

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

 ORIGINAL

Appeal from York County

Honorable Daniel D. Hall, Circuit Court Judge

RECEIVED

SEP 17 2018

SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF FRANKLIN MOSIER,

APPELLANT

APPELLATE CASE NO 2017-001345

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JULY 12-13, 2017.....	1
PRE-TRIAL TESTIMONY	
DOCTOR AMY SWAN	
Direct Examination by Mr. Bogle.....	20
Cross- Examination by Ms. Browder.....	27
Redirect examination by Mr. Bogle.....	34
OPENING STATEMENT BY MR. BOGLE	42
OPENING STATEMENT BY MS. BROWDER.....	46
TESTIMONY	
DOCTOR AMY SWAN	
Direct Examination by Mr. Bogle.....	49
Cross- Examination by Ms. Browder.....	94
Redirect examination by Mr. Bogle.....	125
MOTION FOR DIRECTED VERDICT.....	128
CLOSING ARGUMENT BY MR. BOGLE	139
CLOSING ARGUMENT BY MS. BROWDER	147
VERDICT	174
MOTION FOR NEW TRIAL	176
STATE'S EXHIBIT NO. 1 (CERTIFIED COPY OF INDICTMENT 2010-GS-46-01533 AND SENTENCING SHEET)	178
STATE'S PETITION PURSUANT TO THE SVP ACT WITH EXHIBITS FILED JANUARY 29, 2016.....	181
CONSENT ORDER FOR SVP EVALUATION FILED MARCH 21, 2016	301
ORDER OF COMMITMENT FILED JUNE 15, 2017.....	303

INDICTMENT AND SENTENCING SHEET	304
CERTIFICATE OF COUNSEL	307

State of South Carolina.,)
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)
)
County of York.)

In the Common Pleas
Court of York
Case No. 2016-CP-46-00296

In the Matter of the)
Care and Treatment)
of Franklin Mosier.,)
)
Petitioner.,)
)
-vs-)
)
Franklin Mosier.,)
)
Respondent.)

Transcript of Record

June 12, 13, 2017
York, South Carolina

B E F O R E:

The Honorable Daniel D. Hall, judge, and a jury.

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ORIGINAL

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I-N-D-E-XE-X-A-M-I-N-A-T-I-O-N

<u>WITNESS</u>	<u>BY:</u>	<u>PAGE NO.</u>
Opening Statements	Mr. Bogle	P.68-72
	Ms. Browder	P.72-74
Doctor Amy Swan	Mr. Bogle	P.46-53
		P.60-61
		P.75-118
		P.151-152
	Ms. Browder	P.53-60
		P.120-151
Closing Arguments	Mr. Bogle	P.165-173
	Ms. Browder	P.173-184
Charge to the Jury		P.184-195
Verdict		P.200
Court Reporter's Certificate Page.		P.203
Clerk of Court's Random Strike Sheet		P.204

I N D E XE X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
St.1	Certified Copy Indictment		
	2010-GS-46-01533		P.87
Ct.1	Jury Note @ 11:02 AM		P.199
Ct.2	Jury Note.		P.202

Reporter's Note: All Exhibits were filed with the York
County Clerk of Court's Office.

1 THE COURT: Anything that needs to be put on the
2 record on behalf of the State, Mr. Bogle?

3 MR. BOGLE: Regarding the jury or regarding motions?

4 THE COURT: Regarding the jury.

5 MR. BOGLE: Oh, no, your Honor, not regarding the
6 jury.

7 THE COURT: All right. And then, Ms. Browder?

8 MS. BROWDER: No, sir.

9 THE COURT: All right. Thank you. And I think we do
10 have some - You have some motions. I had a Motion in
11 Liming. Let's do this. Y'all just be back at two o'clock.
12 Be here in the courtroom at two o'clock and we'll take up
13 any of those motions.

14 MR. BOGLE: Thank you, your Honor.

15 MS. BROWDER: Thank you, your Honor.

16 THE COURT: All right. Thank y'all. We'll be at ease
17 'till two o'clock.

18 (COURT IN LUNCH RECESS AT 01:02 PM.)

19 (COURT BACK IN SESSION AT 02:15 PM.)

20 THE COURT: Thank you, please be seated.

21 All right, I think we had a few pretrial matters.

22 Anything from -- Am I supposed to call -- Wait a minute,
23 while we're waiting on Mosier to come in.

24 The State's official title is Petitioner; is that
25 right?

-31-

1 MR. BOGLE: Well I've had judges call us the State,
2 call us Petitioner. I mean in our pleadings like our Voir
3 Dire it says Petitioner's Voir Dire. Or our Jury Charge
4 may say State's Jury Charge.

5 THE COURT: No offense to the State or the Defendant
6 if I refer to your position the State's position. How's
7 that?

8 MS. BROWDER: That's fine, your Honor. I just ask for
9 Respondent for us instead of defendant.

10 THE COURT: Okay. All right.

11 (RESPONDENT, FRANKLIN MOSIER, REENTERS COURTROOM AT
12 02:17 PM.)

13 THE COURT: All right, I believe we have some pretrial
14 matters to take up. Mr. Bogle, I'll hear from you on
15 behalf of the State.

16 MR. BOGLE: Thank you, your Honor. I think our second
17 pretrial motion deals with treatment. That's withdrawn.

18 Our first pretrial motion deals with asking your Honor
19 prohibit any reference by the Defense as Mr. Mosier going
20 to a prison, or a life sentence, or something like that.
21 I've talked with Ms. Browder about that. She doesn't do
22 that, so I don't think that's gonna be a problem with us.

23 THE COURT: All right. Ms. Browder, anything you want
24 to put on the record in regards to that, his first motion
25 in limine?

1 MS. BROWDER: No, sir, not as to that one.

2 THE COURT: Okay. Thank you.

3 MR. BOGLE: The second one is to prohibit any
4 reference to treatment but I withdraw that motion.

5 THE COURT: Okay. All right, thank you.

6 MR. BOGLE: And I may object at the right time but I
7 don't think --

8 THE COURT: Right. And certainly we'll deal with any
9 issues that come in trial. Anything else, Mr. Bogle?

10 MR. BOGLE: Nothing. No, your Honor, from the State.

11 THE COURT: All right, Ms. Browder.

12 MS. BROWDER: Thank you, your Honor. The first thing
13 and this is very quick, I would just ask that there would
14 be some type of jury instruction regarding the camera in
15 the courtroom, so that the jury knows for the camera not to
16 influence their decision in any way; that they're here, but
17 it has nothing to do with evidence or anything to do with
18 their -- I don't know what kind of instruction you like to
19 give them but I would just ask for an instruction on that.

20 THE COURT: All right. I will give them a basic
21 instruction about one, that the camera is allowed to be in
22 the courtroom, and that I had instructed Mr. Dyes, who has
23 the camera, that he is not to have any jurors or any
24 victims, and in that case anybody in the audience, on the
25 video cameras, and then I'll give 'em a brief instruction

1 about that as not to influence their decision ---

2 MS. BROWDER: Thank you, your Honor.

3 THE COURT: --- one way or the other.

4 MS. BROWDER: Next, your Honor, I've done several of
5 these trials with Mr. Bogle and a lot of the times in his
6 opening arguments he likes to quote Section 44-48-20 which
7 is the legislative findings for the *Sexual Violent Predator*
8 *Act*. Specifically he has previously quoted that these SVPs
9 are a extremely dangerous group who exist and the
10 likelihood these sexually violent predators will reengage
11 if not treated is significant. I would ask that he not be
12 allowed to go into that, your Honor.

13 We're here to determine if Mr. Mosier is actually a
14 sexually violent predator. I believe it would prejudice or
15 inflame their passions, your Honor, as to the fact that he
16 could be extremely dangerous; he's gonna reoffend, is
17 significant, I believe, why the legislature created this is
18 not relevant to the jury. It's just as to the elements is
19 what they're determining, here to determine.

20 THE COURT: All right. Mr. Bogle.

21 MR. BOGLE: If I may approach, your Honor?

22 THE COURT: Yes.

23 MR. BOGLE: Section 44-48-20 is the legislative
24 findings. The first two paragraphs that I've bracketed
25 right here is what I sometimes read to jury's.

1 I do it from my opening argument and sometimes during
2 a closing argument. Usually it's the first paragraph from
3 the opening; the second paragraph during the closing.

4 THE COURT: Well, this is a civil hearing; however, we
5 have a criminal standard proof of beyond a reasonable
6 doubt; isn't that correct?

7 MR. BOGLE: Yes, sir.

8 THE COURT: Then I'm gonna grant the motion to
9 instruct you to not use any of that language in those two
10 paragraphs of the legislative findings in your opening or
11 closing.

12 MR. BOGLE: Okay. If I can have it back if I may?

13 MS. BROWDER: Your Honor, there are several arrests
14 that I would like to be -- the State not be able to go
15 into. One is a 1998 disturbing schools that was nol
16 prosed. 2005 ABHAN which was a fight, your Honor. It was
17 nothing sexual in nature that was also nol prosed. And
18 then a 1997 CSC with a minor first degree. It was nol
19 prosed in 2000. It had nothing to do as part of the plea
20 deal or anything is the reason it was being nol prosed, so
21 I would ask that those three be allowed or the State not to
22 be allowed to go into those three arrests.

23 Specifically the CSC with a minor first degree, your
24 Honor. I do believe since it was nol prosed that it would
25 be very prejudicial for the jury to hear that especially

1 with the fact that there was never any -- he was never
2 convicted of this. There was never any proof that it
3 occurred, and I just don't think it would be relevant to
4 the jury. I believe it would be way too prejudicial
5 especially with this type of case.

6 THE COURT: Mr. Bogle.

7 MR. BOGLE: Thank you, your Honor. We have a
8 Memorandum of Law that was emailed to your law clerk, if I
9 can pass up a hard copy to you, your Honor.

10 THE COURT: I have it.

11 MR. BOGLE: Okay. Basically there is this: The
12 State's expert witness appointed by the court to evaluate
13 this guy is Doctor Amy Swan. One of the diagnoses she made
14 was anti-social personality disorder. To make that
15 diagnosis you have to document conduct; not just conduct
16 where you're convicted, but conduct where you could have
17 been arrested going back prior to age fifteen.

18 So to justify her diagnosis she's got to explain all
19 the criminal conduct that she discovered and that would
20 include some stuff that even if it's non-sexual it goes
21 back prior to -- go back to the man's youth.

22 Also regarding the 1997 CSC charge, one of the things
23 I'm gonna ask Doctor Swan -- and I can put her on the stand
24 right now if you'd like to hear from her -- is how does a
25 person's past sexual behavior relate to future sexual

1 behavior. And she'll talk about how you're looking for
2 patterns. You look for similar ages of victims and things
3 like that, and how here we have a pattern.

4 She'll also talk about what she calls a wake-up call.
5 When someone gets arrested for a felony such as criminal
6 sexual conduct with a minor, they're potentially facing a
7 lot of time in prison. If that charge gets dismissed, or
8 nol prosed, for whatever reason that should be a wake-up
9 call to this person not to do it again. And yet in this
10 case we have the 1997 arrest that was nol prosed. We have
11 a 1998 less than a year later he does it again. This time
12 he gets convicted but of an ABHAN. But then we have the
13 sexually violent conviction in 2011 which was a 2009 crime.

14 The *Ettel* case cited in my hand-up materials involve
15 looking at prior sexual offenses as well as a prior non-
16 sexual crime and some of the sexual offenses had not
17 resulted in convictions. And these are relevant because in
18 that case Doctor Pam Crawford, the psychiatrist involved
19 there, evaluated his ability -- his lack of ability to
20 control his behavior in the future.

21 Also in the *Corley* case Doctor Donna Schwartz-Watts,
22 now Doctor Maddox, testified about past criminal history
23 and the Appellate Court held that proving past criminal
24 history is directly relevant to establishing whether or not
25 someone meets the definition of a sexually violent

1 predator.

2 It goes a lot to whether or not just the prior
3 criminal action but whether or not they can control their
4 behavior in the future which is part of the -- one of the
5 things that we have to prove. So we would think that the
6 prior conduct, as part of an anti-social personality
7 disorder diagnosis in the 1997 CSC, even though it was not
8 proposed, would be relevant to show the pattern of behavior
9 for this young man as far as his sexual crimes.

10 And I think Doctor Swan will make it very clear the
11 charge was not proposed, and the jury can give whatever
12 weight it wants to to that particular crime.

13 MS. BROWDER: Your Honor, just ---

14 THE COURT: Yes.

15 MS. BROWDER: --- to respond to that. Regarding the
16 anti-social personality, he used the phrase that is prior
17 to age fifteen. Mr. Mosier was fifteen when this occurred,
18 or allegedly occurred, so he would not be under or under
19 fifteen at that time. In addition regarding the *Ettel*
20 case, your Honor, regarding the pattern of behavior of
21 sexual assaults, in the *Corley* case with Doctor Schwartz-
22 Watts, Doctor Schwartz-Watts said it was important if a
23 person's past crimes were similar in nature.

24 Well this case was a male, your Honor, and the other
25 two that he was actually convicted of were female so

1 they're not similar in that the sex of the victims are very
2 different. And in addition, your Honor, in the Corley case
3 it was as to previous convictions. This was not a
4 conviction, it was nol prosed, and it was not as a result
5 of a plea or a trial of that nature so I would ask that it
6 be --

7 THE COURT: All right. The three -- or the CSC charge
8 in '97, what were the other two?

9 MS. BROWDER: 1998 disturbing schools and a 2005 ABHAN
10 that was a fight ---

11 MR. BOGLE: We've got ---

12 MS. BROWDER: --- between him and another male.^o

13 MR. BOGLE: --- stuff that predates that.

14 Haven't you got a burglary when he was nine?

15 MS. BROWDER: He was convicted of that, your Honor.

16 MR. BOGLE: Eleven?

17 MS. BROWDER: So I have -- I understand the conviction
18 on that one.

19 THE COURT: These are just three charges. The three
20 things on his -- three offenses on his record that were
21 dismissed?

22 MS. BROWDER: Correct.

23 THE COURT: All right. I'm gonna grant the
24 Respondent's motion on those three. I find that delving
25 into those, and weighing under 403, whether if they're

-39-

1 prejudicial value outweighs the relevance, that I find that
2 they would be more prejudicial than probative and I'm going
3 to not allow them to go into those three charges.

4 MR. BOGLE: Is that -- Just for clarification, does
5 that include the 1997 charge of CSC with a minor?

6 THE COURT: Yes.

7 MR. BOGLE: Thank you, your Honor.

8 MS. BROWDER: Next, your Honor, Doctor Swan in her
9 report relies on a -- what's called a penile
10 plethysmograph, a PPG is how it's short, that was done on
11 Mr. Mosier, and this was done as indicated in her report by
12 Doctor William Burke out of Charleston. She uses those
13 results, your Honor, as part of her evaluation. I'm asking
14 that the PPG be kept out. Two separate reasons for that,
15 your Honor.

16 The first is confrontation clause reasoning. Its my
17 understanding that Doctor Burke conducted this exam and
18 gave the results to Doctor Swan. I have no way to cross-
19 examine how the test was done; what exact standards were
20 used, what pictures were shown to him; exactly how he
21 determined what percentage Mr. Mosier's penis moved during
22 the PPG. And I believe it violates the confrontation
23 clause in that I can't cross-examine Doctor Swan about how
24 the test was conducted because she was not there, your
25 Honor. She only met with him for thirty minutes to an hour

1 and this was done down in Charleston where she was not
2 present.

3 In addition, your Honor, I would ask that the PPG be
4 kept out, the fact that it has not been found -- ruled to
5 be reliable, your Honor. There is no case law regarding
6 the PPG that the Supreme Court has dealt with. I believe
7 the standard is different across different states as to how
8 certain doctors run the PPG, what standards are used, and I
9 would ask that it be kept out on those two reasons.

10 THE COURT: All right. Mr. Bogle.

11 MR. BOGLE: Let me call Doctor Swan and testify
12 briefly about that if I may, your Honor. We also have a
13 Memorandum of Law relating to the PPG which I would like to
14 pass up.

15 I didn't know -- I wasn't sure if it would be an issue
16 today.

17 THE COURT: Well let me hear your -- some of your
18 argument.

19 MR. BOGLE: Okay.

20 THE COURT: And then we'll decide whether to put
21 Doctor Swan up.

22 MR. BOGLE: Okay. Here's what we got.

23 First of all regarding Doctor Burke not being here.

24 Doctor Swan would testify that Doctor Burke is like
25 one of the reigning experts in the nation on this test, and

1 he administers it at his lab down in Summerville. And as
2 part of her diagnosis, or her evaluation, she sends him
3 down there. What the PPG does is, a person wears a strap
4 around his penis, he puts it on, he's then shown a series
5 of photographs and he hears voices. And none of the
6 photographs are overtly sexual in nature but some of them
7 involves small children. Those are not sexual pictures but
8 like a picture of a small child in a bathing suit.
9 Something like that.

10 The question is, he may say one thing to the doctor,
11 but that his body would give him away. It's the best
12 physiological examination we have to see whether or not
13 he's telling the truth about what his sexual interest are.
14 In this case he showed his sexual interest. He got aroused
15 with ceratin pictures involving small children.

16 Now what's important to us is, the underlying guide
17 for all psychiatrist and psychologist is the Diagnostic and
18 Statistical Manual currently version V. In the DSM-IV,
19 last years model, which I've got a copy of here, it
20 references the PPG, but in such terms as how it's reliably
21 and it's validity in clinical assessments has not been well
22 established, so it didn't have too much to say nice about
23 the PPG.

24 Then comes the DSM-V the version we're doing with
25 right now. The PPG is mentioned twice in the DSM-V under

1 paraphilic disorders and under pedophilic disorders as
2 being a valuable tool most widely accepted frame work for
3 assessing the strength of a paraphilia. That's a deviant
4 sexual interest, is the persons' sexual response to it, and
5 the PPG is something used by that. The quote is in my memo
6 which I can hand it up in a second.

7 Also under pedophilic disorder it's also described the
8 PPG how cycle physiological measures of sexual interest may
9 sometimes be useful when an individual's history suggest a
10 possible pedophilic disorder, interest in prepubescent
11 children. The most thoroughly researched and longest use
12 of such measures is the penile plethysmograph, the PPG,
13 although the sensitive specificity of the diagnosis may
14 vary from one side to another.

15 My point is, the book for these people to follow
16 didn't recognize it two years ago, it does now, and so
17 that's what we have. As far as South Carolina there is no
18 appellate case in South Carolina that decides on the
19 admissibility or non-admissibility of the PPG. There is a
20 case on appeal right now from another circuit.

21 Our appellate courts have mentioned PPG findings as
22 dicta in several cases and they're cited in my memoranda.

23 There are cases from other jurisdictions. Most
24 notably Illinois, I believe, and also Washington State
25 where the PPG was approved. So that's kind of what it is.

1 We also have the issue of hearsay. Under the expert
2 witness rules, Rule 703 and 702, you know if the testimony
3 if it's necessary for the expert witness's diagnosis that
4 it need not, in and of itself, be admissible into evidence,
5 and that's what we'll have here if she testifies about
6 other examinations given.

7 I would submit that if you, or me, if I were to go to
8 my doctor for a medical problem and he sent me out about my
9 blood -- for a blood test, and he gets those results back
10 and tells me about them, he's relying on what somebody else
11 did and read on those blood test for him to rely upon them
12 and explain them to me. The same thing with x-rays. They
13 were read by another professional who conveys that back to
14 a doctor. And that's kind of what you have here.

15 So we would submit to the court that based upon the
16 approval of the Diagnostic and Statistical Manual, which
17 didn't exist a year or two ago, the case law from other
18 jurisdictions, the mention of PPG findings in appellate
19 cases in South Carolina, and the fact that the person who
20 gives it doesn't have to be here under the hearsay
21 exception for expert witnesses, we would submit that it's
22 admissible in this case.

23 I can call Doctor Swan to explain in more detail what
24 it is and how it works if need be. I can pass up --

25 THE COURT: Yeah. We don't need to put her on the

1 stand for that. Ms. Browder.

2 MS. BROWDER: Thank you, your Honor. Just in response
3 to Mr. Bogle. He indicated that Doctor Swan would testify
4 as to Doctor Burke being one of the leading experts in this
5 field across the nature. Once again, I'm not able to
6 cross-examine him as to his qualifications, how he got to
7 be the leading expert in the nation regarding this field.
8 In addition, your Honor, what Mr. Bogle said about the
9 DSM-V, it quoted the PPG as it's used; however, it varies
10 in sensitivity and standards between subjects.

11 So, your Honor, if it varies between different
12 subjects how are we able to determine how sensitive it is
13 with one versus another and I'm not able to cross-examine
14 Doctor Burke about that?

15 Regarding the exception to the hearsay rule, your
16 Honor, I believe he's trying to get it in under Rule 803.4
17 which states statements made for purposes of medical
18 diagnosis or treatment and describe a medical history, et
19 cetera, et cetera, well, in this case it's not any
20 statements that Mr. Mosier made; it's simply him watching
21 something and it's reactions from his body.

22 And again, these standards or sensitivities are
23 different between subjects according to the DSM-V. And
24 Doctor Swan is not the one that conducted this test on him.
25 She essentially got the results from Doctor Burke; didn't

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL

-45-

1 even get the results and determine them herself, she's just
2 -- she's taking them for exactly what he says they are and
3 I have no way -- and it goes straight to the truth of the
4 matter asserted asserted at this point as to whether he has
5 a diagnosis of pedophilia or paraphilia, and as to whether
6 he needs long-term care and control and treatment as to
7 this sexually -- the sexual diagnosis essentially, so I
8 would ask that it not be allowed to come in, your Honor.

9 THE COURT: All right. I assume, Mr. Bogle, when you
10 said that the issue is on appeal, in that particular case
11 I'll assume they -- a certain judge allowed it in and that
12 is the basis of that appeal; is that correct?

13 MR. BOGLE: That is my understanding, your Honor.

14 THE COURT: Well, when you cite Rule 703, 703, and I
15 think, and what he stated that he wanted to get it in under
16 evidentiary Rule 703 says, "The facts or data in the
17 particular case upon which an expert bases an opinion or
18 inference may be those perceived by or made known to the
19 expert at or before the hearing. If of a type reasonably
20 relied upon by experts in the particular field in forming
21 opinions or inferences upon the subject, the facts or data
22 need not be admissible in evidence."

23 I think the first question to determine is whether the
24 report from the expert on the PPG is facts, or data. And
25 then the second is that there are experts in a particular

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL

-46-

1 field that rely upon -- if that is in fact facts or data --
2 if that's something that they reasonably rely upon.

3 Let's call Doctor -- You want to put Doctor Swan up

4 ---

5 MR. BOGLE: If I may briefly, your Honor?

6 THE COURT: --- and delve into those two issues?

7 MR. BOGLE: Doctor Amy Swan.

8 MADAM CLERK: Doctor Swan, if I can just get you sworn
9 here. Place your left hand on the Bible and raise your
10 right.

11 (WHEREUPON, AMY SWAN, BEING
12 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

13 MS. BROWDER: And your Honor, for purposes of this
14 hearing I believe as to her expertise, so we don't have to
15 go through all that.

16 MR. BOGLE: Okay.

17 DIRECT EXAMINATION

18 DOCTOR AMY SWAN BY MR. BOGLE:

19 Q. Your name please for the record.

20 A. Amy C. Swan. That's S-w-a-n.

21 Q. And Doctor Swan, you're a forensic psychologist; is
22 that correct?

23 A. That's correct.

24 Q. And by stipulation of counsel we're stippling that
25 she's an expert witness for the purpose of this evidentiary

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL

-47-

1 hearing.

2 Doctor Swan, what is the limestone PPG or Penile
3 Plethysmograph?

4 A. A Penile Plethysmograph is an instrument that measures
5 sexual arousal by placing a string gauge on a man's penis
6 and then showing them different scenarios. These would
7 include pictures of infants, males and females, preschool
8 males and females, grammar-school males and females,
9 teenage males and females, and adult males and females.
10 And these pictures are all clothed. There's - There are
11 nothing inherently sexual about them but for each of the
12 scenario's they're labeled either persuasive which would
13 mean in a more seductive context, and coercive which would
14 be more of a rape context.

15 And when the individual views these pictures his
16 arousal is measured and they do that by establishing a base
17 line of his arousal to a neutral subject such as a house or
18 a tree. And then they measure they're percentage of
19 increase in that arousal when he views these different
20 scenarios of the different age groups: The Penile
21 Plethysmograph has been around since the 1950s and it is
22 reasonably relied on by individuals who do the kind of work
23 that I do.

24 In fact in the research on our risk assessment
25 interest sexual interest is children as measured by the

1 Penile Plethysmograph is the greatest indicator of sexual
2 reoffense.

3 Q. All right, let's back up a second. As part of your
4 evaluation when you testify later on today, you're gonna
5 talk about measuring this guys static risk factors on a
6 thing called the Static 99-R.

7 A. That's correct.

8 Q. And the Static 99-R, as I understand it, is developed
9 from studies of thousands of sex offenders from multiple
10 countries, who have been convicted again, and you look at
11 ten different factors and score them and you get a score
12 that suggest their relative risk to offend sexually. Is
13 that kind of what it is?

14 A. That's correct.

15 Q. Okay. And the creators of the Static 99-R, that's
16 Doctor Hanson and his people, they have mentioned the
17 usefulness of the PPG in that greater context. Is that
18 what you said?

19 A. That's correct.

20 Q. When you were referring to another instrument you're
21 referring to that Static 99 score which this guy got?

22 A. That's correct.

23 Q. Okay. Now, how -- Why is it important for experts
24 like you to have this assessment conducted in the context
25 of a SVP pre-committment case like this one?

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL

-49-

1 A. Typically individuals may not be that forthcoming
2 about what their sexual arousal is and this is an
3 instrument that either confirms that they have arousal
4 consistent with the charges. Or perhaps they have other
5 areas of arousal that might be areas for concern.

6 Q. If I may approach, I show you a photo copy, which we
7 looked at before the hearing today, of an excerpt from the
8 Diagnostic and Statistical Manual Version IV-TR, the old
9 book.

10 A. Yes.

11 Q. And at the bottom of page 567 under Laboratory
12 Findings, does it mention the PPG?

13 A. It does.

14 Q. And what does it say about the reliability or the lack
15 of reliability of the PPG in that book?

16 A. Penile Plethysmography has been used in research
17 settings to access various paraphilias by measuring an
18 individual's sexual arousal in response to visual and
19 auditory stimuli. The reliability and validity of this
20 procedure and clinical assessment has not been well
21 established and clinical experience suggest that subjects
22 can simulate response by manipulating mental images.

23 Q. Okay. Now we turn the clock ahead a couple of years,
24 we have the Diagnostic Statistical Manual Version V. Is
25 that the current volume that you were working from as a

1 psychologist?

2 A. Yes. And I might add that the TR -- the DSM IV-TR
3 came about in the 1990s.

4 Q. Okay.

5 A. I believe it was about 1992. And the DSM V came --
6 was published in 2013, so it's many years updated.

7 Q. Now, on page 486 under Paraphilic Disorders, we looked
8 at this prior to the hearing, is there a quote there that
9 deals with the PPG contained under that part of the DSM-V?
10 And just before we start that, when it's saying paraphilic
11 disorders, paraphilic refers to deviant sexual interest; is
12 that right?

13 A. Yes.

14 Q. So what does it say about the DSM -- the PPG under
15 that section of the DSM-V?

16 A. Okay. From the most widely applicable framework for
17 assessing the strength of a paraphilia itself in which the
18 examinee's paraphilic sexual fantasies urges or behaviors
19 are evaluated in relation to their normal-philic sexual
20 interest and behaviors. That means the deviant behaviors
21 versus normal behaviors.

22 It is in a clinical interview or on a
23 self-administered questionnaire examinee's can be ask
24 whether their paraphilic sexual fantasies, urges, or
25 behaviors are weaker than or approximately equal to or

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL

-51-

1 stronger than the normal-philic sexual interest and
2 behaviors. This same type of comparison can be and usually
3 is employed in psycho-physiological measures of sexual
4 interest such as penile plethysmography in males, viewing
5 time in males and females.

6 Q. Okay. And turning a couple of pages later in the
7 section of the same book, the DSM-V about pedophilic
8 disorders, I think it's on the next page.

9 A. Yes.

10 Q. At the bottom of the page there's a -- on page 686,
11 is there a reference to the PPG as being thoroughly
12 researched?

13 A. Yes. Psycho-physiological measures of sexual
14 interest may sometimes be useful when an individual's
15 history suggest the possible presence of pedophilic
16 disorder. But the individual denies a stronger preference
17 or attraction to children. The most thoroughly researched
18 and longest use of such measures as Penile Plethysmography,
19 although the sensitivity and specificity of diagnoses may
20 vary from one site to another, not from one individual to
21 another.

22 Q. Now, Doctor, in all candor, has there been criticism
23 among experts like you about the PPG?

24 A. Yes, there has.

25 Q. Why do you -- Are there some doctors that don't use

1 it?

2 A. There are.

3 Q. Why do you feel based on -- Now how long have you been
4 evaluating sex offenders in a sexually violent predator
5 area?

6 A. Eighteen years. And I might add that I was trained
7 in plethysmography. It was in 1999 when I was first hired
8 by the Florida Civil Commitment Center. And I updated my
9 training, I believe it was around 2013.

10 Q. So as far as you know, has the use of the PPG been
11 applied in prior South Carolina cases?

12 A. Yes, it has. Many of them.

13 Q. Okay. What quality control methods are used for the
14 PPG?

15 A. The PPG, as I said, the gauge is calibrated each time,
16 so, basically they zero out the gauge so that there's no
17 data remaining that could influence the measurements they
18 get. On the machine there are opportunities to re-
19 caliberate if something unforeseen happens. And there are
20 also patterns that are viewed on the individual charts that
21 are formulated, similar to a polygraph chart, except that
22 it's related to the arousal patterns, and these are
23 assessed and in that way the skilled interpreter can tell
24 whether this is a valid representation of the individual's
25 sexual interest, or an invalid representation.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE - PRETRIAL
CROSS BY MS. BROWDER - PRETRIAL

-53-

1 Q. And did you -- Is the PPG, to your knowledge,
2 consistent with recognized scientific laws and principles?

3 A. Yes, it is.

4 Q. Did you use it in assessing Mr. Mosier?

5 A. I did.

6 Q. Is it part of the basis of your opinion?

7 A. Yes, it is.

8 Q. Was it the sole basis of your opinion?

9 A. No, it was not. Its one piece of a comprehensive
10 evaluation.

11 Q. And what was the value to you, in your opinion, that
12 you got from the PPG administered to him by Doctor Burke?

13 A. The PPG confirmed the sexual crimes that Mr. Mosier
14 had committed. In fact it revealed that his greatest level
15 of deviant arousal was to preschool and grammar-school
16 females.

17 Q. Okay. Thank you.

18 MR. BOGLE: Please answer any questions the Court may
19 have or counsel may have.

20 THE COURT: All right, Ms. Browder.

21 MS. BROWDER: Thank you, your Honor.

22 CROSS-EXAMINATION

23 DOCTOR AMY SWAN BY MS. BROWDER:

24 A. Doctor Swan, you stated that pictures are shown, I
25 guess, to Mr. Mosier to determine whether his penis moved

1 or not, correct?

2 A. That's correct. And at the same time the pictures
3 are shown there's an audio tape of the person that's
4 supposedly depicted in the picture saying things.

5 Q. Is this the same pictures shown to every single
6 individual ---

7 A. Yes, it is.

8 Q. --- who does this. Okay.

9 A. There are standardized stimulus sets for the
10 limestone.

11 Q. And the DMS, that's what it is?

12 A. DSM.

13 Q. The DSM ---

14 A. Yes.

15 Q. --- it stated that the sensitivity varies between
16 subjects, correct?

17 A. Well the sensitivity and specificity does not vary
18 among subjects. It varies among sites and a likely reason
19 for that is the type of training that the individual -- the
20 individuals who are administering at a certain site
21 receive. And also how many they do, because if you do it
22 every day you get really good at it. If you do one a year
23 then that might account for lower sensitivity and
24 specificity when they're administered by someone at that
25 site who is only done once a year.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER - PRETRIAL

-55-

1 Q. Okay. So the site that Mr. Mosier went to, if he had
2 gone to a different site it's possible that he could have
3 had different results since the sensitivity or standards,
4 whatever, are different, correct?

5 A. It is possible, but Doctor Burke has been doing these
6 for many many years and he does them every single day.
7 That's pretty much all he does.

8 Q. And you stated regarding calibration, the quality
9 control on this machine. It's a machine that conducts this,
10 correct?

11 A. Well it's a machine but there's an examiner because
12 the individual has to -- the trained plethysmography
13 administrator must know how to run the machine and must,
14 you know, do certain things in sequence so that the test is
15 administered according to proper procedures.

16 Q. And you were not at the test for Mr. Mosier, correct?

17 A. I was not.

18 Q. So you're not aware if the gauge was calibrated
19 correctly, or, if there was something that came up during
20 the test where it had to be recalibrated are you?

21 A. Well I was not there but calibration is the foremost
22 thing that must occur prior to administering the PPG. I
23 don't know of anyone who skips that step. If they did it
24 would be malpractice in my view.

25 Q. Okay. And when this test was created was there a

1 control group of men who volunteered to take this to
2 determine whether, I guess, how much arousal is consider
3 arousal versus non-arousal?

4 A. There's been research on this since the 1950s as I
5 said. There is a huge volume of research. In fact I have
6 three binders filled with research. And basically they
7 have done every type of research study you can imagine to
8 determine if it is a valid representation of someone's
9 sexual interest. And in fact it's been found to be.

10 Q. That doesn't answer my question. Was there a
11 controlled group of men used to determine, knowing that
12 they're not sex offenders, if that they would react to this
13 test?

14 A. In the studies, yes.

15 Q. Okay. Can you explain again, Doctor, or Mr. Bogle.

16 I'm making you a doctor now.

17 Mr. Bogle stated that you used the PPG for part of the
18 Static 99.

19 A. No. The research on the Static 99, okay, so they
20 evaluated over twenty-eight thousand sex offenders when
21 they were coming up with the research on the Static 99.
22 And the thing that they found sexual interest in children
23 is the number one factor on the Static 99 that increases
24 risk for an individual committing another sexual crime.
25 But they define sexual interest in children by using sexual

DOCTOR AMY SWAN: CROSS BY MS. BROWDER - PRETRIAL

-57-

1 interest in children as measured by the PPG, because most
2 people will not come out and say yeah, I'm turned on by
3 children, so that's why they use the PPG to determine that.

4 Q. But when you do your evaluation on the Static 99-R to
5 determine how many points to give to a particular
6 individual, you do not use his PPG results, ---

7 A. No.

8 Q. --- correct?

9 A. That was included in the research in developing the
10 Static 99-R.

11 Q. And regarding the criticism you said some doctor's
12 don't use it. Why don't some doctor's use it?

13 A. Well there are about twenty percent of individuals
14 don't respond at all and that makes it not very useful for
15 non-responders. So basically what we have is that if you
16 get a non-responder then you just don't have any
17 information so it can't tell you if the individual has
18 deviant sexual interest or not.

19 In the ones that it does -- who do respond to it, then
20 obviously you compare the sexual crimes, what they tell you
21 about the sexual crimes, and the PPG results, and arrive at
22 a conclusion about what kind of sexual interest they have.

23 Q. And you stated that you don't use the PPG as a sole
24 basis for your diagnosis, correct?

25 A. Not at all. There's nothing that I use as the sole

1 basis because it's a comprehensive evaluation and I
2 consider all the factors that I -- all the information that
3 I receive about the individual.

4 Q. But in this particular case on page 18 of your report
5 when you diagnosed him with other specified paraphilic
6 disorder, your sole basis of that is his PPG results,
7 correct?

8 A. The basis for that diagnosis was the PPG results.

9 Q. And that's the only thing you used for that diagnosis,
10 correct?

11 A. For that diagnosis, yes.

12 Q. And then you don't give a PPG to all people that you
13 evaluate for pre-commitments do you?

14 A. It depends. Most of them I do.

15 Q. Okay. But you don't always use the results from
16 those PPG's for your results, correct?

17 A. Well I have had PPG's where the person was a non-
18 responder. I had one case where the guy showed sexual
19 interest in rape but all of his children were victims. So
20 I explained that in trial but, you know, it just didn't
21 give me any information because there was no information
22 that he'd ever raped anybody.

23 Q. And there's been cases that you have done, correct,
24 where you've done a PPG but where a PPG's been ordered by
25 you, however, you haven't even put it in your evaluation,

DOCTOR AMY SWAN: CROSS BY MS. BROWDER - PRETRIAL

-59-

1 correct, until brought to your attention?

2 A. Well the one where the guy showed sexual interest in
3 rape but all -- he had eight child victims, I didn't
4 initially put it in there because I didn't think it was
5 fair to him to discuss rape when he never had any
6 documented offenses involving rape. But I subsequently put
7 it in at the request of the defense attorney.

8 Q. So it's fair to say that when you do use the PPG you
9 don't always even include it or turn it over to the other
10 party unless it's brought up by them, correct?

11 A. No. We always turn it over. That's part of the
12 discovery. In a couple of cases, as the one I just
13 described, I didn't include it like if he was a non-
14 responder and then the different results from his offense
15 pattern, but now I include it routinely just so that
16 there's no confusion about it.

17 Q. Okay. But in that particular case you did not use
18 the results of the PPG for part of your evaluation. Do you
19 pick and choose which one's you use the results for?

20 A. Well, no. But if the guy has eight child victims and
21 he -- the PPG says he's interested in rape but he has no
22 rape victims, it just doesn't seem fair to me to include it
23 and say that he was sexually interested in rape when none
24 of those victims were rape victims.

25 Q. Well wouldn't that indicate that the test then isn't

DOCTOR AMY SWAN: CROSS BY MS. BROWDER - PRETRIAL
REDIRECT BY MR. BOGLE - PRETRIAL

-60-

1

2

completely reliable?

3

A. No it does not.

4

Q. Okay.

5

MS. BROWDER: No further questions, your Honor.

6

REDIRECT EXAMINATION

7

DOCTOR AMY SWAN BY MR. BOGLE:

8

Q. Are there some guys that just plain don't respond at all?

9

10

A. Yes, about twenty -- Some writers say up to thirty percent of people don't respond.

11

12

Q. And sometimes that could be medication they're taking?

13

A. It could be.

14

Q. There's a rare sub-set of men who are not aroused at all by pictures and voices but only by touch?

15

16

A. That's correct.

17

Q. Okay. And in your earlier -- When you first started doing this for the Department of Mental Health, doing these pre-commitment cases.

18

19

A. Yes.

20

Q. It took a while before you realized the PPG was even available, correct?

21

22

A. That is correct.

23

Q. And when you learned it was available you started ordering it in your cases?

24

25

DOCTOR AMY SWAN: REDIRECT BY MR. BOGLE - PRETRIAL

-61-

1 A. That's correct.

2 Q. Okay. How long have you been doing work for the
3 Department of Mental Health here in South Carolina?

4 A. Since 2013.

5 Q. But you live and are licensed in Florida?

6 A. That's correct.

7 Q. And also licensed in South Carolina?

8 A. That's correct.

9 Q. Okay.

10 MR. BOGLE: Thank you.

11 THE COURT: All right, anything further?

12 MS. BROWDER: No, sir.

13 THE COURT: All right. I'm gonna deny the defense's
14 motion to exclude evidence, or exclude the PPG as a basis
15 for, or one of the facts or data in a particular case in
16 rendering her opinion under Rule 703.. Again, it does
17 appear that the facts or data that this expert contends is
18 in that report from the other doctor is of a type that's
19 reasonably relied upon by experts in her particular field
20 and, so, I'm gonna deny the motion but I'll allow that
21 evidence to come in.

22 MS. BROWDER: And, your Honor, just for purposes of
23 the record, your ruling regarding the confrontation clause
24 argument.

25 THE COURT: Well I think Rule 703 addresses that in

1 the admissibility of evidence relied upon by experts. I
2 mean that includes the confrontation argument, so I'm not
3 gonna address that particular part of it and then I believe
4 it's admissible under Rule 703.

5 MR. BOGLE: Thank you, your Honor.

6 MS. BROWDER: Thank you, your Honor.

7 THE COURT: All right. You can step down, yes, ma'am.

8 (WITNESS LEAVES WITNESS STAND.)

9 THE COURT: All right, Ms. Browder.

10 MS. BROWDER: Nothing further.

11 THE COURT: Anything else? Anything further from the
12 State?

13 MR. BOGLE: No, your Honor. Thank you.

14 THE COURT: All right. I'll give y'all about five
15 minutes to sort of refresh yourselves and then we'll bring
16 the jury in and get started.

17 MR. BOGLE: Thank you, your Honor.

18 (COURT IN RECESS AT 02:59 PM.)

19 (COURT BACK IN SESSION AT 03:08 PM.)

20 THE COURT: Thank you. Please be seated.

21 All right, let's bring the jury in.

22 (PETIT JURY REENTERS COURTROOM AT 03:10 PM.)

23 THE COURT: All right, thank you ladies and gentlemen
24 of the jury, I appreciate your patience. Running court is
25 not an exact science. We have lots of human elements that

-63-

1 take place that are involved, and we also have matters that
2 we need to take up often outside of your presence. I
3 assure you that we have been working while you've been in
4 your jury room.

5 But we are ready to proceed and so at this time I'm
6 gonna ask the Clerk to swear the jury in.

7 MADAM CLERK: If you'll please stand and raise your
8 right hand.

9 (PETIT JURY SWORN AT 03:11 PM.)

10 THE COURT: Ladies and gentlemen, we are now ready to
11 start this case the *State of South Carolina versus Franklin*
12 *Mosier*. As you have been informed, this is a trial to
13 determine whether the State should continue to treat Mr.
14 Mosier. And in just a few moments after I give you --
15 conclude my opening remarks, the attorneys in this case
16 will be given an opportunity to make opening statements to
17 you. Once they make their statements to you, which is a
18 summary of their particular position in the case, then
19 we'll hear testimony, first from the State, and then from
20 the Petitioner if he wishes.

21 After we do that they will give you -- they will have
22 closing arguments, and at the end of those arguments, I
23 will give you instructions on what the law is, and you'll
24 go back to your jury room and combine what you believe the
25 facts are in the case to the law in the case. I anticipate

1 that that's gonna probably be sometime tomorrow when we end
2 the case.

3 I need to tell you that your role in this case as
4 jurors is you've been selected to be fair and impartial and
5 it is your purpose to find and determine the facts. You're
6 the sole judge of the facts in this case, and if at any
7 time I make a comment regarding the facts in the case you
8 must disregard it. You are to determine the facts in the
9 case from the testimony that you hear and any other
10 evidence that's presented here in the courtroom.

11 Again, you're not to be influenced by anything else.
12 You're not to discuss the case tonight when you go home
13 with anyone else. What we hope that will happen is that
14 you'll listen to all of the evidence that's presented here.
15 Once you go into the jury room you can begin your
16 deliberations and discuss the case among yourselves at the
17 end of the trial after I've told you what the law is in the
18 case.

19 The same law that makes you the judges of the facts
20 makes me the judge of the law. The law that I give you, or
21 that's given by the court, is the only law you may
22 consider. You must accept the law and follow the law and
23 that would be the law in this particular case.

24 I have instructed you, and I will instruct you
25 throughout, not to discuss the case until you begin

1 deliberations even when you take a break to go back to the
2 jury room. You are not to discuss the case until all the
3 facts are in and I've instructed you on the law then you
4 can begin to deliberate. If there is anything in the
5 paper, or some news account about this, you are not to read
6 it, you are not to be influenced by that or discuss that at
7 all.

8 We do have a camera here in the courtroom from a local
9 news outlet. You are not to consider the fact that there
10 is a camera here. It is not to be part of your
11 deliberations; it's not to influence in what you believe is
12 the correct outcome or verdict in this case. I will assure
13 you that I've instructed the camera operator that there
14 will no pictures of any jurors on any film, or photos that
15 they may take. Your picture will not be shown or
16 distributed to anyone. I made that clear with the camera
17 operator.

18 If anyone should try -- attempt to talk to you about
19 the case while you take a break you, again, you're not to
20 do that and I ask that you report to the court if somebody
21 does attempt to talk to you about this case throughout this
22 trial.

23 From time to time during the trial you may hear one of
24 the attorneys object and I may ask them to come -- approach
25 the bench. That just simply means we need to take up some

1 issues of law that are outside of your presence; I ask you
2 not to hold that against them. They are doing their job as
3 lawyers. In fact there may be a time when an issue is
4 raised and I may have to ask you to leave the jury room.
5 Again, that is so that we will have an opportunity to
6 discuss, here in court, any particular issues of law that
7 are not to be of any concern to you, because again, you are
8 to rule and determine what the facts are in the case.

9 In determining what are the true facts in the case,
10 you must decide whether or not the testimony of any
11 witnesses as believable. I will rule on whether evidence
12 or testimony is admissible but it is your's to decide
13 whether to believe a witness. You have a right to consider
14 whether a witness has an interest in the result of a trial;
15 whether the witness is prejudiced toward either the
16 plaintiff, or the state or the petitioner in this case, the
17 opportunity that a witness may have had to see the matters
18 involved and, in fact, how the witness acts on the witness
19 stand.

20 You have a right to consider anything that's in the
21 record that you hear in court; it will help you evaluate
22 the testimony of witnesses. I'm not gonna -- We're not
23 gonna allow you to take notes. This shouldn't be a long
24 trial. so there will be no note taking. so I ask that you
25 pay close attention to what's presented to you and at the

1 end of the trial you will be able to take what you hear in
2 the courtroom into your deliberations and apply it again
3 with the law that I give you.

4 At some point during when we take a break I'm gonna
5 ask that you elect a foreperson from among yourselves. The
6 foreperson is simply someone who will need to make --
7 communicate with the court. A foreperson's role carries no
8 more weight in determining the ultimate issues in the case.
9 It just simply means we have to have somebody who
10 communicate -- if we need to talk to the court, or the
11 court needs to talk to the jury, then we have a foreperson
12 who can handle that for us.

13 I'm gonna ask that whenever you take a break that you
14 elect a foreperson. When you come back in the courtroom,
15 as far as where you can sit, the foreperson will always be
16 seated in this front row on my right. And then the
17 alternate, if you will always keep the seat that you're in.
18 The rest of you are free to sit wherever you like any time
19 you come in and out of the courtroom.

20 If you have water or drinks you can bring those into
21 the courtroom with you. We certainly -- We have water
22 available to us. If you're more comfortable having
23 something to drink I just ask that you to be very careful
24 with it when you come in the courtroom. And so we are
25 ready to begin the trial.

1 Anything that we need for the record, Mr. Bogle?

2 MR. BOGLE: No, your Honor. Thank you.

3 THE COURT: Ms. Browder?

4 MS. BROWDER: No, sir.

5 THE COURT: All right. Thank you.

6 Ladies and gentlemen, we're ready to begin the trial.

7 I ask that you give these attorneys your close attention.

8 Yes.

9 OPENING STATEMENT BY MR. BOGLE

10 MR. BOGLE: Thank you, your Honor. May it please the
11 Court. Ms. Browder.

12 I introduced myself earlier today. My name is Jim
13 Bogle, I'm with the Attorney General's Office out of
14 Columbia. People sometimes wonder why it's us and not
15 sending your solicitor or your county doing these cases.
16 And the reason is when the legislature passed this law back
17 in 1998 they gave the job to us, so there's two of us.

18 Christopher Morrow, and I, do these cases around the
19 state. Right now he's in Conway doing one down there, so
20 that's why it's our office and not somebody else.

21 Now, I mentioned 1998. Here's what we got. When you
22 got your jury notice you might have told your friends and
23 neighbors hey, I might be on a jury, I might be hearing a
24 medical malpractice case, maybe a contract dispute, an auto
25 accident case. Well, not so. That's not what this is.

1 And I would sort of apologize to you in advance, in order
2 for you to fully understand what happened in this case, you
3 may hear some facts and details about certain crimes Mr.
4 Mosier did that are not pleasant things to hear.

5 But here's what we have. The General Assembly passed
6 this law in 1998. It's called the *Sexually Violent*
7 *Predator Law*. And the burden is on the State, that's our
8 witness Doctor Swan, to present to you, and prove to you
9 beyond a reasonable doubt, not the normal burden of proof
10 you might see in civil court which is a preponderance of
11 the evidence. I think it's a fifty-one percent type scale,
12 Here it's beyond a reasonable doubt. And the judge will
13 explain to you at the end of the case exactly what that
14 means.

15 I would suggest to you that beyond a reasonable doubt
16 means you are firmly convinced of something. So that's our
17 job is to present to you our evidence and prove to you
18 beyond a reasonable doubt that Franklin Mosier is a
19 sexually violent predator.

20 Now what is that? What does that mean? First off,
21 he's got to be convicted of what's called a sexually
22 violent crime. There are sixteen or seventeen of them
23 listed in the statute. Here, he was convicted of assault
24 and battery of a high and aggravated nature involving
25 indecent liberties with a girl. Okay:

1 And the judge on the sentencing sheet wrote down that
2 that's to be looked at as a sexually violent case and so
3 that's why we're here. That's the sexually violent crime,
4 so you got the conviction.

5 The next thing is, does he have a mental abnormality,
6 or a personality disorder, that makes him likely to commit
7 these types of crimes again once he gets out unless we
8 confine him in a secure facility for long-term control,
9 care, and treatment. And I would suggest to you that he
10 has been convicted of this crime. He's served his time,
11 that's done with, that's over with. The question now is,
12 does he have this mental condition? Is it something he
13 can't control that makes him likely to reoffend again. And
14 that's what we have to prove to you. Can he control
15 himself?

16 Now, in cases like this in a prior hearing, the court
17 appointed a doctor to evaluate Mr. Mosier, and that would
18 be Doctor Swan, the red dress sitting over there. She's
19 employed with the Department Of Mental Health here in South
20 Carolina. She lives in Florida but she's licensed both
21 there and in South Carolina and one other state. I want to
22 say Missouri but I'm not sure. We'll talk about that
23 later.

24 So she was tasked to evaluate the guy; look at all the
25 documents, look at all the police reports, talk to him,

-71-

1 have him tested, run physiological test and things like
2 that to try and find out if he fits that category. He's
3 been convicted of the right kind of crime, no problem
4 there, but does he have that mental condition and can he
5 control that.

6 And she will testify that yes, he does, he's got two
7 mental abnormalities and a personality disorder as well.
8 Kind of like a triple whammy.

9 Now, normally in civil court witnesses can only
10 testify about factual things they see, they smell, they
11 hear. You know, I saw the car run the red light, I heard
12 the gun go off, I saw the man waive the knife in his hand.
13 Things like that. They can't give opinions. But when a
14 witness has the training and the expertise and the
15 education to help you determine what the facts are, they
16 can be qualified as what's called an expert witness and
17 that's what Doctor Swan is. She's been working in this
18 field for at least nineteen years evaluating people under
19 sexually violent predator laws both here and in Florida.
20 But that's her job to give you her opinion about whether or
21 not Mr. Mosier is likely to reoffend.

22 That's what the case is. And I would only suggest to
23 you is decide your case based upon the testimony you hear
24 from the witness stand, the documents, the proof of the
25 conviction introduced into evidence, and use your common

1 sense. Listen to what you hear, use your common sense,
2 your everyday experiences, and apply the law as the judge
3 explains to you as to what the facts are you hear from the
4 stand. And I would suggest to you that when that is all
5 done I believe you will find that the State has indeed met
6 it's burden of proving that Franklin Mosier is indeed a
7 sexually violent predator beyond a reasonable doubt.

8 Thank you. Your Honor.

9 THE COURT: All right. Thank you.

10 Ms. Browder.

11 MS. BROWDER: Thank you, your Honor.

12 OPENING STATEMENT BY MS. BROWDER:

13 MS. BROWDER: You've got to know your limitations.
14 Johnny Cash a very troubled man had some demons made that
15 comment but he knew what his limitations were. This case
16 is very similar. You're gonna hear statements that Mr.
17 Mosier made. You're gonna hear about his past crimes that
18 he committed. And I'll go ahead and tell you right now as
19 Mr. Bogle just stated, one of the things they have to prove
20 is that he has a sexually violent crime in his past.

21 We're not disputing that. That's something that's
22 happened and you're gonna hear that it happened more than
23 -- essentially a decade ago in 2008 and how he was twenty-
24 seven at the time but he's thirty-four now.

25 But, ladies and gentlemen, you're here because Mr.

-73-

1 Mosier, he pled guilty to that crime. He stood up there in
2 front of a judge he admitted his crime, it was pled down
3 you're gonna hear by the State of South Carolina, the same
4 people prosecuting or brining this case right now, pled
5 down from a crime that could have given him up to life in
6 prison. They pled it down to something that only carries a
7 maximum of ten years.

8 You're gonna hear how he's done his time and now the
9 State, the same people who pled that down to a max of ten
10 years, they're trying to commit him to long-term care and
11 control and treatment.

12 Mr. Bogle discussed some of the facts and apologized
13 for some of the things that you're gonna hear. They're
14 gonna bank on you listening to just that and not what they
15 really have to prove. They're gonna bank when you listen
16 to those facts and your emotions going hey wire on what
17 happened in the past, which we don't dispute, to make a
18 verdict and make a decision. But ladies and gentlemen,
19 that's not what you're here to determine. What you're here
20 to determine beyond a reasonable doubt is that you're
21 firmly convinced not that Mr. Mosier might, not that Mr.
22 Mosier could, that he will reoffend in a sexual manner if
23 he is released.

24 Again, I say not that he might, not that he could, but
25 that he will. You're essentially being ask to predict the

1 future. Again, that's the State's burden beyond a
2 reasonable doubt and they're gonna give you one witness and
3 one witness alone. They're gonna give you Doctor Swan.

4 But I'm not gonna get into what she's gonna testify to
5 now because I want you to hear it for yourself and I want
6 you to keep an open mind and I want you to listen to what
7 she has to say. I want you to listen to her credibility.
8 I want you to listen to the different test that she gave
9 him, some that she didn't even give herself, and how she's
10 relying on those; that something that somebody else did
11 that she has no idea how it was done, to come to a
12 decision.

13 I want you to listen to the statistics. There's gonna
14 be some statistics that are thrown at you. I want you to
15 listen to those. And I believe that after you hear all of
16 the evidence that it's not gonna add up. It's not gonna be
17 beyond a reasonable doubt that Mr. Mosier will reoffend in
18 the future. So we're gonna come back at the end and we
19 will ask that you find him not to be a sexually violent
20 predator.

21 THE COURT: Thank you, Ms. Browder.

22 Mr. Bogle, call your first witness.

23 MR. BOGLE: Thank you, your Honor. May it please the
24 Court, the State would call Doctor Amy Swan.

25 MADAM CLERK: Doctor Swan, if I can have you step

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-75-

1 forward to be sworn. Place your left hand on the Bible and
2 raise your right.

3 (WHEREUPON, AMY SWAN,
4 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

5 MADAM CLERK: Thank you. Just watch your step up
6 there.

7 DOCTOR SWAN: Okay. Thank you.

8 DIRECT EXAMINATION

9 DOCTOR AMY SWAN BY MR. BOGLE:

10 Q. Would you state your full name for the record?

11 A. Amy C. Swan. That's S-w-a-n.

12 Q. And, Doctor Swan, what is your occupation?

13 A. I'm a forensic psychologist.

14 Q. How long have you worked in that capacity?

15 A. Nineteen years.

16 Q. What advanced degrees do you possess?

17 A. I have a master's degree in clinical psychology that
18 I received in 1993, and a doctorate in clinical psychology
19 that I received in 1997.

20 Q. What states are you licensed to practice psychology
21 in?

22 A. Florida, Missouri, and South Carolina.

23 Q. Now you live in Florida; is that correct?

24 A. I do.

25 Q. How is it that you're here in South Carolina doing

1 evaluations under *South Carolina's Sexually Violent*
2 *Predator* law.

3 A. The former director of the South Carolina program
4 actually came to Florida and since I was licensed in South
5 Carolina she recommended that I begin doing work up here
6 and so that's how I came up here to do work.

7 Q. So you have a contract with the Department of Mental
8 Health to do these cases?

9 A. Yes, I do.

10 Q. Okay. And are you paid by them a flat sum to do each
11 case?

12 A. Yes I am.

13 Q. How much are you paid to do a pre-commitment
14 evaluation like this one?

15 A. For a pre-commitment evaluation I receive Four
16 thousand dollars per case and that includes all my travel,
17 all my preparation, all my report writing, everything in
18 total.

19 Q. And what other types of reports do you do for South
20 Carolina?

21 A. I do annual review reports and these are reports that
22 after a guy has been committed they are reviewed each year
23 to see if they continue to meet criteria's as a sexually
24 violent predator.

25 Q. Are you paid a different sum for them?

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-77-

1 A. I am. I get Nineteen hundred dollars for each of
2 those evaluations.

3 Q. Doctor, what is psychology, very briefly?

4 A. Psychology is the study of the mind and behavior.

5 Q. And when I tie the word forensic to it and call it
6 forensic psychology, what does that mean?

7 A. Forensic psychology is applying the principles of
8 psychology to cases involved in the legal system. You
9 probably heard of Quincy the forensic pathologist. He was
10 a pathologist who was involved with the legal system.

11 Q. Now does you work -- Can you tell -- Let me back
12 up and ask you this. Can you talk about membership's you
13 have in professional organizations?

14 A. I do. I was appointed by the Governor of Florida to
15 serve on the Board of Psychology and that's the part of the
16 government that governs the practice of psychology. We
17 discipline psychologist that break the laws. We establish
18 laws and rules and we set the credentials that someone
19 needs to be licensed as a psychologist. After I finished
20 the ten years on the board, I was appointed to be chairman
21 of the Probable Cause Committee and in that capacity I
22 evaluated all the complaints that came in about
23 psychologist and I did that for five years.

24 Q. Does your work have you doing forensic evaluations of
25 people, not just sexually predators, just people in

1 general; ---

2 A. Yes it does.

3 Q. --- those types of people.

4 A. Yes.

5 Q. What categories have you done forensic evaluations in?

6 A. I do child-abuse evaluations. I do domestic-violence
7 evaluations. I do other civil evaluations where an
8 individual might have received an injury and is suing
9 someone about that injury.

10 Q. Okay. Have you had experience working with sex
11 offenders?

12 A. Yes, I have. I have worked with sex offenders for
13 approximately twenty-nine years.

14 Q. Would that involve treatment issues as well as
15 evaluating?

16 A. It does. Treatment and evaluation.

17 Q. About how many sex offenders have you evaluated?

18 A. Well --

19 Q. Approximately.

20 A. With regard to sexually violent predators I've done
21 eight hundred and seventy-five of those evaluations. And
22 approximately five hundred other types of sex-offender
23 evaluations such as sentencing evaluations, or a need for
24 treatment.

25 Q. Have you previously been recognized -- Let me back

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-79-

1 up. Describe briefly your background in relation to
2 sexually violent predator cases.

3 A. With regard to sexually violent predator cases I was
4 hired as the first psychologist at the Florida Civil
5 Commitment Center to provide treatment for individuals who
6 were detained under the law. And I did that for
7 approximately a year and then I began doing the
8 evaluations.

9 Q. Have you previously been recognized as an expert
10 witness in the field of forensic psychology, particularly
11 regarding sexually violent predator cases, by the courts
12 say in Florida and South Carolina?

13 A. And Missouri and Iowa I might add.

14 Q. About how many times?

15 A. Over a thousand times in forensic psychology and about
16 two hundred and fifty times in sexually violent predator
17 cases.

18 Q. Is it possible to estimate how many times you've been
19 recognized as an expert witness in the fields of psychology
20 and forensic psychology by judges in South Carolina?

21 A. I would say close to forty times now.

22 Q. Okay.

23 MR. BOGLE: Your Honor, at this time we would like to
24 ask the Court to recognize Doctor Amy C. Swan as an expert
25 witness in the fields of psychology and forensic

1 psychology.

2 MS. BROWDER: No, objection.

3 THE COURT: All right. Then the Court finds that she
4 is an expert in psychology and forensic psychology.

5 MR. BOGLE: Thank you.

6 Q. Now, Doctor Swan, again, how long have you been a
7 practicing psychologist?

8 A. Nineteen years.

9 Q. Are you a member of something called ATSA, A-T-S-A?

10 A. Yes. I'm a member of the Association for the
11 Treatment of Sexual Abuser's which is the largest
12 international organization devoted to the study of sex
13 offenders.

14 Q. Is that a voluntary organization?

15 A. It is.

16 Q. Okay. Now, have you ever been -- In your work as a
17 practicing psychologist have you ever faced disciplined by
18 a licensing board, the board that gives you your license to
19 practice psychology?

20 A. No, I have not.

21 Q. In the nineteen years as a practicing psychologist,
22 have you ever faced a discipline or complaint from a
23 voluntary organization; in this case, ATSA?

24 A. Yes in -- One time in 2014 a complaint was filed
25 alleging that I used an outdated interview and that I

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-81-

1 placed too much weight on it in my testimony.

2 Q. Now what's the difference between discipline by a
3 licensing board and discipline by a voluntary organization
4 like the Association for the Treatment of Sexual Abusers?

5 A. Discipline by a licensing board means that you have
6 broken the law with regard to the practices of psychology
7 and that's extremely serious. Discipline by a voluntary
8 organization means that you failed to uphold one of their
9 standards or guidelines. And certainly any time that
10 happens it's important. It does not quite have the weight
11 that discipline by licensing board has.

12 Q. So in this case you were -- a complaint is made that
13 you used an outdated interview of somebody?

14 A. Yes.

15 Q. Okay. And what was the action taken by them to you
16 for doing this?

17 A. They told me to stop using that interview and to
18 submit two reports to a colleague for review to assure that
19 all my practices were ethical.

20 Q. Why did you use that outdated interview in the first
21 place?

22 A. It was commonly used in Florida. Lot's of
23 psychologist were using it and it provided good
24 information. The real issue was that the treatment model
25 based on that interview was no longer being used in

1 Florida.

2 Q. Now what consequences -- You said they told you to
3 stop using it.

4 A. Yes.

5 Q. And submit your next two reports for review?

6 A. Yes.

7 Q. What consequences could you have faced from that
8 organization?

9 A. Well if it was a really serious infraction they could
10 have kicked me out of the organization.

11 Q. Did you satisfy the requirements they imposed upon
12 you?

13 A. I did. Not only did I satisfy the requirements of
14 stopping using the interview and submitting two reports for
15 review, but I also took an ethical course that was offered
16 by the committee chairman that found me in violation. They
17 did not require me to do that but I just did it just to
18 make sure that I never did anything that was not ethically
19 sound again.

20 Q. Now did the same complaint go over to the American
21 Psychological Association?

22 A. It did. The American --

23 Q. What did they do?

24 A. The American Psychological Association did not find
25 that the complaint had any merit and they dismissed it.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-83-

1 Q. Okay. Let's talk about our friend here today, why
2 we're here today. How did you become involved in the case
3 involving Franklin Mosier?

4 A. I was appointed by the court to evaluate Mr. Mosier.

5 Q. What type of evaluation were you appointed to do?

6 A. This is a pre-commitment evaluation and in that
7 evaluation it was my job to determine if he met the
8 criteria listed in the South Carolina statutes as a
9 sexually violent predator.

10 Q. Okay. Can you describe your protocol, the method by
11 which you conduct such evaluations?

12 A. Yes.

13 Q. And do it a little bit louder for me way out here,
14 okay?

15 A. Oh, okay. When I receive a referral the first thing I
16 do is obtain all the information that's available about
17 that particular individual. This would include police
18 reports, court documents, victim statements, psychological
19 evaluations, probation and parole notes, anything that the
20 legal system has with regard to this individual. After I
21 review those then I schedule an appointment and go out to
22 see the individual and I conduct an interview that includes
23 everything that's happened to him from the time he was born
24 until the time he's sitting in front of me, and that would
25 include his family history, his educational history, his

1 occupational history, his relationship history, his medical
2 history, his legal history and also his sexual history.

3 Q. Okay. In this particular case as part of this
4 evaluation process, did you meet with and interview
5 Franklin Mosier?

6 A. I did. I meet with him on March 31st, 2016 for two
7 hours and five minutes.

8 Q. Okay. Is he in the courtroom today? Just for the
9 record, is he in the courtroom today?

10 A. He is. He's the individual sitting with a beige and
11 black shirt by Ms. Browder.

12 Q. Okay. Let the record reflect she's identified Mr.
13 Mosier.

14 (THE WITNESS IDENTIFIED THE RESPONDENT, FRANKLIN
15 MOSIER.)

16 Q. Now, Doctor Swan, did you explain to him the purpose
17 of this evaluation?

18 A. I did. And I also read what we call the notification
19 or consent to him. And that's an informational paper that
20 explains what his rights are and what's gonna happen during
21 the interview.

22 Q. Did he consent to the interview and to the evaluation?

23 A. He did.

24 Q. Okay. Now a minute ago you talked about the
25 documentary information that you got to look at ---

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-85-

1 A. Yes.

2 Q. --- as part of your protocol. Is this the type of
3 information that is typically and reasonably used by other
4 experts in your field?

5 A. Yes, it is.

6 Q. And did you consider and rely upon that information,
7 along with the interview of him, and whatever testing was
8 done, in conducting an evaluation and rendering an opinion
9 about him?

10 A. I did.

11 Q. Can you explain to the jury how a person's past
12 sexual offense behavior relates to future sex-offense
13 behavior?

14 A. Yes. The best predictor of future behavior is past
15 behavior. So what we mean by that is if someone commits
16 a sexual crime and they receive a sanction, that means
17 they're sentenced to probation, they are convicted or even
18 just the arrest itself can serve as a sanction. If they go
19 out and do it again then that means that they're risk
20 increases for another sexual crime. And we have
21 instruments that measure that risk.

22 Q. Okay. Now, based upon your interview and your
23 analysis of Franklin Mosier, had he been convicted of a
24 sexually violent offense in 2011?

25 A. He has.

1 Q. Okay. Now, why is it important for you -- What was
2 the crime that he pleaded guilty to in 2011?

3 A. He pled guilty to assault and battery of a high and
4 aggravated nature, indecent liberties.

5 Q. Okay. Now, is assault and battery of a high and
6 aggravated nature by itself a sexually violent crime under
7 our law?

8 A. It is not, but there's a portion of the law that says
9 if the judge says that a crime is a sexually violent
10 offense, then that pretty much makes it an offense.

11 Q. So other crimes where the judge makes that finding and
12 orders the evaluation under this procedure made this crime
13 into a sexually violent offense; is that ---

14 A. That is correct.

15 Q. --- essentially what happened? Okay. Just to show
16 you, I hand you a certified copy of a sentencing sheet with
17 Indictment Number 2010-GS-46-1533, certified copy from the
18 Clerk's office here in York County. What are you looking
19 at there?

20 A. This is a sentencing sheet dated July 26, 2011 for
21 assault and battery of a high and aggravated nature
22 indecent liberties.

23 Q. And the second page of what I handed you?

24 A. And the second page is the original indictment for
25 criminal sexual conduct with a minor first degree.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-87-

1 Q. Okay. And this is something you looked at in the
2 course of your research about Mr. Mosier?

3 A. Yes, it is.

4 Q. Okay.

5 MR. BOGLE: Your Honor, at this time we'd like to move
6 to introduce into evidence this particular indictment
7 sentencing sheet as State's Exhibit 1.

8 MS. BROWDER: No, objection.

9 THE COURT: Entered in without objection.

10 (WHEREUPON, STATE'S EXHIBIT NO. 1, IDENTIFIED AND
11 MARKED, RECEIVED INTO EVIDENCE.)

12 BY MR. BOGLE:

13 Q. Now, Doctor, before we get into that, let me back up
14 a little bit. I'd like to approach you again. I hand you
15 a copy, a certified copy from the Clerk's office of
16 Indictment Number 1998 --

17 MS. BROWDER: Objection, your Honor. May we approach?

18 THE COURT: Yes.

19 (BENCH CONFERENCE HAD OFF THE RECORD OUT OF THE
20 HEARING OF THE JURY AT 03:42 PM.)

21 BY MR. BOGLE:

22 Q. Okay. Doctor, I'm gonna hand you a certified copy of
23 Indictment No. 1998-GS-46-2381 County of York. Does the
24 Indictment and the Sentencing Sheet, are these things
25 you've looked at in your research?

1 A. Yes, they are.

2 Q. Okay. Now what are you holding right there?

3 A. This is a sentencing sheet dated April 24th, 2000 for
4 assault and battery of a high and aggravated nature.

5 Q. Okay. And attached to that is the indictment with a
6 grand jury indictment; is that correct?

7 A. That is correct.

8 Q. What was the indictment for?

9 A. The indictment was for criminal sexual conduct with a
10 minor first degree.

11 Q. And based on the sentencing sheet you're looking at
12 there, what sentence did Mr. Mosier get from the judge?

13 A. In this case he received a sentence of seven years
14 suspended when he completes five years of probation.

15 Q. Okay. Now, Doctor, I've introduced into evidence a
16 conviction in 2011. I've handed you and had you look at an
17 indictment and sentencing sheet where he was convicted back
18 in 1998. Is this this wake up call you talked about
19 earlier?

20 A. It is. So, Mr. Mosier was arrested in 1998, he
21 received a sentence in 2000, and that should have been a
22 wake-up call because a reasonable person would say, boy, I
23 can't do what I was doing or I'm gonna go to prison. But
24 that didn't happen for Mr. Mosier because his drive to have
25 sexual contact with children is so strong that he went out

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-89-

1 and did it again and again and again.

2 Q. Now, Doctor Swan, in order for you to make your
3 diagnosis of this guy, to see if he has a mental
4 abnormality, when you're examining documents like this
5 which I just showed you, and the one introduced into
6 evidence, is it necessary for you to go into the underlying
7 details behind the crime?

8 A. It is.

9 Q. And to do that do you look at police reports, victim
10 statements, incident reports, things like that?

11 A. Yes, I do.

12 Q. And do you also then look at what Mr. Mosier told the
13 police when he was arrested?

14 A. That's correct.

15 Q. And then what he tells you when you talk to him?

16 A. That's correct.

17 Q. What underlying details relating to this 1998
18 conviction for assault and battery of a high and aggravated
19 nature, indicted as criminal sexual conduct with a minor in
20 the first degree, what underlying details did you find
21 significant in forming a diagnosis about him?

22 A. Okay. The victim in this case was a ten-year-old
23 female and she was a neighbor. And she indicated that she
24 and Mr. Mosier and her sister were playing outside at Mr.
25 Mosier's house and the reason they were over at his house

1 was because his mother was babysitting for them. And they
2 were outside playing and they were -- Mr. -- They were
3 playing hide and seek, so Mr. Mosier was inside of the
4 truck and Minor #2 and Brandi were outside, and Brandi was
5 chasing Minor #2 and she jumped inside the truck with Mr.
6 Mosier. And while she was in the truck Mr. Mosier unzipped
7 his pants and tried to kiss her.

8 So after this occurred they ran into a room in a
9 burned out trailer and while they were in the trailer
10 Minor #2 indicated that Mr. Mosier fell down on his back and
11 pretended like he was asleep. When she went over to him to
12 -- she leaned down to shake him and wake him up, Mr. Mosier
13 grabbed her and pulled her down on top of him. She stated
14 that she tried to get loose but that she was not able to do
15 so because he was stronger than she was. He unzipped his
16 pants and she felt his hands go up into her culottes. And
17 she said she felt something going into her private part and
18 it lasted two or three minutes and it hurt.

19 She said that she didn't know if it was his penis or a
20 finger that was inside her vagina, but they heard a noise
21 and Minor #2 said, that's my daddy, and so this incident
22 stopped.

23 When she was evaluated for to see if she was a victim
24 of sexual abuse, Doctor Abell said I did the requested
25 protocol on Minor #2 ; the kind of fondling's I saw do not

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-91-

1 normally result from fondling but more typically from
2 penile penetration.

3 Q. Now what did Mr. Mosier have to say about these
4 things?

5 A. Okay. Mr. Mosier said that his mother was baby
6 sitting for her and that he messed with her a little bit
7 here and there. He said he did touch her but he did not
8 penetrate her with his penis or his finger. And when I ask
9 him why he did it he said that he was young and dumb. He
10 did not mention that he was sexually aroused by children.

11 Q. Okay. Not at that point?

12 A. Not at that point.

13 Q. Okay. And this is the 1998 conviction I showed you
14 a minute ago?

15 A. Yes.

16 Q. Okay. Now, turn the clock ahead. Did his probation
17 get revoked between then and the 2011 conviction we
18 introduced into evidence?

19 A. It did.

20 Q. Okay. Is there anything significant to you about a
21 guy's being on probation, like he was for that 1998 crime,
22 and then the probation being revoked? Is that significant?

23 A. It is significant because the research that we have
24 about sexual offenders indicates that having your probation
25 revoked is one of the most robust predictors of whether you

1 will commit another sexual crime. It's higher in the
2 research than anything else.

3 Q. And why is that? You're on probation, you're out
4 there.

5 A. Well, the reason is that it shows a general inability
6 to comply with rules and regulations. And if you can't
7 control your behavior in the community by observing your
8 probation requirements, you're unlikely to be able to
9 control your behavior enough to control your sexual drive
10 toward children.

11 Q. Let's turn the clock ahead now. State's Exhibit 1,
12 the conviction for assault and battery of a high and
13 aggravated nature indecent liberties.

14 A. Yes.

15 Q. The date of offense is shown to be sometime in 2009;
16 is that correct?

17 A. Well actually it -- he molested her over a period of
18 years between the time that she was eight to -- eight to
19 ten.

20 Q. Were there other charges? Now that indictment is for
21 criminal sexual conduct with a minor in the first degree.
22 Were additional charges brought against Mr. Mosier as well
23 as that?

24 A. That is correct.

25 Q. What other charges?

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-93-

1 A. Those charges were -- Those charges were lewd act on
2 a minor. Lewd act on a minor and criminal sexual conduct
3 with a minor in the first degree.

4 Q. Okay. Now, the documents I showed you earlier, the
5 ones -- the Exhibit 1 for the State.

6 A. Yes.

7 Q. Have you seen that before?

8 A. Yes, I have.

9 Q. Is this the kind of documents you review as part of
10 your evaluation?

11 A. Yes, it is.

12 Q. And are these the kind of things that are typically
13 and commonly used by experts in your field?

14 A. Yes, it is.

15 Q. Now why again, is it necessary to again look at the
16 underlying details of this particular crime?

17 A. It's necessary to see if there's a pattern of behavior
18 to see if there's a diagnosis of a sexual disorder and to
19 see if he meets criteria under the statute.

20 Q. Okay. What underlying details did you find about this
21 case, and it's victim, that you found significant in
22 making your diagnoses of Mr. Mosier?

23 A. Minor #1 was Mr. Mosier's cousin and, as I said, the
24 offenses occurred between the time that she was eight and
25 ten. She said that the most recent offense occurred when

1 Mr. Mosier spent the night at her family home. She said
2 that she and her sister were in the bedroom reading songs
3 out of the music book that she got from school, and her
4 sister had to go to the bathroom, and Mr. Mosier came in
5 and pulled her close to him and tried to unbutton his pants
6 and pull them down.

7 She said nothing happened on that occasion but a day
8 later she was sitting on the couch and she got tired and
9 put her Simpson's game down and Mr. Mosier came in and
10 pulled down her pants and began touching her vagina and her
11 nipples.

12 She said that Mr. Mosier's hand went inside her vagina
13 and he started kissing her on the shoulder. She said that
14 the first time when he tried to get her pants down he was
15 just looking at her and smiling. At that time her sister
16 was in the bathroom and her stepmother was at work and her
17 father was sleeping. She said it was during the day time
18 that that occurred but at night several times he kept
19 whispering Minor #1, come here. And she said that she
20 couldn't sleep at night because he was whispering.

21 She said that the third occasion occurred after her
22 grandfather's funeral. She was tired so she went and laid
23 down on a bed and fell asleep. And Mr. Mosier came in and
24 put his hand on her nipples again. She said that he was
25 trying to get her to touch his penis and she was trying to

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-95-

1 pull her hand away. She said that she saw Mr. Mosier do
2 this to someone else as well because he tried to touch her
3 cousin. And she said it happened when Mr. Mosier was
4 thirteen and the little girl was twelve.

5 Minor#1 explained that the next time that something
6 happened her father was asleep, her sister was not in the
7 room, and Mr. Mosier held her down on the couch and kept
8 saying you are my Minor#1 and kept kissing her on the
9 shoulder. She said that she did not initially say anything
10 to anyone because she was afraid of Mr. Mosier.

11 Q. Now when you interviewed him and talking -- He pleaded
12 guilty to this crime assault and battery of a high and
13 aggravated nature indecent liberties, right?

14 A. Yes.

15 Q. Now, do you have any idea why the solicitor's office
16 negotiated the plea from one crime down to a different
17 crime?

18 A. I do not.

19 Q. Okay. Is it your practice to interview victims in
20 cases of this nature?

21 A. Not typically. Occasionally a victim will contact
22 the Attorney General's Office and say they want me to talk
23 to them but it's a rare event. And I don't call victims
24 because I don't want to traumatize them a second time.

25 Q. Okay. So we have the finding by the judge that he

1 should be considered a sexually violent crime. ---

2 A. Yes.

3 Q. --- which led to the evaluation which led to you and
4 here we are. Now when you talked to Mr. Mosier about this,
5 what's he telling you about Minor #1?

6 A. Mr. Mosier said that he tickled around and touched
7 her on her private part. He said he didn't have any idea
8 how many times he did that but he maintained that he never
9 held anyone down. And when I ask him where he touched her
10 he said vagina, butt, and breast.

11 When I ask him why he kept telling her you are my
12 Minor #1, he said that he told all of his victims that. He
13 denied putting his finger inside her and he denied trying
14 to make her touch his penis. He said I would still like to
15 get some help meaning help for his sexual problems.

16 Q. What sentence did he get for this particular crime?

17 A. He got ten years in SCDC for this crime.

18 Q. Okay. In your conversations with him, we've talked
19 about the two convictions so far, did he reveal additional
20 victims to you that you didn't know about?

21 A. He did. He said that he touched Minor #3 who was also
22 his cousin. And that he did it when he was eighteen and
23 she was eleven or twelve. And he said that he just touched
24 her. He said that he used to play around with all of his
25 cousins and he tickled them and he tickled the wrong spots.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-97-

1 He said that he got carried away with everything. So,
2 its important to know that we know the two victims, but he
3 also had many other victims that were not recorded in the
4 legal documents. When I ask him if he had ever tried to
5 lure any children to him so that he could molest them, he
6 said he never had to lure them because they were already
7 there.

8 Q. Doctor Swan, do you rely solely on his past criminal
9 history in making your ultimate decision about him?

10 A. I do not.

11 Q. Would that be professionally acceptable to do so?

12 A. It would not.

13 Q. Now what did he tell you about his sexual interest
14 during your interview that you find significant? You
15 mentioned that comment about I didn't have to lure them
16 they were already there. Anything else he said to you that
17 you found significant?

18 A. He did. Mr. Mosier said that he had sexual interest
19 in children from the ages of five up to seventeen. He said
20 that forty percent of his current sexual fantasies are
21 about children between the ages of five and seventeen, and
22 sixty percent of his sexual fantasies are about females
23 over the age of eighteen.

24 He said that he first noticed his arousal to children
25 in 2011 after his last charge, but then he had said earlier

1 that he had -- that there were some sexual interest in
2 children around thirteen. Let's see. When I ask him if
3 he'd ever been caught doing something sexual that he was
4 ashamed of he said that he had done stuff with girls that
5 -- little girls that he shouldn't have done. When I ask
6 him about his current sexual fantasies he said that he had
7 been having weird dreams about molesting children while he
8 was in prison and he wakes up sweating.

9 So, initially he said that he had thoughts and
10 fantasies about children prior to the age of sixteen but
11 then he took it back and said that **Minor #2** was the only one
12 that he had thoughts and fantasies about.

13 Q. How old was **Minor #2** when she was victimized by him?

14 A. Eleven or twelve.

15 Q. Okay.

16 A. I'm sorry, ten.

17 Q. Is it necessary to look at whether or not a guy got
18 sex offender treatment while he was in prison?

19 A. It's really important because the most important
20 thing that we know that can diminish an individuals risk
21 for committing another sexual crime is if they have sex-
22 offender specific treatment. So I always look at the
23 prison records to see if they haven't because that could
24 potentially deminish his risk enough that he wouldn't
25 require civil commitment.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-99-

1 Q. And is that also something done by other experts
2 in your field?

3 A. Yes, it is.

4 Q. In this particular case did he have any record of
5 sex offender treatment while he was locked up in prison?

6 A. He did not. He did not have sex-offender treatment
7 when he was in the South Carolina Department of
8 Corrections.

9 Q. And what if -- Did his lack of prior sex-offender
10 treatment factor into your ultimate conclusions about him?

11 A. It does. What it means is that nothing has intervened
12 to change his tendency to molest little girls.

13 Q. Now, in this particular case did you also order or
14 have a physiological testing done on Mr. Mosier?

15 A. I did.

16 Q. And what is this thing called that you had done?

17 A. I had a Penile Plethysmograph done. And basically
18 what Plethos means is blood flow, and graph means
19 documentation of blood flow. If you go to the hospital for
20 a Doppler because they think that you've got something
21 wrong with say your stomach it measures blood flow. But
22 this particular test that we use is blood flow in the penis
23 and that's why it's called the Penile Plethysmograph.

24 Q. And the person you sent him to to have this done would
25 be who?

1 A. Doctor William Burke in Somerville.

2 Q. Is he recognized or known as an authority in the
3 field of what I call the PPG for short, the Penile
4 Plethysmograph?

5 A. He is.

6 MS. BROWDER: Objection, your Honor. I don't think
7 she can testify as to his qualifications.

8 THE COURT: Sustain.

9 MR. BOGLE: Thank you.

10 Q. All right. Have you sent cases to him before?

11 A. Many times.

12 Q. Okay. In this particular case what happens when a
13 PPG is -- Have you yourself been trained on the PPG?

14 A. I have. I was trained when I first joined the
15 Florida Civil Commitment Center to provide treatment. And
16 then I took the training again in 2013 to update my skills.

17 Q. Okay. How does the PPG work?

18 A. The PPG works by placing a gauge on a man's penis, and
19 initially they show him a neutral picture like a tree or a
20 house, and they document how much he's aroused to a tree or
21 a house which is typically not much because most people
22 don't find that sexually stimulating, so that's the base
23 line measurement that they use. And then they show him
24 different scenarios. And these include scenarios about
25 preschool males and females, grammar school males and

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-101-

1 females, teenage males and females, and then adult males
2 and females. And I forgot the infant males and females.

3 While he's looking at these pictures -- Now these
4 aren't sexual pictures. They're just regularly dressed
5 children and adults. They listen to a video that is
6 supposedly the voice of the picture they're seeing, and
7 those tapes have statements involving sexual scenarios.

8 Q. And you said video. Do you mean audio?

9 A. The audio ---

10 Q. Okay.

11 A. ---that they're listening to has words describing the
12 pictures that he's looking at. For each one of the
13 scenarios that I listed for the different age groups, some
14 of them are what we call persuasive scenarios where these
15 are more seductive. And others are coercive which would be
16 rape-type scenarios. And they measure his response to the
17 different scenarios and they base it on the base line.
18 Anything that's twenty-percent greater than the base line
19 reading means that he's sexually aroused by that particular
20 scenario.

21 Q. Now what's -- All right. You looked at his records?

22 A. Yes.

23 Q. You talked with the guy?

24 A. Yes.

25 Q. You looked at what he told the police back when he

1 was arrested?

2 A. Yes.

3 Q. Do you have all this information, what is the value of
4 having the PPG run or the Penile Plethysmograph, what is
5 the value of that? How does that help you in making an
6 ultimate diagnosis about him?

7 A. Well, its not often that someone's very forthcoming
8 about what they're sexually aroused with especially if it's
9 something deviant like children, so I often use it to
10 compare what kind of victim he had with what he's aroused
11 to. And in cases where the individual doesn't admit that
12 they're aroused to deviant things then it gives me
13 additional information.

14 Q. Okay. What arousal to these things he was showed did
15 he have that you found significant in reaching an opinion
16 about him?

17 A. Well it was significant that his PPG matched up with
18 what he told me. He told me that about sixty percent of
19 his arousal was to adult females and that about forty
20 percent was to children between the ages of five and
21 seventeen. And its important to note that his greatest
22 level of arousal was to adult females which is consistent
23 with what he told me. But he also had significant arousal
24 to pre-school female persuasive; grammar-school female
25 coercive or grammar-school children in a rape scenario;

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-103-

1 teen female persuasive and teen female coercive, so the
2 results of the PPG were that he has statistically equal
3 preference for sexual behavior with an adult female as with
4 coercive interactions with an adolescent female. And his
5 arousal to pre-pubescent females is less than his arousal
6 to adult consensual sexual behavior but it's still a very
7 significant arousal.

8 Q. Okay. It's enough of an arousal to be significant
9 for your evaluation?

10 A. Yes, it is.

11 Q. Now, based on what we've talked about, the documents,
12 testing, the review you've done, you interviewed Mr.
13 Mosier, did you diagnose him with any mental abnormalities?

14 A. I did. I diagnosed him with pedophilic disorder
15 sexually attracted to females non-exclusive type.

16 Q. Okay. Now what does that mean in plain English?

17 A. Well if -- We specify because an individual can be
18 aroused by female children, by male children or both. In
19 this case I diagnosed him with sexual arousal with female
20 children. Being non-exclusive type means that he's
21 attracted to adults as well as children. Some pedophiles
22 are only attracted to children so we make that distinction.

23 Q. Okay. So pedophilic disorder, I hear the word when
24 I'm doing these cases, I hear the word paraphilia used a
25 lot.

1 A. Yes.

2 Q. What is paraphilia or paraphilic disorder? What is
3 that -- What does that word mean in the context of these
4 types of cases?

5 A. Paraphilia or paraphilic disorder is sexual arousal
6 to something that's deviant. For example, the definition
7 says that basically anything that's not a normal adult-
8 consenting partner.

9 Q. Okay.

10 A. So if you're aroused to anything other than that
11 that's consider deviant.

12 Q. Okay. So is pedophilic disorder a type of
13 paraphilia?

14 A. Yes, it is.

15 Q. A category, a type that fall under paraphilia?

16 A. Yeah. Paraphilia is an umbrella term and then the
17 different kinds are listed underneath it and pedophilic
18 disorder is one.

19 Q. And when we say pedophilic disorder, we're talking
20 about sexual interest in what?

21 A. Children.

22 Q. Okay. And by pedophilic we mean pre-puberty?

23 A. Prepubescent children typically under the age of
24 thirteen.

25 Q. Okay. How does he meet those criteria? What are the

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-105-

1 criteria and how does he meet them?

2 A. Well, we know that he had three victims who were
3 between the ages of eight and ten and that would be
4 **Minor #2** , **Minor #1** and **Minor #3**, the cousin that he acknowledged.
5 But we also know that he admitted that he touched all of
6 his cousins and he touched them in the wrong place. So
7 that leads me to believe that he has a much larger victim
8 pool than we can specify and so that he clearly meets
9 criteria for pedophilic disorder.

10 Q. Did he also admit being aroused to children ages five
11 and up?

12 A. That's correct.

13 Q. And that's his current level of arousal when he talked
14 to you, right?

15 A. Yes, it is.

16 Q. How would you rate sexual interest in children among
17 the different things that are risk, low risk, high risk,
18 medium risk for sexually offending?

19 A. In a study of twenty-eight thousand sex offenders,
20 and that's a pretty large group of sex offenders to study,
21 sexual interest in children as measured by the Penile
22 Plethysmograph is the best predictor of whether someone
23 will commit another sexual crime.

24 Q. Now, there's also another diagnosis of another mental
25 abnormality that you found; is that right?

1 A. Yes it is.

2 Q. What is it?

3 A. Other specified paraphilic disorder with sexually
4 attracted to young pubescent females or non-consenting
5 partners.

6 Q. Now does this conduct have to lapse more than a
7 certain amount of time to meet the diagnosis?

8 A. Yes. In order to diagnose someone with a sexual
9 disorder, or a paraphilia, they have to have engaged in the
10 behavior or had the sexual fantasies for a period longer
11 than six months. And that's the case with Mr. Mosier
12 because he had sexual contact with children over a period
13 of at least twelve years that we know of.

14 Q. Okay. Now, we've talked about mental abnormalities.
15 We got two of 'em.

16 A. Yes.

17 Q. Did you also -- Were you able to diagnose him also
18 with what's called a personality disorder?

19 A. I did.

20 Q. What is the difference between mental abnormalities
21 and personality disorders?

22 A. The mental abnormalities would be major disorders,
23 and these would be things like the sexual disorders.
24 Anything that would lead him to commit a sexual crime like
25 bipolar can often be one because people with bipolar

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-107-

1 disorder tend to be hyper-sexual. So the mental
2 abnormality typically is the sexual disorder. And the
3 personality disorder is an enduring pattern of mal-adaptive
4 behavior that's different from the way most people in the
5 -- in his environment see the world.

6 Q. And what personality disorder again did you diagnose
7 him with?

8 A. I diagnosed Mr. Mosier with anti-social personality
9 disorder.

10 Q. What are the criteria to meet that diagnosis?

11 A. So, essentially it is a pervasive pattern of disregard
12 for, and violation of, the rights of others that begins in
13 early childhood or adolescence and continues into
14 adulthood. And the things that we consider are failure to
15 obey the law; deceitfulness, impulsivity or failure to plan
16 ahead, irritability and aggressiveness, reckless disregard
17 for the safety of self and others, consistent
18 irresponsibility and lack of remorse.

19 Q. And did you find --

20 A. Moreover --

21 Q. I'm sorry. Go ahead.

22 A. The individual has to have some evidence of conduct
23 disorder or a behavioral disorder prior to the age of
24 fifteen. And in that regard I found that Mr. Mosier had
25 been engaging in fighting and problems with others

1 beginning as early as four.

2 Q. And he admitted these things to you?

3 A. He is the one that told me about those issues.

4 Q. And there was also a crime when he was nine and he
5 was convicted of a burglary or something?

6 A. He was convicted of a burglary when he was eleven
7 years old.

8 Q. Eleven. I'm sorry. Now, we talked about risk
9 assessments. We have Mr. Mosier convicted of the sexually
10 violent crime. We talked about that, correct?

11 A. Yes.

12 Q. Okay. How does -- How do you measure a person's risk
13 to reoffend in doing cases like this?

14 A. I typically look at factors that have been identified
15 in the research and those would be what we call static risk
16 factors and dynamic risk factors.

17 Q. Now the difference between a static risk factor and
18 a dynamic risk factor is what?

19 A. A static risk factor are historical things like the
20 number of crimes he has committed. Whether he's ever had a
21 relationship; whether his victims were unrelated, whether
22 they were strangers, whether he had any male victims.
23 Those are what we call static factors because those don't
24 change.

25 When we look at dynamic factors those are things that

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-109-

1 do change and those are the ones we target in treatment.

2 So the Static 99-R is an instrument that we use to
3 assess risk. But it would be unfair to only consider the
4 Static 99 as the only piece of information because those
5 are factors that don't change. As I said, the most
6 important factor in changing someone's risk to reoffend is
7 treatment. So we look at dynamic factors, the factors that
8 we target in treatment, to see if his risk has diminished
9 enough that he would be safe in the community.

10 Q. Now let's go back to this thing called the Static
11 99-R.

12 A. Yes.

13 Q. Is that a measuring tool based on the study of
14 thousands of sex offenders?

15 A. It is.

16 Q. Okay. And is it something -- Can you -- Basically
17 what is it? And can you give the jury a common everyday
18 example they might run into in their lives that relates
19 them to the Static 99-R?

20 A. Yes. The Static 99-R is a risk assessment instrument
21 and it's based on actuarials similar to the insurance
22 tables that are used in the insurance industry to assess
23 premiums. For example, we know that young males under the
24 age of twenty-five are more at risk to have an automobile
25 accident, so they have higher premiums to being with. And

1 every time they have an accident their premiums go up even
2 more. And that's the way it is with the sex offenders that
3 we evaluate. Once they have been arrested, or convicted,
4 of a sexual crime, that places them at higher risk. If
5 they do it again, then they're at even higher risk. And
6 the research tells us how that what the probability is that
7 they will commit another sexual crime.

8 Q. So you basically scored him on this thing called the
9 Static 99-R?

10 A. Yes.

11 Q. You looked at his static factors, things that haven't
12 changed, and gave him a score?

13 A. Yes.

14 Q. And one of the things that can change that, make it
15 go down, if the person gets older?

16 A. That's correct.

17 Q. Okay. So basically based on his age right now, I
18 think he turned thirty-five.

19 A. Yes.

20 Q. What score did you get on the Static 99-R?

21 A. Well his score was originally a seven but now it's a
22 six because over the age of thirty four point nine his risk
23 goes down a little bit.

24 Q. Okay.

25 A. So --

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-111-

1 Q. And what is a score of six mean in the predictive
2 language that the development of a person that this test
3 used?

4 A. So the ranges on this instrument go from minus three
5 to a twelve. Anything six or over is considered high risk.
6 So when he's compared to other male sexual offenders his
7 risk is in the ninety-fourth percentile. And what that
8 means is that out of every one hundred sex offender's he is
9 more at risk than ninety-two point four of them. So only
10 four percent of sexual offenders score higher than he does
11 as far as risk, so his risk is in the high risk range.

12 If I compare him to other sexual offenders his -- he
13 would be three point seven seven times more likely to
14 commit a sexual crime than another sexual offender. So
15 it's important that we understand the way the law and these
16 risk assessments fit together. So the risk assessments
17 instrument, the Static 99-R, tells us what Mr. Mosier's
18 chance is of being arrested, or convicted, of a sexual
19 crime in five years.

20 But what we want to know, based on the law in South
21 Carolina, if he's going to commit another sexual crime for
22 the rest of his life. So less than ten percent of sexual
23 crimes results in a conviction so it's a dramatic
24 difference between what the statute is asking us to do and
25 what the actuariales tell us. So Mr. Mosier is currently

1 thirty-five years old. Risk for sexual reoffense declines
2 at sixty so he can have twenty-five more years to commit
3 sexual offenses.

4 Q. Is the Static 99-R a testing method commonly used
5 by experts in your field?

6 A. Yes, it is. And there are a couple of things that we
7 need to remember about the Static 99. First of all the
8 Static 99 measures sexual deviance and anti-social
9 behavior. If you have a sexual disorder you're at higher
10 risk to commit a sexual crime. If you have an anti-social
11 personality disorder you're also at risk for committing
12 another sexual crime. So if you have one or the other
13 you're at higher risk. If you have both of them then
14 you're at a much higher risk for committing a sexual crime
15 and that's the place Mr. Mosier is in because he's got two
16 sexual disorders and an anti-social personality disorder so
17 he's at much higher risk.

18 The other thing that we look at with the Static 99
19 is that there are two items on the Static 99 for what we
20 call non-sexual violence, and that means if you've been
21 convicted for a non-sexually violent offense, such as
22 assault and battery of a high and aggravated nature, then
23 you are at more risk for rape, or other sexual crime, and
24 that item is so important that there are two items on the
25 Static 99-R for that. So when we add that to the probation

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-113-

1 failure which is the highest predictor, the non-sexual
2 violence conviction, the having a sexual disorder and the
3 anti-social personality disorder, and a high score on the
4 Static 99-R, he's considered to be in the high risk
5 category.

6 Q. Now you also mentioned -- Just very briefly you also
7 mentioned dynamic risk factors.

8 A. Yes.

9 Q. What were the dynamic or changeable, if you will, risk
10 factors you found involving Mr. Mosier?

11 A. Okay. So sexual interest in children is the highest
12 risk factor and that's a static risk factor because we
13 can't cure someone from being sexually deviant. If they're
14 sexually deviant at thirteen, they're still gonna be
15 sexually deviant when they're seventy. The only thing that
16 changes is that as they get older, typically after the age
17 of sixty, the amount of time that they spend fantasizing
18 about children and the time they spend masturbating to
19 children decreases but we can't cure them. The only thing
20 we can do is give them treatment to teach them some
21 strategies to control those sexual impulses.

22 Now, the dynamic risk factors are the things that we
23 target in treatment. And the first one is sexual
24 preoccupation. And that refers to an abnormally intense
25 interest in sex that dominates their functioning. And in

1 this regard Mr. Mosier admitted that he touched all of his
2 cousins and that he had done so over at least twelve years
3 which seems to indicate that he's sexually preoccupied.

4 The next one is lack of emotionally intimate
5 relationships with adults. Now the reason that this is
6 important in Mr. Mosier's case is that the only
7 relationship that he ever had with an adult lasted six
8 months. So that's a pattern that we find in people that
9 are sexually interested in children is that they're not
10 quite as interested in adults. So, Mr. Mosier also as I
11 said he said his longest relationship was six months so he
12 lacks emotionally intimate relationships with adults.

13 The next one is life-style impulsiveness. And this
14 refers to substance abuse, instability in employment,
15 housing, irresponsible decisions and unrealistic goals.
16 With regard to this Mr. Mosier indicated that he drank
17 heavily at times. He clearly made irresponsible decisions
18 to continue to molest children after he had already
19 received a punishment for that.

20 As far as the unrealistic goals go, I ask him how he
21 was gonna avoid re-offending against children and he said
22 that he was just going to avoid other people when he's
23 released. But as we all know that's just not possible.
24 You have to go to the grocery store and there might be a
25 child in the grocery store.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-115-

1 The next dynamic factor is resistance to rules and
2 supervision and he's had a long history of resistance to
3 rules and supervision and defiance of authority dating back
4 to at least age four. He has a juvenile criminal history
5 and an adult criminal history.

6 And poor problem solving. He has definitely displayed
7 poor problem solving because he avoided addressing his
8 problems. He's known for a long time that he was sexually
9 interested in children. He got arrested for it and he
10 still didn't do anything about it. He continued to be
11 interested in children; he didn't get treatment, and then
12 he went on to do it again.

13 Another thing that we look at with the poor problem
14 solving is that he doesn't look at cause-and-effect. He
15 didn't say to himself, you know, I molested that child, I
16 had probation, if I molest another child I could go to
17 prison, and that's exactly what happened because he didn't
18 see the caus-and-effect in his behavior.

19 Q. Now are these dynamic factors you talked about are
20 they significant with regard to your opinion?

21 A. Yes, they are.

22 Q. Now does he have any supervision? If he's released
23 from this proceeding we're doing today and tomorrow, does
24 he have any supervision by probation and parole?

25 A. He doesn't have any supervision of any kind. No GPS

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-116-

1 monitoring, no probation to follow his sentence. Nothing.
2 Q. Now, Doctor Swan, based on all the stuff you talked
3 about today, the documents you looked at, interviewing with
4 him, the PPG you had done on him by Doctor Burke; the
5 Static 99 score you did, do you have an opinion to a
6 reasonable degree of psychological certainty as to whether
7 or not he has mental abnormalities and a personality
8 disorder?

9 A. He absolutely does. And since he has no supervision
10 to follow his sentence, obviously he's gonna be free in the
11 community to molest children any time he wants.

12 MS. BROWDER: Objection, your Honor.

13 THE COURT: All right. Sustained.

14 BY MR. BOGLE:

15 Q. Let's back up a minute.

16 A. Okay.

17 Q. Okay. So you got him with two mental abnormalities,
18 right?

19 A. Yes.

20 Q. What's the first one?

21 A. The first one is the pedophilic disorder.

22 Q. Okay. And the second one?

23 A. The second is the sexual attraction to teenagers.

24 Q. Okay.

25 A. Teenage girls.

DOCTOR AMY SWAN: DIRECT BY MR. BOGLE

-117-

1 Q. The other specified paraphilic disorder?

2 A. That's right.

3 Q. Okay. We talked about those.

4 A. Also non-consenting partners. The rape scenario.

5 Q. Okay. And you also have a personality disorder, the
6 anti-social personality disorder; is that right?

7 A. Yes.

8 Q. Now, do you also have an opinion, again to a
9 reasonable degree of psychological certainty, as to whether
10 or not the diagnosis he has of these three things, affect
11 his emotional or volitional capacity so that he is
12 predisposed to commit future sexually violent crimes?

13 A. Yes, he is.

14 Q. Okay. When I say volitional capacity, what does that
15 word mean in this context?

16 A. It means his ability to control his sexual impulses.

17 Q. Do you also have an opinion, again to a reasonable
18 degree of psychological certainty, as to whether or not
19 Franklin Mosier has the propensity to be dangerous and
20 commit future sexually violent offenses?

21 A. I do, and he does.

22 Q. Do you also have an opinion, again to a reasonable
23 degree of psychological certainty, as to whether or not
24 this propensity to commit future sexually violent offenses
25 is of such a degree that it'd cause a menace to the health

1 and safety of others?

2 A. Yes.

3 Q. And does it?

4 A. It does.

5 Q. Okay. Do you have an opinion, again to a reasonable
6 degree of psychological certainty, as to whether or not
7 Franklin Mosier has serious difficulty controlling his
8 behavior?

9 A. Yes, I believe he does.

10 Q. Do you also have an opinion, again to a reasonable
11 degree of psychological certainty, as to whether or not
12 these diagnoses, this situation involving Mr. Mosier, make
13 him likely to engage in acts of sexual violence if he's not
14 confined in a secure facility for long-term control, care,
15 and treatment?

16 A. Yes. And I believe that it does.

17 Q. Do you again, have an opinion to a reasonable degree
18 of psychological certainty, does Franklin Mosier meet the
19 criteria to be found to be a sexually violent predator?

20 A. Yes, he does.

21 MR. BOGLE: Thank you, Doctor Swan. Please answer
22 questions Counsel may have or the Court may have.

23 THE COURT: Ladies and gentlemen, normally a person
24 cannot give opinion testimony. Normally when a person
25 testifies they must testify to what they either saw, heard,

-119-

1 or sensed by smell, or something of that nature. However
2 there is an exception when someone is qualified, because of
3 education or experience, they're permitted to give their
4 opinions in certain areas if the court qualifies them that
5 way. This witness was qualified, and has been found
6 qualified, in the area of psychology and forensic
7 psychology to give opinion testimony in that area. That
8 does not mean that you must accept the opinion but is
9 evidence for you to use in any way you see fit and give the
10 weight and credibility you believe is appropriate.

11 We're gonna take a break right now. We've been at it
12 for a good little while. I'm gonna ask that you go back to
13 your jury room, if you'll select a foreperson from among
14 yourselves when you come back in I'm gonna ask that
15 foreperson to keep his seat on the end on the front row.

16 You are excused to the jury room but do not discuss
17 the case. Do not discuss anything you've heard among
18 yourselves. We should be back in about ten or fifteen
19 minutes. Thank you. Everyone remain seated.

20 (JURY EXITS COURTROOM ON RECESS AT 04:28 PM.)

21 THE COURT: All right. We'll be at ease for about ten
22 or fifteen minutes. Doctor Swan, I remind you that you are
23 still under oath and we'll have you back in here in ten or
24 fifteen minutes. Thank you.

25 (COURT IN RECESS AT 04:29 PM.)

1 (COURT BACK IN SESSION AT 04:42 PM.)

2 THE COURT: Thank you, please be seated.

3 Mr. Bogle, you ready to proceed?

4 MR. BOGLE: Yes, your Honor.

5 THE COURT: Ms. Browder?

6 MS. BROWDER: Yes, sir.

7 THE COURT: All right, let's bring the jury in.

8 Whoa, whoa, whoa, whoa. Hold on a minute. Hold on a
9 minute. We got to get the defendant in.

10 (RESPONDENT REENTERS COURTROOM AT 04:43 PM.)

11 THE COURT: Now bring the jury in.

12 (JURY REENTERS COURTROOM AT 04:44 PM.)

13 THE COURT: Ladies and gentlemen, y'all have selected
14 a foreperson, and your number?

15 A. One thirteen.

16 THE COURT: And you are Ms. Pounds; is that correct?

17 MS. POUNDS: Yes.

18 THE COURT: All right. Ms. Pounds, if you'll just
19 keep that seat anytime you come in and out and we'll
20 discuss some more with you tomorrow your responsibilities.

21 All right. Thank you. Ms. Browder, your witness.

22 MS. BROWDER: Thank you, your Honor.

23 CROSS-EXAMINATION

24 DOCTOR AMY SWAN BY MS. BROWDER:

25 Q. Doctor Swan, you stated you get paid by the Department

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-121-

1 of Mental Health, correct?

2 A. That's correct.

3 Q. And they're a division of the State of South Carolina?

4 A. That's correct.

5 Q. And the Attorney General's Office who is the
6 petitioner in this case, is a part of the State of South
7 Carolina as well, correct?

8 A. That's correct.

9 Q. Okay. You get paid four thousand dollars to evaluate
10 ---

11 A. That's correct.

12 Q. --- each person? Okay. And if that person such as
13 Mr. Mosier were to be committed to the program, you
14 potentially could get another nineteen hundred dollars to
15 review them annually, correct?

16 A. No, because I don't do annual reviews on people that I
17 did the pre-committment evaluation. That would not be
18 something that I would consider doing.

19 Q. Okay. So other doctors would get paid nineteen
20 hundred dollars?

21 A. That's correct.

22 Q. Okay. And there's other doctor's who also do
23 pre-commitment evaluations as these?

24 A. That's correct.

25 Q. And if that person is committed to the program you

1 would receive an extra nineteen hundred dollars to evaluate
2 them?

3 A. That's correct. My contract has changed somewhat so
4 I'm not doing the volume in the annual reviews that I
5 formerly did. For example I think I've had three this
6 year.

7 Q. Okay. You mentioned the Association for Treatment of
8 Sexual Abusers, correct?

9 A. That's correct.

10 Q. And you stated you've been in this field for
11 approximately twenty years?

12 A. Approximately.

13 Q. And as recently as two years ago, February of 2015, is
14 when it was found that you had ethically violated one of
15 the, I guess, rules for this Association for Treatment of
16 Sexual Abusers?

17 A. That's correct.

18 Q. Okay. And as a result of that which I stated it was
19 two years ago, correct, February 2015?

20 A. Well the complaint was filed in 2014 and the decision
21 was made in February of 2015.

22 Q. And you had -- And it was due to the fact that you
23 did not properly testify regarding a test that you used,
24 correct?

25 A. Well, the issue was that I referred to that interview

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-123-

1 as a test and it's not a psychological test. It's an
2 interview and it was outdated.

3 Q. Okay. So you were using an outdated test, correct?

4 A. That's correct.

5 Q. And how long had it been outdated?

6 A. Well that's the thing. It's still being used in
7 Florida by some evaluators but the treatment model based on
8 it has changed. It used to be the Relapse Prevention
9 Treatment Model and now we're onto the Good Life's Model,
10 so that's why the interview is considered outdated even
11 thought it contains some really good questions and good --
12 provides good information.

13 Q. So how long had it been outdated?

14 A. Probably -- Well the Good Life's Model just came
15 along about maybe three years ago, something like that.

16 Q. And you had to get supervision by another doctor
17 regarding two reports?

18 A. Two reports. I turned in two reports.

19 Q. Okay. So you had to have somebody else supervise to
20 make sure you were doing it correctly?

21 A. That's correct.

22 Q. Okay. And he gave his, I guess, okay for you in
23 September of 2015, correct?

24 A. That's correct.

25 Q. Okay. So it's been less than two years ago where

1 you've been cleared by this Association for Treatment of
2 Sexual Abusers regarding this ethical violation?

3 A. Well there's no clearance. I complied with their
4 requirements immediately. The delay in the individuals --
5 Doctor Imhoff's letter for the supervision was that his
6 father died, and so he delayed getting the letter out, but
7 I complied with the requirements by the next month.

8 Q. Okay. And you stated that you in addition took an
9 ethical course to make sure you weren't doing anything else
10 or to make sure in the future you didn't do any ---

11 A. That's correct.

12 Q. --- ethical violations.

13 A. By Eric Fox who was the committee that acts as the
14 ethics committee chairman.

15 Q. Okay. And you stated at the beginning of this the
16 purpose of the evaluation you explained that to Mr. Mosier,
17 correct?

18 A. That's correct.

19 Q. And he was cooperative with you throughout the
20 interview?

21 A. He was.

22 Q. Do you always find people in his position cooperative
23 with you?

24 A. Not at all. He was fairly forthcoming which is
25 unusual.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-125-

1 Q. I'm sorry, can you repeat that?

2 A. He was fairly forthcoming which is unusual.

3 Q. And so it's not usually that you see someone being as
4 honest with you as he was?

5 A. That is correct.

6 Q. Because they're trying to deceive you in some way?

7 A. That's correct.

8 Q. To get a better score or a better evaluation?

9 A. That's correct, and he did not do that.

10 Q. Okay. I'm going to get to, I guess, this first
11 offense, the 1998 offense.

12 A. Yes.

13 Q. At the time Mr. Mosier was only sixteen-years-old,
14 correct?

15 A. That is correct.

16 Q. And he was originally charged with CSC with a minor
17 in the first degree?

18 A. That's correct.

19 Q. And that carries at that time it was zero to thirty
20 years, correct?

21 A. Correct.

22 Q. And the State pled that down, for whatever reasons
23 you don't know why, to assault and battery high and
24 aggravated nature, correct?

25 A. That is correct.

1 Q. And he received a sentence of seven years suspended
2 to five years of probation?

3 A. That is correct.

4 Q. Okay. That probation, you stated that he was revoked.
5 Where did you get that information from?

6 A. Let me see.

7 Q. And where is that in your report?

8 A. I did not say that that probation was revoked.

9 Q. It's the only probation he's been on though, correct?

10 A. I think he's been on probation for another offense.
11 Let me see if I can find that.

12 Q. He was on probation for that one you talked about
13 when he was eleven, the burglary second degree, and he
14 completed that, correct?

15 A. Right.

16 Q. Okay.

17 A. Let me just look in here real quick.

18 (PAUSE.)

19 A. Let me see. When I interviewed him in fact he may
20 have given me that information. I am not sure where I
21 found that.

22 Q. Is it because he's never been revoked on probation?

23 A. Well I think it was the first sentence and I think he
24 violated but it was not revoked.

25 Q. So he continued on probation and completed his

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-127-

1 probation?

2 A. In 1995, that's correct.

3 Q. And so that was 19 -- that was the one in the
4 burglary?

5 A. The burglary when he was eleven.

6 Q. Okay. So he completed that?

7 A. Yes.

8 Q. It was never revoked?

9 A. Well, yeah, he violated but it wasn't revoked.

10 Q. Okay. But you testified previously that he was
11 revoked, correct?

12 A. I believe I did and that's a mistake.

13 Q. Okay. And in addition on page -- You do a report,
14 correct?

15 A. Yes, I do.

16 Q. And that's to help you remember everything because
17 you do so many of these, correct?

18 A. That's correct.

19 Q. And it's important for you to have everything correct
20 in the report?

21 A. That is correct.

22 Q. Go to page 10 of your report, please.

23 A. Okay.

24 Q. This is regarding the 2008 when Mr. Mosier was
25 sixteen years old ---

1 A. Right.

2 Q. --- he received seven years in SCDC ---

3 A. Yes.

4 Q. --- suspended to the five years of probation ---

5 A. Right.

6 Q. --- which he completed. You had said there that his
7 max out date is 7/25/2016, correct?

8 A. Yes. And that's the max out date, the final case.

9 Q. Okay. So that's not his max out date on that complete
10 -- on that case?

11 A. Not on that particular case.

12 Q. So that's a mistake there on page 10?

13 A. Well his total max out date for these offenses is
14 2016.

15 Q. For the later offenses. Not for that offense,
16 correct?

17 A. That's correct.

18 Q. Okay. And the second offense, the 2011 which happened
19 in 2008, 2009, ---

20 A. Yes.

21 Q. --- that's been introduced into evidence.

22 A. Yes.

23 Q. He was originally charged with criminal sexual conduct
24 with a minor first degree, correct?

25 A. That's correct.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-129-

1 Q. And that carries a minimum of thirty years up to life
2 in prison?

3 A. To my understanding, yes.

4 Q. And based on the facts, or whatever, you don't know
5 why, the State, the Solicitor's office, State of South
6 Carolina pled that down to assault and battery high and
7 aggravated nature which only carries up to ten years in
8 prison?

9 A. That's correct.

10 Q. Okay. And you stated the account during his interview
11 of that, that he talked about or used to touch all of them
12 meaning his cousins. You have no idea how many cousins he
13 has do you?

14 A. I don't.

15 Q. So he could only have two cousins and that's
16 essentially what he told you he touched?

17 A. That's possible.

18 Q. Okay. And you would have never had any idea about
19 this Minor #3 cousin unless he had told you and he was being
20 completely honest with you, correct?

21 A. That's correct.

22 Q. Okay. So that could be the only cousins that he has.
23 So you have no idea when you're testifying to all his
24 cousins how many that could be?

25 A. Yes, and I believe I said that there were more victims

1. than we have specific information on.

2. Q. Right. But you don't know. All his cousins could
3. only mean two. There's been no other ---

4. A. It could.

5. Q. --- information regarding extra victims that you
6. don't have information on?

7. A. It could.

8. Q. Okay. And you stated earlier regarding his statements
9. about what fantasies he continues to have now.

10. A. Yes.

11. Q. That probably the majority of people that you
12. interview would not tell you that.

13. A. That is correct.

14. Q. They would deceive you?

15. A. That's correct.

16. Q. But he was honest with you about that?

17. A. He was.

18. Q. That's gonna take me to this PPG.

19. A. Yes.

20. Q. All right. The PPG -- Before I get into specifically
21. Mr. Mosier, I want to talk about the test in general.

22. A. Yes.

23. Q. This test is shown pictures to the person who's
24. taking the test, correct?

25. A. That's correct.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-131-

1 Q. And all these pictures are clothed individuals?

2 A. Clothed, yes.

3 Q. Nobody's naked?

4 A. That's correct.

5 Q. Showing any private body parts?

6 A. That's correct.

7 Q. All right. And this test, is it the same from site
8 to site?

9 A. Yes it is. They have standardized stimuli for the
10 Limestone and so anyone who takes the Limestone test gets
11 the same group of pictures.

12 Q. But the results could vary from site to site depending
13 on where you take the test, correct?

14 A. Yes. What happens is, if you have someone who does
15 this everyday like Doctor Burke who did this test, then the
16 specificity and sensitivity of the test is pretty constant
17 and it's really good. If you have an examiner who comes
18 from some site where he does one a year, that is when you
19 might have some results that don't line up, and certainly
20 you would want to use someone who does it everyday.

21 Q. So it's possible Mr. Mosier had taken this somewhere
22 else his results could have been different?

23 A. Well they could have been different. The sensitivity
24 and specificity means the ability to hone in on his sexual
25 deviance preference, and how able the test is to

1 distinguish the deviant sexual arousal from the normal
2 sexual arousal. In this case that ability was really
3 really good because it pieced it out exactly what he told
4 me was aroused to.

5 Q. And this test that's done what's the quality control?

6 The gauge, whatever gauge is used, is calibrated,
7 correct?

8 A. It's calibrated yes.

9 Q. And you have no idea if Doctor Burke calibrated this
10 correctly before, during, or after the test do you?

11 A. Well I don't have direct knowledge but the very first
12 step in any PPG, and I as a trained examiner know, that you
13 calibrate the gauge that goes on a man's penis. Failure to
14 do so would invalidate the test and you likely would not
15 get results so it's very important.

16 Q. But you don't know if Doctor Burke calibrated
17 beforehand, correct?

18 A. I do not but I'm pretty sure -- Well, I do not know,
19 but as I said, it is the first thing that a PPG examiner
20 does because if its not fit to his penis, you're not going
21 to get any results.

22 Q. And it's possible it needs to be re-calibrated during
23 the test, correct?

24 A. Sometimes it does.

25 Q. And you have no idea if that needed to be done in

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-133-

1 this case or not, or if it was done?

2 A. That is correct.

3 Q. Okay. And isn't it true that there are some doctor's
4 who don't like to use this test?

5 A. That's correct.

6 Q. And there's criticism regarding this PPG test?

7 A. There is criticism.

8 Q. And what is that criticism?

9 A. Well mostly that about twenty to thirty percent of
10 people don't respond to the test, so if you get responses
11 then you can be pretty sure that it's good information. If
12 you don't get anything then you just don't know if he's
13 aroused to something or he's not. You just don't know.
14 They just sort of flat line. But the one way we can tell
15 if someone's trying to fake it, or if they're really flat
16 lining, is that if they show arousal or any -- any movement
17 at all to the neutral stimuli then we can be pretty sure
18 that they're faking it.

19 Q. Okay. And you testified earlier that you never used
20 a sole -- PPG as a sole basis for any diagnosis, correct?

21 A. No. I said that I did not use it as the sole basis
22 for my opinion as to whether someone meets criteria as a
23 sexually violent predator.

24 Q. But in this case you used the PPG on Mr. Mosier as a
25 sole basis for your diagnoses of paraphilic otherwise non-

1 specified, correct?

2 A. That's correct. And that's acceptable to do so
3 because in the research it says sexual interest in children
4 was -- as measured by the PPG was the greatest risk factor.

5 Q. Okay. And you don't give a PPG to every individual
6 that you evaluate do you?

7 A. Most of them I do but occasionally there will be an
8 individual that I don't believe meets criteria and there's
9 no reason to follow up on that.

10 Q. And you don't always turn over the results or put it
11 in your report the results of the PPG do you?

12 A. Well if its inconsistent with the individual's
13 history, for example, on one -- in one case the guy had
14 eight child victims but the PPG showed that he was aroused
15 by rape. I didn't include that because it didn't seem fair
16 to the individual to have that in there when he never had a
17 rape case. On another case the guy flat lined and had no
18 arousal so I didn't put it in the report at that time.

19 Q. Doesn't that go to show especially with the one with
20 the guy who had eight child victims but showed for rape on
21 the PPG that the test is not necessarily reliable?

22 A. Not necessarily. It could be that he was using
23 counter measures to screw with the test and that's why he
24 didn't show with having arousal to children.

25 Q. But you didn't think it was important to put in your

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-135-

1 evaluation to make sure everybody knew all the test that
2 you run because it didn't go with what your final diagnosis
3 would be, correct?

4 A. No. My final diagnosis was pedophilic disorder and
5 that particular test showed that he was interested in rape
6 and I didn't think that was fair to have that in the report
7 when it was so clearly inconsistent with his offense
8 history.

9 Q. So clearly inconsistent with his history?

10 A. Yes.

11 Q. Okay. And that doesn't show you that it's
12 un-reliable, that it's inconsistent?

13 A. Not at all because as I said there are counter
14 measures that you can use to obstruct the results.

15 Q. Okay. So in this case with Mr. Mosier, and just kind
16 of give a little background I guess, in order to show
17 something that's worthy of clinical attention you look for
18 a ten percent increase, correct?

19 A. That's correct.

20 Q. And twenty percent is accepted as an indication of
21 sexual arousal?

22 A. That is correct.

23 Q. So that's a pretty low threshold versus a hundred
24 percent, ten and twenty?

25 A. No. There's a standard in the field to use, ten

1 percent and twenty percent.

2 Q. And his highest was fifty-one percent and that was
3 with adult female persuasive, correct?

4 A. Which is consistent with what he told me that sixty
5 percent of his arousal was to adult females.

6 Q. Okay. The grammar-school female cursive that you
7 discussed was only ten point eight which is not even up to
8 the twenty percent indication of sexual arousal, correct?

9 A. But worthy of clinical attention.

10 Q. Okay. But not indications of sexual arousal?

11 A. Absolutely. Ten percent is indicative of sexual
12 arousal.

13 Q. Ten percent you just testified is worthy of attention
14 but twenty percent is what's the universally accepted as
15 sexual arousal, correct?

16 A. No, the ten percent and the twenty percent are
17 standard in the field. Ten percent increase is considered
18 worthy of clinical attention which would indicate that
19 treatment is needed. And twenty percent is universally
20 accepted as an indicator of sexual arousal.

21 Q. So in this case the grammar-school female did not rise
22 to the universally accepted indication of sexual arousal?

23 A. Well, it was worthy of clinical attention and the
24 preschool female --

25 Q. I'll get to preschool in a minute.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-137-

1 A. Okay.

2 Q. Just the grammar school was not - -

3 A. The grammar-school female.

4 Q. Okay.

5 A. That's correct.

6 Q. And that's who he told you that he was sexually
7 aroused by, correct?

8 A. Well he said --

9 Q. What was the range?

10 A. Up to seventeen and so he was aroused by all of them.

11 Q. Okay. But grammar school was only ten percent and
12 not indicative of arousal, correct?

13 A. That's correct. But if you remember I said it's
14 one piece of an evaluation.

15 Q. Correct.

16 A. Even though it was ten percent all of his known
17 victims were grammar-school females.

18 Q. So --

19 A. So that's consistent with his offense history.

20 Q. So his offense history has grammar school?

21 A. Yes.

22 Q. But he wasn't to the twenty percent on that, correct?

23 A. That's correct.

24 Q. The preschool-female persuasive he never told you
25 anything about being sexually aroused by anyone under the

1 age of five which would be preschool, correct?

2 A. That's correct, he did not.

3 Q. Okay. Nor any of his victims under the age of five?

4 A. That's correct.

5 Q. And the teen-female persuasive was four percent
6 which is way less than the clinical sexual arousal,
7 correct?

8 A. That's correct.

9 Q. Or ever worthy of clinical attention?

10 A. Right.

11 Q. Yet you included that in your report?

12 A. Well, I did because it was included in Doctor Burke's
13 report. But the teen-female coercive is the one he was
14 aroused to and that was statistically equal to his arousal
15 to the adult female.

16 Q. But he has no victims who are teen females, correct?

17 A. He does not.

18 Q. Regarding SCDC and his behavior, in these cases do you
19 often see multiple disciplinaries while somebody's in SCDC?

20 A. Typically.

21 Q. And in this case he only had one and that was for
22 violation of writing, I guess.

23 A. I think it has something to do with mail or something.

24 Q. Okay.

25 A. And he only had one.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-139-

1 Q. Okay. And typically you see multiple, correct?

2 A. I do.

3 Q. And part of your diagnosis for anti-social behavior
4 disorder is unable to follow authority, follow rules.

5 Since 2011 when he was put into SCDC he has shown that he
6 was able to follow those rules, correct?

7 A. That's correct but he's in an institutional setting
8 where he's being watched twenty-four hours a day and it's a
9 really not a wise person who doesn't follow the rules in
10 that situation.

11 Q. Okay. But you just testified that typically in these
12 situations with sexually violent predator cases you see
13 multiple disciplinary infractions?

14 A. I do.

15 Q. Okay. But that's not the case with Mr. Mosier?

16 A. No.

17 Q. Okay. And regarding sex offender treatment, you're
18 aware he was at Kershaw Correctional Institution, correct?

19 A. That's correct.

20 Q. And that does not have any sex-offender treatment
21 available there, correct?

22 A. That's correct. But if they express a desire for
23 treatment they transfer them to Broad.River where the sex
24 offender treatment is.

25 Q. And there's no evidence in this case that anybody ask

1 Mr. Mosier if he would like sex-offender treatment?

2 A. No, there's not.

3 Q. And typically in these cases you see SCDC ask these
4 individuals, correct?

5 A. That's correct.

6 Q. Do you have an idea if he would have said yes or no
7 to that or not?

8 A. Well, he told me that he wanted treatment so.

9 Q. Okay. And he didn't specify what kind of treatment
10 whether inpatient versus outpatient, correct?

11 A. Well -- That's correct.

12 Q. Okay. We get to your Static 99.

13 A. Yes.

14 Q. He is a six now, correct?

15 A. He is a six now.

16 Q. Originally when you did this report he was a seven
17 due to his age.

18 A. That's correct.

19 Q. Okay. And you indicated that a man's sexual arousal
20 go down significantly after sixty-years-old?

21 A. Sixty.

22 Q. Okay. This case he was taken down to a six. Isn't
23 it true that in five years he will go down to a five?

24 A. In five years he'll lose another point, that's
25 correct.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-141-

1 Q. Okay. And then in another --

2 A. Twenty-five years he'll go down two points after that.

3 Q. Okay. So he would be down to a five in five years,
4 correct?

5 A. That's correct.

6 Q. Okay. And at six what is the percentage of people
7 who are given his score who do not reoffend within five
8 years?

9 A. It's hard to say. Based on the --

10 Q. Based on the statistical results from the Static 99-R
11 what percentage do not reoffend?

12 A. Well forty-two point percent would reoffend and so
13 that would make fifty-eight percent that do not.

14 Q. In five years?

15 A. In five -- Oh, that's ten years. Your risk for
16 re-offense increases as time accumulates and so it's thirty
17 percent at five years and forty-two point eight percent at
18 ten years post release.

19 Q. And you're looking at your report on page 16?

20 A. Yes, I am.

21 Q. Okay. And that's based on a seven, correct, from when
22 he was thirty-four?

23 A. That's correct.

24 Q. And so at thirty-five the number's actually lower.

25 More than seventy percent do not reoffend after five

1 years.

2 A. It is. That is correct.

3 Q. So only -- With people with his score only thirty
4 percent reoffend after five years, that the numbers are
5 based on that you know of?

6 A. Well it's -- It's important to talk about those
7 statistical numbers. The new evaluators manual was
8 published in October of 2016, so new research was conducted
9 about the Static 99, and we are now advised not to give the
10 absolute recidivism rates because they're unreliable. They
11 tell us to use the percentile rates, which I explained to
12 you the ninety-two point four percentile, and they tell us
13 to use the relative recidivism rates which was three point
14 seven seven times more likely that another sexual offender
15 could commit another sexual crime. We are not supposed to
16 use the absolute rates any more.

17 Q. And that came out in the middle of last year, correct?

18 A. October 2016.

19 Q. Okay. And you created this report ---

20 A. In June.

21 Q. --- in June of 2016, correct?

22 A. That's correct.

23 Q. Okay. And at that time the numbers were seventy
24 percent do not reoffend?

25 A. That's correct.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-143-

1 Q. And at this point you're saying the Static 99-R
2 regarding statistics isn't even reliable any more?

3 A. No. I'm just saying they said the absolute recidivism
4 rates are not reliable. The research that went into the
5 Static 99 is very reliable but only for percentile rates
6 and the relative risk.

7 Q. All right. Regarding the dynamic factors, one of the
8 things you mentioned which just kind of plays into the
9 Static 99 is the lack of emotionally intimate relationships
10 with adults.

11 A. That's correct.

12 Q. All right. So Mr. Mosier said his longest
13 relationship was six months, correct?

14 A. That's correct.

15 Q. He automatically gets a point on the Static 99 if he
16 hasn't lived with a lover for two years.

17 A. Two years.

18 Q. Correct?

19 A. That's correct.

20 Q. So he was -- How old was he, twenty-six, twenty-seven
21 the 2011 conviction? And that occurred in 2008?

22 A. Eighty-two, probably twenty-nine.

23 Q. Okay. And not necessarily somebody who's twenty-nine
24 a male has lived with somebody for two years, correct?

25 A. Well, yes. And that's true but it doesn't matter.

1 The research says that not living with an intimate partner
2 for at least two years is increased risk. And it doesn't
3 matter what reason you haven't lived with an intimate
4 partner, it's just the fact that you haven't.

5 Q. And one of the dynamic factors you also mentioned
6 was resistance to rules and supervision. When you
7 testified you testified part of that was based on this
8 probation revocation, yet you just now testified that he
9 was actually never revoked on probation, correct?

10 A. Right. Violated but never revoked.

11 Q. And he followed all the rules in SCDC essentially,
12 correct?

13 A. Yes, he did.

14 Q. And you're not aware of any rules he's violated since
15 he's been in York County Detention Center?

16 A. That's correct. But this is a life-time pattern and
17 he had a life-time pattern of resistance to rules and
18 supervision. For example, he started fighting when he was
19 four. He was suspended so many times from school that they
20 kicked him out of school. He had a criminal history, he
21 was convicted at the age of eleven, so this is a life time
22 pattern. It doesn't apply just to SCDC.

23 Q. Okay. And regarding your diagnosis, the one regarding
24 other specified paraplegic disorder.

25 A. Yes.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-145-

1 Q. You based that purely on your report on the PPG,
2 correct?

3 A. I did.

4 Q. Not on anything he told you or anything that actually
5 occurred in his past?

6 Q. Well, he said that he was aroused by children between
7 the ages of five and seventeen. So thirteen to seventeen
8 would be teenagers, so indeed it was what he told me.

9 Q. Okay. But in your report you base it purely on your
10 PPG, correct?

11 A. No. And what he told me. He told me he was aroused
12 by children between the ages of five and seventeen.

13 Q. I'm gonna read your report on page 18 at the bottom.

14 You state, "Mr. Mosier's PPG indicated that he had
15 significant arousal to the teen female-coercive stimuli and
16 teen female-persuasive stimuli. Based on this information
17 he meets criteria for other specified paraphilic disorder,
18 et cetera."

19 A. That's correct. But he also told me he was aroused
20 by teenagers so I considered that.

21 Q. But you didn't put that as part of your diagnosis as
22 why you came to that diagnosis, correct?

23 A. Yes. And I may not include every single thing in my
24 report, but in fact, he told me he was aroused to teenage
25 girls and he showed that he was aroused from the PPG, so I

1 gave him that diagnosis.

2 Q. With the anti-social personality disorder there were
3 several things you mentioned.

4 A. Yes.

5 Q. One of them was deceitfulness, however in this
6 interview he was completely honest with you as far as you
7 could tell, correct?

8 A. As far as I could tell he had -- he said he had a
9 persistent pattern of lying dating back to childhood.

10 Q. And so he even told you that and then he told you
11 things that you would have never known about Minor #3, about
12 who, or what he's attracted to, correct?

13 A. That is correct.

14 Q. Okay. So it kind of shows at this point he's not
15 being deceitful with you, correct?

16 A. That's correct.

17 Q. Okay. Irritability and aggressiveness is one of them
18 but he shows no signs of that, correct?

19 A. Right. But he had a long-term pattern of fighting
20 back to the age of four. Got kicked out of school multiple
21 times for it.

22 Q. So just fighting is what you're looking at for ---

23 A. Well ---

24 Q. --- anti-social personality disorder?

25 A. --- that's aggressiveness. That's aggressiveness.

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-147-

1 Q. Okay. From when he was four-years-old?

2 A. Well, and continuing into high school where he was
3 finally kicked out and never went back to school.

4 Q. Okay. And there's no indication of anything since
5 high school of him fighting or anything of that nature,
6 correct? He's thirty-five now? He's not been convicted
7 or of anything --

8 A. That's right, he hasn't been convicted.

9 Q. Okay. Lack of remorse. Isn't it true in his
10 interview with you he said he thinks about all the crap
11 he's done and he wishes he could take it back but he knows
12 there's no way that he could do that?

13 A. That's correct. But I didn't use lack of remorse
14 because he did say that. I -- You have to have five of
15 those. If you'll see his --

16 Q. But which ones did you use?

17 A. I used failure to conform to social norms,
18 deceitfulness based on his life-long pattern of lying,
19 impulsivity, or failure to plan ahead because he continued
20 to get in fights and to get in trouble at school even
21 though he knew the consequences. I used irritability and
22 aggressiveness; reckless disregard for the safety of self
23 and others because he sexually assaulted children. And I
24 think those are the five.

25 Q. Okay. Now regarding your Static 99. You discussed

1 on your direct regarding there's two non-sexual parts of
2 the Static 99, correct?

3 A. Non-sexual violence.

4 Q. Correct.

5 A. Yes.

6 Q. And that's number three and four that you look at
7 when you're looking at your coding form?

8 A. It is.

9 Q. And on your coding form for number three you have yes
10 to ABHAN and you give him a point, correct?

11 A. That's correct.

12 Q. For number four for prior non-sexual violence you
13 say yes for ABHAN. And then you give no, a zero, correct?

14 A. Pardon?

15 Q. You put a zero on that one instead of one, correct?

16 A. Well, it should have been a one because he had -- he
17 received an assault and battery of a high and aggravated
18 nature in 2011 and he also incurred one in -- for the crime
19 in 1998 so he had two of them.

20 Q. So that's a mistake then when you did your Static 99?

21 This big test that you relied on you made a mistake
22 actually.

23 A. Yes. In his favor so he would have got a higher
24 score.

25 Q. But the fact is you're asking the jury now to find you

DOCTOR AMY SWAN: CROSS BY MS. BROWDER

-149-

1 credible when you've made a mistake on the one big test
2 that you actually used and conducted yourself?

3 A. Well, as I said it's one piece of a comprehensive
4 evaluation. And his original score of seven would be the
5 score including that factor.

6 Q. Which seventy percent don't reoffend on in five years,
7 correct?

8 A. No. That would mean that he is in -- Let me find the
9 percentile he's in.

10 (PAUSE.)

11 A. He would be -- With a score of seven he would be in
12 the ninety-seventh percentile.

13 Q. Which is --

14 A. Which means that out of every one hundred sex
15 offenders he would have -- he would be more risky than
16 ninety-seven. And his risk for re-offense would be five
17 point two five times more than the average sex offender.

18 Q. And when you did this report you included the five
19 year and ten years and seventy percent in five years do not
20 reoffend with that score of seven --

21 A. Seventy percent in five years and fifty percent in
22 ten years.

23 Q. Fifty-eight percent in ten years, correct?

24 A. No.

25 Q. With a seven fifty-eight percent do not reoffend?

1 A. No, ma'am.

2 Q. That's what your report says.

3 A. Forty-eight point two percent, I believe it was,
4 reoffended at ten years and that would mean fifty-two
5 percent.

6 Q. I'd like you to look at your report on page 16,
7 please.

8 A. Okay.

9 Q. It says forty-two percent would at ten years' reoffend,
10 so did you get that wrong too?

11 A. No. I was adding in my head incorrectly. So it
12 would be fifty-eight. You are correct about that.

13 Q. So you're asking the jury to look at the Static 99,
14 which you're now saying is seven because you made a mistake
15 when you conducted the test, correct?

16 A. That's correct.

17 Q. Okay. And the test, this PPG, that you did not even
18 conduct yourself and you're relying on somebody else's data
19 that you don't even know if he calibrated the gauge
20 correctly or how it was done?

21 A. Well, I know Doctor Burke's work. I know that he
22 adheres to the procedures that are set forth by ATSA
23 because he is a member of ATSA. And the mistake I made in
24 -- on the Static 99 did not harm Mr. Mosier. In fact, it
25 was in his favor, so he's actually more risky than I said

DOCTOR AMY SWAN: CROSS BY MS. BROWDER
REDIRECT BY MR. BOGLE

-151-

1 in my report.

2 Q. So you're saying to the jury that you made mistakes
3 in the one big test that you had to do, correct? Whether
4 it was in his favor or not, you made a mistake on that one
5 test?

6 A. As I said, the Static 99-R is one piece of a
7 comprehensive evaluation, and he should have received an
8 additional point for the prior non-sexual violence, and
9 that would have raised his score to eight when I originally
10 did the test and seven now.

11 MS. BROWDER: No further questions, your Honor.

12 MR. BOGLE: Just one question if I may, your Honor.

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 DOCTOR AMY SWAN BY MR. BOGLE:

16 Q. Doctor, in your direct examination I ask you a lot
17 about and you talked about probation violation.

18 A. Yes.

19 Q. Now we know from your cross-examination testimony
20 examiner report that he may -- well he may have violated
21 something he never got formerly revoked.

22 A. That's correct.

23 Q. Okay. Does that change your ultimate -- Without that
24 risk factor, does that change your ultimate opinion on
25 whether or not he is dangerous enough to be civilly

DOCTOR AMY SWAN: REDIRECT BY MR. BOGLE

-152-

1 committed to this sexually violent predator treatment
2 program for long-term control, care and treatment?

3 A. It does not because the probation violation says
4 failure to comply with supervision so you don't actually
5 have a rev -- have to have a revocation. It's just failure
6 to comply with supervision.

7 MR. BOGLE: Thank you, Doctor.

8 THE COURT: Anything further?

9 MS. BROWDER: No, sir.

10 THE COURT: All right. Doctor Swan, you can step
11 down. Thank you.

12 (WITNESS LEAVES WITNESS STAND.)

13 MR. BOGLE: Your Honor, can she be released?

14 THE COURT: Any objection?

15 MS. BROWDER: No objection.

16 THE COURT: All right, thank you, Doctor Swan.

17 You're released. Thank you for being here.

18 Ladies and gentlemen of the jury, this is an
19 appropriate time for us to stop for the evening. I'm gonna
20 allow you to go back in your jury room and then go -- I
21 don't know if they need to go to the jury room or not, but
22 you're free to leave for the evening.

23 I instruct you again to not discuss this case at all
24 with anyone at your home, people you are around. Don't be
25 doing any internet searches on individuals, or the law, or

-153-

1 parties here in the case, lawyers; nothing to do with this
2 case. If you should see something on the -- a media about
3 it do not read or take in any of that. No discussion about
4 the case at all until the case has been concluded.

5 Thank you for your attention today. Get a good
6 night's rest. We will start back at 9:30 tomorrow morning.
7 At 9:30 if you'd be back in your jury room ready to go at
8 9:30 in the morning.

9 If everyone would remain seated while the jury leaves.
10 (JURY EXITS COURTROOM ON EVENING RECESS AT 05:25 PM.)

11 THE COURT: All right, anything further, Mr. Bogle?

12 MR. BOGLE: Your Honor, in the morning I'd like to do
13 it in front of the jury, in the morning I want to rest my
14 case.

15 THE COURT: All right.

16 MR. BOGLE: So --

17 THE COURT: That looks -- sometimes it's a little bit
18 awkward but we'll bring them in; I'm gonna ask you to
19 present your next witness, you can formerly rest.

20 MR. BOGLE: Okay.

21 THE COURT: I'll then send them back out again and we
22 can take up any motions.

23 MR. BOGLE: Or do you want to do those now and then if
24 we can go -- We can do the pretrial -- I can rest now and
25 do the post-trial motions or.

1 THE COURT: Well are you willing to go forward with
2 that procedure?

3 MS. BROWDER: Yes, sir, that's fine.

4 THE COURT: All right.

5 MS. BROWDER: Because I know he's done with his
6 witnesses.

7 THE COURT: Okay. All right, then we note that he has
8 indicated that he rest. We will give him an opportunity to
9 do that in front of the jury tomorrow morning. However
10 that brings us to the point where it's appropriate to
11 entertain any motions at this time and so, Ms. Browder,
12 anything you'd like to --

13 MS. BROWDER: Yes, sir, your Honor. First we'd like
14 to renew all pretrial motions specifically the one
15 regarding the PPG and it being admissible. In addition I
16 would have a motion for a directed verdict, your Honor, in
17 the light most favorable to the State and the Petitioner in
18 this matter.

19 I don't believe they presented enough evidence for it
20 to go to the jury if the doctor who testified, testified as
21 to her opinion. However she admitted to making multiple
22 mistakes in her report and as to the Static 99. In
23 addition, your Honor, she relied on a test that was done by
24 another doctor so we would ask that the directed verdict
25 motion be granted. Thank you.

-155-

1 THE COURT: Mr. Bogle, do you wish to be heard?

2 MR. BOGLE: Just to using the standard appropriate
3 and directed verdict motions looking at the light -- the
4 evidence in the light most favorable to the non-moving
5 party, the State has presented evidence of the sexually
6 violent crime, evidence of multiple mental abnormalities,
7 well two of them; plus the personality disorder and the
8 likelihood to reoffend.

9 Any mistakes or errors she made on the Static score
10 seem to be in his favor. In the event her opinion is still
11 that he is likely to reoffend which meets the criteria for
12 a sexually violent predator.

13 So looking at the evidence in that way we would
14 suggest that the motion be denied.

15 THE COURT: All right. Thank you, Mr. Bogle.

16 I am going to deny the motion. Looking at the
17 evidence that's been presented in the light most favorable
18 to the State -- or the non-moving party, there is evidence
19 sufficient for this to be a jury issue, that arises to the
20 level for a jury to consider the ultimate issue on whether
21 he's to be declared as a sexually violent predator or not,
22 so I'm gonna deny your motion.

23 I will on my pretrial motions, those motions remain
24 the same ruling on those and I stand by those rulings.

25 Anything further?

1 MR. BOGLE: Nothing from the State, your Honor. And
2 thank you.

3 MS. BROWDER: No, sir.

4 THE COURT: All right. We'll be at ease until 9:30 in
5 the morning. Thank y'all.

6 (COURT IN EVENING RECESS AT 05:32 PM.)

7 (COURT BACK IN SESSION TUESDAY, JUNE 13, 2017 AT 09:48
8 AM.)

9 THE COURT: Thank you, please be seated.

10 Let's bring out Mr. Mosier.

11 (RESPONDENT, FRANKLIN MOSIER, REENTERS COURTROOM.)

12 THE COURT: All right, thank you. We're back on the
13 record in the matter of the *Treatment and Care of Franklin*
14 *Mosier* brought by the State of South Carolina, a sexually
15 violent predator action. This is Case Number 2016-CP-46-
16 0-2-9-6. I believe we were at the point yesterday that the
17 State rested outside the presence of the jury. We took up
18 some -- a directed verdict motion, a motion to renew prior
19 motions; we dealt with those, and so are we ready to
20 proceed this morning, Mr. Bogle?

21 MR. BOGLE: Yes, your Honor, thank you.

22 THE COURT: Ms. Browder?

23 MS. BROWDER: Yes, sir. And I don't know how you want
24 to deal with the logistics, he's gonna put on the record
25 that he's resting. We're not gonna put up anybody, so, of

1 course I would need to renew my motions. I don't know how
2 you want to deal with that.

3 THE COURT: Well let's do this. We'll bring the jury
4 in and I'll ask, Mr. Bogle, to call your next witness;
5 he'll rest, and then I'll ask you if you're ready to
6 present any witnesses and you can put your position on the
7 record. And then I'll just simply tell the jury that at
8 that this time we have some matters of law that we take
9 outside your presence and we'll send 'em back in the jury
10 room and deal with those.

11 MS. BROWDER: Okay. Thank you.

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

13 (JURY REENTERS COURTROOM AT 09:51 AM.)

14 THE COURT: All right. Good morning, ladies and
15 gentlemen, thank you for your patience this morning.

16 We're ready to proceed with the remainder of this
17 trial. Mr. Bogel, on behalf of the State, you can call
18 your next witness.

19 MR. BOGLE: Thank you, your Honor, may it please the
20 Court. At this time the State would rest.

21 THE COURT: All right. Thank you.

22 Ladies and gentlemen, Mr. Bogle has indicated that
23 they have presented all of the evidence and testimony they
24 intend to do as far as the State's position in this
25 particular matter. And so at this point Ms. Browder, I'll

1 give you an opportunity to call any witnesses on behalf of
2 the respondent.

3 MS. BROWDER: No, witnesses, your Honor.

4 THE COURT: All right. Thank you, Ladies and
5 gentlemen. I know it's just a little bit awkward that you
6 had to come in and now I'm gonna ask you to step out again
7 simply because of the procedures that we follow and the way
8 court works. We have -- now that all of the evidence that
9 you have that's been presented before, you we will need to
10 take up a few short matters outside of your presence and I
11 anticipate that will not be more than ten minutes or so.

12 We will bring you back in here, the attorneys will
13 have an opportunity to make their closing arguments to you.
14 Once they complete that part of the trial, I will then in
15 essence read you the applicable law and then you'll be
16 allowed to go back and deliberate and that will take
17 probably -- once you come back in that will probably be
18 half an hour, forty-five minutes, or an hour or so, for
19 that process. That will give you a little bit of an idea
20 of where we're headed this morning and when the case comes
21 to you to deliberate.

22 Again, I tell you don't discuss the case while you're
23 out on this short break. We're gonna take up some matters
24 on the record outside of your presence. I'm gonna ask that
25 the jury return to your jury room.

1 (JURY EXITS COURTROOM AT 09:53 AM.)

2 THE COURT: All right. Thank you.

3 Ms. Browder, I'll be glad to hear any motions on
4 behalf of the Respondent, Mr. Mosier.

5 MS. BROWDER: Thank you, your Honor.

6 At this time I would renew all of our previous
7 motions, specifically the motion regarding the PPG and it's
8 admissibility. In addition, your Honor, I renew my motion
9 for a directed verdict in the light most favorable to the
10 non-moving party. We don't believe they've presented
11 enough with their one witness for the jury to find him
12 beyond a reasonable doubt that he's a sexually violent
13 predator so we would renew all those motions, your Honor.

14 THE COURT: All right. Thank you.

15 I will -- My ruling on all of those motions will
16 remain the same. Again, on the directed motion verdict --
17 renewed directed verdict motion the Court does find that
18 there is sufficient evidence by which is an issue for the
19 jury to make a determination about the ultimate issue in
20 this case and so I deny that motion along with the directed
21 verdict motion along -- the renewed directed verdict motion
22 along with all my prior rulings will remain the same.

23 Anything else we need to put on the record, Ms.
24 Browder?

25 MS. BROWDER: Yes, sir. Regarding the jury charges,

1 on page 2, at the bottom of page 2 to the top of page 3, I
2 object to the sentences "if you find that the State has not
3 met it's burden respondent will be released. If you find
4 that they have met the burden, find that he is a sexually
5 violent predator he will not be released but committed to a
6 secure treatment facility in Columbia operated by the South
7 Carolina Department of Mental Health."

8 I would object to those, your Honor. I don't believe
9 it's relevant to the jury to know what's gonna happen to
10 him depending upon their verdict. I believe those
11 sentences should be left out; just like in a criminal case
12 they're not to determine what the penalty -- they're not
13 allowed to know what the penalty would be. I believe it's
14 similar in this case that they do not need to know what
15 would happen if they're verdict was that he is a sexually
16 violent predator or he is not a sexually violent predator.

17 THE COURT: All right. Mr. Bogle, do you have a
18 position?

19 MR. BOGLE: We think the language is appropriate.
20 It's language we've been using for a long time. As an
21 alternative, your Honor could amend the top of page 3 but
22 have it say, he will be committed to a secure facility for
23 long term control care and treatment.

24 And that pretty much mirrors the exact language in the
25 statute instead of talking about it being a place in

1 Columbia run by Mental Health.

2 THE COURT: I'm gonna grant the Defendant -- the
3 Petitioner's -- I mean the Respondent's motion. I'm gonna
4 strike that portion, those two sentences, and I'm gonna
5 leave it at that. But I am gonna strike and not read t
6 hose two sentence. I find that even though it does
7 somewhat like the statute that is irrelevant and to the
8 ultimate issue about whether he's a violent sexual predator
9 or not, or likely to reoffend, so I'm gonna grant the
10 motion.

11 MR. BOGLE: Thank you, your Honor. And just for my
12 record keeping, in looking at page -- the bottom of page 2
13 and top of page 3, what's going away?

14 THE COURT: At the start, if I understand, Ms.
15 Browder, on the bottom of page 2 it would be the fourth
16 line up at the end of the sentence on "The State has the
17 burden of proof in the case and must prove it's case beyond
18 a reasonable doubt", I will strike from there. "If you
19 find the State has not met this burden the respondent will
20 be released", that will be stricken. And then the next
21 sentence, "If you find the State has met it's burden of
22 proof, if you find that the respondent is a sexually
23 violent predator, he will not be released but will be
24 committed to a secure facility in Columbia operated by the
25 South Carolina Department of Mental Health."

1 I will strike that. It's two sentences ---

2 MR. BOGLE: All right. Thank you, your Honor.

3 THE COURT: --- that will be stricken.

4 MR. BOGLE: One other matter from the State regarding
5 jury charge, and we didn't -- Now the jury charge I
6 initially emailed your law clerk and then I on Sunday
7 emailed an amended version ---

8 THE COURT: Right.

9 MR. BOGLE: --- which I handed to you during the
10 conference yesterday. And what the amended version did was
11 add some language to the definition of a sexually violent
12 crime on page 13. This was the second version of jury
13 charge which I handed up to you at that conference we had
14 yesterday morning.

15 THE COURT: All right. I'm not sure which -- Okay.
16 That's what I have. My Clerk tells me that's what I have
17 in front of me.

18 MR. BOGLE: Okay. It talks about where the judge has
19 made a finding on the record language.

20 THE COURT: All right, where are you reading?

21 MR. BOGLE: I'm on the --

22 THE COURT: Okay. The highlighted, yes. All right.

23 MR. BOGLE: The highlighted language.

24 THE COURT: Right.

25 MR. BOGLE: And the other thing, Judge, not --

1 THE COURT: Well, let me be sure. What you're telling
2 me is that this highlighted language was not in the first
3 version that you sent out, but it was in what you're
4 calling the amended version.

5 MR. BOGLE: That's correct. The first version stopped
6 at indecent liberties.

7 THE COURT: Okay. And I have included that in here.

8 Ms. Browder, do you see what he's talking about? Do
9 you have any objection to that?

10 MS. BROWDER: I have no objection to that, your Honor.

11 THE COURT: Okay. All right.

12 MR. BOGLE: And the only thing the State would ask,
13 and I didn't hand this up earlier because we didn't know if
14 it would come up, I didn't know if it would come up in the
15 trial but it did, the issue of Doctor Swan being paid a sum
16 of money by the Department of Mental Health to do these
17 evaluations. The last trial I did involving Doctor Swan in
18 front of Judge John, and he used -- He added this charge (
19 here regarding the payment of an expert witness. And I was
20 gonna submit that to the court for this case.

21 THE COURT: Ms. Browder, do you have a position on
22 that proposed charge?

23 MS. BROWDER: I do, your Honor. I would object to that
24 charge. I don't believe there's any case law on that
25 charge saying that its an appropriate charge regarding

1 expert witnesses. There is already language on page 9 of
2 the jury charge regarding the credibility of witnesses and
3 whether she's paid or not goes to potential bias or
4 prejudice that she may have. I just don't believe it
5 should be called to attention and that the jury should be
6 allowed to do whatever they want to do with the fact that
7 she has been paid.

8 THE COURT: All right. I'm not gonna include that
9 language in my charge.

10 MR. BOGLE: Thank you, your Honor.

11 THE COURT: Anything else?

12 All right, y'all ready for closing?'

13 MS. BROWDER: Yes, sir.

14 THE COURT: And as I understand it we do open in full.
15 She does her full and if she brings up something new I can
16 reply to it which -- Frankly, your Honor, she doesn't have
17 it.

18 THE COURT: Okay. All right. You're comfortable with
19 that, Ms. Browder?

20 MS. BROWDER: Yes, sir.

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

22 Hold on just a minute. Hold on.

23 Ms. Browder, have you seen the verdict form?

24 MS. BROWDER: Yes, sir.

25 THE COURT: All right. Then do you have any

CLOSING ARGUMENT: BY MR. BOGLE

-165-

1 objections to that verdict form?

2 MS. BROWDER: No, sir.

3 THE COURT: Okay. All right, let's bring the jury in.

4 (JURY REENTERS COURTROOM AT 10:02 AM.)

5 THE COURT: Thank you, Ladies and gentlemen, we are
6 now ready for counsel's closing arguments.

7 Let's see, Mr. Bogle, I believe you go first; is that
8 right?

9 MR. BOGLE: Yes, your Honor, thank you.

10 THE COURT: Thank you.

11 CLOSING ARGUMENT BY MR. BOGLE:

12 MR. BOGLE: May it please the Court, Ms. Browder.

13 I'm not one of these television lawyers so I have to
14 read notes to make sure I don't forget something.

15 Now, first off I'd like to thank you for doing your
16 job both for Mr. Mosier, the State, and York County.

17 There's a lot of places we'd all rather be the last
18 couple of days and you're job has been to be here and
19 you've done what you're supposed to do. Now it's time to
20 apply your common sense, evaluate the facts and the
21 testimony you heard from the witness stand, cross-
22 examination, direct examination, everything that came out,
23 and the exhibits you will have back in the jury room which
24 is this right here. This is the certified copy of the
25 sexually violent criminal conviction that Mr. Mosier has.

1 Now, every case kind of has a theme that jumps out at
2 me. I try to look for something and see if I can see some
3 kind of theme and the theme that jumped out at me was this.
4 The comment that "I didn't have to lure the victims, they
5 were there." That's kind of what happened here.

6 Now, the elements we have to prove, what are they? We
7 have to prove whether or not Mr. Mosier was convicted of a
8 sexually violent crime. And what the law says, it list
9 about fifteen or sixteen sexually violent crimes, and it
10 also says that it includes also any other offense where the
11 judge makes a finding, on the record, that based on the
12 circumstances of the case, the person's offense should be
13 considered a sexually violent one.

14 And that's what happened here when the Respondent
15 pleaded guilty of that assault and battery of a high and
16 aggravated nature, indecent liberties and that little girl,
17 and then the judge put that finding right here on the
18 sentencing sheet and that's how the case got into the
19 system, got into the review, that got it here. That's how
20 we filed our case. So there's the conviction. You'll have
21 that back in the jury room.

22 And of course, he was indicted for a much more serious
23 crime, criminal sexual conduct in the first degree with a
24 minor which carries a lot more time. Now why the solicitor
25 pled it down to a lesser offense - who knows. Its not one

CLOSING ARGUMENT: BY MR. BOGLE

-167-

1 of your concerns. Your concern is he's got the sexually
2 violent conviction, it happened, and you can read the
3 indictment. The concern is though not so much what he
4 pleaded guilty to but what happened. And you heard Doctor
5 Swan yesterday, in order to explain her diagnosis to you,
6 to justify her diagnosis, she had to explain what the
7 details were that she learned about what happened to that
8 little girl. And so she had to explain that to you, so
9 it's not so much about that as it is what happened.

10 Now, we also have another crime, the prior crime, also
11 for assault and battery of a high and aggravated nature.
12 And this one also involved an indictment for a much more
13 serious crime that was pleaded down to the lesser crime of
14 assault and battery of a high and aggravated nature.

15 But again, why that happened is not our concern. What
16 happened is. So read the indictment, so read -- You'll
17 have the testimony of Doctor Swan as to what happened there
18 as she went through the details of what happened to that
19 girl which led to that crime.

20 The next thing is mental abnormality. Now there were
21 two mental abnormalities diagnosed. The first one was
22 pedophilic disorder. Pedophile. He is sexually attracted
23 to little girls. It was to females and what she called
24 non-exclusive which means he is also attracted to age
25 appropriate women. But in this case he talked about things

1 like forty percent of his sexual fantasies, the things guys
2 think about, was about girls from ages five through
3 seventeen.

4 She also diagnosed him with what's called an other
5 specified paraphilic disorder of young pubescent females
6 non-consenting. A lot of that was based on the results of
7 that controversial test we argued about yesterday called
8 the PPG or the Penile Plethysmograph.

9 Now, Doctor Swan's whole approach, this was very clear
10 I think to all of us, she's not looking at one thing.
11 She's not basing her whole conclusion on the interview, on
12 the crimes, on his score on the PPG, his score on the
13 Static 99, the actuarial thing they rate sex offenders on,
14 she's not picking one thing. She's looking at everything;
15 all of these different data points, put 'em together, and
16 see if a total picture makes him fit the criteria.

17 So the PPG, based on his responses to the PPG, the
18 Penile Plethysmograph, he showed an interest which resulted
19 in her diagnosis of that other specified paraphilic -- and
20 remember paraphilic means sexual deviance disorder, the
21 attraction to young girls -- prepubescent females which is
22 illegal. And so, but ever if, you know if you have trouble
23 with the PPG and think maybe I shouldn't consider that,
24 okay, toss it out. We're still left with the pedophilic
25 disorder, and we're also left with anti-social personality

CLOSING ARGUMENT: BY MR. BOGLE

-169-

1 disorder and that in itself is what she called a double
2 whammy. I mean those two things together.

3 Now there was -- I would suggest you think of the PPG,
4 and that's the last thing I'll say about it, if you
5 yourself go to see a doctor, let's say something's wrong
6 and you're having chest pains, my arm is sore, and the
7 doctor he sends you out for blood test, or he sends you out
8 for an x-ray down to a hospital somewhere where they draw
9 the blood and do their testing or take the x-ray, or
10 whatever, and you go back and see your original doctor,
11 okay. You go back to him. He doesn't bring in the guy
12 that did the x-ray. He doesn't bring in the people that
13 did the blood test. He gets those test from that other
14 source which he's trusted and he regards are reliable and
15 he explains to you what the results are. So that's what
16 happened here.

17 She sent him out for the PPG, got the results back.

18 And they were in many respects consistent with what he
19 admitted to. Some of the scenarios involving little girls
20 that he reacted to he was aroused by on the PPG were the
21 same things he had been convicted of and when he told her
22 that he had.

23 A lot was made of Doctor Swan making a mistake. And
24 people do, people do. She's not perfect. Initially she
25 thought that his probation had been violated. Well, it

1 wasn't. It wasn't revoked rather. It might have been
2 violated but it wasn't revoked, and she acknowledged that
3 on cross examination. Oops, I made a mistake, I got that
4 wrong. He wasn't violated and put back in jail for
5 violating probation, it was an issue but it wasn't revoked,
6 so she admitted to that.

7 It was also some question about the score on the
8 Static. Was it a six, a seven or an eight. Regardless,
9 the score could have been an eight based on consideration
10 of certain convictions. There was one conviction on
11 assault and battery which counsel pointed out hey, you
12 didn't consider this. But regardless of that, he got a
13 score that puts him in -- the either score you accept --
14 he's got a score that puts him in a higher risk to
15 reoffend.

16 Let's talk about it being a thirty percent chance to
17 reoffend and that means seventy percent of the people
18 tested don't reoffend, so gosh, how can the State prove
19 it's case beyond a reasonable doubt? Well, I would suggest
20 you put that in perspective.

21 This is a thirty percent chance, not the robbing a
22 convenient store or shoplifting some cigarettes, this is a
23 thirty percent chance of sexually offending against another
24 little girl, so, you got to put it in context. And again,
25 it was one data point of a number of things that she looked

CLOSING ARGUMENT: BY MR. BOGLE

-171-

1 at.

2 Now, I think while the numbers were debated yesterday,
3 the fact that it exist and it's reliable was not really
4 contested. So that's what we got. So, recall the crimes
5 that he was convicted of, the two ABHAN's; not so much the
6 crime itself but the details behind it, what he did to
7 those victims, Minor #2 and Minor #1.

8 Now, remember that our burden of proof here is a
9 little bit stronger. If this was a normal civil case like
10 an auto accident case and I was representing -- and the
11 plaintiff's suing somebody else, I'd be trying to argue to
12 decide this case by what they call a preponderance of the
13 evidence. Think of a scale going fifty-one percent. Not
14 here.

15 When the legislature passed this law -- Now I don't
16 know what they were thinking, but I would suggest to you
17 they were probably thinking you know, this law is gonna
18 take somebody's liberty away, so let's make the job harder
19 on the State just like in a criminal case. Let's make
20 their burden of proof beyond a reasonable doubt. And
21 that's what it is. We have to prove to you beyond a
22 reasonable doubt that he has the right kind of conviction,
23 which he does, that he has the mental abnormality which has
24 not really been challenged that much, and he's got the
25 pedophilic disorder, and that he's likely to reoffend; that

CLOSING ARGUMENT: BY MR. BOGLE
BY MS. BROWDER

-172-

1 based on the scores he got on the Static, or what she saw
2 on the PPG, this man cannot control his behavior and is
3 likely to reoffend and that's what it's all about.

4 The judge will explain to you what burden of proof
5 means, what beyond a reasonable doubt means. I would
6 suggest like I did at the beginning one of the things I've
7 heard, looked at in the law is, that beyond a reasonable
8 doubt means that what you heard leaves you firmly convinced
9 that something is true. In this case firmly convinced that
10 Franklin Mosier is a sexually violent predator. So, that's
11 it.

12 Doctor Swan as an expert witness she was declared an
13 expert witness by the Court based upon her training and
14 expertise and her knowledge in the field. She's done
15 hundreds of these things both in Florida and up here.
16 She's been recognized as an expert witness in many courts
17 both in Florida and Missouri and, of course, in South
18 Carolina.

19 Now, she got paid to do it. But who doesn't? Okay.
20 I think your common sense comes in here. The expert is
21 gonna be ask to come up and analyze the guy; have these
22 test run, write up a report; it's gonna cost money and the
23 Department of Mental Health pays her a flat fee for each
24 case. It doesn't matter if she says yes, he's a predator;
25 no, he's not, it's a flat fee. It doesn't matter if she

CLOSING ARGUMENT: BY MR. BOGLE
BY MS. BROWDER

-173-

1 has to travel up here or buy her own plane ticket, pay for
2 a hotel or rent a car, all of that stuff, that comes out of
3 the same amount of money. It's not the amount of money
4 that should concern you. It's normal that they would have
5 to pay someone. That's what happens. Expert people like
6 this with that kind of training you got to pay them to do
7 their job.

8 So that's where we are. That's the end of the case.
9 The burden of proof is beyond a reasonable doubt and I
10 would suggest to you the State has indeed met that burden.

11 Thank you.

12 THE COURT: Thank you, Mr. Bogle.

13 Ms. Browder.

14 MS. BROWDER: Thank you, your Honor.

15 CLOSING ARGUMENT BY MS. BROWDER

16 MS. BROWDER: Heidi Lamar who was an immigrant here to
17 the United States of America went through citizenship
18 classes. And one thing that she quoted from after going
19 through those classes and people who was teaching her where
20 the experts always know everything but the fine points.
21 All these citizenship classes I went through nobody could
22 tell me why the White House was called the White House.

23 Ladies and gentlemen, just in case your wondering I
24 looked it up to make sure I knew. The White House is
25 called the White House because Teddy Roosevelt named it

1 that on stationary after it was painted over all the black
2 and ash that was there from the bombs from the war, and
3 they painted it white and then he started calling it the
4 White House. But the point is that the experts in her
5 class didn't even know the fine points of citizenship in
6 the United States.

7 This case is very very similar. The State gave you an
8 expert witness who doesn't even know the fine points of
9 this case, ladies and gentlemen. She made multiple
10 mistakes in her testimony in the test that she ran. We've
11 got ethical violations, and I'll get to all that in more
12 detail later, but she screwed up the main test that she
13 herself conducted. She testified regarding probation
14 revocations which never even occurred and based part of her
15 decision on that.

16 She did not even know her limitations when it came to
17 running these test. However, Mr. Mosier, and he was very
18 honest with her about it, stated he knew his limitations.
19 He knows what his problem is now and he has grown while
20 he's been in prison.

21 It's the State's burden, nothing that Mr. Mosier has
22 to do at all, and I want you to keep that in mind. He has
23 to do nothing regarding this case. Everything is on the
24 State of South Carolina to prove to you beyond a reasonable
25 doubt that he is a sexually violent predator; that he is

CLOSING ARGUMENT: BY MS. BROWDER

-175-

1 likely to reoffend and will reoffend.

2 The way I like to explain it, and the judge will give
3 you a little bit more detail in his jury charge, but beyond
4 a reasonable doubt to kind of put in the term that you
5 might understand is milk. For example my son gets up in
6 the morning and he goes to get some cereal and the date on
7 it says June 13th, 2017. Well I look it, I smell because I
8 don't want to get a call from the nurse two hours later
9 saying he's throwing up, and I say well, I think its okay,
10 I'll give him milk.

11 Well the next comes around June 14th and he goes to
12 get cereal and I look at it and I say I'm not sure about it
13 this time. I just, I don't know, I'm gonna play it safe.
14 The fact that you have to play it safe means that there is
15 a reasonable doubt, ladies and gentlemen.

16 Now the State has to prove to you two things. The
17 first is the sexually violent offense. And I just stated
18 to you in opening there is no dispute here that he has a
19 sexual violent offense. But he only has one, ladies and
20 gentlemen. They want to make you believe that he has two
21 for that first one, but its only one, and it's that second
22 ABHAN. That ABHAN was in 2008; he could have gotten up to
23 life in prison for that. However, the State for whatever
24 the reason whether the facts were bad in the case, or
25 whatever reason they decided, they pled it down to a

1 maximum of ten years, a charge that could only carry ten
2 years and that's what they decided to give him. Yet the
3 State of South Carolina is back here now trying to say we
4 think he needs to have a long-term care control and
5 treatment now.

6 Ladies and gentlemen, they also want you to focus on
7 that first offense from when he was sixteen-years-old. You
8 heard the testimony, he's thirty-five now. That's
9 essentially twenty years ago, something that happened when
10 he was sixteen. Is it excusable? No. And nobody is here
11 to say that it is. But they want you to focus on that and
12 the facts instead of what you're here to actually focus on
13 which is whether he will reoffend or not. And that's where
14 we come to now.

15 And not that he might, not that he could, but that he
16 will reoffend. And they gave you one witness, they gave
17 you Doctor Amy Swan. They gave you a doctor who is paid
18 four thousand dollars by the State of South Carolina to
19 evaluate him. And the State wants you to think well, of
20 course she has to be paid. But pay attention to her
21 testimony. She testified she gets another nineteen hundred
22 dollars every year, year after year, to do annual reviews
23 for people who are found to be sexually violent predators.

24 So she is essentially, while she said she wouldn't
25 necessarily do Mr. Mosier, getting an extra two thousand

CLOSING ARGUMENT: BY MS. BROWDER

-177-

1 dollars year after year. They gave you a doctor who
2 readily admitted that she had an ethical violation two
3 years ago. She's been practicing for twenty years as an
4 expert but she was using an outdated test. She didn't
5 realize she was using an outdated test; had to have
6 supervision from another doctor to make sure that she was
7 doing things right and she testified the wrong way about it
8 in a trial, a trial just like we're in today.

9 And, ladies and gentlemen, I think it's important to
10 show that she was using a test that was outdated and she
11 was doing it wrong, and I'll get to this test later, but
12 the Static 99 test that she did she did it wrong. And she
13 readily admitted on the stand oops, I made a mistake.

14 And Mr. Bogle says well, of course, we all make
15 mistakes. Oops, I made a mistake. But she made multiple
16 mistakes in this case. She made the probation revocation
17 mistake. She made the huge mistake on the one test that
18 she actually had to do. So if you can get past her
19 credibility issues,, and the judge is gonna tell you that
20 you don't have to take what she testifies into account.
21 You can say you don't believe her. You can say you believe
22 part or all of her. But you don't have to take what she
23 says into account. But if you do, I'm gonna through the
24 scores and what she actually did.

25 The Static 99 test, which is the one that she actually

1 did herself, we don't know if it's a six or a seven or an
2 eight. We don't know because she couldn't even tell you
3 because she made mistakes. Its changed, and she said it
4 would change again in five years because he would be older.
5 But I think it's important that she did not bring up the
6 statistic when she was on direct that seventy percent do
7 not reoffend.

8 Ask yourself why she didn't tell you that. Is it
9 because she was trying to hide it from you? Or she didn't
10 want you to know that? Because seventy percent, ladies and
11 gentlemen, the people in Mr. Mosier's shoes do not reoffend
12 and that's what this statistic showed. That's way more
13 than reasonable doubt. That's more than two thirds of the
14 people do not reoffend.

15 And she gave him -- She testified when she goes
16 through the points you give him a point because he hadn't
17 lived with a lover for two years. Well, he was twenty-
18 seven when he went into prison this last time. And at
19 twenty-seven she testified not necessarily people his age
20 have lived with somebody for two years. So he
21 automatically gets a point for something that he might not
22 necessarily would have done at his age. If he was sixty,
23 yeah, he's had a much more chance to do so, but at twenty-
24 seven, no. So that takes you down to of course possibly a
25 five, a six, or a seven. And again in five years he'd go

CLOSING ARGUMENT: BY MS. BROWDER

-179-

1 down to a four or five or a six because his age changes.

2 And then that takes you to this PPG test. And, ladies
3 and gentlemen, I submit to you this is just an absolutely
4 absurd test. She made predictions on this to things she
5 wasn't even there for. She took the word of a man that the
6 State didn't even bring here to testify as to how this test
7 was done; how he does these test, what standards he used.
8 And she even testified that if Mr. Mosier had done it at a
9 different facility it could have been different. The same
10 woman who says she doesn't always use this test and she
11 doesn't put the results in it but she doesn't like them,
12 ladies and gentlemen.

13 You heard her testify she had the previous case. The
14 only thing the guy tested for was a rape of a victim which
15 none of his victims shows so she's like well, I'm not gonna
16 put that in because that doesn't go with my diagnoses.
17 Well that's not for her to decide. That's for you to
18 decide. That's for everybody that had the information for
19 and decide how are we gonna use this. And she said well,
20 it didn't even show what his victims showed. But that
21 showed exactly how unreliable it is. It doesn't show
22 exactly what people are gonna be aroused to. And he looked
23 at the results from Mr. Mosier's exam.

24 Remember she told you there only had to be ten
25 percent, not seventy, not eighty, not anything beyond a

1 reasonable doubt; ten percent showed clinical attention to
2 it but twenty percent actually shows sexual arousal.

3 Well the one thing that he showed the lowest on was
4 the one victim he actually did have that the State
5 presented to you and that was only ten percent. It wasn't
6 even up to twenty percent sexual arousal. So again, that
7 shows you how unreliable this test can be.

8 And she also stated that you can't use that for the
9 sole reason. But if you listen to her testimony she had
10 three diagnoses for him. The pedophilia, the other
11 specified paraphilic, and the anti-social. Well, the other
12 specified paraplegic she testified in her report it only
13 says based on his PPG results. She used that solely for
14 that diagnosis, nothing else. That contradicts everything
15 that she says.

16 Which then goes to her whole idea that past behavior
17 is the best future -- best predictor of future behavior.
18 Well if that's the case, ladies and gentlemen, none of us
19 can never change. None of us can go forward with our life
20 and put the past behind us. We cannot have done things in
21 our youth and that's what we're gonna be judged for for the
22 rest of our life.

23 You can be an alcoholic in the past but you're not
24 drinking anymore, but that doesn't matter according to
25 Doctor Swan because you're judged on your past behavior.

CLOSING ARGUMENT: BY MS. BROWDER

-181-

1 You can have tons of crimes in your past, and nothing for
2 the last five years, but to Doctor Swan that doesn't matter
3 because you're gonna be judged on your past crimes from
4 when you were young.

5 Which goes to she said that nothing has intervened at
6 this point for Mr. Mosier. Well, there's one big thing
7 that intervened. She talked about this wake-up call when
8 he was sixteen, the first one; he got probation nothing
9 happened to him. The big wake-up call is prison, ladies
10 and gentlemen. He went to prison and you heard her say
11 most people in prison in his shoes that she deals with in
12 sexually violent predator cases are constantly getting into
13 trouble. They're constantly having problems, they're
14 constantly lying to her. Well, I think it goes to show
15 that Mr. Mosier this was a wake-up call. He followed all
16 the rules while he was in there. He wasn't having
17 problems. He began to understand what his limitations
18 were.

19 And I believe that goes to show with the anti-
20 personality disorder she used a couple of things. One was
21 deceitfulness. Well, she testified most people lie to her.
22 He did not. She wouldn't have even known about some of the
23 things if he hadn't said something to her. Because he was
24 honest, he recognizes at this point I know what it is, I
25 know what I got to do, so he was honest with her. That

1 takes away the deceitfulness.

2 She stated he failed to follow the rules. Well again,
3 like I just stated, she testified most of 'em get in
4 trouble while they're in there. Not Mr. Mosier. He
5 started to follow the rules. She wanted to take in this
6 part about he had been fighting since he was four years
7 old.

8 Ladies and gentlemen, when you're four years old, that
9 was thirty years ago for Mr. Mosier, use your common sense.
10 Is that something you can use when making a diagnosis that
11 you might get into some fights when you're four years older
12 in school. She put up no evidence; she told you nothing
13 about fighting as an adult, fighting's since he was sixteen
14 years old, so you take that one out.

15 I kind of always heard the statement trying to predict
16 the future is like trying to drive down a country road at
17 night with no headlights looking out the back window. It's
18 just impossible. There is no way you can predict the
19 future. Meteorologist every day try to predict what's
20 gonna happen. They'll state there's only a thirty percent
21 chance of rain and it will be raining outside right now, so
22 there's a hundred percent chance of rain that it's raining.

23 Ladies and gentlemen, you can't predict what's gonna
24 happen. The State, and Doctor Swan who has an massive
25 amount of credibility issues depending on how you look at

CLOSING ARGUMENT: BY MS. BROWDER

-183-

1 it, can't predict what Mr. Mosier is gonna do in the future
2 or what he might do in the future. What they gave you was
3 a flawed man who made some mistakes. He admitted he made
4 those mistakes, he pled guilty to them. He faced the
5 consequences for them. And now they're here wanting to put
6 him in long-term care, control and treatment.

7 They're depending on the PPG test that Doctor Swan
8 doesn't even always use the results of for her diagnosis
9 because it can't be that reliable. They're using the
10 Static 99 that Doctor Swan did herself and admittedly on
11 the stand says yeah, I screwed that up. That's the one
12 thing she's been trained to do is this one test to
13 determine whether she thinks someone is a sexually violent
14 predator or not.

15 They gave you a man who she said will be on the sex
16 offender registry. But, ladies and gentlemen, none of that
17 rises to the fact of beyond a reasonable doubt. And like I
18 stated before, if you're worried and you're not sure and
19 you have to play it on the safe side, that's reasonable
20 doubt.

21 I grew up in Lexington and I was always a goody two
22 shoes growing up because my brother got everything he
23 wanted, but my daddy always said when I had a hard decision
24 to make, the right thing to do ain't always the easiest
25 thing to do. This case, Ladies and gentlemen, it might not

CLOSING ARGUMENT: BY MS. BROWDER
CHARGE TO THE JURY:

-184-

1 be easy for you to look at these past crimes that he
2 admittedly did, but this case with these facts, the right
3 verdict in this is that he is not a sexually violent
4 predator. Thank you.

5 THE COURT: Thank you. Anything further?

6 MR. BOGLE: Nothing further, your Honor. Thank you.

7 CHARGE TO THE JURY

8 THE COURT: Ladies and gentlemen, I am now going to
9 instruct you on the law, in essence I am going to read you
10 the applicable law in the case. When I get through with
11 that you'll be allowed to go to the jury room and begin to
12 deliberate, so I begin:

13 Mr. Foreman, ladies and gentlemen of the jury, it is
14 now my duty as the trial judge under the Constitution of
15 this state to charge and instruct you on the law applicable
16 to this case. It is your duty as jurors to accept and
17 apply the law as I will now state it to you.

18 The State has brought this case under the *Sexually*
19 *Violent Predator* law of South Carolina. The State seeks
20 the civil commitment of Franklin Mosier, the Respondent,
21 for long-term control, care and treatment in a secure
22 facility. This is not a criminal proceeding seeking
23 incarceration, but rather is a proceeding seeking civil
24 commitment.

25 The State of South Carolina alleges or claims that the

CHARGE ON THE LAW:

-185-

1 Respondent, Franklin Mosier, is a sexually violent predator
2 under the law. Respondent denies that he is a sexual
3 violent predator, and the burden of proof is therefore on
4 the State to prove by evidence sufficient to satisfy each
5 of you beyond a reasonable doubt that Mr. Mosier is a
6 sexually violent predator. If the State is unable to meet
7 that burden of proof as to one or more of the elements of
8 this claim, the Respondent is entitled to a finding that he
9 is not a sexually violent predator.

10 Ladies and gentlemen, I want to make sure that you
11 understand that Franklin Mosier is not accused of
12 committing a crime in this proceeding. As you heard from
13 the testimony, he did have previous charges for which he
14 was sentenced by the court. The Respondent has now
15 completed his sentence for those charges, and the State is
16 now alleging that Mr. Mosier is a sexually violent
17 predator. The State has the burden of proof in this case
18 and must prove its case beyond a reasonable doubt.

19 Now, during this trial you and I have separate duties
20 to perform. As the trial judge it is my responsibility to
21 preside over the trial, and I also have the duty to rule
22 upon the admissibility of the evidence offered during the
23 process of this trial. In that regard, you are to consider
24 only the competent evidence before you, and you are to
25 disregard from your mind any testimony ordered stricken

1 from the record of this case and during the process of this
2 trial; if there was any. You are to consider only the
3 testimony which has been presented from this witness stand,
4 together with any exhibits admitted into the record of this
5 case and any stipulations of counsel made into the record,
6 if there were any.

7 Furthermore, I have the additional duty to charge you
8 on the applicable law of this case and in that regard, I am
9 the sold judge of the law in this case. It is your duty to
10 accept and apply the law as I now state it to you. If you
11 have any preconceived ideas as to what the law is, or what
12 the law ought to be, and it does not agree with what I tell
13 you the law is, you are obligated under your oath to
14 abandon these preconceptions, because you are sworn to
15 accept the law precisely as I now state it to you.

16 In this trial you are the sole and exclusive judge of
17 the facts, and I am the judge of the law. Do not infer
18 that I have any opinion about the facts in this case from
19 anything I have said during the course of this trial in
20 ruling upon the admissibility of evidence or otherwise, or
21 from anything that I now say during the course of this
22 charge to you. In this regard, the law simply does not
23 permit me to have an opinion about the facts. As jurors,
24 it is your duty alone to determine the effect, value, and
25 weight of the evidence presented during the course of this

CHARGE ON THE LAW:

-187-

1 trial.

2 While the arguments of counsel is beneficial -- is a
3 beneficial part of every trial, you should remember that
4 the statements made by the counsel are not evidence. In
5 presenting arguments, counsel often refer to the evidence.
6 However, you should base your verdict on the evidence as
7 you remember it. Therefore, if there are any conflicts
8 between the recollection of counsel about the evidence and
9 your own recollection, you should rely upon your own
10 understanding of the evidence.

11 Ladies and gentlemen, in most civil cases tried in the
12 Court of Common Pleas, the burden of proving a claim is by
13 the preponderance, or greater weight, of the evidence.
14 However, in this type of case under this particular
15 statute, the State's burden is greater than that: Here it
16 must be beyond a reasonable doubt.

17 As already stated to you, the State has the burden of
18 proof. Under the law of this state, according to the
19 *Sexually Violent Predator* statute, the State must prove its
20 case to the standard of proof beyond a reasonable doubt. If
21 the State fails to meet this high burden, then you must
22 find that Mr. Mosier is not a sexually violent predator.

23 What is a reasonable doubt in the law?

24 Proof beyond a reasonable doubt is proof that leaves
25 you firmly convinced that the respondent is a sexually

1 violent predator. Ladies and gentlemen, there are very few
2 things in this world that we know with absolute certainty,
3 and in this type of case the law does not require proof
4 that over comes every possible doubt. If based on your
5 consideration of the evidence, you are firmly convinced
6 that Mr. Mosier is a sexually violent predator then you
7 must return a verdict for the State. If, on the other
8 hand, you think that there is a real possibility that he is
9 not a sexually violent predator, you must give him the
10 benefit of the doubt and return a verdict for the
11 Respondent. Reasonable doubt may arise from evidence that
12 is in this case or from the lack of evidence in this case.
13 It is up to you, the jury, to determine whether or not a
14 reasonable doubt exist in this case.

15 There are two types of evidence which are presented
16 during a trial: Direct evidence and circumstantial
17 evidence.

18 Direct evidence is the testimony of a person who
19 claims to have actual knowledge of a fact, such as an eye
20 witness. It is evidence which immediately establishes the
21 main fact to be proved.

22 Circumstantial evidence is proof of a chain of facts
23 and circumstances indicating the existence of a fact. It
24 is evidence which immediately establishes collateral facts
25 from which the main fact may be inferred. Circumstantial

1 evidence is based on inference and not on personal
2 knowledge or observation. It is proof that does not
3 actually establish the fact in question, but that asserts
4 or describes something else from which you may either
5 reasonably infer the validity of the fact or at least
6 reasonably infer and increase in the probability that the
7 fact is valid.

8 For circumstantial evidence to be sufficient to
9 warrant the finding of a fact, the circumstances must lead
10 to that fact with reasonable certainty. The facts and
11 circumstances should be considered in light of ordinary
12 experience and common sense. The existence of a fact
13 cannot be based on speculation, surmise, or conjecture.

14 The law makes absolutely no distinction between the
15 weight or value to be given to either direct or
16 circumstantial evidence. Nor is a greater degree of
17 certainty required of circumstantial evidence than of
18 direct evidence.

19 In determining what the facts in this case are, you
20 must judge the credibility, which simply means the
21 believability, of the witnesses and the value of weight to
22 be given to their testimony. You alone must decide the
23 force, effect and validity of the testimony. In making
24 this decision there are many things you may, and should,
25 take into consideration, such as:

1 The appearance and manner of the witness on the stand,
2 a characteristic often referred to as the demeanor of the
3 witness.

4 Was the witness forthright ... or hesitant?

5 Was the witness's testimony consistent ... or did it
6 contain discrepancies?

7 What was the ability of the witness to know the facts
8 about which he or she testified?

9 Was there some reason a witness would want to give
10 testimony which would help or hurt one side or the other?
11 In other words, was the witness biased or prejudiced?

12 Was the testimony of the witness reasonable when
13 considered in the light of all the evidence in the case and
14 in the light of your own experience and common sense?

15 Was the testimony of the witness corroborated or made
16 stronger by other testimony and evidence, or was it made
17 weaker or impeached by such other testimony and evidence?

18 As jurors please understand that you have the right to
19 believe a small portion of a witness's testimony and
20 discard the larger portion, or vice versa. You may believe
21 all of a witness' testimony, or none. You may believe the
22 testimony of a single witness against that of many
23 witnesses, or the other way around.

24 And, of course, you do not determine the validity
25 merely by counting the number of witnesses presented by

CHARGE ON THE LAW:

-191-

1 each side.

2 The fact that testimony is not controverted does not
3 mean that you must accept it as valid and undisputed. You
4 still must gauge the credibility of the witness to
5 determine the believability or validity of the facts
6 offered through the testimony.

7 In exercising your mental processes and attempting to
8 decide how to reach a verdict, the law simply requires that
9 you exercise your good judgment, your common sense, your
10 sense of logic and reason, and your experiences in life.
11 You then apply these attributes to the evidence and apply
12 the law as I am now going to state it to you, and thus
13 arrive at a verdict.

14 During the course of this trial, you heard -- also
15 heard the testimony of an expert witness. The rules of
16 evidence ordinarily do not permit witnesses to testify to
17 opinions or conclusions. Instead, they can testify as to
18 facts they perceived, such as what they saw, smelled, heard
19 or touched. However, an exception to this rule exist for a
20 witness we call an expert witness. A witness who has
21 special knowledge, skill, experience, training, or
22 education in a particular field may state an opinion as to
23 relevant and material matters in which the witness claims
24 to be an expert.

25 In determining the weight to be given to such an

1 opinion, you should likewise consider the qualifications
2 and credibility of the expert and the reasons given for the
3 opinion. You are not bound by such opinion, rather, you
4 should give it the weight, if any, which you think it
5 deserves.

6 The value and effect of expert testimony is a matter
7 to be solely estimated by you, the jury. No opinion of an
8 expert can be accepted, in and of itself, as valid or
9 reliable, but must be weighed by you and convince your
10 judgment beyond a reasonable doubt and with the same force
11 and effect as any other fact provided in this case before
12 you can rely upon it.

13 You must consider expert testimony in the same manner
14 as you do any other testimony and give to it such weight as
15 you believe it to be entitled when considered with all the
16 other evidence in this case. Such testimony is given for
17 the purpose of helping you and not for the purpose of
18 controlling your judgment.

19 The elements which the State must prove beyond a
20 reasonable doubt are:

21 One: That the Respondent has been convicted of a
22 sexually violent offense. I charge you that assault and
23 battery of a high and aggravated nature, or indecent
24 liberties, where the judge made a finding on the record
25 that Respondent's offense should be considered a sexually

CHARGE ON THE LAW:

-193-

1 violent offense, is a sexually violent offense.

2 And, Two: That the Respondent suffers from a mental
3 abnormality or personality disorder that makes him likely
4 to engage in acts of sexual violence if not confined in a
5 secure facility for long-term control, care, and treatment.

6 Inherent in these two elements is that the State must
7 prove the requirement that the Respondent's mental
8 abnormality or personality disorder causes him serious
9 difficulty in controlling his behavior.

10 In other words, the State must prove beyond a
11 reasonable doubt that the individual it seeks to commit
12 suffers from a mental illness which he cannot sufficiently
13 control without the structure and care provided by a mental
14 health facility, rendering him otherwise likely to commit a
15 dangerous act.

16 In order for you to better understand the elements of
17 the State's cause of action, I'm going to define for you
18 some of the terms that I've just used.

19 Mental abnormality means a mental condition affecting
20 a person's emotional or volitional capacity that
21 predisposes the person to commit sexually violent offenses.
22 This mental abnormality or personality disorder must cause
23 Mr. Mosier serious difficulty in controlling his behavior.

24 Two: Likely to engage in acts of sexual violence
25 means the person's propensity to commit acts of sexual

1 violence is of such a degree as to pose a menace to the
2 health and safety of others so that he is dangerous to
3 others.

4 Again. I remind you that the burden of proof is on the
5 State to prove to your satisfaction beyond a reasonable
6 doubt that the Respondent has been convicted of a sexually
7 violent offense as I've instructed you, and also suffers
8 from a mental abnormality or personality disorder that
9 makes him likely to engage in acts of sexual violence if
10 not confined in a secure facility for long-term control,
11 care, and treatment.

12 If the State carries its burden of proof and convinces
13 you beyond a reasonable doubt as to each of the two
14 elements of its cause of action, it is entitled to a
15 finding that Mr. Mosier is a sexually violent predator. If
16 the State does not meet that burden of proof as to one or
17 both of these elements, the Respondent is entitled to a
18 finding that he is not a sexually violent predator.

19 Mr. Foreman, -- I mean, Madam Foreman, Madam Forelady,
20 and ladies and gentlemen of the jury, as you retire to
21 begin your deliberations, I wish to express the hope that
22 each of you will be mindful of the importance of your
23 responsibility. You are not called upon to serve as jurors
24 very often, and the proper performance of the duty requires
25 each of you to reach the height of freeing your mind of all

CHARGE ON THE LAW:

-195-

1 improper influences.

2 As the presiding officer of this court, I am vitally
3 concerned that whatever verdict you find will be the result
4 of your going into that jury room and confining your
5 consideration to the evidence and the law that you have
6 heard in this courtroom, weighing it fairly and
7 impartially, as I have ever confidence you will do.

8 Your verdict in this case cannot be based on sympathy,
9 compassion, prejudice, or emotion or some other
10 consideration not found in the evidence. Remember, your
11 verdict must be unanimous. All twelve of you must agree on
12 the verdict.

13 I am going to, in just a few moments I'll allow you to
14 go back to your jury room. I will then -- We will take up
15 some matters outside of your presence. Do not begin
16 discussing the case until I send the verdict form back and
17 any evidence that's been presented. The bailiff will knock
18 on the door, hand you the verdict form, and any evidence.
19 At that time you may begin to deliberate.

20 Madam Forelady, your verdict form is pretty self
21 explanatory. It's entitled *Verdict Form*, the State as the
22 petitioner, the State of South Carolina proven beyond a
23 reasonable doubt that Respondent, Franklin Mosier, is a
24 sexually violent predator under the *South Carolina Sexually*
25 *Violent Predator Act*.

1 We the jury unanimously answer the question as
2 follows: And the particular order that they're laid out
3 here has no meaning. You just have to put one in front of
4 the other. The first response is, Yes, Franklin Mosier is
5 a sexually violent predator. If that is your unanimous
6 verdict, then, Madam Forelady, I would ask that you check
7 that line, and sign your name and date of the verdict form.

8 On the other hand if your answer is No, Franklin
9 Mosier is not a sexually violent predator, I ask that you
10 check that appropriate line, sign your name, and date it.
11 Once you have reached your verdict, if you would knock on
12 the door, hand the verdict form and the evidence to the
13 bailiff. I'm sorry, you'll keep the verdict form and
14 evidence in your hand. You will come back here in the
15 courtroom, once you are seated I will ask you if you have
16 reached a unanimous verdict, and at that time I'll take
17 your answer and then you will hand the form to the bailiff
18 who will hand it up to the Court.

19 That concludes the instructions that I'm required to
20 give you in this case. I'm gonna allow you to go to your
21 jury room right now. Again, do not begin discussing or
22 deliberating until the bailiff knocks on your door and
23 hands you the verdict form and any evidence. I do remind
24 you again, you are not even at this point allowed to use
25 anything other than what you have before you, or you

CHARGE ON THE LAW:

-197-

1 remember. Don't be using your -- any phones or electronic
2 devices during jury deliberations to look things up. That
3 is impermissible and not allowed.

4 And so at this point, I'm gonna allow you to go back
5 to your jury room. Everyone else remain seated.

6 Mr. Alternate, if you'd just come, stand right here
7 just a second.

8 (JURY EXITS COURTROOM TO DELIBERATE AT 10:46 AM.)

9 THE COURT: I'm gonna ask that you just step right
10 outside the door here and stand by the bailiff. We're
11 gonna take up a matter outside the jury's presence and then
12 I'm gonna ask him to bring you in in just a moment

13 Thank you.

14 He does not go in the jury room.

15 (ALTERNATE JUROR EXITS COURTROOM.)

16 THE COURT: Anything further, Mr. Bogle?

17 MR. BOGLE: No, your Honor. We would renew our
18 opposition to the motion to strike that language at the
19 bottom of pages 2 and the top of page three from the jury
20 charge. And renew our motion to add the jury charge about
21 the payment of expert witnesses too.

22 THE COURT: All right. Thank you. I note your
23 renewal of those motions. Again, my ruling will remain the
24 same.

25 MR. BOGLE: Thank you, your Honor.

1 THE COURT: All right. Ms. Browder?

2 MS. BROWDER: Nothing, your Honor.

3 THE COURT: All right. If y'all want to come and take
4 a look at the Verdict Form, and I think the only piece of
5 evidence was that certified conviction; is that correct?

6 MR. BOGLE: That's right. We got sentencing sheet and
7 indictment. The numbers are right. That's the one that
8 has that on it. The Verdict Form.

9 Yes, your Honor, everything is here.

10 THE COURT: All right. Just hand those to the
11 bailiff.

12 And let's ask the -- If you'll knock on the door, hand
13 that to the jury, and then have -- while you're going out
14 have the alternate to come right back in.

15 (ALTERNATE JUROR REENTERS COURTROOM.)

16 THE COURT: You're through. Thankfully nobody got
17 sick over night. That happens; sometimes for various
18 reasons juror's might not be able to complete their service
19 and you would have been needed to be in there, but under
20 our rules twelve people will decide and so, appreciate your
21 service in being here, and you are free to go. You can
22 stay if you want, but on the other hand you are free to go.

23 I will tell you that sometimes lawyers may want to get
24 in touch with jurors and ask them questions. You're
25 allowed to talk to him, them, or anybody else in this case.

1 On the other hand, if you don't want to talk to anybody,
2 whether it be a lawyer or anybody else calling you and
3 asking you about the case, you are not required to and you
4 don't have to. That's -- You can talk to whoever you want
5 to, or you can decline to talk from this point forward.

6 All right. Thank you. You can step out the door.

7 Does he need to go out with you or do we want to send
8 him out this way?

9 THE BAILIFF: He can go out the back.

10 THE COURT: All right. They'll take your badge at the
11 back. Thank you.

12 (ALTERNATE JUROR DISMISSED AT 10:48 AM.)

13 THE COURT: All right. We'll be at ease until the
14 jury comes back.

15 (COURT IN RECESS AT 10:49 AM.)

16 (WHEREUPON, COURT'S EXHIBIT NO. 1, IDENTIFIED AND
17 MARKED, RECEIVED INTO EVIDENCE AT 11:02 AM.)

18 (COURT BACK IN SESSION AT 11:22 AM.)

19 THE COURT: Thank you. Please be seated.

20 (RESPONDENT, FRANKLIN MOSIER, REENTERS COURTROOM.)

21 THE COURT: All right. Thank you. The Court's been
22 informed that the jury has reached a verdict.

23 Let's bring the jury in.

24 (JURY REENTERS COURTROOM AT 11:24 AM.)

25 THE COURT: All right. Thank you. Madam Forelady,

VERDICT:

-200-

1 has the jury reached a unanimous verdict?

2 MADAM FORELADY: We have.

3 THE COURT: If you would pass the Verdict Form to the
4 bailiff.

5 (VERDICT RECEIVED UP BY THE COURT.)

6 THE COURT: Madam Clerk, if you will publish the
7 verdict.

8 MADAM CLERK: The State of South Carolina in the
9 County of York in the *Matter of the Care and Treatment of*
10 *Franklin Mosier*, in the Court of Common Pleas, Case Number
11 2016-CP-46-0-2-9-6 has the Petitioner, the State of South
12 Carolina, proven beyond a reasonable doubt that Respondent
13 Franklin Mosier is a sexually violent predator under the
14 *South Carolina Sexually Violent Predator Act*, we the jury
15 unanimously answer the questions as follows:

16 Yes, Franklin Mosier is a sexually violent predator,
17 signed this day by Foreperson, Jacqueline Pounds, June
18 13th, 2017.

19 Ladies and gentlemen of the jury, if this is your
20 verdict, please indicate so by raising your right hand?

21 Thank you. Let the record reflect all hands are
22 raised.

23 (ALL JURORS HANDS RAISED.)

24 THE COURT: All right. Anything further from the
25 State before releasing the jury?

1 MR. BOGLE: No, your Honor. Thank you.

2 THE COURT: Anything from the Defense before the jury
3 is --

4 MS. BROWDER: No, sir.

5 THE COURT: Ladies and gentlemen, thank you for your
6 service this week. That concludes your jury service. The
7 bailiffs will show you out. At this point you are allowed
8 to talk to anyone you wish to about the case. Sometimes
9 attorneys like to ask jurors questions about particular
10 cases, and they are allowed to do that under our rules.

11 You can talk to them if you wish; on the other hand if
12 you don't want to talk to them, you certainly can exercise
13 that right and just say I don't want to discuss the case
14 with you, and you're not required to discuss it. But,
15 again, you're free to now discuss this case or this matter
16 with anyone you see fit that you choose to do so.

17 So thank you again for your service. The bailiffs
18 will show you out. If everyone will remain seated while the
19 jury ultimately leaves.

20 (JURY DISMISSED AT 11:27 AM.)

21 THE COURT: All right. Thank you. Anything further
22 for the record, Mr. Bogle?

23 MR. BOGLE: No, your Honor.

24 THE COURT: Ms. Browder?

25 MS. BROWDER: Yes, sir. At this time I would renew

1 all of our prior motions and would ask for a new trial.
2 Based on the evidence presented we don't believe that the
3 juror's could have come to that conclusion.

4 THE COURT: All right. Thank you. I deny that
5 motion. And again, the Court abides by all prior rulings.

6 All right, thank you. And thank you for y'all's
7 professionalism. And that concludes this matter.

8 (END OF TRANSCRIPT OF RECORD.)

9 (COURT ADJOURNED IN THE MATTER OF THE CARE AND
10 TREATMENT OF FRANKLIN MOSIER AT 11:30 AM.)
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CERTIFICATE OF REPORTER

State of South Carolina)
)
County of York)

I, Wanda Nelson, Official Court Reporter for the Sixteenth Judicial Circuit for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas for York County, South Carolina, on the 12th and 13th days of June, 2017.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Wanda S Nelson
Wanda Nelson, CVR-M
Certified Verbatim Reporter,
Official Court Reporter,
Notary Public, in and for
The State of South Carolina.

My Commission Expires: 1/21/2021

DATE: August 26 / 2017

178 STATE OF SOUTH CAROLINA
COUNTY OF York
STATE VS.
Franklin Mosier

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2010-GS-46-01533

A/W#: K386965

Date of Offense: 6/20/2009

S.C. Code § 16-3-0655

QPR Code #: 0385

AKA:

Race: W

Sex: M

Age: 28

DOB: [REDACTED]

SS#: [REDACTED]

Address: Giles Road

City, State, Zip: Mc Connells, SC 29726

DL#: [REDACTED]

SID#: [REDACTED]

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

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

TO: ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE - INDECENT LIBERTIES

SENTENCE SHEET

in violation of § 17-25-30

of the S.C. Code of Laws, bearing CDR Code # 0013

☒ NON-VIOLENT

☐ VIOLENT

☐ SERIOUS

☐ MOST SERIOUS

☐ Mandatory GPS(CSC

w/minor 1st or Lewd-Act)

☐ §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:

Colton, Jennifer S.

SC Bar# 68591

Defendant

Attorney for Defendant

SC Bar# 77156

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years

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

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

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

SPECIAL CONDITIONS:

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

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$100

\$100

\$12

\$25

\$500

\$25

\$150

\$50

\$40/ca

\$5

\$

\$130

PTUP

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐

Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: No contact with victim

while on parole

☐ Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

David Hamilton

Michael Watts

2113
7-24-11

WITNESSES

RHPD/Harveston

ARREST WARRANT NUMBER

K-386965

ACTION OF GRAND JURY

Is/ R. B. Vess **TRUE BILL**

4-22-2010 True Billed

J. Bal
person of Grand Jury
Date: 6/16/11

VERDICT

Foreperson of Petit Jury
Date:

AMENDED
DOCKET NO. 2010-GS-46-01533

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

June 16, Term 2011

THE STATE

vs.

FRANKLIN JOSEPH EDWARD MOSIER
AKA
EDDIE JOE MOSIER

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 1ST DEGREE

SC Code: 16-03-655
CDR Code: 385

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

Defendant

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

*Assault with a Dangerous Weapon
Aggravated - Endangerment Liberties*

John Mann
Defendant

Witness:
Mark Andrew Davis
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA) CERTIFIED TRUE COINDICTMENT
)
 COUNTY OF YORK) 2016 MAR 23 AM 10: 54

DAVID HAMILTON
 CLERK OF COURT

At a Court of General Sessions convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

The defendant, Franklin Joseph Edward Mosier aka Eddie Joe Mosier, did in York County, South Carolina, on or about June 20, 2009, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: the defendant did commit a sexual battery upon Minor #1, date of birth: [REDACTED] 1999, all in violation of Section 16-03-655, Code of Laws of South Carolina, 1976, as amended.

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


 ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE MATTER OF THE CARE AND
TREATMENT OF

FRANKLIN MOSIER,
Respondent

) IN THE COURT OF COMMON PLEAS
) SIXTEENTH JUDICIAL CIRCUIT
) CASE NO. 2016-CP-46-214

) PETITION PURSUANT TO THE
) SEXUALLY VIOLENT PREDATOR ACT

FILED-RECEIVED
2016 JAN 29 AM 11:41
DAVID HARRINGTON
CLERK OF COURT
YORK COUNTY, S.C.

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

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Franklin Mosier (hereafter, Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **Respondent's max out date is currently on or about July 25, 2016.** His Inmate No. is 347143, and he was born in 1982.
3. The Multi-Disciplinary Team (MDT) on December 17, 2015 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**attached as PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions / adjudications; documentation, if any of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's review Committee (PRC) on January 20, 2016 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.
5. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30(1), to wit:

QUALIFYING SEXUALLY VIOLENT CONVICTION (EXHIBIT C):

- A. Type of Conviction: Assault & Battery of a High and Aggravated Nature*
- B. Date of Conviction: July 26, 2011

C. Trial or Plea: Plea
 D. Sentence Received: 10 years
 E. Original Charge(s): Lewd Act on a Minor (2 cts)
 Criminal Sexual Conduct with a Minor 1st
 F. Max-out date: 07/25/2016
 G. Brief Facts:

*Per the sentencing sheet, the Judge (Alford) ordered Respondent be placed on the Sex Offender Registry. The sentencing sheet also reflects a requirement for Sexually Violent Predator Act review.

Victim 1 = 10 year old female (Cousin)

On August 2, 2009, Victim 1's mother reported Respondent sexually assaulted her daughter. During a forensic interview, Victim 1 disclosed that while visiting with her father Respondent came into the bedroom, pulled her close to him and tried to unbutton her pants. The next night Victim 1 was playing a game. She became tired and lay down on the sofa. Victim 1 stated Respondent came into the room, held her down, undid her pants and put his hand inside of her pants, and digitally penetrated her vagina. Victim 1 stated, Respondent repeated "you are my ^{Minor #1}" over and over again.

PRIOR SEXUALLY VIOLENT OFFENSES (EXHIBIT D):

A. Type of Conviction: Assault & Battery of a High and Aggravated Nature
 B. Date of Conviction: April 24, 2000
 C. Trial or Plea: Plea
 D. Sentence Received: 7 years suspended to 5 years probation
 E. Original Charge(s): Criminal Sexual Conduct with a minor 1st
 F. Max-out date: 07/25/2016
 G. Brief Facts:

Victim 2 = 10 year old Female (Acquaintance)

Based on a referral from the Department of Social Services, law enforcement interviewed Victim 2, a 10 year old female, regarding an assault by a 16 year old male. Victim 1 reported Respondent's mother babysat her and her sister while their parents were at work. Victim 2, her sister, and Respondent were playing chase, and she and Respondent jumped into an abandoned truck in the yard to hide from her sister. Respondent unzipped his pants and tried to kiss her. They left the truck and later went to a trailer on the property. Victim 1 said Respondent fell down on his back and pretended to be asleep. She leaned down to wake him up. He grabbed her and pulled her down on top of him. She stated Respondent unzipped his pants, put his hand up her culottes and something went inside her that "hurt". A medical examination revealed findings typical of genital penile penetration.

- A. Type of Offense: Criminal Sexual Conduct with Minor (Juvenile Arrest)
- B. Date of Offense: June 29, 1997
- C. Disposition: Nolle-Prossed (Respondent Pled as an adult to a pending charge)
- D. Brief Facts:

Victim 3 = 9 Year Old Male (Cousin)

Victim 3 reported to law enforcement whenever he and his sister spend the night at their uncle's house (Respondent's father) Respondent would "do him up the butt." Victim 3 stated he would tell Respondent to stop but Respondent would not stop. Respondent would also hold his penis in Victim 3's mouth by pushing on the back of Victim 3's head/ Victim stated he told his mother what was happening. An examination of Victim 3 at the ER revealed a rectal tear.

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

- A. Type of Offense: Assault and Battery of a High and Aggravated Nature
- B. Date of Offense: 03/24/2005
- C. Disposition: *Nolle Prossed on 11/03/2006*
- D. Brief Facts: Unknown

Victim 4 = 30 year old male

Victim 4 and Respondent had a verbal and physical altercation that resulted in Victim 4 needing medical attention.

DISCIPLINARY INFRACTIONS WHILE IN SCDC (EXHIBIT E):

- A. Disciplinary(s): 1 (0 Assaultive; 0 Sex Misconduct)
 - a. Violation of Write / Post-Inst. Rules

SEX OFFENDER TREATMENT WHILE AT SCDC:

- A. None.

GENERAL NOTES:

Risk factors common to cases of this nature include: (1) never legally married or never lived with a lover for at least two years, (2) not related to victim, (3) prior sexual offense, (4) length of sexual offending history one to six years, (5) multiple acts on a single victim, (6) more than one victim, and (7) victim age 11 or younger.

- 6. Sufficient evidence exists or will exist, to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care and

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

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

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

1. Over a period of at least 6 months, recurrent intense sexual fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
2. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
3. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. (**EXHIBIT F**).

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

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

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

1. The basis of his ABHAN conviction from 2011. (**EXHIBIT C**).
2. The basis of his ABHAN conviction from 2000. (**EXHIBIT D**)
3. The basis of his 1998 Criminal Sexual conduct with a Minor charge (**EXHIBIT D**)

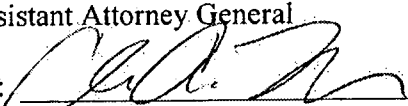
WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator, and orders:

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, but only if he is not already in custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
7. If probable cause is found a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator that he be committed to the custody of the South Carolina Department of Mental Health for long term control, care, and treatment, until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.*, and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

CHRISTOPHER A. MORROW
Assistant Attorney General

By: 
Attorneys for Petitioner
S. C. Bar No. 100703
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
V: (803) 734-8446
F: (803) 734-6679
cmorrow@scag.com

January 26, 2016
Columbia, SC

EXHIBIT A

SEXUAL PREDATOR REFERRAL FORM

Offender Name: FRANKLIN MOSIER Offender Number: 347143 Jurisdictional Agency: SCDC
 Age: 33 County: YORK Qualifying Offense(s): Guilty Plea: Trial:
 Gender: Male No. of Incarcerations: 1 ABHAN

Adult 10 years Parole Eligibility Max-Out
 Sentence: Date: Date: 07/25/2016
 Juvenile Parole SFII
 Guidelines: Release Date: Date:

Case was deferred from the November 19, 2015 MDT

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

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

YES	NO	ABSTAIN
4	0	0

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

[Signature] SCDC -- CHAIRPERSON
[Signature] SCDPPS
[Signature] DMH
[Signature] JDC
[Signature] ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on December 17, 2015, and based upon that assessment, we find that:

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

SEXUAL PREDATOR SYNOPSIS FORM

Offender Name: FRANKLIN MOSIER		Offender Number: 347143	Jurisdictional Agency: SCDC
Age: 33	County: YORK	Qualifying Offense(s): Guilty Plea: _____ Trial: _____	
Gender: Male	No. of Incarcerations: 1	ABHAN	
Adult 10 years	Parole Eligibility Date:	Max-Out Date: 07/25/2016	
Sentence:	Parole Release Date:	SFII Date:	
Juvenile Guidelines:			
Case was deferred from the November 19, 2015 MDT			

SYNOPSIS

Case was deferred from the November 19, 2015 MDT due to the fact that Judge Alford presided over the case; and made a request under "special conditions" on the subject's sentencing sheet for the subject to be reviewed under the SVPA. Judge Alford excused himself from the panel. Without Judge Alford's vote, no quorum.

SEXUAL PREDATOR REFERRAL FORM

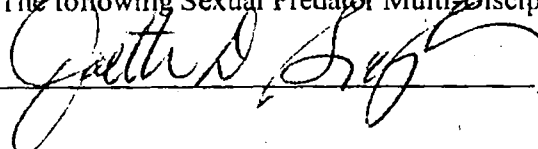
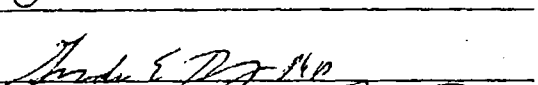
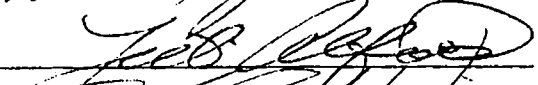
Offender Name: FRANKLIN MOSIER	Offender Number: 347143	Jurisdictional Agency: SCDC
Age: 33	County: YORK	Qualifying Offense(s): Guilty Plea: Trial:
Gender: Male	No. of Incarcerations: 1	ABHAN
Adult 10 years	Parole Eligibility	Max-Out
Sentence:	Date:	Date: 07/25/2016
Juvenile	Parole	SFII
Guidelines:	Release Date:	Date:
AKA: Eddie Joe Mosier		

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

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

YES	NO	ABSTAIN

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

	SCDC -- CHAIRPERSON	DEFERRED DUE TO NO QUORUM
	SCDPPS	
	DMH	JUDGE ALFORD HEARD THE COURT CASE
	JDG	
	ATTORNEY	

MULTIDISCIPLINARY

The offender's records were assessed by the Multidisciplinary Team that assessment, we find that:

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

EXHIBIT B

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

INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
FRANKLIN MOSIER	347143	JANUARY 20, 2016
		MEMBERS PRESENT:
		Barry Bernstein for Alan Wilson
		David M. Stumbo via telephone
		Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: DECEMBER 21, 2016

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

PROBABLE CAUSE DETERMINATION:

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

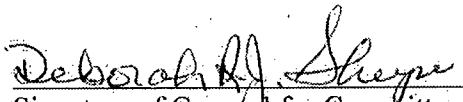

Signature of Counsel for Committee

EXHIBIT C

STATE OF SOUTH CAROLINA

COUNTY OF YORK
STATE VS.

Franklin Mosier

AKA:

Race: W Sex: M Age: 28

DOB: SS#:

Address:

City, State, Zip: Mc Connells, SC 29726

DL#: SID#:

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

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

☐ CONVICTED OF or ☒ PLEADS

TO: ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE - INDECENT LIBERTIES

NO CONTEST

in violation of § 17-25-30 of the S.C. Code of Laws, bearing CDR Code # 0013

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

ATTEST:

Colton, Jennifer S.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

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

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

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-35.

Pursuant to 18 U.S.C Section 922 it is unlawful for a person convicted of a violation of Section 16-23-20 or 16-23-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

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

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

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100 -
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$ 5 -
3% to County (if paid in installments)	\$	\$
TOTAL		\$130 -

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

INDICTMENT/CASE#: 2010-GS-46-01533

A/W#: K386965

Date of Offense: 6/20/2009

S.C. Code § : 16-3-0655

CDR Code #: 0385

SENTENCE SHEET

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: *The contract would be in whole on parole.*☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge

Judge Code:

Sentence Date:

7-26-11

JAIL TIME REPORT FOR SCDC TRANSFER

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787

OFFICE #: (803) 896-8531 FAX#: (803) 896-1217

COUNTY SUBMITTING FORM: York County Detention Center, York, SC

PURSUANT TO SC STATUTE 24-13-40 ...In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing...

Name: MOSIER, FRANKLIN		Date of Birth: [REDACTED]		
Social Security #: [REDACTED]		Race/Sex: W/M		
SID#:		FBI#:		
Arrest Date	Charge	Warrant # (or) Indictment #	Release Date	Reason for Release *
7/26/11	ABHIAN/INDECENT LIBERTIES	W# K386965 I#	8/2/11	R&E
		W# I#		
		W# I#		
		W# I#		
		W# I#		
		W# I#		
		W# I#		
Approved By: <i>[Signature]</i>		Date: 8/1/11		

* Reason for Release (i.e., Explain if transferred to another county/city jail or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

INMATE RECORDS OFFICE
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
P.O. BOX 21787
COLUMBIA, SOUTH CAROLINA 29221-1787
MAIN TELEPHONE #: (803) 896-8531

TO: Records Division
AGENCY: York County Sheriff
FAX #: 803 628 3084 # OF PAGES INCLUDING COVER: 1
FROM: Audrey White DATE: 10/27/15
SECTION: Sexual Violent Predator
RETURN FAX #: (803) 896-2072 PHONE #: (803) 896-1351
MESSAGE: Ref: Masier, Franklin
SCDC #347143 (HKA) Masier, Eddie Lee

Please for an email incident report
for #337651, ^{No case #} ABHAN and H628788
for A HAN, case # 200500001433.

Thanks,
Email: white.audrey@doc.state.sc.us

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TRANSMISSION VERIFICATION REPORT

TIME : 10/28/2015 15:25
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 FAX : 8038962072
 TEL : 8038962072
 SER. # : 000K6J141900

DATE, TIME
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 DURATION
 PAGE(S)
 RESULT
 MODE

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TO: Records Division
 AGENCY: York County Sheriff
 FAX #: 803 628-3084 # OF PAGES INCLUDING COVER: 1
 FROM: Audrey White DATE: 10/27/15
 SECTION: Sexual Violent Predator
 RETURN FAX #: (803) 896-2072 PHONE #: (803) 896-1351
 MESSAGE: Ref: Masier, Franklin
SCDC # 347143 (AKA) Masier, Eddie Lee
Please for an email incident report
for #337651, ABHAN and H628288
for ABHAN, case # 2005 20001433.

INMATE RECORDS OFFICE
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
P.O. BOX 21787
COLUMBIA, SOUTH CAROLINA 29221-1787
MAIN TELEPHONE #: (803) 896-8531

TO: Booking
AGENCY: York Co. Det. Ctr.
FAX #: 803 628-3084 # OF PAGES INCLUDING COVER: 1
FROM: Audrey White DATE: 10/29/15
SECTION: Sexual Violent Predator
RETURN FAX #: (803) 896-2072 PHONE #: (803) 896-1351
MESSAGE: Ref: Mosier, Franklin
(AKA) Mosier, Eddie Joe
Please complete the attached jail
time form. The rap sheet shows the
inmate being arrested on 8/13/09 not
7/26/11.
Thanks,
Email: white.audrey@doc.state.sc.us

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JAIL TIME REPORT FOR SCDC TRANSFER

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 INMATE RECORDS OFFICE, PO BOX 21787, COLUMBIA, SC 29221-1787
 OFFICE #: (803) 896-8531 FAX #: (803) 896-1217

COUNTY SUBMITTING FORM:

York Cnty Detention Center

PURSUANT TO SC STATUTE 24-13-40 ... In every case in computing the time served by a prisoner, full credit against the sentence shall be given for time served prior to trial and sentencing ...

Name: <u>Mosier, Franklin</u>		Date of Birth: <u>[REDACTED]</u>		
Social Security #:		Race/Sex: <u>W/M</u>		
SID #: <u>SC01313786</u>		FBI #: <u>343658NB7</u>		
Arrest Date	Charge	Warrant # (or) Indictment #	Release Date	Reason for Release *
<u>8/13/09</u>	<u>CSC w/ mixer</u>	<u>W # K386965</u>		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
		W #		
		I #		
Approved By:		Date:		

* Reason for Release (i.e., Explain if transferred to another county/city jail, or if inmate bonded). Please submit this form at the time of the inmate's transfer and admission to the SCDC, however, if unable to do so, please mail or fax to the address or number listed above.

TRANSMISSION VERIFICATION REPORT

TIME : 10/29/2015 07:49
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 TEL : 8038962072
 SER. # : 000K6J141900

DATE, TIME
 FAX NO./NAME
 DURATION
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 RESULT
 MODE

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INMATE RECORDS OFFICE
 SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
 P.O. BOX 21787
 COLUMBIA, SOUTH CAROLINA 29221-1787
 MAIN TELEPHONE #: (803) 896-8531

TO: Booring

AGENCY: York Co. Det. Ctr.

FAX #: 803 628-3084 # OF PAGES INCLUDING COVER: 1

FROM: Audrey White DATE: 10/29/15

SECTION: Sexual Violent Predator

RETURN FAX #: (803) 896-2072 PHONE #: (803) 896-1351

MESSAGE: Ref: Mosier, Franklin

(AKA) Mosier, Eddie Joe

Please complete the attached jail

time form. The rap sheet shows the

inmate being arrested on 8/13/09 not



York County Sixteenth Judicial Circuit Public Index



[York County Home Page](#) [South Carolina Judicial Department Home Page](#) [SC.GOV Home Page](#)

Switch View

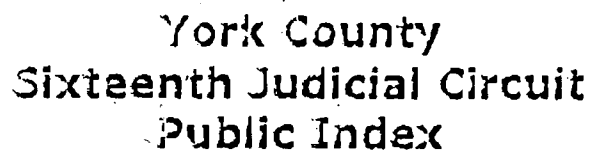
The State of South Carolina VS Franklin Joseph Edward Mosier

Case Number:	K386965	Court Agency:	York County General Sessions	Filed Date:	08/21/2009
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Alford, Lee S.
Disposition:	Pled Guilty				
Disposition Date:	07/26/2011	Date Received:	08/21/2009	Arrest Date:	08/13/2009
Law Enf. Case:		True Bill Date:	04/22/2010	No Bill Date:	
Prosecutor Case:		Indictment Number:	2010GS4601533	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mosier, Franklin Joseph Edward (ABHAN)	0013-Assault / Assault and battery of a high and aggravated nature	0161-Sex / Criminal sexual conduct - Second degree	07/26/2011

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Switch View

Case Number:	K386965	Court Agency:	York County General Sessions	Filed Date:	08/21/2009
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Pled Guilty	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Alford, Lee S.
Disposition:	Pled Guilty				
Disposition Date:	07/28/2011	Date Received:	08/21/2009	Arrest Date:	08/13/2009
Law Enf. Case:		True Bill Date:	04/22/2010	No Bill Date:	
Prosecutor Case:		Indictment Number:	2010GS4601533	Waiver Date:	
Probation Case:					

And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	No Contest; 10 years; cfts 1 day; Sex Registry; No Contact						



York County Sixteenth Judicial Circuit Public Index



York County Home Page South Carolina Judicial Department Home Page SC.GOV Home Page

Switch View

The State of South Carolina VS Eddie Mosier

Case Number:	H628788	Court Agency:	York County General Sessions	Filed Date:	03/28/2005
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Solicitor	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	11/03/2006	Date Received:	03/28/2005	Arrest Date:	03/24/2005
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2005GS4602393	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mosier, Eddie	0013-ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATE	0013-ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATE	11/03/2006

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York County Sixteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Eddie Mosier					
Case Number:	H628788	Court Agency:	York County General Sessions	Filed Date:	03/28/2005
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Solicitor	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	11/03/2006	Date Received:	03/28/2005	Arrest Date:	03/24/2005
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2005GS4602393	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Bond Information								
Bond Id	Set Date	Amend Date	Set By	Type	Amount	Type	Amount	Condition
26964	04/16/2006			Surety Bond	\$5,000.00		\$0.00	

Post Information				
Bond Id	Bond Type	Amount	Date Posted	Posted By
26964	Surety Bond	\$5,000.00	04/25/2006	York County Bail Agent / Palmetto Surety Corporation

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York County Sixteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Eddle Joe Mosler

Case Number:	F337651	Court Agency:	York County General Sessions	Filed Date:	05/27/1998
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Ended	Assigned Judge:	Eppes, Frank	Disposition Judge:	Eppes, Frank
Disposition:	Pled Guilty				
Disposition Date:	04/24/2000	Date Received:	05/27/1998	Arrest Date:	05/22/1998
Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1998GS4602381	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Mosler, Eddle Joe	0013-ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATE	0013-ASSAULT / ASSAULT AND BATTERY OF A HIGH AND AGGRAVATE	04/24/2000

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York County Sixteenth Judicial Circuit Public Index



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Switch View

The State of South Carolina VS Eddie Joe Mosier					
Case Number:	F337651	Court Agency:	York County General Sessions	Filed Date:	05/27/1998
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Ended	Assigned Judge:	Eppes, Frank	Disposition Judge:	Eppes, Frank
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Law Enf. Case:		True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	1998GS4602381	Walver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds							
And/Or	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
	7 YRS SUSP ON 5 YRS PROB						

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Case Report Summary

Print Date/Time: 10/29/2015 11:02
 Login ID: kiserr
 Case Number: 2005-00002361

York County Sheriff's Office
 ORI Number: SC0460000

Case

Case Number: 2005-00002361
 Location: [REDACTED]
 MCCONNELLS, SC 29728
 Reporting Officer ID: F0861 - Ferrell

Incident Type: Assault & Battery - 1078
 Occurred From: 01/22/2005 20:55
 Occurred Thru: 03/24/2005 20:59
 Disposition:
 Disposition Date:
 Reported Date: 01/22/2005 20:55 Saturday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	13A	24-13-470	Throw Bodily Fluids On Employee By Prisoners	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
Suspect	1	Sykes, Richard Donald	[REDACTED] MCCONNELLS, SC 29728	[REDACTED]	White	Male	[REDACTED] 41
Suspect	2	Mosier, Franklin Joseph Edward	[REDACTED] ROCK HILL, SC 29730	[REDACTED]	White	Male	[REDACTED] 22
Victim	1	Walden, John David	[REDACTED] ROCK HILL, SC 29730	[REDACTED]	White	Male	[REDACTED] 29

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
000000018981 A	Mosier, Franklin Joseph Edward	[REDACTED] ROCK HILL, SC 29730	03/24/2005 20:59	On-View Arrest	23

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State

narra

AS400 NARRATIVE FOR CASE # 200500002361

SC0460000

Created 2005/01/28 By CORND

Last Changed 2005/04/18 By CORND

On the above date and time R/O responded to the above location in reference to a stabbing. Upon arriving on scene R/O observed the victim to have a laceration to his right eye and a cut on his left shoulder. EMS was on scene and treated the victim. The victim stated that he was struck in the face by an unknown person holding an unknown object during a verbal argument outside of his residence. The victim stated that he had a verbal altercation at the McConnell Mart earlier with the suspect 2. During that argument the victim stated that he was pushed by the above suspect 2. Upon returning home from the McConnell Mart the victim stated that there were several cars outside his residence. The victim stated that there were about nine subjects stating that they wanted to fight him. While arguing with one of the suspects he was truck by an unknown person. The victim stated that he believed it may have been one of suspect 2's sons. R/O questioned suspect 2 he stated that they did have an argument at the store but that he did not push the victim. The suspect 2 also stated that his sons were not at the fight. R/O spoke with one of the NEXT PAGE the suspect 2's sons (Travis Sykes) but the victim stated that he was not the suspect 1. No weapon was found and the victim was taken to PMC by a family member. Lt Klefer went to PMC ER to take photos of victims injuries. Photos were placed into evidence. Lt Klefer advised that according to ER Doctor that walden suffered a deep laceration into his eye socket. Det Russ Yeager was advised of the incident and will follow up with victim.

Supplemental Wallace dec 03-24-05

Arrested on warrant H628788 for A&B high and aggravated. Mosier was transported to MJC detention without incident. YCSO arrest protocol observed. R/O attempted to contact the victim and was not able to make contact.

208

General Sessions Tracking Sheet

Indictment # 0000GS46

Name: Mosier, Franklin Joseph Edward

Warrant/Ticket # K386965

AKA:

Date of Arrest: 08/13/2009

Addr:

Mc Connells, SC 29726

Date of Offense: 07/18/2009

Date Rev by Clerk 08/21/2009

Magistrate: Clerk Of Court

SSN#

Counts:

Code: 0385/Sex / Criminal sexual conduct
with minor - victim under 11 yrs of age - First
degree

Sex: M Race: W

DOB:

DL# SC

Indictment # 0000GS46-

10-1533

Disposition Information

1. Transmitted to SOL & SCCA:

2. Disp Received by Clerk:

3. Date of Disposition: 7-26-11

Disposition

- ☒ 1. Guilty plea
☐ 2. Trial - guilty
☐ 3. Trial - not guilty
☐ 4. Dism/Not Pros/Pros Ended
☐ 5. Judicial Commitment
☐ 6. Judicial Dismissal
☐ 7. Remanded
☐ 8. Dismissed at Prelim
☐ 8. No Bill
☐ 9. Failure to Appear
☐ 10. Other

Explain:

Explain:

Explain:

Explain:

Explain:

Judge: 2113 Alford

Court Reporter: M. Watts

Defense Atty: Brian Murphy

Solicitor: Jennifer Colton

Counts: 01 Code: 0013 ABHAN Indecent Liberties

Sentence:

No Contest; 10 years; CETS Key Sex Registry
 No Contact
 CETS Key Sex Offender Registry

CERTIFIED TRUE COPY
 2011 JUL 28 AM 9:52
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

COUNTY OF York
STATE VS.
Franklin Mosier

INDICTMENT/CASE# 2010-GS-46-01533A/W#: K386965Date of Offense: 6/20/2009S.C. Code §: 16-3-0655CDR Code #: 0385

AKA:

Race: W Sex: M Age: 28DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Mc Connells, SC 29726DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE - INDECENT LIBERTIESin violation of § 17-25-30 of the S.C. Code of Laws, bearing CDR Code # 0013☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. Full (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Jennifer S. Colton
Colton, Jennifer S.68591
SC Bar#William
Defendant[Signature]
Attorney for Defendant77456
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

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

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-335.

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

SPECIAL CONDITIONS:

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

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 -
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25 -
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5 -
3% to County (if paid in installments)		\$
TOTAL		\$130 -

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

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

\$ _____ paid to Public Defender Fund

Other: No Contact with Victim
while on Parole☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

The defendant, Franklin Joseph Edward Mosier aka Eddle Joe Mosier, did in York County, South Carolina, on or about June 20, 2009, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: the defendant did commit a sexual battery upon [REDACTED], date of birth: [REDACTED], all in violation of Section 16-03-655, Code of Laws of South Carolina, 1976, as amended.

CERTIFIED TRUE COPY
2011 JUL 28 AM 9:52
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

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


ASSISTANT SOLICITOR

WITNESSES

AMENDED
DOCKET NO. 2011-GS-46-00480

The State of South Carolina
County of York

AL SESSIONS

m 2011

ITE

Amise - Can you
Get a copy of
the disposition &
Sentence Sheet
on this case?

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

ARREST WARRANT NUMBER

irect Indictment
re: K-386965

ACTION OF GRAND JURY

/ Tracy Bolin

TRUE BILL

17-2011 True Billed



represent person of Grand Jury
ate: 6/16/11

VERDICT

FRANKLIN JOSEPH EDWARD MOSIER
AKA
EDDIE JOE MOSIER

Indictment for

LEWD ACT UPON A CHILD

SC Code: 16-15-140
CDR Code: 2468

represent person of Petit Jury
ate:

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

LEWD ACT UPON A CHILD

That the defendant, Franklin Joseph Edward Mosier aka Eddie Joe Mosier, a person over the age of fourteen (14) years, did in York County, South Carolina, on or about February 24, 2008, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon the body, or any part or member thereof, of a child under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of said child, all in violation of Section 16-15-140, S.C. Code of Laws 1976, as amended.

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


ASSISTANT SOLICITOR

WITNESSES

RHPD\Harveston

ARREST WARRANT NUMBER

Direct Indictment 2
n re: K-386965

ACTION OF GRAND JURY

s/ Tracy Bolin

TRUE BILL

6-17-2011 True Billed

For: son of Grand Jury
Date: 6/16/11

VERDICT

Foreperson of Petit Jury
Date:

AMENDED
DOCKET NO. 2011-GS-46-00481

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

June 16, Term 2011

THE STATE

vs.

FRANKLIN JOSEPH EDWARD MOSIER
AKA
EDDIE JOE MOSIER

Indictment for

LEWD ACT UPON A CHILD

SC Code: 16-15-140
CDR Code: 2468

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

LEWD ACT UPON A CHILD

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


ASSISTANT SOLICITOR

WITNESSES

RHPD/Harveston

ARREST WARRANT NUMBER

K-386965

ACTION OF GRAND JURY

Is/ R. B. Vess **TRUE BILL**

4-22-2010 True Billed

For Person of Grand Jury
Date: 6/16/11

VERDICT

Foreperson of Petit Jury
Date:

AMENDED

DOCKET NO. 2010-GS-46-01533

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

June 16, Term 2011

THE STATE

vs.

**FRANKLIN JOSEPH EDWARD MOSIER
AKA
EDDIE JOE MOSIER**

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 1ST DEGREE**

SC Code: 16-03-655
CDR Code: 385

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

Defendant

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

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

The defendant, Franklin Joseph Edward Mosier aka Eddie Joe Mosier, did in York County, South Carolina, on or about June 20, 2009, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: the defendant did commit a sexual battery upon [REDACTED], date of birth: [REDACTED], all in violation of Section 16-03-655, Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

**ROCK HILL POLICE DEPARTMENT
GENERAL SESSIONS CASE SUMMARY**

DEFENDANT(S): Franklin Joseph Edward Mosler
CHARGE(S): Criminal Sexual Conduct With A Minor (1st)
WARRANT(S): K-386965
OFFENSE DATE: 07/18/09
CASE NUMBER: 0908020057
VICTIM(S): [REDACTED]
WITNESS(ES):
OFFICER(S): Officer Michael Johnson
CASE AGENT: Det. Kathy Harveston

SUMMARY: On 08/02/09, Officer Johnson spoke with Jessica Cartwright regarding her 10 year old daughter, [REDACTED] being a possible victim of a sexual assault. Cartwright stated that [REDACTED] had informed her that approximately two weeks ago while visiting her father, Franklin Edward Joseph Mosler tried to unbutton her pants. Mosler, also known as "Eddie Joe", is a cousin of [REDACTED] biological father, Jeffery Sikes. [REDACTED] further stated that the next night after everyone went to bed, Mosler was able to hold her down, undo her pants and put his hands inside on her vagina. This occurred at [REDACTED] in the city of Rock Hill.

A forensic interview was conducted at Safe Passage by Diane Cranford, LMSW on 08/05/09. Det. Harveston was present to observe the interview. During the interview, [REDACTED] disclosed that during the day while her step-mother was at work and her father was sleeping, Mosler came into her bedroom. [REDACTED] sister had gone to the bathroom and when Mosler came in to the bedroom, he pulled her close to him and tried to unbutton her pants. He did not touch her inappropriately on that occasion. The next night, [REDACTED] stated that she was on the blue couch in the living room playing a Simpson's game when she became tired and lay down. [REDACTED] further stated that Mosler held her down while he undid her pants and then put his hand inside of her pants and touched her vagina. [REDACTED] said that Mosler touched her inside her vagina with his fingers, kissed her on the shoulder, and also touched her breasts. She further stated that Mosler tried to get her to touch his penis on top of his pants. [REDACTED] stated that Mosler kept saying "you are my [REDACTED]".

Jessica Cartwright reported that [REDACTED] had spent Friday and Saturday nights, 7/17 and 7/18, at her father's residence. Jeffery Sikes confirmed the dates and also stated that Mosler stayed at his house the same weekend.

Due to the victim being age ten at the time of the incident, warrant #K-386965 was obtained charging Mosler with Criminal Sexual Conduct With A Minor, 1st degree. Mosler was contacted by phone and turned himself in on 8/13/09 at the Rock Hill Police Department.

Defendant Mosier, Franklin Joseph

Edward

Warrant

Charge

Indictmen

K386965

CSC w/minor < 11 yrs.

AKA

Address

Mc Connells, SC 29726

SSN

DL

DOB

Sex m

Race w

FBI # 343658NB7 SID #

Co-Defendants/
Related Cases

Other Pending Cases

Attorney Prose

Bond

John A. Adams \$10,000

Appearance Recognizance w/Surety

DOA 8-13-09

DOI 7-18-09

LA. 9-14-09

P.H.

B.R. 10-6-09

Agency RHPD

Officer Kathy Harveston

Victim Info:

Mom - Jessica Cartwright

York SC 29745

ARREST WARRANT

K- 386965

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court

 THE STATE
against

Franklin Joseph Edward Mosier

Address: McConnells, SC 29726Phone: SSN: Sex: Race: Height: Weight: OL State: DL#: SC0460300DOB: Agency OR#: Prosecuting Agency: Rock Hill Police DepartmentProsecuting Officer: K. HarvestonOffense: Criminal Sexual Conduct With A Minor, 1st de greeCode/Ordinance Sec: 16-3-655(1) Offense Code:
 This Warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

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

Signature of Judge (L.S.)

Date:

RETURN

 A copy of this arrest warrant was delivered to
defendant Franklin J. E. Mosier
on 8-13-09
S Blain 3533
Signature of Constable/Law Enforcement Officer

 RETURN WARRANT TO:
JANE MODLA, MUNICIPAL JUDGE
129 E. Black Street
Rock Hill, SC 29731-1706
803-329-5695

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court

 Personally appeared before me the affiant E. Harveston
being duly sworn deposes and says that defendant Franklin Joseph Edward Mosier
did within this county and state on July 18, 2009

 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of Rock Hill Municipal Court
in the following particulars: Criminal Sexual Conduct With A Minor, 1st degree
DESCRIPTION OF OFFENSE: 16-3-655(1)
 I further state that there is probable cause to believe that the defendant named above did or
the crime set forth and that probable cause is based on the following facts:

 The defendant did willfully and unlawfully violate S.C. Code of Laws, 16-3-655(1) Criminal Sexual Conduct
With A Minor, 1st Degree, by penetrating the vagina of a ten year old female victim with his fingers
while at the residence located at in the city of Rock Hill, SC.

Police Investigation

Forensic Interview

Signature of Affiant

K. Harveston

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court
Affiant's Address: 129 E. Black Street
Rock Hill, SC 29731-1706Affiant's Telephone: 803-329-5695

ARREST WARRANT

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

 It appearing from the above affidavit that there are reasonable grounds to believe
on July 18, 2009 defendant Franklin Joseph Edward Mosier

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

☐ County/ ☒ Municipality of Rock Hill Municipal Court) as set forth below:
DESCRIPTION OF OFFENSE: Criminal Sexual Conduct With A Minor, 1st degree
 Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 08/12/2009

Signature of Issuing Judge

Judge Code: Judge's Address: 129 E. Black StreetRock Hill, SC 29731-1706Judge's Telephone: 803-329-5695
 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circ

ORIGINAL

E-386965

Inef #: 0908010057

**ROCK HILL POLICE
DETECTIVE DIVISION
GENERAL SESSIONS CASE FILE COVER SHEET**

- ☒ 1. Case Summary
- ☒ 2. Incident and Supplemental Reports
- ☒ 3. Booking Report(s)
- ☒ 4. Warrant(s)
- ☐ 5. Evidence Report(s)
- ☐ 6. Officer Statement(s)
- ☐ 7. Witness Statement(s)
- ☐ 8. Suspect Statement(s)
- ☐ 9. Search Warrant(s)
- ☐ 10. Miranda
- ☐ 11. Surveillance Report(s)
- ☐ 12. Tape List
- ☐ 13. Photograph(s)
- ☒ 14. Miscellaneous Paperwork – Vehicle Impound Sheet, Etc.
- ☒ 15. Criminal History
- ☐ 16. Prior Convictions

ROCK HILL POLICE DEPARTMENT ADDRESS: 120 EAST BLACK STREET ROCK HILL SC 29730- PHONE: (803) 329-7200
 AGENCY I.D. INCIDENT REPORT

SC048E000

0908020057

NO. 1
 T F

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. CRIMINAL SEXUAL COND W/MINOR - INVESTIGATION		☒ YES ☐ NO	☐ YES ☐ NO	RESIDENCE/HO...		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.		☐ YES ☐ NO	☐ YES ☐ NO			
3.		☐ YES ☐ NO	☐ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE	
ROCK HILL SC				29730-	PERSONAL WE...	
ACCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK
07/17/2009	22:00		07/18/2009	23:59	08/02/2009	15:45
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
CARTWRIGHT, JESSICA				S	W	F
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
		YORK		SC	29745-	4
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
		AQ		S	W	F
HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	
400	83	BLON...	GREY			
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
		YORK		SC	29745-	4
VISIBLE INJURY (VOT. 1) ☐ YES ☐ NO ☐ EXPLAIN--						
COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐						
VICTIM (AND 1) USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE						
TWO-MAN VEH ☐ ONE-MAN VEH ☐ DETECTIVE/PLAINT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐						
* J—This Jurisdiction, S—State, O—Out of State, U—Unknown						
SUBJECT		NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE
☐ SUSPECT		MOSIER, FRANKLIN JOSEPH		W	M	27
☐ RUNAWAY		FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		ETH	DATE OF BIRTH	HEIGHT
☐ WANTED				N		508
☐ WARRANT				WEIGHT	HAIR	EYES
☐ ARREST				130	BR...	BRO...
☐ INV.		ADDRESS		CITY	STATE	ZIP CODE
☐ SUMMONS				MCCONNELLS	SC	29728-
SUBJECT(S) 1) USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐		ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☐		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST
DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE		TOTAL # ARRESTED		07/17/2009 22:00		
0908020057						
On 02 August, 2009, at approx. 1645 hours, Officer M. Johnson spoke with Jessica Cartwright (complainant 1) via telephone regarding Criminal Sexual Conduct involving her daughter, ~~Edie Joe~~ (victim 1). Cartwright stated that her daughter ~~Edie Joe~~ informed her that approx 2 weeks ago, while ~~Edie Joe~~ was staying with her dad Jeffrey Sikes (others 1) at ~~Edie Joe~~, her dad's cousin Franklin Edward Joseph Mosier (suspect 1) tried to unbutton her pants while on the sofa after everyone had gone to bed. Cartwright stated that her daughter told her she was able to get away from him that night, but the next night after everyone had again gone to bed, Mosier was able to hold ~~Edie Joe~~ down, open her pants, and put his hand down her pants. Cartwright stated that her daughter informed her that Mosier was kissing her, and threatening her not to tell anyone about the incidents. Officer was unable to locate a contact number or definite address for Mosier.						
COPY						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY				JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY		
TOTAL VALUE						
TYPE (GROUP)						
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
RECEIVED						
SUBJECT IDENTIFIED						
SUBJECT LOCATED						
☐ ACTIVE ☐ ADJ. CLOSED ☐ UNFOUNDED						
☐ ARRESTED UNDER 18 ☐ EX-CLEAR UNDER 18						
☐ ARRESTED 18 AND OVER ☐ EX-CLEAR 18 AND OVER						
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY						
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
JOHNSON, MICHAEL		08/02/2009 15:45	04856	<i>[Signature]</i>	8-2-09	8371
FOLLOWUP OFFICER		DATE	UNIT NUMBER			
INVESTIGATION ☐ YES ☐ NO ☐ DEF		08/02/2009 18:35				

HARVESTON

ROCK HILL POLICE DEPARTMENT ADDRESS: 120 EAST BLACK STREET ROCK HILL SC 29730- PHONE#:(803)329-7200

SC0480300

0908020057

INCIDENT REPORT
ADDITIONAL OTHERS

PERSON TYPE 01	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	PAGE	SEX	AGE	D.O.B.	ETH
	SIKES, JEFFREY							J	W	M	28		N
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
				ROCK HILL	SC	29730...	4						
VISIBLE INJURY ☐ YES ☐ NO ☐ EXPLAIN-- COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐													
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE													
PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	PAGE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
VISIBLE INJURY ☐ YES ☐ NO ☐ EXPLAIN-- COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐													
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE													
PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	PAGE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
VISIBLE INJURY ☐ YES ☐ NO ☐ EXPLAIN-- COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐													
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE													
PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	PAGE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
VISIBLE INJURY ☐ YES ☐ NO ☐ EXPLAIN-- COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐													
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE													
PERSON TYPE	NAME (LAST, FIRST, MIDDLE)				VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	PAGE	SEX	AGE	D.O.B.	ETH
	HEIGHT	WEIGHT	HAIR	EYES	FACIAL MARK, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE		EVENING PHONE			
VISIBLE INJURY ☐ YES ☐ NO ☐ EXPLAIN-- COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO ☐													
VICTIM USING ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS ☐ YES ☐ NO ☐ UNK ☐ TYPE													

ROCK HILL POLICE DEPARTMENT AGENCY I.D. ADDRESS: 120 EAST BLACK STREET ROCK HILL SC 29730 - PHONE#: (803) 329-7200
INCIDENT REPORT

INCIDENT REPORT

SC0480300

0908020057

INCIDENT REPORT						0908020057		0908020057	
INCIDENT TYPE						COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
						☐ YES ☒ NO	☐ YES ☒ NO		
						☐ YES ☒ NO	☐ YES ☒ NO		
						☐ YES ☒ NO	☐ YES ☒ NO		
(INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER))						ZIP CODE		WEAPON TYPE	
INCIDENT DATE		24 HR. CLOCK		TO DATE		24 HR. CLOCK		DISPATCH DATE/TIME 24 HR. CLOCK	
								LOCATION NO.	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)						RELATIONSHIP TO SUBJECT		RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE	
ADDRESS						CITY		STATE ZIP CODE LOCATION NO.	
VICTIM'S NAME (LAST, FIRST, MIDDLE)						RELATIONSHIP TO SUBJECT		RESIDENT RACE SEX AGE ETH DAYTIME PHONE EVENING PHONE	
HEIGHT		WEIGHT		HAIR		EYES		FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC.	
ADDRESS						CITY		STATE ZIP CODE LOCATION NO.	
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO EXPLAIN—						COMPLAINT OF ANY NON-VISIBLE ALIBIS ☐ YES ☒ NO			
VICTIM (NO. 1) USING ALCOHOL ☐ YES ☒ NO UNK ☐						CRUISE ☐ YES ☒ NO UNK ☐ TYPE			
TWO-MAN VEH. ☐						ONE-MAN VEH. ☐ DETECTIVE/PLASMA ☐ OTHER ☐ ALONE ☐ ASSISTED ☐			
T-3—This Jurisdiction S—State O—Out of State U—Unknown									
☐ SUSPECT		NAME (LAST, FIRST, MIDDLE)				RACE GEEK AGE		ETH DATE OF BIRTH HEIGHT WEIGHT HAIR EYES	
☐ FUGITIVE		FACIAL HAIR SCARS TATTOOS GLASSES CLOTHING PHYSICAL PECULIARITIES ETC.							
☐ WARRANT		ADDRESS CITY STATE ZIP CODE LOCATION NO.							
☐ ARREST		SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☒ NO UNK ☐ CRUISE ☐ YES ☒ NO UNK ☐ TYPE							
☐ JAIL		ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO				DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
☐ SUBSIST		TOTAL # ARRESTED							
0908020057/CSC WITH A MINOR 1ST DEGREE									
On 8-13-08, Officer Blair met with suspect Molser in the RHPD lobby. Suspect Molser was aware of the warrant for his arrest after speaking with Det. Harverson. Officer Blair escorted him to the jail and served warrant #K-388886(CSC W/ MINOR 1ST DEGREE). The victim's mother in the case was contacted by Officer Blair regarding the arrest and the bond hearing. This case is now closed.									
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
TYPE (GROUP)		TOTAL VALUE		TOTAL VALUE		TOTAL VALUE		TOTAL VALUE	
STOLEN									
DAMAGED									
BURNED									
RECOVERED									
SEIZED									
SUBJECT IDENTIFIED		SUBJECT LOCATED		☐ ACTIVE ☐ ADM. CLOSED		☐ ARRESTED UNDER 18		☐ EX-CLEAR UNDER 18	
☐ YES ☒ NO		☐ YES ☒ NO		☐ UNFOUNDED		☐ ARRESTED 18 AND OVER		☐ EX-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ J.A.M.V.E. - NO CUSTODY									
REPORTING OFFICER(S)		DATE		LAST NUMBER		APPROVING OFFICER		DATE UNIT NUMBER	
FOLLOWUP INVESTIGATION		OFFICER		DATE		UNIT NUMBER		DATE	

BOOKING REPORT

ROCK HILL POLICE		DATE/TIME OF ARREST 08/13/2009 10:13:48 AM		PLACE OF ARREST 120 E BLACK ST LAWCTR		CASE NUMBER 0308020057	
DEFENDANT NAME (LAST, FIRST, MIDDLE) MOSIER, FRANK, EDWARD				RACE W	SEX M	DATE OF BIRTH	DOCKET NUMBER
AGE 25	ETH. N	HEIGHT 508	WEIGHT 140	HAIR B	EYES A	SOCIAL SECURITY NUMBER	VISIBLE SCARS AND MARKS
ADDRESS (NUMBER AND STREET) [REDACTED]				CITY ROCK HILL	STATE SC	ZIP CODE 29730	PHONE NUMBER
ALIAS				PLACE OF BIRTH SC	DRIVER LICENSE NUMBER		STATE
EMPLOYER OR OCCUPATION UNKNOWN OR NOT				NEXT OF KIN		ADDRESS (CITY AND STATE)	
BOOKING OFFICER'S NAME DURHAM, M				NUMBER 02460	ARRESTING OFFICER BLAIR, SARAH JANE		AGENCY ROCK HILL POLICE
ARRESTEE ARMED ☐ YES ☒ NO				WEAPON TYPE:		☐ ON VIEW ARREST ☐ SUMMONED ☐ CUSTODY	
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED 2. ☐ REFERRED TO OTHER AUTHORITY				*A-This Jurisdiction, S-State, O-Out of State, U-Unknown			
ADDITIONAL CASE NUMBERS				MORE IN REMARKS			
IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE-A, B, C							
CHARGE I.D.	11A						
CHARGE	CRIMINAL SEXUAL CONDUCT W/MINOR 1ST						
STATUTE	16-3-855						
WARRANT NO.	X-386985						
BOND AMOUNT							
BOND TYPE	SECURED						
RET. DATE							
DISPOSITION	DAYS	AMOUNT	DAYS	AMOUNT	DAYS	AMOUNT	
SENTENCE							
TIME SERVED							
GOOD TIME							
BALANCE							
PAID							
RECEIPT NUMBER							
CHARGE I.D.							
CHARGE							
STATUTE							
WARRANT NO.							
BOND AMOUNT							
BOND TYPE							
RET. DATE							
DISPOSITION	DAYS	AMOUNT	DAYS	AMOUNT	DAYS	AMOUNT	
SENTENCE							
TIME SERVED							
GOOD TIME							
BALANCE							
PAID							
RECEIPT NUMBER							
NOT SCHEDULED	TIME	100% TRAINING OFFICER	NAME		WARRANT RELEASED TO		
SIGNATURE OF RECEIVING OFFICIAL X				LIST ANY REMARKS BELOW			
VICTIM							

ARREST WARRANT

K- 386965

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court

THE STATE
against

Franklin Joseph Edward Mosier

Address: McConnells, SC 29725

Phone: SSN: 5'08 Weight: 146

Sex: Race: Height: Weight: 146

DL State: SC DL #: 8C0460369

DOB: Agency Orig: SC0460369

Prosecuting Agency: Rock Hill Police Department

Prosecuting Officer: E. Harverson

Offense: Criminal Sexual Conduct With A Minor, 1st de

9122

Code/Ordinance Sec: 15-3-655(1) Offense Code:

This Warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to law.

Signature of Judge (L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant Franklin J. E. Mosier

on 8-13-09

S Blain 13533

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
JANE MOBLA, MUNICIPAL JUDGE
120 E. Black Street
Rock Hill, SC 29725-1706
803-325-5654

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court

AFFIDAVIT

Personally appeared before me the affiant E. Harverson who
being duly sworn deposes and says that defendant FRANKLIN JOSEPH EDWARD MOSIER
did within this county and state on July 12, 2009 violate the criminal laws of the

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of
in the following particulars: Criminal Sexual Conduct With A Minor, 1st Degree

DESCRIPTION OF OFFENSE:

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

The defendant did willfully and unlawfully violate S.C. Code of Laws, 16-3-655(1), Criminal Sexual Conduct
With A Minor, 1st Degree, by penetrating the vagina of a ten year old female victim with his fingers
while at the residence located at [REDACTED] in the city of Rock Hill, SC.

Police Investigation

Forensic Interview

Signature of Affiant

E. Harverson

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Rock Hill Municipal Court

Affiant's Address 120 E. Black Street

Affiant's Telephone 803-325-5654

Affiant's Telephone 803-325-5654

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that
on July 12, 2009 defendant FRANKLIN JOSEPH EDWARD MOSIER
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Rock Hill Municipal Court) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct With A Minor, 1st Degree

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

Sworn to and subscribed before me

on 8/13/09

Signature of Issuing Judge (L.S.)

Signature of Issuing Judge

Judge Code:

Judge's Address 120 E. Black Street

Judge's Telephone 803-325-5654

Judge's Telephone 803-325-5654

Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

E-386965

8/13/09

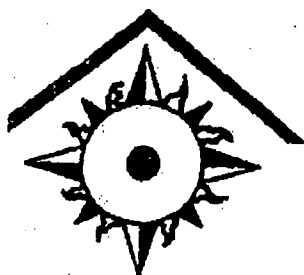
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p.2

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Safe Passage, Inc.

*A Domestic Peace Program
Serving York / Chester / Lancaster Counties*

Aug 9, 2009

FORENSIC INTERVIEW

Name: [REDACTED]

Date of Interview: 8-5-09

Race: White

Gender: female

DOB: [REDACTED]

Age: 10

Address: [REDACTED] York, SC 29745

Law Enforcement: Kathy Harveston, City of Rock Hill Police Department

DSS:

Mental Health:

Type of Alleged Abuse/Presenting Problem:

☒ Sexual Abuse ☐ Physical Abuse ☐ Neglect ☐ Educational
☐ Medical ☐ Other:

Summary of Allegation: [REDACTED] stated that her cousin Eddie Joe tried to unbutton her pants on one occasion. On another occasion [REDACTED] stated that he put his hand down her pants.

Informant's Information:

Informant's Name: Kathy Harveston, City of Rock Hill Police Department

Describe Family Dynamics: [REDACTED] lives with her mother Jessica Cartwright, stepfather, Jeremy Cartwright, sister, [REDACTED] (8), and sister [REDACTED] (5). [REDACTED] stepbrothers [REDACTED] (8) and [REDACTED] (5) visit on weekends and during the summer.

Child's Current Physical Condition: [REDACTED] is prescribed no medications

Child's Current Level of Intellectual Functioning: [REDACTED] will be attending 5th grade at [REDACTED]

Family History/Background Information: Jessica Cartwright reports no criminal history, history of alcohol/drug abuse, psychiatric history or history of abuse. Ms. Cartwright reports that [REDACTED] biological father is Jeffery Sikes. Ms. Cartwright reports that he does have a criminal history but she is unsure of the details. He has no history of alcohol/drug abuse, psychiatric history, or history of trauma.

Behavioral Changes Noted During/After Alleged Abuse/Disclosure:

☐ No behavior changes reported	☐ Conduct/Oppositional Problems
☒ Anxiety/Hyperarousal	☐ Difficulties with Peers
☐ Trauma Reenactments	☐ Sexualized Behavior/Play
☐ Flashbacks/Intrusive Thoughts	☐ Inappropriate Sexual Knowledge
☐ Fearfulness	☐ Pronounced Disturbance of Mood
☒ Nightmares/ Sleep Problems	☐ Enuresis/Encopresis
☐ Change in Eating Habits	☐ Marked Distrust in Others
☐ Separation Difficulties	☒ Other: headaches/stomachaches
☐ Aggression	

Comments:

DESCRIPTORS FORENSIC INTERVIEW

1. Was Truth v. Lie/Moral Imperative reviewed? ☐ Y ☒ N
 (option for young or delayed children)
 If reviewed, child's performance indicated ☐ Competence ☐ Competency Problems
2. Did interviewer review confidentiality with child? ☒ Y ☐ N
 If yes, describe: Camera, purpose, and limits of confidentiality all reviewed.
3. Rules: no guessing, correct the interviewer, only talk about things that are real and true
 a. Did the child appear to understand the interview rules? ☒ Y ☐ N
 b. Did the child agree to the interview rules? ☒ Y ☐ N
4. Did the child make a disclosure? ☐ Y ☐ N
 If yes: How did the child demonstrate the alleged abuse?
☒ Verbally ☐ Drawing ☐ Dolls ☐ On Self ☐ Writing
5. Is the child sexually active? ☐ Y ☒ N
 If yes, describe:
6. Were there any implausible/fantastic elements identified in disclosure? ☐ Y ☒ N
 If yes, describe:
7. Are there any apparent motives for false allegation? ☐ Y ☒ N
 If yes, describe:
8. Are there any apparent motives for false denial/minimization/retraction? ☐ Y ☒ N
 If yes, describe:
9. Did the child's ability to respond appear to be affect by the following factors? ☐ Y ☒ N
☐ Linguistic issues ☐ Developmental level ☐ Psychiatric disorder
☐ Emotional state ☐ Other: _____
 If yes, describe:

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p. 4

3

10. Did the child's interview appear to be affected by any of the following factors? ☐ Y ☒ N

☐ Coaching ☐ Injunctions not to tell ☐ Family response
☐ Problems with rapport ☐ Multiple Interviews ☐ Other:

If yes, describe:

11. Was the interview observed? ☒ Y ☐ N

If yes, by whom:

Kathy Harveston, City of Rock Hill Police Department

Kelly Schifferle, City of Rock Hill Police Department

12. Were any clinical assessments administered ☐ Y ☒ N

If yes, test results:

13. Description of child's physical appearance during the interview:

Grooming: ☒ clean/neat/appropriate ☐ disheveled ☐ unkempt/unclean
 Client looks: ☒ stated age ☐ younger ☐ older
 Weight: ☒ average ☐ underweight ☐ overweight
 Height: ☒ average ☐ tall ☐ short

14. Description of child's mental status during the interview:

Attitude: ☒ positive ☐ neutral ☐ reluctant/defended ☐ uncooperative
 Oriented: ☒ person ☒ place ☒ time ☐ not oriented
 Insight/Judgment: ☒ age appropriate ☐ impaired
 Memory: ☒ intact for age ☐ impaired
 Attention: ☒ age appropriate ☐ distractible/short attention span
 Thought Content: ☒ age appropriate/logical ☐ concerns:
 Affect: ☒ appropriate to content ☐ blunt/absent/unvarying ☐ labile
 Mood: ☒ calm ☐ sad ☐ angry ☐ fearful/anxious ☐ euphoric
☐ other:
 Behaviors: ☒ age appropriate ☐ restless/fidgety ☐ atypical/inappropriate
 Energy: ☒ age appropriate ☐ fatigued/tired ☐ lethargic ☐ over active

SUMMARY OF CHILD'S NARRATIVE REGARDING ALLEGATIONS

█████ was interviewed using a semi-structured interview protocol known as RATAC. Rapport-building activities were used to help establish ██████ comfort, competence, and communication skills. ██████ was able to converse in a narrative style and accurately report information concerning her family and school. Interviewer conducted an anatomical identification exercise to establish a common language for body parts. ██████ labeled "nipples" for breast and chest, "vagina" for vagina, "part" for penis and "bottom" for buttocks. Interviewer asked ██████ about getting touches like hugs, kisses, and tickles. ██████ reported getting these touches from family members on appropriate parts of the body. Q=Are there parts of the body that it is not okay for someone to touch? A=Yes. Q=What are those? A=Points to "nipples", "vagina" and "bottom". A=Has anyone touched you on one of the parts of the body that it is not okay to touch? A=Yes. Q=Tell me about that. A=It was a couple of weeks ago, my cousin Eddie Joe, he is 27. He stayed the night. Me and my sister ██████ were in my bed room reading songs out of my music book that I got from school. She had to go to the bathroom and he came in and pulled me close to him and tried to unbutton my pants and pull them down. It was a day later and I was sitting on my blue couch, playing my Simpsons game and I got tired of playing it and I laid down. He pulled down my pants and started touching right there (points to vagina) and right there (points to nipples). Q=Whose house were you at? A=My father's. Q=Did he touch you on top of your clothes or under your clothes? A=Under me clothes. Q=What part of his body did he touch you with? A=His hand. He tried to get my hand and put it on his "part". Q=Did he touch you with anything else? A=No. Q=When he touched you with his hand on your vagina, did it stay on top of your vagina or did it go inside? A=Inside. Q=Did he say anything to you? A=No, he just started kissing my shoulder. A=The first time, when he tried to get your pants down, did he say anything to you? A=No, he was just looking at me and smiling. My sister was in the bathroom. Q=The first time, who was in the house? A=My stepmom was at work and my dad was asleep. Q=Was this during the day time or the night time? A=During the day time, but at night time he kept whispering "█████, come here" and I could not sleep at all. Q=Did anything else happen like this any other time? A=Actually, after my grandfather's funeral, I was kind of tired so I went to his bed, he was not even there, he was somewhere else. I fell asleep and I guess he came in and started laid down. He did not put his hand down my pants, but he was touching me. He put his hand right there (nipples). Q=Where did he try to get you to touch him. A=Points to "part". Q=Did he try to get you to touch him on top of his clothes? A=Yes, and I was trying to pull my hand away. Q=Have you ever seen Eddie Joe do this kind of thin to anybody else? A=Well actually yes, a long time ago he tried to touch my cousin ██████. And when Eddie Joe was 13 and a girl was 12. He tried to touch my cousin ██████ and he did too. When he was 13 he touched a girl that was 12. Q=Who is the girl that was 12? A=I am not sure. Q=Have you ever seen him touch any of kids in the house? A=No. never. Q=Have you ever seen anybody with their clothes off? A=Just my sister. Q=Has anybody ever taken a picture of you with their clothes off? A=No, never. I have seen pictures of me when I was a baby with my clothes off. Q=Has anybody ever tried to get you to take a picture of then with their clothes off? A=No. Q=Have you ever seen any videos or DVD's of people with their clothes off? A=No. Q=How about anything on the computer, have you seen any pictures or videos of people with their clothes off? A=No. Q=The second time something happened on a blue couch, was this at dad's house? A=Yes. Q=What room was it in? A=The living room. Q=What time of day was that? A=It was kind of in the evening, about five. Q=Who else was in the house besides you and Eddie Joe? A=My dad and my sister ██████. A=█████ was in our bedroom asleep. My dad was asleep. I tried to get up, but I couldn't cause he was holding me down. There was a thick blanket on the couch. Q=That time, did he say anything to you? A=No he just kept saying "you are my ██████" and kissing my shoulder. Q=Did you say anything to him? A=No, I just kept my mouth closed. Q=What happened after that? Did you say anything to anybody, or did he say anything to anybody? A=I didn't cause I was scared. Q=Is there anything else you feel like you need to tell me that I did not ask? A=No. Q=Did anybody tell you to tell me anything today? A=No. Q=Did anybody tell you not to tell me anything today? A=No.

Interviewer reviewed safety strategies and respectfully ended the interview.

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p.6

5

SUMMARY

Disclosure Summary: [REDACTED] disclosed that her cousin Eddie Joe touched her on the breast on one occasion after her grandfather's funeral. [REDACTED] also disclosed that Eddie Joe tried to unbutton her pants on another occasion. Eddie Joe also touched [REDACTED] on the breast and vagina under clothes as well as attempting to force [REDACTED] to touch his penis. It is recommended that law enforcement continue their investigation and that [REDACTED] have no contact with Eddie Joe. It is also recommended that Ms. Cartwright contact Safe Passage regarding counseling for herself and [REDACTED]. If another interview is needed it is recommended that this interviewer conduct the follow up to ensure continuity of care.

Respectfully Submitted,

Diane E. Cranford, LMSW
Forensic Interviewer

File 2008 / Present.
no can acc. [unclear]

-Diane Cranford-
327-7558

P.O. Box 11458 • Rock Hill, SC 29731
803-329-3336 Admin. Ofc. / 803-329-3515 Fax / 803-329-2800 Crisis Line

Victim Notification Information

ROCK HILL POLICE DEPARTMENT

AGENCY I.D. SC 046300

Victim Information		Case #
Charge: <u>CSC M & MINOR</u>		<u>0408020057</u>
Name of Victim: <u>[REDACTED]</u>	Victim is ☐ deceased or ☒ minor	
Mailing Address: <u>[REDACTED] YORK</u>	State <u>SC</u>	Zip <u>29745</u>
Telephone #: (H) <u>[REDACTED]</u> (B) <u>[REDACTED]</u>	Emergency # <u>[REDACTED]</u>	
Relative or Contact Person: <u>MOTHER: JESSICA CARTWRIGHT</u>		
Mailing Address: <u>[REDACTED] YORK</u>	State <u>SC</u>	Zip <u>29745</u>
Telephone #: (H) <u>[REDACTED]</u> (B) <u>[REDACTED]</u>	Emergency # <u>[REDACTED]</u>	
Additional Information or Comments: <u>[REDACTED]</u>		

In order for Law Enforcement to make a reasonable attempt to contact you of the arrest or detention and of the appropriate bond or other pretrial release hearing or procedure, it is your responsibility to notify the appropriate agency of any change in your address or phone number.

The information given on this form will be provided to the jail, prison, detention or holding facility having physical custody of the defendant. It will also be made available to the prosecuting agency and the Department of Juvenile Justice System, if the defendant is a juvenile

Court Date Information (if available at time of report)	
State vs <u>FRANKLIN EDWARD JOSEPH MONIER</u>	Warrant # / Ticket # <u>[REDACTED]</u>
Date and Time: <u>[REDACTED]</u>	Municipal: <u>[REDACTED]</u> General Session: <u>[REDACTED]</u>

An arrest or juvenile detention can occur anytime during a 24 hour period. Arraignment may take place within several hours of the arrest. A juvenile detention hearing is usually held within 48 hours of the detention, excluding holidays and weekends. Please check the boxes below if you do or do not wish to be notified.

I do ☒ I do not ☐ wish to be notified when the defendant is arrested and when arraignment or juvenile detention hearing may take place, anytime day or night.

I do ☐ I do not ☐ wish to be contacted when bond is set, anytime day or night.

I do ☒ I do not ☐ wish to be contacted when the defendant is released from jail, anytime day or night.

As a victim of crime I have received a copy of the Victim Notification Information Form provided to me by the Rock Hill Police Department and I agree that the victim information is correct. I have also received a copy of the 1997 Victims and Witness Services Statute.

<u>reported by telephone</u>	<u>6/2/2007</u>
Signature of person receiving information	Date
<u>W. J. L. N. N. N.</u>	<u>6/2/2007</u>
Signature of Reporting Officer	Date

Colton, Jennifer

From: Brian R. Murphy [brian@brmurphy.com]
Sent: Monday, July 25, 2011 1:38 PM
To: Colton, Jennifer
Subject: Exhibits
Attachments: [REDACTED] (No Labels or Furniture).pdf, [REDACTED] (Furniture Only).pdf

Jennifer,

I have attached two exhibits to this email that I intend to use in addition to the pictures I gave you earlier. In addition, I intend on using two generic calendars of June and July, 2009.

Please let me know if I can be of any additional assistance.

Brian R. Murphy
brian@brmurphy.com
www.brmurphy.com
803.548.0321 | Fort Mill
888-454-1338 | Toll Free

Mailing: PO Box 805, Fort Mill, South Carolina 29716
Physical: 1171 Market Street, Suite 202, Fort Mill, South Carolina 29708

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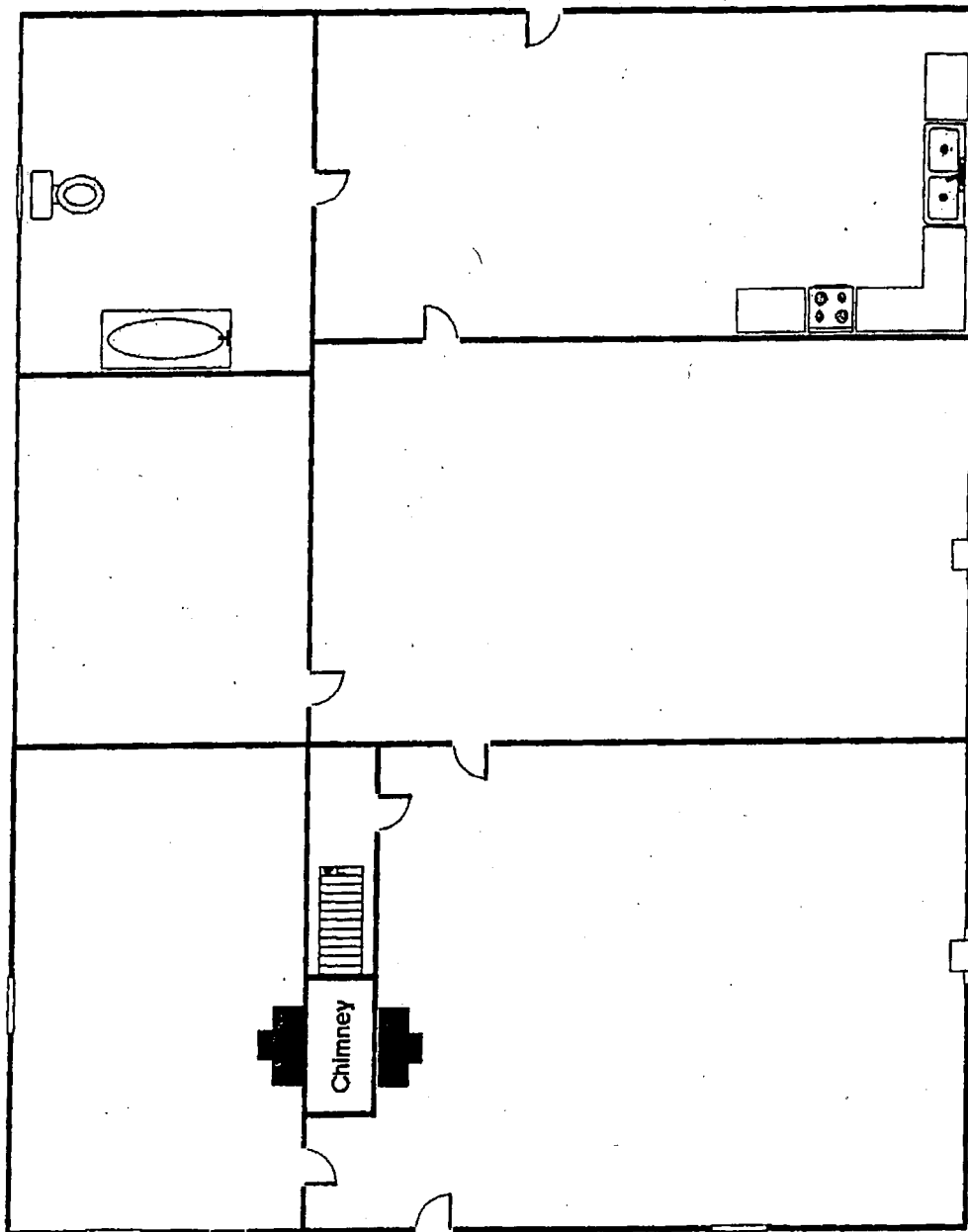
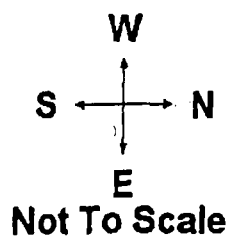
Case Number: Mosier 11-000022

Date: 04/27/11

Location: [REDACTED] Rock Hill, SC

Description:

Layout of the interior of the residence located at [REDACTED] Rock Hill, SC





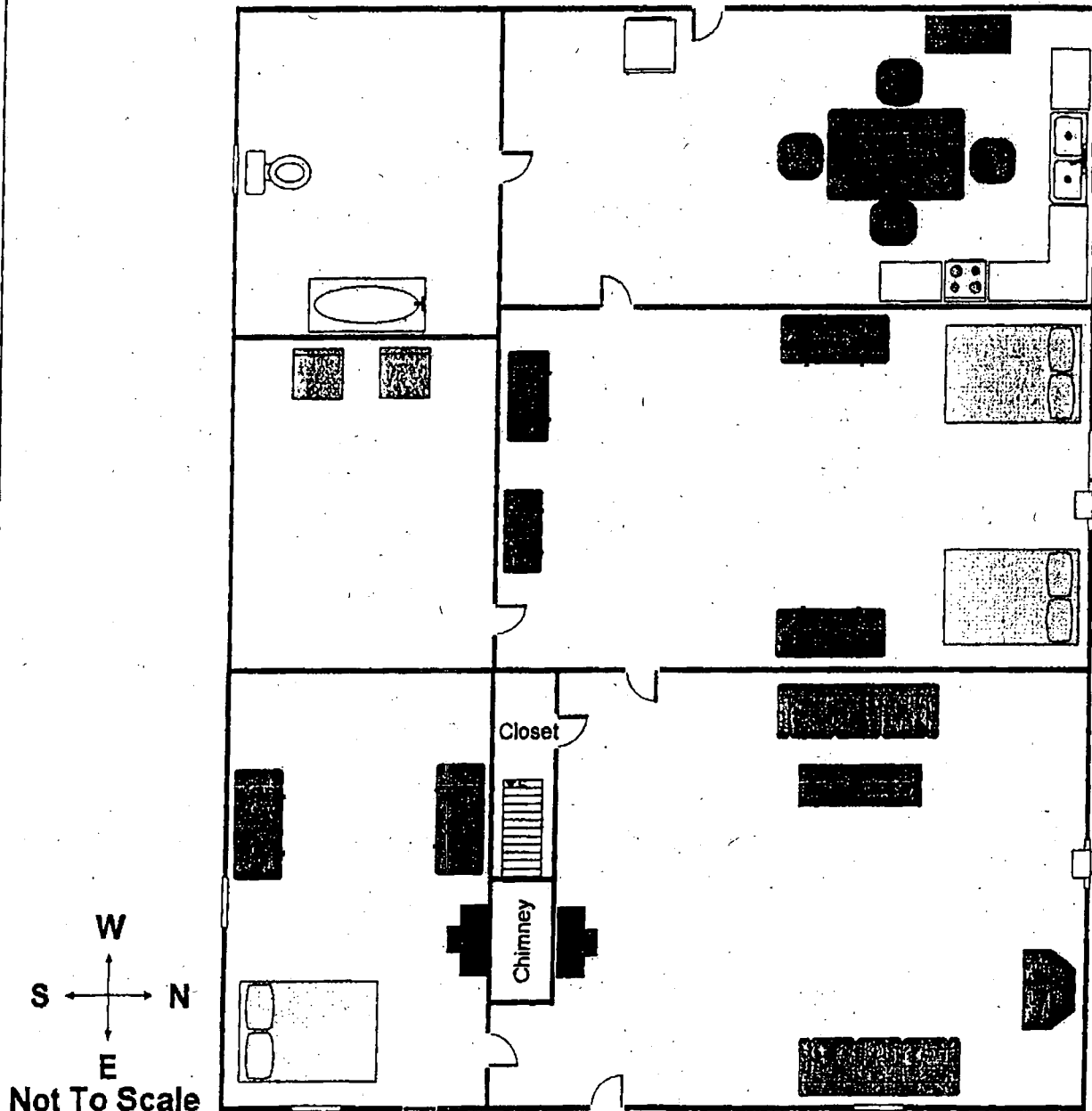
Case Number: Mosier 11-000022

Date: 04/27/11

Location: [REDACTED] Rock Hill, SC

Description:

Layout of the interior of the residence located at [REDACTED] Street Rock Hill, SC



STATE OF SOUTH CAROLINA

COUNTY OF YORK

STATE OF SOUTH CAROLINA,

v.

EDDIE JOE MOSIER,

Defendant.

COURT OF GENERAL SESSIONS

SIXTEENTH JUDICIAL CIRCUIT

2010-GS-46-1533*

2011-GS-46-0480

2011-GS-46-0481

STATE'S MOTIONS IN LIMINE

1. COMPLIANCE WITH RAPE SHIELD LAW:

State moves to ensure compliance with S.C. Code Section 16-3-659.1, the "Rape Shield Statute", which mandates limited admissibility of opinion evidence, reputation evidence, or specific instances of sexual activity by the victim with persons other than the defendant. State moves to exclude inquiry or reference by the Defendant during summation, argument, or witness examination which alleges any specific instance of prior sexual activity or sexual knowledge.

- Knowledge of Sexual Activity

2. MOTION FOR ADMISSION OF OUT OF COURT STATEMENT OF CHILD PURSUANT TO S.C. Code 17-23-175:

The victim in this case is under 12 years old and was forensically interviewed, with said interview recorded both audio and visually. The State will not present the actual forensic interviewer, but rather will establish the particularized guarantees of trustworthiness of the interview through Det. Carson Neely. The State and Defense will also have additional motions regarding the redaction of the videotape based upon SC Rules of Evidence.

BRIEF

CARRISON NEELY - REDACTED

3. MOTION TO PRECLUDE REFERENCE TO SENTENCING PARAMETERS.

4. MOTION FOR COMPLIANCE WITH RECIPROCAL RULE 5 DISCOVERY.

NO ALIBI

RECIPROCAL RULES

WILL RE TODAY

5. MOTION TO PRECLUDE ALLEGATIONS OF PRIOR SEXUAL ABUSE OF THE VICTIM:

Pursuant to rape shield or evidence of prior "false allegations" without an proffer and finding of the Court as to admissibility pursuant to State v. Boiter 396 S.E.2nd 364 (S.C. 1990).

NONE (UNLESS)

6. MOTION TO PRECLUDE REFERENCE TO INDICTMENT AND AMENDED

INDICTMENTS: - BASIS FOR THE CHANGE - GO INTO THE DATES THAT

ED DIFFERENT DATE

CHANGED TO THIS - NO SOLICITOR

PROSECUTORIAL MIS CONDUCT

NOTHING ABOUT SOLICITOR

7. MOTION FOR PROTECTIVE ORDER to preclude distribution of the Medical records to the Defendant as part of the case file.

(PROTECTIVE)

8. MOTION TO USE PRIOR CONVICTION for ABHAN for impeachment purposes (Defendant released from supervision by Dept. of Probation and Parole, in 2005). Legare v State 333 S.C. 275, 509 S.E.2d 472 (1998) State v. Mueller, 319 S.C. 266, 460 S.E.2d 409 (Ct. App. 1995)

NO INDICATOR

NO REFERENCE TO ALIBI

9. MOTION TO PRECLUDE EVIDENCE OF THIRD PARTY GUILT by Defense without an in camera proffer to determine admissibility.

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

STATE OF SOUTH CAROLINA,)

Plaintiff)

v.)

FRANKLIN MOSIER,)

Defendant.)

IN THE COURT OF GENERAL SESSIONS

CASE NUMBERS:

2010-GS-46-01533, 2011-GS-46-00480,

2011-GS-46-00481

DEFENDANT'S WITNESS LIST

- Jessica Cartwright
- Jeffery Sikes,
- Franklin Mosier, Defendant
- Officer Michael Johnson, Rock Hill Police Department
- Andrew Staffilino, AJS Investigations
- Detective Cathy Harvestson, Rock Hill Police Department
- Diane E. Cranford
- Dr. Goldsmith
- Loretta Welch (16)
- Sarah Mosier
- Patricia Helms (over 2nd)
- Ashley Childers f/k/a Ashley Locke
- Dr. Ankita Modi
- Kayci Caruso
- Lori Burris
- Dr. Stephen J. Barr
- Kimberly Kuehler

**ROCK HILL POLICE DEPARTMENT
GENERAL SESSIONS CASE SUMMARY**

DEFENDANT(S): Franklin Joseph Edward Mosler
CHARGE(S): Criminal Sexual Conduct With A Minor (1st)
WARRANT(S): K-386965
OFFENSE DATE: 07/18/09
CASE NUMBER: 0908020057
VICTIM(S): [REDACTED]
WITNESS(ES):
OFFICER(S): Officer Michael Johnson
CASE AGENT: Det. Kathy Harveston

SUMMARY: On 08/02/09, Officer Johnson spoke with Jessica Cartwright regarding her 10 year old daughter, [REDACTED] being a possible victim of a sexual assault. Cartwright stated that [REDACTED] had informed her that approximately two weeks ago while visiting her father, Franklin Edward Joseph Mosler tried to unbutton her pants. Mosler, also known as "Eddie Joe", is a cousin of [REDACTED] biological father, Jeffery Sikes. [REDACTED] further stated that the next night after everyone went to bed, Mosler was able to hold her down, undo her pants and put his hands inside on her vagina. This occurred at [REDACTED] in the city of Rock Hill.

A forensic interview was conducted at Safe Passage by Diane Cranford, LMSW on 08/05/09. Det. Harveston was present to observe the interview. During the interview, [REDACTED] disclosed that during the day while her step-mother was at work and her father was sleeping, Mosler came into her bedroom. [REDACTED] sister had gone to the bathroom and when Mosler came in to the bedroom, he pulled her close to him and tried to unbutton her pants. He did not touch her inappropriately on that occasion. The next night, [REDACTED] stated that she was on the blue couch in the living room playing a Simpson's game when she became tired and lay down. [REDACTED] further stated that Mosler held her down while he undid her pants and then put his hand inside of her pants and touched her vagina. [REDACTED] said that Mosler touched her inside her vagina with his fingers, kissed her on the shoulder, and also touched her breasts. She further stated that Mosler tried to get her to touch his penis on top of his pants. [REDACTED] stated that Mosler kept saying "you are my [REDACTED]".

July 14
→ Aug 2009

July 14th
- Summer stay
alot more
- Around 11:00 →

Jessica Cartwright reported that [REDACTED] had spent Friday and Saturday nights, 7/17 and 7/18, at her father's residence. Jeffery Sikes confirmed the dates and also stated that Mosier stayed at his house the same weekend.

Due to the victim being age ten at the time of the incident, warrant #K-386965 was obtained charging Mosier with Criminal Sexual Conduct With A Minor, 1st degree. Mosier was contacted by phone and turned himself in on 8/13/09 at the Rock Hill Police Department.

EXHIBIT D

COUNTY OF York

INDICTMENT/CASE#:

STATE

VS.

98 -GS- 46 - 2381Eddie Joe Mosier CERTIFIED TRUE CAPW#: F337651AKA: Franklin Joseph Edward MosierDate of Offense: MAY 1998Race: WSex: MDOB: [REDACTED]Age: 18SSN: [REDACTED]DL#: SC DL PermitSID#: [REDACTED]DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SCS.C. Code §: 16-3-0652CDR Code #: 0131815

SENTENCE

☒ PLEA☐ TRIALNo CreditIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Assault and Battery of a High and Aggravated Nature - Indefinite Libertiesin violation of § 17-25-30 of the S.C. Code of Laws, bearing CDR Code # 010113☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ 17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of Seven 7 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 5 Five months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS _____

Recipient: _____

*Fine:\$

§ 14-1-206 - Assessments 100%.....\$

§ 14-1-211 - Surcharge.....\$ 100

(Exceptions: See § 14-1-211)

§ 56-5-2995 (DUI).....\$

County (3%).....\$

TOTAL.....\$ 100Clerk of Court/Deputy Clerk David HamiltonCourt Reporter: Susan Wachsmuth

PTUP _____

_____ days/hours Public Service Employment

Obtain GED ☒

Attend Voc Rehab. or Job Corps _____

May serve W/E beginning _____

Substance Abuse Counseling _____

Random Drug/Alcohol Testing _____

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund.

Other: nothing away from vicPRESIDING JUDGE Frank EggerJudge Code: 0101012Sentence Date: 4-24-00

F- 337651

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

THE STATE
against

Eddie Joe Mosier

Address: York, SC 29745

Phone: [REDACTED] SSN: [REDACTED]
Size: M Race: W Height: 5-09 Weight: 140

DL State: _____ DL #: _____
DOB: _____ Agency ORI #: SC0460000

Prosecuting Agency: YC50

Prosecuting Officer: Bryant

Offense: Criminal Sexual Conduct 1st Degree / a Minor Offense Code:

Code/Ordinance Sec. 16-3-655

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

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

(L.S.)

Signature of Judge

Rule

RETURN

A copy of this arrest warrant was delivered to
defendant **Eddie Joe Mosier**
on _____

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:
General Sessions

Report # - 0048071709

Ticket # - 34504

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

AFFIDAVIT

Personally appeared before me the affiant S. E. Bryant who
being duly sworn deposes and says that defendant Eddie Joe Mosier
did within this county and state on during May 1998 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____)
in the following particulars:
DESCRIPTION OF OFFENSE: Criminal Sexual Conduct 1st Degree With a Minor - 16-3-655

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts: that the defendant did wilfully and unlawfully violate the law by committing a sexual battery with 10 year old [REDACTED]. The battery was accomplished by penetration of the Minor's vagina. This offense occurred in the Sandifer Road area of York County. All against the peace and dignity of such laws made and provided. Probable Cause is based on a police investigation and statements made by the victim.

Sworn to and subscribed before me
on _____

Signature of Affiant

Affiant's Address 1675 2-A York Highway
York, SC 29745

Signature of Issuing Judge (L.S.)

Affiant's Telephone 628-3059

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of
York

ARREST WARRANT

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

It appearing from the above affidavit that there are reasonable grounds to believe that on during May 1998 defendant Eddie Joe Mosier did violate the criminal laws of the State of South Carolina (or ordinance of _____).

☐ County/ ☐ Municipality of _____ is set forth below.

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct 1st Degree with a Minor - 16-3-655

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before the Court to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

defendant at the time of its execution, or as soon thereafter as is practicable.

) John's Address: 1675 York Highway
(U.S.) York, SC 29745

Signature of Beneficiary: _____

[illegible]

Author Code: _____

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

INCIDENT REPORT #: 0098014909

INCIDENT TYPE: CSC W/Minor, 1st Degree

243

CASE AGENT: S.E. Bryant

WARRANT #S: F-337651

VICTIM(S):

SUSPECT(S): Eddie Joe Mosier

- 1) CASE SUMMARY : ☒ YES ☐ NO
2) INCIDENT/SUPPLEMENTAL REP.: ☒ YES ☐ NO
3) BOOKING REPORTS : ☒ YES ☐ NO
4) ARRESTS: SUSPECT #1 : ☒ YES ☐ NO
SUSPECT #2 : ☐ YES ☐ NO
SUSPECT #3 : ☐ YES ☐ NO
5) EVIDENCE REPORTS /YORK CO.: ☒ YES ☐ NO
/SLED : ☐ YES ☒ NO

LIST OTHER REPORTS (i.e. data master, driver's history etc...):

1) DSS Referral

2)

3)

4)

6) OFFICER STATEMENTS : OFFICER : S.E. Bryant

OFFICER :

7) WITNESS STATEMENTS : WITNESS A: Lisa Williams

WITNESS B: Butch Parker

8) SUSPECTS STATEMENTS : SUSPECT 1:

SUSPECT 2:

9) SEARCH WARRANTS

☐ YES ☒ NO

SUSPECT 3:

10) SUSPECT(S) CRIMINAL HISTORY(S)

☒ YES ☐ NO

CASE SUMMARY: YCSO received a referral from Department of Social

Services stating that 10 year old [REDACTED] had possible been sexually assaulted by 16 year old Eddie Joe Mosier. Det. Bryant, YCSO, interviewed [REDACTED] who stated that while she was being babysitted at the Mosier residence, that she and Eddie Joe Mosier, as well as her 3 year old sister, were outside playing chase [REDACTED] and Eddie Joe went into a burnt trailer that was beside of the Mosier residence, to play. While inside, Eddie Joe fell and while [REDACTED] was shaking him trying to wake him, (he pretended that he was asleep) that Eddie Joe pulled [REDACTED] on top of him, unzipped his pants, and placed his hands up [REDACTED] culottes, into her panties. [REDACTED] then felt something being inserted into her vagina. [REDACTED] stated that it hurt. Eddie Joe stopped when he heard a car pulling into the drive a few minutes later. Mosier was brought to MJC, where he turned himself into Det. Hoffman, YCSO. Mosier asked for an attorney and made no statements at that time. Mosier was placed into YCDC juvenile holding because of his age. Mosier is charged as an adult.

* The number sequence on this report is the sequence that your information should appear in your court case file folder.

244 AGENCY I. D.
SC0480000YORK COUNTY SHERIFF'S DEPARTMENT
INCIDENT REPORT

0.0.9.8.0.1.4.9.0.9

INO ENTO

INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. Sex Offense (CSCW/Minor, 1st Degree)		☒ YES ☐ NO	☐ YES ☒ NO	Abandoned Bldg.		☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Ct.
2.		☐ YES ☐ NO	☐ YES ☐ NO			
3.		☐ YES ☐ NO	☐ YES ☐ NO			
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)				ZIP CODE	WEAPON TYPE	
[REDACTED], York				29745	Personal	
INCIDENT DATE		24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME
May 1998						5-21-98
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
Dept. of Social Services				☒ S ☐ O ☐ U		
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
Liberty St.		York		SC	29745	40
VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX
[REDACTED]				☒ S ☐ O ☐ U	W	F
HEIGHT		WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.	
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.
[REDACTED]		York		SC	29745	40
VISIBLE INJURY (VICT. 1) ☐ YES ☒ NO ☐ EXPLAIN —						
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE) ☐ YES ☒ NO ☐ EXPLAIN —						
VICTIM'S NAME (LAST, FIRST, MIDDLE) ☐ YES ☒ NO ☐ EXPLAIN —						
TWO-MAN VEN. ☐ ONE-MAN VEN. ☐ DETECTIVE/SPL. ASST. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☒ NO ☐						
SUBJECT NO. 1						
X SUSPECT		NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE
☐ RUNAWAY		Mosier, Eddie Joe		W	M	16
☐ WANTED		FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.		ETH	DATE OF BIRTH	HEIGHT
☐ WARRANT				N		5'8"
☒ ARREST		ADDRESS		CITY	STATE	ZIP CODE
☒ JAIL		[REDACTED]		York	SC	29745
☐ SUMMONS		SUBJECT (NO. 1) USING ALCOHOL ☐ YES ☒ NO ☐ UNK ☐		DATE/TIME OF OFFENSE	DATE/TIME OF ARREST	
		ARRESTED NEAR OFFENSE SCENE ☐ YES ☒ NO ☐		TOTAL # ARRESTED		
NARRATIVE						
YCSO received a referral from York Co. D.S.S., stating that 10 year old [REDACTED] had been sexually assaulted by Mosier while at Mosier's residence, [REDACTED], York. Victim was interviewed, at which time she made statements that Mosier did sexually assault her by penetrating her vagina. A warrant for Criminal Sexual Conduct w/ Minor, 1st degree was obtained for Mosier. Mosier was arrested on 5-21-98. Mosier is 16 years of age and will be charged as an adult.						
JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY						
JURISDICTION OF RECEIPT LAW ENFORCEMENT AGENCY						
PROPERTY EST.						
TYPE (GROUP)						
STOLEN						
DAMAGED						
BURNED						
RECOVERED						
SEIZED						
ADMINISTRATIVE						
SUBJECT IDENTIFIED		SUBJECT LOCATED		ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED ☐		ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER ☐
☒ YES ☐ NO ☐		☒ YES ☐ NO ☐				☐ IF CLEAR UNDER 18 ☐ IF CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTIVE MERIT 3 ☐ EXTRAJURISDICTION 4 ☐ VICTIM DENIES COOPERATION 5 ☐ JUVENILE - NO CONTACT 6 ☐ OTHER						
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE
Bryant, S.E.		5-26-98	632			
FOLLOW-UP INVESTIGATION ☐ YES ☒ NO ☐						

INCIDENT INTERVIEW REPORTYCSO CASE NUMBER: 0098014909 LEAD NUMBER: _____PERSON INTERVIEWED: [REDACTED]

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) [REDACTED]York, SC TELEPHONE: N/A(WORK) Student - [REDACTED]

TELEPHONE: _____

DATE OF INTERVIEW: 05-21-98 TIME: 3:50 P.M.LOCATION OF INTERVIEW: Moss Justice Center

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW: [REDACTED] was brought to the YCSO by her mother and father.They were instructed not to tell [REDACTED] what the purpose of them meeting
me was in reference to. [REDACTED] was taken into the library at the YCSOand was interviewed by Det. Bryant. When Det. Bryant told [REDACTED] what she
was there for, she put her head down on the table and started crying.The following is a summary of her statement:[REDACTED] stated that she, Eddie Joe, and her sister [REDACTED] were outside playing
at Eddie Joe's house. Eddie Joe's mother, Crystal Mosier, was babysitting
the girls while their parents were working. The three of them were outside
playing chase around a truck there at the residence. Eddie Joe was inside
of the truck and [REDACTED] and [REDACTED] was on the outside. [REDACTED] was chasing
[REDACTED] when [REDACTED] jumped into the truck where Eddie Joe was at.[REDACTED] stated that they ran into the burnt trailer beside Eddie Joe's house.[REDACTED] said that she later found out that [REDACTED] had said that she had
wanted to play house. [REDACTED] stated also that while she and Eddie Joewere inside of the truck that he had unzipped his pants and tried to kiss herOFFICER/AGENT. J. E. BryantPAGE 1 OF 2

PAGE: 2 OF 2YCSO CASE NO.: 0098014909

 states that she and Eddie Joe ran into a room in the back of the trailer and that couldn't get to them because of the wires in the way. states that Eddie Joe fell down on his back and pretended like he was asleep. said that she leaned down and shook him and told him to wake up. When did this, she said that Eddie Joe grabbed her by her arms and pulled her down on top of him. stated that she tried to get loose but that she couldn't. That's when he unzipped his pants. felt his hands go up into her culottes. They were really baggy. states that she felt something go into her private part. It lasted 2 or 3 minutes. said that she felt something going inside of her private and that it hurt. states that Eddie Joe did not say anything to her. doesn't know if it was his penis or his finger that went inside of her vagina. does remember his hands in her panties. Eddie Joe stopped when he heard a car coming. said, "Here's daddy". I told Sandy and Lisa about it the other day at Lisa's house. Afterwards I told my mom not to take us back to Crystal's house. I keep having flashbacks.

SIGNATURE: J. E. O'Byrne DATE:

5-21-98-NJC

3:50 p.m.

A Couple of weeks ago a Boy Named ~~E~~ Edey was
~~at~~ at his mothers which was Babysitting us. We was playing
chase and he took ~~me~~ me into the Burnd up house.
He took me to the Back room and Held me down
and raped me. I was 10 and he was ~~18~~ 18 or 17 ~~18~~ I
told Sandi ~~and~~ and Lesq this and Lesa told me
that he ~~has~~ has raped his own cousin which is
a Boy to, he was even trying to rape Sandi.

INCIDENT INTERVIEW REPORTYCSO CASE NUMBER: 0098014909 LEAD NUMBER: _____PERSON INTERVIEWED: Lisa WilliamsDATE OF BIRTH: [REDACTED] SOCIAL SECURITY NUMBER: _____ADDRESS: (HOME) [REDACTED]York, SC TELEPHONE: [REDACTED](WORK) U.S. CottonCharlotte TELEPHONE: [REDACTED]DATE OF INTERVIEW: 05-27-98 TIME: 11:00 A.M.LOCATION OF INTERVIEW: Telephone

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW: Mrs. Williams started out by stating that back in 1994 that Crystal Mosier had bragged to her about walking into Eddie Joe's bedroom and catching Eddie Joe and his then girlfriend, Kimberly Decker, having sex. That Eddie Joe's sister, Christy, was also in the bedroom with them. Mrs. Williams also stated that a few weeks ago, Sandy Aull had come to her house. She and Sandy started talking about Eddie Joe. Mrs. Williams asked Sandy if Eddie Joe had messed with [REDACTED]. Sandy stated that she didn't know and Sandy went and found [REDACTED] and brought her to the Williams' and they all three engaged in a conversation about Eddie Joe. [REDACTED] first stated that Eddie Joe had not touched her. Mrs. Williams stated that [REDACTED] was at her house again the next day and she, [REDACTED], Sandy, and [REDACTED] were all there. [REDACTED] told her that day that Eddie Joe had mess with her and that the reason she told her that he hadn't the day before was because she was afraid that Mrs. Williams would tell her mother. This was about two (2) weeks ago. Mrs. Williams stated that [REDACTED] first told her that Eddie Joe stuck his hand up there, then she told Mrs. Williams

OFFICER/AGENT. A. E. BryantPAGE 1 OF 2

PAGE: 2 OF 2YCSO CASE NO.: 0098014909that Eddie Joe had sex with her.SIGNATURE: D. E. Bryant

DATE: _____

INCIDENT INTERVIEW REPORTYCSO CASE NUMBER: 0098014909 LEAD NUMBER: _____PERSON INTERVIEWED: Butch ParkerDATE OF BIRTH: [REDACTED] SOCIAL SECURITY NUMBER: _____ADDRESS: (HOME) [REDACTED]York, SC TELEPHONE: [REDACTED]

(WORK) _____

TELEPHONE: _____

DATE OF INTERVIEW: 05-26-98 TIME: 1:05 P.M.LOCATION OF INTERVIEW: Telephone

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW: Mr. Parker stated that he and his girlfriend, Gretchen,
was pulling down into the Mosier driveway. He said that they saw Eddie
and [REDACTED] getting out of the cab of a pickup, and they were both pulling
their pants up quickly. Mr. Parker asked Eddie what they were doing and
Eddie said that they were playing hide and go seek. Mr. Parker told Mrs.
Lisa Williams about what happened and she said that something needs to be
done. This happened about 3 or 4 weeks ago. I think that it happened on
(April 17)
Gretchen's birthday. Gretchen and Crystal Mosier are sisters.
Lisa Williams told me about Crystal bragging about going into Eddie's bed-
room and him and Kim were fooling around and making love. Kim was about
14 or 15 years old I think.

OFFICER/AGENT. J. E. B. [Signature]PAGE 1 OF 1



SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES

James T. Clark, State Director, P.O. Box 1520, Columbia, S.C. 29202-1520

Mr. Karen A. Carter
Director, York County

P.O. Box 261
York, South Carolina 29745
Telephones: (803) 684-2315

Date: 5-19-98

Fax#: _____

PLEASE DELIVER THE FOLLOWING PAGES TO:

Detective Division

Company Name: _____

Y.C.S.O.

Address: _____

From:

York Co. DSS - CPS Intake

PLEASE HANDLE AS FOLLOWS:

_____ Normal Processing

☒ Confidential

☒ High Priority

_____ Call when received

_____ Other: _____

Total # of Pages, including the cover sheet 4, call if you do not receive all pages.

Official copy will follow by US Mail: _____ Yes _____ No

Additional Comments: _____

York County DSS P.O. Box 261, York, SC 29745 (803) 684-2315 Fax: (803) 684-8149

Brown Hope Baptist School

SA

South Carolina Department of Social Services
CHILD WELFARE SERVICES
INTAKE AND CENTRAL REGISTRY SHEET

1.1 Pre-
ke
Recopen
1 of
ince

Page
FAX
TO YCS
Det. Div.

Soundex () Central Registry Step 1 ()		Case Number	
Intake Date 5/19/98		Initial Contact Date 1/1	
Time: 10:50 AM		A/P	
Household: Address: YORK. Street/Apt. City			
Person ID	Parent/Caretaker	DOB	Sex Ri
	~~XXXXXXXXXX~~		M W
	~~XXXXXXXXXX~~		F W
	MOSIER, FRANK		M W
	MOSIER, CRYSTAL		F W
	MOSIER, EDDIE	16	M W
Address			
Telephone			
SAA			
SAA			
YORK			
SAA			
SAA			
Directions to Parent/Caretaker's Home:			
Person ID	Child(ren)	DOB	Sex Race V
	~~XXXXXXXXXX~~	10	F W X
	~~XXXXXXXXXX~~	6	F W
	CHRISTY	14	F W
Address			
School			
Grade			
SAA			
SAA			
CRYSTAL'S CHILD			
Directions to Location of Child(ren):			
Law Enforcement/Court/Other Agency Involvement:		Medical/Psychiatric Provider or Involvement:	

DSS Form 3027 (MAR 97) Edition of DEC 96 is obsolete.

Page 1

Maltreatment Factors: Specific allegation, date, conditions under which it occurred, severity, location of injury, access of perpetrator, was child harmed, and how? By parent's actions or omissions? R/S 4/17/98 BETWEEN 5:30 AND 6:00 PM 16 Y/O MALE AND 10 Y/O FEMALE WERE IN A PICKUP TRUCK ALONG WITH HER SISTER, 6 Y/O FEMALE. R/S THE 10 Y/O AND 16 Y/O GOT OUT OF THE TRUCK PULLING UP THEIR PANTS FROM AROUND THEIR KNEES, BOTH HAD STRANGE LOOKS ON THEIR FACES. R/S THE 6 Y/O SAW EVERYTHING. R/S THE BABY SITTER WAS INSIDE PLAYING SOME VIDEO GAMES AND NOT WATCHING THE CHILDREN. R/S DO NOT THINK ANYONE TOLD THE 10 Y/O'S PARENTS ABOUT THE SEXUAL ABUSE BY THE 16 Y/O.

Child Factors: Age, behavior, condition, role/responsibility and relationship in family, special needs, delinquency, physical/mental abilities, attachment.

10 Y/O FEMALE ALLEGEDLY SEXUALLY ABUSED BY THE 16 Y/O; BABY-SITTERS SON.

6 Y/O FEMALE

16 Y/O MALE

14 Y/O FEMALE

Parent Factors: Behavior, willingness to protect, substance abuse, custody action, incarceration, mental/physical illness, spouse abuse, parenting skills, prior CPS reports, parents, victims of abuse/neglect. R/S DO NOT THINK THE PARENTS OF THE 10 Y/O KNOW ANYTHING ABOUT THE SEXUAL ABUSE BY THE 16 Y/O. R/S THE BABY-SITTER WAS INSIDE PLAYING SOME VIDEO GAMES AND WERE NOT WATCHING THE CHILDREN. R/S THE 6 Y/O WAS IN OR NEAR THE TRUCK AND SAW WHAT HAPPENED.

Family Factors: Support system, marital/financial problems, violence, employment, service accessibility, relationships with community.

THE BABY-SITTER DOES NOT WORK. R/S DO NOT KNOW ANYTHING ABOUT THE VICTIM'S PARENTS OR THEIR NAMES.

Environmental Factors: Conditions of home, isolation, stressors.
UNKNOWN

Typology:

☒ Sexual Abuse	☐ Educational Neglect
☐ Physical Abuse	☐ Contributing to the Delinquency of a Minor
☐ Mental Injury	☐ Threat of Harm (specify)
☐ Abandonment	
☐ Physical Neglect	
☐ Medical Neglect	

Site of Abuse/Neglect:

☐ Child's Home	☐ Residential Home
☒ Day Care/After School	☐ Other:
☐ Foster Home	
☐ Adoptive Home	
☐ Relative's Home	
☐ Neighbor/Friend's Home	

Records Check: Open No. Closed No. County No.			Social Security Number:		
☐ CPS ☐ Central Registry ☐ Foster Care ☐ CHIPS ☐ Other ☐ None			Name	Number	
Sufficiency Screen:					
1. Is the alleged perpetrator a person responsible for the child's welfare as defined by Section 20-7.490(5)?			☐ Yes ☐ No ☐ Unknown		
If no, is the "person responsible" negligent in protecting the child?			☐ Yes ☐ No ☐ Unknown		
2. Is there a specific allegation of abuse/neglect that meets the legal definition?			☐ Yes ☐ No ☐ Unknown		
Intake Decisions:					
1. ☐ Accepted for CPS Investigation (date and time noted on page 1) Note: If initially placed in Pending, the date and time removed from Pending = Date and Time Intake Accepted for Investigation.					
2. ☒ Not Accepted for CPS Investigation Justification for not accepting investigation: _____					
Was a referral made? ☒ Yes ☐ No					
If yes, to whom was referral made? <u>YCSO Det. Dinnin</u>					
3. ☐ Pending *Date: _____ Time: _____ Information necessary for report to be accepted: _____					
☐ Removed from Pending *Within 24 hours of being placed in Pending, one of the following actions must be taken:					
☐ Accepted (complete step 1 above)		Date: _____ Time: _____			
☐ Not Accepted (complete step 2 above)		Date: _____ Time: _____			
4. ☐ Accepted for Child Welfare Services					
Level of Intervention Based on Risk Factors:					
1. Seriousness of Abuse/Neglect (nature and location of injury)	H	M	L		
2. Age of Child	☐	☐	☐		
3. Frequency of Abuse/Neglect	☐	☐	☐		
4. Accessibility of Alleged Perpetrator	☐	☐	☐		
5. Worker Safety Response (see page 4)	☐	☐	☐		
6. Out of Home Abuse and Neglect (OHAN)	☐	☐	☐		
Recommended Response:		Visit Priority:			
☐ 0 - 2 hours (Emergency Response)		☐ #1 - With Law Enforcement			
☐ 2 - 12 hours		☐ #2 - With Co-Worker			
☐ 12 - 24 hours		☐ #3 - Worker			
Supervisor/Designee Signature					
<u>[Signature] 5/19/98</u>					

York County Sheriff's Office Evidence and Property Control Inventory Sheet

(Type or use ballpoint pen and press firmly. Print all information except where signature is required)

Date Evidence Collected 5-26-98

Date Submitted to Evidence 5-27-98

Page 1 of 1

Incident Number 63C-18674-101

Item #	Officer	Time	Description of Item (i.e. subject or victim's, model, color, number, etc)	Specific location where collected	Bar code
1	B4593	1400	1 pair of girls culottes (blue & pink)	[REDACTED] Victim's mother	

Chain of Possession

Item(s)	From	To	Date/Time	Item(s)	From	To	Date/Time
1	Det. Bryant		5-27-98				

York County Sheriff's Office Evidence and Property Control Form

(Type or use ball-point pen and press firmly. Print all information except where signature is required.)

Incident Date May 1998 Date Item(s) Submitted to Evidence 5-27-98 Incident Number 0098014709
(Original Incident Date) (Either in person, to Evidence Drop or Evidence Locker)

SUBMITTING OFFICER

<u>Bryant</u>	<u>Susan</u>	<u>E</u>	<u>B4593</u>
Last Name	First Name	M.I.	I.D.#

SUBJECT # 1: Reporting Person 1 Victim Suspect Owner Other(specify)

<u>[REDACTED]</u>	<u>[REDACTED]</u>	<u> </u>
Last Name	First Name	Middle

SUBJECT # : Reporting Person Victim 1 Suspect Owner Other(specify)

<u>Mosier</u>	<u>Eddie</u>	<u>Joe</u>
Last Name	First Name	Middle

SUBJECT # : Reporting Person Victim Suspect Owner Other(specify)

<u> </u>	<u> </u>	<u> </u>
Last Name	First Name	Middle

REASON FOR SUBMITTING (Check Appropriately)

 Evidence for Investigation ✓ Evidence for Court Destroy Hold Until Released By Submitting Officer Found Property Processing(indicate item numbers to be processed and type processing requested)Item(s)# Type of processing requested Item(s)# Type of processing requested

Results of processing for above listed items:

Item(s)# Finding(s) Item(s)# Finding(s) Signature of Analyst for above finding(s)

(The above Analyst will provide a copy of these results to the Submitting Officer and assigned Investigator if Applicable)

 SLED Analysis(must be accompanied with completed SLED Laboratory Forensic Services Request, SLED Evidence Inventory Sheet, and an additional copy of York County Sheriff's Office Original Incident Report.) SLED Best Pack(must be accompanied with a copy of York County Sheriff's Office Original Incident Report, and have all enclosed forms notarized)Item(s)# to be sent to SLED

SPECIAL HANDLING OF ITEM(S)(List item(s) and special handling or cautions that apply, i.e., biohazard, blood, loaded weapon, etc.)

Item(s)# Handling warning(s) Item(s)# Handling warning(s)

<u>A. E. Bryant</u>	<u>5-27-98</u>
Signature of Submitting Officer	Date

Location Submitted (Evidence Drop, Evidence Locker, In Person, etc.)

QUERY BY BAR CODE#: : YCS03691

Bar Code#: YCS03691 Location: 98-03

Off.ID: B4593

Case/IR #: 0098014909 Relate Case:

Inci.Date: 05/26/98

Recovered @: [REDACTED] ROAD, Minor S MOTHER.

Owner Name: [REDACTED] Minor)

Phone: () -

OwnrAddress: [REDACTED]

City/ST/Zip: YORK, S.C. 29745

SuspectName: MOSIER, EDDIE JOE

Prop.Type: CLOTHING

Holding For: COURT

Brand/Make:

Serial Num:

Description: (1) SEALED ENVELOPE STC (1) PAIR OF GIRLS CULOTTES (BLUE &
Description: PINK).

Tech Notes:

ACTION DATE: / /

Create Date 05/27/98

Last Changed 05/27/98

***** Tracking History *****

Act	Date	Time	User	Assignee	Location:	Remarks
NEW	05/27/98	10:23	S2606		98-03	NEW ITEM

OFFICIAL SUMMONS AND ARREST REPORT

0028014409
F-337651STATE OF SOUTH CAROLINA
COUNTY OF YORK
VS.

FIRST NAME Eddie		MIDDLE NAME JOE		LAST NAME MOSIER																	
STREET NO. 610 Sandifer Rd.		CITY York		STATE SC																	
YOU ARE SUMMONED TO APPEAR BEFORE TRIAL OFFICER																					
NAME OF TRIAL OFFICER General Sessions, Miss Justice Center, York		STREET NO.		CITY AND STATE																	
DATE OF TRIAL 7/13/98		TIME OF TRIAL 8:30 A.M.		STATUTE OR ORDINANCE NO. 16-3-655																	
TO ANSWER TO THE CHARGE OF Criminal Sexual Conduct w/Minor, 1st Degree																					
BAIL DEPOSITED Bail		WEATHER		ATTITUDE																	
NAME OF OFFICER IS Bryant S.E.		RANK Det.		DATE OF ARREST 5/21/98																	
CASE BEFORE COUNTY JUDGE ☐ MAGISTRATE ☐ RECORDER-MAYOR ☐ FEDERAL JUDGE ☐ MIL. COURT ☐ STATE COURT ☐				DATE OF OFFENSE May/1998																	
DISPOSITION NOT GUILTY ☐ FORFEIT BAIL ☐ TRIED IN ABSENCE ☐ NOLLE PROSEDO ☐ SENT HIGHER CT ☐ TURNED TO NILD ☐ GUILTY ☐ CHANGE OF VENUE ☐				<table border="1"> <tr> <td>D</td><td>S</td><td>M</td><td>T</td><td>W</td><td>T</td><td>F</td><td>S</td> </tr> <tr> <td>A</td><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td> </tr> </table>		D	S	M	T	W	T	F	S	A	1	2	3	4	5	6	7
D	S	M	T	W	T	F	S														
A	1	2	3	4	5	6	7														
DESCRIPTION OF ACCUSED W M 5'8" Bro 140				TIME OF VIOLATION 1 A.M. 2 P.M.																	
Race Sex Birthday HL Hair WL Eyes				LOCATION OF ARREST MJC																	
SENTENCE OF THE COURT				CENSUS TRACT																	
ON HWY. NO.				CITY																	
CERTIFIED CORRECT				AMOUNT OF FINE AMOUNT SUSP. \$ \$																	
				DATE 7/1																	

RECORDS OFFICE

No. 34504

INCIDENT INTERVIEW REPORT

CASE NUMBER: 0098014909

LEAD NUMBER: _____

PERSON INTERVIEWED: Butch Parker

DATE OF BIRTH: _____ SOCIAL SECURITY NUMBER: _____

ADDRESS: (HOME) _____

York, SC

TELEPHONE: _____

(WORK) _____

TELEPHONE: _____

DATE OF INTERVIEW: 05-26-98

TIME: 1:05 P.M.

LOCATION OF INTERVIEW: Telephone

PURPOSE/TOPIC OF INTERVIEW: _____

DETAILS OF INTERVIEW: Mr. Parker stated that he and his girlfriend, Gretchen, was pulling down into the Mosier driveway. He said that they saw Eddie and _____ getting out of the cab of a pickup, and they were both pulling their pants up quickly. Mr. Parker asked Eddie what they were doing and Eddie said that they were playing hide and go seek. Mr. Parker told Mrs. Lisa Williams about what happened and she said that something needs to be done. This happened about 3 or 4 weeks ago. I think that it happened on Gretchen's birthday. Gretchen and Crystal Mosier are sisters. Lisa Williams told me about Crystal bragging about going into Eddie's bedroom and him and Kim were fooling around and making love. Kim was about 14 or 15 years old I think.

OFFICER/AGENT: J. E. Bryant

PAGE 1

OF 1

Date: 3/9/99
Sender: Cindy Robinson
To: Larry Grant
Priority: Normal

██████████ confirmed for Thursday, March 11th at 3:30pm. Beth Bryant
will be he at that same time.

Did Not Show.

LISA to move for
Mental Evaluation
I will not object.

**ABUSE
RECOVERY
CENTER**

*a combined effort of Richland Memorial Hospital and
The William S. Hall Psychiatric Institute*

Allison F. DeFelice, Ph.D.
Anne Abel, M.D.
Mary Jennings, LBSW
Shay Lindsay, CLS
Carolyn Hammonds, LPN
Janet Heath, Staff Assistant

July 30, 1998

Officer Beth Bryant
York County Sheriff's Department
Moss Justice Center
1675-2A - York Highway
York, S.C. 29745-7430

Re: [REDACTED]
DOB: [REDACTED]

Dear Officer Bryant,

I did the requested protocol today on [REDACTED]. In quick summary, her genital findings were suspicious for sexual abuse. The kind of findings I saw do not normally result from fondling, but more typically the result from penile penetration. The girl handled this information well. However, the parents had very abnormal behavior, both, before and after the exam. I'm urgently recommending a family mental health assessment and treatment. I understand that you gave the parent the name of a counselor in your area. Please follow up to make sure that they get to the counselor. The family is very against going to the local Mental Health Center so hopefully the counselor you have picked is not at the Mental Health Center.

Sincerely,

Anne Abel, M.D.
A.R.C. Medical Director

AA:jlh

262

CHILDREN FROM BIRTH THROUGH AGE 17

Patient Name: [REDACTED]

Date: 7/30/98

Stamp Plate or
Name of Patient

Date of Visit: 7/30/98	Time:
Source of Intake Information: Beth Byrnat	
Relation: ☐ Child Protective Services ☐ Medical Provider	Shirley Byrnat York DSS
☐ Law Enforcement ☐ Other:	
☐ Guardian	
Is patient in Emergency Protective Custody?	
☒ No ☐ Yes Date:	
Site:	
Provider Name (Print):	

EXAM TYPE PERFORMED: ☒ SEXUAL ABUSE ☐ PHYSICAL ABUSE ☐ BOTH

DEMOGRAPHIC INFORMATION	
Photocopy of Agency Demographic Information May Be Submitted	
Patient Name: [REDACTED]	Sex: ☒ Female ☐ Male
DOB: [REDACTED]	Age: 10 SSN: [REDACTED]
Race: ☐ White ☐ Black ☐ American Indian ☐ Oriental ☐ BI-Racial ☐ Other	Migrant: ☐ No ☐ Yes
Mailing Address:	
Street Address: York SC 29745	
Phone:	County of Residence:
Current School:	District: Grade:
Legal Custodian/Relation: Angela Wenghoffers (Mother)	
Contact Name:	Contact Phone:
Accompanying Guardian/Relation: Angela Wenghoffers (Mother)	
Payment Source: CRIME VICT.	Policy #:
INVOLVED AGENCIES	
Law Enforcement: York	☐ Police Department ☒ Sheriff Department
Officer: Beth Byrnat	Badge #: Phone:
Address:	Report Date: OCA or Case #:
DSS:	Social Worker's Name:
Phone:	Ext:
Address:	
Other Agency(ies):	
Signature of Examiner: Anne Abel	
Print Name: Anne Abel	Date: 7/30/98

INCIDENT INFORMATION

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Previous Exam for Maltreatment: ☒ No ☐ Unknown ☐ Yes	
Date:	
Location:	
Physician:	Phone:
Results:	
Initial Indicator of Risk: ☐ Victim Behavior ☐ Victim Verbal	

Physical Indicators: ☐ Witness ☐ Unknown ☐ Other:
Brief History of Allegations and/or Reason for Referral: Child stated that Eddie Jo Morison, 16 yr. old. neighbor (female) pull her on top of him & put his hands under her panties & inserted his finger or penis - she is unsure of finger or penis - she stated she closed her eyes "it hurt". She said this happened while they were playing in a trailer next shire - that no one lived in - she said Eddie Jo fell down & pretended to be asleep so she walked over & said "wake up - wake up" and that when he pulled her on top of him - Eddie Jo is out on back - This is his second offense (SA) to a minor.

IF KNOWN, identity of alleged offender: Eddie Jo Morison			
Age: 16	Sex: ☐ Female ☒ Male	Race: cauc.	Relationship to Child: neighbor
Date/Place of first alleged maltreatment: estimate April or May 98			
Date/Place of last alleged maltreatment: - one time incident			
Date of last contact: no recent contact			
Access to this child: ☒ No ☐ Yes		Access to other children: ☐ No ☐ Yes See Below:	
If applicable, identity of additional offender: none			
Age:	Sex: ☐ Female ☐ Male	Race:	Relationship to Child:
Date/Place of first alleged maltreatment:			
Date/Place of last alleged maltreatment:			
Date of last contact:			
Access to this child: ☐ No ☐ Yes		Access to other children: ☐ No ☐ Yes	
Name of Therapist Involved: no	Agency:	Phone:	
Examiner's Signature: Daniel M. [Signature]	Date: 7/30/98		

PATIENT INFORMATION

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Historian:

Relationship: self

Accompanying Adult(s)/Relationship(s):

Patient's Communication Skill Level: ☐ WNL ☐ Delayed ☐ Unknown

Personal Physician's Name: not remember

Location: Rock Hill

Phone:

Current Medications: new aspirin for headache

Antibiotics Taken Since Possible Exposure: no

Reason Rx:

Allergies: ☐ N/A ☐ No ☒ Yes - Drug(s): bee allergy☐ Alopec Dermatitis ☐ Other:Developmental Level: ☒ Appropriate ☐ Delayed ☐ Advanced ☐ Unable to AssessPrenatal History: Maternal Violence/Trauma ☐ No ☐ Yes -Complication: ☐ No ☐ Yes -Substance Use: ☐ No ☐ Yes -

ETOH: unknown

Perinatal History: Complications: ☐ No ☐ Yes -

Length of Hospital Stay:

Birth Weight:

Feeding Problems:

Pertinent Past Medical History

☐ Surgeries - no☐ Invasive Diag. Proc. -☐ Increased Blood Tendency - no☐ Medical Treatment - no☐ Seizures - no☐ Hospitalizations - denied☐ Ingestion - no☐ Eye Injury - no☐ Head Injuries ☐ No ☐ Yes☐ Sutures - no☐ Physical Injuries ☐ N/A ☐ No ☐ Yes -☐ Tetanus Status - Date: up to date☐ Burns - no☐ Fractures - no☐ Ano-genital Injuries or Infection - no☐ Other -Menarche: ☒ No ☐ Yes

Age:

Date of LMP:

Normal ☐ N/A ☐ No ☐ Yes

Pregnancy History: N/A

STD History:

Use of Contraceptives: ☒ N/A ☐ Oral ☐ Injectable Contraceptive ☐ Condoms ☐ Other -

Comments: child admitted to ER w/ IVD & vom from without res

pertinent family history

☐ Bleeding & Bruising Disorders -☐ Bone Disease -☐ Drug Use - no☐ ETOH Use - no☐ Domestic Violence (Severity/Frequency) - one episode between parents Reported to Law Enforcement ☒ Yes ☐ No☐ Mental Health Problems - denied

Examiner's Signature: David M. [REDACTED]

Date: 7/30/98

PHYSICIAN'S HISTORY OF PRESENT ILLNESS
FOR BOTH PHYSICAL ABUSE AND CHRONIC SEXUAL ABUSE CASES

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Patient Interviewed
in the Presence of:

Brief Summary of Assault(s)- Include date, time, location, if possible.
Some children may be able to associate the time of assault with
weekends, a holiday, or a special television show. Describe in the child's
own words details of the abuse:

Reason History Not Obtained:

interview of Heather done
per Sheriff's Dept.

Parents showed unusual behavior before and after
[REDACTED] exam. Father entered diner in best over
reaction - told Dr. Abel he had been in a car
accident and needed to go to the ER and asked
how long [REDACTED] exam would take. - after
being given the answer, he decided to stay
and laid on the couch in the waiting room.
Staff reported to Dr. Abel parents were arguing
outside the building too.

During meeting with [REDACTED] and her parents
after [REDACTED] exam was complete. Father showed
horrorsome response to the disclosure of the
findings. Father said daughter had died and he would make
her tell him what Eddie did and that he would kill Eddie.
Father calmed down after Dr. Abel told Father - see attachment

Were any photographs taken during the incident? ☐ No ☐ Yes ☐ Unknown Comments:

Did anyone see the assault? (i.e., brother, sister, friend) ☐ No ☐ Yes ☐ Unknown Comments:

Was there any coercion used? ☐ Knife ☐ Gun ☐ Choke ☐ Fists ☐ Binding
☐ Physical Size ☐ Verbal Threats ☐ Parent or Adult Authority ☐ Bribe
☐ Drugs/Alcohol ☐ Unknown ☐ Other: Comments:

Narrative of Concerns and Observations

see attachment and above

Affect of Support Person: ☐ Cooperative ☐ Uncooperative ☐ Supportive ☐ Unsupportive ☐ Hostile ☐ Flat ☐ Ambivalent

Examiner's Signature: [Signature]

Print Name: Anne Abel

Date: 7/30/98

RICHLAND MEMORIAL HOSPITAL

Stamp with addressograph

Date	Notes should be signed by Physician
7/30/98	attachment continued from pg 4 of protocol. not to do either and why. Mother appeared depressed and tired. Father asked me for prescription for his nerves. I referred Father to ER MD this am and I refused to give Father a prescription. I referred Father to RPH ER. Patient finally acknowledged that Officer Beth Bryant had referred [redacted] for counseling. Mother ambivalent about counseling especially due to Mother working 3rd shift and financial concerns re cost of therapy. I re-emphasized need for counseling since Mother openly argues at [redacted] about not disclosing the abuse to either herself or the father. Anne Abel MD

SEXUAL ABUSE/ASSAULT INFORMATION
FOR CHRONIC SEXUAL ABUSE CASES ONLY
 Optional Supplement to Interview

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Patient interviewed
in the Presence Of:

Described by
Patient

N Y U

Comments

Vaginal Contact

Penis

Finger

Foreign object (Describe)

Anal Contact

Penis

Finger

Foreign object (Describe)

Oral Copulation of Genitals

of Victim by Assailant

of Assailant by Victim

Oral Copulation of Anus

of Victim by Assailant

of Assailant by Victim

Masturbation

of Victim by Assailant

of Assailant by Victim

Did ejaculation occur? If yes, write child's description.

Describe location(s) on the body:

Where did ejaculate go?

Describe assailant's genitals:

Condom used

Foam, jelly, or lubricant used (circle)

Fondling, licking, kissing or biting (circle)

Describe the location on the body:

Examiner's Signature: [Signature]

Date: 7/30/98

REVIEW OF SYMPTOMS

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Patient Interviewed
in the Presence of:

		Described by Patient			Described by Historian			Prior Tx			Comments
		N	Y	U	N	Y	U	N	Y	U	
Urogenital	Pelvic pain	✓									
	Genital discomfort or pain	✓									
	Dysuria	✓									
	Urinary tract infections	✓									
	Enuresis	✓									
	Hematuria	✓									
	Genital itching	✓									
	Genital discharge (Describe color/odor/amount)	✓									
	Genital bleeding	✓									
Anorectal	Rectal pain	✓									
	Rectal bleeding	✓									
	Rectal itching	✓									
	Constipation	✓									
	Incontinent of stool	✓									
General Symptoms	Frequent headaches		✓								in past - now relieved with the weak glasses
	Frequent stomachaches	✓									
	Vomiting	✓									
	Eating disorder	✓									
	Weight change	✓									
Behavioral Symptoms and Observations	Sexual Behaviors										
	Sleep Disorders	✓									
	School Problems	✓									
Prior Testing Date: <u>no</u>								Prior Treatment Date: _____			
[] Klt [] Pregnancy [] Chlamydia [] HIV								[] Pregnancy - Specify: _____			
[] GC [] RPR [] Other: _____								[] STD - Specify: _____			
Examiner's Signature: <u>[Signature]</u>								Date: <u>7/30/98</u>			

PHYSICAL EXAMINATION RECORD

Stamp Plate or
Name of Patient

Patient Name: [REDACTED]

Date: 7/30/98

Name(s) of Person(s) Present:

Lindsey CLS
Hammonds LPN

Behaviors Observed During Exam: Describe:

cooperative

Physical Exam: Height: 58" %

Weight: 116 %

H.C.: %

	WNL	ABN	N/A	Explain
General Appearance	✓			
CN II-XII	✓			
Motor Strength/Tone	✓			
Ears/TMs	✓			
Eyes/Fundi	✓			
Nose	✓			
Mouth/Oropharynx	✓			
Teeth: Upper	✓			
Teeth: Lower	✓			
Frenulums: Lips	✓			
Neck	✓			
Breasts/Chest	✓			
Back	✓			
Lungs	✓			
Heart	✓			
Abdomen	✓			
Hair/Scalp	✓			
Skeletal	✓			
Other	✓			

Comments:

Examiner's Signature: [Signature]

Date: 7/30/98

PHYSICAL EXAMINATION RECORD

Patient Name: [REDACTED]

Date: 7/30/98

Stamp Plate or
Name of Patient

Skin Findings

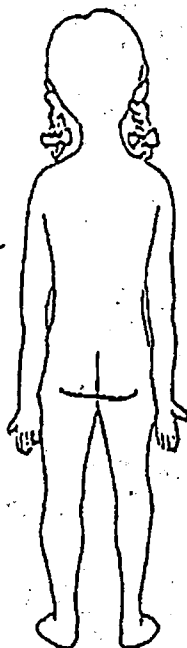
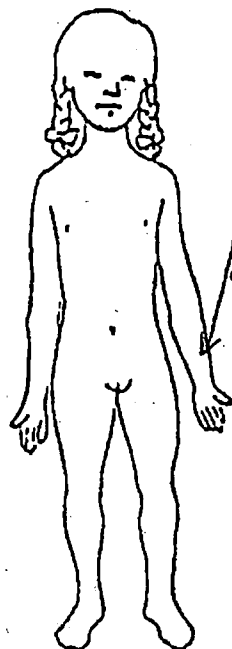
(Describe color, configuration, measurements, and any remarks by the child or to the etiology for each lesion.)

Photos Taken: ☒ No ☐ Yes-Number Taken: _____Forensic Dentistry Consult: ☐ No ☐ Yes-Who: _____Lesions Consistent with Bite Marks: ☐ No ☐ Yes

see pg 9

Male/Female Exam	WNL	ABN	Describe
Tanner Stage (Maturity Level)			
Breast 1 2 3 4 5	☒		
Genitals 1 2 3 4 5	☒		
Inguinal Adenopathy	☒		
Medial Aspect of Thighs	☒		
Perineum	☒		
Male Genital Exam			
Penis			
Circumcised	☐ No	☐ Yes	
Urethral Meatus			
Scrotum			
Testes (Anal/rectal exam on next page)			
Urethral Discharge	☒ No	☐ Yes	
Consistent W/Condyloma	☒ No	☐ Yes	Treated (Method):
Acetic Acid Diagnostic	☐ No	☐ Yes	
Examiner's Signature: [Signature]	Date: 7/30/98		

BODY DIAGRAMS

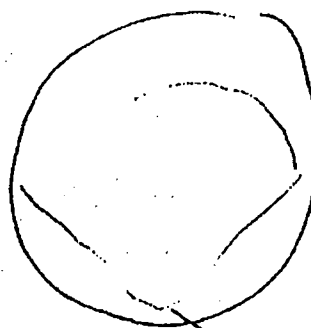
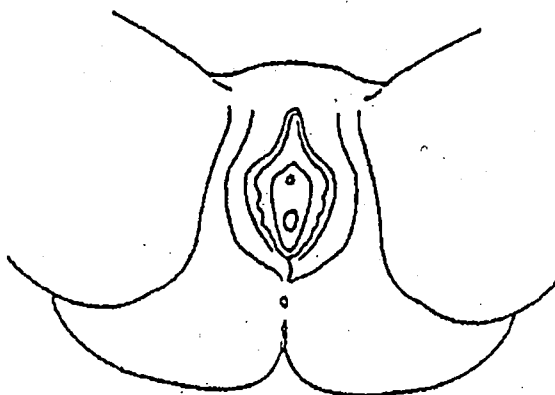
Stamp Plate or
Name of Patient

DOE 7/30/98



116 lbs. 58 ins

DIAGRAM OF HYMEN

narrowed at
6 o'clock

PHYSICAL EXAMINATION RECORD

Patient Name: [REDACTED]

Date: 7/30/98

Stamp Plate or
Name of Patient:

GENITAL EXAM			
FEMALE	WNL	ABN	Describe
Labia Majora	✓		
Labia Minora	✓		
Clitoris	✓		
Periurethral Tissue/ Urethral Meatus	✓		
Perihymenal Tissue	✓		
Hymenal Introlitus	✓	✓	✓
Hymen ☒ Crescantic [] Annular [] Redundant			
Others:			
Clefts (Location)			laterally at 3 and 9 o'clock
Transection			
Concavity			
<u>Narrowing</u>			at 6 o'clock
Others			
Vagina	✓		
Vaginal Discharge	none		
Fosse Navicularis	✓		
Posterior Commissure or Posterior Fourchette	✓		
Condyloma	none		Treated (Method)
Acetic Acid Diagnostic			
Describe: Suspect Genital exam			
Exam Position Used: ☒ Supine [] Prone or Knees/Chest [] Supporter's Lap			

FEMALE/MALE/ANAL EXAM			
	WNL	ABN	Describe
Perineum	✓		
Buttocks	✓		
Perianal Skin	✓		
Tone	✓		
Anal Verge/Folds/Rugae	✓		
Condyloma	none		
Anal Tags	✓		
Anal Fissures	✓		
Reflex Dilatation		☒ No [] Yes	
Stool in Rectum		[] No [] Yes	
Method of Exam for Anal Tone: [] Observation [] Digital Exam			
Exam Position Used: ☒ Supine [] Lateral Recumbent [] Prone or Knees/Chest [] Supporter's Lap			
Describe: Normal Anal exam			
Anoscopic Exam: ☒ No [] Yes			
Proctoscopic Exam: ☒ No [] Yes			
Genital Exam Using: [] Direct Vision ☒ Colposcope			
Photos Taken: ☒ No [] Yes - Number Taken:			
Comments:			
Affect of Support Person: [] Cooperative [] Uncooperative [] Supportive [] Unsupportive [] Hostile [] Flat [] Ambivalent			
Examiner's Signature: [Signature] Date: 7/30/98			

LAB/SUMMARY

Patient Name: [REDACTED]

Date: 7/30/98

Laboratory Specimens (Check specimens collected) Date:							
Type:	Blood	Urine	Throat	Vaginal	Urethral	Rectal	Other
GC Culture				✓		✓	
Chlamydia Culture				✓		✓	
Wet Prep							
Herpes Cult.							
C&S							
Other							

UCG/BHCG		Treatment: ☐ No ☐ Yes - Rx
UA		☐ Pregnancy Prophylaxis (Specify):
RPR		☐ STD (Specify):
HIV		☐ Bleeding Studies ☐ PT ☐ PTT ☐ von Willebrand
CBC		☐ Other (Specify):
Hep B		X-Rays
Recommendation for Follow-Up: ☒ Medical - <i>Aspirin</i> ☒ Mental Health - <i>Strongly recommended</i> ☐ Other Agency - <i>Officer Bryan just sent to parents of the</i>		

SUMMARY: A normal exam does not rule in or out maltreatment. Please note the exact wording of the headings below. Recognize that findings diagnostic of sexual abuse/contact are exceedingly rare when the contact has occurred greater than 72 hours from this physical exam.

☐ SIGNIFICANCE OF PHYSICAL FINDINGS UNKNOWN.

Patient's Exam is:	ANOGENTITAL TRAUMA	PHYSICAL TRAUMA	OTHER
Normal Exam			
Nonspecific	✓		
Suspicious			
Consistent			
Diagnostic			

Are there any discrepancies in history: ☒ No ☐ Unknown ☐ Yes Explain:

Discussion: Findings in genital area - *non-specific and suspicious* - *handling does not commonly result in any genital findings. Findings possibly related to past perineal/rectal penetration. Family dynamics not normal today - urgent mental health eval req.*

Signature of Examiner: <i>Anne Abel</i>	Print Name of Examiner: Anne Abel	Date: 7/30/98
Name of Preceptor, If Applicable:	Signature of Preceptor:	Date:
☐ Exam ☐ Photos ☐ Dig/Phone ☐ Protocol ☐ Video	Reviewed By:	
Copies of Report Sent to: ☐ DOVA Date: ☐ LE Date: ☐ OSS Date: ☐ Other Date:		

EXHIBIT E

South Carolina Department of Corrections

Classification Summary Reports

Date: Friday, December 11, 2015

Classification Summary Reports

Inmate Number **347143**

Submit

Classification Summary Report for MOSIER, FRANKLIN :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 12/11/2015

SCDC# 00347143

MOSIER, FRANKLIN

FBI# 343658NB7

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

RESIDENT
STABILITY: NA

INSTITUTION: KERSHAW

ORMROOMBUNK_CODE: SB 0003 T

SECURITY/CUST: 2 MINIMUM IN

NOJ MAXOUT
DATE: 07/25/2016

CURR INCARC 10 YRS 0 MOS 0
SENT: DAYS

NOJ PAROLE DATE: 12/03/2015

VICTIM
WITNESS: Y SEPREQ:N

VC JOB: NO CURRENT JOB

MED NO MED PROB/NO WORK
CLASS: RESTR

ASSIGNMENT: EDUC DEPT. ACADEMIC

INST
RESTRICT: NO RESTRICTION

VC
LEVEL: 0 EEC LEVEL:

MENTAL NMH (NO MENTAL
CLASS: HEALTH TRE

EDUC
PGM: LITCY STUDENT

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 33



PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	SENTENCE	V/NV	CAT	INDICT
ASSLT&BATTERY-HIGH&AGG.NA	10	0	0	YORK	07/25/2011	N	3	10GS4601533	

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

12/22/2011 VIOLATIONS WRITE/POST INST RULES CONVICTED ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

01/08/2014	KERSHAW	INCARCERATED	ADMINISTRATIVE
01/08/2014	KIRKLAND	INCARCERATED	MEDICAL
11/06/2012	KERSHAW	INCARCERATED	ADMINISTRATIVE
07/31/2012	ALLENDAL	INCARCERATED	ADMINISTRATIVE
07/30/2012	KIRKLAND	INCARCERATED	MEDICAL
11/09/2011	ALLENDAL	INCARCERATED	ADMINISTRATIVE
08/02/2011	KIRKLAND	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
COMMUNITY TRANSIT SERV	11/20/2014	07/29/2015	INMATE REQUEST	2F5
WARDKEEPER	08/26/2013	11/19/2014	INMATE REQUEST	2F5
GENERAL WORKER	11/10/2011	11/06/2012	INSTIT TRANSFER	2F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
LVL 2 - FULL TIME(NO EWC)	07/30/2015	-	
LVL 2 - FULL TIME(NO EWC)	08/22/2013	08/25/2013	INMATE REQUEST
LVL 2 - FULL TIME(NO EWC)	11/09/2012	08/21/2013	INMATE REQUEST
LVL 3 - FULL TIME(NO EWC)	11/08/2012	11/08/2012	MI ELIGIBLE FOR LEVEL 2
BONUS 12-14 HR/WK	02/07/2012	11/06/2012	INSTIT TRANSFER

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

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[Version: 1.4.12 Built: 02/03/2015 11:57:23 AM Time: 03:03:43 PM]

278
15:06 Friday, December 11, 2015

SXPI310D
SXPI310M
OMSEXPRA

SCDC OFFENDER MANAGEMENT SYSTEM
SEXUAL PREDATOR APPLICATION
DISPLAY INMATE'S AFTER RELEASE ADDRESS

12/11/15
WHITEAU

SCDC#.> 00347143 MOSIER, FRANKLIN -

MAXOUT DATE.> 07/25/16 CURRENT LOCATION.> KERSHAW

CURRENT SEXUAL PREDATOR DISPOSITION.> MULTI-DISCIPLINARY-TEA

SEQUENCE NUMBER: 01

FIRST..... FRANKLIN LAST> MOSIER

RELATION: FATHER

ADDRESS...: [REDACTED]

LINE 2...:

CITY..... MCCCONNELL

STATE: SC

ZIP CODE: 29726

COUNTY.... YORK

RES PHONE...: [REDACTED]

CREATED BY:... YORK

WORK PHONE.: 000-000-0000

DATE CREATED: 11/17/15

OTHER PHONE: 000-000-0000

PAGE.>

SEXUAL PREDATOR ADDRESS DISPLAYED

PF1-HELP PF3-ADD ADDRESS PF4-MODIFY ADDRESS PF11-EXIT

South Carolina Department of Corrections

Classification Summary Reports

Date: Wednesday, November 18, 2015

Classification Summary Reports

Inmate Number

Classification Summary Report for MOSIER, FRANKLIN :

CLASSIFICATION SUMMARY REPORT DATED 11/18/2015

SCDC# 00347143

MOSIER, FRANKLIN

FBI# 343658NB7

OFFENDER ADULT-STRAIGHT
TYPE: SENTENCE

INSTITUTION: KERSHAW

SECURITY/CUST: 2 MINIMUM IN

CURR INCARC 10 YRS 0 MOS 0
SENT: DAYS

VICTIM Y SEPREQ:N
WITNESS:

MED NO MED PROB/NO WORK
CLASS: RESTR

INST NO RESTRICTION
RESTRICT:

MENTAL NMH (NO MENTAL
CLASS: HEALTH TRE

CURRENT NO CURRENT
PROGRAM: PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 33



RESIDENT
STABILITY:

NA

FORMROOMBUNK_CODE: SB 0003 T

ROJ MAXOUT 07/25/2016
DATE:

ROJ PAROLE DATE: 12/03/2015

WC JOB: NO CURRENT JOB

ASSIGNMENT: EDUC DEPT. ACADEMIC

WC 0 EEC LEVEL:
LEVEL:

EDUC LTCY STUDENT
PGM:

PREVIOUS NUMBERS:

NO PREVIOUS NUMBERS

CURRENT OFFENSES	YRS	MOS	DYS	COUNTY	START	SENTENCE	V/NV	CAT	INDICT
ASSLT&BATTERY-HIGH&AGG.NA	10	0	0	YORK	07/25/2011	N	3	10GS4601533	

COMPLETED OFFENSES

NO COMPLETED OFFENSES

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

OFFENSES UNDER PREVIOUS NUMBER:

NO PREVIOUS OFFENSES

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

12/22/2011 VIOLATIONS WRITE/POST INST RULES CONVICTED ADMINISTRATIVE RESOLUTION

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS NON-ASSAULTIVE DISCIPLINARIES HISTORY

HISTORY OF MOVEMENTS:

01/08/2014	KERSHAW	INCARCERATED	ADMINISTRATIVE
01/08/2014	KIRKLAND	INCARCERATED	MEDICAL
11/06/2012	KERSHAW	INCARCERATED	ADMINISTRATIVE
07/31/2012	ALLENDAL	INCARCERATED	ADMINISTRATIVE
07/30/2012	KIRKLAND	INCARCERATED	MEDICAL
11/09/2011	ALLENDAL	INCARCERATED	ADMINISTRATIVE
08/02/2011	KIRKLAND	INCARCERATED	NEW ADMISSION

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GENERAL WORKER	11/10/2011	11/06/2012	INSTIT TRANSFER	2F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
LVL 2 - FULL TIME(NO EWC)	07/30/2015	-	
LVL 2 - FULL TIME(NO EWC)	08/22/2013	08/25/2013	INMATE REQUEST
LVL 2 - FULL TIME(NO EWC)	11/09/2012	08/21/2013	INMATE REQUEST
LVL 3 - FULL TIME(NO EWC)	11/08/2012	11/08/2012	MI ELIGIBLE FOR LEVEL 2
BONUS 12-14 HR/WK	02/07/2012	11/06/2012	INSTIT TRANSFER

***** END OF REPORT *****

Create PDF

Source : SummaryReport.jsp

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[Version: 1.4.12 Built: 02/03/2015 11:57:23 AM Time: 10:38:41 AM]

282:15 Wednesday, November 18, 2015

SXPI310D SCDC OFFENDER MANAGEMENT SYSTEM
SXPI310M SEXUAL PREDATOR APPLICATION
OMSEXPRA DISPLAY INMATE'S AFTER RELEASE ADDRESS

11/18/15
WHITEAU

SCDC#.> 00347143 MOSIER, FRANKLIN -

MAXOUT DATE.> 07/25/16 CURRENT LOCATION.> KERSHAW

CURRENT SEXUAL PREDATOR DISPOSITION.> MULTI-DISCIPLINARY-TEA

SEQUENCE NUMBER: 01

FIRST....: FRANKLIN LAST> MOSIER

RELATION: FATHER

ADDRESS...: [REDACTED]

LINE 2....:

CITY.....: MCCCONNELL

STATE: SC

ZIP CODE: 29726

COUNTY....: YORK

RES PHONE...: [REDACTED]

CREATED BY:... YORK

WORK PHONE.: 000-000-0000

DATE CREATED: 11/17/15

OTHER PHONE: 000-000-0000

-PAGE.>

SEXUAL PREDATOR ADDRESS DISPLAYED

PF1-HELP PF3-ADD ADDRESS PF4-MODIFY ADDRESS PF11-EXIT

5:21:29 Tuesday, October 20, 2015

283

SXPI100D
SXPI100M
OMSEXPRA

SCDC OFFENDER MANAGEMENT SYSTEM
SEXUAL PREDATOR APPLICATION
SEXUAL PREDATOR DISPOSITION HISTORY

10/20/15
WHITEAU

SCDC#> 347143

CURR LOC: KERSHAW

MOSIER, FRANKLIN -

CURRENT SEX PRED STATUS: P - PENDING

DATE REFERRED	REVIEW LEVEL	OUTCOME DATE	OUTCOME
11/19/15	MULTI-DISCIPLINARY-T	00/00/00	

PAGE: 0001

SEXUAL PREDATOR HISTORY DISPLAYED

PF1-HELP PF3-ADD DISP PF4-MOD DISP PF5-ADD ADDRESS PF11-EXIT

✓ ABHAN (Recommended by Judge Alford)
10-6546-01533
K 386965

✓ ABHAN ? (Prior) - 4/24/00 request info
Request received

✓ nothing needed

✓ DJS inquiry

ALL Judge Alford's Cases

284:37 Tuesday, October 20, 2015

CMTI100D
OMCOMITA

SCDC OFFENDER MANAGEMENT SYSTEM
COMMITMENT APPLICATION
CONVICTION SUMMARY

10/20/15
WHITEAU

SCDC# > 347143

CURR LOC: KERSHAW

MOSIER, FRANKLIN -

SCDC CLASSIFICATION...: NON-VIOL

OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

NUM	CONVICTION OFFENSE	INCARC	SENT	SENT	SENT	DATE	START	PROJ	COMP	STAT	IND
* S00001	ASSLT&BATTERY-HIGH&AG	010	00	000	07/26/11	07/25/11	07/25/2016	ACT	N	N	

PAGE: 0001

MAKE A SELECTION AND PRESS <ENTER>...

PF3-ADD PF4-MODIFY/REVOKE PF6-DISPLAY CONSEC PF9-DETAIN PF12-SUMREPT

15:21:41 Tuesday, October 20, 2015

285

CMTI200D SCDC OFFENDER MANAGEMENT SYSTEM 10/20/15
OMCOMITA COMMITMENT APPLICATION WHITEAU
SCDC #: 347143 INQUIRY CURR LOC: KERSHAW
MOSIER, FRANKLIN - NONCONFORM SENT: N RTRN TO COURT: N
OFFENDER TYPE: ADULT-STRAIGHT SENTENCE
CONVICTION NUM: S00001 INDICT NUM: 10-GS-4601533 WARRANT NUM: K386965
DATE SENTENCED...: 07/26/2011 JUDGE LAST...: ALFORD FI: L
STATUTE: 17-25-30 CDR CODE.: 0013 GPS IND: N
OFFENSE: 1317 ASSLT&BATTERY-HIGH&AGG NAT OFFENSE DATE: 06/20/2009
CHARACT: F FACILITATION OF COUNTS: 01 OFFENSE CNTY: 46 YORK
PLEA....: C NOLOCONTENDERE TYPE OF COURT....: 01 GENERAL SESSIO
TYPE SENTENCE...: S ADULT-STRAIGHT SCDC JURIS DATE...: 07/26/2011
TOTAL SENTENCE....: 010 00 000 MAND SERV REQMT...: 000 00 000
INCARC SENTENCE...: 010 00 000 PAROLE FACTOR....: 1 1/4 SENT. REQ.
PROBATION SENT....: 000 00 000 PAROLE SERV REQMT: 000 00 000
HIP SENT.....: 000 00 000
RESTITUTION REQMT: N AMT: .00 JAIL CRED: 00001 EXTRA CRED: 00000
CONVICTION STATUS: AC ACTIVE SENT START DATE: 07/25/2011 DOM.IND: N
CONSECUTIVE IND...: N SPOUSE ABUSE: STATUTE CLASSIFICATION...: NON-VIOLENT
DNA OFFENSE IND...: Y EEC ELIG: Y SCDC CLASSIFICATION.....: NON-VIOLENT
SEX REG: Y PRED OFF: Y LAST UPDATE: KMINIT DATE: 02/22/12
NO PAROLE: NOT APPLIC CREATED BY.: C TAYLOR DATE: 08/02/11

PF8-NEXT CONVICTION

PF9-DETAIN

PF4-RESTITUTION PAID(FA ONLY)

15286 58 Tuesday, October 20, 2015

PRII100D

SCDC OFFENDER MANAGEMENT SYSTEM

10/20/15

PRIOR COMMITMENTS/CONVICTIONS

WHITEAU

SCDC # 347143

SUMMARY

CURR LOC: KERSHAW

MOSIER, FRANKLIN -

OFFENDER TYPE...: ADULT-STRAIGHT SENTEN

FBI NUMBER.....: 343658NB7 SID NUMBER.....: SC01313786

VIOLENT CONV OVER 90....: 00 VIOLENT COMM OVER 90....: 00

NONVIOL CONV OVER 90....: 00 NONVIOL COMM OVER 90....: 00

VIOLENT CONV 90 OR LESS: 00 VIOLENT COMM 90 OR LESS: 00

NONVIOL CONV 90 OR LESS: 01 NONVIOL COMM 90 OR LESS: 00

STABILITY IND: NA NOT APPLICABLE

TYPE	D	PRIOR OFFENSE	VIOL/	OFFENSE	INCARC	TOTAL
	C		NVIOL CAT	DATE	YRS MO DYS	YRS MO DYS
CONVICTION		ASSL&BATTERY-HIGH&AGG	NON-VIO 3	04/24/00	000-00-000	007-00-000

RESPONSE..

PAGE: 0001

SELECT AN OPTION...

PFKEYS 3:ADD 4:MOD 5:TOTALS 6:UPD STABILITY ENTER:INQ

5:35:08 Tuesday, October 20, 2015

287

MOVI220D

SCDC OFFENDER MANAGEMENT SYSTEM

10/20/15

INMATE TRANSFER AND COUNT

WHITEAU

SCDC # 347143

TRANSFER HISTORY

MOSIER, FRANKLIN -

CURR LOC: KERSHAW

OFFENDER TYPE: ADULT-STRAIGHT TOBACCO: Y SPEC ED: N VIC/WIT: Y

OFF TYPE ENTRY DATE: 08/02/11 CURR DORM: SB0003T CURR CUST/SEC: MI2

ASSNMT: 2026 EDUC DEPT. ACADEMIC

HARDSHIP REQ TO KERSHAW

STATUS	LOCATION	CHG DATE	CHANGE REASON
INCARCERATED	KERSHAW	01/08/14	ADMINISTRATIVE
INCARCERATED	KIRKLAND	01/08/14	MEDICAL
INCARCERATED	KERSHAW	11/06/12	ADMINISTRATIVE
INCARCERATED	ALLENDAL	07/31/12	ADMINISTRATIVE
INCARCERATED	KIRKLAND	07/30/12	MEDICAL
INCARCERATED	ALLENDAL	11/09/11	ADMINISTRATIVE
INCARCERATED	KIRKLAND	08/02/11	NEW ADMISSION

PAGE.> 0001

SELECT A RECORD AND PRESS <ENTER>...

PF3=> TRANSFER INMATE

PF4/PF5=> MODIFY (HQ ONLY)

PF7/PF8>BACK/FORWARD

288

12/2014 02:38

8038969162

CENTRAL RECORDS DJJ

PAGE 04/06

347/163

RR? N DNA REQ? Y DYS CLIENT REFERRAL SUMMARY - DYSJIM30 FORM5? _

CASE # 156785 R/S DOB CNTY SCHOOL/GRADE UNIT OFF

NAME MOSIER FRANKLIN JOSEPH W M 46 4605 09 _ _ _

|---DRUG & ALCOHOL USAGE---| | SP NEED |---LIVING ARRANGEMENT---|

NEVER USED D NATURAL PARENTS

|---EDUCATION STATUS---| |---RISK STATUS---| -DSS-

OTHER _ _ _ _ _ N NO

ALERT:

PAGE 01

DIST-REF/HOLD- HOLD PROC DEC HEAR HEAR

OFF SEQ DATE OFFENSE CNT AGCY DEC DATE TYPE JUDGE DISPOSITION DATE

_ 246 020 19931030 BURG2A 01 PRO 19940818 AD LSA PRO COM SCH 19940822

19931030 PETLAR 01 PRO 19940818 PRO COM SCH

_ 246 021 19950503 PROREL 01 REP 19950503 RV LSA PRE 19950503

_ 246 040 19970629 SEXMR1 02 NOL 20000426

19990211 MLIAPP 01 NOL 20000426

19990211 SIMASL 01 NOL 20000426

19980922 DISTSL 02 NOL 20000426

No Other
Records

_ ADD NEW DETENTION, INSTITUTIONAL, OR REFERRAL RECORD

END OF HOLD/REFERRAL LIST

11/12/2014 02:38 8038959162

CENTRALRECORDSDJL

PAGE 03/06

15678289

12:17:33 Friday, November 07, 2014

SUM1200D

SCDC OFFENDER MANAGEMENT SYSTEM
GENERAL OFFENDER PROFILE

11/07/14
LARRYMI

SCDC ID...: 347143
NAME: MOSIER, FRANKLIN -
OFFENDER TYPE...: ADULT-STRAIGHT SEN
RACE...: W SEX...: M
AGE...: 32 BIRTHDATE...: [REDACTED]
HEIGHT...: 5 FT 09 IN
WEIGHT...: 122 LBS
EYES...: HAZEL HAIR...: BROWN
SKIN...: FAIR BODY...: SLIGHT
AIMS CATEGORY...:
MILITARY BRAN...:
OCCUPATION...:
INTELLIGENCE...:
READING SCORE...: 6.9 GED...: N
BIRTHPLACE...: SOUTH CAROLINA
CURRENT ASSIGN: BUILDING #1
ADMISSION DATE: 08/02/11
PAR ELIG. DATE: 06/02/13
MAXOUT DATE...: 07/25/16

CURRENT LOC...: KERSHAW
CURRENT STATUS...: INCARCERATED
FBI NUMBER...: 343658NB7
SID NUMBER...: SC01313786
U.S. CITIZEN...: CITIZEN - NATIVE B
RELIGION...: WICCAN
MARITAL STATUS...: SINGLE
MEDICAL STATUS...:
SOCIAL SECURITY #: XXXX [REDACTED]
DRIVERS LIC & STATE...:
SECURITY...: M12 DORM...: JB00003T
COMMITTING COUNTY...: YORK
SENTENCE...: 01000000 YYMMDDDD
SENTENCE START DATE...: 07/25/11
MOST SERIOUS OFFENSE: ASSAULT-BATTERY-HIGH
SCDC CLASSIFICATION...: NON-VIOLENT
DETAINEES...: NONE

VICT/WIT NOTIFICATIONS: YES

OFFENDER PROFILE DISPLAYED...

PF11-QUIT

CLEAR-OMS MENU

PF24-SIGNOFF SYSTEM

See attached

290 11/07/14 Friday, November 07, 2014

SUMI200D

SCDC OFFENDER MANAGEMENT SYSTEM

11/07/14

GENERAL OFFENDER PROFILE

LARRYMI

SCDC ID...: 347143
NAME: MOSIER, FRANKLIN -
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RELIGION...: WICCAN
MARITAL STATUS...: SINGLE
MEDICAL STATUS...:
SOCIAL SECURITY #...: XXXX [REDACTED]
DRIVERS LIC & STATE...:
SECURITY...: MI2 DORM...: SB0003T
COMMITTING COUNTY...: YORK
SENTENCE...: 01000000 YYMMDDD
SENTENCE START DATE...: 07/25/11
MOST SERIOUS OFFENSE: ASSLT&BATTERY-HIGH&
SCDC CLASSIFICATION...: NON-VIOLENT
DETAINERS...: NONE

VICT/WIT NOTIFICATIONS: YES

OFFENDER PROFILE DISPLAYED...

PF11-QUIT

CLEAR-OMS MENU

PF24-SIGNOFF SYSTEM

DIV ✓

OFFICE
PENNSA

347143

LEUTH

CLINA DEPARTMENT OF CORRECTIONS
MESSAGE SYSTEM

291

08/02/11
LARRYMI

MESSAGE ID: LARRYMI 2343 SUBJECT: SEXUAL PREDATOR / PENDING RECEIPT
FROM USERID: LARRYMI CREATED: 08/02/11 DELETE DATE: 08/02/11
FROM USER: MITCHELL, LARRY A

USER NAME	SEND DATE	SEND TIME	RCVE DATE	RCVE TIME
D: BLANDING, WANDA D	08/02/11	8:49	00/00/00	00:00
D: CHAMBERS, FERMINA I	08/02/11	8:49	00/00/00	00:00
TO: CRUM, AUDREY P	08/02/11	8:49	00/00/00	00:00
D: NORCUTT, SUSAN C	08/02/11	8:49	00/00/00	00:00
D: BEDENBAUGH, ANGELA L	08/02/11	8:49	00/00/00	00:00
TO: FOGLE, KEISHA R	08/02/11	8:49	00/00/00	00:00
TO: GASTON, JANNITA C	08/02/11	8:49	00/00/00	00:00
D: HUDSON, TONI S	08/02/11	8:49	00/00/00	00:00
D: MOSES, MARTHA -	08/02/11	8:49	00/00/00	00:00
TO: NDIELI, FESTUS O	08/02/11	8:49	00/00/00	00:00
D: NEW, PHYLLIS C	08/02/11	8:49	00/00/00	00:00
D: ODOM, LILLIE M	08/02/11	8:49	00/00/00	00:00
TO: ROGERS, HARRY -	08/02/11	8:49	00/00/00	00:00
TO: ROWE, ERNEST E	08/02/11	8:49	00/00/00	00:00
D: THOMPSON, ANDREA R	08/02/11	8:49	00/00/00	00:00
D: STREATER, CARMELITA A	08/02/11	8:49	00/00/00	00:00
TO: TAYLOR, CATHLEEN -	08/02/11	8:49	00/00/00	00:00
D: GIBSON-WHITE, AUDREY G	08/02/11	8:49	00/00/00	00:00
D: ROBERSON, LILA C	08/02/11	8:49	00/00/00	00:00
TO: WILLIS, STEPHANIE -	08/02/11	8:49	00/00/00	00:00
TO: SIMMONS, TERESA M	08/02/11	8:49	00/00/00	00:00
D: MURPHY, CARNELLA N	08/02/11	8:49	08/02/11	8:49
TO: ROLACK, CAROLINE A	08/02/11	8:49	08/02/11	8:49

STAKE / AUDITS STAFF: ENTERED AS MOSLER - IN ENLON, CONNECTED.

RE: FRANKLIN MOSIER, DOB [REDACTED], SSN [REDACTED]

AKA FRANKLIN EDWARD JOSEPH MOSIER, JR.

ARE PENDING RECEIPT OF SUBJECT FROM YORK COUNTY. HE RECEIVED A 10 YEAR SENTENCE 07/26/11 FOR A&B&H THAT WAS PLED FROM CSC W/ MINOR, 1ST. JUST AS A LEADS UP, THE COMMITMENT ORDER REFLECTS A REQUIREMENT FOR SVPA REVIEW AS A SEXUAL PREDATOR, AS WELL AS THE REGISTRATION REQUIREMENT. I HAVE RECEIVED THE CASE MATERIALS FROM THE SOLICITOR, AND ALTHOUGH DIFFICULT TO READ, THE REQUIREMENTS ARE ON THE SENTENCING SHEET.

LARRY MITCHELL, SVPA COORDINATOR

347143

RR? N DNA REQ? Y DYS CLIENT REFERRAL SUMMARY - DYSJIM30 FORM5? _

CASE # 156785 R/S DOB CNTY SCHOOL/GRADE UNIT OFF

NAME MOSIER FRANKLIN JOSEP W M [REDACTED] 46 4605 09 _ _

|----DRUG & ALCOHOL USAGE-----| SP NEED |----LIVING ARRANGEMENT-----|

NEVER USED D. NATURAL PARENTS

|----EDUCATION STATUS-----| |----RISK STATUS-----| -DSS-

OTHER _____ N NO

ALERT:

-----PAGE 01

DIST-REF/HOLD-- HOLD PROC DEC HEAR HEAR

OFF SEQ DATE OFFENSE CNT AGCY DEC DATE TYPE JUDGE DISPOSITION DATE

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_ 246 021 19950503 PROREL 01 REP 19950503 RV LSA PRE 19950503

_ 246 040 19970629 SEXMR1 02 NOL 20000426

19990211 MLIAPP 01 NOL 20000426

19990211 SIMASL 01 NOL 20000426

19980922 DISTSL 02 NOL 20000426

10/30/93 Burglary 2nd non-violent

Probation

Community Service

Schol attendance may 8/22/94

Probation Completed 5/1/95

6/29/97 Criminal Sexual Conduct minor nol process 4/26/2000

2/11/90 malicious injury Paper
Simple assault

nol process

nol process

9/21/98 Disturbing Schools

nol process

INMATE RECORDS OFFICE
2015 OCT 23 AM 8:35

EXHIBIT F

Paraphilic Disorders

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

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

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

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

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

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

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

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

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

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

Voyeuristic Disorder

Diagnostic Criteria

302.82

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

Specify if:

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

EXHIBIT G

Development and Course

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

Differential Diagnosis

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

Comorbidity

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

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

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

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

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

Specify if:

Sexually attracted to males
Sexually attracted to females
Sexually attracted to both

Specify if:

Limited to incest

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individuals may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.

Development and Course

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

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

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

Risk and Prognostic Factors

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

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

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

Gender-Related Diagnostic Issues

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

Diagnostic Markers

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

Differential Diagnosis

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

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

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

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

Comorbidity

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

Fetishistic Disorder

Diagnostic Criteria

302.81 (F65.0)

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

Specify:

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

Specify if:

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

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

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE MATTER OF THE CARE AND
TREATMENT OF

FRANKLIN MOSIER,
Respondent

) IN THE COURT OF COMMON PLEAS
) SIXTEENTH JUDICIAL CIRCUIT
) CASE NO. 2016-CP-46-296
)
)
) **CONSENT ORDER FOR EVALUATION**
) **PURSUANT TO THE SEXUALLY**
) **VIOLENT PREDATOR ACT**

FILED-RECEIVED
2016 MAR 21 PM 2:29
DAVID Q. BRIDGEMAN
YORK COUNTY, SC

This matter comes before me on petition of the State of South Carolina for an order requiring the Respondent, Franklin Mosier, to submit to an examination and to be detained in an appropriate secure facility pending a trial pursuant to the Sexually Violent Predator Act (S.C. Code Ann. Sections 44-49-10 *et. seq.*; hereafter "the Act"). The State is represented by Assistant Attorney General Christopher A. Morrow, and the Respondent is represented by Anna R. Good, Esquire.

The Respondent through his attorney, informed the Court his desire to waive his right to a Probable Cause hearing and consent to an evaluation. By her signature below Anna R. Good, Esquire, represents to the Court that Respondent is making this decision after consultation with his attorney, is satisfied with his attorney's services, is aware he would not be giving up any rights he may have pursuant to the Act, including, but not limited to, the right to an independent evaluation or the right to a jury trial on the merits.

I find Respondent has freely, voluntarily, intelligently and without coercion waived his right to contest the probable cause determination and has consented to an evaluation pursuant to the Act.

THEREFORE IT IS ORDERED, ADJUDGED, AND DECREED:

That Probable Cause be and hereby is found to have Respondent evaluated under the Act, and that he shall be:

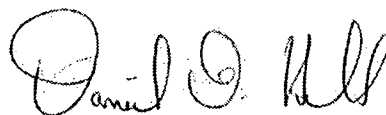
- (a) Confined once he has been released from the South Carolina Department of Corrections, in the York County Detention Center until a final disposition of this action; and
- (b) Examined and observed at an appropriate facility of the South Carolina Department of Mental Health to determine whether the Respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined to a secure facility for long-term control, care, and treatment.

The ordered examination shall be requested by the Office of the Attorney General of South Carolina and scheduled by the examining facility as soon as possible. The Respondent is to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. Respondent continues under jurisdiction of this Court.

The qualified expert appointed by the Court is Amy C. Swan, Psy. D., to examine the Respondent.

Within five days of the receipt of the written report of the examination by the Office of the Attorney General of South Carolina, said office shall make a copy available to Respondent's Attorney.

IT IS SO ORDERED.



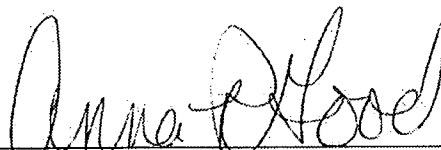
DANIEL DEWITT HALL
Sixteenth Judicial Circuit
Court of Common Pleas

3-14, 2016
York, South Carolina

WE CONSENT:



Christopher A. Morrow
Attorney for the State



Anna R. Good, Esquire
Attorney for Respondent

STATE OF SOUTH CAROLINA
COUNTY OF YORK

IN THE MATTER OF THE CARE AND
TREATMENT OF

FRANKLIN MOSIER,
Respondent

) IN THE COURT OF COMMON PLEAS
) SIXTEENTH JUDICIAL CIRCUIT
) CASE NO. 2016-CP-46-0296

) ORDER OF COMMITMENT

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JUN 15 2017

SC Court of Appeals

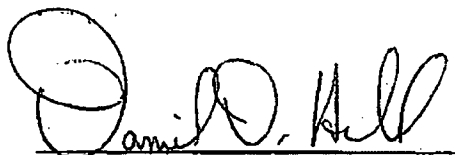
The trial of this case was held in the County of York in the Court of Common Pleas the week of June 12, 2017. A jury of citizens from York County heard this case pursuant to a request for a jury trial filed by the State. Senior Assistant Attorney General James G. Bogle, Jr. represented the State and Anna R. Browder, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent Franklin Mosier is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

- (a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;
- (b) Respondent is to continue to be detained at the York County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health in Columbia, SC. The Detention Center is to transport Respondent on such scheduled date and to such location as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.



DANIEL DEWITT HALL
Sixteenth Judicial Circuit
Court of Common Pleas

6-13, 2017
York, South Carolina

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2017 JUN 13 AM 11:31
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

WITNESSES

RHPD/Harveston

ARREST WARRANT NUMBER

K-386965

ACTION OF GRAND JURY

Is/ R. B. Vess **TRUE BILL**

4-22-2010 True Billed

person of Grand Jury

Date: 6/16/11

VERDICT

Foreperson of Petit Jury

Date:

AMENDED

DOCKET NO. 2010-GS-46-01533

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

June 16, Term 2011

THE STATE

vs.

FRANKLIN JOSEPH EDWARD MOSIER

AKA

EDDIE JOE MOSIER

Indictment for

CRIMINAL SEXUAL CONDUCT
WITH A MINOR, 1ST DEGREE

SC Code: 16-03-655

CDR Code: 385

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

Defendant

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

Assault with a Dangerous Weapon
Aggravated - Endangering Liberties

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on June 16, 2011, the Grand Jurors of York County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR, 1st DEGREE

The defendant, Franklin Joseph Edward Mosier aka Eddie Joe Mosier, did in York County, South Carolina, on or about June 20, 2009, willfully and unlawfully commit criminal sexual conduct with a minor in the first degree by engaging in sexual battery with a minor who was less than eleven (11) years of age, to wit: the defendant did commit a sexual battery upon Minor #1, date of birth: [REDACTED], 1999, all in violation of Section 16-03-655, Code of Laws of South Carolina, 1976, as amended.

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


ASSISTANT SOLICITOR

COUNTY OF York
STATE VS.

Franklin Mosier

AKA:

Race: W

Sex: M

Age: 28

DOB: [REDACTED]

1982

SS#: [REDACTED]

Address: [REDACTED] Giles Road

City, State, Zip: Mc Connells, SC 29726

DL#: [REDACTED]

SID#: [REDACTED]

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

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

TO: ASSAULT AND BATTERY HIGH AND AGGRAVATED NATURE - INDECENT LIBERTIES

INDICTMENT/CASE#: 2010-GS-46-01533

A/W#: K386965

Date of Offense: 6/20/2009

S.C. Code §: 16-3-0655

CDR Code #: 0385

SENTENCE SHEET

in violation of § 17-25-30

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

0013

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☐ As Indicted, ☒ Lesser Included Offense,☒ Defendant Waives Presentment to Grand Jury.

(Defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation,☐ Negotiated Sentence,☐ Recommendation by the State.

ATTEST:

Colton, Jennifer S.

68591

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,

for a determinate term of 10 days/months/years or

☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$

days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

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

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code

§ 24-13-40 to be calculated and applied

by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

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

SPECIAL CONDITIONS:

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

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

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days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ beginning

\$ paid to Public Defender Fund

Other: No Contact with Victim

Whole on Parole

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

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

David Hamilton

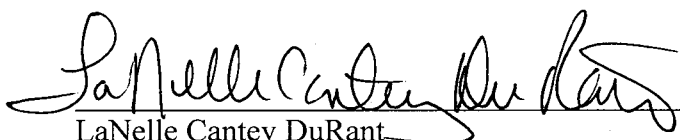
Michael Watts

2113
7-26-11

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,


LaNelle Cantey DuRant
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of September, 2018.

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