

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

J. Mark Hayes, II, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF WILLIAM J. WILDE,

APPELLANT

APPELLATE CASE NO. 2013-000531

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA
2 COUNTY OF SPARTANBURG

COURT OF COMMON PLEAS

4 IN THE MATTER OF THE CARE
5 AND TREATMENT OF WILLIAM
6 JEFFREY WILDE,

RESPONDENT.

TRANSCRIPT
OF
RECORD

2011-CP-42-4357

October 15th - 16th, 2012
Spartanburg, South Carolina

B E F O R E:

THE HONORABLE J. MARK HAYES, II, Judge, and a jury.

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P R O C E E D I N G S

THE COURT: All right. The -- my law clerk's gone to retrieve some copies of the documents that the State had submitted, but I've reviewed them already.

Is there a -- the State has a motion in limine pertaining to some prior offenses, is that correct?

MR. FLORES: I, I don't believe we have a motion in limine, Your Honor. I believe that may have been just a memorandum concerning the relevance and the admissibility of prior offenses and the facts underlying those offenses.

THE COURT: Just warning me as to that I might have issues?

MR. FLORES: Yes, sir, it was our understanding that Mr. Thompson may file a motion with regard to that information, and I think Mr. Bogle sent that on for information at this point.

THE COURT: Uh-huh. (Affirmative).

Did, did the Respondent have any motions in limine that we could address now while we're waiting on the jury?

MR. THOMPSON: Judge Hayes, you just made reference to essentially prior bad acts not subject to the conviction, and we would make a motion that that be excluded, and the basis of our motion would be Rule 404, that that's improper character evidence, and also that that is -- it's hearsay

1 not subject to a hearsay exception, and even if the Court
2 found that it was, was probative relative under Rule 403, we
3 would take the position that its prejudicial effect
4 substantially outweighs any potential relative or probative
5 value that it might have.

6 THE COURT: All right.

7 (Pause.)

8 THE COURT: All right.

9 MR. THOMPSON: And, Judge Hayes, specifically what I'm
10 referring to is Mr. Wilde's arrest in North Carolina in
11 1986.

12 THE COURT: For?

13 MR. THOMPSON: He was charged with two counts of I
14 believe taking indecent liberties with a child, and both of
15 those charges were dismissed.

16 THE COURT: All right. Well, let me ask the Attorney
17 General.

18 Do you -- are you going to use the two 1986 incidences
19 that were dismissed as part of your case?

20 MR. FLORES: Your Honor, the -- Doctor Gehle, in
21 rendering her opinion in this report, used all of the
22 information, including his past criminal record or history.
23 The statute provides that the expert be allowed to, to
24 consult such information in rendering her opinion, and she
25 will explain that is the type that is reasonably relied upon

1 by other experts in her field in reaching opinions in these
2 matters.

3 We intend to introduce those, and it's my
4 understanding, and I don't want to put words in her mouth,
5 but it's important for her to derive her opinion based on
6 all of the history including those where Mr. Wilde was
7 charged and under what circumstances those cases may have
8 been dismissed and under what circumstances he pled. And,
9 so, that would be what she will testify to concerning her
10 opinion in these matters.

11 THE COURT: All right. We will finish this after we
12 qualify the jury.

13 (WHEREUPON, a short recess was taken in this case.)

14 THE COURT: May I see the lawyers?

15 (WHEREUPON, a bench conference was held out of the
16 hearing of the jury at this time.)

17 THE COURT: All right. Ladies and gentlemen, we are
18 about to begin the, the trial -- it's a case entitled In The
19 Matter Of The Care And Treatment of William Jeffery Wilde.

20 Now, before we begin the jury selection in this case it
21 is required that you, once again, be sworn by the Clerk of
22 Court. So, at this time I need for you to please stand,
23 raise your right-hand, and respond out loud when she asks
24 you to do so.

25 (WHEREUPON, the jury panel was placed under oath at

1 you would serve as the jury foreman. The bailiff will show
2 you where, where you will be seated, where you will be
3 seated during the course of this trial, and I will -- again,
4 thank you very much and we will see you back at 2:15.

5 You may go with the bailiff.

6 (WHEREUPON, the following takes place outside the
7 presence of the jury.)

8 THE COURT: All right. I would propose -- let's, let's
9 get back together at 1:30.

10 MR. FLORES: That's fine, Your Honor.

11 THE COURT: Okay. All right. We'll stand at ease
12 until 1:30.

13 MR. BUSH: Thank you, Your Honor.

14 MR. FLORES: Thank you, Your Honor.

15 (WHEREUPON, Court was in recess for the lunch recess.)

16 THE COURT: All right. We'll pick back up where we
17 left off with the, with the motion by the Respondent
18 concerning the prior North Carolina charges. We've received
19 both the arguments from the Respondent and from the State.

20 Anything else on that matter?

21 MR. FLORES: I can -- Your Honor, I can provide a
22 number of cases, South Carolina cases, talking about,
23 specifically sexually violent predator cases, talking about
24 prior acts of both convicted and not convicted that are
25 relevant to an evaluator's testimony if the Court would like

1 that.

2 MR. THOMPSON: May it please the Court.

3 Judge Hayes, in -- Mr. Wilde's was arrested in
4 Transylvania, North Carolina June 1986 on two charges, two
5 counts of indecent liberties with a child. The charges were
6 dismissed August 26th of 1986, roughly three months later,
7 and we would move, number one, that, and I mentioned this
8 earlier, that it is improper character evidence under 404(a)
9 and (c) of the South Carolina Rules of Evidence, and (a)
10 State's evidence of a person's character or trait of
11 character is not admissible for the purpose of proving
12 action in conformity therewith on a particular occasion, and
13 it gives several exceptions.

14 But Mr. Wilde doesn't fall within any of them, and
15 under 404(b), evidence of other crime, wrongs, or acts, is
16 not admissible to prove the character of a person in order
17 to show action, inconformity therewith, and that certainly
18 appears to be the reason that the State is trying to
19 introduce that.

20 And, Your Honor, indecent liberties, it's not one of
21 the offenses that's characterized or listed in the statute
22 that defines sexually violent offenses, and I think that to
23 allow that would cause confusion to the jury, and it would
24 also cause unfair prejudice to Mr. Wilde.

25 In addition, it's based on hearsay information,

1 actually hearsay within hearsay without a hearsay exception
2 that applies, and I would particularly refer to 803(8) under
3 the exceptions to hearsay.

4 THE COURT: 803(8)?

5 MR. THOMPSON: 803(8), public records and reports, and
6 it has provided, however, that investigative notes involving
7 opinions, judgments, or conclusions are not admissible under
8 the public records, records and reports exception to the
9 rule against hearsay.

10 And it also doesn't come under the business exception
11 or business records Rule 803(6) in that it involves
12 subjective opinions and judgments found in the records
13 concerning this 1986 purported event or events. And not
14 only, only would we move that any evidence be excluded
15 concerning the 1986 two charges in North Carolina that were
16 dismissed, but also that the State's expert witness, Ms.
17 Marie Gehle, be ordered not to offer any testimony related
18 to those purported 1986 events.

19 THE COURT: All right. The -- I think I have a
20 understanding of the rules that apply to, in this sexually
21 violent predator case as far as expert's opinions, and that
22 her opinion, as an expert, would be governed by the same
23 rules that apply to any expert, which is that experts, in
24 preparing for their testimony, did consider a wide variety
25 of, of information, sources of information.

1 And, and, so, her testimony would be -- was based upon
2 hearsay upon hearsay upon hearsay that's definitely
3 something that could go to the credibility of the testimony
4 that could be elicited through cross-examination, and
5 probably should be done through cross-examination.

6 In order to -- I'm not really seeing that, if I
7 understand what this expert's going to be used for, that
8 she's not really, if she talks about those things, would not
9 be talking about them to show necessarily the character as I
10 think you, you most frequently hear about someone's been
11 ticketed for speeding five, six, seven, eight times before.
12 Therefore, they must be guilty of speeding this time. It's
13 not -- I'm not seeing that it's quite, quite that type of,
14 of information to be used addressing the argument to show
15 that prior conduct and subsequent conduct in conformity with
16 prior bad acts. I'm not really seeing it as being that.
17 But there would have to be a foundation laid for any opinion
18 that, that would be given.

19 So, I believe that you are -- the Respondent has made
20 me aware of potential objections. I can not do any type of
21 prejudicial/probative value analysis until I actually hear
22 the testimony. That would -- I just can't do it.

23 So, I will -- if the Respondent intends to assert that
24 as a basis for exclusion, make the objection when needed,
25 and I'll do the analysis then because I just can't do that

1 type of analysis pre-pretrial, and then -- okay.

2 But I think you're protected on the record.

3 MR. THOMPSON: Judge, Judge Hayes, could I add one more
4 thing to that?

5 THE COURT: Uh-huh. (Affirmative).

6 MR. THOMPSON: As to other crimes, wrongs, or acts not
7 subject to a conviction, under State versus Garner, a 1991
8 South Carolina Supreme Court case, the bad acts or crimes
9 not subject to a plea or conviction, they would have to be
10 established by clear and convincing evidence before they
11 would be admissible, and---

12 THE COURT: You're talking about charges that were
13 dropped?

14 MR. THOMPSON: Yes, sir, and, and Rule 101, rulings on
15 evidence, Subsection C, in jury cases, proceedings shall be
16 conducted, to the extent practical, practical so as to
17 prevent inadmissible evidence from being suggested to the
18 jury by any means, and that's what it appears to me that,
19 that the State is trying to do.

20 That evidence, from my prospective, is, is, is not
21 admissible. And although an expert can consider information
22 that would not be admissible, with the permission of the
23 Court, in this case it appears that they're trying to
24 bootstrap that information to the expert in order to get it
25 in front of the jury.

1 And as I read 101(c), it says what it says, and I would
2 again renew my motion to suppress.

3 THE COURT: What is the expert's testimony going to be
4 concerning the two, the 1986 charges that were dismissed?

5 MR. FLORES: Your Honor, to explain that, and, and to,
6 to elicit a little bit of what you asked for before, so to
7 lay the appropriate foundation for that type of testimony in
8 these cases, the field of forensic psychiatry and
9 psychology, we ask these evaluators, these psychologist and
10 psychiatrists, to evaluate individuals like Mr. Wilde with,
11 with whatever tools are available to those experts.

12 What we will do, what we'll show, what Doctor Gehle
13 will testify to, before we even get into any of this type of
14 information, is show and tell the jury how she must, how she
15 does an evaluation and what she relies upon because those
16 are the types of tools and the type of information that's
17 relied upon by other experts in her field.

18 THE COURT: All right. Let me ask you, reask the
19 question and see if I can get a --

20 MR. FLORES: Sure.

21 THE COURT: -- more to the point.

22 She's not going to be testifying that he was convicted
23 of prior, of these prior offenses back in the late 80's?

24 MR. FLORES: He -- well, he was charged with one and
25 convicted of the other. What she needs to do with that

1 information is the act asked her to look at all of his
2 criminal history. It also asked her to look at all of the
3 medical history that he has, any, any information she can
4 gain about him.

5 THE COURT: well, I think it would be impermissible for
6 the expert to testify in the manner to which the jury would
7 infer that he was guilty of that charge that was dropped
8 because that -- there was never -- because there was no
9 conviction of that charge.

10 MR. FLORES: Yes, Your Honor.

11 THE COURT: She -- I think it would be permissible for
12 the expert to testify that he was charged.

13 MR. FLORES: Yes, Your Honor.

14 THE COURT: But for her to suggest to the jury that,
15 therefore, because he was charged, he was guilty of that
16 act, that would be impermissible and I do think that would
17 be highly prejudicial.

18 MR. FLORES: Absolutely, Your Honor.

19 THE COURT: Okay.

20 MR. FLORES: But she would not testify to anything, to
21 anything other than the fact that, at least in the initial
22 charge in 1986, that he was charged and the reasons why it
23 was dropped. She does elicit -- she does elucidate in her
24 report and as well that he was charged with indecent
25 liberties, the second set, and pled to an assault and

1 battery on a child I think is what the North Carolina
2 phrases, and those are -- she would not testify otherwise,
3 that he was indeed charged, convicted of those specific
4 charges even though he was charged with them.

5 MR. THOMPSON: Judge Hayes, and I have the expert
6 witness' written analysis, and she goes into great detail as
7 to the purported facts in that case, and she goes into it
8 several times in that report.

9 MR. FLORES: With regard to the 1986 charges, Your
10 Honor, part of the records that Doctor Gehle relied upon in
11 which are part of the record, the records reviewed in this
12 matter, the type that other experts used, are law
13 enforcement documents. And as Mr. Thompson is stated, those
14 may be hearsay upon hearsay upon hearsay.

15 But at least some of the information that was, that was
16 engaged from those documents, taken contemporaneously with
17 that charge, was that Mr. Wilde actually admitted to
18 committing those acts. She does cite to that information
19 within her report, and that would be part of her opinion in
20 this matter.

21 It does not -- he did not get convicted, and he will
22 testify that he was indeed, that charge was dismissed for
23 failure of the State's witness to appear to testify. But
24 that information is there. And as, as Your Honor has
25 pointed out, it could be subject to cross-examination as far

1 as reliability or credibility of that statement at that
2 time.

3 MR. THOMPSON: But these -- you know, these purported
4 facts that she has in this legal history, you know, are so
5 very detailed and extremely prejudicial, and, Your Honor,
6 counsel indicated that, that one charge was dropped and the
7 other was either a plea or conviction. Actually in '86
8 there were two charges and both were dismissed.
9 Subsequently there was another North Carolina case, and that
10 is the case where he pled.

11 THE COURT: So, there were three charges from North
12 Carolina, two got dismissed, and one he pled to?

13 MR. THOMPSON: Yes, two charges on one occasion in '86,
14 and a significantly later time he got charged with one
15 event.

16 MR. FLORES: Your Honor?

17 MR. THOMPSON: And he pled -- and he, and he pled to
18 that.

19 THE COURT: Okay. Mr. Thompson makes a valid point to
20 the extent that the Court does have some concern that if all
21 the expert did was go and pull police reports on charges
22 that there was no judicial or no Court proceeding that could
23 test and view the, the trustworthiness of that information
24 and, and come to some type of factual conclusion as to
25 whether those allegations were true or not, to use then just

1 simply police documents, and through an expert, put out
2 those facts from documents that would not be admissible in a
3 court of law, if that is the essence of the witnesses
4 testimony, that would be disturbing to the Court, and in an
5 analysis based upon prejudicial effect to probative value,
6 there's a strong likelihood that the prejudicial effect of
7 that information would outweigh the probative value.

8 But I don't think -- I have not seen the expert's
9 report, but I do not envision that the expert's opinions in
10 this case are going to rest, arise, and fall upon those.
11 But I would not want just to, to, because the rules that
12 relate to expert's opinions are, I don't say relaxed, a
13 word, or, or more liberal of what an expert can, can use to
14 form her, her opinion, his or her opinion, more liberal than
15 okay if you actually bring something to Court to actually
16 admit it into evidence to prove the matter which was
17 intended to be proved.

18 I have some concern that I would, I might not take such
19 a liberal view when if, on those past events to which there
20 were no convictions if the expert's opinions as to those
21 past events rest solely on the, the police documents
22 themselves. I think I've read a case where the expert
23 actually did some, an expert in one case actually confirmed
24 some of that information that was contained in police
25 reports even though it was an unconvicted offense.

1 And, so, I believe that the Court said well, you know,
2 even though the expert relied upon those types of documents,
3 she or he also has independent information that they had
4 gained from interviews. And, so, in that particular case
5 I'm recalling they got over that hump, the hump that Mr.
6 Thompson is trying to, to make the State get over.

7 But I will listen to the expert's opinion. Objections
8 need to be made contemporaneously. Hopefully my comments
9 enlighten the State on how I might view it so that maybe
10 that, the testimony could be tailored in a way to take the
11 Courts's comments into effect.

12 But, Mr. Thompson, you -- I can't just sit here and say
13 I'm not gonna let them in because I can't -- I have not
14 heard the testimony, and I don't know how the expert --
15 really what the basis of that information or it really how
16 important it is. She might not even -- even though it's in
17 a written report, she might take the stand and not really go
18 in that past stuff. I don't know.

19 MR. FLORES: Thank you, Your Honor.

20 MR. THOMPSON: May it please the Court, Your Honor.

21 She does list the sources of information for her
22 forensic psychological evaluation, and it doesn't indicate
23 any actual communication with anybody other than a two hour
24 and 30 minute, 35 minute interview on one date with Mr.
25 wilde. Other than that, it's just police reports.

1 THE COURT: Okay. Well, it's the same as you go into
2 when you get an expert witness in a medical malpractice
3 case. They rest their opinions on prior reports that have
4 been done by, by doctors and nurses. And, so, you wouldn't
5 have a chance to cross-examine her. But I think the State
6 understands the issues that you very validly raised, and
7 understand my comments on them.

8 But I think, as an expert opinion, as an expert
9 witness, experts can base their opinion on information
10 that's hearsay upon hearsay, and it can base their opinion
11 on information that would not be admitted directly in a
12 Court of law to prove the facts of, of, that's trying to be
13 established. I think expert opinions have, in my words, a
14 more liberal use of information in forming their opinion.

15 MR. THOMPSON: Yes, sir, and, Judge Hayes, also we
16 would move to suppress, and it's covered in significant
17 detail in her written report, and that is substance abuse
18 history. And in the review of even the police records and
19 all, there is no indication of any use of alcohol or drugs
20 at the time of any of these incidents, and he's evaluated in
21 SCDC and wasn't found to have any drug or alcohol problem,
22 and that is highly prejudicial.

23 THE COURT: Why would you not want to bring that out on
24 cross-examination if you feel like that she's considered a
25 factor that really doesn't apply to your client?

1 MR. FLORES: Your Honor?

2 MR. THOMPSON: I, I didn't, you know, I didn't say that
3 it wouldn't apply to my client. But it wouldn't apply to
4 him relative to issues before the Court today. And when you
5 bring out use of, of acid, mushrooms, amphetamines,
6 hypnotics, sedatives, Quaaludes, cannabis, PCP, and not in
7 the context of any of the sexual misconduct involved, I
8 surmise that there's people on the jury that would want to
9 rule against him based on that. It's so prejudicial, and,
10 again, it's, it's not relevant to an issue that's before the
11 Court today.

12 THE COURT: It's difficult for me to say it's relevant
13 or not relevant when I don't know what the testimony is
14 going to be, and the State has the burden of proof of both
15 that he had committed a sexually violent act as well as must
16 show the mental abnormality and showing that mental
17 abnormality requires an expert's opinion because you go into
18 psychology or psychiatry or whatever. And, so, I don't know
19 what her opinion is going to be on that element and, you
20 know, it might not be relevant, but I could not say right
21 now that, that it is not relevant.

22 I -- you know, it would be impossible for me to, if
23 you're gonna argue the prejudicial effect to probative
24 value, to know how probative it is or how prejudicial it is.
25 I suggest that you -- I'll be on the lookout for that and

1 will listen for that, and you need to make your objections
2 contemporaneously. So, I -- you've made me aware of those
3 issues.

4 MR. THOMPSON: Could, could we ask that testimony
5 concerning the 1986, two charges that were dismissed, and
6 the historical information on drug use be made, be a proffer
7 outside the presence of the jury so that the Court can hear
8 that and rule on it without it coming before the jury until
9 and unless the Court finds that it's admissible?

10 THE COURT: Now you want me to do a proffer of the
11 testimony?

12 I mean you came, you came in ten minutes late. We sat
13 here and received these arguments. It's now getting six
14 minutes before the time that I told the jury to be back, and
15 now you're, now you're wanting me to take proffered
16 testimony.

17 MR. THOMPSON: It will---

18 THE COURT: I'll be more than happy to hear proffered
19 testimony.

20 MR. THOMPSON: At the time, at the -- they won't go
21 into that. If you do---

22 THE COURT: well, I'd rather not break the testimony
23 up.

24 MR. FLORES: well, I -- we can do it now, Your Honor.
25 I think there's one -- well, I think we can proffer it

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 now---

2 THE COURT: Okay.

3 MR. FLORES: ---for purposes of -- we'll do it in a
4 quick manner.

5 THE COURT: Okay. Is that Doctor --?

6 MR. FLORES: Doctor Gehle is here.

7 THE COURT: Doctor Gehle, just come right up here.

8 DOCTOR MARIE E. GEHLE, being first
9 duly sworn, testified as follows:

10 THE COURT: Ma'am, if you would, just slide the chair
11 up to the microphone and speak up loud enough so that both
12 the court reporter and I can hear you.

13 WITNESS: Okay. Is that good?

14 DIRECT EXAMINATION

15 BY MR. FLORES:

16 Q Good afternoon, Doctor Gehle.

17 A Afternoon.

18 MR. FLORES: Your Honor, for purposes of this, this
19 proffer, we would, would ask that Doctor Gehle be qualified
20 in the field of forensic psychology.

21 THE COURT: Okay. For purposes of this testimony,
22 hearing no objection, be qualified as that.

23 MR. FLORES: Thank you, Your Honor.

24 Q Doctor Gehle, how did you become involved with this
25 specific case?

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 A I was ordered by the Court to, to complete a sexually
2 violent predator precommitment evaluation.

3 Q And have you done one of these types of evaluations
4 before?

5 A Yes.

6 Q About how many have you done?

7 A I've done 27 of them.

8 Q When you were asked or ordered to do these by the
9 Court, what do you -- what is your protocol for a sexually
10 violent predator evaluation?

11 A I received the information from the Department of
12 Corrections or from the MDT Board, and information that's
13 contained in the petition. I review that information,
14 schedule the interview, interview the, the Respondent,
15 gather any other information that I find is lacking in the,
16 in the chart. Then I consider all that information, write a
17 report, and come to an opinion.

18 Q And the type -- you've, you've just used the general
19 term information.

20 what types of information do you use, as a forensic
21 psychologist, in reaching your opinions in these matters?

22 A Like I said, it's the, the things that are, that are
23 received in the petition, which is police reports, any prior
24 evaluations, criminal or DOC records. I get the records
25 from the MDT Board, the records that they use to determine

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 whether they're gonna submit the case to the Attorney
2 General's Office. I look at the criminal history report and
3 N.C.I.C. I also attempted to get some records from prior
4 treatment providers though that was largely unsuccessful.

5 Q Now, all this information that you've just described,
6 described, is this the type of information that's reasonably
7 relied upon by forensic psychologists in rendering opinions
8 in sexually violent predators matter?

9 A Yes, it would.

10 Q Would you be able to render your opinion without having
11 obtained all this information?

12 A I would probably not be able to render an opinion
13 without the majority of that information.

14 Q But you received all that information in this case, is
15 that correct?

16 A Correct.

17 Q With regard to -- you mentioned that you've looked at
18 Mr. Wilde's criminal history in this matter.

19 At the time of your interview in, of Mr. Wilde, had he
20 been convicted of a sexually violent offense?

21 A Yes, he had.

22 Q And what were those offenses?

23 A He was convicted of two counts of assault on a child
24 under 12, which were sexually related. That occurred in
25 August 1990. He was convicted of lewd act upon a child

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1 under 16 in 1998, and he was convicted of lewd act upon a
2 minor in 2004.

3 Q Now, as part of reaching an opinion as to whether or
4 not Mr. Wilde has a mental abnormality or a personality
5 disorder that makes him more likely, likely to commit acts
6 of sexual violence, was it necessary for you to look at the
7 facts underlying each of his convictions?

8 A Yes.

9 Q Why is it relevant?

10 A It's relevant because it talks to the nature of the
11 offenses, who the victims were, do -- is there, is there a
12 pattern of behavior in these offenses, you know, was there
13 violence used, things like that.

14 Q As it relates to -- I'm sorry. Strike that.

15 With regard to his conviction in 1998, what were the
16 facts underlying that lewd act conviction?

17 A He was accused of fondling the genitals of his eight
18 year old biological son. The incident occurred on or about
19 May 30th, 1997, when that child was on an overnight visit
20 at his home. The child reported that he was awakened by Mr.
21 Wilde fondling his penis, and that Mr. Wilde stopped when he
22 woke up, and the victim also reported that Mr. Wilde told
23 him that he "better not tell."

24 Q According to your records and information, do you
25 recall actually -- if I may approach the witness, Your

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1 Honor?

2 THE COURT: Yes, sir.

3 (WHEREUPON, two documents were marked as Plaintiff's
4 Exhibit Nos. 1 and 2 for identification purposes only at
5 this time.)

6 Q This is an exhibit marked Plaintiff's Exhibit 1 for
7 identification purposes.

8 Have you seen this before, doctor?

9 A Yes, I, I received a copy of this.

10 Q All right. Could you describe what it contains?

11 A Yes, this is, this is a warrant for a lewd act upon a
12 child. It is the indictment for that charge and it is the
13 sentencing sheet for that charge.

14 Q What county is that from?

15 A It's the County of York.

16 Q All right. How do you know that those documents are
17 what they portray to be?

18 A Cause they are certified stamped by the Court.

19 Q And according to this document, how did Mr. wilde plead
20 to that lewd act?

21 A He pled no contest to the charge.

22 Q Was he sentenced by the Court?

23 A He was sentenced to ten years of incarceration
24 suspended upon 24 months of probation.

25 Q All right. And were there any other conditions imposed

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1 upon that sentence?

2 A He was ordered to have no contact with the victim or
3 the victim's mother. He was ordered to register as a sex
4 offender, and he was ordered to undergo mental health
5 counseling for sex offenders at Carolina Counseling.

6 MR. FLORES: If I may approach the witness again, Your
7 Honor?

8 (The Court nods affirmatively.)

9 Q I'm gonna hand you what's been marked as Plaintiff's
10 Exhibit 2 for identification purposes.

11 Doctor, have you seen this set of documents before?

12 A Yes.

13 Q And could you describe what they are?

14 A Yes, it's an indictment for lewd act upon a child, and
15 it is a sentencing sheet for lewd act upon a child.

16 Q And how did Mr. Wilde plea to that charge?

17 A He pled no contest.

18 Q And what was his sentence?

19 A He was sentenced to 15 years of incarceration.

20 Q And with regard to the first set of offenses, when did
21 that, that offense occur?

22 Was it before or after?

23 A It was before.

24 Q I'm sorry.

25 The first set was before the second set you've just

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1 described?

2 A Yes, the first set was on or about May 30th, 1997.

3 The second set was on or was committed between the dates of
4 April 15th, 2001, and February 7th, 2002. So, it was
5 roughly four or five years after.

6 Q Now, doctor, you've stated that criminal -- looking at
7 the criminal history of an individual is important for you
8 in rendering your opinions in these matters. You also
9 testified that there was a prior conviction in 1990.

10 was that relevant to your opinion in this matter?

11 A Yes.

12 Q Could you describe what you learned about that
13 conviction in 1990 and where you got that information?

14 A Well, according to the incident reports, the victim was
15 an eight year old female who was, on two occasions, visiting
16 the home of Mr. Wilde, and she was asleep on the couch in
17 the early morning hours and he fondled her vagina with his
18 hands.

19 Q And what did Mr. -- did Mr. Wilde plead guilty to that
20 charge?

21 A Well, he was initially charged with taking indecent
22 liberties on a child. That charge was dropped and he pled
23 guilty to two counts of assault on a child under 12.

24 Q And what was his sentence for that particular charge?

25 A He was sentenced to consecutive terms of two years of

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1 incarceration on the first count, and two years of
2 incarceration, and three years of supervised probation on
3 the second count.

4 MR. THOMPSON: Your Honor, I'm gonna object. I think
5 she has misstated the facts. That is not the sentence that
6 he received.

7 Q Where did you get that information for the sentence,
8 Doctor Gehle?

9 A I typically, typically get that from the sentencing
10 sheets or from the criminal history report.

11 Q Okay. But with regard -- regardless of the sentence,
12 Mr. Wilde did plead guilty to that offense, is that correct?

13 A Yes.

14 Q In your review of -- in your further review of the
15 records and information in rendering, in reaching your
16 opinion in this matter, did you discover any other criminal
17 charges that Mr. Wilde had had?

18 A Yes, Mr. Wilde was charged with -- he was charged with
19 two counts of indecent liberties with a minor in North
20 Carolina in June of 1986.

21 Q Was this -- was it information, for you to reach your
22 opinion in this matter, to consider that charge along with
23 the other charges you considered?

24 A Yes, I believe so.

25 Q And why was it important for you to do so?

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1 A Well, the, the accusations are similar to the
2 accusations he was, he pled to later on, and they just speak
3 to a larger pattern of sexual offending.

4 Q Could you please relate the facts of that offense for
5 the Court please?

6 A Yes, the victim was a nine year old female who was the
7 niece of Mr. Wilde's wife, and she said that Mr. Wilde
8 fondled her vagina and breasts on numerous occasions over a
9 nine day period. She said the incidents occurred when she
10 was lying on the couch in the early morning hours.

11 MR. THOMPSON: Your Honor, I'm gonna have to object on
12 the ground of hearsay.

13 THE COURT: Well, this is being proffered testimony.

14 MR. THOMPSON: All right. Okay.

15 THE COURT: Go ahead.

16 Q Please continue please.

17 A She reported he fondled her vagina both inside and
18 outside of her underwear. She denied that he penetrated her
19 vagina with his fingers.

20 Q Now, as part of your review of records in this case,
21 did you learn anything else about that offense?

22 A Yes, according to the records, Mr. Wilde was
23 interviewed by the police and he, he admitted to fondling
24 her vagina and to inserting his middle finger into her
25 vagina about a half an inch. He said that the victim

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1 pursued him and put his hand on her and moved his hand
2 between her legs. He told the police that he fondled her
3 about three times.

4 Q Now, when you interviewed Mr. Wilde for your
5 evaluation, did you discuss these offenses with him?

6 A Yes.

7 Q And did he tell you -- what did he tell you about these
8 offenses?

9 A He denied committing the offenses.

10 Q He denied committing all of the offenses?

11 A He denied committing all the offenses.

12 Q And it was important for you to look at all of this,
13 all of these offenses in order to reach your opinion in this
14 matter?

15 A Yes.

16 MR. FLORES: Your Honor, I think that's all I have.

17 CROSS-EXAMINATION

18 BY MR. THOMPSON:

19 Q Mrs. Gehle, I have a written copy of the forensic
20 psychological evaluation which you did and the date of the
21 report is May 31 of 2012, and that would be the report or
22 psychological evaluation as to William Jeffrey Wilde?

23 A Yes.

24 Q And you listed on Page 1 the sources of your
25 information that you used, didn't you?

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1 A Yes, on Page 1 and Page 2.

2 Q Excuse me.

3 And you have them numbered, and sources of information
4 you had one interview with Mr. Wilde on February 21, 2012,
5 for 2 hours and 35 minutes, correct?

6 A Correct.

7 Q And that was the only time that you had face-to-face
8 contact/communication with Mr. Wilde?

9 A Correct.

10 Q And it appears from the listing of the other
11 information that you had as sources of information used for
12 the forensic psychological evaluation of Mr. Wilde, all that
13 came in written form, correct?

14 A Correct.

15 Q You did not interview anybody in York County relative
16 to the 1986 June 2 charges of indecent liberties that was
17 dismissed?

18 A Well, I wouldn't of interviewed anybody in York County
19 cause it happened in North Carolina. So -- but no, I did
20 not interview anybody.

21 Q So, essentially your, your total reliance there was on
22 police documents?

23 A Correct.

24 Q And beside that one interview with Mr. Wilde, was there
25 any other interviews with anyone else?

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by Mr. Thompson

1 A No.

2 Q And would you not agree that by trying to bring the
3 1986 allegations, the criminal charges that were dismissed,
4 in the presence of the jury that that would likely be to
5 show conformity with some later act that he pled guilty to?

6 A I'm not exactly sure what, what you're asking.

7 Q To show that he was acting in June, 1986 in conformity,
8 all those, those charges were dismissed by the police or the
9 prosecutor, that he was acting in conformity with later
10 charges that he was either convicted of or pled guilty to?

11 A Well, when I, when I approach one of these cases, I
12 look at their entire criminal history, sexual and nonsexual
13 charges. That helps me complete a risk assessment actuarial
14 device, whether they're charges or convictions; and in this
15 case the allegations by the victim were similar to the
16 allegations made by subsequent victims.

17 Q Except in this case the charges were dismissed?

18 A Correct.

19 Q And you reviewed information that has number eight,
20 National Criminal Information Center, the N.C.I.C. criminal
21 history report of Mr. Wilde. I don't think I received a
22 copy of that.

23 Do you have that?

24 A Well, the N.C.I.C. that I, what I call the N.C.I.C.
25 is -- it starts off as a South Carolina criminal history

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1 report, and if there is any criminal history in other
2 states, then those other state criminal history reports are
3 ran. So, it's out of the national database. So, I have a
4 South Carolina criminal history. He also had a criminal
5 history in North Carolina. So, those comprised the N.C.I.C.

6 Q Do you know what N.C.I.C. stands for?

7 A Yes, National Criminal Information Center.

8 Q And do you know that that's maintained by the FBI, a
9 specific division of the FBI --

10 A Yes.

11 Q -- to compile purportedly an accurate multistate
12 criminal, what I refer to, as rap sheet, a criminal history
13 report, for an individual?

14 A Yes.

15 Q But the -- what you refer to as N.C.I.C. on number
16 eight, other sources of information, that wasn't an N.C.I.C.
17 multistate report from the division of FBI, and, quite
18 frankly, I mean law enforcement can pull them. I mean
19 that's what they're there for.

20 A This is what I've been told that they're called. I
21 mean maybe I, maybe that's not what they're called. Maybe
22 it's a South Carolina criminal history report and a North
23 Carolina criminal history report. It is attached to an FBI
24 number. It does talk about whether he has multistate
25 charges or multistate criminal history.

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1 Q All right. Do you mind -- could, could I look at---

2 MR. FLORES: Your Honor, if I may. Just it's part of
3 the initial petition filed in this matter in Exhibit I.

4 THE COURT: Okay.

5 MR. THOMPSON: Well, Judge Hayes, I mean it, it says
6 National Criminal Information Center, a criminal history
7 report for Mr. Wilde. I didn't get one.

8 THE COURT: He says it's the Attachment I to the
9 original petition.

10 Do you have the original petition?

11 MR. THOMPSON: Yes, sir, I do, and this is -- and I've
12 seen quite a few N.C.I.C. reports. Although typically
13 they're not suppose to be in the hands of anyone other than
14 authorized law enforcement. This does not appear to be an
15 N.C.I.C. report. And let's see. And I note that there
16 seems to be two of them.

17 THE COURT: And your, your point?

18 MR. THOMPSON: Well, there just isn't -- one has the
19 1986 charges on it. The other one doesn't, and --.

20 THE COURT: You want to ask the witness a question then
21 about that so we can move on?

22 MR. THOMPSON: Yes, sir.

23 Q Mrs. Gehle, you, you're familiar with these reports,
24 aren't you?

25 That's the first one.

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1 A Yes, that's the South Carolina one.

2 Q And it does not show anything about the 1986 charges,
3 does it?

4 I don't think. Maybe it does.

5 A That covers the South Carolina criminal history.

6 Q And it shows two separate -- I think it does. I see
7 where it shows one lewd act. Actually two lewd acts. 2004
8 and 1996 Court date where he received ten years suspended to
9 24 months probation.

10 Do you believe that's what it says?

11 A Yes.

12 Q And then we have a second report, which I think it is a
13 North Carolina report.

14 A It's the criminal history that contains the North
15 Carolina charges and convictions, yes.

16 Q And it does have the 1986 indecent liberty charges.

17 6/25/86 is the arrest date, would you agree?

18 A That's what it says, yes.

19 Q And it says disposition August 26th, 1986, dismissed?

20 A Correct.

21 Q And then the next arrest, which is under cycle two, was
22 August 9 of 1990 --

23 A Correct.

24 Q -- for taking indecent liberties with a child?

25 A Yes.

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by Mr. Thompson

1 Q which is a misdemeanor and---

2 A I don't know if it was a misdemeanor. It doesn't
3 say---

4 Q Well---

5 A ---where the charge is. Here it doesn't say it's a
6 misdemeanor. That goes down to a different charge, assault
7 on a child under 12 where it's a misdemeanor. But up here
8 where the charge is it doesn't say that it's a misdemeanor.

9 Q That charge was dropped, wasn't it?

10 A That charge, that charge was dropped, yes.

11 Q Actually he pled guilty to a lesser charge, didn't he?

12 A To two lesser charges.

13 Q Okay. And he gets a sentencing and actually it says
14 trial by judge, doesn't it?

15 A It does.

16 Q And the sentence for the first offense of -- actually
17 it says assault on a child under 12?

18 A Correct.

19 Q And the sentence was two years?

20 It says confinement, two years?

21 A Yes.

22 Q But, but -- are you aware, I mean you seem to be, that
23 he wasn't convicted of assault on a child under 12 from
24 these two charges made on August 9, 1990, in North Carolina?

25 A I don't understand what you're saying.

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by Mr. Thompson

1 You're saying that he wasn't convicted of these
2 charges?

3 Q Not assault on a child under 12.

4 A Well, he was convicted of two of those charges by a
5 judge and the verdict was guilty. That's what it says right
6 here, and I, I look at this and I look at the Court case
7 number and they have two different numbers.

8 Q Uh-huh. (Affirmative).

9 A And there's two different sentences and both of those
10 he was convicted of by a, a bench trial.

11 Q All right. And, and as to one of the charges he was
12 sentenced, according to this document, to two years
13 incarceration, correct?

14 A Correct. On one of the charges.

15 Q And it does have that it's a misdemeanor, doesn't it?

16 A It does say misdemeanor, yes.

17 Q And on the second charge it has assault on a child
18 under 12, trial by judge, verdict guilty, and the sentence,
19 and you correct me if I'm reading it wrong, but confinement
20 of two years and probation of three years.

21 Is that what it says?

22 A That's what it says.

23 Q And in doing your psychological evaluation of Mr.
24 Wilde, you were using that information that we just went
25 over, were you not?

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1 A Well, I start off to get an overview of the criminal
2 history report or the criminal history of the Respondent by
3 reviewing the criminal history rap sheet, as you call it,
4 and then I also go to the sentencing sheets. They don't
5 always correspond. I figured that the sentencing sheets are
6 the most accurate.

7 Q So, in doing your psychological evaluation, that's what
8 you considered, that he was convicted of two counts of
9 taking, what is it, indecent liberties with a child under
10 12?

11 A Well, he was convicted of two counts of assault on a
12 child under 12. It says that he pled to a lesser, a lesser
13 charge from taking indecent liberties.

14 Q But that he got two years on each count and on one of
15 them three years probation?

16 A Correct.

17 Q And, again, that's, that's information that you
18 included in your psychological evaluation?

19 A Yes.

20 MR. THOMPSON: If I might approach?

21 (The Court nods affirmatively.)

22 Q The petition In The Matter Of The Care And Treatment Of
23 William Jeffrey Wilde, Respondent, petition pursuant to the
24 Sexually Violent Predator Act, which indicates it was filed
25 with the Spartanburg County Clerk of Court October 12 of

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1 2011.

2 Have I correctly stated that?

3 A Yes.

4 Q And, Mr. Bogle, who apparently prepared these, I
5 believe his signature or name is on the pleading, correct?

6 A Correct.

7 Q It has the June, 1986 charges dismissed, correct?

8 A Correct.

9 Q Two counts of taking indecent liberties with a child.
10 But on the charges in North Carolina -- let's see if this
11 gives us the arrest date. It actually doesn't give us the
12 arrest date, but it -- there it is. June 6th, 1991, is
13 the date of conviction with taking indecent liberties with a
14 child.

15 That's what it says, doesn't it, and it says convicted
16 after trial, Gaston County, North Carolina?

17 Am I reading that correctly?

18 A Are you referring to the next set of offenses then?

19 Q As I understand it, that is, after the '86 charges, he
20 had '91 charges, and they were in North Carolina also.

21 A Yes, it's my understanding that, in 1986, he was
22 accused of fondling a female child and in 1990 he was
23 accused of fondling his eight year old male child. So --
24 and he was accused of taking indecent liberties, and that he
25 was found guilty at a bench trial, a bench trial of two

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1 counts of assault on a child under 12.

2 Q The petition doesn't say that, does it?

3 It says type of conviction, taking indecent liberties
4 with a child, date of conviction, June 6, 1991, convicted
5 after trial, Gaston County, North Carolina, and sentence
6 received, two years suspended to three years probation.

7 Do you agree that's what it says in his petition?

8 A It says the type of convictions, and it says taking
9 indecent, indecent liberties with a child. It says, under
10 the original charges, that it was assault on a child under
11 12 and it looks like those need to be reversed.

12 Q Right.

13 A That is not where I took my conclusions about those
14 charges from. I did not take it from the petition.

15 Q I think it says original charges, assault on a child
16 under 12 two counts?

17 A Correct.

18 Q Doesn't it?

19 A Well, that's what it says on the petition. That's not
20 what I used to determine his criminal history. I, I went to
21 his criminal history report.

22 Q And it has the sentence he received, two years
23 suspended to three years probation, doesn't it?

24 A That's what it says.

25 Q And did, did you read this?

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by Mr. Thompson

1 A I reviewed it.

2 Q When you say reviewed it, did you read it in detail?

3 A I typically read those, read the petition at the
4 beginning when I receive the packet of information, and then
5 I put it aside so that I can do an independent evaluation
6 and do it objectively.

7 Q And when you read this where it goes to the case that
8 we were talking about just then, the two charges in Gaston
9 County, North Carolina, it gives a four line description,
10 doesn't it?

11 A Yeah, approximately four lines.

12 Q And it gives the date of the incident as May 30th,
13 1997, doesn't it?

14 A I think that, that this is actually for this 1998
15 offense. So, this says 1997. It's for the offenses here
16 and then this goes on to another set of offenses. So, this
17 is not describing this. It's describing this.

18 Q Did you find a sentencing sheet as to what he actually
19 was convicted of or what he was sentenced to?

20 A For which?

21 For which offenses?

22 Q For the second set of North Carolina charges.

23 A For the 1995 charges?

24 Q Where he was initially charged with assault on a child
25 under 12 and was convicted in Gaston County, North Carolina

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1 by a bench trial, and here it says date of conviction,
2 June 6th, 1991, although the date of offense in the
3 summary is May 30th, 1997, and you didn't pick up on that
4 mistake?

5 A What mistake?

6 Q That you can't be tried in June of 1991, found guilty,
7 and sentenced to two years suspended to three years
8 probation for something that happened on May 30th, 1997?

9 A This description goes to the lewd act charges in 1998,
10 and then, then they're talking about previous charges and
11 this description goes to subsequent. So, it's actually not
12 saying that he was convicted. I mean this description goes
13 to these charges in 1998 or the charges occurred in 1997.
14 He was convicted in 1998. So, that's one set.

15 The second set is this in that he was charged with
16 taking indecent liberties. Here's the description of that
17 offense. So, this, this is not -- this does not go with
18 this. It goes with this.

19 Q Okay. But the, the sentence there following the trial
20 in Gaston County, North Carolina, that appears to go with
21 it, doesn't it?

22 A To go with what?

23 Q It says date of conviction, June 6th, 1991.
24 Convicted after trial in Gaston County, North Carolina.

25 A And it---

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by Mr. Thompson

1 Q And the sentence received was two years suspended to
2 three years probation.

3 A Yes, that's talking about the same set of offenses.

4 Q Now, when you did your report it has two years
5 suspended to three years probation which Mr. Bogle has in
6 the petition.

7 You didn't pick up on that was something different than
8 what you were seeing on the criminal rap sheet that I, I
9 can't say that I recognize?

10 A Well, I, I rely more highly on the rap sheet than I do
11 on the petition. I, I review the petition and then I put it
12 away. I try to do an objective evaluation. I'm not trying
13 to replicate what Mr. Bogle said in his petition. I look at
14 the more objective information like the criminal history
15 report.

16 Q And, so, it's your understanding that he actually did
17 receive two two year sentences?

18 A That's what the criminal history report says.

19 Q Plus three years probation?

20 A Correct.

21 Q And that was part of your analysis in putting together
22 the report?

23 A Excuse, excuse me?

24 Q That was part of your analysis in putting together the
25 report?

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by Mr. Thompson

1 A Yes.

2 Q Have you since learned that, that you were mistaken in
3 that regard and that he actually received two years on one
4 of the Gaston County convictions for indecent liberties, and
5 two years consecutive on the other with both of the
6 incarceration sentences suspended to three years probation,
7 which he completed without any infractions?

8 A So, you're saying the sentence was suspended?

9 Have I figured that out?

10 Q Yes, I'm asking you were you not aware of that.

11 A That's not what, what it said on the criminal history
12 report. So, if the -- I think here that I found a document
13 indicating that he may, that the sentences may have been
14 suspended, but I'm not sure if that is accurate.

15 Q Actually in your report you had that he pled guilty to
16 two counts of assault on a child under 12 in Gaston County,
17 and he was sentenced to consecutive terms of two years
18 incarceration on the first count, and two years
19 incarceration and three years of supervised probation on the
20 second count.

21 I mean that is on Page 7 of your psychological report,
22 isn't it?

23 A Correct.

24 Q And would it be fair to say that you only received a
25 portion of the records from the 1990/1991 charges of,

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by Mr. Thompson

1 started as assault on a child under 12 and ended with bench
2 trial convictions of indecent liberties?

3 A I believe that he was initially charged with taking
4 indecent liberties one count, and then was found guilty at a
5 bench trial of two counts of assault on a child under 12.

6 That's my understanding from the criminal history report.

7 Q So, he was charged with one count?

8 A Of taking indecent liberties.

9 Q And he was tried on that and found guilty of two
10 counts?

11 A Well, it's my understanding that, at trial, he was
12 found guilty of two counts of assault on a child under 12.

13 Q And received four years incarceration as punishment
14 plus three years probation to follow?

15 A That is my understanding.

16 Q And you never received any type of sentencing document,
17 did you?

18 A I was just looking through my records and I have a lot
19 of papers here, but I don't think that I have a sentencing
20 sheet for the offenses in, in North Carolina.

21 Q How much time did he purportedly do on the four years?

22 A I don't know.

23 Q Did you attempt to find out?

24 A No.

25 Q Did you attempt to find out what his disciplinary

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by Mr. Thompson

1 record was when he purportedly was incarcerated for this
2 four year sentence?

3 A No, I did not.

4 Q And as to probation, did you talk to anyone or attempt
5 to find out whether or not he successfully completed his
6 probation in North Carolina without any infractions?

7 A I don't believe that I did.

8 Q And did you do anything to verify that you had received
9 all of the pertinent available and accurate information
10 concerning the two separate cases made against him in North
11 Carolina, i.e. the 1986 and the 1990, '91 case?

12 A What's the question?

13 Q Did you take any action to confirm that you had
14 received all of the relevant pertinent available records,
15 police, Court records, as to those two different sets of
16 charges in North Carolina, '86, '91?

17 A I, I don't believe so. I don't believe that -- I mean
18 I took the information that I was provided. I may have made
19 an inquiry, but I, I am not sure if I did in this case.

20 Q So, you were basing your conclusions strictly on
21 hearsay information from whatever documents you did receive?

22 A I, I based -- what I, what I wrote in the evaluation
23 was based on the criminal history report and the incident
24 reports that I received from them. Also a statement that he
25 made and some information from the victims.

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1 MR. THOMPSON: Beg the Court's indulgence for just a
2 moment.

3 (Pause.)

4 Q And if I suggested to you that in North Carolina, after
5 he was convicted in that '90, '91 case, that he didn't
6 receive any incarceration, and that he only received a
7 suspended period of incarceration suspended to three years
8 probation, which he successfully completed, you don't have
9 anything to prove or disprove that?

10 A No.

11 Q And would it be a surprise to you to learn that the
12 first time that Jeffrey wilde has ever been sentenced to a
13 term of incarceration was November 1 of 2004 for lewd act
14 from a plea in Spartanburg County?

15 A Well, I think that he has been sentenced to
16 incarceration prior to that. It may of been suspended, but
17 he's been sentenced to incarceration prior to that.

18 Q But it's always been suspended to probation, hasn't it,
19 or you don't know?

20 A So, prior to what date?

21 Q Prior to today's date.

22 A Prior to today's date?

23 Q Right. The only time he's ever had to serve any time
24 at all was after he pled guilty to lewd act, I believe it
25 was November 1 of 2004 in Spartanburg County, and he

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1 received a sentence of 15 years straight time, which he
2 maxed out May 28th, 2011, and has been, being held, excuse
3 me, 2012, and is been being held in the Spartanburg County
4 Detention Center since that time pending a resolution of
5 the, the petition that brings us before the Court?

6 A I think that when he was -- his last offense, from what
7 you're saying, might be the first term of incarceration that
8 he served.

9 Q Might be, but you don't know?

10 A I mean it's the -- it's, it's the first term of
11 incarceration in prison that he is served in South Carolina,
12 and if his sentence was suspended from the 1990 charges,
13 then -- and his sentence was suspended for his other
14 conviction in South Carolina, then, then this would
15 constitute the first term of incarceration in prison.

16 Q So, you would -- in assuming that he did receive a
17 suspended sentence to the '90/'91 charges in North Carolina,
18 and served no time, no prison time, no jail time, other than
19 being arrested process, you're learning that for the first
20 time?

21 A Yes, I, I was not aware that his sentence was
22 suspended.

23 Q And what clearly appears, and we will have the
24 information to clearly establish what I'm saying, your
25 analysis was based, in part, on erroneous information that

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by Mr. Thompson

1 you obtained from North Carolina?

2 A Well, what sentence he receives and whether he served
3 that sentence doesn't necessarily impact my analysis.
4 That's not really part of my analysis.

5 Q Well, your analysis doesn't include whether he served
6 prison time in the past, whether he's been put on probation
7 twice, and whether he successfully completed both terms of
8 probation without any infractions?

9 A In this case it's not a big consideration. It's good
10 that he can complete a probation sentence without any
11 problems. That, that's good. That indicates that he does
12 have some control over his behavior. But in his case he
13 doesn't have any nonsexual offenses. So, he doesn't
14 necessarily have a lot of criminal behavior outside of
15 sexual offending. So, it's not as relevant in this case.

16 Q In fact, he doesn't have any criminal behavior that
17 he's been convicted of or pled guilty to outside of the two
18 cases in South Carolina, one he received probation for in
19 York County in '98, and then the 2004 plea to lewd act that
20 he got 15 years for, and then the one North Carolina case
21 where he got a sentence of incarceration suspended to
22 probation, which he successfully completed?

23 A Yes, it's my understanding, from the criminal history
24 reports, that his criminal history is exclusive to sexual
25 offending.

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by Mr. Thompson

1 Q And in your report, I think it's Page 7. Let's see.
2 Actually it's Page 4.

3 A Page 4?

4 Q Yes.

5 Substance abuse history, you do about a half a page
6 just on that between Page 4 and Page 5, do you not?

7 A I typed approximately a half a page regarding his
8 substance abuse history.

9 Q And in any of the records that you received from North
10 Carolina confirming those two sets of arrests and charges
11 there, whether the information you received was accurate or
12 not, none of it indicated that drugs or alcohol were
13 involved in any other, in either of the sets of arrest, do
14 they?

15 A Not to my knowledge, no.

16 Q And---

17 MR. FLORES: Your Honor, I hate to cut Mr. Thompson
18 off. I believe the proffer, at least the proffer was to
19 talk about what the State would question her on with regard
20 to both 1986 and 1990 conviction and any substance abuse.
21 Since we didn't go into the substance abuse issues, I didn't
22 think this---

23 MR. THOMPSON: If they're not gonna go into them, then
24 I don't need to ask her anything else.

25 THE COURT: Are y'all gonna go into the substance abuse

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by Mr. Thompson

1 issues?

2 MR. FLORES: Doctor Gehle, if the Court -- if I can ask
3 just one question if the Court would indulge me.

4 THE COURT: Sure.

5 REDIRECT EXAMINATION

6 BY MR. FLORES:

7 Q Doctor Gehle, did substance abuse play any roles in Mr.
8 Wilde's criminal convictions?

9 A Not that I'm aware of.

10 MR. FLORES: I think that's it.

11 RECROSS EXAMINATION

12 BY MR. THOMPSON:

13 Q And that's none of the convictions or pleas?

14 MR. FLORES: Correct.

15 A What's none of them?

16 Q That substance abuse, use of illicit drugs or alcohol
17 played any role?

18 A No, the information contained in this section of my
19 report is all information that Mr. Wilde told me when I
20 interviewed him.

21 Q And, again, the question was none of the cases, whether
22 they were dismissed, plead, conviction, whether the
23 information was accurate, inaccurate, none of it indicated
24 that drugs or alcohol were directly involved in any of the
25 alleged sexual misconduct?

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by Mr. Thompson

1 A Not per the records, correct.

2 MR. THOMPSON: Thank you.

3 THE COURT: Any redirect limited to what he went into?

4 MR. FLORES: No, Your Honor.

5 THE COURT: All right. Thank you, ma'am. You may step
6 down.

7 WITNESS: Okay. Thank you.

8 THE COURT: Would either counsel have an objection to
9 me asking the witness a question or two?

10 MR. FLORES: I would have no objection, Your Honor.

11 THE COURT: All right.

12 MR. THOMPSON: None at all, Your Honor.

13 THE COURT: All right. All right. The prior
14 history -- let's go to the two North Carolina charges that
15 he was charged with but was never convicted, and they, for
16 whatever reason, we don't know, at least if I've heard it
17 I've, I've missed it, we don't know why they were dismissed,
18 if -- how significant are those in your ultimate opinions
19 because it sounds like that there is a significant criminal
20 history that involves convictions, and that those are just
21 two items in a, in a lengthy criminal history?

22 WITNESS: They play a role in, I mean to some degree,
23 in that the charges help or are considered when I score the
24 actuarial measure to determine or to make a more accurate
25 risk estimate. Charges or convictions, charges and/or

1 convictions are considered in that regard. As far as a
2 diagnosis, those charges are insignificant to the, to the
3 diagnosis --

4 THE COURT: What is?

5 WITNESS: -- given that he had committed subsequent
6 offenses and that he had been convicted of those.

7 THE COURT: What, what is his diagnosis?

8 WITNESS: Pedophilia. Without the 1986 offenses, and
9 even without the other offenses in North Carolina, there's
10 still subsequent, sufficient information to diagnose
11 pedophilia.

12 THE COURT: Okay. All right. Thank you.

13 Any follow-up from mine?

14 MR. FLORES: No, Your Honor.

15 MR. THOMPSON: No.

16 THE COURT: Thank you, ma'am.

17 All right. This is what, what we'll do. I've now
18 heard the testimony. The ruling by the Court is I'm going
19 to instruct the State don't go into those two uncharged
20 offenses. The, the witness, when she testified, she even
21 used the term the victims in those cases. I think it would
22 be improper to even -- for whatever reason, those charges
23 were not pursued. Whether it was that factually the police
24 got it wrong or the child lied or whether it was
25 procedurally the Court system messed up, and something

1 happened, and I don't think that it would be proper for a
2 fact finder to infer that when there's just simply been
3 charges and no convictions that they're, that they should
4 draw any type of conclusion as to what the underlying, as to
5 what the underlying facts would be if they're going to be
6 used to establish a consistency with subsequent conduct.

7 So, I think that that would be highly prejudicial and
8 the probative value, since the doctor indicates that, on her
9 ultimate diagnosis, that they're insignificant, I don't
10 believe that the State will be prejudiced by, by not
11 bringing them up. So, just don't bring up those charges.

12 Other than that, I mean I think that the, the motions,
13 at this juncture, other motions made by the Respondent would
14 have to be denied. If you want to contemporaneously make an
15 objection, you don't have to reargue them. I don't think we
16 would have to take anymore proffered, proffered testimony
17 cause we had that length that cross-examination of the
18 witness. So, I believe I could make rulings at the
19 appropriate time.

20 MR. FLORES: Your Honor, if I could just clarify one,
21 one matter. Doctor Gehle said she considered the charges as
22 part of the actuarial instrument.

23 May I ask the question, did you consider -- as part of
24 the actuarial, did you consider his criminal history, and
25 just leave it general, and not specific to those because

1 it -- I guess it would impact the scoring and leave it at
2 those general terms.

3 THE COURT: Yes. And -- yes, you may ask that. Just
4 don't go any further to elicit that there were, in fact,
5 those other charges because -- and then also the defense, I
6 mean the Respondent, if you go into those charges and bring
7 them up, then you've opened the door and he gets to use them
8 however he wants to. The scoring -- so, we'll, we'll just
9 leave it at that because that, that way -- cause he's got a
10 criminal history.

11 So, we won't be going into those, those two charges and
12 waving that flag in front of the jury from which they could,
13 in my opinion, improperly infer something that, that they
14 should not.

15 MR. FLORES: Thank you, Your Honor.

16 MR. THOMPSON: Judge Hayes, also in her report she --
17 it appears that, that she did only one -- she used one
18 device in determining his risk to reoffend, the Static-99R,
19 which is an instrument designed to assist in the estimation
20 of sexual and violent recidivisms for sexual offenders, and
21 from what I heard from the witness stand, Mrs. Gehle, she,
22 she didn't receive accurate, good information concerning
23 either one of the North Carolina cases, and --.

24 THE COURT: And your point?

25 MR. THOMPSON: That to allow her to plug those 1986

1 charges into this Static-99R, and it's not anything that,
2 really that Mr. Wilde participates in. It's, it's just a --
3 I've got a copy of the Static-99R coding form, and he would
4 be greatly prejudiced for her still to be able to use those
5 1986 charges, and if---

6 THE COURT: I am not saying that by her considering
7 them as an expert witness that she did something improper.
8 You may cross-examine her as to whether or not you feel she
9 had accurate information or not. Whether or not you go into
10 that 1986 information, that is something you've got to
11 decide. If you go there, then you've opened the door to
12 those 1986 charges, and the State then could do whatever
13 they wanted to.

14 It's, it's -- she is an expert witness like any other
15 expert witness that comes into a civil matter. She gets
16 wide latitude in taking information from whatever source she
17 wants to get, and then to form her opinions. And then if
18 you want to cross-examine her as to the factual basis of her
19 opinions or as to the appropriate medical basis of her
20 opinion, you can do that. I'm not -- I have no where, by my
21 ruling in favor of the Respondent, saying that she has done
22 something that is improper.

23 My ruling is an evidentiary ruling in a Court of Law
24 that's gonna be given to this jury, and I agree that the
25 Respondent, that I do not want those 1986 matters brought

1 out from which the jury could improperly infer a pattern of
2 conduct from prior events that are, that, that would be
3 consistent with subsequent events. I agree with you. I
4 agree with the Respondent on that.

5 MR. THOMPSON: I don't see how she could---

6 MR. FLORES: Your Honor, if I may.

7 Doctor Gehle is informed me that even with the charges
8 not being discussed in the actuarial does not change the
9 score on that actuarial list, Your Honor.

10 THE COURT: Okay.

11 MR. THOMPSON: So, as I can't -- they will not be used
12 in the actuarial instrument, the Static-99R.

13 MR. FLORES: I did not say we wouldn't use the
14 Static-99R. I said not considering those charges, just in
15 the general broad stroke of criminal history, makes no
16 difference what his score would be.

17 MR. THOMPSON: Actuarial---

18 THE COURT: His score is gonna be the same according to
19 what the State says.

20 MR. THOMPSON: It won't. You don't have to be an
21 expert. You fill this thing out and you work up the score.

22 THE COURT: Well, whether or not you go into that then
23 will be your call.

24 MR. THOMPSON: Well, but what I just heard was---

25 THE COURT: It will be your call. We have been at this

1 proffer that was requested less than ten minutes before the
2 jury was actually to come back. We have now spent an hour
3 and 25 minutes. I'll spend as long as necessary.

4 MR. THOMPSON: All right. But I thought I just heard
5 that it would not go into the actuarial, actuarial score.

6 THE COURT: I believe the State said it would not
7 change the score.

8 MR. THOMPSON: So, as I understand it, Your Honor, it
9 won't go in there and presumably it won't change the form or
10 the score?

11 MR. FLORES: I'm sorry. I didn't hear what you said.
12 Doctor Gehle has just explained to me what happens to the
13 score, and he's -- it is -- Mr. Thompson is more than happy
14 to ask her how she arrived at that, his criminal history. I
15 will not, I will not go into his prior conduct with the
16 1986/1990 charges. I will leave that with the criminal
17 history.

18 THE COURT: Do you wish to ask her anything on that?

19 MR. THOMPSON: Sir?

20 THE COURT: Do you wish to ask her anything on that?

21 MR. THOMPSON: Yes, I would like to ask Doctor Gehle
22 something on that.

23 THE COURT: All right. Doctor Gehle, if you will, take
24 the stand.

25 CONTINUED RECROSS-EXAMINATION

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 BY MR. THOMPSON:

2 Q Doctor Gehle, the Static-99R device, I think that's the
3 way you referred to it, it was used in the evaluation of Mr.
4 wilde, wasn't it?

5 A Correct.

6 Q Very prominently used, wasn't it?

7 A I don't know if I would use -- I would call it
8 prominent. It's one of the best measures to estimate risk
9 of re-offense.

10 Q And it was the only formula or test that was used in
11 this evaluation?

12 A Yes, when doing actuarial risk assessments or risk
13 estimates, research says that using this device is the best
14 method to estimate risks, and adding more risk assessment
15 measures does not add anymore clinical utility.

16 Q Okay. And I understand that not using the 1986 charges
17 will not change his score on the Static-99R device?

18 A That's correct. He was charged with five charges prior
19 to the last offense, which we considered the index. So,
20 when you score question five, prior sex offenses, I
21 considered originally the 1986, two charges, 1991, two
22 charges, two convictions, 1998, one charge, one conviction.
23 That means that he was charged with five sexually related
24 offenses and convicted of three in addition to the index
25 offense. That gives him two points on that.

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 If you take away the 1986, the two 1986 charges, he
2 would have three charges and three convictions. That still
3 gives him a score of two on that item.

4 Q Okay.

5 A So, it doesn't change the overall score.

6 Q And with his age, being I believe 47, for question
7 number one, that'd give him zero.

8 A No, I'm not sure which form you have, but he -- okay.
9 That would give him negative one if he's 47.

10 Q Oh, so, you're absolutely, you're absolutely right.

11 A I didn't know where -- well, there was an older version
12 that only had a zero and one. So --.

13 Q And number two, ever lived with a lover for at least
14 two years, and he did?

15 A He has yes. So, that would be a zero.

16 Q That would be a zero.

17 And index nonsexual violence, any convictions, the
18 answer would be no?

19 A Correct.

20 Q He'd get a zero.

21 Prior nonsexual violence, any convictions, that would
22 be no, wouldn't it?

23 A The answer to that is yes, and the way that, that the
24 actuarial's derived that any charge that's considered that
25 has like assault in the name, they consider that to be

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 nonsexual violence. It, it -- that part of the risk factor
2 is misleading. But if you go to the scoring rules, it's
3 clear in that an assault on a child would be considered
4 prior nonsexual violence.

5 Q I don't think he has been convicted or pled guilty to
6 anything with assault in it. He pled guilty to two lewd
7 acts in South Carolina, and was convicted of two indecent
8 liberties with a child in North Carolina.

9 A He was convicted of two assaults on child. That is
10 what the criminal history reflects that he was convicted of
11 assault on a child, two counts. For the purposes of the
12 Static-99R, that's considered nonsexual violence prior to
13 the index offense. It's the name of the charge that's
14 important in scoring that item.

15 Q Okay. You're saying he---

16 A You have to go to the scoring rules and read---

17 Q Okay. He was---

18 A ---how you determine, how you make a determination on
19 that by item.

20 Q Okay. He was convicted of assault on a child you say
21 in North Carolina?

22 A Yes.

23 Q And not indecent liberties?

24 A He was charged with one count of indecent liberties and
25 convicted of two counts of assault on a child under 12.

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 Q Okay. And if, if, by some chance, you're wrong and he
2 was not convicted of assault on a child under 12, and it was
3 indecent liberties, that would give him a zero for that
4 question number four, wouldn't it?

5 A That would change that, yes.

6 Q And that's based on the assumption?

7 A It's not based on the assumption. It's based on his
8 criminal history report, which is what I used to, in part,
9 to score the actuarial, and the guidelines of the Static-99R
10 say that you really need to rely on the criminal history
11 report, the official, official criminal history report,
12 which says that he was convicted of two counts of assault on
13 a child under 12. For the purpose of that item, that's
14 considered a violent offense because it has the word assault
15 in the title.

16 It, it is not necessarily relevant to the, to score
17 that. You don't have to determine what the underlying facts
18 were, whether they were violent, because this is an
19 actuarial. They were looking at a risk factor as it applied
20 to recidivism.

21 Q And you would be willing to look at a, a true FBI
22 N.C.I.C. if I can get my hands on it --

23 A I---

24 Q -- for consideration in that regard and possibly a
25 sentencing sheet?

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by Mr. Thompson

1 A I looked at the criminal history reports that I, that I
2 was provided, and that's what I used to determine whether he
3 was convicted of a nonsexually violent offense.

4 Q Well, does -- the two you have are inconsistent as are
5 the date of the petition. But if I can get the sentencing
6 sheet and an N.C.I.C. FBI multistate report generally
7 accessible only by law enforcement, you'd be willing to
8 consider that, wouldn't you?

9 A I would be willing to consider that, yes.

10 Q Okay.

11 A I don't know how it will be any different from what
12 I've already received.

13 Q All right. And then any conviction for noncontact sex
14 offenses, that would be no, correct?

15 A Correct.

16 Q That would be zero.

17 Any unrelated victims?

18 A Yes, he gets one point for that.

19 Q Okay. And any stranger victims, I believe he has none.
20 Do you agree?

21 A Uh-huh. (Affirmative).

22 Yes.

23 Q Any male victims, there's one. So, that would get him
24 a point.

25 So, if you're wrong about the assault on a child in

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 North Carolina, that would get him a score of you have two,
2 three, four, and you subtract one from that, it'd give you a
3 total score of three, wouldn't it?

4 A If you change the---

5 Q The question five.

6 A Not question five. But if you change question four.

7 Q Oh, excuse me. Excuse me. You're right. Question
8 four.

9 A Yes, that would, that would lower his score to three.

10 Q And that would put him in a different risk category
11 from a moderate high to low moderate, correct?

12 A Correct.

13 Q Thank you. Thank you.

14 MR. FLORES: I've got nothing at this time, Your Honor.

15 THE COURT: All right. Thank you, ma'am. You may step
16 down.

17 WITNESS: Thank you.

18 THE COURT: All right. I'm gonna need to let the Court
19 and the staff to take a break. I would like to see the
20 lawyers in the back just for a moment.

21 We'll step down for a few minutes.

22 (WHEREUPON, a short recess was taken at this time.)

23 THE COURT: All right. Anything else before we bring
24 the jury in?

25 MR. FLORES: Nothing from the State, Your Honor.

1 So, if you would, please stand and raise your right-hand.

2 (WHEREUPON, the jury panel was placed under oath at
3 this time.)

4 THE COURT: Thank you very much. You may be seated.

5 Before we begin the actual trial I want to tell you
6 that this trial probably will be different from what you
7 might expect. Many people do not have the chance to attend
8 an actual Court session as you are doing now, and may think,
9 from watching television or going to a movie or reading
10 books, that trials are full of high drama, intense action,
11 and rivetting circumstances.

12 While all of these things may be true, this trial is
13 not for entertainment. It is a fundamental part of our
14 democracy, a search for the truth and an effort to make sure
15 that justice is done between the parties that are presently
16 before the Court.

17 Searching for the truth and making sure that justice is
18 done is often slow, deliberate, and repetitive. Just the
19 opposite of what you may have seen on television or watched
20 in a movie or read about in a book. This courtroom is a
21 place of honor dedicated to the protection and preservation
22 of citizen's rights through what many have called the
23 greatest justice system ever created.

24 The attorneys appearing before you are advocates for
25 the parties they represent. But first and foremost, they

1 are officers of the Court sworn to uphold the integrity and
2 fairness of our judicial system, and to help you in the
3 search for the truth.

4 You should expect them to be professional, competent,
5 and ethical in the representation of their client's
6 interest. But remember, you have taken an oath to try this
7 case and reach a fair and just verdict, and you are also
8 expected to be professional, reasonable, and ethical. And I
9 do want to thank you for you accepting the important
10 responsibility of jury service and for your contribution
11 today to our judicial system.

12 What I will say now is meant to serve as an
13 introduction to the trial of this case. My remarks are not
14 to be considered a charge on the law of the case. I will
15 instruct you on the law at the end of the trial before you
16 retire to decide the case.

17 Before the trial begins I want to explain the
18 procedures that we will follow so that you will be better
19 able to understand what is happening as this trial takes
20 place. You have been selected as fair and impartial jurors
21 whose purpose is to find and determine the facts. You are
22 the sole judge of the facts of this case. If, at anytime, I
23 make any comment regarding the facts, you must disregard my
24 comments.

25 You are to determine the facts from the testimony you

1 hear and any other evidence that is presented. You should
2 not be influenced by any opinions or statements you may have
3 heard outside of the courtroom. It is especially important
4 that you perform your duty of determining the facts
5 diligently and conscientiously because ordinarily there is
6 no way to correct an erroneous determination of facts made
7 by a jury.

8 when you comply with your oath to impartially determine
9 the facts of this case, you will have fulfilled your duty as
10 jurors and no one will have the right to criticize your
11 verdict. On the other hand, and with equal emphasis, the
12 same law that makes you the judge of the facts of the case
13 makes me the judge of the law of this case.

14 The law, as given by the Court, is the only law you may
15 consider. You must accept and follow it even though you may
16 disagree with it. I can not tell you what the facts are and
17 you can not disagree with me about what the law is or should
18 be. Your job is to take the law as I give it to you, and
19 apply it to the facts as you find them from the testimony of
20 the witnesses and any other evidence that is presented.
21 After doing that, you will render your verdict, a true and
22 just verdict under the solemn oath that you just took as
23 jurors.

24 Until I advise you to begin your deliberations,
25 deliberations, you must not discuss this case with anyone

1 including your fellow jurors, friends, family members, and
2 anyone involved in the case. This includes discussions that
3 are face-to-face and those by telephone, email, text, blog,
4 or any other method of communication. You may not use a
5 computer, cell phone, or other electronic device or
6 communication capabilities at anytime while in this
7 courtroom or during the deliberations.

8 During your breaks from meals or overnight, if
9 necessary, you may use these devices. However, you may not,
10 at anytime, use these devices to get or send information
11 about this case to anyone. These -- this includes
12 information about a party, a witness, an attorney, a Court
13 officer, news accounts about the case, research on any topic
14 raised, any topic that you may think would be helpful in
15 deciding the case or any of the testimony that is presented
16 by any of the witnesses.

17 As I told you before the lunch break, you can not take
18 on any responsibility. Do not consider it a burden to be a
19 jury, to be a member of the jury, and base your testimony,
20 base your decisions solely on the testimony that is
21 presented in this courtroom.

22 During the trial I don't expect there to be any type of
23 media coverage. But if there are, if there is, do not read,
24 listen to, or watch any of the news reports of, about the
25 case. This includes anything that maybe was written about

1 in newspapers or on the Internet, radio, or television. You
2 may not consider anything you have heard or read about the
3 case outside of the courtroom whether before or during the
4 trial.

5 After the case is submitted to you, you must discuss it
6 only in the jury room with your fellow jurors. The
7 attorneys and the parties in this case have been advised
8 that they are not to talk to you at all. So, if you see
9 anyone involved in the case and they do not even say hello
10 to you, they're not being rude or unfriendly towards you.
11 They are simply following my instructions. It is important
12 that you keep an open mind and not decide any issue in this
13 case until all of the evidence has been presented, the
14 parties have made their closing arguments, and I have
15 instructed you on the law of the case.

16 Now, in just a moment the attorneys for the State will
17 make what is called an opening statement. The attorney will
18 explain to you the issues in the case or at least what the
19 attorney thinks the issues are. The attorney for the
20 Respondent will also make an opening statement.

21 What the attorneys tell you during their opening
22 statements is not evidence in the case. It is only their
23 contention as to what the issues are. The evidence in the
24 case will be presented to you by testimony of sworn
25 witnesses from this witness stand, and also any exhibits

1 that may be presented during the course of this trial.

2 As I have already explained to you, from time to time
3 during this trial you may hear one of the lawyers say
4 something like Your Honor, I believe we have a question of
5 law or a matter of law to discuss with you or, Your Honor,
6 may we approach the bench or sometimes I myself may find it
7 necessary to excuse you from the courtroom for a short time
8 so that the attorneys and I can discuss what is called
9 matters of law.

10 As I explained, the reason for this is because you are
11 judges of the facts of this case, and sometimes, when I am
12 discussing matters of law with the attorneys, it is
13 necessary for me to make some comments about the facts in
14 connection with the ruling on matters of law. I am not
15 suppose to tell you what I think the facts are. So, I will
16 excuse you from the courtroom while these discussions take
17 place so that you will not be influenced by anything that I
18 might say or do in connection with, might say or do in
19 connection with the facts.

20 Now, ladies and gentlemen, in determining what the true
21 facts are in a case, you must decide whether or not the
22 testimony of a witness is believable. It is my
23 responsibility to rule, as a matter of law, whether certain
24 testimony is admissible at all or not. But once that
25 testimony is admitted, whether or not you believe it is

1 solely for you to determine.

2 In deciding whether to believe a witness, you have the
3 right to consider whether the witness has an interest in the
4 result of the trial, whether the witness is prejudiced
5 towards either the plaintiff or the defendant, the
6 opportunity for the witness to have seen the matters and
7 things about which the witness may testify, and the way the
8 witness acts on the witness stand. You have a right to
9 consider anything that is in the record that will help you
10 evaluate the testimony of the witnesses.

11 That means that it is your duty to pay close attention
12 to the witnesses, to observe the witnesses, to listen to the
13 witnesses, and to pay close attention to the attorneys and
14 to the Court. Don't let your thoughts wonder. Pay
15 attention to the testimony so that, at the end of the trial,
16 you will be able to determine what the true facts are, to
17 apply the law to those facts, and render a true and just
18 verdict.

19 It is your added duty, Mr. Metcalf, to be the
20 foreperson for the jury in the event there's any need for
21 any communication with the jury to the Court. That will
22 need to be done through you, and it will also be your duty
23 to preside in the jury room during the deliberations, but I
24 will give you further instructions at that, at the close of
25 the case.

1 Now, in order to preserve everyone's rights, I will
2 give the parties an opportunity to object to anything that I
3 have said through the opening, through these opening
4 comments.

5 Is there any exception from the State?

6 MR. FLORES: No exceptions, Your Honor.

7 THE COURT: Any from the Respondent?

8 MR. THOMPSON: None, Your Honor.

9 THE COURT: Ladies and gentlemen, we will now receive
10 the opening statements.

11 MR. FLORES: Your Honor, may it please the Court?

12 THE COURT: Yes, sir.

13 MR. FLORES: Mr. Thompson, Mr. Bush, Mr. Wilde.

14 MR. THOMPSON: Thank you.

15 MR. FLORES: My name is Lloyd Flores. I represent the
16 State in this matter through the Office of the Attorney
17 General. I, along with Jim Bogle, am assigned to the
18 sexually violent predator section of the office. We have
19 the State split in half. I cover half the state. Mr. Bogle
20 covers half the state. He normally would be here in front
21 of you in Spartanburg. But I am here for you, for him
22 today.

23 Today we are here to determine whether Mr. Wilde
24 sitting here is a sexually violent predator under the law.
25 I want to just disclaim, first off, that this case, as the

1 judge says, it's not your typical civil case. It's not your
2 typical wreck case. It's not your typical medical
3 malpractice case.

4 It will include some disturbing facts. It will include
5 some disturbing issues. But it is important to understand
6 that we come to you because there are important questions of
7 fact that we must have determined, and the 12 of you sitting
8 here, 13, are the only people who can make that
9 determination, and whatever verdict you render will be the
10 verdict that all the parties will agree is the true verdict.

11 The Sexually Violent Predator Act was enacted by our
12 General Assembly in 1998. At that time the General Assembly
13 determined that there exist within our state a group of
14 mentally abnormal and, and dangerous individuals who require
15 treatment for these mental abnormalities in a secure
16 facility. That is where the Sexually Predator Act came
17 from.

18 The General Assembly defines a sexually violent
19 predator in the act as a person who has, one, been convicted
20 of a sexually violent offense as defined by the statute,
21 and, second, has a mental abnormality or personality
22 disorder that makes them more likely to commit acts of
23 sexual violence if not confined in a surface facility for
24 long term control, care, and treatment.

25 That is what this case is about today. I must prove to

1 you, beyond a reasonable doubt, that Mr. Wilde has been
2 convicted of a sexually violent offense and suffers from a
3 mental abnormality that makes it more likely for him to
4 commit these acts in the future.

5 To that end we will present evidence that Mr. Wilde
6 has, in fact, been convicted of two separate sexually
7 violent offenses. One occurring in 1997, the conviction in
8 '98, against an eight year old boy, and one occurring in
9 2000, well, 2000 to 2002 where the conviction in 2004
10 against a four year old girl. I don't believe Mr. Wilde
11 will contest the fact that those convictions exist.

12 The second thing I must prove to you through the
13 evidence that's undertaken in this case is whether or not
14 Mr. Wilde suffers from any mental abnormality that makes him
15 more likely to commit these types of acts.

16 Does he have a propensity to offend against
17 individuals?

18 In this case, children.

19 You will hear testimony from the witness chair from the
20 evaluator in this case. Her name is Doctor Marie Gehle.
21 She evaluated Mr. Wilde. She will explain to you what she
22 is asked to do, how she does it, why she relies on certain
23 pieces of information, and how she reaches her opinion in
24 this matter.

25 She will tell you she's diagnosed Mr. Wilde with

1 pedophilia. She will explain what that condition is, and
2 she will explain to you why that condition and his person
3 makes him more likely to commit these acts in the future.

4 Like I said, there will be difficult things to hear in
5 this case. I ask you to keep an open mind. Listen to all
6 the evidence. Not just the evidence presented by the State.
7 But any evidence that Mr. Wilde might present. We feel
8 that, after you listen to all the evidence, you will find
9 Mr. Wilde a sexually violent predator and commit him for
10 long term control, care, and treatment.

11 Thank you.

12 THE COURT: Yes, sir.

13 MR. BUSH: May it please the Court?

14 THE COURT: Yes, sir.

15 MR. BUSH: Mr. Flores.

16 Good afternoon, ladies and gentlemen of the jury. My
17 name is Darryl Bush. My co-counsel, Mr. Ray Earl Thompson,
18 we are both attorneys practicing here in Spartanburg, South
19 Carolina. Our office is right here downtown and we were
20 appointed by this Court to represent the interest of
21 Mr. William Jeffrey Wilde in this particular action.

22 I wanted to thank you guys for your patience. I know
23 it's been a long day, and jury duty is not something that
24 most people try to get themselves into. But thank you.
25 Because the issues that are involved here today really go to

1 the heart of the juris prudence and the political and the
2 legal system that we have here.

3 I'm going to try and make this as simple as possible.
4 This whole case is about three very simple things, and the
5 judge will charge you later with regard to the law and
6 precisely what that law is, and the language of that law.

7 The three things that you need to keep in mind, as the
8 testimony is presented, as the evidence is given, is you
9 have to ask yourself one, does Mr. Wilde have a prior
10 conviction for a sexually violent offense. And as
11 Mr. Flores mentioned, the petitioner, or excuse me, the
12 Respondent readily admits that and we believe that the
13 evidence will show that.

14 The second issue is does Mr. Wilde suffer from a mental
15 abnormality or a personality disorder period. Hence the
16 need and necessity of an expert. These things are
17 determined by experts.

18 And, third, finally, if he does have a mental
19 abnormality or a personality disorder, does that abnormality
20 or disorder predispose him to violence. Does it make him a
21 threat to the safety of the public.

22 Those are the three things that you're going to be
23 asked to consider. Everything that is done is towards that
24 end. If you keep in mind that, out of all of this, only
25 three things are asked of you, you will simplify the

1 information.

2 So, what I would say is, as you listen to the evidence,
3 listen carefully. I understand very well that this is not a
4 popular topic. This is something that most of you probably
5 would rather not have to be sitting today to make this
6 decision, but his life is at stake.

7 Myself, I try to be a pragmatist and a realist,
8 realist. I have two daughters of my own, and while the
9 charge or the prior conviction is disturbing, he can not
10 escape the fact that, in this country, we have a legal
11 system that requires, that before we can be convicted of any
12 crime in this case, he was already convicted, or anytime our
13 liberty is taken away or our freedom, as could be the result
14 of the case, i.e. indefinite, involuntary civil commitment
15 in a secured facility, anytime those fundamental,
16 fundamental issues are at stake, it requires a very close
17 scrutiny and application of the law because one day you
18 could be sitting on the other side and I certainly hope that
19 you aren't, that you would want someone to give you the same
20 concern, careful consideration, and analysis before they
21 rush and made a decision.

22 So, as compelling as it may be to want to try to rush
23 to judgment in your mind because of the circumstances of
24 this, of this case, I would simply ask that you take a pause
25 and think about those three things.

1 Does Mr. Wilde have a pre, a prior conviction for
2 sexually, sexually violent offense?

3 He does.

4 So, in essence, I've made your job a little easier.
5 You really only have two things to determine.

6 Does he have that mental abnormality or personality
7 disorder, and, if he does, does it predispose him to sexual
8 violence such that he poses an immanent threat to the safety
9 of the public, and we do not believe that the State can
10 reach their burden of proof in this case, and that burden is
11 beyond a reasonable doubt.

12 A reasonable doubt is not necessarily all doubt, but
13 it's one of those things that, if you think about it
14 reasonably, does this make sense. Listen to the
15 information. Listen to the accuracy of the information as
16 it's presented. Look at and judge the witnesses that will
17 testify before you.

18 Every one of us has come across people in our lives,
19 we're all adults, and there are times when you come against
20 someone or come, or confronted with someone and you just
21 know this person isn't necessarily telling you the truth, or
22 conversely, you know this is a great person. I totally
23 agree with this person.

24 I can't tell you which side of that coin your ultimate
25 decision will rest on, and what I ask is that you accurately

1 and carefully assess the information.

2 And at the end or conclusion of that assessment, I feel
3 very confident that you will see that, while he does have a
4 prior conviction, he doesn't have a mental abnormality, and
5 even if we can say that he does, he certainly does not pose
6 a threat to the safety of the public.

7 Thank you for your time.

8 Thank you, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, I've
10 discussed the scheduling with the attorneys, and what we're
11 going to do, given the hour that it is, I did not, really
12 was not inclined to actually start the presentation of the
13 evidence today. That will take us into the evening hours.
14 And, so, we're going to stop with the trial now, let you go
15 home, but I'm gonna ask that you be back in the jury
16 deliberation room by 9:30 in the morning, and we then will
17 just move directly into the presentation of the evidence.

18 Now, at this break, I need to, once again, remind you
19 of the, of the charge to you, that you can not do any type
20 of independent research or investigation, anything that
21 involves this case. We've actually started the trial of the
22 case. You've heard the arguments from the lawyers. You've
23 heard the statements from me about the kind of case it is.

24 Do not go home and look up anything on the Internet.
25 Don't pull a book off a shelf. Don't do any type of

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Tuesday, October 16th, 2012

THE COURT: I'm told that we have all the jury present.
So, if you want to bring them on in.

(WHEREUPON, the following takes place within the
presence of the jury.)

THE COURT: Is the State ready to proceed?

MR. FLORES: Yes, Your Honor.

THE COURT: Yes, sir.

MR. FLORES: The State would call Doctor Marie Gehle.

THE COURT: Ma'am, come on around up here and let the
clerk swear you in please.

DOCTOR MARIE GEHLE, being first duly
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. FLORES:

Q Morning, Doctor Gehle.

A Morning.

Q would you please state your name and spell your name,
your last name for the record please?

A Sure. It's Marie Gehle. G-E-H-L-E.

Q And, doctor, with whom are you currently employed?

A South Carolina Department of Mental Health.

Q And what is your job title there?

A I'm a chief psychologist.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Q What professional and educational degrees do you
2 possess?

3 A I have a Bachelor's Degree in Psychology. I have a
4 Master's Degree in Clinical Psychology, and I have a
5 Doctorate in Clinical Psychology.

6 Q Have you had any specialized training in the field of
7 psychology?

8 A Yes, I completed a predoctoral internship at Western
9 State Hospital in Tacoma, Washington. As part of that
10 internship I did rotations in forensic evaluations, and in
11 sexually violent predator civil commitment treatment. I
12 also did a postdoctoral fellowship in the State of Georgia.
13 In that evaluation or in that postdoctoral fellowship I did
14 forensic evaluations and forensic treatment.

15 Q Doctor, are you licensed to practice, practice
16 psychology in the State of South Carolina?

17 A Yes, I am.

18 Q All right. Do you hold any other licensures?

19 A I'm also licensed to practice in the State of Georgia.

20 Q Could you briefly describe what the study of psychology
21 is?

22 A Psychology's the study of mind and behavior.

23 Q And you've used the term forensic psychology.
24 what is that?

25 A That's the application of the study of psychology to

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 the law, to questions that may be posed by the Courts or to
2 other legal matters.

3 Q Okay. Doctor, have you been previously as, recognized
4 as and testified as an expert witness in the fields of
5 psychology and forensic psychology in the Courts of Law of
6 this state?

7 A Yes, I have.

8 Q And approximately how many times have you been so
9 recognized?

10 A More than 35 times.

11 MR. FLORES: Your Honor, at this time I would move that
12 Doctor Gehle be recognized as an expert in the fields of
13 psychology and forensic psychology.

14 MR. THOMPSON: No objection from us.

15 THE COURT: All right. Ladies and gentlemen, normally
16 a person can not give opinion testimony. Normally, when a
17 person testifies, they must testify as to what either they
18 saw, heard, or sensed by smell or something of that nature.
19 However, there is an exception when someone is qualified
20 because of education or experience. They are permitted to
21 give their opinion in certain areas if the Court qualifies
22 them that way.

23 This witness will be qualified in the areas of
24 psychology and forensic psychology to give her opinion in
25 those areas. Now, that does not mean that you must accept

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 the opinion. But it is evidence for you to use in anyway
2 that you see fit.

3 Yes, sir.

4 MR. FLORES: Thank you, Your Honor.

5 Q Doctor Gehle, as a chief psychologist at the Department
6 of Mental Health, what do your job responsibilities include?

7 A My full-time work load involves evaluations of people
8 pursuant to the Sexually Violent Predator Act.

9 Q So, you just do these types of evaluations?

10 A I just do these types of evaluations.

11 Q And approximately how many individuals have you
12 evaluated pursuant to that act?

13 A I have evaluated over 75 individuals.

14 Q All right. And what types of evaluations do those
15 include?

16 A I do the precommitment evaluations to determine if
17 somebody meets criteria to be considered a sexually violent
18 predator. I also do evaluations called annual reviews of
19 people who have been committed to the sexually violent
20 predator program to see if they continue to meet criteria or
21 if they're ready for release.

22 Q Of these 75 or so evaluations that you have done, how
23 many of those have been commitment or precommitment
24 evaluations?

25 A Twenty-seven have been precommitment evaluations.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Q And of those 27 precommitment evaluations, in how many
2 did you opine that the individual did not meet criteria for
3 civil commitment?

4 A Seventeen.

5 Q Which would mean that the other ten you did recommend?

6 A Correct.

7 Q Doctor Gehle, how did you become involved with this
8 specific case?

9 A I received a Court order naming me as the person to do
10 the evaluation of Mr. Wilde.

11 Q And when you're asked to do an evaluation of an
12 individual pursuant to the act, what is it that you do?

13 A Well, I, I get the order. I receive a packet of
14 information which includes the petition that was filed in
15 the Court. I also receive records that were reviewed as
16 part of the review process prior to petition being filed,
17 and that includes information that was reviewed by the
18 multidisciplinary team.

19 So, I, I gather that information. I look for any other
20 information that's missing from the record. I schedule an
21 interview. I interview the Respondent. Then I sit down and
22 take many many hours to write a report and come to an
23 opinion.

24 Q Now, this process that you described, is this the type
25 of process that other experts in your field do to reach

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 opinions in these matters?

2 A I believe so, yes.

3 Q And the information that you've just described for the
4 jury, this is the type that is reasonably relied upon by
5 other experts in your field in coming to opinions in these
6 matters?

7 A Yes, it is.

8 Q With regard to your evaluation and interview of Mr.
9 wilde in this case, did you indeed sit down and interview
10 Mr. wilde?

11 A Yes, I did.

12 Q When did that interview take place?

13 A I interviewed him on February 21st, 2012.

14 Q And about how long was that interview?

15 A Two hours and 35 minutes.

16 Q Is the man you met with here in the courtroom today?

17 A Yes, he is.

18 Q And would you, would you please identify --?

19 A He's in the red shirt sitting next to his attorneys.

20 MR. FLORES: Your Honor, we would just ask that the
21 record reflect Doctor Gehle identified Mr. wilde.

22 THE COURT: All right. Without objection.

23 MR. FLORES: Thank you, Your Honor.

24 Q Doctor Gehle, you, you've described the types of
25 information that you received in general for evaluations.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 What type of information did you receive in this case?

2 A I received the order. I received the petition that was
3 filed in the Courts. That included many records including
4 those from the Department of Corrections, some records from,
5 that the MDT Board, the Multidisciplinary Board, that they
6 complied themselves. I received a criminal history report
7 from him. I received a letter from a crisis center and
8 police records, incident reports, witness statements, other
9 legal records.

10 Q And, again, is this the type of information that's
11 typically relied upon by other experts in your field?

12 A Yes, it is.

13 Q And did you consider and rely on this information
14 you've just described in making your opinion in this case?

15 A Yes, I did.

16 Q And was all of this information part of the basis of
17 your opinion?

18 A Yes, it was.

19 MR. THOMPSON: Your Honor, I'm gonna object as to the
20 reports that she received on the basis of hearsay.

21 THE COURT: All right. I'll overrule the objection.
22 You may proceed.

23 MR. FLORES: Thank you, Your Honor.

24 Q Doctor Gehle, was there any information that you did
25 not receive or that you requested and was unable to obtain

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 in this matter?

2 A Not that I recall.

3 Q Doctor Gehle, you mentioned that you've, you looked at
4 Mr. Wilde's previous criminal history.

5 Was it important for you, in reaching your opinion, to
6 rely on that information?

7 A It was certainly, certainly important to review that
8 information. One, one part of my job, in answering the
9 court's question, is to determine if he was convicted of a
10 sexually violent offense, and I also scored an actuarial
11 risk assessment measure which focuses on his past criminal
12 history. So, yes, it was important.

13 Q Now, you've mentioned that you reviewed his records to
14 indicate whether he has a sexually violent offense.

15 At the time of your interview, had Mr. Wilde been
16 convicted of a sexually violent offense?

17 A Yes, he had.

18 Q And what were those offenses?

19 A Well, his last conviction was in 2004 and that was for
20 lewd act upon a minor. Previously he had been convicted in
21 1997 of lewd act upon a child under 16 years of age. Both
22 of those meet the statutory requirement of a sexually
23 violent offense.

24 MR. FLORES: Your Honor, may I approach the witness?

25 THE COURT: Yes, sir.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 MR. FLORES: Your Honor, if we may approach for a
2 moment please?

3 (WHEREUPON, a bench conference was held out of the
4 hearing of the jury at this time.)

5 THE COURT: All right. Ladies and gentlemen, ladies
6 and gentlemen, this is one of those times when I have to
7 take up a matter of law with the attorneys. So, I --
8 forgive me for excusing you, but I need to remind you not to
9 have any discussions among yourselves about anything
10 involving the case. But if you would, please retire back to
11 the jury deliberation room. We'll get you back just
12 shortly.

13 (WHEREUPON, the following takes place outside the
14 presence of the jury.)

15 THE COURT: All right. I have been provided
16 Plaintiff's Exhibit No. 1, which is three pages of a
17 sentencing sheet, the indictment, and the arrest affidavit.
18 Mr. Thompson objected to it because of what?

19 You want to state for the record?

20 MR. THOMPSON: Well, we have no objection to the
21 indictment itself, but copied on the back of the indictment
22 I believe is an affidavit or a written statement signed by a
23 solicitor and that is hearsay and it is not subject to a
24 hearsay exception. In fact, the exceptions to hearsay, 803,
25 indicate, under subsection 8, that investigative notes

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 involving opinions, judgments, or conclusions are not
2 admissible, and under the business records exception, the
3 subjective opinions and judgments found in business records
4 are not admissible, and, Your Honor, that is clearly
5 hearsay.

6 It doesn't fall within an exception. It's also
7 prejudicial, and we will stipulate that Mr. Wilde did, in
8 fact, plead guilty to two qualifying offenses under the
9 sexual predator, Sexually Violent Predator Act. One was the
10 May 23, 1998, plea in York County to lewd act on a minor and
11 the second was November 1, 2004. It was also lewd act on a
12 minor, and we will stipulate that he did, in fact, plead
13 guilty to both of those on those dates.

14 The last of which is what he has been incarcerated for
15 since November 1, 2004, and as to the arrest warrant, Your
16 Honor, it has a conclusionary statement by, I believe it's
17 Detective Robin Scott, in affidavit form, which is clearly
18 hearsay and not only does it not fall within one of the
19 exceptions, it -- the exceptions say that it shouldn't come
20 in, and we contend it's also -- it's cumulative, it's
21 unnecessary, and it's prejudicial.

22 THE COURT: All right.

23 MR. THOMPSON: And---

24 THE COURT: Anything else?

25 MR. THOMPSON: No, sir.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 THE COURT: Yes, sir.

2 MR. FLORES: Briefly, Your Honor.

3 The, the State is required to prove, beyond a
4 reasonable doubt, that Mr. Wilde has been convicted of these
5 offenses, and these official Court documents do indicate
6 that he was charged, the conduct for which he was charged,
7 and to which he pled guilty or nolo contendere. That is
8 what their -- the -- they're offered for those convictions.

9 Doctor Gehle is also testified and we had that lengthy,
10 lengthy, excuse me, lengthy proffer session yesterday that
11 she relied upon, those facts of the underlying convictions,
12 to reach not -- both her diagnosis as to Mr. Wilde's mental
13 abnormality as well as his, whether or not that predisposes
14 him to future sexually violent offenses.

15 We believe that those, that information is relevant and
16 would be necessary for the jury to understand where she
17 obtained that information and how she obtained that
18 information.

19 THE COURT: Any reply?

20 MR. THOMPSON: Judge Hayes, you know, there is a
21 sentencing sheet attached, and the sentencing sheet we would
22 have no objection to, and the indictment, the face of the
23 indictment that shows what he was indicted for.

24 We would first ask the Court to accept our stipulation,
25 but I know that he has two indictments with attachments.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 One of them I believe includes the arrest warrant and both
2 of them include the conclusionary statement. Hearsay
3 doesn't fall within the exception, specifically prohibited,
4 and it's not necessary. It's cumulative. And, again, we
5 will stipulate as to both predicate offenses. And even if
6 she did consider those, that doesn't mean that they're
7 admissible into evidence.

8 THE COURT: Okay. What I'm gonna do, the sentencing
9 sheet and the indictment will be admissible. The -- if the
10 defense will -- I'm sorry. If the State would remove the,
11 the affidavit part. You can -- if you want to make that a,
12 a proffered exhibit for the record.

13 It seemed like the information contained in the
14 indictment is pretty consistent with what's in the affidavit
15 anyway. Just a little bit of deviations. But I, I think
16 that is the proper way to go and I think that would -- any
17 prejudicial or probative analysis that would be done, I
18 think that would, limit any prejudicial effect if it not
19 properly, if the information is not properly presented in
20 another form.

21 MR. FLORES: Yes, Your Honor. I will remove the arrest
22 warrant affidavit.

23 THE COURT: All right.

24 MR. THOMPSON: Thank you, Your Honor.

25 THE COURT: Uh-huh. (Affirmative).

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 But, again, just for clarity, I'm not saying that the
2 doctor's evaluation techniques or the manner in which she
3 did her investigation is improper because I'm saying that
4 one particular document is not admissible because this
5 expert witness, as any expert witness, is allowed a great
6 deal of leeway in collecting information and coming to her
7 opinions.

8 So, that -- I'm not -- I don't want my ruling to be
9 suggestive that I find something improper on the way that
10 she's done her work.

11 MR. FLORES: Yes, Your Honor.

12 MR. THOMPSON: Yes, sir.

13 THE COURT: Okay. Let's bring the jury back.

14 MR. FLORES: Thank you.

15 (Pause.)

16 THE COURT: Oh, tell them to wait one second.

17 In anticipation that the State is going to have another
18 document, you want to show that to Mr. Thompson so we can,
19 can move on?

20 MR. FLORES: Yes.

21 MR. THOMPSON: Counsel agreed to remove the --.

22 MR. FLORES: There was no arrest warrant with this one,
23 but you said the indictment was fine.

24 That's the entire indictment, right?

25 THE COURT: Right.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Is there a sentencing sheet with that one too?

2 MR. FLORES: Yes, just the sentencing sheet. This,
3 this indictment came in two pieces --

4 THE COURT: Okay.

5 MR. FLORES: -- instead of one sheet.

6 MR. THOMPSON: Conclusionary statement signed by the
7 solicitor as presented, he's agreed to remove that and
8 that's it.

9 THE COURT: Okay. All right. Do you have any other
10 documents?

11 MR. FLORES: Just these two, Your Honor.

12 THE COURT: Okay. All right. Let's bring them back.

13 (WHEREUPON, the following takes place within the
14 presence of the jury.)

15 THE COURT: All right. Subject to what we discussed
16 when the jury's absent, I'll admit State's 1.

17 MR. FLORES: Thank you, Your Honor.

18 (WHEREUPON, State's Exhibit No. 1 was received into
19 evidence at this time.)

20 MR. FLORES: If I, if I may approach the witness?

21 THE COURT: Yes, sir.

22 MR. FLORES: Thank you.

23 CONTINUED DIRECT EXAMINATION

24 BY MR. FLORES:

25 Q Doctor, I'm gonna hand you what's been marked as

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Plaintiff's Exhibit 1 and admitted.

2 Could you identify what these sets of documents are?

3 A Yes, this is an indictment for a charge of lewd act
4 upon a child under age 16. There's a narrative of the
5 indictment, and then there's a sentencing sheet attached.

6 Q And from what county is this charge?

7 A York County.

8 Q And what date was the offense?

9 A The offense was on or about May 30th, 1997.

10 Q And on what date did Mr. Wilde plead guilty to or enter
11 a plea to this charge?

12 A On March 23rd, 1998.

13 Q And what was, what was his plea?

14 A He pled no contest.

15 Q And what sentence did he receive?

16 A He received a sentence of ten years of incarceration
17 suspended upon the completion of 24 months of probation.

18 Q Were there any special conditions associated with that
19 conviction?

20 A Yes, he was ordered to have no contact with the victim
21 or the victim's mother. He was ordered to register as a sex
22 offender, and he was ordered to attend mental health
23 counseling for sex offenders at Carolina Counseling.

24 Q Was it important for you, in reaching your opinion in
25 this case, to review the underlying facts of this offense?

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 A Yes, it was.

2 Q Could you please describe for the jury what the facts
3 were that are, underlie this offense?

4 A Yes, in this case the child or the victim/child was an
5 eight year old biological son of Mr. wilde's. The incident
6 occurred on or about May 30th, 1997. The victim was at an
7 overnight visit at his father's house, and he awoke to Mr.
8 wilde fondling his penis.

9 MR. THOMPSON: Your Honor, we would object on the
10 ground of hearsay.

11 THE COURT: All right. I'll let her proceed. You can
12 cross-examine her on those.

13 A The victim awoke to his penis being fondled by Mr.
14 wilde, and the victim reported that he stopped when he woke
15 up. The victim also said that Mr. wilde told him that he
16 better not tell anyone.

17 MR. FLORES: Your Honor, we'd ask that Plaintiff's
18 Exhibit 1 be entered into evidence.

19 THE COURT: All right. It's already been admitted.

20 MR. FLORES: I thought so, and if I may approach, Your
21 Honor?

22 THE COURT: Yes, sir.

23 Q Doctor, I'm handing you a second set of exhibits, which
24 is labeled -- I've just handed you a set of documents
25 labeled Plaintiff's Exhibit 2.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 would you please describe what that set of documents
2 includes?

3 A Yes, this is an indictment for a charge of lewd act
4 upon a child. There's a narrative of the, on the indictment
5 and there's a sentencing sheet attached.

6 Q Okay. And how do you know that these are the, indeed
7 those documents as they say there?

8 A They're stamped and signed by the Clerk of Courts.

9 Q And what county does this charge come from?

10 A This county comes or this charge comes from Spartanburg
11 County.

12 Q All right. And what is the charge?

13 A Lewd act upon a child.

14 Q And according to the, to the information you have, when
15 did these, this offense occur?

16 A According to the indictment, the offenses occurred
17 between April 15th, 2001, and February 7th, 2002.

18 Q And according to the sentencing sheet, did Mr. -- how
19 did Mr. Wilde plead to this offense?

20 A Entered a plea of no contest.

21 Q And when did he enter that plea?

22 A On November 1st, 2004.

23 Q And what was his sentence?

24 A He was sentenced to 15 years of incarceration.

25 Q Based on the information that you received in this case

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 and the indictments, law enforcement documents, what were
2 the facts underlying this offense?

3 A The victim was a four year old female of Mr. Wilde's
4 stepdaughter. She was on a visit with him and her
5 biological mother and she reported that Mr. Wilde fondled
6 her genitals and licked her genitals.

7 MR. FLORES: Your Honor, we'd ask that Plaintiff's
8 Exhibit 2 be admitted.

9 THE COURT: All right. Without objection, be
10 Plaintiff's 2.

11 MR. FLORES: Thank you.

12 (WHEREUPON, State's Exhibit No. 2 was received into
13 evidence at this time.)

14 Q With regard to these offenses, doctor, was there
15 anything about the conduct or behavior that was significant
16 with regard to your opinion?

17 A Yes.

18 Q And what was that?

19 A One of the most important things about these offenses
20 was the age of the victim. The victims were between four
21 and eight on these two offenses. Also include a male victim
22 and a female victim, and it included physical contact with
23 the victims.

24 Q At the time of your interview with Mr. Wilde, did he
25 discuss this conduct with you?

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by Mr. Flores

1 A I asked him about this conduct, yes.

2 Q And how did he respond?

3 A He denied committing the offenses.

4 Q Was that significant to your opinion?

5 A Not necessarily. In these types of evaluations it's
6 pretty common that people deny their offenses.

7 Q Doctor, you've mentioned -- with the first offense Mr.
8 Wilde was required to attend sex offender treatment.

9 In your review of all the records in this case, did you
10 indeed find that he had attended sex offender treatment?

11 A Well, Mr. Wilde told me that he had attended sex
12 offender treatment, and I attempted to get some of these
13 records. But unfortunately, since they were, since it
14 happened so long ago, the records were largely disposed of.
15 But it's my understanding, from what he told me, that he
16 attended treatment at, in 1986. He attended treatment
17 between 1989 and 1991. He said "somewhere around" 1989 to
18 1991, and also again in 1999.

19 Q And his latest offense, was that after his last
20 attending of sex offender treatment?

21 A Yes, it was.

22 Q Now, doctor, as part of your evaluation, do you
23 consider or investigate risk factors?

24 A Yes, I do.

25 Q And could you briefly describe for the jury what a risk

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 factor is with regard to this type of case?

2 A well, risk factors are generally just variables that
3 have some association to sexual offending and to recidivism.
4 So, they can be a wide variety of things including
5 diagnosis, age, the gender of the victims, the age of the
6 victims, their history, their criminal history, whether they
7 offended against family members, nonfamily members, things
8 of that sort.

9 Q Okay. Before I move on a little bit further with risk
10 factors, I want to ask a specific question. You mentioned
11 the details of Mr. Wilde's convictions. You've mentioned
12 that he has them.

13 Was that the sole basis of your opinion in this matter?

14 A No.

15 Q Now, with regard to, to risk factors, you've -- could
16 you describe the different types of risk, risk factors?

17 A well, there's generally considered to be two types of
18 risk factors. One are static risk factors, which are based
19 on history. They're things that can generally not be
20 changed through treatment or other means. They do change a
21 little bit such as age is a static risk factor.

22 The other types of risk factors are called dynamic risk
23 factors, and those are things that can change such as
24 attitudes and things like that.

25 Q Now, with regard to the dynamic risk factors, those

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by Mr. Flores

1 types of things that could be changed, what types of risk
2 factors did you, you find that Mr. Wilde has?

3 A Well, the most -- the primary risk factor, dynamic risk
4 fact that he has, cause there's not that many that have been
5 supported in research, there's not that many risk factors
6 that have been supported, but his primary risk factor is a
7 sexual preference for prepubescent children. So, children
8 who have not yet entered puberty.

9 Q Were there any others that, that stood out to you in
10 your evaluation based on your experience?

11 A That's the primary dynamic risk factor that he has.

12 Q Now, with regard to static risk factors, and you've,
13 you've offered the report on this information, did you score
14 an actuarial instrument concerning static risk factors?

15 A I did. I scored the Static-99R, which is an actuarial
16 risk assessment for sex offending.

17 Q All right. And could you briefly describe for the jury
18 how this type of actuarial instrument works?

19 A This, this instrument took a group of sex offenders,
20 people who had been convicted of sex offenses, it took them
21 from several different countries, including the United
22 States and Canada. They reviewed risk factors that were
23 probably associated with sexual offending, things that they
24 knew from the literature such as age, the, the criminal
25 history, things of that nature, and then they did an outcome

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1 study to see who had been charged or convicted of subsequent
2 sex offense. Then they did a lot of complicated statistics
3 to determine which risk factors were associated with those
4 who had been arrested or reconvicted of a sex offense.

5 Q And based upon your review of all of the information,
6 what types of static risk factors did you find that Mr.
7 wilde had?

8 A Well, in his case he has a prior conviction for a
9 nonsexually violent offense. He has been charged with and
10 convicted of several prior sexual offenses prior to the last
11 offense that he was convicted that he just finished his
12 sentence for. He is, he has not been convicted of a
13 noncontact offense, but he has offending against an
14 unrelated victim meaning somebody that he was not related
15 to, and that's significant because people who offend against
16 their own family members tend to reoffend at lower rates
17 than other people. So, we consider them incest only
18 offenders, and they tend to reoffend at lower rates, and he
19 also offended against a male victim, which is been
20 significantly associated with a risk to reoffend.

21 Q Now, you used these static factors and scored this
22 instrument.

23 what type of score, what information did you gain from
24 that instrument based on that information?

25 A Well, when you score an, when you score the Static-99,

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 you get a number, and that corresponds to a risk category
2 and the number also corresponds to a risk estimate. So, a
3 percentile of individuals with the same score, what percent
4 of those went on to offend within a certain time period.

5 So, in his case, he received four points on the
6 instrument. That corresponded to a moderate/high risk to
7 reoffend, and it corresponded with a 15.4 percent of the
8 sample of individuals who also had a score of four, 15.4
9 percent went on to offend in five years, and 22.6 percent
10 went on to offend in ten years.

11 Q And was this instrument and these factors, were they
12 part of the basis of your opinion in this matter?

13 A Yes, they were.

14 Q Was it the only basis for your opinion in this matter?

15 A No.

16 Q Doctor, based on your examination of Mr. Wilde, review
17 of all of these records you've been speaking of, the risk
18 factors, his previous criminal history, do you have an
19 opinion, to a reasonable degree of psychological certainty,
20 as to whether Mr. Wilde suffers from a mental abnormality or
21 personality disorder?

22 A Yes, I do.

23 Q And what is that opinion?

24 A It's my opinion that he suffers from pedophilia and
25 specifically his pedophilia, he's sexually attracted to both

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by Mr. Flores

1 sexes and it's nonexclusive meaning that he's also attracted
2 to adults. He's been married several times. So that
3 indicates that.

4 Q All right. And could you explain, so that the jury
5 understands completely, what is meant my pedophilia?

6 A Pedophilia is considered a paraphilia, which is sexual
7 fantasies, urges, or behaviors that are deviant in some
8 nature. In this case, he is sexually attracted to children
9 who've not yet reached puberty. His victims are between
10 ages four and eight, and they were certainly not sexually
11 developed at that point.

12 Q Doctor, is this a condition that can be cured?

13 A No.

14 Q Is it a condition that can be treated?

15 A In some cases it can be treated.

16 Q Doctor, do you have an opinion, to a reasonable degree
17 of psychological certainty, as to whether Mr. Wilde's
18 pedophilia affects his emotion or volitional capacity so
19 that he is predisposed to, to commit future sexually violent
20 offenses?

21 MR. THOMPSON: I would object that that's a leading
22 question.

23 THE COURT: All right. I'll allow the question.

24 MR. FLORES: Thank you.

25 A Yes, I do.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Q And what is that -- I'm sorry. What is that opinion?

2 A My opinion is that that disorder does predispose him to
3 commit acts of sexual violence.

4 Q And what do you base that opinion on?

5 A I base that on his history of sex offending. He has
6 committed offenses, after being detected by the law, after
7 attending treatment, and this is happened on several
8 occasions. So, even though he knows that he could get in
9 trouble, he's done it anyway. He's been compelled to do it
10 in my opinion. That's one of the largest factors.

11 I think that he, he also offended against kids who he
12 knew meaning that he could easily be detected of those
13 offenses. They could readily identify him. He was more
14 likely to get into trouble with that, and he offended
15 against very young kids who are more likely to report things
16 like this.

17 Q Doctor, do you have an opinion, to a reasonable degree
18 of psychological certainty, as to whether his propensity to
19 be dangerous and commute -- as to whether he has a
20 propensity to be dangerous and commit future sexually
21 violent offense?

22 A I do.

23 Q And what is that opinion?

24 A I, I think that he is dangerous and he's likely to
25 commit acts of sexual violence.

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 Q Doctor, do you have an opinion, to a reasonable degree
2 of psychological certainty, as to whether he poses a menace
3 to the health and safety of others?

4 A I think absolutely he does.

5 Q Doctor, do you have an opinion, to a reasonable degree
6 of psychological certainty, as to whether he has serious
7 difficulty in controlling his behavior?

8 A I believe that, based on his past, that he's definitely
9 had serious difficulty controlling his sexual behavior
10 towards children.

11 Q Doctor, do you have an opinion, to a reasonable degree
12 of psychological certainty, as to whether Mr. Wilde's
13 pedophilia makes him likely to engage in acts of sexual
14 violence if he is not confined in a secure facility for long
15 term control, care, and treatment?

16 A Yes.

17 Q And what is that opinion?

18 A I think that he is at risk to commit acts of sexual
19 violence based on the pedophilia.

20 Q Doctor, do you have an opinion, to a reasonable degree
21 of psychological certainty, as to whether Mr. Wilde meets
22 the legal criteria to be found to be a sexually violent
23 predator at this time?

24 A Yes.

25 Q And what is that opinion?

Doctor Marie Gehle - Direct examination
by Mr. Flores

1 A I believe that he does meet the criteria to be
2 considered a sexually violent predator.

3 Q Doctor, is there anything else, in your opinion or
4 report, that you haven't had the chance to discuss regarding
5 his propensity to commit future acts of sexual violence?

6 A There are somethings, prior offenses that we did not
7 discuss.

8 Q Outside of that, is there anything else?

9 A Not necessarily.

10 MR. FLORES: Beg the Court's indulgence.

11 (Pause.)

12 MR. FLORES: Your Honor, that's all the questions I
13 have for Doctor Gehle.

14 Please answer any questions Mr. Thompson or Mr. Bush
15 may have for you.

16 MR. THOMPSON: May it please the Court?

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. THOMPSON:

20 Q Doctor Gehle, you have a Ph.D. in clinical psychology?

21 A I have a PsyD.

22 Q What is that?

23 A It's a Doctor of Psychology.

24 Q All right. You're not a medical doctor?

25 A I am not a medical doctor, correct.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q You're not a psychiatrist?

2 A I'm not a psychiatrist.

3 Q And the certification that you have in psychology, it
4 doesn't allow you to make medical diagnosis or write
5 prescription medications?

6 A I don't have a certification in psychology. I am a
7 licensed psychologist and I can make diagnoses. I do not
8 prescribe medications.

9 Q And your certification does not allow you to prescribe
10 medications for any type of mental illness or mental
11 disorder or any other type of treatment protocol?

12 A Psychologist do not prescribe medication, no.

13 Q And you make psychological diagnosis, don't you?

14 A Correct.

15 Q And medical diagnosis, they're made by physicians,
16 medical physicians, aren't they?

17 A They're several psychiatric disorders that some people
18 would consider medical that I am qualified to make. I
19 diagnose things that are in the Diagnostic & Statistical
20 Manual.

21 Q Do you have any admitting privileges at hospitals?

22 A No.

23 Q Where is your office located?

24 A In Columbia, South Carolina, the Department of Mental
25 Health in the forensic evaluation service building.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q And you're not in any private practice, are you?

2 A No, I'm not.

3 Q You work exclusively for the State of South Carolina
4 and the Department of Mental Health?

5 A I also do some work at the State of, for the State of
6 Georgia, but currently I'm not doing any of that work. But
7 I have in the past, past several months.

8 Q And are you involved in the care and treatment of
9 individuals who have been involuntarily indefinitely
10 committed under the Sexually Violent Predator Act for long
11 term treatment?

12 A Currently I'm not involved in any of the treatment with
13 the Sexually Violent Predator Act. I work for the forensic
14 evaluation service and my sole duty is to do evaluations
15 pursuant to the Sexually Violent Predator Act. I do not do
16 any treatment currently.

17 Q And you did a forensic psychological evaluation on
18 Mr. Jeffrey Wilde, is that correct?

19 A That's correct.

20 Q And when did you receive notice that you needed to do
21 that?

22 A The order was dated February 6th, 2012.

23 Q And the date of your report is?

24 I'm waiting on you.

25 A What was the question?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q The date of your written forensic psychological
2 evaluation report.

3 A May 31st, 2012.

4 Q And you were very busy during this time that you were
5 assigned by the Court to do the evaluation and up until you
6 did do it?

7 A I was very busy?

8 Q Yes.

9 A Is that -- that was the question?

10 Q Yes.

11 A I, I typically am very busy.

12 Q And in this case you requested additional time to
13 complete the report because of an unexpected number of
14 applications or evaluations to conduct prior to and after
15 the case?

16 A Yes, I received quite a few Court orders to do these
17 evaluations in February and the months prior to that.

18 Q And it was such that you had to ask for additional time
19 to do this one, wasn't it?

20 A Yes, I believe so.

21 Q And where did you say that or do you have a copy of the
22 order that indicated or ordered you to do the evaluation?

23 A Here's my copy.

24 Q And it was issued by the Circuit Court in Spartanburg,
25 isn't it?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A Correct.

2 Q And the order that you mentioned is February 6th,
3 2012, ordering the evaluation of Mr. Wilde?

4 A Yes, it is.

5 Q In your report you indicated that you received this
6 from the York County Court of Common Pleas.

7 That would be a mistake, wouldn't it?

8 A Yes, that would be a mistake.

9 Q And you have listed in your written report the sources
10 of your information, is that correct?

11 A Yes.

12 Q And this was specifically an interview of or a
13 evaluation of Mr. Jeffrey Wilde, correct, what you were
14 ordered to do?

15 A What I was ordered to do?

16 Q Yes.

17 A I was ordered to do an evaluation of him.

18 Q All right. And sources of information, you've
19 indicated and you've outlined them numerically what you
20 considered, is that right?

21 A Yes.

22 Q And how many times did you meet with Mr. Wilde?

23 A I met with him one time.

24 Q In the entire course of the evaluation, the only time
25 you met with him was on February 21 of 2012?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A Correct.

2 Q And you met with him for two hours and 35 minutes?

3 A That's correct.

4 Q And where was this meeting?

5 A It was at the forensic evaluation service in Columbia,
6 South Carolina, the Department of Mental Health.

7 Q Okay. And there was no testing that was done during
8 this interview, was there?

9 A I did not do any psychological testing with him.

10 Q None at all?

11 A No psychological testing.

12 Q Had you ever met Mr. Wilde before this date?

13 A No.

14 Q So, that two hours and 35 minutes, without any testing,
15 that was the only period of time spent with him?

16 A Yes, when I do these evaluations I typically interview
17 the Respondent one time and I sometimes do a personality
18 assessment. I'll, I'll give them a long true/false test.
19 In this case I chose not to. I didn't see much indication
20 that he had a personality disorder. So, I thought it
21 unnecessary.

22 Q You did not see any indication that he had a
23 personality disorder, correct?

24 A I did not see significant indication in the recent
25 years.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q All right. And when you say the recent years, he pled
2 guilty to lewd act.

3 What was the date that you gave?

4 A He pled guilty in 2004.

5 Q Was it November 1 of 2004 and actually pled -- it's a
6 form of a guilty plea, but he pled no contest, didn't he?

7 A Yeah, I believe it was November of 2004.

8 Q And that was in the Court of General Sessions in this
9 courthouse, Spartanburg County?

10 A In Spartanburg County, correct.

11 Q And he received a sentence of incarceration of 15
12 years, didn't he?

13 A Yes.

14 Q And that's the first time that Jeffrey Wilde has ever
15 been sentenced to any prison time in his life, isn't it?

16 A No, that's incorrect.

17 Q Can you tell me the time, and I'm talking date/time,
18 when he earlier did time you say---

19 A Well, you said what---

20 Q ---starting when---

21 A You said whether he was sentenced and he has been
22 sentenced to periods of incarceration on three separate
23 occasions.

24 Q No.

25 A Whether he served time is a different question. It's

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 my understanding that this last period of incarceration was
2 the first time that he did serve time in prison. He has
3 been sentenced to prison for sex offenses in 1990, in 1997,
4 2002---

5 MR. THOMPSON: Your Honor, she's engaging in a
6 narrative that's nonresponsive to my question. I would
7 object.

8 THE COURT: All right. I'm allow the answer to stand.

9 Q Let me rephrase my question then.

10 He has never done any prison time before this last
11 plea, November of 2004?

12 A That could possibly be true. Some of the records
13 indicate that he was sentenced to incarceration in 1990.
14 There are some records that suggest that maybe that prison
15 term was suspended. I'm not sure if that's accurate or not.
16 So, he could of served time back then or this could be the
17 first period of incarceration. I'm not sure.

18 Q And you indicated that you considered the information
19 that was forwarded to you and that you also would request
20 any additional information that you needed?

21 A Yes.

22 Q And you're telling us now that maybe he did and maybe
23 he didn't as far as prior prison time?

24 You don't know that?

25 A Well, whether he served prison time doesn't affect my

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 opinion considerably because he offended subsequent to those
2 times where he was sentenced previously. That's more my
3 consideration is whether he's been sanctioned by the Courts
4 prior and then reoffended after.

5 Q Now, you made reference that you received, in addition
6 to the interview of two hours and 35 minutes where there was
7 no formal testing, an order of an evaluation from York
8 County, which you now corrected to Spartanburg County, dated
9 February 6th, 2012, to do an evaluation, correct?

10 A Correct.

11 Q And then you received a petition pursuant to the
12 Sexually Violent Predator Act dated October 9, 2011, one
13 which I believe would of been prepared by Attorney Jim Bogle
14 who is with the South Carolina Attorney General's Office?

15 A Yes.

16 Q And is that something that you considered in your
17 evaluation?

18 A I reviewed it as part of my evaluation. I typically
19 give it a cursory view and then look at other information
20 more in-depth. The records that are typically attached to
21 the petition are redacted and I find those very difficult to
22 use. So, I tend to focus more on the information that I've
23 received from the multidisciplinary team because it's not
24 redacted.

25 Q The multidisciplinary team, is that the first

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 individual or group of individuals that considers an
2 individual for involuntarily long term commitment after they
3 completed their prison time?

4 A Yes, the MDT, the multidisciplinary team, is, is the
5 first group of individuals who make a determine,
6 determination as to whether an individual, whose been
7 convicted of a qualifying sexually violent offense, whether
8 they believe that the person meets the criteria to be
9 considered a sexually violent predator.

10 Q And that multidisciplinary team, it is set up by
11 statute, which is part of this Sexually Violent Predator
12 Act, isn't it?

13 A Yes, it is.

14 Q And it consists of a representative from the South
15 Carolina Department of Corrections, doesn't it?

16 A Yes, there's one representative from the South Carolina
17 Department of Corrections.

18 Q And it also consists of a representative from the South
19 Carolina Department of Probation Parole and Pardon Services,
20 doesn't it?

21 A Correct.

22 Q And a representative from the Department of Mental
23 Health?

24 A Correct.

25 Q And a retired judge?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A Correct.

2 Q And an attorney with experience in the practice of
3 criminal defense law?

4 A Correct.

5 Q And they're required to vote to determine whether the
6 case should go further for additional review, aren't they?

7 A I'm not sure if they're required to vote, but they do
8 take a vote.

9 Q And looking at the statutory makeup of this group of
10 individuals, does it not appear to be a little bit biased in
11 favor of the State?

12 A I don't know if it's biased or not.

13 Q No, the appearance of it.

14 A The appearance?

15 Q Yeah, in that, that, the first four are employees of
16 the State of South Carolina.

17 A Well, I think the first three are. The representative
18 from the Department of Corrections, the representative from
19 the Department of Probation Pardon and Parole Services, the
20 representative from the Department of Mental Health, those
21 are state employees. Whether the retired judge is still a
22 state employee I'm unsure. He could be completely retired
23 and be nobody's employee or he could be a county employee
24 possibly, and the attorneys would typically not be a state
25 employee.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q All right. And they would not have had the evaluation
2 of any psychological evaluation of Mr. Wilde concerning what
3 we're here about today whenever they considered whether to
4 move the case forward?

5 A In this case I don't believe that they had any
6 psychological evaluation of him, and they certainly didn't
7 have the one that I completed cause I completed it after.

8 Q And you don't know of any other one that was done, do
9 you?

10 A No, I didn't see any in the record.

11 Q And next it would go to the Prosecutors Review
12 Committee, is that correct?

13 A If the multidisciplinary team believes that the person
14 meets the criteria to be considered a sexually violent
15 predator, they forward the case onto the Prosecutors Review
16 Committee.

17 Q And the Prosecutors Review Commitment, doesn't that
18 consist of a member of the Attorney General's Office?

19 A I'm less familiar with the Prosecutors Review Committee
20 than I am the multidisciplinary team, multidisciplinary
21 committee. But I believe that yes, somebody, somebody from
22 the Attorney General's Office represents the, the State
23 Attorney General at the committee.

24 Q Let me show you the statute.

25 44-48-60 says the Prosecutors Review Committee must

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 include, but not is, is not limited to a member of the staff
2 of the Attorney General, correct?

3 A Correct.

4 Q And the Attorney General is the chief prosecutor for
5 the State of South Carolina, is he not?

6 A Yes, I would say so.

7 Q And an elected circuit solicitor?

8 A Yes.

9 Q Correct?

10 A That's what it says, yes.

11 Q And that is an elected prosecutor for a judicial
12 circuit, correct?

13 A Yes.

14 Q And a victim's representative?

15 A Correct.

16 Q And when we say a victim's representative, the
17 solicitor's Office across the State, the ones in each
18 judicial circuit, they have victim's advocates, don't they,
19 victim's representatives?

20 A I'm not sure if every circuit has them. I know that
21 there are victim's advocates offices throughout the State.

22 Q And it's your understanding that that's what they're
23 referring to there, a victim's advocate?

24 A It says it's a victim's advocate.

25 Q And the chairman of the committee is the Attorney

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 General or his designee, isn't it?

2 A I'm---

3 Q Of the Prosecutors Review Committee.

4 A Yes, it says that.

5 Q Had you ever read this statute before?

6 A Yes, I had.

7 Q And they make a determination as to whether or not

8 Mr. Wilde's case should go forward for further

9 consideration, do they not?

10 A Yes, they do.

11 Q And looking at the makeup of the committee, does it not

12 appear to be a little bit biased in favor of the State?

13 A It is called the Prosecutors Review Committee. So, I
14 think that the purpose of it is to prosecute or to represent
15 the prosecution side of things.

16 Q All right. So, you would agree that it appears to have
17 a bias slant to it in favor of the State --

18 A I---

19 Q -- the makeup of it?

20 A ----don't know that I would use the word biased, but I
21 think that it, it's called the Prosecutors Review Committee.
22 I, I think that it is serving that purpose.

23 Q Well, you're, you're not disagreeing with me when I
24 suggest that it has the appearance of some bias slant?

25 A I'm not saying that it's biased or that it's not

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 biased. It's really not for me to say that. That's what
2 the statute says that, that the committee is suppose to be.

3 Q And the multidisciplinary team and also the Prosecutors
4 Review Committee, they don't have anybody there as a
5 representative of Mr. Jeffrey wilde, do they?

6 A No.

7 Q There's no record made of their deliberations or
8 exactly what they consider, is there?

9 A For the multidisciplinary team there is a record made.

10 Q Of everything that they considered?

11 A I don't know if it's everything that they considered,
12 but there's a record made.

13 Q When you say record, what do you mean?

14 A well, I mean that they take a vote and that there's
15 signatures on the voting sheets. It has dates on it. It's
16 included in the petition.

17 Q I believe I have a copy of that.

18 A There's also an information sheet that is read at the
19 multidisciplinary team meeting and that is typically the
20 information that they consider.

21 Q Okay. In this case it was Jerry Peace who is, was, at
22 the time, the elected solicitor down toward Laurens?

23 A well, you were asking about the multidisciplinary team.
24 I think that document's for the Prosecutors Review
25 Committee. So, that would be the second step in the

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 process.

2 Q Right. And that---

3 A So---

4 Q ---that's what I have in front of me.

5 A Right, I just don't know which one you want to talk
6 about.

7 Q well, the multidisciplinary team, that's who gets it
8 first, right?

9 A Yes, anybody who is in one of the qualifying agencies,
10 when they've been convicted of a qualifying sexually violent
11 offense, their case comes up for review six months prior to
12 their release or their max out date of their sentence, and
13 the multidisciplinary team reviews the case first, and they
14 make a vote to decide to, whether to refer the case on to
15 the Prosecutors Review Committee or not.

16 A And actually the chairperson of the multidisciplinary
17 team in this case, he is, he is employed by the South
18 Carolina Department of Corrections, isn't he?

19 A Well, she.

20 Q Or she.

21 A She is.

22 Q I can't recognize the signature.

23 Is that correct?

24 A Yes, she's the chairperson.

25 Q And, and it tells the sentence that he was currently

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 serving, doesn't it, 15 years?

2 A The referral form, yes, it does, yes.

3 Q And it has his max out date, doesn't it?

4 A Yes.

5 Q And he pled November 1 of 2004, correct?

6 A Correct.

7 Q So, he would of been incarcerated from that date and
8 would have completed his sentence on the max out date, which
9 is May 28th, 2012?

10 A His max out date was May 28th, 2012, correct.

11 Q And he did, in fact, do that time, didn't he, within
12 the South Carolina Department of Corrections?

13 A Yes.

14 Q And he wasn't released on his max out date of
15 5/28/2012, was he?

16 A I think he was released from the Department of
17 Corrections, South Carolina Department of Corrections on or
18 about that date.

19 Q And when you say he was released there, actually he
20 wasn't released at all, was he?

21 He was transferred on that date or on or about that
22 date to the Spartanburg County Detention Center --

23 A Correct.

24 Q -- where he has been incarcerated after completely
25 serving his sentence since that time?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A Correct. Upon his max out date he was transferred to
2 Spartanburg, Spartanburg County Detention Center.

3 Q So, he is completely served his sentence and then he's
4 also been incarcerated for about five months following the
5 total completion of his sentence?

6 A Four or five months, correct.

7 Q And what you are proposing, as I understand it from
8 your testimony, that he be involuntarily committed for
9 indefinite long term care, control, and treatment?

10 A It's my opinion that he meets the criteria to be
11 considered a sexually violent predator.

12 Q And you indicated that you've been educated in forensic
13 psychology?

14 A In clinical---

15 Q Correct?

16 A In clinical and forensic psychology, yes.

17 Q And that's how psychology and law somewhat intertwine?

18 A Yes.

19 Q And you've, of course, read the South Carolina Sexual
20 Violent Predator Act legislation, haven't you?

21 A Yes, I've read it.

22 Q And the result, if he is determined to be a sexually
23 violent predator, would be that he would be involuntarily
24 committed --

25 A Correct.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q -- for long term indefinite care, control, and
2 treatment?

3 A Correct.

4 Q And possibly that could result in him actually never
5 being released to freedom?

6 A It could.

7 Q And you would agree that being free from bodily
8 restraint by the government is a fundamental right in this
9 country, wouldn't you?

10 A It's a civil right.

11 Q And so that would be taken away from Mr. Wilde possibly
12 for his whole life if he's involuntarily committed under
13 this act, is that correct?

14 A He would be involuntarily, involuntarily committed to
15 the Department of Mental Health, correct.

16 Q To the Department of Mental Health.

17 Now, you received his SCDC records. I note in your
18 opinion it says, under number seven, sources of information,
19 records from the South Carolina Department of Corrections.

20 A Yes.

21 Q And before I go to the next point there, let me ask you
22 this.

23 During the seven plus years, seven and half years that
24 he was incarcerated there before being transferred to the
25 Spartanburg County Detention Center, Mr. Jeffrey Wilde, he

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 was a good prisoner, wasn't he?

2 A Yes, he had -- he was only convicted of one behavior
3 infraction and that was back in 2005.

4 Q And that's the entire seven and a half years that he
5 was convicted of one infraction?

6 A Correct.

7 Q And it was evading a security device?

8 A Correct.

9 Q And actually there was a specific finding at that time
10 of his so called release that he had no infractions
11 involving assaultive behavior?

12 A I think that's correct. He has he assaultive history.
13 That's correct.

14 Q And specifically there was an indication, no history of
15 sexual misconduct of any type?

16 A He has no history of sexual misconduct in SCDC,
17 Department of Corrections, correct.

18 Q And that's for the entire seven and a half years he was
19 there?

20 A Correct.

21 Q And, and what we're doing today, I mean we are
22 considering Mr. Wilde in his present state of mind, aren't
23 we?

24 A Yes.

25 Q And since he's been in the Spartanburg County Detention

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 center he hasn't had any type of assaultive behavior
2 infractions or sexual misconduct infractions, has he?

3 A I'm not aware of any.

4 Q Have you checked?

5 A No.

6 Q And I think that the summary indicated, when he was
7 purportedly discharged or released, that, that he had been a
8 good prisoner and had caused no problems?

9 A He has -- he was convicted of one behavioral
10 infraction. That was back in 2005. I would, I would
11 consider that pretty decent.

12 Q When you say pretty decent in agreeing that it appears
13 that he was a model prisoner, good prisoner?

14 A Well, I don't know if he was a good prisoner. You
15 know, that's a qualitative statement. I know that he was
16 convicted of only one behavioral infraction.

17 Q All right. And it was evading a security device.
18 Do you know what security device?

19 I mean I'm asking you do you know.

20 A It's in the narrative and I remember reading it.

21 Q well, I'm asking you today, just looking at me, do you
22 know?

23 A Do I know it off the top of my head?

24 Q Uh-huh. (Affirmative).

25 A No.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q Now, Mr. Wilde, he was assessed when he went into SCDC
2 as far as his physical and mental health, wasn't he?

3 A I believe so.

4 Q And when he went in, I don't believe that they found
5 that he had any physical problems or mental problems, and I
6 mean you are aware that they do do a screening of inmates
7 when they arrive at SCDC as to mental health and also
8 physical health?

9 A They do a screening, yes, I believe that's true.

10 Q And certainly that would be something that you would be
11 interested in, in doing this evaluation, wouldn't it be?

12 A Not necessarily.

13 Q You wouldn't want to know what he was believed to have
14 as far as any physical or psychological abnormalities,
15 disorders, or diseases when he entered the system?

16 A They do, I think, a pretty brief screening. They don't
17 look for the types of mental disorders that I'm more
18 interested in. They'll look for psychotic disorders, mood
19 disorders, things that need to be medicated, and that would
20 be important in certain, certain cases. Not as important in
21 this case.

22 Q And apparently you don't have that screening, do you?

23 A I don't know that -- I don't know that I've ever seen
24 one of those screenings.

25 Q Is it---

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A Now, I receive a multitude of records, but they're not
2 always -- you know, I receive the records that the, what
3 medications he's currently on. But it doesn't always
4 include a history of all the medications he's been on,
5 things of that sort. So, it's more of a, a information that
6 is printed prior to the multidisciplinary team meeting.

7 Q But in requesting pertinent relevant information, you
8 didn't request that screening, did you?

9 A I don't know that there's a screening typed up or
10 anything of that sort if there's no problems. I'm not sure
11 what records are generated from that screening.

12 Q Let's see. I'm going to show you -- let me see and
13 make sure I've got this right. One it says classification,
14 classification summary reports, South Carolina Department of
15 Corrections, and it's classification summary reports plural,
16 correct?

17 A That's what it says.

18 Q And it is as to William Jeffrey Wilde, is it not?

19 A That's what it says, yes.

20 Q And it gives information about him to the left and the
21 right, doesn't it, of his photograph?

22 A Correct.

23 Q And at the time of this, as far as medical, it had he
24 had a medical problem, no work, correct?

25 A That's what it says.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q And institutional restrictions, no restrictions?

2 A No restriction, correct.

3 Q And mental class, it has NMH.

4 Would you agree that stands for no mental health
5 issues?

6 A It actually -- it says NMH, no mental health, and then
7 it says TRE. I would guess that that would mean treatment.

8 Q Actually it, following those initials, it has (no
9 mental health TRE), which you agree is treatment?

10 A Yeah, I believe that means no mental health treatment.

11 Q And are you aware that he was actually
12 evaluated/screened several times while he was in there?

13 A I don't know how many times he was evaluated or
14 screened.

15 Q You have open communications with the Department of
16 Mental Health, don't you, I mean the Department of
17 corrections?

18 A Open communication?

19 Q Yes.

20 A I can request records from them, yes.

21 Q And they do screen inmates every three years, don't
22 they?

23 A I'm not sure how frequently they screen inmates, and
24 under what circumstances they screen inmates.

25 Q You never inquired?

Doctor Marie Gehle -- Cross-examination
by Mr. Thompson

1 A No.

2 Q And are you telling me that you, you did not receive
3 that information?

4 A What information?

5 Q Screening information.

6 A I received the records that, of what the current
7 medications he was on, and, and various other records,
8 which, you know, I don't know if they're the screening
9 reports that you're referring to.

10 Q So, you -- what you received is just a basic outline as
11 to what his health problems were, what medication he was
12 taking?

13 A I received that in part. That's not everything that
14 I've received.

15 Q But as far as his mental and physical health?

16 A Well, as far as his, as far as his medical health, I
17 received, you know, trips that he took to the doctor when he
18 was out of the prison, a history of that, and then a list of
19 his medications, his current medications, or current at the
20 time that this was printed.

21 Q And when you say the, the times he was out, it appears
22 that he was out quite a few times for medical reasons,
23 doesn't it?

24 I, I think I saw you thumb past it just a minute ago.

25 A Is this what you're referring to?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q No, I'm not. I don't know if I have my hands where I
2 can put on it.

3 History of movements. Of course, he served his time at
4 Evans Correctional Institute, didn't he?

5 A Yes.

6 Q And from what we have here from the DOC, 4/24/06
7 through 6/17/11, let's see, he, he was out at Marlboro
8 County Park Hospital, 9/25/06, and this classified as
9 medical, correct?

10 A Correct.

11 Q And he was moved to Lee Correctional Institute
12 10/16/06 for a brief period of time, and it's got medical
13 there, doesn't it?

14 A Yes.

15 Q And 10/9/07 has Marlboro County Park Hospital, medical,
16 doesn't it?

17 A Correct.

18 Q And it has let's see, two, four, five, six, seven more
19 medical absences from Evans Correctional Institute between
20 the beginning of '07, January, and 6/17/11, doesn't it, and
21 I've just counted them?

22 A How many did you count?

23 Q Seven in addition to the ones we've already covered.

24 A It looks like he had nine medical appointments from the
25 beginning of '07 to the end of '07. It's my understanding

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 that he had a heart attack and had a stent placed in his
2 heart in '07.

3 Q When did he have a heart attack?

4 A In '07.

5 Q And he had to have surgery to have a heart stent put
6 in?

7 A That's what he told me.

8 Q And the records do indicate twice in '07, Marlboro
9 County Park Hospital I think, don't they?

10 A It looks like three times, in 2007, he went to Marlboro
11 County Park Hospital.

12 Q Do you know where, whether that's a, a hospital that
13 DOC would use for heart procedures?

14 A I don't know.

15 Q Now, you know he's had medical problems since he's been
16 incarcerated?

17 A Correct.

18 Q Did you request any of those records?

19 A No, I didn't think that it was necessary to my
20 evaluation.

21 Q And you indicated that you have information that was
22 provided to you by SCDC as to medications he's currently
23 taking?

24 A Correct.

25 Q What are they?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A He's prescribed Pepto Bismol, Calcium Carbonate, phil
2 algesic, Metoprolol something, Ranitidine, and Plavix.

3 Q Do you know what those medications are prescribed for?

4 A I know what some of them are prescribed for.

5 Q Would they include hypertension?

6 A Possibly.

7 Q High cholesterol?

8 A Possibly, yes.

9 Q Coronary disease?

10 A Maybe. Some of these medications are prescribed for,
11 you know, heart problems, high cholesterol, things of that
12 nature. I'm not, I'm not sure. It doesn't say here exactly
13 why they were prescribed in his case.

14 Q But none of those medications that you have just read
15 out to the jury are for any type of mental illness or mental
16 disorder or---

17 A Correct.

18 Q And there's nothing in the records, is there, to
19 indicate that he was ever prescribed any medications for any
20 mental abnormality or disease or disorder during the entire
21 seven and a half years he was in the custody of SCDC before
22 being transferred to Spartanburg County Detention Center?

23 A Not that I recall. I don't recall there being anything
24 in the records indicating that he was prescribed
25 psychotropic medication or anything of that sort of thing.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q And, of course, under the South Carolina Constitution,
2 when someone is incarcerated for committing a crime, the
3 government in this case, SCDC, they have a constitutional
4 obligation to provide treatment necessary for inmates?

5 Are you aware of that?

6 A I believe that the prison system has, has to provide
7 certain treatment to inmates, yes.

8 Q And in that entire seven and a half years, he was never
9 diagnosed with any type of mental disorder, mental
10 abnormality, mental disease, was he?

11 A I don't see any diagnosis of mental abnormality by the
12 Department of Corrections, correct.

13 Q And recognizing, and I can read that part of the
14 Constitution if you want me to to you, about the obligation
15 to provide treatment and care to an inmate, but there's
16 nothing at all in there suggested that any health care
17 professional at anytime in all of these medicals or in
18 screenings that Mr. Wilde had any type of medical, excuse
19 me, psychological disorder, or disease, illness?

20 A I don't believe that he was diagnosed with a mental
21 abnormality or personality disorder while he was in SCDC.

22 Q Or given any medication for such, prescribed any?

23 A Correct.

24 Q And under the Sexual Violent Predator Act, if he was
25 determined as such as defined by the act, and involuntarily

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 committed for an indefinite period of time in a secure
2 environment for care, control, and treatment, I assume that
3 that would basically be the same type of medical and
4 psychiatric treatment that he should be receiving in the
5 Department of Corrections?

6 MR. FLORES: Your Honor, may we approach for a moment?

7 THE COURT: Yes, sir.

8 (WHEREUPON, a bench conference was held out of the
9 hearing of the jury at this time.)

10 THE COURT: Ladies and gentlemen, I have to take up one
11 of those matters of law again with the attorneys. You've
12 been very attentive to the witness so far. So, I'm also
13 gonna let you take a short break right now. I need to
14 remind you not to have any discussions among yourselves with
15 anything involving the case. But you may retire back to the
16 deliberation room.

17 (WHEREUPON, the following takes place outside the
18 presence of the jury.)

19 THE COURT: And, doctor, you may take a break as well.
20 I just need to remind you you are in the process of giving
21 testimony. So, don't have any discussions---

22 WITNESS: You want me to leave --?

23 THE COURT: ---about the substance of your testimony.
24 Yeah, you can leave that there.

25 WITNESS: Okay.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 MR. FLORES: If I may just briefly, Your Honor.

2 AS I, as I was explaining he -- I'm not objecting to
3 Mr. Thompson's questioning regarding whether or not the
4 Department of Corrections diagnosed or didn't diagnose Mr.
5 wilde while he was at the Department of Corrections.
6 However, this line of questioning is moving toward well, if
7 he could of gotten that treatment at corrections, why didn't
8 he get it, and I believe the Lashore case that I handed up
9 does cover this issue.

10 I believe that the Department of Corrections does offer
11 some sex offender treatment. But that this, this statute is
12 constitutional and can be applied regardless of whether or
13 not an individual has gone through or has had the
14 opportunity to go through treatment while at the Department
15 of Corrections, and does satisfy their constitutional right
16 to rehabilitation.

17 THE COURT: Is that where you're going with your
18 questioning?

19 MR. THOMPSON: That's not exactly where I'm going with
20 my questions. I actually have located some different
21 screenings that they actually did that indicate, like on
22 5/14/19, (sic) mental health, it says NMH and then, in
23 parentheses, no mental health treatment. It has his medical
24 class is two, and it has medical problem, no work.
25 Restrict, which is clearly indicative, I think, that he did

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 not have a medical abnormality or mental illness.

2 THE COURT: So, your -- so, your questions are going to
3 making the argument that well, he didn't get it in, at the
4 DOC, so he must not be, he must not have the mental
5 abnormality or personality disorder now as opposed to
6 because he didn't get it at the Department of Corrections
7 the statute is unconstitutional?

8 MR. THOMPSON: That is correct.

9 THE COURT: Okay. All right. Then I think that you're
10 fine.

11 Okay. We will---

12 MR. FLORES: Thank you.

13 THE COURT: And how much longer do you think, for
14 planning purposes, on, on cross?

15 MR. THOMPSON: Probably by noon.

16 THE COURT: Okay. And then you're gonna -- do you
17 have -- do you anticipate redirect?

18 MR. FLORES: I would anticipate no more than ten
19 minutes. I'll keep it real brief.

20 THE COURT: All right. We're gonna step down for about
21 probably five minutes or so. Take a short break. There's
22 restrooms right across the hall if you need them.

23 All right.

24 MR. FLORES: Thank you, Your Honor.

25 THE COURT: Uh-huh. (Affirmative).

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 (WHEREUPON, a short recess was taken at this time.)

2 THE COURT: Come on up, doctor.

3 You want to bring them in if they're ready.

4 (WHEREUPON, the following takes place within the
5 presence of the jury panel.)

6 THE COURT: Yes, sir, Mr. Thompson.

7 MR. THOMPSON: Please the Court, Your Honor.

8 CONTINUED CROSS-EXAMINATION

9 BY MR. THOMPSON:

10 Q Ma'am, we were asking about the time he spent in SCDC,
11 and it appears to me, and, and you tell me whether I'm right
12 or not, but they didn't send you a full copy of his SCDC
13 records?

14 A I'm -- I believe they sent me a full record of his SCDC
15 records.

16 Q will you acknowledge that they do a screening when they
17 first come in and you didn't get that, did you?

18 A Well, if you'd like to show me the screening I can
19 compare it to the records that I received to determine if I
20 did receive the screening that you're referring to cause I,
21 I don't know what it looks like or what you're calling the
22 initial screening.

23 Q Didn't you indicate earlier in your testimony that they
24 do do one?

25 A I believe they do, yes.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q They didn't send it to you and you didn't ask for it?

2 A Again, I, I don't know exactly what you're calling the
3 screening that occurred. I don't know what documents are
4 always generated from that. I received the records that I
5 received from the Department of Corrections are the same
6 records that I receive in all of these cases. They, you
7 know, they look, they look to be of the type that I receive
8 in all the evaluations that I do pursuant to the SVP Act.

9 Q Well, let me show you this record. It's captioned
10 South Carolina SCDC, South Carolina Department of
11 Corrections, Offender Management System, Division of Medical
12 and Health Services. Health summary for class assigned,
13 which I believe stands for classification assignment, and it
14 is on William Jeffrey Wilde, isn't it?

15 A Can I see it?

16 Q Sure.

17 A Okay. It says Division of Medical and Health Services
18 health summary for class assignment, correct, for William
19 Jeffrey Wilde.

20 Q Okay. And when is that dated as to when the report was
21 done?

22 A It says the medical class date is May 14th, 2009.

23 Q So, that would be some three and a half years ago?

24 A Yes.

25 Q And it has medical class, Class II, and then beside

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 that it has medical problem, no work, and I'm trying to read
2 into where some of the things are somewhat abbreviated
3 restricted?

4 A It says M-E-D space, P-R-O-B/N-O W-O-R-K space
5 R-E-S-T-R-I-C-T.

6 Q And you would, you would read that as, as medical
7 problem, no medical restrictions?

8 A Well, it says -- I would read that as medical problem
9 and it says no work restriction. I don't know if that means
10 that he's not able to work or if that means that he has no
11 work restrictions.

12 Q Do you not know, from other records from the SCDC,
13 which I assume you have, that following his heart attack in
14 2007, although he had worked continuously in SCDC since his
15 arrival in November of 2004 following his heart attack, they
16 took him out of work because of his health conditions?

17 A Well, what my records say is that, between four -- so,
18 April 24th, 2006, and January 29th, 2007, he worked as
19 an electronic assembler. Then from January 30th, 2007, to
20 March 6th, 2007, he worked as an electronic assembler, and
21 then it says here that from March 7th, 2007, and it has no
22 end date, that he was working as an electronic assembler.

23 Q That that ends, electronic assembler two, in
24 March 7th, 2007?

25 A It actually says that that's the start date,

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 March 7th, 2007, and it has no end date listed.

2 Q Well, actually it goes in reverse chronology, doesn't
3 it, because the way you've read it, you started at the
4 bottom, 11/29/04?

5 A Well, I started from January or I started at this one
6 because I believe that he had his heart attack in 2007. So,
7 I was including dates where these dates could have been
8 after his heart attack. I'm not sure specifically what date
9 he had the heart attack. We know that he started going to
10 the hospital in early January 2007, and he continued until
11 December 2007. So, he went to the hospital several times
12 over the course of that year.

13 Q And the caption above what you just read is history of
14 earned work assignments, correct?

15 A It says history of earned work credit assignments,
16 that's correct.

17 Q And that is a fairly current statement, isn't it?
18 You know I always see that page -- next page.

19 A Sure, it was printed on August 16th, 2011.

20 Q And actually it says classification summary report
21 dated August 16th, 2011, correct?

22 A Correct. I believe that's the date it was printed.

23 Q I think it was the date it was printed also because of
24 the date in the right-hand bottom corner, but at the top of
25 his photograph, in the body of the statement, it has

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 classification summary report dated 8/16/2011, doesn't it?

2 A Yes, it has a date at the top dated Tuesday,
3 August 16th, 2011. The date at the bottom of all these
4 pages, August 16th, 2011, and it is August 16th, 2011,
5 above his photograph.

6 Q Would you not agree that this appears to be a report
7 from August 16th, 2011?

8 A I believe that that's the date that the report was, I
9 guess, printed. I think that they go into the system and
10 the print the records, and whatever date that is is what's
11 gonna be reflected in all those areas. That's been my
12 experience with these records.

13 Q Do you know that or is that speculation?

14 A That's been my experience in all the other records that
15 I've reviewed for other cases.

16 Q Have you inquired as to whether, where it says
17 classification summary report dated 8/16/2011, that that
18 indicates that the report was done on some other date?

19 A What was the question?

20 Q Have you been told by anybody at DOC or you inquired by
21 anybody in DOC about this date?

22 A I've not asked anybody, that I can recall in the
23 Department of Corrections, if, if that's the date the
24 report's generated or if that date means something else.

25 Q And the copyright for this report it says 2007/2011,

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 South Carolina Department of Corrections code?

2 A That's what it says, yes.

3 Q And the report goes -- I mean it definitely goes
4 through June 17th, 2011, because we see where he was still
5 incarcerated at Evans Correctional Institute at this time,
6 don't we?

7 A It definitely goes to that date.

8 Q And it gives the history of earned work credit
9 assignments, and it does show that he was pretty much
10 working the entire time from 3/6/07 or actually -- excuse
11 me. Strike that please. 11/29/04, the month that he was
12 sentenced and incarcerated through 3/7/07, the year that he
13 had a heart attack and had heart surgery, doesn't it?

14 A Well, the way that I read those records is that, that
15 when this report was generated he was working as an
16 electronic assembler. There's no end date listed. He, he
17 told me that he was working at the time. He said he was
18 working about 32 hours a week when I interviewed him at
19 Prison Industries.

20 Q Did you check to verify that?

21 A Did I check to verify --?

22 Q Exactly what his work history was since we have, don't
23 have anything after 3/6/07.

24 A Well, we do have something after 3/6/07. We have a
25 start date of Electronic Assembler II on 3/7/2007. So, that

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by Mr. Thompson

1 would be the day after 3/6/07. He started as an electronic
2 assembler after an institutional transfer. That's why he
3 started this the next, started another line on May
4 7th, 2007.

5 Q And certainly I'm, you know, I'm asking you your
6 interpretation.

7 So, you're interpreting that as he continued to work
8 after he had his heart attack, and---

9 A That's been my interpretation. He told me that he was
10 working and the records reflect that he's worked throughout
11 his incarceration.

12 Q I'm gonna show you -- it says South Carolina Department
13 of Corrections, abbreviated SCDC, Offender Management
14 System, Division of---

15 A Excuse me.

16 Q ---of Medical and Health Services, and this report is
17 clearly dated 5/14/09, isn't it?

18 A Well, the date on top of the document says
19 August 4th, 2011. That's probably the date that it was
20 pulled off the system, and it says that the medical, medical
21 class date was May 14th, 2009.

22 Q And then---

23 A So, I don't know which one you're calling the report
24 date.

25 Q I'm calling the report date 5/14/09.

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by Mr. Thompson

1 A Okay. I agree that it says May 14th, 2009.

2 Q Well, it says updated by Jenkins 5/14/09 also, doesn't
3 it?

4 A It says that at the bottom of the page.

5 Q But you won't agree that that's when this report was
6 done?

7 A Well, I don't know what you mean by the report. It
8 looks like the medical classification was updated on that
9 date.

10 Q And the---

11 A So, if you're calling that a report, then, yes, I
12 agree.

13 Q And -- well, I'm calling it what SCDC calls it,
14 Division of Medical and Health Services, health summary for
15 class assignment, classification assignment.

16 I mean am I, am I---

17 A Well, I, I don't see the word report on this piece of
18 paper.

19 Am I missing it somewhere or --?

20 Q Well --.

21 A It's, it's dated up -- by the top it says August 4th,
22 2011, and by medical classification date it says May 14th,
23 2009.

24 Q I was just using the word generically that, since this
25 is a summary. It's a written summary as a report. If I

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1 confused you I'm sorry.

2 But it had his medical class at that time as a two?

3 A Correct. That's what it says.

4 Q And you don't know what a two is?

5 A I do not know what a two means in their system except
6 for the narrative that's written next to it.

7 Q Would you read medical P-R-O-B/no work, space,
8 restricted?

9 A Correct.

10 Q And it has under medical class -- and that's medical
11 classification, you would agree with that, wouldn't you?

12 A Sure.

13 Q It has mental health under that, doesn't it?

14 A Yes, it says mental health under medical class.

15 Q And beside mental health it's got MH, which I, which I
16 want to believe stands for mental health, would you agree?

17 A I would, I would also assume the same thing, that that
18 means mental health.

19 Q And then looks like double spaces, and it's got NMH, no
20 mental health, and parentheses, no mental health treatment?

21 A It says---

22 Q Am I misreading that?

23 A Well, it doesn't say treatment. It says no mental
24 health T-R-E.

25 Q And you would agree that that's abbreviated for

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by Mr. Thompson

1 treatment?

2 A I believe that it's an abbreviation for treatment, yes.

3 Q Thank you.

4 And although it was updated by Jenkins, it was reviewed
5 by Doctor Banal, correct?

6 A Correct. That's what it says.

7 Q Who is Doctor Banal?

8 A I would assume a physician in the Department of
9 Corrections.

10 Q A medical doctor?

11 A I'm not sure.

12 Q Well, if he is signing off on a medical classification,
13 don't you think he has to be a medical doctor?

14 A I'm not sure what the Department of Corrections
15 policies are and whether that doctor, he or she, is a
16 medical doctor or some other type of doctor.

17 Q Now, you had mentioned the disciplinary team under the
18 Sexual Violent Predator Act and we, we went through the
19 context of who it consists of, and isn't this part of the
20 report from them?

21 A That's an information sheet that is generated by the
22 Department of Mental Health representative. In that case,
23 it was Jeff McKey. I think that's sheet of data that he
24 derived. He had been on the MDT for many years and that was
25 an information summary that he came up with, and that he

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by Mr. Thompson

1 would fill out on each individual.

2 Q What is his certification?

3 A I -- he's board certified in forensic psychology. He's
4 a licensed clinical psychologist if that's what's you mean
5 by certification.

6 Q And he's correct there, isn't he, where, while
7 incarcerated, most discipline, most serious disciplinary
8 infractions or infraction had been says, total one, major
9 one, minor zero, sexual zero?

10 A Correct.

11 Q And the one that's categorized as major is evading a
12 security device, device, or attempting to?

13 A Yes, that, that was the conviction.

14 Q And it cost him 30 days phone privileges and visitation
15 privileges, didn't it?

16 A I would have to look that, look that up.

17 Q Okay.

18 A Would you like me to read what this says?

19 Q Let me see, look at it first.

20 (Pause.)

21 Q No, I would not like you to read it. I think it's
22 clearly inadmissible evidence.

23 A Okay.

24 Q But I mean you know of no infraction other than
25 attempting to evade a, a detection device?

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by Mr. Thompson

1 A This is the one known infraction that he was committed,
2 convicted of---

3 Q Okay.

4 A ---in the Department of Corrections.

5 Q All right. And this confidential material that went
6 to, you're telling me to the multidisciplinary team, it's
7 got other information and where it has diagnosed mental
8 disorder, colon, it doesn't have anything, does it?

9 A Well, I don't know that that form went to the
10 multidisciplinary team. I have actually sat on the
11 multidisciplinary team for a couple months when Doctor McKey
12 broke his leg, and those forms were not typically
13 distributed to the other members. That was an information
14 sheet that Doctor McKey would use to inform his vote.

15 Q Well, it's got SPMDT case summary, Sexual Predator
16 Multidisciplinary Team case summary.

17 Isn't that what that stands for?

18 A Yes.

19 Q And are you telling me that this was prepared for the
20 disciplinary team, but they didn't receive it?

21 A It was prepared by Doctor McKey to inform his vote. He
22 reviews the records as part of his role in the
23 multidisciplinary team, and what typically happens in the
24 multidisciplinary team is a case presentation is made, and
25 some of that information might be presented orally---

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by Mr. Thompson

- 1 Q Okay.
- 2 A ---to the group. But it's not typically given to them
- 3 in paper form.
- 4 Q was he on this multidisciplinary team?
- 5 Do you know that?
- 6 A Yes.
- 7 Q He was?
- 8 A Yes, that's his signature, Jeff McKey.
- 9 Q Okay. And for diagnosed mental disorders, he has
- 10 nothing, right?
- 11 A He didn't write anything, correct.
- 12 Q Psychiatric hospital, he has an N for no, doesn't he?
- 13 A Correct.
- 14 Q Psychiatric outpatient treatment, he has an N for no,
- 15 doesn't he?
- 16 A Correct.
- 17 Q And that's consistent with whatever records you did get
- 18 that indicate that he was not diagnosed with any mental
- 19 illness, mental disorder during his incarceration of seven
- 20 and a half years---
- 21 A Correct.
- 22 Q ---or treated for any?
- 23 A Correct.
- 24 Q And, you know, I hope you were right when you suggested
- 25 that he was able to continue to work because this case

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by Mr. Thompson

1 summary indicates that he has been through vocational
2 training, and is a, an electric journeyman, doesn't it?

3 A I'd have to look at it.

4 Q And I understand that the handwriting is somewhat
5 difficult.

6 A It says---

7 Q I'm reading it the best I can.

8 A It says employment history, electrician/journeyman;
9 yes.

10 Q And that's a good bit of what, what he did when he was
11 in there?

12 A Yes, or I mean he, he did something electrical. I'm
13 not exactly sure, you know, what, to what level that was.

14 Q And he had, he had, you know, a good work record while
15 he was in there, didn't he?

16 A It appears so, yes.

17 Q Now, looking at your report you received, it says,
18 National Criminal Information Center Report, which is
19 commonly known as N.C.I.C.?

20 A Correct.

21 Q And who, who provided that to you?

22 A It was provided in the -- a redacted version was
23 provided with a petition, and it was also provided I believe
24 by the multidisciplinary team. I typically, when I get the
25 case, it comes to our paralegal in the forensic evaluation

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by Mr. Thompson

1 service, and she gives it to me in the form that it's in
2 now.

3 Q I'm looking at Page 8 of your written psychological
4 evaluation, sexual offender treatment history, and he
5 admitted that he had been treated earlier, had he not?

6 A Yes.

7 Q The records you received from SCDC, he did not receive
8 any sexual offender therapy while he was serving his seven
9 and a half years, did he?

10 A Correct.

11 Q In fact, it wasn't offered during the period that he
12 has served his time at Evans Correctional Institute?

13 A He told me he had not been offered sex offender
14 treatment at SCDC, and I have no indication to believe that
15 he was offered treatment.

16 Q Now, at one time SCDC did have a sexual offender
17 treatment program?

18 A They do currently.

19 Q Where is it?

20 A I know that the main program is offered at Broad River
21 Correctional Institution. I think there's also some
22 services at Turbeville. That's focused more on youthful
23 offenders. I'm -- at, at times it's offered at various
24 different places. But currently I think the majority of any
25 sex offender treatment is offered at Broad River.

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by Mr. Thompson

1 Q And Mr. Wilde was never transferred to Broad River, was
2 he?

3 A No, I don't believe he was.

4 Q And there's nothing in your documents from DOC, SCDC
5 that he was ever offered it?

6 A There's no records that he was offered treatment,
7 correct.

8 Q But the purpose now, or at least part of the purpose,
9 is to start treating him, is that right?

10 A It's part of the, the civil commitment is he can attend
11 treatment if he wants to. It's, it's voluntary treatment.

12 Q Well, it's an involuntary commitment for --?

13 A Correct.

14 Q -- control in a secure environment, care and treatment,
15 isn't it?

16 A Correct.

17 Q So, they would be -- they would be offering it to him
18 now?

19 A If he were committed to --?

20 Q If he was committed.

21 A Yes, he would be offered treatment, correct.

22 Q But you don't have anything that shows he was offered
23 treatment during the seven and a half years he was
24 incarcerated?

25 A I don't have anything that he was offered treatment

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by Mr. Thompson

1 while he was incarcerated, that's correct.

2 Q And there's an interagency agreement, pursuant to the
3 statutes under the South Carolina Sexual Predator Act, as to
4 an interagency agreement between the South Carolina
5 Department of Mental Health, your employer, and the South
6 Carolina Department of Corrections, isn't there?

7 A There's an agreement between the two agencies to my
8 understanding, yes.

9 Q And pursuant to that agreement he would actually remain
10 under the control on the property of the South Carolina
11 Department of Corrections, wouldn't he?

12 A Possibly. The, the Department of Mental Health houses
13 those committed as sexually violent predators in two
14 separate places. One is at the hospital on Farrow Road.
15 It's a psychiatric hospital. It's a secure forensic
16 hospital run by Geo Care, which is a national organization,
17 and that they run it in part. So, he could be housed there.

18 I think there's approximately 40 sexually violent
19 predators housed at Geo Care, and then the remainder of them
20 are housed on a, on a unit run by the Department of Mental
21 Health at Broad River Correctional Institution.

22 Q Do you know how many people are at Broad River
23 Correctional Institute?

24 A They have a little over a hundred.

25 Q And the statute I was referring to is 44-48-100, and

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by Mr. Thompson

1 I'll read the pertinent part, and then ask you about it.
2 The care, the control, care, and treatment must be provided
3 at a, at a facility operated by the Department of Mental
4 Health. At all times a person committed for control, care,
5 and treatment by the Department of Mental Health, pursuant
6 to this statute, must be kept in a surface facility, and the
7 person must be segregated at all times from other patients
8 under the supervision of the Department of Mental Health.
9 The Department of Mental Health may enter into an
10 interagency agreement with the Department of Corrections for
11 the control, care, and treatment of these persons.

12 A person who is in the confinement of the Department of
13 Corrections pursuant to an interagency agreement authorizes
14 this chapter must be kept in a surface facility, and it
15 must, if practical and to the degree possible, be housed and
16 managed separately from offenders in the custody of the
17 Department of Corrections.

18 Isn't that what it says?

19 A I believe that's what it says. I'm not reading it
20 word-for-word like you did. But, yes, that's -- the law
21 says that, that that can happen. I think that the
22 interagency agreement that was entered into by the
23 Department of Corrections and by the Department of Mental
24 Health is that the Department of Corrections would offer
25 some space to the Department of Mental Health to run the

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by Mr. Thompson

1 sexually violent predator program.

2 So, if you got to Broad River Corrections, the doors,
3 up until the Edisto Unit, are operated by the Department of
4 Corrections. When you get into the unit, the doors are
5 managed by the Department of Mental Health security officers
6 and the staff within the Edisto Unit are Department of
7 Mental Health staff members.

8 Q And it's located on the correctional institute
9 property?

10 A Correct. It's, it's, it's located at Broad River
11 Correctional Institution in Columbia.

12 Q And before it was redesignated pursuant to this
13 interagency agreement, I mean it---

14 MR. FLORES: Objection, Your Honor.

15 May we approach?

16 (WHEREUPON, a bench conference was held out of the
17 hearing of the jury at this time.)

18 Q Now, the care that's rendered, it's rendered by the
19 Department of Mental Health?

20 A Correct.

21 Q On the Department of -- SCDC property?

22 A In part. That's where part of the program is
23 maintained.

24 Q Do you know why Mr. wilde hasn't been offered or
25 provided the treatment that, that the State now says he is

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by Mr. Thompson

1 in so badly need of during the seven and a half years when
2 he was serving his sentence of incarceration pursuant to the
3 Court rendering the sentence May 1 of 2004?

4 A Do I know why he was not offered the treatment in---

5 Q Yeah. Yeah.

6 A ---while in the Department of Corrections?

7 No, I don't.

8 Q You don't know of a reason why he could not have been
9 offered the treatment, do you?

10 A why he could not have been?

11 Bless you.

12 A No.

13 Q Now, the Static-99R, that's the only -- you call it an
14 instrument in your written report to use, to estimate sexual
15 and violent recidivism for sexual offenders.

16 Did I say that correctly?

17 A Yes, it's, it's a instrument used to assist in
18 estimation of the, of the risk.

19 Q It's not based on any testing done as to the current
20 functioning and state of mind of Jeffrey Wilde at this time?

21 A The Static-99 is largely based on his historical
22 factors much of which is included in his offenses. There is
23 one factor that's more current. That's age.

24 Q All right. But in that this evaluation is suppose to
25 be based on his current mental level of functioning and

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by Mr. Thompson

1 illness abnormality, there wasn't any testing done to Mr.
2 wilde or with Mr. wilde to determine that based on the way
3 he is now, was there?

4 A Psychological testing?

5 Q (Nods affirmatively.)

6 A No.

7 Q Correct?

8 A And I wouldn't necessarily consider the Static-99 to be
9 psychological testing either.

10 Q But you would agree that what the jury -- that they're
11 to determine what the judge charges them to determine based
12 on his current mental functioning state of mind?

13 A I think the law reads that it's, the determination is
14 whether he has a relevant mental abnormality that makes him
15 likely to commit acts of sexual violence if he's not housed
16 in a controlled facility.

17 Q And I assume, if you've read the cases that interpret
18 the statute, you know that that is based on the current
19 time, what his level of functioning, any mental disorder,
20 abnormality, illness that he has now, how it would affect
21 now.

22 Isn't that your understanding?

23 A Correct.

24 Q And in testimony outside the presence of the jury,
25 didn't you testify yesterday that Mr. wilde, that, that he

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by Mr. Thompson

1 has at least some degree of control over his behavior?

2 A I said that yes, he has some degree of control over his
3 behavior as he was able to successfully complete probation,
4 which is what you told me. I'm not sure if he successfully
5 completed probation, but that's what you had told me.

6 Q I believe I told you that when he was, pled nolo
7 contendere, which is a form of a guilty plea, in York County
8 in I believe it was 1997, that the sentence of incarceration
9 was suspended to two years, I believe it was three years
10 probation and that he didn't have any disciplinary
11 infractions---

12 A I believe---

13 Q ---during the probation, successfully completed it.

14 A My---

15 Q Do you---

16 A Okay.

17 Q Well, do you have anything that would indicate
18 otherwise?

19 A Well, my recollection of what you told me yesterday we
20 were talking about the 1990, 1991 charges. Not the 1997,
21 '98 charges.

22 Q No, I'm talking about -- well, I'm talking about the
23 ten year sentence that he received by Judge Rawl over in
24 York County --

25 A Okay.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q -- in 1998 that was suspended to probation.

2 A Okay.

3 Q And you don't have anything to indicate that he did not
4 successfully complete that probation without any
5 infractions?

6 A That's correct.

7 Q Did you have any conversation with his probation
8 officer?

9 A No, I did not.

10 Q Did you attempt to?

11 A No.

12 Q Request any records from them?

13 A No, I didn't.

14 Q And the SCDC, they maintain medical records on the
15 inmates in their custody, don't they?

16 A SCDC, they maintain medical records?

17 Q Yeah.

18 A I think that they maintain some medical records of, of
19 medical problems that occur in SCDC.

20 Q Well, if somebody is diabetic going in, I mean there's
21 gonna be medical records from that, and they'll be
22 continuing medical records.

23 SCDC, I mean they keep those, don't they?

24 A I don't know how they keep their records in that
25 regard.

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by Mr. Thompson

1 Q So, you never requested any such records?

2 A I received the records from the Department of
3 Corrections that I typically receive in these evaluations.
4 Occasionally I'll receive some sex offender treatment
5 records, but typically nothing more than that, nothing that
6 I can recall in any other, in any other cases. So, I had no
7 reason to believe that I didn't have the records that were
8 necessary from SCDC.

9 Q If SCDC -- and I know, as a matter of law, they, they
10 have control of the medical records there of their inmates.

11 If they have those records or have access to them, you
12 could request them and consider them along with whatever
13 other records SCDC chooses to send you, couldn't you?

14 A I could.

15 Q And I mean he had surgery. It generally -- records
16 from surgery, I mean they disclose all medical problems and
17 mental problems that have been diagnosed as part of the
18 preoperative report, wouldn't you agree?

19 A I would disagree. I, I think that, when I've seen
20 surgical records, they don't have a comprehensive list of
21 every diagnosis that the person's ever had. They might have
22 a list of diagnoses that the person received at their
23 facility or at the receiving or the facility that is
24 requesting the medical treatment. But it's not been my
25 experience that they will have a comprehensive list of the

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by Mr. Thompson

1 diagnoses that a person has.

2 Q And you indicated that you've reviewed them before.

3 Have you reviewed them on some individuals who have
4 completed their sentence and are being held for one of these
5 hearings to involuntarily commit them, their medical
6 records?

7 A Their medical records or their surgical records?

8 Q Well, I would consider them one in the same, surgical
9 record or medical records.

10 A Okay. In some cases I will request medical records
11 from outside agencies. I do that when it's relevant to the
12 question that the Court has asked me to answer.

13 In this case, I don't believe that it's necessary.
14 When I met with Mr. Wilde he could ambulate. He had a
15 normal mental status. I had no reason to believe that he
16 had a major mood disorder or that he was psychotic or that
17 he was physically incapacitated to where that would affect
18 my opinion.

19 For example, sometimes I evaluate people who have major
20 difficulties with breathing. They might have, you know,
21 might need to use oxygen tanks, and in those cases I'll
22 request, I'll request more extensive medical records and see
23 if that physical problem impedes their ability to commit
24 acts of sexual violence. In this case I saw no reason to
25 request further medical records.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Q Is everything you received from SCDC in your file in
2 Court?

3 A I believe so.

4 Q About how many pages did you receive from SCDC
5 approximately?

6 A I would have to count.

7 Q You can give me the nearest estimate of ten, twenty.

8 A Well, I would still have to count. I don't think
9 that -- I mean I don't know.

10 Q Well, how about---

11 A Would you like me to count?

12 Q Would it be less than a hundred?

13 A I don't know. It's, it's this many.

14 Q And you have read the law as to sexual violent
15 predators?

16 A I've read the, the Sexually Violent Predator Act?

17 Q Yes.

18 A Yes, I've read the Sexually Violent Predator Act.

19 Q And I assume laws that, case law that comes out of
20 Appellate Court cases that become law?

21 A Sometimes I read those. Not every case.

22 Q Are you familiar with Kansas versus Hendrix, a 1997
23 U.S. Supreme Court case that dealt with this issue?

24 A Yes, I'm familiar with the case.

25 Q And I'm gonna read you four lines of the opinion.

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by Mr. Thompson

1 Accordingly states have a---

2 MR. FLORES: Objection, Your Honor.

3 THE COURT: I'll sustain the objection.

4 Q Forcible civil---

5 MR. FLORES: Objection, Your Honor.

6 THE COURT: Lawyers want to approach?

7 (WHEREUPON, a bench conference was held out of the
8 hearing of the jury at this time.)

9 Q So, the Static-99R, that was the only device used as
10 any kind of test, whatever, to help you in your evaluation?

11 A It was---

12 Q Formal, formally recognized test or device.

13 A Sure. Okay.

14 Q You agree that that's it?

15 A Yes, I interviewed him as well.

16 Q And your report, you, you described that test some,
17 and, and you correct me if I'm wrong, but you used sample
18 groups of individuals who have committed prior, what would
19 be considered a sexually violent offense?

20 A The people in the sample groups have committed sexual
21 offenses. They might not meet the statutory definition in
22 South Carolina. They're sexual offenses.

23 Q Okay. And, so, it's a, it's a group who has, a sample
24 group who has committed prior sexual offenses?

25 A Correct.

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by Mr. Thompson

1 Q And you look at the statistical reoccurrence of
2 individuals in that sample group to put together the ten
3 questions that you answer based on your historical knowledge
4 of this case?

5 A I answered the questions that are included on the
6 Static-99R to estimate the risk in this case, correct.

7 Q But the -- I believe your report says the recidivism
8 estimates were derived from new charges and reconvictions of
9 groups, and I, I refer -- that's the sample groups, correct?

10 A Correct.

11 Q Of individuals, semicolon, as such, these estimates do
12 not directly correspond to the recidivism risk of an
13 individual offender such as Mr. Wilde?

14 A He was not included in the sample. These are estimates
15 of his risks based on groups of individuals who have been
16 in, who have been convicted of a sexual offense and measured
17 at times later to see whether they were charged or convicted
18 of a subsequent sex offense.

19 Q And these sample groups, do you know, I mean, how big
20 they are and who's in them and what they've been convicted
21 of?

22 A I don't have the research in front of me. But it's a
23 very large sample from, pulled from various studies and it
24 includes offenders who've committed a wide variety of sexual
25 offenses.

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by Mr. Thompson

1 Q And so you're applying the statistical average from
2 that sample group to, directly to Mr. Wilde to calculate his
3 likelihood of recidivism or reoffending, is that correct?

4 A I'm saying that compared to these sample groups of
5 offenders who've been convicted of a sexual offense,
6 individuals with the same score in that sample group, a
7 score of four, went on to reoffend at these rates.

8 Q And you applied that statistical average to Mr. Wilde
9 to come up with -- what was the statistical average you
10 assigned him?

11 A Well, I didn't assign it to him. I compared his score
12 to the reference groups and came up with an estimate. When
13 compared to other individuals who receive the same score as
14 he did, individuals in those sample groups, 15.4 percent
15 sexually reoffended in five years, and 22.6 percent sexually
16 reoffended in ten years.

17 Q And that was out of the sample, compared to the sample
18 group?

19 A That's compared to the sample group, correct.

20 Q Now, your reports indicates the source of your
21 information is an N.C.I.C. FBI maintained?

22 MR. FLORES: Mr. Thompson, may I see that please?

23 MR. THOMPSON: Sure.

24 (Pause.)

25 MR. THOMPSON: Can I get this marked for identification

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by Mr. Thompson

1 for the Respondent, for plaintiff's, or Respondent's Exhibit
2 No. 1.

3 (WHEREUPON, the N.C.I.C. report was marked as
4 Respondent's Exhibit No. 1 for identification purposes only
5 at this time.)

6 Q Mrs. Gehle, you testified yesterday and your report
7 says that you received, as one of the sources of information
8 you considered, an N.C.I.C. criminal rap sheet, sheet on Mr.
9 wilde, correct?

10 A I said I received an N.C.I.C. criminal history report,
11 correct.

12 Q But it doesn't say N.C.I.C. on it, does it?

13 A No.

14 Q I'm gonna show you Respondent's Exhibit No. 1 for
15 identification, and this is specifically labeled an N.C.I.C.
16 report, isn't it?

17 A It says no N.C.I.C. want social security. So, no -- I
18 guess there's no wanted -- he's not wanted by any law
19 enforcement agency --

20 Q I---

21 A -- by the N.C.I.C. or in that database.

22 Q Based on my knowledge I can tell you that that's
23 correct information.

24 MR. FLORES: Objection.

25 Q This was pulled yesterday.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Can you see that, the date it was pulled?

2 A May I look at it?

3 Q Sure.

4 A And there's a date at the top that indicates it was
5 10/15/2012 on it.

6 Q To the attention of C. Wright, correct?

7 A Correct.

8 Q Origination FBI?

9 A Well, origination it says SC and some numbers and then
10 FBI and, and some numbers after it.

11 Q Well, and, of course, there's a division of the FBI
12 that maintains the N.C.I.C., the National Criminal
13 Information Center?

14 A Correct.

15 Q And it shows -- this N.C.I.C. report shows that he did,
16 in fact, was convicted or pled guilty, actually says nolo
17 contendere, that's the initials for it, to lewd act and was
18 sentenced to ten years suspended to 24 months probation on
19 December 30th, 1996, doesn't it?

20 A It says he was convicted by no contest, ten years
21 suspended on 24 months, correct.

22 Q All right. And the only other conviction that shows on
23 his N.C.I.C. is -- I said the Court date was 11/01, but it
24 has 11/2/2004, and it has the Court charge, committing lewd
25 act upon a child under 16, and the disposition was 15 years?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A That's what it says.

2 Q And the N.C.I.C. -- I mean, again, it's the FBI
3 maintained multistate criminal database for the 48 -- for
4 all of the states?

5 A Well, I think that the N.C.I.C. maintains
6 multi-databases on multi-criminal problems included missing
7 persons, criminal histories, whether there's any, you know,
8 whether somebody is a sex offender, whether they can buy a
9 gun. There's multi-databases maintained by N.C.I.C.

10 Q Well, it says on here that he can't buy a gun, doesn't
11 it?

12 A I don't know.

13 Q Oh. The individual's prohibited from possessing or
14 acquiring firearm or ammunition pursuant to the Federal Gun
15 Control Act of 1968.

16 A That's what it says.

17 Q Indicates that this person has been convicted of such
18 an offense under the South Carolina Code of Laws, and,
19 therefore, is ineligible to ship, transport, or receive any
20 firearm of ammunition effected by interstate or foreign
21 commerce as defined by the Gun Control Act of 1968 and it
22 cites the statute, doesn't it?

23 A Well, I don't know that you read exactly what it says.
24 But---

25 Q Well, I could -- did I read?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 Did I say it wrong?

2 A Well, it says information submitted to SLED, which is
3 the South Carolina Law Enforcement Division---

4 Q Uh-huh. (Affirmative).

5 A ---indicates that this person has been convicted of a
6 felony.

7 Q Right.

8 A Correct.

9 Q And I just want to know this.

10 Do I, do I have any reason to think or the jury to
11 think that you believe this, that this is not a valid
12 N.C.I.C. multistate request made by Sheriff Chuck Wright
13 yesterday?

14 A Well, I'd have to -- can I look at it?

15 Q Sure.

16 A Whether it's a multistate request?

17 I don't know if it's a multistate request. It, it does
18 not say anywhere on here that it's -- it doesn't say that
19 it's a multistate request that I see.

20 Q Okay.

21 A On the N.C.I.C. that I received it did say that it was
22 a multistate request, and I received several more pages than
23 what you have, including charges from North Carolina, which
24 are not included on your, this---

25 Q Could I see yours?

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 A ---the report. There's mine and I have notes on there.

2 So, I would rather just take that off.

3 Q I'm not, I'm not---

4 A Thank you.

5 Q I'm gonna give these back to you.

6 A Thank you.

7 Q Do you know who pulled those?

8 A Yes, they were pulled by Deb Shoop who works in the
9 Attorney General's Office.

10 Q Is that the report that anybody can pull for \$25 off
11 the Internet like in South Carolina directing it to SLED?

12 A No, this is -- my understanding, it is -- it's reports
13 that are, I guess, exclusive to law enforcement agencies,
14 certain agencies like that. It's within a database
15 maintained by the National Law Enforcement
16 Telecommunications System. That's my understanding and
17 there's -- you have to go through training to have access to
18 that from what I understand. But my understanding of that
19 is limited.

20 Q The sample groups in this device testing that you use,
21 do they take into consideration the age of an individual?

22 A That -- that's one of the questions on the Static is
23 the age of the individual, yes.

24 Q And the reason I asked that, I know that the testing
25 device that you used, the Static-99R, I believe it was

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 changed in October of '98, then again in, I believe in
2 November of '99 to change the emphasis that it placed on,
3 placed on the age of an individual, did it not?

4 A It was changed a couple years ago. I don't believe
5 that was 1999. It's, it's certainly just changed within the
6 last couple of years to reflect some recent research saying
7 that as individuals get older they're likelihood to reoffend
8 decreases.

9 So, instead of it just being a, a zero and one, I
10 believe it was anybody 30 and younger or it was something
11 like that, and anybody, anybody 30 and younger would get a
12 zero on that item, and anybody over 30 would get a one on
13 this item. Now it, it is categorized into four separate
14 categories with, with regard to age.

15 Q And the two changes that were made, I mean they were
16 both made to reflect that, what you just said, that as an
17 individual gets older, they're less likely to reoffend?

18 A The two changes?

19 Q Yeah, I think they've changed the age factor twice.

20 A The age has been -- the most recent change to the
21 instrument reflected a change to the age factor.

22 Q And that, and that change was that it, the older you
23 get, the less likely you are to reoffend?

24 A Correct. That's, that's what the research tells us.

25 Q And these sample groups that were used, do you know

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 when they were put together?

2 A The samples were taken from various times, and it was
3 based on research that has been done. I believe that they
4 were all from the 1990's and later. So, they've been more
5 recent samples.

6 Q But you don't know that they were applied the same
7 protocol in getting the statistical average of the sample
8 group as the protocol that was applied to Mr. Wilde?

9 A I don't understand what you mean by protocol. I'm
10 not---

11 Q Well, whether the sample groups took into consideration
12 this age factor.

13 A Well, the sample groups, the original samples would of
14 just been variables, and then, you know, that database was
15 statistically reviewed and to derive the questions and the
16 points. So, those samples would reflect, you know, the age
17 that the people were in the samples.

18 Q Was -- but you don't know what age they were?

19 A I know that they were adults at the time of release.
20 So -- and they -- I don't know that I have -- I don't know
21 what the age range was right off the top of my head.

22 Q But I mean what you did, you applied the, the
23 statistical chance of what the device says looking into the
24 future of recidivism may be compared to Mr. Wilde?

25 A I'm not attempting to predict anything here. I am

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 estimating his probability using the Static-99R, which is
2 been found in research to be the most accurate risk estimate
3 that is out there currently, and I am comparing the score
4 that Mr. Wilde has on that instrument to sample groups who
5 had the same score. Their score might come from points from
6 different items than him. But in -- with this instrument,
7 you compare the total score to a group that received the
8 same score.

9 Q And you said probability of reoffending, didn't you?

10 A I said I---

11 Q Probability is what you said.

12 A I'm not sure exactly when I said that term.

13 Q I can ask the court reporter to repeat it to you if you
14 want her to.

15 THE COURT: No, sir, we won't.

16 Q Probability is more likely than not, isn't it?

17 A A probability is, is just a probability. It -- I'm not
18 sure what you mean, whether it's more likely or not.

19 Q Probable to happen, it's, it's more likely than not to
20 happen?

21 A Well, probability---

22 Q We want to know.

23 A ---is different than probable. Those are two separate
24 words. They mean different things.

25 Q Mrs. Gehle, being that Jeffrey Wilde, when he was on

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 probation under supervision, he never had any problems,
2 infractions, while he was incarcerated for it will be eight
3 years come November 3rd. He hadn't had any problems and
4 he is certainly gotten eight years older, which is a factor
5 that goes toward making him less likely to reoffend. Really
6 what you're trying to do is preventative detention.

7 MR. FLORES: Objection, Your Honor.

8 THE COURT: I'll allow it one time.

9 Q Preventative detention.

10 A I'm not trying to do anything to Mr. Wilde except for
11 what the Court asked me to do, which was to complete an
12 evaluation to determine whether he had a mental abnormality
13 or personality disorder that made him likely to commit acts
14 of sexual violence.

15 Q And do you know what I mean as preventive detention?

16 A Do I know what you mean?

17 Q Yeah.

18 A I've heard the term before.

19 Q And---

20 A Correct.

21 Q And would you not agree that it's generally accepted to
22 mean that you just keep somebody locked up---

23 MR. FLORES: Objection, Your Honor.

24 Q ---that way they can't---

25 THE COURT: I'll sustain that objection.

Doctor Marie Gehle - Cross-examination
by Mr. Thompson

1 MR. THOMPSON: Yes, sir.

2 Q You are not trying to opine the answer for the jury to
3 the ultimate questions that they have to decide, are you?

4 A I've offered my opinion. It's up to the jury whether
5 they believe what I've said or not.

6 Q Well, in your written report, it, it has, on the last
7 page, whether Mr. Wilde's a sexually violent predator is a
8 legal decision to be made by the legal fact finder i.e. the
9 jury. As such, the following opinion is not intended to be
10 dispositive on this issue, but to assist the fact finder in
11 the legal decision process, and you stand by what you have
12 concluded there in your report?

13 A Yes.

14 MR. THOMPSON: Judge, can we approach?

15 Can we approach real quick?

16 (WHEREUPON, a bench conference was held out of the
17 hearing of the jury at this time.)

18 THE COURT: All right. Ladies and gentlemen, this is a
19 time when we're going to take a lunch break. I'm gonna ask,
20 if you would, to please not have any discussions among
21 yourselves about anything. But please be back in the jury
22 deliberation room by that clock, let's say, 2:30.

23 Thank you very much for your time and attention.

24 (WHEREUPON, the following takes place outside the
25 presence of the jury.)

1 THE COURT: Yes, sir.

2 MR. THOMPSON: May it please the Court, Your Honor.

3 I have no further questions of this witness.

4 THE COURT: Any redirect limited to what he went into?

5 MR. FLORES: Yes, very briefly. Very very briefly,

6 Your Honor.

7 REDIRECT EXAMINATION

8 BY MR. FLORES:

9 Q Good afternoon, Doctor Gehle.

10 A Good afternoon.

11 Q During Mr. Thompson's examination of you he stated, you
12 actually -- you stated that you, you are not currently
13 involved in the care and treatment of individuals who are
14 committed, is that correct?

15 A Correct.

16 Q Are there any ethical standards regarding whether you
17 can evaluate and indeed treat the same person?

18 A Yeah, there's some ethical guidelines in the Forensic
19 Psychology Practice Guidelines saying that it's, it's less
20 than ideal to treat and evaluate the same person, and in
21 those situations you should, you know, try to avoid that.
22 It's, it's considered a dual relationship, and that's --
23 just makes things more complicated.

24 Q Now, in your, in this case you met with Mr. Wilde on
25 one occasion.

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 If you needed to meet with him again, would you have
2 requested another interview?

3 A Yes.

4 Q In, in cases like this, if you were to receive another
5 psychological report or an evaluation done at some previous
6 time or that you had sought out, would that be something
7 that you would have considered in this case?

8 A Yes, I would have reviewed it.

9 Q Well, Mr. Thompson questioned you at length about the
10 multidisciplinary team and Prosecutors Review Committee, and
11 that their determinations help lead to this determination
12 today.

13 Did their decisions impact your outcome, your, your
14 opinion today?

15 A Well, their decisions -- if they hadn't made the
16 decisions that they made I wouldn't have evaluated Mr.
17 wilde. But I look at their information briefly, the
18 information that -- the reports that they compile. I
19 consider the petition, but I focus the majority of my
20 evaluation on the other records that I receive.

21 Q And you've testified that indeed in these cases you
22 have, and correct me if I'm wrong, you have not always
23 agreed on civil commitment of an individual, is that
24 correct?

25 A Not always agreed with, with --?

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 Q With -- to, to recommend commitment.

2 A Correct. In the majority of cases I have not
3 recommended commitment for the individuals I've evaluated.

4 Q Now, with regard to these types of evaluations, do you
5 receive any additional compensation through your job to
6 perform these evaluations?

7 A No.

8 Q So, if you were assigned 20 evaluations or 40
9 evaluations, you would receive the same income?

10 A Yes.

11 Q And your, your, your pay check is not dependent upon
12 the outcome of these evaluations?

13 A No.

14 Q Now, I'm gonna hand up to you, and I believe you have a
15 copy of this. You referred to it before as the order for
16 evaluation in this case. I'm just gonna hand this up. This
17 is part of what Mr. Thompson relied upon.

18 Now, it's -- you testified and your report indicates
19 that it was from York County, but that's not correct, is
20 that?

21 A Correct, it's from Spartanburg County.

22 Q And Mr. Thompson has asked you that, whether or not Mr.
23 wilde had been released.

24 Could you read from this order Subparagraph A right
25 here?

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 A It says confined upon his max out date from the South
2 Carolina Department of Corrections in the Spartanburg County
3 Detention Center until a final disposition of this action,
4 and---

5 Q Okay. So, indeed this order, which also appointed you,
6 required that he be held in the Spartanburg County Detention
7 Center even though he had completed his sentence?

8 A Correct.

9 Q And he has indeed completed his criminal sentence for
10 these charges?

11 A Correct.

12 Q And that was from Plaintiff's Exhibit 2, is that
13 correct?

14 A I don't know if it's here.
15 This?

16 Q Yes.

17 A Yes, it was from -- he completed the sentence that he
18 received on these charges---

19 Q Now---

20 A ---on this charge.

21 Q Now, that sentencing sheet indicates no further
22 probation for Mr. Wilde?

23 A Correct.

24 Q With regard to the sexually violent predator program,
25 Mr. Thompson has asked you about the indefiniteness of an

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 individual's commitment.

2 I'd like to ask you whether or not they're been anybody
3 released from the said program?

4 A Yes, I'm gonna make some estimates here. I believe
5 there's been about roughly 225 to maybe 240 individuals
6 committed under the Sexually Violent Predator Act since it
7 was enacted in 1999. There have been more than 75 releases.
8 So -- and there's been -- some people have died in the
9 program. So, there's -- I think there's roughly about 140
10 individuals in the program currently.

11 Q But, indeed, people have been released?

12 A Yes.

13 Q Is that correct?

14 A Yes.

15 Q Mr. Thompson discussed with you at length Mr. Wilde's
16 staying with the Department of Corrections and his behavior.

17 Let me ask you, has there been any, any history of
18 exhibitionism or voyeurism in the part of Mr. Wilde in the
19 records that you reviewed?

20 A No, I don't believe there was.

21 Q Has there been any history of assaulting others than
22 children in the records you reviewed?

23 A No.

24 Q With regard to the questioning that Mr. Thompson
25 discussed with you about the N.C.I.C. that you relied upon

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 in this, and I want to be very specific with my questions
2 here.

3 A Okay.

4 Q Was the report that you relied upon a multistate
5 report?

6 A Yes.

7 Q And did these include charges from other jurisdictions?

8 A It included---

9 Q Just very specifically, did it include---

10 A Yes.

11 Q Okay. That's all. I'm sorry. That's all for that
12 question. Thank you.

13 And lastly, Mr. Thompson discussed with you, and it's a
14 very important question, about Mr. Wilde's present mental
15 state.

16 What is your opinion, to a reasonable degree,
17 reasonable degree of psychological certainty, as to Mr.
18 Wilde's condition today and whether he meets criteria for
19 civil commitment?

20 A I believe that he meets diagnostic criteria for
21 pedophilia, sexually attracted to both males and females,
22 nonexclusive, and that, based on his criminal history and
23 the actuarial measure and other risk factors, that he is
24 likely to sexually reoffend if he's not confined.

25 MR. FLORES: Thank you, Your Honor. That's all I have.

Doctor Marie Gehle - Redirect examination
by Mr. Flores

1 THE COURT: Thank you, doctor. You may step down. If
2 it -- be sure that if there's any exhibits that they---

3 WITNESS: Yeah.

4 THE COURT: Place them on the table.

5 WITNESS: Thank you.

6 THE COURT: Before she steps down, could I ask her two
7 questions, Your Honor.

8 THE COURT: It has to be limited to what he asked.

9 MR. THOMPSON: Yes, sir.

10 RECROSS EXAMINATION

11 BY MR. THOMPSON:

12 Q Ma'am, as I understood, you were expressing your
13 opinion on the fact finding decisions that the jury would be
14 required to make based on the law that's charged by Judge
15 Hayes as to whether or not he should be forcibly committed
16 on a civil basis for indefinite long term care and treatment
17 and control, is that correct?

18 A I've expressed my opinion to whether he meets
19 diagnostic criteria for a relevant mental abnormality and
20 whether he's likely to reoffend.

21 Q But you're not changing, from what you have in your
22 report, that the following opinion is not to be dispositive
23 on this issue of sexually violent predator, but just to
24 assist the fact finder in the decision making process in
25 that regard?

Doctor Marie Gehle - Recross examination
by Mr. Thompson

1 A Correct.

2 Q And he asked whether there is some lesser form of
3 controlled treatment other than forcible involuntary
4 confinement such as probation, and you indicated, indicated
5 no, is that correct?

6 A He asked if he was sentenced to anything else on the
7 last set of offenses and he was not. It, it indicates that
8 he was sentenced to 15 years of incarceration and no other
9 probation or anything of that sort.

10 Q And, of course, he's fully completed his sentence,
11 correct?

12 A He's completed his criminal sentence, yes.

13 Q Okay. That's all. Thank you.

14 MR. FLORES: That's it, Your Honor.

15 THE COURT: Thank you, ma'am. You may step down.

16 MR. FLORES: And, Your Honor, Doctor Gehle is here
17 under subpoena. We just ask she be released at this time.

18 THE COURT: Any objection to the witness being
19 released?

20 MR. THOMPSON: We have no objection, Your Honor.

21 THE COURT: Thank you, ma'am. You may be released.

22 WITNESS: Thank you.

23 MR. FLORES: Your Honor, that would be the State's case
24 in this matter.

25 THE COURT: All right. Ladies and gentlemen, this is

1 At this time we will receive the closing arguments from
2 the attorneys.

3 MR. FLORES: Thank you, Your Honor.

4 May it please the Court.

5 Mr. Thompson, Mr. Bush, Mr. Wilde.

6 MR. THOMPSON: Thank you, Your Honor.

7 MR. FLORES: Good afternoon, ladies and gentlemen.

8 Before I start my argument I do want to thank you for
9 being here today.

10 As Judge Hayes said yesterday, jury duty is one of our
11 civic duties and can sometimes be one of the most
12 inconvenient of civic duties. We ask you to come here to
13 hear cases that we have heard today and yesterday between
14 the State and Mr. Wilde, and to answer these hard questions
15 of fact, and to give us a determination so that we can move
16 forward with whatever is going to happen.

17 On behalf of the Attorney General and myself, I thank
18 you for your patience. I thank you for your attention, and
19 everything that you have done today and will do when you
20 deliberate this case.

21 When I came before you yesterday in our opening
22 statement I said this was a case to determine one question.

23 Is Mr. William Jeffrey Wilde a sexually violent
24 predator?

25 I told you there would be some disturbing facts. These

1 cases are not pleasant, but they're important to the State
2 and Mr. Wilde to make this determination.

3 The State bears the burden in this case. I must prove
4 to you, I must have proven to you that Mr. William Jeffrey
5 wilde has been convicted of a sexually violent offense, as
6 defined by the statute, and suffers from a mental
7 abnormality that makes him more likely to commit, to commit
8 future acts of sexual violence. To that end, Doctor Marie
9 Gehle, who was asked by the Court to perform an evaluation
10 in this case, came before you and testified concerning that
11 evaluation.

12 The first element, convictions. You will have
13 Plaintiff's Exhibit 1, Plaintiff's Exhibit 2 with you in the
14 jury room. This is the proof of conviction. And to be
15 honest with you, Mr. Bush did concede yesterday, at opening
16 statement, that this would be true, but here are the
17 convictions. 1997 act in York County. 2000 to 2001 act in
18 Spartanburg County.

19 And why are those important?

20 First, convictions. There must be a conviction.

21 But second, and most importantly, where the real heart
22 of the issues in these cases lie, is does Mr. Wilde suffer
23 from a mental abnormality that makes him more likely for him
24 to commit these future sexually violent offenses?

25 Doctor Gehle came here and testified that this is the

1 type of evaluation she is, she has been hired by the
2 Department of Mental Health to perform. In fact, this is
3 the only thing that she does. She's done it since she was
4 in California and Washington. She's learned about forensic
5 psychiatry, how the law relates to the mind, and helps us,
6 and generally myself included, to understand how these
7 different areas interface.

8 what did she do?

9 And I wanted her -- I always ask her to explain what
10 she does because it's important for you to understand that
11 she doesn't merely look at these sheets, say check, look at
12 a book, and say check, and be done. These are complex
13 evaluations. She takes all the information she can,
14 anything which is been relied upon before, criminal records,
15 medical records, medical evaluations, psychological
16 evaluations, anything she can get her hands on. Sometimes
17 she can't get her hands on things as she told you. I tried
18 to get records from sex offender treatment, but I couldn't.

19 So, she casts her net wide. She also interviews Mr.
20 wilde.

21 what's he gonna tell me?

22 I want to know what's in his mind because that's really
23 what we're looking at.

24 what mental disorder does he suffer from?

25 And when she gets all of that information, she then

1 consults one of the treatises as she mentioned, Diagnostic
2 and Statistic Manual, the DSM, we call it DSM for short, and
3 she says does Mr. Wilde suffer from some mental abnormality
4 that's within my profession to diagnose as a psychologist or
5 as a psychiatrist. That is what the field of psychology and
6 psychiatry uses to determine those things that we suffer
7 from.

8 Whether it be bipolar disorder, obsessive compulsive
9 disorder, depression. They're also things like paraphilias,
10 things which we suffer from which causes us to have deviant
11 sexual thoughts and behaviors.

12 In this case we're dealing with an individual whom she
13 says, at this time, suffers from pedophilia. Pedophilia is
14 a sexual attraction to prepubescent children. That's the
15 mental abnormality in this case, and she explained how she
16 reached that diagnosis.

17 She looked at the facts of the case, of the cases. She
18 looked at all the information about what was done, how it
19 was done. She said he has pedophilia, sexually attracted to
20 both male and female, nonexclusive.

21 What does that mean?

22 Pedophilia, sexually attracted to prepubescent
23 children. The victims in this case were ages four and
24 eight.

25 Sexually attracted to both, a male and a female victim.

1 Nonexclusive, because he also is sexually attracted to
2 adult females.

3 So, mental abnormality. That's one of the things she's
4 been trained to do. She told you she has a Bachelor's in
5 Psychology, a Master's in Psychology, and a Doctorate of
6 Psychology. This is what she is been doing her whole life.

7 Is there incentive for her to be biased?

8 She's a state employee. She's paid by the State. I am
9 paid by the State. She doesn't get any extra money for
10 doing her job. She does her job. She doesn't get any extra
11 money for committing someone or not committing someone.
12 It's her job. In fact, if we had a choice, perhaps we
13 should fire her because the majority of her outcomes are
14 against what the Attorney General's Office might want. In
15 17 out of 27 occasions she has said I don't believe this
16 person should be committed. She gives a fair and accurate
17 representation of individuals she evaluates, and sometimes
18 they just don't fit the profile.

19 So, the second part of that, suffers from a mental
20 abnormality that makes them more likely to commit acts of
21 sexual violence, and here's where the bigger picture is.
22 Take everything you heard from what she said today,
23 everything, and you get to decide it.

24 The biggest part of her opinion, and Mr. Thompson
25 brought this out many times; is most important, you are the

1 fact finder. You don't have to believe everything she said.
2 If you think she, she got it wrong, you think perhaps she
3 didn't have enough information, if you think whatever she
4 based her opinion on isn't fact, you don't have to believe
5 it cause you are the fact finder.

6 Now, her professional opinion is that he does fit the
7 profile, that he does have a mental abnormality, that he
8 does -- that that mental abnormality will make him more
9 likely to commit acts of sexual violence, and the reasons
10 why she did, she said that, Mr. Wilde has had two offenses.
11 That means at one, at one time, he was picked up by law
12 enforcement, judicial system, sanctioned for that conduct.
13 In fact, ordered to go to sex offender counseling. That was
14 in '97.

15 Now, he completed probation and there's nothing in the
16 records, nothing that Doctor Gehle testified to that says he
17 didn't do well on probation. He was able to, to get through
18 probation. But he also went to sex offender treatment.

19 So, after '98, perhaps after 2000, you would expect he
20 wouldn't do it again.

21 But is that the truth?

22 Sex offender treatment is designed to help individuals
23 who suffer from mental abnormalities, prevent themselves
24 from doing it again, and, in this case, that's not the
25 truth. Mr. Wilde committed another sexual offense against a

1 younger child after having been sanctioned and after having
2 had sex offender treatment. In fact, he's had sex offender
3 treatment, as Doctor Gehle testified to, from the 1980's on,
4 and yet it stills happens in the 2000's.

5 This act is not merely gained or merely pointed towards
6 detention, forcible detention. Our Courts, our Legislature
7 knows there must be a balance, protecting the public and
8 helping individuals with mental abnormalities which they can
9 not control.

10 Now, Mr. Wilde has, has been, I won't use the word
11 model prisoner, but he behaved himself in the Department of
12 Corrections. He had one disciplinary while he was there.
13 But, as Doctor Gehle said, he doesn't have a history of
14 exposing himself, which is, is considered a sexual offense.
15 His offenses were all against children. He's never been
16 arrested for an offense against a mature of age individual.
17 So, we would expect no less while he's at the Department of
18 Corrections.

19 That's the State's case. When you go back to the jury
20 room, carefully consider everything you heard. You heard a
21 lot of information. Take your time.

22 Does he have a conviction?

23 Does he suffer from a mental abnormality that makes him
24 more likely to commit acts of sexual violence?

25 Yeah, and we believe we have proven, beyond a

1 reasonable doubt, that he is a sexually violent predator.

2 Thank you.

3 THE COURT: Yes, sir.

4 MR. BUSH: May it please the Court?

5 Mr. Flores.

6 Ladies and gentlemen of the jury, we're back again and
7 I was trying to hold true to the promise that I made to you,
8 and that's all the evidence and all the information that was
9 presented before you will come down to three things. Mr.
10 Flores has elucidated, elucidated those things clearly.
11 We'll get back into them, but I certainly wanted to thank
12 you.

13 I understand, as the, Judge Hayes has said at the
14 beginning, these proceedings are not always as entertaining
15 and exciting as they look on TV. But they are typical.
16 They are crucial to the society we live in. They are what
17 separates us from many of the other countries on this
18 planet. And, so, considering all those things, I want to
19 thank you because your participation here today will help
20 guard those things that we hold true and those things that
21 separates us, and, in my opinion, makes us better.

22 Now, having said all of that, you did hear quite a bit
23 of information. The State put up their expert witness. We
24 have no challenge to her expert qualifications. She's
25 obviously done this for a long time. However, your job is

1 going to be to pay particularly close attention to what she
2 said with regard to those three elements.

3 Number one, does he have a prior sexually violent
4 offense?

5 Absolutely he does. I admitted that right up front.
6 There's no need to go any further with that. He does.

7 Second element. Does he have a mental abnormality?

8 The State says he does. We would disagree. We would
9 disagree because, while he was incarcerated, after the 2004
10 conviction, he was hesitant to call him a model prisoner,
11 but he was a good prisoner. He did nothing wrong. He had
12 one offense while he was there, and during that time, while
13 he was there, supposedly this man that suffers from a mental
14 abnormality was able to refine himself or constrain himself,
15 make himself able to resist this tendency for sexual
16 violence.

17 Someone that has a mental problem, you can't turn it
18 off and on like a light switch. You either have it or you
19 don't. And if you do, it's not gonna be present sometimes,
20 part of the time. It's present.

21 That's essentially what the State is saying. They're
22 saying that he has such a mental abnormality, and if he does
23 have it, then because of it, he is predisposed for sexual
24 violence. That risk is just too great. We can't afford to
25 take that great a risk with the citizens of this state, and

1 I would agree with that. However, we have to make sure that
2 he does have a mental abnormality.

3 When he came in in 2004 he went through an initial
4 screening. You heard on cross-examination that they
5 actually looked at whether he had any medical, mental, or
6 psychological issues. That screening resulted in a no.

7 Throughout the next seven and a half years, he had, at
8 a minimum, I believe there were more, but I think there were
9 at least two, maybe three, excuse me, that were testified
10 to. And in each one of those instances, those screenings
11 and the result of those screenings indicated that he had no
12 mental or psychological problems.

13 He served his time, accepted the responsibility for
14 what he did was wrong, for what he did wrong, and then, as
15 he got near the time to be released, in 2011, approximately
16 eight months before his max out date of May 28th, 2012,
17 there was, in one final screening again in August of 2011,
18 that said he had no mental problems, no psychological
19 problems. However, some time between August of 2011 and
20 February of 2012, when Mrs. Gehle conducted her evaluation,
21 they would like us to believe that he just lost his mind,
22 and somehow now he is unsafe to be released back to the
23 public.

24 Now, how is that?

25 If he does, in fact, have a mental abnormality that you

1 can't turn off and on, how is it that he was able to
2 suppress the urges, these thoughts, whatever it is that
3 constitutes a mental abnormality, how is it, for seven and a
4 half years, he was able to keep himself in check?

5 By her evaluation he was nonspecific meaning he didn't
6 have a preference for males versus females. Her evaluation
7 even paid note to the fact that he had had a prior marriage.
8 So, while his offenses focused on prepubescent children, his
9 personal life indicated that he had sexual preferences for
10 adults as well. If it was, in fact, this mental
11 abnormality, doesn't matter that there aren't any kids in
12 jail. This mental illness that you can't control should
13 also be present during that seven and a half years, and from
14 what we've been told in the evidence, that evidence is
15 glaringly absent. It wasn't there. It didn't happen.

16 I don't need to be overly graphic, but you-all know,
17 you may not have ever been in a penitentiary, but you see
18 the news, I'm sure you've seen movies. Penitentiaries,
19 correctional institutions are not without their share of
20 sexual misconduct. Doesn't matter that it's a gender
21 specific environment, an all male facility versus an all
22 female facility. It stills happen.

23 And if he does have that mental abnormality, how is it,
24 again I ask you, that he was able to control it for seven
25 and a half years?

1 Even if we were to concede that he has a mental
2 abnormality, and I'm not saying that he does, cause
3 personally I don't agree that he does, I don't believe that
4 the State has met their burden to prove that he does, you
5 would still have to determine whether that abnormality or
6 that disorder poses such a threat or makes him so likely to
7 engage in acts of sexual violence in the future that the
8 State is warranted, justified, in the interest of the
9 public, in the interest of public safety, in confining him
10 into a secure facility for treatment, for treatment. He was
11 in Evans Correctional Institution for seven and a half years
12 and he didn't receive any treatment.

13 But I'm not here to argue that the Court was or that
14 the correctional institution was required to. Although it
15 seems to make sense that they would. But our State Supreme
16 Court has said that it's still, even if they didn't provide
17 it to him then, it still does not violate his substantive
18 due process that they didn't.

19 So, the facts being that they are, the fact that he
20 didn't get any treatment, although it may have seemed to be
21 more reasonable or plausible to do it during that period
22 cause they had direct control over all his movements,
23 doesn't violate any of his rights that they didn't get it.
24 What caused -- what makes me question, which makes this
25 whole process suspect is because they waited for, it

1 appears, that he was nearing his release before an interest,
2 any interest at all in trying to treat him was raised by the
3 State.

4 Now, I told you that I have two daughters. I tried to
5 teach my two daughters listen, if you tell me the truth,
6 it's almost always gonna go better for you. If you tell me
7 a lie, and I find out you told me a lie, it's gonna be a bad
8 day for you, and that's true in most cases. Good people do
9 things wrong occasionally at varying degrees. But the right
10 thing to do is say look, I made a mistake, it was wrong, I
11 know it, and I apologize, and I know I have to accept some
12 responsibility and they're gonna be consequences for that,
13 and I'm here to accept them.

14 That's exactly what Mr. Wilde did. He knew what he,
15 what he did was wrong. He pled guilty and accepted full
16 responsibility for what he did wrong and willingly he didn't
17 have to go through, at least in this 2004 conviction, it
18 wasn't a jury trial. He pled guilty, which means he came to
19 the Court and said Your Honor, I did this. That's an
20 acceptance of culpability, culpability, an acceptance of
21 responsibility. And because I did this wrong, I know that
22 I'm gonna have to pay a price. The price that the State
23 handed down, 15 years. Fifteen years in prison is what he
24 was sentenced to, and that sentence worked sufficiently that
25 you do your time well, you don't cause any problems, that

1 time gets reduced to a certain degree.

2 But in this case, the maximum amount of time that he
3 was suppose to serve within that 15 year period expired on
4 May 28th, 2012, and, at that time, when he was thinking he
5 was going back home to the family, going back home to his
6 mom, going back home to his sister out in the little rural,
7 excuse me, rural area that they live in York County. Try to
8 take care of his ailing mother.

9 Now, instead of being transferred home, he's
10 transferred to the Spartanburg County Detention Center, and
11 now we're in this proceeding to try to determine whether he
12 has a mental abnormality, abnormality and whether that
13 abnormality makes him a danger to society.

14 This is the crux of the argument. Much of this
15 argument rests on the testimony of the expert while I'm sure
16 Mrs. Gehle is very qualified. Again, we accepted her as an
17 expert because her credentials are true. She worked hard to
18 earn the position that she has, and I'm sure she does a good
19 job. It doesn't mean we have to always necessarily agree
20 with her determination.

21 Your job is to hold her feet and the State's feet to
22 the fire and make sure they do what they're suppose to do,
23 and in the course of doing her evaluation, a lot was said
24 and made of how it was conducted. You hear this big fancy
25 word, maybe a little imposing, Static-99R, actuarial tool

1 used to assess risk.

2 It sounds real good, but what it is is a statistical
3 analysis where they took a group of people and they compare
4 them to this guy, and based on what this group does, they
5 try to predict what this guy would do. They try to take
6 similar, similarly situated people and predict what their
7 future response will be.

8 Nothing is at all wrong with that. Statistical
9 analysis is a part of our life. It's something that we live
10 with and it's very useful and beneficial and helpful. But
11 you have to ask yourself, this is all based on history.
12 When she put this information in that Static-99R actuarial
13 tool, it was all based on the past. His prior arrest
14 record, prior convictions, everything from the past.
15 Nothing presently. And keep in mind we are presently trying
16 to determine whether he has this mental abnormality,
17 abnormality so we can ascertain whether we presently should
18 detain him involuntarily as a safety measure for the public.

19 But, yet, the predictive tool that she used looked at
20 all the history. I'm sure we're all good people in here.
21 I'm sure I'm the only one that has had some indiscretions in
22 my past. But if you scrutinize any one of us, I'm sure we
23 could all find something that we wouldn't be proud of and
24 that wouldn't be accepted too well if brought to the light
25 of day.

1 Do you really want to live where you have to worry
2 about what you did 20 years ago coming to haunt you 20 years
3 later?

4 To the extent that not only is it going to haunt you
5 and it might be embarrassing because people find out
6 something that you didn't want them to know, but the
7 government is gonna what?

8 They're gonna take your liberty. You can't walk,
9 drive, go to the park, go to a movie. Can't do anything
10 anymore cause we found out what you did in the past.

11 That's essentially what I'm getting at with regard to
12 the historical information used for this Statistical 99-R.
13 It was all based on the past whereas we're trying to
14 determine where is this guy at right now.

15 Where are we at with him right now and what is the
16 stated position of his, of his mental health and does he
17 pose that threat?

18 If he does, we need to commit him.

19 If he doesn't, we need to let him go.

20 While she was doing her evaluation, she went back
21 several years. But it's clearly noted in there, and you'll
22 see it when you begin your deliberations, she spent two
23 hours and 35 minutes to come up with a decision that's gonna
24 potentially affect this man for the rest of his life, the
25 rest of his life. It took two hours and 35 minutes of her

1 time for the interview.

2 Now, she says it took several hours to complete the
3 evaluation, and I don't have any reason to dispute that. I
4 wouldn't believe that she would come in here. She was under
5 oath just you are. So, if she said it took several hours, I
6 believe it took several hours.

7 But my point is she looked at him for two hours to try
8 to determine possibly what was gonna happen with this guy
9 for the rest of his life. While there are other tests she
10 could of used that are out there to determine what his
11 mental health situation is right now, she didn't use any of
12 them, and there are several out there.

13 There were no formal mental or psychological test
14 conducted. There were no formal psychiatric tests
15 conducted. What she did is she looked at his prior history,
16 she took that information, and made an, and formulated an
17 opinion in her mind and a diagnosis, and then she took,
18 again, that information, plugged it in its tool to try to
19 figure out what is his risk of recidivism in other
20 reoffending, and she came out on the other side with A, yes,
21 he's got a mental abnormality, and his risk of reoffending
22 is X.

23 Nothing done right now. All based on prior
24 information. All based on history.

25 What I would say is that while this is an unpleasant

1 circumstance, it is, and put yourself nevertheless, if we
2 aren't careful, and if we don't protect the system and the
3 process that we have in place, as I mentioned yesterday,
4 hopefully none of you will ever be on this side. But it
5 could be that you know someone, a friend, a family member, a
6 child that could be, and they're going to want that system
7 and that process to work to perfection, and that all is
8 gonna to be determined by what you do today. Because if you
9 allow, allow a chink in the armor, so to speak, today it can
10 weaken the strength of that process later on down the line.

11 Now, I want to give you an example and I'm gonna be
12 careful how I use this example because this is not a new
13 circumstance in American history. Most of you have probably
14 read in high school or at some point in your life 1692, a
15 lot of years ago, Salem, Massachusetts. They had these
16 things called witch trials. All these people were
17 determined to be witches, and hundreds, I believe I read
18 some 150, don't quote me on that because I don't know, but
19 we do know that there were several people, that based on
20 public opinion, were deemed to be witches, and they were
21 subsequently put to death because of a fear of what these
22 people were and what they might do without taking the time
23 to really try to look at it. They took their lives.

24 This case is not as severe. This is not a death
25 penalty. But he could potentially face indefinite or long

1 term, for the rest of his life incarceration.

2 Now, again, in fairness to the State, I certainly do
3 not want to say that this is some kind of witch hunt because
4 the Sexually Violent Predator Act was implemented for a very
5 real, credible, and legitimate purpose. There are some
6 people out here in our society that certainly fall within
7 that category, and even though our freedom and our liberty
8 interest is one of the most fundamental civil rights that we
9 have, it makes sense for the government, in certain cases,
10 to take that liberty interest away if it's going to have a
11 detrimental effect on the whole.

12 But when we give the government that kind of power, you
13 better make darn sure that you create a strict process for
14 them to follow so they don't accidentally take away some,
15 somebody's liberty unnecessarily.

16 I mention the Salem witch trials. We didn't even have
17 to go that far away. We can go to modern day with the rise
18 and use or the rise and use of DNA evidence that you can
19 see. You can read it on the news. Hundreds of people have
20 been released from Death Row because somebody said they did
21 it, and that's the guy, or that's the gal. Twenty years
22 later, after they spent all this time on Death Row, it's
23 later determined by a DNA evidence, guess what, he didn't do
24 it. Guess what, she didn't do it.

25 We have to keep this process in place for protection

1 from those who legitimately deserve to be confined and
2 restrained by it. But we have to use and wield that power
3 that comes with it sparingly because, if you mess up, you
4 can't go back and fix that.

5 So, again, when you go to deliberate, three things.

6 Does he have a sexually, prior sexually violent
7 offense?

8 Absolutely. We're done with that.

9 Does he have a mental abnormality?

10 I think you would have to, based on the evidence, say,
11 at a minimum, at -- say no, and at a minimum, I don't know
12 because how do we know the present conditions of his mental
13 health. We don't. Everything was based on the future.

14 But even if you come to that conclusion that he does
15 have a mental abnormality, is he really, is he really that
16 likely to engage in future acts of sexual violence that it
17 warrants taking the most or one of the most severe steps
18 that our government can take and that is to deprive you of
19 your freedom as a result of it?

20 I think you would have to say no.

21 Keep in mind, the judge is going to instruct you on the
22 law. So while I'm trying to frame this for you, and
23 capsulize it for you, because it is a lot of information,
24 but give you a framework within which you can go back and
25 there try to make a very tough decision.

1 The judge is going to give you exactly what the law is.
2 Listen to it. In particular, listen to the definition of
3 what a mental abnormality is. Think about that. And if you
4 don't remember anything else, and hopefully -- you-all were
5 very attentive, and I'm sure you will, but I'll take you
6 back to part of Mrs. Gehle's testimony today. When she was
7 on, under cross-examination by my cocounsel with regard to
8 some of his prior offenses, and the fact that he had gotten
9 probation, and that he had successfully served, without
10 incident, and completed entirely those probationary
11 sentences, what she said, and without actually looking at
12 the record to quote it verbatim, I think I wrote it down
13 just about as close to what she said as I can, he has some
14 control over his behavior.

15 Let me say that again. She said, I didn't, he has some
16 control over his behavior. When you get that definition for
17 mental abnormality, I want you to remember that she said,
18 the State's expert said he has some control over his
19 behavior, and allow that to move you through.

20 Again, we thank you for your time. We appreciate your
21 help. The Respondent, Mr. Wilde, thanks you and have a good
22 day.

23 THE COURT: Thank you, sir.

24 Ladies and gentlemen, Mr. Foreman, and ladies and
25 gentlemen of the jury, it is now my duty, as the trial

1 judge, under the Constitution of this State, to charge and
2 instruct you on the law applicable to this case. It is your
3 duty, as jurors, to accept and apply the law as I now state
4 it to you.

5 The State has brought this case under the Sexually
6 Violent Predator Law of South Carolina. The State seeks the
7 civil commitment of the Respondent for long term control,
8 care, and treatment in a secured facility. This is not a
9 criminal proceeding seeking incarceration, but rather is a
10 proceeding seeking civil commitment.

11 The State of South Carolina alleges or claims that the
12 Respondent, William Jeffrey Wilde, is a sexually violent
13 predator under the law. The sex -- the South Carolina
14 Sexually Violent Predator Act has identified a narrow
15 circumstance warranting the forcible civil detainment of
16 people who are unable to control their behavior and who
17 thereby pose a danger to society.

18 The Respondent denies that he is a sexually violent
19 predator, and the burden of proof is, therefore, on the
20 State to prove, by evidence sufficient to satisfy each of
21 you beyond a reasonable doubt, that the Respondent is a
22 sexually violent predator. If the State is unable to meet
23 that burden of proof as to one or more of the elements of
24 the claim, the Respondent is entitled to a finding that he
25 is not a sexually violent predator.

1 Ladies and gentlemen, I want to make sure that you
2 understand that the Respondent is not accused of committing
3 a crime in this proceeding. As you heard from the
4 testimony, he did have previous charges for which he was
5 sentenced by the Court. The Respondent has now completed
6 his sentence for those charges and the State is now alleging
7 that the Respondent is a sexually violent predator.

8 The State has the burden of proof in this case, and
9 must prove its case beyond a reasonable doubt. The
10 Respondent has no burden of proof, and is not required to
11 offer evidence or proof of any issue in this case. If you
12 find that the State has not met this burden, Respondent will
13 be released. If you find that the State has met that burden
14 of proof, and find that the Respondent is a sexually violent
15 predator, he will not be released, but will be committed for
16 an indefinite period of time to a secure treatment facility
17 in Columbia operated by the South Carolina Department of
18 Mental Health. Under the South Carolina law, the Respondent
19 will have the right to petition the Court annually for
20 review of his case to determine if he is safe to be at large
21 and unlikely to commit acts of sexual violence.

22 Now, during this trial, you and I have had separate
23 duties to perform. As the trial judge, it is my
24 responsibility to preside over this trial, and I also had
25 the duty to rule upon the admissibility of evidence offered

1 during the process of this trial. In that regard, you are
2 to consider only the competent evidence before you, and you
3 are to disregard, from your mind, any testimony that was
4 ordered stricken from the record of this case during the
5 progress of this trial if, in fact, there was any.

6 You are to consider only the testimony which has been
7 presented from the witness stand together with any exhibits
8 admitted into the record of this case. Furthermore, I have
9 the additional duty to charge you the applicable law in this
10 case, and in that regards I am the sole judge of the law of
11 the case.

12 It is your duty to accept and apply the law as I now
13 state it to you. If you have any preconceived ideas as to
14 what the law is or what the law ought to be, and it does not
15 agree with what I tell you the law is, you are obligated,
16 under your oath, to abandon these preconceptions because
17 you're sworn to accept the law as I now state it to you.

18 In this trial, you are the sole and exclusive judges of
19 the facts, and I am the judge of the law. Do not infer that
20 I have any opinion about the facts of this case from
21 anything that I've said during the course of this trial in
22 ruling upon the admissibility of evidence or otherwise or
23 anything that I now say during the course of this charge to
24 you. In this regard, the law simply does not permit me, as
25 the trial judge, to have an opinion about the facts.

1 As jurors, it is your duty alone to determine the
2 effect, the value, the weight, and truth of the evidence
3 presented during the course of this trial.

4 Ladies and gentlemen, in most civil cases tried in the
5 Court of Common Pleas, the burden of proving a claim is by
6 the preponderance or greater weight of the evidence.
7 However, in this type of case, under this particular
8 statute, the State's burden is greater than that. Here it
9 is the State must prove their case beyond a reasonable
10 doubt.

11 As I already stated to you, the State has the burden of
12 proof. Under the law of this State, according to the
13 Sexually Violent Predator Statute, the State must prove its
14 case to the standard of proof beyond a reasonable doubt. If
15 the State fails to meet this high burden, then you must find
16 that Mr. Wilde is not a sexually violent predator. Proof
17 beyond a reasonable doubt is proof that leaves you firmly
18 convinced that the Respondent is a sexually violent
19 predator.

20 Ladies and gentlemen, there are very few things in this
21 world that we know with absolute certainty, and, in this
22 type of case, the law does not require proof that overcomes
23 every possible doubt. If, based upon your consideration of
24 the evidence, you are firmly convinced that the Respondent
25 is a sexually violent predator, then you must return a

1 verdict for the state. If, on the other hand, you think
2 there is real possibility that he is not a sexually violent
3 predator, you must give him the benefit of the doubt and
4 return a verdict for the Respondent.

5 Reasonable doubt may rise from evidence that is in this
6 case or from the lack of evidence in this case. It is up to
7 you, the jury, to determine whether or not a reasonable
8 doubt exists in this case.

9 There are two types of evidence which are presented
10 during the trial, direct evidence and circumstantial
11 evidence.

12 Direct evidence is the testimony of a person who claims
13 to have actual knowledge of a fact such as an eye witness.
14 It is evidence which immediately establishes the main fact
15 to be proved.

16 Circumstantial evidence is proof of a chain of facts
17 and circumstances indicating the existence of a fact. It is
18 evidence which immediately establishes collateral facts from
19 which the main fact may be inferred.

20 Circumstantial evidence is based on inference and not
21 on personal knowledge or observation. The law makes
22 absolutely no distinction between the weight or value to be
23 given to either direct or circumstantial evidence nor is a
24 greater degree of certainty required of circumstantial
25 evidence than of direct evidence.

1 In determining what the true facts are in a case, you
2 must judge the credibility of the, of the witness, which
3 simply means the believability of the testimony. You alone
4 must decide the force, effect, and truth of the testimony.

5 In making this decision, there are many things you may
6 and should take into consideration such as the appearance
7 and the manner of the witness on the stand. A
8 characteristic often referred to as the demeanor of the
9 witness.

10 Was the witness forthright or hesitant?

11 Was the witness' testimony consistent or did it contain
12 discrepancies?

13 What was the ability of the witness to know the facts
14 about which she testified?

15 Was there some reason the witness would want to give
16 testimony which would help or hurt one side or the other?

17 In other words, in other words, was the witness biased
18 or prejudiced?

19 Was the testimony of the witness reasonable, was
20 reasonable when considering, when considered in the light of
21 all of the evidence in this case, and in the light of your
22 own experience and common sense?

23 Was the testimony of the witness corroborated or made
24 stronger by other testimony or evidence or was it made
25 weaker or impeached by such other testimony or evidence?

1 As jurors, please understand that you have the right to
2 believe a small portion of a witness' testimony and
3 disregard the larger portion or vice versa. You may believe
4 all of the witness' testimony or none. You may believe the
5 testimony of a single witness against that of many witnesses
6 or the other way around.

7 You do not determine the truth merely by counting the
8 number of witnesses presented during a trial or by one side.
9 The fact that testimony is not controverted does not mean
10 you must accept it as true and undisputed. You must gauge
11 the credibility of the witness to determine the
12 believability or truth of the facts offered through the
13 testimony.

14 In exercising your mental processes and attempting to
15 decide the truth, the law simply requires that you exercise
16 good judgment, your common sense, your sense of logic and
17 reason, and your experience in life. You then apply these
18 attributes to the evidence and apply the law as I am now
19 going to state it to you and thus arrive at a verdict.

20 During the course of this trial you also heard the
21 testimony of an expert witness. The rules of evidence
22 ordinarily do not permit witnesses to testify to opinions or
23 conclusions. However, an exception to this rule exists for
24 witnesses we call expert witnesses.

25 A witness who has special knowledge, skill, experience,

1 training, or education in a, in a particular field may state
2 an opinion as to relevant and material matters of which the
3 witness claims to be an expert. In determining the weight
4 to be given to such an opinion, you should likewise consider
5 the qualification to credibility, I'm sorry, the
6 qualification and credibility of the expert and the reasons
7 given for the opinion. You are not bound by such opinion.
8 Rather, you should give it the weight, if any, you think it
9 deserves. The value and effect of expert testimony is a
10 matter to be solely estimated by you, the jury.

11 No opinion of an expert can be accepted in and of
12 itself as truthful or reliable, but must be weighed by you
13 and convince you, and convince your judgment and convince
14 your judgment beyond a reasonable doubt and with the same
15 force and effect as any other fact proved in the case before
16 it, you can rely upon it. You must consider expert
17 testimony in the same manner as you do any other testimony
18 and give to it such weight as you believe it is entitled
19 when considered with all of the other evidence in the case.
20 Such testimony is given for the purpose of helping you and
21 not for the purpose of controlling your judgment.

22 The elements which the State must prove, beyond a
23 reasonable doubt, are that the Respondent has been convicted
24 of a sexually violent offense. I charge you that lewd act
25 on a child under 16 is a sexually violent offense under the

1 Sexually Violent Predator Act, and the Respondent suffers
2 from a mental abnormality or personality disorder that makes
3 him likely to engage in acts of sexual violence if not
4 confined in a secure facility for long term control, care,
5 and treatment.

6 Inherent in these elements is that the State must prove
7 the requirement that the Respondent's mental abnormality or
8 personality disorder causes him serious difficulty in
9 controlling his behavior. In other words, the State must
10 prove, beyond a reasonable doubt, that the individual it
11 seeks to commit suffers from a mental illness which he can
12 not sufficiently control without the structure and care
13 provided by a mental health facility rendering him otherwise
14 likely to commit a dangerous act.

15 In order for you to better understand the elements of
16 the State's cause of action, I'm going to define for you
17 some of the terms that I have just read.

18 One, mental abnormality means a mental condition
19 affecting a person's emotional or volitional capacity that
20 predisposes the person to commit sexually violent offenses.
21 This mental abnormality or personality disorder must cause
22 Mr. Wilde serious difficulty in controlling his behavior.

23 Two, likely to engage in acts of sexual violence means
24 the person's propensity to commits act of sexual violent is
25 of such a degree as to pose a menace to the health and

1 safety of others so that he is dangerous to others.

2 Again, I remind you that the burden of proof is on the
3 State to prove to your satisfaction, beyond a reasonable
4 doubt, that the Respondent has been convicted of a sexually
5 violent offense, as I have instructed you, and also suffers
6 from a mental abnormality or personality disorder that makes
7 him likely to engage in acts of sexual violence if not
8 confined to a secure facility for long term control, care,
9 and treatment.

10 If the State carries its burden of proof and convinces
11 you, beyond a reasonable doubt, as to each of the elements
12 of this cause of action, it is entitled to a finding that
13 Mr. Wilde is a sexually violent predator. If the State does
14 not meet that burden of proof as to any of the elements, the
15 Respondent is entitled to a finding that he is not a
16 sexually violent predator.

17 Ladies and gentlemen, I'm now drawing near to the end
18 of my charge and I want you to clearly understand that you
19 are not partisans or advocates for the State of South
20 Carolina or for the Respondent. You do not serve as jurors
21 to reward friends or punish your enemies.

22 In this regard, you have been selected by both the
23 State and Respondent to be fair and impartial. It is your
24 duty, by your joint deliberations, to determine the truth in
25 this case giving to the Respondent the benefit of every

1 reasonable doubt on each and every issue. Then, to the
2 facts to which you determine to be true, you should take and
3 apply the law which has been given to you by this Court and
4 thus arrive at a verdict which speaks the truth in this
5 case.

6 In fact, the word verdict, which has a Latin
7 derivation, means a true saying. Thus, when you have
8 accomplished these responsibilities, you will have satisfied
9 your oath as jurors and you will have discharged your duty
10 to this Court.

11 Now, Mr. Foreman, and ladies and gentlemen, I have
12 prepared a verdict form for your use, and there's two
13 possible findings that, that the jury can make. Simply
14 because I've put one before the other does not, should not
15 be inferred that there's any importance to one. It's simply
16 because I had to put one before the other. So, don't give
17 that any significance.

18 Mr. Foreman, all 12 members of the jury must agree on
19 the verdict in this case. You should conduct -- the jury's
20 verdict must be unanimous, and the verdict can not be based
21 on sympathy, passion, prejudice, emotion, or any other
22 consideration not in evidence in this case.

23 Mr. Foreman, the jury's deliberations should be
24 conducted only when all 12 members of the jury are present.
25 If someone leaves to go to the restroom or has to leave the

1 jury deliberation room, cease the deliberations and do not
2 start them until that person has returned. All 12 members
3 must be present when the discussions take place.

4 Once you have reached a unanimous verdict, Mr. Bailiff,
5 (sic) you will execute the form, check the appropriate
6 finding of the jury, sign your name, and date it. I want to
7 tell you you got to do one other thing that's very
8 important. You have to knock on that door and let the
9 bailiff know you've reached a conclusion.

10 I actually did a case one time we thought was a
11 relatively, gonna be relatively short deliberation. After
12 hour and hours went by I sent the bailiff in to find out
13 what's going on, and the, and the foreman said well, we
14 thought you were gonna come and get us. You know, once you
15 finish, let us know and we will bring you back into the
16 courtroom to receive your verdict.

17 At this time, I'm -- I also need to remind you that, as
18 I mentioned earlier, during your deliberations, in the event
19 any of you do have any electronic communication devices on
20 you or in your pocketbooks, do not, do not engage in any
21 type of independent research or, or use those to get
22 information about the case as well as do not use those
23 instruments to send out information during your
24 deliberations. That is strictly prohibited.

25 I'm gonna ask, if you would, to retire to the jury

1 bailiff.

2 (Foreman complies.)

3 THE COURT: Madam Clerk, if you will, please publish
4 the verdict.

5 CLERK: In the Court of Common Pleas, Case Number
6 2011-CP-42-4357, State of South Carolina, County of
7 Spartanburg, In The Matter Of The Care And Treatment Of
8 William Jeffrey Wilde, has the State of South Carolina
9 proven, beyond a reasonable doubt, that William Jeffrey
10 wilde is a sexually violent predator under the South
11 Carolina Sexually Violent Predator Act, the verdict is we,
12 the jury, unanimously answer the question as follows: Yes,
13 William Jeffrey Wilde is a sexually violent predator. It is
14 signed by the foreperson and dated today's date.

15 Ladies and gentlemen of the jury, if this is your
16 verdict and still your verdict, please raise your
17 right-hand.

18 (WHEREUPON, all jurors raise their hands at this time.)

19 CLERK: So say you-all.

20 THE COURT: Anything from either party before we
21 dismiss the jury?

22 MR. FLORES: Nothing from the State, Your Honor.

23 MR. THOMPSON: Nothing from the Respondent, Your Honor.

24 THE COURT: All right. Thank you.

25 (WHEREUPON, the jury was dismissed at this time.)

1 THE COURT: Anything before I step down?

2 MR. THOMPSON: Judge, as to the verdict just rendered
3 by the jury, we would make a motion that it, it be set aside
4 and that the Respondent be granted a new trial on the
5 insufficiency of the evidence.

6 while there's no question he had a predicate offense
7 that would qualify under the Sexual Violent Predator Act,
8 the evidence that his mental state and his ability to
9 control his behavior now, if released, that he would be an
10 unacceptable danger to society with a standard being beyond
11 a reasonable doubt. And with what the psychologist
12 indicated, it certainly appeared that what she was basing
13 her opinion on was things that have happened at least 11
14 years ago, and she did no testing as to his current state of
15 mind as to a mental illness or a personality disorder.

16 And, for that reason, we would make a motion that the
17 verdict be set aside and that we be granted a new trial, or
18 in the alternative, that under the 13th juror doctrine
19 that the Court set aside the verdict and enter a verdict in
20 favor of the Respondent or to grant a new trial in that
21 based on what I have already said, that considering the
22 evidence that, that came before the jury, I would contend
23 that they had to be acting under the influence of emotion,
24 personal bias, some improper prejudice, and not only
25 evidence.

1 MR. FLORES: Yes, Your Honor.

2 May it please the Court?

3 Your Honor, in viewing all the evidence in the light
4 most favorable to the nonmoving party, the State, there was
5 adequate evidence upon which the jury could base their
6 opinion in this matter. As counsel has conceded that a
7 conviction is not a question in this case, whether or not he
8 had a mental abnormality or personality disorder that made
9 him more likely to commit acts of sexual violent, Doctor
10 Gehle testified at length that what she was qualified to do
11 and asked to do by Court order. She provided the jury with
12 the findings of her evaluation, and how she arrived at those
13 conclusions.

14 It was, therefore, for the jury to decide, based upon
15 their finding of credibility of Doctor Gehle, the
16 information upon which she relied, as to whether or not they
17 believed that Mr. Wilde is a sexually violent predator under
18 this, under our laws, and we would ask that the motion be
19 denied.

20 THE COURT: All right. I would have to deny the
21 motions given the standard that this Court would have to
22 apply to such, to such motions as well as this Court's
23 recollection and this Court's own viewing of the, of the
24 testimony. I feel that there is, more than sufficient
25 evidence was presented to the jury upon which they could

1 find their verdict and the Court, so the Court will deny the
2 motions.

3 Thank you very much.

4 MR. THOMPSON: Thank you, judge.

5 MR. FLORES: Your Honor, I will, I will send an order
6 of commitment tomorrow. The two that were provided by Mr.
7 Bogle are not adequate to cover today's hearing. So -- or
8 today's trial. So, I will send those tomorrow for filing.

9 THE COURT: All right.

10 MR. FLORES: Thank you. And I will copy Mr. Thompson.

11 THE COURT: Okay. Thank you very much. We'll step
12 down.

13 MR. FLORES: Thank you, Your Honor.

14

15

16 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

17

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ST 224 OF SOUTH CAROLINA

COUNTY OF YORK

THE STATE
VS

COUNT NO: _____

CASE NO: 97 GS-46- 3227

WARRANT NO: F135907

CHARGE: Spid act upon child
under 16 (NO Contest)
#2468

William Jeffrey Wilde

The sentence of the Court is that William Jeffrey Wilde, the defendant named in this indictment be
confined to the State Board of Corrections/York County Detention Center for a term of 10 years (AND) (OR)

pay a fine of \$ _____; provided that upon the service of 0 (and) (or)

payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance is

suspended and the defendant is placed on probation for 24 (months) (years).

RESTITUTION: (YES) (NO)

HEARING HELD OR WAIVED ON: _____

PAYABLE TO CLERK FOR (VICTIM) _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE:

* No Contact with Victim or Victims Mother

* Must Register As Sex Offender

* Mental Health Counseling for Sex Offenders - Carolina Counseling

DATE: 3-23-98



YORK, SOUTH CAROLINA

*COST AND ASSESSMENTS:

FINE \$ _____
ACADEMY \$ _____
C.C.A. su \$ 100.00
L.C.F. \$ _____
C.A.T. \$ _____
OTHER \$ _____
GRAND TOTAL \$ 100.00

Presiding Judge

David Hamilton

Clerk of Court

Date of Birth _____

Social Security _____

Driver's License: _____

COPY RECEIVED BY: Wilde

Defendant

ATTORNEY FOR DEF H. Post

ADDRESS: 727 Grant Ave
Cheser, S.C. 29710

(M) (F)
B (W)

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

225

WITNESSES

Benfield, YCSD

S. J. Benfield

tn

ARREST WARRANT NUMBER

F135907

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: *11/11/97*

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 97-GS-46- *3227*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

NOVEMBER 13, TERM 1997

THE STATE

vs.

WILLIAM JEFFREY WILDE

Indictment for

LEWD ACT UPON A CHILD UNDER
THE AGE OF SIXTEEN YEARS

SC Code: 16-15-140

CDR Code: 2468

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

Defendant

I William Jeffrey Wilde
hereby appear in my own proper person and plead
guilty to the within indictment or to

~~as charged under indictment~~
NO CONTEST / as charged

x William Jeffrey Wilde
Defendant

Witness: *Seely Bolen, clerk III*
C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 13, 1997 the Grand Jurors of York County present upon their oath:

LEWD ACT UNDER THE AGE OF SIXTEEN

On or about May 30, 1997, the Defendant William Jeffrey Wilde did commit the crime of Lewd Act upon a Child under the age of Sixteen Years, in that the Defendant William Jeffrey Wilde, who was over the age of fourteen (14) years at the time of the incident, did wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of the victim Minor 2, a child under the age of sixteen (16) years at the time of the incident, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the Defendant William Jeffrey Wilde or of the victim Minor 2, in that the Defendant William Jeffrey Wilde did touch and/or rub the groin area of the minor victim Minor 2 with his hand. Said incident occurred in York County, South Carolina. All in violation of §16-15-140, Code of Laws of South Carolina, (1976, as amended).

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

Jennifer Detrick
 ASSISTANT SOLICITOR

CERTIFIED TRUE COPY
 2012 JUL 19 PM 3:05
 DAVID HAMILTON
 CLERK OF COURT
 YORK COUNTY, SC

1 WITNESSES

Sanfield, YCSD

S/Kubacki

In

ARREST WARRANT NUMBER

F135907

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 97-GS-48- *3227*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

NOVEMBER 13, TERM 1997

THE STATE

vs.

WILLIAM JEFFREY WILDE

Indictment for

LEWD ACT UPON A CHILD UNDER
THE AGE OF SIXTEEN YEARS

SC Code: 16-15-140

CDR Code: 2468

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

Defendant

I William Jeffrey Wilde
hereby appear in my own proper person and pla
guilty to the within indictment or to

~~as charged under~~
NO CONTEST / as charged

William Jeffrey Wilde
Defendant

Witness:

Peery Baker, clerk
C.C.C. PLS. AND G.S.

03/19/2011 10:03

8036283133

CLERK OF COURT

PAGE 227/06

CLERK OF COURT

2011 AUG 10 AM 10:17

M. HOPE BLACKLEY

2011 OCT 12 PM 1:34

SPARTANBURG COUNTY
CLERK OF COURT

FILED

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on November 13, 1997 the Grand Jurors of York County present upon their oath:

LEWD ACT UNDER THE AGE OF SIXTEEN

On or about May 30, 1997, the Defendant William Jeffrey Wilde did commit the crime of Lewd Act upon a Child under the age of Sixteen Years, in that the Defendant William Jeffrey Wilde, who was over the age of fourteen (14) years at the time of the incident, did wilfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, of the victim M [REDACTED], a child under the age of sixteen (16) years at the time of the incident, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the Defendant William Jeffrey Wilde or of the victim M [REDACTED], in that the Defendant William Jeffrey Wilde did touch and/or rub the groin area of the minor victim M [REDACTED] with his hand. Said incident occurred in York County, South Carolina. All in violation of §16-15-140, Code of Laws of South Carolina, (1976, as amended).

FILED
CLERK OF COURT
SARASOTA COUNTY
NOV 10 11
11 OCT 12 PM 1:34
HOPE BLACKLEY
CLIMATE DENIERS NECTIC

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


ASSISTANT SOLICITOR

Find act upon child
under the (no. 1000000000)
#1000000000

BLUE - Defendant's Copy

COUNTY OF YORKCASE NO: 97 GS-46-3227THE STATE
VSWARRANT NO: F135907CHARGE: Spnd act. upon child
under 16 (NO Contest)
#2468

The sentence of the Court is that William Jeffrey Wilde, the defendant named in this indictment be confined to the State Board of Corrections/York County Detention Center for a term of 10 years (AND) (OR) pay a fine of \$ _____; provided that upon the service of 0 (and) (or) payment of \$ _____ plus (pay) (waive) cost and assessments as applicable *, the balance suspended and the defendant is placed on probation for 24 (months) (years).

RESTITUTION: (YES) (NO)

PHYSICAL INJURY \$ _____

HEARING HELD OR WAIVED ON: _____

(and) (or)

PAYABLE TO CLERK FOR (VICTIM) _____

PROPERTY DAMAGE \$ _____
TOTAL \$ _____

SPECIAL CONDITIONS OF PROBATION AND/OR SENTENCE:

* No Contact with Victim or Victims Mother
* Must Register As Sex Offender
* Mental Health Counseling for Sex Offenders - Carolina Counselor

DATE: 3-23-98

YORK, SOUTH CAROLINA

FINE	\$ _____
ACADEMY	\$ _____
C.E.A. su	\$ <u>100.00</u>
L.C.F.	\$ _____
C.A.T.	\$ _____
OTHER	\$ _____
GRAND TOTAL	\$ <u>100.00</u>

COPY RECEIVED BY: Wilde
Defendant

FILED
CLERK OF COURT
SPARTANBURG COURT
2011 OCT 10 PM 1:10
M. HOPE BLACK
Presiding Judge
Clerk of Court
Date of Birth _____
Social Security _____
Driver's License _____

ATTORNEY FOR DEF H. H.
ADDRESS: 727 Grant St
Greenville, S.C. 29610
(M) (P)
(B) (W)

WHITE - Clerk

PINK - Detention

YELLOW - Probation Dept.

BLUE - Defendant's Copy

231

WITNESSES

Robin Scott
Sheriff's Office

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO.

The State of South Carolina

County of Spartanburg

Trey Gowdy, Solicitor

COURT OF GENERAL SESSIONS

OCT 18 2004

TERM

THE STATE
vs.

WILLIAM JEFFREY WILDE

Indictment for

SEX/LEWD ACT, COMMIT/ATTEMPT
UPON CHILD <16

SC Code: 16-15-140

CDR Code: 2468

Class FEL-D



A CERTIFIED COPY
M. Hope Blackwell
CLERK OF COURT
SPARTANBURG COUNTY
BY *A. Seaver* D.C.
DATED *10.17.12*

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

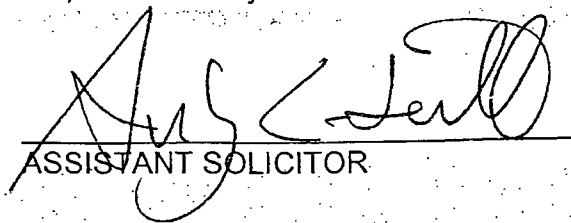
INDICTMENT

At a Court of General Sessions, convened on _____, the
Grand Jurors of Spartanburg County present upon their oath:

SEX/LEWD ACT, COMMIT/ATTEMPT UPON CHILD <16

That William Jeffrey Wilde, did in Spartanburg County, between the dates April 15, 2001 and February 7, 2002, he being over the age of fourteen (14) years, wilfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body of one Minor1, a minor under the age of sixteen (16) years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child, of in violation of §16-15-140, *THE CODE OF LAWS OF SOUTH CAROLINA*, (1976), as amended).

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


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATE

Spartanburg

AKA:

Race: W Sex: M Age: _____

DOB: _____ SS#: _____

Address:

City, State, Zip

DL# _____ SID# _____

INDICTMENT/CASE#:

04 GS. 42 3887

A/W#:

Date of Offense:

S.C. Code §:

CDR Code #:

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS NoloTO: Curfew act upon a minor CO-15 yearsin violation of § 16-45-140 of the S.C. Code of Laws, bearing CDR Code # 2, 4, 6, 8☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury.The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Solicitor

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 12 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

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

Payment Terms:

☐ set by SCDPPPS

Recipient: _____

*Fines:	\$
§14-1-206 (Assessments 107.5%)	\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100
§56-5-2995 (DUI Assessment)	\$12
§ 35.13 (Public Def/Prob)	\$500
§73.3, 1B TP (Law Enforce. Funding)	\$25
§33.7, 1B TP (Drug Court Surcharge)	\$100
§50-21-114(BUI Breath Test Fee)	\$50
§56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$
TOTAL	\$

PTUP

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ _____ beginning

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel, \$35.13 TP
Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

Court Reporter:

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

SCCA/217 (7/2003)

--[Response: SPTS0100 -]--

234 SPTS0100-284167 20121015 20:22:12 003FCFF8A0
FROM: SCCH-13629600 20121015 20:22:12 2AF100C2AB

ICHR REQUEST FOR RAP SHEET
ORI-SC0420000 FBI-228842FA3 PUR-S
ATN-WRIGHT, C

AUTHORIZED USE ONLY. ***** CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-10/15/2012 TIME-20:15:35
REQ ORI-SC0420000 SPARTANBURG CNTY SO
SID-SC01127307 FBI-
NAME-WILDE, WILLIAM JEFFREY SEX-M RACE-W
HEIGHT-601 WEIGHT-160 EYES-BRO HAIR-BRO SKIN- BORN-NC
FPC-PI63POPM15DI1112PM15 HENRY-13 I 13 R OOM 15
I 26 U OOM

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--N/A DATE OF LAST UPDATE--11/08/2004

ADDITIONAL IDENTIFIERS	BIRTH			
NAME	DATES	MARKS	SOC SEC	MISC NUM
			000000000	
WILDE, WILLIAM JEFFERY			000000000	

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
WILDE, WILLIAM JEFFREY	06/24/1997
SC0460000 YORK CNTY SO	
CASE-15807	
WARR-F135907	

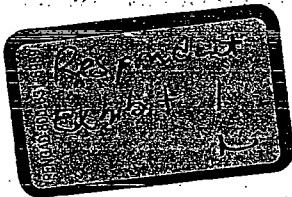
ARREST CHARGE 01-LEWD ACT ON
CHILD
OFFENSE DATE-05/30/1997
PHOTOGRAPH AVAILABLE

CIT-16-15-140 FELONY
DOC-97GS460322
WARR-F135907

COURT CHARGE 01-COMMITTING
LEWD ACT UPON CHILD UNDER
16
COURT DISP-CONVICTED;NO CONTE
ST 10 YEARS S/O 24 MONTHS
PROBATION
COURT DATE-12/30/1996

WILDE, WILLIAM JEFFERY 04/15/2002
SC0420000 SPARTANBURG CNTY SO
CASE-088408
ATN-
WARR-H148915
CIT-16-3-655(1)-FELONY

ARREST CHARGE 01-CRIM SEX
CONDUCT W/MINOR-<11YRS
OLD-1ST DEGREE
OFFENSE DATE-04/15/2002



PHOTOGRAPH AVAILABLE

235

CIT-16-3-655(1)-FELONY
DOC-02GS4204083
WARR-H148915

COURT CHARGE 01-CRIM SEX
CONDUCT W/MINOR-<11YRS
OLD-1ST DEGREE
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-11/02/2004
ATN-

SC040015C SC DEPT CORRECTIONS 11/04/2004 CUSTODY STATUS-RECEIVED
CASE-305792 START DATE-11/04/2004
CIT-16-15-140-FELONY

COURT CHARGE 01-COMMITTING
LEWD ACT UPON CHILD UNDER
16
COURT DISP-CONVICTED;15 YRS
ATN-500300033878

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/228842FA3

INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C. 922(G)).

** S C CJIS END OF RECORD **

--[Response: SPTS0100 -]--

236 SPTS0100-284168 20121015 20:22:16 0006403B1B
FROM: NC2K-4209435 20121015 20:22:16 2AF100C2AC
1L012AF100C2AC2QWA
SC04200J0

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.
*** SEX OFFENDER REGISTRY INFORMATION ***
THE SUBJECT IDENTIFIED IN THE FOLLOWING RECORD WITH NIC/X751686792
IS REGISTERED AS A SEX OFFENDER. DO NOT SEARCH, DETAIN, OR
ARREST BASED SOLELY ON THIS RECORD. ADDITIONAL INFORMATION REGARDING
SUBJECT MAY BE AVAILABLE FROM THE INTERSTATE IDENTIFICATION INDEX.

MKE/SEXUAL OFFENDER

ORI/SC0460000 NAM/WILDE, WILLIAM JEFFREY, SEX/M RAC/U
DOB/ HGT/600 WGT/200 EYE/BRO HAI/BRO FBI/228842FA3
ORD/19000101 ERD/NONEXP SXP/N CRR/SEX ASSAULT
CON/19980323 JUV/N PLC/US
OCA/0000003558
MIS/(CRR - 1199) N/A - SEX OFFENSE OTHER
DNA/N
SNU// SNA/***INCARCERATED***
CTY/CLOVER STA/SC ZIP/29710
COU/YORK
TNO/803 222-7634
ORI IS YORK CO SO YORK 803 628-3056
NIC/X751686792 DTE/20120719 0816 EDT DLU/20120719 0816 EDT

***** END OF SEX OFFENDER REGISTRY INFORMATION *****

NO NCIC WANT SOC/248331931

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	SEVENTH JUDICIAL CIRCUIT
COUNTY OF SPARTANBURG	)	
	)	
IN THE MATTER OF THE CARE	)	CASE NO. 2011-CP-42-4357
AND TREATMENT OF	)	
WILLIAM JEFFERY WILDE,	)	ORDER OF COMMITMENT
	)	
RESPONDENT.	)	

The trial of this case was held in the County of Spartanburg in the Court of Common Pleas the week of October 15, 2012. A jury of citizens from Spartanburg County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney Lloyd V. Flores, Jr., represented the State. Ray E. Thompson, Esquire, and Daryl Bush, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S.C. Code Ann. Sections 44-48-90 and 44-48-100:

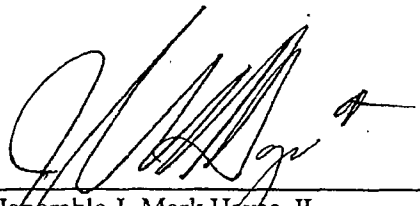
The State has proven beyond a reasonable doubt that Respondent, William Jeffrey Wilde, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent William Jeffrey Wilde is committed to the Department of Mental Health for his long-term control, care and treatment;

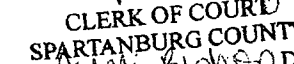
(b) Respondent William Jeffrey Wilde is to continue to be detained at the Spartanburg County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.


 The Honorable J. Mark Hayes, II,
 Presiding Judge for the Seventh Judicial Circuit
 Court of Common Pleas

10/17, 2012
 Spartanburg, South Carolina

A CERTIFIED COPY


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 SPARTANBURG COUNTY
 BY: 
 DATED 10/17/12

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 M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

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

CASE NO. 2011-CP-42-4357

WILLIAM JEFFRY
WILDE,
RESPONDENT.

PETITION PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR
ACT

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

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.*
2. The South Carolina Department of Corrections, having determined that Respondent, William Jeffrey Wilde (hereafter, Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **Respondent's max out date is currently on or about May 28, 2012.**
3. The Multi-Disciplinary Team on August 18, 2011 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee on September 20, 2011 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.
5. The Petitioner now alleges that Respondent is a Sexually Violent Predator

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as defined by S.C. Code Ann. Section 44-48-30(1), to wit:

I. QUALIFYING CONVICTION:

- A. Type of Conviction: Lewd Act on a Child Under 16.
- B. Date of Conviction: November 1, 2004.
- C. Trial of Plea: Plea in Spartanburg County.
- D. Sentence Received: 15 years.
- E. Original Charge(s): First Degree Criminal Sexual Conduct with a Minor.
- F. Brief Facts:

Victim 1: 4-year-old female (Step-Daughter). The Department of Social Services reported to police on or about February 17, 2002 that Respondent had licked Victim 1's genitals and put his hand inside her underwear. Victim 1 disclosed the allegation to her grandmother and doctor, who reported it to DSS. She was also observed by family members exhibiting inappropriate, sexual behavior **(EXHIBIT C)**.

II. PRIOR/OTHER SEXUALLY CHARGES AND CONVICTIONS:

- A. Type of Conviction: Lewd Act on a Child Under 16.
- B. Date of Conviction: March 23, 1998.
- C. Trial of Plea: Plea in York County.
- D. Sentence Received: 10 years, suspended to 24 months' probation.
- E. Original Charge: Same.
- F. Brief Facts:

Victim 2: 8-year-old male (Son). Victim 2 was visiting Respondent at his residence on or about May 30, 1997, and woke to find Respondent rubbing his penis outside his clothing. When Respondent took Victim 2 home, he told Victim 2 that he "better not tell." **(EXHIBIT D)**

- A. Type of Conviction: Taking Indecent Liberties with a Child (counts)
- B. Date of Conviction: June 6, 1991.
- C. Trial of Plea: Convicted after trial, Gaston County, North Carolina.
- D. Sentence Received: 2 years, suspended to 3 years' probation
- E. Original Charge(s): Assault on a Child Under 12 (2 counts)
- F. Brief Facts:

Victim 3: 8-year-old female. Victim 3 told her father Respondent had rubbed her vagina over her underwear whenever she was left to stay at his residence. She stated she pretended to sleep **(EXHIBIT E)**.

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- A. Type of Offense: Taking Indecent Liberties with a Child (2 counts)
 B. Date of Offense: June 1986.
 C. Disposition: Dismissed
 E. Brief Facts:

Victim: 9-year-old female (Niece). Victim 3 told police Respondent had touched her breasts and pubic area over and underneath her underwear, multiple times. When she threatened to tell her aunt, Respondent stopped. Victim 3 stated he did this every morning before going to work, and rubbed her enough to hurt her. According to Victim 3, Respondent never penetrated her.

Victim 3 eventually told her aunt. Respondent admitted to touching her and voluntarily received counseling. He blamed the assaults on Victim 3 (EXHIBIT F).

III. SCDC RECORDS:

- A. Disciplinaries: 1 (0 Assaultive; 0 Sex Misconduct): Evading a Security Device

IV. SEX OFFENDER TREATMENT WHILE AT SCDC: No Sex Offender Treatment on File While at SCDC

V. RISK FACTORS: Risk factors include: (1) not related to victim, (2) male victim, (3) prior sexual offenses, (4) force or threat of force used, (5) one major discipline report while incarcerated, (6) more than one victim, (7) victim age 11 or younger, and (8) offender history of physical injury to victim

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

- i. According to the Diagnostic and Statistical Manual of

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Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilia** listed in Section 302.2 are:

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

ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilia**:

- A. Recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving (1) the suffering or humiliation of oneself or one's partner, or non-consenting person, (2) over a period of at least 6 months (**EXHIBIT H**).

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

- A. The basis of his 2004 and 1998 convictions for **Lewd Act on a Child Under 14** (**EXHIBIT C and D, supra**).
- B. The basis of his 1991 conviction for taking indecent liberties with a child (**EXHIBIT E, supra**).

iii. The facts of the Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges, or behaviors involving an underage child or non-consenting women occurring over a period of at least six months.

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iv. Attached also is Respondent's NCIC report (**EXHIBIT I**).

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

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, if he is not already in custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
7. If probable cause is found, a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Section 44-48-10 *et seq.* (Supp. 2008), and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney
General

(Signatures continued on following page.)

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D. HOPE BLACKLEY

By: 
Attorneys for Petitioner
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Office of the Attorney General
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Columbia, South Carolina 29211
V: (803) 734-3970
F: (803) 734-6679
jbogle@scag.gov

October 9, 2011
Columbia, South Carolina

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M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
)
)
 WILLIAM JEFFERY WILDE,)
 RESPONDENT.)
)

IN THE COURT OF COMMON PLEAS
 SEVENTH JUDICIAL CIRCUIT
 CASE NO. 2011-CP-42-04357

**ORDER FOR EVALUATION
 PURSUANT TO THE SEXUALLY VIOLENT
 PREDATOR ACT**

This matter comes before me on petition of the State of South Carolina for an order requiring the Respondent, William Jeffrey Wilde, to submit to an examination and to be detained in appropriate secure facility pending a trial pursuant the Sexually Violent Predator Act (S. C. Code Ann. Sections 44-48-10 *et seq.*, hereafter "the Act"). A Probable Cause hearing was held in Spartanburg on February 6, 2012. The Petitioner was represented by James G. Bogle, Jr. Senior Assistant Attorney General. The Respondent was present and represented by Ray E. Thompson, Jr., Esq.

I have considered the showing made in respect to this matter and am of the opinion that probable cause exists to find that the Respondent is a sexually violent predator as defined by S. C. Code Ann. Section 44-48-30.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED

That the Respondent shall be:

- (a) Confined upon his max-out date from the South Carolina Department of Corrections in the Spartanburg County Detention Center until a final disposition of this action; and
- (b) Examined and observed at the appropriate facility of the South Carolina Department of Mental Health to determine whether the Respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

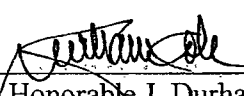
The ordered examination shall be requested by the Office of the Attorney General of South Carolina and scheduled by the examining facility as soon as possible. The Respondent is to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. The Respondent continues under jurisdiction of this Court.

The Court approves Dr. Marie Gehle of the Department of Mental Health to examine the Respondent.

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Within five days of the receipt of the written report of the examination by the Office of the Attorney General of South Carolina, said office shall make a copy of such examination available to Respondent's attorney.

IT IS SO ORDERED.


The Honorable J. Durham Cole
Judge for the Seventh Circuit Court of
Common Pleas

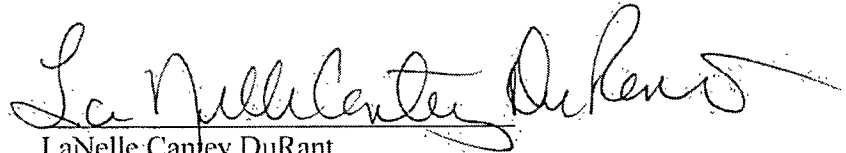
2/6, 2012
Spartanburg, South Carolina

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M. HOPE BLACKLEY

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."

March 27th, 2014



LaNelle Cantey DuRant
Appellate Defender

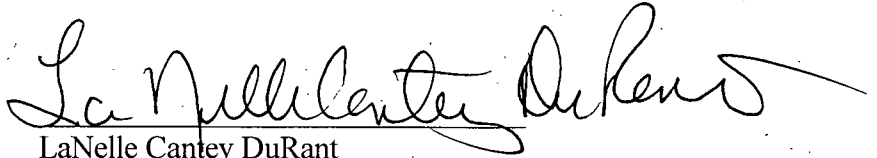
South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S. C. 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

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."

March 27th, 2014


LaNelle Cantey DuRant
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

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SC Court of Appeals

ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

J. Mark Hayes, II, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF WILLIAM J. WILDE,

APPELLANT

APPELLATE CASE NO. 2013-000531

CERTIFICATE OF SERVICE

I certify that a true copy of the Record on Appeal in the above referenced case has been served upon Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 27th day of March, 2014.

Brandon Hall

Brandon Hall
Administrative Specialist

SUBSCRIBED AND SWORN TO before me
this 27th day of March, 2014.

Mark J. Hudson (L.S.)

Notary Public for South Carolina
My Commission Expires: July 3, 2023.

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MAR 27 2014

SC Court of Appeals