

 ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM OCONEE COUNTY

R. Lawton McIntosh, Circuit Court Judge

NOV 28 2012
SOUTH CAROLINA

THE STATE,

RESPONDENT,

V.

ERIC ANDERSON,

APPELLANT

Appellate Case No. 2011-203393

RECORD ON APPEAL

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INDEX

INDEX.....i

GUILTY PLEA TRANSCRIPT.....1

TESTIMONY

 DR. DONNA SCHWARTZ-WATTS

 Direct by Mr. Burr17

SENTENCING25

INDICTMENTS28

CERTIFICATE OF COUNSEL.....34

State of South) In the Court of General
 Carolina) Sessions
)
 County of Oconee) Indictments Nos:
) 2011-GS-37-219, 220, AND 222

State of South)
 Carolina)
) Transcript of Record
 Plaintiff,)
) Guilty Plea and Sentencing
 -vs-)
)
 Eric Bruce Anderson,)
)
 Defendant.)

November 10, 2011
 Walhalla, South Carolina

B E F O R E :

The Honorable R. Lawton McIntosh, Judge.

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

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 Attorney for the State

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Robin Sue Hild, FCRR, RPR
 Circuit Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

WITNESSES

PAGE

Dr. Donna Schwartz-Watts

Direct By Mr. Burr

17

Examination of the Defendant By the Court

3

Statement of Facts by Solicitor

10

Sentence of the Court

25

Certificate of Court Reporter

27

EXHIBITS

NO.

DESCRIPTION

ID.

EV.

No exhibits were marked.

1 ** Start of Requested Certified Transcript of Record **

2 THE COURT: All right, Solicitor, you may call your
3 next case.

4 MS. SIMMONS: Judge, this is Eric Bruce Anderson.
5 He's here on 2011-GS-37-222 pleading guilty to criminal
6 sexual conduct with a minor in the first degree;
7 2011-GS-37-219 pleading guilty to criminal sexual
8 conduct with a minor in the first degree, and
9 2011-GS-37-220, lewd act upon a child.

10 Judge, all these cases have been to the grand jury.
11 This plea is a straight-up plea without recommendation.
12 We, of course, would like to be heard as to sentencing
13 at the appropriate time.

14 THE COURT: Okay.

15 (Whereupon, the Defendant was duly sworn by the
16 clerk.)

17 THE COURT: What is the range on lewd act, please?

18 MS. SIMMONS: Up to 15 years, Your Honor.

19 THE COURT: And the first with a minor is 25 to 30,
20 is it that much?

21 MS. SIMMONS: Judge, this is actually under the
22 second statute, a minimum of ten, a maximum of 30. He
23 was enhanced to C.S.C. first because he was a registered
24 sex offender.

25 Examination of the Defendant By the Court:

- 1 Q. You are Eric Bruce Anderson?
- 2 A. Yes, sir.
- 3 Q. I need for you to speak loudly enough for me so I
4 can hear you, please.
- 5 A. Yes, sir.
- 6 Q. How old are you, Mr. Anderson?
- 7 A. Thirty-five, sir.
- 8 Q. How far did you go in school?
- 9 A. 12th grade, sir.
- 10 Q. Did you graduate?
- 11 A. I, I didn't get my diploma, but I did, I marched.
12 I was supposed to go to summer school, but I didn't, I
13 didn't complete the summer school for that year, sir.
- 14 Q. So, no?
- 15 A. No, sir.
- 16 Q. Before you were incarcerated, were you employed?
- 17 A. Yes, sir.
- 18 Q. What did you do?
- 19 A. I worked for a glass company called Reflections
20 Glass Company for about ten years.
- 21 Q. What did you do there?
- 22 A. Installing auto glass and just about anything to do
23 with glass.
- 24 Q. Are you married?
- 25 A. No, sir.

1 Q. Do you have any children?

2 A. Yes.

3 Q. How many children do you have?

4 A. Just one.

5 Q. How old is your child?

6 A. He just turned sixteen in September.

7 Q. Sixteen?

8 A. Yes, sir.

9 Q. Does he reside with his mother?

10 A. Yes, sir.

11 Q. Do you support that child?

12 A. Yes, sir.

13 Q. How?

14 A. I'm paying child support.

15 Q. Through a court order?

16 A. Yes, sir.

17 Q. Mr. Anderson, are you under the influence of any
18 medications, drugs or alcohol today?

19 A. No, sir.

20 Q. Do you have medications that you are supposed to
21 take that you are not taking?

22 A. No, sir.

23 THE COURT: Mr. Burr, are you satisfied that
24 Mr. Anderson is competent to plead guilty today?

25 MR. BURR: I am, Your Honor. And, for the record,

1 we do have the psychiatrist here who has interviewed and
2 evaluated him.

3 THE COURT: Yes. And I believe we scheduled this
4 for the timing with the trial.

5 MR. BURR: Yes, sir.

6 Further examination by the Court:

7 Q. Mr. Anderson, you are pleading guilty to two counts
8 of criminal sexual conduct with a minor and one count of
9 lewd act on a child. Do you understand that?

10 A. Yes, sir.

11 Q. You heard the Solicitor say that this is a
12 straight-up plea, meaning there is no recommendation,
13 nor is there negotiations. Do you understand that?

14 A. Yes, sir.

15 Q. That means that I could sentence you today, if I so
16 choose, to 75 years in jail.

17 A. Yes, sir.

18 Q. And I could make that consecutive so you would have
19 to serve whatever portion of one sentence before you
20 start getting credit on another?

21 A. Yes, sir.

22 Q. Knowing that, do you want to go forward with your
23 plea?

24 A. Yes, sir.

25 Q. Has anyone forced, threatened, or promised you

1 anything to get you to plead guilty?

2 A. No, Your Honor.

3 Q. Are you pleading guilty freely and voluntarily?

4 A. Yes, sir.

5 Q. Do you understand that you have a right to a jury
6 trial in this matter?

7 A. Yes, sir.

8 Q. During that trial, or trials, you would be presumed
9 innocent, and the State would have to prove each and
10 every element of criminal sexual conduct with a minor or
11 lewd act upon a child beyond a reasonable doubt before
12 you could be found guilty. Do you understand that?

13 A. Yes, sir.

14 Q. Do you understand that you have certain
15 Constitutional -- well, let me ask you -- excuse me.
16 I'm waiving something.

17 Do you freely and voluntarily give up or waive your
18 right to a jury trial in favor of pleading guilty to all
19 three of these charges?

20 A. Yes, sir.

21 Q. Okay. Excuse me. Mr. Anderson, you have the
22 following Constitutional rights in addition to your
23 right to a jury trial. You have a right to confront and
24 cross-examine any witnesses that the State calls to
25 testify against you. You have the right to present

1 competent evidence in your defense. You have a right to
2 compel the attendance of witnesses to testify on your
3 behalf, and you have the right to remain silent. Have
4 these rights been explained to you?

5 A. Yes, sir.

6 Q. If you went to trial, Mr. Anderson, on any of these
7 charges, and you chose not to testify, the jury would be
8 instructed by the trial judge that they couldn't even
9 consider your failure to testify whatsoever. Do you
10 understand that?

11 A. Yes, sir.

12 Q. If you go forward with your plea, you can and you
13 will be required to admit your guilt and testify against
14 yourself. Do you understand that?

15 A. Yes, sir.

16 Q. In addition, if you go forward today, you will
17 waive or give up the other Constitutional protections
18 I've just outlined for you. Do you understand that?

19 A. Yes, sir.

20 Q. Is that what you want to do?

21 A. Yes, sir.

22 Q. Under Indictment 2011-GS-37-220, are you guilty of
23 committing or attempting to commit a lewd act upon a
24 child?

25 A. Yes, sir.

1 Q. Under Indictment 2011-GS-37-219, are you guilty of
2 criminal sexual conduct with a minor?

3 A. Yes, sir.

4 Q. Who is under sixteen years of age?

5 A. Yes, sir.

6 Q. Under Indictment 2011-GS-37-222, are you guilty of
7 criminal sexual conduct with a minor, first degree?

8 A. Yes, sir.

9 Q. Are you satisfied with the services of your
10 attorney?

11 A. I am, sir.

12 Q. Has he reasonably done all that you have asked him
13 to do?

14 A. He has.

15 Q. As we stand here in court today, is there anything
16 that you contend that Mr. Burr hasn't done to
17 investigate any of these cases or to prepare any of
18 these cases?

19 A. Not one thing, sir.

20 Q. Are you totally and completely satisfied with the
21 services of your attorney?

22 A. Yes, sir, I am.

23 THE COURT: Mr. Burr, have you met with
24 Mr. Anderson and explained to him the elements of
25 criminal sexual conduct with a minor, first degree, as

1 well as attempting or committing a lewd act upon a
2 child?

3 MR. BURR: I have, Your Honor.

4 THE COURT: Do you believe that there is a
5 substantial factual basis for his decision to plead
6 guilty to all three counts?

7 MR. BURR: I do, Your Honor.

8 THE COURT: Do you agree with his decision to plead
9 guilty to all three counts?

10 MR. BURR: Yes, sir, I do.

11 THE COURT: Have you explained to Mr. Anderson his
12 Constitutional rights?

13 MR. BURR: I have, Your Honor.

14 THE COURT: All right. Would you give me a factual
15 basis for this plea -- or these pleas.

16 And, Mr. Anderson, for me to accept this plea you
17 will have to commit your complicity in performing the
18 acts alleged. Okay, sir?

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. Thank you.

21 Statement of Facts by Solicitor:

22 MS. SIMMONS: As to Indictments 2011-GS-37-219 and
23 '220, and that relates as to victim with initials ^{CHILD #1}
24 he was born on . During the time
25 period between October of 2009 and December of 2010 the

1 Defendant performed oral sex on the victim at a home
2 within Oconee County. There were also incidents during
3 that time frame of fondling and masturbation. The
4 Defendant became acquainted with ^{CHILD #1} because he was a
5 friend of the Defendant's biological son.

6 As to the victim ^{CHILD #2} in ---

7 THE COURT: Let me stop you right there, please.

8 Mr. Anderson did you hear the facts on that case as
9 alleged by the Solicitor?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Do you admit committing those acts?

12 THE DEFENDANT: Yes, sir.

13 MS. SIMMONS: Judge, as to the victim, ^{CHILD #2} whose
14 date of birth is he is the
15 biological son of Mr. Anderson. And in August of 2010,
16 specifically on August 20th of 2010, the victim and the
17 defendant performed oral sex on each other in a home in
18 Oconee County. The encounter ended with the Defendant
19 penetrating the victim with his penis. And the victim
20 again is the child -- is the biological son of
21 Mr. Anderson.

22 THE COURT: Mr. Anderson, did you hear those facts
23 as alleged by the Solicitor?

24 THE DEFENDANT: Yes, sir, I did.

25 THE COURT: Do you admit committing those acts?

1 THE DEFENDANT: Yes, sir, I do.

2 THE COURT: Okay. I'm gonna need you to speak up,
3 please.

4 THE DEFENDANT: Yes, sir, I do.

5 THE COURT: Thank you.

6 MS. SIMMONS: Judge, during the time frame in
7 question the Defendant also provided illegal drugs to
8 the juvenile victims. The Defendant admitted to alcohol
9 and drug use during the commission of the crimes. And
10 incidents occurred while the Defendant was a registered
11 sex offender in South Carolina. He pled to lewd act
12 upon a child in 1997 and was required to register.

13 This incident was investigated by the Oconee County
14 Sheriff's Department and the Seneca Police Department.
15 What is somewhat unusual is the reason they began to
16 investigate these cases are in December of 2010
17 Mr. Anderson showed up at the Sheriff's Department and
18 basically confessed to all of these acts. There was not
19 an open investigation at that time. Mr. Anderson came
20 and told them everything he had done, said that he
21 needed to confess these crimes.

22 At that point in time they opened an investigation,
23 and the victims corroborated the confession that
24 Mr. Anderson had given.

25 THE COURT: Going back, Mr. Anderson, to the facts

1 recited by the Solicitor as to lewd act charge, do you
2 admit committing those acts?

3 THE DEFENDANT: Yes, sir, I do.

4 THE COURT: Are there charges being dismissed by
5 the Solicitor's Office as a result of this plea?

6 MS. SIMMONS: The only thing we're dismissing,
7 Judge, is he had a contributing and unlawful conduct
8 that's the basis of the drugs, providing the drugs. We
9 did agree to dismiss those in exchange to pleading to
10 the most serious charges.

11 THE COURT: Do you agree with that, Mr. Burr?

12 MR. BURR: Yes, Your Honor.

13 THE COURT: What is prior record, other than lewd
14 act?

15 MS. SIMMONS: Simple possession of marijuana in
16 1994 and D.U.I. in 2010.

17 And, Judge, family members of both victims are
18 present in court and both investigating officers are
19 present here in court today.

20 THE COURT: Does either the victims or their family
21 members want to speak?

22 MS. SIMMONS: Yes.

23 THE COURT: Would you bring them around, please.

24 MS. BRADBURY: My name is Karen Bradbury.

25 THE COURT: Okay. I'd be glad to -- would tell me

1 what you would like for me to hear, please?

2 THE WITNESS: This statement was given by my son
3 (reading):

4 Sometime around August the 20th during the night I
5 was in my bedroom asleep at my dad's apartment in
6 Seneca. In the middle of the night I was awoken by him.
7 He had his hands down my pants. My dad put his penis in
8 my mouth, stopped, and he said, Are you gonna keep
9 going? My dad pulled down my underwear and his, too.

10 He then, he then put his penis in my butt. I don't
11 remember him saying anything else to me. My dad had
12 been drinking a lot and taking pills since his speech
13 was slurred. My dad also went down on me, and it made
14 me uncomfortable and I was in shock and didn't know what
15 to do. So I wanted to keep --

16 THE COURT: May I ask you to do this? Would you --
17 do you mind if I just read your statement? Is that
18 okay? Do you mind? I mean, if you don't want to,
19 that's fine. I just think you're having a hard time
20 here.

21 MS. BRADBURY: (Continued Reading):

22 I stayed awake for about an hour before I could
23 fall asleep.

24 The next day he acted like nothing had happened.
25 My dad's girlfriend was in the other room and my best

1 friend was downstairs asleep. I told my best friend
2 about it. He didn't believe me at first. I didn't
3 believe it, either. I told my mom last night. I told
4 my mom about this. When we were driving up the
5 mountains I started to cry, and then I told my mom
6 everything that happened.

7 End of statement.

8 It's just that this has been quite a toll on me and
9 my family, especially ^{CHILD #2} . ^{CHILD #2} is the real victim
10 here (shook head).

11 THE COURT: Thank you very much.

12 All right.

13 MS. BUMGARDNER: (PHONETIC) My name is Della
14 Bumgardner. I'm the grandmother of the other victim
15 I've been raising since 2005 when his mother passed
16 away. My grandson and the other victim were best
17 friends.

18 Eric gained access being around us through their
19 friendship. He manipulated me. He would tell me
20 stories how he liked older women, heavy women. He led
21 me on to think like he was interested in me. He was
22 forever coming around. I had previous -- I had
23 knowledge of his previous convictions. We discussed it.
24 He convinced me it wasn't true, that it was just, you
25 know, a bogus charge. All this time I think close to a

1 year went, he was molesting my grandson, telling my
2 grandson that's all right, that's how men proved their
3 love to boys, and would tell him not to tell nobody
4 because he would get in big trouble.

5 I feel that Mr. Anderson is a predator. I feel
6 that he needs the maximum sentence allowed by law.
7 Because when he is released, he will prey on another
8 vulnerable person and another young child. And, you
9 know, I pray for him and his brothers. I know they are
10 going through a hard time just like we are. But I think
11 that he needs the maximum sentence.

12 And I know God gives enough grace to forgive
13 people, but I'd just like to say I've not found it in my
14 heart yet to forgive him for what he's done to my
15 grandson. Thank you, Your Honor.

16 THE COURT: Thank you very much.

17 Would any other victims or victims' representatives
18 like to speak?

19 VICTIM'S ADVOCATE: I'm sorry.

20 THE COURT: That's okay. You were doing what you
21 were supposed to. I was just checking to see if there
22 was anyone else who would like to speak.

23 VICTIM'S ADVOCATE: No, sir.

24 THE COURT: Thank you very much.

25 All right. Mr. Burr, first, do you agree with your

1 client's decision to plead guilty to all three of these
2 charges?

3 MR. BURR: Yes, Your Honor, I do.

4 THE COURT: All right.

5 MR. BURR: May we call our witness this morning,
6 Your Honor.

7 THE COURT: Yes, you may.

8 MR. BURR: Okay. Dr. Schwartz-Watts?

9 (Whereupon, the witness was duly sworn by the
10 Court.)

11 WHEREUPON,

12 Dr. Donna Schwartz-Watts
13 after first having been duly sworn, testified as
14 follows:

15 Direct Examination by Mr. Burr:

16 MR. BURR: May it please the Court, Your Honor?

17 Does the prosecution agree that Dr. Schwartz-Watts is an
18 expert in area of psychiatry?

19 MS. SIMMONS: Yes, Your Honor.

20 By Mr. Burr:

21 Q. Dr. Schwartz-Watts, at my request did you interview
22 Eric Anderson?

23 A. I did, Your Honor. I've seen him three times.

24 February 12th, 2011; I saw him October 10th of this

25 year, and I met with him briefly today before his plea

1 to make sure that he was competent, which he is clearly
2 competent.

3 Q. As briefly as possible, would you explain to the
4 Court what your assessment of Eric is?

5 A. Yes. Your Honor, I can tell you in 22 years -- I
6 was telling Mr. Burr -- I've probably seen about a
7 thousand or so sex offenders, and there's three that
8 stand out in my mind, and he's one of them.

9 One of the things that's very different about him.
10 He was overjoyed. The only thing I can tell you is he
11 was joyful to come to court today because he wants to
12 get this off of his conscience. And he, he over admits
13 things he's done. He gives more information than what's
14 even alluded to, which is similar to his behavior, how
15 he came up and presented himself because I believe he is
16 trying to get better.

17 I gave him opportunity after opportunity to
18 explain, I worked him over pedophilia. He admits total
19 responsibility. On each one of those occasions, I said,
20 Could you have delayed it?

21 No, I knew what I was doing.

22 I've never seen someone take more responsibility
23 than him. I've had two other gentlemen, one was a
24 Marine, and he was already farther ahead in terms of
25 wanting treatment than most people that finish the

Schwartz-Watts/Direct -- 11/10/2011

19

1 sexually violent predator program. He will not sugar
2 coat one thing.

3 In this event, he was sexually abused when he was
4 five by a 17-year-old male. Now, when you are sexually
5 abused as a child, that does not mean that you go on to
6 commit, that's not even a risk factor to go on and
7 commit these offenses as an adult.

8 But what it does and what it did to him, is you get
9 very sexualized around that period of abuse, which may
10 very well even happen to some of the victims. When you
11 are a child and you are sexually abused, you get
12 sexualized.

13 Very early on he realized he was bisexual and had a
14 very active sex life. He and his partner when he
15 married, they had three sons, and he was, he inherited a
16 large amount of money. His father died I believe when
17 his mother was pregnant with him, and at the age of
18 eighteen he inherited a hundred thousand dollars. He
19 spent 65,000 within the first four months, and he was
20 making very poor choices.

21 He meets the criteria because of the caveats in
22 1997 and the acts now, so he's had the behaviors over a
23 period of time. So, he's always been, he just takes
24 total responsibility. If you say, Could you have put
25 this off?

1 No, I knew what I was doing.

2 And I've not seen anything like it, and I ask that
3 to be considered. What I would ask from the Court is
4 whatever his sentence is, that he gets treatment, and
5 quickly, for a number of reasons. He's very pious. And
6 I tried to explain that to Mr. Burr today. I think the
7 way that works is, you know, if you've had cancer for
8 two years and didn't get chemo yet, and you're very
9 faithful, you might be doing well because of your faith,
10 but you might need treatment, too. But the longer he
11 goes without treatment, it might make him less amenable
12 to treatment, because he is very amenable to treatment
13 right now.

14 The Department of Corrections has a sex offender
15 treatment program. But I don't think he is eligible for
16 it until about 18 months before your max-out date. It's
17 a lengthy program. But they usually take people at the
18 end of the sentence --

19 **THE COURT:** If you recommend it, that's the best
20 that I can do and I'll be glad to --

21 **THE WITNESS:** Okay. Thank you. And again, he was
22 just actually joyful. Now, that I've never seen. He
23 actually was looking forward to court because he wants
24 to take responsibility for what he's done. I've not
25 seen anything like it.

1 MR. BURR: No further questions. Thank you,
2 Dr. Schwartz-Watts.

3 (Whereupon, Dr. Schwartz-Watts left the witness
4 stand.)

5 THE COURT: Anything further, Mr. Burr?

6 MR. BURR: Yes, Your Honor. I think I can say
7 without fear of contradiction this is the most bizarre
8 case I've ever been involved with. When I read the
9 initial report before I met Eric, the picture that came
10 to mind is the same picture everybody in this courtroom
11 is getting today.

12 Then I went down and sat across the desk and I
13 talked to him hour after hour. And the person I dealt
14 with is not, he just does not match the image I had in
15 mind. That's why I had him evaluated. I wanted to
16 figure out what was going on.

17 Just as you just heard from Dr. Schwartz-Watts, he
18 was abused at a young age himself. He asked me not to
19 go into any detail on that in court today and I'll
20 respect that. I've explained to Eric they have the
21 sexual predator act program, and he will most definitely
22 be a candidate for that when he finishes whatever term
23 the Court gives him.

24 Your Honor, I'm kind of at a loss to even ask the
25 Court what to do in this case. It is a terrible case.

1 But he does still have redeeming values. As the
2 prosecutor told you, he wasn't under investigation. He
3 came in and confessed, he walked in the Sheriff's Office
4 and gave a full and complete confession. The
5 investigators on at least one of the victims had to do a
6 fair amount of work to get the corroboration that that,
7 in fact, happened. I also talked to investigators from
8 the County Sheriff's Office who agreed or verified to a
9 certain degree Eric's story about being abused at an
10 early age.

11 His mother is here in the courtroom. He reported
12 when he was five years old, he reported that abuse to
13 her, so it does have a lot of validity. I think that
14 the mother would like to speak, also.

15 If you would come forward.

16 THE COURT: State your full name for the record,
17 please.

18 DEFENDANT'S MOTHER: My name is Ann Anderson.

19 THE COURT: I'm glad to hear from you,
20 Ms. Anderson. Just take your time.

21 DEFENDANT'S MOTHER: Your Honor, this has been hard
22 (crying) this has been hard on all of our families. But
23 I hope that you will consider that he did come down on
24 his own. He was told by many that he was crazy because
25 he had done that. But he knew that he had done wrong.

1 And he's given his heart and life to Jesus, and the
2 change in him in these last 10, 11 months, it is a
3 peace. I just ask that you would have mercy and that he
4 would get the help he needs.

5 THE COURT: Thank you, ma'am.

6 DEFENDANT'S MOTHER: Thank you.

7 MR. BURR: Your Honor, I did fail to tell the Court
8 Eric had self-enrolled in an alcohol abuse program, and
9 he talked to his counselors. That's when he first came
10 forward and admitted to what he had done and knew that
11 he had to pay a price. He knows that he's gonna have to
12 pay a steep price, and he's accepted that. And he knows
13 he deserves what the Court gives him.

14 But I would ask the Court to keep in mind the
15 sexual predator statute, and I'm reasonably sure that's
16 gonna apply to Eric, and I've explained that to him.
17 And, as Dr. Schwartz-Watts told you, he is assigned
18 directly to the Department of Corrections, he will not
19 immediately start to receive any treatment.

20 So, the shorter, and I know that this is maybe a
21 roundabout way to ask for mercy from the Court. But, it
22 would be good for Eric and for everybody involved the
23 sooner he can get in treatment.

24 Your Honor, I cannot even put a number on what I
25 would ask the Court to do. I just ask Your Honor to,

1 you know, look in your heart and show mercy.

2 THE COURT: All right.

3 Mr. Anderson, is there anything you would like to
4 add?

5 THE DEFENDANT: Yes, Your Honor. I just first want
6 to say that I am truly sorry from the bottom of my heart
7 for my actions. I am sorry for the heartache that I've
8 heard in here today. I can't take back anything that
9 I've done. And although I was and have been for many
10 years under the effects of alcohol and drug abuse, I
11 can't blame that on it. I made these choices and I have
12 to accept the responsibility.

13 But I do want to say from here on out that I plan
14 to do my best to make amends for all the wrongs that
15 I've done. And I just hope that the victims in this
16 case can find it in their hearts to forgive me. I, I've
17 never in my heart of hearts wanted to hurt anybody the
18 way that I've hurt some of these people, not only the
19 victims but their families and my family. And I just
20 want to say that I am truly sorry, and I wish I could do
21 something to take it back. I'm sorry.

22 THE COURT: Thank you, sir.

23 Anything further, Mr. Burr?

24 MR. BURR: No, Your Honor.

25 THE COURT: Anything further from the State?

1 MS. SIMMONS: Judge, just with the perspective of
2 the Sheriff's Department and the Police Department, we
3 just believe that a substantial jail sentence is
4 appropriate in this case. We understand that he has
5 confessed and has been very remorseful. However, we are
6 extremely concerned about recidivism in this case. He
7 was a prior offender and there were two victims.

8 THE COURT: I'll accept Mr. Anderson's plea to all
9 charges as freely, voluntarily, knowingly and
10 intelligently made with the advice of competent counsel
11 with whom he was well satisfied. There has been a
12 substantial factual basis for his decision to plead to
13 all three counts.

14 Mr. Anderson, you will have ten days to appeal
15 whatever sentence I give you. I'm gonna put that on the
16 record.

17 Sentence of the Court:

18 THE COURT: But under Indictment 2011-222, criminal
19 sexual conduct with a minor, first degree, the sentence
20 is 30 years. Under 2011-GS-37-219, criminal sexual
21 conduct with a minor, the sentence is 30 years, which is
22 concurrent with the prior C.S.C. sentence.

23 2011-GS-37-220, committing or attempting to commit
24 a lewd act on a child, the sentence is five years, which
25 is consecutive to the prior sentences I gave you.

1 Good luck to you, sir.

2 Oh. In addition, prior to you being paroled or
3 getting out, you will have to wear electronic
4 monitoring. You shall have no internet access. You
5 shall not be in the presence of minors under eighteen
6 years or under -- or under eighteen years old.

7 I have recommended immediate inpatient psychiatric
8 treatment, and I'm requiring outpatient treatment once
9 you are released.

10 Good luck to you, sir.

11 MR. BURR: Thank you, Your Honor.

12 MS. SIMMONS: Thank you, Judge.

13 (Whereupon, the above guilty plea and sentence of
14 the Court was concluded at approximately 2:03 p.m.)

15 ** End of Requested Certified Transcript of Record **

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State v. Eric Anderson -- Guilty Plea -- 11/10/2011

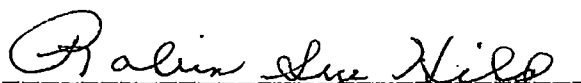
27

Certificate of Court Reporter

I, the undersigned, Robin Sue Hild, FCRR, RPR, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the partial record of the hearing of the captioned case, relative to appeal, in the Court of General Sessions for Oconee County, South Carolina, on the 10th day of November, 2011.

I do further certify that I am neither of kin, counsel nor interest to any party hereto.

March 4, 2012



Robin Sue Hild, FCRR, RPR
Circuit Court Reporter

DOCKET NO. 2011GS37 00217

WITNESSES

Gentry Hawk, Oconee Co Sheriff's Dept.

MARK MOORE

The State of South Carolina
County of Oconee

COURT OF GENERAL SESSIONS

MAR 14 2011

Term

ARREST WARRANT NUMBER

N130334

THE STATE

vs.

Eric Bruce Anderson

ACTION OF GRAND JURY

True Bill

LSS

Dennis B. Hudson

Foreperson of Grand Jury
Date:

MAR 14 2011

Indictment for

VERDICT

Criminal Sexual Conduct With Minor - Victim
Under 16 Years Of Age - 1st Degree

SC Code: 16-03-0655 (A) (2)
CDR Code: 3022

Foreperson of Petit Jury
Date:

STATE OF SOUTH CAROLINA)
COUNTY OF Oconee)

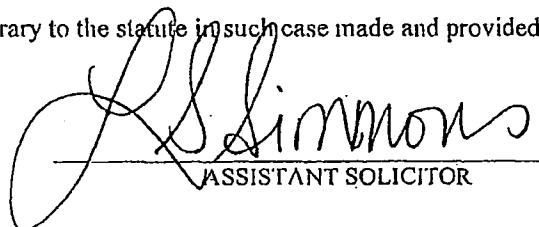
INDICTMENT

At a Court of General Sessions, convened on MAR 14 2011, the Grand Jurors of Oconee County present upon their oath:

Criminal Sexual Conduct With Minor - Victim Under 16 Years Of Age
1st Degree

That the Defendant, **Eric Bruce Anderson**, did in Oconee County on or between **October 1, 2009** and **December 14, 2010**, commit a sexual battery upon the victim, (CHILD #1 d/o/b _____ who was less than sixteen years of age and the defendant has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D). This being in violation of 16-3-655 (A)(2) of the South Carolina 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

Gentry Hawk, Oconee Co Sheriff's Dept.

Mark Moore

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

MAR 14 2011

Term

ARREST WARRANT NUMBER

N130335

THE STATE

vs.

Eric Bruce Anderson

ACTION OF GRAND JURY

True Bill

Dennis B. Hudson

Foreperson of Grand Jury

Date:

MAR 14 2011

LSS

Indictment for

VERDICT

Committing Or Attempting Lewd Act Upon Child

SC Code: 16-15-0140

CDR Code: 2468

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF Oconee)

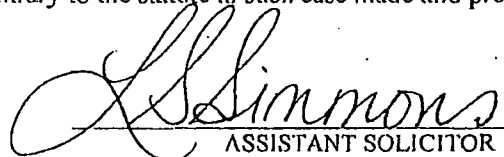
INDICTMENT

At a Court of General Sessions, convened on MAR 14 2011, the Grand Jurors of Oconee County present upon their oath:

Committing Or Attempting Lewd Act Upon Child

That **Eric Bruce Anderson**, who is over fourteen years of age, did in Oconee, South Carolina, on or about **October 1, 2009** and **December 14, 2010**, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, or its parts, of ^{CHILD #1} whose date of birth is _____ with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child. This is in violation of 16-15-140 of the South Carolina 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

DOCKET NO. 2011GS37 *00202*

WITNESSES

JONES, R., Seneca Police Dept.

[Handwritten signature]

The State of South Carolina

County of Oconee

COURT OF GENERAL SESSIONS

MAR 14 2011

Term

ARREST WARRANT NUMBER

J453747

THE STATE

vs.

Eric Bruce Anderson

ACTION OF GRAND JURY

True Bill

[Handwritten signature]

Foreperson of Grand Jury

MAR 14 2011

Date:

LSS

VERDICT

Indictment for

Criminal Sexual Conduct With Minor - Victim
Under 16 Years Of Age - 1st Degree

SC Code: 16-03-0655 (A) (2)

CDR Code: 3022

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF Oconee)

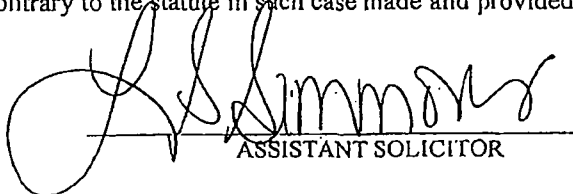
INDICTMENT

At a Court of General Sessions, convened on MAR 14 2011, the Grand Jurors of Oconee County present upon their oath:

Criminal Sexual Conduct With Minor - Victim Under 16 Years Of Age
1st Degree

That the Defendant, **Eric Bruce Anderson**, did in Oconee County on or about **August 20, 2010**, commit a sexual battery upon the victim, (^{CHILD #2} , d/o/b _____ who was less than sixteen years of age and the defendant has previously been convicted of, pled guilty or nolo contendere to, or adjudicated delinquent for an offense listed in Section 23-3-430(C) or has been ordered to be included in the sex offender registry pursuant to Section 23-3-430(D). This being in violation of 16-3-655 (A)(2) of the South Carolina 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.



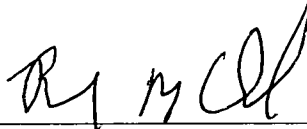
ASSISTANT SOLICITOR

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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 August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 28th, 2012



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

RECEIVED

NOV 28 2012

SC Court of Appeals