

ORIGINAL

STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL FROM RICHLAND COUNTY

Clifton Newman, Circuit Court Judge

IN THE MATTER OF THE CARE
AND TREATMENT OF TIMOTHY GETER,

APPELLANT

APPELLATE CASE NO. 2013-000695

RECORD ON APPEAL

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INDEX

INDEX	i
TRIAL TRANSCRIPT (dated April 1,2, 2013).....	1
OPENING STATEMENT BY MR. BOGLE.....	32
OPENING STATEMENT BY MR. BELDING.....	36
CLOSING ARGUMENT BY MR. BOGLE	161
CLOSING ARGUMENT BY MR. BELDING	169
VERDICT	199
ORDER OF COMMITMENT	205
STATE’S EXHIBITS #1 – 11.....	206
RESPONDENT’S EXBIHIT#1	256
COURT’S EXHIBITS#1 – 3.....	257
CERTIFICATE OF COUNSEL.....	260

STATE OF SOUTH CAROLINA	)	
	)	COURT OF COMMON PLEAS
County of Richland	)	2012-CP-40-4460
	)	
	)	
IN THE MATTER OF THE CARE AND	)	TRANSCRIPT OF RECORD
TREATMENT OF TIMOTHY GETER	)	

April 1, 2, 2013
Columbia, South Carolina

BEFORE:

THE HONORABLE CLIFTON NEWMAN, JUDGE; and a jury.

APPEARANCES:

JIM BOGLE, ASSISTANT ATTORNEY GENERAL
Attorney for the State

DAVID BELDING, ESQ.
Attorney for the Timothy Geter

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S
INDEX OF WITNESSES:

MARIE GEHLE

Direct By Mr. Bogle	41
Cross By Mr. Belding	84
Redirect By Mr. Bogle	115
Recross By Mr. Belding	118

TIMOTHY GETER

Direct By Mr. Belding	125
Cross By Mr. Bogle	153

> > > < < <

Opening Statement by Mr. Bogle	33
Opening Statement by Mr. Belding	37
Closing Statement by Mr. Bogle	162
Closing Statement by Mr. Belding	170
Jury Charge	182
CERTIFICATE OF REPORTER	205

STATE'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Conviction	5	46
2	Conviction	5	46
3	Conviction	5	46
4	Conviction	5	46
5	Conviction	5	46

6	Conviction	5	46
7	Conviction	5	46
8	Conviction	5	46
9	Conviction	5	46
10	Conviction	5	46
11	Conviction	5	46

DEFENDANT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Static 99-R form	93	93

COURT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	note from jury	190	
2	note from jury	195	
3	note from jury	196	

1 (WHEREUPON, State's Exhibits Nos. 1-11 were marked
2 for identification only.)

3 THE BAILIFF: All jurors are present.

4 THE COURT: Okay. Thank you very much.

5 Good morning, ladies and gentlemen. My name is
6 Clifton Newman. I am presiding in this courtroom this
7 week.

8 You were sent up here this morning for jury selection
9 in the case that we're about to have a trial on. We will
10 have the parties introduce themselves to say you, and
11 we'll tell you about the case.

12 First, the State.

13 MR. BOGLE: Thank you, Your Honor. May it please the
14 Court.

15 My name is Jim Bogle. I work with the Attorneys
16 General's Office in Richland County. This is Nicole
17 Weatherton. She is also from the Attorney General's
18 Office.

19 She lives in...

20 MS. WEATHERTON: Greenville.

21 MR. BOGLE: Greenville.

22 MR. BELDING: Thank you, Your Honor. May it please
23 the Court.

24 I'm David Belding. I'm an attorney who actually
25 lives just over the line in Lexington County, but I

1 practice here and in Lexington County.

2 THE COURT: All right. And also at the counsel
3 table, if you'll stand, please, Mr...

4 MR. GETER: Geter.

5 THE COURT: Mr. Geter.

6 If you'll stand and face the jury panel.

7 (Complies).

8 All right. Thank you very much.

9 Ladies and gentlemen, this is a civil trial for --
10 wherein, the State is seeking to prove beyond a reasonable
11 doubt that Mr. Geter, Mr. Timothy Geter, is a sexually
12 violent predator under the South Carolina Sexually Violent
13 Predator Act.

14 That is the issue that we'll -- that you'll hear
15 testimony concerning, and that is the issue that the jury
16 who will deliberate and make a determination on.

17 The determination will be yes, Timothy Geter is a
18 sexually violent predator or no, Timothy Geter is not a
19 sexually violent predator.

20 The witness or witnesses who will testify include
21 Dr. Marie E. Gehle.

22 Dr. Gehle, if you'll stand.

23 (Complies).

24 Over here.

25 Thank you very much.

1 And Mr. Geter will also testify, and he just stood.

2 Now, if any member of the jury panel, if you know
3 Mr. Geter, please stand. If you know Mr. Geter, please
4 stand.

5 (There was no response).

6 Now, the evidence in this case will indicate that
7 Mr. Geter has been convicted of some sexual offenses.

8 Does the State have any information concerning that
9 that I need to share with the jury for qualification
10 purposes?

11 MR. BOGLE: We have a general question about -- in
12 our voir dire about does the jury know about any of the
13 underlying facts.

14 For your information, perhaps the jury's, Your Honor,
15 these cases occurred in the mid 1980s in Spartanburg
16 County. There was group of them that occurred in the mid
17 2000s in Richland County and one case in Lexington County
18 also in the mid 2000s.

19 Most of these were criminal sexual conduct, some were
20 lewd act on a minor.

21 THE COURT: Thank you.

22 MR. BOGLE: Is that sufficient?

23 THE COURT: All right. Thank you.

24 If any juror believes that you know anything about
25 any of these cases or if you've heard anything about any

1 of these cases involving Mr. Geter, if so, please stand.

2 (There was no response.)

3 Now, ladies and gentlemen, you all did take an oath
4 when you came in for jury duty this morning, didn't you?

5 (The jury panel indicated in the affirmative.)

6 That oath was for you to give complete and truthful
7 responses that you are -- as to all -- any and all
8 questions that you are asked during the juror
9 qualification process.

10 This process or that oath extends to serving on a
11 jury and also extends to the jury qualifications process.
12 Of course, it's not my intent to embarrass anyone, but
13 both the State and the defense are entitled to receive
14 certain information to assist them in selecting a fair and
15 impartial jury.

16 If there -- I ask a question and you do not wish to
17 respond openly concerning that particular question, I'll
18 give you an opportunity to come forward to share that
19 answer with me and the lawyers, but we must have complete
20 and accurate information from you in order to assist the
21 lawyers with selecting a jury that they believe to be a
22 fair and impartial juror.

23 So therefore, and hence, the next question: Has any
24 member of the jury panel or any of your close personal
25 friends or relatives ever been the victim of a sexual

1 assault? If so, please stand.

2 If any juror, any close personal friend or relative
3 of yours has ever been the victim of a sexual assault, if
4 so, please stand.

5 Of course, if you don't want to stand, make a mental
6 note of it. In just a few minutes, I'll give y'all an
7 opportunity to come forward to share any responses to any
8 of these questions to me at the bench.

9 (There was no response).

10 The next question, has any member of the jury panel
11 or any of your close personal friends or relatives ever
12 been charged with or convicted of a sexual offense? If
13 so, please stand.

14 Yes, sir.

15 PROSPECTIVE JUROR: I just had a friend from high
16 school was accused once of something like that. That was
17 back 25 years ago or so.

18 THE COURT: All right. Would that fact affect your
19 ability to render a fair and just verdict in this case?

20 PROSPECTIVE JUROR: No.

21 THE COURT: All right. What is your juror number,
22 please?

23 PROSPECTIVE JUROR: 308.

24 THE COURT: 308, thank you, sir.

25 Does any member of the jury panel have any training

1 or experience in the fields of psychiatry, psychology, or
2 the law? If you have any training or experience in
3 psychiatry, psychology, or the law, if so, please stand.

4 PROSPECTIVE JUROR: Hi.

5 THE COURT: Yes, juror number...

6 PROSPECTIVE JUROR: 264. I'm a behavioral therapist.

7 THE COURT: A behavioral therapist. What is that?

8 PROSPECTIVE JUROR: Right now I work with children
9 with autism, but I have a Masters in education and
10 psychology. I study human behavior.

11 THE COURT: All right. Thank you very much.

12 Yes, ma'am.

13 PROSPECTIVE JUROR: Juror number 80. I'm a
14 physician. I've had training, but I'm not a psychiatrist.

15 THE COURT: All right. And would that fact affect
16 your ability to be a fair and just juror in this case?

17 PROSPECTIVE JUROR: I don't think so.

18 THE COURT: You don't think so. You don't think so.
19 All right. Very good, and juror number again is...

20 PROSPECTIVE JUROR: Eighty.

21 THE COURT: Number 80.

22 Has any member of the jury panel currently -- or is
23 any member of the jury panel currently or have you
24 formerly worked in any of the fields that I just
25 mentioned: Psychiatry, psychology or the law?

1 If you worked or previously worked in any of those
2 fields, please stand, even though you have no training in
3 those fields, I guess.

4 (There was no response).

5 Does any member of the jury panel know or has any
6 member of the jury panel ever been involved in a case
7 where you or any other party was represented by any of the
8 lawyers in this case? That would be Mr. Belding or any of
9 the State's attorneys or the State's Attorney General's
10 Office? If so, please stand.

11 (There was no response).

12 Mr. Belding, Mr. Bogle, Ms. Weatherton or the State
13 Attorney General's office?

14 All right. No one is standing.

15 Has any member of the jury panel ever been involved
16 in prison ministry, prison outreach programs, a program or
17 any other program involving contact with the incarcerated?
18 If so, please stand.

19 Yes, juror number...

20 PROSPECTIVE JUROR: 239.

21 THE COURT: 239, yes, ma'am.

22 PROSPECTIVE JUROR: Yes. I worked with the
23 Department of Corrections, but that was about ten, 15
24 years ago.

25 Now I still deal with inmates. I work for Richland

1 County Public Works. I take them in and out from the
2 Department of Corrections to work and then take them back
3 to the institution.

4 THE COURT: All right. Would those experiences
5 affect your ability to render a fair and just verdict in
6 this case?

7 PROSPECTIVE JUROR: No.

8 THE COURT: All right. Thank you.

9 Has any member of the jury panel or any close
10 personal friend or relative of yours ever been subjected
11 to these type of proceedings or civil commitment
12 proceedings or any other type of voluntary or involuntary
13 civil commitment proceeding? If so, please stand.

14 (There was no response.)

15 If you know of any reason why you cannot be a fair
16 and impartial juror or should not be selected to serve as
17 a juror in this case, please stand.

18 (There was no response).

19 Any other questions for the State or the defense?

20 MR. BOGLE: None from the State, Your Honor.

21 MR. BELDING: None from the Respondent. Thank you.

22 THE COURT: All right. Ladies and gentlemen, now
23 that you have heard all of the questions, I'm sure there
24 are various things that are racing through your mind as
25 you listened to -- listened to those questions.

1 If you did not respond to any question that you do
2 not wish to respond openly to but feel compelled in your
3 oath to respond to, please come forward at this time and
4 share those responses with me.

5 PROSPECTIVE JUROR: Come up there?

6 THE COURT: Yes.

7 PROSPECTIVE JUROR: Hi. I had medical school to
8 treat mental illnesses.

9 THE COURT: That was in...

10 PROSPECTIVE JUROR: 1988.

11 THE COURT: And what location?

12 PROSPECTIVE JUROR: Tennessee.

13 THE COURT: Nashville?

14 PROSPECTIVE JUROR: Well, med school was in
15 Nashville. I can't remember where the residency was.

16 THE COURT: Okay.

17 MR. BOGLE: What was the number again?

18 PROSPECTIVE JUROR: Eighty.

19 THE COURT: Are they still functioning?

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: Are you still giving money to them?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Okay. All right. Thank you very much.

24 MR. BOGLE: Thank you, Your Honor.

25 THE CLERK: 214, Your Honor.

1 THE COURT: Yes.

2 PROSPECTIVE JUROR: The question you asked about
3 being sexually abused.

4 THE COURT: Right.

5 PROSPECTIVE JUROR: I was raped at five or six years
6 old.

7 THE COURT: Sexually assaulted?

8 PROSPECTIVE JUROR: Uh-huh.

9 THE COURT: Victimized? Would that affect your
10 ability to be a fair and impartial juror?

11 PROSPECTIVE JUROR: No, sir.

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

13 THE CLERK: 194.

14 THE COURT: Yes, sir.

15 PROSPECTIVE JUROR: I just wanted to make sure it's
16 in the air since everything is out in the open. My keeper
17 for my children, whenever they were young, was accused by
18 some of the other children of -- of molestation.

19 My kids, after interviewing with them, talking with
20 them, they had no -- they had no -- they said that nothing
21 had happened with them.

22 THE COURT: All right.

23 PROSPECTIVE JUROR: But we did appear before court
24 and testify in that regard.

25 THE COURT: Was the person convicted or...

1 PROSPECTIVE JUROR: No.

2 THE COURT: Not convicted. It came to court, though?

3 PROSPECTIVE JUROR: Yes, it did.

4 THE COURT: This type of court or family court?

5 PROSPECTIVE JUROR: I don't remember now. It's been
6 20 years ago so...

7 THE COURT: All right. Okay. Do you think that
8 would affect your ability to be fair and impartial?

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: All right. Thank you very much, sir.

11 THE CLERK: Thirty.

12 PROSPECTIVE JUROR: Hi. My son had messed with my
13 daughter when she was small. We didn't do -- we talked to
14 him about it, but other than that...

15 THE COURT: Did it come to court or --

16 PROSPECTIVE JUROR: No. It never came to court.

17 THE COURT: Never came to court. All right. And do
18 you think that emotional experience would affect your
19 ability to be fair --

20 PROSPECTIVE JUROR: Yes.

21 THE COURT: -- and impartial in this case?

22 PROSPECTIVE JUROR: Uh-huh.

23 THE COURT: Now, you think it would affect your
24 judgment?

25 PROSPECTIVE JUROR: No.

1 THE COURT: I mean, do you think it will prevent you
2 from being a fair and impartial juror?

3 PROSPECTIVE JUROR: Yes, it would.

4 THE COURT: It would affect you.

5 PROSPECTIVE JUROR: Would affect, yes, definitely.

6 THE COURT: All right. So we'll -- what's your juror
7 number again?

8 PROSPECTIVE JUROR: Thirty.

9 THE COURT: Thirty. All right. So we'll strike you
10 on this list.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: Okay.

13 (Juror 30, black female, excused by the Court).

14 THE CLERK: Seventy-three.

15 PROSPECTIVE JUROR: I have a cousin that was the
16 victim of a sexual assault in which her father was
17 convicted.

18 THE COURT: Okay. And about how long ago was that?

19 PROSPECTIVE JUROR: It's been probably about 30
20 years, 35.

21 THE COURT: And would that affect your ability to be
22 a fair and just juror in this case?

23 PROSPECTIVE JUROR: No, probably not.

24 THE COURT: Okay. Thank you.

25 THE CLERK: Thirty-one.

1 PROSPECTIVE JUROR: I am familiar with Dave Belding.

2 THE COURT: Dave Belding.

3 PROSPECTIVE JUROR: Yes.

4 MR. BELDING: Everybody knows me.

5 THE COURT: Automatically that means I should strike
6 you or...

7 PROSPECTIVE JUROR: Well, that's up to you. I just
8 want to be fair to both sides --

9 THE COURT: All right.

10 PROSPECTIVE JUROR: -- and not hide that fact.

11 THE COURT: Do you think that it would affect your
12 ability to be a fair and impartial juror?

13 PROSPECTIVE JUROR: No.

14 THE COURT: All right. Well --

15 MR. BOGLE: He told me about that prior to trial.

16 MR. BELDING: I mentioned everybody I knew.

17 Thank you for coming up.

18 THE COURT: All right. Appreciate it.

19 Okay. Anything else before we...

20 MR. BOGLE: What about this one? Strike 15.

21 (Whereupon, there was an off-the-record discussion).

22 THE COURT: All right. Are the parties ready to
23 strike?

24 MR. BOGLE: We are, Your Honor.

25 THE COURT: All right. Ladies and gentlemen, if

1 you'll give the -- Ms. Christine your attention.

2 THE CLERK: Counsel, please exercise your strikes
3 using the numbers to the left beginning with the
4 plaintiff.

5 MR. BOGLE: Thank you. We'd strike number one.

6 THE CLERK: Plaintiff strikes number one.

7 MR. BELDING: Respondent strikes number nine.

8 THE CLERK: Respondent strikes number nine.

9 MR. BOGLE: State strikes number four.

10 THE CLERK: Plaintiff strikes number four.

11 MR. BELDING: Respondent strikes number 13.

12 THE CLERK: Respondent strikes number 13.

13 MR. BOGLE: State would strike number ten.

14 THE CLERK: Plaintiff strikes number ten.

15 MR. BELDING: Hold on, Your Honor.

16 (Pause).

17 Respondent strikes number 15.

18 THE CLERK: Fifteen has been stricken, correct?

19 MR. BELDING: I'm sorry.

20 Yes, Respondent strikes number 18.

21 THE CLERK: Respondent strikes number 18.

22 MR. BOGLE: The State strikes number 12.

23 THE CLERK: The State strikes number 12.

24 MR. BELDING: Respondent strikes number 16.

25 THE CLERK: Respondent strikes number 16.

1 For the alternate?

2 MR. BOGLE: For the alternate, the State would strike
3 number 23.

4 THE CLERK: The State strikes number 23.

5 MR. BELDING: The Respondent strikes number 22.

6 THE CLERK: The Respondent strikes number 22.

7 Counsel, please allow me to review your strikes. For
8 the State: Numbers one, four, ten, 12 and the 23; is this
9 correct?

10 MR. BOGLE: That is correct, ma'am.

11 THE CLERK: For the Respondent: Numbers nine, 13,
12 18, 16, and 22; is this correct?

13 MR. BELDING: Correct.

14 THE COURT: All right. Any matters of law regarding
15 the jury striking, jury selection?

16 MR. BOGLE: None from the State, Your Honor.

17 MR. BELDING: None from the Respondent. Thank you,
18 Your Honor.

19 THE COURT: All right. Very good. Let us have our
20 jury.

21 THE CLERK: Ladies and gentlemen, as I call your
22 number, please bring your personal belongings up here to
23 this jury box, please.

24 Juror 114.

25 (White male.)

1 193.
2 (White male.)
3 187.
4 (Black female.)
5 Thirty-one.
6 (White male.)
7 239.
8 (Black female.)
9 196.
10 (Black male.)
11 264.
12 (White female.)
13 283.
14 (White female.)
15 308.
16 (White male.)
17 Twenty-nine.
18 (Black female.)
19 290.
20 (Black male.)
21 120.
22 (Black male.)
23 And 256.
24 THE COURT: All right. Well, ladies and gentlemen,
25 you will be the jury in the trial of this case.

1 Ladies and gentlemen, those of you who are not
2 selected, I guess those of you will go back downstairs, is
3 it?

4 THE CLERK: Yes, Your Honor.

5 THE COURT: Back downstairs. Thank you all very
6 much.

7 (Whereupon, the unselected members of the jury left
8 the courtroom.)

9 THE COURT: Okay. Ladies and gentlemen, we have some
10 matters we need to talk about before we get started.

11 Let's see. It's 12:30. What time did y'all get here
12 today?

13 THE JUROR: 9:30.

14 THE COURT: 9:30, so it's about lunchtime, about
15 lunchtime. So I think we need to discuss some matters
16 outside of your presence anyway, so I think that we will
17 have you follow the bailiffs to the jury room to get
18 acquainted with the jury room, and then we'll have you
19 come back.

20 We need you back at two o'clock, but that gives
21 everyone time enough for lunch, or do you want to start
22 earlier, 1:45?

23 THE JUROR: 1:45.

24 THE COURT: 1:45. How about that, we do that?

25 MR. BOGLE: Your call, Judge.

1 THE COURT: Yeah, 1:45. So we'll have you all check
2 in with the bailiffs and get some preliminary talking with
3 them in terms of how you come and out, the directions and
4 all those things.

5 Please don't ever come through the court, through
6 that door. You always go to the jury room, and they'll
7 bring you in.

8 We'll bring you back at 1:45. Thank you very much.
9 Please do not discuss this matter at all. Just talk about
10 anything else but this case.

11 (WHEREUPON, the jury left open court at approximately
12 12:31 p.m.)

13 THE COURT: All right. Preliminary matters?

14 MR. BELDING: Your Honor, there's just a couple of
15 motions in limine that Jim -- Mr. Bogle, the State
16 Attorney General's Office, has entered a couple of motions
17 in limine.

18 Just -- we have no objection to those being -- if
19 you'd like to...

20 MR. BOGLE: Yeah, for the record, Your Honor, the
21 first motion in limine, we would ask for the Court to
22 prohibit any reference to the location --

23 THE COURT: Let's stop the jury. If there are -- if
24 these will just take a couple of minutes, we can maybe do
25 opening statements and get started -- do -- get started

1 before lunch.

2 MR. BOGLE: Your call, Judge.

3 THE COURT: Yeah. Let's stop them from leaving right
4 now.

5 You said you're spry, Mr. Crumpler [sic]. At 83, you
6 can do it. Just have them hold them before they leave.

7 Okay. Go ahead, Mr. Bogle.

8 MR. BOGLE: Well, the first motion in limine has to
9 do with prohibiting reference to where he is going to go
10 if he does get committed.

11 The elements before the Court are was he convicted of
12 that kind of crime, and does he have the mental
13 abnormality that makes him likely to reoffend so that he
14 needs to be committed; any reference to his place being a
15 former death row, a prison, a life sentence. Things like
16 that are not appropriate. We would ask that be excluded.

17 The second motion in limine, in case Mr. Geter
18 decides to take the stand would be a motion to prohibit
19 him from trying to invoke the 5th Amendment against
20 self-incrimination requiring prior convictions he has been
21 convicted of.

22 If there's something he hasn't been convicted of,
23 that's one thing. We would prohibit him from invoking the
24 5th Amendment rights against self-incrimination.

25 THE COURT: Any dispute about that, Mr. Belding?

1 MR. BELDING: None, Your Honor. Thank you.

2 THE COURT: All right.

3 MR. BOGLE: That's it, Your Honor.

4 Now, we have premarked -- I have premarked the
5 exhibits are going to consist of indictments, the
6 sentencing sheets, the arrest warrants. They've all been
7 premarked. I can go ahead and have her put them in
8 evidence.

9 MR. BELDING: I've looked at them all. They're all
10 certified copies. We have no objection to their
11 admissibility or authenticity.

12 THE COURT: All right. So they're in without
13 objection.

14 What numbers?

15 THE COURT REPORTER: One through 11.

16 THE COURT: One through 11.

17 MR. BELDING: Your Honor, on behalf of the
18 Respondent, after speaking with Mr. Geter, just a couple
19 of things. One is, I'd like to make an oral motion in
20 limine to the effect that in this case, you may have seen
21 in the record that I asked for a second opinion which was
22 conducted by Dr. Thomas Martin from here in Columbia.

23 I don't think it would be fair, and I would ask for a
24 motion in limine there be no question or revealing to the
25 jury that there was a second opinion done in that case by

1 a witness who is not here because I think that would give
2 them the inference, well, he must not be here for a
3 reason.

4 I think that would be unfair in this case. So I
5 would just like to not have any reference to the fact
6 there was a second opinion conducted here after Dr.
7 Gehle's.

8 THE COURT: Unless Dr. Gehle considered it in
9 reaffirming her opinion or even if she did.

10 MR. BOGLE: Well, I think in this case, Dr. Martin
11 did not issue a written report.

12 MR. BELDING: Correct.

13 MR. BOGLE: He advised Mr. Belding, probably over the
14 telephone, that he couldn't help him. So there's no
15 written report or -- saying anything about Mr. Geter by
16 Dr. Martin for us to review.

17 MR. BELDING: That wasn't exactly the way he put it,
18 Your Honor, but I will -- after discussing it with him, we
19 decided that he wouldn't be a good enough witness.

20 THE COURT: All right. Okay. So you're not going to
21 use him, and the State is not going to try to --

22 MR. BOGLE: Judge, I don't plan to do that.

23 THE COURT: All right.

24 MR. BOGLE: Just for your information, I've done it
25 twice before. There's two unpublished opinions by the

1 Court of Appeals. One of them said it's no problem. One
2 of them said you shouldn't have done it, but it's harmless
3 error. They're on their way -- one of them is on its way
4 to the Supreme Court.

5 MR. BELDING: I think out of an abundance of
6 caution --

7 MR. BOGLE: Out of an abundance of caution, I'm not
8 going to go there because the law has not been settled.

9 MR. BELDING: That works for me.

10 THE COURT: Okay.

11 MR. BELDING: And the last thing is a housekeeping
12 matter, Your Honor. We would ask the Court that, for the
13 remainder of the trial, subject to any security concerns
14 that Richland County has, that Mr. Geter not be shackled.

15 It's bad enough that he is here as a pretrial
16 detainee essentially. He is in a jail uniform, and I just
17 think it gives the wrong impression to the jury.

18 I think that -- we would ask that the shackles be
19 removed when he takes the witness stand so that it doesn't
20 convey that to the jury. There's going to be some papers
21 he might have to look at.

22 THE COURT: What does he have on him now?

23 MR. BELDING: Excuse me, Your Honor?

24 THE COURT: What all does he have on now?

25 MR. BELDING: He still has -- yeah, leg irons and

1 full -- pretty much full -- full complement stuff.

2 THE COURT: All right. So -- but I mean with him
3 sitting there, is there a problem with any of that?

4 MR. BELDING: As long as he is sitting there, they
5 won't see it, but any time he has to stand up or when he
6 takes the witness stand and he is testifying, they will
7 notice that he is in shackles.

8 I mean, it conveys the impression, you know, that he
9 is still guilty. I mean, they're going to get in a lot of
10 guilty stuff, of course, his criminal record. I just
11 think it's an unfair inference that the jury may draw.

12 THE COURT: It looks like he wants to get one hand
13 loose to write with.

14 MR. GETER: Yes. Yes, sir. I would like to get --

15 THE COURT: How about that, Officer? Does that pose
16 any problem?

17 THE DEPUTY: That's fine, Your Honor.

18 THE COURT: All right. Let him have that so he can
19 write.

20 Does that suit you, Mr. Geter?

21 MR. GETER: Yes, sir.

22 MR. BELDING: Thank you, Your Honor.

23 (Counsel conferring with client).

24 Oh, when he's on the stand, would it -- what do you
25 want to do about on the stand?

1 THE COURT: Well, generally we position them on the
2 stand out of the presence of the jury. They'll march from
3 there to there.

4 MR. BELDING: Right.

5 THE COURT: We'll take a break before he testifies,
6 and then we'll straighten that situation out.

7 MR. BELDING: Okay. I appreciate it. We might want
8 to have one hand loose there, too.

9 THE COURT: Okay. Not a problem. Okay.

10 MR. BELDING: That's all from the Respondent.

11 THE COURT: All right. Well, let's bring the jury
12 back.

13 Now, the burden of proof is preponderance of the
14 evidence by the State or beyond --

15 MR. BOGLE: Beyond a reasonable doubt, Your Honor.

16 THE COURT: Beyond a reasonable doubt, I'm sorry.

17 MR. BELDING: Yes, unusual civil trial, Your Honor.

18 THE COURT: Okay.

19 MR. BOGLE: There's a section in our proposed jury
20 charge. The jury charge you got from the State is kind of
21 a mix between Judge Jefferson in Charleston and Judge
22 Roger Young. That's where it came from.

23 THE COURT: All right. Very good. I'm glad I asked
24 that question. It takes a while to get reacted to a
25 different kind of trial.

1 All right. Let's bring them in and get in a little
2 information before they go.

3 (WHEREUPON, the jury came into open court at
4 approximately 12:37 p.m.)

5 THE BAILIFF: The jury is present, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, if you
7 all stand at this time to be sworn.

8 THE CLERK: Raise your right hand. Upon completion,
9 if you accept the oath, respond with "I do", please.

10 Do you swear or affirm that you shall well and truly
11 try the issues joined in this case and a true verdict
12 give, according to the law and the evidence, so help you
13 God?

14 (All responded in the affirmative).

15 THE CLERK: Thank you. You may take your seats.

16 THE COURT: All right. Ladies and gentlemen, I
17 neglected to introduce my law clerk, Ms. Sutanian Radlein.
18 She is a lawyer. She is my law clerk, and she assists me
19 with my duties.

20 One of my duties include giving you all instructions
21 of the law that you are to apply to the facts and the
22 cases as you find them to be.

23 I imagine that some weeks ago, you all received a
24 juror summons telling you that you had to report to jury
25 duty. You responded to that summons by appearing here

1 today. Earlier this morning in this courtroom, you went
2 through the juror qualifications process where Judge
3 Barber went through a series of questions and explanations
4 and all.

5 You all were qualified to serve on jury duty. Then
6 you were sent up here for the jury selection process in
7 this case and went through an additional voir dire
8 process.

9 Now, you have been selected by both parties to be a
10 fair and impartial juror in this case, and you have just
11 taken an oath to well and duly try this case and render a
12 true verdict according to the law and according to the
13 evidence. That's what you will be called upon to do in
14 this case.

15 Out of all the other folks who were summoned to
16 appear for jury duty, only the 12 of you who will
17 deliberate will -- can decide the facts of this case. You
18 are the sole judge of the facts of this case.

19 As the judge, it is my role to preside over the case,
20 but I have no role in deciding the facts of this case
21 because that is a role solely for you, the jury, to
22 determine.

23 Now, this is a case which has been brought by the
24 State of South Carolina alleging or seeking a civil
25 commitment of Mr. Timothy Geter, and this is a -- this is

1 not a criminal proceeding seeking incarceration. This is
2 a civil commitment proceeding seeking to have him
3 committed for long-term control, care and treatment in a
4 secure facility based on the State's claim that he is a
5 sexually violent predator. In this case, it was brought
6 under the sexually violent predator law.

7 Now, this case is unlike most civil cases in that
8 under -- in most civil cases, the State is only required
9 to prove that a fact sought to be proven is more likely
10 true than not true, such as by a preponderance or greater
11 weight of the evidence.

12 In this case, the State's burden is more powerful
13 than that. It must be beyond a reasonable doubt, so the
14 State must convince each and every one of you beyond a
15 reasonable doubt that the defendant -- not the defendant,
16 but the Respondent should be committed under civil
17 commitment proceedings as a sexually violent predator.

18 Now -- or at least under the sexually violent
19 predator law.

20 Now, as jurors, it would be your responsibility to
21 weigh the evidence, to assess and evaluate the credibility
22 of the witnesses who have -- who will testify and to
23 decide this case based on that testimony. After listening
24 to all of the testimony, to determine and answer the
25 question as to whether Mr. Geter is a sexually violent

1 predator. If he is, you answer yes. If the State fails
2 to prove that burden beyond a reasonable doubt, then you
3 answer the question, no, he is not.

4 Now, under our Rules of Procedure, you're not allowed
5 to discuss the case until you have heard the entire case.
6 That is from this point forward, you cannot discuss this
7 case with each other until I tell you that it's time to do
8 so, and that will be after you have heard all of the
9 testimony, the arguments of counsel and the jury
10 instructions and the law that you are to apply to the
11 facts as you find them to be.

12 I want to give you an additional -- I want to
13 mention, as well, that later in the process, I will
14 appoint one of you to serve as the foreperson of the jury
15 and to serve as the spokesperson of the jury and to
16 preside over the jury deliberations and to complete the
17 verdict form representing the jury's unanimous verdict
18 because the verdict must be a unanimous verdict.

19 Now, I'm also -- also want to advise you that the use
20 of personal communications devices are prohibited, and
21 jurors are prohibited from using any personal
22 communication devices with regard to this case.

23 That is you cannot use any of these devices or in
24 any -- to seek any information about the case to find out
25 about witnesses, parties, news accounts or to collect

1 information or do any type of research concerning this
2 matter, because you are to decide the case solely and only
3 based on the evidence that is presented in this courtroom
4 with all and each juror having the -- having access to
5 that same information as it is presented and received by
6 each of you.

7 I look forward to working with you on this case and
8 to get the case to you as quickly as possible and as
9 efficiently as possible.

10 With that, we'll hear brief openings by the State and
11 the defense.

12 MR. BOGLE: Thank you, Your Honor. If it please the
13 court.

14 THE COURT: Yes.

15 MR. BOGLE: Mr. Belding.

16 OPENING STATEMENT:

17 MR. BOGLE: Like I said before, ladies and gentlemen,
18 my name is Jim Bogle. Nicole Weatherton is assisting me
19 in this case. We're from the Attorney Generals Office.

20 A lot of times people wonder why in these types of
21 cases the solicitor or the county attorney may not be
22 represented.

23 It's very simple. Because when the General Assembly
24 wrote this law, they said the Attorney General's Office
25 will present these cases around the State, so we do

1 different counties. One of our counties, we're both here
2 today, Richland County.

3 What happened is this: About 12 or 14 years ago, the
4 General Assembly passed a law called the Sexually Violent
5 Predator Act.

6 The theory was there's some people out there who are
7 such a danger to the community that even though they've
8 served their prison term, they still might represent
9 enough of a danger where they need to be committed to a
10 secure place for what they call long-term care, control
11 and treatment. That's what this case is about.

12 In this case, we plan to present to you evidence that
13 Timothy Geter, over there, has been convicted of a number
14 of sexually violent crimes.

15 There's a list of about 16 different times of crimes
16 in the statute that are called sexually violent. He's
17 been convicted of a bunch of these both in Spartanburg and
18 here in Richland County, as well as Lexington County.

19 We could have brought the case in either county.
20 Instead, we're doing it here in Richland. The next thing
21 is Dr. Gehle, sitting over there, she was appointed by the
22 court to conduct a mental evaluation of Mr. Geter to see
23 if he suffered from some kind of mental abnormality or a
24 personality disorder or both that made him likely to
25 commit acts of sexual violence even after he got out of

1 prison.

2 In other words, is he so dangerous that he's likely
3 to do that where we simply should commit him? In her
4 report that she will testify about soon says, "Yeah,
5 that's the case." That's where it leaves us.

6 The burden is on the State to prove to you, all 12 of
7 you, all 12 jurors, beyond a reasonable doubt that Timothy
8 Geter is a sexually violent predator.

9 Now, we're in the Court of Common Pleas, civil court.
10 Some of you who have either been here before or might have
11 friends that have been here wonder why the burden of proof
12 is different. If this was an auto accident case or a
13 medical malpractice case, the burden of proof would not be
14 the same. It will be preponderance of the evidence or
15 about 51 percent.

16 In this type of case, because that's the way the law
17 is written, we have to prove the case by the same burden
18 of proof if it were a criminal case.

19 In other words, we have to convince all 12 of you,
20 the State does, beyond a reasonable doubt that number one,
21 Mr. Geter has been convicted of a sexually violent crime
22 and he has. I don't think there will be any dispute as to
23 that.

24 Number two, does he suffer from that mental
25 abnormality or a personality disorder that makes him

1 likely to commit the same types of crimes again unless he
2 is confined for treatment. That's what the case is about.
3 That he was what your job is.

4 I ask you to listen to all of the evidence you hear.
5 Examine all the documents. Because his convictions
6 involved sexual acts, it was necessary for Dr. Gehle to
7 understand exactly what happened, know all the details in
8 order for her to perform an opinion.

9 Because of that, she may have to testify as to some
10 of the underlying details behind the convictions. So I
11 warn you now, some of the stuff you hear may not be
12 pretty, but it's necessary for her to form an opinion.

13 She has to explain to you how she got to that
14 opinion. That's what the case is. We're seeking to
15 civilly commit him to a secure place run by the Department
16 of Mental Health to get sex offender treatment.

17 I thank you again for your service, appreciate your
18 coming down here, and we'll see you a few minutes for
19 testimony.

20 MR. BELDING: Your Honor.

21 THE COURT: Yes, sir, Mr. Belling.

22 MR. BELDING: Thank you, Judge. May it please the
23 Court.

24 THE COURT: Yes.

25 OPENING STATEMENT:

1 MR. BELDING: Again, I'm Dave Belding. I'm an
2 attorney here in Columbia, and I represent Timothy Geter
3 who is sitting before you today in a blue jail jumpsuit
4 because his clothes are in the property room at the jail,
5 and they can't get them out and give them to him.

6 The fact is, Mr. Geter committed, he was convicted of
7 the crimes Mr. Bogle talked about. We'll -- you'll go
8 through those during the course of the trial, but he was
9 released from the South Carolina Department of
10 Corrections. He has served his time. He has paid his
11 debt to society.

12 Now, this 12 to 14-year-old law that Mr. Bogle talked
13 about is brand new law, essentially. There's a lot of
14 cases on it. This is a very new area of the law and a
15 very new case for psychologists and psychiatrists to deal
16 with.

17 Very little research had been done. Very little case
18 histories to report on. It's lacking, and I think
19 Dr. Gehle will admit it. It's lacking in a lot of
20 science, but what the State is going to be asking you to
21 do is to say, "You know what, we don't know about this
22 guy. You know, is he one of these guys with, you know,
23 with a trench coat on hanging out under bridges trying to
24 attack little girls?"

25 That's not we've got here, and we're going to show

1 you that it's not. You're going to have to find beyond a
2 reasonable doubt, all 12 of you, decide that this guy
3 cannot control himself to the point where he must be
4 confined beyond the term of his prison sentence, put in an
5 institution to receive treatment until the Department of
6 Mental Health is willing to let him go.

7 We're going to show you that is not only not
8 necessary, it would be entirely unfair in this case; that
9 Timothy Geter is not a predator and that public safety is
10 not in jeopardy by his release from the prison system --
11 prison sentence that he has completed, and that's what we
12 will ask you at the end.

13 So I, too, appreciate your attention. I think you
14 may find this interesting. It's certainly an unusual type
15 of civil case where a jury has to come to a decision
16 beyond a reasonable doubt, and hopefully we can get done
17 today. So thank you. I look forward to it.

18 Thank you, Your Honor.

19 THE COURT: All right. Thank you.

20 All right. Ladies and gentlemen, we've gone from you
21 all leaving for lunch to being sworn in and getting
22 preliminary charges and opening statements, so we'll take
23 lunch now. We'll take it for an hour, and we'll need to
24 have you back at five till two, 1:55, to hear a witness.

25 Thank you very much. Please do not discuss the case.

1 We'll see you after lunch.

2 (WHEREUPON, the jury left open court at approximately
3 12:52 p.m.)

4 THE COURT: Okay. We've got one hour for lunch.

5 MR. BELDING: Thank you, Your Honor.

6 MR. BOGLE: Thank you.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: Okay. Anything before the jury comes?

9 MR. BOGLE: Nothing from the State, Your Honor.

10 MR. BELDING: Nothing from the Respondent, Your
11 Honor.

12 THE COURT: Okay. Let's bring them in. They can
13 come on in, then.

14 (WHEREUPON, the jury came into open court at
15 approximately 2:06 p.m.)

16 THE BAILIFF: The jury is present, Your Honor.

17 THE COURT: All right. Very good. Welcome back.

18 Ladies and gentlemen, one or -- some of you have
19 asked whether or not you can take notes. You may take
20 notes during this trial if you would like to. However,
21 please remember that some people are better note takers
22 than others, and jurors' notes should not be given any
23 greater weight than the recollection of other jurors.

24 The recollection of individual jurors regarding the
25 testimony should be considered just as reliable as notes

1 taken by any other jurors.

2 I also want to emphasize, in various cases, there are
3 a couple schools of thought on whether jurors should take
4 notes or not.

5 Some people because of their line of work, they're
6 accustomed to taking notes or some people might think
7 better when they're doodling or whatever, but in some
8 instances when a person is taking notes, they may not
9 notice the body language of the witness, which could be
10 important in assessing a witness's credibility.

11 So you may take witnesses -- may take notes if you
12 like. You're not required to take notes. Just be aware
13 that your notes are -- are no more important than another
14 person's recollection and that if you are so focused on
15 writing, you may miss a critical aspect of the evaluating
16 credibility, which is observation.

17 And with that, we will move on. First witness.

18 MR. BOGLE: Thank you, Your Honor. May it please the
19 Court. The State would call Dr. Marie Gehle.

20 THE COURT: Dr. Gehle, if you'll come forward and be
21 sworn.

22 MARIE GEHLE, after being duly sworn,
23 testified as follows:

24 THE CLERK: Have a seat in the witness box, state
25 your full name for the record, please.

1 THE WITNESS: My name is Mary Gehle.

2 DIRECT EXAMINATION:

3 BY MR. BOGLE:

4 Q Would you please tell us what your current employment
5 is?

6 A I'm chief psychologist with the South Carolina
7 Department of Mental Health.

8 Q And how long have you been so employed?

9 A About three-and-a-half years.

10 Q Okay. Doctor, what is -- what professional or
11 educational degrees do you hold?

12 A I have a Bachelors of Arts in psychology. I have a
13 Masters of Arts in psychology, and I have a Doctorate in
14 clinical psychology.

15 Q Have you had specialized training in the field of
16 psychology or forensic psychology?

17 A Yes. I completed numerous practicums while I was in
18 graduate school, and I completed a predoctoral internship
19 in Washington state. As part of that internship, I did --
20 I completed pretrial evaluations.

21 I also worked at the Sexually Violent Predator
22 program during my internship. Then I completed a
23 postdoctoral fellowship with the State of Georgia in
24 forensic psychology.

25 Q Are you licensed doctor to practice psychology in the

1 State of South Carolina?

2 A Yes, I am.

3 Q What about any other states?

4 A I am also licensed to practice in Georgia.

5 Q Basically, what is the study of psychology and
6 forensic psychology? What are those two things, and would
7 you please tell the jury about that, please?

8 A Psychology is the study of mind and behavior, and
9 forensic psychology is applying the science of psychology
10 to issues of the law.

11 Q Okay. Now, Doctor, have you previously been
12 recognized as an expert witness in the field of psychology
13 and forensic psychology in the circuit courts of South
14 Carolina?

15 A Yes, I have.

16 Q About how many times?

17 A More than 50 times.

18 MR. BOGLE: Okay.

19 Your Honor, at this time we'd move to have Dr. Gehle
20 qualified as an expert witness in the field of psychology
21 and in forensic psychology.

22 MR. BELDING: Without objection, Your Honor.

23 THE COURT: All right. Ladies and gentlemen, this
24 witness is an expert witness in the fields so stated,
25 Mr. Bogle.

1 An expert witness is a person who by virtue of their
2 education, training and experience have become an expert
3 in some art, science or calling, and that person may offer
4 opinions in areas where lay witnesses typically cannot.

5 You may proceed.

6 BY MR. BOGLE:

7 Q Thank you, Your Honor.

8 Dr. Gehle, is your job -- does your job have you
9 evaluating people under South Carolina's Sexually Violent
10 Predator Act?

11 A Yes, it does.

12 Q And approximately how many people have you evaluated
13 under that law?

14 A More than 100.

15 Q Okay. Now, the precommitment evaluations like the
16 one today, where you are appointed by the court to conduct
17 an evaluation to see whether the person should be
18 committed for treatment, about how many of those have you
19 done?

20 A I have done more than 40 of them.

21 Q Okay. Of the ones you have done about whether or not
22 a person should or should not be committed, about how many
23 times have you come back after your evaluation saying that
24 the guy should not be committed?

25 A About two-thirds of the time I say that they should

1 not be committed.

2 Q Okay. Now, as part of this case, were you appointed
3 by the Court to conduct an evaluation of Timothy Geter
4 pursuant to the Sexually Violent Predator law?

5 A Yes, I was.

6 Q And as part of that evaluation, did you meet with and
7 interview Timothy Geter?

8 A Yes, I did.

9 Q Is the guy you talked with present in the courtroom
10 today?

11 A Yes, he is.

12 Q Would you point him out to the jury?

13 A Sitting with his attorney.

14 Q Let the record reflect she has identified Mr. Geter.

15 Okay. Now, in addition to interviewing with and
16 meeting Mr. Geter, did you also receive a file of
17 information about him?

18 A Yes, I did.

19 Q What type of information was in that file?

20 A There were court orders in there initially like the
21 order for my evaluation. There was a petition filed by
22 the Office of the Attorney General.

23 There were documents from the Department of
24 Corrections. There was an NCIC or national criminal
25 history report. There was a parole case summary, 2002.

1 There was an evaluation from 2004. There were school and
2 medical records for one of the victims, and there was
3 legal records pertaining to criminal offenses.

4 Q Okay. Is it necessary -- in order to form an opinion
5 as to whether or not this person should be civilly
6 committed, is it necessary for you as a psychologist to
7 study the background information behind the particular
8 conviction?

9 A Yes.

10 Q So police reports, witness statements, things like
11 that, are these things necessary for you to review in
12 order to form your ultimate conclusion about somebody?

13 A Yes, they are absolutely necessary.

14 Q Is the information that you looked at, the written
15 information, is this of the type that is reasonable relied
16 upon by experts in your field?

17 A Yes.

18 Q And did you consider or rely upon that information,
19 together with the interview of Mr. Geter, in forming your
20 conclusions about whether or not he should be civilly
21 committed?

22 A Yes.

23 Q Okay. Now, Doctor, going by the date that he was
24 charged, I'd like to first hand you -- and I believe we
25 agreed these are all admitted into evidence, Your Honor,

1 for the record.

2 THE COURT: One through 11.

3 MR. BOGLE: Thank you.

4 (WHEREUPON, State's Exhibits Nos. 1-11 were admitted
5 into evidence.)

6 BY MR. BOGLE:

7 Q Thank you.

8 I'd like to hand you State's Exhibit No. 1, a
9 certified copy from the Clerk of Court in Spartanburg
10 County of indictment number 87-GS-42-81 showing a
11 conviction of criminal sexual conduct in the second degree
12 times two.

13 Is this document something that you've seen before in
14 your work on this particular case?

15 A Yes. I saw copies of these documents.

16 Q Okay. What were the crimes that he was convicted of
17 on those documents?

18 A He was convicted of two counts of criminal sexual
19 conduct.

20 Q Okay.

21 A Second degree, I'm sorry.

22 Q And would you please tell the jury what details
23 behind those convictions you found necessary to conduct
24 your evaluation?

25 A Yes. The victim of one of the offenses was a

1 13-year-old female. She reported that she was sleeping on
2 the couch. Mr. Geter woke her up and proceeded to remove
3 her clothing, got on top of her, placed his hand over her
4 mouth and penetrated her vagina with his penis.

5 She reported, and I quote, "He started going up and
6 down. He was on me two or three minutes."

7 She said he then told her that if she told anyone
8 what would happen, he would hurt and beat her mother.

9 The second conviction was against an eight-year-old
10 male child who reported that Mr. Geter performed anal
11 intercourse on him. The incidents occurred in April
12 of 1986, and they were reported in August of 1986.

13 Q Okay. I'd like to hand you now State's Exhibit
14 No. 2, a certified copy of indictment number 87-GS-42-78
15 from Spartanburg County, an indictment for criminal sexual
16 conduct in the first degree and a finding of guilty.

17 Is this a document that you've looked at in
18 preparation for your developing an opinion about
19 Mr. Geter?

20 A Yes. I received a copy of this.

21 Q Okay. And what is the sentencing date on the
22 sentence part of that particular indictment where it shows
23 he was sentenced to prison time?

24 A The sentencing date is March 4th, 1987.

25 Q Okay. And what were the underlying details about

1 this particular crime that was necessary for you to learn
2 about in order to form an opinion about whether or not he
3 should be committed?

4 A Well, this charge was against a five-year-old female
5 who reported that Mr. Geter gave her a ride on his
6 bicycle. He took her to his own mother's house, laid her
7 down on the bed, pulled down her clothing, got on top of
8 her, moved back and forth, and she reported that white
9 stuff came out indicating ejaculation.

10 It was noted that the victim was walking funny on
11 that date, and this adult who was not the child's mother
12 noticed that her vagina was red and swollen and appeared,
13 I quote, very greasy. She had blood in her underwear.

14 The child told this adult female what happened, and
15 the adult female told her to tell her mother. However, a
16 couple days later, the child reported that she was again
17 sexually assaulted.

18 She reported that Mr. Geter forced her to perform
19 oral sex on him, and he digitally penetrated her vagina.
20 He performed oral sex on her, and he attempted to
21 penetrate her vagina with his penis.

22 This occurred after the first set of offenses, the
23 two criminal sexual conducts in the second degree. He was
24 charged with those offenses and then he was arrested,
25 released on bond, and then he went and offended these

1 other children. So that was very significant, in my
2 opinion.

3 Q So he was out on bond for the first charges when he
4 offended against the second child?

5 A Correct.

6 Q Doctor, the crimes you've looked at so far, the ones
7 on Exhibit 1 and Exhibit 2, are all those crimes sexually
8 violent crimes that's listed in the statute?

9 A Yes, they are.

10 Q Okay. I'd like to hand you a copy, a certified copy,
11 again from the Spartanburg County clerk of court of
12 indictment 87-GS-42-79, an indictment and sentencing sheet
13 for criminal -- for lewd act on a minor where he was found
14 guilty on that.

15 Is that also a document you looked at in preparation
16 for you evaluation of Mr. Geter?

17 A Yes. I've seen a copy of this.

18 Q Okay. What was the crime he was convicted of on that
19 particular charge?

20 A He was convicted of lewd on a minor.

21 Q Is lewd act on a minor a sexually violent crime under
22 the law in South Carolina?

23 A Yes, it is.

24 Q Okay. What were the underlying details on that case
25 that you found significant?

1 A This was against a victim who was -- I want to make
2 sure I have the right one here.

3 (Pause.)

4 A six-year-old female who reported that Mr. Geter
5 attempted to perform vagina intercourse on her, and I --
6 when I interviewed him, he did not remember the victim.

7 So -- this was an incident that also happened on the
8 same date as the prior incident. So if I can explain this
9 again, on October 28th, 1986, there were several young
10 girls who were having a sleepover. I think that there
11 were four or five girls in one bedroom sharing beds and
12 whatnot.

13 Mr. Geter sexually offended most of those children in
14 the room, so on the same night. So this was the second
15 offense that he was charged for on October 28th, 1986.

16 Q Now, was this something he was already out on bail
17 for a sex offense, or is this the offense that he was
18 released on bail for and then committed another sexual
19 offense?

20 A No, no. He -- he committed the acts against the
21 13-year-old girl and an eight-year-old boy, and he was
22 released, offended the five-year-old girl on October 25th
23 and then offended several young girls on October 28th.

24 Q Okay.

25 A So those offenses occurred after he was released on

1 bond for the -- the --

2 Q Okay.

3 A -- offense against the eight-year-old male and the
4 13-year-old female.

5 Q I'd like to next show you a certified copy also from
6 the Spartanburg County Clerk of Court of indictment
7 87-GS-42-80, an indictment or conviction of assault with
8 intent to commit criminal sexual conduct. Is this a
9 document that you looked at in your study of Mr. Geter?

10 A Yes.

11 Q And what was he convicted of there?

12 A He was convicted of assault with intent to commit
13 criminal sexual conduct.

14 Q Is assault with intent to commit a criminal sexual
15 conduct a sexually violent crime under our law?

16 A Yes, it is.

17 Q What details about the underlying facts did you find
18 significant in forming a conclusion about Mr. Geter?

19 A Well, this offense was against another five-year-old
20 female. It occurred in the same room as the other girls
21 on October 28th, 1986.

22 This was a daughter of somebody that Mr. Geter was
23 dating. So I found it significant that, again, we have a
24 prepubescent child. He offended several girls in front of
25 one another, offended several girls on the same night.

1 Those facts were significant to me.

2 Q Is the fact that -- were there any indication that he
3 knew these children prior to offending against them?

4 A It appeared that he knew some of the children. Some
5 of the children were people who he had access to because
6 he was dating their mother. Some of them were
7 neighborhood kids.

8 There was at least one person who he said he didn't
9 know the victim, never met the victim. So that was
10 significant, as well.

11 Q I guess what I'm getting at, the fact that he would
12 offend against a child who knows him and can identify him,
13 could pick him out, if you will, did you find that
14 significant that he would be so bold as to offend against
15 the child who could say, "Yeah, that's the guy"?

16 A Yes. That speaks to whether he can control his
17 behavior, the fact that he would offend against somebody
18 who knew him and could identify him but also in front of
19 other children.

20 Q Other witnesses?

21 A Yes, which would increase the likelihood that
22 somebody would tell, and also the fact that he offended
23 several children in one night speaks to an inability to
24 control himself.

25 Q Okay. Doctor, I now hand you State's Exhibit No. 5,

1 again a certified copy of indictment number 87-GS-42-77
2 from the Spartanburg Clerk of Court, an indictment for
3 lewd act on a minor and a finding of guilty by the jury.

4 Is that another document that you studied in your
5 evaluation of Mr. Geter?

6 A Yes. I received a copy of this.

7 Q Okay. And is the crime he was convicted of there
8 lewd act on a minor, is that sexually violent crime in
9 South Carolina?

10 A Yes, it is.

11 Q What underlying facts? Is this the same group of
12 girls we're looking at, the sleepover?

13 A Yes.

14 Q Okay. Are the underlying facts basically anything
15 different about this particular crime you can tell us
16 about, or is it the same as you described before?

17 A This was a three-year-old female child. So she
18 reported that Mr. Geter performed oral sex on her. When I
19 asked Mr. Geter about it in my interview of him, he
20 thought that he had attempted to penetrate the victim.

21 It's significant because a three year old, given
22 their small statute, it can cause a lot of harm to a
23 three-year-old child. So I found that significant. It
24 also happened on the same date as those other offenses.

25 Q And is that a sexually violent crime he was convicted

1 of there under our law?

2 A Yes.

3 Q Okay. I'd like to hand you now a certified copy from
4 the Richland County clerk's office here in Columbia,
5 indictment 2006-GS-40-2125, a conviction for contributing
6 to the delinquency of a minor.

7 Is this a document you studied in the course of your
8 evaluation of Mr. Geter?

9 A Yes. I received a copy of it.

10 Q What was the original -- now, the conviction was for
11 contributing to the delinquency of a minor; is that
12 correct?

13 A Yes.

14 Q What was the original charge on the indictment?

15 A According to this indictment, it's contributing to
16 the delinquency of a minor.

17 Q Okay. Now, is contributing to the delinquency of a
18 minor, is that a sexually violent crime under our statute?

19 A No, not that I'm aware of.

20 Q But did you find it significant to study this
21 particular conviction, as well as the other ones?

22 A Yes.

23 Q And why is that?

24 A Well, this conviction is for -- it's related to
25 Mr. Geter providing alcohol to minors, and these minors

1 were victims who he sexually offended.

2 Q Okay.

3 A So --

4 Q Is there something in your business called grooming
5 when it comes to a person, an adult, conduct toward a
6 child?

7 A Yes.

8 Q What does grooming mean in the context of your
9 expertise?

10 A Grooming can mean several things, but it often means
11 doing things to set up a victim. So creating a
12 relationship, sometimes creating a relationship with their
13 parents so that you can gain access to the child, getting
14 into a position of trust so that parent might be more
15 likely to let you babysit the child or have the child
16 spend the night.

17 In the case of older boys, grooming can be providing
18 things that boys like to do: Giving them alcohol, giving
19 them pornography. You know, having a bunch of video games
20 at your house, having that kind of house that some, you
21 know, teenage boy would like to come over and spend time.

22 You know, just setting up a scenario where you're
23 going to have more access to the child and to the child --
24 and the child's caregivers to trust you.

25 Q Okay. Now, Doctor, I'd like to show you this next

1 one, Exhibit No. 7 from Richland County, indictment number
2 2006-GS-40-2126, a certified copy from the Clerk of
3 Court's office for a conviction of AB/HAN, which is
4 assault and battery of a high and aggravated nature. Is
5 this a document you also looked at in the course of your
6 investigation?

7 A Yes.

8 Q And what was the original charge that he was indicted
9 for?

10 A He was originally indicted for assault with intent to
11 commit criminal sexual conduct on a minor in the second
12 degree.

13 Q Okay. Now, the crime he was convicted of, what we
14 call AB/HAN or assault and battery of a high and
15 aggravated nature, is that a sexually violent crime in
16 South Carolina?

17 A No.

18 Q Was it important for you, though, to study the
19 underlying details of this crime, as well as the others,
20 to get a clear picture about Mr. Geter?

21 A Yes.

22 Q What underlying details did you find significant
23 about the facts behind this conviction?

24 A Well, this child -- or he was basically a -- let me
25 make sure how old he was, but -- he was a 14-year-old

1 male.

2 Mr. Geter had met this boy's brother and started to
3 gain a relationship with him, started to hang out with
4 him, had met the boy's mother and gotten to a position of
5 trust with her. He took her to run errands, said that he
6 would mentor the kids, apparently gave her a false name.

7 He brought some boys with him to this woman and these
8 kids' house and said that these boys were his own
9 children, which was apparently not true.

10 He had the older boy, the 17-year-old, spend the
11 night with him several times, and then he hosted a slumber
12 party for several boys, including the one who was involved
13 in this AB/HAN.

14 On that date, it was June 8th, 2005, he performed
15 oral sex -- Mr. Geter performed oral sex on this
16 14-year-old boy. The 14-year-old boy was asleep, and he
17 was awakened by this, but he pretended to be asleep during
18 the offense because he felt that if he let Mr. Geter know
19 that he was awake, he was scared that Mr. Geter would hurt
20 him. His words were, "You know, I thought if I saw him --
21 if he knew that I saw him," that he would be more likely
22 to get hurt. So he performed oral sex on him, and the
23 victim reported this to his mother in a letter the next
24 day.

25 It was also notable that while this was happening,

1 there were several boys in the house, one being the
2 14-year-old older brother, and this older brother said
3 that he continued to come to the bedroom door and knocked
4 on the door and asked Mr. Geter, "You know, what are you
5 doing? Why do you have the door closed with my brother in
6 there?" Mr. Geter said, "Nothing is going on. Just go
7 away." So there was concern by the 17 year old during
8 this offense.

9 Q Doctor, stop for a second. The initial exhibits I
10 handed you from Spartanburg County were convictions that
11 all occurred back in about 1987?

12 A Correct.

13 Q And Mr. Geter got a significant prison term back
14 then, did he not?

15 A Yes, he did.

16 Q Okay. Now, when he was released from prison as part
17 of the records you reviewed, was he reviewed just like
18 you're doing under the Sexually Violent Predator Act?

19 A Yes.

20 Q Was a doctor appointed by the court, a psychologist
21 to study him and see if he should be civilly committed?

22 A Yes, a psychiatrist was appointed to evaluate him.

23 Q Okay. And did you review her report?

24 A I did.

25 Q Okay. And what was the result of her report? Was he

1 committed, civilly committed, back then like we're trying
2 to do now?

3 A No, no, he was not civilly committed.

4 Q As best you can tell, what were the reasons he was
5 not civilly committed back then, having read her report?

6 A The reasons, to my understanding, were that when he
7 was evaluated, he had participated in treatment while he
8 was in the Department of Corrections and the therapist in
9 the Department of Corrections thought that he had done a
10 really good job in treatment and said that he had changed
11 more than anybody she had seen in treatment. So I believe
12 that that was a large part of the opinion.

13 Q Okay.

14 A That he did not meet criteria back then.

15 Q So approximately when did he get released from prison
16 after those 1987 convictions?

17 A Let me give you that date here.

18 (Pause.)

19 He was -- there was an order by the court signed
20 May 12th, 2004.

21 Q Uh-huh.

22 A So he would have been released around that time.

23 Q Okay. How long between when he was released in May
24 of 2004, you say?

25 A Yes.

1 Q Before he initiated contact with another child that
2 led to another criminal charge and some of the convictions
3 we're talking about in Richland County now? How much time
4 did he go before offending again?

5 A He was released around May 2004, and an offense was
6 said to have occurred in March of 2005. He wasn't charged
7 until June of 2005.

8 Q Okay. But the offending conduct was in, you say,
9 March of 2005?

10 A Yes.

11 Q That's about what, ten months?

12 A Yes.

13 Q Okay. I'd like to hand you a certified copy from
14 Richland County of indictment 2006-GS-40-8267, an
15 indictment for assault and battery of a high and
16 aggravated nature, a conviction for that, rather, but the
17 indictment is for something else.

18 Is this also a document you reviewed in the course of
19 your study with Mr. Geter?

20 A Yes.

21 Q Okay. Now, AB/HAN, the crime he was convicted of,
22 again, is not a sexually violent crime under our lawyer,
23 correct?

24 A Correct.

25 Q Was it necessary for you to study the underlying

1 charge and the facts behind this case to develop an
2 opinion about Mr. Geter?

3 A Was it necessary?

4 Q Yeah.

5 A Yes.

6 Q What was the original charged offense, according to
7 the indictment?

8 A Criminal sexual conduct with a minor in the second
9 degree.

10 Q Okay. What about the underlying facts of this
11 particular crime that you find significant?

12 A This was, again, an offense that involved that
13 14-year-old boy. So the significant factors that I named
14 before applied to this case, as well.

15 Q Okay. Okay. Thank you.

16 I'd like to hand you a copy of State's Exhibit No. 9,
17 a certified copy from Richland County,
18 indictment 2006-GS-40-82-66 for criminal sexual conduct in
19 the third degree. Is this a document you looked at in
20 your study of Mr. Geter?

21 A Yes, I believe so.

22 Q Is criminal sexual conduct in the third degree a
23 sexually violent crime under the law in South Carolina?

24 A Yes, it is.

25 Q What is it about the facts behind this crime, the

1 victim and so forth, that you find significant in
2 developing your opinion about Mr. Geter?

3 A This was the offense against the older brother of the
4 14-year-old victim. This victim, he was 17 but he was
5 mentally retarded, and because he had a disability of that
6 nature, he was unable to consent to the sexual activity.

7 So I found it significant in that, you know, he --
8 Mr. Geter was engaging in sexual acts with the victim, a
9 14-year-old boy, a 17-year-old boy who were brothers, and
10 one of them being, you know, mentally disabled.

11 Q In looking at the sentencing sheet on this exhibit,
12 what was the date he was sentenced, the date he was
13 convicted in the lower right-hand corner?

14 A He was convicted on June 28th, 2006.

15 Q Is that this same sentencing date as these other
16 Richland County convictions I've been showing you so far?

17 A Yes.

18 Q Okay. Were these guilty pleas or trials on the
19 guilty sentencing sheet?

20 A These were guilty pleas.

21 Q Okay. I'd like to hand you a certified copy of
22 State's Exhibit No. 10, another Richland County
23 indictment 2006-GS-40-5715, indictment for lewd act on a
24 minor and the sentencing sheet for that. Is that also a
25 document you looked at in your study of Mr. Geter?

1 A Yes, I did.

2 Q Okay. Is lewd act on a minor, again, is that a
3 sexually violent crime in South Carolina?

4 A Yes, it is.

5 Q What is it about the underlying facts in this case
6 that you find significant?

7 A This was another boy who was present at that slumber
8 party. He was, I believe, a 14-year-old boy, and what was
9 significant about this one is Mr. Geter told me that he
10 had not met this victim before the offense. So
11 essentially, this child was a stranger to him.

12 He was alleged to just have rubbed his knee, so it
13 wasn't a significant offense, but he pled guilty to lewd
14 act on a minor.

15 Q Now, what is the significance of "I know the victim
16 or I don't know the victim" or "I just met the victim the
17 first time before the crime happened"? Is there some
18 significance between knowing your victim and having not
19 met the victim prior to the crime?

20 A Well, when I look at risk factors --

21 Q Uh-huh.

22 A -- related to whether somebody is likely to reoffend,
23 one item on the actual actuarial measure that I use is
24 whether they've offended against a stranger, somebody that
25 they did not know for 24 hours prior to the offense.

1 That's related to increased likelihood to commit another
2 sexual offense.

3 Q Okay. Well, let me show you the last indictment
4 we've got here. This is from Lexington County, a
5 certified copy from the Lexington County Clerk of Court,
6 indictment 2006-GS-32-1671 for lewd act on a minor with
7 the same sentencing date of June 28th of 2006. Is that
8 also an indictment that you studied in your evaluation of
9 Mr. Geter?

10 A Yes.

11 Q Okay. What is it about -- is lewd act on a minor --
12 just for the record, that is a sexually violent crime in
13 South Carolina, correct?

14 A Yes, it is.

15 Q What is it about the underlying facts in this
16 particular case over in Lexington that you find
17 significant?

18 A Well, this was against a 15-year-old boy who
19 Mr. Geter was apparently related to. I think she was the
20 son of his cousin.

21 This incident occurred at Mr. Geter's place of work.
22 He was working at a club, a nightclub, and he told me that
23 he pat down the boy and grabbed his groin in order to, you
24 know, make sure he didn't have any weapons.

25 The victim reported a different story and said that

1 Mr. Geter, you know, fondled him when they were, you know,
2 there one night cleaning up. This 15-year-old boy also
3 worked at the bar.

4 Q Now, Dr. Gehle, going through the list of what you've
5 been talking about, let me see if my notes are right. As
6 I see it, is it true the youngest victims, of the victims
7 that you talked about so far in these nine or ten crimes,
8 is the youngest victim you talked about, about three?

9 A Yes.

10 Q And the oldest victim would have been that
11 17-year-old boy with the mental handicap?

12 A Yes.

13 Q And the ages are all mixed in between that; is that
14 right?

15 A Yes, there's a wide variety of ages.

16 Q Okay. Now, Doctor, explain to the jury, if you
17 would, please, what is it about past sex offense behaviors
18 important in predicting or deciding whether or not a
19 person is likely to commit future sex offense behavior?
20 How do the two relate?

21 A Well, any time somebody commits a sexual offense,
22 they're at more risk to commit another sexual offense.
23 When they commit a series of sexual offenses, they're
24 certainly more at risk. In general, past behavior
25 predicts future behavior.

1 Q Is the fact that his age group of his victims all
2 over the ballpark, young to old, very young to older
3 teenager, is that significant to you?

4 A Well, it's significant in that it -- I look at the
5 offenses against anybody who is prepubescent on who has
6 not reached any sexual maturity, I look at those offenses
7 differently, and I look at offenses of kids who have
8 reached sexual development in regard to diagnosing
9 something, a mental abnormality or personality disorder.
10 That's probably the most significant feature of the age.
11 It speaks to different diagnoses.

12 Q As Mr. Geter, you referenced before that when he was
13 reviewed back in 2004, apparently he had some kind of --
14 did he have some prior sex offender treatment while at the
15 Department of Corrections?

16 A Yes.

17 Q Okay. When would that have been?

18 A It looks like he was treated in around 2002. He went
19 through what's called the Residential Treatment Unit at
20 SCDC. That's a more extensive treatment. Then he also
21 went through a 12-week sex offender course, what he told
22 me was a 12-week sex offender course, in 2012.

23 Q Okay. But the sex offender treatment he got during
24 his first imprisonment for the crimes in 1980s, you found
25 that he offended shortly after being released from

1 custody?

2 A Correct.

3 Q Okay. Now, what did you see that indicates to you he
4 needs more sex offender treatment?

5 A Well, the fact that he offended within a short time
6 after being released from prison for sex offenses, to me,
7 that means that treatment didn't work.

8 Even though, you know, he did not offend against
9 young children, he still offended against kids who did not
10 consent to, you know, sexual activity with him.

11 Q What comments or admissions did he make to you when
12 you interviewed him that you found significant
13 particularly about his attitude towards children or toward
14 sex offenses in general? Did he say anything to you that
15 you found significant?

16 A Yeah. There were several things. In general, I
17 found that his attitude about his offenses were he acted
18 like, you know, he didn't have a problem. He didn't need
19 treatment. He said that he had been sexually aroused by
20 children from age five to the age of sexual development,
21 which is usually around age 12 and for females around age
22 13 for males.

23 He told me that he had been sexually aroused by those
24 children, exclusively female, even though he had offended
25 against a male child. He said it went away when he had

1 treatment.

2 Then he got out and reoffended, and he -- he said he
3 really had no idea why he did those offenses the second
4 time against the teenage boy.

5 I thought his attitude was rather narcissistic. He
6 acted like he didn't have any problems. He said he had
7 empathy for his victims because he said that he had been
8 sexually abused as a child. Although, when I talked to
9 him about his sexual abuse, he indicated he had began
10 having sex or sexual relations with an older female when
11 he was, I don't know, eight or nine years old, and that he
12 didn't see that as sexually abusive until he was an adult.

13 So I don't know if -- if his perception of his sexual
14 abuse is the same as that of the victim, but he claims
15 that he could understand the victims because of his sexual
16 abuse.

17 He really indicated that he didn't have problems;
18 that he was going to rely on people to keep him out of
19 trouble; that he was going to hang out with the right type
20 of people who would, you know, keep an eye on him and make
21 sure he didn't go down the wrong path.

22 So I found that to be significant because it's
23 indicating he's looking for external control instead of
24 internal control, his behavior.

25 Q Did he give any indication to you of any plans on his

1 own behalf if he is released from custody to start up the
2 sex offender treatment?

3 A I believe that he said that he doesn't need
4 treatment; that he was going to go into the Jump Start
5 program, which to my understanding is a religious-based
6 program that helps men who are being released from prison,
7 helps them transition to the community.

8 He indicated that he would continue treatment with
9 them and just -- I guess it was just general treatment,
10 but when I explicitly asked him if he needed sex offender
11 treatment, he said no.

12 Q Okay. Are there certain risk factors that you look
13 for in cases like this?

14 A Yes.

15 Q All right. Now, by my count, he has been convicted
16 of nine sexually violent crimes from the 1980s to the
17 2000s. What risk factors do you look for, and what did
18 you find with regard to Mr. Geter?

19 A In regard to risk factors, he has a sexual preference
20 to prepubescent and pubescent children, as evidenced by
21 his self-report and criminal convictions. He has multiple
22 paraphilias which are diagnoses.

23 Q Whoa, whoa, whoa. Let's not get the words out and
24 not know what they are.

25 A Okay.

1 Q What's a -- are you going to tell us what paraphilia
2 is later on?

3 A Yes.

4 Q Okay. We'll come back to that.

5 A He has a history of befriending minors and spending a
6 great deal of time with kids, which can be a risk factor
7 for somebody who has that attraction to prepubescent and
8 pubescent children.

9 He has exhibited resistance to rules and supervision
10 because he committed offenses while he was on bond and
11 while he was on the sex offender registry.

12 He has developed relationships with women in the
13 community and has sexually offended their children, and
14 he's been unfaithful to them, lied to them, which
15 indicates difficulty establishing emotionally intimate
16 relationships with adults. He also meets criteria for a
17 personality disorder.

18 Q When he was doing these sexual crimes with these
19 children, did he also have an age appropriate sexual
20 partner at the time, like a girlfriend or something?

21 A Yes. It's my understanding that he was dating adult
22 females the entire time. The first -- the first set of
23 offenses, he was dating the children's mother. The second
24 set of offenses, also in 1986, he was dating some of the
25 childrens' mother --

1 Q Okay.

2 A Mothers, and he was dating those two women at the
3 same time apparently.

4 The last set of offenses, he reportedly was dating a
5 woman and -- who had four children, but it's not known
6 that he offended any of those children.

7 Q Were there also situations where he offended multiple
8 times at the same event, like a sleepover?

9 A Yes.

10 Q Against multiple, more than one victim?

11 A Yes.

12 Q Okay. Now, Doctor, in what timeframe -- what time
13 period are we talking about from offense number one to
14 offense number last? What time frame are we talking about
15 here?

16 A Well, the first offenses were in 1986, and the last
17 offenses were in 2005.

18 Q So it's about 19 years?

19 A Uh-huh.

20 Q Doctor, did you perform any scoring of Mr. Geter on
21 any kind of actuarial instrument, specifically something
22 called a Static 99-R for revised?

23 A Yes.

24 Q Did you score Mr. Geter on that instrument?

25 A Yes, I did.

1 Q Okay. What is the Static 99-R?

2 A The Static 99 is an actuarial measure, meaning that
3 you look at certain factors that are related to groups of
4 people who have reoffended.

5 So basically, you take a large sample of sex
6 offenders. You look at a variety of factors, and then you
7 look at who was arrested or convicted of a sexual offense
8 in the future, and you look at what factors are related to
9 being arrested or reconvicted, and this actuarial has
10 about ten questions on it. It's the most widely used
11 actuarial measure for estimating sex offender recidivism.

12 Q Can you give us an example, a comparison example, of
13 this scoring to something these jurors or I might see in
14 ordinary life?

15 A Well, if you've had a heart attack, you go to your
16 doctor. Your doctor is going to look at certain factors.
17 You know, what's your diet like? Do you smoke? Do you
18 drink? Do you exercise? What's your weight? What's your
19 BMI? Things like that.

20 Then he's going to give you an estimate of what's
21 your likelihood to have another heart attack. So this
22 isn't just, you know, any time on the street you go to
23 your doctor and you have no health problems, and they're
24 going to look at your risk. This is after you've already
25 had a medical problem. They're going to look at what's

1 your risk to have another heart attack.

2 That's a similar example. You look at certain
3 factors that are related to heart attacks, and you add up
4 those factors and see what somebody's risk is.

5 Q Okay. In this case, the Static 99-R, is it based on
6 a sampling of sex offenders, a large sampling?

7 A It is.

8 Q Okay. Several thousand over multiple countries?

9 A Yes, part of the sample was tens of thousands.

10 Q Okay.

11 A And there's several groups that you can compare
12 offenders to. The sample that I used in precommitment
13 evaluations was over 3,000 offenders.

14 Q Is the Static 99-R, is this a commonly used tool in
15 your profession to estimate or give an opinion as to
16 whether or not a person is going to sexually offend again?

17 A Yes. It's the most commonly used risk assessment.

18 Q And what score or what number did Mr. Geter get on
19 that scoring test, that example?

20 A He got a score of eight.

21 Q Okay. And what does eight relate to as far as
22 likelihood to reoffend? Where does it fit within the
23 range of scores you can get, which I think is what, minus
24 three to 12 or something?

25 A Yes.

1 Q Where does it fit?

2 A An eight is considered high risk, and you look that
3 the score. There are tables that tell you what the risk
4 estimate is, so in the samples when people have a score of
5 eight, about 37.2 percent of the sample reoffends within
6 five years, and within ten years about 46.3 percent of the
7 sample reoffends.

8 Q Now, is there another way to say that? Is he worse
9 than or better than a certain number of people in the
10 study?

11 A You can also compare that score to where people with
12 that score fall in the range of scores on this test. So
13 you said negative three to 12. People with a score of
14 eight, 97.8 percent of the sample has a score lower than
15 eight.

16 Q Okay.

17 A And 1.3 percent of the sample has a score of eight,
18 and so you're left with people who score above eight is
19 less than one percent. So when you look at it that way,
20 he's, you know, in the 99 percentile.

21 Q Okay. Is remorse or lack of remorse something you
22 looked at or considered when talking to him and
23 interviewing him in this case?

24 A It's something that comes out as part of the
25 assessment, but it's not a big issue in my evaluation.

1 Q Okay. How did it come out in this case, his remorse
2 or lack of remorse? Did he have any? Could you tell?

3 A It was variable. I mean, he said that he felt
4 remorse. He said that he had empathy. It's difficult to
5 understand whether he does truly have remorse, but I think
6 in general, I don't believe he was remorseful for his
7 behaviors.

8 Q Did he style himself as a role model to these kids?

9 A Some instances, yes. He said that he was helping
10 these kids by teaching them how to drive, how to live
11 right, things of that nature.

12 Q Has he shown any appreciation for the harm he caused
13 his victims?

14 A He convertilized [sic] that he called harm, but I
15 don't know that he really understands it. I think
16 something that -- if he truly felt that he had harmed
17 these kids, he might see that he had a problem with his
18 sexual behavior.

19 He might say that -- he might say that he needs
20 treatment, which he didn't in this case. He says that he
21 knows he harmed -- he harmed the victims.

22 Q Now, Doctor, let's wrap this thing up then. Based
23 upon your examination of Timothy Geter and your review of
24 his records and the testing or scoring that you did, do
25 you have an opinion to a reasonable degree of

1 psychological certainty as to whether or not Timothy Geter
2 has a mental abnormality or a personality disorder.

3 A I think that he has two mental abnormalities and a
4 personality disorder.

5 Q Okay. What's the first mental abnormality that you
6 diagnosed?

7 A Pedophilia. Pedophilia is sexual arousal towards
8 children who have not reached the degree of sexual
9 development, so he actually reported that he had sexual
10 arousal.

11 He said that it began when he was 17 years old, which
12 is two years prior to the first known offense, and he said
13 that it stopped in 2002. So it lasted quite a number of
14 years.

15 In order to diagnose pedophilia, you have to show six
16 months of arousal, which he meets criteria for that.

17 Q Okay.

18 A He also offended against several children, so that
19 was indicative of a disorder.

20 Q Now, was this pedophilia called exclusive or
21 nonexclusive or sexually attracted to both? There's
22 different terms I've seen in the report. Is that also
23 part of the diagnosis?

24 A Yes. Specifically he's diagnosed with pedophilia,
25 sexually attracted to both. That means he is sexually

1 attracted to both male and females.

2 He reported that he was only sexually attracted to
3 females, but he offended against a male child. So sexual
4 attraction to males and females is assumed and then also
5 nonexclusive type. That means that his sexual arousal is
6 not exclusive to children, meaning that he's also aroused
7 by adults.

8 Q Okay. Were there any other mental abnormalities that
9 you diagnosed besides the pedophilia?

10 A Yes. I also diagnosed him with paraphilia not
11 otherwise specified, and this has to do with the coercive
12 sexual acts that he committed against children who were
13 not prepubescent.

14 So in 1986, he offended a 13-year-old female. She
15 was -- she is outside of the range of prepubescents, and
16 then he also offended against those teenage boys in 2005.

17 So again, I looked for a pattern of offending that at
18 least lasted six months, and this lasted, you know, many
19 years. So this disorder was applied to him, paraphilia --

20 Q Are these --

21 A -- not otherwise specified.

22 Q Are these mental abnormalities recognized by the
23 psychology and psychiatric field?

24 A Yes.

25 Q And are they mental abnormalities that apply under

1 the Sexually Violent Predator Act?

2 A I believe they do, yes.

3 Q Did you also diagnose him with a personality
4 disorder?

5 A I did.

6 Q Now, what's the difference between a personalty
7 disorder and a mental abnormality?

8 A Personality disorder is the way you view the world.
9 It's usually something that's developed in early
10 childhood, and it kind of lends what you view everything.

11 A disorder is usually thought to be a little bit
12 different than that. Although, you know, people have
13 debates about what those things mean but...

14 Q What -- did you diagnose him with a personality
15 disorder?

16 A I did.

17 Q What was it?

18 A Antisocial personality disorder.

19 Q And what does that mean?

20 A Antisocial personality disorder is a long pervasive
21 interaction style in which people have little regard for
22 others. They failed to conform their behavior to social
23 norms, like they commit unlawful behavior. They are
24 deceitful. They lack empathy. They lack remorse, and
25 these behaviors start in childhood or at least prior to

1 age 15.

2 In his case, he reported a long history of child
3 conduct problems prior to age 15, and then his behaviors
4 as he has gone through life indicates that he meets the
5 criteria for an antisocial personality disorder.

6 Q Now, Doctor, and again, to a reasonable degree of
7 psychological certainty, do these two mental
8 abnormalities, the paraphilia and the pedophilia, and the
9 antisocial personality disorder, do they play into Timothy
10 Geter's sexual offending?

11 A Yes, they do.

12 Q Are these things that can be cured?

13 A No, not necessarily.

14 Q Can they be treated?

15 A Yes, sometimes they can be treated.

16 Q Do you have an opinion as to whether or not -- again,
17 to a reasonable degree of psychological certainty, whether
18 Timothy Geter's mental abnormalities and personality
19 disorder you described a minute ago, do they affect his
20 emotional or volitional capacity so that he is predisposed
21 to commit sexually violent crimes?

22 A Yes.

23 Q Okay. What is your opinion?

24 A My opinion is that they do.

25 Q Now, what we mean to say, emotional or volitional

1 capacity, what do those terms mean?

2 A It's whether he could control his behavior.

3 Q Okay. And what have you seen that indicates he
4 cannot control his behavior?

5 A Well, he offended against children while he was on
6 bond for other sexual offenses.

7 Q Okay.

8 A So he offended within close proximity of prior
9 charges. He offended within a year of being released from
10 prison, so despite these major consequences that he was
11 facing or had faced, he offended anyway. So that can
12 indicate volitional impairment.

13 He offended multiple children on the same date. That
14 indicates possibly a high sex drive or a high need to
15 commit acts.

16 He offended children who knew him, and he offended in
17 front of other children. Both of those things increased
18 the likelihood he would be detected, and despite that
19 risk, he proceeded and acted.

20 He continued to sexually offend in a very high-risk
21 situation against that 14-year-old boy when the
22 17-year-old brother was knocking on the door. You know,
23 he is -- he is offending this boy on the other side of the
24 door with other boys in the house essentially increasing
25 his likelihood of being detected.

1 He has offended multiple victims over 19 years
2 indicating a chronic pattern, so this isn't just a
3 one-time thing. He has done it numerous times, which
4 indicates he has trouble controlling his behavior.

5 Q Doctor, do you have an opinion, again to a reasonable
6 degree of psychological certainty, as to whether Timothy
7 Geter has a propensity to be dangerous and commit future
8 sexually violent crimes?

9 A Yes.

10 Q Okay. And what is that? Is that opinion yes?

11 A I believe that he is at risk to commit sexually
12 violent offenses.

13 Q Again, to a reasonable degree of psychological
14 certainty, is his propensity such that it poses a menace
15 to health and safety of others?

16 A I believe it does.

17 Q Do you have an opinion to a reasonable degree of
18 psychological certainty as to whether Timothy Geter has
19 serious difficulty in controlling these propensities we
20 talked about this afternoon?

21 A Yes, I believe he does have difficulty.

22 Q Okay. And do these mental abnormalities and this
23 personality disorder, do they make him likely to engage in
24 acts of sexual violence unless he is confined for
25 long-term care, control and treatment, in your opinion, to

1 a reasonable degree of psychological certainty?

2 A I believe they do.

3 Q If the jury finds Timothy Geter to be a sexually
4 violent predator, would he be offered treatment for his
5 mental abnormalities and his personality disorder?

6 A Yes, he would.

7 Q What state agency would offer that treatment?

8 A It's offered in the South Carolina Department of
9 Mental Health.

10 Q Okay. Would he be confined to a place where he
11 wouldn't get out while he gets the treatment?

12 A Yes.

13 Q Okay.

14 A It's a locked facility.

15 Q And if confined there, does he have the right to
16 petition the court to be released --

17 A Yes, he does.

18 Q -- if he thinks he's getting better and doing fine?

19 A Yes.

20 Q How often does that occur?

21 A He would -- his case would be reviewed every year.

22 Q Is he facing any probation that you're aware of, from
23 looking at all of these sentencing sheets, if he is
24 released from custody?

25 A I don't believe that he has any probation.

1 Q So are you aware of anything that can require him to
2 take the sex offender treatment he needs to get other than
3 this commitment process we're doing today?

4 A No, I'm not aware of anything.

5 Q Who would be at risk if Mr. Geter is released to the
6 community?

7 A Well, given his past behavior, I believe it would be,
8 you know, anywhere from young males or females up to, you
9 know, teenagers.

10 MR. BOGLE: Thank you, Doctor. Please answer any
11 questions counsel may have or the Court may have.

12 THE COURT: All right. Ladies and gentlemen, we'll
13 take a break now. Please go to the jury room. Please do
14 not discuss the case. When you come back, Ms. -- you
15 pronounce it Tims or Thames?

16 THE JUROR: Thames.

17 THE COURT: Thames?

18 THE JUROR: Yes.

19 THE COURT: I'm going appoint you to serve as
20 foreperson of the juror. You can take the first seat.
21 The bailiffs will show you which one it is.

22 As the foreperson, you can serve as the spokesperson
23 for the jury and will preside over the deliberations.
24 Please go to the jury room.

25

1 (WHEREUPON, the jury left open court at approximately
2 3:08 p.m.)

3 THE COURT: All right. We'll take about five.

4 (WHEREUPON, a short break was taken.)

5 THE BAILIFF: The jury is present, Your Honor.

6 THE COURT: Okay. Very good.

7 Cross-examination?

8 MR. BELDING: Thank you, Your Honor.

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION:

11 BY MR. BELDING:

12 Q Okay. Dr. Gehle, have we met before?

13 A Yes, we have.

14 Q Now, you are a chief psychologist at the Department
15 of Mental Health. I think you stated that you've been
16 doing that for three-and-a-half years; is that right?

17 A Yeah.

18 Q But you actually only got licensed in this state in
19 May of 2010; is that right?

20 A Yes, that's correct.

21 Q Okay. So you were the chief psychologist without a
22 license for awhile?

23 A Yes, I was.

24 Q And just so I know, the next time we get together,
25 where did you get your doctoral degree in clinical

1 psychology?

2 A Xavier University in Cincinnati.

3 Q Okay. Now, you've read this Sexually Violent
4 Predator Act many times I'm sure. You dealt with it a
5 lot. One of the first things I want to talk about is
6 isn't it true that in making these Sexually Violent
7 Predator determinations under the act, that you have to
8 deal with a lot of ambiguity in the law?

9 A There are some ambiguities in the law, yes.

10 Q Okay. Now, there's two things that define what a
11 Sexually Violent Predator is. One is that they've been
12 convicted of a sexually violent offense.

13 I think we have established here through the records
14 that have been introduced into evidence that Mr. Geter did
15 commit some sexually violent offenses in the past,
16 correct?

17 A Correct.

18 Q And some of those were in 1986 and some of them in
19 2005, correct?

20 A Correct.

21 Q But the second part is really more problematic, isn't
22 that true, that you have to show that he suffers from a
23 mental abnormality or personality disorder that makes the
24 person likely to engage in acts of sexual violence if not
25 confined for treatment, correct?

1 A Correct.

2 Q What does the term "likely" mean?

3 A Likely means as far as case law. It means to such a
4 degree that it poses -- is a menace to the health and
5 safety of the public.

6 Q And what -- how do you define menace?

7 A Well, that's ambiguous.

8 Q Okay. Let me go back and start with the mental
9 abnormality. As I understand it, you've diagnosed him
10 with pedophilia, correct?

11 A Correct.

12 Q You diagnosed him with paraphilia NOS?

13 A Correct.

14 Q What does NOS stand for?

15 A Not otherwise specified.

16 Q Is that something that's in the -- what's in the
17 bible of psychiatry and psychological profession that's
18 put out by the APA?

19 A It's called a Diagnostic and Statistical Manual.

20 Q Okay.

21 A DSM.

22 Q The DSM, and what's their most recent iteration of
23 that or edition?

24 A Fourth edition text revision, so it's the DSM 4-TR.

25 Q Okay. This is something that's constantly being

1 readvised, I take it?

2 A Not constantly. It's been quite a few years since
3 they've had a revision. There's one that's supposed to be
4 released in a few months.

5 Q Okay. Well, the field -- you know, the scientific
6 body of language about psychiatry and psychology is
7 constantly evolving, is it not?

8 A Yes. It's evolving.

9 Q As we learn more about human behavior and the human
10 mind?

11 A Correct.

12 Q Okay. Now, is there a -- there are a lot of --
13 strike that.

14 There are a lot of mental disorders, mental
15 illnesses, mental abnormalities that are specifically
16 identified in the DSM, correct?

17 A Correct.

18 Q Okay. Is paraphilia NOS one of those?

19 A Yes.

20 Q Okay. What does -- what do they mean, "not otherwise
21 specified"? Isn't that kind of a catchall for, "We're not
22 sure what it is"?

23 A It means -- it means that they don't meet criteria
24 for a specific -- a specific paraphilia, not one that's
25 named.

1 Q Okay. So it's under the umbrella of the definitions,
2 but it doesn't really have one of its own?

3 A It's under the umbrella that if you don't meet
4 criteria for a certain other paraphilia or if these
5 behaviors aren't addressed by a certain paraphilia, you
6 can diagnose paraphilia not otherwise specified.

7 Q Okay. So this is a catchall part of the DSM?

8 A I don't know that I would call it catchall, but
9 it's -- it's open to more interpretation.

10 Q Okay. And who makes those interpretations?

11 A Clinicians.

12 Q Okay. Such as yourself?

13 A Correct.

14 Q Now, in fact, isn't it true that mental abnormality,
15 that that term doesn't have a DSM definition? Isn't that
16 true, it doesn't have a diagnosis?

17 A It doesn't have a diagnosis?

18 Q Yeah. Is mental abnormality a DSM diagnosis?

19 A No, it's not --

20 Q Okay.

21 A -- a DSM diagnosis.

22 Q Okay. So that is another thing that under the
23 statute you have to figure out how it applies?

24 A Correct.

25 Q Okay. Now, I want to go back to the second part,

1 this term "likely". In your -- in rendering your opinion,
2 what does the term likely mean to you?

3 A Likely means that there's a high probability of a
4 behavior occurring.

5 Q Okay. So when you look up the word likely just in
6 normal use, does it refer to probability like you just
7 said?

8 A I don't know that I've looked it up in a dictionary
9 recently..

10 Q Okay. Is there a difference between the term likely
11 and term likelihood?

12 A I believe that it's used differently.

13 Q Okay. How is it used differently?

14 A Well, likelihood is maybe that would give you a
15 number, and likely means probability.

16 Q Okay. Does a probability involve numbers, though,
17 too?

18 A It can.

19 Q Okay. Well, isn't probability a statistical term?

20 A Yes.

21 Q And, in fact, you gave us some statistics earlier in
22 your testimony, didn't you?

23 A Correct.

24 Q Now, I understand that you're not a statistician,
25 that your field of extensive education that I heard about

1 was all in the area of psychology, correct?

2 A Correct.

3 Q Did you ever take any statistics classes?

4 A Yes, I did.

5 Q Did they discuss probability in those classes?

6 A Yes, to some degree.

7 Q All right. Did it -- was it like mine where they
8 start off talking about 52 cards to give you an idea of --
9 you know, how many queens come up in the deck and things
10 like that?

11 A I don't know if I remember. That was the first year
12 of graduate school. I don't know if they used that
13 example.

14 Q Okay. That's when I started having trouble. That's
15 why I mentioned it. All right. Doesn't the term likely
16 imply more than 50 percent probability?

17 A I don't believe it does.

18 Q Okay. So if something has got a one percent, is one
19 percent likely, doesn't that also mean it's 99 percent
20 unlikely?

21 A Possibly.

22 Q Okay. So when you evaluate whether someone is likely
23 to engage, which is -- and that is the hand you were
24 dealt, so to speak by the statute, when you try to
25 evaluate whether someone is likely to engage in future

1 acts of sexual violence, how do you determine what likely
2 is? You don't go by 50 percent?

3 A No, I don't.

4 Q Okay. And in this case, you concluded that Mr. Geter
5 was likely to reoffend, correct?

6 A Correct.

7 Q All right. And you -- the one objective risk
8 assessment tool you spoke of was the Static 99-R, correct?

9 A Yes, the actuarial measure.

10 Q Okay. And in that tool, you noted that Mr. Geter
11 scored an eight, correct?

12 A Correct.

13 Q Now, were you trained on how to administer this test?

14 A I have been trained on the job. I've not gone to any
15 formal trainings for this test.

16 Q Are there any formal trainings for it?

17 A They're offered infrequently. I've never seen one
18 offered here in South Carolina.

19 Q Well, does it -- tell me what it involves? Do you
20 actually have to interview the subject to perform the
21 Static 99-R test?

22 A There are some questions where it is important to
23 interview the person, but most of the questions are based
24 on historical facts that you could find in the record.

25 Q All right. Well, I'm just going to ask you if you

1 recognize this document.

2 A Yes.

3 Q What is this document?

4 A This is the Static 99-R coding form.

5 MR. BELDING: Your Honor, I have one for the Court if
6 you'd like to look at it at the same time.

7 THE COURT: Yes, sir. Thanks.

8 MR. BELDING: May it please the Court. Let me
9 just...

10 Thank you, sir.

11 BY MR. BELDING:

12 Q This is the Static 99-R coding form. Okay. So this
13 is where the information that you gleaned from a subject's
14 case you put down on this form, correct?

15 A Correct.

16 Q And is this the same type of form you used for
17 Mr. Geter?

18 A Yes, it is.

19 Q All right. Do you see anything on this coding form
20 that is not correct with what you do with Mr. Geter?

21 A Nope.

22 MR. BELDING: Okay.

23 Your Honor, having had it authenticated, I'd like to
24 move that this be introduced as Respondent's Exhibit
25 number 1.

1 MR. BOGLE: No objection.

2 THE COURT: It's admitted without objection.

3 (WHEREUPON, Respondent's Exhibit No. 1 was marked for
4 identification and received into evidence.)

5 BY MR. BELDING:

6 Q Thank you.

7 Referring to what's been admitted as Respondent's
8 Exhibit 1, you basically have ten factors with subparts it
9 looks like; is that correct?

10 A There's ten questions.

11 Q Okay. Do you mind real quickly just going through
12 all ten questions, and tell me which ones you need to talk
13 to a subject about to get the code correct.

14 A Do you want me to go through the questions and
15 identify them as I go?

16 Q Sure.

17 A Okay. Question number one is the age of -- at
18 release. Sometimes you need to talk to the person about
19 that. Sometimes it's in the records. Sometimes it's not.

20 Number two, have they ever lived with -- and it's
21 ever lived with a romantic partner for at least two years.
22 This one is essential to talk to somebody about.

23 Number three, whether they've been convicted of an
24 indexed nonsexual violent, so the index offense is like
25 the last conviction or its last-known sexual behavior for

1 which they were charged. That's not usually necessary to
2 talk to them.

3 Number four is prior nonsexual violence, any
4 convictions. That's not usually necessary.

5 Number five, prior sex offenses, not necessary.

6 Number six, prior sentencing dates. It's not
7 necessary.

8 Number seven, any convictions for noncontact sex
9 offenses, that's not usually necessary.

10 Number eight, any unrelated victims. Sometimes
11 that's necessary to talk to them.

12 Number nine, any stranger victims. Sometimes that's
13 necessary.

14 Number ten, any male victims, that's not usually
15 necessary.

16 Q Okay. All right. Thank you.

17 The term static, what does that mean?

18 A Static is typically things that don't often change.

19 Q Okay. What's the scientific term that you all use
20 for things that do change?

21 A We usually call those dynamic --

22 Q Okay.

23 A -- risk factors.

24 Q And it's interesting, this is called the Static 99.

25 Of these ten factors, how many of them would change, ever?

1 A Well, they can always change, and somebody can get a
2 higher score if they commit other acts of -- other sex
3 offenses which were different than their sex offenses
4 prior to scoring this, but age changes. Then typically,
5 once somebody gets a point for something, they can't
6 typically lose that point.

7 Q Okay. Well, that's it. I mean, if you interviewed
8 me or reviewed me now, three years from now and I didn't
9 have any other offenses, the only thing that would change
10 is my age, correct?

11 A Well, I wouldn't review you unless you've been
12 convicted of a sexual offense.

13 Q I'm just asking, okay. But is my point correct, if
14 you aren't -- if you don't pick up any more charges or
15 convictions, the only thing that really changes is your
16 age, correct?

17 A Possibly.

18 Q Okay. Was there anything missing here? What would
19 change except my age if I didn't pick up any more charges
20 or offenses?

21 A If you went out and lived with a romantic partner for
22 at least two years, you could lose a point.

23 Q Is it better or worse to have lived with a partner
24 for two years?

25 A It's better.

1 Q Okay. So yes is zero. No, is one. You pick up a
2 point for not having done that, correct?

3 A Correct.

4 Q Okay. Now, where did the Static 99-R or the static
5 99, the original version, where did that come from?

6 A The original researchers primarily were in Canada.

7 Q Okay. Do you know any of their names?

8 A Carl Hanson is typically considered the author.

9 Q Father of the Static 99?

10 A Sure.

11 Q Okay. Now, you did this coding based on the
12 information you could find out about Mr. Geter and what
13 you may have had to ask him, correct, and you came up with
14 a score of eight; is that right?

15 A Correct, correct.

16 Q Now, Static 99 and the Static 99-R, revised, have had
17 follow up, correct? I mean, there's a large database now
18 of people that were administered this test to see whether
19 they went out and committed future sex offenses; isn't
20 that correct?

21 A That's what the original samples were based on.

22 Q What have they been doing since then?

23 A I mean, I think that they're continuing to do
24 research, but there hasn't been a new version released
25 since the Static 99-R.

1 Q And what year was that?

2 A I believe it was 2000. I want to say 2008, but
3 I'm -- that's just a guess.

4 Q Okay. Now, let's just say it's 2008. That's fine.
5 You were able to code him as an eight, and then you go
6 back in Static 99 and compare that number to some
7 actuarial data that is associated with the test, correct?

8 A Yes.

9 Q Okay. And when you compare Mr. Geter's eight to the
10 other people that have been in this test to the database,
11 you were able to get an estimate of how many people like
12 him reoffend; isn't that right?

13 A What percentage of people with the same score
14 reoffended, yes.

15 Q Okay. And you put that in your report, and in the
16 next five years, people with the same score as Mr. Geter
17 were found to sexually recidivate. Is that right term?

18 A Sure.

19 Q Meaning they reoffends, a sex offense, right?

20 A Yes.

21 Q How much? What percent of the time?

22 A In five years, 37.2 percent of the sample reoffended.

23 Q A little over one out of three?

24 A A little over one out of three, yes.

25 Q Okay. And if you actually you extrapolated out to

1 ten years, what percentage reoffend?

2 A At 10 years, people with a similar score,
3 46.3 percent of the sample reoffended.

4 Q Less than half in ten years?

5 A Correct.

6 Q Okay. Now, does this test or whatever you want to
7 call it, this actuarial risk assessment instrument, does
8 this predict an individual, an individual's likelihood to
9 reoffend?

10 A It's just an estimate. It's not a prediction.

11 Q Okay. You've been keeping up with the literature on
12 the Static 99 over the last couple of years?

13 A I tried to.

14 Q Okay. Did you by any chance happen to see an article
15 in Criminal Justice and Behavior last year that was
16 written by Mr. Hanson and David Thornton who is one of the
17 other coauthors where they admit that a lot of their
18 statistical recidivism rates are overstated?

19 A I saw that. I don't know that I've read it
20 thoroughly. I've seen the article, have heard of that
21 article.

22 Q Okay. In fact, the people that created the test
23 admit that they had some twos and some eights that they
24 said would recidivate at a 15 percent rate?

25 A I'm not sure, but I think a -- part of what was

1 written in that article, if I'm correct, is when you --
2 when you look at the Static 99-R, you are asked to compare
3 an offender to a group, and there are four groups.

4 You have to make that choice about which group to
5 compare them to. That was in part what that article was
6 addressing, the problems in picking the group and then
7 estimating the risk.

8 Q And if you picked the, for lack of a better term,
9 wrong group, it has an impact on the recidivism rate,
10 correct?

11 A Well, depending on what group you pick, the
12 recidivism rates vary.

13 Q Okay. Another way of saying that?

14 A Sure.

15 Q Okay. But the fact is that this does not give you
16 any statistical estimate for Mr. Geter individually?

17 A It's -- gives an estimation in that you can compare
18 his score to the sample of individuals with similar
19 scores.

20 Q Okay. And one out of three you're going to go out
21 and commit another sex crime, correct, in the next five
22 years?

23 A That's the estimate.

24 Q Okay. Now, you said that you found that Mr. Geter
25 had a mental abnormality, mental disorder or personality

1 disorder, which you have to have under State law in order
2 to be here, correct?

3 A In order to be...

4 Q If you hadn't found a mental abnormality, a mental
5 disorder or a personality disorder, would we be here
6 today?

7 A We could still be here today, I believe.

8 Q Okay. Just not long?

9 A It might be a shorter hearing, yes.

10 Q You're darn right, okay.

11 Here is the -- here is the question that Mr. Bogle
12 asked you that I want to ask you about: Do you believe
13 that the mental abnormality or mental disorder or whatever
14 you want to call it that you say you diagnosed in
15 Mr. Geter directly affects his volitional impairment?

16 A I do believe it does.

17 Q And can you translate that into English for me?

18 A I'll try.

19 Q Okay.

20 A The two paraphilias that I diagnosed, I believe that
21 because Mr. Geter has that sexual arousal, it makes it
22 difficult for him to control his sexual behavior.

23 Q Okay. Not impossible but difficult?

24 A I don't know that I can say it's impossible. I can
25 say that in the past, he hasn't controlled his sexual

1 behavior.

2 Q Okay. And I think, and I wrote this down -- I
3 believe this was a quote from your testimony -- that past
4 behavior predicts future behavior, correct?

5 A Correct.

6 Q I mean, that's pretty standard thinking in psychology
7 and psychiatry, isn't it?

8 A Yes.

9 Q The best indicator for the future is probably
10 something in the past?

11 A Typically.

12 Q Okay. When was the last time Mr. Geter committed a
13 sexual offense?

14 A 2004, 2005.

15 Q Okay. In fact -- you're right. It happened in
16 June 2005. Does that sound right?

17 A I believe so, yeah.

18 Q Okay. So one of the -- the most recent trend, so to
19 speak, in Mr. Geter's behavior is that he hasn't committed
20 a sexual offense in the last eight years; correct?

21 A That's correct.

22 Q Okay.

23 A That's correct.

24 Q So his most recent past behavior -- and isn't this
25 also true that the more recent behavior is a better

1 indicator of future performance, future behavior?

2 A That's probably true.

3 Q Okay. So the incidents of -- in Spartanburg 26 years
4 ago are not as relevant to your diagnosis, in your
5 opinion, as the stuff that happened eight years ago,
6 correct?

7 A No. They're still extremely relevant because it was
8 a pattern of behavior of sexual arousal towards children,
9 and it's thought that, you know, once you have that kind
10 of arousal, it doesn't just go away; that it's a chronic
11 thing.

12 Q Okay. Did you investigate -- you got 11 exhibits, I
13 believe.

14 Wasn't it 11, 11 exhibits?

15 You've got 11 exhibits that were put into this court
16 about convictions that Mr. Geter had in the past that you
17 went through one-by-one, correct?

18 Did you investigate the circumstances beyond what was
19 written down in the file of any of those offenses?

20 A Yes.

21 Q Okay. You talked to the victims?

22 A No. I talked to Mr. Geter.

23 Q Oh, okay. That's good.

24 Do you have an explanation for -- for example, he's
25 arrested. He's charged with criminal sexual conduct with

1 a minor. What we used to call rape, correct?

2 A I'm not sure what it used to be called here but...

3 Q Okay.

4 A That's typically what it is with penetration
5 involved.

6 Q Okay. But in one instance, in a couple of instances,
7 that's not what he was convicted of. He was convicted of
8 assault and battery of a high and aggravated nature,
9 correct?

10 A I believe that those were the later offenses. The
11 earlier offenses he was convicted of criminal sexual
12 conduct or lewd act.

13 Q The more distant ones back in the '80s, correct?

14 A Correct.

15 Q All right. Do you have any understanding of why
16 someone would be charged with criminal sexual conduct with
17 a minor but be allowed to plead to assault and battery of
18 a high and aggravated nature?

19 A No. That -- that stuff happens quite frequently in
20 these cases, and I don't always know the foundation of why
21 that plea was -- why they -- the charge was decreased, why
22 it was amended, things of that nature. I don't always
23 know that information; that's correct.

24 Q I mean, I -- could you have called the assistant
25 solicitor or the prosecutor who prosecuted the case to

1 find out?

2 MR. BOGLE: Objection, Your Honor, the relevance what
3 it was pled down to.

4 MR. BELDING: Your Honor, what I'm asking is this
5 formed part of the basis for her opinion, so I just want
6 to ask why she doesn't know why it was pled down.

7 THE COURT: I'll overrule the objection.

8 BY MR. BELDING:

9 Q Okay. Let me ask again then.

10 What you included in your report of your opinion were
11 statements from victims, essentially from law enforcement
12 about what happened, and yet, Mr. Geter was allowed to --
13 was convicted of something else in a lot of those
14 instances, most of them less serious.

15 I understand as you just said sometimes things happen
16 in the courtroom, but I just want to know if you contacted
17 the defense attorneys or the prosecutors or the victims or
18 anybody to ask why would they allow -- why would the
19 government allow Mr. Geter to plead to something less
20 serious if they had a good case on something more serious?

21 A Well, I don't know that I would say that he pled to a
22 different charge in a lot of the cases, and I don't
23 routinely call people and ask them why the changes in a
24 charge.

25 It's been my experience that I wouldn't typically get

1 information. There's a lot of change in the prosecutor's
2 office, so I don't know that those people would still be
3 around. But I did ask Mr. Geter about all the offenses.

4 Q Okay.

5 A And the behavior that he described, you know,
6 indicated sexual offenses in regard to those assault and
7 battery of a high and aggravated natures that were -- you
8 know, that he was convicted of.

9 Q Okay. So I just -- just pull out an example,
10 Exhibit No. 7, Mr. Geter was charged with criminal sexual
11 conduct with a minor from something that occurred in June
12 of 2006.

13 Can you find Exhibit 7, please?

14 A (Pause).

15 Okay. Go ahead.

16 Q Okay. But in that exhibit, that was the original
17 charge, something pretty serious, but he was convicted of
18 AB/HAN, assault and battery of a high and aggravated
19 nature, which as you stated is not a sexually violent
20 offense; correct?

21 A That's correct.

22 Q Okay. You relied on the statements in the law
23 enforcement file from the victim in reaching your
24 conclusion, but you didn't interview the victims or
25 anybody else to find out what happened that ended up

1 resulting in an assault and battery conviction?

2 A Well, let me restate. When I -- when I'm looking at
3 this conviction, Exhibit 7, he was originally charged with
4 assault with intent to commit criminal sexual conduct on a
5 minor in the second degree for willfully, unlawfully and
6 feloniously attempt to commit a sexual battery on the body
7 of the victim --

8 Q Okay.

9 A -- A 14-year-old male. I asked Mr. Geter about that,
10 and Mr. Geter said he performed oral sex on the victim.
11 He said he was aroused when he did this and that he had an
12 erection and he thought about it for 30 minutes before he
13 did it.

14 He said he didn't try to stop himself, and he didn't
15 know why. So I asked him and I got confirmation as to
16 what actually happened, what the basis of that assault and
17 battery was from Mr. Geter.

18 Q Okay. And that's -- so we -- beyond his statement,
19 we have no idea -- we have no other information about why
20 he ended up getting convicted of assault and battery of a
21 high and aggravated nature, correct?

22 A I do not know why it was pled down to an assault and
23 battery of a high and aggravated nature; that's correct.

24 Q Well, and the only reason I'm asking you this is that
25 you made a statement in your testimony that you must study

1 the background. Now, I'm just trying to figure out how
2 much study you did. You looked at the victims and law
3 enforcement records, but that's essentially it except for
4 talking to Mr. Geter, correct?

5 A Sure.

6 Q Okay. Now, he served a stretch in the South Carolina
7 Department of Corrections after those 1986 convictions and
8 in 2004, he was actually given an evaluation much as you
9 performed by Dr. Pamela Crawford. You said you reviewed
10 that, correct?

11 A Yes, I reviewed it.

12 Q And in 2004, she found that he did not meet the
13 criteria for commitment under the Sexually Violent
14 Predator Act, correct?

15 A That's correct.

16 Q All right. Did she feel like -- do you recall in her
17 report whether or not he had a problem with volitional
18 impairment or the ability to control himself?

19 A She thought he met criteria for pedophilia, sexually
20 attracted to both males and females. She said that he was
21 forthcoming about his offenses when she interviewed him;
22 that he accepted responsibility, demonstrated empathy and
23 remorse, exhibits an understanding of the circumstances
24 that led to his offenses, and she said there was
25 insufficient -- or she wrote that there was insufficient

1 information to support with a reasonable degree of medical
2 certainty that Mr. Geter's mental abnormality makes him --
3 makes it likely that he will engage in acts of sexual
4 violence if not confined in a secure facility for
5 long-term care, control and treatment.

6 Q All right. Now -- then he picked up some charges in
7 2005, and he's just recently been released from the
8 Department of Corrections for those offenses, correct?

9 A Correct.

10 Q Now, in 2004, Dr. Crawford stated that she found that
11 he expressed remorse, but my understanding of your
12 testimony is that you didn't think he expressed remorse
13 for his crimes; is that correct?

14 A I think he expressed remorse. I'm not sure how
15 genuine it was.

16 Q Wait a minute. Is your -- is your testimony that he
17 is remorseful about his crimes or not?

18 A Well, you said expressed. I mean, expressed means
19 that he, you know, talks about remorse. He said that he
20 hurt these people and that he felt bad about it, and that
21 he understood how the victims felt given his history.

22 Q Remorse, okay. He -- you stated that he knew he
23 harmed the victims, correct?

24 A I stated that he said he knew he harmed the victims.

25 Q Okay.

1 A I don't know that he really understood that. He can
2 say the right things.

3 Q Okay. How do you know whether he is telling the
4 truth or not?

5 A I often don't but I sometimes will look at his
6 pattern, you know, of what he says to see how things line
7 up.

8 Q Well, I mean, the fact is even with all your
9 training, you can't really look inside someone's head, can
10 you?

11 A That's correct.

12 Q Okay. Now, you also looked at his prison
13 disciplinary record in the Department of Corrections. How
14 did that factor in your opinion?

15 A In his case, it didn't factor in too much.

16 Q Okay.

17 A His -- he didn't have any sexual misconduct
18 infractions in SCDC, and he really didn't have -- he just
19 had a couple infractions in this last period of
20 incarceration. So he had relatively good behavior in
21 prison.

22 Q Okay. And while he's been in prison, he's committed
23 no sexual offenses at all?

24 A That's correct.

25 Q So what I'm trying to figure out is how is he able to

1 control his behavior while he's in prison if he has a
2 mental abnormality or a mental disorder that makes it
3 harder for him to control his behavior?

4 A Well, during his first period of incarceration, he
5 didn't have any sexual misconducts. There typically
6 aren't children or even teenagers in prison or if they
7 are, if a 17-year-old boy makes it to prison, they're
8 usually housed in a different area of the prison and
9 they're usually housed together.

10 But he was able to control his behavior during the
11 first period of incarceration and able to control his
12 behavior during the second period of incarceration, in my
13 opinion, because he didn't have access to the victims that
14 he is aroused by.

15 Q Have you been to any of the South Carolina prisons?

16 A Yes.

17 Q Okay. Do you see women there working?

18 A Yes.

19 Q Okay. Have you ever been to the visiting room?

20 A I've been through the visiting room but not at
21 visiting time.

22 Q Okay.

23 A I've certainly tried to access the prison at visiting
24 time, though.

25 Q Do you understand that when visitation takes place in

1 that large room that there are tons of little children
2 around?

3 A No, I don't understand that. I don't know if that's
4 the case.

5 Q Okay. So you don't -- you don't know anything about
6 the visitation in the institutions, correct?

7 A Just in general I know a little bit about it, but my
8 experience has been in a maximum security prison in town
9 when I've been out there for -- to go to one of the units,
10 I've seen many people in line for visiting. I've not seen
11 any children in line for visiting.

12 Q What institution are you referring to?

13 A If I go out to Broad River.

14 Q Broad River, okay. Have you ever been to the main
15 visiting room on Broad River on visitation day?

16 A I don't believe so, not during visitation. That's --
17 you have to walk through there to get back to a unit that
18 I would go to, but you know, the visiting room is not
19 full.

20 Q Okay. And the unit that you go back to is not a unit
21 that Mr. Geter has ever been confined in, isn't that
22 correct?

23 A No, he would not have been.

24 Q Okay. So and Mr. Geter just was in Allendale which
25 is way down an hour-and-a-half or so from here. May I

1 assume that you've never been to that institution?

2 A I've never been to Allendale, no.

3 Q All right. My question then is simply what has kept
4 Mr. Geter from committing sex offenses with young people
5 that he comes in contact with at the institution over the
6 last eight years?

7 A Well, again, I don't know that he's had contact with
8 young children, but maybe it is guards watching him if he
9 does have contact --

10 Q Okay.

11 A -- or if he is in proximity to young children.

12 Q That's --

13 A You know, I'm not sure. I don't --

14 Q That's not --

15 A I don't know.

16 Q That's not a question you looked into, correct?

17 A No.

18 Q Okay. Now, you've mentioned several times the
19 treatment program that Mr. Geter would go to that's run by
20 DMH. You stated in response to a question from Mr. Bogle
21 that people that are committed to this treatment program
22 can petition to be released, and they're reviewed every
23 year, correct?

24 A Yeah. They can petition to be released, and they are
25 reviewed about every year.

1 Q Do you -- how much experience have you had with that
2 program?

3 A I used to work in the program and supervise some of
4 the treatment. Currently, I don't have too much
5 involvement with the program. I do some of the reviews
6 that are done, those annual reviews of the people who are
7 in the program.

8 Q Isn't it true that you can't even apply until you've
9 been there three years?

10 MR. BOGLE: Objection, Your Honor. May we approach?

11 THE COURT: Yes.

12 (WHEREUPON, a bench conference was held in the
13 Presence but not within the hearing of the jury).

14 MR. BELDING: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. BELDING: Thank you, Judge Newman. I'm going to
17 rephrase the question.

18 THE WITNESS: Okay.

19 BY MR. BELDING:

20 Q I forgot what the other one was anyway.

21 Do you know what the treatment program is out at DMH
22 for people that go into this program?

23 A I know a little bit about the program.

24 Q Okay. I understand that you do up-front diagnoses,
25 correct, and that you do not currently get involved with

1 the treatment should they end up out there?

2 A I do not get involved with the treatment, no.

3 Q Okay. Do you know how often -- do you know what the
4 treatment consists of?

5 A In general, you know, because I do some of the annual
6 reviews, so I look at what people are doing in a treatment
7 program.

8 Q Okay. Is it still one-hour group one day a week?

9 A I think it's two hours of a sex offender treatment
10 group. They've also added additional groups about anger
11 management, dialectical behavior therapy. They have
12 activity therapy.

13 They're doing some other specific groups more so than
14 they've done in the past.

15 Q Okay. And in response to the question from Mr. Bogle
16 about that the people in the program can petition to be
17 released every year, is it your understanding that at the
18 end of the first year, that a person can petition to be
19 released?

20 A Yes. I've recommended somebody for a discharge after
21 they were in the program for a year.

22 Q Can you tell us when the last person released from
23 the program was?

24 A I don't know exactly when that was. I believe it was
25 over a year ago, maybe two years ago.

1 MR. BELDING: Beg the Court's indulgence one moment.

2 THE COURT: Yes, sir.

3 (Pause.)

4 MR. BELDING: Your Honor, no further questions at
5 this time. Thank you.

6 THE COURT: Any redirect?

7 MR. BOGLE: If I may very briefly, Your Honor.

8 REDIRECT EXAMINATION:

9 BY MR. BOGLE:

10 Q I believe Respondent's q, that coding form that is up
11 there.

12 A (Indicating).

13 Q Thank you.

14 All right. Dr. Gehle, the Static 99 revised, the
15 Static 99-R that you looked at, is there a manual that
16 tells you how to score that thing?

17 A Yes, there is.

18 Q Okay. And is the Static 99, the score that Mr. Geter
19 got, is that the only thing you're hanging your hat on
20 this case?

21 A No.

22 Q You testified at length about all of those
23 convictions and things like that. If the Static 99-R
24 didn't exist, would you still be recommending that based
25 on his convictions and his risk factors?

1 A I don't know. When I've done these evaluations, I've
2 always used the Static 99-R. So what I would do in its
3 absence is -- I'm not sure what I would do in its absence.

4 Q Okay. But this is part of the evaluation.

5 A Yes.

6 Q You're not --

7 A We do it here in South Carolina.

8 Q And you're not supposed to rely solely on it,
9 correct?

10 A Correct.

11 Q Okay. It's part of -- it's part of the overall
12 evaluation; is that right?

13 A Yes.

14 Q Okay. And when counsel was talking about the five
15 year thing of reoffending 37.2 percent, about one in
16 three, and the ten year 46.3 percent are about less than
17 one-and-a-half, I believe you testified on direct that his
18 scores is worse than some 97, 98 percent of the people in
19 the study; is that right?

20 A Well, less than one percent of the samples scored
21 higher than him, so scored a nine or higher. So...

22 Q And this recidivism, it's committing another sexual
23 violent crime, not committing another plain old crime like
24 traffic tickets or robbing a bank.

25 A Well, it's committing another sex offense.

1 Q Sex offense.

2 A Not necessarily considered sexually violent offense.
3 He could be convicted of a sexual offense that isn't
4 sexually violent per South Carolina statute, but it's not
5 general recidivism. It's not whether he goes out and
6 shoplifts or anything like that.

7 Q It's another sex offense?

8 A Correct.

9 Q Okay. Doctor, when you were evaluating this guy,
10 Mr. Geter, you made a list of -- did you make a list of
11 all the victims with their ages?

12 A Yes, I did.

13 Q And did you have a column beside that saying what the
14 case documents told you versus what Mr. Geter told you?
15 Did you study it both ways?

16 A Yes.

17 Q Okay. And this AB/HAN that counsel was talking about
18 where he pled guilty to a nonsexually violent crime, the
19 victim was how old? The victim in that case was how old?

20 A Fourteen.

21 Q And what did Mr. Geter say? Forget what the police
22 report said. What did Mr. Geter say he did to that
23 14-year-old boy?

24 A He said he performed oral sex on the 14-year-old boy.

25 MR. BOGLE: Okay. Thank you.

1 A moment, your Honor.

2 THE COURT: Yes.

3 (Pause).

4 BY MR. BOGLE:

5 Q Counsel asked you about visitation in prison and
6 things like that. Is it your understanding in your career
7 that when people come to visit somebody in prison, that's
8 a very heavily guarded situation? They have guards in the
9 room?

10 A Yes. That's what I believe, and I guess that's what
11 I hope.

12 MR. BOGLE: Okay. Thank you. Nothing further.

13 Thank you, Your Honor.

14 THE COURT: Mr. Belding?

15 MR. BELDING: Briefly, Your Honor, brief recross.

16 RECROSS-EXAMINATION:

17 BY MR. BELDING:

18 Q Let me make sure. You believe and hope that they're
19 guarded through visitation. Is that your answer?

20 A Yes.

21 Q Okay. But the reason I brought all of that up,
22 Dr. Gehle, is because my understanding is that because of
23 these diagnosis that you've given Mr. Gehle [sic], he
24 cannot control his behavior.

25 A Mr. Geter.

1 Q Is that -- isn't that correct? He had problems
2 controlling his behavior, correct?

3 A Yeah. I think he has problems controlling his
4 behavior.

5 Q Okay. But yet despite those problems, he hadn't
6 committed another sex offense in the last eight years,
7 right?

8 A Correct.

9 Q Okay. And your answer is because he's heavily
10 guarded, right?

11 A I believe because he has very limited access, and if
12 he does have access, most likely, he is heavily guarded,
13 but I don't know what his access to children has been.

14 Q Okay. Would that be important for us to know?

15 A That's a difficult question to answer because it's
16 hard to say whether people can control their behavior when
17 they have a lot of restrictions on them. Some people find
18 it easier to control their behavior in those kind of
19 environments. They don't act out, and they do once
20 they're out, you know, in the free world.

21 So the fact that he was able to control his behavior
22 during the first stint in prison, and then he went out and
23 offended pretty quickly afterwards makes it less important
24 to me whether he controlled his behavior in the second
25 stint.

1 Q Okay. The bottom line is then, somehow he is able to
2 control his behavior because he didn't commit a sexual
3 offense in the last eight years?

4 A Somehow he is either able to control his behavior or
5 his behavior is able to be controlled.

6 Q Okay. And as we have just about beat to death, but I
7 want make sure I understand this, the only statistical
8 information in risk assessment objective tool that you
9 got, the Static 99-R, Mr. Bogle pointed out that "Oh,
10 only -- he is worse than all but one percent of the people
11 who scored on that test," correct?

12 A Correct.

13 Q And those people commit future sex offenses. When
14 they get out, one out of three times in five years,
15 37.2 percent of the time, correct?

16 A Well, I don't know if they commit them. They're
17 detected for sex offenses one out of three times in five
18 years.

19 Q Okay. And I understand what you're saying, but we're
20 trying to talk about -- we're trying to put some kind of
21 certainty on this.

22 Unreported crimes can't be counted against Mr. Geter,
23 can they? In other words, we don't know whether it
24 happened or not. You only know what gets reported,
25 correct?

1 A Correct.

2 Q One time out of 37.2 percent of the time, these
3 number eights go out and reoffend within five years when
4 they're in the public, correct?

5 A A little bit more than one out of three people,
6 that's correct.

7 MR. BELDING: Thank you, Dr. Gehle.

8 I appreciate it, Your Honor. No further questions.

9 THE COURT: All right. Thank you. You may step
10 down.

11 A Thank you.

12 MR. BOGLE: Your Honor, at this time the State would
13 rest.

14 THE COURT: That's the State's case. I'm going to
15 talk to the lawyers a moment. Please go to the jury room.
16 Do not discuss the case.

17 (WHEREUPON, the jury left open court at approximately
18 4:17 p.m.)

19 THE COURT: All right. Any matters from the defense?

20 MR. BELDING: Your Honor, the Respondent would move
21 for a directed verdict. I don't think there's enough
22 science behind Dr. Gehle's testimony for this jury to
23 conclude beyond a reasonable doubt that Mr. Geter is a
24 sexually violent predator.

25 I mean, the only objective information we have is

1 that people something like him will commit crimes
2 37.2 percent of the time, and that is not likely -- I
3 don't believe that's a matter of law.

4 Likely is something that if it's clearly something of
5 a high enough probability that -- if it's more than
6 50 percent, it's likely. If it's less than 50 percent,
7 it's unlikely, and that's just the kind of decision this
8 jury is going to have to make.

9 I don't think they presented a prima facia case that
10 Mr. Geter is a sexually violent predator. I would move
11 for a directed verdict on that basis.

12 THE COURT: Mr. Bogle.

13 MR. BOGLE: Thank you, Your Honor. May it please the
14 Court.

15 Looking at the case at the directed verdict standard,
16 the case -- the State has presented evidence that he has
17 been convicted of sexually violent crimes, nine of them to
18 be exact.

19 The next thing is, the State has submitted sufficient
20 evidence to establish by the directed verdict standard
21 that he has at least two mental abnormalities, one
22 personality disorder.

23 He is based on the science doctors have studied and
24 testified about make him likely to commit acts of sexual
25 violence in the future unless he is so confined.

1 As far as the number, there could be two different
2 ways to look at it. There's the 37 percent number. At
3 the same time, he is scoring worse than 97 percent of the
4 people in the study. That makes him very high risk to
5 reoffend.

6 We would submit that the directed verdict standard
7 hasn't been met, for this case to go to the jury, Your
8 Honor.

9 THE COURT: All right. I believe that the Court is
10 duty bound to consider the scientific testimony along with
11 the nonscientific profession of the witness that this
12 offender is likely to reoffend if he is not given more
13 treatment.

14 I believe a prima facie case has been established by
15 the State, and I respectfully deny the motion.

16 MR. BELDING: Thank you, Your Honor. We intend to
17 call Mr. Geter to the stand. He is going to need a short
18 bathroom break.

19 THE COURT: All right.

20 MR. BELDING: They have to take him downstairs to do
21 that. Can we get five or ten?

22 THE COURT: Sure. We'll take a break for that, and
23 then we'll...

24 MR. BELDING: Launch in.

25 THE COURT: Launch into him after the break is over.

1 MR. BELDING: Thank you.

2 MR. BOGLE: Your Honor, before you leave, with the
3 Court's permission, can we release Dr. Gehle?

4 THE COURT: Yes.

5 You don't need Dr. Gehle any more, do you?

6 MR. BELDING: Absolutely not.

7 THE COURT: Thank you Dr. Gehle.

8 (WHEREUPON, a short break was taken.)

9 THE COURT: Okay. Let's bring them on.

10 MR. BELDING: Your Honor, can we put Mr. Geter on the
11 stand now?

12 THE COURT: Bring him on.

13 (Mr. Geter took the witness stand out of the presence
14 of the jury.)

15 THE COURT: Okay. Ready for them.

16 (WHEREUPON, the jury came into open court at
17 approximately 4:34).

18 THE COURT: All right. Call your next witness.

19 MR. BELDING: Your Honor, I'd call Mr. Timothy Geter
20 to the stand, please.

21 TIMOTHY GETER, after being duly sworn,
22 testified as follows:

23 THE CLERK: State your full name for the record,
24 please.

25 THE WITNESS: Timothy Geter.

1 MR. BELDING: May it please the Court. Thank you.

2 DIRECT EXAMINATION:

3 BY MR. BELDING:

4 Q Mr. Geter, where are you from?

5 A Originally from?

6 Q Yes.

7 A Brooklyn, New York.

8 Q And how long have you lived in South Carolina?

9 A Probably about 35, 35 years.

10 Q And how old are you now?

11 A Forty, be 48 in May.

12 Q So somewhere around the age of 13, you moved to South
13 Carolina, something like that?

14 A Yes, sir.

15 Q Did you originally live in Spartanburg County?

16 A Yes, sir.

17 Q Now, what sort of jobs have you held on the outside?

18 A I worked at Home Depot, done Home Depot, done
19 restaurants and mechanic jobs.

20 Q Car mechanic?

21 A Yes, sir.

22 Q Now, you've heard your criminal history.

23 A Yes, sir.

24 Q It's been admitted into evidence. The crimes for
25 which you received convictions in Spartanburg in 1986, you

1 stayed in the Department of Corrections until sometime
2 around 2004; is that right?

3 A Yes, sir, 18.5 years.

4 Q Okay. And during those 18 years, did you participate
5 in sex offender treatment with the Department of
6 Corrections?

7 A Yes, sir.

8 Q And upon being released from the Department of
9 Corrections, were you evaluated by a Dr. Pamela Crawford
10 as to whether or not you needed to be civilly committed
11 under the Sexually Violent Treatment Act?

12 A Yes, sir.

13 Q And to your recollection, what was her conclusion?

14 A That I didn't need to be committed. We talked
15 extensively about my background, my parents and
16 everything, and she felt that I didn't need to be
17 committed.

18 Q Okay. Now, how long were you out of prison before
19 you got in trouble again?

20 A Approximately probably ten months, 11 months,
21 somewhere around there.

22 Q And during that period of time, were you living in
23 the Richland County area?

24 A Yes, sir.

25 Q Had you moved down here? What were you doing in

1 Richland County? What kind of job did you have back then?

2 A I worked for PrideStaff Temporary Service, Embassy
3 Suites. I worked also for a club, also done carpentry. I
4 refurnish homes.

5 Q Which club did you work at?

6 A New Brookland Tavern, rock and roll club, on Lady
7 Street.

8 Q Is it over there across the river in West Columbia?

9 A Yes, sir.

10 Q Okay. State Street?

11 A Across -- yeah.

12 Q Okay.

13 A Across the Gervais bridge.

14 Q And what did you do at the New Brooklyn tavern?

15 A Clean up, slash, bouncer, slash, cook, depends on
16 what they needed me for a particular night.

17 Q Okay. And if I understand the recitation from
18 Dr. Gehle about one of the offenses you were charged with,
19 it occurred at the New Brooklyn Tavern, is that true?

20 A Yes, sir.

21 Q Okay. You went back into the Department of
22 Corrections sometime in 2006?

23 A 2000 -- I think the late part of 2005.

24 Q Late 2005?

25 A Yes, sir.

1 Q Okay. And while you were in the Department of
2 Corrections this time, did you again participate in sex
3 offender treatment?

4 A Yes, sir.

5 Q Okay. Did you voluntarily participate in that
6 program?

7 A Yes, sir.

8 Q Did you complete the program?

9 A I completed both of them.

10 Q There were two?

11 A Well, the one at -- one at Allendale and the one at
12 Broad River.

13 Q Do you have like a -- did you get a certification of
14 completion?

15 A Yes, sir.

16 Q Okay. Now, what did you learn from those sex
17 offender treatment programs?

18 A Well, in the early part of my sentence, my eyes was
19 open to a lot of things that went on with me. I had to
20 deal with a lot of issues that I didn't deal with in my
21 early childhood.

22 I waited until I got in, what, preteens and engaged
23 in a lot of risky behaviors and in groups, the therapy
24 groups allowed me to unpack them luggage, unpack them
25 bags, get everything out and deal with everything in

1 according to [sic] how I was supposed to deal with them.

2 Instead of taking distorted situations and apply them
3 within my life, deal with them as the reality of the
4 situation it is.

5 Before we -- before we came from New York, I came up
6 in physical and sexual environment, abusive environment
7 and whatnot.

8 We -- me and my brothers and them constantly saw our
9 mom get jumped on. She got jumped on. She woke up with
10 black eyes, so we knew what was going on. My father was
11 doing it.

12 In order for him to make up for her and whatnot and
13 stuff like that, he would take her out and everything. So
14 they would get us a babysitter and everything, and the
15 babysitter that we got was sexually involved with me and
16 my older brother.

17 Q And how old were you at that time?

18 A Nine, ten, somewhere around that age. At that time,
19 we didn't realize -- okay. Well, at that time, I didn't
20 realize -- I can't speak for my brother. I didn't realize
21 the effect that it had on me and whatnot. That was one of
22 the things the group brought out for me to deal with.

23 This went on for quite a period of time until we --
24 we came down to South Carolina to visit, and that's when
25 it broke. That was about 12, 13, somewhere around there.

1 Once we come down here to visit, my granddaddy got killed
2 through -- my mom -- my mom wanted her to stay, so we did.
3 Then go to wherever -- where my dad -- but we did anyway.

4 She placed everything in storage, called him, told
5 him to place everything in storage. Once everything got
6 placed in storage, she found a place. He could come back
7 down. She was going to call him to come bring it back
8 down.

9 Q And that was in Spartanburg?

10 A Yes, she was in Spartanburg then so she...

11 Q Now, so somewhere from the age of 13 until somewhere
12 around the age of 21, you were living in Spartanburg,
13 right?

14 A Yes, sir.

15 Q And somewhere around the age of 21, if I'm doing the
16 math right, you picked up these charges and the
17 convictions that were already entered into evidence in
18 this case, correct?

19 A Yes, sir.

20 Q Okay. Are you different now than at the age of 48
21 than you were at the age of 21?

22 A Yes.

23 Q Okay. Tell me what's changed in the last 27 years.

24 A Me as an individual. All of this right here, all of
25 this stuff here is not going to change. As an individual,

1 I have changed. I have grown.

2 I -- the things that I have done, I wouldn't wish it
3 on my worst enemy. These things I have to deal with here
4 and whatnot, and these things that's hard to deal with
5 because I know I was wrong.

6 I learned how to do things in accord with how I was
7 supposed to do them. I learned the distortions of what I
8 did to what I was supposed to do. I know this.

9 Q You're talk about the history?

10 A The history.

11 Q Okay.

12 A I know this here is not who I am.

13 Q Is it who you were --

14 A Yes, sir.

15 Q -- way back then?

16 A Who I -- this here is who I was back then from the
17 distortions that I dealt with. It's not who I am now.
18 The person I am now that sits before you, detests this
19 person here. I don't like who I was. I grow from that.
20 Not only grow from that mentally. I grow from that
21 physically, emotionally.

22 I can't change nothing that happened in the past. I
23 can't change none of that. If you go 20 years into the
24 future, this is not going to change. What's on paper is
25 still on paper, so I can't change that.

1 Q Well, let me ask you this, Tim: Now, at the age of
2 21, 1986, you committed some offenses in Spartanburg, went
3 to prison for what, 19 years, did you say?

4 A 18.5 years.

5 Q Eighteen-and-a-half years in the Department of
6 Corrections.

7 A Yes, sir.

8 Q You get out and ten months later -- excuse me. Ten
9 months later, you pick up more offenses.

10 A Offenses, yes, sir.

11 Q So, is it fair to say that the first 18-and-a-half
12 years, whatever you did to rehabilitate yourself didn't
13 completely work?

14 A No. It's not fair to say that.

15 Q Okay. What -- what's wrong with that statement?

16 A It -- it did completely work. You got a high risk
17 situation that you place yourself into, and when I left
18 the Department of Corrections, I became a high risk
19 situation because I don't think -- whether any of y'all
20 know it or not, but the Department of Corrections once you
21 max-out, you're out. That's it. Nothing else.

22 There's no type of support, no type of nothing. So I
23 came out of the Department of Corrections homeless,
24 dropped on the street.

25 Q Okay.

1 A I had to start from there to come up. Once I became
2 homeless and I started working at these places or living
3 into these doorways and stuff like that, the club was the
4 only place I could work at. That's another high risk
5 situation I placed myself in when I shouldn't have and
6 whatnot.

7 It led from one place to another. I have to control
8 my environment better than I controlled it before. This
9 time when I was put out, yes, the first time, nothing was
10 available.

11 Q Well, I want to make sure I understand what you're
12 talking about. So when you were released in 2004 --

13 A Right.

14 Q -- is that when you're saying nothing was available?

15 A Nothing was available.

16 Q Why did you get a job at the New Brooklyn Tavern? Is
17 that because that's where you wanted to work?

18 A That was the only thing available to me..

19 Q Okay. I got you.

20 A They hired me paying me under the table, started off
21 paying me under the table. Then as I got on in, they
22 started paying me over the table. That was the only job
23 that was available to me, lack of transportation, clothes,
24 I had the clothes on my back, and that was a pair of blue
25 jeans with a blue shirt and whatnot that I had on my back.

1 I had to go to the thrift shop in order to get their
2 help to help me with some clothes and stuff. The thrift
3 shop on Meeting Street.

4 I had to go to them to get them to help me with the
5 shelter. The shelter is behind the New Brooklyn Tavern on
6 that street, right behind the Brooklyn Tavern.

7 So I had to get my environment better, and I screwed
8 up. I didn't -- I got it better, but I placed myself in a
9 high situation when I got it better.

10 Q Dr. Gehle testified that in the 1980s, you committed
11 some -- some acts that resulted in her opinion that you
12 suffer from pedophilia. Some of those victims in
13 Spartanburg were awfully young, correct?

14 A Yes, sir.

15 Q Okay. When you got out in 2005 and got into trouble,
16 the ages had changed pretty dramatically.

17 A Yes, sir.

18 Q Is that true?

19 A Yes, sir.

20 Q Now, these people that you got involved with in 2005
21 that got you -- that you got in trouble for were much
22 older, isn't that true?

23 A Yes, sir.

24 Q What kind of age range are we talking about in 2005?

25 A Fourteen, 15, 17.

1 Q Okay. Did you feel in 2005 that you could control
2 your behavior as it related to really young children?

3 A Yes.

4 Q The pedophilia that Dr. Gehle diagnosed you with,
5 were you able to control that in 2005?

6 A Yes.

7 Q But you picked up some more prison time, correct?

8 A Yes.

9 Q All right. Now, the second stretch in the Department
10 of Corrections from 2005 until -- when did you get out
11 just recently?

12 A I got out February 1st, 2013.

13 Q And in those approximately eight years, you again --
14 did you participate in sex offender treatment in the
15 Department of Corrections?

16 A Yes.

17 Q Was that mostly at Allendale or...

18 A Allendale and Broad River.

19 Q And Broad River. What was different, Tim, about the
20 sex offender treatment you went through the second time as
21 opposed to the first?

22 A They continued to unpack things. They continued to
23 give you outlets of ways to be able to help yourself.
24 They provided a lot more support and direction in doing
25 things and whatnot.

1 When you went through there, you know you went
2 through there. When you unpacked everything, you know you
3 unpacked everything because you're sitting -- you're
4 sitting with a group, and they will put you out of the --
5 out of the program if you're not going to participate with
6 the program.

7 Believe me, it helped me greatly, and I talked to --
8 I even talked to the program director about going to
9 outpatient therapy, continue the therapy as is, and she
10 agreed to give me names and address a place where I could
11 go to outpatient therapy.

12 Q Once you got released?

13 A Once I got released.

14 Q Okay. I mean, is it a little bit like AA where
15 you're constantly having to, you know...

16 A No. It's more like you got one-on-one sessions with
17 a doctor, with a therapist and whatnot, unless they feel
18 that group setting is necessary. You may go once a
19 months. You may go twice a month and everything. You
20 have to pay a fee, and you have to go.

21 Q Are there tools, just for lack of a better term, Tim,
22 are there tools that you have now that you did not have
23 in 2005?

24 A Yes.

25 Q Where --

1 A A clear -- a clear understanding of my high risk, my
2 high risk areas, a clear understanding of what it's going
3 to take to prevent anything, any more sexual acts and
4 everything.

5 It's a whole lot of tools that's there to be utilized
6 when they need to be used, a clear conscience of what
7 you're doing and how you're doing it, accountability
8 person and whatnot.

9 I got accountability person that -- a spiritual --
10 well, he is my spiritual and accountability person that
11 deals -- that's there for me spiritually, go to church. I
12 got Jump Start. It's a faith-based program. They don't
13 do -- they don't do programs as per se [sic] Dr. Gehle.
14 They do housing. They do jobs, and they do commitment.

15 Faith-based program is based on you commit yourself
16 to a year on them. You live there. They get you jobs.
17 They get you set up and everything, so the tools is really
18 out there for me to be able to utilize when I need to use
19 it.

20 Q And are these tools that were available to you back
21 in 2004 and 2005?

22 A No, sir.

23 Q If I understood Dr. Gehle's testimony on this point,
24 though, do you need to have external controls for you to
25 control your behavior, and do you understand what I'm

1 asking?

2 A No.

3 Q Okay.

4 A Could you rephrase that?

5 Q I'm not sure I do. Okay. Let's talk about the

6 visitation in the institutions. That's where it came up.

7 A Okay.

8 Q Now, describe the visitation room in Allendale

9 Correctional Institution.

10 A Yes, sir, probably about -- a little bit more --

11 probably about two of this room.

12 Q It's twice as big as this, isn't it?

13 A Right.

14 Q A gigantic place, right?

15 A Yeah.

16 Q And how many correctional officers are guarding that

17 visitation room on visitation day?

18 A Two.

19 Q Two. Doesn't one of them sit in a little...

20 A Sit in a --

21 Q Box.

22 A Yeah, box about like right up in here.

23 Q Right. Okay. And you received visitation, didn't

24 you?

25 A Yes, sir.

1 Q And don't inmates have families visit?

2 A Yes, sir.

3 Q Did they have small children?

4 A Yes, sir.

5 Q Okay. Did you have a problem controlling yourself?

6 Is there anything that would have kept you from attacking
7 one of these little kids?

8 A If I had problems -- if I had problems controlling
9 myself?

10 Q Yeah.

11 A No.

12 Q Okay. Dr. Gehle, I think was concerned because she
13 didn't understand -- or that she didn't feel like you
14 expressed enough or had enough remorse for what had
15 happened in your past. You spoke about it briefly. Do
16 you feel bad about what happened in 1986 in Spartanburg?

17 A Yes.

18 Q I mean, what do you think about what happened 27
19 years ago?

20 A I told Dr. Gehle this, and I'm going to repeat it in
21 court. I don't have full understanding what my victims go
22 -- went -- going through. I have a semi-understanding of
23 what my victims are going through. I went through a lot
24 of what my victims is going through, so I know what I did
25 was wrong.

1 I was forced to give oral sex to three guys, jumped
2 on and forced to give oral sex to three guys, beaten down
3 severally. A bus driver pulled over to ask me was I all
4 right.

5 I was too ashamed to look up and tell him yes, and I
6 told him yes. He wanted me to get on the bus. I told him
7 no. I was too ashamed to tell my mama about it because I
8 should have ran, but when I ran, I didn't run hard enough.
9 For what I did to these, to my victims, I have a clear
10 understanding, and I'm very sorry.

11 Q What's different, Tim? When did you become
12 remorseful about the Spartanburg victims in the 1980s?

13 A During my 18.5 years of incarceration, during my
14 group session, during -- when I first got my start group,
15 all this stuff started coming out and whatnot.

16 We had to write letters to our victims. We just --
17 the only thing about it, we can't send them to our victims
18 because we don't supposed to have no contact with them.
19 We write them. They go in our file. The therapist looks
20 at them and whatnot, so every time I got to get up, I love
21 myself. I hate my decisions. I love me. I hate the
22 decisions I made.

23 Q Okay. Tim --

24 A There is --

25 Q Go ahead.

1 A There is times that I wonder what was I going through
2 back then, why. I can't imagine my placing that hurt or
3 placing that burden on someone else in their life, but I
4 did. I did place that on them. I can't change that. I
5 can't change what I did.

6 I'm very sorry what I did, but I can't change what I
7 did. The only thing I can change is the future; that
8 there will be no more victims ever in my life.

9 Q Tim, what is the difference in your mind between what
10 you did in 1986 and what you did in 2005?

11 A There is really no difference. There's mistakes,
12 there is poor judgment, but there is no difference, and
13 that's what I used, poor judgment --

14 Q Okay.

15 A -- in 2005.

16 Q Since then you testified you participated in sex
17 offender treatment, completed it, correct, participated in
18 the institutions --

19 A Yes.

20 Q -- and that you have tools now --

21 A Yes, sir.

22 Q -- to deal with these issues. I mean, how can this
23 jury look at you and say we think this guy will not
24 sexually reoffend. What would you tell them? What would
25 keep you from doing this again?

1 A Me. It would be me to keep me from doing this again.
2 The older I got, the wiser I get. I made foolish mistakes
3 at a young age. That's regretful that I regret to the
4 core of my heart. I made mistakes.

5 What would keep me now from making the same mistakes
6 is me, and it's me going to these therapy outpatient
7 clinics that I want to go to help continue giving me the
8 tools.

9 It's me being able to reach into this bag and say,
10 okay. This is a high-risk situation. Don't go into it.
11 It's me not hanging out at these clubs. It's me wanting
12 to live.

13 I gave the Department of Corrections a total of 26.5
14 years of my life. I gave them more time than I had
15 freedom of my life. I buried more family members than I
16 could ever expect since I've been incarcerated.

17 The hardest thing for me to do was to bury my mama
18 from jail, and I don't mean go to the funeral. I mean,
19 call, get the casket, tell them what dress to wear; tell
20 them who the pallbearers is; tell them who the flower
21 bearers is; tell them what she's going to be buried in.

22 I had to do this from jail. That's the hardest thing
23 for me to have to do. My aunt was like, "You have a
24 problem," because I wanted her sons to be the pallbearers.
25 My aunt said, "Y'all need to agree."

1 No. We need to do this for her. Why? She carried
2 us for the nine months. It's only righteous for us to
3 carry her to her resting place, regardless of what -- and
4 my brothers agreed with me, and that's what we did.

5 Every day I got to live with the fact that I wasn't
6 out there for her. I got to live with the fact I wasn't
7 out there for my grandmama. I got to live with the fact
8 that I made mistakes. I created this, not them. I
9 created this, so I got to live with it. Now it's time for
10 me to live with me. I got to get me together now.

11 The Department of Corrections have given me the
12 necessary tools to get me together. They have given me
13 that second chance.

14 When I left Broad River, I left with a tablet like
15 this full of people where I could go get jobs, from people
16 to help me out there, reentry program, people that are
17 given me housing, jobs. I left there with all of the
18 tools of not reoffending. The tools of my life to get my
19 life back together.

20 As bad as this sounds -- and I know it sounds bad.
21 As bad as it sounds, I don't deny it. It's part of my
22 past. I'm part of my future. I can't go back and change
23 this. If I could, I'd go back and die before I do this,
24 but I can't go back and change this. It's never going to
25 change because it's on paper and whatnot.

1 Q Tim.

2 A Yes, sir.

3 Q A couple more questions. Do you remember talking to

4 Dr. Gehle?

5 A Yes, sir.

6 Q Where did that interview take place, do you recall?

7 A Farrow Road.

8 Q Oh, Crafts Farrow?

9 A The mental health.

10 Q DMH?

11 A Yes, sir.

12 Q Okay. How many -- how many hours do you think you

13 spent with her?

14 A Somewhere between four and five, somewhere around

15 there.

16 Q A good nice talk, right, long talk?

17 A (Nods in the affirmative.)

18 Q Okay. Did you tell her the truth in answer to her

19 questions?

20 A Yes.

21 Q Did she ever appear to get frustrated or mad at you?

22 A Yes.

23 Q Why? When?

24 A I don't -- the calm demeanor she had here is not the

25 calm demeanor she had there because she would do like this

1 and whatnot and hold her head.

2 She belittle [sic] my statements or comments. She
3 told me, "Programs didn't help you. Programs not going to
4 help you. They ain't doing nothing," okay.

5 Same programs that you associate with is the same
6 ones she is telling me are not going to help me. That
7 don't sound right. "You didn't do this. You didn't do
8 that."

9 I mean, it's so much stuff that she did that's, you
10 know, I didn't know how to take -- when I got through with
11 her, I wrote you a letter. I got a copy of the letter. I
12 got through with her. I wrote you a letter and told you
13 the last two questions was the nail in the coffin because
14 I know it didn't go good.

15 Q What were the last two questions she asked you?

16 A She said, "Do you have any parole when you get out?"

17 I said, "No, ma'am."

18 She said, "Are you on GPS?"

19 I said, "No, ma'am."

20 Her exact statement was, "Well, that's going to be a
21 problem." When she said that, I knew what it was. I knew
22 I was going to be recommended to a civil commitment, but
23 if I had paper and I had GPS, I wouldn't be sitting here
24 now.

25 I turned down parole in the Department of Corrections

1 because I wanted to finish the program not because they
2 didn't give it to me. I got parole papers that said clear
3 and frame -- clear, "Reason for denial: Inmate request".

4 Q And what year was that?

5 A 2008.

6 Q Right.

7 A I was go up every year, every year after that. The
8 only year I did not go up for parole was 2011 and '12.
9 It's because they were revamping their parole board or
10 something like that, revamping the parole thing or
11 something like that. When she said that, I was like,
12 okay. I'm getting ready to go in front of civil
13 commitment.

14 Q When you were at the Department of Corrections,
15 particularly this last eight years, what kind of jobs did
16 they have you doing out there?

17 A I was the -- I worked as the -- I taught math. I
18 taught --

19 Q Well, let me --

20 A I taught math, and I taught adult math.

21 Q I didn't mean to interrupt, but I went and got -- I
22 got a printout of what your jobs were. Is that -- is that
23 when you were a teacher aid?

24 A Yes, sir.

25 Q What's a senior material handler?

1 A That's Andersen hardwood. I worked for Andersen
2 Hardwood Company. We made hardwood floors. I don't see
3 none in here, but we made hardwood floors, scrape them,
4 furnish them, put tongues in them. I drove a forklift for
5 them and everything. It's a prison industry job.

6 Q Okay. Done within the institution --

7 A Yes.

8 Q -- at Allendale?

9 A Yes, sir.

10 Q Okay. And then you were a sander. Is that --

11 A Same thing.

12 Q Flooring?

13 A Yes, sir.

14 Q Food service aid, what is that?

15 A I worked for the cafeteria, cook, bake, dietitian,
16 dietary clerk. I got over 20 years experience in the
17 cafeteria and whatnot.

18 All of my jobs is jobs that I stepped up in. Like
19 Alex English. I taught Alex English (phonetic) law about
20 literacy, how to teach adults how to read and write. I
21 taught that for many years, and then it became Laubach
22 tutoring and whatnot.

23 I got over 9,000 teaching hours in that, certificate
24 for that. I was the ROC chairman, and for some that
25 haven't been in the Department of Corrections, ROC

1 chairman is inmate-related coordinator, related committee.

2 My job was I sit on the council of 12 men and
3 whatnot, and our job is the communication link between the
4 population and the administration, 1300 people in the
5 administration.

6 We resolve problems throughout the institution. My
7 job as chairman gave me accessibility to anywhere on the
8 compound. That means I had a card, a little ID card that
9 takes me -- I just show it to them, and I go into any
10 housing unit, go meet with the social warden or any place,
11 visitation room, up front in the operation, wherever, lock
12 up. I go talk to inmates up there, and I go talk to staff
13 about problems that's going on at the institution.

14 Q And that's a responsible position, right?

15 A Oh, yeah.

16 Q I asked Dr. Gehle about her understanding about what
17 goes on in prisons. Are there a lot of women that work
18 there?

19 A (Laughing) Yes; yes, sir.

20 Q And then the whole time you were in the Department of
21 Corrections, particularly the last eight years, you didn't
22 have any problem with any of them, did you?

23 A No, sir. You -- you would receive 854. In the old
24 days, it was 2.9. In the new days, it's 854 and --

25 Q What is that?

1 A Not being too graphic but 854 is masturbating off the
2 females and whatnot. They put you in full pink uniform.

3 Q All right.

4 A I have no 854s on my record. I didn't believe in it.
5 As a matter of fact, one of the classes I taught was to
6 pink suits because of experience with class. If they go
7 to class, they get -- they come out of the pink suit
8 early, but if they reoffend again, then they stay in there
9 for additional time.

10 One of the classes I taught was to the pink suits to
11 help them come out of the class, come out of their pink
12 suits early, to get them to understand the significance of
13 masturbating off a woman in full clothes or way out there
14 in the van, driving in the van. You don't even know
15 that's a woman out there or something.

16 Q How long have they been using those pink uniforms?

17 A What, since -- been about ten, 12 years now.

18 Q Okay. I remember the first time I saw them. My
19 understanding was -- what was told to me was it was the
20 perverts.

21 A That's what --

22 Q Is that fair?

23 A That's what they call them, yeah.

24 Q Okay. Have you ever been in a pink suit at the
25 Department of Corrections?

1 A No, sir.

2 Q Okay. Are you -- so you turned down parole to finish
3 the program?

4 A Yes, sir.

5 Q Have you legally paid your debt to society for what
6 you did back in the early 2000s?

7 A Yes, sir.

8 Q Do you feel that you're ready for release back into
9 this society?

10 A Yes, sir.

11 Q Do you feel that you're a danger? You heard
12 Dr. Gehle. She thinks that you have a propensity to
13 commit more acts of sexual violence. What do you think?

14 A No, sir. I don't think or feel that I'm a danger to
15 society. I don't think or feel that I would commit
16 additional sex violent acts in society.

17 As I stated before and I state again, that was part
18 of my past. That's not part of my future. My future, I
19 want to get out, work, own some land, own my own house.
20 I'm a certified carpenter. I got certified in SCDC.

21 You know, I'm on a database for it. I want to own my
22 own house. I want to be able to build my own house and
23 whatnot. I want to build my own business one day. I want
24 to -- I want to retire.

25 I retired my tans for blue, SCDC tan for Allen S.

1 Glenn blues. I want to retire these blues to be a
2 responsible productive citizen in society.

3 I owe that much to myself. I owe that much (blowing
4 kiss) to my mom and whatnot. I owe that much to my son.

5 In the early part of my sentence, the first part of
6 my sentence, they had conjugal visits going on, and I was
7 engaged to a young lady. The product of that was a son.

8 Q How old is he now?

9 A My son was 20.

10 Q Okay.

11 A I made a promise to him. I broke that promise. I
12 made a promise to him that I would be at his graduation
13 when he graduated. I couldn't be there and whatnot
14 because I was locked up, but I wanted to be at his
15 graduation when he graduates from college.

16 When he takes these next four years and graduates
17 from college, I want to be there. I owe him that because
18 I had to raise him from jail over the phone, on visit. I
19 owe him more than that, but I wasn't able to give it to
20 him because I messed up.

21 Now, it's time for me to take that back and quit
22 messing up. I'm ready for society. I'm ready to become a
23 productive citizen of society. I'm ready to do what I'm
24 supposed to do and abide by how I supposed [sic] to abide
25 by. I'm ready to live that life.

1 Q Tim, do you think you can control your behavior?

2 A Yes.

3 Q Do you agree with Dr. Gehle?

4 A No.

5 Q Will we ever see you back here again?

6 A No. Dr. Gehle only saw me for five hours. I have to
7 live -- I know better about me, and about me, I'm through
8 with the penitentiary. They got 26 -- 26.5 years, and I'm
9 not proud of that. I'm through with it. I lost more than
10 anybody could lose in a life.

11 I don't want this. I don't want this no more. We
12 could talk about this right here all day long. I never
13 denied that I did this. I was wrong. I was totally
14 wrong, but what I tell -- what I tell the young ladies of
15 the -- and the gentlemen of this jury here, I can't change
16 these papers because no matter where you go pull them up
17 at, what trial you go get them from, I can't change them
18 no more.

19 They're going to always be the same when you read
20 them. Twenty years from now, these are still going to say
21 the same thing. I can only change for me, and that have
22 changed.

23 I'm only asking for this opportunity to live,
24 continue to live my life, to live my life as a free man.
25 That's all I'm asking for a chance, for an opportunity. I

1 made mistakes. I owned up to them. I'm sorry for them.
2 I hurt people. I owned up to them. I'm sorry for them.
3 I got victims. I'm sorry for them.

4 They don't want my apology. They want to be sure I'm
5 going to do what's right, and I owe them what's right and
6 that's what I would do.

7 MR. BELDING: Thank you, Tim. I appreciate it. No
8 further questions.

9 THE COURT: Mr. Bogle.

10 CROSS-EXAMINATION:

11 BY MR. BOGLE:

12 Q If you had applied for parole and been granted
13 parole, then you would potentially have a parole officer
14 watching over you, correct?

15 A That's correct.

16 Q But by -- some kind of supervision by a probation
17 officer or a parole officer, right?

18 A Yes. I've never been on parole, so I guess that's
19 how it goes.

20 Q But by turning down parole and serving out your max,
21 you don't have to worry about supervision, right? There's
22 no supervising parole agent watching over you, correct?

23 A I always got to worry about supervision. I got a
24 spiritual and accountability person that helps supervise
25 me. I supervise myself. I haven't done a good job in the

1 past.

2 Q Uh-huh.

3 A But I supervise myself and whatnot.

4 Q Well, let's hit some of the high points, if we could
5 very briefly.

6 A Yes, sir.

7 Q As I understand what I've been reading here, some of
8 the crimes you committed back in '86 were when you were
9 out on bond, out on bail on other crimes, right?

10 A Yes, sir.

11 Q Okay. And then when you finally went to prison for
12 -- in '86 or '87 for about 35 years, of which you served
13 about 18 or so, ten months after you got out, you're
14 committing another crime against a child, right?

15 A Yes, sir, can I inject?

16 Q So you got sex offender treatment the first time --

17 A Yes, sir.

18 Q -- while you're in prison, right?

19 A Yes, sir.

20 Q And apparently, it didn't take because you committed
21 sexual crimes only 10 months after you got out, right?

22 A No, sir. That would be incorrect. I did commit sex
23 crimes.

24 Q Okay. So it took -- it took for ten months, and you
25 stopped taking it after that?

1 A I wait? I can answer now?

2 Q Yeah, please.

3 A Okay. Let me go back and cover something right quick
4 because you just said something that was incorrect.

5 MR. BOGLE: Well, Judge, if you could instruct the
6 witness to answer the questions. I don't want him
7 editorializing.

8 THE WITNESS: No. I'm not editorializing. You asked
9 me a question about it.

10 BY MR. BOGLE:

11 Q Uh-huh.

12 A And I want -- I want to be clear on the record what
13 the question is. You asked me a question about it. I got
14 -- I went to jail, and I got out on bond, and I committed
15 another act.

16 Q Right.

17 A No, sir. They served me once for the act that I
18 committed before I got -- before I went to jail.

19 Q Oh, okay.

20 A It's like the thing of you let me get out, and then
21 when you let me get out, you bring me some more warrants
22 so I can clear my own bond, and then you put me back in
23 jail. That's what that was.

24 Q Okay.

25 A So I wouldn't get out. Now to move on up to your

1 next question, sir.

2 Q Uh-huh. So after doing about 18 years from to 1987
3 to when you got out in 2004 or so, you had sex offender
4 treatment while you were in prison the first time, right?

5 A Yes, sir.

6 Q And my question is you offended only ten months later
7 after getting out, so apparently, that sex offender
8 treatment didn't take, did it?

9 A Yes, sir, it took.

10 Q It took?

11 A I just didn't apply that -- I didn't apply my high
12 risk-situation.

13 Q Okay.

14 A Let me explain to you. Because see, you -- you got a
15 misunderstanding of what happened, and just to be quick, I
16 was at a club, guy was having a drink, met the guy. He
17 was having the drink. He shows ID. He's over 21. I find
18 out he ain't over 21 and whatnot, but yet, still his mom
19 said he was 17.

20 Once I found out that, I broke off every contact I
21 had with him and whatnot. It was -- was it his fault?
22 No. It was my fault. Why was it my fault? Because I
23 should have known better at a club that people are going
24 to have false IDs.

25 Q Okay. Now, this is the lewd act charge you pled

1 guilty to; is that right?

2 A No, sir. That's the CSC third I pled guilty to.

3 Q The CSC third you pled guilty to.

4 A I pled to, yes, sir.

5 Q But then we also -- let me ask you this: So

6 basically, your age -- the age of your victims from the

7 1986 crimes is from about three to 13, right?

8 A Yes, sir.

9 Q Okay. And then you get out of prison in 2004, so

10 you're now 40 years old when you get out. Now, your

11 victims ages range from 14 to 17, right?

12 A Yes, sir. I was --

13 Q Okay.

14 A 37 years old.

15 Q Okay. Okay. So what happened to the sexual desire

16 for the young children? Did it go away?

17 A I dealt with it.

18 Q You dealt with it. All right. You said that when

19 you got out of prison the first time, there were no tools

20 available for you, and so you wound up reoffending. You

21 were homeless and wound up reoffending again?

22 A I wind up putting myself in high-risk situations,

23 yes.

24 Q High risk.

25 A Yes, sir.

1 Q But now, you would agree with me, would you not,
2 there's plenty of homeless people out there, some with
3 prison records, that don't go out and commit sexual
4 offenses, aren't there?

5 A It's not that they done 18.5 years of their life and
6 then got throwed [sic] out on the streets.

7 Q So you're saying that made you go out -- want to go
8 out and commit a sex offense?

9 A No, sir. That did not make me go out and have a sex
10 offense.

11 Q Well, that didn't happen accidentally, did they?

12 A No, sir, it didn't.

13 Q Okay. If you are released from custody --

14 A Yes, sir.

15 Q -- have you got plans? Do you think you need sex
16 offender treatment?

17 A I know that I want to go through sex offense therapy
18 counseling groups, outpatient therapy counseling groups at
19 my expense.

20 Q Do you think you need it?

21 A Yes. I think -- I think there's a need for anybody
22 that's getting -- okay. Me, I'm coming out of an
23 institution for a sex offense. In order to keep
24 progressing along, the therapy group is going to be there
25 for me to be able to go to just like people for AA, people

1 for NA, people for abuse..

2 It will be a therapy. I got a therapy council that I
3 could go to, and I could have therapy continue and have
4 tools to my bag.

5 Q But do you -- do you think you need sex offender
6 treatment if you get released?

7 A I don't think I need long-term sex offense treatment
8 for the rest of my life, sir.

9 Q Have you made an appointment for a sex offender
10 treatment if you get released: A time, a date, a place?

11 A Y'all haven't released me. Y'all took me straight to
12 Alvin S. Glenn Detention Center, sir.

13 Q So is the answer no you haven't tried? Have you
14 tried to make an appointment for a time date or place?
15 We're here in trial right here today. If this jury cuts
16 you loose, is your appointment going to be tomorrow at ten
17 a.m. or next week at five p.m. or when?

18 A Sir, with all due respect, when was the last time you
19 been to the county jail? The county jail don't give you a
20 call to make an appointment. They give you a telephone
21 which have Pay-Tel on it and them people have to accept
22 collect calls, and I don't think no therapy group is going
23 to accept some collect call from someone they don't even
24 know.

25 Q Well, have you asked them to set up some kind of sex

1 offender?

2 A My son is out of state, sir.

3 Q He is out of state?

4 A Yes, he is at college out of state.

5 MR. BOGLE: A moment, Your Honor.

6 (Pause.)

7 Thank you, Your Honor.

8 MR. BELDING: No redirect.

9 THE COURT: All right. Thank you, sir.

10 MR. BELDING: Your Honor, that would be the
11 Respondent's case.

12 THE COURT: All right.

13 Any reply by the State?

14 MR. BOGLE: No, Your Honor.

15 THE COURT: All right. Ladies and gentlemen, that
16 will conclude the testimony in this case. That will bring
17 our day to an end.

18 We need to start back at nine a.m. tomorrow morning,
19 at nine a.m. tomorrow morning. I need you to be in the
20 jury room at that time. Please do not discuss the case.
21 We'll look forward to seeing you tomorrow.

22 When you come tomorrow, you'll hear the closing
23 summations by the State and the defense, the State and the
24 Respondent. I'll give you the charge, and then you'll
25 deliberate and answer the questions posed.

1 Those questions being -- will be on the verdict sheet
2 which says has the State proven beyond a reasonable doubt
3 that Timothy Geter was a sexually violent predator under
4 the South Carolina Sexually Violent Predator Act? Yes,
5 Timothy Geter is a sexually violent predator; no, Timothy
6 Geter is not a sexually violent predator.

7 Those will be the ultimate questions that you'll be
8 called upon to answer. Prior to that, you'll hear
9 summations from the State, Mr. Belding, and I'll give you
10 the law that you are to consider, as well.

11 We'll see you tomorrow morning at nine a.m.

12 (WHEREUPON, the jury left open court at approximately
13 5:28 p.m.)

14 THE COURT: All right.

15 MR. BELDING: He can be resecured if you need to.

16 THE WITNESS: I want to get my stuff there first.

17 THE COURT: Before we leave, we're going to see
18 whether or not there is anything we need to discuss
19 regarding charges.

20 MR. BELDING: Your Honor, there aren't any motions
21 from the Respondent, Your Honor.

22 THE COURT: All right. Anything regarding the jury
23 charge submitted by the State?

24 MR. BELDING: You know what, I read it. It's the
25 same one. I really don't have a problem with it.

1 THE COURT: All right.

2 MR. BELDING: And I don't have one that I'd like to
3 counter propose. I think that's fair and states the law.

4 THE COURT: Okay. Well, very good. We'll see you
5 all at nine a.m.

6 MR. BOGLE: Thank you, Your Honor.

7 MR. BELDING: Thank you, Your Honor.

8 (There was an overnight recess).

9 THE COURT: Okay. If we can bring the jury.

10 (WHEREUPON, the jury came into open court at
11 approximately 10:00 a.m.)

12 THE BAILIFF: The jury is present, Your Honor.

13 THE COURT: All right. Very good. Good morning
14 ladies and gentlemen. I regret that everyone wasn't in
15 place to start as scheduled, but we're ready to go now.

16 You've heard the testimony in the case. It's now
17 time for the arguments from counsel, first from the State.

18 MR. BOGLE: Thank you, Your Honor. May it please the
19 Court.

20 THE COURT: Mr. Bogle.

21 CLOSING STATEMENT:

22 MR. BOGLE: Madam forewoman, ladies and gentlemen of
23 the jury, in civil cases like we have here today, the
24 State, our office, makes the first closing argument,
25 followed by Mr. Belding.

1 If he brings up anything new during his argument that
2 I didn't cover, I get a chance to reply to it. Usually
3 what you'll hear from me is going to be right now.

4 First off, like I said yesterday, I'd like to thank
5 you for taking the time out of your personal lives to do
6 your job for Richland County to be here today and
7 yesterday.

8 It's a very important case to the State, Mr. Geter,
9 and I think to you, as well. I appreciate you coming down
10 and getting involved in this kind of thing. I'd like to
11 read you something that our General Assembly wrote when
12 they passed this law.

13 They said, "The General Assembly finds that a
14 mentally abnormal and extremely dangerous group of
15 sexually violent predators exist who require involuntary
16 civil commitment in a secure facility for long-term
17 control, care and treatment.

18 The General Assembly further finds that the
19 likelihood these sexually violent predators will engage in
20 acts of sexual violence if not treated for the mental
21 condition is significant.

22 This case, like any case, boils down to the evidence.
23 What you heard from this witness stand and the documents
24 introduced into evidence, what you will see as you go back
25 in the jury room, you'll have all of these exhibits with

1 you.

2 What's important here, I think is there is something
3 that is out there. Something made Timothy Geter commit a
4 series of sexual crimes in Spartanburg County involving
5 children as young as three years old.

6 We have certified copies of the indictments, the
7 convictions for all of those. Criminal sexual conduct in
8 the second degree, two convictions for that; criminal
9 sexual conduct in the first degree, one for that; lewd act
10 on a minor and so forth, and then the Richland County
11 convictions, as well.

12 All of these are sexually violent crimes and about
13 nine of them fit that definition. The other three, the
14 assault and battery of a high and aggravated nature and
15 the contributing to the delinquency, those were pled down
16 to crimes that aren't sexually violent.

17 She said, look, it's necessary for her to study the
18 underlying facts of all of this stuff to present an
19 opinion to you as to what she thinks should happen to Mr.
20 Geter.

21 But here is the something question: Something made
22 this man commit those crimes in Spartanburg County. He
23 got a long sentence, served about 18 years, I think he
24 said.

25 He got out of prison, and it looked like he was good

1 to go. He had sex offender treatment while in prison that
2 first time, and it looked like he had done very well at
3 that, so he's good to go, but something made him do it
4 again.

5 Within ten months after being released from an
6 18-year prison term, he is offending again. He gets
7 arrested here in Richland County and then one crime over
8 in Lexington.

9 Again, sexual offenses against this time the children
10 weren't quite as young, but they were too young. In one
11 case, a 17-year-old young man who was mentally handicapped
12 who couldn't in any way consent to what was happening to
13 him.

14 The question is: What is the something? What is the
15 thing that makes him do this? You heard testimony from
16 Dr. Gehle yesterday about the something, what it is.

17 In normal cases, witnesses can only testify about
18 things they see, things they hear. Things they smelled,
19 things they observed, like a car wreck. "I saw that car
20 run the red light," that kind of thing.

21 Some witnesses, though, can be qualified by the judge
22 based upon their experience and their training to be what
23 they call expert witnesses and give an opinion about
24 something. That's what Dr. Gehle was yesterday.

25 She has done what, 40 or 50 of these things, been

1 recognized as an expert witness by the circuit courts many
2 times before. I think it's unchallenged that she did
3 diagnose him. Two things are unchallenged: First, the
4 number of convictions and the fact they are sexually
5 violent crimes. The second thing that's unchallenged is
6 the fact that he has two mental abnormalities. One is
7 pedophilia, a sexual interest in young children, repeated.
8 The other is paraphilia not otherwise specified, the
9 sexual conduct with the older children who are
10 non-consenting victims.

11 He also has a personality disorder. All of these
12 things are recognized by the psychiatric and the
13 psychological community. That's not -- I don't think
14 that's contested. There is no evidence to the contrary
15 that he had these things. The question is will he do it
16 again.

17 Now, Mr. Geter testified at length yesterday, and he
18 had in some respects a very sympathetic story. It was
19 very sad to me to hear about all the things he missed
20 because he's in prison: Family members passing away, his
21 son, his education, things like that.

22 But you know what, at the risk of sounding blunt, he
23 didn't miss these things by accident. Something made him
24 choose to offend in a sexual violent manner back in the
25 1980s.

1 He gets out of prison, and about ten months later
2 something made him choose to do it again. He didn't
3 commit these offenses by accident.

4 He tries to blame the Department of Corrections.
5 "Oh, they let me out in 2004 and didn't give me any tools
6 to get my life together."

7 Oh, I don't think it's their fault. Something made
8 Mr. Geter go out and offend again. That something is
9 mental abnormalities and the personality disorder that
10 Dr. Gehle diagnosed.

11 Now, he had sex offender treatment the first time.
12 He got out, goes back in. He has some sex offender
13 treatment the second time. Well, we know the first time
14 didn't take because he offended again so quickly.

15 Did the second time take? Good question. Based on
16 Dr. Gehle's research and the testimony you have heard,
17 that actuarial thing, that scoring she was doing, that's a
18 commonly used technique in the field of psychology and
19 psychiatry.

20 Like the heart example she gave, if you have had a
21 heart attack, you go to see your doctor. He is looking
22 for certain things about your lifestyle, certain symptoms
23 you have, like your family history. His history for heart
24 disease, same thing for sex offenders. Some things you
25 can't control.

1 If these things exist, then he knows, he can decide
2 whether or not there is a high prediction you might have
3 another heart attack.

4 Well, same thing for other sex offenders. They've
5 studied thousands of sex offenders who have been convicted
6 once and reoffended again. You look for common factors.

7 This man got a score of eight, which one may look at
8 it as a 34 percent chance or a 37 percent chance over the
9 next ten years -- five years of reoffending; forty
10 something over the next ten.

11 But remember, we're not talking about a 40 percent
12 chance of shoplifting. We're talking about a 40 percent
13 chance of committing a sexual crime, a whole different
14 ballgame there.

15 Really, another way of saying that, he scored worse
16 than a 97-point-something percent of the offenders
17 studied. So he is in a bad position as far as that
18 technical tool that she used.

19 But look at the other things she observed. According
20 to her information, he is out on bond for one offense,
21 gets arrested for or commits another offense. He has just
22 been released from prison and ten months later done it
23 again.

24 His victims: In one case, a stranger. People that
25 know him. People can identify him. People can say, "Hey,

1 that guy did this to me."

2 That suggests a very risky behavior and also suggests
3 and inability to control himself. What you have to do
4 is -- the question before you is going to be has the State
5 proven beyond a reasonable doubt that Timothy Geter is a
6 sexually violent predator.

7 Here is what we have to establish beyond a reasonable
8 doubt, and the judge will explain to you what that burden
9 of proof means. He'll tell you how to -- how to define
10 that. We have to show, number one, has Mr. Geter been
11 convicted of a sexual violent crime? Nine of them; '86 to
12 2005, got that.

13 Next thing, does he have a mental abnormality or a
14 personality disorder? No question that's unchallenged, in
15 this case, I would submit to you. Two mental
16 abnormalities, the pedophilia and the paraphilia not
17 otherwise specified and then the personality disorder,
18 antisocial personality disorder. He's got that.

19 Is his condition such of a danger to the community
20 that he is likely to reoffend? And frankly, his track
21 record establishes that.

22 So that's what the case is about. This is the
23 evidence. You've heard the testimony. The next thing is
24 to do your job.

25 The judge will explain the law to you after me and

1 Mr. Belding are through arguing. Apply that law to the
2 facts. Bring back a verdict. I think the verdict in this
3 case should be that Mr. Geter is a sexually violent
4 predator.

5 He needs treatment. He needs to be confined for
6 treatment. He doesn't seem to think he needs it. I would
7 suggest to you that the record shows that he does. Thank
8 you very much for your time.

9 Your Honor.

10 THE COURT: All right. From the Respondent.

11 MR. BELDING: Thank you, Your Honor.

12 THE COURT: Mr. Belding.

13 MR. BELDING: Appreciate it.

14 THE COURT: Yes, sir.

15 CLOSING STATEMENT:

16 MR. BELDING: I, too, want to thank you for your
17 attention. I don't know if you found this trial to be
18 interesting or not, but it is very important to both
19 parties, especially from my perspective, Mr. Geter, who as
20 he told you yesterday has already spent 26 years in prison
21 for what he has done.

22 Under our law, he has paid his debt to society. The
23 question now before you is are we going to put him in for
24 preventive detention for something he hasn't done.

25 Let's look at the evidence. Let's talk about what

1 you've heard from this witness stand. First of all, we
2 had Dr. Gehle.

3 I asked her, is the statute ambiguous? Oh, yeah,
4 statute is ambiguous. There's a lot of things in there
5 that you have to just kind of surmise what do they mean.

6 Like, for example, what is a mental abnormality?
7 It's a term that's used in the statute, but it's not
8 defined in the DSM. The book, the bible of psychiatry and
9 psychology in this country, the Diagnostical and
10 Statistical Manual doesn't define that. She told you
11 that.

12 The biggest problem, though, is that the statute says
13 that you have to find beyond a reasonable doubt that Tim
14 Geter is likely to commit future acts of sexual violence
15 if he is not confined for long-term care, treatment, and
16 control.

17 I said what is likely? She said it's not defined.
18 So what did she try to do to give us some idea of what
19 likely is?

20 Well, the only objective thing that she could do was
21 administer this Static 99 test, and in this, she did fill
22 out a form that you'll get to see back in the jury room.

23 She only had to ask him a couple of questions. She
24 filled out a form. It gives you a score. You can look up
25 in their book the Static 99 people put together, and it

1 gives you a projection.

2 It said, you know, of the guys that scored an eight,
3 37.2 percent committed another sexual offense. I asked
4 her, "How is that likely?"

5 We're not talk about likelihood. Do you remember I
6 asked her, "What's the difference between the two words?"
7 There's a likelihood of everything.

8 What's the likelihood that we're going to be hit by
9 an asteroid before I finish my closing argument?
10 .0111 percent. Nothing in life is zero, and nothing is
11 100 statistically. There is a likelihood of anything.
12 Sometimes it's very small.

13 Likely means under the definition that I read to her
14 in the dictionary and she did not dispute that it is more
15 probable than not.

16 I asked her, you're not a statistician. You're a
17 psychologist. She said, "No. That's right. I took a
18 semester," I think, "of statistics in college."

19 I took two. I don't claim to be a statistician. The
20 question is this. I do remember this from probability,
21 which is the first thing you learn about statistics is
22 there is 100 percent chance of anything. If it's more
23 than 50 percent, that makes it likely.

24 If it's less than 50 percent, we call that unlikely.

25 Now, the definition in the dictionary that I asked

1 about said more probable than not is likely, so it has to
2 be -- for it to be more probable than not, it's got to at
3 least be 51 percent.

4 What she said is her numbers show that there's a
5 37.2 percent of him reoffending in five years and another
6 50 percent, 47 percent, in ten years.

7 That's unlikely. That's not likely. That's not more
8 probable than not. It's less probable than not. Then
9 here is the thing that's really interesting. The first
10 time I ever asked anyone this. Turns out she knew the
11 names of the two big guys that put together this Static 99
12 program up in Canada, a guy named Thornton and a guy named
13 Hanson.

14 I asked her, "Have you been keeping up on this?" I
15 said, "Did you see the article last year where they
16 admitted that their projections were overstated," because
17 they found out that their projections don't match what
18 happens out there in the real world. They're overstated
19 that people with a two and people with an eight end up
20 having the same level of projection of their propensity,
21 their likelihood of reoffending, a two and an eight.

22 Well, you know what they say about statistics. You
23 know, you take whatever you can get out of them, and
24 that's what you use.

25 Now, obviously, Mr. Bogle is not going to argue to

1 you that 37 percent is more probable than not. So
2 instead, he is going to point out that, "Well, forget
3 that. He scored higher than all but 99 percent of the
4 people that had -- that were rated in this program."

5 I say you go back and look at what she said from the
6 stand that the problem is that she said it made him likely
7 to reoffend in the percentage of 37.2 percent in the next
8 five years. A, that's not likely, and B, she did not
9 dispute.

10 When I asked her, "Did you read this article?" I
11 will think it had to do with some different populations.
12 They know there is a problem with the Static 99. They
13 know that it's not matching reality, and they're having to
14 redo it. That's in the process right now.

15 You can't rely on that because even the two guys that
16 created the program say, "Our projections are overstated
17 so here is the problem it presents to you. I'm glad I'm
18 not you today. You have to find beyond a reasonable doubt
19 that Mr. Geter is likely to create future acts of sexual
20 violence if he is not confined for treatment.

21 I don't know how you're going to do that when their
22 own State's witness said we're talking about 37 percent.
23 That's not likely at all.

24 Here is the other thing: Part of the judge's
25 instructions will be that the South Carolina Supreme

1 Court -- I'm just going to read this. "The South Carolina
2 Supreme Court has ruled that the substantive Due Process
3 Clause requires a court to determine that an individual
4 can only be committed if he suffers from a mental illness
5 which cannot be -- which he cannot sufficiently control
6 without the structure and care provided by a mental health
7 facility rendering him likely to commit a dangerous act."

8 We've got the likely problem again, but they bring in
9 this element that Mr. Bogle and Dr. Gehle talked about,
10 ability to control himself.

11 I asked her about that. I said, "Well, if he has a
12 mental abnormality that makes it impossible or difficult
13 for him to control himself, how come he hasn't committed a
14 sexual offense in the last eight years?"

15 She said, "Well, because he's in prison."

16 I asked her, "What do you know about prisons?"

17 Well, not very much. She didn't even know how big
18 the visiting room was. Obviously, she doesn't know
19 because that's not her field, what goes on in prisons.
20 People get attacked out there all the time.

21 I say he has developed the ability to control himself
22 because the trend that we are dealing with now is eight
23 years of no problem.

24 I also want to bootstrap up that argument that -- you
25 know, now remember, the opening argument from Mr. Bogle

1 early is, "You're going to hear some rough stuff here."
2 He wanted to get you ready for all the bad things you were
3 going to hear, get you prepared.

4 Yes, Mr. Geter committed some crimes back in 1986
5 that weren't very good. Dr. Gehle said that based on
6 that, he was a pedophile because he victimized small
7 prepubescent children. Mr. Bogle used those same words.

8 Since 1986, he hadn't been accused of anything like
9 that with small children, so the pedophilia was 27 years
10 ago, and when he was released from in 2004 and was
11 examined by a psychologist, who also worked for the State,
12 Dr. Pamela Crawford, she said, "He is not a sexually
13 violent predator," all right.

14 What happens? By the way, Mr. Bogle stated that
15 while he was out on bond for the 1986 charges, he offended
16 again. Mr. Geter yesterday in sworn testimony told you
17 that's wrong.

18 Every one of those charges were done on the same
19 date. He was arrested on some. They got some more
20 warrants, came back and arrested him again when he was out
21 on bond.

22 He hadn't committed any new crimes. He was out on
23 bond the whole time. They just went back and arrested him
24 again.

25 Now we get to 2004, and he's getting out. Now he

1 gets in trouble, but it's not with little prepubescent
2 children anymore. It's not pedophilia. He has got 13 to
3 17 year olds.

4 Now, I'm not saying that's great. I'm not happy for
5 him, but it's not pedophilia. So now she says, "Okay.
6 Well, that is paraphilia not otherwise specified," which
7 today, I still don't know what that means. I've been
8 doing this for years.

9 It's because in the diagnostical and statistical
10 manual, they don't know what it means. It's not defined
11 yet. We have a lot of things in psychiatry that are
12 defined.

13 There is a whole chapter about it. Here is what it
14 is. Here is how you can study it for years. Here is how
15 it's been studied for years. Here is how you treat it.

16 Paraphilia not otherwise specified, it's something
17 out there that we don't really know what it is yet, but
18 we're looking into it. That's what that means, not
19 otherwise specified. We're working on it, okay. We're
20 studying it.

21 I told you in the opening argument that the problem
22 we've got here is there is not science to back up what
23 their trying to do here. There's just not science. There
24 is paraphilia not otherwise specified.

25 What is paraphilia? Well, it's an abnormal

1 attraction to objects not otherwise specified, and we're
2 going to bootstrap all that up. Shocking you with what
3 he's done, we're going to bootstrap all that up into he
4 needs to be locked up for treatment.

5 I asked her, tell me about the treatment. I don't
6 know. Been out there once. She is a doctor with the
7 Department of Mental Health, and she doesn't have anything
8 to do with the treatment program and doesn't know what it
9 is.

10 I asked her, "What do they do out there in this? I
11 mean, are they getting intensive treatment?"

12 "You know, well, it's an hour a week of group sitting
13 around and talking."

14 She said, "No. I think it's -- I think it's two now.
15 I think they have another person out there."

16 If we were trying to prepare people to come back into
17 society, is that how we do it? Yeah, we get together one
18 day a week and talk for an hour.

19 You know, interestingly, we were -- this country
20 started out as a society that believed in redemption,
21 believed in reformation, going back to the Quakers.

22 You know, what do we have here? We have
23 penitentiaries. What are penitentiaries? They are places
24 you go to be repentant, to get right with God. We send
25 little kids to reform school so we can reform their

1 behavior, all right.

2 What do we call the prison system in South Carolina?
3 It is the Department of Corrections. We're trying to
4 correct people's behavior.

5 Now, Mr. Geter has been out there for 26-and-a-half
6 years. He's gone through their sex offender treatment
7 program successfully at the Department of Corrections.
8 He's had no problems in the last eight years.

9 Now that he has paid his debt to society and he
10 getting ready to get back out and paid his debt to
11 society, the State says, "You know, we want to keep you
12 for awhile just so you can sit around and talk with some
13 of your other guys one hour a week."

14 That's not treatment. That's not getting him ready.
15 That's keeping him off the streets. It's political. Now,
16 that's the problem I've got is I'm here having to argue
17 with you in a court of law about the law.

18 The judge will tell you what the law is. That isn't
19 why that law was passed. It was passed by politicians,
20 and we have to try to figure out what it means.

21 If they really had known what they were doing, we
22 would know what they meant. They would have said words
23 that were defined. They would have said if a person is
24 tested and hits this mark, they've got to be treated.
25 It's not they're likely to reoffend. You all figure out

1 what that means because that's where we are.

2 You guys have to beyond a reasonable doubt determine
3 that Mr. Geter is likely to commit a future sex act. He
4 is not a predator. He was determined to be that in 2004,
5 so the stuff from 1986 is ancient history.

6 Since then, his pattern has been no problems, even in
7 prison where sexual assaults happen every day. She even
8 said he had some disciplinaries, but I don't want to get
9 into those because none of them had anything to do with
10 assaulting people. The most recent offense was he stole
11 food in the cafeteria. That doesn't have anything to do
12 with being a predator.

13 Judge Newman will charge you that if you unanimously
14 agree beyond a reasonable doubt that he is a sexually
15 violent predator -- we just don't have that kind of
16 evidence before us to do it beyond a reasonable doubt.

17 What we have is the testimony of one expert witness,
18 and I stipulated that she is an expert because she has
19 been doing it here before. If I would have objected, I
20 would have won.

21 She is an expert in her field. That doesn't mean she
22 is always right. Nobody is always right. The judge will
23 tell you in his charge that you don't have to accept her
24 opinion just because she was approved to be an expert
25 witness.

1 This is one piece of evidence for you all to
2 consider. You determine what is important. You determine
3 what the facts are in this case.

4 I think when you go back there and start talking
5 about okay, what is the law? What did Judge Newman say
6 was the law here? You have to find likely -- that he is
7 likely to commit. You don't have that kind of evidence
8 beyond a reasonable doubt.

9 Does he have an inability to control himself? The
10 last eight years tells me you don't have that beyond a
11 reasonable doubt.

12 Mr. Geter asked you yesterday to let him go home to
13 his family. He has paid his debt to society. There is no
14 question about that. I submit to you that he is not a
15 threat to society.

16 I think he has learned his lesson. I think he showed
17 us in the last eight years that he does have the ability
18 to control himself; that a doctor who spends four or five
19 hours with him could never know in that little amount of
20 time.

21 She admitted, "I can't get into someone's head and
22 predict their future." None of us can, so I'm asking you
23 find that Timothy Geter is not a sexually violent
24 predator. Send him home to his family.

25 Thank you for your attention. I appreciate it.

1 THE COURT: Mr. Bogle?

2 MR. BOGLE: Nothing in reply, Your Honor. Thank you.

3 JURY CHARGE:

4 THE COURT: All right. Madam Forelady and members of
5 the jury, you've heard all of the testimony. You've
6 received all of the evidence, and you've heard the
7 arguments of the parties, the Plaintiff and the
8 Respondent.

9 I will now explain to you the law that you are to
10 apply to this case. Under the constitution and laws of
11 South Carolina, you are the finders of the facts in this
12 case.

13 I do not have the right to pass upon the facts or
14 even express any opinion that I might have as to them
15 because this is a matter solely for you, the jury, to
16 determine.

17 As jurors then, it is your duty to determine the
18 effect, the value, the weight and the truth of the
19 evidence presented during this trial.

20 You are also the judges, the sole judges of the
21 credibility and believability of the witnesses who have
22 testified and of the evidence which has been offered.

23 In passing upon credibility, you may take into
24 consideration many things, such as what was the manner and
25 appearance of the witness who testified? Was he or she

1 straightforward, or was he or she hesitant in answering?
2 How did the witness come to know the facts that he or she
3 testified to or what was his or her ability to know these
4 facts?

5 Is there some reason a witness would want to give
6 testimony which would help or hurt one side or the other?
7 In other words, was the witness biased or prejudiced? Was
8 the testimony of a witness strengthened or weakened by
9 other testimony or other evidence?

10 You, the jury, may believe as much or as little of
11 each witness's testimony as you think proper.

12 You may believe the testimony of a single witness or
13 not believe the testimony of that witness. You may
14 believe a part of the testimony of a witness and
15 disbelieve the rest.

16 The fact that testimony is not controverted does not
17 mean you must accept it as true and undisputed. You must
18 gauge the credibility of the witness to determine the
19 believability or truth of the facts offered through the
20 testimony.

21 Keep in mind throughout this process you have but one
22 objective. That is to seek the truth regardless of the
23 source from where it comes.

24 Now, the same constitution and law that makes you the
25 finders of the facts and the evidence, as I have discussed

1 with you, it makes me the -- as the judge, the sole and
2 only instructor of the law.

3 You must accept as correct the law which I charge and
4 apply it to the facts as you find them to be and then
5 reach a verdict.

6 If I should make an error in the law as I instruct it
7 to you, there is another time and another place and
8 another court in which that error can be considered and if
9 necessary, corrected.

10 But for the purpose of this case today, you must
11 accept the law as I charge it. In that regard, until I
12 tell you that neither you, nor I for that matter, should
13 be concerned about what we think the law ought to be but
14 only concern yourselves with what I charge you the law, in
15 fact, to be.

16 Now, the elements which the State must prove beyond a
17 reasonable doubt are number one: That the Respondent,
18 Mr. Geter, has been convicted of a sexually violent
19 offense or offenses.

20 I charge you that criminal sexual conduct in the
21 first degree, criminal sexual conduct in the second
22 degree, criminal sexual conduct in the third degree,
23 assault with intent to commit criminal sexual conduct and
24 lewd act on a minor are sexually violent offenses.

25 Secondly, that the Respondent, Mr. Geter, suffers

1 from a mental abnormality or personality disorder that
2 makes him likely to engage in acts of sexual violence if
3 not confined in a secure facility for long-term control,
4 care and treatment.

5 Inherent in these two elements is that the State must
6 prove the requirement that Respondent's mental abnormality
7 or personality disorder causes him serious difficulty in
8 controlling his behavior.

9 In other words, the State must prove beyond a
10 reasonable doubt that the individual it seeks to commit,
11 Mr. Geter, suffers from a mental illness which he cannot
12 sufficiently control without the structure and care
13 provided by a mental health facility rendering him
14 otherwise 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, specifically two of the terms that I
18 have just used: One, mental abnormality.

19 Mental abnormality means a mental condition affecting
20 a person's emotional or volitional capacity that
21 predisposes the person to commit sexually violent
22 offenses.

23 This mental abnormality or personality disorder must
24 cause the Respondent serious difficulty in controlling his
25 behavior.

1 The second term or phrase is likely to engage in acts
2 of sexual violence. Likely to engage in acts of sexual
3 violence means the person's propensity, Mr. Geter's
4 propensity to commit acts of sexual violence is of such a
5 degree as to pose a menace to the health and safety of
6 others so that he is dangerous to others.

7 Again, I remind you that the burden of proof is on
8 the state to prove to your satisfaction beyond a
9 reasonable doubt that the Respondent has been convicted of
10 a sexual violent offense or offenses as I have instructed
11 you and also that he suffers from a mental abnormality or
12 personality disorder that makes him likely to engage in
13 acts of sexual violence if not confined in a secure
14 facility for long-term control, care and treatment.

15 If the State carries its burden of proof and
16 convinces you beyond a reasonable doubt as to each of two
17 elements of its cause of action, it is entitled then to a
18 finding that the Respondent, Mr. Geter, is a sexually
19 violent predator.

20 If the State does not meet that burden of proof as to
21 one or both of these elements, the Respondent, Mr. Geter
22 then, is entitled to a finding that he is not a sexually
23 violent predator.

24 The State must meet its burden of proof beyond a
25 reasonable doubt. So what is a reasonable doubt in the

1 law? A reasonable doubt is the kind of doubt that would
2 cause a reasonable person to hesitate to act.

3 Proof beyond a reasonable doubt is proof that leaves
4 you firmly convinced. Now, there are very few things in
5 this world that we know with absolutely certainty, and the
6 law does not require proof that overcomes every possible
7 doubt.

8 What is required is if, based on your consideration
9 of the evidence, you are firmly convinced that the
10 respondent, Mr. Geter is a sexually violent predator, then
11 you must return a verdict for the State finding that he is
12 a sexually violent predator.

13 If, on the other hand, you think there is a real
14 possibility that he is not a sexually violent predator,
15 you must then give him the benefit of the doubt and find a
16 verdict for the respondent, meaning a finding that he is
17 not a sexually violent predator.

18 A reasonable doubt may arise from evidence that is in
19 the case or from lack of evidence in the case. It's up to
20 you, ladies and gentlemen, to determine whether or not a
21 reasonable doubt exists in this case.

22 Now, ladies and gentlemen, I am now drawing near the
23 end of my charge. I want to clearly -- you to clearly
24 understand that you are not partisans or advocates for the
25 State or the Respondent. You do not serve as jurors to

1 reward your friends or punish your enemies..

2 In this regard, you have been selected by both the
3 State and the Respondent to be fair and impartial jurors.
4 It is your duty by your joint deliberations to determine
5 the truth in this case to give the Respondent the
6 reasonable doubt on each and every issue.

7 Then to the facts which you determine to be true, you
8 should take and apply the law which has been given to you
9 by this court and thus arrive at a verdict which speaks
10 the truth in this case.

11 In fact, the word verdict, which has a Latin
12 derivative, means a true saying. Thus, when you have
13 accomplished these responsibilities, you will have
14 satisfied your oath as jurors, and you will have
15 discharged your duty to this court.

16 There are two possible verdicts which you may find in
17 this case: Respondent is a sexually violent predator or
18 respondent is not a sexually violent predator.

19 There is no significance whatsoever in the order in
20 which I state these possible verdicts. It's simply that
21 one must be stated first.

22 Now, all 12 of you must agree on the verdict. Your
23 verdict must be unanimous. Your verdict cannot be based
24 on sympathy, passion, prejudice, emotion or any other
25 consideration not in evidence in this case.

1 Madam Forelady, when the jury agrees on the verdict,
2 you will sign your name as foreperson on the line
3 underneath after checking the appropriate box and date the
4 verdict form. Then knock on the door and inform the
5 bailiff that you have reached a verdict.

6 At that time, we will receive you back into the
7 courtroom, so I ask that you now return to your jury room,
8 but do not begin deliberations until you are told to do so
9 by the clerk or the bailiff.

10 There were some matters that must be discussed first
11 with the attorneys before you begin your deliberations.
12 Wait for the signal from the clerk or the bailiffs that
13 it's time to begin your deliberations. Please go to the
14 jury room.

15 (WHEREUPON, the jury left open court at approximately
16 10:44 p.m.)

17 THE COURT: Let the record reflect that the alternate
18 juror did not show up today. She had some personal
19 issues, and she called in and said she wouldn't be here.
20 We didn't need her anyway.

21 Are there any additions or exceptions by the State or
22 the defense?

23 MR. BOGLE: There are none from the State.

24 MR. BELDING: None from the Respondent either, Your
25 Honor.

1 THE COURT: All right. Very good. If you all will
2 check the exhibits that are to go back.

3 MR. BELDING: I think we looked at the verdict form,
4 and it was fine.

5 THE COURT: I sent the verdict form, as well.

6 MR. BELDING: That's the only one I have.

7 THE COURT: In addition to the verdict form, I give
8 the jury an exact copy of the charge that I read.

9 MR. BELDING: Okay.

10 (Pause).

11 MR. BOGLE: The exhibits are all there, Your Honor.

12 THE COURT: That's the verdict form and instructions.

13 MR. BOGLE: Thank you, Your Honor.

14 THE COURT: All right. Have good. Let them have at
15 it, 10:45.

16 (WHEREUPON, the jury began their deliberations at
17 10:46 a.m.)

18 (The jury sent out a question.)

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

21 THE COURT: The question says when was Mr. Geter
22 first seen by a psychologist that stated he was not a
23 violent sex offender? Was it in 2004?

24 MR. BELDING: Either '04 or '05.

25 MR. BOGLE: I have the date. I'm not sure if it came

1 out in evidence, though.

2 MR. BELDING: Well --

3 MR. BOGLE: Somebody said the date.

4 MR. BELDING: Now, we -- we did go back to that. We
5 did talk about that.

6 MR. BOGLE: We talked about it.

7 MR. BELDING: She said she looked at Pamela
8 Crawford's report as part of her research.

9 MR. BOGLE: Yeah. Did she say when?

10 MR. BELDING: Well, it was --

11 MR. BOGLE: She did say the date the order dismissing
12 the first case date May 21st, 2004. She did say that.

13 MR. BELDING: It would have been predated.

14 MR. BOGLE: All I can think is -- I don't remember if
15 she said the exact -- I don't think she had a date off of
16 Dr. Crawford's report. I think she had the date it was
17 first -- the case got dismissed.

18 THE COURT: What do you all want me to do about this
19 question?

20 MR. BOGLE: The question is, was the date that --

21 THE COURT: "When was Mr. Geter first seen by a
22 psychologist?"

23 Referencing that, stated he was not a sexual -- a
24 violent sex offender.

25 MR. BELDING: Okay.

1 THE COURT: "Was it in 2004?"

2 MR. BELDING: Is that what it says, "Was it in 2004?"

3 THE COURT: Yeah. Well, yeah.

4 MR. BELDING: Well, then they're closer than we
5 thought.

6 THE COURT: There's a question and arrow and all of
7 that so...

8 MR. BOGLE: Gosh, I don't remember if Dr. Gehle gave
9 the date. I know she gave the date the first case was
10 dismissed. It was in 2004.

11 THE COURT: Do you want me to answer the question, or
12 tell the jury, "You heard all the evidence. The case is
13 in your hands. We're not going to bring anymore
14 witnesses. You don't get any more testimony. You won't
15 get anymore evidence."

16 MR. BOGLE: I'm thinking that's the best route.

17 THE COURT: Or do you all want --

18 MR. BELDING: I don't --

19 THE COURT: Or do you all want to say it was
20 around 2004 or 2005? In the end, it doesn't really
21 matter.

22 MR. BELDING: It sounds like they kind of figured
23 that anyway. It may be she looked at the guy in 2003 and
24 the order -- the case didn't get dismissed in 2004. We
25 just don't know.

1 She did testify the prior case got dismissed and he
2 was released from custody in May of --

3 THE COURT: All right. So it was just vague
4 testimony to me on that point to me. I don't know.

5 And you got couple of them there who latched onto
6 2004 --

7 MR. BOGLE: Uh-huh.

8 THE COURT: -- but do you want me to attempt to
9 answer the question or just tell them --

10 MR. BOGLE: Okay.

11 MR. BELDING: The only thing is, what if they say,
12 then, can we hear -- can we hear Karen's...

13 THE COURT REPORTER: Do you want me to tell you what
14 it says? I have it right here.

15 THE COURT: Yes.

16 (Whereupon, the testimony was read by the court
17 reporter in open court.)

18 MR. BOGLE: Well, then the truth is 2004. I didn't
19 remember that so that's...

20 THE COURT: All right. So do you all want me to just
21 write on the note 2004?

22 MR. BELDING: Yeah.

23 MR. BOGLE: Yes. That would be better than bringing
24 them back in here.

25 THE COURT: I can just write in here 2004.

1 MR. BELDING: All right.

2 THE COURT: Send it back to them.

3 MR. BELDING: That works.

4 THE COURT: Was it -- was it 2004, and I can say
5 "yes".

6 MR. BOGLE: Yes.

7 THE COURT: All right, Y-E-S.

8 I don't want to become pen pals with them but...

9 MR. BELDING: It takes longer to bring them back.

10 THE COURT: There you go.

11 So that's Mr. Geter. We'll let him know what's going
12 on, if that's him coming in.

13 (Mr. Geter entered the courtroom.)

14 All right. Mr. Geter, you can stand right there.

15 MR. GETER: Yeah.

16 THE COURT: Here is the story: They don't have a
17 decision yet. The jury sent out a question that says,
18 "When was Mr. Geter first seen by a psychologist that
19 stated he was not a violent sexual -- sex offender? Was
20 it 2004?"

21 The court reporter has looked on the record, and the
22 witness testified that there was an evaluation in 2004.
23 So the lawyers want me to answer the question, "Yes, it
24 was 2004." Is that all right with you?

25 THE DEFENDANT: Yes, sir.

1 MR. BELDING: And that was the evidence, I think, as
2 well.

3 THE COURT: And there's a another note.

4 THE CLERK: Another note?

5 (WHEREUPON, Court's Exhibit No. 2 was marked for
6 identification only.)

7 THE COURT: I don't want to become pen pals with the
8 jury.

9 All right, note number two, "What happens if we do
10 not agree unanimously?"

11 MR. BOGLE: It has to got be unanimous one way or the
12 other. A mistrial but I hate to tell them that.

13 THE COURT: No. So I'm going to respond to the first
14 note, "Yes, it was 2004."

15 Do you want me to respond saying, "The verdict must
16 be unanimous" or not respond?

17 MR. BOGLE: Well, they're not really at the point
18 where we can give them an Allen charge.

19 THE COURT: No.

20 MR. BELDING: No, we're not.

21 MR. BOGLE: I would just -- I would suggest to
22 respond, "The verdict must be unanimous."

23 THE COURT: All right.

24 MR. BOGLE: How is that?

25 MR. BELDING: Or "a verdict must be unanimous".

1 THE COURT: A verdict must be unanimous.

2 MR. BELDING: A verdict must be unanimous.

3 THE COURT: All right. Here you go. That's that
4 one.

5 All right. So let's return Mr. Geter, once again,
6 for the time being.

7 (Pause.)

8 They have another question.

9 (WHEREUPON, Court's Exhibit No. 3 was marked for
10 identification only.)

11 MR. BELDING: They're just saying they have got
12 another note. Did you hear that?

13 MR. BOGLE: Another note? Another note?

14 THE CLERK: Quiet.

15 THE COURT: "Was he on parole when he was released
16 in 2004?"

17 THE DEFENDANT: No.

18 MR. BELDING: I don't remember if that was in
19 evidence or not.

20 MR. BOGLE: It wouldn't been have parole. It would
21 have been probation. It would be on the sentencing
22 sheets. Those things are hard to read, but the sentencing
23 sheets back in 2004 are -- you said 2000---

24 THE COURT: "Was he on parole when he was released
25 in 2004?"

1 MR. BELDING: He wasn't released in 2004.

2 THE COURT: Was he on parole?

3 THE DEFENDANT: No.

4 MR. BELDING: When he got off the first sentence, was
5 he on parole?

6 THE DEFENDANT: No.

7 MR. BOGLE: That would be on the sentencing sheets.
8 They just stamp something on there and wrote it. There
9 was no parole or probation.

10 MR. BELDING: I don't remember if there was anything
11 in evidence.

12 MR. BOGLE: There was nothing in evidence about that.

13 THE COURT: What do you want me to do about this
14 question?

15 MR. BOGLE: Just tell them they've heard all the
16 evidence.

17 THE COURT: I can bring them in and say, "I'm getting
18 all these notes from you."

19 MR. BELDING: Thank you.

20 THE COURT: "You've heard all the evidence. You are
21 to decide the case based on all the evidence that has been
22 presented. You're not going to bring in, reopen."

23 MR. BOGLE: There was no evidence brought in on that
24 question.

25 THE COURT: All right.

1 MR. BELDING: Are you going to bring them back?

2 THE COURT: Yes.

3 Okay. If you'll bring the jury in, sir.

4 THE BAILIFF: Yes, sir.

5 (WHEREUPON, the jury came into open court at
6 approximately 11:45 a.m.)

7 THE BAILIFF: The jury is present, Your Honor.

8 THE COURT: All right. Ladies and gentlemen, in a
9 span of about five minutes, I have gotten three notes from
10 the jury asking different questions as if I am a juror.

11 You have heard all of the testimony. You have
12 received all of the evidence. The role of a jury is to
13 listen during the course of the trial to the testimony and
14 the evidence so that at the end of the process, you can
15 deliberate and to decide the case based on the testimony
16 and the evidence that you have heard.

17 Some questions that you may ask may be answered by
18 having the court reporter play back specific testimony.
19 Some questions that you may ask would cause for -- call
20 for us to reopen the case, call in more witnesses, present
21 more testimony.

22 That is not possible because you have heard the
23 entire case. You have heard all of the evidence. The
24 case is now in your hands for you to deliberate and to
25 decide the case based on the testimony and the evidence

1 that you have heard and not to involve the court in
2 seeking to answer questions that may or may not be in the
3 evidence.

4 However, if you wish to listen to any testimony that
5 has been given, you have the right to do so by coming in
6 and having that testimony replayed.

7 Otherwise, you have heard all the testimony, received
8 all of the evidence. You have received the instructions
9 of law, and the case is for you to decide. And your
10 verdict must be a unanimous verdict.

11 Thank you very much.

12 (WHEREUPON, the jury left open court at approximately
13 11:48 p.m.)

14 THE COURT: Any additions or exceptions to the
15 charge?

16 MR. BOGLE: Just for point of clarification: The
17 first question about the date of that eval, are you going
18 to send back that was 2004?

19 THE COURT: I've sent that back already.

20 MR. BOGLE: Okay.

21 THE COURT: I sent the first two back.

22 MR. BOGLE: Okay. Then no questions or objections
23 about Your Honor's charge.

24 MR. BELDING: No objections for the Respondent.

25 Thank you, Your Honor.

1 THE COURT: All right.

2 (Whereupon, the defendant entered the courtroom.)

3 All right. You can bring the jury.

4 (WHEREUPON, the jury returned to open court with the
5 verdict at 1:33 p.m.)

6 THE BAILIFF: The jury is present, Your Honor.

7 THE COURT: All right. Thank you, sir! Madam
8 Forelady, if you'll stand for me, please.

9 THE FORELADY: Yes, sir.

10 THE COURT: Have you reached a verdict?

11 THE FORELADY: Yes, sir.

12 THE COURT: If you will pass it up. You may be
13 seated.

14 All right. Mr. Geter, if you'll stand for me.

15 You may publish the verdict.

16 THE CLERK: The State of South Carolina, County of
17 Richland. In the Matter of the Care and Treatment of
18 Timothy Geter, case number 2012-CP-40-4460 has the
19 Petitioner, the State of South Carolina, proven beyond a
20 reasonable doubt that Timothy Geter is sexually violent
21 predator under the South Carolina Sexually Violent
22 Predator Act?

23 We, the jury, unanimously answer the question yes,
24 Timothy Geter is a sexually violent predator. Dated
25 April 2, 2013 signed by the foreperson, number 264.

1 Is this the verdict of the entire jury?

2 THE FORELADY: Yes.

3 THE COURT: Any additional polling requested?

4 MR. BELDING: No, none from the Respondent.

5 THE COURT: Very good.

6 MR. BOGLE: Nothing, Your Honor. Thank you.

7 THE COURT: Any post-trial motions?

8 MR. BOGLE: No.

9 MR. BELDING: I don't have --

10 THE COURT: Anything further from the State?

11 MR. BOGLE: Nothing from the State, Your Honor.

12 THE COURT: Mr. Belding?

13 MR. BELDING: No post-trial motions, Your Honor.

14 THE COURT: Very good.

15 Ladies and gentlemen, you all can be seated if you
16 like. You may be seated.

17 Ladies and gentlemen, I want to thank you for your
18 effort. When you show up for jury duty, you never know
19 what you might be confronted with, but the role that you
20 play in this process is critical. It's essential, and
21 it's important.

22 You all, like all of us, we see on TV and from other
23 sources we see violent people out in the community
24 committing crimes and people always wonder, you know, why
25 weren't they incarcerated, why wasn't something done to

1 protect the public.

2 That is the goal of this law, whether it hits the
3 mark or misses the mark. It's not a perfect answer, as
4 Mr. Belding was arguing, but it is an effort by the State
5 to address the problem.

6 What will happen from here with Mr. Geter concerning
7 that, who knows. Mr. Belding says he'll get two meetings
8 a week.

9 MR. BELDING: I only know about one, but she claims
10 there might be two.

11 THE COURT: All right. Who knows.

12 Mr. Bogle, what will he get, Mr. Bogle, treatment
13 wise?

14 MR. BOGLE: Judge, I don't really get involved with
15 treatment, to be honest with you.

16 He will be treated by the Department of Mental
17 Health. They have group sessions. They observe them in
18 the venue of the unit to see how they interact when
19 they're not under strict scrutiny. There's a lot of
20 things involved, Judge.

21 THE COURT: All right. So the rest of the story, who
22 knows, but nevertheless, you've come and you played your
23 role in the process. That's what you were asked to do.
24 It is a -- it's not a simple process, but I have been
25 involved in a number of these type matters.

1 First, the judge has a hearing. When the Department
2 files claiming that a person is a sexual predator, a
3 violent predator, a hearing is held before a judge who
4 makes a finding of probable cause that the person probably
5 is and then appoint a doctor to do an examination to --
6 such as the doctor who is appointed in this case.

7 In some instances, there is also an opportunity for a
8 second opinion for another doctor to be appointed if the
9 defense decides they want to get further opinions about
10 it, and it's presented to a jury.

11 Our system is that even though it's a complex issue,
12 you all, in effect, have to make what almost amounts to a
13 medical opinion on the one hand but also a community
14 protection decision on the other hand.

15 It places in the hands of the jury significant
16 responsibility. I'm impressed by the fact that you all
17 took seriously and spend the work necessary to come to a
18 verdict that you believe to be fair and just, and that's
19 all anyone can ask.

20 So you fulfilled your duty in this case, and from
21 here on -- what do they do next, Christine?

22 THE CLERK: They will be excused.

23 THE COURT: Oh, so that's it. No more cases this
24 week. So you all have done your duty. They have some
25 criminal court going on upstairs and some other things

1 happened, and I probably -- those cases were probably
2 postponed. So that will cut short your jury duty.

3 Out of all the folks who were summonsed to appear, is
4 this the only jury this week?

5 THE CLERK: Yes, sir.

6 THE COURT: All right, sir. So you're the only one
7 who actually sat on a jury, so you've done more than all
8 the rest of them. Thank you very much. You all are free
9 to go.

10 All these folks who are here, they're not here for
11 this case. They're here for something additional.

12 (WHEREUPON, the jury left open court at approximately
13 1:39 p.m.)

14
15 (Whereupon, the proceedings were concluded.)

16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, Karen Ambroziak, Official Court Reporter for the
5th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Common Pleas for
Richland County, South Carolina, on the 1st, 2nd days of
April, 2013.

April 30, 2013

Karen Ambroziak

Karen Ambroziak, Court Reporter

My Commission Expires: 04/01/14

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTH JUDICIAL CIRCUIT
COUNTY OF RICHLAND	)	
	)	
IN THE MATTER OF THE CARE	)	CASE NO. 2012-CP-40-4460
AND TREATMENT OF	)	
TIMOTHY GETER,	)	ORDER OF COMMITMENT
RESPONDENT.	)	

The trial of this case was held in the County of Richland in the Court of Common Pleas the week of April 1, 2013. A jury of citizens from Richland County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General James G. Bogle, Jr. represented the State. David E. Belding, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to South Carolina Code Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Timothy Geter, is a sexually violent predator as that term is defined in South Carolina Code Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to continue to be detained at the Alvin S. Glenn 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.



Presiding Judge
for the Fifth Judicial Circuit
Court of Common Pleas

April 2, 2013
Columbia, South Carolina

RECEIVED

APR 3 2013

S.C. Supreme Court

B672584
B672583

Witnesses

W. C. Bates

City P.D.

- ☒ SENTENCE MADE
- ☒ REPORT GIVEN
- ☒ CARD FILLED
- ☒ INDEXED
- ☒ CHECKED VIOLENT
- ☒ CHECKED SEXUAL
- ☒ ASSESSMENT AND
FINE CARD MADE
- ☒ FINE CARD MADE
- ☒ FINE CARD MADE

Verdict

87-GS-42-81

The State of South Carolina

County of Spartanburg

COURT OF GENERAL SESSIONS

JAN 22 1987 Term, 19

THE STATE

VS.

Timothy Geter

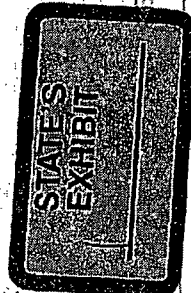
INDICTMENT FOR

CRIMINAL SEXUAL CONDUCT and
First Degree
CRIMINAL SEXUAL CONDUCT
Second Degree

Holman C. Gossett, Jr.

Pet. Baumgardner
Foreman of Grand Jury

McCAW PRINTERS, COLUMBIA, S.C. 29205



SENTENCE

The defendant, Timothy Geter, is
committed to the State Dept. of Corrections for a term of 20 yrs.
months/years and/or to pay a fine of \$ _____, provided upon the
service of _____ months/years and/or payment of
\$ _____, plus non-refundable costs and assessments as applicable*, the
balance suspended for probation for _____ months/years.
Restitution for physical injury, \$ _____
property damage \$ _____

*Agreed
P.D.
Counseling
C.R.*

*Consented with
time being served
under 1787*
D. 1787
Presiding Judge

*Costs and Assessments
Not available \$ _____
Not waived \$ _____
Total \$ _____

K. R. Hunsley
Marta Smith, S.C. Clerk of Court
to Victim's Compensation Fund if subrogated.

I Timothy Geter
hereby appear in my own proper person and plead
guilty to C S C 2nd 2 counts

On the within indictment.
Witness: X Timothy L. Geter

K. R. Hunsley
Clerk of Court Marta Smith, S.C.

A CERTIFIED COPY
M. Hunsley
CLERK OF COURT
SPARTANBURG COUNTY
BY W. S. Hunsley D.C.
DATED 3/2/87

B672583
B672584

FORM 1

The State of South Carolina**INDICTMENT FOR**County of Spartanburg

CRIMINAL SEXUAL CONDUCT AND
1st Degree
CRIMINAL SEXUAL CONDUCT
2nd Degree

JAN 12 1987

At a Court of General Sessions, convened on the _____ day of _____
 19____, the Grand Jurors of Spartanburg County present upon their oath:

COUNT ONEThat Timothy Geter

_____ between January and April
 did in Spartanburg County ~~on or about the~~ xxxxxxx day of _____
 19 86, did engage in a sexual battery upon one Minor 1
 being between the ages of less than 11 years of age, by having
 anal intercourse with one, Minor 1 in violation of
 Section 16-3-651, Section 16-3-652, and 16-3-655(1) of the Code
 of Laws of S.C., 1976.

COUNT TWOThat Timothy Geter

_____ between January and April
 did in Spartanburg County ~~on or about the~~ xxxxxxx day of _____
 19 86, did engage in a sexual battery upon one, Minor 2
 she being more than 11, but less than 14 year old, by having sexual
 intercourse with Minor 2, in violation of Section 16-3-651,
 Section 16-3-653, and Section 16-3-655(2) of the Code of Laws of
 S.C., 1976.

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

JAN 13 1987

D. Kent
Proctor
 Solicitor

B672583
B672584

The State of South Carolina

INDICTMENT FOR

County of Spartanburg

CRIMINAL SEXUAL CONDUCT AND
1st Degree
CRIMINAL SEXUAL CONDUCT
2nd Degree

JAN 12 1987

At a Court of General Sessions, convened on the _____ day of _____
19____, the Grand Jurors of Spartanburg County present upon their oath:

COUNT ONE

That Timothy Geter

_____ between January and April
did in Spartanburg County ~~on about the _____ day of~~
19 86, did engage in a sexual battery upon one Minor 1
being between the ages of less than 11 years of age, by having
anal intercourse with one, Minor 1, s, in violation of
Section 16-3-651, Section 16-3-652, and 16-3-655(1) of the Code
of Laws of S.C., 1976.

COUNT TWO

That Timothy Geter

_____ between January and April
did in Spartanburg County ~~on about the _____ day of~~
19 86, did engage in a sexual battery upon one, Minor 2
she being more than 11, but less than 14 year old, by having sexual
intercourse with Minor 2, in violation of Section 16-3-651,
Section 16-3-653, and Section 16-3-655(2) of the Code of Laws of
S.C., 1976.

A CERTIFIED COPY

M. B. Buckley
CLERK OF COURT
SPARTANBURG COUNTY
BY *B. B. Buckley* D.C.
DATED 1-14-87

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

RECEIVED
JAN 15 1987

D. J. R. R. R.
Solicitor

STATE OF SOUTH CAROLINA
COUNTY OF Spartanburg

AFFIDAVIT

Personally appeared before me, Judge of the Court, one W.C. Bates
who being duly sworn, deposes and says that Timothy Geter (name of defendant) did within this County
and State on Jan-April 19 86 violate the criminal laws of the State of South Carolina [or ordinance of the municipality
of _____] in the following particulars:

DESCRIPTION OF OFFENSE

Criminal Sexual Conduct 2nd degree 16-3-651
16-3-653
16-3-655 (2)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and
that such probable cause is based on the following facts:

The defendant did engage in sexual battery by having sexual intercourse with
Minor 2 , the victim being 13 years old.

Affiant's belief is based upon statement of victim.

B 672584

Sworn to and Subscribed before me,

This 27 day of August, 19 86

Georgia V. Anderson (L.S.)
Signature of Issuing Judge

Address Georgia V. Anderson
Spartanburg County Courthouse
Phone: Room 134
596-2566

W.C. Bates
Signature of Affiant

Address City P.D.

Phone: _____

STATE OF SOUTH CAROLINA **ARREST WARRANT**
COUNTY OF Spartanburg

for MUNICIPALITY OF _____

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE, COUNTY OR MUNICIPALITY, OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that Timothy Geter
(name of defendant) did on Jan-April 19 86 violate the criminal laws of the State of South Carolina [or ordinance
of the municipality of _____] as set forth below:

Criminal Sexual ^{Conduct} 2nd degree **DESCRIPTION OF OFFENSE**

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be
dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable.

Done at Spartanburg, S.C.
on August 27, 19 86

Georgia V. Anderson (L.S.)
Signature of Judge
Georgia V. Anderson

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter
on the 27 day of Aug, 1986
Mark Thompson
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)
Signature of Judge

PRELIMINARY HEARING held by
Judge H Anderson

on 10-14-86, 19

with Sam Dillard
Attorney for Defendant

Decision: prob cause

BAIL

Date Set _____, 19

Judge _____

Amount _____

Surety _____

RETURN WARRANT TO

10-15-86
ARREST WARRANT

No. B 672584 A

STATE OF SOUTH CAROLINA
Spartanburg County (Circle one)
Municipality _____

THE STATE

against

Timothy Geter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex _____ Race _____ Height _____ Weight _____

DOB _____ DL _____

Offense Criminal SEXual Conduct

2nd degree

Code (or Ordinance) § 16-3-651
16-3-653
16-3-655 (2)

Date of Offense Jan-April 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

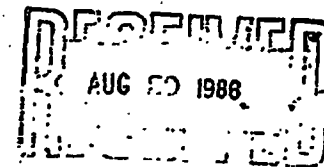
Phone _____

Name _____

Address _____

Phone _____

JURORS



B649671

Witnesses

William C. Bates

City, S.D.

1. EXISTENCE ROOM ☒2. REPORT MADE ☒3. CASE FILED ☒4. INDEXED ☒5. CHECKED GUARANTY ☒6. CHECKED SIGNATURE ☒7. ASSESSMENT AND ☒FIVE CARD MADE ☒8. STATUTE VIOLATIONS COPY ☒**Verdict***Not Guilty**Hilda Badger* Foreman

3-4-87

87-GS-42 -78**The State of South Carolina**County of Spartanburg**COURT OF GENERAL SESSIONS**

JAN 12 1987

Term, 19

THE STATE

VS.

TIMOTHY GETER**INDICTMENT FOR**CRIMINAL SEXUAL CONDUCT
1ST DEGREE

Holman C. Gossett, Jr.

Pat Baumgardner
Foreman of Grand Jury

MCAW PRINTERS

COLUMBIA, S. C. 29205

*Sharon Bell***SENTENCE**

The defendant Timothy Geter is
 sentenced to the State Dept. of Corrections/County for a term of 25
 months / years and for to pay a fine of \$ provided upon the
 payment of costs and assessments as applicable, the balance
 suspended with probation for months / years.
 Resid. on For physical injury \$
 Yes / No property damage \$
 to be paid
 to clerk for
 Conditions

Date 3/4/87

Costs and Assessments

If available \$ Not waived \$ Total \$

Pay to Victim's Compensation Fund if assigned.

A CERTIFIED COPY

CLERK OF COURT

SPARTANBURG COUNTY

BY *Hope Blumley*DATED 3-4-87

B649671

FORM 6

The State of South Carolina

INDICTMENT FOR

County of Spartanburg

CRIMINAL SEXUAL CONDUCT - 1ST DEGREE

At a Court of General Sessions, convened on the _____ day of JAN 12 1987,
 19____, the Grand Jurors of Spartanburg County present upon their oath:

That Timothy Geter

did in Spartanburg County on or about the 25th day of October
1986, wilfully and unlawfully commit first degree criminal sexual conduct
 against one, Minor 3 in that he engaged in sexual battery with
 her [REDACTED] by means of force and threats and
 did cause the victim to perform oral intercourse with him, in violation of
 Section 16-3-651, Section 16-3-652 and Section 16-3-655(1) of the Code of Laws
 of S.C., 1976, the victim being less than eleven years of age.

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

ADJUDICATED BY JUDGE
 ON 11/12/87
 12000 11/12/87
 12000 11/12/87
 12000 11/12/87

Solicitor

A CERTIFIED COPY

CLERK OF COURT
 SPARTANBURG COUNTY
 BY [Signature]
 DATED 1-14-87

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter

on the 30 day of Oct, 19 86

Signature of Constable or Law Enforcement Officer
J. R. Murray

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge _____ (L.S.)

PRELIMINARY HEARING held by
Judge Glendonson

on 11-18-86, 19 86

with Doug Borch
Attorney for Defendant

Decision: prob cause

BAIL

Date Set _____, 19 _____

Judge Glendonson

Amount \$100.00

Surety 100.00

RETURN WARRANT TO:

11-20-86
ARREST WARRANT

No. **B** 649671 High

STATE OF SOUTH CAROLINA

Spartanburg County (Circle one)
Municipality _____

THE STATE

against

Timothy Geter

Address: _____

Phone _____ SSN _____

Sex M Race B Height _____ Weight _____

DOB _____ DL _____

Offense Criminal Sexual Conduct First Degree

Code (or Ordinance) § 16-3-651, 16-3-652
16-3-655(1)

Date of Offense October 25, 28 1986

Officer W.C. Bates City P-D

Agency Any Lawful

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:
Name Mildred Means

Address 113-C Pineapple

Phone _____

Name Cynthia Eving

Address 123-H Oakview Dr

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

A CERTIFIED COPY
Indep Blueley
CLERK OF COURT
SPARTANBURG COUNTY
BY W.C. Bates
DATED 1-14-87

RECEIVED
OCT 31 1986
RECEIVED
MAGISTRATE COURT

B673036

Witnesses

Joseph Wallace / W.C. Bates

City P.D.

1. SENTENCE MADE ☒2. REPORT MADE ☒3. CARD FILED ☒4. INDEXED ☒5. CHECKED WARRANTS ☒6. CHECKED SIGNATURE ☒7. ASSESSMENT AND ☒ None8. TRAFFIC VIOLATIONS COPY ☒ None

Verdict

Guilty

Foreman

Hilda Badger

3-4-87

87-GS-42-79

MS

The State of South Carolina

County of Spartanburg

COURT OF GENERAL SESSIONS

JAN 12 1987

Term, 19

THE STATE

VS.

TIMOTHY GETER

INDICTMENT FOR

LEWD ACT ON A MINOR

Holman C. Gossett, Jr.

Pat Baumgardner

Foreman of Grand Jury

McCAW PRINTERS

COLUMBIA, S. C. 29205

John R. Ridd

SENTENCE

The defendant *Timothy Geter* is
committed to the State Dept. of Corrections/County for a term of 10months and/or to pay a fine of \$ provided none theof months/years and/or payment of \$

the pay/waive costs and assessments as applicable, the balance

suspended with probation for months/years.Re: Motion For physical injury \$ Yes / No property damage \$ to be paid to clerk for **Other conditions Date 3/1/87

*Costs and Assessments

Not waivable \$ Not waived \$ Total \$

**Pay to Victim's Compensation Fund if subrogated.

Presiding Judge

K.R. Huckleberry

Clerk of Court

Anna P. Davis

D.C.



Consecutive to 87/78

A CERTIFIED COPY
M. Hope Blackley
CLERK OF COURT
SPARTANBURG COUNTY
BY *A. Davis* D.C.
DATED 3-22-87

B673036

FORM 6

The State of South Carolina

INDICTMENT FOR

County of Spartanburg

LEWD ACT ON A MINOR

JAN 12 1987

At a Court of General Sessions, convened on the _____ day of _____,
 19____, the Grand Jurors of Spartanburg County present upon their oath:

That Timothy Ceter

did in Spartanburg County on or about the 28th day of October,
1986, wilfully, unlawfully and lewdly commit or attempt a lewd or lascivious
 act upon or with the body or a part or member thereof of a child under the age
 of fourteen years, to wit: Minor 4, with the intent to arouse, appeal
 to or gratify the lust, passion or sexual desires of the said, Timothy Ceter,
 he being over fourteen years of age, in violation of Section 16-15-140,
 Code of Laws of S.C., 1976.

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

RECEIVED
 69 JAN 2 PM 4 40
 1987
 DE 11

[Signature]
 Solicitor

B673036

FORM 6

The State of South Carolina

INDICTMENT FOR

County of SpartanburgLEWD ACT ON A MINOR

JAN 12 1987

At a Court of General Sessions convened on the _____ day of _____
 19____, the Grand Jurors of Spartanburg County present upon their oath:

That Timothy Ceter

did in Spartanburg County on or about the 28th day of October
1986, wilfully, unlawfully and lewdly commit or attempt a lewd or lascivious
 act upon or with the body or a part or member thereof of a child under the age
 of fourteen years, to wit: Minor 4, with the intent to arouse, appeal
 to or gratify the lust, passion or sexual desires of the said, Timothy Ceter,
 he being over fourteen years of age, in violation of Section 16-15-140,
 Code of Laws of S.C., 1976.

A CERTIFIED COPY

Hope Blukley

CLERK OF COURT

SPARTANBURG COUNTY

BY *B. C. C.*DATED 1-14-87

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

RECEIVED

JAN 14 1987

FILED

W. H. S. S.
 Solicitor

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter

on the 3 day of July, 1986

R. L. Lundy
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
County _____ (Circle one)
Municipality _____ (one)

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

PRELIMINARY HEARING held by

Judge G. Anderson

on 11-18, 1986

with Harry Bessick
Attorney for Defendant

Decision: prob cause as to

Loud Act BAIL

Date Set _____, 19____

Judge _____

Amount 100.00

Surety _____

RETURN WARRANT TO:

11-20 86
ARREST WARRANT

No. B 673036

STATE OF SOUTH CAROLINA

Spartanburg County (Circle one)
Municipality _____

THE STATE

against

Timothy Geter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex _____ Race _____ Height _____ Weight _____

DOB Loud Act on Minor

Offense Criminal Sexual Conduct (4A)

1st degree

Code (or Ordinance) § 16-3-651

16-3-652

16-3-655(1)

Date of Offense October 28, 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

A CERTIFIED COPY

CLERK OF COURT

SPARTANBURG COUNTY

BY W. H. H. H.

DATED 11-18-86

NOV 5 1986
MAGISTRATE COURT

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

AFFIDAVIT

Personally appeared before me, Judge of the Court, one Joe Wallace
 who being duly sworn, deposes and says that Timothy Geter (name of defendant) did within this County
 and State on October 28 1986 violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE

Criminal SEXual Conduct 1st degree

16-3-651

16-3-652(1)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and
 that such probable cause is based on the following facts:

The defendant did engage in sexual battery by having sexual intercourse
 with _____, the victim being 6 years old.
 Minor 4

Affiant's belief is based upon police investigation and statement of
 victim.

B 673036

Sworn to and Subscribed before me,

This 3 day of November, 1986

Georgia V. Anderson (L.S.)
 Signature of issuing Judge

Joseph Wallace
 Signature of Affiant

Address City
W.C. Bates-City P.D.

Phone: _____

Address Georgia V. Anderson
Spartanburg County Courthouse
 Phone: Room 134
596-2566

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF Spartanburg

[or MUNICIPALITY OF _____]

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE, COUNTY OR MUNICIPALITY, OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that Timothy Geter
 (name of defendant) did on October 28 1986, violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

Criminal Sexual Conduct 1st degree

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be
 dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable.

Done at Spartanburg, S.C.
 on November 3, 1986

Georgia V. Anderson (L.S.)
 Signature of Judge

Georgia V. Anderson

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter

on the 3 day of Nov, 1986

R. L. Libby
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

PRELIMINARY HEARING held by

Judge H. Anderson

on 11-18, 1986

with Kary Berwick
Attorney for Defendant

Decision: prob cause as to

Lewd Act, BAIL

Date Set _____, 19____

Judge _____

Amount: NO 02 NOV 86

Surety _____

RETURN WARRANT TO

11-20-86
ARREST WARRANT

No. B 673036

STATE OF SOUTH CAROLINA

Spartanburg County (Circle one)
Municipality

THE STATE

against

Timothy Geter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex _____ Race _____ Height _____ Weight _____

DOB Lewd Act on Minor

Offense Criminal Sexual Conduct (R4)

1st degree

Code (or Ordinance) § 16-3-651
16-3-652
16-3-655(1)

Date of Offense October 28, 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

RECEIVED
NOV 5 1986
MAGISTRATE COURT

B673037

Witnesses

Joseph Wallace

W. C. Bates

City P.D.

1. SENTENCE MADE ☒2. REPORT ENDED ☒3. CARD FILLED ☒4. INDEXED ☒5. CHECKED WARRANTS ☒6. CHECKED SIGNATURES ☒7. REQUESTED A&D ☒FIRE CARD ☒8. TRAFFIC VIOLATIONS COPY ☒

Verdict

Guilty

Foreman

Hilda Badger

3-4-87

87-GS-42-80

The State of South Carolina

County of SPARTANBURG

COURT OF GENERAL SESSIONS

JAN 12 1987 Term, 19

THE STATE

VS.

Timothy Gater

INDICTMENT FOR

Assault w/Intent to Commit
Criminal Sexual Conduct

HOLMAN C. GOSSETT, JR.

Pat Baumgardner
Foreman of Grand Jury

McCAW PRINTERS

Spartanburg, S.C. 29505

SENTENCE

Timothy Gater
Sent to the State Dept. of Corrections for a term of 25years and to pay a fine of \$1000.00
He is to be released on the
1st day of March, 1987. He is to
pay/waive costs and assessments as applicable, the balance
to be paid with probation for 12 months.Re: Motion For physical injury \$
Yes / No properly damage \$

To be paid

to clerk for
Other conditionsDate 3/4/87
Costs and Assessment
N/A-waivable \$
Net waived \$
Total \$
**Pay to Victim's Compensation Fund if subrogated.
Presiding Judge
K. R. Hunkley
Clerk of Court
Koran P. Davis
D.C.

Concurrent with 87/78

A CERTIFIED COPY
M. Hope Bailey
CLERK OF COURT
SPARTANBURG COUNTY
BY: A. S. Bailey
DATED 3-22-87

The State of South Carolina

County of SPARTANBURG

INDICTMENT FOR

Assault W/Intent To Commit
Criminal Sexual Conduct

At a Court of General Sessions, convened on the _____ day of JAN 12 1987
 19____, the Grand Jurors of SPARTANBURG County present upon their oath:

That Timothy Geter

did in SPARTANBURG County on or about the 28th day of October
19 86, wilfully and unlawfully assault with intent to commit sexual battery, to-
 wit: against Minor 5 she being less than eleven years of age in violation
 of Section 16-3-651, 652 and 653 of the Code of Laws of S.C., 1976.

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

RECEIVED
JAN 12 1987

JAN 12 1987

JAN 12 1987

W. H. Slack
 Solicitor

B673037

FORM 6

The State of South CarolinaCounty of SPARTANBURG**INDICTMENT FOR****Assault W/Intent To Commit
Criminal Sexual Conduct**

At a Court of General Sessions, convened on the _____ day of JAN 12 1987
 19____, the Grand Jurors of SPARTANBURG County present upon their oath:

That Timothy Geter

did in SPARTANBURG County on or about the 28th day of October
19 86, wilfully and unlawfully assault with intent to commit sexual battery, to-
 wit: against Minor 5 she being less than eleven years of age in violation
 of Section 16-3-651, 652 and 655 of the Code of Laws of S.C., 1976.

A CERTIFIED COPY

Indope Blunkley

CLERK OF COURT
 SPARTANBURG COUNTY
 BY *Hamphill* D.C.
 DATED 1-24-87

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

RECORDED
 68 7 12 - 2 PM 4 39
 JAN 24 1987
 CLERK OF COURT

W. G. Slack
 Solicitor
Post

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Meter

on the 3 day of Nov, 19 86

Signature of Constable or Law Enforcement Officer R. L. Loney

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge _____ (L.S.)

PRELIMINARY HEARING held by

Judge G. Anderson

on 11-18, 19 86

with Conny Borcich
Attorney for Defendant

Decision: not cause

BAIL

Date Set _____, 19 _____

Judge G. Anderson

Amount 100.00

Surety _____

RETURN WARRANT TO:

11-20-86
ARREST WARRANT

No. B 673037 A

STATE OF SOUTH CAROLINA
Spartanburg County (Circle one)
Municipality

THE STATE

against

Timothy Meter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex M Race B Height _____ Weight _____

DOB _____ DL _____

Offense Attempted to Commit Criminal

Sexual Conduct 1st degree

Code for Ordinal 16-3-651

16-3-652

16-3-655(1)

Date of Offense October 28, 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

A CERTIFIED COPY

W. H. Blue
CLERK OF COURT
SPARTANBURG COUNTY
BY W. H. Blue
DATED 1-14-87

RECEIVED
NOV 5 1986
COURT

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

AFFIDAVIT

Personally appeared before me, Judge of the Court, one Joe Wallace,
 who being duly sworn, deposes and says that Timothy Geter (name of defendant) did within this County
 and State on October 28 19 86, violate the criminal laws of the State of South Carolina [or ordinance of the municipality
 of _____] in the following particulars:

DESCRIPTION OF OFFENSE

Attempted to Commit Criminal Sexual Conduct 1st degree
 16-3-651

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and
 that such probable cause is based on the following facts:

The defendant did attempt to engage in sexual battery by attempting to
 have sexual intercourse with Minor 5, the victim being 5 years old.

Affiant's belief is based upon police investigation and statement of
 victim.

673037

Sworn to and Subscribed before me,

This 3 day of November, 19 86

Georgia V. Anderson (L.S.)
 Signature of Issuing Judge

Address Georgia V. Anderson
Spartanburg County Courthouse
 Phone: Room 134
596-2566

Joseph Wallace
 Signature of Affiant
 Address City
W.C. Bates-City
 Phone: _____

STATE OF SOUTH CAROLINA

ARREST WARRANT

COUNTY OF Spartanburg

[OF MUNICIPALITY OF _____]

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE, COUNTY OR MUNICIPALITY, OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that Timothy Geter
 (name of defendant) did on October 28 19 86 violate the criminal laws of the State of South Carolina [or ordinance
 of the municipality of _____] as set forth below:

DESCRIPTION OF OFFENSE

Attempted to Commit Criminal Sexual Conduct 1st degree

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be
 dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
 soon thereafter as is practicable.

Done at Spartanburg, S.C.
 on November 3, 19 86

Georgia V. Anderson (L.S.)
 Signature of Judge

FORM CONTINUES ON BACK
 ORIGINAL

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter

on the 3 day of Nov, 1986

R. L. Lacey
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge _____ (L.S.)

PRELIMINARY HEARING held by

Judge G. Anderson

on 11-18, 1986

with Donna Borsich
Attorney for Defendant

Decision: not cause

BAIL

Date Set _____, 19____

Judge _____

Amount 21.75

Surety _____

RETURN WARRANT TO:

11-20-86
ARREST WARRANT

No. B 673037 A

STATE OF SOUTH CAROLINA
Spartanburg County Municipality (Circle one)

THE STATE

against

Timothy Geter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex M Race B Height _____ Weight _____

DOB _____ DL _____

Offense Attempted to Commit Criminal

Sexual Conduct 1st degree

Code (or Ordinal) 16-3-651
16-3-652
16-3-655(1)

Date of Offense October 28, 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

WITNESSES:

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

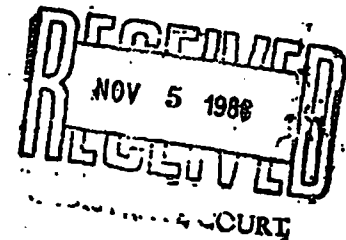
Phone _____

Name _____

Address _____

Phone _____

JURORS



B673038

Witnesses

Joseph Wallace/W.C. Bates
Cley P.D.

1. PRESENCE MADE ☒
2. REPORT MADE ☒
3. CARD FILED ☒
4. INDEXED ☒
5. CHECKED WITH CASE ☒
6. CHECKED WITH FILE ☒
7. ASSIGNMENT AND FILE CARD MADE ☒
8. TRAFFIC VIOLATIONS CODE ☒

Verdict

Guilty

Edith Badger Foreman

3-4-87

87-GS-42 - 77

The State of South Carolina

County of Spartanburg

COURT OF GENERAL SESSIONS

JAN 12 1987

Term, 19

THE STATE

VS.

TIMOTHY CRITER

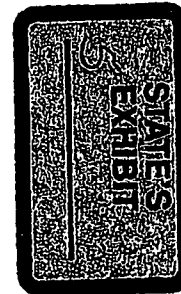
INDICTMENT FOR

LEWD ACT ON A MINOR

Helman C. Gossert, Jr.

Pat Baumgardner
Foreman of Grand Jury

W.C. Bates (foreman) 3-4-87



SENTENCE

To Timothy Criter
re-sentencing to the State Dept. of Corrections/County for a term of 10 months/years and probation for 10 months/years; provided upon the
suspension of the sentence, the defendant shall pay/make costs and assessments as applicable, the balance
suspended with probation for 10 months/years.
Restitution For physical injury \$
Yes / No property damage \$
to be paid

to clerk for
Other conditions

Date 3/4/87
Presiding Judge
*Costs and Assessments
Not waived \$
Total
**Pay to Victim's Compensation Fund if subrogated.

Consent with 87/73

A CERTIFIED COPY

Indigo Blue
CLERK OF COURT
SPARTANBURG COUNTY
BY *Indigo Blue* D.C.
DATED 3-4-87

The State of South Carolina

INDICTMENT FOR

County of Spartanburg

LEWD ACT ON A MINOR

At a Court of General Sessions, convened on the _____ day of JAN 12 1987
 19____, the Grand Jurors of Spartanburg County present upon their oath:

That Timothy Geter

did in Spartanburg County on or about the 28th day of October
1986, wilfully, unlawfully and lewdly commit or attempt a lewd or lascivious
 act upon or with the body or a part or member thereof of a child under the
 age of fourteen years, to wit: Minor 6, with the intent to arouse
 appeal or to gratify the lust, passion, or sexual desires of the said,
 Timothy Geter, he being over fourteen years of age, in violation of
 Section 16-15-140, Code of Laws of S.C., 1976.

A CERTIFIED COPY

Madame Bluekey
 CLERK OF COURT
 SPARTANBURG COUNTY
 BY B. B. Smith D.C.
 DATED 1-14-87

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

RECEIVED
 07:41 PM 2-11-87
 1987
 (511)

W. H. Smith
 Asst. Solicitor

RETURN

A copy of this Arrest Warrant was delivered to the following defendant:

Timothy Geter

on the 3 day of Nov., 1986

R. L. Linder
Signature of Constable or Law Enforcement Officer

This warrant is certified for service in
County _____ (Circle one)
Municipality _____

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge (L.S.)

PRELIMINARY HEARING held by

Judge H. Anderson

on 11-18, 1986

with Doug Bessick
Attorney for Defendant

Decision: prob cause as to

kind act BAIL

Date Set _____, 19____

Judge _____

Amount _____

Surety _____

RETURN WARRANT TO:
GE 113

11-20-86
ARREST WARRANT

No. B 673038 A

STATE OF SOUTH CAROLINA

Spartanburg County (Circle one)
Municipality

THE STATE

against

Timothy Geter

Address: _____

Spartanburg, S.C.

Phone _____ SSN _____

Sex _____ Race _____ Height _____ Weight _____

DOB 1964 Act on Minors

Offense Criminal Sexual Conduct

1st degree

Code (or Ordinance) § 16-3-651
16-3-652
16-3-655(1)

Date of Offense October 28, 1986

Officer _____

Agency _____

Date of Disposition _____

Disposition _____

Sentence _____

Co-Defendants _____

A CERTIFIED COPY

CLERK OF COURT

SPARTANBURG COUNTY

BY B. B. B. B. B.

DATED 1-14-87

WITNESSES:

Name Michael Means

Address 113-C Pineapple

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

Name _____

Address _____

Phone _____

JURORS

RECEIVED
NOV 5 1986
RECEIVED

MAGISTRATE COURT

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATERichland

VS.

Timothy L. Geter

AKA:

Race: BSex: M

Age: _____

DOB: _____

SS#: _____

Address: _____

City, State, Zip _____

DL# _____

SID#

SC00458225

INDICTMENT/CASE#:

2006

-GS-

402125

A/W#:

DP-06116

Date of Offense:

March 1, 2005 - June 8, 2005

S.C. Code §:

16-17-490

CDR Code #:

0 1 0 1 4 1 8☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Cont. to Delinquency of a Minorin violation of § 16-17-490 of the S.C. Code of Laws, bearing CDR Code # 0 1 0 1 4 1 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:

Anne Spaworth
SolicitorTimothy L. Geter
DefendantElizabeth A. Tarkenton
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 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: 6/28/06☒ 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:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A. Scott
Clerk of Court/Deputy Clerk

Court Reporter:

S. Sheppard

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: 2Sentence Date: 6/28/06

White - Clerk Green - Corrections

Pink - Defendant

PROCESSED COPY
C.C.C.P.S.S.
RICHLAND COUNTY
SOUTH CAROLINA
SCCA/217 (7/2003)

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 15, 2006 the Grand Jurors of Richland County present upon their oath:

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

That Timothy L. ^{renzo} Geter, being over the age of 18 years, did in Richland County, on or between March 1 and June 8, 2005, did knowingly and willfully encourage, aid or cause, or influence a minor to violate a law and/or to associate with immoral or vicious persons, and/or to so deport himself as to wilfully injure or endanger his morals or health or the morals or health of others. To wit: Defendant did within his dwelling at Columbia, S.C., provide alcoholic beverages to one or more minors. All in violation of SC Code of Laws § 16-17-490.

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

Warren B. Giese
WARREN B. GIESE, SOLICITOR
C.C.O.R.G.S.
RICHLAND COUNTY
SOUTH CAROLINA

CELESTINE TRUE COPY
FILED
JAN 15 2006
C.C.O.R.G.S.

WITNESSES

(S) *JPW*
JACKIE SLICER, RCSD

ARREST WARRANT NUMBER

D.P. 06116

ACTION OF GRAND JURY

TRUE BILL

Jim D. Bell
Foreperson of Grand Jury

Date: MAR 15 2006

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006GS-40- 2125

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2006

72

THE STATE

vs.

TIMOTHY LORENZO GETER

Indictment for

CONTRIBUTING TO DELINQUENCY
OF A MINOR

SC Code: 16-17-490

CDR Code: 048

Class MIS/A

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland
 STATE VS.
Timothy L Geter
 AKA:
 Race: B Sex: M Age: 31
 DOB: 11/01/74
 Address:
 City, State, Zip
 DL# SC00458225 SID# SC00458225

INDICTMENT/CASE#:

2006 -GS- 40 - 2126
 A/W#: DP-06117
 Date of Offense: June 8, 2005
 S.C. Code §: 17-25-30 Com Law
 CDR Code #: 0 / 0 / 1 / 3
☐ CASE RESTORED
☒ SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: AB HANin violation of \$ COM LAW of the S.C. Code of Laws, bearing CDR Code # 0 / 0 / 1 / 3
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45
The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
 which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/28/06☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. since 6/21/05☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)	\$
\$14-1-211(A)(1) (Conv. Surcharge)	\$100
\$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: 2Sentence Date: June 28, 2006Court Reporter: S. Sheppard

Clerk of Court/ Deputy Clerk

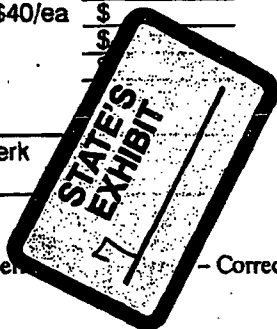
SCCA/217 (2/2006)

White - Clerk

- Corrections

Canary - Probation

VERIFIED TRUE COPY
 7-18-06
 C.C.C.P. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

**ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT ON A
MINOR, 2ND DEGREE**

At a Court of General Sessions, convened on **MARCH 15, 2006**, the Grand Jurors of
Richland County present upon their oath:

That Timothy L. Geter ^{sent 20 up} did in Richland County on or about June 8, 2005, willfully,
unlawfully and feloniously attempt to commit a sexual battery upon the body of the
Minor 7
victim, who was fourteen (14) years of age or less, but at least (11)
eleven years of age.

To wit: Timothy Geter, an adult over 21 years of age (DOB Minor 7) did attempt to
perform anal intercourse upon the body of a child, a child who was 14
years of age (DOB Minor 7) while at the Defendant's dwelling,
Columbia, S.C.

All in violation of § 16-3-656 South Carolina Code of Laws (1976 as amended).

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

Warren B. Giese
Warren B. Giese, SOLICITOR

CERTIFIED TRUE COPY
OF ORIGINAL FILED
JAN 15 2006
C.C.C.P. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) JACKIE SLICER, RCSD

ARREST WARRANT NUMBER

D.P. 06117

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: MAR 15 2006

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-40-2126

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2006

72

THE STATE

vs.

TIMOTHY LORENZO GETER

Indictment for

ASSAULT WITH INTENT TO COMMIT
CRIMINAL SEXUAL CONDUCT ON A
MINOR, 2ND DEGREE

SC Code: 16-3-656, 655(2)

CDR Code: 0253

Class A/FELONY

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA

COUNTY OF Richland
 STATE VS.
Timothy L Geter
 AKA:
 Race: B Sex: M Age:
 DOB: #:
 Address:
 City, State, Zip
 DL# SID# SC00458225

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 8267
2006 -GS- 40 - 05713
 A/W#: I-905455
 Date of Offense: June 8, 2005
 S.C. Code §: 17-25-30, Com Law
 CDR Code #: 0 / 0 / 1 / 3
☐ CASE RESTORED
 SENTENCE
☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
 TO: ABHAN

In violation of § com law of the S.C. Code of Laws, bearing CDR Code # 0 / 0 / 1 / 3
☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☐ As Indicted, ☒ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
 The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/28/06
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. since 6/21/05
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$
 \$14-1-206 (Assessments 107.5%) \$
 \$14-1-211(A)(1) (Conv. Surcharge) \$100 \$
 \$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 \$

Barbara A. Scott / 19
 Clerk of Court/ Deputy Clerk

Court Reporter: S. Sheppard

SCCA/217 (2/2006)

White - Clerk of Court - Corrections

PTUP

days/hours Public Service Employment

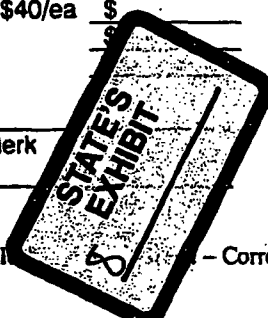
Obtain GED
 Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling
 Random Drug/Alcohol Testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ beginning
 \$ paid to Public Defender Fund
 Other:

☐ Appointed PD or appointed other counsel, \$35.13 TP
 Requires \$500 be paid to Clerk during probation.

CERTIFIED TRUE COPY
 PRESIDING JUDGE [Signature]
 Judge Code: 1515
 Sentence Date: 6/28/06

RICHLAND COUNTY
 SOUTH CAROLINA

Pink - Defendant



WITNESSES

(S) JACKIE SLICER, RCSD

ARREST WARRANT NUMBER

1905455

ACTION OF GRAND JURY

TRUE BILLForeperson of Grand Jury
Date: MAR 15 2006

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-40-85743 8267

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2006

72

THE STATE
vs.

TIMOTHY LORENZO GETER

Indictment for

CRIMINAL SEXUAL CONDUCT
2ND DEGREE WITH A MINORSC Code: 16-3-655(2)
CDR Code:0396
Class FEL/C(V)After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 15, 2006 the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT 2nd DEGREE WITH A MINOR

That Timothy L. Geter ^{tenzo} did in Richland County on or about June 8, 2005, willfully, ^{Minor 7} unlawfully and feloniously commit a sexual battery upon the body of the victim,

who was fourteen (14) years of age or less, but at least (11) eleven years of age. All in violation of § 16-3-655 South Carolina Code of Laws (1976 as amended).

To wit: Timothy Geter, an adult over 21 years of age (DOB), did perform fellatio upon a child, ^{Minor 7} a child who was 14 years of age (DOB), while at the Defendant's dwelling, Road, Columbia, S.C.

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

Warren B. Giese
 Warren B. Giese, SOLICITOR

ARREST WARRANT

I-905455

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

THE STATE

05060887

against

Timothy Lorenzo Geter

Address:

Columbia, SC 29210-

Phone: SSN:

Sex: M Race: B Height: 5 7 Weight: 185

DL State: SC DL #:

DOB: Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Jackie Slicer

Offense: Sex / Criminal sexual conduct with minor - victim
11 to 14 yrs of age inclusive

Offense Code: 0396

Code/Ordinance Sec: 16-03-0655(2)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant

on 20 June 05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Dutch Fork Magistrate
1400 Huger Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Personally appeared before me the affiant Jackie Slicer

who

being duly sworn deposes and says that defendant Timothy Lorenzo Geter

did within this county and state on 06/08/2005

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Dutch Fork Magistrate)

in the following particulars:

DESCRIPTION OF OFFENSE:

Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 06-08-05 while at in the Dutch Fork Magisterial District of Richland County,
one Timothy Geter did commit the crime of CSC with a minor 1st in that he did engage in oral copulation with a 14
year old boy. The victim was invited to Geters house to watch movies and spend the night. The next day he wrote his
mother a note disclosing the assault. The victim and his mother have given a sworn written statement. The defendant is
a convicted sex offender with 7 previous convictions. Richland County Sheriff's Department case number 05060887.
Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000 803-576-9308

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 6/8/2005 defendant Timothy Lorenzo Geter

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Dutch Fork Magistrate as set forth below:

DESCRIPTION OF OFFENSE:

Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 06/20/2005

Signature of Issuing Judge

Mel Maurer

Judge Code: 5463

Judge's Address 1400 Huger Street
Columbia, SC 29203-

Judge's Telephone (803)576-2546

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518CERTIFIED TO
OFFICE OF
SOUTH CAROLINA
RICHLAND COUNTY

BAIL set by

Judge

C. R. Hubbard

on

6/24/05

Type and Amount:

Paul Almed

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA

COUNTY OF
STATERichlandTimothy L. Geter

AKA:

Race: BSex: MAge: 37DOB: 01/11/68SS#: 58223

Address:

City, State, Zip

DL#

SID#

SC00458223

IN THE COURT OF GENERAL SESSIONS

2006

INDICTMENT/CASE#:

8266-GS- 4005714

A/W#:

I905456

Date of Offense:

March 1, 2005 - June 8, 2005

S.C. Code §:

16-3-654(D)(6)

CDR Code #:

0 1 1 6 1 2☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO:

CSC 3rd degreein violation of § 16-3-654(D)(6) of the S.C. Code of Laws, bearing CDR Code #0 1 1 6 1 2☐ 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:

Inne Spearwall
SolicitorTimothy L. Geter
DefendantRobert F. Hark
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 10 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,
which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/28/06☒ 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

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.

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

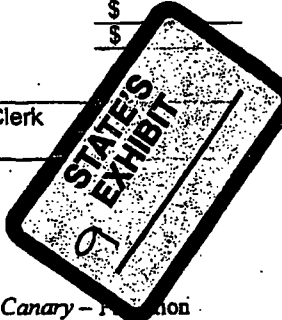
§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A. Scott / RF
Clerk of Court/ Deputy ClerkCourt Reporter: J. Sheppard

PRESIDING JUDGE

Judge Code:

Sentence Date:

2-1-06
CERTIFIED TRUE COPY
OF ORIGINAL FILED
6/28/06RICHMOND COUNTY
SOUTH CAROLINA

SCCNA 17 (7/2003)

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

WITNESSES

AKM
(S) JACKIE SLICER, RCSD

ARREST WARRANT NUMBER

I 905456

ACTION OF GRAND JURY

TRUE BILL

for Bill OB
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006-GS-40-05214-8266

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2006

72

THE STATE

vs.

TIMOTHY LORENZO GETER

Indictment for

CRIMINAL SEXUAL CONDUCT
3RD DEGREE

SC Code: 16-3-654(1)(b)

CDR Code:0162

Class FEL/E

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

CERTIFIED TRUE COPY
FILED
JAN 15 2006
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 15, 2006, the Grand Jurors of Richland County present upon their oath:

CRIMINAL SEXUAL CONDUCT 3rd DEGREE

That Timothy L. Geter ^{remains upon} did in Richland County on or between March 1, 2005 through June 8, 2005, engage in sexual battery, upon and with the body of Minor 8, and the Defendant did know, or had reason to know that Minor 8 was mentally defective or mentally incapacitated, and no aggravated force or aggravated coercion was used. The Defendant did perform fellatio upon the 17 year-old mentally disabled Victim, and/or the Defendant did have the mentally disabled Victim perform fellatio upon the Defendant, all in violation of SC Code of Laws § 16-3-654.(1) (b).

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

Warren B. Giese
Warren B. Giese, SOLICITOR

ARREST WARRANT

I-905456

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

THE STATE

05060887

against

Timothy Lorenzo Geter

Address:

Columbia, SC 29210-

Phone: _____ SSN: _____
Sex: M Race: B Height: 5 7 Weight: 185DL State: SC DL #: _____DOB: _____ Agency ORI #: 04000Prosecuting Agency: Richland County Sheriff DepartmentProsecuting Officer: Jackie SlicerOffense: Sex / Criminal sexual conduct - Third degreeOffense Code: 0162Code/Ordinance Sec: 16-03-0654

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant

on 20 June 05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Dutch Fork Magistrate
1400 Huger Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Personally appeared before me the affiant Jackie Slicer

being duly sworn deposes and says that defendant Timothy Lorenzo Geter

did within this county and state on 06/08/2005

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Dutch Fork Magistrate

in the following particulars:

DESCRIPTION OF OFFENSE:

Sex / Criminal sexual conduct - Third degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 06-08-2005 while at _____ in the Dutch Fork Magisterial District of Richland County one Timothy Geter did commit the crime of CSC Third in that he did engage in oral copulation with a 17 year old mentally retarded boy. The victim was invited to Geter's house to watch movies and spend the night. The next day his brother wrote his mother a note disclosing his assault. The victim was given a forensic interview and his mother gave a sworn written statement. Richland County Sheriff's Department Case Number 05060887. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000 803-913-9308

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 6/8/2005 defendant Timothy Lorenzo Geter

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Dutch Fork Magistrate) as set forth below.

DESCRIPTION OF OFFENSE:

Sex / Criminal sexual conduct - Third degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 06/20/2005

Signature of Issuing Judge

Mel Maurer

Judge Code: 5463

Judge's Address 1400 Huger Street

Columbia, SC 29203-

Judge's Telephone (803)576-2546

Issuing Court:

☒ Magistrate☐ Municipal☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618RECEIVED
JUL 11 2005
RICHLAND COUNTY
SOUTH CAROLINA

BAIL set by

Judge

C. E. Hudnell

on

6/21/85

Type and Amount:

Bond denied

Name of Surety:

PRELIMINARY HEARING held by

Judge

on

Defendant Attorney:

Decision:

DISPOSITION before

Judge

on

by

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

Name:

Address:

Telephone:

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF
STATERichland

VS.

Timothy Geter

AKA:

Race:

B

Sex:

M

Age:

DOB:

SS#:

Address:

City, State, Zip:

DL#

SID#

SC00458225

INDICTMENT/CASE#:

2006

-GS-

4005715

A/W#:

I-905457

Date of Offense:

3-1-05 / 6-8-2005

S.C. Code §:

16-15-140

CDR Code #:

2 1 4 1 6 1 8☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Lewd Act on a Minorin violation of § 16-15-140 of the S.C. Code of Laws, bearing CDR Code # 2 1 4 1 6 1 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:

Amos Spence
SolicitorTimothy Geter
DefendantRobert R. Rader
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 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: 6/28/06☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Since 6/21/05

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

\$14-1-206 (Assessments 107.5%)

\$14-1-211(A)(1) (Conv. Surcharge)

\$14-1-211(A)(2) (DUI Surcharge)

\$56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

\$73.3, 1B TP (Law Enforce. Funding)

\$33.7, 1B TP (Drug Court Surcharge)

\$50-21-114(BUI Breath Test Fee)

\$56-5-2942(J) (Vehicle Assessment)

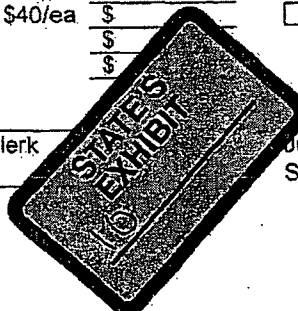
3% to County (if paid in installments)

TOTAL

Barbara A. Scott / PF

Clerk of Court / Deputy Clerk

Court Reporter:

S. Sheppard

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.

RESIDING JUDGE

Judge Code:

Sentence Date:

2100
6/28/06
OF ORIGINAL FILED,
JANETTE W. WILSON
C.C.P.&G.S.
RICHLAND COUNTY
SOUTH CAROLINA

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 15, 2006, the Grand Jurors of Richland County present upon their oath:

re: 20 LEWD ACT UPON A CHILD

That Timothy L. ^{*upon*} Geter did in Richland County on or between March 1, 2005 and June 8 2005, being over the age of fourteen years, willfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body of one ^{Minor 9}, a child under the age of sixteen years, with the intent of arousing, appealing to and gratifying the lust, passions and sexual desires of himself or of such child, all in violation of SC Code of Laws § 16-15-140.

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

Warren B. Giese
Warren B. Giese, SOLICITOR

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
James W. H. H. H.
C.C.C. & G.S.
RICHLAND COUNTY
SOUTH CAROLINA

WITNESSES

(S) Jackie SLICER, RCSD

ARREST WARRANT NUMBER

1905457

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date:

MAR 15 2006

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2006-GS-40-05715

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2006

72

THE STATE
vs.

TIMOTHY LORENZO GETER

Indictment for
LEWD ACT UPON CHILD

SC Code: 16-15-140
CDR Code: 2468
Class FEL/D

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

ARREST WARRANT

1-905457

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

THE STATE

05060887

against

Timothy Lorenzo Geter

Address:

Columbia, SC 29210-

Phone:

SSN:

Sex: M Race: B Height: 5 7 Weight: 185

DL State: SC DL #:

DOB: Agency ORI #: 04000

Prosecuting Agency: Richland County Sheriff Department

Prosecuting Officer: Jackie Slicer

Offense: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1

Offense Code: 2468

Code/Ordinance Sec: 16-15-0140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant

on

20 June 05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Dutch Fork Magistrate
1400 Huger Street
P O Box 192
Columbia, SC 29202

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Personally appeared before me the affiant Jackie Slicer

being duly sworn deposes and says that defendant Timothy Lorenzo Geter

did within this county and state on 06/08/2005

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

in the following particulars:

DESCRIPTION OF OFFENSE:

Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 06-08-05 while at in the Dutch Fork Magistreeial District of Richland County,
one Timothy Geter did commit the crime of Lewd Act on a minor in that he did knowingly and willingly rub and caress a 15 year old boy's leg (knee area) to satisfy his lust and gratifications. This victim disclosed this information to his friend's mother after finding out his friend was also a victim of Geter. The victim did give I/O a sworn written statement with the facts of this case. Richland County Sheriff's Department Case Number 05060887. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate

Affiant's Address 5623 Two Notch Road
Columbia, SC 29223-

Affiant's Telephone (803)576-3000 803-513

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 6/8/2005

defendant Timothy Lorenzo Geter

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of

Richland / Dutch Fork Magistrate) as set forth below:

DESCRIPTION OF OFFENSE:

Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 06/29/2005

Signature of Issuing Judge

Mel Maurer

Judge Code: 5463

Judge's Address 1400 Huger Street

Columbia, SC 29203-

Judge's Telephone (803)576-2546

Issuing Court: ☒ Magistrate

☐ Municipal

☐ Circuit

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

Form Approved by
U.S. Attorney General
April 21, 2003
5010-108

FILED
JUL 11 2005
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

BAIL set by
 Judge C. L. Hudnell
 on 6/21/05
 Type and Amount: Bond Altered
 Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____
 on _____
 Defendant Attorney: _____
 Decision: _____

DISPOSITION before

Judge _____
 on _____
 by _____
 (Indicate jury trial, bench trial, plea, nol. pros., etc.)
 Disposition: _____
 Sentence: _____

JURORS

WITNESSES

Name: _____
 Address: _____
 Telephone: _____

Name: _____
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Name: _____
 Address: _____
 Telephone: _____

CODEFENDANTS

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

VS.

AKA: Timothy Lorenzo GeterRace: Black Sex: Male Age: _____

DOB: _____ SS#: _____

Address: _____

City, State, Zip

DL# _____

Columbia, SC 29210

SID# _____

INDICTMENT/CASE#:

2006 -GS- 32 - 1671

AW#: J-030524Date of Offense: May 19, 2005 - May 23, 2005S.C. Code §: 16-5-140CDR Code #: 2 4 1 6 1 8☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Revol Act on a murderin violation of 16-5-140 of the S.C. Code of Laws, bearing CDR Code # 2 4 1 6 1 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:

Barbara A. Scott
Solicitor15 years
DefendantTimothy Geter
DefendantASW
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 15 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: 6/28/06☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. since 6/21/05☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-125.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§14-1-206 (Assessments 107.5%)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§ 35.13 (Public Def/Prob)

§73.3, 1B TP (Law Enforce. Funding)

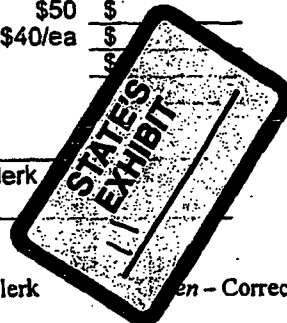
§33.7, 1B TP (Drug Court Surcharge)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

TOTAL

Barbara A. Scott, PF
Clerk of Court/ Deputy ClerkCourt Reporter: S. Sheppard

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: Must report as ex-fel☐ Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code: 2 1 5 1 5Sentence Date: 6/28/06

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)

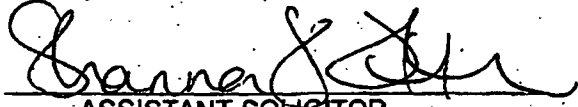
INDICTMENT FOR
 Committing or Attempting Lewd Act
 Upon Child under Sixteen

§16-15-140

At a Court of General Sessions, convened on June, 2006, the Grand Jurors of Lexington County present upon their oath:

That Timothy Lorenzo Geter did in Lexington County on or about or between May 19, 2005 and May 23, 2005, being a person over the age of fourteen, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, or its parts, of a child under the age of sixteen years, to wit: ^{Minor 10} , with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the person or of the child, to wit: defendant fondled the genitals of the victim, in violation of § 16-15-140 of 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

WITNESSES

WCPD
Bayne, A

A-2006-32-01230

6/5/2006 2:50 PM

ARREST WARRANT NUMBER

J030524

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2006 GS-32- 1671

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

June TERM 2006

THE STATE

vs.

Timothy Lorenzo Geter

CDR# 2468

Indictment for

Committing or Attempting Lewd Act Upon
Child under Sixteen

§16-15-140

DONALD V. MYERS, SOLICITOR

I DO HEREBY WAIVE MY RIGHT
TO GRAND JURY PRESENTMENT

DEFENDANT

DATE

WITNESS

A TRUE COPY

Lex. Co. C.C.P., G.S. & F.C.

ARREST WARRANT

J-030524

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
WEST COLUMBIA

THE STATE

against

GETER, TIMOTHY LORENZO

Address: 3 RD
COLUMBIA SC 29210

Phone: _____ SSN: _____

Sex: M Race: B Height: 509 Weight: 180DL State: SC DL#: _____DOB: _____ Agency ORI #: SC0320500Prosecuting Agency: WCPDProsecuting Officer: APRIL BAYNEOffense: LEWD ACT ON A CHILD UNDER 14 -Offense Code: 2468Code/Ordinance Sec. 16-15-140

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☒ Municipality of
WEST COLUMBIA
The Accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant TIMOTHY LORENZO GETERon 05/10/06

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

MARDI MCKINNON

200 N 12TH STREET

WEST COLUMBIA SC 29169

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
WEST COLUMBIA

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 618

Personally appeared before me the affiant BAYNE, APRIL who
being duly sworn deposes and says that defendant GETER, TIMOTHY LORENZO
did within this county and state on 05/19/2005 Through 05/23/2005 violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of WEST COLUMBIA)
in the following particulars:

DESCRIPTION OF OFFENSE:

LEWD ACT ON A CHILD UNDER 14 - 16-15-140

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:
IN THAT BETWEEN MAY 19, 2005 THROUGH MAY 23, 2005 WHILE AT LOCATED IN THE CITY OF
WEST COLUMBIA, COUNTY AND STATE, AFORESAID. ONE TIMOTHY LORENZO GETER DID FONDLE THE GENITALS
OF MINOR 10 A MINOR CHILD FOURTEEN YEARS OF AGE, FOR HIS OWN SEXUAL GRATIFICATION, ALL OF
WHICH CONSTITUTES THE CRIME OF LEWD ACT ON A CHILD UNDER 14 AND IS IN VIOLATION OF THE SOUTH
CAROLINA CODE OF LAWS OF 1976, AS AMENDED. THE FOREGOING IS BASED ON THE INVESTIGATION OF
DETECTIVE APRIL BAYNE OF THE WEST COLUMBIA POLICE DEPARTMENT.

CASE #0514245

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
WEST COLUMBIA
Affiant's Address 200 N. 12TH ST
WEST COLUMBIA SC 29169
Affiant's Telephone 803-794-0721

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on 05/19/2005 defendant GETER, TIMOTHY LORENZO
did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of WEST COLUMBIA) as set forth below:

DESCRIPTION OF OFFENSE:

LEWD ACT ON A CHILD UNDER 14 - 16-15-140

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said
defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to
the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on May 23, 2006

Signature of Issuing Judge

Judge Code: 415Judge's Address 200 N 12TH STREET
WEST COLUMBIA SC 29169Judge's Telephone 803-794-0721Issuing Court: ☐ Magistrate ☒ Municipal ☐ Circuit

ORIGINAL

TRUE COPY
J. B. G. C. P., G.B. & P.C.

255
Judge

~~7/16~~ BAIL set by

on 5-10-06

Type and Amount: 110,000 SB

Name of Surety: _____

PRELIMINARY HEARING held by

Judge: _____

on _____

Defense Attorney: _____

Decision: _____

DISPOSITION before

Judge: _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

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Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

Beth A. Carrig
Clerk of Court
Lexington, SC

2006 MAY 22 PM 4:34

Filed

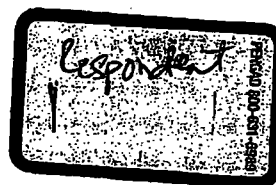
Static-99R Coding Form

Question Number	Risk Factor	Codes		Score
1	Age at release	Aged 18 to 34.9 Aged 35 to 39.9 Aged 40 to 59.9 Aged 60 or older		1 0 -1 -3
2	Ever Lived With	Ever lived with lover for at least two years? Yes No		0 1
3	Index non-sexual violence - Any Convictions	No Yes		0 1
4	Prior non-sexual violence - Any Convictions	No Yes		0 1
5	Prior Sex Offences	<u>Charges</u> 0 1,2 3-5 6+	<u>Convictions</u> 0 1 2,3 4+	0 1 2 3
6	Prior sentencing dates (excluding index)	3 or less 4 or more		0 1
7	Any convictions for non-contact sex offences	No Yes		0 1
8	Any Unrelated Victims	No Yes		0 1
9	Any Stranger Victims	No Yes		0 1
10	Any Male Victims	No Yes		0 1
	Total Score	Add up scores from individual risk factors		

Translating Static-99R scores into risk categories

<u>Score</u>	<u>Label for Risk Category</u>
--------------	--------------------------------

-3 through 1	= Low
2, 3	= Low-Moderate
4, 5	= Moderate-High
6 plus	= High

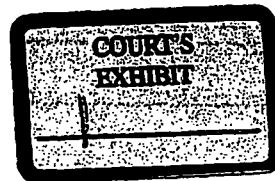


When was Mr. Jeeter first seen by
a psychologist? Was it in 2004?

↳ that stated he was not a
violent sex offender.

CmJhames

YES, IT WAS 2004.



was he on parole when he was
released in 2004?

cmjames

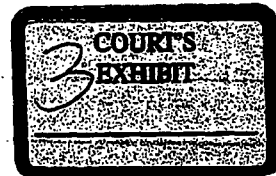


what happens if we do not
agree unanimously?

Crimes

~~THE~~

A VERDICT MUST BE UNANIMOUS

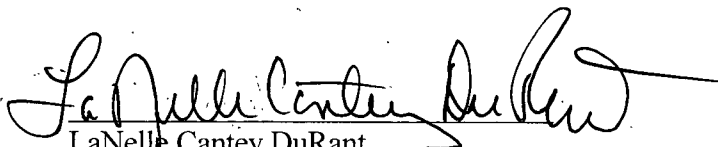


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CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability, with the August 13, 2007, order from the South Carolina Supreme Court entitled "Interim Guidance Regarding Personal Data Identifiers and Other Sensitive Information in Appellate Court Filings."

November 4th, 2013



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