given for the opinion. You're
13 not bound by such opinions. Rather, you should give it
14 the weight, if any, you think it deserves considering
15 the totality of the evidence. You weigh all of the
16 evidence together, and you give it the weight you think
17 it deserves.

18 The value and effect of expert testimony is a
19 matter to be solely estimated by you, the jury. No
20 opinion of an expert can be accepted in and of itself
21 as truthful or reliable, but it must be weighed by you
22 and convince your judgment beyond a reasonable doubt
23 and with the same force and effect as any other fact
24 proved in this case before you can rely upon it.

25 Now, let's talk about the sexually violent

1 predator statute, the specific law. Here's the
2 specific law as to what you're going to consider. The
3 elements which the State must prove beyond a reasonable
4 doubt are, number one, that the Respondent has been
5 convicted of a sexually violent offense. Well, I
6 charge you that criminal sexual conduct in the second
7 degree is a sexually violent offense.

8 And number two, and number two, that the
9 Respondent suffers from a mental abnormality or
10 personality disorder that makes him likely to engage in
11 acts of sexual violence if he's not confined in a
12 secure facility for long-term care, control and
13 treatment.

14 Now, inherent in these two elements, ladies and
15 gentlemen, is that the State must prove beyond a
16 reasonable doubt that the Respondent's mental
17 abnormality or personality disorder causes him serious
18 difficulty in controlling his behavior. In other
19 words, the State must prove beyond a reasonable doubt
20 that the individual it seeks to commit, Mr. Collins in
21 this case, suffers from a mental illness which he
22 cannot sufficiently control without the structure and
23 care provided by a mental health facility, thus
24 rendering him otherwise likely to commit a dangerous
25 act.

1 In order for you to better understand the elements
2 of the State's cause of action, let me define for you
3 some of the terms that I've just used. Mental
4 abnormality means a mental condition affecting a
5 person's emotional or volitional capacity that
6 predisposes the person to commit sexually violent
7 offenses.

8 Now, this mental abnormality or personality
9 disorder must cause Mr. Collins serious difficulty in
10 controlling his behavior. Likely to engage in acts of
11 sexual violence means the person's propensity to commit
12 acts of sexual violence is of such a degree that he
13 poses a menace to the health and safety of others, so
14 that he's dangerous to others.

15 Again, I remind you, ladies and gentlemen, that
16 the burden of proof is on the State to prove to your
17 satisfaction beyond a reasonable doubt that the
18 Respondent has been convicted of a sexually violent
19 offense as I've instructed you, and also suffers from
20 that mental abnormality or personality disorder that
21 makes him likely to engage in acts of sexual violence
22 if not confined to a secure facility for long-term
23 control, care and treatment.

24 If the State carries its burden of proof and
25 convinces you beyond a reasonable doubt as to each of

1 these two elements of this cause of action, it's
2 entitled to a finding by you, the jury, that Mr. Robbie
3 Collins is a sexually violent predator. If the State
4 does not meet that burden as to one or both of these
5 elements, the Respondent is entitled to a finding that
6 he's not a sexually violent predator.

7 Now, ladies and gentlemen of the jury and
8 Mr. Foreman, as you are about to retire to begin your
9 deliberations, let me express the hope that each of you
10 will be mindful of the importance of your
11 responsibility. You're not called upon to serve as
12 jurors very often. And the proper performance of this
13 duty requires that each of you reach the height of
14 freeing your mind of all improper influences.

15 As the presiding officer of this court, I am
16 vitally concerned that whatever verdict you find will
17 be the result of your going back into that jury room
18 and confining your consideration to the evidence that
19 you heard and the law that you've heard in this
20 courtroom, weighing it fairly and impartially. And I
21 have every confidence that you'll do that.

22 Your verdict in this case cannot be based on
23 sympathy, compassion, preference or emotion or some
24 other consideration not found in the evidence.
25 Remember, your verdict, Mr. Foreman, must be unanimous,

1 that means all 12 of you have to agree to your verdict,
2 okay. Here's the verdict form, Mr. Foreman, that only
3 you are authorized to fill out once all 12 of you
4 agree. It will have one or two check marks.

5 It reads: Has the Petitioner, the State of South
6 Carolina, proven beyond a reasonable doubt that the
7 Respondent, Robbie Collins, is a sexually violent
8 predator under the South Carolina Sexually Violent
9 Predator Act?

10 And then it says: We, the jury, unanimously
11 answer this question as follows, either blank one,
12 which you would check if you find that to be, yes,
13 Robbie Collins is a sexually violent predator. Or
14 blank two, if you find that to be that, you would check
15 it and say, no, Robbie Collins is not a sexually
16 violent predator. And then you'll sign it and date it.
17 Remember, you can't fill it out until you have a
18 unanimous verdict.

19 So at this time, ladies and gentlemen, I'm going
20 to have you go back to your jury room, everybody except
21 for my alternate. And madam alternate, if you'll stick
22 around with me. The rest of you go back to your jury
23 room. Don't start talking about the case until you
24 receive this verdict form and the items which came into
25 evidence. When the bailiff hands those to you, that's

1 your signal to start talking about the case, okay.

2 And once you start deliberating, you're going to
3 deliberate until we have a verdict, at which time
4 you'll knock on the door and let the bailiff know, and
5 we'll bring you back out here, okay. Y'all head on
6 back there.

7 (WHEREUPON, the jury exited the courtroom at
8 4:55 p.m.)

9 THE COURT: Any exceptions to the charge from the
10 State?

11 MR. MORROW: Nothing from the State.

12 THE COURT: The Defense?

13 MR. FALK: Nothing from the Respondent, Your
14 Honor.

15 THE COURT: All right. Thank you. Madam
16 alternate, thank you so much for your jury service.
17 What are we doing?

18 THE CLERK: They need to call when they get home.

19 THE COURT: Okay. Call tonight after six, and
20 you'll be given instructions about what you're supposed
21 to do. But you're free to leave. To the extent you
22 have any personal items there, the bailiff will get
23 them, you can't go back in there, okay.

24 Ma'am, just go on out that way and he'll escort
25 you. Thank you so much for your service.

1 (WHEREUPON, the jury begins to deliberate at
2 4:57 p.m.)

3 THE COURT: All right. All the members of the
4 jury are present. Ladies and gentlemen, it's been a
5 long day. I know y'all just, you know -- in all
6 fairness to y'all, y'all just got the case 45 minutes
7 ago. And deliberations are called deliberations for a
8 reason, because you're supposed to talk about the
9 evidence deliberately, okay, and go through everything.
10 And I want you to do that, all right.

11 So unfortunately, we're not going to stick around
12 any longer today, though, because we're all tired.
13 We're going to get a fresh start in the morning, okay.
14 And remember, your verdict is based solely on what you
15 heard in this courtroom and what I've charged you. You
16 cannot go and do any independent research on the case,
17 Google names, go on social media and talk about the
18 trial you're on, talk to your significant other about
19 what type of case you tried. Just don't do it.

20 I'm not naive, I know you're going to tell whoever
21 you're, you know, significant other, yeah, I'm on a
22 trial jury, we're talking about it now, but the judge
23 says I can't talk about it. That's all you got to say,
24 blame me, I'm used to being the bad guy, okay, no
25 problem.

1 I want you to show up to downstairs at 9 a.m.
2 tomorrow. Is that suitable for everybody, or you would
3 rather be here for 9:30? I don't know about traffic
4 around here, that's why I'm asking. All right, nine,
5 be here at nine.

6 As soon as you get here, Mr. Bailiff, bring them
7 all up here to the jury room, and go ahead and start
8 deliberating. I'll be rolling in right around nine,
9 9:15, but I don't have to be here before y'all start
10 talking about it, okay. So y'all start working
11 tomorrow, you'll have fresh eyes and ears, okay. Take
12 care, have a good evening.

13 (WHEREUPON, the jury exited the courtroom at
14 5:47 p.m.)

15 THE COURT: We're adjourned for today.

16 (The hearing adjourned at approximately 5:47 p.m.)

17 (The hearing resumed on Wednesday, October 4,
18 2017, at approximately 10:28 a.m.).

19 (WHEREUPON, Court's Exhibit No. 2 was marked for
20 identification only.)

21 THE COURT: All right, I got a question from the
22 jury that's been marked Court Exhibit No. 2. The
23 question, is the commitment a hard three to seven
24 years, or will he be re-evaluated every X amount of
25 months and be released as soon as he meets the criteria

1 to be released?

2 MR. MORROW: Can't answer that question.

3 THE COURT: I can't answer that question.

4 MR. FALK: No.

5 THE COURT: It came up during the trial. I think
6 it came up by way of a question.

7 MR. FALK: Well, the three to seven came up
8 because Dr. Swan said it takes three to seven years.

9 THE COURT: Well, the way I always answer these
10 questions when I get them is ones in this vein are,
11 I'll bring them back out and say, ladies and gentlemen
12 of the jury, received your question, thank you so much
13 for your question. However I cannot answer that
14 question because you must only go by the evidence in
15 the record.

16 MR. FALK: That's all you can do.

17 THE COURT: That's it. Bring them in.

18 (Discussion off the record.)

19 (WHEREUPON, the jury came into open court at
20 approximately 10:32 a.m.)

21 THE COURT: All right. Good morning, ladies and
22 gentlemen. Mr. Foreman, all members of the jury are
23 present. I received your question, as follows: Is the
24 commitment, a hard three to seven years, or would it be
25 re-evaluated every X amount of months and be released

1 as soon as he meets the criteria to be released?

2 My response to that question is, ladies and
3 gentlemen, you must only consider the evidence
4 presented during this trial to deliberate your verdict.
5 You can't consider any extraneous evidence or
6 information not presented during this trial. All
7 right. Y'all head on back to the jury room and keep
8 deliberating.

9 (WHEREUPON, the jury exited the courtroom at
10 10:33 a.m.)

11 (WHEREUPON, the jury continues to deliberate at
12 10:35 a.m.)

13 (WHEREUPON, the jury came into open court at
14 approximately 11:01 a.m.)

15 THE COURT: All right, all members of the jury are
16 present. Mr. Foreman, it's my understanding the jury
17 has reached a verdict?

18 FOREPERSON: Yes, Your Honor, we have.

19 THE COURT: And is the verdict unanimous?

20 FOREPERSON: Yes, sir, it is.

21 THE COURT: All right, if you'll hand it to my
22 bailiff, please. Madam clerk, you may publish the
23 verdict.

24 THE CLERK: Yes, sir. The State of South
25 Carolina, County of Horry, in the Court of Common

1 Pleas, Case No. 2017-CP-26-3014, In the Matter of the
2 Care and Treatment of Robbie Collins, Respondent,
3 verdict.

4 Has the petitioner, the State of South Carolina,
5 proven beyond a reasonable doubt that Respondent,
6 Robbie Collins, is a sexually violent predator under
7 the South Carolina Sexually Violent Predator Act? We,
8 the jury, unanimously answer the question as follows:
9 Yes, Robbie Collins is a sexual violent predator. Earl
10 L. Main, foreperson, October the 4th, 2017, Horry,
11 South Carolina.

12 Mr. Foreman, ladies and gentlemen of the jury, is
13 this your verdict? If so, please signify by raising
14 your right hands.

15 (WHEREUPON, all jurors raised their hands.)

16 THE CLERK: Thank you.

17 THE COURT: All right. Ladies and gentlemen of
18 the jury, thank you so much for your service to Horry
19 County and for the State of South Carolina. Your jury
20 service has ended for the week. You are free to leave.
21 Thank you so much.

22 (WHEREUPON, the jury exited the courtroom at
23 11:02 a.m.)

24 THE COURT: Anything else for the good of the
25 cause?

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

2 MR. FALK: Not at this time, Your Honor, reserving
3 the right.

4 THE COURT: Sure, absolutely. Mr. Collins, I wish
5 the very best of luck to you, sir; okay?

6 THE DEFENDANT: Yes, sir, I appreciate you.

7 THE COURT: Yes, sir, thank you. That concludes
8 the trial of this case.

9 (The hearing concluded at approximately
10 11:03 a.m.)

11 (End of Transcript of Record.)
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1 CERTIFICATE OF REPORTER
2

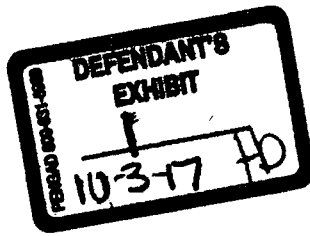
3 STATE OF SOUTH CAROLINA)
4 COUNTY OF HORRY)

5
6 I, TERESA J.F. BAUTZ, Official Court
7 Reporter for the Fifteenth Judicial Circuit of the
8 State of South Carolina, do hereby certify that the
9 foregoing is a true, accurate and complete Transcript
10 of Record of the proceedings had and evidence
11 introduced in the trial of the captioned case, relative
12 to appeal, in the Court of Common Pleas for Horry
13 County, South Carolina, on the 19th day of February,
14 2018.

15
16 I FURTHER CERTIFY that I am neither of
17 kin, counsel nor interest to any party hereto.

18
19
20 *S/Teresa J. F. Bautz*

21 _____
22 TERESA J.F. BAUTZ, RPR
23 Official Court Reporter
24
25



ROBBIE C. COLLINS, SCDC # 138324
 October 18, 2015
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APPENDIX I

1. ✓ Sexual Predator Referral Form, undated
2. ✓ SCDC Classification Summary Reports, 4 pages, dated 1/13/15
3. ✓ SCDC Offender Management System Documents, dated 11/18/14, 1/13/15, 1/19/15, and 1/22/15
4. SPMDT Case Summary, undated
5. Sexual Predator Synopsis Form, undated
6. SCDC Victim/Witness Notification Request, 2 pages, dated 7/1/87
7. Plea, Case Number: 04-GS-26-4013, dated 1/10/06
8. Judicial Department Document, undated
9. Arrest Warrant, 3 pages, dated 10/28/04
10. Affidavit, dated 12/6/03
11. Sexual Assault Examination Protocol, State of South Carolina Law Enforcement Division (SLED), 5 pages, dated 12/6/03
12. Horry County Police Department Advisement of Miranda Rights, dated 12/7/03
13. Affidavit, dated 12/6/03
14. Horry County Sheriff's Office Arrestee Datasheet, dated 1/17/09
15. Incident Report, 3 pages, dated 12/6/03
16. Subpoena Duces Tecum Criminal Investigation, dated 12/23/03
17. Voluntary Statement of Naomi K., dated 12/7/03
18. Loris Police Department Victim's Right's Form, dated 12/6/03
19. State of South Carolina, State Office of Victim Assistance Medical Examination Release, dated 12/6/03
20. Picture, undated
21. Adult Sexual Assault Evidence Collection Kit, 2 pages, dated 12/6/03
22. SLED Laboratory Forensic Services Request, 2 pages, dated 12/8/03
23. Certificate of Transmittal, dated 12/9/03
24. Handwritten note about Criminal Sexual Conduct, dated 12/5/03
25. Horry County Police Department Coversheet, dated 12/5/03
26. Horry County Police Department Case Status Report, 2 pages, dated 12/12/03
27. Horry County Police Department Report of Investigation, 3 pages, dated 12/6/03
28. Officer's Report, 2 pages, dated 12/6/03
29. Officer's Report, dated 12/7/03
30. Horry County Police Department Investigative Check List, undated
31. Police Report, dated 12/6/03
32. Supplemental Incident Report, dated 12/12/03
33. Incident Report, dated 12/6/03
34. Supplemental Incident Report, dated 12/7/03
35. Letter to the Honorable Beth Carrigg from Larry A. Mitchell, SCDC, 2 pages, dated 2/8/08
36. Indictment Case Number: 86-GS-32-2145, 2 pages, dated 12/1/86
37. Letter to C. Dayton Riddle, III from Larry Mitchell, 2 pages, dated 10/13/06
38. Letter to Larry Mitchell, from Tracie Cosburn, dated 10/19/06

- 39. Email from Records to Larry Mitchell, dated 11/18/14
- 40. SCDC Sexual Predator Multi-Disciplinary Team Referral Data, 2 pages, undated
- 41. ✓ SCDC Division of Mental Health Institutional Review of Inmate Records, dated 1/15/15
- 42. SLED Criminal History Record, 11 pages, dated 1/30/15
- 43. ✓ Probable Cause Order, dated 3/23/15
- 44. ✓ Order for Evaluation Pursuant to the Sexually Violent Predator Act, 2 pages, dated 7/17/15
- 45. Interview of Mr. Collins on 8/6/15 for 4 hours (8:30A-12:30P)

11:21:21 Monday, September 25, 2017

PRGI200D

SCDC OFFENDER MANAGEMENT SYSTEM
PROGRAM SERVICES09/25/17
C057031

SCDC # 138314

DETAIL INQUIRY

COLLINS, ROBBIE CARROLL

CURR LOC: SPARTANBURG

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

PROGRAM SERVICE: 310 SOTP SEX OFFENDER TREATME

ENROLL/START DATE ..: 12/15/14

TERMINATION DATE ...: 08/24/15

TERMINATION STATUS : CGP COMPLETE-GOOD PARTICIPA.

CASEWORKER LST NME.: ROBERTS

PROG/SER LOCATION ..: 0211 BROAD RIVER

PROGRAM INDICATOR...:

UPDATED BY:

DATE:

CREATED BY: ROBERTS

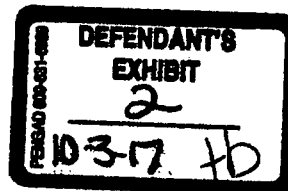
DATE: 08/21/15

RESPONSE>

PFKEY

CLEAR:SUMMARY

PF8:NEXTREC



302

11:20:48 Monday, September 25, 2017

PRGI200D

SCDC OFFENDER MANAGEMENT SYSTEM

09/25/17

PROGRAM SERVICES

C057031

SCDC # 138314

DETAIL INQUIRY

COLLINS, ROBBIE CARROLL

CURR LOC: SPARTANBURG

OFFENDER TYPE: ADULT-STRAIGHT SENTE

PROGRAM SERVICE: 081 GROUP THERAPY

ENROLL/START DATE ..: 09/30/87

TERMINATION DATE ...: 12/02/87

TERMINATION STATUS : SRC SERV RENDERED & COMPLETED

CASEWORKER LST NME.: CONNER

PROG/SER LOCATION ..: 0302 WALDEN

PROGRAM INDICATOR...:

UPDATED BY:

DATE:

CREATED BY: JC

DATE: 12/30/87

RESPONSE>

PFKEY

CLEAR:SUMMARY

PF8:NEXTREC

11:21:48 Monday, September 25, 2017

PRGI200D

SCDC OFFENDER MANAGEMENT SYSTEM

09/25/17

PROGRAM SERVICES

C057031

SCDC # 138314

DETAIL INQUIRY

COLLINS, ROBBIE CARROLL

CURR LOC: SPARTANBURG

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

PROGRAM SERVICE: 175 CSTAR GROUP - OTHER

ENROLL/START DATE .: 08/09/88

TERMINATION DATE .: 12/22/88

TERMINATION STATUS : CGP COMPLETE-GOOD PARTICIPA.

CASEWORKER LST NME.: CONNER

PROG/SER LOCATION .: 0302 WALDEN

PROGRAM INDICATOR...:

UPDATED BY:

DATE:

CREATED BY: JC

DATE: 11/01/88

RESPONSE>

PFKEY

CLEAR:SUMMARY

PF8:NEXTREC

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11:22:00 Monday, September 25, 2017

PRGI200D SCDC OFFENDER MANAGEMENT SYSTEM 09/25/17
 PROGRAM SERVICES C057031
SCDC # 138314 DETAIL INQUIRY
COLLINS,ROBBIE CARROLL CURR LOC: SPARTANBURG
OFFENDER TYPE: ADULT-STRAIGHT SENTE

PROGRAM SERVICE ...: 175 CSTAR GROUP - OTHER

ENROLL/START DATE ..: 03/29/88

TERMINATION DATE ...: 08/02/88

TERMINATION STATUS : SRC SERV RENDERED & COMPLETED

CASEWORKER LST NME.: ABDULLAH & J CONNER

PROG/SER LOCATION ..: 0302 WALDEN

PROGRAM INDICATOR...:

UPDATED BY:

DATE:

CREATED BY: SA

DATE: 04/26/88

RESPONSE>

PFKEY

CLEAR:SUMMARY

PF8:NEXTREC

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- ** ENCOUNTER: 222 MENTAL HEALTH CLINIC 09/01/15 13:58 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 8/24/15
THE GROUP MEMBERS REFLECT UPON THE GROUP LESSONS. THE GROUP MEMBERS RECEIVE THEIR CERTIFICATES FROM GUARDRAILS. THE REPRESENTATIVES OF THE CHAPLIN OFFICE DISCUSS THE DIFFICULT TASKS OF THE GROUP MEMBERS UNDERSTANDING WHAT IT IS TO HAVE GOOD JUDGEMENT.
A: SEX OFFENDER
I/M AFFECT IS NORMAL, I/M ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND SHARED HIS FEEDBACK ABOUT THE GROUP PROCESS. THERE WERE 12 MEMBERS ATTENDING GROUP TODAY. THE PURPOSE OF THE GROUP IS CLOSURE FROM SIX MONTHS OF TREATMENT.
P: I/M WILL BE TRANSFERRED FROM BRCI.
MS. ROBERTS LMSW
SIGNED OFF ON 09/01/15 @ 13:59 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 221 MENTAL HEALTH CLINIC 08/21/15 13:14 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 8/20/15 -9:00-10:45
THE GROUP DISCUSSION DID THE FINAL TEST. AFTER THE MEMBERS COMPLETED THE TEST, AND THEY DID A SOTP SATISFACTION GROUP SURVEY. AN INMATE HELPER TOOK THE SURVEY, PLACE THE SURVEY IN AN INTEROFFICE ENVELOPE AND THE WRITER ADDRESS THE ENVELOPE TO MRS. BRENDA PINCKNEY SECRETARY OF DIVISION OF BMHSAS.
A: SEX OFFENDER
I/M AFFECT IS IN NORMAL RANGE AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION. THE GROUP LESSON HELP THE INMATE TO UNDER THEIR COMMUNITY SERVICES. THERE ARE 12 MEMBERS ATTENDING TODAY. I/M SCORE A 84% AND HIS OVERALL AVERAGE IS 67% . I/M WILL RECEIVE A CERTIFICATE WITH SEAL. AT TIMES, I/M SHOWED SIGNS OF STRESS WHEN TALKING ABOUT HIS CRIME. I/M HAS GOOD INSIGHT INTO HIS CRIMINAL HISTORY. I/M'S VICTIM IS ELDERLY. I/M CONTINUE TO VOICE COGNITIVE DISTORTION ABOUT THE WOMEN WANTING HIM. I/M IS TRYING TO UNDERSTAND HIS DISTORTION. HE IS VERY RECEPTIVE TOWARDS THE GROUP WORK. IT IS WRITER'S OPINION THAT I/M IS AT LOW RISK OF REOFFENDING. HOWEVER, I/M HAVE AN ATTITUDE THAT A WOMEN NEED TO TAKE CARE OF HIM.
P: I/M WILL REMAIN AT BRCI UNTIL HE MAXOUT IN OCT 15
SIGNED OFF ON 08/21/15 @ 13:19 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 220 MENTAL HEALTH CLINIC 08/21/15 13:14 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 8/19 /15 -9:00-10:45
THE GROUP DISCUSSION CONTINUE ON COMMUNITY SERVICES. THE GROUP LOOK AT VETERAN ADMINISTRATION SERVICES. WE DISCUSSED THE ELIGIBILITY FOR SERVICES. THE DEPARTMENT OF MENTAL HEALTH SERVICES, FOOD PANTRIES AND CASE MANAGEMENT SERVICES WITH AUSTIN WILKES SOCIETY.
A: SEX OFFENDER
I/M AFFECT IS IN NORMAL RANGE AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION. THE GROUP LESSON HELP THE INMATE TO UNDER THEIR COMMUNITY SERVICES. THERE ARE 12 MEMBERS ATTENDING TODAY
P: I/M WILL CONTINUE TO ATTEND GROUP
SIGNED OFF ON 08/21/15 @ 13:14 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

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- ** ENCOUNTER: 219 MENTAL HEALTH CLINIC 08/18/15 11:59 BROAD RIVER COMP
D: SOTP GROUP NOTE: 9:00-10:45
THE GROUP LESSON IS COMMUNITY SERVICES. THE GROUP LOOK AT SOCIAL SECURITY ADMINISTRATION - SOCIAL SECURITY RETIREMENT AND SOCIAL SECURITY INCOME. WE DISCUSSED THE ELIGIBILITY OF RECEIVING THE SERVICES. THE GROUP ALSO LOOK AT DEPARTMENT OF SOCIAL SERVICES FOOD STAMPS PROGRAM AS WELL AS MEDICAID. THE GROUP MEMBERS BRIEFLY TALK ABOUT VETERAN ADMINISTRATION SERVICES.
A: SEX OFFENDER
I/M AFFECT IS IN NORMAL RANGE AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION. THE GROUP LESSON HELP THE INMATE TO UNDER THEIR COMMUNITY SERVICES. THERE ARE 11 MEMBERS ATTENDING TODAY
P: I/M WILL CONTINUE TO ATTEND GROUP
SIGNED OFF ON 08/18/15 @ 11:59 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 218 MENTAL HEALTH CLINIC 08/17/15 14:11 BROAD RIVER COMP
D: SOTP GROUP NOTE:
THE GROUP CONTINUE THEIR DISCUSSION ON SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON. WE EXAMINE THE RULES AND LIMITATION OF PROBATION AND COMMUNITY SUPERVISION. ALSO, THE GROUP MEMBERS CLOSELY AT THE SEXUAL REGISTRY AND THE POSSIBLE VIOLATION.
A: SEX OFFENDER
I/M AFFECT IS BRIGHT, HE PARTICIPATE IN THE GROUP DISCUSSION AND HE CONTINUE TO GIVE POSITIVE FEEDBACK. THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO UNDER THE GUIDELINE OF SC PROBATION, PAROLE AND PARDON. ALSO, THE GROUP MEMBERS CAN LOOK AT THEIR RELAPSE PREVENTION PLAN. THERE WERE 12 MEMBERS ATTEND GROUP TODAY
P: I/M WILL CONTINUE TO ATTEND GROUP
MS. ROBERTS LMSW
SIGNED OFF ON 08/17/15 @ 14:12 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 217 MENTAL HEALTH CLINIC 08/17/15 14:11 BROAD RIVER COMP
INCIDENTAL NOTE: LATE NOTE 8/13
NO GROUP HELD BECAUSE EDUCATION IS CLOSED DUE TO LACK OF SECURITY.
MS. ROBERTS LMSW
SIGNED OFF ON 08/17/15 @ 14:11 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 216 MENTAL HEALTH CLINIC 08/12/15 10:24 BROAD RIVER COMP
INCIDENTAL NOTE:
NO GROUP WAS HELD TODAY BECAUSE EDUCATION BUILDING IS CLOSED.
MS. ROBERTS LMSW
SIGNED OFF ON 08/12/15 @ 10:24 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 215 MENTAL HEALTH CLINIC 08/11/15 15:26 BROAD RIVER COMP
D: ROUTINE NOTE:
THE PURPOSE OF THE MEETING TODAY IS TO TALK ABOUT SVP PROCESS. I/M HAD HIS SVP PAPER WORK. WE DISCUSS EACH PAGE OF THE PACKAGE. I/M COLLINS HAS FIVE VICTIMS. IN ADDITION, I/M RAPED HIS VICTIM TWICE. I/M FEELS THAT HE IS RESPONSIBLE FOR HIS ACTION AND HE IS NOT A SEXUAL PREDATOR. WRITER

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EXPLAIN THE DOCUMENTATION IN THE SVP PACKAGE. WRITER STRONGLY RECOMMENDED THAT I/M TALKS TO HIS ATTORNEY ABOUT HIS FEELINGS ABOUT THE SVP PROCESS. I/M FEELS THAT HE HAS LEARN ALOT ABOUT HIS TRIGGERS, DISTORTED THINKING, AND RELAPSE PREVENTION.

A: SEX OFFENDER

I/M IS VOICING SOME ANXIETY ABOUT THE SVP PROCESS, HE CONTINUE TO WORRY ABOUT PLACEMENT IN SC DEPARTMENT OF MENTAL HEALTH, I/M MINIMIZE HIS PART IN THE SEXUAL CRIME, I/M RAPE HIS VICTIM TWICE AND HE NEVER MENTION IT. HOWEVER, I/M IS REALIZING THAT HIS VICTIM WAS OVER 90 YEARS OLD. I/M IS DEALING WITH THE OUTCOME OF HIS CRIMES.

P: I/M WILL CONTINUE TO CONTROL HIS ANXIETY BY USING RELAXATION TECHNIQUES AND CONTACTING HIS ATTORNEY FOR INFORMATION ABOUT HIS SVP CASE. COUNSELORS WILL BE AVAILABLE IF NEEDED.

MS. ROBERTS, LMSW

SIGNED OFF ON 08/11/15 @ 15:38 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 214 MENTAL HEALTH CLINIC 08/11/15 15:25 BROAD RIVER COMP
D: SOTP GROUP NOTE: 9:00-11:00AM

THE GROUP CONTINUE THEIR DISCUSSION ON SC PROBATION, PAROLE AND PARDON RULES FOR INMATES ASSIGN TO PROBATION. ALSO, WE DISCUSSED THE CHAIN OF COMMAND IN WHICH AN OFFENDER CAN REPORT IF THEY FEEL THAT THE AGENT IS NOT PROVIDING SERVICES.

A: SEX OFFENDER

I/M AFFECT IS NORMAL, I/M ASK SEVERAL QUESTIONS ABOUT SCPPP AND I/M SHARED HIS FEEDBACK WITH OTHERS. THE PURPOSE OF THE GROUP TODAY IS TO HELP THE INMATE TO UNDERSTAND THEIR RESPONSIBILITY TO SCPPP RULES THERE WERE 12 GROUP MEMBERS TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP

MS. ROBERTS LMSW

SIGNED OFF ON 08/11/15 @ 15:26 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 213 MENTAL HEALTH CLINIC 08/10/15 12:23 BROAD RIVER COMP
D: SOTP GROUP NOTE: 10:00-11:00

THE GROUP DISCUSS THE DIFFERENCE BETWEEN THE MEGAN LAW AND JESSIE LAW. THE GROUP LESSON HELP THE GROUP MEMBERS TO UNDERSTAND THE TWO LAWS ENFORCEMENT I.E SHERIFF AND SC PROBATION, PAROLE AND PARDON. THE GROUP MEMBERS ALSO LOOK AT HOW THE VIOLATIONS OF THE MEGAN LAW CAN AFFECT THE JESSIE LAW.

A: SEX OFFENDER

I/M AFFECT IS BRIGHT, I/M ATTENTIVELY LISTEN TO THE GROUP DISCUSSION AND I/M ACTIVELY PARTICIPATE IN THE GROUP LESSON. THE PURPOSE OF THE GROUP IS TO HELP GROUP MEMBERS UNDERSTAND THE LAWS FOR SEX OFFENDERS IN THE COMMUNITY. THERE WERE 12 GROUP MEMBERS TODAY.

P: I/M CONTINUE TO ATTEND GROUP.

MS. ROBERTS LMSW

SIGNED OFF ON 08/10/15 @ 12:23 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 212 MENTAL HEALTH CLINIC 08/05/15 11:57 BROAD RIVER COMP
INCIDENTAL NOTE:

NO GROUPS WERE HELD TODAY BECAUSE THE 7:30AM COUNT LASTED UNTIL 12:00PM.

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THEN ANOTHER COUNT WAS CONDUCTED AT 12:30 AND THE COUNTS CLEARED 3:30PM.
SIGNED OFF ON 08/05/15 @ 11:57 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 211 MENTAL HEALTH CLINIC 08/03/15 12:55 BROAD RIVER COMP
INCIDENTAL NOTE: LATE NOTE 7/31/15
INMATE COULD NOT ATTEND GROUP TODAY BECAUSE OF WATEREE DORM IS LOCK DOWN
DUE TO OFFICER BEING ASSAULTED ON 7/28/15.
SIGNED OFF ON 08/03/15 @ 12:55 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 210 MENTAL HEALTH CLINIC 08/03/15 12:51 BROAD RIVER COMP
D: SOTP GROUP NOTE: 10:00-12:00PM
WE CONTINUE OUR GROUP COVERED THE JESSIE LAW (JESSICA LUNSFORD).
THE GROUP LEARN ABOUT HOW THE LAW AFFECT THEM, WHAT GROUPS THIS LAW
COVERED, AND THE DURATION OF THE GPS MONITOR. THE GROUP MEMBERS LEARN
ABOUT THE DIFFERENT CRIMES THAT WARRANT MANDATORY GPS MONITORING.
THE GROUP IS COMBINED
A: SEX OFFENDER
I/M AFFECT IS BRIGHT, HE ASK DIRECT QUESTIONS THAT APPLY TO GPS MONITORING,
AND I/M IS ATTENTIVE TODAY IN GROUP. THE PURPOSE OF THE LESSON IS TO HELP
THE INMATES TO UNDERSTAND THE GPS MONITOR AND THE LAWS THAT SURROUND
MONITORING. SIX INMATES ATTENDED GROUP TODAY.
P: I/M WILL CONTINUE TO ATTEND GROUP
MS. ROBERTS LMSW
SIGNED OFF ON 08/03/15 @ 12:51 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 209 MENTAL HEALTH CLINIC 07/30/15 15:06 BROAD RIVER COMP
INCIDENTAL NOTE:
I/M IS EXCUSED FROM GROUP TODAY BECAUSE WATEREE DORM IS ON LOCK DOWN
SIGNED OFF ON 07/30/15 @ 15:06 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 208 MENTAL HEALTH CLINIC 07/30/15 15:05 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP LATE NOTE: 7/28/15 12:00-1:30PM
WE CONTINUE OUR LESSON ON THE MEGAN LAW. WE LEARN HOW THE MEGAN LAW
IS APPLIED IN SOUTH CAROLINA.
A: SEX OFFENDER
I/M AFFECT IS BRIGHT, AND HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION.
THE PURPOSE OF THE GROUP TODAY IS TO HELP THE GROUP MEMBERS TO THINK ABOUT
THEIR RELEASE FROM PRISON. THERE WERE 4 MEMBERS PRESENT TODAY.
P: I/M WILL CONTINUE TO ATTEND GROUP.
MS. ROBERTS LMSW
SIGNED OFF ON 07/30/15 @ 15:06 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 207 MENTAL HEALTH CLINIC 07/27/15 15:11 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 7/27/15 12:00-1:30PM
THE GROUP LESSON IS LEARNING ABOUT THE MEGAN LAW. THE GROUP LESSON IS TO
HELP THE GROUP MEMBERS TO FOLLOWING THE SEX OFFENDER LAWS IN THE COMMUNITY.
THE GROUP LEARN THAT THE MEGAN LAW IS MONITORING AND COMMUNITY NOTIFICATION
A: SEX OFFENDER
I/M AFFECT IS BRIGHT, AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION.
THE PURPOSE OF THE GROUP TODAY IS TO HELP INMATES TO LOOK AT THEIR LIFE

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DECISION. THERE WERE 7 MEMBERS PRESENT TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP.

MS. ROBERTS, LMSW

SIGNED OFF ON 07/27/15 @ 15:12 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 206 MENTAL HEALTH CLINIC 07/27/15 15:11 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP LATE NOTE: 7/22/15 12:00-1:30PM
WE CONTINUE OUR REVIEW RELAPSE PREVENTION. THE GROUP CONTINUE
THEIR GROUP LESSON ON "GUARDRAIL".

A: SEX OFFENDER

I/M AFFECT IS BRIGHT, AND HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION.
THE PURPOSE OF THE GROUP TODAY IS TO HELP THE GROUP MEMBERS TO THINK ABOUT
THEIR RELEASE FROM PRISON. THERE WERE 4 MEMBERS PRESENT TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP.

MS. ROBERTS LMSW

SIGNED OFF ON 07/27/15 @ 15:11 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 205 MENTAL HEALTH CLINIC 07/21/15 14:36 BROAD RIVER COMP
INCIDENTAL NOTE:
ENC #203 AND 204 THE GROUP TIME SHOULD READ: 12:00-2:00PM AND NOT 1:30-2:00
THE INMATE DOES NOT ATTEND A GROUP; HE ATTEND THE B GROUP.
SIGNED OFF ON 07/21/15 @ 14:37 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 204 MENTAL HEALTH CLINIC 07/21/15 14:24 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 7/21/15 9:00-11:00AM
THE GROUP LESSON IS "GUARDRAIL".

A: SEX OFFENDER

I/M AFFECT IS BRIGHT, AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION.
THE PURPOSE OF THE GROUP TODAY IS TO HELP INMATES TO LOOK AT THEIR LIFE
DECISION. THERE WERE 7 MEMBERS PRESENT TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP.

MS. ROBERTS, LMSW

SIGNED OFF ON 07/21/15 @ 14:24 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 203 MENTAL HEALTH CLINIC 07/21/15 14:23 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP LATE NOTE: 7/20/15 10:00-11:00AM
WE REVIEWED RELAPSE PREVENTION. THE GROUP LOOK AT HOW TO DEVELOP A RELAPSE
PREVENTION PLAN, DEVELOP A PLAN FROM A REALISTIC PERSPECTIVE AND CHALLENGE
THEIR DISTORTED THINKING. THE GROUP CONTINUE "GUARDRAIL" GROUP SESSION.

A: SEX OFFENDER

I/M AFFECT IS BRIGHT, AND HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION.
THE PURPOSE OF THE GROUP TODAY IS TO HELP THE GROUP MEMBERS TO THINK ABOUT
THEIR RELEASE FROM PRISON. THERE WERE 8 MEMBERS PRESENT TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP.

MS. ROBERTS LMSW

SIGNED OFF ON 07/21/15 @ 14:24 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 202 MENTAL HEALTH CLINIC 07/20/15 13:51 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP: LATE NOTE 7/14/15 12:00-1:30PM
THE GROUP CONTINUE THEIR DISCUSSION ON RELAPSE PREVENTION AND DEVELOPING

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DECISION MAKING SKILLS. THE GROUP DID THEIR LESSON ON "GUARDRAIL". THE LESSON LOOKS AT HOW DECISIONS ARE MADE IN THE LIFE OF EX OFFENDERS AND THE BOOK LOOKS AT DECISION ARE MADE IN THE COMMUNITY.

A: SEX OFFENDER

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND SOLVE PROBLEMS EFFECTIVELY. THERE WERE 6 INMATES PRESENT TODAY. I/M MOOD IS STABLE, HIS AFFECT IS APPROPRIATE AND HE IS SMILING TODAY

P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/20/15 @ 13:51 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 201 MENTAL HEALTH CLINIC 07/20/15 13:50 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP: LATE NOTE 7/13/15 12:00-1:30PM

THE GROUP FINISH CONFLICT RESOLUTION METHODS. THE GROUP DISCUSS DISCHARGE PLANNING. FIRST, THE GROUP LOOK AT DVD ON DISCHARGE PLANNING. THE GROUP LOOK AT HOW SEEMLY UNIMPORTANT DECISION CAN BECOME BARRIERS IN THEIR RELAPSE PREVENTION PLANS.

A: SEX OFFENDER

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND SOLVE PROBLEMS EFFECTIVELY. THERE WERE 6 INMATES PRESENT TODAY. I/M MOOD IS STABLE, HIS AFFECT IS APPROPRIATE AND HE IS SMILING TODAY

P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/20/15 @ 13:51 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 200 MENTAL HEALTH CLINIC 07/20/15 13:50 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP: LATE NOTE 7/9/15 12:00-1:30PM

THE GROUP CONTINUE THEIR LESSON ON HOW TO RESOLVE CONFLICT. THE GROUP LOOK AT DIFFERENT PROBLEM TO SOLVE IN THE COMMUNITY.

A: SEX OFFENDER

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND SOLVE PROBLEMS EFFECTIVELY. THERE WERE 6 INMATES PRESENT TODAY. I/M MOOD IS STABLE, HIS AFFECT IS APPROPRIATE AND HE IS SMILING TODAY

P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/20/15 @ 13:50 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 199 MENTAL HEALTH CLINIC 07/20/15 13:49 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP: LATE NOTE 7/8/15 12:00-1:30PM

THE GROUP MEMBERS CONTINUE THEIR DISCUSSION ON CONFLICT RESOLUTION METHODS. WE LOOK AT THE FIVE METHODS OF CONFLICT RESOLUTION. ALSO THE GROUP CONTINUE THEIR LESSON ON "GUARDRAIL".

A: SEX OFFENDER

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND SOLVE PROBLEMS EFFECTIVELY. THERE WERE 6 INMATES PRESENT TODAY. I/M MOOD IS STABLE, HIS AFFECT IS APPROPRIATE AND HE IS SMILING TODAY

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P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/20/15 @ 13:49 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 198 MENTAL HEALTH CLINIC 07/20/15 13:49 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP: LATE NOTE 7/15/15 12:00-1:30PM
THE GROUP CONTINUE TO EXAMINE SEEMLY UNIMPORTANT DECISION AS IT RELATES TO
RELAPSE PREVENTION. THE GROUP MEMBERS CONTINUE THEIR LESSON IN -GUARDRAIL-.
A: SEX OFFENDER

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION
THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND
SOLVE PROBLEMS EFFECTIVELY. THERE WERE 6 INMATES PRESENT TODAY. I/M
MOOD IS STABLE, HIS AFFECT IS APPROPRIATE AND HE IS SMILING TODAY

P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/20/15 @ 13:49 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 197 MENTAL HEALTH CLINIC 07/07/15 13:41 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM
THE GROUP MEMBERS LESSON IS CONFLICT RESOLUTION METHODS.

WE LOOK AT THE FIVE METHODS OF CONFLICT RESOLUTION. ALSO THE GROUP LESSON
FROM THE CHAPLIN OFFICE CALLED "GUARDRAIL". THE LESSON LOOKS AT HOW
DECISIONS ARE MADE IN THE LIFE OF EX OFFENDERS AND THE BOOK LOOKS AT
DECISION ARE MADE IN THE COMMUNITY.

A: DEFERRED

I/M AFFECT IS BRIGHT AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION
THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO EVALUATE AND
SOLVE PROBLEMS EFFECTIVELY. THERE WERE 5 INMATES PRESENT TODAY.

P: I/M WILL ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 07/07/15 @ 13:41 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 196 MENTAL HEALTH CLINIC 07/06/15 15:32 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP MEMBERS DISCUSS REFLECTIONS OF GROUP TOPICS SUCH AS ANGER
MANAGEMENT, SEXUAL URGES, MY STORY (TALKING ABOUT ONE CRIME), UNDERSTAND
ING ERROR THINKING AND BEGINNING TO UNDERSTAND PROBLEM SOLVING METHOD
(CONFLICT RESOLUTION METHODS).

A: DEFERRED-SEX OFFENDER

I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION, HE
HAS INSIGHT INTO THIS ERROR THINKING. THE PURPOSE OF THE GROUP IS TO HELP
THE MEMBERS TO UNDERSTANDING AND IDENTIFY THEIR ERROR THINKING. ALSO, WE
LOOK AT ANGER MANAGEMENT. THERE WERE 8 INMATES PRESENT.

P: I/M WILL ATTEND GROUPS DURING 7/6, 7/7 & 7/9.

MS. ROBERTS, LMSW

SIGNED OFF ON 07/06/15 @ 15:32 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 195 MENTAL HEALTH CLINIC 06/25/15 16:39 BROAD RIVER COMP
D: SOTP GROUP NOTE: 9:00-11:00 LATE NOTE 6/24/15

THE GROUP CONTINUE TO CHECK OVERDUE HOMEWORK. WE LOOK AT A MOVIE TO

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RELIEF STRESS OF THE GROUP INSTRUCTION OF TELLING THE STORY.

A: CLINICAL IMPRESSION:

I/M AFFECT IS BRIGHT AND HE PARTICIPATE IN GROUP ACTIVITY. THERE WERE 8 MEMBERS IN THE GROUP TODAY.

P: INMATE WILL CONTINUE TO ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 06/25/15 @ 16:40 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 194 MENTAL HEALTH CLINIC 06/25/15 16:39 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 1200-2:00 LATE NOTE 6/23/15

THE GROUP FINISH THE ANGER MANAGEMENT GROUP LESSON ON CONFLICT RESOLUTION SECTION 9 & 10. ALSO, THE FACILITATOR CHECK OVERDUE HOMEWORK.

A: DEFERRED

I/M AFFECT IS BRIGHT, HE COMPLY WITH THE HOMEWORK ASSIGNMENTS AND HE ASK QUESTION ABOUT THE HOMEWORK ASSIGNMENT. THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO BECOME COMPLIANT WITH HOMEWORK. THERE WERE 8 MEMBERS ATTEND GROUP TODAY.

P: INMATE WILL CONTINUE TO ATTEND GROUP

MS. ROBERTS, LMSW

SIGNED OFF ON 06/25/15 @ 16:39 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 193 MENTAL HEALTH CLINIC 06/25/15 16:39 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00-1:30 LATE NOTE 6/22/15

THE GROUP LESSON CONTINUE ON PROCESSING -MY STORY- TO IDENTIFY COGNITIVE DISTORTIONS (ERROR THINKING), POWER/CONTROL AND TAKING RESPONSIB FOR THEIR SEXUAL URGES. THE GROUP TALK ABOUT THEIR FEELINGS ABOUT THEIR SEXUAL ACTS.

A: CLINICAL IMPRESSION: DEFERRED

I/M AFFECT IS BRIGHT, HE IS SHARING HIS STORY WITH THE GROUP MEMBERS AND HE HAS INSIGHT INTO HIS CRIME. THE PURPOSE OF THE GROUP LESSON, THE INMATE NEEDS TO IDENTIFY THEIR ERROR THINKING. THERE WERE 8 MEMBERS IN THE GROUP.

P: INMATE WILL CONTINUE TO ATTEND GROUP.

MS. ROBERTS, LMSW

SIGNED OFF ON 06/25/15 @ 16:39 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 192 MENTAL HEALTH CLINIC 06/17/15 14:33 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00-2:00PM

THE GROUP CONTINUE TO DISCUSS THE DETAIL OF THEIR CRIMES. SOME OF THE GROUP MEMBERS GLOSS OVER SOME DETAILS OF THEIR CRIMES. ALSO SOME MEMBERS ARE USING THEIR DEFENSE MECHANISM OF DENIAL THAT IS WELL INTACT. IN FACT, IN FACT, SOME OF THE GROUP MEMBERS COULD NOT COME TO TERMS SPEAKING ABOUT THEIR CRIMES.

A: PARAPHILIA

I/M AFFECT IS IN NORMAL RANGE, HE LISTEN TO THE GROUP MEMBERS AS THEY SPOK ABOUT THEIR STORIES AND HE IS SUPPORTIVE. THE PURPOSE OF THE GROUP DISCUSSION IS SOFT CONFRONTATION IN TAKING RESPONSIBILITY FOR THEIR SEXUAL CRIMES. THERE WERE 6 INMATES PRESENT IN GROUP TODAY

P: I/M WILL CONTINUE TO ATTEND GROUP.

SIGNED OFF ON 06/17/15 @ 14:34 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

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- ** ENCOUNTER: 191 MENTAL HEALTH CLINIC 06/16/15 14:46 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:45PM
THE GROUP TALK ABOUT THEIR CRIMES. THE GROUP AVOIDED THEIR RESPONSIBILITY, COGNITIVE DISTORTION, MINIMIZING THEIR ROLES IN THE CRIME AND UNDERSTANDING THEIR THINKING PROCESS
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, AND HE HAS GOOD FEEDBACK. THE PURPOSE OF THE GROUP LESSON IS TO HELP THE INMATE TO IDENTIFY THEIR ROLES IN THE CRIME AND THEY WILL DEVELOP VICTIMS EMPATHY. THERE WERE 7 INMATES THAT ATTENDED GROUP TODAY.
I/M IS TRYING TO UNDERSTAND THE PROCESS OF THIS CRIME.
P : I/M WILL CONTINUE TO PARTICIPATE IN GROUP
SIGNED OFF ON 06/16/15 @ 14:48 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 190 MENTAL HEALTH CLINIC 06/15/15 14:55 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM
THE GROUP CONTINUE THEIR DISCUSSION ON ANGER MANAGEMENT.
WE LOOK AT HOMEWORK FROM CHAPTERS 3, 4, 5, 7 & 8. THE GROUP ALSO TALK ABOUT THEIR ASSIGNMENT ON "MY STORY"
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, AND HE HAS GOOD FEEDBACK. THE PURPOSE OF THE GROUP LESSON IS TO HELP THE INMATE TO IDENTIFY THEIR COGNITIVE DISTORTION. THERE WERE 6 INMATES THAT ATTENDED GROUP TODAY. I/M IS OPEN AND HONEST ABOUT HIS CRIME. I/M STATE, MY VICTIM WAS 95 YEARS OLD AND I THOUGHT SHE WANTED TO HAVE SEX WITH ME. HE POINTED OUT HIS COGNITIVE DISTORTION.
P : I/M WILL CONTINUE TO PARTICIPATE IN GROUP
SIGNED OFF ON 06/15/15 @ 14:56 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 189 MENTAL HEALTH CLINIC 06/10/15 15:45 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-2:00
THE LESSON IS ANGER MANAGEMENT. THE FACILITATOR LOOK AT CHAPTERS 3, 4, 5, 7 & 8. THE GROUP ALSO WERE GIVEN AN ASSIGNMENT TO WRITE ABOUT "MY STORY" OF THEIR CRIME.
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, AND HE HAS GOOD FEEDBACK. THE PURPOSE OF THE GROUP LESSON IS TO HELP THE INMATE TO UTILIZE APPROPRIATE COPING SKILLS AND IDENTIFY THEIR COGNITIVE DISTORTION. THERE WERE 7 INMATES THAT ATTENDED GROUP TODAY.
P : I/M WILL CONTINUE TO PARTICIPATE IN GROUP
SIGNED OFF ON 06/10/15 @ 15:45 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 188 MENTAL HEALTH CLINIC 06/09/15 14:43 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM
THE LESSON IS ANGER MANAGEMENT. THE FACILITATOR LOOKS AT DIFFERENT SITUATIONS IN WHICH AVERAGE PEOPLE BECOME ANGRY I.E. BANKING, TRAFFIC, AND RELATIONSHIPS. THE GROUP IDENTIFY ANGER IN THEIR LIVES PRIOR TO THEIR INCARCERATION. THE GROUP COMPLETED LESSON ONE AND LESSON TWO.
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION,

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AND HE HAS GOOD FEEDBACK. THERE WERE 5 INMATES THAT ATTENDED GROUP TODAY.
P : I/M WILL CONTINUE TO PARTICIPATE IN GROUP
SIGNED OFF ON 06/09/15 @ 14:44 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

- ** ENCOUNTER: 187 MENTAL HEALTH CLINIC 06/08/15 15:31 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM
THE GROUP REVIEWED TEST 2. THE GROUP MEMBERS ASK SEVERAL QUESTION ABOUT THE TEST. THE GROUP RECIEVE THE MATERIAL FOR ANGER MANAGEMENT.
A: PARAPHILIA
I/M AFFECT IS IN NORMAL RANGE, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION AND HIS SCORE IS 40.5%. THE PURPOSE OF THE GROUP IS THEIR UNDERSTANDING OF THE GROUP MATERIAL. THERE WERE 8 INMATES IN ATTENDANCE.
P: I/M WILL ATTEND GROUP FROM JUNE 8-10 2015.
SIGNED OFF ON 06/08/15 @ 15:32 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 186 MENTAL HEALTH CLINIC 06/05/15 11:53 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:00PM LATE NOTE: 6/4/15
THE GROUP REVIEW ALL OF THE TOPICS AS A REVIEW FOR TEST 2.
WRITER EXPLAIN CONCEPTS AND MEANINGS OF THE GROUP MATERIALS.
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION AND I/M HAD POSITIVE FEED BACK TO THE TOPICS DISCUSSED. THE PURPOSE OF THE LESSON IS TO HELP THE INMATES TO IDENTIFY IN THEIR UNDERSTAND OF THE GROUP MATERIAL. THERE ARE 7 INMATES PRESENT TODAY.
A: I/M WILL ATTEND GROUP
SIGNED OFF ON 06/05/15 @ 11:53 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 185 MENTAL HEALTH CLINIC 06/03/15 15:37 BROAD RIVER COMP
INCIDENTAL NOTE:
ENCOUNTER 179: CORRECTION- THE LATE NOTE SHOULD REFLECT 5/26/15 AND NOT 5/27/15
SIGNED OFF ON 06/03/15 @ 15:37 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 184 MENTAL HEALTH CLINIC 06/03/15 14:48 BROAD RIVER COMP
INCIDENTAL NOTE:
ENCOUNTER NOTE SHOULD READ D.A.P. NOT D.A.A.
SIGNED OFF ON 06/03/15 @ 14:48 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 183 MENTAL HEALTH CLINIC 06/03/15 14:41 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM
THE GROUP DISCUSS TRIGGERS, SEXUAL DESIRE AND AROUSAL. THE GROUP LOOK AT THE INTERCHANGEABLE USES OF THE TOPIC IN THEIR SEXUAL OFFENSE CYCLES. THE GROUP MEMBERS WERE GIVING AN OUTLINE OF THE TOPICS THAT WILL BE TESTED ON JUNE 5, 2015.
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION AND I/M HAD POSITIVE FEED BACK TO THE TOPICS DISCUSSED. THE PURPOSE OF THE LESSON IS TO HELP THE INMATES TO IDENTIFY AND UNDERSTAND THEIR SEXUAL DESIRES, AROUSAL WINDOW AND TRIGGERS. THERE ARE 7 INMATES PRESENT

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TODAY.

A: I/M WILL ATTEND GROUP

SIGNED OFF ON 06/03/15 @ 14:42 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 182 MENTAL HEALTH CLINIC 06/02/15 14:27 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00: 2:00PM

THE GROUP LESSON IS PORNOGRAPHY AND FANTASY. THE GROUP LOOK AT PORNOGRAPHY AND SEXUAL FANTASIES ROLES THAT IMPACT ONE-S SEXUAL CYCLE.

A: PARAPHILIA

I/M AFFECT IS NORMAL, HE LISTEN TO THE GROUP DISCUSSION AND HE UNDESTOOD THE GROUP LESSON. THE PURPOSE OF THE GROUP IS TO HELP THE INMATES TO UNDERSTAND AND IDENTITY THEIR SEXUAL CYCLES. THERE ARE 7 INMATES PRESENT IN GROUP TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP

SIGNED OFF ON 06/02/15 @ 14:27 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 181 MENTAL HEALTH CLINIC 06/01/15 14:40 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00:1:30PM

THE GROUP LESSON IS SEXUAL OFFENSE CYCLE. WE LOOK AT LIFE STYLE IMBALANCES, SEXUAL BEHAVIORS, AND TARGETING A POTENTIAL VICTIMS. WE ALSO LOOK AT URGES TARGET, AND OPPORTUNITY AS MOTIVE TO SEXUAL CYCLE.

A: PARAPHILIA

I/M AFFECT IS NORMAL, HE LISTEN TO THE GROUP DISCUSSION AND HE UNDESTOOD THE GROUP LESSON. THE PURPOSE OF THE GROUP IS TO HELP THE INMATES TO UNDERSTAND AND IDENTITY THEIR SEXUAL CYCLES. THERE ARE 7 INMATES PRESENT IN GROUP TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP FROM JUNE 1 -4, 2015

SIGNED OFF ON 06/01/15 @ 14:40 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 180 MENTAL HEALTH CLINIC 05/27/15 15:13 BROAD RIVER COMP

D : SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP CONTINUE TO COMPARE AND CONTRAST STAGES IN THE SEXUAL CYCLE (I.E LIFESTYLE IMBALANCE AND SEXUAL DEVIANT BEHAVIOR). WE DISCUSS OUR TRIGGERS THAT LEADS TO SEXUAL CYCLES.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE IS ACTIVELY PARTICIPATING IN THE GROUP DISCUSSION ABOUT THE SEXUAL CYCLES. THE PURPOSE OF THE GROUP TODAY IS TO HELP INMATES HOW THEIR SEXUAL CYCLES IMPACT THEIR TRIGGERS. THERE WERE 09 INMATES TODAY.

P: I/M WILL ATTEND GROUP

S. ROBERTS, MSW

SIGNED OFF ON 05/27/15 @ 15:14 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 179 MENTAL HEALTH CLINIC 05/27/15 15:11 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP: LATE NOTE 5/27/15 12:00-1:30PM

THE GROUP REVIEW POWER AND CONTROL AS WELL AS SECRETS THAT CAN LEAD TO SEX THE GROUP DISCUSSED THEIR UNDERSTANDING OF POWER/CONTROL CYCLE OF TENSION, HONEYMOON STAGES. WE COMPARE AND CONTRAST STAGES IN THE SEXUAL CYCLE (I.E LIFESTYLE IMBALANCE OR SEXUAL DEVIANT BEHAVIOR).

A: PARAPHILIA

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I/M AFFECT IS BRIGHT, HE IS ACTIVELY PARTICIPATING IN THE GROUP DISCUSSION ABOUT THE SEXUAL CYCLES. THE PURPOSE OF THE GROUP TODAY IS TO HELP INMATES HOW THEIR SEXUAL CYCLES IMPACT THEIR DECISION MAKING SKILLS. THERE WERE 9 IN THE GROUP TODAY

P: I/M WILL ATTEND GROUP FROM MAY 25 - 29, 2015. THERE WERE NO GROUP HELD 5/25/15 DUE TO MEMORIAL DAY (HOLIDAY)

S. ROBERTS, MSW

SIGNED OFF ON 05/27/15 @ 15:13 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 178 MENTAL HEALTH CLINIC 05/26/15 15:37 BROAD RIVER COMP
INCIDENTAL NOTE: LATE NOTE 5/20 & 5/21

NO GROUP WAS HELD ON 5/20 & 5/21. THE YARD IS CLOSED DUE TO SPRING PACKAGE AS PER HEADQUARTER. THE DIRECTIVE TO THE STAFF FROM A/W STEPHAN "ALL STAFF ASSIST WITH PACKAGES"

SIGNED OFF ON 05/26/15 @ 15:37 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 177 MENTAL HEALTH CLINIC 05/19/15 13:21 BROAD RIVER COMP
INCIDENTAL NOTE:

THE PM GROUP IS CANCELLED DUE TO THE SPRING PACKAGE DISTRIBUTION.

SIGNED OFF ON 05/19/15 @ 13:21 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 176 MENTAL HEALTH CLINIC 05/18/15 15:04 BROAD RIVER COMP
INCIDENTAL NOTE:

I/M IS EXCUSE FROM GROUP TODAY BECAUSE WATEREE IS LOCKDOWN

SIGNED OFF ON 05/18/15 @ 15:04 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 175 MENTAL HEALTH CLINIC 05/14/15 14:24 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP LESSON TODAY IS DOMESTIC VIOLENCE AND SEX OFFENSE. WE DID COMPARISON AND CONTRAST OF BOTH CRIMES. THE GROUP PROCESS THEIR SEXUAL CRIMES. ALSO WE LOOK AT THE CYCLE OF DOMESTIC VIOLENCE (TENSION, VIOLENCE AND HONEYMOON STAGES). THE GROUP DID THEIR LESSON ON CHEAP GRACE FROM THE CHAPLAIN'S OFFICE.

A: PARAPHILIA

I/M AFFECT BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND AND HE HAD POSITIVE FEEDBACK ABOUT THE GROUP LESSON. THE PURPOSE OF THE THE GROUP IS TO HELP THE GROUP MEMBERS TO UNDERSTAND DOMESTIC VIOLENCE AS RELATED TO SEX OFFENSE. THERE WERE 9 INMATES PRESENT.

P: I/M WILL CONTINUE TO ATTEND GROUP

SIGNED OFF ON 05/14/15 @ 14:25 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 174 MENTAL HEALTH CLINIC 05/13/15 15:04 BROAD RIVER COMP
INCIDENTAL NOTE:

THERE WERE 08 INMATES PRESENT TODAY IN GROUP.

SIGNED OFF ON 05/13/15 @ 15:04 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 173 MENTAL HEALTH CLINIC 05/13/15 14:55 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-2:00PM

THE GROUP VIEWED THE DVD ON VICTIM IMPACT SERIES. THE GROUP DISCUSS ALAN, DEBBIE, RON, REBEL AND NIA-S STORIES. WE COMPARE

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AND CONTRAST THE THOUGHTS, FEELINGS AND REACTION OF CRIME VICTIMS.

A: PARAPHILIA

I/M AFFECT BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND AND HE HAD POSITIVE FEEDBACK ABOUT THE GROUP LESSON. THE PURPOSE OF THE THE GROUP IS TO BUILD VICTIM EMPATHY. THERE WERE 10 INMATES PRESENT.

P: I/M WILL ATTEND GROUP .

SIGNED OFF ON 05/13/15 @ 14:56 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 172 MENTAL HEALTH CLINIC 05/12/15 15:41 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00-2:00PM

THE GROUP CONTINUE THEIR DISCUSSION ON VICTIM IMPACT SERIES. THE GROUP TALK ABOUT ASSAULTS IN CHAPTER 4. WE COMPARE AND CONTRAST BETWEEN THE FEELINGS OF REGULAR CRIME VICTIMS AND SEXUAL ASSAULTED IN CRIME VICTIMS. INMATES DID SESSION SIX OF CHEAP GRACE.

A: PARAPHILIA

I/M AFFECT BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND AND HE HAD POSITIVE FEEDBACK ABOUT THE GROUP LESSON. THE PURPOSE OF THE THE GROUP IS TO HELP THE INMATES TO VIEW THEIR CRIME FROM A VICTIM'S PERSPECTIVE. THERE WERE 9 INMATES ATTENDING GROUP TODAY.

P: I/M WILL ATTEND GROUP .

SIGNED OFF ON 05/12/15 @ 15:41 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 171 MENTAL HEALTH CLINIC 05/12/15 15:40 BROAD RIVER COMP

INCIDENTAL NOTE: LATE NOTE 5/7/15

NO GROUP TODAY BECAUSE EDUCATION IS CLOSED.

SIGNED OFF ON 05/12/15 @ 15:41 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 170 MENTAL HEALTH CLINIC 05/12/15 15:40 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM LATE NOTE: 5/6/15

THE GROUP CONTINUE THEIR DISCUSSION ON VICTIM IMPACT SERIES. THE GROUP DID THE PROPERTY CRIMES. WE COMPARE AND CONTRAST BETWEEN THE FEELINGS OF REGULAR CRIME VICTIMS AND SEXUAL ASSAULTED IN CRIME VICTIMS.

A: PARAPHILIA

I/M AFFECT BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND AND HE HAD POSITIVE FEEDBACK ABOUT THE GROUP LESSON. THE PURPOSE OF THE THE GROUP IS TO HELP THE INMATES TO VIEW THEIR CRIME FROM A VICTIM'S PERSPECTIVE. THERE WERE 10 INMATES ATTENDING GROUP TODAY.

P: I/M WILL ATTEND GROUP .

SIGNED OFF ON 05/12/15 @ 15:40 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 168 MENTAL HEALTH CLINIC 05/05/15 13:36 BROAD RIVER COMP

D: SOTP GROUP NOTE: B GROUP 12:00-2:00PM

THE GROUP CONTINUE THEIR DISCUSSION ON VICTIM IMPACT LESSON 2. THE GROUP DID THE INTRODUCTION, VIEWING HOW THE VICTIMS LIFE MAY BE EFFECTED BY THEIR CRIME AND THEY HAD TO IDENTIFY WHOM IS THE VICTIM. THE GROUP HAS ANOTHER SESSION ON CHEAP GRACE.

A: PARAPHILIA

I/M AFFECT BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION AND AND HE HAD POSITIVE FEEDBACK ABOUT THE GROUP LESSON. THE PURPOSE OF THE THE GROUP IS TO HELP THE INMATES TO VIEW THEIR CRIME FROM A VICTIM'S

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PERSPECTIVE. 9 INMATES ATTEND GROUP TODAY.

P: I/M WILL ATTEND GROUP.

SIGNED OFF ON 05/05/15 @ 13:36 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 167 MENTAL HEALTH CLINIC 05/04/15 14:39 BROAD RIVER COMP
INCIDENTAL NOTE:

I/M DID NOT ATTEND GROUP

SIGNED OFF ON 05/04/15 @ 14:39 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 166 MENTAL HEALTH CLINIC 04/30/15 13:45 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP CONTINUES THEIR DISCUSSION ABOUT DENIAL PATTERNS, VICTIM EMPATHY
AND UNDERSTANDING VICTIMIZATION/DENIAL PATTERNS.

THE GROUP LESSON IS ON DEFICITS IN VICTIM EMPATHY. THE GROUP HAD A LESSON
CHEAP GRACE TAUGHT BY THE CHAPLAIN'S OFFICE.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP AND I/M
HAD VALUE FEEDBACK. THE PURPOSE OF THE GROUP TODAY IS TO HELP THE GROUP
MEMBERS UNDERSTAND VICTIM EMPATHY. WE CONTINUE WORK ON COGNITION RECON
STRUCTION. 8 INMATE ATTEND GROUP TODAY

P: I/M WILL ATTEND GROUP

SIGNED OFF ON 04/30/15 @ 13:45 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 165 MENTAL HEALTH CLINIC 04/29/15 15:11 BROAD RIVER COMP
D: GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP CONTINUE THEIR DISCUSSION ABOUT DENIAL PATTERNS.

THE GROUP LESSON IS USE OF DENIAL AND DISTORTED THINKING.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATE IN THE GROUP
AND I/M HAD VALUE FEEDBACK. THE PURPOSE OF THE GROUP IS TO USE THE
HOMEWORK ASSIGNMENT AS PRACTICE IN THE GROUP SESSION. WE CONTINUE TO
WORK ON COGNITION RECONSTRUCTION. 9 INMATES ATTEND GROUP TODAY

P: I/M WILL ATTEND GROUP

SIGNED OFF ON 04/29/15 @ 15:11 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 164 MENTAL HEALTH CLINIC 04/29/15 14:53 BROAD RIVER COMP
INCIDENTAL NOTE: LATE NOTE 4/28/15

NO GROUP HELD TODAY.

SIGNED OFF ON 04/29/15 @ 14:53 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 163 MENTAL HEALTH CLINIC 04/29/15 14:42 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM LATE NOTE 4/27/15

THE GROUP DISCUSSED PATTERNS OF DENIAL. THE GROUP LESSON EXPLORED
MANY LEVELS OF DENIAL. WE CONTINUE TO COMPARE AND CONTRAST DENIAL
WITH COGNITIVE DISTORTIONS. THE GROUP MEMBERS WERE ASK TO CHALLENGE
THEMSELVES TO CONFRONT THEIR DENIAL.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE IS ACTIVELY PARTICIPATING IN THE GROUP DISCUSSION
AND WE DISCUSSED THE HANDOUTS SURROUNDING PATTERNS OF DENIAL.
THE PURPOSE OF THE GROUP IS TO HELP THE INMATE TO CONFRONT AND

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CHALLENGE HIS DENIAL AND THINKING PATTERN. 11 INMATES ATTEND GROUP TODAY. WRITER CONFRONTED THE GROUP ABOUT THEIR LACK OF INSIGHT INTO THE LESSON OF DENIAL PATTERNS.

P: I/M WILL CONTINUE TO ATTEND GROUP.

SIGNED OFF ON 04/29/15 @ 14:44 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 162 MENTAL HEALTH CLINIC 04/23/15 14:16 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30

THE GROUP WATCHED VIDEO ON DEALING WITH DENIAL AND DISCUSSED ATTRIBUTES OF THEIR OWN DENIAL. WE DISCUSSED THEIR ROLES AND HOW THEIR DENIAL AFFECTED THEIR VICTIMS.

A: PARAPHILIA-SEX OFFENDER.

I/M AFFECT IS WITHIN NORMAL RANGE, I/M STILL DEALING WITH HIS DENIAL, I/M PARTICIPATED IN GROUP DISCUSSION ON DENIAL. THERE WERE 11 INMATES PRESENT. THE PURPOSE OF THE GROUP TODAY WAS TO CONFRONT THEIR DENIAL PATTERNS AND VICITM IMPACT.

P: I/M WILL CONTINUE TO ATTEND GROUP

MARK FORBES (USC INTERN)

SIGNED OFF ON 04/23/15 @ 14:20 BY MARK A FORBES, UNCLASSIFIED

NOTED

SIGNED OFF ON 04/24/15 @ 13:56 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 161 MENTAL HEALTH CLINIC 04/22/15 14:22 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP WATCHED VIDEO ON DEALING WITH DENIAL AND DISCUSSED ATTRIBUTES OF THEIR OWN DENIAL. WE DISCUSSED PATTERNS OF DENIAL AND HOW IT IS CONNECTED WITH COGNITIVE DISTORTION.

A: PARAPHILIA-SEX OFFENDER.

I/M AFFECT IS BRIGHT, ORIENTED X 4, I/M PARTICIPATED IN GROUP DISCUSSION ON DENIAL. GROUP IS STILL IN DENIAL. THERE WERE 11 INMATES PRES THE PURPOSE OF THE GROUP TODAY WAS TO CONFRONT THEIR DENIAL PATTERNS AND COGNITIVE DISTORTION

P: I/M WILL CONTINUE TO ATTEND GROUP

MARK FORBES (USC INTERN)

SIGNED OFF ON 04/22/15 @ 14:22 BY MARK A FORBES, UNCLASSIFIED

NOTED

SIGNED OFF ON 04/24/15 @ 13:51 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 160 MENTAL HEALTH CLINIC 04/21/15 13:43 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-2:00PM

THE GROUP DISCUSSED COGNITIVE DISTORTIONS. THE GROUP LESSON TODAY IS DENIAL WE DISCUSSED THE CONTINUUM OF DENIAL. WE COMPARE AND CONTRAST DENIAL WITH COGNITIVE DISTORTIONS. THE GROUP MEMBERS WERE ASK TO CHALLENGE THEMSELVES TO CONFRONT THEIR DENIAL. THE GROUP DID THE FOUR SESSION OF CHEAP GRACE FROM CHAPLAIN OFFICE.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE IS ACTIVELY PARTICIPATING IN THE GROUP DISCUSSION, WE DISCUSSED THE HANDOUTS SURROUNDING DENIAL. THE PURPOSE OF THE GROUP IS TO HELP THE INMATE TO CONFRONT AND CHALLENGE THEIR DENIAL ABOUT THEIR SEXUAL CRIMES. 11 INMATES ATTEND GROUP TODAY.

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P: I/M WILL CONTINUE TO ATTEND GROUP.

SIGNED OFF ON 04/21/15 @ 13:43 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 159 MENTAL HEALTH CLINIC 04/20/15 14:20 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP REVIEW THE TEST. THERE WERE DISCUSSION SURROUNDING FAMILY TREE, DISTORTED THINKING, I STATEMENT, CHILD ABUSE, AND CHILD NEGLECT. THE GROUP LOOK AT THEIR ANSWERS AND MISTAKES. THE GROUP DISCUSS SEXUAL DEVIANT BEHAVIORS AND THOUGHTS AS THE NEXT LESSON.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE IS PARTICIPATING IN THE GROUP DISCUSSION AND SHARED HIS RESPONSES WITH THE GROUP MEMBERS. THE PURPOSE OF THE GROUP IS TO MEASURE THEIR KNOWLEDGE ABOUT THE GROUP MATERIAL. THERE WERE 11 GROUP MEMBERS ATTENDING.

P: I/M WILL ATTEND GROUP FROM APRIL 20 TO APRIL 23, 2015

SIGNED OFF ON 04/20/15 @ 14:20 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 158 MENTAL HEALTH CLINIC 04/17/15 16:02 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 9:00-11:00

THE GROUP DID TEST ONE. THE TEST IS GIVING TO MEASURE THE INMATE'S UNDER STAND AND KNOWLEDGE ABOUT THE GROUP WORK ON THE TOPICS. THE GROUP COVERED I STATEMENT, FAMILY VALUES (UNDERSTANDING SEXUAL ABUSE), STATISTICAL DATA OF SEX OFFENDER AND DISTORTED THINKING.

A: PEDOPHILIA - SEX OFFENDER

I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATE IN TAKING THE TEST AND HIS SCORE IS 72.5%. THERE WERE 11 INMATES.

P: I/M WILL CONTINUE TO ATTEND GROUP

SIGNED OFF ON 04/17/15 @ 16:02 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 157 MENTAL HEALTH CLINIC 04/17/15 15:14 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 9:00-10:00 LATE NOTE: 4/14/15

THE GROUP CONTINUE THEIR DISCUSSION ABOUT COGNITIVE DISTORTIONS. THE GROUP MEMBERS FORM TWO GROUP TO DISCUSS: A) WHAT IS COGNITIVE DISTORTIONS? AND B) WHAT COGNITIVE DISTORTION WAS USE WHILE YOU WAS COMMITTING YOUR CRIME?. THE GROUP MEMBERS FEEDBACK RANGE FROM GOOD TO GREAT. MANY OF THE MEMBERS DID NOT KNOW THAT EACH OF THEM WERE USING THE SAME DISTORTIONS.

A: PARAPHILIA-SEX OFFENDER

I/M AFFECT IS BRIGHT, HE IS INSIGHTFUL, AND HE ACTIVELY PARTICIPATE IN THE GROUP DISCUSSION. THERE WERE 11 INMATES PRESENT TODAY. THE PURPOSE OF THE GROUP TODAY IS TO HELP THE INMATES TO UNDERSTAND AND QUESTION THEIR DISTORTIONS.

P: I/M WILL ATTEND GROUP.

SIGNED OFF ON 04/17/15 @ 15:14 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 156 MENTAL HEALTH CLINIC 04/15/15 14:17 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP CONTINUED THEIR DISCUSSION ABOUT COGNITIVE DISTORTIONS. FACILITATOR PROVIDED FEEDBACK ON HOMEWORK AND REVIEWED FOR TEST #1

A: PARAPHILIA-SEX OFFENDER

I/M AFFECT IS BRIGHT, HE IS INSIGHTFUL,

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HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION. THERE WERE 10 INMATES PRE
P: I/M WILL ATTEND GROUP DURING THE WEEK OF APRIL 13, 14, 15, & 17
MARK FORBES (USC INTERN)

SIGNED OFF ON 04/15/15 @ 14:18 BY MARK A FORBES, UNCLASSIFIED
NOTED

SIGNED OFF ON 04/17/15 @ 16:15 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 155 MENTAL HEALTH CLINIC 04/13/15 13:55 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:00-1:30PM

THE GROUP CONTINUE THEIR DISCUSSION ABOUT COGNITIVE DISTORTIONS. THE
GROUP MEMBERS FORM TWO GROUP TO DISCUSS: A) WHAT IS COGNITIVE DISTORTIONS?
AND B) WHAT COGNITIVE DISTORTION WAS USE WHILE YOU WAS COMMITTING YOUR
CRIME?. THE GROUP MEMBERS FEEDBACK RANGE FROM GOOD TO GREAT. MANY OF THE
MEMBERS DID NOT KNOW THAT EACH OF THEM WERE USING THE SAME DISTORTIONS.
GROUP 2 HAD SOME PROBLEMS WITH THE GROUP EXERCISE AND THE FACILIATOR
ASSISTED THEM WITH THE GROUP EXERCISE.

A: PARAPHILIA-SEX OFFENDER

I/M AFFECT IS BRIGHT, HE IS INSIGHTFUL, HE IS VOICING SOME COGNITIVE
DISTORTION OF HIS CRIME, HE TRYING TO UNDERSTAND THE CONCEPT. HE
PARTICIPATED IN THE GROUP DISCUSSION. THERE WERE 8 INMATES PRESENT TODAY.

P: I/M WILL ATTEND GROUP DURING THE WEEK OF APRIL 13, 14, 15, & 17

SIGNED OFF ON 04/13/15 @ 13:57 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 154 MENTAL HEALTH CLINIC 04/10/15 13:21 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 11:00-12:00

THE GROUP CONTINUE THEIR DISCUSSION ON DISTORTED THOUGHTS. WE LOOK AT
OUR ENVIRONMENT IN THE MARION DORM. THE GROUP DID A REQUEST TO STAFF TO
TALK ABOUT THEIR OBSERVATION ABOUT THE GROUP.

A: PARAPHILIA-SEX OFFENDER

I/M AFFECT IS BRIGHT, HE VOICE HIS OPINION ABOUT THE SAFETY IN THE DORM,
I/M CONTINUE TO ENSURE THE GROUP MEMBERS THAT HE IS DOING WELL, HE IS
ORIENTATED X 4 AND HE HAS GOOD INSIGHT IN TO THE GROUP DISCUSSION
THE PURPOSE OF THE GROUP IS TO IDENTIFIED DISTORTED THOUGHTS AND THEY
WILL LEARN TO IDENTIFY THESE THOUGHTS IN THEIR ENVIRONMENT. THERE WERE
12 MEMBERS IN GROUP TODAY.

P: I/M WILL ATTEND GROUP

SIGNED OFF ON 04/10/15 @ 13:21 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 153 MENTAL HEALTH CLINIC 04/09/15 15:04 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-1:30PM

THE GROUP COVERED MASLOW-S HIERARCHY OF NEEDS, DISTORTED THINKING,
AND STINKIN THINKIN EXAMPLES. HOMEWORK WAS RETURNED AND NEW HOMEWORK
GIVEN OUT. THE GROUP CONTINUE THEIR LESSON ON CHEAP GRACE TAUGHT BY THE
CHAPLAIN-S ASSISTANT FROM THE CIU PROGRAM.

A: PARAPHILIA -SEX OFFENDER

I/M AFFECT IS NORMAL AND I/M LISTEN TO THE GROUP DISCUSSION.

THE PURPOSE OF THE LESSON IS TO HELP THE GROUP TO UNDERSTAND
HOW THEIR THINKING IS DISTORTED AND WAS DISTORTED WHEN

THEY COMMITTED THEIR CRIMES. THERE WERE 11 ATTENDED GROUP TODAY

P: I/M WILL CONTINUE TO ATTEND GROUP.

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04/09/15 @ 3:00PM MARK FORBES (USC INTERN)

SIGNED OFF ON 04/09/15 @ 15:05 BY MARK A FORBES, UNCLASSIFIED

NOTED

SIGNED OFF ON 04/10/15 @ 13:37 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 152 MENTAL HEALTH CLINIC 04/08/15 14:28 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-1:30PM
THE GROUP COVERED UNIT 9 CHILD ABUSE AND NEGLECT. GROUP WATCHED VIDEO,
ON VICTIM EMPATHY.

A: PARAPHILIA -SEX OFFENDER

I/M AFFECT IS NORMAL. THE PURPOSE OF THE LESSON IS TO
HELP THE GROUP PARTICIPATE TO IDENTITY AND UNDERSTAND THE IMPACT OF THEIR
CRIME ON THEIR VICTIMS. THERE WERE 11 ATTENDED GROUP TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP.

MARK FORBES (USC INTERN)

SIGNED OFF ON 04/08/15 @ 14:28 BY MARK A FORBES, UNCLASSIFIED

NOTED

SIGNED OFF ON 04/08/15 @ 14:55 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 151 MENTAL HEALTH CLINIC 04/07/15 13:59 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-2:00PM
THE GROUP COVERED TWO ARTICLES ON SEXUAL ABUSE, GROOMING A VICTIM, STATISTI
CAL DATA AND DISCUSSED ON SEXUALLY TRANSMITTED DISEASES. THE GROUP CONTINUE
THEIR LESSON ON CHEAP GRACE TAUGHT BY THE CHAPLAIN-S ASSISTANCE FROM THE
CIU PROGRAM.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE PARTICIPATED IN THE GROUP DISCUSSION, AND I/M VOIC
VALUE INSIGHT INTO THE GROUP DISCUSSION. THE PURPOSE OF THE LESSON IS TO
HELP THE GROUP PARTICIPATE TO IDENTITY AND COMPARE THEIR TECHNIQUES IN GROO
MING THEIR VICTIMS TO BE SEXUALLY ABUSE. THERE WERE 11 ATTENDED GROUP TODAY
P: I/M WILL CONTINUE TO ATTEND GROUP.

SIGNED OFF ON 04/07/15 @ 13:59 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 150 MENTAL HEALTH CLINIC 04/06/15 16:02 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-1:30PM
THE GROUP REVIEW HOMEWORK ON HEALTHY RELATIONSHIPS. THE GROUP TALK ABOUT
SEXUALLY TRANSMITTED DISEASES AND HOW STD IMPACT UNHEALTHY RELATIONSHIPS
THE GROUP WAS EDUCATED ABOUT EACH SEXUALLY TRANSMITTED DISEASES THAT
CAN BE CONTRACTED BY ORAL, ANUS, AND VAGINAL SEX.

A: PARAPHILIA-SEX OFFENDER.

I/M AFFECT IS IN NORMAL RANGE, I/M PARTICIPATED IN THE GROUP DISCUSSION
AND HE HAD SOME INSIGHT INTO THE GROUP TOPIC. THE PURPOSE OF THE GROUP IS
TO HELP THE MEMBERS TO UNDER THAT UNHEALTHY RELATIONSHIP CAN HAVE AN
NEGATIVE IMPACT UPON THEIR LIVES AND HEALTH. THERE WERE 11 I/M PRESENT.

P: I/M WILL CONTINUE TO ATTEND GROUP DURING THE WEEK OKF APRIL 6-10,2015

SIGNED OFF ON 04/06/15 @ 16:02 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 149 MENTAL HEALTH CLINIC 04/02/15 13:31 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-1:30PM
THE GROUP LESSON REVIEW MALE/FEMALE SEXUALITY FROM 12-1PM AND CHEAP

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GRACE FROM 1:00PM TO 1:30PM. 11 I/M IN ATTENDANCE.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, I/M DID PARTICIPATE IN THE GROUP DISCUSSION AND I/M WAS ATTENTIVE

P: I/M WILL CONTINUE TO ATTEND GROUP SESSIONS FOR THE WEEK OF APRIL 6 2015 TO APRIL 9, 2015

SIGNED OFF ON 04/02/15 @ 10:30 BY MARK FORBES (USC MSW INTERN)

SIGNED OFF ON 04/02/15 @ 13:32 BY MARK A FORBES, UNCLASSIFIED

NOTED

SIGNED OFF ON 04/08/15 @ 14:42 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 148 MENTAL HEALTH CLINIC 04/01/15 15:53 BROAD RIVER COMP
D: SOTP GROUP NOTE: A GROUP 12:00-02:00PM

THE GROUP LESSON CONTAIN STATISTICAL DATA. THE GROUP LESSON IS ON HEALTHY AND UNHEALTHY RELATIONSHIPS. THE GROUP LOOK AT DIFF SITUATION OF A HEALTHY RELATIONSHIPS/UNHEALTHY RELATIONSHIPS. 11 I/M WERE IN GROUP

A: PARAPHILIA

AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISC ORIENTED X 4 AND HE APPEARS TO UNDERSTAND THE CONCEPT OF HEALTHY RELATI SHIPS. DID PARTICIPATE IN THE GROUP DISCUSSION AND I/M IS ATTENTIVE.

P: I/M WILL CONTINUE TO ATTEND GROUP SESSIONS FOR THE WEEK OF MARCH 31 TO APRIL 2, 2015

SIGNED OFF ON 04/1/15 @ 2:30 BY MARK FORBES (USC MSW INTERN)

SIGNED OFF ON 04/01/15 @ 15:53 BY MARK A FORBES, UNCLASSIFIED

NOTED.

MS. ROBERTS MSW

SIGNED OFF ON 04/02/15 @ 10:50 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 147 MENTAL HEALTH CLINIC 03/31/15 14:45 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 12:30-2:00PM

THE GROUP LESSON REVIEW ACCURATE COMMUNICATION. THE GROUP LESSON IS HEALTHY AND UNHEALTHY RELATIONSHIPS. THE GROUP LOOK AT DIFFERENT SITUATIONS OF A HEALTHY RELATIONSHIPS/UNHEALTHY RELATIONSHIPS. THE GROUP WAS DIVIDED INTO TWO GROUPS TO DISCUSS "WHAT IS A HEALTHY RELATIONSHIPS". THE GROUP DID HAVE THEIR FIRST SESSION OF "CHEAP GRACE" BY THE CHAPLIN'S OFFICE.

A: PARAPHILIA

I/M AFFECT IS BRIGHT, HE IS ATTENTIVE, I/M DID PARTICIPATE IN THE GROUP DISCUSSION AND HE SHOWN UNDERSTANDING OF THE GROUP MATERIAL. THERE WERE 11 INMATES IN ATTENDANCE TODAY. THE PURPOSE OF THE GROUP IS TO HELP THE GROUP MEMBERS TO IDENTIFY HEALTHY AND UNHEALTHY RELATIONSHIPS.

P: I/M WILL CONTINUE TO ATTEND GROUP SESSIONS FOR THE WEEK OF MARCH 31 2015 TO APRIL 2, 2015

SIGNED OFF ON 03/31/15 @ 14:45 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 146 MENTAL HEALTH CLINIC 03/31/15 11:51 BROAD RIVER COMP
INCIDENTAL NOTE:

NO GROUPS WERE HELD DUE TO INSITUTIONAL LOCKDOWN AND FLU OUTBREAK. THE GROUPS WERE EFFECTIVE ON MARCH 23, 2015-MARCH 27, 2015. THE DORM WAS CLEARED ON MARCH 30, 2015 AT 2:30PM.

SIGNED OFF ON 03/31/15 @ 11:51 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

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- ** ENCOUNTER: 145 MENTAL HEALTH CLINIC 03/23/15 10:46 BROAD RIVER COMP
D: SOTP GROUP NOTE: GROUP B 12:00-1:30PM (LATE NOTE 3/16/15)
THE GROUP DID AN EXERCISE OF COMMUNICATION. THE GROUP MEMBERS UNDERSTOOD THAT THEIR COMMUNICATION NEEDS TO BE EFFECTIVE WHEN THEY LEAVE SCDC. ALSO, THE GROUP WAS TAUGHT BY MISS KOBOLD ON COMMUNICATION THE GROUP UNDERSTOOD THE LESSON OF NON-VERBAL, VERBAL AND VISUAL COMMUNICATION
A: PARAPHILIA-SEX OFFENDER
I/M AFFECT IS QUITE, HE DID NOT PARTICIPATE IN THE GROUP ACTIVITY, AND HE WAS LATE. THE PURPOSE OF THE GROUP TODAY"EFFECTIVE COMMUNICATION".
THERE WERE 12 MEMBERS ATTENDING GROUP TODAY.
P: I/M WILL ATTEND ALL SCHEDULE B GROUPS.
SIGNED OFF ON 03/23/15 @ 10:46 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 144 MENTAL HEALTH CLINIC 03/23/15 10:42 BROAD RIVER COMP
D: SOTP GROUP NOTE: 3/20/15 12:00-1:30PM
THE GROUP CONTINUE THEIR DISCUSSION ON THE -I-STATEMENT AND ACCURATE COMMUNICATION. THE INMATES LERN ABOUT HOW TO IDENTITY THEMSELVES IN THE "I" SITUATION. THE GROUP WAS TAUGHT BY MR. FORBES (USC INTERN)
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, I/M IS ORIENTATED X 4 AND HE APPEARS TO UNDERSTOOD THE CONCEPT OF SELF-REFLECTION. THERE WERE 14 INMATES PRESENT IN TODAY'S GROUP.
UNDERSTANDING SELF-REFLECTION.
P: THE GROUP WILL LEARN ABOUT SEX OFFENDERS AND STATISTICAL DATA
SIGNED OFF ON 03/23/15 @ 10:42 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 143 MENTAL HEALTH CLINIC 03/23/15 10:36 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 3/18/15 12:00-1:30PM
THE GROUP LESSON IS -FAMILY TREE-. THE CONCEPT OF THE GROUP IS TO HELP THE INMATE-S TO IDENTIFY WITH FAMILY VALUES, BELIEFS, AND LEARNED BEHAVIORS THAT CONTRIBUTE TO THEIR SEXUAL IDENTITIES. THE GROUP ALSO LEARN ABOUT ACCURATE COMMUNICATION AND THE GROUP WERE TAUGHT BY MISS KOBOLD (USC INTE)
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, I/M IS ORIENTATED X 4 AND HE APPEARS TO UNDERSTAND THE CONCEPT OF HOW THE FAMILY BELIEFS CAN AFFECT AND SHAPE ONE PERCEPTIONS OF INTIMACY
THERE WERE 14 INMATE PRESENT IN TODAY-S GROUP.
P: THE GROUP WILL CONTINUE TO DISCUSSION -I- STATEMENT, ACCURATE COMMUNICATION AND FAMILY TREE
SIGNED OFF ON 03/23/15 @ 10:36 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II
- ** ENCOUNTER: 142 MENTAL HEALTH CLINIC 03/23/15 10:13 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 3/17/15 12:00-1:30PM
THE GROUP LESSON IS -I -STATEMENT. THE GROUP LEARNED ABOUT HOW TO TALK TO PARTNERS IN RELATIONSHIPS.THE GROUP LEARN ABOUT ACCURATE COMMUNICATION OF VERBAL AND NON-VERBAL.
A: PARAPHILIA
I/M AFFECT IS BRIGHT, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, I/M ORIENTATED X 4 AND HE APPEARS TO UNDERSTAND THE CONCEPT OF COMMUNICATION

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THERE WERE 13 INMATES PRESENT IN TODAY-S GROUP.

P: THE GROUP WILL CONTINUE -I- STATEMENT AND COMMUNICATION.

SIGNED OFF ON 03/23/15 @ 10:14 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 141 MENTAL HEALTH CLINIC 03/12/15 15:50 BROAD RIVER COMP
SOTP GROUP:

GROUP B WAS NOT HELD TODAY BECAUSE THE 12:30PM COUNT DID NOT CLEAR UNTIL 3:00PM. THIS GROUP WILL BE MADE UP AT A LATER DATE.

SIGNED OFF ON 03/12/15 @ 15:52 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 140 MENTAL HEALTH CLINIC 03/12/15 15:50 BROAD RIVER COMP
SOTP GROUP NOTE: LATE NOTE 3/10/15

NO GROUP(S) WAS HELD FOR GROUP A AND GROUP B DUE TO MODIFIED LOCK DOWN OF MARION DORM SIDE A. THE SOTP PARTICIPANTS RESIDES ON THE A SIDE. THE GROUPS WILL BE MADE UP ON A LATER DATE.

SIGNED OFF ON 03/12/15 @ 15:50 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 139 MENTAL HEALTH CLINIC 03/11/15 15:03 BROAD RIVER COMP
D: SOTP GROUP NOTE: B GROUP 1:30-2:30PM

THE GROUP DID SEVERAL GROUP EXERCISES TO DEVELOP THEIR TEAMWORK, TRUST, BUILDING HOPE AND TO GIVE ENCOURAGEMENT. THE GROUP TALK ABOUT THEIR FEELINGS AS BEING LABEL AS SEX OFFENDER. MANY OF THE GROUP MEMBERS ARE TRYING TO UNDERSTAND THEIR FEELING ABOUT THIS LABEL. ALSO, THE GROUP VOICE THEIR CONCERN ABOUT THE NEGATIVE ENVIRONMENT IN THE MARION DORM.

A: PARAPHILIA-SEX OFFENDER

I/M AFFECT IS NORMAL, HE ACTIVELY PARTICIPATED IN THE GROUP DISCUSSION, AND HE HAS GOOD INPUT INTO THE GROUP TOPIC. I/M IS ORIENTED X 4. THERE ARE 13 GROUP MEMBERS TODAY.

P: I/M WILL CONTINUE TO ATTEND GROUP AND HE WILL WORK ON GROUP COHESIVENESS MS. ROBERTS MSW

SIGNED OFF ON 03/11/15 @ 15:08 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 138 MENTAL HEALTH CLINIC 03/10/15 12:03 BROAD RIVER COMP
D: SOTP GROUP NOTE: LATE NOTE 3/9/15 2:00-3:30 PM (B GROUP)

THE GROUP CONTINUE THEIR GROUP DISCUSSION AROUND THEIR FEELINGS OF BEING STEROTYPE OF THE LABELS "SEX OFFENDER". WE CONTINUE OUR GROUP EXERCISES OF ICE BREAKERS. THE GROUP IS CONTINUING THEIR PROCESS IN GROUP COHESIVE NESS.

A: CLINICAL IMPRESSION: PARAPHILIC DISORDER

I/M ACTIVELY PARTICIPATE IN THE GROUP ACTIVITY. HE SHARE HIS VIEWS ABOUT SEX OFFENDER. I/M DID NOT VOICE ANY SYMPTOMS OF DEPRESSION AND/OR ANXIETY DURING THIS SESSION. I/M AFFECT IS BRIGHT AND HE IS ORIENTATED X 4.

P: I/M WILL CONTINUE TO PARTICIPATE IN THE GROUP DISCUSSION AND ATTEND GROUP.

MS. ROBERTS, MSW

SIGNED OFF ON 03/10/15 @ 12:03 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 137 MENTAL HEALTH CLINIC 03/10/15 11:15 BROAD RIVER COMP

D: SOTP GROUP NOTE: LATE NOTE 2/25/15 9:00-11:00AM (GROUP A & B)

THE GROUPS MET TOGETHER TO RECEIVE GROUP ASSIGNMENTS, GETTING TO KNOW

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ONE ANOTHER AND WE DID SEVERAL ICE BREAKERS IN ORDER FOR THE GROUPS TO BECOME COMFORTABLE IN THE GROUP PROCESS. ALSO, THE GROUP MEMBERS WERE ASK FOR IDEAS TO DECORATE THE NEW GROUP ROOM IN EDUCATION.

A: CLINICAL IMPRESSION: PARAPHILIC DISORDER

I/M ACTIVELY PARTICIPATE IN THE GROUP ACTIVITY. HE SHARE HIS VIEWS ABOUT GROUP. IT DID NOT APPEAR THAT I/M HAD ANY SIGNS/SYMPTOMS OF DEPRESSION DURING THIS SESSION. I/M AFFECT IS APPROPRIATE AND HE IS ORIENTATED X 4

P: I/M PARTICIPATE IN THE GROUP DISCUSSION AND ATTEND HIS ASSIGNED GROUP MS. ROBERTS, MSW

SIGNED OFF ON 03/10/15 @ 11:16 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 136 MENTAL HEALTH CLINIC 03/03/15 10:41 BROAD RIVER COMP
D: LATE NOTE FOR SOTP GROUP 9:00AM-11:00AM & 1:30PM-3:30PM

INMATE WAS PRESENT AT BOTH MEETING TIMES. DURING THE MORNING MEETING THE I MATES WERE ASKED TO SETUP THE ROOM TO THEIR PREFERENCE. INTRODUCTIONS WERE MADE AND MS. ROBERTS CONDUCTED AN ICE BREAKER ACTIVITY. DURING THE AFTERNO N SESSION MS. ROBERTS DISCUSSED THE GROUP STRUCTURE EXPLAINING PARTICIPATI N, ATTENDANCE, HOMEWORK, TESTS, GROUP RULES, AND EVALUATIONS. THE GROUP EX RESSED UNDERSTANDING OF THE DESCRIBED STRUCTURE AND ASKED QUESTIONS REGARD NG COMMUNITY SERVICES, ANKLE MONITORS, AND REGISTRY.

A: INMATE WAS ACTIVELY ENGAGED DURING DISCUSSIONS AND POSED GREAT QUESTIONS INMATE WAS VERY ATTENTIVE DURING GROUP AND HAD POSITIVE ENERGY.

INMATE'S AFFECT WAS BRIGHT. THE PURPOSE OF GROUP TODAY WAS TO SET UP THE C LASSROOM AND ESTABLISH THE GROUP'S STRUCTURE.

P: INMATE WILL CONTINUE TO ATTEND GROUP. THE NEXT GROUP WILL BE HELD ON THU SIGNED OFF ON 03/03/15 @ 10:43 BY COURTNEY A KOBOLD, UNCLASSIFIED

NOTED

SIGNED OFF ON 03/03/15 @ 13:31 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 131 MENTAL HEALTH CLINIC 02/04/15 11:53 ALLENDALE COMP
D: SOTP INTERVIEW: INITIAL

I KNOW AND FEEL I AM NOT A TREATED TO SOCIETY AND THE PUBLIC AS WELL. I AM NOT A PREDATOR IN A SENSE TO PRAY ON OTHER. I LOVE PEOPLE. I DO NOT HARM GOD'S PEOPER I WILL REMAIN.

A: NO DX

I/M AFFECT IS FRIENDLY, OPEN AND HONEST.

P: I/M SIGNED A DECLINE TO PARTICIPATE IN THE SOTP PROGRAM AND THE ORIGINAL FORM IS FILE IN THE MEDICAL RECORD

SIGNED OFF ON 02/04/15 @ 11:56 BY SYLVIA ROBERTS, HUMAN SERVICES COORD II

** ENCOUNTER: 130 MENTAL HEALTH CLINIC 01/15/15 12:48 ALLENDALE COMP

D: I/M SEEN FOR COMPLETION FOR THE SPMT REPORT. I/M SEEN IN MEDICAL DENIED HAVING ANY PSYCHOLGICAL EVALUATION COMPLETE PRIOR TO OR WHILE IN SCDC. I/M DENIED ANY MENTAL HEALTH ISSUES OR CONCERNS. I/M DENIED ANY PRIOR TX FOR SE X OFFENDERS WHILE IN SCDC ON ON THE STREETS. I/M DENIED A/V HALLUCINATIONS AS WELL AS H/S THOUGHTS.

A; I/M APPEARED TO BE A/O X3; MOOD AND AFFECT APPEARED TO BE NORMAL. GOOD EYE CONTACT. SPEECH CLEAR IN TONE. I/M COMPLIANT WITH SESSION.

P: THE SPMT REPORT TO MS. ROBERTS WILL BE EMAILED. F/U ACCORDING TO POLICY. SIGNED OFF ON 01/15/15 @ 12:56 BY TANYA F MCCANTS, HUMAN SERVICES COORD II

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- ** ENCOUNTER: 117 MENTAL HEALTH CLINIC 04/02/14 10:13 ALLENDALE COMP
D: I/M WAS SEEN DUE TO A REQUEST TO STAFF. I/M STATED THAT HE WILL MAX OUT NEXT YEAR AND WANTED ASSISTANCE IN GETTING SITUATED FOR WHEN HE GOT OUT. I/M ASKED ABOUT ASSISTANCE WITH GETTING HIS SOCIAL SECURITY IN LINE RIGHT NOW SO THAT IT WILL BE READY BY THE TIME HE MAXES OUT. CCC EXPLAINED TO I/M THAT SHE IS UNABLE TO SET UP APPOINTMENTS AND SCHEDULE THINGS THAT ARE SO FAR IN ADVANCE. CCC ADVISED THE I/M TO COME BACK TO MENTAL HEALTH TO TRY AND GET THE SERVICES HE NEEDED AS HE WAS ONLY ABOUT 90 DAYS AWAY FROM HIS MAX OUT DATE. I/M STATED THAT WAS FINE AND THAT HE UNDERSTOOD.
A: DX; NOT MENTALLY ILL
GAIF-70
I/M WAS IN COMPLIANCE WITH GROOMING AND HYGIENE STANDARDS. I/M WAS ALERT AND AWARE OF HIS SURROUNDINGS. I/M WAS ABLE TO EXPRESS HIMSELF APPROPRIATELY.
P: CCC WILL FOLLOW UP WITH I/M PRN
SIGNED OFF ON 04/24/14 @ 15:37 BY CHELSEA A BROWN, HUMAN SERVICES COORD I
- ** ENCOUNTER: 28 MENTAL HEALTH CLINIC 11/19/09 13:24 ALLENDALE COMP
INC. NOTE:
SPOKE WITH CHAPLIN PORTER, WHOM I GAVE THE INFO TOO, AND BRIEFLY INFORMED HIM OF WHAT WAS HAPPENING. HE SAID THAT HE WOULD GIVE MS.VICKERY A CALL.
VERLYNDA HENDERSON HSC 1.
SIGNED OFF ON 11/19/09 @ 13:25 BY VERLYNDA M HENDERSON, HUMAN SERVICES COORD
- ** ENCOUNTER: 27 MENTAL HEALTH CLINIC 11/19/09 13:01 ALLENDALE COMP
INC.NOTE:
WRITER RECEIVED A MESSAGE FROM MS.SHERENE OUT OF COLUMBIA OFFICE TO INFORM I/M COLLIN,R.#138314 NEEDED TO SPEAK WITH A CHAPLIN.
WRITER CALLED THE SISTER AT [REDACTED]-1646 AND SPOKE WITH MS.SANDRA VICKERY. SHE INFORMED THAT THEIR FATHER IS DYING. HE HAS CANCER WHICH HAS METASTASIZED. THE DOCTOR HAS INFORMED THAT THEY ARE LIVING DAY BY DAY NOW.HE WILL BE GOING TODAY FOR X-RAY TO TRY TO SHRINK A TUMOR IN HIS AIR WAY. I JUST WANT TO BE ABLE TO TALK WITH SOMEONE WHO COULD HELP ME. I WOULD LIKE FOR MY BROTHER TO BE ABLE TO SEE HIM BEFORE HE DIES. MY FATHER AT ONE TIME SAID THAT HE WOULD NEVER BE ABLE TO SEE HIM AGAIN. MY FATHER HAS NOT SEEN HIM SINCE EVANS.HE USE TO ALSO COME TO KIRKLAND. IT HAS BEEN A WHILE AND I WOULD LIKE TO SEE WHAT I CAN DO TO GET HIM TO SEE HIM BEFORE HE PASS.
WRITER INFORMED MS.VICKERY THAT SHE WOULD HAVE THE THE CHAPLIN TO CALL HER BECAUSE WHAT SHE WAS ASKING WAS OUT OF THE SCOPE OF MY JOB. IF UNABLE TO REACH THE CHAPLINS, WRITER SAID THAT SHE WOULD CALL HER BACK TO LET HER KNOW WHAT WAS GOING ON. SHE SAID THAT SHE HAD WRITTEN HER BROTHER TODAY TO LET HIM KNOW EVERYTHING GOING ON WITH THE FATHER. SHE SAID THAT HE WILL BE DEVASTED WHEN HE LEARNS. I ALSO SAID THAT THE CHAPLIN CAN AFFORD HIM A CALL TO HER.
VERLYNDA HENDERSON HSC 1.
SIGNED OFF ON 11/19/09 @ 13:24 BY VERLYNDA M HENDERSON, HUMAN SERVICES COORD
- ** ENCOUNTER: 20 MENTAL HEALTH CLINIC 01/16/08 16:27 BROAD RIVER COMP
S: INMATE SEEN TO DETERMINE IF HE CAN BE TAKEN OFF MH LIST. HE IS LOUD AND FLIRTATIOUS BUT NO EVIDENCE OF MENTAL ILLNESS. HE HAS TAKEN WELLBUTRIN FOR SMOKING CESSATION. HE SAYS HE IS TRYING TO EXERCISE MORE. DENIES CURRENT

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T SYMPTOMS OF DEPRESSION, ANXIETY.

O: ALERT, ORIENTED, FULL AFFECT, NO SI/HI. NO PSYCHOSIS.

A: NO DIAGNOSIS

P: NO MH TX-NEEDED. MAX OUT DATE 2015.

SIGNED OFF ON 01/16/08 @ 16:30 BY PEGGY C WADMAN, UNCLASSIFIED
NOTED.

SIGNED OFF BY LILIA MYRNA RASUL, RN

SIGNED OFF ON 01/17/08 @ 14:03 BY LILIA MYRN C RASUL, UNCLASSIFIED

** ENCOUNTER: 19 MENTAL HEALTH CLINIC 01/16/08 16:30 BROAD RIVER COMP
ERROR.
SIGNED OFF ON 01/16/08 @ 16:30 BY PEGGY C WADMAN, UNCLASSIFIED

** ENCOUNTER: 18 MENTAL HEALTH CLINIC 01/11/08 10:25 BROAD RIVER COMP
D- INMATE REPORTED THAT HE DOES NOT NEED THE MEDICATIONS AND HE FELT FIND.
HE OCASSIONALLY HAS SOME ISSUES WITH OTHERS BUT HE WAS ABLE TO MANAGE AND C
OPE WITH THE ISSUES. HE KNOWS BEING IN PRISON BRINGS ON SOME STRESSORS AND
HE DEALS WITH IT WHEN IT COMES. PER INMATE, HE WAS INVOLVED WITH LOTS OF
CHURCH ACTIVITIES WHICH SEEM TO KEEP HIM OCCUPIED. DENIED THOUGHTS OF S/H.
A- INMATE DOES NOT SEEMED TO NEED MENTAL HEALTH SERVICES. NO THOUGHTS OF SU
ICIDE OR HOMOCIDAL IDEATIONS. DENIED DEPRESSION AS WELL AS A/V HALLUCINATIO
NS.
P- SCHEDULE PSYCH APPT TO HAVE HIM ASSESSED FOR REMOVAL FROM THE MENTAL HEA
LTH LIST.
SIGNED OFF ON 01/11/08 @ 10:29 BY PATRICK F CARTER, HUMAN SERVICES COORD I

** ENCOUNTER: 17 MENTAL HEALTH CLINIC 01/02/08 16:28 BROAD RIVER COMP
NO FURTHER PSYCH TREATMENT INDICATED AT THIS TIME.
SIGNED OFF ON 01/02/08 @ 16:29 BY PEGGY C WADMAN, UNCLASSIFIED
ABOVE NOTED

**JOCELYN BREWSTER LPN **
SIGNED OFF ON 01/03/08 @ 11:27 BY JOCELYN M BREWSTER, LICENSED PRACTICAL NURS

** ENCOUNTER: 14 MENTAL HEALTH CLINIC 10/10/07 16:28 BROAD RIVER COMP
S:INMATE SEEN FOR FIRST TIME BY THIS MD. HE IS 44 YEAR OLD WM INCARCERATED
SINCE APRIL 2006 (WAS IN COUNTY DETENTION CENTER SINCE 2003). FIRST INCAR
CERATION. CONVICTED OF CSC 2 DEGREE AND CASE IS ON DIRECT APPEAL. MAX-OUT
DATE 2015. NO HISTORY OF PSYCH TREATMENT. SAYS HE TOOK PROZAC FOR BRIEF
PERIOD IN DETENTION CENTER BUT IT MADE HIM TOO TIRED. HE HAS HAD ROOMMATE
PROBLEMS AND WAS TRANSFERRED FROM CONGAREE TO MONTICELLO "AFTER I CALLED MY
DADDY AND MY DADDY CALLED THE WARDEN." HE SAID HE IS ATTENDING BIBLE STUD
IES AND IS TRYING TO GET HIS GED. HE IS HAVING DIFFICULTY CONCENTRATING.
HE DROPPED OUT OF SCHOOL IN THE 10TH GRADE. HE USED DRUGS. FIRST MJ AT AP
PROX 18 YO AND USED "ONCE IN A WHILE." HE DENIES OTHER ILLICIT DRUG USE.
HE SAID HE "DRANK A LITTLE BIT" MOSTLY BEER. MAY BE UNDERREPORTING USE. H
E WAS A PAINTER AND PERFORMED OTHER JOBS. MARRIED AT 17 AND SEPARATED AFTER
8 YEARS. HAS 4 CHILDREN (ONE DIED AT BIRTH). HE SAID HE NEEDS "SOMETHING
TO HELP ME FUNCTION PROPERLY....I CAN'T CONCENTRATE....NOISES REALLY BOTHER
ME.....MY MIND IS STEADY GOING." SOME ENTITLEMENT/AXIS II ISSUES NOTED.
O: ALERT, ORIENTED. APPEARS 10 YEARS OLDER THAN STATED AGE. MOOD "OKAY."

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AFFECT FULL RANGE. GOAL-DIRECTED. NO SI/HI.

A: MOOD DISORDER NOS; R/O HISTORY OF SUBSTANCE ABUSE; R/O PERSONALITY DO.
P: WELLBUTRIN SR 150 MG AM TRIAL AS HE MAY HAVE ADD COMPONENT AND REPORTED
MOOD SYMPTOMS. RTC: 6-8 WEEKS.

P> WELLBUTRIN SR 150MG

SIG: ONE TAB P.O. Q AM

SIG:

START DATE: 10/10/07 TOTAL DAYS: 90

MD: WADAM, PEGGY -

SIGNED OFF ON 10/10/07 @ 16:41 BY PEGGY C WADMAN, UNCLASSIFIED

NEW MEDICATION NOTED, MAR UPDATED

SIGNED OFF ON 10/11/07 @ 13:29 BY CHERYL L WERRE, LICENSED PRACTICAL NURSE

- ** ENCOUNTER: 13 MENTAL HEALTH CLINIC 10/02/07 14:51 BROAD RIVER COMP
INCIDENTAL NOTE- SPOKE WITH THIS INMATE AT HIS REQUEST. HE WAS RECENTLY
MOVED FROM THE CONGAREE UNIT TO MONTECELLO UNIT. HE SHARED THAT HE WAS THRE
ATENED BY HIS FORMER ROOMMATE AND HE REQUESTED TO BE MOVED. HENCE, REPORTED
THAT HE HAD TO GET HIS PARENTS INVOLVED TO GET THIS DORM CHANGED. PER INMA
TE HE WAS WORRYING DAILY ABOUT THIS SITUATION WHEREBY HE WAS ANXIOUS AND
FELT STRESSED. HE CONTINUES TO FEEL STRESSORS IN HIS NEW DORM BECAUSE THE
CURRENT ROOMMATE WANTS THE BOTTOM BUNK ALTHOUGH HE WAS ASSIGNED TO A BOTTOM
BUNK. ACCORDING TO THIS INMATE HE ALLOWED THIS CURRENT ROOMMATE TO HAVE
THE BOTTOM BUNK. HE WANTS TO AVOID ALTERCATION AT ALL COST BUT THIS WAS
STRESSING HIM BECAUSE HE DOES NOT WANT TO RECEIVE A OUT OF PLACE CHARGE.
INMATE REPORTED THAT HE HAS NOT BEEN ON ANY MEDICATIONS AND DOES NOT WANT T
O TAKE ANY MEDICATIONS BUT WANTED TO BE EVALUATED TO DETERMINE IF HE NEEDED
SOMETHING TO ASSIST HIM WITH CONCENTRATING AND FOCUSING. HE DENIED SUICID
E AND DEPRESSION BUT REPORTS NUMEROUS STRESSORS.
A- INMATE WAS ABLE TO EXPRESS HIS THOUGHTS, CONCERNS IN A LOGICAL, CLEAR AN
D COHERENT MANNER. NO THOUGHTS OF S/H IDEATIONS, DENIED FEELINGS OF DEPRESS
ION. WORRYING A GREAT DEAL, ANXIETIES AND STRESSORS.
P- SCHEDULE PSYCH APPOINTMENT FOR 10-10-07 AND CONTINUE TO FOLLOW UP.
SIGNED OFF ON 10/02/07 @ 15:06 BY PATRICK F CARTER, HUMAN SERVICES COORD I
- ** ENCOUNTER: 12 MENTAL HEALTH CLINIC 08/09/07 12:04 BROAD RIVER COMP
IM WAS TO BE SEEN IN PSYCH MED CLINIC BUT DID NOT SHOW
SIGNED OFF ON 08/09/07 @ 12:04 BY EILEEN DELANY, NURSE PRACTITIONER III
- ** ENCOUNTER: 11 MENTAL HEALTH CLINIC 07/30/07 11:15 BROAD RIVER COMP
D. THE CLIENT FEELS HE IS IN NO NEED FOR MENTALHEALTH FOLLOW UP. STAFF
HAS TURNED IN A HEALTH SUMMARY FOR A MED. CLASS CHANGE. CURRENTLY AWAITING
FOR A DOCTORS. REVIEW.
A. HX OF ANXIETY, CURRENTLY BEING MANAGED.
P. RECOMMEND THE CLIENT MED. CLASS BE CHANGE FROM MI TO NMH. STAFF WILL
CONTINUE SUPPORTIVE ATTITUDINAL APPROACH. LAWRENCE CANTEY, JR. HSC.
SIGNED OFF ON 07/30/07 @ 11:21 BY LAWRENCE CANTEY, JR, HUMAN SERVICES COORD
- ** ENCOUNTER: 10 MENTAL HEALTH CLINIC 04/17/07 11:11 BROAD RIVER COMP
MENTAL HEALTH INTERVIEW: I/M COLLINS IS CLASSIFIED AS MENTALLY ILL AND IS
BEING SEEN TO DETERMINE HIS MENTAL STATUS AT THIS TIME. A I/M COLLINS WAS

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SCDC HEALTH SERVICES: MEDICAL SUMMARY09/25/17
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ALERT, PROPERLY ORIENTED, AND OTHERWISE GOOD CONTACT WITH REALITY. HE DENIED A HISTORY OF MENTAL HEALTH INVOLVEMENT AND HE DENIED THE NEED FOR SUCH SERVICES AT THIS TIME. ADDITIONALLY, HE STATED THAT HE WOULD CONTACT A MENTAL WORKER SHOULD HE FEEL THE NEED FOR MENTAL HEALTH SERVICES. P THIS I/M SHOULD BE DROPPED FROM THE ACTIVE MENTAL HEALTH ROLL.

LEON J. JOHNSON, PH.D., LPC

SIGNED OFF ON 04/17/07 @ 11:23 BY LEON J JOHNSON, HUMAN SERVICES COORD I

** ENCOUNTER: 4 MENTAL HEALTH CLINIC 04/20/06 11:11 KIRKLAND COMP
D: WHEN SEEN ON 4/19/06 FOR PH II/MH EVAL (SEE HARD COPY OF MED RECORD FOR DETAILS) THIS 43YO SWM WAS A&OX4 AND COOP. HIS AFFECT WAS ANXIOUS. HE REPORTED MOOD AS, "FAIR BUT VERY STRESSFUL AND I FEEL HYPER." HE DENIED ANY SI/HI, A/V HALL'S, OR DEL'S. THOUGHTS WERE LOGICAL & GOAL ORIENTED. HE RELATED APPETITE IS OK. HE REPORTED POOR SLEEP, @ 1 1/2-2HRS/NIGHT W/ DELAYED ONSET. IM DENIED COMMITTING CRIME OF CSC 2ND FOR WHICH HE IS NOW CONV'D AND SERVING 14YRS SENTENCE. IM HAS HX OF PRIOR SEX OFF CONV IN '86 FOR LEWD ACT ON CHILD UNDER 14. IM SAID HE IS UPSET W/ HIMSELF FOR ACCEPTING PLEA BARGAIN ON CSC 2ND. IM DENIED ANY HX OF MH PROB'S OR MH TX PRIOR TO ARREST ON CSC2 IN DEC '03. SINCE ARREST IN DEC '03 IM RELATED SX'S OF ANXIETY, OBSESSIVE WORRYING, PANIC ATTACKS, POOR SLEEP, FEELING HYPER, & FEELING UNABLE TO RELAX. WHILE IN HORRY CO DC SINCE DEC '03 IM SAID HE WAS TRIED ON PROZAC FOR @ 2MOS THEN WAS SWITCHED TO XANAX FOR 2-3 MOS. IM SAID HE LAST TOOK XANAX 1 MO AGO AND PROZAC 3-4 MOS AGO. IM CLAIMED PROZAC MADE HIM VERY SLEEPY BUT XANAX DID NOT. IM WAS AMBIVALENT AS TO WHETHER HE WANTS TO SEE PSYCHIATRIST FOR PSY MED EVAL. FINALLY IM SAID HE DOESN'T REALLY LIKE TAKING MEDS & WANTS TO TRY JUST F/U W/ MH COUNSELING. IM DENIED ANY HX OF A&D ABUSE. IM SAID HE DRANK 1-3, 12 OZ BEERS 1-2X/WK BUT INSISTED HIS ETOH USE WAS NEVER A PROBLEM.
A: PROVISIONAL DX: ADJUSTMENT DISORDER W/ ANXIOUS MOOD, R/O ETOH ABUSE/DEP, ANTISOCIAL PERSONALITY TRAITS
P: RX IM F/U W/ OUTPT MENTAL HEALTH @ INSTITUTION. WRITER WILL F/U W/ IM AS NEEDED WHILE @ R&E. DEBORAH HOLLIFIELD, MA, LPC
SIGNED OFF ON 04/20/06 @ 11:33 BY DEBORAH R HOLLIFIELD, HUMAN SERVICES COORD
SIGNED OFF ON 05/05/06 @ 17:06 BY EILEEN DELANY, NURSE PRACTITIONER III

***** END OF SICK CALL NOTES *****

86-65-32-2145
86-65-32-2145
The State of South Carolina

County of LEXINGTON

COURT OF GENERAL SESSIONS

December Term, 19 86

THE STATE

VS.

24 ROBBIE CARROLL COLLINS

Warrants. #B551750

#B551751, #B551752

CDR #159

plea

INDICTMENT FOR

COMMITTING OR ATTEMPTING TO COMMIT A
LEWD ACT UPON CHILDREN UNDER FOURTEEN

Donald V Myers, Solicitor

WAIVE

Foreman of Grand Jury

The defendant: Robbie Carroll Collins is put to the
Bar and arraigned, and upon his arraignment pleads
guilty as charged.

Attest:

John A. Bearden
C. C. C. P. & G. S.

Robbie Collins
129-87

SENTENCE

The defendant Robbie Carroll Collins is
committed to the State Dept. of Corrections/County for a term of Ten (10)
months/years and/or to pay a fine of \$, provided upon the
service of months/years and/or payment of \$,
plus ~~any~~ waive costs and assessments as applicable, the balance
suspended with probation for months/years.

Restitution For physical injury \$
Yes / No property damage \$
to be paid

to clerk for **
Other conditions Terminate Probation

Date 12-9-86

Costs and Assessments

Non-waivable \$

Not waived \$

Total \$

Victim's Compensation Fund if subrogated.

James E. Moore
Presiding Judge

Clerk of Court

TRUE COPY
C.C.C.P. & G.S. & F.C.

The State of South CarolinaCounty of LEXINGTON**INDICTMENT FOR**COMMITTING OR ATTEMPTING TO COMMIT A LEWD
ACT UPON CHILDREN UNDER FOURTEEN

At a Court of General Sessions, convened on the 1st day of December,
19 86, the Grand Jurors of Lexington County present upon their oath:

That ROBBIE CARROLL COLLINS(being over the age of fourteen (14) years

did in Lexington County on or about the day of month of June,
19 84, unlawfully, wilfully and lewdly commit or attempt to commit a lewd or lascivious
act or acts upon or with the body, or a part or member of the body, of children under
the age of fourteen (14) years, to wit: Minor 1, four (4) years of age,
Minor 2, six (6) years of age, Minor 3, nine (9) years of age,
and Minor 4, with the intent of arousing, appealing to, or gratifying the lust
or passions or sexual desires of the defendant in violation of Section 16-15-14 of
the South Carolina Code of Laws, as amended.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry
 STATE VS.
Robbie C. Collins
 AKA:
 Race: W Sex: M Age: 45
 DOB: [REDACTED] SS#: [REDACTED]
 Address: [REDACTED] Hwy 45
 City, State, Zip: Loris SC 29569
 DL# [REDACTED] SID# [REDACTED]

INDICTMENT/CASE#: 04 -GS- 26 - 4013
 A/W#: CAW200410021
 Date of Offense: Dec 5, 2003
 S.C. Code §: 16-3-652
 CDR Code #: 0 / 1 / 6 / 0
☐ CASE RESTORED
☒ SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: Crim. Sex. Conduct 2nd degree

in violation of § 16-3-652 of the S.C. Code of Laws, bearing CDR Code # 0 / 1 / 6 / 1

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

[Signature]
Solicitor

Robbie C. Collins
Defendant

[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 14 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.

Since Dec 6, 2003

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100 \$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§ 35.13 (Public Def/Prob)	\$500 \$
§73.3, 1B TP (Law Enforce. Funding)	\$25 \$25.00
§33.7, 1B TP (Drug Court Surcharge)	\$100 \$
§50-21-114(BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	\$3.75
TOTAL	\$128.75

Melanie Huggins

Clerk of Court/ Deputy Clerk

Court Reporter: Brenda Babbb

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 \$ 25.00 beginning 1/10/04

\$ _____ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, §35.13 TP
 Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date: 1/10/04

WITNESSES

JACKSON/LPD

DOCKET NO. 2004-GS-26-4013

THE STATE OF SOUTH CAROLINA

COUNTY OF HORRY

72507

WBvH

COURT OF GENERAL SESSIONS

OCTOBER

TERM 2004

THE STATE

vs.

ROBBIE C. COLLINS

W/M

DOB:

SSN:

ARREST WARRANT NO.

CAW200410021

CDR: 0160 16-03-0652

DOA: 12-06-03

ACTION OF GRAND JURY

TRUE BILL

OCT 28 2004

Foreman of Grand Jury

VERDICT

ATTORNEY: TOM FLOYD

INDICTMENT FOR:
CRIMINAL SEXUAL CONDUCT, 1ST DEGREE

ORIGINAL

Foreman of Petit Jury Date:

J. GREGORY HEMBREE, SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

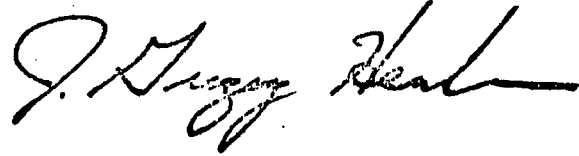
INDICTMENT FOR:
CRIMINAL SEXUAL CONDUCT, 1ST DEGREE

At a Court of General Sessions, convened on October 28, 2004, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT, 1ST DEGREE
(CDR: 0160 16-03-0652)

That ROBBIE C. COLLINS did in Horry County on or about the 5th day of December, 2003, engage in sexual battery against [REDACTED] R.P. [REDACTED], using aggravated force, to wit: did push, shove and strike [REDACTED] R.P. [REDACTED] and/or that he did commit a sexual battery while committing a burglary, in violation of Section 16-3-652, 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.

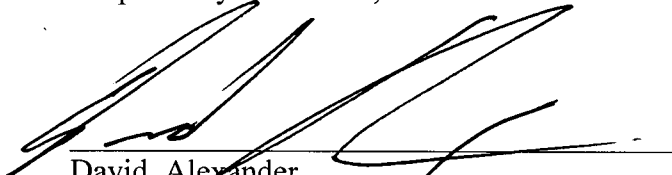


SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 22nd day of August, 2018.

RECEIVED
AUG 22 2018
SC Court of Appeals