

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY

Clifton Newman, Circuit Court Judge

THE STATE,

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SEP 18 2013
SC Court of Appeals

RESPONDENT,

V.

CURTIS JULIUS MCKIE,

APPELLANT

APPELLATE CASE NO. 2012-212355

RECORD ON APPEAL

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INDEX

INDEX.....i

TRIAL TRANSCRIPT (dated June 19-20, 2012).....1

TESTIMONY

 AMANDA IRISH VIDAL

 Direct examination by Ms. Mayes.....5

 Cross examination by Mr. Castro.....25

VERDICT.....26

ARGUMENTS REGARDING SEX OFFENDER REGISTRY.....27

SENTENCING.....71

LETTER FROM PSYCHIATRIST DONNA SCHWARTZ-WATTS.....80

INDICTMENT.....81

CERTIFICATE OF COUNSEL.....83

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

State of South Carolina
County of Lexington

Court of General Sessions

State)
)
 v.)
)
 Curtis Julius McKie)
)
 Defendant.)

Transcript of Record
11-GS-32-3251

June 19 - 20, 2012
Lexington, South Carolina

B E F O R E:

The Honorable Clifton Newman, Judge; and a jury.

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Stacy L. Sheppard, RPR
Circuit Court Reporter

I N D E X

1	I N D E X	
2	<u>WITNESS</u>	<u>PAGE</u>
3	Pamela Glenn Brandon (In Camera)	
	Direct Examination By Ms. Mayes	39
4	Cross-Examination By Mr. Casto	47
	Amanda Irish Vidal (In Camera)	
5	Direct Examination By Ms. Mayes	50
	Cross-Examination By Mr. Casto	58
6	Timothy Keith Anglin (In Camera)	
	Direct Examination By Ms. Mayes	60
7	Cross-Examination By Mr. Casto	64
	Timothy Keith Anglin (In Camera)	
8	Direct Examination By Ms. Mayes	98
	Cross-Examination By Mr. Casto	104
9	Curtis Julius McKie (In Camera)	
	Direct Examination By Mr. Casto	108
10	Cross-Examination By Ms. Mayes	113
	Timothy Keith Anglin (In Camera)	
11	Direct Examination By Ms. Mayes	116
	Opening Statement	
12	By Ms. Mayes	128
	By Mr. Casto	129
13	Rebecca Irene James	
	Direct Examination By Ms. Mayes	134
14	Cross-Examination By Mr. Casto	155
	Redirect Examination By Ms. Mayes	159
15	Recross-Examination By Mr. Casto	162
	Amanda Irish Vidal	
16	Direct Examination By Ms. Mayes	163
	Cross-Examination By Mr. Casto	183
17	Redirect Examination By Ms. Mayes	190
	Jacqueline Denise Owens	
18	Direct Examination By Ms. Mayes	192
	Cross-Examination By Mr. Casto	196
19	Redirect Examination By Ms. Mayes	198
	Recross-Examination By Mr. Casto	199
20	Timothy Keith Anglin	
	Direct Examination By Ms. Mayes	200
21	Cross-Examination By Mr. Casto	215
	Redirect Examination By Ms. Mayes	222
22	Closing Argument	
	By Ms. Mayes	232
23	By Mr. Casto	241
24	Charge of the Court	253
25	Verdict of the Jury	267

I N D E X

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

WITNESS

PAGE

Sentence of the Court

315

Certificate of Reporter

324

	E X H I B I T S			
	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EVD.</u>
1				
2				
3	S-1	Blueprint	122	145
4	S-2	Blow-up Photograph	122	177
5	S-3	Blow-up Photograph	122	143
6	S-4	Blow-up Photograph	122	
7	S-5	Blow-up Photograph	122	143
8	S-6	Blow-up Photograph	122	143
9	S-7	Photograph	152	152
10	S-8	Photograph	152	152
11	S-9	Blueprint	174	174
12	C-1	Diagram	45	
13	C-2	Diagram	53	
14	C-3	Advice of Rights Form	68	
15	C-4	Sentence Sheet	69	
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1 by or a gauge; isn't that right?

2 **A** Yes, sir.

3 **Q** And that relies on the presumption that these
4 are the people that checked out books; is that
5 right?

6 **A** Yes, sir.

7 **Q** But it's equally possible that somebody could
8 perhaps go to the library and do research and not
9 check out a book; isn't that right?

10 **A** Yes, sir.

11 **MR. CASTO:** No further questions.

12 **THE COURT:** You may step down, ma'am.

13 Next witness.

14 **MS. MAYES:** State calls Amanda Vidal.

15 AMANDA IRISH VIDAL,

16 having been duly sworn, testified as follows:

17 **THE CLERK:** Please be seated. State your full
18 name, spell your last name.

19 **THE WITNESS:** My name is Amanda Irish Vidal
20 it's V, as in Victor, -i-d-a-l.

21 DIRECT EXAMINATION

22 BY MS. MAYES:

23 **Q** And, Ms. Vidal, if you could, tell us a little
24 bit about yourself. Where are you currently
25 employed?

1 **A** The Lexington County Library.

2 **Q** All right. And what is your job description
3 there at the Lexington County Library?

4 **A** Currently?

5 **Q** Yes.

6 **A** I'm the library assistant.

7 **Q** And how long have you been working with the
8 library system within Lexington County?

9 **A** For about a year, a little over a year.

10 **Q** Now, are you currently at the Irmo branch or
11 somewhere else?

12 **A** I'm at another branch.

13 **Q** All right. And what branch are you currently
14 at?

15 **A** The Cayce/West Columbia Library.

16 **Q** Can you tell us a little information about what
17 led to you obtaining work as a page or a library
18 staff assistant?

19 **A** To become a page, you apply like any other job
20 and you go through an interview process and then
21 you're hired.

22 **Q** All right. And can you tell us approximately
23 how long you had been working at the library prior
24 to Wednesday, May 25th, 2011?

25 **A** Approximately, it had been a week, but this was

1 my third day on the job.

2 Q All right. So May 25th, 2011, was your third
3 day on the job?

4 A Yes, ma'am.

5 Q All right. What time did you come into work
6 that day?

7 A I was due into work at 12:00.

8 Q And when you arrived there at 12:00, can you
9 tell us whether or not your supervisor, Becky James,
10 that we've heard from, was she present at that time?

11 A I didn't see her at that time.

12 Q And what were your first job responsibilities
13 as you went about your business around noon on May
14 25th, 2011?

15 A Normally, there are carts already pre-made for
16 you to -- for books that had been checked in and you
17 have to take the books and go put them up. So I
18 walked in and grabbed a cart and started shelving or
19 went to go shelf.

20 Q And as you were shelving books, what area of
21 the library were you at?

22 A I was in the adult fiction section.

23 Q All right. What, Ms. Vidal, if anything,
24 unusual occurred on May 25th, 2011, as you were
25 shelving books in that area of the library?

1 **A** I was walking to go put up the books. And
2 during the process of going back and forth between
3 the aisles, eventually turned and saw Curtis, the
4 defendant, masturbating with his penis fully out and
5 he was masturbating.

6 **Q** All right. Now, let me kind of take you back a
7 little bit and ask you this. The defendant, Curtis
8 Julius McKie, did you know him personally?

9 **A** I did not know him at all.

10 **Q** And had you seen him there at the library prior
11 to this indecent exposure incident?

12 **A** Yes, ma'am.

13 **Q** And that was during the course of your three
14 days there at that library?

15 **A** Yes, ma'am.

16 **Q** The Irmo branch. Now, on this particular
17 occasion as you talked about going about shelving
18 books, what's the procedure to do that? Are you
19 standing, kneeling, is it a combination?

20 **A** It's a combination. You're up and down.

21 **Q** All right. And what, if anything, do you have
22 with you as you're shelving books?

23 **A** It's a smaller cart and you pull it around with
24 you back and forth through the aisles of books.

25 **Q** All right. And when you saw the defendant,

1 Curtis McKie, where was he located?

2 **A** He was located to my right kind of behind, not
3 fully behind, enough where I could see him out of my
4 periphery.

5 **Q** All right. And where was he facing or where
6 was he angled?

7 **A** He was directly facing me.

8 **Q** All right. Now, let me back up a little bit.
9 That particular day, May 25th, 2011, you arrive on
10 the job, you go about the shelving of books. When
11 did you first notice the defendant or have any
12 interaction with him?

13 **A** Before I actually entered the adult fiction
14 section.

15 **Q** What happened?

16 **A** He asked me if they could stay all day at the
17 library.

18 **Q** All right. And when he asked you if they could
19 stay all day at the library, what, if anything, was
20 unusual about that?

21 **A** People don't typically ask if they could stay
22 all day. It's pretty well known it's a public
23 place, you can stay as long as you like until we
24 close. And if that question does happen, it's
25 typically, what time do you close, and it's towards

1 the end of the day.

2 Q And you said he used the word they.

3 A They.

4 Q Did you ever see anyone else with him or in his
5 presence?

6 A No, ma'am.

7 Q So when he asked you that, he was alone?

8 A He was alone.

9 Q And what happened after he posed that question
10 to you?

11 A Nothing. I stood and waited for him to say
12 something else and I didn't -- he didn't say
13 anything. And I said, okay, and I walked away.

14 Q All right. And that was in response to his
15 question about how long they could stay at the
16 library?

17 A Yes, ma'am.

18 Q And when you say you walked away, what, if
19 anything, did you do next?

20 A I started shelving books like I normally would
21 do, just pull my cart and shelve.

22 Q Now, you mentioned before that at some point,
23 you saw him and that he was exposed. I want to ask
24 you a few specific questions about that. Was he
25 clothed or was he not clothed?

1 **A** He was clothed. He had clothes on.

2 **Q** All right. And what exactly did you see?

3 **A** I saw his penis, what appeared was his penis.

4 **Q** All right. And how was that exposed to you?

5 **A** To me, it looked as if his pants were pulled
6 down over, you know, below his penis and that it was
7 completely out.

8 **Q** How was he dressed? What can you tell us about
9 the type of clothing that he had on?

10 **A** He had on windbreaker pants with the elastic, I
11 think they have the elastic band, and a blue Polo
12 shirt.

13 **THE COURT:** Raise the mic some so that you can
14 speak into it.

15 **THE WITNESS:** I'm sorry. Is that better?

16 BY MS. MAYES:

17 **Q** So when you describe the windbreaker pants,
18 those would be -- tell us a little bit more about
19 the type of pants that you're describing when you
20 say windbreaker pants.

21 **A** Sporty type pants, you know, something that you
22 can just pull down easily.

23 **Q** Now, what, specifically, did you notice about
24 his genitalia?

25 **A** He was fully erect. He was large and he was

1 masturbating.

2 **Q** All right. Now, when you use the word
3 masturbating, can you describe to us in layperson's
4 terms exactly what you mean by that?

5 **A** He was stroking his penis.

6 **Q** All right. What did you do in response to
7 seeing this?

8 **A** I looked back down, was in shock. And, you
9 know, you question yourself, I questioned myself
10 whether or not I'd seen that and I definitely had.
11 I immediately stood up and I walked to call -- I
12 went to go find my supervisor because I was in shock
13 and I called the police.

14 **Q** All right. Now, when you say that you actually
15 saw him masturbating, can you show or demonstrate
16 exactly what type -- what part or parts of his body
17 was he using to do that?

18 **A** He was using his hand.

19 **Q** All right. And can you demonstrate exactly the
20 type of motion or movement you saw --

21 **A** It was up and down (indicating).

22 **Q** All right. Now, how was he faced or angled?

23 **A** He was angled looking straight at me.

24 **Q** All right. And was there anyone else on the
25 row with him?

- 1 **A** There was no nobody.
- 2 **Q** Was there anyone else on the row with you?
- 3 **A** Nobody.
- 4 **Q** Can you tell us whether or not you had a direct
5 line of sight to him and him to you?
- 6 **A** When I faced him, there was a direct line of
7 sight.
- 8 **Q** And when he saw you looking, did he react or
9 turn away at any point?
- 10 **A** No, ma'am.
- 11 **Q** Did he ever attempt to cover up or put away his
12 genitalia?
- 13 **A** No, ma'am.
- 14 **Q** Who was the first to leave the area once you
15 saw him?
- 16 **A** I was the first to leave the area.
- 17 **Q** And where was he or what was he doing as you
18 left?
- 19 **A** His genitalia was still out when I walked away.
20 And I walked away and went straight to the workroom.
- 21 **Q** Ms. Vidal, if you could, I'm going to ask if
22 you can step down and diagram or depict for us
23 exactly what you can tell us in terms of where he
24 was and where you were within the aisle of books..
- 25 **A** (Witness complies.)

1 Q All right. Now, this area right here, who was
2 located at this area (indicating)?

3 A The defendant.

4 Q All right. And this area here, who was located
5 there?

6 A This is me.

7 Q All right. And what is shown here?

8 A That's a column that shows that this bookshelf
9 is recessed. It's probably a little bit more
10 behind.

11 Q I need you to keep your voice up so the court
12 reporter can catch your responses.

13 A This is a column and it's recessed, this
14 bookshelf is recessed. It should be more back, but
15 I'm right here relative to this right here.

16 Q All right. And if you're standing here, can
17 you visualize the person in this row?

18 A Yes.

19 Q If you're standing here, can you visualize a
20 person in this row?

21 A Yes, ma'am.

22 Q And on this particular day, was there anyone
23 else on this row with Mr. McKie?

24 A No, ma'am.

25 Q Was there anyone else on this row with you?

1 **A** No, ma'am.

2 **Q** Did you ever observe anyone else in this
3 immediate area --

4 **A** In this immediate area, no.

5 **Q** -- when that occurred?

6 **A** No, ma'am.

7 **Q** All right. Now, when you left the area, which
8 direction did you go?

9 **A** I went this way (indicating) to the right.

10 **Q** All right. Having prepared that diagram, I'm
11 going to show you -- I'm going to show you an
12 exhibit and ask you whether or not you recognize it.
13 There is a blueprint already in evidence. Are you
14 familiar with that?

15 **A** Yes, ma'am.

16 **Q** All right. And have you had the opportunity to
17 review this one as well?

18 **A** Yes, ma'am.

19 **Q** Can you tell us whether or not this is a exact
20 duplicate of the other blueprint?

21 **A** Yes, ma'am, it is.

22 **Q** Can you show us now, looking at this particular
23 blueprint, exactly where you were and exactly where
24 Mr. McKie was located?

25 **A** I was here and the defendant was here

1 (indicating).

2 Q All right. So these -- this is the area among
3 the aisle of books that you'd previously testified
4 about?

5 A Yes, ma'am.

6 Q All right. And this would be the defendant
7 here. If you could draw a circle around that to
8 indicate that's the defendant.

9 A (Witness complies.)

10 Q All right. And then this would be you,
11 correct?

12 A Yes, ma'am.

13 Q Now, as you were --

14 MS. MAYES: At this time, Your Honor, we would
15 offer this as State's Exhibit, I believe this will
16 be, 9.

17 MR. CASTO: Without objection, Your Honor.

18 THE COURT: It's admitted without objection.

19 (State's Exhibit Number 9, blueprint, marked
20 and admitted into evidence.)

21 BY MS. MAYES:

22 Q Now, did there come a point in time after that
23 event occurred where you encountered any other
24 people in the library?

25 A Yes.

1 Q And describe to us what you encountered.

2 A There was a man with his children right here

3 (indicating) where there's a copy machine. These

4 desks are not there, there's a copy machine now.

5 And he had a little girl, she was under the age of

6 five, no older than that, that's probably pushing

7 her age. And she was walking around the corner when

8 this incident happened. When I looked up to walk

9 away, I noticed her coming around the corner and I

10 stopped her. I said, No, sweetie, you need to go

11 back to your daddy. And I walked away.

12 Q Okay. And that's after you were leaving the
13 area?

14 A That's after -- well, that -- during the time
15 that I was leaving the area.

16 Q From where the child and her father were
17 located, could they visualize the defendant within
18 the row of books?

19 A No, ma'am. It's a fairly thick group of books
20 through there. You can't see through it.

21 Q Okay. If you're standing over here where you
22 said the copy machines are now, but, at that point
23 in time, a desk area, can you see over the row of
24 books into the next aisle of books?

25 A No, ma'am.

1 Q Okay. And why or why not?

2 A Books were high. You could -- all the books
3 were packed from one side and the other side.
4 There's no way to see through that.

5 Q Okay. And as you were here shelving the books,
6 which direction was the defendant facing?

7 A He was facing me. So this area (indicating).

8 Q Was he facing toward the aisle of books here?

9 A No.

10 Q Was he facing towards the aisle of books here?

11 A No, ma'am.

12 Q Your testimony is that he was facing you?

13 A He was directly facing me.

14 Q And after that occurred, you left the area and
15 you did what?

16 A I called the police.

17 Q I have one more photograph to show you and ask
18 you whether or not you recognize what is in this
19 photograph. It is State's Exhibit 2. Do you
20 recognize what is in this photograph?

21 A Yes.

22 Q What is that?

23 A This is the area where the defendant would have
24 been standing and I would have been standing when
25 the incident occurred.

1 **Q** Okay. Is this photograph a fair and accurate
2 representation of the aisle of books as you have
3 shown us on the blueprint?

4 **A** Yes, ma'am.

5 **MS. MAYES:** And, Your Honor, this will be
6 State's Exhibit 2 for evidence.

7 **MR. CASTO:** Without objection.

8 **THE COURT:** It's admitted.

9 (State's Exhibit Number 2, photograph,
10 admitted into evidence.)

11 BY MS. MAYES:

12 **Q** All right. So we have seen the aisle of books
13 here on the blueprint. I'm going to now show you
14 State's Exhibit 2, which is in evidence, and ask you
15 to tell us exactly what we are looking at in
16 relation to the aisle of books that was shown on the
17 blueprint that you showed us?

18 **A** Okay. This is the column and the recessed
19 bookcase here. I would have been standing in this
20 area (indicating) and the defendant would have been
21 right here in this area. And I have a direct line
22 of sight from him and he has one to me.

23 **Q** All right. So, once again, the defendant is
24 located on what side of the photograph?

25 **A** He's located on the right side.

- 1 Q So the defendant is here (indicating)?
- 2 A Yes, ma'am.
- 3 Q And you were where on the photograph?
- 4 A I'm on the left side, here.
- 5 Q So these are the aisle of books that you
- 6 previously described in the blueprint?
- 7 A Yes, ma'am.
- 8 Q Thank you. You may return.
- 9 A (Witness resumes the witness stand.)
- 10 Q Now, other than seeing the defendant in or
- 11 among the aisle of books, did you ever see him doing
- 12 anything else in the library that day? Do you ever
- 13 see him on a step stool, for example?
- 14 A Never saw him on a step stool.
- 15 Q All right. Did you ever see him interacting
- 16 with anyone else other than yourself?
- 17 A No, ma'am.
- 18 Q Did he have any further conversation with you
- 19 other than the initial question about how long they
- 20 could stay?
- 21 A After I left the area and went to call the
- 22 police, he did approach me at the circulation desk,
- 23 which is where you would check out your books.
- 24 Q All right. And when you say he approached you,
- 25 what happened then?

1 **A** He was asking for his book and I was on the
2 phone with law enforcement and they wanted a
3 description of him. And I was able to give a better
4 description because he was standing right in front
5 of me.

6 **Q** All right. What, if anything, was unusual
7 about him approaching to ask about a book?

8 **A** He had just exposed his penis to me and was
9 masturbating in front of me and was asking for a
10 book. I didn't even get close enough to him to get
11 a book.

12 **Q** All right. And you were actually on the phone
13 with law enforcement when that occurred?

14 **A** Yes, ma'am.

15 **Q** All right. And where did you next see him --
16 or let me ask you this. What did you do after you
17 got off the phone with law enforcement?

18 **A** We went outside to get a license tag because he
19 had exited the building.

20 **Q** All right. And for what purpose were you
21 trying to get a license tag?

22 **A** To be able to identify him if he did get away.
23 I didn't know if he had had a car or was on foot, so
24 we wanted to be able to show that this was the
25 person.

1 Q Okay. And did you ever see him get into a
2 vehicle?

3 A No, ma'am, I did not.

4 Q Okay. When you last saw him, was he in a
5 vehicle or was he on foot?

6 A He was on foot.

7 Q And where did you last see him at?

8 A Outside of the library towards the far end of
9 the parking lot.

10 Q Okay. I'm going to show you State's Exhibit 5,
11 which is in evidence. If you could, using this
12 particular photograph, tell us where it was that you
13 last saw the defendant.

14 A I last saw the defendant right here
15 (indicating).

16 Q And were you present when Deputy Anglin arrived
17 on the scene?

18 A Yes, I was.

19 Q All right. And what, if any, conversation did
20 you have with Deputy Anglin in relation to making
21 him aware?

22 A He pulled up in his patrol car and he was --
23 the defendant was standing out and we just pointed
24 that he was over in that direction that was him.

25 Q So you're the one that pointed Mr. McKie out

1 for the deputy?

2 **A** I know that I did. I don't know if I was the
3 only one.

4 **Q** Did you disclose what had occurred to any other
5 member of the library once you left that area that
6 you've shown us here in State's Exhibit 2?

7 **A** Yes.

8 **Q** Who did you disclose it to?

9 **A** To Ms. Jacquie.

10 **Q** Okay. And when you say Ms. Jacquie, you're
11 referring to Jacquie Owens?

12 **A** Yes, ma'am.

13 **Q** What is her job with the library?

14 **A** Ms. Jacquie works in the children's section.
15 And she was -- I think she might have been on her
16 lunch break as well.

17 **Q** All right. So you disclosed it to her and then
18 notified law enforcement?

19 **A** Yes, ma'am.

20 **Q** Ms. Vidal, do you see present in the courtroom
21 today the person who exposed himself to you on May
22 25th, 2011?

23 **A** Yes, ma'am.

24 **Q** Where is he seated?

25 **A** He's seated over there at the defendant's table

1 (indicating).

2 Q Let me ask you just a few more questions,
3 Ms. Vidal.

4 A Yes, ma'am.

5 Q When you went about shelving books in the area
6 that you've indicated is the adult fiction section
7 here --

8 A Yes, ma'am.

9 Q -- prior to the defendant actually exposing
10 himself to you, how many different points within
11 that area do you think you had seen him or had
12 contact with him?

13 A Two or three different times. I felt like I
14 was being followed.

15 Q And what do you mean by that?

16 A Every time I would turn a corner, there was the
17 defendant every time. I hadn't been shelving that
18 long, so I hadn't made that many turns, but somebody
19 was always behind me and it was always the
20 defendant.

21 Q All right. And at the point that he -- or the
22 point that you observed him that you described to us
23 where his genitals were exposed, to your knowledge,
24 was there anyone else in the immediate area who
25 would have been witness to that?

1 **A** No. No.

2 **MS. MAYES:** Nothing further at this time, Your
3 Honor.

4 **THE COURT:** Yes, sir.

5 CROSS-EXAMINATION

6 BY MR. CASTO:

7 **Q** Hey, Ms. Vidal. How are you? Just some brief
8 questions for you, Ms. Vidal. Essentially, you are
9 the only witness to this event; is that right?

10 **A** Yes, sir.

11 **Q** All of what the other librarians and staff know
12 of this event they learned from you; isn't that
13 right?

14 **A** Yes, sir.

15 **Q** And all of what law enforcement knows of this
16 event they learned that from you; isn't that right?

17 **A** From -- yes, as far as I know.

18 **Q** And recapping, I guess, what would be the
19 highlights of your testimony, you came to work that
20 day in the middle of the day at approximately 12:00
21 p.m.; is that right?

22 **A** Yes.

23 **Q** And your responsibilities included, you know,
24 reshelving books. And I believe that's your primary
25 one; is that right?

1 **FOREMAN:** Yes, sir.

2 **THE COURT:** Is it unanimous?

3 **FOREMAN:** Yes, sir.

4 **THE COURT:** All right. Thank you very much.

5 If you'll hand it up, you may be seated.

6 (The clerk hands the verdict to the Judge.)

7 **THE COURT:** The defendant will stand.

8 : Madame Clerk, you may publish the verdict.

9 VERDICT OF THE JURY

10 **THE CLERK:** Indictment 2011-GS-32-03251, the
11 State versus Curtis Julius McKie, indicted for
12 indecent exposure. The verdict is guilty. And it
13 is so signed by the Foreperson.

14 Mr. Foreman, ladies and gentlemen of the jury,
15 if this is your verdict, please indicate each of you
16 by raising your right hand.

17 All hands raised, Your Honor.

18 **THE COURT:** All right. Any additional polling
19 requested, Mr. Casto?

20 **MR. CASTO:** Yes, sir, Your Honor.

21 **THE COURT:** All right. Madame Clerk, if you'll
22 poll the jurors individually.

23 **THE CLERK:** Yes, sir.

24 As I call your name, if you'll hold your hand
25 up where I can recognize you. I will ask you a

1 The defendant will come forward.

2 **MR. CASTO:** Yes, sir.

3 **PROBATION AGENT:** Your Honor, Mr. McKie is on
4 probation. And the plea will -- the guilty verdict
5 will be a violation. And in addition to that, we
6 have served two warrants on him already. And
7 there's the violation report.

8 **THE COURT:** All right. Mr. Casto, are you
9 handling the probation violation as well?

10 **MR. CASTO:** Yes, sir, Your Honor.

11 **THE COURT:** And are you ready to proceed with
12 that?

13 **MR. CASTO:** Yes, sir, Your Honor.

14 **THE COURT:** All right. Let's first hear from
15 the State, then the department.

16 **MS. MAYES:** Yes, sir, Your Honor. From the
17 State in reference to this conviction for the
18 indecent exposure which occurred on May 25th, 2011,
19 here in Lexington County, Your Honor, as for prior
20 record, it begins in 1993 with a conviction for
21 armed robbery. His conviction and sentence in 1993
22 was 21 years, that was a straight sentence. He
23 remained in the department of corrections until
24 2009. He was on supervised furlough following his
25 release in 2009 and that furlough lasted through

1 2010.

2 Then September 21st, 2010, was his arrest date
3 at the Richland County Library for an identical
4 offense, indecent exposure, against a female patron
5 there. He ultimately pled guilty to breach of peace
6 of a high and aggravated nature. That's one of
7 those common law offenses that carries up to ten
8 years. And the conviction date on that was January
9 25th, 2011.

10 Your Honor, it is significant that he remained
11 held at the Richland County Jail following his
12 arrest for the Richland County Library incident
13 until January 25th, 2011, which is when he pled
14 guilty. So he was actually in custody that whole
15 time. And his sentence was five years suspended to
16 time served with two years probation. So from the
17 date of his release on January 25th, 2011, until
18 this incident on May 25th, 2011, there's only a four
19 month timeframe there between when he was released
20 and committed this new offense. And he was on
21 probation at that time.

22 Your Honor, based on these circumstances, we
23 would ask the Court to consider the possibility of
24 sex offender registry under the statute which allows
25 for discretionary -- a discretionary order for sex

1 offender registry for the nonenumerated offenses
2 upon a showing of good cause by the Solicitor. That
3 is South Carolina Code section 23-3-430 section (D).
4 And we would ask the Court to consider --

5 **THE COURT:** Give me the code section again,
6 please.

7 **MS. MAYES:** Yes, sir, Your Honor. 23-3-430
8 section (D).

9 **THE COURT:** Anything else from the State?
10 Anything else -- any victim would like to speak on
11 this case or the other case?

12 **MS. MAYES:** Your Honor, I would briefly like to
13 add that I was contacted by Dan Lake -- I believe he
14 worked the probation case here in Lexington County
15 and drew up that warrant -- that he was actually
16 alerted -- he was actually alerted by the University
17 of South Carolina Public Safety Officers that they
18 had concerns about Mr. McKie because he had been the
19 subject of multiple suspicious person reports over
20 there at USC. One of those included an indecent
21 exposure investigation at the Thomas Cooper Library
22 there on campus.

23 Now, ultimately, they did not arrest him for
24 indecent exposure. I think they were not able to
25 make a positive identification; however, he was

1 issued a violation for trespass or was put on
2 trespass notice. And then I believe after that,
3 there was a later violation of that trespass notice
4 and that led to USC alerting probation and parole
5 here in Lexington County and as a result, he was
6 arrested on the probation violation warrant March
7 7th, 2012. So he's actually been at the detention
8 center since March 7th, 2012.

9 He had initially made bond on his arrest here
10 in Lexington and then was put back in March 7th,
11 2012.

12 Beg the Court's indulgence.

13 (Pause.)

14 **MS. VIDAL:** Hi, Your Honor. I do request that
15 he be put on the sex offender list and be given the
16 maximum sentence for what he's done. I believe that
17 he's a predator and he will do it again and possibly
18 that his crimes will become more serious, egregious
19 and I believe it's important. Thank you.

20 **THE COURT:** All right. Thank you.

21 **MS. MAYES:** That's all from the State, Your
22 Honor.

23 **THE COURT:** All right. The department.

24 **PROBATION AGENT:** Your Honor, Mr. McKie was
25 placed on probation on January 25th, 2011. He pled

1 to breach of peace aggravated in nature. That was
2 in Lexington County before Judge Manning. He
3 received a sentence of five years upon the service
4 of 126 days, credit time served, with two years
5 probation.

6 **THE COURT:** Was it in Lexington or Richland?

7 **PROBATION AGENT:** I'm sorry. It was Richland
8 County.

9 **THE COURT:** All right.

10 **PROBATION AGENT:** Special conditions were stay
11 away from the victim, and counseling.

12 We issued our first warrant, he had failed to
13 report on 5/26 of 2011 or any time thereafter,
14 having last reported 4/28/11. He had failed to tell
15 his agent of his arrest on 5/25/11 by the Lexington
16 County Sheriff's Department for indecent exposure.
17 And in addition to that, he had some financial
18 arrearages that we addressed in that warrant.

19 The second warrant, Ms. Mayes has alluded to
20 this, on 5/13 of 2011, the USC Police Department
21 issued a trespassing notice against the subject.
22 December of '11, the USC Police Department arrested
23 the subject after a trespass warning had been
24 issued. He was subsequently convicted of that
25 offense. And then on February of 2012, there was

1 another trespass notice issued against the subject.

2 We would ask for a revocation in this case.

3 And the verdict today also is a violation.

4 **THE COURT:** And regarding this counseling, what
5 happened with that, the -- as a condition of
6 probation?

7 **PROBATION AGENT:** Judge, I am not sure. I have
8 to look through the file. I'm not even sure if he
9 ever got enrolled into counseling.

10 **THE COURT:** All right. Mr. Casto.

11 **MR. CASTO:** Thank you very much, Judge. And
12 may it please the Court.

13 One of the things in this type of situation
14 after a trial is just to really speak for how my
15 client feels. And I know that Curtis is
16 disappointed, but let the next words that I say and
17 share with the Court be that we also respect the
18 fact that the jury has spoken. And we respect that
19 they have ruled on the issue and that one does not
20 exist.

21 By way of introduction, you know, so much of my
22 interaction in my time over there at the public
23 defender's office was really devoted to Curtis in
24 just learning about him and his story. And this is
25 really him in a nutshell: Curtis is 37 years of

1 age. I believe he told me that his birthday is
2 actually today. He has a GED and has done work at
3 Columbia Farms and basic labor-type work related to
4 that. He'd recently been laid off and had been
5 doing some floor maintenance and whatnot.

6 One of the things that Curtis had suffered was
7 the fact that he had had an injury related to on the
8 job. And I think he even had a lawyer for that
9 because he wasn't able to perform his work out there
10 at Columbia Farms. So it wasn't -- I think the
11 injury forces him out of employment, Your Honor.

12 He resides in Columbia.

13 One of the things that -- and I speak about
14 this carefully. One of the things in ailments and
15 things in addition to his back issues and the like,
16 are that Curtis tells me that he suffers from
17 anxiety, depression, he used the term borderline
18 schizophrenia.

19 That being said, Your Honor, I've never had any
20 issue with regard to Curtis' competency, his ability
21 to understand what we were up to in the trial of his
22 case, what my role was, Judge, what the Solicitor's
23 role was, and what the Court's role was, and what we
24 are really all here to do. He was always somebody
25 that understood and was with me step-by-step in our

1 conversations that we'd had.

2 That being said, you know, you learn about,
3 well, you know, Curtis, I mean, what all have you
4 been through? What, you know, what does it look
5 like? What's the past look like for you? I
6 continue this.

7 Curtis, at the age of 13, actually went to DJJ.
8 He stayed there until he was 16 years of age and got
9 out and I think basically got up with an old friend
10 and he was implicated in an armed robbery charge.
11 That, Your Honor, I think significantly affected him
12 in that there are elements of him that are 37 years
13 of age, there are elements of him that are very much
14 a teen or maybe even younger.

15 In cases of this nature, what I try to do out
16 of an abundance of caution is attempt to understand
17 in and of myself, but also hire someone that can
18 understand better than I can. We'd offer a letter
19 that I received from someone that we hired in this
20 case, a Dr. Donna Schwartz-Watts. And we have a
21 copy for the Court and the Solicitor at this time.

22 **THE COURT:** Yes, sir.

23 (Mr. Casto hands document to Ms. Mayes and
24 the Court.)

25 **MR. CASTO:** I'll give the Court a second to

1 review that.

2 (Pause.)

3 **THE COURT:** All right.

4 **MR. CASTO:** Thank you, Your Honor.

5 You know, Dr. Schwartz-Watts, in addition to
6 subjecting Curtis to kind of a battery of tests, in
7 no way speaking to the guilt or innocence on this
8 matter in this case at bar, out of abundance of
9 caution felt like she would be an ideal person to
10 kind of delve in this matter with a great
11 understanding than I probably ever have in this line
12 of work. And she cited, I think, what was best
13 characterized as developmental delays.

14 But be that as it may, one thing that the Court
15 has read in the letter is that -- is that he is not,
16 I guess, beyond repair. One of the things that she
17 cites is some type of sex education classes. And it
18 seems somewhat fundamental for the rest of us, but I
19 think Curtis stands before the Court differently
20 situated than many folks. And I think that
21 developmentally he is certainly off, but not beyond
22 repair in some ways.

23 Your Honor, what I would ask the Court to
24 consider is a sentence that in addition to
25 punishment is also coupled with mercy. We

1 understand the feelings and thoughts of the victims
2 and they are certainly a factor.

3 One thing I would point out is that, you know,
4 my work over there at the public defender's office,
5 you know, often times it's just me and my client
6 stand before the Court and a lot of the bridges with
7 family or friends or whatever just were probably
8 burned or broken long ago, but I did want the Court
9 to notice that his father's here with us in the
10 courtroom, several rows back is also his fiancée,
11 Your Honor.

12 His father, but particularly his fiancée, has
13 been just very proactive and somebody that has
14 contacted our office and I've spoken with numerous
15 times with regard to this case and with regard to,
16 you know, what to do with Curtis.

17 I would ask the Court to pass sentence at this
18 time if the Court is so inclined. We'd ask for as
19 much mercy as possible. If the Court is considering
20 having Curtis register, we would ask that the Court
21 -- if the Court is leaning in that way, we would ask
22 the Court to hold that issue in abeyance so that the
23 Court can inquire from Dr. Schwartz-Watts herself
24 with regard to that issue.

25 **THE COURT:** All right. Mr. McKie.

1 **DEFENDANT:** Thank you, Your Honor.

2 First, I would just like to give you a
3 background update on my probation period. I had a
4 fairly successful probation period for the first
5 year and a half or so. Judge Manning, he authorized
6 me to go to counseling, drug abuse counseling. I
7 went to LRADAC. I completed that in eight weeks. I
8 gave a certificate to Mr. Daniel Lake. I don't know
9 why it wasn't in the record, but I completed that.

10 The only time I missed the appointment was on
11 the 26th, that was because I was arrested and put
12 into the county jail where I was gone those four
13 months and didn't come back out until January. But
14 other than that, I never failed a drug test, never
15 missed a scheduled appointment, paid as much money
16 as I could until I got a back injury and lost my
17 job. So the only violations I had, other than I
18 have a, like, a few, like, tress -- the trespassing
19 violation for the arrest for that and traffic ticket
20 violations, but other than that, this is the only
21 major violation I had since I've been on parole.

22 I completed my first -- when I was released
23 from prison after doing 17 years, I was on an ankle
24 monitor. I completed that successfully. And, like
25 I said, this is the only major offense violation I

1 had since I've been on parole. Other than that, I
2 had a fairly successful parole.

3 What my attorney don't know or the Solicitor
4 don't know, even my victims don't know, Your Honor,
5 is that for the past eight to nine months, I've been
6 on -- I've been traveling vigorously for spiritual
7 enlightenment and I've made some advance
8 spiritually. Right before I came, me and my fiancée
9 attended a church, Victoria's Believers Baptist
10 Church, over by Columbia Mall. My uncle invited us
11 there. We had considered making that our permanent
12 place of worship.

13 I don't say this to try to play on Your Honor's
14 religious sentiment. I just say this to state for
15 the record for the Court to know that I'm a child of
16 God and I'm God loving, God fearing.

17 At no time in my past, present or neither in
18 the future have I been or will I ever be a sexual
19 predator or a sexual threat to any woman, child or
20 anybody. Even in -- even in my accuser's testimony,
21 she never once said that I threatened her, tried to
22 touch her, harm her. And though I feel like it's a
23 lot of facts that wasn't raised or just didn't
24 surface in the case, but she never once felt that I
25 tried to harm her in any way, in either the past

1 convictions at all, Your Honor.

2 I have a fiancée. And I have a seven-year-old
3 daughter out there in the hall, Your Honor, who you
4 haven't seen. But for the first time, I'm 37 today,
5 this is the first time that I've ever, outside of my
6 immediate family, had a family that I can call my
7 own, Your Honor.

8 I have a fiancée to indulge me and engage me in
9 any type of sexual desire or fantasy that I may
10 have. So I have no need or no will or desire to
11 want to go out in public to be perverted, to be a
12 sexual deviant, Your Honor.

13 I ask for mercy, Your Honor, in the sentences.
14 And I just ask for you to understand that I face
15 multiple avenues of punishment in this case, Your
16 Honor. My father's elderly. I'm his primary
17 caretaker. Even my fiancée, she's a diabetic.
18 She's been trying to work two jobs to hold me down,
19 take care of our daughter.

20 For me to have to register or go to prison for
21 a long period of time, Your Honor, that'll destroy
22 my family, take me away from the only foundation
23 that I've had outside of my father, Your Honor.
24 Most of my life been incarcerated and I have built a
25 foundation and a spiritual path with my family, Your

1 Honor.

2 I had a interview, a sexual -- psychosexual
3 analysis conducted by Dr. Schwartz-Watts. And she
4 concluded that I don't fit the cri -- being that I
5 had some issues, I was molested when I was seven
6 years old, she felt that I have some criteria for a
7 sexual disorder, but not an extreme sense where I'm
8 sexually offensive to the point of having to
9 register, Your Honor.

10 She said that if we needed her to be here, we
11 could subpoena her and she could speak to the judge
12 on my behalf herself, Your Honor, but she didn't
13 feel, from her interview and from her analysis, that
14 I was a sexual predator, Your Honor, and that's just
15 something I would like for Your Honor to take in
16 consideration, Your Honor.

17 Despite of what I've been charged with and
18 despite of my past, Your Honor, I'm not a monster.
19 I'm not a violent person. And I'm not a threat to
20 no one, Your Honor. I got a good heart. I would
21 just beg that you have leniency and mercy and please
22 have some understanding when rendering your
23 judgment, Your Honor.

24 **THE COURT:** How old were you when you went to
25 prison, first went to prison?

1 **DEFENDANT:** Thirty-three -- I mean, 17. Well,
2 I was 13 when I first was incarcerated away from my
3 family.

4 **THE COURT:** What was that for?

5 **DEFENDANT:** I had a friend at that time, Your
6 Honor, he was raped by a guy. His mother -- his
7 grandmother was a foster parent and he used to stay
8 with her. One of the foster kids raped him. And
9 they had the dude locked up. He was a older guy.
10 When he got out of jail, he was like 21, 22 years
11 old.

12 At that time, I was hanging with the wrong
13 crowd and one of the guys had -- had a gun, had a
14 gun that they had got. And this particular night --
15 well, my friend who got raped, he approached us and
16 told us that the guy who he had -- who raped him,
17 always jumping on him since he got out of jail. And
18 we had a gun. And I had the gun in my possession at
19 the time and he asked me for it. And I was like,
20 Well, what you going to do? He said, I ain't going
21 to do nothing. I'm going to show him. He going to
22 be scared, he'll run.

23 But I gave him the gun. But when he went up to
24 the dude house and the dude came out, I was with
25 him, and me and another guy accompanied him, but he

1 had the gun. The guy came out and I asked the guy
2 he be raping my friend. And he was like, Well, your
3 friend know what's up, blah, blah, blah. And my
4 friend pull out the gun and he was like, Well, you
5 ain't going to touch me no more.

6 The guy jumped on him with the gun in his hand
7 and they got to tussling with the gun in his hand
8 and the gun went off. And he shot the guy by
9 accident cause the guy jumped on him with the gun
10 and they got to fighting for the gun. I didn't
11 shoot nobody. I wasn't --

12 **THE COURT:** Where did he shoot him, in the
13 back, in the leg, in the head, in the stomach?

14 **DEFENDANT:** In the stomach. During the
15 tussling, he got shot in the stomach. And, at that
16 time, I think the hands -- it was like '88 or
17 something that they had just passed the law, the
18 hands of one, the hands of all.

19 **THE COURT:** 1988?

20 **DEFENDANT:** Yes, sir. And I was convicted
21 under that.

22 **THE COURT:** And you stayed in prison for how
23 long?

24 **DEFENDANT:** I was 13 at the time. I stayed
25 until I was 16, like, two and a half years.

1 **THE COURT:** What grade -- where were you in
2 school at the time, age 13?

3 **DEFENDANT:** I was in the 8th grade, I believe,
4 Your Honor.

5 **THE COURT:** Eighth grade, all right. And you
6 stayed in DJJ for how many years?

7 **DEFENDANT:** Two and a half.

8 **THE COURT:** And when you got out, did you come
9 back to school or --

10 **DEFENDANT:** Yes, sir. When I got out, I
11 started going to Columbia High. I was in Columbia
12 High -- well, I had to go to an alternative school
13 coming from a group home. I went to Olympia. And I
14 made it out the alternative school and I went to
15 Columbia High and then relocated and I went to
16 Dreher. And at the time -- that was the school I
17 was attending at the time of the armed robbery
18 incident when I was 17, Your Honor. And I was in
19 10th grade at that time.

20 **THE COURT:** You were in 10th grade at Dreher
21 High School and you were charged with armed robbery?

22 **DEFENDANT:** Yes, sir.

23 **THE COURT:** All right. And what was that
24 about?

25 **DEFENDANT:** The same guy, I had got back out,

1 who had killed the guy, we all stayed in the same
2 neighborhood.

3 **THE COURT:** Oh, the person who was shot in the
4 stomach was killed?

5 **DEFENDANT:** Yes, sir. He was killed when we
6 was 13. That was the incident --

7 **THE COURT:** Whatever happened to him?

8 **DEFENDANT:** He was sentenced to DJJ. All three
9 of us who was there at the time, the guy who shot
10 the guy and the two of us who was with him, all
11 three of us was sentenced to DJJ. All three of us
12 had got out and all three of us stayed in the same
13 neighborhood.

14 **THE COURT:** You did an armed robbery with the
15 guy who killed the other guy?

16 **DEFENDANT:** Yes, sir.

17 **THE COURT:** What was that about, the armed
18 robbery?

19 **DEFENDANT:** He had owed some dudes for some
20 drugs. He had done messed up the drug money. And
21 he told me he needed me to help him get it, he knew
22 a robbery and stuff. And he planned the robbery
23 out, gave us the guns, Your Honor. And we went into
24 a business, a place of business to rob these
25 people and --

1 **THE COURT:** What part of the robbery did you
2 do?

3 **DEFENDANT:** I accompanied him inside the
4 building, Your Honor, and I had a gun --

5 **THE COURT:** You were always like a bystander to
6 these crimes or did you ever do a crime?

7 **DEFENDANT:** Well, in this armed robbery, I
8 participated, Your Honor.

9 **THE COURT:** In what way?

10 **DEFENDANT:** I had a gun and I went inside the
11 building with him.

12 **THE COURT:** And where was that place you
13 robbed?

14 **DEFENDANT:** It was in Richland County, I think,
15 on Calhoun Street, Your Honor.

16 **THE COURT:** A store, a house, a person?

17 **DEFENDANT:** No, sir. It was like an insurance
18 investing company, something like that.

19 **THE COURT:** And what was the sentence?

20 **DEFENDANT:** I was given 21 years for armed
21 robbery --

22 **THE COURT:** In what year?

23 **DEFENDANT:** -- seven years mandatory. This was
24 in 1993.

25 **THE COURT:** And you stayed in prison from '93

1 to...

2 **DEFENDANT:** 2009, Your Honor. I did 16 years
3 and 11 months.

4 **THE COURT:** 2009. And you got out of prison in
5 2009 and you started doing what?

6 **DEFENDANT:** I started working immediately, Your
7 Honor. I got a job two weeks after I was home.

8 **THE COURT:** And you were on parole until when?

9 **DEFENDANT:** I had an ankle bracelet on for six
10 months. And I think in the incident in 2010 in
11 January --

12 **THE COURT:** When did you and how did you
13 develop this desire or proclivity to expose yourself
14 in public?

15 **DEFENDANT:** Well, Your Honor, in the past, like
16 I said, when I was -- I was molested when I was
17 seven. I already had questionable sexual
18 orientation, Your Honor, but --

19 **THE COURT:** When you were in prison, were
20 you --

21 **DEFENDANT:** Yes, sir, it started in prison.

22 **THE COURT:** You were homosexual or --

23 **DEFENDANT:** No, sir. It was just -- well, in
24 prison, you don't -- that's the alternatives, Your
25 Honor. You don't have -- it's either you're going

1 to be a homosexual or you're going to masturbate to
2 get your sexual attention off, Your Honor. And it
3 was my -- my mind state was I'd rather take a chance
4 on talking to a female or lusting on a female than
5 taking the chance on having sex with another man and
6 getting HIV, Your Honor. And that's where that
7 started.

8 **THE COURT:** All right. So it started in
9 prison. And, of course, I guess you're -- did they
10 have females in prison or just men or --

11 **DEFENDANT:** We have females in prison, Your
12 Honor. You have females in prison that engage you
13 just as well as the females on the street do in
14 certain things, Your Honor.

15 **THE COURT:** All right. So then you get out of
16 prison and you decide to go to all these public
17 places and masturbate?

18 **DEFENDANT:** With the exception to this last
19 charge, Your Honor, I was wrong for what I was doing
20 in Richland County to the extent what happened. I
21 mean, the judgment done been rendered. But, as I
22 spoke earlier without trying to explain it away,
23 there's a lot of facts and truth in this situation,
24 Your Honor, that ain't even surfaced in this
25 situation.

1 **THE COURT:** Well, now is your time to talk.
2 I'm getting ready to sentence you.

3 **DEFENDANT:** Well, Your Honor, even in her
4 testimony, Ms. Amanda Vidal admitted that I had not
5 talked to her on two or three occasions on her first
6 three days there, first few days that I had talked.
7 She knew about the case in Richland County, Your
8 Honor, because I told her when I approach her --
9 when I approach her, I told her -- when we started
10 talking, I asked her about -- made up a little
11 something to try to start a conversation. I asked
12 her, can we -- how long we stay in the library or
13 whatever. This is before, two days before the
14 incident occurred. And she talked to me.

15 And I had told her -- she had told me her name
16 and everything. And I had admitted to her, I said,
17 Well, you know, I'm going to tell you I just got out
18 of prison. I say, I've got bad luck with dealing
19 with women in the library. She was like, Why? I
20 said, Cause I done got in trouble when I approached
21 a woman with my hands in my pants, but she went and
22 told the people I had exposed myself, I been
23 charged. And she was like, Wow. And I was like,
24 Yeah. And we made a little idle conversation and
25 then I left.

1 The next day, her second day there, Your Honor,
2 I approached her again, we was talking. But I
3 noticed she was, like, after I told her what I told
4 her the day before, I seen she was kind of like
5 nonresponsive in a way --

6 (Mr. Casto conferring with the defendant.)

7 **DEFENDANT:** Well, she was, like, nonresponsive,
8 Your Honor. And I kind of seen, like, it was an
9 attitude, like, I guess -- I was assuming it was
10 because of what I told her, what I admitted to her
11 about me being in trouble and, you know, how I
12 got --

13 **THE COURT:** You told her you had exposed
14 yourself in the Richland Library?

15 **DEFENDANT:** I didn't told her I exposed myself.
16 I told her I approached the lady with my hands in my
17 pants and she told the people that I exposed myself
18 to her. In that Richland County situation, Your
19 Honor, that's why it was a plea deal negotiated due
20 to the investigation, how the investigators got the
21 confession out of me. The cameras in Richland
22 Library didn't coincide with what the lady claimed
23 happened and that's how the deal was worked out and
24 they dismissed the indecent exposure charge or
25 whatever.

1 But I had told Ms. Vidal about that. And
2 without going into specific details, I told her that
3 the lady had gotten me charged with indecent
4 exposure and that's why I told her I had bad luck
5 with meeting people, approaching women in a library.
6 That's when she --

7 **THE COURT:** You didn't have your fiancée at the
8 time that Mr. Casto's been talking about?

9 **DEFENDANT:** At which time, Your Honor?

10 **THE COURT:** At the time that you were telling
11 the lady in the library about your bad luck.

12 **DEFENDANT:** Oh, yes, sir, but she wasn't my
13 girl at the time. We just knew each other. We was
14 friends. She was actually --

15 **THE COURT:** Well, when did she become your
16 fiancée?

17 **DEFENDANT:** I proposed to her February of this
18 year, Your Honor, on Valentine's day.

19 **THE COURT:** I'm looking for your confession
20 that you gave or statement that's part of the
21 record. Was that a confession about this case or
22 the other case?

23 **DEFENDANT:** It was the other case, Your Honor.
24 That was a three-prong process, Your Honor. How
25 that confession came about, I told the investigators

1 what happened at first, Your Honor. And I told them
2 that I approached the lady, you know, with my hands
3 in my pants, try to talk to her. She walked off. I
4 went back down the aisle.

5 And I was still reading the books with my hands
6 in my pants and she just looked at me and sucked her
7 teeth and walked off. And I left. When I seen her
8 walked off, I left. I seen her at -- this is the
9 Richland County incident. I seen her at the desk
10 talking to the lady and pointing at me and putting
11 her hand in my pants {verbatim}.

12 As I was going -- I didn't run out the library
13 like she made it seem like I was fleeing. I went
14 down an escalator and on out the building because I
15 was on an ankle monitor. I had to be home at a
16 certain time and it was getting, like, 15 minutes to
17 that time. Where I live, I had to walk home and
18 walk to the library, that's --

19 **THE COURT:** What's your idea about all of this
20 stuff, that you think it's all right to go to these
21 libraries and do that?

22 **DEFENDANT:** No, sir. I don't think it's all
23 right at all, Your Honor. It's just a nature of
24 habit. It's not that I go to the library and that
25 I --

1 **THE COURT:** Well, if you do that in the
2 library, how about the grocery stores and football
3 games and --

4 **DEFENDANT:** I never did none of this at
5 nowhere, Your Honor. I never had no problem no
6 where I go --

7 **THE COURT:** Just when you go to a library, then
8 that triggers this in your mind?

9 **DEFENDANT:** No, sir, it's not like that. It's
10 not like that at all, Your Honor. It's not like
11 that I have no problems with being in public or
12 having no public sexual situations or anywhere I go.
13 When I go out, me and my fiancée or even when I'm by
14 myself, even I had a job, Your Honor --

15 **THE COURT:** I mean, your luck is just that bad
16 that when you go to the Richland Library, they say
17 you expose yourself, Irmo Library they say you
18 expose yourself, the USC Library they say that you
19 expose yourself or you're acting weird or strange or
20 something.

21 **DEFENDANT:** I never was even -- I didn't even
22 learn about the USC incident until I got my motion
23 of discovery when I was locked up in here, Your
24 Honor.

25 **THE COURT:** It was two USC situations not one.

1 Is it twice, Mr. Rinse?

2 **PROBATION AGENT:** Judge, actually May 13th of
3 2011, there was a trespass notice issued against
4 him. It says BA building. I guess that would be
5 business administration, I'm assuming.

6 Then on December 17th, 2011, at the Thomas
7 Cooper Library, he was arrested. And then on
8 2/24/12, it says again BA building.

9 **THE COURT:** Three situations at USC.

10 **DEFENDANT:** Okay. Your Honor --

11 **THE COURT:** Why they don't want you over there?

12 **DEFENDANT:** Your Honor, I stay a block and a
13 half away from USC. I raised up in that
14 neighborhood right on Gregg Street. I got -- and my
15 fiancée can attest, I got friends that work --

16 **THE COURT:** But you're not a student. I mean,
17 what are you doing in all those buildings over
18 there?

19 **DEFENDANT:** I was explaining, I got friends on
20 campus. I got friends work in the Russell House,
21 Your Honor. I go up there to visit them and get
22 free lunch and all kind of things. So it's just a
23 hab -- for all of my life since I was a little kid,
24 Your Honor, I -- to go to Maxcy Gregg swimming pool
25 or to go to Rosewood. It's like I couldn't take

1 the --

2 **THE COURT:** It's been a long time since you've
3 been a kid.

4 **DEFENDANT:** But I still stay in the same
5 area --

6 **THE COURT:** I mean, considering the number of
7 years you were away.

8 **DEFENDANT:** I still stay in the same area, Your
9 Honor, and that's why I frequent the campus. I know
10 people up there, Your Honor. I know people that
11 work up on USC, Your Honor. And to get to other
12 friends' house, it's shortcuts to go swimming. It's
13 just I been raised up there. I still stay there.
14 My mom still stay right a block away from --

15 **THE COURT:** Mr. Casto says that there's a gap
16 in your development, mental development, because you
17 went to prison, I think I'm reading it, that you
18 went to prison when you were a child, sort of like a
19 Michael Jackson situation I guess. You were a
20 child, you went to prison, you stayed in prison and
21 grew up, became a man in prison. So you never fully
22 developed sexually.

23 **DEFENDANT:** That's what Dr. Schwartz-Watts was
24 talking about, Your Honor.

25 **THE COURT:** So he wasn't just -- that just

1 wasn't you talking, Mr. Casto, that was the doctor
2 talking?

3 **MR. CASTO:** Yes, sir. And that's kind of what
4 I at least had been able to glean from conversations
5 with the doctor.

6 **THE COURT:** You don't buy it or you agree with
7 it?

8 **DEFENDANT:** No, I agree with it, but what she
9 said, Your Honor, she's like doing -- it's like
10 being able to adjust and relate to women by being
11 locked up for so long knowing how, like, to approach
12 women and talk to women and stuff like that and
13 relate to women.

14 **THE COURT:** You convinced your fiancée some
15 kind of way.

16 **DEFENDANT:** Yes, sir, Your Honor, because --

17 **THE COURT:** Where is she by the way?

18 **DEFENDANT:** -- I'm not a monster, Your Honor.

19 **THE COURT:** Let me see that fiancée. Come on,
20 Ms. Fiancée, let's see what you know about this man
21 and his situation.

22 Yes, ma'am, who are you?

23 **MS. MYERS:** Shanese Myers.

24 **THE COURT:** And how do you know this man?

25 **MS. MYERS:** He's my fiancé.

1 **THE COURT:** And how did that come about?

2 **MS. MYERS:** I met him a while ago. It haven't
3 been that long.

4 **THE COURT:** When did you meet him?

5 **MS. MYERS:** Where?

6 **THE COURT:** When?

7 **MS. MYERS:** Some time in the end of 2012, like,
8 the end of -- nope, I met him last year some time.

9 **THE COURT:** When? That's supposed to be a
10 memorable date to you, isn't it, when you met your
11 fiancé?

12 **MS. MYERS:** Around January, February -- no --
13 around February at the chicken farm. I was working
14 at the chicken farm.

15 **THE COURT:** You met him at the chicken farm
16 during what month?

17 **MS. MYERS:** Around January or February.

18 **THE COURT:** Of?

19 **MS. MYERS:** Last year.

20 **THE COURT:** January or February of 2011.

21 **MS. MYERS:** We were just friends at first.

22 **THE COURT:** So then you all dated for how long
23 before you became a fiancée?

24 **DEFENDANT:** Up until February.

25 **THE COURT:** Till Valentine's day.

1 **MS. MYERS:** Valentine's day of this year.

2 **THE COURT:** You worked at the chicken farm?

3 **MS. MYERS:** Yes, sir.

4 **DEFENDANT:** Me?

5 **THE COURT:** No, Ms. Myers. Is it Myers, did
6 you say?

7 **MS. MYERS:** Myers.

8 **THE COURT:** What else do you want to say on
9 Mr. McKie's behalf, if anything?

10 **MS. MYERS:** I just want to let you know he's
11 not a sex offender, he's not a predator. He does
12 good with my daughter. And if you do take him to
13 jail, it's going to destroy our whole family. She
14 looks to him as to be her father.

15 **THE COURT:** How old is your daughter?

16 **MS. MYERS:** Seven. She's out in the waiting
17 room right now. She want to come in and see him so
18 bad, but she can't come in.

19 **THE COURT:** All right. What else do you want
20 to tell me?

21 **MS. MYERS:** That he have no reason at all to go
22 out and expose his stuff to nobody.

23 **THE COURT:** Well, it's a fact. It's a fact
24 that that's what he does. You missed the whole
25 trial, didn't you?

1 **MS. MYERS:** (Nodded head.)

2 **THE COURT:** Yeah, that's what he does. In the
3 various libraries and places, that's what he does.
4 You didn't know that?

5 **MS. MYERS:** (No response.)

6 **THE COURT:** You don't believe it?.

7 **MS. MYERS:** No.

8 **THE COURT:** Well, that's a fact, that's what he
9 does. We've -- that's been proven here in court.
10 You still don't believe it?

11 **MS. MYERS:** No. No, sir.

12 **THE COURT:** He told you -- he denied it to you
13 or you didn't talk with him about it?

14 **MS. MYERS:** We talked. I know he didn't do it.

15 **THE COURT:** You're convinced?

16 **MS. MYERS:** (Nodded head.)

17 **THE COURT:** How old are you?

18 **MS. MYERS:** Twenty-nine.

19 **THE COURT:** All right. Ms. Myers, well, thank
20 you. Unless you want to say something else?

21 Where are we going with this, Mr. Casto?

22 **MR. CASTO:** Well, Judge, I mean, one thing I
23 will tell you, and I'll be brief and I think we've
24 certainly heard a lot of information just now, but,
25 you know, when -- it is refreshing to hear when he

1 spoke about his armed robbery conviction, you know,
2 often times, and the Court maybe could agree with
3 this, you know, when you're up in front of the
4 judge, it's mysterious how everybody is the lookout
5 guy who never goes in, who never does anything
6 wrong.

7 And I think that, you know, one thing I will
8 say to his credit is that he -- that's probably one
9 of the few times that I've heard anybody say, hey, I
10 went in. Hey, you know what else, I had a gun as
11 well and I did the wrong thing and I, you know,
12 understand that.

13 One thing that I feel that Curtis wrestles
14 with, and as a layperson, this is not Dr.
15 Schwartz-Watts talking, this is just me, but Curtis,
16 I think, is someone that kind of grapples with who
17 he is. I think that the fight is in him to not be
18 ultimately what he has quite possibly become.

19 That being said, I think that the doctor felt
20 like that there was still hope here. And a lot of
21 the reason is is because whereas he doesn't take
22 ownership of all of it, he's given us something.
23 He's given us some insight.

24 And a lot of times the secret of being a sexual
25 victim at an early age, a lot of times that's just

1 buried and probably somebody's deepest, darkest kind
2 of secret. And for him to volunteer that, I thought
3 maybe that the health professionals and folks could
4 work with that and help him to work through that. I
5 think that we see --

6 **THE COURT:** I guess the problem is we usually
7 get that with the ax murderers and the serial
8 rapists and, you know, and we hear about their
9 problems when they were children.

10 **MR. CASTO:** Yes, sir.

11 **THE COURT:** So it doesn't provide much relief
12 for the general public.

13 **MR. CASTO:** And nor does it provide an excuse
14 and we understand that. And we would ask the Court
15 in crafting a sentence, that Curtis is not beyond
16 repentance, that he can be restored and he's not 100
17 percent gone, that the Court --

18 **THE COURT:** See when he gets probation in
19 Richland for doing what, you know -- of course, I
20 guess he was facing three years in Richland, but
21 then pled guilty to something which -- for five
22 years, which is kind of odd. He's facing up to
23 three years, but he opted through the plea
24 negotiations, I imagine, to plead to the offense,
25 which he was facing up to five years rather than

1 three years. Of course, I imagine he did it to
2 avoid the sex offender registry, but nevertheless he
3 was on probation for it.

4 And while he's on probation, then the judge
5 says get treatment, counseling, whatever and you
6 won't have to go to prison. Then while he's on
7 probation for that, then he comes over to Irmo and
8 does the exact thing.

9 **MR. CASTO:** Yes, sir. The only -- I thought
10 about that when Curtis was speaking. And the only
11 thing that, as I understand, is I had the same
12 questions, too. Curtis, you're charged with
13 something that carries zero to three. Curtis, you
14 know, you pled to something that carried zero to ten
15 and you only received five years suspended to two
16 years --

17 **THE COURT:** Zero to ten.

18 **MR. CASTO:** And, you know, why in the world
19 that went that way, I don't know. It sounds like
20 his counseling and whatnot was speaking to addiction
21 of a different sort, alcohol and drug, I believe
22 that he did show. However, I think that perhaps it
23 is an addiction nonetheless and one that is very
24 similar in that there is perhaps a denial of not
25 wanting to face it. And if given the opportunity, I

1 think that he would embrace that.

2 I think that it just wasn't geared to speak to,
3 you know, some of the issues that he was facing. I
4 think that he did have some level of participation
5 he tells me in going to that, but I don't know if
6 they spoke to issues and tried to address things
7 that had happened previously with him, Judge.

8 **THE COURT:** All right. Anything further you'd
9 like to say, Mr. Curtis Julius McKie?

10 **DEFENDANT:** I'd just like to add, Your Honor,
11 that the only counseling that they had authorized me
12 to go to or say I needed at the time when the judge
13 had rendered his sentence was alcohol and drug
14 abuse, Your Honor. And I completed that, Your
15 Honor.

16 **THE COURT:** You're on drugs, too?

17 **DEFENDANT:** Marijuana. I had a habit of
18 smoking marijuana, Your Honor. But I completed
19 LRADAC and I've been clean ever since, Your Honor.

20 Other than that, Your Honor, I just --
21 regardless of what's said in here about me, I found
22 out by myself that the only way that I can make it
23 and can survive is just my faith in God and my faith
24 in the woman of my life. It's a woman willing to
25 love me and be with me and her daughter love and

1 accept me and that's the best blessing I have. That
2 have gaven {verbatim} me an incentive and motivation
3 to stay focused on a spiritual path.

4 **THE COURT:** Well, while you're -- she's your
5 fiancée and shown all this love for you, you're at
6 the same time going to these places exposing
7 yourself.

8 **DEFENDANT:** At the time, I didn't know her in
9 that way, Your Honor. That's why I was trying to
10 deal a rapport with Ms. Amanda when I approach her
11 to try to get to know her in a personal way, Your
12 Honor. And that's when this situation developed,
13 Your Honor.

14 The first three or four days we was dealing
15 with each other, we didn't have no problems with
16 each other until there was an altercation that
17 occurred between us, Your Honor. And she has her
18 story and I has mine.

19 **THE COURT:** The first few days you were dealing
20 with who?

21 **DEFENDANT:** Ms. Amanda Vidal, Your Honor. I
22 had done talked and dealed {verbatim} with her for
23 two or three days before this incident, Your Honor.
24 And it didn't -- it wasn't an issue until --

25 **THE COURT:** Well, she was at work. She was

1 working and you were just hanging around.

2 **DEFENDANT:** No. I check out books. I go to
3 the library to read. I had a library card and all.
4 I mean, I wasn't just there just hanging around.

5 **THE COURT:** You lived in Lexington or Richland?

6 **DEFENDANT:** I lived in Irmo at the time, Your
7 Honor.

8 **THE COURT:** Who did you live there with?

9 **DEFENDANT:** With my stepsister, Ms. Gwendolyn
10 Johnson. I stayed on --

11 **THE COURT:** Your stepsister?

12 **DEFENDANT:** Yeah. She's like my mother best
13 friend daughter --

14 **THE COURT:** Your mother's best friend's --

15 **DEFENDANT:** My mother called her her sister.
16 So we called each other sister and brother.

17 **THE COURT:** -- daughter.

18 **DEFENDANT:** Yeah. But she -- when I got the
19 job at the chicken farm, I wanted to move out of
20 Richland County --

21 **THE COURT:** Which chicken farm is that?

22 **DEFENDANT:** On 378, the House of Raeford,
23 Columbia Farms. I had gotten my finger amputated,
24 like, my second day there. And the boarding house I
25 was staying in was, you know, giving me problems

1 about money, so she took me in. She stayed in Irmo
2 and I was living with her in Irmo at the time. When
3 I go there, I didn't want to just hang out, so I
4 went and got --

5 **THE COURT:** You started hanging out at the
6 library instead, instead of being at her house all
7 the time.

8 **DEFENDANT:** In the streets, that's what I mean
9 hang out. I'm an avid reader, Your Honor. I like
10 to read.

11 **THE COURT:** Well, you seem to be well spoken.
12 Did you ever graduate from high school?

13 **DEFENDANT:** I got my GED when I was
14 incarcerated. I had started taking college courses,
15 but they stopped it because of governmental funding.
16 And when I got home, I couldn't go to college or
17 nothing. I had to find a job because I had the
18 probation fees and I had to have a place to stay. I
19 was living in a boarding house and stuff.

20 So it was a blessing that my friend got me a
21 job at the chicken farm, like, two weeks after I got
22 home. And I maintained that for almost two years
23 all the way up until October of last year when I got
24 my back hurt. Even when I got my finger amputated,
25 I kept working.

1 **THE COURT:** They paid you for losing your
2 finger?

3 **DEFENDANT:** Yes, sir. Well, not what they
4 supposed to, but they -- when it came time for the
5 compensation, they gave me an ultimatum, I take what
6 they give me and keep a job or I try to hire a
7 lawyer and lose a job. So I took what they gave me
8 and I kept my job.

9 **THE COURT:** You should have talked to Mr.
10 Casto.

11 All right. Well, thank you, sir.

12 From the State, any reply?

13 **MS. MAYES:** Yes, sir, Your Honor, just briefly.
14 I do want to state for the record that Amanda Vidal
15 and the Irmo Library staff had no knowledge of the
16 Richland County incident. In fact, we, at the
17 Solicitor's office, were the ones to inform them of
18 that prior incident and they were quite taken aback.

19 And, secondly, Your Honor, the State's concern
20 here is the ongoing pattern of behavior in which he
21 does seem to approach strangers in order to carry
22 out these offenses.

23 The Court did hear the pretrial testimony of
24 Pamela Brandon, the victim from the Richland County
25 Library incident. In that case, Your Honor, she was

1 a stranger. She was approached by the defendant
2 among the aisle of books identical to this
3 situation. And the written statement that she gave
4 to the Columbia Police Department on the date of
5 that incident in 2010 was almost identical in every
6 facet to the facts of this particular case where he
7 approached her among the aisle of books and then was
8 observed exposed and masturbating. Nothing further,
9 Your Honor.

10 **THE COURT:** Yes, sir, Officer.

11 **DEPUTY ANGLIN:** Your Honor, if it please the
12 Court.

13 **THE COURT:** Yes, sir.

14 **DEPUTY ANGLIN:** He's a monster. I fought for
15 this country to put people like him, so they
16 wouldn't victimize more people. He's going to hurt
17 a child or he's going to hurt somebody else that we
18 all love.

19 And I represent Lexington County and it saddens
20 me that he's standing in front of this courtroom
21 saying all of these things. I'm passionate about
22 who I represent and that's the citizens of this
23 county. He is a monster. I deal with that everyday
24 of my life. This is what I chose to do as my
25 profession and I'm speaking for everybody here that

1 I have to deal with out on the street. He's
2 calculated. He waits for prey and he pounces.

3 Now, he's graduated from just a small target
4 rich environment, such as a public library, to the
5 campus of the University of South Carolina. There's
6 a same female right now that he is stalking in the
7 incident reports from the University. He's going to
8 hurt somebody or possibly kill somebody next time.
9 And there will be a next time if he's not given the
10 maximum sentence, Your Honor. I just don't want it
11 to be anybody -- that anybody in this courtroom may
12 know.

13 I deal with people on the street everyday, Your
14 Honor, and I'm telling you right now this man right
15 here is going to hurt somebody. Thank you.

16 **THE COURT:** Yes, sir. Thank you.

17 Anything further?

18 **MR. CASTO:** Just very briefly, Your Honor.

19 **THE COURT:** Yes, sir.

20 **MR. CASTO:** Very briefly. I think that you've
21 heard an abundance of information. We understand
22 the, I guess, the paradox or the dilemma before the
23 Court, do I, you know, sentence him to quite some
24 time, and then he gets out?

25 We believe -- and we don't submit to the Court

1 that if -- well, that if he's punished, that he
2 won't be, you know, treated or anything like that.
3 What we do submit is we'd ask for some mercy in the
4 case. And perhaps we would suggest, in thinking out
5 loud, that perhaps some type of suspended sentence
6 could be ideal in one of the terms and conditions
7 that he comply with, you know, these type of sex
8 education courses and things. And if he does not,
9 then he gets hit with the full load.

10 The dilemma being, you know, if that's not an
11 ingredient, well, he may well reenter without any
12 type of tools to equip him and that -- that the only
13 thing I would add, Judge, if the Court is leaning --
14 inclined and leaning towards the registry, we'd ask
15 that that sole issue be held in abeyance so that the
16 Court, if the Court would so choose, to hear from
17 Dr. Schwartz-Watts in her personal testing and
18 analysis of Mr. McKie.

19 The Solicitor was correct in that he has been
20 in since March the 7th of this year. And he did two
21 days when he was originally incarcerated. By my
22 calculation up through today, it is 107 days. Thank
23 you, Judge.

24 **THE COURT:** Yes, sir. The statute says that
25 anyone violating this offense is guilty of a

1 misdemeanor and can be fined in the discretion of
2 the court or imprisoned for up to three years.

3 Mr. McKie, the reason we get a person's
4 criminal history is it's not any kind of assurance
5 as to what they will do, but sometimes it certainly
6 gives us an indication based on the pattern of past
7 conduct. You haven't had a whole lot of opportunity
8 to commit crimes because you've been locked up for,
9 I guess, practically all of your adult years
10 starting at age 13. You've only been out of prison
11 how many years?

12 **DEFENDANT:** One.

13 **THE COURT:** One year.

14 **DEFENDANT:** If you count the time since I been
15 home since 2009 up to now. I haven't hurt nobody,
16 nothing.

17 **THE COURT:** So you've only been out of prison,
18 say, three years since you were 13 years old. And
19 within the three years that you've been out of
20 prison, you've committed these two crimes, have been
21 banned from the USC campus, a couple of incidences
22 there.

23 It's unfortunate for you, but the purpose of
24 the laws is to protect the citizens from people like
25 you who commit offenses like what you've committed.

1 You know, I don't know what you have going on within
2 your head on these issues and -- but you've elected
3 to participate in this -- these criminal activities.

4 SENTENCE OF THE COURT

5 **THE COURT:** The sentence of the Court on this
6 offense is that you be committed to the State
7 Department of Corrections for a period of three
8 years.

9 I also find that you willfully have violated
10 the terms and conditions of your probation. And I
11 am revoking three years and terminating that
12 probation.

13 Also, on this issue of sex offender registry,
14 the law says, Any person regardless of age residing
15 in South Carolina who is in this state and has been
16 convicted of an offense described below shall be
17 required to register as a sex offender. And that's
18 under the first section where it's mandatory
19 registration. They have a long list of crimes
20 including criminal sexual conduct, peeping Tom,
21 voyeurism and all of that.

22 What is voyeurism, Ms. Mayes?

23 **MS. MAYES:** Your Honor, normally under the
24 statute, we see a prosecution for voyeurism when
25 there is a hidden camera or someone watching without

1 the knowledge of the victim. And it involves some
2 kind of exposure of the private parts without the
3 knowledge of the victim.

4 **THE COURT:** All right. And then under section
5 (D) of that says, Upon conviction of an offense not
6 listed, the presiding judge may order as a condition
7 of sentencing that the person be included in the sex
8 offender registry if good cause is shown by the
9 Solicitor. And what do you say about that,
10 Ms. Mayes?

11 **MS. MAYES:** Yes, sir, Your Honor. We do
12 believe there has been a showing of good cause for a
13 discretionary order for Mr. McKie to be on the sex
14 offender registry. It's undeniable that these
15 offenses are sexual in nature because there's no
16 other reason that he would be exposing himself and
17 touching himself in this manner. And both the
18 statement of Ms. Brandon and the testimony of
19 Ms. Vidal were that he had an erection while this
20 was occurring. And so certainly we do believe that
21 this is sexual in nature and we would ask that, for
22 good cause, he be added to the sex offender
23 registry.

24 It's also a concern in terms of the public
25 safety and community awareness because he is going

1 to public places and targeting victims who are
2 strangers. And then, of course, we have the
3 conviction for the violation trespass notice at the
4 University of South Carolina. And in all of those
5 reports, he had been approaching females and the
6 females would call the USC Police and advise them
7 that there's a suspicious person or a person
8 grabbing their crotch and making them uncomfortable.
9 And as a result of that, he was given the trespass
10 notice and then later violated it.

11 The Thomas Cooper Library and Darla Moore
12 Business Administration Building are certainly
13 buildings that are public, yet they are meant for
14 use by students at the University or by faculty, and
15 he was neither.

16 **THE COURT:** And also subsection 14 that a
17 person who's guilty of indecent exposure or similar
18 offense, it says, in other jurisdictions if required
19 to -- is required to register if the court makes a
20 specific finding on the record that based on the
21 circumstances of the case, the person convicted
22 should register as a sex offender.

23 Anything else on that issue, Mr. Casto?

24 **MR. CASTO:** Nothing further, Your Honor.

25 **THE COURT:** You know, there's a lot of

1 controversy in recent years about the number of
2 people who are required to register as sex offenders
3 and that controversy stems from the fact that you
4 had some children who's say a boy 17, girl 15 and
5 there's sexual contact between the two of them and
6 it's -- by law, it's criminal sexual conduct and
7 they're automatically required to register.

8 Some of these other offenses, some incest-type
9 cases, some other situations where people are
10 required to register for a lifetime and 30, 40 years
11 later, they're still required to register based on
12 something that occurred that's not necessarily an
13 indication of a lifelong pattern of what they -- of
14 what they're required to do. So that's why every
15 Halloween, you have the situations of people being
16 rounded up by the probation department and other
17 agencies protecting them from trick-or-treaters and
18 others. And so it's becoming a more and more
19 controversial issue due as a result of the vast
20 number of people who are required to register.

21 The question comes as to how should all of that
22 pertain to this man, Mr. McKie, given his pattern
23 that he's demonstrated here over the past several
24 years, whether we're dealing with some isolated
25 situation or whether we're dealing with something

1 where the public should be on alert regarding him
2 based on who he is and what he's done.

3 Mr. McKie, I applaud you if you found faith and
4 you're getting your life focused in the right
5 direction and hopefully it'll help you as you move
6 on, but the purpose of the sex offender registry is
7 so that you'll officially be on watch. They'll be
8 watching you. You'll have to notify people where
9 you are, whether you're bouncing from near USC -- I
10 see on this paper here, probation report, you have
11 an address listed on Lady Street in Columbia, on
12 Makeway Drive in Columbia. Where is that?

13 **DEFENDANT:** Makeway was an old address before I
14 moved to Irmo, Your Honor.

15 **THE COURT:** Yeah, I know. Where is that?

16 **DEFENDANT:** Over near River Drive in Columbia.

17 **THE COURT:** Near River Drive. Then Kingshead
18 Court in Irmo. Then the reports says, Mr. McKie
19 claims to live in Richland County. This address has
20 not been verified by the agent.

21 And then you're telling me that you hang around
22 USC because that's the neighborhood you grew up in
23 near Maxcy Gregg Park. That's on Blossom Street,
24 isn't it?

25 **DEFENDANT:** Yes, sir. But Lady Street, where

1 the address at, and my mom, my surrogate mother,
2 stay on Cherokee, which is right around the corner,
3 that's right off Gregg Street where the probation
4 office at.

5 **THE COURT:** So you have all these different
6 places within a very short period of time where
7 you're here and you're there and you're at this
8 library, you're at that school, you're over here on
9 the county library. So the purpose of the sex
10 offender registry is so that law enforcement can
11 keep track of you as to where you might be.

12 And it's -- the question is whether, based on
13 the circumstances of this case, you should be
14 required to register as a sex offender. And maybe
15 at some point in time, a law might be passed that
16 place a limit or review on purging the list so the
17 list doesn't get too long. But as it stands for me
18 making that decision here today, I don't see any
19 point in deferring this issue with Dr.
20 Schwartz-Watts.

21 And I'm sure she's being -- she's not being a
22 volunteer to perform her services, those services
23 that she performed are at tax payers' expense. And
24 she has done a report that outlines his situation.
25 She says he could benefit from sex education

1 classes. He meets the criteria for sex disorder.

2 And just based on everything that he has done
3 and he has delays in his sexual development due to
4 his longstanding history of confinement and you've
5 come out of prison and you've gotten right back into
6 criminal activity of a sexual nature, so I'm going
7 to order that you be placed on the sex offender
8 registry as well. So good luck to you, sir.

9 **MR. CASTO:** Thank you, Your Honor.

10 **MS. MAYES:** Thank you, Your Honor.

11 **THE COURT:** And, ladies and gentlemen, that's
12 it for this case. You all have had the full flavor
13 of general sessions court in different types of
14 matters that we deal with.

15 We had hearings on the issue that caused you to
16 have to wait because the whole question of whether
17 or not you all should have heard testimony about his
18 case of the same in Richland County a few months
19 before being caught with this in Lexington County.
20 And, actually, he had a trial before, which was a
21 hung jury, 11 to one?

22 **DEPUTY ANGLIN:** Yes, sir.

23 **THE COURT:** So this is the second time around
24 for this trial. The judge allowed the prior bad
25 acts in the other case.

1 Supreme Court has reversed many, many cases
2 where judges have had evidence come in of other bad
3 acts and whether that unduly influences a jury or
4 prejudices a person's right to a fair trial because
5 you're supposed to decide the case on what happened
6 here not what happened there. So I opted to exclude
7 that evidence and just go based on what happened
8 here in Irmo not what happened here -- what happened
9 in Richland months before. And the -- it didn't
10 taint your verdict. You didn't know anything about
11 it. But you found him guilty. Then you hear a
12 whole bunch of stuff.

13 But you all have done your duty. He's guilty.
14 He's been sentenced. I've given him the maximum
15 that I could give him on everything based on, you
16 know, just based on what we've heard. So thank you
17 very much and that's the last case you'll do.

18 What do you have to tell them, Madame Clerk?

19 **THE CLERK:** The checks in the mail.

20 **BAILIFF:** They're done for the week, right?

21 **THE CLERK:** Yes.

22 **THE COURT:** Mr. Foreman, I need to talk to you
23 just for a moment before you leave.

24 (The jury was excused.)

25 **THE COURT:** For the record, I declare the

1 revocation is concurrent with this sentence, three
2 years concurrent and sex offender registry.

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END OF PROCEEDINGS

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February 6, 2012

Dear Mr. Casto,

Thank you for referring Curtis McKie for psychiatric evaluation. I examined him on 2/1/12.

Prior to my evaluation, I reviewed the Discovery kindly provided by your office. He was charged with Indecent Exposure in Lexington County on

Medically, he has a history of hypertension and reports he has been on many anti-hypertensives in the past, but cannot presently afford his medications. He reports a history of a closed head injury with a loss of consciousness. He reports he is presently under the care of Midlands Orthopedics for a work-related back injury.

He also reports that he has taken antipsychotic medications while previously confined in SCDC but has been unable to afford care in the community.

He reports he had been employed for two years at the Chicken Farm but is presently under the care of WCC for a lower back injury sustained while moving a drain cover.

He had a history of cannabis abuse, but presently reports he completed a Drug and Alcohol program as a condition of parole and has been abstinent from illegal drugs. He reports a paternal history of alcoholism.

Sexually, he denies any of the criteria for the nine paraphilic disorders. He did have delays in his sexual development due to his longstanding history of confinement.

On mental status examination, he was alert and oriented. He did well on tests of ability to abstract. He did poorly on a test of verbal fluency due to his anxiety. He was able to register three items and recall them correctly after five and ten minutes. He did not have any abnormalities on a neurological screen.

He meets the criteria for Sexual Disorder, Not Otherwise Specified and Post Traumatic Stress Disorder. At this point, he is competent to stand trial and was able to conform his impulses to the requirements of the law. He could benefit from Sex Education classes.

Donna Schwartz-Watts, M.D.
Consulting Forensic Psychiatrist

WITNESSES

Lexington County Sheriffs Department

Deputy Anglin

Law Enforcement Case #:

LSM

ARREST WARRANT NUMBER

59485EP

DOCKET NO. 2011GS3203251

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2011

THE STATE
vs.

Curtis Julius Mckie

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: 11/7/11

VERDICT

Guilty

CDR #: 0091

Indictment for

INDECENT EXPOSURE

§ 16-15-0130

[Signature]
Foreperson of Petit Jury

Date: 6-20-12

DONALD V. MYERS, SOLICITOR

RECORDED
11/10/2011

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
INDECENT EXPOSURE

§ 16-15-0130

At a Court of General Sessions, convened on NOVEMBER 2011, the Grand Jurors of Lexington County present upon their oath:

That **Curtis Julius Mckie** did in Lexington County, on or about May 25, 2011 willfully, maliciously, and indecently expose his person in a public place and/or property of others, to wit: did expose his person or genitalia at the Irmo Library while in a public place, in violation of South Carolina Code Section 16-15-130, South Carolina Code of Laws, 1976, as amended.

A TRUE COPY
BSC
Lex. Co. C.C.P., G.S. & F.C.

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

Suzanne D Hayes
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the 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."

September 13th, 2013



Carmen V. Ganjehsani
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

SEP 13 2013

COURT OF APPEALS

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Clifton Newman, Circuit Court Judge

RECEIVED

SEP 13 2013

THE STATE,

RESPONDENT SC Court of Appeals

v.

CURTIS JULIUS MCKIE,

APPELLANT

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 13th day of September, 2013.

Brandon Hall
Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 13th day of September, 2013.

Harris Hunter (L.S.)
Notary Public for South Carolina
My Commission Expires: July 3, 2023.