

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Kristi Lea Harrington, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TERRELL ARTIETH SMITH,

APPELLANT

APPELLATE CASE NO. 2017-001178

RECORD ON APPEAL

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1 gets out. Well, Brandon will never make 20. Not
2 20. His family can go see him whenever they chose
3 to. Just, Your Honor, please make sure that
4 whenever they go see him it's behind bars for the
5 rest of his natural life.

6 THE COURT: Thank you.

7 THE WITNESS: May it please the Court,
8 Your Honor. My name is Jasmine Washington,
9 W-A-S-H-I-N-G-T-O-N. I'm a nursing major at
10 Francis Marion. I'm 21 years old. I met Brandon
11 -- I'm his friend. I met him in the seventh-grade
12 year. Ever since then we've been in honors classes
13 together.

14 So like his mother said, they grew up
15 in the same town, but Brandon chose a different
16 road, honors classes with me from seventh grade on
17 to high school. My senior year of high school, I
18 graduated the summer 2014. It was supposed to be
19 one of the best years of our lives. Five days
20 after my graduation, we got the news that Brandon
21 was murdered.

22 I hear everybody speaking about how he
23 was young and his community had an effect on him.
24 I don't want them to blame his age for his actions;
25 I don't want them blaming the community; I don't

1 want them blaming the city because he is a man of
2 his own action. And I say, man, because this is an
3 adult crime. Seventeen years old you are
4 considered an adult.

5 His family and his attorneys keep
6 saying that his age when he gets out, if you give
7 him the minimum, he would be 50, he would be old.
8 Like his father said, Brandon will never have the
9 chance to reach that age. Brandon's family can't
10 see him, I can't see him, his mom and dad can't
11 talk to him on the phone, can't call him. He can't
12 call us, can't write letters unlike the other
13 family, and I am asking that he be held responsible
14 for his actions and that he does not -- you do not
15 do the minimum sentence. I feel like it's
16 reasonable enough because that gives him another
17 chance at life and Brandon did not have a chance at
18 life. Thank you.

19 THE COURT: Thank you.

20 THE WITNESS: Good afternoon, Judge.
21 My name is Romain Heyward -- Marian-Heyward,
22 M-A-R-I-A-N, hyphen, H-E-Y-W-A-R-D. I'm Brandon's
23 aunt. Latrece Marian -- Latrece Smalls is my
24 sister. I too know Brandon from birth to the day
25 he died. My sister had her kids long before I had

1 mine.

2 Brandon and his sisters were the light
3 of my life. For a long time in my life I thought I
4 didn't want kids; I didn't want anything to do with
5 them. When you meet someone with a special light
6 in their eyes, you change your mind. I said all my
7 life -- I was 30 when I had my son -- if I could
8 have a child like Brandon, I would have a million.

9 Brandon and my son grew up as brothers
10 from the time that they were -- Brandon was
11 technically two years older, but they were one year
12 apart in school only because of the way his
13 birthday fell. These two boys did everything
14 together. Any time I went anywhere, I took Brandon
15 with us. He had a well-rounded life.

16 Throughout his life he had other
17 mothers too. I considered myself a mother. My
18 sister had great friends who considers Brandon
19 their child too. The whole time that I had known
20 Brandon, he was never an aggressive child. My son
21 who was younger than Brandon, was also bigger than
22 Brandon. He took up for my son. They started out
23 in school together and he would look out for his --
24 his cousin because that's the person that he was.
25 He didn't want anybody to get in trouble. He

1 didn't want anybody to bully anybody. That was the
2 child he was at six years old and that was the
3 child he was at 19.

4 I'm not here to, you know, say anything
5 bad about this young man and his family. They do
6 have the chance to see him every day if they chose.
7 He does have a chance to come out and have a
8 productive life. Brandon will never have that. I
9 was looking forward to seeing what that young man
10 had become. The young man, my son, who he had
11 mentored for all those years, my son is in the
12 naval academy now. Brandon could have been the
13 same kid. He could be right there with his cousin,
14 but he wasn't given that chance. Someone took that
15 away from him.

16 I don't want to say that Brandon always
17 made the right choices, but you learn from your
18 mistakes. You know right from wrong and you know
19 what to do and your circumstances are never a
20 product of what you become. Never. You choose
21 what you want to be, and I think Brandon would have
22 chose the right thing to do. As a matter of fact,
23 I know he would have chosen the right thing. He
24 was that kind of kid. He had a bright spirit, a
25 bright heart, he was very intelligent. He could

1 have done whatever he wanted to do when he wanted
2 to do it.

3 I feel a lot of remorse that two
4 families are devastated. I understand that, but
5 there was no thought put into taking another man's
6 life. And I think that's what they both were at
7 that time, young men, not children, not juveniles.

8 And that's all I have to say.

9 MR. PATRICK: Nothing further.

10 THE COURT: Mr. Patrick, remind me the
11 circumstances surrounding -- he was found in
12 Alabama; is that correct?

13 MR. PATRICK: Yes, by the marshall
14 service.

15 THE COURT: And remind me the
16 circumstances surrounding that.

17 MR. PATRICK: I believe the marshall
18 service tracked him to a town in Alabama, he had
19 family there. When they found him -- yeah, he was
20 located on a street. He ran when he saw the people
21 coming for him. This was about seven days after
22 the offense. They took him down in the street and
23 took him to the Alabama jail.

24 THE COURT: Did he waive extradition?

25 MR. PATRICK: I don't remember. I'm

1 not sure. I don't believe there was a hearing,
2 Your Honor.

3 MR. SIMPSON: He did, Your Honor.

4 THE COURT: And the State's position
5 for sentencing, Mr. Patrick?

6 MR. PATRICK: Your Honor, our only
7 position is, we don't think that the minimum is
8 appropriate, given the facts and circumstances of
9 the case, but we leave that in your discretion.

10 THE COURT: All right. Anything
11 further, Mr. Lewis or Ms. Ehrlich.

12 MR. LEWIS: Judge, all that I would add
13 is that I ask that you review the evidence that we
14 have provided, the packet, the evaluation, the
15 extensive analysis of who he was at the time and
16 who he's becoming. I know that people view him as
17 an adult. The law views him as a gray area.
18 That's why we're here and doing it this way, and I
19 would ask that you give him the minimum sentence.

20 And I never would have wished anything
21 on the Bennett family at all. I can't imagine the
22 pain they're going through. I know that Darrell
23 Bennett's comment that he failed to protect his son
24 in his own home is something, as a father, is going
25 to stick with me for the rest of my life. But he

1 is a son, and I want him to be able to, when he's
2 an older man, to live what little life he has left,
3 and I'd ask that you give him that opportunity.

4 Thank you, Judge.

5 THE COURT: Ms. Ehrlich, anything
6 further.

7 MR. EHRLICH: No, Your Honor.

8 THE COURT: Let's take a short comfort
9 break and we will be back in about ten minutes.

10 (A recess transpired.)

11 THE COURT: Anything further from the
12 State, Mr. Patrick?

13 MR. PATRICK: No, Your Honor.

14 THE COURT: The defendant is present.
15 Anything further from the State before I pass
16 sentence?

17 Mr. Patrick, thank you.

18 Mr. Lewis?

19 MR. LEWIS: No, Your Honor.

20 THE COURT: Mr. Smith, please rise. As
21 indicated in Aiken v. Byars, which is the case that
22 we've been utilizing throughout this hearing,
23 citing Miller v. Alabama, the hallmark features of
24 youth that I must consider are the chronological
25 age of Mr. Smith and the immaturity, and

1 : impulsivity, the failure to appreciate the existing
2 consequences; the family and home environment that
3 surrounded the offender, the circumstances of the
4 offense including the extent of the offender's
5 participation and the conduct and how peer pressure
6 and family pressure may have affected him; the
7 incompetency associated with youth including the
8 inability to deal with police officers,
9 prosecutors, or the incapacity to assist his own
10 attorney; and the possibility of rehabilitation.

11 As to Mr. Smith's age, the defendant
12 was 17 years old at the time of the offense and,
13 approximately, four months away from his 18th
14 birthday. This defendant left the state after the
15 offence and was located in Birmingham, Alabama, by
16 US Marshals.

17 The defense asserts that marijuana use
18 contributed to his impaired judgment at the time of
19 the offense. The family and the home environment
20 of the defendant were troubled as indicated by both
21 the presentation and Dr. Knight's report. The
22 defendant was born into teenaged parents and placed
23 into foster care at an early age due to allegations
24 of abuse. There were diagnoses of cannabis use
25 disorder and the reports that -- by Dr. Knight that

1 marijuana usage was normal in his family.

2 The report by Dr. Knight indicated that
3 the defendant felt he had a normal childhood and
4 his grandmother provided the discipline. The
5 defendant reports that shootings are common in the
6 neighborhood; it would be strange not to hear
7 gunshots at night. He grew up in a neighborhood
8 where he was extremely exposed to drugs.

9 As to the relationship with his father,
10 it was described as traumatic and there were -- the
11 defendant lacked parental supervision for most of
12 his teenaged life when he moved from his
13 grandmother's house to his mother's house and began
14 staying at her house.

15 As to the circumstances of the events,
16 the State had no report. We know there were
17 multiple victims, the offense took place in the
18 victim's home, and the horrific nature of the
19 event. The defendant wants the court to consider
20 that that should not be the deciding factor, that
21 the defendant did not intend to engage in the
22 violence, did not attempt to hide his identity
23 prior to committing the offense, and maintained the
24 argument that he believed he was acting in
25 self-defense.

1 The defense does not address the fourth
2 factor in much detail stating it's not applicable
3 in that the defendant did not provide a statement
4 to law enforcement and was not provided a plea
5 agreement. There was little interaction on which
6 to make an assessment.

7 There has been indicated by the
8 presentation here today that there is a strong
9 possibility of rehabilitation based on increased
10 maturity, the record of good behavior at the
11 detention center, the admission of a need for drug
12 and gambling treatment, and the defendant's process
13 to better himself. The Court was provided and
14 shown in court today the certificate that the
15 defendant has attained his GED.

16 The report by Dr. Knight and testimony
17 also opine that the defendant's detention records
18 provide good indications for rehabilitation and --
19 even though there was that one issue.

20 Based upon all of these factors, my
21 observation throughout the trial, and the testimony
22 that has been presented, Mr. Smith's factors, and I
23 considered the factor of youth that the Court has
24 indicated are Supreme Court -- both our State and
25 United States Supreme Court have indicated that I

1 must consider, I find and it is the Court's order
2 on 2014-GS-10-5999, that you be committed to the
3 State Department of Corrections for a term of
4 35 years. I'll give you credit for 1,092 days.

5 It is the order of the Court on
6 2014-GS-10-6000, that you be committed to the State
7 Department of Corrections for a term of 30 years.
8 I'll give you credit for 1,092 days.

9 It is the order of the Court on
10 2014-GS-10-6001, that you be committed to the State
11 Department of Corrections for a term of five years.
12 I will give you -- all of those will run
13 concurrent, give you credit for the time that you
14 have served.

15 Mr. Smith, good luck to you.

16 MR. LEWIS: Thank you, Your Honor.

17 THE COURT: And, Mr. Lewis, you have
18 advised him of his right to appeal?

19 Mr. Smith, I think we went over this
20 before, but I want to make sure that you understand
21 what the sentence is here today. Do you
22 understand?

23 THE DEFENDANT: Thirty-five years,
24 right?

25 THE COURT: Yes, sir. You have the

1 right to appeal this sentence. Do you understand
2 what that means?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Okay. But you must do so
5 within ten days. Do you understand?

6 THE DEFENDANT: So --

7 THE COURT: So Mr. Lewis or
8 Ms. Ehrlich, or both, or somebody from another
9 section of the public defender's office will file
10 that appeal, but that must be done within ten days.
11 Do you understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. Good luck to you,
14 sir.

15 Anything further from the State?

16 MR. PATRICK: No, Your Honor.

17 MR. LEWIS: Thank you, Your Honor.

18 THE COURT: We're at ease.

19 (These proceedings were concluded at
20 4:14 p.m.)

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CERTIFICATE OF REPORTER

I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal this 29th day of July, 2017 at Charleston, Charleston County, South Carolina.


Carol Denise Lauder
Registered Professional
Reporter, CP
My Commission expires
August 2, 2017

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

State of South Carolina,

Plaintiff,

vs.

TERRELL ARTIETH SMITH,

Defendant.

IN THE COURT OF GENERAL SESSIONS
THE NINTH JUDICIAL CIRCUIT

Case No.: 2014GS1005999, 2014GS1006000,
2014GS1006001

Charges: Murder, Attempted Murder,
Possession of Weapon During
Commission of Violent Crime

**DEFENSE MILLER SENTENCING
MEMORANDUM AND EXHIBITS**

Please find enclosed the Defense Sentencing Memorandum and materials prepared for a
Miller sentencing hearing scheduled in front of the Honorable Kristi L. Harrington on May 9,
2017, at 9:00 AM.

Respectfully submitted,

Benjamin Carter Lewis
Counsel for Terrell Artieth Smith

Megan Sara Ehrlich
Counsel for Terrell Artieth Smith

Charleston, South Carolina

Dated: May 8, 2017

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2017 MAY -8 AM 10:22
JULIA A. STRONG
CLERK OF COURT
CV

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
THE NINTH JUDICIAL CIRCUIT

State of South Carolina,

Case No.: 2014GS1005999, 2014GS1006000,
2014GS1006001

Charges: Murder, Attempted Murder,
Possession of Weapon During
Commission of Violent Crime

Plaintiff,

vs.

TERRELL ARTIETH SMITH,

Defendant.

SENTENCING MEMORANDUM

I. Introduction

In *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014), the South Carolina Supreme Court vacated all life without parole sentences imposed on juvenile offenders concluding that such sentences violated the Eighth Amendment's ban against cruel and unusual punishment.¹ The Court further held that all such defendants were entitled to new sentencing hearings that must be "individualized" and at which "courts [must] fully explore the impact of the defendant's juvenility on the sentence rendered." *Id.* at 545, 765 S.E.2d at 578. The *Byars* Court set forth five key factors that must be taken into consideration when juvenile life without parole is a possible sentence:

- (1) the chronological age of the offender and the hallmark features of youth, including "immaturity, impetuosity, and failure to appreciate the risks and consequence";
- (2) the "family and home environment" that surrounded the offender;

2017 MAY -8 AM 10:28
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¹ The legal developments leading up to and post-dating *Aiken v. Byars* are set forth in detail in the previously filed Motion to Preclude Life Without Parole as a Punishment.

(3) the circumstances of the homicide offense, including the extent of the offender's participation in the conduct and how familial and peer pressures may have affected him;

(4) the “incompetencies associated with youth—for example, [the offender's] inability to deal with police officers or prosecutors (including on a plea agreement) or [the offender's] incapacity to assist his own attorneys”; and

(5) the “possibility of rehabilitation.”

410 S.C. at 544, 765 S.E.2d at 577 (citing *Miller v. Alabama*, 132 S.Ct. at 2468).

Terrell Artieth Smith, the defendant in this case, was convicted on September 22, 2016, of the charges of Murder, Attempted Murder, and Possession of a Weapon During the Commission of a Violent Crime.² Following his trial and conviction, sentencing was deferred in order for the Defense to properly prepare for an individualized sentencing hearing required by *Miller* and *Byars*. This sentencing memorandum addresses each of the *Aiken v. Byars* factors (also referred to as *Miller* factors) with regard to how they apply to Terrell Smith. Considered collectively, the sentencing factors demonstrate that Terrell should be sentenced to thirty years imprisonment.

II. Social History of Terrell Smith

Terrell was born on October 19, 1996, to teenage parents. His mother, Pertina Reid, became pregnant at fourteen and gave birth to Terrell when she was fifteen years old. Brendyn Smith, Terrell's father, was seventeen years old. Terrell resided with his mother and maternal grandmother, Carolyn Reid, at 41 Poinsett Street located in downtown Charleston, and he would spend two to three nights a week with his father. On January 16, 1997, when Terrell was only three months old, he was transferred from Roper Hospital to the Medical University of South

² The jury trial began on September 19, 2016. Trial testimony concluded on September 21st, and closing arguments and jury instructions followed. Jury deliberations began on September 21st and continued into September 22nd, with the jury ultimately returning a guilty verdict.

Carolina (MUSC) with a right femur fracture and possible evidence of additional old fractures. He was diagnosed with an acute right femur fracture and a remote left fourth rib fracture that was at least seven to ten days old. He was admitted to the hospital with the suspicion of child abuse, specifically physical abuse, and the Department of Social Services (DSS) was contacted. Terrell was discharged on January 20, 1996, into the emergency protective custody of DSS.

On January 23, 1997, a probable cause hearing was held in Family Court and the Court found probable cause that Terrell should continue in the emergency protective custody of DSS based on allegations of suspected physical abuse by his parents. He was placed into foster care. On April 24, 1997, a review hearing was held, and the Court continued Terrell's placement with DSS. Pertina and Brendyn were ordered to complete counseling with the Family Bonding Program, complete Parent Effectiveness Training, and undergo psychological evaluations. Carolyn was also ordered to undergo a psychological evaluation. A review hearing was held on October 13, 1997, and the Court awarded Carolyn temporary legal and physical custody of Terrell. Carolyn, Pertina, and Brendyn were ordered to attend and complete mental health counseling, and Pertina was additionally ordered to complete anger management counseling.³

Terrell is a lifetime member of the Morris Brown AME church. As a young child, he attended church summer camp, and as a young teenager, he participated in "Praise Dancing." He was baptized in this church. Ms. Shirley Scott, who has worked with City Parks Department for over thirty years and grew up with his grandmother, described him as "very active" in church as an usher and praise dancer.⁴ Terrell attended school within the Charleston County School District.

³ DSS Court Documents were obtained from the Charleston County Clerk of Court, as well as records from the Medical University of South Carolina. These records document Terrell's injuries, the allegation of physical abuse, and the DSS and Family Court interventions with this family.

⁴ Affidavit of Shirley Scott.

He went to James Simmons Elementary, Mitchell Elementary, Laing Middle School, and Garrett Academy. School records corroborate that he had only relatively minor discipline problems in school. The last school he attended was Garrett Academy in North Charleston, where he had completed the eleventh grade and was on grade level.

As a young boy and young teenager, Terrell was involved in sports in the community, playing recreation football and basketball at Harmon Park. Mario Drayton, one of the city league coaches, described that Terrell spent many hours at the park growing up. He played on the recreation league basketball team and also played basketball in the gym year round with other kids. Coach Mario said that Terrell "never gave us any trouble" and that he was quiet and often kept to himself.⁵ While attending Laing Middle School, Terrell played on the school's basketball and football teams. He also participated in travel basketball, playing for an American Amateur Union (AAU) team called the Jammers. In high school, he participated in the Junior ROTC program with Major Rayford Mitchell. Major Mitchell, who has known him for years as a mentor and teacher, describes Terrell as a "very respectable young man" who never disrespected the Junior ROTC program.⁶

Terrell was also involved with boxing from approximately age eight to twelve through the Charleston Boxing Club. One of his boxing coaches, Eric Jackson, has known Terrell his entire life. He got to know Terrell better and more personally, when Terrell started boxing. Coach Jackson describes Terrell as a leader, someone who followed directions, and who helped younger boxers. Terrell did not exhibit any behavior problems when the team traveled, and even after a tough fight, he would be happy if he had done his best.⁷ Al Meggett, also known as Coach

⁵ Affidavit of Mario Drayton.

⁶ Affidavit of Major Rayford Mitchell.

⁷ Affidavit of Eric Jackson.

Hollywood in the Charleston community, has run the Charleston Boxing Club for over 30 years. He worked with Terrell from 2006 to 2013. Terrell's grandmother would bring him to practices, where he would work hard and took his practices seriously. Coach Hollywood has said that Terrell "carried the lessons learned from one lesson to the next." Funding for the boxing program was severely cut, and that caused both coaches to lose track of Terrell, and he stopped coming to the program.⁸ Within two years, he had completely ceased participation in sports and instead of spending days at the gym, he was staying out of the home with no supervision or discipline from his family.

In the spring of 2014, Terrell had basically stopped going to school and started working four to five days a week. Previously, he had sold Palmetto roses downtown as a child and spent summers doing yard work for a local family. His first official job was at age 16, working for Virginia's Restaurant on King Street doing kitchen prep work. When he was 17 years old, he started working at Juanita Greenberg's in downtown Charleston.⁹

Dr. Susan Knight diagnosed Terrell with Cannabis Use Disorder, Severe, In a Controlled Environment.¹⁰ He was first exposed to marijuana use through an older cousin when he was only 10 years old and began regular use around age 13 or 14, again through a cousin. His use increased to a point where he was smoking approximately 10 to 14 grams daily when he was ages 14 to 17.¹¹ His most serious referral at school involved being caught in the restroom with marijuana. In his

⁸ Affidavit of Al Meggett.

⁹ Affidavit of Jamin Powell.

¹⁰ Dr. Susan Knight is a clinical and forensic psychologist who completed a forensic psychological evaluation. Her report is attached as an exhibit, along with her CV. References to her report are made throughout this memorandum. Dr. Knight's forensic evaluation report provides a thorough analysis of the *Miller* factors as applied to Terrell from a forensic psychological perspective. Her report should be reviewed in its entirety and fully considered as part of the mitigation presented on behalf of Terrell.

¹¹ Forensic Psychological Evaluation Report, p. 10-11, 26.

very limited criminal/juvenile arrest history, Terrell has had two marijuana arrests, neither of which resulted in adjudications or convictions. In fact, Terrell has no adjudications of delinquency or convictions on his records outside of the charges for which he is now being sentenced.

Terrell has no history of mental illness or psychiatric treatment. Outside of the injuries incurred as a baby that resulted in his removal from the home, he has no history of major medical problems. However, since childhood, Terrell has had problem with his left eye and has worn glasses. Growing up, kids would tease him and call him "cross-eye" or "cock-eye." Ms. Scott confirmed that Terrell was bullied due to "his crossed eyes."¹² He would get beaten up by other kids. Being beaten up in 4th grade was reportedly a traumatic event for him.¹³ Finally, his family told him he had to defend himself since they lived in the projects. His mother reported that he took this to heart and started to fight back.¹⁴ Despite these instructions from his mother, no one interviewed in preparation for Terrell's hearing described him to have a temper that would lead to violence, and none had witnessed him be violent or aggressive, even when he was upset.

Terrell, now age 20, has never had any children. When asked by Dr. Knight if he had any children, he told her "no, but I wish, someone to love unconditionally." She noted that he appeared "thoughtful and sad" when talking about how he had no children.¹⁵ The undersigned attorneys have witnessed the same sadness when Terrell talks about having no children.¹⁶

¹² Affidavit of Shirley Scott.

¹³ Forensic Psychological Evaluation Report, p. 21.

¹⁴ Forensic Psychological Evaluation Report, p. 13.

¹⁵ Forensic Psychological Evaluation Report, p. 10.

¹⁶ Terrell has also demonstrated an interest in his attorney's children. He sent a very heartwarming hand drawn Christmas card expressing his gratitude for his attorney, but even more touching, congratulating his attorney on the birth of his second child. This card is attached as an exhibit.

III. Characteristics of the Juvenile

Miller was based on the premise that juveniles are less morally culpable because they “have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.” 132 S. Ct. at 2464 (internal quotation marks omitted). Rather than being a function of incorrigibility, such traits are biological, due to the lack of neurological development of juveniles. At the time of the incident, Terrell was only seventeen years old, and therefore, he was considered a middle adolescent.¹⁷ The State argues in its sentencing memorandum that the Court should consider that Terrell was only months away from his eighteenth birthday when fashioning a sentence, as if to imply that because he barely was a juvenile, he should not really be sentenced as a juvenile. This argument is misguided and ignores that this State and our country have a long established history of both giving those under the age of eighteen special protections and placing on them special restrictions.¹⁸ In addition, while the State argues that Terrell was only months away from the age of 18, he was not months away from the end of adolescence (late adolescence is defined as ages 18 to 22).

Research on adolescent development and brain development indicate that Terrell was at the height of the development phase where risk taking behavior peaks. The pre-frontal cortex of his brain, the part which is responsible for impulse control, was not fully developed. Adolescence is characterized by “hallmark features” that “increase the likelihood of making poor decisions and

¹⁷ Dr. Elizabeth Cauffman completed an affidavit on normative and adolescent development, adolescent development, and the scientific factors relied on in *Miller*, as well as how the research applies to Terrell Smith. Her affidavit and C.V. are attached to this memorandum and provide a thorough discussion of the hallmark features of youth in general and as applied to Terrell.

¹⁸ For example, at age 17, Terrell could not vote, serve on a jury, legally own a handgun, purchase alcohol or tobacco. He also could not be drafted for military service. His parents were legally responsible for providing for his care including for the necessities of life (food, shelter, clothing, etc.).

engaging in risky conduct.” Because Terrell was an adolescent at the time of the incident, he was more likely to be reckless, take risks, have difficulty considering long-term consequences, and have impaired judgement – especially due to his abuse of marijuana around the time of the incident.¹⁹

Because Terrell was a juvenile, his moral culpability is diminished and his conduct must be considered differently than an adult, and any investigation into how to sentence him must not rely solely on the facts as established at trial. *Aiken v. Byars* requires that the sentencer consider the “hallmark features of youth,” which include “immaturity, impetuosity, and failure to appreciate the risks and consequence.” 410 S.C. at 544, 765 S.E.2d at 577 (internal quotation marks omitted). These biological characteristics are to be considered greatly mitigating, and Terrell as an adolescent is developmentally different from an adult, and the qualities of adolescence reduce his culpability at the same time increasing his capacity for change.²⁰

IV. Family and Home Environment

Miller requires that the Court consider Terrell’s family and home environment, which was shaped by having adolescent parents, the lack of a positive and stable paternal influence, a lack of parental supervision, and substance abuse along with family influence. Terrell was born to very young teenage parents in Charleston, South Carolina. Dr. Knight noted that his mother said multiple times that she and Terrell are only fifteen years apart and “implied she feels much like a friend versus a parent.”²¹ Similarly, his father said “me, Tina and him, we all grew up together.”²²

¹⁹ See Affidavit from Dr. Cauffman as well as Dr. Knight’s Forensic Psychological Evaluation Report, p.27-28.

²⁰ Affidavit from Dr. Cauffman.

²¹ Forensic Psychological Evaluation Report, p. 14.

²² Forensic Psychological Evaluation Report, p. 14.

Terrell lived with his mother and grandmother until the DSS removal discussed earlier. Eventually, custody was returned to the family, and he was raised in the downtown Charleston area with his mother, maternal grandmother, step-grandfather, and maternal aunt. He and his aunt, Shaqueena Reid, were only four years apart and raised as siblings. Terrell's primary caregiver was his grandmother, Carolyn Reid; although as he got older, he would go back and forth between his grandmother's home and his mother's home.

By all accounts, Terrell's father, Brendyn, was not involved in raising him and was an absent father. Terrell reported that his father "never did parent stuff" and had "no father role."²³ Even Brendyn admitted he "could have been around more" and that he "would be a better father now."²⁴ The relationship with his father was so poor that Terrell considered it "traumatic" for him.²⁵

Terrell has two younger maternal half-siblings, Tamorion Scott and Nathius Fabor. Tamorion's father was emotionally abusive towards his mother and on one occasion physically abusive resulting in Terrell intervening. Terrell has known Nathius's father, Nathaniel Fabor, since he was a little child and describes him as "more like a dad than anyone else."²⁶ However, no one in Terrell's life ever assumed the role of a stable father figure. Those paternal influences within his family all have criminal records, including for drugs and violence, and they have been removed at times throughout his life due to incarceration. Having his maternal grandfather go to prison was a traumatic event for him.²⁷ He had no stable, positive paternal role model, and as

²³ Forensic Psychological Evaluation Report, p. 7.

²⁴ Forensic Psychological Evaluation Report, p. 14.

²⁵ Forensic Psychological Evaluation Report, p. 28.

²⁶ Forensic Psychological Evaluation Report, p. 8.

²⁷ Forensic Psychological Evaluation Report, p. 21.

indicated in Dr. Knight's report, this put him at greater risk to be influenced by negative male peers and for criminality.²⁸

Growing up downtown, Terrell was exposed to drugs, violence, and negative older peer influences. He disclosed that there was so much shooting at night that he went from being scared of the sound to thinking it was strange if there was not a shooting. At a young age, he was present at a gas station when someone was killed, even seeing the body of the deceased individual. Children in the neighborhood, including Terrell, had close relationships with older males who would show them the way of life. They taught Terrell how to play basketball, how to speak to girls, and how to stand up for himself. They also taught him how to gamble and shoot dice. At least three of these older teen males were killed when Terrell was only 9 or 10 years old and it was traumatizing for him. His downtown neighborhood was saturated with drugs and violence.

When Terrell was thirteen years old, his family moved to North Charleston for approximately one year, before then moving to public housing in West Ashley. In March 2014, he began staying out of the home more. He was hanging out with older guys in downtown Charleston and staying with friends and other relatives in his childhood neighborhood. Unfortunately, his family did nothing about it and missed a crucial opportunity to provide structure, guidance, and supervision. They failed him.

As discussed earlier, Terrell was exposed to marijuana use through older cousins when he was just a young child. He also disclosed during his evaluation that almost everyone in his family smokes – including his mother, father, cousins, and uncle. Smoking marijuana was considered normal, in his family and in his community.

²⁸ Forensic Psychological Evaluation Report, p. 29.

Terrell also lacked parental and familial supervision leading up to the incident. While they were supportive, they were noted to be “disconnected” from his behavior and “not in touch with several aspects” of his life. Notably, none of Terrell’s family members knew any of his friends.²⁹ None noticed him associating with negative peers (outside of his step-grandfather), and none intervened to ensure he was around a positive peer group. When he stopped participating in sports, there was no intervention by the family to encourage him to continue with those activities. No one stopped him from coming and going from the house in the months leading up to his arrest. He was not supervised by his parents or family, leaving him to live without rules or structure, things an adolescent so desperately needs – especially in the downtown area saturated with crime, drugs, and violence.

The United States Supreme Court in *Miller* recognized the profound impact that a juvenile’s environment may have on him. The Court noted that one of the reasons that juveniles are less morally culpable is because they are “more vulnerable . . . to negative influences and outside pressures, including from their family and peers; they have limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings.” *Miller*, 132 S. Ct. at 2464 (internal quotation marks omitted). The Court noted that evidence of abuse and neglect in cases involving a juvenile is “particularly relevant—more so than it would have been in the case of an adult offender.” *Id.* at 2467 (internal quotation marks omitted).

²⁹ Carolyn Reid (grandmother): acknowledged she knew little detail regarding his friends (Forensic Psychological Evaluation Report, p. 12); Pertina Reid (mother): when asked to describe his peer groups said “I don’t know” and she did not know any of his friends in the year or two prior to his arrest (Forensic Psychological Evaluation Report, p. 14); Brendyn Smith (father): knew none of his friends (Forensic Psychological Evaluation Report, p. 15); Shaqueena Reid (maternal aunt/“sister”): “I don’t know any of Rell’s friends” (Forensic Psychological Evaluation Report, p. 16).

Terrell's home environment was characterized by exactly the type of parental failure, lack of positive male influence, and lack of supervision that *Miller* and *Aiken* considered to be relevant and mitigating. The lack of a positive paternal figure led Terrell to seek guidance and approval from older peers, who were engaged in criminal behavior and gambling, and were a negative influence on him. Smoking marijuana was normal both in the family and in the community, and his family lost track of him in the years leading up to the incident, allowing him to stay out, not knowing any of his friends, and allowing the negative influences of the community to be his greatest influence during this critical time in his adolescence.

V. Circumstances of the Offense

During Terrell's trial there were conflicting versions of events presented to the jury. While Terrell testified that he acted in self-defense and provided context to what led to Brandon's stabbing, the State provided no motive or explanation for why Brandon was stabbed. Terrell testified that on June 11, 2014, he got off of work at Juanita Greenberg's and went to a relative's house in downtown Charleston where he played games on his phone until he became bored. He smoked marijuana and then impulsively decided to meet up with Brandon Bennett, someone he considered to be a friend and who he often hung out with downtown, to possibly smoke more marijuana. Although an objectively strange time to head over to a friend's house, Terrell went to Brandon's before 8:00 AM. It is important to note that contrary to any suggested intent to engage in violence, Terrell did not take a weapon or anything to conceal his identity, such as gloves or a mask. Also, he went at the time that many people would begin waking up to begin their daily lives and a time that Brandon, if the intended target of violence, would likely be protected by family.

Terrell testified at trial that he knocked on Brandon's window and that Brandon unlocked the front door, letting him inside the home. He was invited into Brandon's bedroom and like teenagers, the two of them talked about life, girls, and eventually possibly smoking marijuana. When Terrell reached into his pocket to pull out his phone to find the number for a marijuana dealer, the dice that he often carries to play craps for fun or money fell out onto the floor. Brandon said to "shake em up" implying that they should play dice. What began as a friendly game eventually led to the confrontation where Brandon Bennett was killed, Darryl Bennett was injured, and Terrell was convicted of murder.

Terrell testified that Brandon, due to the belief that Terrell was cheating during the dice game, came at Terrell with a knife. The knife, discovered on scene, was consistent with knives found in the dish strainer in the kitchen, just a room away from the bedroom. The teenagers grappled and Terrell eventually was able to wrestle the knife away from Brandon. By that point, during the commotion, Darryl Bennett had come from his nearby bedroom. He entered Brandon's bedroom and started fighting with Terrell as well, not understanding the situation but obviously defending his son. Terrell testified that he began swinging and fighting for his life and stabbed Brandon while fighting both Darryl and Brandon Bennett. Panicked and scared for his life, he felt trapped in the room and did not know how to escape the room but for getting past Darryl. During the struggle, Terrell bit Darryl on the neck after Darryl bit Terrell on the arm, causing him to drop the knife.³⁰

Terrell then fled from the home and eventually to Birmingham to escape possible retribution by the Bennett family. Developmental factors likely played a role in his decision to

³⁰ By all accounts, Darryl Bennett's was not seriously hurt and his physical injuries were superficial.

leave. Adolescence is characterized by immaturity of judgment, a decreased ability to think through long-term consequences, and poor decision making, especially during a stressful time. Terrell also testified he was fearful and panicked and began "smoking weed to try and forget the incident" completely unable to cope with the stress of the situation.³¹

Although convicted of Murder, the facts of the case and the motives are not clear or agreed upon. Terrell has always stood by his account of defending himself against two others coming after him and being fearful he was going to die. The jury, for whatever reason, did not believe this account³² which is what lead to the current sentencing hearing, but the State has never provided any motive that explains why one young teenager would kill another. There was absolutely no history of bad blood between the two. Terrell still regrets that his actions took his friend's life. He still remembers times they spent together and shows emotion when thinking about the friend that he killed. In discussing Brandon with Dr. Knight, he said "that's my friend, that was my friend" and she observed him to be "tearful" and that he "appeared sad."³³

VI. Capacity to Deal with Law Enforcement

An additional factor that *Miller* considers relevant is incompetencies associated with youth, including a juvenile's inability to deal with law enforcement or deal with the legal system, including a plea agreement. Terrell did not provide a statement to law enforcement. In addition,

³¹ Forensic Psychological Evaluation Report, p. 33.

³² We do not have much insight into juror discussions during deliberations. It is unknown if the jury failed to believe anything that Terrell said, or if simply they believed his version of events but did not believe that his actions met the elements of self-defense. For example, it is quite possible the jury could have believed he did not enter the home with an intent to harm Brandon and that there was some sort of fight between the two, but that Terrell's perception that he was at risk of losing his life or that his level of force against Brandon was unreasonable.

³³ Forensic Psychological Evaluation Report, p. 33.

the State never made a plea offer for him to consider.³⁴ Therefore, this *Miller* factor is not applicable in Terrell's case.

VII. Evidence of Rehabilitation

The final factor to consider in a *Miller* sentencing hearing is the possibility of rehabilitation. The Court in *Roper vs. Simmons* recognized that at the time of a juvenile offense, the juvenile's character is not well-formed and noted the difficulty in distinguishing between a juvenile whose crime reflects unfortunate yet transient immaturity and a juvenile whose crime reflects irreparable corruption. 543 U.S. 551, 573 (2005). Sentencing a juvenile to life without parole should be limited to the juvenile who has been irreparably corrupted and that is limited to "all but the rarest of children."³⁵

In the three years since his arrest, Terrell has matured, behaved well in the detention center, gained insight into his treatment needs, and has worked to better himself. Evidence of rehabilitation of a juvenile offender shows that he is not "irreparably corrupt" and therefore should have the opportunity for a meaningful release. In *Montgomery v. Louisiana*, the United States Supreme Court noted that participating in productive prison activities, keeping a job in prison, and exemplifying model behavior are all examples of the types of evidence prisoners may use to demonstrate rehabilitation. 136 S. Ct. at 736. Terrell has not been in prison yet, as have the defendants seeking re-sentencing under *Miller* and has yet to be offered the many programs

³⁴ The State indicates in their memorandum raises that Terrell's lack of acceptances of responsibility should be considered in sentencing. That is not a factor to be considered by the Court in sentencing under *Miller*.

³⁵ See *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016) and *Tatum v. Arizona*, 137 S. Ct. 11 (2016).

available in the prison system. However, his jail disciplinary records reflect a limited number of infractions, almost entirely minor, and each year the number of infractions has decreased.

Prior to Terrell's arrest, he was abusing marijuana every day. There were limited interventions to address his use. He attended the Charleston Center from March 2013 through July 2013, with limited progress and "struggling with abstinence."³⁶ During his detention at the Sheriff Al Cannon Detention Center, Terrell participated in the jail's substance abuse program. He was making steady progress on his goals before being removed from the program due to an altercation with a significantly older inmate even though it was determined that Terrell was not the initial aggressor. Despite not completing the program, he has shown growth and maturity in recognizing the severity of his problem with marijuana. Terrell now acknowledges that he needs treatment for marijuana, in addition to gambling, demonstrating that during his incarceration he has become more self-aware of how significant his marijuana problem really is, and this insight demonstrates his amenability to treatment and rehabilitation.

Perhaps the most impressive of his accomplishments, is that Terrell obtained his GED.³⁷ In fact, he participated in the jail's GED class and worked diligently to obtain his High School Equivalency Diploma. Even more impressive is that Terrell was determined to break the cycle in his family and get his education. He reported only one male cousin had graduated from high school and that most had not even finished middle school. In discussing his education, he told Dr. Knight that it was "so important to break the wheel, it's like a cycle, everybody going to prison, most of the males on my mom's side."³⁸ Also of note is that Terrell's motivation was not deterred by his conviction or the impending substantial prison sentence he was facing. He showed determination

³⁶ Forensic Psychological Evaluation Report, p. 21.

³⁷ Terrell's GED Diploma and GED Transcript have been provided as exhibits.

³⁸ Forensic Psychological Evaluation Report, p. 9.

in obtaining his GED, just as he did when completing some of Dr. Knight's testing. During the evaluation, she noted that during testing Terrell was determined to get the correct response, working past time limits to solve problems. She indicated that "providing correct responses seemed very important to him, and reflected traits of determination, resolve, and persistence."³⁹

While Terrell's family failed to properly supervise him and clearly lost track of him in the time leading up to his arrest, they have been there for him unconditionally since his arrest and conviction. The fact that his parents were so young at the time of his birth is considered to be a major risk factor that leads to incarceration. However, given their young ages it is probable that they will be still living at the time of Terrell's release should he receive a sentence of thirty years. He also has the support of Shaqueena Reid (his "sister"/aunt) who is only four years older than him. She is a positive influence and will be able to continue to visit and support him throughout his incarceration, and upon his release help him as he re-enters the community.⁴⁰ Terrell also has his two younger siblings.

Terrell has not been unaffected emotionally by the events that led to Brandon's death. He has reported nightmares about the incident. Testing indicated he "keeps reliving something horrible" and is "troubled by memories of a bad experience," which Terrell confirmed was the incident involving his charges.⁴¹ He becomes emotional when talking about Brandon and talks about him in a "sad, remorseful manner."⁴² Terrell has also demonstrated concern for his family

³⁹ Forensic Psychological Evaluation Report, p. 24.

⁴⁰ In addition to Shaqueena Reid (aunt/sister), Terrell has his two younger siblings, Tamorion Scott and Nathius Fabor, for whom their mother is determined to provide a more stable and structured upbringing.

⁴¹ Forensic Psychological Evaluation Report, p. 25.

⁴² Forensic Psychological Evaluation Report, p. 37.

and how this will impact them, telling his mother after the conviction "if you're alright, I'm alright."⁴³

Terrell has been teaching himself "Sudoku" and "logic puzzles" while in jail. He has been receptive to books from his attorneys and has begun the process of mentally preparing himself for prison, including reading a book to help him cope with going to prison and provide spiritual guidance. With the conviction, he could have easily given into despair, but instead, he continues to find ways to try and better himself, prepare for prison, and continues to show concern for the impact his incarceration will have on his family. It is the determination he has shown during his time at the county jail that will help him be successful at the South Carolina Department of Corrections (SCDC), continue his education, and take advantage of the programming and services offered in prison.⁴⁴

Finally, should Terrell receive a 30 year sentence, he would be 47 years old at the time of release. He would be outside the peak of criminal activity discussed in the "age-crime curve" at that age. In addition, Dr. Knight considers Terrell to fall into the category of an "adolescent-limited" offender rather than a "life-course persistent" offender.⁴⁵

VIII. Proportionality of the Sentence

The facts and circumstances of Terrell's case are somewhat unique. The State argues his behavior is more egregious because it involved two victims. No matter whose version of the facts

⁴³ Forensic Psychological Evaluation Report, p. 32.

⁴⁴ SCDC offers inmate employment, vocational training, educational services, and substance abuse treatment. In addition, facilities have character dorms that provide additional opportunities for programming to inmates to show exemplary behavior. For more on SCDC services, see the policies posted on <http://www.doc.sc.gov/pubweb/policy/policy.jsp>.

⁴⁵ Forensic Psychological Evaluation Report, p. 38-39.

is accepted, it is clear that Darryl Bennett was never an intended victim. The assault on him was the result of him coming into the room as a witness and trying to defend his own son. Therefore, even if there is a belief that Terrell's attack on Brandon was in any way planned (which is not supported by the evidence, including that the knife used likely came from inside the residence), it seems improbable that any attack on Darryl was planned.

In researching other cases in the 9th Circuit over the last ten years, the Defense has not found a case closely situated to this one. In fact, a review of case shows that many cases that started as Murder were resolved through reductions to Voluntary Manslaughter and plea offers, and it is difficult to determine an average sentence given that so much depends on a solicitor's discretion in offering a plea agreement. The State indicated that by going to trial, Terrell failed to accept responsibility for his actions and that the failure to accept responsibility should be held against him at sentencing. However, in Terrell's case no plea offer was ever made, despite his young age at the time of the offense, thus subjecting him to the mandatory minimum sentence of murder. The Campaign for the Fair Sentencing of Youth issued Guidelines for Representing a Child Client Facing a Possible Life Sentence advising that "[d]efense counsel should not advise a child client to accept a guilty plea that could result in a life without parole sentence."⁴⁶

In the 9th Circuit, there have been several cases in which Defendants have received 30 year sentences that could be compared to the case at hand:

- In 2015, Dennis Elvin Cervantes Pavon, a Hispanic male, was 33 years old and convicted of Murder in relation to a stabbing in Mount Pleasant. The Defense argued he acted in self-defense at trial, but he was convicted. He received a 30 year sentence.
- In 2014, Reginald Lanard Gordon, a black male, was convicted of Murder in relation to the shooting death of a female in a car outside of a nightclub. He was only 23 years old at the time of the incident and received a 30 year sentence.

⁴⁶ Trial Defense Guidelines: Representing a Child Client Facing a Possible Life Sentence, Guideline 6.2, Campaign for the Fair Sentencing of Youth.

- In 2011, Tommy Montgomery, black male, age 30, pled guilty but mentally ill to Murder with no recommendation or negotiation from the Solicitor's office in the stabbing of his roommate. The roommate had been stabbed over 90 times. He received a 30 year sentence.
- In 2009, Oran Smith, a black male, age 33, was convicted at trial of Murder and received a 30 year sentence. He used a female victim's pajama pants to strangle her to death and confessed to the crime. He was 31 years old at the time of the offense.
- In 2009, Nathaniel McGee, a black male, age 25, was convicted of Murder in relation to a shooting in a night club parking lot that followed an argument. The victim in that case was shot in the bridge of the nose and died. Mr. McGee, who was 22 years old at the time of the murder, was sentenced to 30 years in prison.

In looking beyond our Circuit and to the 1st Circuit, there have been several defendants who were older than Terrell, some with more disturbing facts, who also received 30 year sentences:

- Dana Andrew Butler Jr. a black male, received a 30 year sentence for a 2011 murder and armed robbery. Butler shot a 19-year-old man in a drug deal robbery set-up. Butler was 19 years old at the time of the crime.
- Carlos Jordan Kemp, a black male, received a 30-year sentence for a 2012 murder. Kemp beat his girlfriend to death in a domestic dispute, and then dumped her body in a pile of trash, where she was not found for several months. Kemp was 26 years old at the time of the crime.
- In 2013, Deshawn Fordham, a black, 20-year-old male, received a 30-year sentence for a 2012 murder and attempted murder. Fordham and others opened fire on a van after seeing its driver cash a check. The passenger was killed.
- In 2014, Sonny Ray Jones Jr., a white, 38-year-old male, received a 30-year sentence for a 2013 murder and armed robbery. Jones snuck up behind his step-grandfather, with whom he lived, shot him in the back of the head, and then took \$44 and a checkbook from his car.
- In 2014, Brian Richburg, a black, 24-year-old male, received a 30 year sentence for a 2013 murder. Richburg was arguing with an acquaintance when he shot the man 4 times.

Given the sentences outlined above, 30 years would be an appropriate sentence for the crime at issue. Terrell is younger than all of these Defendants and was a juvenile at the time of his offense, with decreased culpability due to his age and the hallmarks of youth. His conduct is not as morally reprehensible as that of an adult, and the Courts have recognized that it is less supportable to conclude a heinous crime committed by a juvenile is evidence of irretrievably depraved character and that a greater possibility exists that a minor's character deficiencies will be reformed.⁴⁷

IX. Impact of Incarceration on Life Expectancy

Vera Dolan was commissioned to conduct an investigation and develop a life table with life expectancies specific to male inmates at SCDC.⁴⁸ The Life Tables created indicate that any person who has been incarcerated in SCDC has a lower life expectancy than someone in the general United States population. A 20 year old African American male in the U.S. Population has a life expectancy of 73.2 years.⁴⁹ In comparison, a 20 year old African American male incarcerated at SCDC has an expected death at 56.4 years of age, a 16.8 year difference.⁵⁰ In addition, when reviewing deaths of inmates serving life sentences, in comparing those who are serving life and entered the incarcerated setting between ages 16 and 19, died an average of 31.8 years earlier than what is predicted by the U.S. Life Expectancy.⁵¹

⁴⁷ *Roper v. Simmons*, 125 S. Ct. 1183, (2005).

⁴⁸ Ms. Dolan's CV, Affidavit (which includes a detailed explanation of her methodology), and tables are attached as an exhibit to this memorandum.

⁴⁹ Dolan Affidavit, Exhibit 6.

⁵⁰ Dolan Affidavit, Exhibit 9.

⁵¹ Dolan Affidavit., p. 7.

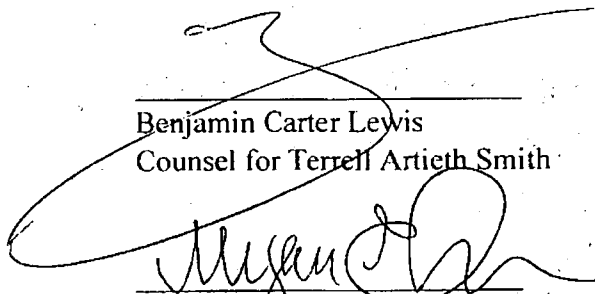
The impact of incarceration on life expectancy is relevant when considering the sentence of Terrell. Should he receive a sentence of 30 years, he will be almost 48 upon his release. Even if the Court sentences him to a thirty years, on average it can be expected that he would have less than a decade left alive outside of prison. The minimum sentence is substantial and would be a dramatic and serious consequence. Any higher sentence puts him dangerously close to what would be considered a sentence that is functionally equivalent to life. The *Miller* factors as analyzed in consideration of Terrell do not warrant a life sentence, or a sentence functionally equivalent to life, as he is not irreparably corrupt or irredeemable.

X. Conclusion

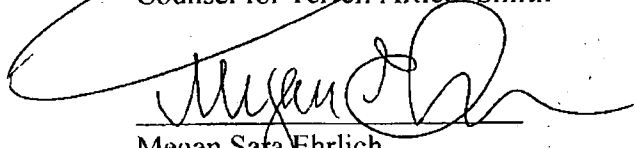
Considering the five *Aiken/Miller* factors, it is clear that Terrell is one of the “vast majority of juvenile offenders” who have the “capacity for change” rather than the very few “incorrigible juvenile offenders” for whom life without parole is a constitutional sentence. *Graham v. Florida*, 560 U.S. 48, 74 (2010), *Montgomery*, 136 S.Ct. at 734. Terrell’s conduct was not the product of an irredeemable individual. He was an immature youth who has since demonstrated his capacity for rehabilitation and change inside the jail, and he is motivated to continue to grow as a person and someday become a productive member of society.

Therefore, this Court should sentence Terrell Smith to a term of thirty years imprisonment, run all sentences concurrently, and allow for a meaningful opportunity for release, rather than life imprisonment without the possibility of parole or any sentences that would be the functional equivalent of life.

Respectfully submitted,



Benjamin Carter Lewis
Counsel for Terrell Artieth Smith



Megan Sara Ehrlich
Counsel for Terrell Artieth Smith

Charleston, South Carolina

Dated: May 8, 2017

FILED

2017 MAY -8 AM 10:23

JULIA A. HINSTRONG
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BY _____

EXHIBIT LIST

- Exhibit A: Forensic Psychological Evaluation Report, Dr. Susan Knight
- Exhibit B: C.V. of Dr. Susan Knight
- Exhibit C: Affidavit of Dr. Elizabeth Cauffman
- Exhibit D: C.V. of Dr. Elizabeth Cauffman
- Exhibit E: High School Equivalency Diploma
- Exhibit F: Official Transcript of GED Tests
- Exhibit G: Photographs
- Exhibit H: Christmas Card from Terrell to Ben Lewis
- Exhibit I: Affidavit of Al Meggett (Coach Hollywood)
- Exhibit J: Affidavit of Mario Drayton
- Exhibit K: Affidavit of Shirley Scott
- Exhibit L: Affidavit of Eric Jackson
- Exhibit M: Affidavit of Justin Powell
- Exhibit N: Affidavit of Major Mitchell
- Exhibit O: Affidavit of Vera Dolan, C.V. of Vera Dolan, Mortality Tables, U.S. Population Life Tables, SCDC Population Life Tables

Exhibit A

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JUDITH A. IRONG
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BY _____

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FORENSIC PSYCHOLOGICAL EVALUATION

Examinee: SMITH, Terrell

Date of Birth: October 19, 1996

Case Name: *State of South Carolina vs. Terrell Artieth Smith / Case No# 1409658*

Dates of Interviews: October 13, 2016; January 17, 2017; and March 23, 2017

Examiner: Susan C. Knight, Ph.D., ABPP

Others Present: Megan Ehrlich, Esq. (October 13, 2016); Ben Lewis, Esq. (January 17, 2017)

IDENTIFYING DATA: Mr. Terrell Artieth Smith is a 20-year-old, single, African-American male, currently detained at the Charleston County Detention Center in Charleston, South Carolina. On September 22, 2016, Mr. Smith was found Guilty by jury trial of Murder, Attempted Murder, and Possession of a Weapon During Commission of a Violent Crime, in violation of *S.C. Codes §16-3-10; §16-3-29; and §16-23-490*. His convictions stem from an incident that occurred on June 11, 2014, when Mr. Smith was 17 years of age. Mr. Smith's attorneys requested a forensic psychological examination for the purpose of evaluating Mr. Smith's historical functioning, including developmental, social and psychological; his present mental state; and any pertinent issues related to his charges and sentencing given his adolescent status at the time of the allegations. The evaluation was initiated within the context of the United States Supreme Court's holding in *Miller v. Alabama*, 132 S. Ct. 2455 (2012), and the subsequent holding of the South Carolina Supreme Court in *Aiken v. Byars*, 410 S.C. 534 (2014). Therefore, on the above listed dates, Mr. Smith was evaluated pursuant to *Miller* and *Byars*, at psychological offices in Charleston, South Carolina.

SUMMARY OPINION: Based on the totality of data gathered in the evaluation, to include clinical interviews and psychological testing with Mr. Smith; interviews with his maternal grandmother, mother, father, maternal aunt, and maternal step-grandfather; collateral source affidavits; and a review of collateral records, including legal, juvenile, correctional, psychosocial and academic; the following is opined as summarized.

Mr. Smith's mother was only 14 years old at the time of her pregnancy. At 13 weeks old, he was placed in foster care for nine months due to suspected physical abuse. He was subsequently raised in his grandmother's home, with his mother, as she matured. His father was 17 years old at his birth, and was not active in his life. As such, he had no stable paternal influence. Those that revolved in and out of a paternal role had lengthy criminal histories, including violence, drugs and incarcerations. At age 14, Mr. Smith ceased participation in sports, and began smoking marijuana, with familial and community exposure to marijuana use occurring throughout his childhood. At age 16, he incurred a marijuana-related charge, with a failed treatment attempt. By this time, his family had essentially lost track of him, providing little monitoring or supervision. He began sleeping in various locations, with little stability, or future goals. By age 17, he had discontinued school, was frequently abusing marijuana, gambling, and associating with older 'street' peers. These experiences significantly impacted his life trajectory, culminating in his charges. Per Mr. Smith's account, the offense conduct was further influenced by traits of adolescent immaturity, including impulsivity, risk-taking, and valuing reward over consequence. Prior to his charges, he had no incidence of serious violence, and no significant juvenile record. Detention records indicate no serious infractions, and provide good indications for rehabilitation.

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SOURCES OF INFORMATION: The following sources of information were reviewed in forming the opinions found in this report:

Discovery – Current Case

1. Charleston Police Department Incident Report, by Ofc. Rough, dated April 8, 2013;
2. Charleston Police Department Supplemental Report by Inv. Jackson, dated April 16, 2013;
3. Charleston Police Department Supplemental Report by Inv. Hans, dated May 16, 2013;
4. Social Media Postings *re*: Brandon Bennett, dated April 25, 2014 and May 27, 2014;
5. Charleston Police Department Crime Scene Log, dated June 11, 2014;
6. Charleston Police Department Case Supplemental Reports by Inv. Gilliard, Inv. Kursh,
7. Inv. Shepherd, Inv. Brown, Inv. Wilson, Inv. Adams, Inv. Pranger, Inv. Rough, Inv. Bailey, Inv. Tuttle, and Inv. Turner, dated June 11, 2014;
8. Charleston Police Department BOLO for T. Smith, dated June 11, 2014;
9. Charleston Police Department Photo Line-up Admonition for D. Bennett and corresponding photographs, dated June 11, 2014;
10. Charleston Police Department Forensic Services Division Latent Prints Report by K. Butler, dated June 11, 2014;
11. Charleston County Arrest Warrant 2014A1010203046 and attached Affidavit for Murder, dated June 11, 2014;
12. Charleston County Arrest Warrant 2014A1010203047 and attached Affidavit for Attempted Murder, dated June 11, 2014;
13. Charleston County Arrest Warrant 2014A1010203048 and Affidavit for Possession of a Deadly Weapon During Commission of a Violent Crime, dated June 11, 2014;
14. Charleston County Arrest Warrant 2014A1010203049 and attached Affidavit for Burglary, 1st Degree, dated June 11, 2014;
15. Charleston Police Department Witness List, by Ofc. Burckhardt, dated June 11, 2014;
16. Charleston Police Department Property Reports, seizure dates from June 11, 2014 to August 13, 2015;
17. Charleston Police Department Case Supplemental Reports by Inv. Krasowski, Inv. Burckhardt, Inv. Jackson, and Inv. Senn, dated June 12, 2014;
18. MUSC – Dept. of Pathology and Lab Medicine Autopsy Preliminary Report, by M. Caplan, MD, with corresponding drawings, charts and photographs, dated June 12, 2014;
19. Charleston Police Department Notice for R. J. Pickney, dated June 13, 2014;
20. Charleston Police Department Case Supplemental Reports by Inv. English, Inv. Unterbrink, Inv. Burckhardt, Inv. Wooley, dated June 13, 2014;
21. Charleston Police Department Supplemental Report by Inv. Senn, dated June 16, 2014;
22. SCDMV 3-Year Driver Record for C. Richardson, dated June 16, 2014;
23. U.S. Marshals Target Number Search dated June 16, 2014;
24. Incident Detail Report, incident date of June 11, 2014, date of report June 16, 2014;
25. Charleston Police Department Forensic Services Division Latent Prints report by K. Butler, dated June 17, 2014;
26. Charleston Police Department Forensic Services Division Latent Prints Report by N. Kerstein, dated June 17, 2014;
27. Charleston Police Department Forensic Services Division Latent Prints Report by K. Butler, dated June 17, 2014;
28. Charleston Police Department Latent Recovery report, dated June 18, 2014;

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29. Charleston Police Department Division Latent Prints report, dated June 18, 2014;
30. Miranda Rights Warning Card, by T. Smith, dated June 18, 2014;
31. Charleston Police Department General Session Court Information Form, Case No#1409658, undated;
32. Charleston Police Department Case Supplemental Reports by Inv. Burckhardt, dated June 19, 2014; June 30, 2014; July 1, 2014; and July 10, 2014;
33. SCDMV 3-Year Driver Record for C. Reid-Hanna, dated June 24, 2014;
34. NMS Labs Toxicology Report for B. Bennett, dated June 30, 2014;
35. Charleston Police Department Arrest Report for T. Smith, dated July 2, 2014;
36. Visitation Logs from the Charleston County Detention Center for T. Smith, dated from July 2, 2014 to December 9, 2015;
37. Charleston Police Department Incident/Investigation Report, by Ofc. Shepherd and Inv. Burckhardt, dated July 3, 2014;
38. Bail Proceeding Form II for T. Smith, dated July 3, 2014;
39. Charleston Police Department Supplemental Report by Inv. Feeters, dated July 3, 2014;
40. MUSC – Dept. of Pathology and Lab Medicine Autopsy Final Report for B. Bennett, by C. Schandl, MD, dated July 7, 2014;
41. Charleston Police Department Supplemental Report by Inv. Bailey, dated July 9, 2014;
42. Charleston Police Department Evidence List, dated July 10, 2014;
43. ICHR Request for Rap Sheet for T. Smith, dated July 11, 2014;
44. Charleston Police Department Supplemental Report by Inv. Smalls, dated July 17, 2014;
45. State of South Carolina County of Charleston Search Warrant and Affidavit for ‘the body of subject Terrell Smith,’ *re*: “buccal swab sample of saliva,” dated July 8, 2014, with Search Warrant Return dated July 10, 2014;
46. State of South Carolina County of Charleston Indictments for Murder; Attempted Murder; Possession of a Weapon During Commission of a Violent Crime; and Burglary, 1st Degree; dated October 6, 2014;
47. SLED Chain of Custody Sheets, dated from February 20, 2015 to August 13, 2015;
48. SLED Forensic Services Requests, dated March 4, 2015 and December 20, 2015;
49. Charleston County Coroner’s File for B. Bennett, dated March 9, 2015;
50. SLED DNA Department Letter to R. Burckhardt from V. Gibson, dated April 21, 2015;
51. Visitation Activity Report from the Charleston County Detention Center, for T. Smith, from March 30, 2015 to September 1, 2016;
52. SLED Forensic Services Laboratory Report DNA Analysis, by S. Stewart, dated April 4, 2016;
53. NCIC Interstate Identification Index (III) for A. Bailey, dated September 6, 2016;
54. NCIC Interstate Identification Index (III) for B. Bennett, dated September 6, 2016;
55. NCIC Interstate Identification Index (III) for D. Bennett, dated September 6, 2016;
56. ICHR Request for Rap Sheet for R. Pickney, dated September 6, 2016;
57. State of South Carolina County of Charleston Search Warrant and Affidavit for Black I-phone, dated August 16, 2016, with Search Warrant Return, dated September 6, 2016;
58. *The State [Plaintiff] vs. Terrell Artieth Smith [Defendant] – In the Circuit Court of the Ninth Judicial Circuit* [Transcript of Record] September 19, 2016 to September 22, 2016;
59. *State of South Carolina vs. Terrell Artieth Smith*, In the Court of General Sessions Verdict Form, Indictment No#:’s 2014-GS-10-5999; 2014-GS-10-6000; and 2014-GS-10-6001; dated September 22, 2016;
60. Drawings included in discovery, undated;

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Digital Discovery

61. Audio of 911 call, placed on June 11, 2014;
62. Audio/Video of law enforcement interview with Mr. Darryl Bennett, on June 11, 2014;
63. Emergency Department and Autopsy Photographs of Brandon Bennett, dated June 11 2014 and June 12, 2014;
64. Crime Scene Photographs of Darryl Bennett's Residence and surrounding areas, taken on June 11, 2014;
65. Audio/Video of law enforcement interview with Mr. Arthur Bailey, on June 11, 2014;
66. Audio/Video of law enforcement interview with Ms. Daniele Ladson, on June 11, 2014;
67. Audio/Video of law enforcement interview with Mr. Andre Moore, on June 11, 2014;
68. Law enforcement video of crime scene, taken on June 11, 2014;
69. Photographs of Mr. Smith upon arrest, undated, presumably taken on June 16, 2014;
70. Audio/Video of law enforcement interview with Mr. Terrell Smith, on June 18, 2014;
71. Audio/Video of Mr. Terrell Smith's bond hearing, on July 3, 2014;
72. Video clips from local news stories regarding incident, dates not provided;
73. Copy of Charleston County Coroner's Office "Coroner's File," various documents, date of completion on March 15, 2015;

Prior Charges

74. Charleston Police Department Investigative Case File, Table of Contents, OCA#1403760 and General Sessions Court Information Form, undated;
75. Charleston Police Department Supplemental Report by Ofc. Hatfield, dated March 11, 2014;
76. Charleston Police Department Arrest Report of T. Smith, dated March 11, 2014;
77. Charleston Police Department Witness List, dated March 11, 2014;
78. Charleston Police Department Incident/Investigation Report by Ofc. Greenleaf, dated March 12, 2014;
79. Charleston Police Department Forensic Services Division Drug Analysis Report by A. Earl, dated March 12, 2014;
80. Bail Proceeding Form I, for T. Smith, dated March 12, 2014;
81. Charleston Police Department Affidavit for Possession with Intent to Distribute Marijuana, dated March 12, 2014;
82. County of Charleston Arrest Warrant 2014A1010201335, for *Drugs/Manuf. poss. of other sub. In Sch. I, II, III or flunitrazepam or analogue, w.i.t.d. - 1st Offense*, dated March 12, 2014;
83. ICHR Request for Rap Sheet for T. Smith, dated March 28, 2014;
84. Office of the Solicitor Ninth Judicial Circuit Indictment/Warrant Status Change Form, Warrant Number: 2014A1010201335, dated February 7, 2017;
85. Municipality of Charleston, In the Municipal Court Order for Destruction of Arrest Record [for Loitering charge], dated August, 25, 2014;

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Juvenile Charges/Contacts

86. Mount Pleasant Police Department Report, by Ofc. Gilliard, dated February 25, 2011;
87. North Charleston Police Department Booking Report for T. Smith, and Custodial Promise, dated February 14, 2013;
88. North Charleston Police Department Report by Ofc. Watson, dated February 14, 2013;
89. Juvenile Case Preparation Checklist, Case No# 2013005418, dated February 15, 2013;
90. Records from the Ninth Judicial Circuit Juvenile Diversion Programs, Pretrial Diversion, Charleston County, dated from February 28, 2013, to June 24, 2013;
91. Juvenile Arrest Record for T. Smith, most recent date of March 8, 2013;
92. Charleston Police Department Field Contact, by Ofc. Hatfield, dated October 21, 2013;

Psychosocial Records

93. Medical records from the Medical University of South Carolina, dated from November 1996 to May 2006;
94. Records from the South Carolina Department of Social Services (SCDSS), to include Family Court Orders from the Ninth Judicial Circuit, and corresponding documents, dated from January 1997 to May 2013;
95. 'Power School' Report for T. Smith, dated February 14, 2013;
96. Academic records 'Student Summary Report,' from the Charleston County School District for T. Smith, dated February 28, 2013;
97. Correctional records from the Charleston County Detention Center, dated from December 2014 to August 2016; and Transaction History, from July 2, 2014 to January 2, 2017;
98. Medical records from the Charleston County Detention Center, dated from July 3, 2014 to March 26, 2017;
99. Charleston Center DAODAS Clinical Assessment, dated March 6, 2013;
100. Discharge Summary from the Charleston Center, by A. Bluemle, LPC/CACII, dated July 31, 2013;
101. Charleston Center PIER program Transition/Discharge Plan, by Amanda Johnson, CACI, dated January 12, 2015;
102. Student Summary Report, 'Test Scores' and 'Transfer Information,' for Mr. Smith, dated August 11, 2016;
103. Verification of GED from 'GED Manager,' date of "Credential," March 29, 2017;
104. High School Equivalency Diploma for T. Smith, with corresponding letter from the S.C. Dept. of Education, dated March 29, 2017;
105. Electronic Correspondence from Lt. Lynette Johnson (GED Coordinator at the Charleston County Detention Center) to Megan Ehrlich, Esq., dated April 10, 2017;
106. SLED criminal history background records for N. Fabor; K. Scott; K. Sheppard; B. Smith; B. Hanna; D. Reid; T. Reid; and C. Reid, dated April 14, 2017 and May 1, 2017;
107. Letter from SCDSS to Benjamin Lewis, Esq., dated April 17, 2017;
108. Electronic communication to M. Ehrlich, Esq., from S. Singleton at the Charleston County Detention Center, dated April 24, 2017;
109. Records were requested from the Charleston County School District, Office of Exceptional Children, however, they responded they had no records for Mr. Smith;
110. Records were requested from the Charleston/Dorchester Mental Health Center, however, they responded they had no records for Mr. Smith;
111. Medical records were requested from Roper St. Francis Healthcare; however, they responded they had no records for Mr. Smith for the dates requested;

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Interviews/Affidavits/Consultations

1. Clinical Interview with Mr. Terrell Smith, lasting approximately three and one half hours, on October 13, 2016;
2. Interview with Ms. Carolyn Reid, Mr. Smith's maternal grandmother, on January 4, 2017;
3. Interview with Ms. Pertina 'Tina' Reid, Mr. Smith's mother, on January 5, 2017;
4. Interview with Mr. Brendyn Smith, Mr. Smith's father on January 6, 2017;
5. Interview with Ms. Shaquena Reid, Mr. Smith's maternal aunt, on January 16, 2017;
6. Clinical Interview with Mr. Terrell Smith, lasting approximately two hours and forty-five minutes, on January 17, 2017;
7. Interviews (by telephone) with DAODAS/PIER counselor, Ms. Amanda Johnson, CACI, and DAODAS Supervisor, Ms. R. Kreutner, Clinical Counselor III, on January 19, 2017;
8. Interview with Mr. B. Hanna, Mr. Smith's step-grandfather, on February 14, 2017;
9. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Major Rayford B. Mitchell, dated March 14, 2017;
10. Clinical Interview and psychological testing with Mr. Terrell Smith, lasting approximately five hours on March 23, 2017;
11. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Jamin Powell, dated April 5, 2017;
12. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Eric Jackson, dated April 5, 2017;
13. Professional consultation (by telephone) with E. Cauffman, Ph.D., on April 18, 2017;
14. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Shirley C. Scott, dated April 18, 2017;
15. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Al Meggett [Coach Hollywood], dated April 27, 2017;
16. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Mario Drayton, dated April 28, 2017;
17. Interview (by telephone) with Ms. Tina Reid, Mr. Smith's mother, on May 1, 2017;
18. Professional consultation (by telephone) with Ms. Gwen Bright, Division Director of Inmate Services within the South Carolina Department of Corrections, on May 1, 2017;
19. Electronic Correspondence with S. Barrett and J. Scarborough of SCDC, on May 3, 2017;
20. *State of South Carolina vs. Terrell Smith*, In the Court of General Sessions, Affidavit of Dr. Elizabeth Cauffman, dated May 4, 2017;
21. SCDC Policy/Procedures PS-10.17 "*Character-Based Units and Programs*," PS-08.06 "*Educational Programs*," PS-08f.05 "*Vocational Education*," and PS-10.02 "*Inmate Substance Abuse Programs*."

DISCLOSURE OF NON-CONFIDENTIALITY: Prior to the evaluation, Mr. Smith was provided information regarding the purpose and non-confidential nature of the evaluation. He was informed that any information he provided would not be confidential and would be provided to his attorneys, which, at his attorneys' discretion, may be distributed to the court. He was also informed that the nature of the evaluation did not include a treatment relationship with the examiner and treatment would not be provided. Mr. Smith acknowledged his understanding of the evaluation parameters, and provided his consent to proceed.

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HISTORICAL DATA- INTERVIEW SOURCES: Pertinent historical data is outlined below as gathered from interview sources, to include the defendant, the defendant's maternal grandmother, mother, maternal aunt, father and maternal step-grandfather; and from interview affidavits of those with developmental knowledge of Mr. Smith.

▪ Developmental History - Interview Data [Defendant]

Family History (Childhood): Mr. Smith was born on October 19, 1996. His mother was 15 years old at the time of his birth, and his father was 17 years old. Due to his parents' ages, his maternal grandmother assumed primary care until he was a teenager. He was raised in downtown Charleston, on Poinsette Street, "between Sumter and Romney Street." He resided in a home with his maternal grandmother, step-grandfather, and his mother, who was also being raised by his grandmother. Also in the home was Mr. Smith's maternal aunt, who is only four years older than Mr. Smith. They were raised as siblings, and he refers to her as his "sister." When his mother became an older teenager, she moved out of the family home, however, he reported seeing her frequently. He would often reside between his mother and grandmother's homes.

Mr. Smith's parents never married, and his father was not involved in his upbringing. His father "never did parent stuff" and had "no father role" during Mr. Smith's childhood or adolescence. He "didn't really start seeing my dad until I got locked up" for his current case. Mr. Smith also reported that when he was two or three years of age, his father was "shot, they shot him eight times, nobody was arrested, it was a robbery." His father had ongoing medical issues as a result of this incident.

In his childhood household, his grandmother supported the family by "housekeeping" for a local family. Her husband, "worked at Bluestein's, and little side jobs." When his mother got older, she worked in housekeeping for a motel. He described a "normal bringing up, my sister used to help me with my homework, used to show me stuff like math and algebra." His grandmother would discipline him by "not letting me go outside, take stuff away from me, made me write what I did wrong 100 times, she never spanked me." His grandmother's husband, "never disciplined me."

Community (Downtown): Mr. Smith related childhood memories of his neighborhood in downtown Charleston. He stated, "go outside, play basketball, sell roses, talk to the other guys in the neighborhood, a lot of shooting at night, almost every night, at first I was scared but then it became regular, it would be strange if there was not shooting." He recalls the "shooting" becoming "regular" by age 10 or 11. He related one incident on the basketball court when he "heard people shooting, saw people running, it scared me." He was "9 or 10" years old at the time. He cited another incident during which, "somebody got killed at a gas station, I saw the guy running and heard the shots, I saw the body, people were running and screaming..."

He described that the younger children, including him, had close relationships with the older males in the neighborhood who "would show us a way of living." He defined "older" as "teens to early 20's, or older dudes that just came back home from prison, gave us money, tell us to get a haircut, little tips, all the ones I was close to are dead now." He explained that, at least three of these older individuals "got killed" when he was approximately 9 or 10 years of age.

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The first individual was 15 years old, "I knew him from the neighborhood, he was shot in one of the projects." The second individual was "15 or 16 years old, he was shot in a drive by shooting, he was my big homeboy, walked me home from school every day, showed me how to fight, like a big brother." The third individual was "15 years old, he was shot." He "used to walk me home, go play basketball, take me to the market, used to see him every day." These individuals taught him how to play basketball, approach girls, "took me to the library, the skating rink," and taught him "how to stand up for myself, used to tease me about playing basketball, that's how I got so good."

When asked the impact of these shootings, Mr. Smith, stated, "they traumatized me, I watched my sister cry and cry, it made me take precautions, I was scared." In addition to violence in his neighborhood, there were "lots of drugs around, crack, weed, cocaine, heroin..." Aside from this type of environmental trauma exposure, Mr. Smith reported no additional trauma, including verbal, emotional, physical or sexual abuse, or neglect, during his upbringing.

Family History (Adolescence): When he was 9 years old, Mr. Smith's younger maternal half-brother, Tamorion Scott, was born. His mother kept and raised this child, with the child's father, Kerry Scott. At age 13, Mr. Smith moved out of his grandmother's house downtown to reside with his mother, his younger half-brother, and his brother's father in North Charleston. He did not know the reason for the move and "didn't want to go." Living with his mother was "different, nothing like my grandmother." He "felt comfortable talking with my grandmother about anything, but not mom, my grandmother was always there and my mom wasn't." For discipline, his mother would "punch me in the arm or chest or take things away."

Further, he was "not close" with his brother's father. He recalled one fight between his mother and this individual when he was 12 or 13 during which he "grabbed him off my mom, pushed him, and I never saw them fight again." They were never married, and she is no longer involved in a relationship with him.

After a year in North Charleston, he moved with his mother and brother to West Ashley. They moved into public housing units, with his grandmother later moving into the same complex. In West Ashley, it was "quiet, the kids don't come outside, no park areas, just a basketball court." When Mr. Smith was 15 years old, his youngest brother, Nathius Fabor, was born, whose father is Nathaniel Fabor. Mr. Smith knew Mr. Fabor "since I was little, he drove me around on a motorcycle, let me shoot the BB gun, more like a dad than anyone else." When he was in middle school, Mr. Fabor "came home from prison;" however, Mr. Smith did not know why he was in prison.

Mr. Smith technically resided with his mother or grandmother in West Ashley until his arrest for his current case at age 17. However, he was often sleeping outside of the home, at family member's houses, friends' houses or unknown locations. Once he incurred a felony charge in March 2014, he could no longer stay with his mother or grandmother due to public housing rules. Therefore, he began staying out more, and with relatives or friends in downtown Charleston.

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Educational History: Mr. Smith reported no history of special education classes. During his 4th grade year, he reported a "Sylvan" learning program for "reading," which he attended for "one year." He has no further history of special learning accommodations. He reported several suspensions during his later elementary years, but no serious behavior problems.

For his 7th and 8th grade years, he attended Lang Middle School in Mt. Pleasant. He described this school as "diverse, a lot of races, I used to go to school with all black people, I was scared to talk to girls of different races." His behavior improved from his elementary school years and he was not suspended from middle school, with just "minor trouble for messing with girls." He also "played football and basketball" at Lang.

For his 9th to 11th grades, he attended Garrett Academy of Technology in North Charleston, and was arrested for his current case during his 11th grade year. He made "C's" during his high school years. He reported participation in JROTC for his 9th, 10th and 11th grade years until his arrest. He reported minor disciplinary events during high school but stated "no" when asked if he was in trouble for fighting. He stated, "that stopped, ain't no need to fight no more, just fighting when little, everybody had a mutual understanding when older." Beginning in the fall semester of his 11th grade year (Fall 2013), he began leaving school early without permission. During the spring semester (Spring 2014), he had essentially stopped going to school, and was working four to five days a week.

In discussing his schooling, Mr. Smith reported that on his mother's side, "only one male cousin in my family has graduated high school, most people didn't finish middle school." He believed it was "so important to break the wheel, it's like a cycle, everybody going to prison, most of the males on my mom's side." (He was unsure about his paternal history due to the lack of involvement by his father). Due to wanting to "break the wheel," he is working on obtaining his GED during his current detention. He has "scored high on the pretest for the GED." [Data subsequent to the interview indicated he has been successful in obtaining his GED while detained].

Vocational History: As a child, Mr. Smith sold "Palmetto roses" in downtown Charleston. From ages 13 to 16, he worked for a local family during the summertime, "raking lawns, yard work." At age 16, he worked at a local restaurant as his "first official job, food prep and washing dishes, for three months." He rode the school bus for transport to this job, walking the remainder of the way from the bus stop. He worked "four days out of the week, after school;" however, this job ended due to problems with transportation. At age 17, he worked for another restaurant working in "food prep and washing dishes." He worked at his latter job for three months, which is where he was employed at the time of his arrest. Additionally, at age 15, Mr. Smith earned his driver's permit on his second attempt, with plans to obtain his full license.

Social/Relationship History: Mr. Smith has been a lifetime member of Morris Brown AME church in downtown Charleston. As a young child, he attended summer camps through church, "Kids Alive." As a young teenager from ages 13 to 15, he participated in "Praise Dancing" to hymns, which they performed during services, and at competitions. As he got older, he attended church, but would 'sneak out' during service, trying to remain undetected by his mother. Prior to his arrest, he was attending church approximately twice monthly.

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From a young age, Mr. Smith was active in sports as a youth, which comprised most of his childhood socialization. From ages 7 to 14, he "played AAU [Amateur Athletic Union] basketball," of which he was heavily involved, and attended statewide competitions. From ages 8 to 14, he played recreational football. They "wore helmets and shoulder pads," and he recalled no concussions or head injuries. From ages 9 to 12, he was involved in "boxing, every day," at the Charleston Boxing Club. He was "hit in the head and everywhere" but reported no head injuries and no 'knock outs.'

At approximately age 14, he stopped his involvement in sports, as he preferred to socialize informally with "guys in the neighborhood, going back downtown, and seeing friends, family." He started "hanging out with older dudes, I would leave school and go downtown, hang out with older dudes...around Romney Street, Huger Street, Congress Street, Spring Street, and Line Street." Around age 14, he stopped sleeping at his mother's house, and "started sleeping different places, family members or stay at friend's houses." He acknowledged that his mother "would have thought I was out all night."

Mr. Smith reported having had prior girlfriends, with his longest relationship "three or four months." His last "girlfriend" was in the 8th or 9th grade and he is not presently involved in a relationship. When asked if he had children, Mr. Smith, reported, "no, but I wish, someone to love unconditionally." He appeared thoughtful and sad when he made this statement.

Psychiatric/Medical History: Mr. Smith reported no history of psychiatric treatment, including hospitalizations, medication or outpatient treatment. He is not under psychiatric treatment at the detention center. He knew of only one family member with any reported mental illness, a maternal great uncle who "jumped off the Cooper River Bridge."

Regarding medical history, he reported breaking his hip as a toddler due to an accident on a swing, while supervised by his father. At age 5 or 6, he "tripped and hit my head, busted my head" and reported undergoing medical treatment. At age 10 or 11, he was "hit by a truck, it was on the news, I hit my head, went to the hospital, let me go the same night." At age 12 or 13, his "lip was busted playing football." Additionally, he has "worn glasses as long as I can remember." He reported no history of major surgeries or serious medical conditions, and is not under treatment for a medical condition at the detention center.

Substance Use History: At age 15, Mr. Smith first tried alcohol at a "family party." He "tried a shot and threw it up...every time I've tried to drink, I would throw up, I can't remember the last time I drank." He reported very infrequent alcohol consumption and no consequences from alcohol use aside from vomiting even after very small amounts.

Mr. Smith reported trying marijuana at age 10, given to him by an "older cousin." He tried it a "couple times" at age 10, before his "mom found out and talked to me." He "picked it back up at age 13 or 14, from another cousin." At this age, he began regular use "on the weekends, when I went to the downtown neighborhood." At age 14 or 15, he began using marijuana more often due to easier access in high school. From ages 14 to 17, he used "daily" and "smoked 10 to 14 grams a day," smoking multiple times a day. He also stated, "almost everybody in the family smokes marijuana, mom, cousins, uncles, dad." He smoked due to, "I liked to be cool and calm" and, at the time, did not believe it caused him any problems or difficulties.

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However, on one occasion, he was "caught with it at school" at age 16, when in the 10th grade at Garret Academy. He went through "juvenile arbitration" consisting various requirements. He also reported, "testing dirty several times" when drug tested at the Charleston Center. He reported having incurred a second marijuana charge in March 2014.

With regard to other substances, he reported trying ecstasy on one occasion. He reported no use of any other illicit drug, and no abuse of prescription medication. He "has seen people on hard drugs, and I don't want to be messed up."

Legal History: At age 14, in 2011, Mr. Smith reported a juvenile charge of Assault and Battery. He was "on the school bus, and somebody was sitting in my seat and he threw my jacket at me and we got in a fight." He reported the victim did not require medical treatment, and that he "wrote a letter to the victim and his family, did community service" and finished this intervention successfully.

At age 16, in 2013, and in the 10th grade, he was "caught with marijuana at school" and incurred a possession charge. He completed "juvenile arbitration, community service, two letters, and the Charleston Center, but I tested dirty several times..." He was placed in the "Twilight program for the rest of the year."

At age 17, in February 2014, he "was walking through Hampton Park and police said freeze." He was walking through the park at nighttime, and "saw a flashlight, they said 'freeze' and I got out of jail the next day." He "went to Lockwood Boulevard and it got deferred." He did not see an attorney for this charge.

At age 17, on March 11, 2014, he was charged with Possession with Intent to Distribute Marijuana. Mr. Smith was asked if this charge concerned him, given that it was his first felony charge, and his first arrest to result in adult charges. He stated, "I didn't know what PWID was, I thought it was Simple Possession, I thought I would get juvenile arbitration, thought it would blow over." Prior to his current case, he had not seen an attorney, or gone to court over this charge. He did not realize that the charge was a felony, and did not know the meaning of the charge. His first 'roll call' for this charge would have been on June 20, 2014, therefore, after his arrest for the current case.

▪ Developmental History- Interview Data [Maternal Grandmother]

His maternal grandmother, Ms. Carolyn Reid-Hanna, is married to her husband, Mr. Benjamin Hanna, with whom she has been involved for over twenty years. Both are in good health and reside in West Ashley. Ms. Reid is 56 years of age and has worked for 28 years as a housekeeper for a local family. Ms. Reid stated her daughter, Mr. Smith's mother, "was a teenager [at his birth], so I raised him...I let the mother grow." Given that his mother was 15 years old at his birth, and still a child, she resided in the home with Ms. Reid and Mr. Smith until age 18 or 19, when she moved out. Mr. Smith remained with Ms. Reid until age 13 or so. Ms. Reid stated she "told the mother I would keep him until double digits (e.g., approximately 10 years), and then he would move out." Therefore, during his formative years, his grandmother was his primary caretaker.

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As an infant, he was a "happy baby, never really whined, always busy." She reported no developmental delays or unusual childhood illness. However, when Mr. Smith was two months of age, he was placed in SCDSS custody for nine months due to a broken femur incurred by unknown circumstance. After SCDSS completed their investigation, he was returned to his family, and his grandmother was awarded formal custody through the Family Court. Ms. Reid believes her daughter (his mother) was "arrested" over the incident, but did not know further details. She stated the family still does not know how his leg was broken.

As Mr. Smith grew older, he was "always back and forth with his mother," as she would spend time with him both at, and away from the home. She stated his father "would come by every now and then, not on the regular, he was growing up himself," referencing that Mr. Smith's father was only 17 years old when Mr. Smith was born. Her husband was involved in Mr. Smith's life from birth, residing in the home; however, her husband "never tried to take the father role" with Mr. Smith. His maternal grandfather was "never in the home" as he was "in and out of jail for drugs" throughout Mr. Smith's upbringing.

As he grew older, Ms. Reid, "gave him time on the weekends, would go to church with him on Sunday..." Mr. Smith was "baptized" at the AME Morris Brown church and "grew up in that church." She noted he was very active as a younger child, "during summers he went to camp, played sports...basketball was his love..." and he spent many hours outside playing basketball. She stated Mr. Smith "went on family trips, traveled for basketball and boxing, I taught them love, care, share, give their things away [to less fortunate];" and she "bought him clothes, shoes, if he made good grades and was responsible, I rewarded him."

As a child and teenager, she described him as "real polite" in that she "taught him manners." He is not known in the family to have a temper, or to be 'hot headed' but "would voice his opinion as he got older." She has never seen violence from him in any manner. She never noticed Mr. Smith associating with the 'wrong crowd' of peers as a teenager, however, acknowledged she knew little detail regarding his friends.

When he incurred his first marijuana charge in high school, she "explained to him that wasn't the way to go." She "paid for treatment" at the Charleston Center, however, stopped paying once he did not pass his drug test. Although she tried to counsel him on "priorities, people and drugs," she never spoke directly with him about his marijuana use.

▪ Developmental History- Interview Data [Mother]

His mother, Ms. Pertina 'Tina' Reid, is 35 years old, and works for a medical office. She resides in West Ashley, with Mr. Smith's two younger siblings, his younger brothers, ages 5 and 11. Ms. Reid was 14 years of age when she became pregnant with Mr. Smith. She described her life at that time as a normal teenager, "running track" and in the 9th grade. She was 15 years old and in the 10th grade at the time of his birth. She reported no in utero use of alcohol, drugs or medications; pregnancy or birth complications; developmental abnormalities; or unusual childhood illness. She reported no developmental delays, and that he was a "healthy" child.

At two months of age, she received a phone call from his daycare that he needed emergent care, and hospital staff discovered a broken femur. It had been his "first night sleeping out with his dad." She did not know how this injury occurred. She was "arrested from [high] school" however, not charged with an offense. SCDSS "took him to foster care." She did not know any detail about the conditions of his foster care. Her mother then "got custody because I was so young." She resided in the family home until Mr. Smith was "age four or five" and then moved out. Her mother's (his grandmother) home was "the foundation" and Mr. Smith was "back and forth" between their homes in downtown Charleston, which were within walking distance.

His mother stated his father "did not play a big part in his life" until after Mr. Smith's current case. When Mr. Smith was three years old, his father was shot multiple times due to "being in the street...selling drugs." He was badly injured, and almost died. She was still in a relationship with him when this occurred. As Mr. Smith was so young, she did not believe he would have been exposed to this circumstance. She also noted that his father "very often" did not pay child support during his upbringing, which left her without much financial assistance.

As a toddler, he was "always into things, not fussy" and described a very curious child with a natural ability to "fix" household appliances from a young age. He was a "smart kid, A/B student, not an angry kid, would listen." She reported no oppositionality or conduct problems. She had "no major discipline problems" when he was a child, only "taking stuff away" for punishment on occasion. She stated, "basketball was his life, I would take that away from him and he would snap up [behave]." She stated repeatedly Mr. Smith has always been very respectful, and she instilled that in him from an early age.

His mother reported, that, since childhood, he has had a "roaming left eye and stigmatism." He has worn glasses from an early age "to make them [eyes] look straight." As a child, Mr. Smith told her other children would tease him over this, and call him "cross-eye" or "cock-eye." Partly due to this, and other reasons, Mr. Smith would "let kids beat up on him...and we said, 'no, you have to defend yourself.'" She stated they lived "on the project," and spoke to him that "you can't sit there and let someone beat up on you." He took this to heart, and began fighting back, which is how he incurred a misdemeanor Assault and Battery charge at age 14 after "a young man took his jacket and hit him with it and he hit back." She took him to counseling over this incident, and he completed a three-week class through his school. She believes this charge was "expunged." As he has grown up, his mother stated, "when he gets angry, he will get quiet, walk away," and she has never seen him violent. Overall, she described him as "very respectful, smart, but he shuts down, does not show emotion well."

When he was approximately 10 to 15 years of age, she was involved with the father of his younger brother, and their relationship was "not good." She described Mr. Smith "jumping in an argument" between them. She became involved with another individual, who is the father of Mr. Smith's youngest brother. This individual "would talk to Terrell" as an "older role model." However, she is no longer with this individual and he is no longer in Mr. Smith's life.

Regarding social activities during childhood, he "did good" in boxing and "got a belt." He played "traveling basketball, competed state to state, AAU league," and attended church, including the "MIME dancing" at church. She also noted he was a hard worker, and "got his first job at age 15" at a downtown restaurant.

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His mother first noticed a change in Mr. Smith during "middle school" after she found evidence he had smoked a cigarette. She spoke with him about this incident, and he was receptive. His next major change came at age 14, when he "stopped playing sports." Up to this age, he was very involved in extracurricular sports activities. She stated, "after this, he really went down, started smoking [marijuana] real hard, stopped going to school, started sleeping out of my house..." He began staying with his grandmother in West Ashley, and then with his paternal great grandmother, who resided downtown. Aside from marijuana, she knew of no other drugs, or alcohol. She believes his cousins may have first exposed him to marijuana.

When asked to describe his peer group, she stated, "I don't know." She did not know any of Mr. Smith's friends as a teenager in the year or two prior to his arrest. He "never brought friends over." However, she knew he would associate with individuals "on Congress Street." She knew this was a "bad area" with people ranging from "50 years old to teenagers in the streets." She had never met or heard of the victim or his family.

When speaking with his mother, she noted several times that, "me and Terrell, we're just 15 years apart, so when we talk..." She implied that she feels much like a friend versus a parent given that they are relatively close in age for a parent/child relationship.

▪ Developmental History- Interview Data [Father]

His father, Brendyn 'Terrell' Smith is 37 years of age, resides in West Ashley, and has worked at a car rental business for the past three years. He is also a "trustee and usher" at Ebenezer AME church. He is single and Mr. Smith is his only child. He was 16 and in the 10th grade when Mr. Smith was conceived, turning 17 at the time of his birth.

His father attended school through the 11th grade, and later earned his GED. He reported his only criminal history as "locked up for child support one time when I was in the hospital." At age 19, when Mr. Smith was three years old, he was shot multiple times in a robbery over drugs, and was severely injured. He was hospitalized for months, "learned how to walk again, had a colonoscopy bag..." A year or two after this incident, he and Mr. Smith's mother ended their relationship over his infidelity, when Mr. Smith was four or five years of age. They did not reside as a family, having their own residences.

Further, when Mr. Smith was a child, his father was diagnosed with kidney disease, requiring heavy dosages of steroids. Subsequently, he had significant medical issues during Mr. Smith's pre-teen and early teen years. He had "two hip replacements" in 2012 as "the steroids deteriorated my bones." Therefore, when Mr. Smith was a young teenager, he was sick, with limited mobility, on high dosages of pain medication and recovering from surgery. He presently receives disability compensation for his history of illness.

When asked his involvement in Mr. Smith's life, he stated, "I was young, I could have been around more... I would be a better father now" explaining he was now older and more mature. He stated this was particularly true during his lengthy health issues, and that Mr. Smith "had a lot of free reign." He stated, "I was real easy" as a parent, and that looking back, "I should have been harder." He stated, "me, Tina and him, we all grew up together, young parents... I thought when he got older, we would get closer because he wouldn't be a child."

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Although he knew of Mr. Smith's prior arrests for marijuana, he did not realize Mr. Smith was smoking marijuana to the extent he was until he attended his trial. He knew of marijuana use from his charges, but stated, "he never brought that stuff around me." Shortly before Mr. Smith's arrest for his current case, he saw him "light up a cigarette" at a family wedding, which surprised him. He stated, "it looked like he was trying to be older than what he was."

His father has never seen Mr. Smith violent, or aggressive, describing him as someone who does not anger easily. He stated, "he has never, ever talked back to me," and described a respectful youth. Regarding his peers, his father knew "none" of Mr. Smith's friends, and knew little about his activities as a teenager. He did not know, nor had he heard of, the victim or the victim's family.

▪ Developmental History- Interview Data [Maternal Aunt 'sister']:

His maternal aunt, Ms. Shaqucena Reid, is 24 years old, works as a "school bus driver for Charleston County," and has a 6 year-old son. She is also attending graduate studies for a degree in Human Resource Management.

Her sister, Tina, is Mr. Smith's mother, and they are 11 years apart. She was only four years old when Mr. Smith was born, and for some time, they were raised together as brother and sister in the same household. They "did everything together" as children, as it was "just me and him" as the "young kids" in the family. She described that she and Mr. Smith would often sleep at different relatives' houses and rotated from her sister's home, to her mother's home. As Mr. Smith's mother (her sister) was only 15 years of age when she had Mr. Smith, she was asked how that impacted the family. She stated that another close relative had a child at age 14 or 15, and that she had a child during her senior year of high school, so "it was in the family" and not unusual.

Her mother (Mr. Smith's grandmother) was "both of us mama, she raised both of us at the same time." Mr. Smith's mother "still lived [in the household] as a kid, went to prom, anything she wanted to do as a kid [was allowed]...but also had a responsibility with 'Rell.'" She stated her sister (Mr. Smith's mother) moved out with Mr. Smith when he was older, but "only moved eight doors down, we saw each other every day."

Shaqucena verified the shootings of young teenagers in their neighborhood when Mr. Smith was a child. She identified the three individuals, each 14 or 15 years old, who were shot [in separate homicides] close to Mr. Smith's childhood residence. These individuals were "very playful, like to tease Rell, they saw him every day..." Two of these teenagers "used to gamble with dice, everybody used to shoot dice" and recalled Mr. Smith having dice as a young child. One of these individuals would have been "the first person in Rell's life to die." She stated the "boys in the neighborhood are all in jail or dead now." She further said that, there were a "lot of crack heads in the neighborhood, and our house was on the cut and the junkies walked through the cut, a lot of people getting killed, it was violent."

When Mr. Smith began high school, she observed that he became more self-conscious with his appearance and "just acted like a teenager." He was "very good at basketball and we didn't understand when he didn't want to play ball [in high school]."

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He was "real good at math and science, always real smart in school, but his grades started slipping in high school." The family was very surprised when he first got into trouble with having marijuana at school. She noticed, that as he grew older, he smoked more marijuana. She would "start telling him about the law" and that he could get in legal trouble if he continued. However, she believes "he didn't take it seriously because of marijuana, he thought 'it's just weed.'"

When asked about his peer group, she stated, "I don't know any of Rell's friends, he's always been like that... I can't tell you one of his friends." She had never heard of the victim or his family. She described the Congress street area as a "strip with a lot of kids [teenagers] riding bikes, running around, near Strawberry Lane, the cut." She stated, "I don't know what he had going on in the street." She reported never having seen a temper or anger outburst from Mr. Smith and that he does not outwardly express anger. Instead he will "just walk away, no drama."

▪ Developmental History- Interview Data [Maternal Step-Grandfather]

Mr. Benjamin Hanna is married to Mr. Smith's maternal grandmother, and they have been together for the past 27 years. Therefore, Mr. Smith was a "baby" when Mr. Hanna came into the family, and he has always been involved in Mr. Smith's life. Mr. Hanna is 57 years old, and has worked as a salesman in a men's clothing store for 15 years. Mr. Hanna described Mr. Smith's family as a "real close knit family" who look after each other. He described Mr. Smith as a "happy little boy" during his childhood, who was "cheerful, made jokes."

He first noticed changes in Mr. Smith when he began high school as, "before that, he was under our wing." He recalled one incident when they were taking Mr. Smith to high school (West Ashley High School, 9th grade) and he "jumped out of the truck, stating, 'I don't want to go!'" indicating that something was wrong, and troubling him at school.

Mr. Hanna stated that before high school, Mr. Smith was "into basketball, a laid back guy." However, once he began high school, he was "coming in late, hanging with the wrong peers." He also began "hanging downtown, on the East Side" and "back of the Green" even though he did not live downtown at the time. Mr. Hanna did not know any of his peers, including the victim, despite having worked with the victim's father for 14 years. However, he would "see him hanging with peers who were going down the wrong path." He also noticed in the year prior to the incident that Mr. Smith was no longer neat and clean in appearance. He had to counsel him to "go get a hair cut" and his clothes had become somewhat sloppy. Mr. Hanna would tell him, "slow up, you're going down the wrong path" and Mr. Smith would reply, "you wouldn't understand." He did not confide to Mr. Hanna what he meant, but implied something was going on that he was struggling with, but could not talk about with his family.

Once Mr. Smith's marijuana use became obvious (e.g. apprehended at school), Mr. Hanna tried to "counsel him" about it, however, Mr. Smith seemed "nonchalant," and "was thinking weed is just weed." Mr. Hanna stated, "a child is a child is a child," in that they tried to talk with him, and although he would listen patiently, he continued the behavior (e.g., smoking marijuana).

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▪ Developmental History- Affidavit Data [Boxing Coaches]

Mr. Smith's former boxing coach, *Coach Eric Jackson*, has "known Terrell Smith his entire life." Coach Jackson worked at the Charleston Boxing Club for many years, and identified himself as a "coach and mentor" to Mr. Smith. He described Mr. Smith as "unlike most young boxers, Terrell had a very good sense of following directions" and that he helped out young fighters." He "acted as a leader...would make sure the younger boys had everything they needed for the matches..." Coach Jackson would travel with Mr. Smith and the other boys "as a team." He "never had any behavioral problems from Terrell" during these outings. Regarding his boxing abilities, he noted Mr. Smith was "always attentive and looking to get better and improve his skill set." Coach Jackson described Mr. Smith as "a very positive young man...always smiling...working hard and laughing."

He further noted that "the funding for the boxing program was cut by the City of Charleston which, in too many cases, left the youth of our city with a void in their lives that led to idle time." He "could never have imagined" Mr. Smith in his present legal position, but stated, "he can overcome this and be the productive and contributing young man we all expected him to be."

Coach Al Meggett [Coach 'Hollywood'] also submitted an affidavit regarding his work with Mr. Smith. Coach Meggett has operated the Charleston Boxing Club for "over thirty years." He worked with Mr. Smith for several years during his adolescence, and described him as a "very hard worker" who "took practices seriously" and "never caused trouble." As did Coach Jackson, Coach Meggett described losing funding for the club over time, which "caused me to loose [sic] many relationship with young boxers like Terrell."

▪ Developmental History- Affidavit Data [Recreation Leader]

Mr. Mario Drayton has worked for 21 years as a Recreation Leader for the City of Charleston. He has known Mr. Smith's family for many years, and knew Mr. Smith well throughout his childhood. He stated Mr. Smith spent "many hours" playing basketball in a local park, and "never gave us any trouble." He described him as "smart" "a hard worker" "kind" "polite" "respectful" "well mannered" and "real quiet." Mr. Drayton "lost track" of Mr. Smith as he began high school. He never saw aggression or violence and was "shocked" at his arrest.

▪ Developmental History- Affidavit Data [Church Leader]

Ms. Shirley Scott has known Mr. Smith's family for generations, having grown up with his grandmother. She noted that his mother was "very young when Terrell was born" which prompted community involvement "so that she could continue to go to school and grow up herself." Ms. Scott has worked for the city's Parks Department for over 31 years, and noted that Mr. Smith was involved in her after-school program and camps "from the time he was able to walk until he was about 13 years old." She also noted his "very active" involvement in their church, Morris Brown AME as an usher and praise dancer. She described Mr. Smith as generous, diligent with his work, kind, respectful, and responsible. She noted he was bullied often due to wearing glasses "to assist with correcting his crossed eyes." At age 13, his family moved him from downtown, which separated him from the church and the park's youth activities.

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▪ Developmental History- Affidavit Data [ROTC Officer]

Major Rayford Mitchell works as a Senior Army Instructor at Garret Academy. He was Mr. Smith's "teacher, mentor and professional friend" for several years during Mr. Smith's adolescence. He described Mr. Smith as "respectable" during his classes and with others; and was a "typical teenager with some flaws, just like any other." He believes Mr. Smith is a "good young man who lost his way."

HISTORICAL DATA - COLLATERAL SOURCES: Pertinent familial and developmental history pertaining to Mr. Smith's childhood and adolescence, is provided below from collateral records, in chronological order of events.

▪ Familial History – Collateral Data (Childhood/Adolescence)

Mr. Smith lacked paternal guidance and support during his childhood and adolescence. Criminal history records for individuals who revolved in and out of this role indicate lengthy criminal histories, to include the following. Mr. Smith's *biological maternal grandfather* has an extensive history of charges from 1971 to 2009, including multiple felonies, violent charges and drug charges (including marijuana), with several incarcerations. His *maternal step-grandfather* has multiple charges from 1983 to 2008, including Possession of Marijuana. Mr. Smith's biological father, Brendyn Smith, has one arrest for Contempt of Family Court in 2009 (with interview data indicating prior involvement in selling drugs). The father of Mr. Smith's younger brother, Kerry Scott, with whom he lived for some time, has a history of multiple felony and misdemeanor charges from 1998 to 2013, including many drug charges (cocaine and marijuana charges). The father of his youngest brother, Nathaniel Fabor, whom he considered a paternal figure, has a history of lengthy charges from 1996 to 2014, to include felonies and misdemeanors, with multiple marijuana charges, and a history of incarcerations. Finally, an older (by twenty years) first maternal cousin, Damon Reid, provided guidance to Mr. Smith during his childhood and adolescence, with Mr. Reid's charges stemming from 1989 to 2013 with violent charges, drug charges (including marijuana), and incarcerations. (It should also be noted that his *maternal grandmother* has a history of a marijuana-related charge).

▪ Developmental History – Collateral Data (Childhood/Adolescence)

Medical Records [Medical University of South Carolina]: In January 1997, when Mr. Smith was 13 weeks old, he was removed from his mother's care by SCDSS and placed in foster care. Mr. Smith had spent the night at his father's home the night prior, and was recommended to emergency treatment by daycare workers on the morning of admission. Records note "he was removed from the home of a 15 year-old mother after sustaining some injuries to the left hip." He was admitted with a "right femur fracture and possible evidence of old fractures of the left fourth rib laterally, right tibia, and possibly bilateral radius fracture." He "was admitted with the suspicion of the child being a victim of physical abuse."

He was released from the hospital on January 20, 1997, and made "a ward of the Department of Social Services..." On this date, "DSS recommended EPC [Emergency Protective Custody] ...[as]...no history given by family is consistent with his injuries." He was "placed in temporary foster care, until the charges of child abuse are further investigated and resolved."

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Social Records [South Carolina Department of Social Services - SCDSS]: SCDSS records note, that on **January 16, 1997**, they "received a report alleging physical abuse to Terrell Smith by his parents Pertina Reid and Brendyn Smith." The admitting hospital physician at Roper Hospital "stated he suspected child abuse because there was such a clear break that someone would have had to literally break this child's leg." He transferred the case to a second hospital (MUSC), where the receiving physician "stated his findings were an acute right femur fracture, remote left fourth rib fracture, and suspicions of child abuse." Records indicate he was subsequently placed in Emergency Protective Custody "resulting from the seriousness of his injuries and the lack of pertinent information received from the family."

On **May 14, 1997**, the Family Court ordered, "the legal and physical custody of the minor child, Terrell Smith, should remain with the Charleston County Department of Social Services." His parents were ordered to complete a "Family Bonding" program, Parental Effectiveness Training and psychological evaluations. The court also ordered that his aunt ('sister') be taken to the Low Country Children's Center for evaluation.

On **October 31, 1997**, "temporary legal and physical custody" was granted to his maternal grandmother, Carolyn Reid. His parents were ordered to complete conditions prior to restoration of their custody, to include mental health counseling, anger management, and monthly child support payments.

Later SCDSS records indicated that Mr. Smith's father was in arrears in child support payments multiple times throughout his upbringing, with the last occurrence in **May 2013**, when Mr. Smith was **16 years old**.

Academic Records [Charleston County School District]: Mr. Smith's student summary report from Lang Middle School and Garret Academy indicates he earned good grades in high school and middle school (mostly 80's and 90's). Standardized testing from the Spring of 2013, indicated he met the exit requirements for ELA [English Language Arts] and Math on the HSAP [High School Assessment Program]. Records do not reference special learning accommodations or assistance, and no records were found with the Office of Exceptional Children.

Disciplinary events at his high school from **October 7, 2011 to October 18, 2013, ages 14 to 16**, reference 11 incidents, to include: tardiness (two), cutting class (three), refusal to obey (two), disrespect (two), detention violation, and drug possession. He was given in-school suspension for most infractions, as they were minor in nature. However, the drug possession infraction resulted in a juvenile charge, and he was given out-of-school suspension for five days. He was subsequently placed in the Twilight program for the remainder of the school year.

Family Court Records [Ninth Judicial Circuit- Charleston County]: His juvenile arrest history indicates that, on **April 8, 2011**, at **age 14**, he incurred a charge of Assault and Battery, 3rd Degree, and was sent to "Youth Court Diversion." An incident report could not be found from April 2011. However, an Incident Report for A&B, 3rd Degree from February 2011 indicated that a school principal contacted police about an incident on a school bus. This incident involved Mr. Smith and an older female student (age 15), during which Mr. Smith tried to hug her, and engage in other touching. Neither the female juvenile, nor her mother wanted to press charges, and "the female juvenile stated that she is not in fear of the male juvenile." Therefore no action was taken.

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On February 14, 2013, at age 16, and in the 10th grade, Mr. Smith was charged with Simple Possession of Marijuana. Per the incident report, a school resource officer at Garret Academy "observed a group of juveniles... walk into the boys' bathroom." The officer "proceeded to walk into the bathroom when I observed [another juvenile] pass an item to suspect Smith, which looked to be a small joint." Mr. Smith and a second juvenile were arrested, and both released to their parents "under Custodial Promise." The quantity involved 0.01 grams of marijuana. Mr. Smith was suspended and placed in the Twilight program for the remainder of the school year.

His case was processed through the Juvenile Pre-trial Diversion Program. As part of this program, Mr. Smith completed 12 hours of community service working with neighborhood children; took a Charleston County jail tour; wrote an essay and apology letter; was exposed to a Victim Impact Panel; attended the Insider's program; and attended sessions at the Charleston Center. As he completed program requirements, he submitted an "Essay," in which he referred to the components of the Diversion program as a "real eye opener." In particular, "walking through the jail as I looked around and as I was trying to picture myself living in those conditions. I honestly don't think I can. Living in a 8x8 box for 23 hours a day, only being able to see my family on weekends...." He specifically cited the Insider's Program, and that he "could relate to many things [the speaker] was talking about... the decisions I make today is what's going to stir [sp] where my life could go tomorrow." In his apology letter, he wrote, "I know there's a consequence behind every action and I would like you to know I appect [sic] mines no matter what it shall be."

On June 24, 2013, at age 16, Mr. Smith's family court case regarding his Simple Possession charge was closed with "successful completion of sanction/program requirements."

Substance Treatment – [Charleston Center Records]: As part of his juvenile arbitration, Mr. Smith was sent for treatment and drug testing at the Charleston Center. Upon intake to the Charleston Center, on March 6, 2013, he reported beginning marijuana use at age 15. He used once weekly with peers, smoking "five joints with five people." He reported "that it was hard to go without marijuana for approximately three weeks" and "viewed this as a very long time." He reported first smoking cigarettes at age 15, and that he smoked half of a cigarette "every other day" until he stopped in 2012 to better his basketball game. He denied use of all other substances.

Additionally, he reported a "history of treatment for anger management beginning in the 4th grade." When fighting in the 4th grade, he adopted the mentality of "everyone was being beaten up at that time so it was either beat or get beaten up." He referenced wearing glasses as the reason other children would tease him, which sometimes turned physical. Other children 'telling' on him, or stealing from him, were also reasons for physical altercations at a younger age. He reported several additional fights when older, after another male "boxed" his female cousin, and after he "defended someone." He reported being disrespected as a reason for becoming angry.

Regarding his family dynamics, he reported an "estranged relationship with his father" and that his "maternal grandfather is incarcerated due to selling drugs" who "may have a history of substance use issues." He also reported that he might "do better" at another school aside from Garrett, and that "my parents went there and my family wants me to be something I'm not."

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When asked about trauma, he reported that "grandfather's going to jail was traumatic...being beaten up in 4th grade due to having glasses was traumatic...also acknowledged his father was in and out of his life and it was traumatic to him." He reported his younger brother's father "was emotionally abusive to mother and was once physical. He indicated that he got physical at that time."

The evaluator noted that Mr. Smith "appears to have limited pro-social support." His peer group was significant for marijuana use, and his *"family appears supportive yet somewhat disconnected from client's behaviors"* including his marijuana use and peer group. His grandmother was supportive but *"was not in touch with several aspect's of client's history."* It was noted he was "exposed to emotional and possible physical abuse with 'stepfather' against mother."

After completing his intake, Mr. Smith was described as "lacks insight into linking problems with his use;" "lacks insight into genetic predisposition;" "lacks pro-social support to aid him in abstinence from substances;" "lacks coping skills to aid in handling emotions;" and "lacks insight into decision making skills." The counselor noted his strengths as "open, honest and resilient." He was diagnosed with Cannabis Abuse and recommended for "Adolescent Outpatient Services" with "individual therapy with counselor."

Therefore, on **March 7, 2013**, Mr. Smith began services at the Charleston Center with his case closed on July 31, 2013. Their records from this intervention, dated **May 2, 2013**, indicated "fair to good" progress, but "minimal insight" into his drug problem. He ranged from "superficial compliance to showing genuine interest." It was noted he "actively participated" and "attends consistently."

In his discharge summary dated **July 31, 2013**, his progress was noted as limited in that he "made progress on goals up to a point...appeared to have a turning point at which time he struggled with attaining and maintaining abstinence." Specifically, on April 29, 2013, he tested positive for marijuana, and staff believed, "he appears to be struggling with abstinence from substances." He left the program prematurely, "against AMA."

Law Enforcement Records [Charleston Police Department]: Per his 'rap sheet,' on **February 13, 2014**, at **age 17**, Mr. Smith received a misdemeanor offense of Loitering from the Charleston Police Department. [The incident report detailing the allegations was not available for review]. However, this charge was "*nol prossed*" on May 20, 2014, prior to his current case.

On **March 11, 2014**, at **age 17**, Mr. Smith was arrested within the City of Charleston for a felony charge of Possession with Intent to Distribute Marijuana. Per the Affidavit, Mr. Smith was found to have 14.4 grams of marijuana on his person, after officers "conducted a person stop" while conducting surveillance in the area. The marijuana was packaged in thirteen individual bags. He was arrested without incident and detained at the Charleston County Detention Center. Per an Indictment/Warrant Status Change Form from the solicitor's office, this charge was "*Nolle Prosequi*" due to "Defendant convicted of Murder," dated February 7, 2017.

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PRESENT EVALUATION

MENTAL STATUS EXAMINATION: Mr. Smith's clinical presentation was consistent across all three interviews. He presented as appropriately dressed in jail-issued attire, with good attention to grooming and hygiene. He appeared his stated age with slender build. During each interview, he was cooperative, pleasant, polite and respectful. He wore glasses, and was able to read necessary forms without difficulty. He asked responsible, and insightful questions, asking the examiner the meaning of certain words, and concepts. His mood was stable, with congruent affect. His speech was of normal rate and rhythm, with no abnormalities noted in psychomotor functioning. His thought process was linear and organized, with thought content appropriate to the evaluation inquiries. He was able to maintain focus throughout the interview, with no apparent restlessness or hyperactivity. There were no overt indicators of major mental illness, personality pathology or cognitive deficits.

Interview I [October 13, 2016 – Current Functioning]: Regarding any history of psychiatric symptoms, he reported no symptoms consistent with major mental illness, including psychotic symptoms; major mood disorder (e.g., depression or mania); anxiety disorders; obsessive-compulsive symptomatology; or trauma-related disorders.

Regarding functioning, he reported "taking one day at a time." He reported, "staying to myself," with no dysregulation in mood, appetite, energy level, memory, concentration or sleep. However, his sleep patterns are reversed in that he sleeps during the daytime, and is awake during the night. He rises for meals, is eating regularly and believes he may have gained weight at the jail. He reported no history of, or current, suicidal or homicidal ideation. He reported his current mood as "not hopeless, just no happy feelings" and described feeling numb as a way to deal with his situation. He reported present worry about "certain things, like getting to prison and getting used to things and not being able to come back." He reported no excessive worry, anxiety or panic attacks.

His activities include "reading law books, Black's Law Dictionary, books on criminal procedure." At nighttime, he "reads books, talks to the CO's, talks to my roommate." He reported regular visits, including his mother, father, grandmother, uncles and a "couple friends." He also keeps in touch with his family by phone. He engages in physical exercise as he can, utilizes his out-of-cell time, and maintains proper hygiene. He reported taking no medication, with no known need for medical services, and no mental health services while detained.

Brief Cognitive Examination: A brief cognitive examination completed on **October 13, 2016**, indicated that Mr. Smith was oriented to date, day of the week, season, floor, town, state, office, current President and prior President. He identified a current event in the news, and correctly identified the direction of travel to various locations. He registered three items and recalled all three after a five-minute delay. He accurately and rapidly spelled a five-letter word backwards. He completed a trial of serial seven's with one error. Responses to similarities between item pairs and proverbs were evident of the ability for abstraction. Judgment and insight were intact.

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Interview II [January 17, 2017 – Current Functioning]: As of the second interview, Mr. Smith reported stable functioning, with no dysregulation of mood, sleep, appetite, energy level, or concentration. However, he reported occasional nightmares about the events leading to his charges. He also described feeling sad learning about the recent [separate] murders of two young men he knew previously. He reported no suicidal or homicidal ideation. He was not taking any type of medication, nor under treatment for any type of medical or mental health disorder. He reported continued regular visits by his family. He again expressed a desire to take the GED test, and to resume the DAODAS program. Regarding the latter, he believes he needs treatment for “marijuana and gambling.” He is “reading books” and “watching television” to pass the time, as well as “working on my case.” He is also “teaching myself Sudoku, and logic puzzles,” providing an example for the examiner.

Interview III [March 23, 2017 – Current Functioning]: During the third interview, Mr. Smith reported stable functioning, with no dysregulation in mood, sleep, appetite, memory or concentration. He reported no medication or psychiatric/medical treatment of any kind. He continued to work on GED practice tests, with frequent visits and phone calls from his family.

PSYCHOLOGICAL TESTING: On March 23, 2017, Mr. Smith was administered psychological assessment measures to assess his cognitive and intellectual functioning, academic skills level, personality and symptom functioning and substance use. He reported no adverse conditions that would impact his effort or ability to complete the testing. He reported no use of medication, or illicit substances. He wore glasses for the testing. Results of his psychological testing are considered a valid representation of his abilities, and are summarized below.

Intellectual/Cognitive: Mr. Smith was administered the *Wechsler Adult Intelligence Scale®*, 4th Edition (WAIS-IV) to assess his intellectual abilities. Testing results indicated a Full Scale IQ of 93 (FSIQ = 93), falling within the 37th percentile rank, indicating that he scored equal to or better than approximately 37% of similar-age peers. His IQ score fell within the ‘Average’ range of intellectual functioning. Confidence intervals constructed to account for the standard error of measurement indicated that there is a 95% chance that his true IQ falls between 91 and 99.

On the four composite score indices, he obtained a score of 96 on the *Verbal Comprehension Index* (VCI = 96), falling within the 39th percentile rank, indicating he scored better than approximately 39% of similar-age peers. He obtained a score of 96 on the *Perceptual Reasoning Index* (PRI = 96), falling within the 39th percentile rank. He obtained a score of 89 on the *Working Memory Index* (WMI = 89), falling within the 23rd percentile; and a score of 102 on the *Processing Speed Index* (PSI = 102), falling within the 55th percentile. All scores fell within the ‘Average’ range of intelligence, except for his Working Memory Index score of 89, which fell in the ‘Low Average’ range.

See IQ table below for summarization of Mr. Smith’s intellectual testing results:

IQ Test	Year/ Age	Examiner	*Full Scale IQ / % Rank	VCI/ % Rank	PRI / % Rank	WMI / % Rank	PSI/ % Rank
WAIS-IV	2017 20 y.o.	S. Knight, Ph.D. ABPP	95 (37 th)	96 (39 th)	96 (39 th)	89 (23 rd)	102 (55 th)

*(IQ scores have a mean of 100 and a standard deviation of 15).

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As reflected by his IQ index scores, Mr. Smith's *Verbal Comprehension* and *Perceptual Reasoning* abilities are evenly developed. The former involves verbal reasoning, vocabulary development, verbal concept formation and more concrete (learned) intelligence; while the latter involves visual perceptual abilities, nonverbal (fluid) reasoning and novel problem solving.

More detailed subtest analysis revealed a significant strength on '*Matrix Reasoning*,' which involves identification of patterns, and uses visuo-perception abilities, non-verbal reasoning and fluid intelligence to solve novel problems. A significant weakness was found on the subtest '*Digit Span*,' which requires one to register, retain and repeat or manipulate digit combinations. This task utilizes concentration, short-term memory, auditory processing, and cognitive manipulation. This finding may indicate that he has relative difficulty retaining and using information he hears (versus sees), either due to issues with concentration, memory or auditory processing.

It should be noted that Mr. Smith's testing administration was notable in that he was overtly determined to arrive at the correct response. He would work well past time limits to solve the problem, or to try and respond correctly. Providing correct responses seemed very important to him, and reflected traits of determination, resolve, and persistence.

Achievement (Academic) Skills: Mr. Smith was administered the *Wide Range Achievement Test, 4th Edition (WRAT-4)* to assess academic skills of word reading, sentence comprehension, spelling and mathematics.

See table below for summarization of Mr. Smith's achievement testing results:

Test	Year/ Age	Examiner	Word Reading / Grade Level	Sentence Comprehension / Grade Level	Math / Grade Level	Spelling / Grade Level
WRAT-4	2017 / 20 y.o.	S. Knight, Ph.D. ABPP	82 / 6 th Grade	93 / 10 th Grade	94 / 8 th Grade	82 / 6 th Grade

*(Scores have a mean of 100 and a standard deviation of 15).

As reflected by scores on the WRAT-4, Mr. Smith comprehends what he reads (e.g., sentence comprehension) at the 10th grade level, with his mathematics skills at the 8th grade level. He performed slightly lower on his word reading, and spelling skills, testing at the 6th grade level.

Substance Abuse: The *Substance Abuse Subtle Screening Inventory, 4th Edition (SASSI-4)* is a self-report measure used to identify the probability of a Substance Dependence disorder. Based on validity measures, Mr. Smith approached the testing in a valid manner, with no random responding or defensiveness indicated. Results from the SASSI-3 classified Mr. Smith as having a "*High Probability of Severe Substance Use Disorder*." The results were addressed with Mr. Smith during a follow-up interview, and he acknowledged that his marijuana use had progressed into frequent, severe and problematic use, from ages 14 to 17. Such acknowledgement indicated that he has developed insight and awareness of this issue, which he did not have during prior substance treatment when he was younger.

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Psychopathology and Personality: The *Personality Assessment Inventory*TM (PAI) is a self-report measure designed for the clinical assessment of psychopathology and personality. Validity indicators suggested that Mr. Smith responded to the testing in an upfront manner, with no attempt at positive or negative impression management. However, "idiosyncratic responding" may have impacted results to some degree, necessitating a more cautious interpretation. This type of responding could be due to inconsistent responding, or difficulty with item interpretation.

Drug use and its impact on his functioning were prominent in PAI test results. For example, testing results indicated Mr. Smith "likely ruminates about his life circumstance, and the urge for drugs may be at the center of these ruminations." The likelihood of "significant impairment" in social functioning due to drug use was also prominent, however he may be "more likely to attribute such problems to external factors than to admit its relation to his drug use." He also reported "sufficient...negative consequences" from drug use, including "strained interpersonal relationships, vocational and/or legal problems and possible medical complications."

Other findings included suspiciousness, hypervigilance and sensitivity in his interactions with others, questioning and mistrusting others' motives. He may characterize himself as self-assured and confident, with others seeing him as "ambitious" with a "leader-like demeanor." However, during stressful times, he may be prone to be "self-critical, uncertain and indecisive." Anxiety was also present, likely due to a "disturbing traumatic event...that continues to distress him and produce recurrent episodes of anxiety."

In a follow-up interview with Mr. Smith, he clarified that all references to "drugs" on the PAI were to his history of marijuana use, and not other types of drugs. He acknowledged the difficulty marijuana use has caused in multiple facets of his life, indicating good insight into these problems. Regarding the findings on interpersonal interactions, he believes he was "easier to get close to before this happened." Further, he acknowledged that his correctional environment has influenced his interactions with others, where he feels he must be more hypervigilant, and questioning of others' motives for the sake of interpersonal safety. Regarding anxiety, he endorsed critical items that he 'keeps reliving something horrible' and has been 'troubled by memories of a bad experience,' which he confirmed was the incident leading to his charges.

DIAGNOSTIC FORMULATION: The following diagnoses are rendered on the bases of the above data and according to the *Diagnostic and Statistical Manual for Mental Disorders, 5th Edition*, (DSM-5).

- **Diagnosis:** Cannabis Use Disorder, Severe, In a Controlled Environment
(Previously Axis I & Axis II)
- **Medical Conditions:** None Known
(Previously Axis III)

Diagnosis: Per DSM-5, Mr. Smith meets criteria for **Cannabis Use Disorder, Severe, In a Controlled Environment**. From age 14, Mr. Smith has used marijuana on an almost daily basis, with clinically significant consequences from use. He has incurred two legal charges directly related to use, including one as a juvenile, and one as an adult; with marijuana also implicated indirectly in his current case. He has failed urine drug testing during treatment for marijuana use, and reported dependence on marijuana to feel "calm and collected." Treatment records indicate he has a difficult time going weeks without using. Further, he has possibly experienced health related issues, as the jail medical staff believes his history of marijuana use may have contributed to a mild health condition (e.g., bilateral gynecomastia).

When discussing his marijuana use during the first interview, Mr. Smith continued to lack insight into problems caused by his use. He also reported systemic marijuana use within the family, thus, normalizing his own experience and use. During the second interview, his insight had improved somewhat as he was able to identify legal consequences from his use. Testing during the third interview confirmed continued improved insight, as he responded honestly and forthright when asked questions about the severity of past substance use. He was better able to recognize the gravity of consequences, and adverse impact on his life.

The qualifier '*In a Controlled Environment*' is utilized to designate that this disorder is not in remission, but that his access to marijuana is restricted due to his current detention.

Medical Conditions: Regarding any '*Medical Conditions*,' Mr. Smith has no history of major medical illness. Medical records from his current detention do not reflect major medical conditions. He has been examined for only minor issues, including administration of OTC pain relievers for right shoulder pain from playing sports; antacids for "heart burn;" examination of a possible nodule on his chest, and a sprained wrist. He was also noted to have "very mild bilateral gynecomastia" and medical staff...explained it could be from marijuana use."

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Further, as compared with adults, adolescents are much more susceptible to peer influence, particularly negative peer influence, and are more likely to make riskier decisions in the presence of their peers.^{9,10}

As Mr. Smith fell within the category of 'adolescent' at the time of his charges, he was thus subject to the above 'hallmark features.'

II. Family and Home Environment

Adolescent Parents: As noted above, Mr. Smith's parents were teenagers, with his mother only 14 years old when she became pregnant. At the time of his birth, his mother was 15 and his father was 17. Children of teenage parents have increased risk for multiple adverse outcomes, including physical abuse, and foster care placement as a child.¹¹ In Mr. Smith's case, at 13 weeks old, he was taken from the family due to suspected physical abuse. He was placed by SCDSS into foster care for approximately nine months. This maternal separation occurred at a critical time in his development, which may have resulted in a weakened maternal bond or insecure attachment as he developed.¹² Attachment disruptions have been linked to difficulty establishing close or positive relationships later in life. After release from foster care, the family court awarded custody to his maternal grandmother. She assumed responsibility for his upbringing, until his early teenage years.

In addition, children of teenage mothers are less likely to complete high school (e.g., he discontinued his schooling), and sons of teenage mothers are at a significantly increased risk for incarceration,¹³ both of which apply to Mr. Smith.

Lack of Positive & Stable Paternal Influence/Familial Criminality: Further, Mr. Smith lacked stable or positive paternal guidance and influence. His father, by all accounts, was absent from his upbringing, having only recently established a relationship subsequent to his current case. SCDSS records note his father failed to pay child support on multiple occasions (verified by his mother), with the last incident occurring when Mr. Smith was 16 years old. Treatment records at age 16 indicated an "estranged relationship" with his father, which was "traumatic" for him. Although his mother was involved in relationships with the fathers of his siblings, they did not assume stable, paternal roles; and a review of their criminal record indicates a lengthy history of criminal charges (e.g., violence and drugs). Further, paternal influences within his family, including his maternal grandfather, maternal step-grandfather and older maternal cousin, all have lengthy criminal histories, with multiple drug and violent charges, as well as incarcerations.

⁹ Margo Gardner & Laurence Steinberg, *Peer Influence on Risk Taking, Risk Preference, and Risky Decision Making in Adolescence and Adulthood*, 41 DEV. PSYCHOL. 625 (2005).

¹⁰ Laurence Steinberg & Kathryn Monahan, *Age Differences in Resistance to Peer Influence*, 43 DEV. PSYCHOL. 1531 (2007).

¹¹ Saul D. Hoffman, *By the Numbers: The Public Costs of Teen Childbearing* [Online]. https://thenationalcampaign.org/sites/default/files/resource-primary-download/btn_national_report.pdf. (Oct. 2006).

¹² John Bowlby, *ATTACHMENT AND LOSS* (1969).

¹³ National Campaign to Prevent Teen Pregnancy, *Not Just Another Single Issue: Teen Pregnancy's Prevention's Link to Other Critical Social Issues* [Online.] <http://files.eric.ed.gov/fulltext/ED462522.pdf> (Feb. 2002).

Therefore, Mr. Smith was raised without stable or positive paternal influence, and within a familial (generational) culture of adult male criminality. This history is consistent with treatment records at age 16, which note a "lack of pro-social support" in his life. A history of familial criminality and familial offenders is a risk factor for the youth's development of delinquency.¹⁴ Additionally, male children raised without positive paternal influence may be at greater risk to adopt negative peer models, and thus, be at greater risk for criminality.

This latter finding is evident in Mr. Smith's case as he reported, that during his formative years (birth to age 13), older, unrelated male peers provided guidance and direction. By his description, they provided advice on daily living (e.g., instructing him to get a hair cut, advice on girls, how to stand up for himself). Per Mr. Smith, it was not uncommon for these males to be 'just out of prison.' Therefore, like his family members, they would also have had criminal histories, leading to further negative influence, and normalization of criminality. (He also lost three of these individuals to sudden and violent deaths, which was traumatic for him).

Adoption of negative peer models was again seen during his adolescence, as one of his family members noticed negative peer association during his high school years. He also acknowledged socializing in higher crime areas, with older 'street' peers, as an adolescent. Such socialization likely influenced his life-style choices, including discontinuing school, frequent marijuana use and gambling.

Lack of Parental/Familial Supervision: Although Mr. Smith's mother and grandmother appeared supportive during his upbringing, they, and other family members were disconnected from important areas of his life. Treatment records at age 16 noted that his "*family appears supportive yet somewhat disconnected from client's behaviors*" and were "*not in touch with several aspects*" of his life. This is particularly true with his peer and social functioning. For example, no family member interviewed knew any information about his peer group, and could not identify any friends by name. Although it was reported by the victim's father at trial that Mr. Smith had been to his home on "many occasions," and agreed with defense counsel that it was "as many as 50 times," his family stated they had never heard of the victim. This indicates that they had lost track of him during this time, did not know his whereabouts, peer group or social activities. Only his maternal step-grandfather had noticed that Mr. Smith was "hanging with peers who were going down the wrong path."

Poor parental monitoring is a strong risk factor associated with delinquency in youth. A lack of "*parental knowledge of the child's whereabouts, active tracking and tracing of the child's whereabouts by parents... had links to delinquency that were relatively similar in magnitude*."¹⁵ Additionally, as particularly relevant to Mr. Smith, lack of paternal support and monitoring for male youth, has a particularly strong relationship to delinquency.¹⁶

¹⁴ David P. Farrington et al., *The Concentration of Offenders in Families, and Family Criminality in the Prediction of Boys' Delinquency*, 24 J. ADOLESC. 579, (2001).

¹⁵ Machteld Hoeve et al., *The Relationship Between Parenting and Delinquency: A Meta-analysis*, 37 J. ABNORM. CHILD PSYCHOL. 749, 763 (2009).

¹⁶ *Id.* at 763.

Substance Use and Family Influence: During his early adolescence, Mr. Smith developed a significant substance use problem with marijuana. His substance use continued to the time of his arrest, and was indirectly involved in the offense circumstance (e.g., Mr. Smith reportedly contacted the victim to smoke marijuana in the hours before incident). Developmental influences likely contributed to his use, to include both community and family. For example, his community environment (birth to age 13) was characterized by extensive drug activity (including marijuana), to which he was exposed. He also reported that "almost everyone in my family smokes" [marijuana] to include his immediate family members. Additionally, he was first provided marijuana by family members (cousins), at age 10, and again at age 13, when his use became problematic. Further, almost all 'rap sheets' of family members that were reviewed included marijuana charges.

Therefore, the use of marijuana would have been normalized for Mr. Smith in his community, home and family life. Mr. Smith's use of marijuana within the context of his developmental environment is thus consistent with the 'social learning theory' of behavior, in which children are believed to learn from observing their environment, and to model their observations through their own actions.¹⁷ Additionally, parental monitoring has been found to be a protective factor in preventing adolescent marijuana use, with less monitoring associated with higher rates of use.¹⁸ As Mr. Smith was subject to poor parental supervision and monitoring, his risk for marijuana use was increased.

III. Circumstances of the Homicide Offense

Homicide Offense / Collateral Data: Per police reports, on **June 11, 2014**, at 7:51 a.m., officers were dispatched to a residence in downtown Charleston. They met with the victim's father, who "advised that his son/victim was assaulted with a knife, inside the residence." Officers noted "a laceration on the victim's upper left arm as well as a deep laceration on the victim's upper chest..." The wounds were noted as "profusely bleeding." While officers were on scene, the victim was "not awake throughout the incident, however, the victim had shallow breathing." Officers found an "8 inch steak knife" with a "severely bent blade;" however, officers "did not see any fresh blood on the knife's blade."

It was determined that the victim's father had "witnessed the murder... was also attacked by the suspect and sustained multiple abrasions about his body, including a bite wound from the suspect on his neck." The victim's father told officers that he believed the suspect had "entered the residence through a window on the side of the residence." Officers noted, "two window screens had been cut, and the screen on the left was forced in and the window had been forced open." The victim was transported by EMS to the Medical University of South Carolina, however "MUSC medical staff were unable to receive any signs of an active pulse and confirmed [the victim] expired at 8:21 a.m." The final autopsy report found the cause of death to be "stab wound to the chest with injuries of pulmonary artery, left pulmonary veins, and left lung." The manner of death was deemed a homicide. The toxicology findings from the victim "indicate ante-mortem use of a Delta-9 THC containing substance" (e.g., marijuana).

¹⁷ Albert Bandura, *SOCIAL LEARNING THEORY* (1977).

¹⁸ Bridget V. Dever, et al., *Predicting Risk-Taking With and Without Substance Use: The Effects of Parental Monitoring, School Bonding, and Sports Participation*, 13 *PREV. SCI.* 605 (2012).

In an interview with law enforcement, the victim's father stated he and the victim were "sole occupants" of the residence. He detailed his observations of the incident, in that he "heard a suspicious noise coming from the direction of Brandon's room" during the early morning hours, and "observed the suspect on top of Brandon on the bed and appeared to be punching him." When he saw the victim's father, the suspect stated, "I'll [***] kill you, to [sic]." The victim's father saw a knife in the suspect's hand and observed that his son had been "cut by the suspect." The suspect and the victim's father then became involved in a physical altercation during which the suspect also tried to stab him, and each bit the other. The "suspect then broke away" and fled the scene on foot. The victim's father ran outside, and told his neighbor to call 911, which he did.

The victim's father stated he, "recognized the suspect from the neighborhood and would be able to identify him." He later called law enforcement to report having learned Mr. Smith's name from a "street source." He identified Mr. Smith as the suspect, from a "six pack color photo lineup." Therefore, by 7:30 p.m., on June 11, 2014, arrest warrants for Mr. Smith had been issued.

On **June 16, 2014**, a U.S. Marshals task force arrested Mr. Smith in Birmingham, Alabama. Photographs taken of Mr. Smith on the date of his arrest indicate a "wound on his right forearm that appears to be consistent with a bite wound" with "additional wounds on his arm and face." On **June 18, 2014**, Charleston police officers attempted to interview Mr. Smith in Birmingham. He said he had been in Birmingham, "three or four days," however, "stated he needed a lawyer before he would answer any additional questions." On **July 2, 2014**, Mr. Smith was "booked and lodged" at the Charleston County Detention Center, where he has since remained. He was charged with Burglary, 1st Degree; Attempted Murder; Murder; and Possession of a Weapon During Commission of a Violent Crime.

From **September 19, 2016 to September 22, 2016**, Mr. Smith underwent a trial by jury for his charges. He testified at his trial, and was the only witness called by the defense. He asserted the incident was a product of self-defense in which he and the victim were playing a game of dice in the victim's house, after which the victim came at him with a knife. He asserted that the victim's injuries leading to death, and the injuries sustained by the victim's father, were committed in self-defense.

On **September 22, 2016**, Mr. Smith was found Guilty of Murder, Attempted Murder and Possession of a Weapon During Commission of a Violent Crime. The trial judge granted the defendant's motion for a directed verdict on the Burglary, 1st Degree charge, finding that the state had not met its burden to prove the elements of this charge.

Time of Homicide Offense / Employer Affidavit: Mr. Jamin Powell was Mr. Smith's work supervisor surrounding the time of the homicide charge. In his affidavit, he verified Mr. Smith's employment from "April 29, 2014 to June 10, 2014." He stated that Mr. Smith was "always polite and respectful to his coworkers and me. He got along well with everyone and did everything that was asked of him." Mr. Powell noted that Mr. Smith quickly "moved up," as he was a "hard worker and did not cause any problems while at work." Mr. Powell "closed the store" with Mr. Smith on the evening prior to the homicide (June 10, 2014). He was "shocked" at Mr. Smith's arrest, as he "never thought anything like this would happen with him."

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Homicide Offense / Collateral Familial Interviews: His mother last saw Mr. Smith several days prior to the date of the incident. She saw him at her mother's house in West Ashley, and he appeared "super normal." He informed her of his plan to go to "Clark Academy" on James Island for his high school diploma. She stated he told her, "he wanted his diploma," and then "wanted to go to Coastal [for college]." He had never before expressed wanting to go to college, and she was pleased by his plans. She stated that, prior to that time, "I had heard he had stopped going to school."

No family member interviewed, including his mother, father, grandmother, aunt, or step-grandfather, had heard of the victim or the victim's family. They first heard an account of what had occurred when they attended Mr. Smith's trial. They did not recognize the victim's family, aside from his step-grandfather, who used to work with the victim's father.

They believed Mr. Smith did not reach out to them after the incident due to feeling "mixed up" and scared. They believe "he knows we would have called the police, and he was afraid, thinking 'what just happened, what did I do.'" Mr. Hanna believed Mr. Smith went to Alabama after the incident because he was "not thinking long term." Regarding why he chose Alabama, they reported a "nephew" in Alabama who Mr. Smith had met before, but they did not believe Mr. Smith knew where this relative lived. When his aunt saw him after his arrest, he "looked out of it, tired, like he'd been crying, he looked done." After being found guilty, his mother stated that Mr. Smith "wanted to make sure I was alright, he said 'mama if you're alright, I'm alright.'"

Homicide Offense / Defendant Interview: Mr. Smith was asked to describe his life in the months prior to his arrest. He reported his "first actual job" during the summer of 2013, working at a downtown restaurant. He worked from 4:30 p.m. to 11:30 p.m. on school days, taking the school bus to the bus stop and walking to work. This job ended in October 2013, when he was in the 11th grade at Garrett High School because "the school bus was late and they fired me." He felt he was "doing good" at the job. He "took my last paycheck and went to a dice game." At this time (Fall 2013), he was "playing dice" frequently, "downtown, neighborhoods, hotel rooms" and people's homes. He "learned how to play dice in school, 2nd or 3rd grade, they taught probabilities, we used to play in school for school bucks." Beginning in February or March 2014, he "started another job" at a different downtown restaurant. He was "not really going to school" by this time. He "worked four or five days of the week, six hours a day."

At this time, he was socializing with "a bunch of different guys" describing different peer groups depending on where he was geographically (e.g., downtown, West Ashley, etc.) Many of these peers were older, with whom he "smoked weed, girls, played basketball, dice and cards." When asked if he had any plans at the time, he acknowledged he had not thought much about his future, and was too involved with what was going on day to day. He was not staying anywhere regularly, but intermittently sleeping at various relative's houses, including his great-grandmother's house downtown, or various peer's houses. Aside from marijuana, he reported no use of any other drugs, and very little alcohol use at this time.

During this time, he reported hanging out at the victim's house "when I float through." He met the victim when they "played basketball together in Mitchell park" at age 14 or 15. He liked hanging out with the victim, as he was able to talk to him about girls. He would "go to Brandon about girls." He described that Brandon knew information on girls, and how to approach them.

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He reported no fights or altercations between he and Brandon prior to this incident. He had "played dice" and smoked marijuana with Brandon on "many occasions" prior to the charges. He described Brandon's house at the "hang out spot" and that his "dad allowed" he and other peers to socialize, play dice, and smoke marijuana at all hours. Brandon's father called Mr. Smith "nephew" and he called him "Unc."

Regarding the events that led to his charges, Mr. Smith maintained his account as related in the trial transcript. He described leaving work in the early morning hours, and went to his great-grandmother's house downtown. He "played on my phone," played games, and was "on Twitter." He also smoked marijuana. When the "sun started to come up," he "went to Brandon's house" because he "wanted to smoke weed." He had "not slept at all" that night. He described knocking on the victim's window to be allowed into the home, after which the victim let him in the front door. Once inside, they hung out in the victim's bedroom. He stated the victim did not have any marijuana. They eventually played dice, during which Mr. Smith stated the victim became upset because "he thought I cheated him." He stated the victim had a knife, and described a situation wherein he felt he had to protect himself. This resulted in an ensuing struggle with the victim and the victim's father, culminating in the fatal and nonfatal injuries.

During the incident he reported feeling "in distress" and "trying not to get killed." He ran from the scene "panicked" and was "just trying to get away from downtown." He began "smoking weed to try and forget the incident" not knowing another way to handle the stress of the situation. He did not contact his family because they "would have fussed at me."

Once arrested in Alabama, he did not talk to police because "I thought I would get in trouble if I talked to them." He spent three weeks in the Birmingham Detention Center, and reported no problems. Once back in Charleston, he began meeting with his attorney and "reading about the law..." He initially did not understand he could go to trial, and stated, "I thought if they said you killed somebody, they would give you life in jail." It was not until he began meeting with his attorney that he understood his rights as a defendant.

In discussing the victim, Mr. Smith stated he thinks about Brandon when telling stores about times they spent together, and said, "that's my friend, that was my friend..." He was tearful, and appeared sad when making this statement.

As evident from the trial transcript, the state's case and Mr. Smith's account differ with regard to the factual data surrounding the circumstances of the homicide offense. Normally, both accounts would be analyzed for *Miller*-related factors. However, the offense conduct as related by the state at trial entailed Mr. Smith entering the home undetected in the early morning hours when the victim's father was home, and stabbing the victim while he was asleep. No motive or extenuating circumstance was provided. In consideration of this data, adolescent traits of recklessness, poor judgment and risk-taking may have played a role (i.e., entering the home when the victim's parent would likely be there). However, further detail is needed to assess if adolescent traits were implicated in the reason for the homicide. Therefore, without knowing more, it was not possible to assess, per *Miller*, the nature and extent regarding Mr. Smith's motivations, motives, degree of planning or impulsiveness, or mental state at the time of offense.

In contrast, Mr. Smith's account provides information in this regard, with his account consistent between the trial transcript and the evaluation. His account reflects adolescent-related behavior and variables, to include staying out late, sensation-seeking (e.g., leaving his residence late at night to seek marijuana), peer socialization, substance use, and competitive games (e.g., dice). For example, per his account, he left work late in the evening. Although he returned to his great-grandmother's home, he became bored, and sought out peers and marijuana. He described knocking on the window of his peer's bedroom to let him in the home, possibly to avoid detection by his peer's parent. He reported playing games, and socializing into the early morning, until an argument occurred, which led to the charged violence. His account leading up to the homicide reflects fairly typical adolescent behavior, and is evident of multiple 'hallmark features' of youth, including sensation-seeking; valuing reward over consequences; impulsivity; and immature decision-making.

[Note: the examiner does not give greater weight or validity to either account (state or defendant), but attempted to analyze available 'Miller' data per each].

Further, by both accounts, Mr. Smith fled the scene of the crime. He "panicked" amidst a very emotionally charged situation, and did not reach out to his family due to concerns they would "fuss" at him. While escaping detection was almost certainly a motivating factor in leaving the scene, additional developmental factors may have also played a part. Adolescent decision-making tends to be driven by a focus on immediate rewards (e.g., fleeing a very distressing situation) versus consideration of long-term consequences (e.g., how fleeing the scene may have a greater adverse impact on his legal situation). Impulsivity, reduced capacity for affective regulation, and immaturity of judgment are also influential factors. This constellation of traits can lead to poor decision-making in youth, particularly when experiencing a high degree of emotional stress.¹⁹

IV. Incompetencies Associated With Youth

Per *Miller*, the "incompetencies associated with youth" include a youth's "inability to deal with police officers or prosecutors (including on a plea agreement) or his incapacity to assist his own attorneys."²⁰ Such difficulties result from immaturity, inexperience with the legal system, underdeveloped cognitive and reasoning skills, and difficulties considering long-term consequences of their decisions.

In Mr. Smith's case, he can be heard via audio recording asking for an attorney shortly after being read his Miranda rights by law enforcement on June 18, 2014. Therefore, despite his adolescence, he asserted his rights, and did not provide a statement at that time, or any other time post-arrest. Per discussion with his attorney, Mr. Lewis reported he did not have concerns regarding Mr. Smith's competency to proceed as they prepared for trial. He also stated Mr. Smith was not offered a plea deal to consider, therefore, his reasoning skills regarding this legal issue were not observed. Therefore, per available data, this factor does not appear applicable in Mr. Smith's case, as there is little data to support the 'incompetencies' cited by *Miller*.

¹⁹ Brief for the APA, APA and NASW as Amici Curiae in Support of Petitioners, *Miller v. Alabama*, 132 S. Ct. 2455 (2012).

²⁰ *Miller v. Alabama*, 132 S. Ct. 2455, 2468 (2012).

V. Possibility of Rehabilitation

In consideration of rehabilitation, youth are considered more malleable and amenable to personal change and growth, given that they are still within a period of evolving maturity. As their character is not 'well-formed' at the time of the juvenile offense, the Court has observed that it would be difficult to determine *the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.*²¹ Per the Court's recent opinions, life without parole sentencing is limited to the latter group,^{22,23} which is "*all but the rarest of children.*"²⁴ In Mr. Smith's case, he has been detained since June 2014, almost three years since the time of his arrest. In that time, he appears to have significantly matured, with data providing evidence of the former. As such, Mr. Smith's functioning during his detention is presented below, to include his self-report; collateral records from the detention center in chronological order; and collateral interviews with his family.

Defendant Interview: Mr. Smith's present detention is his first time detained, or in any correctional institution. Upon his extradition from Alabama, in July 2014, he was initially placed on the 17-year old unit. In September 2014, he was transferred to the DAODAS/PIER program unit for a substance treatment program.

From September 2014 to December 2014, he participated in the DAODAS/PIER program. He enjoyed this program, and reported steady progress. However, he was involved in an altercation with another inmate and had to leave this program. He stated "an older guy came at me in a threatening style." They had been playing chess and talking about women, when Mr. Smith spoke about a female peer, who happened to be this individual's daughter. Mr. Smith was not aware that the girl he referenced was this individual's daughter, or he would not have spoken about her. After hearing Mr. Smith talk about his daughter, this individual punched Mr. Smith, provoking a fight. He stated, "no one was hurt" in the incident. He has "written to get back into the DAODAS program and would like to complete it."

Mr. Smith has also taken GED classes at the detention center, and during the interviews, stated, "I would like to earn my GED if given the opportunity." He has worked diligently on this goal, and in March 2017 (after the last interview), he passed all requirements for his GED. Now that he has his GED, his goals for prison include "learn a trade; still try to study up the law..."

Mr. Smith acknowledged multiple minor disciplinary infractions during his detention, describing a period of adjustment to the strictness of a correctional setting. He explained that most of his infractions were related to "just wanting more out of cell time," as he has only four hours of out-of-cell-time per day. When asked about not obeying officers in general, he sometimes feels "disrespected," and "feel like they are trying to abuse their authority." He reported one of the officers went to high school with the victim, and reported that this officer "picked" on him more than other inmates for small infractions.

²¹ *Roper v. Simmons*, 543 U.S. 551, 573 (2005).

²² *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016).

²³ *Tatum v. Arizona*, 137 S. Ct. 11 (2016).

²⁴ *Montgomery*, 136 S. Ct. at 726.

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DAODAS/PIER Records: Records indicate Mr. Smith was involved in the DAODAS/PIER program [*Department of Alcohol and Other Drug Abuse Services/Persons Incarcerated Entering Recovery*] during his current detention. His discharge plan indicated involvement from **September 5, 2014 to December 18, 2014** at ages 17 and 18. From this program, he was assigned diagnoses of Cannabis Dependence, Alcohol Dependence and Nicotine Dependence. His counselor noted that Mr. Smith was initially not very active, with minimal participation at the beginning of the program. He “shared with the clinician that he has trust issues due to his upbringing and having to be an adult at a young age to provide for him and his brothers. Client stated it will take a while before he can trust and start to open up with others.”

After his clinician worked with him, Mr. Smith’s efforts improved, including “improving his communication skills with others and learning ways to manage his stress without resorting to alcohol and drugs.” He “started to attend Bible study regularly and read his Bible...also started putting forth an effort to complete more of his treatment objectives.”

During the program, Mr. Smith’s needs were identified as “address his irrational thinking... changing his social relationships and social environments and establishing relationships that are more conducive to recovery... learning and implementing refusal skills... [and] implementing coping strategies to manage his stress appropriately....” Individual and family counseling were recommended as modalities of treatment.

His last treatment group occurred on December 17, 2014, during which he was “active” and “seemed to enjoy the game that was played and his peers.” However, on December 18, 2014, his “clinician was informed that client was removed from the unit by detention center staff and sent to 1A for engaging in a physical altercation with another client. *Clinician was informed that client was not the aggressor.*”

Disciplinary Records: Disciplinary records from the Charleston County Detention Center indicate the following with regard to Mr. Smith’s conduct while detained. From December 17, 2014, to present, Mr. Smith has incurred only one major disciplinary infraction, with the remaining eleven infractions of minor status. Further, each year, his infractions have decreased, with only one thus far in 2017.

His first infraction, and only major disciplinary infraction, occurred when he was 18 years old. On **December 17, 2014**, officers observed Mr. Smith “throwing punches” at another inmate after they had played a chess game. Mr. Smith went before the Disciplinary Hearing Board, and was found guilty of “Fighting” for which he was given “thirty days.” At the hearing, Mr. Smith “stated that it was not a fight it was horse playing.” Mr. Smith submitted a written appeal stating, that they were “...only playing, I understand horse playing isn’t acceptable and I am more than will [*sic*] for the consequence behind horse playing but 30 days seems too unrealistic.” Therefore, on December 22, 2014, his sentence was “reduced to 15 days.” (*It should be noted that records from the DAODAS/PIER program document that Mr. Smith was “not the aggressor” in this incident.*)

In 2015, he incurred six minor infractions, with most for being out of his cell during the opposite floor’s recreation time, or disobeying officers’ directives to return to his cell. He was generally penalized with loss of canteen or recreation time, or several hours of “lockdown.”

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In 2016, he incurred *four* minor infractions for refusing a directive to change cells; for using profanity with an officer, which he explained in records as “just playing around;” having contraband (e.g., pornography, extra uniform and chess pieces); and letting his roommate use his detention center armband. All infractions were punished with several hours of lock down and/or loss of canteen.

In 2017, he has incurred only *one* minor infraction (in January), for unauthorized time out of his room. Per correspondence with CCDC staff on April 24, 2017, Mr. Smith has had no new disciplinary incidents.

GED Records: On March 29, 2017, Mr. Smith earned his GED. Proof of this accomplishment stems from electronic correspondence from Lt. Lynette Johnson to Mr. Smith’s attorney, Megan Ehrlich. On April 10, 2017, Ms. Johnson sent an email stating, “Terrell Smith has completed his GED testing, he passed all of the courses, therefore, he now has his GED.” Further, he has received a “*High School Equivalency Diploma*” from the South Carolina Department of Education, dated March 29, 2017.

Collateral Interviews – Family: During his current detention, his family has kept in frequent and regular contact with Mr. Smith, through visitation and phone calls. They have noticed maturation and growth during this time, from ages 17 to age 20. His mother stated, “all I can tell is that he has grown, he’s more aware, I’ve seen more growth in our conversations, before he was just a boy going through life not paying attention, but now he’s more aware of what’s going on.” She stated it’s like talking to a young adult” versus a teenager.

His grandmother stated he “seems hurt, not alright, but seems like he’s just trying to get through each day, he will sometimes, say “Granny, I didn’t listen;” and “my friend, Granny,” referencing the victim in a sad, remorseful manner. His aunt visits Mr. Smith regularly, and “tries to talk about positive stuff, books, I want him to be motivated...” She stated he is receptive to this positivity. His step-grandfather referenced how Mr. Smith had matured over the past three years since the incident, and stated, “if he had the brain he has now, he wouldn’t be there [jail].” All family members agreed he would have strong family support throughout his incarceration.

Rehabilitation During Incarceration [SCDC Policies and Procedure]: Per SCDC policies and the SCDC ‘Rehabilitation Services Summary’ there would be multiple opportunities for rehabilitation. For example, he can obtain *Vocational* training during his incarceration. SCDC offers “66 construction programs using the National Center for Construction Education and Research’s (NCCER) curriculum and testing” which qualifies one for NCCER certification. They also offer “276 areas of ‘on the job training’ for a wide variety of professions” including auto mechanics, carpentry, electrical, food service, etc. Further, there are “six professional licensure programs” which are “issued through third party organizations” (e.g., electrical, wastewater, plumbing, asbestos abatement, EPA technician and HVAC mechanical). In addition, they offer “professional certificate programs” to include HVAC, circuitry and welding.

Mr. Smith’s evaluation data indicates that he has the resolve and determination to achieve goals, and the intellectual and cognitive capacity to succeed in learning a trade. Therefore, it is believed that he would be amenable to, and could benefit from, these rehabilitation services.

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In addition to vocational opportunities, SCDC offers "*Character Programs*" within certain dorms, which are "open to inmates who have demonstrated good behavior." These units "include conflict resolution procedures to help inmates resolve issues in constructive ways;" "educate inmates on diversity and tolerance;" and "include peer led programs" on a variety of pro-social and educational topics. Per SCDC, the character dorms "provide inmates looking for opportunities to grow within a positive environment in which to learn and improve alongside other inmates with similar goals." Good behavior is a prerequisite for admission into these units, and records from the three years of his current detention indicate that he can refrain from serious disciplinary infractions. Therefore, provided he continues to maintain good behavior, Mr. Smith would be eligible for the housing and opportunity in these dorms, which could aid in rehabilitation.

With regard to treatment, SCDC offers *Substance Abuse Treatment* opportunities, of varying intensity (e.g., residential versus NA/AA type programs), of which Mr. Smith would be able to participate, provided he meets eligibility criteria. He demonstrated progress in the detention center's substance program, and it is believed he could succeed in another program.

Collateral Interview [SCDC Personnel]: Ms. Gwen Bright, Division Director of Inmate Services at SCDC, was interviewed for further information. She believed he would be eligible for all programs, if he is properly classified and at an institution that offers the desired program. Classification depends, in part, on his behavior within the institution.

Collateral Data [Electronic Correspondence – SCDC Personnel]: Electronic correspondence with Sandra Barrett, Deputy Director of Programs and Services at SCDC; and Joette D. Scarborough, Division Director for Classification and Inmate Records, provided more detail on his eligibility and program availability. They clarified that "inmates are eligible for most programs in the prison in which they are housed" dependent on classification level. Further, they verified that vocational, 'on the job training,' and Apprentice programs are available at "most all level 3 institutions" which would be his likely classification.

Age-Crime Curve: In addition to consideration of individual rehabilitation and maturation, the 'age-crime curve' is an important factor in such analyses. The typical progression of criminal activity is for one to 'age out' over the life-course, with the intensity and frequency of violent and criminal acts declining as one ages. As such, the 'age-crime curve' is a well-established finding in the empirical study of criminology, and is described as "...crime rates rise rapidly in the teenage years, peak in late adolescence, then decline through the life course."²⁵ This finding has been described as "the most important empirical regularity in criminology"²⁶ and "has been consistently observed in both men and women, for most types of crimes, and across several nations and historical periods."^{27, 28}

²⁵ Steve Bosick, *Operationalizing crime over the life course*, 55 CRIME DELINQ. 472, 472 (2009).

²⁶ Daniel S. Nagin & Kenneth C. Land, *Age, Criminal Careers, and Population Heterogeneity: Specification and Estimation of a Nonparametric, Mixed Poisson Model*, 31 CRIMINOL. 327, 331 (1993).

²⁷ Daniel M. Blonigan, *Explaining the Relationship Between Age and Crime: Contributions from the developmental literature on personality*, 30 CLIN. PSYCHOL. REV. 89, 90 (2010).

Research indicates that "the shape of this curve encompasses four components: (1) a rapid increase in mid-adolescence, (2) a peak in the curve in late adolescence, (3) a precipitous decline in early adulthood, and (4) a gradual, monotonic decline thereafter and throughout the life-course."²⁹

The age crime curve also holds strong for incarcerated populations, with a sharp decline in institutional infractions and violence after age 30.³⁰ Further, Mr. Smith would be approximately 48 years old at the time of release from a 30-year prison sentence. Therefore, he would be well outside the range for peak criminal activity as reflected by the 'age-crime curve.'

Adolescent-Limited Offender Typology: The age-crime curve concept is closely aligned with the robust finding that most adolescents generally desist from criminal activity as they enter young adulthood.³¹ This theory of desistance holds true even for the adolescent offender population charged with serious delinquent activity."^{32, 33}

For adolescents, this desistance concept has been expressed through offender typologies. Mr. Smith's history and circumstance is closely aligned with the 'Adolescent-Limited' typology of offender rather than 'Life-Course Persistent.'³⁴ Adolescent-limited offenders comprise the majority of youthful offenders, and involve youth whose criminal conduct emerges with puberty (instead of childhood), and who have healthy 'pre-delinquent functioning.' Adolescent criminality within this group is believed to stem from assertions of independence and autonomy, as well as delinquent peer association. This "adolescent-limited" group generally desists from antisocial conduct by young adulthood,³⁵ with longitudinal studies supporting this assertion.³⁶

²⁸ Travis Hirschi & Michael Gottfredson, *Age and the Explanation of Crime*, 89 AM. J. SOCIOL. 552 (1983).

²⁹ Blonigan *supra* note 27.

³⁰ Mark D. Cunningham & T.J. Reidy, *Integrating Base Rate Data in Violence Risk Assessments at a Capital Sentencing*, 16 BEH. SCI. LAW 71 (1998).

³¹ Terrie E. Moffitt, *Adolescence-Limited and Life-Course Persistent Antisocial Behavior: A Developmental Taxonomy*, 100 PSYCHOL. REV. 674 (1993).

³² Robert J. Sampson, *Life-Course Desisters? Trajectories of Crime Among Delinquent Boys Followed to age 70*, 41 CRIMINOLOGY 301, 311 (2003).

³³ Mulvey, E. P., et al., *Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders*. 22 DEV. PSYCHOPATHOL. 453 (2010).

³⁴ Moffitt, *supra* note at 31.

³⁵ Terrie E. Moffitt, *A Review of Research on the Taxonomy of Life-Course Persistent Versus Adolescence-Limited Antisocial Behavior*, IN TAKING STOCK: THE STATUS OF CRIMINOLOGICAL THEORY. ADVANCES IN CRIMINOLOGICAL THEORY 277 (Francis T. Cullen, et al. eds., 2006).

³⁶ Alex R. Piquero, *Taking Stock of Developmental Trajectories on Criminal Activity Over the Life Course*, IN THE LONG VIEW OF CRIME: A SYNTHESIS OF LONGITUDINAL RESEARCH 23 (A. Liberman ed., 2008).

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SUMMARY and CONCLUSION: Based on the totality of the data gathered in the evaluation, to include clinical interviews and psychological testing with Mr. Smith; interviews with his maternal grandmother, mother, father, maternal aunt, and maternal step-grandfather; collateral source affidavits; and a review of collateral records, including legal, juvenile, correctional, psychosocial and academic; the following is opined.

Mr. Smith's mother was only 14 years old when she became pregnant with Mr. Smith. His father was 17 years old at his birth, and did not take an active role in his life. As an infant, he was placed in foster care for nine months due to suspected physical abuse. Subsequently, he was raised in his grandmother's home, as was his mother, as she matured. As he grew older, his mother had two additional children by different fathers, who were only temporarily in his life. As such, he had no stable paternal influence. Those that revolved in and out of a paternal role, to include extended family members, had lengthy criminal histories, including violence, drugs and incarcerations. As a result, older peers, most with criminal histories, would often provide guidance during his upbringing.

At age 14, Mr. Smith ceased participation in sports, and began smoking marijuana with peers, with his use growing more heavy and frequent over time. This behavior had been modeled, and reinforced through exposure to family members smoking marijuana, and multiple family members having incurred charges for marijuana. At age 16, he incurred a charge related to marijuana possession, and had a failed attempt at substance treatment. By age 17, he had discontinued going to classes, was inconsistently staying with his family, and began socializing in more highly criminalized neighborhoods, with older peers. Although his mother and grandmother were supportive, the family provided poor monitoring and supervision, essentially losing track of him during this time. He began sleeping in various locations, with little stability, or future goals. He eventually incurred his first adult, and felony charge for marijuana, several months prior to his current case. By the time of the homicide, his family described he was "in the streets," which Mr. Smith acknowledged involved abusing marijuana, gambling, and associating with older 'street' peers.

Therefore, his formative dynamics of a young teenage mother; uninvolved father; lack of supportive or positive paternal influence; extended familial criminality; familial substance use and charges; poor parental monitoring during adolescence; and development of a substance disorder, significantly impacted his life trajectory, culminating in his charges. The offense conduct per Mr. Smith's account, was further influenced by traits associated with adolescent immaturity, including impulsivity, risk-taking, sensation-seeking, peer association; and valuing immediate reward over long-term consequence. Therefore, data obtained in Mr. Smith's case inform application of the 'Miller' factors per *Aiken v. Byars*. Such factors include the, 'Hallmark Features of Youth,' 'Family and Home Environment,' 'Circumstances of the Homicide,' the 'Incompetencies Associated with Youth,' and the 'Possibility of Rehabilitation.'

▪ As a function of age and, thus, immature brain development, Mr. Smith would have been subject to the 'Hallmark Features of Youth' at the time of the homicide, to include deficits in impulse control; reduced emotion regulation; heightened risk-taking and sensation-seeking; immaturity of reasoning, judgment, and decision making; difficulty considering long-term consequences and lack of future orientation; a heightened sensitivity to immediate reward over consideration of consequence; and increased susceptibility to negative peer influence.

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- Mr. Smith's 'Family and Home Environment' was characterized by adolescent parents; lack of positive and stable paternal influence; extended familial criminality; early exposure to marijuana use through family and community; and poor parental monitoring, particularly in adolescence. Such dynamics assisted shaping his life-course, culminating in his arrest.
- As analyzed per the state's account, adolescent traits of recklessness, risk-taking, and poor judgment, may have been implicated in Mr. Smith's actions surrounding the 'Circumstances of the Homicide.' Per Mr. Smith's account, the extenuating circumstances reflect a narrative typical of adolescent behavior, such as staying out late, becoming bored and seeking peer association, engaging in sensation-seeking and risk taking behaviors (e.g., seeking marijuana late at night), and competitive games (e.g., dice). Subsequent to the homicide itself, he displayed traits of impulsivity; valuing immediate reward versus thinking of long-term consequence; poor ability to engage in rational thought within the context of intense emotion; and worry about his family's reaction; all of which contributed to fleeing the scene, and were also indicative of adolescent characteristics.
- Once arrested, Mr. Smith asserted his *Miranda* rights by asking for an attorney and did not provide a statement to law enforcement. He was not referred for a competency to stand trial evaluation; not offered a plea deal that he had to consider; and his attorney expressed no concerns regarding his capacity to comprehend his case, or assist him during trial. Therefore, despite his adolescence, he appeared to have adequate capacity to navigate the legal system, with no evidence found to the contrary. As such, the factor of 'Incompetencies Associated with Youth,' is not indicated in his case.
- Regarding the 'Possibility of Rehabilitation,' the following was found. Prior to his charges, Mr. Smith had no incidence of serious violence, and no significant juvenile record. His history of interaction with the legal system is much more consistent with the 'Adolescent-Limited' type of offender, with desistance from criminal activity the normal and expected course. The empirical 'age-crime' curve also provides support, that, as he ages, the incidence of any criminal activity will significantly decrease.

Further, detention center records provide good indications for the capacity for rehabilitation. Initial evidence of rehabilitative capacity stems from his two months of time spent in the DAODAS/PIER program for substance treatment. He began the program at only 17 years of age. Initial treatment notes indicate that he initially exhibited minimal participation. However, after working with his clinician, notes indicate that his efforts improved. He exhibited better communication skills, and more active program participation; and was able to make progress on treatment objectives. Therefore, in a relatively short amount of time, he was noted to have made progress, with improved efforts, in a treatment program within the detention center. This reflects the capacity for efforts toward rehabilitation.

His participation ended after another, much older inmate, initiated a physical altercation, which led to his dismissal from the program. It was documented in his treatment records that Mr. Smith "*was not the aggressor*" in this incident. Mr. Smith has expressed interest in returning to a similar program for substance treatment, particularly as his insight into the adverse impact of marijuana has increased over his time spent in detention.

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After this program ended, Mr. Smith became focused and persistent in his efforts to obtain his GED, and was ultimately successful in March 2017. This required dedicated time and effort to study, attend GED prep sessions, take pre-tests, and ultimately, the GED test. His efforts in this area are evident of the ability to achieve goals, and take steps toward rehabilitation. Of setting this goal, he stated it was "so important to break the wheel" of males in his family not achieving a high school education, as "most don't finish middle school." Therefore, despite adverse legal circumstance of facing a lengthy sentence, he made this objective a priority, and was successful.

In addition to pursuing his GED, Mr. Smith has been teaching himself logic exercises, and was receptive to his attorney's efforts to provide him reading material. He is presently reading a book written for inmates, and intended to teach methods of coping with incarceration through a spiritual component.³⁷

Additional evidence for rehabilitative capacity stems from his disciplinary record at the detention center. In almost three years, he has had only one major disciplinary infraction, which involved the altercation cited above, and for which it was documented he was not the aggressor. Other infractions have been minor, with most for being out of his cell. Each year, his number of infractions has dropped, with only one infraction thus far in 2017.

Further, over the past three years of his detention, family members have kept in regular and frequent contact. They have observed Mr. Smith mature from adolescence into young adulthood. They have observed him try to stay positive and motivated, despite his circumstance. They have also observed him reference the victim in a remorseful manner, and reflect on his life choices in that he "didn't listen" to his family, which placed him on his current path. Such insight is a positive sign for maturation, ability for reflection, and capacity for rehabilitation. Further, as it stands now, his family has pledged ongoing support throughout his incarceration. Maintenance of family ties and support has been found to be an important factor in successful rehabilitation of incarcerated individuals.³⁸

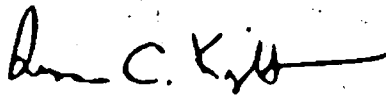
Finally, test data indicate that Mr. Smith has the intellectual and cognitive capacity capable of learning a vocation or trade during his incarceration. SCDC offers multiple opportunities in this regard. Therefore, if he were released at any point, such training should increase his chances of securing post-incarceration employment, critical for successful re-entry.

In sum, Mr. Smith's life circumstance and adolescent status at the time of the homicide, support '*diminished culpability*,' while his post-arrest functioning provides evidence of '*heightened capacity for change*,' with strong amenability to rehabilitation.

³⁷ Bo Lozoff, WE'RE ALL DOING TIME, A GUIDE TO GETTING FREE (1998).

³⁸ William D. Bales & Daniel P. Mears, *Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism*, 45 J. RES. CRIME DELINQ. 287 (2008).

Respectfully Submitted, .



Susan C. Knight, Ph.D., ABPP
Licensed Clinical Psychologist
Board-Certified Forensic Psychologist

May 5, 2017

Date Signed .

Name: SMITH, Terrell
Date of Birth: October 19, 1996

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Susan C. Knight, PhD, ABPP
Board-Certified Forensic Psychologist

Exhibit B

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JULIA A. ARMSTRONG
CLERK OF COURT

BY _____

SUSAN C. KNIGHT, PH.D, ABPP

Telephone: (843) 637-5729; **Facsimile:** (843) 410-2802

Electronic Mail: knight@apsforensic.com

Mailing Address: 1941 Savage Rd., Ste. 100A-606, Charleston, SC 29407

EDUCATIONAL HISTORY:

- | | |
|-------------------------------------|---|
| September 2004 - August 2005 | Postdoctoral Fellowship in Forensic Psychology
University of Southern California
Keck School of Medicine
Dept. of Psychiatry & Behavioral Sciences
USC Institute of Psychiatry & Law
P.O. Box 86125
Los Angeles, CA (ACGME Accredited) |
| September 2003 - August 2004 | Pre-doctoral Internship in Forensic Psychology
U.S. Department of Justice (USDOJ)/Bureau of Prisons
Federal Correctional Complex and Medical Center
Butner, NC (APA Accredited Internship) |
| August 1999 - August 2004 | Doctorate of Philosophy, Clinical Psychology
University of Louisville, Louisville, KY
Department of Psychological and Brain Sciences
(APA Accredited Program) |
| August 1999 - May 2002 | Master of Arts, Clinical Psychology
University of Louisville, Louisville, KY
Department of Psychological and Brain Sciences
[Degree embedded within the Clinical Psychology
Doctoral program, APA Accredited] |
| August 1994 - May 1998 | Bachelor of Arts, Psychology, <i>Magna Cum Laude</i>
Trinity University, San Antonio, TX |

PROFESSIONAL LICENSURE:

- Psychologist, State of North Carolina, License #3407 [June 2007]
- Psychologist, State of South Carolina, License #1053 [May 2007]

BOARD CERTIFICATION:

- ABPP- Board certification in Forensic Psychology awarded by the American Board of Professional Psychology (ABPP) [April 2009]

PROFESSIONAL EXPERIENCE

Clinical and Forensic Psychologist
Applied Psychological Services, LLC
 1941 Savage Rd., Ste. 100A-606
 Charleston, SC 29407

August 2013 - Present

Responsibilities: Conduct comprehensive forensic psychological evaluations on a wide variety of criminal and civil issues, to include, but not limited to, competency to stand trial, criminal responsibility, violence risk assessments, sexual behavior assessments, sentencing/mitigation, and fitness for duty evaluations. Provide clinical therapeutic services to an adult outpatient population.

Clinical Assistant Professor of Forensic Psychiatry
Community and Public Safety Psychiatry Division
Department of Psychiatry and Behavioral Sciences
Medical University of South Carolina
 29-C Leinbach Drive
 Charleston, SC 29407

August 2013 - April 2014

Responsibilities: Conduct comprehensive forensic psychological evaluations on a wide variety of criminal and civil issues, and provide consultation to the county, state and federal court systems as necessary. Types of evaluations include competency to stand trial, criminal responsibility, violence risk assessments, sexual behavior assessments, and fitness for duty assessments for health care, public safety and transportation personnel. Provide instruction, teaching and supervision to forensic post-doctoral fellows, medical residents, interns and students on forensic and general clinical psychological issues.

Assistant Professor of Forensic Psychiatry
Associate Director of the Forensic Psychiatry Fellowship
Director - Progressive Professionals Program (PPP)
Department of Psychiatry and Behavioral Sciences
Medical University of South Carolina
 29-C Leinbach Drive
 Charleston, SC 29407

January 2008-August 2013
July 2008-August 2013
November 2010-August 2013

Responsibilities: Conduct comprehensive psychological forensic evaluations on a wide variety of criminal and civil issues, and provide consultation to the county, state and federal court systems as necessary. Types of evaluations include competency to stand trial, criminal responsibility, violence risk assessments, sexual behavior assessments, and fitness for duty assessments for health care, public safety and transportation personnel. Provide clinical therapeutic services (therapy and psychological assessment) to a general outpatient population as needed. Provide instruction, teaching and supervision to forensic post-doctoral fellows, medical residents, interns and students on forensic and general clinical psychological issues.

Clinical Psychologist
Grew, Morter and Hartye, P.A.
3141 John Humphries Wynd, Ste. 275
Raleigh, NC 27612

April 2007- November 2007

Responsibilities: Provided mental health services in a private practice setting to an outpatient population. Clinical duties included providing short and long term individual therapy, and conducting psychological assessments addressing a wide range of psychological issues. Forensic duties included conducting psycho-legal evaluations and providing consultation as needed for forensic issues.

Clinical Psychologist
Los Angeles County Department of Mental Health
Century Regional Detention Facility- Los Angeles County Jail
Women's Forensic Outpatient Program (WFOP)
11705 S. Alameda St.
Lynwood, CA 90262

September 2005-December 2006

Responsibilities: Provided mental health services to a correctional population, including diagnostic intake interviews, brief therapy, crisis intervention services and psychological assessments. Forensic duties included managing patients in the Misdemeanant Incompetent to Stand Trial (MIST) program, including competency restoration and consultation with the mental health court system.

Forensic Psychologist (Contract Basis)
Metropolitan Detention Center- Los Angeles
Federal Bureau of Prisons
535 N. Alameda St.
Los Angeles, CA 90012

September 2006- December 2006

Responsibilities: Conducted pre-trial and post-trial psychological forensic evaluations for the Federal Bureau of Prisons on a contract basis. Evaluations covered a variety of psycho-legal issues, including competency to stand trial, criminal responsibility, dangerousness evaluations and sentencing issues. Duties included interviews, psychological assessment, report writing and providing consultation and/or testimony to the Federal Court system as needed.

Forensic Psychologist
USC-Keck School of Medicine
Institute of Psychiatry, Law and Behavioral Science
Los Angeles, CA 90086-0125

September 2006- December 2006

Responsibilities: Conducted forensic evaluations for the juvenile court system in Los Angeles addressing a variety of psycho-legal issues. Duties included evaluations, report-writing and providing consultation to the Juvenile Court System.

Postdoctoral Fellow in Forensic Psychology
University of Southern California/Keck School of Medicine
Institute of Psychiatry, Law & Behavioral Science
P.O. Box 86125
Los Angeles, CA 90086-0125

September 2004 – August 2005

Responsibilities: Conducted psychological and legal evaluations for attorneys and courts related to criminal delinquency and dependency issues; evaluation, psychological assessment, and treatment of mentally disordered offenders, including outpatient sex offender treatment. Received specialized training on how to conduct psychological autopsies for the Los Angeles County Coroner's Office.

Pre-doctoral Clinical Psychology Intern
Federal Correctional Complex- Butner
Old N.C. Hwy 75
Butner, NC 27509

August 2003 - September 2004

Responsibilities: Worked in the forensic evaluation program at the Federal Medical Center and conducted federal pre-trial forensic evaluations which involved comprehensive psychological evaluation and report writing. Provided expert testimony to federal court. Worked in the Sex Offender Treatment Program (SOTP), an intensive, residential therapeutic program for male sexual offenders. Employed specialized assessment, didactic, and cognitive-behavioral techniques to evaluate, treat, and manage sexual offenders. Also conducted individual and group therapy, and assisted in managing the special needs of mental health inmates.

Graduate Student Therapist
Outpatient Psychiatry/Ambulatory Care Building
550 S. Jackson St.
Louisville, KY 40202

May 2002- May 2003

Responsibilities: Conducted individual and group psychotherapy as well as psychological testing with a variety of patients presenting at a local hospital for psychological treatment. Conducted initial intake interviews with potential patients presenting for medication and therapy; provided diagnosis, case formulation and treatment recommendations.

Clinic Assistant
University of Louisville/Psychological Services Center
Davidson Hall, Suite 210, Louisville, KY 40292

August 2000- June 2002

Responsibilities: Conducted initial assessment intake interviews with potential clients for the psychology clinic. Assisted in diagnosis, treatment recommendations, and disposition of clients to specialty clinic teams. Maintained client database and records for clinic operation. Coordinated clinic in-services (professional presentations) for students and psychological community at large. Maintained subject records and billing for ongoing research project.

Research Assistant
Central State Hospital/Dept. of Psychology
10510 La Grange Rd.
La Grange, KY 40223

August 1999 - July 2000

Responsibilities: Collected and analyzed data related to program evaluation from all disciplines (nursing, medical staff, psychologists, social workers and pastoral staff). Created and maintained comprehensive research database tracking all patients with a diagnosis of Mental Retardation and all patients with guardians

Caseworker / Case Manager
Crosspoint, Inc.
605 Augusta St.
San Antonio, TX, 78215

May 1998 - December 1998

Responsibilities: This facility provided a structured program of re-socialization for female adults primarily referred from federal correctional and health care facilities. Responsibilities included administration of direct services provided to clients on an individual and/or group basis. Consulted with, and managed interface to local support agencies when and where necessary on behalf of the client.

CLINICAL PRACTICA/PSYCHOTHERAPY EXPERIENCE

Graduate Student Therapist
University of Louisville/Psychological Services Center
Louisville, KY 40292

August 1999 - May 2003

Responsibilities: Conducted individual therapy sessions and a wide variety of full psychological assessments with outpatient clients (adults and children).

Doctoral Practicum Student (Assessment & Therapy)
Kentucky State Reformatory
La Grange, KY 40032

August 2000 - September 2002

Responsibilities: Conducted psychological testing and individual therapy for adult male inmates housed in the Correctional Psychiatric Treatment Unit at a medium security state prison. Compiled and analyzed sex offender data in the Sex Offender Risk Assessment Unit (SORA) at Kentucky State Reformatory.

ACADEMIC APPOINTMENTS:

- **Clinical Instructor**
University of Southern California
Keck School of Medicine
Department of Psychiatry and Behavioral Sciences
Los Angeles, CA 90033

August 2004 - September 2005
- **Adjunct Faculty**
University of Southern California
Department of Psychology
Los Angeles, CA 90089

August 2006 – December 2006
- **Assistant Professor**
Medical University of South Carolina
Department of Psychiatry, Charleston, SC 29425

January 2008 – August 2013
- **Clinical Assistant Professor**
Medical University of South Carolina
Department of Psychiatry, Charleston, SC 29425

August 2013- June 2015
- **Adjunct Professor of Law**
Charleston School of Law
Charleston, South Carolina

May 2011- Present
- **Adjunct Professor of Law**
Cornell University Law School
Ithaca, New York

January 2015- Present

PROFESSIONAL AFFILIATIONS

- American Psychological Association (APA) [1999 to Present]
- American Psychology-Law Society (APLS) [2003 to Present]
- South Carolina Psychological Association (SCPA) [2008 to Present]
- American Board of Professional Psychology (ABPP) [2009 to Present]
- Association for the Treatment of Sexual Abusers (ATSA) [2012 to Present]
- Association of Threat Assessment Professionals (ATAP) [2015 to Present]
- Society of Clinical Child & Adolescent Psychology (SCCAP) [2017 to Present]

SELECTED PRESENTATIONS

1. Knight, S.C. & Einstein, G. (1996). *Aging and Retrieval Inhibition in Prospective Memory*. Paper presented at the National Convention of Undergraduate Research (NCUR) in the Spring of 1997 in Austin, TX.
2. Weaver, C.M., Bock, P., Knight, S. & Gretarsdottir, E. (1999, November). *Demographic Study of 1998 Jefferson County Kentucky Guardianship Population*. Poster presented at the annual meeting of the Kentucky Psychological Association, Louisville, KY. Poster was awarded second prize for graduate research.
3. Knight, S.C., Scanish, J., Fintel, T., & Meyer, R.G. (2002, August). *Characteristic of the Female Sex Offender*. Poster presented at the 2002 APA conference in Chicago, Illinois in the APLS (Division 41) of research.
4. Knight, S.C. (2006). *The Sex Offender's Brain: A review of the etiological evidence towards a neurobiochemical basis*. Lecture presented to faculty, staff and students at the University of Southern California, Department of Psychology, as part of the Continuing Education (CE) colloquia.
5. Mulbry, L. W. & Knight, S.C. (March 2008). *Competency to Stand Trial, Criminal Responsibility and Capacity to Conform*. Presentation to the Charleston County Solicitor's Office.
6. Knight, S.C. (September 2008). *Psychological Autopsy: Determining the Manner of Death Through Investigative Psychological Analysis*. Lecture presented to the Medical University of South Carolina, Department of Psychiatry, Division of Forensic Psychiatry, Day of Discovery conference.
7. Stroud, Z., Knight, S.C., Halavonich, R.H., & Mulbry, L.W. (October 2008). *Mass Shooters: An Antihero of our Time*. Presentation presented at the national American Academy of Psychiatry and Law (AAPL) conference in Seattle, WA.
8. Knight, S.C. (July 2009). *The MMPI-2: Fundamentals of Interpretation*. Lecture to the Medical University of South Carolina Psychology Internship Program
9. Knight, S.C. (November 2009). *The Disruptive Professional*. Presentation given to the Senior Medical Leadership Council of the South Carolina Hospital Association. Columbia, South Carolina.
10. Knight, S.C. (November 2009). *South Carolina Mental Health Law: How to Proceed with a Mentally Disordered Defendant*. Presentation to the South Carolina Bar Association Distance Learning Division. Columbia, South Carolina.

11. Knight, S.C. (November 2009). *Psychiatric Malpractice: A review of select South Carolina cases*. [Invited Speaker]. Presentation given at the Medical University of South Carolina, Forensic Interest Group Meeting. Charleston, South Carolina.
12. Knight, S.C. (January 2010). *South Carolina Mental Health Law: How to Proceed with a Mentally Disordered Defendant*. Workshop on competency to stand trial and criminal responsibility presented to attorney participants at the Medical University of South Carolina. Charleston, South Carolina.
13. Knight, S.C. (April 2010). *The Mentally Ill Offender: An Epidemic in Courts and Corrections*. [Invited Speaker]. Presentation at the 2010 Mental Health Professionals Collaboration held at the Medical University of South Carolina for mental health professionals statewide. Charleston, South Carolina.
14. Knight, S.C. & Mulbry, L.W. (October 21, 2010). *Automatism: A 15-year review of criminal appellate case law*. Scientific paper presentation at the national American Academy of Psychiatry and Law (AAPL) conference in Tucson, AZ.
15. Knight, S.C. (October 29, 2010). *South Carolina Mental Health Law: How to Proceed with a Mentally Disordered Defendant*. Workshop on competency to stand trial and criminal responsibility presented to the Berkeley County Public Defender's Office.
16. Knight, S.C. & Mulbry, L.W. (January 30, 2011). *School Shooters: A Unique Class of Violent Offenders*. [Invited Speaker]. Presentation to the South Carolina Psychiatric Association (SCPA) statewide conference in Charleston, SC.
17. Knight, S.C. (June 2011). *Legal Insanity and Competence*. [Invited Speaker]. Update in Psychiatry-Mental Illness, Victimization and Criminal Justice. A Forum for Clinicians, Policymakers, Judges, Attorneys and Law Enforcement. Charleston, South Carolina.
18. Knight, S.C. (June 2011). *Relationship Between Mental Illness and Criminal Behavior. Update in Psychiatry-Mental Illness, Victimization and Criminal Justice*. [Invited Speaker]. A Forum for Clinicians, Policymakers, Judges, Attorneys and Law Enforcement. Charleston, South Carolina.
19. Beck, B., Knight, S.C., & Mulbry, L.W. (October 2012). *Robotripping: Dextromethorphan's Link to Violent Crime, Rising Use and Emergent Legislation*. Poster presented at the national meeting of the American Academy of Psychiatry and Law (AAPL), Montreal, Canada.
20. Knight, S.C. (December 2012). *Sexual Predators: Pathology and the Law*. [Invited Speaker]. Judges and Attorneys Substance Abuse and Ethics Seminar, Medical University of South Carolina, Charleston, South Carolina.

21. Knight, S.C. (December 2012). *Legal Competence*. [Invited Speaker]. Judges and Attorneys Substance Abuse and Ethics Seminar, Medical University of South Carolina, Charleston, South Carolina.
22. Knight, S.C. (April 2013). *Legal Competence: Civil Competencies*. [Invited Speaker]. South Carolina Association of Probate Judge's Conference. Columbia, South Carolina.
23. Beck, B., Knight, S. C. & Mulbry, L.W. *Revisions in Gun and Mental Health Laws in the Wake of Newtown*. Poster accepted for presentation at the October 2013 national meeting of the American Academy of Psychiatry and Law (AAPL), San Diego, California.
24. Knight, S.C. (September 2013). *Workplace Violence: Assessment, Intervention and Prevention*. [Invited Speaker]. A Psychiatric Update: Annual conference held by the South Carolina Department of Mental Health.
25. Knight, S.C., Mulbry, L.W., Mullis, D. & Fields, C. (October 2013). *Guns and Psychiatry: Disarming the Mentally Ill*. Grand Rounds Presentation, Medical University of South Carolina, Department of Psychiatry and Behavioral Science.
26. Knight, S.C. (December 2013). *Ethical Considerations in Forensic Evaluations*. [Invited Speaker]. Judges and Attorneys Substance Abuse and Ethics Seminar, Medical University of South Carolina, Charleston, South Carolina.
27. Knight, S.C. (June 2014). *The Mentally Ill Offender: An Epidemic in Courts and Corrections*. [Invited Speaker]. National Judges Association: 35th Annual Education Conference. Charleston, South Carolina.
28. Knight, S.C. (October 2015). *Sentencing re: Miller: Perspective of a Forensic Psychologist in Juvenile Life Without Parole Hearings*. [Invited Speaker]. Columbia, South Carolina.
29. Knight, S.C. (August 2016). *Psychological Assessments in Juvenile Sentencing and Resentencing Cases*. [Invited Speaker]. Representing a Juvenile Facing Life Without Parole Conference. South Carolina Commission on Indigent Defense, Columbia, South Carolina.
30. Knight, S.C. (March 2017). *Navigating the Psycholegal Nexus: The Role of Forensic Psychology*. [Invited Speaker]. Southeastern Psychological Association (SEPA) – National Meeting. Atlanta, Georgia.
31. Knight, S.C., Young, L. & Jones, Z. (March 2017). *Structure and Substance in Sentencing: Legal, Psychological & Mitigation Elements of Miller Proceedings*. [Invited Workshop]. American Psychology-Law Society (AP-LS) – National Meeting. Seattle, Washington.

PUBLICATIONS

1. Oliver, J. M., Knight, S.C., Weaver, C.M., Boyd, A.R. & Meyer, R.G. (2000). Attitudes of board certified forensic psychologists toward critical issues in forensic psychology and the legal system. *Bulletin of the American Academy of Forensic Psychology*, 21 (1), 8-10.
2. Oliver, S.C., Knight, S.C., Weaver, C.M. & Meyer, R.G. (2001). Attitudes of forensic practitioners about competency to stand trial evaluations: Theoretical and practical considerations. *Bulletin of the American Academy of Forensic Psychology*, 22 (1), 20-22.
3. Knight, S.C. & Meyer, R.G. (2003). Gender Identity Disorder: The Case of Bruce/Brenda. In R.G. Meyer's, *Case Studies in Abnormal Behavior* (6th ed.), (pp. 134-140). Boston: Allyn & Bacon.
4. Knight, S.C. & Meyer, R.G. (2007). Forensic Hypnosis. In A. M. Goldstein's (Ed.) *Forensic Psychology: Emerging Topics and Expanding Roles*, NY: Wiley.
5. Gomez, A. & Knight, S.C. (2013). Disclosure of Mental Health Records in Court-Mandated Outpatient Treatment Proceeding and the Health Insurance Portability and Accountability Act (HIPPA). *Journal of the American Academy of Psychiatry and Law*. Vol. 41: 460-641.

Exhibit C

FILED

2017 MAY -8 AM 10:29

CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA	)	IN THE COURT OF GENERAL SESSIONS
COUNTY OF CHARLESTON	)	THE NINTH JUDICIAL CIRCUIT
	)	
State of South Carolina,	)	Case No.: 2014GS1005999, 2014GS1006000,
	)	2014GS1006001
	)	Charges: Murder, Attempted Murder,
	)	Possession of Weapon During
	)	Commission of Violent Crime
	)	
Plaintiff,	)	
vs.	)	AFFIDAVIT OF
	)	DR. ELIZABETH CAUFFMAN
TERRELL ARTIETH SMITH,	)	
	)	
Defendant.	)	

The affiant, Elizabeth Cauffman, Ph.D, being duly sworn, deposes and says:

EXPERT BACKGROUND AND QUALIFICATIONS

1. My name is Elizabeth Cauffman. I am a Professor in the Department of Psychology and Social Behavior at the University of California, Irvine (UCI) and hold courtesy appointments in the Department of Criminology, Law & Society, the School of Education and the School of Law. I received my Ph.D. in Developmental Psychology with a specialization in adolescent development from Temple University. I completed a post-doctoral fellowship at the Center on Adolescence at Stanford University and have served as a member of the MacArthur Foundation's Research Network on Adolescent Development and Juvenile Justice. I currently serve as the director of the on-line Masters in Legal & Forensic Psychology at UCI and also direct the Center for Psychology & Law at the University of California, Irvine.
2. Findings from my research were incorporated into the American Psychological Association's amicus briefs submitted to the U.S. Supreme Court in *Roper v. Simmons* (2005), which abolished the juvenile death penalty, and in both *Graham v. Florida* (2010) and *Miller v. Alabama* (2012), which placed limits on the use of life without parole as a sentence for juveniles.
3. At the broadest level, my research addresses the intersection between adolescent development and juvenile justice. I have published over 100 articles, chapters, and books on the study of contemporary adolescence, including adolescent brain development, risk-taking and decision-making, and juvenile justice. In addition, I have received over \$25 million dollars in funding from both the Federal government (e.g., National Institute of Mental Health, Office of Juvenile Justice and Delinquency Prevention, etc.) and private foundations (William T. Grant Foundation, John D. & Catherine T. MacArthur Foundation, etc.) to conduct my research.

4. I have served as a consultant on numerous cases and have testified as an expert witness in court over 15 times. Usually my testimony pertains to the sentencing phase of the defendant; however, several cases have involved the guilt phase or whether the youth was competent to stand trial. I have testified as an expert in both state and federal court.

REASON FOR REFERRAL

5. I was contacted by Dr. Susan Knight (clinical forensic psychologist) and Ms. Megan Ehrlich of the Charleston Public Defender Office to provide information on normative adolescent development as well as adolescent brain development and the scientific factors relied on by the Supreme Court's decision in *Miller v. Alabama* that mandatory sentences of life without the possibility of parole are unconstitutional for juvenile offenders. Particularly, I was asked to summarize – in a user friendly way – the recent research on adolescent development as it applies to Terrell Smith who I am informed committed the offense when he was 17 years and 7 months old.

CONCLUSION

6. Incontrovertible evidence shows that psychological development continues throughout adolescence and into young adulthood until approximately age 25. Furthermore, the biological underpinnings of the behavioral studies on which these conclusions are based are emerging. Recent brain imaging research does not change the portrait of adolescent immaturity – which peaks after the age of 18 – painted by behavioral research, but it makes the decreased culpability of adolescents even more compelling. It is one thing to say that adolescents do not control their impulses, stand up to peer pressure, or think through the consequences of their actions as well as adults, and to cite performance on behavioral tests as evidence; it is quite another to understand that they do not do these things because their brains are not yet wired to support such mature decision making. Yet, that is what recent studies linking anatomical and functional markers of brain development indicate (Casey, Getz, and Galvan, 2008; Giedd, 2008).
7. As Terrell was 17 when the incident occurred, research on adolescent development, in general, and brain development, in particular, provides insight into his developmental status at the time of the offense. For example, at the time of the offense, Terrell was at the height of the developmental phase where risk taking behavior peaks. Also, as the pre-frontal cortex of the brain is not fully mature until age 25, it is likely that Terrell was unable to regulate his emotions effectively (as the pre-frontal cortex is responsible for such self-regulatory behavior). It is also important to note that Terrell was abusing substances around the time of the offense and substance use has been shown to affect the development of brain structures that regulate behavioral, emotional, and cognitive processes. Finally, as noted by the Pathways to Desistance study, the majority of youth

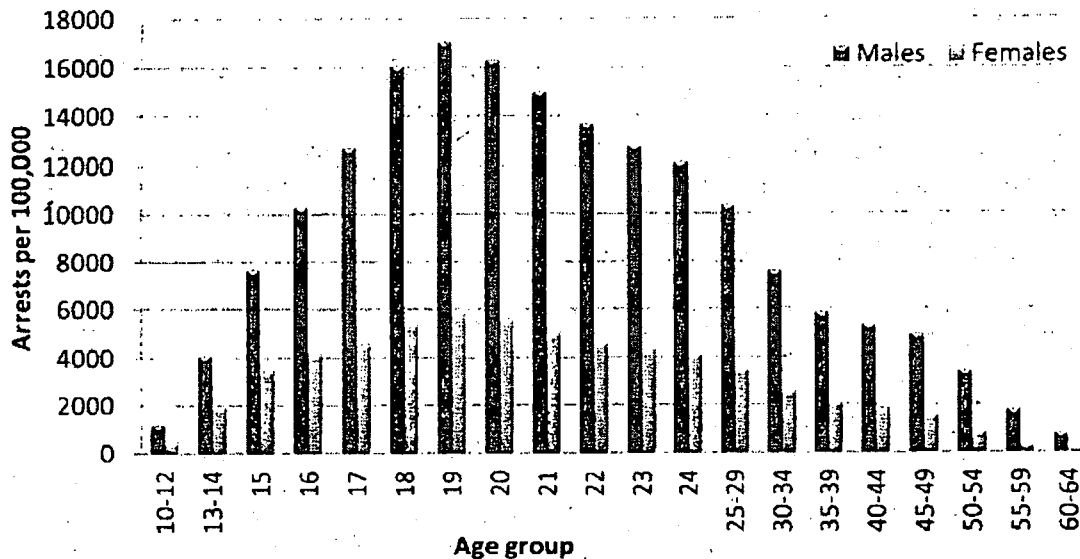
who commit serious crimes stop their criminal behavior as they transition to adulthood (roughly 24-25 years of age).

8. As age is not development – merely a marker of development – and as noted in the scientific research discussed in recent U.S. Supreme Court decisions (i.e., *Roper v. Simmons*, which abolished the juvenile death penalty, and in both *Graham v. Florida* and *Miller v. Alabama*, which placed limits on the use of life without parole as a sentence for juveniles), adolescents are developmentally different from adults and thus, the signature qualities of adolescence reduce their culpability and increase their capacity for change.

DEVELOPMENT & RISK TAKING CONTINUE AFTER AGE 18

9. Adolescence is a unique stage of human development. It is commonly defined as beginning at age 10 or 11 and continuing until the early 20's. As such, scientists who study adolescence differentiate among *early adolescence* (ages 10 to 13), *middle adolescence* (ages 14 to 17) and *late adolescence* (ages 18 to 22) (Arnett, 2000; Kagan & Coles, 1972; Keniston, 1970; Lipsitz, 1977). In addition, adolescence has long been regarded as a period of poor decision-making and rash behavior. This account of adolescence is reinforced by empirical data surveying a range of behaviors, such as illicit drug use (Monitoring the Future, 2009), reckless driving (Chen, Baker, Braver, & Li, 2000; National Highway Traffic Safety Administration, 2007), unsafe sex (Finer, 2010), and criminal activity (Piquero, 2008; Stolzenberg, & D'Alessio, 2008). The pattern observed across these diverse studies is one in which risky behavior becomes increasingly common during adolescence, peaks in late adolescence and then declines. This pattern is often referred to as the age-crime curve.
10. Age 18 is not the end of adolescence but instead aligns with the *beginning* of a problematic developmental phase before adulthood. Behavioral data indicate that the apex of risk taking behavior occurs during late adolescence. For example, unintended pregnancy peaks at 18–19 years of age (Finer, 2010); binge drinking peaks around 21 years of age (Chassin, Pitts, and Prost, 2002); and crime peaks at 19 years of age (See Figure 1; Federal Bureau of Investigation, 2010).

FIGURE 1: Age-Crime Curve based on FBI Uniform Crime Reports



11. When combined with more fine-grained studies showing specifically how susceptibility to peer pressure, impulsivity, risk taking, and short-term thinking do not subside until later in young adulthood, it becomes impossible to reconcile the argument that 18 (or, in the case of Terrell, 17 years and 7 months) is a sensible age at which to expect people to “know better” and to be “responsible” with the observation that these indicators of impulsive, reckless, self-destructive, and antisocial tendencies peak at precisely this point. For example, in a study of over 1,000 participants ranging in age from 12 to 48 years, impulsivity declined, the ability to think long term increased, and individuals became more responsible as they transitioned out of adolescence and into adulthood (Cauffman & Steinberg, 2000). In another study comparing adolescent and adult decision-making, results indicated that, when asked to evaluate hypothetical decisions, adolescents as old as 18 years of age were less likely than adults to mention possible long-term consequences, to evaluate both risks and benefits, and to examine possible alternative options (Halpern-Felsher & Cauffman, 2001). Furthermore, a study involving a gambling task with more than 900 individuals ages 10 to 30 found that late adolescents focus more on the potential rewards of a risky decision than to the potential costs, whereas adults tend to consider both (Cauffman, et al., 2010). These empirical studies confirm that adolescents – even older adolescents – have not fully developed these abilities which may account for their poor decision-making and immature judgement.

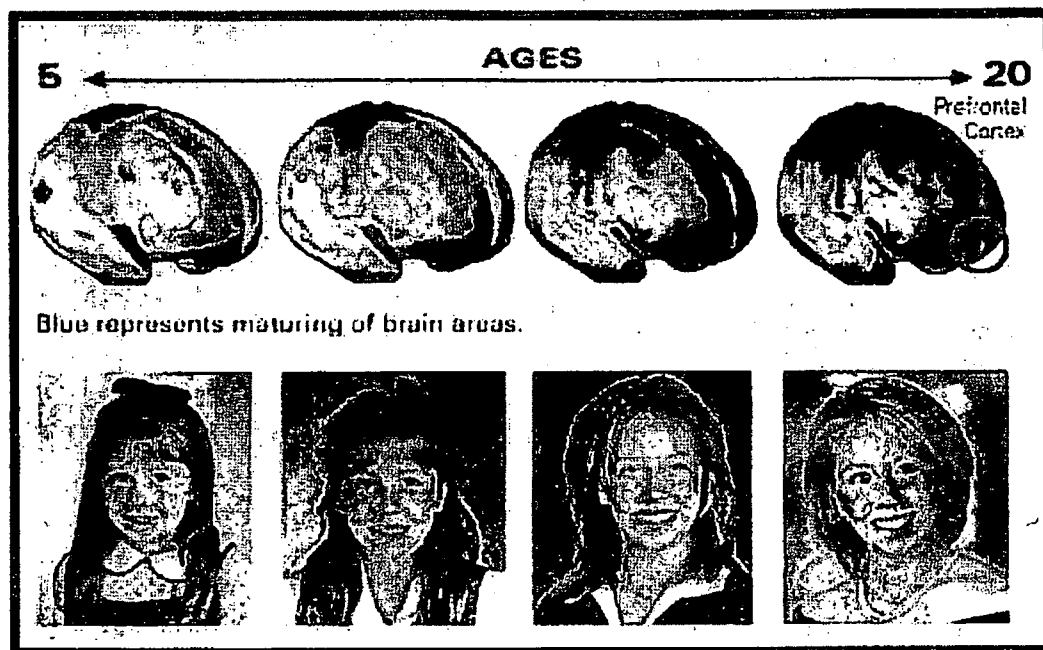
BRAIN DEVELOPMENT CONTINUES UNTIL AGE 25

12. What accounts for these differences between adolescents, including those in the transitional period between adolescence and adulthood, and adults with respect to risk-

taking, planning, inhibiting impulses, and generating alternatives? Recent research demonstrates a biological dimension to adolescent behavioral immaturity: the human brain does not reach its mature, adult form until after the adolescent years have passed and a person has entered young adulthood, which occurs at approximately age 25 (Gotgay et al., 2004).

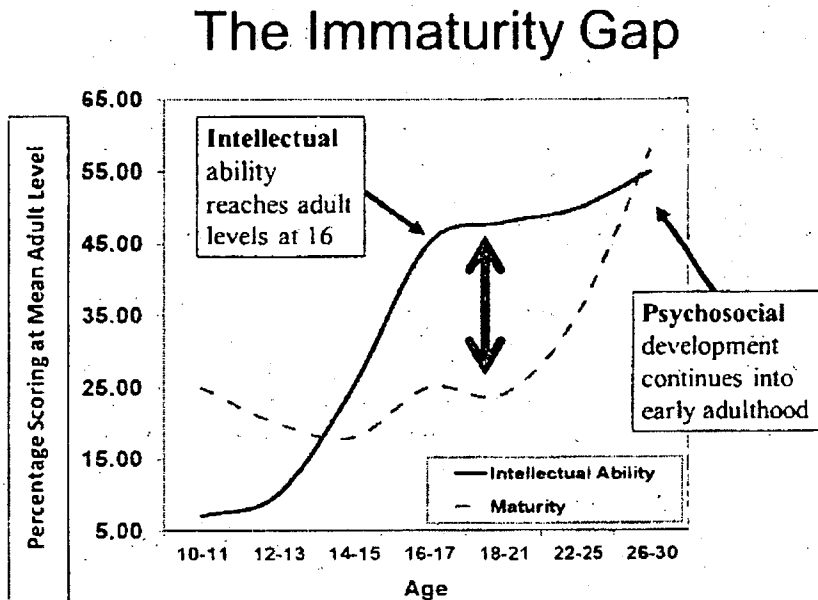
13. Although the majority of brain growth occurs prior to adolescence, there is considerable refinement within the brain that occurs across adolescence and through the transitional period – particularly in the area of the prefrontal cortex, which is among the last to develop (See Figure 5; Giorgio et al., 2010). The pre-frontal cortex is like the CEO of the company. It is responsible for the evaluation of future consequences, the ability to weigh risks and rewards, and general decision-making processes (Bechara et al., 2000). In addition, this region of the brain is also essential for controlling emotions and inhibiting impulses (Casey et al., 2000).
14. This refinement is evidenced by brain imaging studies that reveal increases in white matter volume (Giedd, 2004) and density (Paus et al., 1999), as well as decreases in grey matter (Sowell, 2001). Specifically, the brain undergoes myelination, the process through which the neural pathways connecting different parts of the brain become insulated with white fatty tissue called myelin (Paus, 2010). This insulation makes connections between different parts of the brain faster and more reliable and, thus, aids in the speed of neural transmission which is important for the processing of emotion and social information (Sowell et al., 2001). Decreases in grey matter volume are thought to reflect synaptic pruning (the systematic elimination of synapses that are not used or are less efficient; Luciana, 2013). For example, just as a gardener prunes away the unnecessary branches of a rose bush to help it grow, the brain prunes away unnecessary synapses so that the transfer of neural connections is more efficient. Research finds synaptic pruning is not complete during early adolescence, as was once thought, but rather continues well into the third decade of life (Petanjek et al., 2011). In short, the part of the brain that is critical for the control of impulses and emotions and mature, considered decision-making is still developing in late adolescence and these important aspects of brain maturation remain incomplete until, at least, age 25.
15. In addition, the sensitivity of the brain to specifically social rewards, such as peer acceptance, during adolescence is consistently seen across many studies using various methodological approaches (see review by Sebastian, Viding, Williams, & Blakemore, 2010). Specifically, during puberty, it is thought that gonadal hormones affect the activity of oxytocin in socio-emotional brain regions, specifically the amygdala and the nucleus accumbens (Nelson, Leibenluft, McClure, & Pine, 2005). Oxytocin plays a crucial role in social bonding and regulates the recognition of social stimuli (Insel & Fernald, 2004). This change in the activity of oxytocin in the socio-emotional system of the brain is thought to make adolescents respond differently to social stimuli, affecting their subsequent emotional and behavioral responses.

FIGURE 5: The adolescent brain continues to develop until approximately age 25



16. With the aid of advanced brain imaging technology and well-validated behavioral tasks, researchers are pinpointing the conditions under which adolescents' decision-making differs from adults' and illuminating the neurological developments that may correspond to these age differences. Synthesizing data from several lines of work, findings suggest that increased risk-taking in adolescence results from asynchrony in the development of one's psychosocial (e.g., self-regulatory system) and cognitive ability (e.g., intellectual ability). While one's cognitive ability (i.e., the ability to think) reaches adult levels at approximately age 16, the psychosocial/self-regulatory system continues to develop at a steady pace from childhood into adulthood. The maturation of this psychosocial/self-regulatory system, which involves the prefrontal cortex and its connections with subcortical regions, is associated with improved impulse-control, harm-avoidance, and modulation of emotional and behavioral responses. In fact, research has shown that by age 16, adolescents' general cognitive abilities are essentially indistinguishable from those of adults. Adolescents' psychosocial functioning, however, even at the age of 17, is significantly less mature than that of individuals in their mid-20s (See Figure 6; Steinberg, Cauffman, Woolard, Graham, & Banich, 2009). As such, in situations that elicit impulsivity, that are typically characterized by high levels of emotional arousal or social coercion, or that do not encourage or permit consultation with an expert who is more knowledgeable or experienced, adolescents' decision making is likely to be less mature than adults'.

FIGURE 6: Differences in the development of the psychosocial and cognitive (intellectual) systems



Steinberg, Cauffman, Woolard, Graham, & Banich (2009)

SUBSTANCE ABUSE ALTERS BRAIN DEVELOPMENT AND SLOWS NORMATIVE DEVELOPMENT

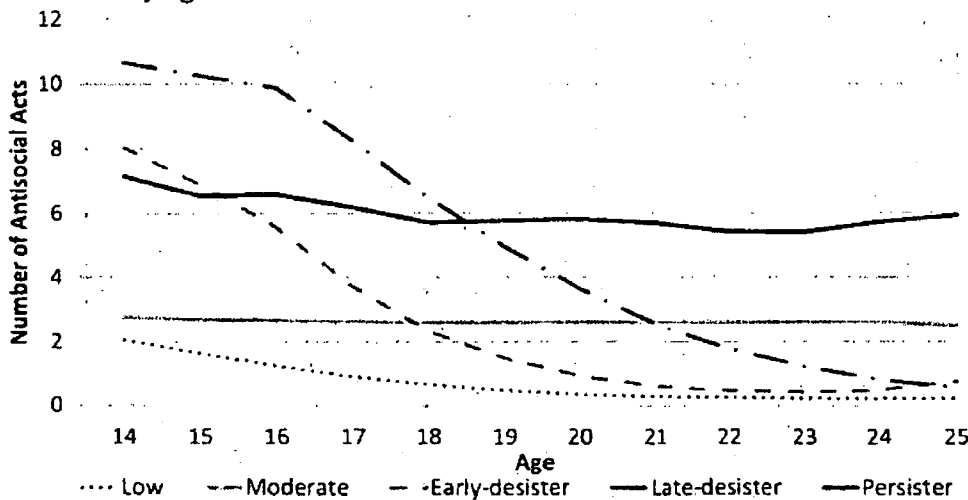
17. Evidence submitted in Terrell's case indicates that he abused substances both before and around the time of the incident. Adolescent substance use has been shown to impair psychosocial maturity by affecting the development of brain structures that regulate behavioral, emotional, and cognitive processes (Clark, Thatcher, & Tapert, 2008; Moss, 2008). Many of the brain regions that undergo developmental change during adolescence are also affected by alcohol and drug use (Volkow & Li, 2005). For example, fMRI studies suggest that the prefrontal cortex and sub-cortical striatal areas are both actively engaged in decision-making and affected by addictive substances (Chambers, Taylor, & Potenza, 2003) and substance use may also affect brain circuits involved in the experience of reward and self-regulation (e.g. Brown & Tapert, 2004). For example, research has shown that adolescent substance use leads to poorer neurocognitive performance, poorer white matter quality, and changes in brain volume (Squeglia, Jacobus, & Tapert, 2009). Substance use has also been associated with heightened impulsivity (Colder & Chassin, 1997), impaired affect regulation (Cooper, Agocha, & Sheldon, 2000), poor judgment (Giancola, Martin, & Tarter, 1996), and less successful decision-making (White, 1990). In addition, individuals with substance dependence tend

to choose small immediate rewards over larger postponed incentives (Potenza, 2007), display a reduced sensitivity to natural reinforcers, and show decreased inhibitory control (Volkow, Fowler, & Wang, 2003). These findings suggest that substance use may suppress age-typical growth in psychosocial maturity from adolescence to young adulthood (Chassin, Dmitrieva, Modecki, Steinberg, Cauffman, Piquero, Knight, & Losoya, 2010).

THE VAST MAJORITY OF ADOLESCENTS DESIST FROM CRIME BY AGE 25

18. As adolescents transition to adulthood and their cognitive and psychosocial systems become fully mature, we would expect to see improvements in self-regulation and a gradual ceasing of engagement in criminal behavior. Thus, one way to consider the impact of this development on crime is through a study of why and when adolescents desist from (stop) criminal behavior. The Pathways to Desistance Study was designed for the express purpose of examining the second half of the age-crime curve: the desistance tail. Pathways, a prospective longitudinal study of over 1,300 serious adolescent offenders (e.g., offenses included robbery, aggravated assault, murder, etc.), tracked desistance from crime across adolescence and into adulthood. Youth who had committed serious felony level offenses were recruited for the study between the ages of 14-18 and were interviewed over 7 years, completing the study at ages 21-25 (see Schubert et al. 2004 for details on the study's methodology).
19. The Pathways study found that most youth, despite being serious felony offenders, do indeed desist from crime; less than 10% of the participating youth persisted in high-level offending after 7 years (see Figure 7; Monahan, Steinberg, Cauffman & Mulvey, 2013).

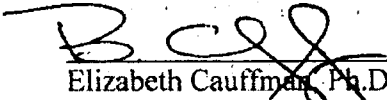
FIGURE 7: Pathways to Desistance Study: The majority of serious adolescent offenders desist from crime by age 25.



20. Indeed, the major factor that distinguished those youth who persisted at a high level from those who desisted or remained at low levels was the increase in their psychosocial/self-regulatory development. Specifically, youth who persisted in offending displayed less psychosocial maturity (particularly lower levels of impulse control, suppression of aggression, and future orientation), while youth who stopped their criminal behavior displayed developmentally normative increases in these domains (Monahan, Steinberg, Cauffman, & Mulvey, 2013). In sum, the desistance tail of the age-crime curve may be largely (though certainly not wholly) explained by normative developmental changes that occur across adolescence and into adulthood.

SUMMARY

21. It is important that justice system responses take the developmental considerations described above into account. Specifically, although youth who commit crime should unquestionably face consequences for their offenses, the sanctions applied should be appropriate to the offender's developmental status, amenability to future change, and degree of culpability (which may be lowered because of the diminished reasoning capacity implied by a lack of fully developed impulse control, resistance to peer pressure, or ability to recognize long-term negative consequences of risky behavior). Based on the Supreme Court decision in *Miller*, "the penological justifications for life without parole collapse in light of the distinctive attributes of youth" (cited in *Montgomery v Louisiana*). As Terrell was 17 years old at the time of the offense and research shows enormous growth and change throughout adolescence and into young adulthood, there is no reliable scientific way to determine whether Terrell is "irreparably corrupt".

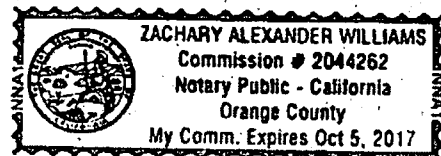

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SWORN TO AND SUBSCRIBED BEFORE ME

This 4th day of MAY, 2017.


 Notary Public for California

My Commission Expires: OCT 5, 2017



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Exhibit D

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PREVIOUS POSITIONS

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EDUCATION

1998 **Stanford University**
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HONORS AND AWARDS

2014 Social Ecology Professor of the Year, University of California, Irvine

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- 2007 Chancellor's Award for Excellence in Fostering Undergraduate Research, UC, Irvine
- 2002 Vice Chancellor's Young Investigator Address for Exceptional Research, Univ. of Pittsburgh
- 1998 Summer Scholar at Center for Advanced Study in the Behavioral Sciences, Stanford University
- 1996 College of Arts & Sciences Teaching Merit in Psychology, Temple University
- 1994 James D. Page Award, Temple University
- 1994 Counselor of the Year, Anchor House Shelter, Trenton, NJ
- 1993 Graduate School Summer Fellowship, Temple University
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PROFESSIONAL ACTIVITIES

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- 2007 – 2008 **Member**, Membership Committee, Society for Research on Adolescence.
- 2005 – 2013 **Member**, Center for Psychology and Law, University of California, Irvine
- 2005 – 2010 **Member**, Office of Juvenile Justice and Delinquency Prevention Girls Study Group.
- 2005 **Member**, American Society of Criminology Gene Carte Student Paper Competition.
- 2003 - 2004 **Governor Appointee** to the Pennsylvania Commission on Crime and Delinquency, Juvenile Justice and Delinquency Prevention Committee.
- 2002 **Ad hoc Committee Member**, American Psychological Association Division 7 ad hoc committee to review Institutional Review Board requirements for research involving children.
- 2000 - 2002 **Faculty Member**, National Judicial College. Reno, NV.
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- 1998 - 2004 **Reviewer**, Western Psychiatric Institute & Clinic internal research review committee.

GRANT FUNDING*Crossroads: Formal vs. Informal Processing in the Juvenile Justice System*

County of Orange

\$400,000 (7/1/2015 – 12/31/2018) – Principal Investigator

John D. & Catherine T. MacArthur Foundation Models for Change Initiative

\$3,000,000 (10/1/10 – 9/30/16) – Principal Investigator

\$1,000,000 (8/1/2015 – 12/31/18) – Principal Investigator

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Acculturation and Moral Foundations in Adolescence

UC MEXUS

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The Iatrogenic Effects of Incarceration

UC Irvine Center for Evidence-Based Corrections

\$17,366 (2005-2006) – Principal Investigator

NICHD Study of Early Child Care and Youth Development – Phase IV

National Institute of Child Health and Human Development

\$1,376,990 (2/1/05 – 1/31/07) – Co-Principal Investigator

Assessing Juvenile Psychopathy: A Longitudinal Follow-up

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Improving Services for Mentally Ill Juvenile Offenders

National Institute of Mental Health – K01

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Decision-Making in Everyday Life: How Culpable are Adolescents?

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Understanding Girls in the Juvenile Justice System

Juvenile Law Center

\$6,500 (7/1/04 – 1/30/05) – Principal Investigator

Mental Health Screening and Assessment in Juvenile Detention: A Multi-Site Study

Pennsylvania Department of Public Welfare

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Understanding the Female Offender

National Institute of Justice

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Assessing Juvenile Psychopathy: Developmental & Legal Implications

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John D. & Catherine T. MacArthur Foundation Network on
Adolescent Development & Juvenile Justice

\$50,000 (7/01/01 – 12/31/03) – Principal Investigator

Pathways to Desistance: A Prospective Study of Serious Adolescent Offenders

Office of Juvenile Justice & Delinquency Prevention

\$1,694,404 (2000 – 2001) – Co-Principal Investigator

\$2,091,578 (2001 – 2002) – Co-Principal Investigator

\$499,999 (2002 – 2003) – Co-Principal Investigator

\$1,699,991 (2003 – 2005) – Co-Principal Investigator

\$1,499,817 (2005-2006) – Co-Principal Investigator

\$1,498,131 (2006-2007) – Co-Principal Investigator

\$130,000 (2007-2008) – Co-Principal Investigator

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Robert Wood Johnson Foundation

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Pennsylvania Commission on Crime & Delinquency

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\$149,976 (2003 – 2003) – Co-Principal Investigator

John D. & Catherine T. MacArthur Foundation Network on
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\$35,364 (4/01/02 – 12/31/02) – Co-Principal Investigator

National Institute on Drug Abuse

\$4,423,097 (2005-2010) – Co-Principal Investigator

Prospective Study of Serious Adolescent Offenders: Pilot

National Institute of Justice

\$368,176 (9/1/99 – 2/28/01) – Co-Principal Investigator

Site Selection: Prospective Study of Serious Adolescent Offenders

John D. & Catherine T. MacArthur Foundation Network on
Adolescent Development & Juvenile Justice

\$64,935 (5/1/99 – 10/31/00) – Principal Investigator

Assessing Mental Health Problems among Serious Institutionalized Delinquents

National Institute of Justice

\$4,531 (4/15/99 – 10/15/00) – Consultant

MacTeen: A Compendium of Measures

John D. & Catherine T. MacArthur Foundation

\$25,500 (4/1/99 – 12/31/99) – Principal Investigator

Neuropsychological and Psychological Functioning of Incarcerated & Non-incarcerated Youth.

John D. & Catherine T. MacArthur Foundation Network on
Adolescent Development & Juvenile Justice

\$35,000 (11/1/97 – 10/31/98) – Principal Investigator

Posttraumatic Stress Disorder among Female Juvenile Offenders.

Stanford Center on Adolescence Small Seed Grant

\$5,000 (11/1/96 – 10/31/97) – Principal Investigator

PUBLICATIONS

**Asterisks denote publications with current or former graduate students, or postdoctoral scholars.*

JOURNAL ARTICLES – PEER REVIEWED

*Fine, A., Cavanagh, C., Frick, P., Steinberg, L. & **Cauffman, E.** (in press). Can probation officers identify remorse among male adolescent offenders. *Psychological Assessment*.

Ray, J., Frick, P., Thornton, L., Steinberg, L., & **Cauffman, E.** (in press). Callous-unemotional traits predict self-reported offending in adolescent boys: The mediating role of delinquent peers and the moderating role of parenting practices. *Developmental Psychology*.

*Fine, A., *Mahler, A., *Simmons, C., Chen, C., Moyzis, R., & **Cauffman, E.** (in press). Relations between three dopaminergic system genes, school attachment, and adolescent delinquency. *Developmental Psychology*.

*Shulman, E., *Bechtold, J., *Kelly, E., & **Cauffman, E.** (in press). Mental health screening in juvenile justice settings: Evaluating the utility of the Massachusetts Youth Screening Inventory, Version 2. *Criminal Justice Policy Review*.

Roisman, G., Fraley, R.C., Haltigan, J.D., **Cauffman, E.**, & Booth-LaForce, C. (in press). Strategic considerations in the search for transactional processes: Detecting and quantifying transactional signals in longitudinal data. *Development & Psychopathology*.

Cauffman, E., Skeem, J., *Dmitrieva, J., & *Cavanagh, C. (in press). Comparing the stability of psychopathy scores in adolescence and adulthood: How often is "fledgling psychopathy" misdiagnosed? *Psychology, Public Policy, and the Law*.

- *Fine, A., **Cauffman, E.**, Steinberg, L. & Frick, P. (in press). Self-control assessments and implications for predicting adolescent offending. *Journal of Youth & Adolescence*.
- Amemiya, J., *Monahan, K. & **Cauffman, E.** (in press). Leaders and followers in juvenile offending: Distinguishing correlates and adjustment to incarceration. *Criminal Justice and Behavior*.
- *Tatar, J., *Cavanagh, C., & **Cauffman, E.** (in press). With a little help from my friends: Psychopathy moderates social influence on offending. *Psychology, Public Policy, and Law*.
- Cauffman, E.**, *Fine, A., *Thomas, A. & *Monahan, K. (in press). Trajectories of violent behavior among females and males. *Child Development*.
- *Fine, A., *Cavanagh, C., *Donley, S., Frick, P., Steinberg, L. & **Cauffman, E.** (in press). The role of peer arrests on the development of youths' attitudes towards the justice system. *Law & Human Behavior*.
- Racz, S., Saha, D., Trent, M., Hoover, A., Bradshaw, C., *Goldweber, A., & **Cauffman, E.** (in press). Polysubstance use among minority adolescent males incarcerated for serious offenses. *Child and Youth Care Forum*.
- Ray, J., Frick, P., Thornton, L., Steinberg, L., & **Cauffman, E.** (in press). Positive and negative item wording and its influence on the assessment of callous-unemotional traits. *Psychological Assessment*.
- *Cavanagh, C. & **Cauffman, E.** (in press). Viewing law and order: Mothers' and sons' justice system legitimacy attitudes and juvenile recidivism. *Psychology, Public Policy, and Law*.
- *Boessen, A. & **Cauffman, E.** (in press). Moving from the neighborhood to the cellblock: The impact of youth's neighborhoods on prison misconduct. *Crime & Delinquency*.
- Ray, J., Thornton, L., Frick, P., Steinberg, L., & **Cauffman, E.** (in press). Impulse control and callous-unemotional traits distinguish patterns of delinquency and substance use in justice involved adolescents: Examining the moderating role of neighborhood context. *Journal of Abnormal Child Psychology*.
- *Bechtold, J., *Monahan, K., Wakefield, S. & **Cauffman, E.** (2015). The role of race in probation monitoring and responses to probation violations among juvenile offenders in two jurisdictions. *Psychology, Public Policy, and the Law*, 21, 323-337.
- Cauffman, E.**, *Monahan, K., & *Thomas, A. (2015). Pathways to persistence: Female offending from 14 to 25. *Journal of Developmental and Life Course Criminology*, 1, 236-268.
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Cauffman, E. (May, 2016). *Arrested development: Adolescent development and juvenile justice*. Invited address at the Colorado Collaborative Justice Conference, Westminster, CO.

Cauffman, E. (May, 2016). *California corrections: Reform, recidivism, and crime*. Robert Presley Center for Crime and Justice Studies, University of California, Riverside, CA.

Cauffman, E. (April, 2016). *Inside the adolescent brain: Connecting providers with researchers*. Keynote address to the Sacramento County Probation Department, Sacramento, CA.

Cauffman, E. (April, 2016). *Adolescent brain science & juvenile justice*. Keynote address to the Reclaiming Futures Conference, Miami, FL.

Cauffman, E. (March, 2016). *Developmental psychology goes to court*. Presentation to the Judicial Council of California, San Francisco, CA.

Cauffman, E. (February, 2016). *Arrested development: Adolescent development & juvenile justice*. Presentation to Anne E. Casey Foundation, Baltimore, MD.

Cauffman, E. (February, 2016). *Raising the age for juvenile justice*. Presentation to Connecticut State Legislatures Meeting, Hartford, CT.

Cauffman, E. (February, 2016). *A developmental perspective: "What works" to reduce recidivism and improve outcomes for youth*. MacArthur Foundation 50-State Forum, Austin, TX.

Cauffman, E. (January, 2016). *Juvenile court basics training for educators*. Orange County Department of Education, Santa Ana, CA.

Cauffman, E. (January, 2016). *Applying adolescent development to juvenile justice settings*. Training for CASA, Santa Ana, CA.

Cauffman, E. (December, 2015). *The rise of trauma-informed approaches*. 10th Annual Models for Change National Conference, Washington, DC.

Cauffman, E. (December, 2015). *A tale of two systems: Education and juvenile justice*. Annual Meeting on Conditions of Children in Orange County. Irvine, CA.

Cauffman, E. (December, 2015). *Arrested development: Adolescent development and juvenile justice*. Beyond the Bench – State of California; Anaheim, CA.

Cauffman, E. (November, 2015). *Who are our youth?: Acting out*. Orange County Juvenile Justice Summit. Orange County Sheriff's Regional Training Center, Tustin, CA.

- Cauffman, E. (November, 2015). *"What works" to reduce recidivism and improve outcomes for youth*. Juvenile Justice 50-state Forum, Austin, TX.
- Cauffman, E. (October, 2015). *Arrested development: Adolescent development & juvenile justice*. UC Consortium on Social Sciences and the Law. University of California, Irvine, CA.
- Cauffman, E. (October, 2015). *Adolescent development and the law*. TEDxUCI – UCI's Festival of Discovery. University of California, Irvine, CA.
- Cauffman, E. (September, 2015). *Brain science and kids: New policy approaches*. National Council of State Legislators Meeting, San Francisco, CA.
- Cauffman, E. (September, 2015). *Youth and the system*. Orange County Alliance, Santa Ana, CA.
- Cauffman, E. (September, 2015). *Adolescent brain development and the juvenile justice system*. Sierra Health Foundation, Sacramento, CA.
- Cauffman, E. (April, 2015). *Adolescent development and system-involved youth*. Orange County Blue Ribbon Commission on Children in Foster Care, Orange County, CA.
- Cauffman, E. (May, 2014). *Not guilty by reason of adolescence*. Presentation at the UCI CEO Roundtable. Napa, CA.
- Cauffman, E. (April, 2014). *Arrested development*. Presentation at the Los Angeles Public Defenders Conference. Los Angeles, CA.
- Cauffman, E. (August, 2013). *Brain Science & Kids*. Presentation at the National Conference of State Legislatures. Atlanta, GA.
- Cauffman, E. (March, 2013). *Adolescents as adults in court*. Presentation to the Washington State Criminal Justice and Corrections Committee and the Juvenile Justice and Family Law Committee. Seattle, WA.
- Cauffman, E. (December, 2012). *A new paradigm: The United States Supreme Court, adolescent development, and neuroscience*. Invited panelist for the John D. & Catherine T. MacArthur Foundation Models for Change Initiative. Washington, D.C.
- Cauffman, E. (November, 2012). *Arrested development: Adolescent development and juvenile justice*. Presentation to the Department of Criminology at the University of Pennsylvania. Philadelphia, PA.
- Cauffman, E. (October, 2012). *Family law & adolescents: How neuroscience and developmental psychology inform best interests*. Keynote address to the Massachusetts Association of Guardians ad Litem. Boston, MA.
- Cauffman, E. (April, 2012). *Arrested development: Adolescent development and juvenile justice*. Presentation for the Knudson Endowed Chair. Oregon State University, OR.
- Cauffman, E. (January, 2012). *The impact of transfer to criminal court for juvenile offenders*. Invited briefing to Washington State's Senate Committee on Early Learning & Human Services. Olympia, WA.

- Cauffman, E. (October, 2011). *Pathways to Desistance: A Study of Serious Juvenile Offenders*. Presentation at the Association for Criminal Justice Research. Huntington Beach, CA
- Cauffman, E. (May, 2011). *Adolescent brain development and juvenile justice*. Presentation at the Sandra Day O'Connor U.S. Courthouse. Phoenix, AZ.
- Cauffman, E. (February, 2011). *Arrested Development*. Presentation at Claremont McKenna College Athenaeum. Claremont, CA.
- Cauffman, E. (October, 2010). *Adolescent development & juvenile justice*. Presentation at RAND. Los Angeles, CA.
- Cauffman, E. (September, 2010). *Pathways to female delinquency*. Presentation at the John D. & Catherine T. MacArthur Foundation research meeting on Girls and Juvenile Justice. Chicago, IL.
- Cauffman, E. (August, 2010). *The effects of visitation on incarcerated juvenile offenders*. Presentation at the American Psychological Association. San Diego, CA.
- Cauffman, E. (August, 2010). *Adolescent development as a mitigating factor*. Presentation to the Orange County Public Defender's Office. Orange County, CA.
- Cauffman, E. (July, 2010). *Adolescent development as a mitigating factor*. Presentation for the Office of Public Advocacy. Anchorage, Alaska.
- Cauffman, E. (June, 2010). *Arrested development*. Presentation at the NICHD Cognition, Brain Function, and Learning in Incarcerated Youth. Washington, DC.
- Cauffman, E. (April, 2010). *Adolescent development and juvenile justice*. Presentation at Beijing Normal University. Beijing, China.
- Cauffman, E. (February, 2009). *Adolescents as adults in court*. Presentation to the Washington State Criminal Justice and Corrections Committee and the Juvenile Justice and Family Law Committee. Seattle, WA.
- Cauffman, E. (January, 2009). *Adolescents as adults in court*. American Academy of Forensic Psychology Workshop. Albuquerque, NM.
- Cauffman, E. (August, 2007). *Adolescent development*. Presentation to Santa Ana Unified School District - Lathrop Intermediate. Santa Ana, CA.
- Cauffman, E. (June, 2007). *Assessing mental health using the MAYSI-2*. Presentation to the San Bernardino Probation Department. Monterey County, CA.
- Cauffman, E. (June, 2007). *Mental health and juvenile justice*. Invited briefing to the United States Senate Judiciary Committee. Washington, DC.
- Cauffman, E. (June, 2007). *Understanding the serious female offender*. Presentation to the Coalition for Juvenile Justice Annual Conference. Washington, DC.

- Cauffman, E. (April, 2007). *Life without the possibility of parole: Developmental considerations*. Invited briefing to the California Senate's Public Safety Committee on the Juvenile Life Without Parole Reform Act (Senate Bill 999). Sacramento, CA.
- Cauffman, E. (April, 2007). *Are adolescents different from adults? Biological, social, and cognitive considerations*. Presentation to the Los Angeles Public Defenders Office – Juvenile Justice Conference. Los Angeles, CA.
- Cauffman, E. (March, 2007). *Developmental psychology goes to court*. Psychology Department at the University of California, Santa Barbara. Santa Barbara, CA.
- Cauffman, E. (February, 2007). *Adolescents as adults in court*. American Academy of Forensic Psychology Workshop. Albuquerque, NM.
- Cauffman, E. (February, 2007). *Assessing mental health using the MAYSI-2*. Presentation to the San Bernardino Probation Department. San Bernardino, CA.
- Cauffman, E. (December, 2006). *Adolescents as adults in court*. Presentation to the Washington State Criminal Justice and Corrections Committee and the Juvenile Justice and Family Law Committee. Seattle, WA.
- Cauffman, E. & Skeem, J. (September, 2006). *Juvenile psychopathy: Is there such a thing as an adolescent superpredator?* Presentation at the John D. and Catherine T. MacArthur Foundation Research Network Conference on Adolescent Development and Juvenile Justice. Washington, DC.
- Cauffman, E. (September, 2006). *Pathways to desistance: Who is the female offender?* Presentation at the John D. and Catherine T. MacArthur Foundation Research Network Conference on Adolescent Development and Juvenile Justice. Washington, DC.
- Cauffman, E. (June, 2006). *Adolescents as adults in court*. American Academy of Forensic Psychology Workshop. San Juan, Puerto Rico.
- Cauffman, E. & Shulman, L. (May, 2006). *The MAYSI-2: California statewide screening*. Presentation to the County Alcohol and Drug Program Administrators Association of California, Sacramento, CA.
- Cauffman, E. & Skeem, J. (March, 2006). *The downward extension of juvenile psychopathy*. Psychology Department at the University of California, Riverside. Riverside, CA.
- Cauffman, E. (January, 2006). *Juvenile adjudicative competence: A minor misunderstanding*. Grand Rounds for the Division of Child & Adolescent Psychiatry in the Department of Psychiatry at the University of California, Los Angeles. Los Angeles, CA.
- Cauffman, E. & Skeem, J. (May, 2005). *Assessing juvenile psychopathy: Developmental and legal implications*. Center on Adolescence at Stanford University. Stanford, CA.
- Cauffman, E. & Skeem, J. (January, 2005). *The adolescent psychopath: Fact or fiction?* Psychology Department at the University of California, Los Angeles. Los Angeles, CA.
- Cauffman, E. (November, 2004). *Juvenile Justice and Adult Corrections*. Chapin Hall Conference on Adolescence and the Transition to Adulthood. University of Chicago, Chicago, IL.

- Cauffman, E. (July, 2004). *Sentencing juveniles as adults: Developmental implications and psychological evaluations*. Superior Court Judges of Georgia. St. Simons Island, GA.
- Cauffman, E. (July, 2004). *Pathways to Desistance: Preliminary findings from a longitudinal study on serious adolescent offenders*. Juvenile Court Judges Commission. Harrisburg, PA.
- Cauffman, E. (September, 2003). *The adolescent brain: Excuse versus explanation*. Annals of the New York Academy of Sciences. New York, NY.
- Cauffman, E. (March, 2003). *Juveniles' competence to stand trial: a comparison of adolescents and adults capacities as trial defendants*. Social and Decision Sciences Department at Carnegie Mellon University, Pittsburgh, PA.
- Cauffman, E. (November, 2002). *A statewide assessment of mental health symptoms among juvenile offenders in detention*. Prevention Research Center at Penn State University, State College, PA.
- Cauffman, E. (September, 2002). *Assessing mental health problems among youth in the juvenile justice system*. Senior Vice Chancellor's Research Seminar Series, University of Pittsburgh Medical Center, Pittsburgh, PA.
- Cauffman, E. (June, 2002). *Adolescent development and juvenile justice*. Philadelphia Juvenile Court, Philadelphia, PA.
- Cauffman, E. (June, 2002). *(Im)maturity of judgment: Psychosocial development and decision-making during adolescence*. Youth Tobacco Research Meeting sponsored by the National Cancer Institute, Tampa, FL.
- Cauffman, E. (April 2002). *What are the components of a good psychiatric assessment?* Columbia University Consensus Conference on Implementing and Utilizing Mental Health Assessments in the Juvenile Justice System, New York, NY.
- Cauffman, E. (December, 2001). *Mental health issues among juvenile offenders: Definition, Assessment & Treatment*. Mental Health Training Initiative sponsored by the Bureau of State Children & Youth Programs, Pittsburgh, PA.
- Cauffman, E. (November, 2001). *Adolescent development and juvenile justice*. Journalism Fellowships Conference in Child & Family Policy, Washington, DC.
- Cauffman, E. (November, 2001). *Kids are different: Adolescent development and the juvenile justice system*. Annual Meeting of the Juvenile Court Judges Commission, Harrisburg, PA.
- Cauffman, E. (October, 2001). *Assessing mental health symptoms via the MAYSI-2*. Annual Meeting of the National Detention Centers Association, Pittsburgh, PA.
- Cauffman, E. (October, 2001). *Kids in court: Developmental considerations*. Annual Meeting of the American Judges Association, Reno, NV.
- Cauffman, E. (July, 2001). *How to use knowledge of adolescent development and mental health assessments in court decision-making*. Annual Meeting of the Pennsylvania Conference of State Trial Judges, Hershey, PA.

- Cauffman, E. (July, 2001). *Mental health issues among adolescents*. Inter-Agency Council on Violence, Alcohol, & Weapons in the School: Pittsburgh Board of Education, Pittsburgh, PA.
- Cauffman, E. (February, 2001). *When does adolescence end?: Adolescents as adults in court*. Depaul Law School Symposium, Chicago, IL.
- Cauffman, E. (January, 2001). *Children as adults in court*. Resource Committee Meeting for the National Judicial College, Orlando, FL.
- Cauffman, E. (July, 2000). *Youth on trial: Developmental perspectives on juvenile justice*. Criminal Justice Section of the American Bar Association, New York, NY.
- Cauffman, E. (January, 2000). *The elephant in the courtroom: Developmental and mental health issues among juvenile offenders*. 1999-2000 Lecture Series Sponsored by Western Psychiatric Institute and Clinic, Pittsburgh, PA.
- Cauffman, E. (April, 1999). *Children as adults in court*. Resource Committee Meeting for the National Judicial College, Reno, NV.
- Cauffman, E. (February, 1999). *Gender and violence*. Keynote Address to the Safe Schools and Communities Coalition, Hartford, CT.
- Cauffman, E. (June, 1998). *Understanding the female offender: Developmental and mental health considerations*. Department of Juvenile Justice, Tallahassee, FL.
- Cauffman, E. (June, 1998). *Adolescent development and the juvenile justice system*. Juvenile Court Personnel Training Project: Sponsored by the MacArthur Foundation, Oakland, CA.
- Cauffman, E. (May, 1998). *Gender considerations for violent youth tried as adults*. National Workshop on Violent Youth Tried as Adults. Department of Justice, Houston, TX.
- Cauffman, E. (January, 1998). *Understanding adolescents as decision-makers: What are the cognitive capacities of adolescents?* Workshop on Adolescent Decision-Making: National Research Council's Board on Children, Youth, and Families, Washington, DC.
- Cauffman, E. (November, 1997). *Criminal accountability among adolescents: A developmental perspective*. Developmental Colloquium: University of California, Santa Cruz, CA.
- Cauffman, E. (November, 1997). *Do you have an at-risk kid?* Parent Talk: Community Cable Television, Palo Alto, CA.
- Cauffman, E. (April, 1997). *Legal implications of maturity and mental health in adolescence*. Los Angeles Public Defenders Conference, Los Angeles, CA.
- Cauffman, E. (December, 1996). *Breaking the cycle of violence: A developmental approach*. Rotary Club of Woodside, Portola Valley, CA.
- Cauffman, E. (July, 1996). *Adolescent development and its impact on the law: What do lawyers need to know?* Youth Law Center, San Francisco, CA.

PROFESSIONAL PRESENTATIONS

Cauffman, E., Fine, A., Cavanagh, C., Steinberg, L., & Frick, P. (April, 2016). *Justice system processing and substance use among first time juvenile offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence. Baltimore, MD.

Mahler, A., Cauffman, E., Frick, P., & Steinberg, L. (April, 2016). *Expectations for future success among adolescent first time offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence. Baltimore, MD.

Cavanagh, C. & Cauffman, E. (April, 2016). *Mothers' and sons' expectations for the future*. Paper presented at the biennial meeting of the Society for Research on Adolescence. Baltimore, MD.

Cauffman, E., Fine, A., Thomas, A., & Monahan, K. (April, 2016). *Trajectories of violent behavior among females*. Paper presented at the biennial meeting of the Society for Research on Adolescence. Baltimore, MD.

Kan, E., Elias, H., Donley, S., & Cauffman, E. (March, 2016). *Extracurricular activities on probation violation among juvenile first time offenders*. Poster presented at the annual meeting of the American Psychology – Law Society. Atlanta, GA.

Cauffman, E., Fine, A., Cavanagh, C., Donley, S., Frick, P., & Steinberg, L. (March, 2016). *The role of peer arrests on the development of youths' attitudes towards the justice system*. Paper presented at the annual meeting of the American Psychology – Law Society. Atlanta, GA.

Bechtold, J. & Cauffman, E. (March, 2015). *Under the radar or under arrest: How does contact with the justice system affect subsequent arrest?* Paper presented at the annual meeting of the American Psychology – Law Society. San Diego, CA.

Cauffman, E., Bechtold, J., Frick, P. & Steinberg, L. (March, 2015). *Crossroads: Formal vs. informal processing of juvenile offenders*. Paper presented at the annual meeting of the American Psychology – Law Society. San Diego, CA.

Thomas, A. & Cauffman, E. (March, 2015). *Depression and reoffending among serious delinquents across seven years*. Paper presented at the biennial meeting of the Society for Research in Child Development. Philadelphia, PA.

Fine, A. & Cauffman, E. (March, 2015). *Schools, impulsivity, and implications for adolescent offending*. Poster presented at the biennial meeting of the Society for Research in Child Development. Philadelphia, PA.

Fine, A., Cauffman, E., Steinberg, L. & Frick, P. (March, 2015). *Impulsivity assessments and implications for predicting adolescent offending*. Paper presented at the biennial meeting of the Society for Research in Child Development. Philadelphia, PA.

Cavanagh, C. & Cauffman, E. (November, 2014). *The transition to adulthood among youth tried as adults: Findings from the Pathways to Desistance study*. Paper presented at the annual meeting of the American Society of Criminology. San Francisco, CA.

- Cauffman, E., Donley, S., Bechtold, J., & Steinberg, L. (November, 2014). *Sensation seeking among at-risk adolescents: Findings from the Crossroads study*. Paper presented at the annual meeting of the American Society of Criminology. San Francisco, CA.
- Cavanagh, C. & Cauffman, E. (March, 2014). *Undocumented families in the juvenile justice system*. Paper presented at the biannual meeting of the Society for Research on Adolescence. Austin, TX.
- Thomas, A., Monahan, K., Lukowski, A., & Cauffman, E. (March, 2014). *Sleep problems across development. A pathways to adolescent risk-taking through executive function*. Paper presented at the biannual meeting of the Society for Research on Adolescence. Austin, TX.
- Cauffman, E., Monahan, K., & Thomas, A. (March, 2014). *Juvenile justice girls*. Paper presented at the biannual meeting of the Society for Research on Adolescence. Austin, TX.
- Cavanagh, C. & Cauffman, E. (March, 2014). *Familial arrests and relationships: Implications for serious youth offenders*. Paper presented at the biannual meeting of the Society for Research on Adolescence. Austin, TX.
- Thornton, L., Ray, J., Frick, P., Steinberg, L., Cauffman, E. (March, 2014). *Neighborhood disorganization moderates the association between self-reported offending and two dispositional risk factors: Callous-unemotional traits and impulse control*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Cauffman, E., Monahan, K., & Thomas, A. (March, 2014). *Pathways to persistence: Female offending from 14 to 25*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Thomas, A., Cauffman, E., Steinberg, L. & Frick, P. (March, 2014). *"I didn't do It": Examining first-time juvenile offenders' false guilty pleas*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Donley, S., Bechtold, J., & Cauffman, E. (March, 2014). *Pathways to sensation seeking among first-time juvenile offenders*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Wall, T., Frick, P., Thornton, L., Ray, J., Cauffman, E., & Steinberg, L. (March, 2014). *Impulse control moderates the association between CU traits and delinquency and aggression in a sample of first-time offending boys*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Tatar, J., Skeem, J. & Cauffman, E. (March, 2014). *Psychopathic trait instability in the transition to adulthood: Impact of psychopathology and adversity*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Ray, J., Frick, P., Thornton, L., Steinberg, L., & Cauffman, E. (March, 2014). *An item response theory analysis of the Inventory of Callous-Unemotional traits*. Paper presented at the annual meeting of the American Psychology – Law Society. New Orleans, LA.
- Shulman, E. & Cauffman, E. (April, 2013). *Deciding in the dark: Age differences in intuitive risk judgment*. Paper presented at the biannual meeting of the Society for Research in Child Development. Seattle, Washington.

- Cauffman, E., Frick, P., & Steinberg, L. (April, 2013). *Family matters: Taking stock of school discipline and arrest*. Paper presented at the biannual meeting of the Society for Research in Child Development. Seattle, Washington.
- Cavanagh, C. & Cauffman, E. (April, 2013). *Mothers' and sons' attitudes toward the justice system and implications for delinquency*. Paper presented at the biannual meeting of the Society for Research in Child Development. Seattle, Washington.
- Thomas, A. & Cauffman, E. (April, 2013). *A gene-by-environment approach to adolescent substance use: Examining the D4 dopamine gene (DRD4)*. Paper presented at the biannual meeting of the Society for Research in Child Development. Seattle, Washington.
- Monahan, K. & Cauffman, E. (April, 2013). *Familial and peer influences on self-control and psychopathology*. Paper presented at the biannual meeting of the Society for Research in Child Development. Seattle, Washington.
- Tsang, S., Cauffman, E., & Piquero, A. (March, 2013). *An item response theory analysis of the Psychopathy Checklist: Youth Version among male adolescent offenders*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Thornton, L., Frick, P., Ray, J., Cauffman, E., & Steinberg, L. (March, 2013). *Adolescents with callous unemotional traits and their roles in group crime and non-detected offending*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Ray, J., Frick, P., Thornton, L., Cauffman, E., & Steinberg, L. (March, 2013). *Callous-unemotional traits distinguish subgroups of offenders among a sample of justice involved males: A latent class analysis*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Arndorfer, A., Malloy, L., & Cauffman, E. (March, 2013). *False confession and interrogation experiences influence adolescent offenders' perceptions of procedural justice*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Malloy, L., Shulman, E., & Cauffman, E., (March, 2013). *True and false confessions to police: Self-reported experiences of serious adolescent offenders*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Donley, S., Boessen, A., & Cauffman, E. (March, 2013). *When do parents matter? Parental practices and neighborhood conditions as predictors of juvenile offenders' attitudes*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Thomas, A., Cauffman, E., Frick, P. & Steinberg, L. (March, 2013). *Effects of probation officer monitoring on juvenile reoffending: Influence of justice system attitudes*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Cavanagh, C., Cauffman, E., Frick, P. & Steinberg, L. (March, 2013). *Like mother, like son: Attitudes and antisocial behavior*. Paper presented at the annual meeting of the American Psychology – Law Society. Portland, Oregon.
- Kimonis, E.R., Lougran, T., Fanti, K., & Cauffman, E. (February, 2012). *Trajectories of violent offending*

- among variants of juvenile psychopathy.* Paper presented at the SRCD Themed Meeting on Developmental Methodology, Tampa, FL.
- Spieker, S., Campbell, S., Vandergrift, N., Pierce, K., Cauffman, E., Susman, E., Roisman, G. & the NICHD Early Child Care Research Network. (April, 2011). *Relational aggression in middle childhood: Early childhood antecedents and adolescent sequelae.* Poster presented at the biannual meeting of the Society for Research in Child Development. Montreal, Canada.
- Bechtod, J. & Cauffman, E. (April, 2011). *The behaviors of young offenders on probation.* Paper presented at the biannual meeting of the Society for Research in Child Development. Montreal, Canada.
- Monahan, K., Cauffman, E., & Steinberg, L. (April, 2011). *Developmental differences in impulse control and antisocial behavior from adolescence to early adulthood.* Paper presented at the biannual meeting of the Society for Research in Child Development. Montreal, Canada.
- Cauffman, E., Houts, R., Monahan, K. & Cox, M. (April, 2011). *Cascading towards adolescence: The development of psychosocial maturity and risk behavior.* Paper presented at the biannual meeting of the Society for Research in Child Development. Montreal, Canada.
- Goldweber, A., Monahan, K., & Cauffman, E. (March, 2011). *Investigating the impact of developmental and neurological factors on adolescent offenders' future orientation and delinquency.* Paper presented at the annual meeting of the American Psychology – Law Society Conference. Miami, FL.
- Ray, J., Kimonis, E., Branch, J., & Cauffman, E. (March, 2011). *Anger mediates the relation between violence exposure and violence perpetration in incarcerated boys.* Paper presented at the annual meeting of the American Psychology – Law Society Conference. Miami, FL.
- Tatar, J., Malnove, A., Hadinata, N., Velasquez, E., & Cauffman, E. (March, 2011). *The effect of psychopathy on the relation between social context and offending.* Paper presented at the annual meeting of the American Psychology – Law Society Conference. Miami, FL.
- Goldweber, A. & Cauffman, E. (March, 2011). *The social networks of female offenders.* Paper presented at the annual meeting of the American Psychology – Law Society Conference. Miami, FL.
- Becthold, J. & Cauffman, E. (March, 2011). *The behaviors of young offenders on probation.* Paper presented at the annual meeting of the American Psychology – Law Society Conference. Miami, FL.
- Shulman, E., Kalder, A., & Cauffman, E. (August, 2010). *The significance of school bonding in scholastic and non-scholastic settings.* Paper presented at the annual meeting of the American Psychological Association. San Diego, CA (Recipient of best graduate student symposium award)
- Ho, A., Shiley, D., Rich, J., Kalder, A., & Cauffman, E. (August, 2010). *Maltreatment among juvenile offenders.* Poster presented at the annual meeting of the American Psychological Association. San Diego, CA.
- Ryan, J., Araujo, V., Martinez, J., Boessen, A., & Cauffman, E. (August, 2010). *Assessing neighborhood effects on educational outcomes.* Poster presented at the annual meeting of the American Psychological Association. San Diego, CA

- Hadinata, N., Malnove, A., Valasquez, E., Tatar, J. & Cauffman, E. (August, 2010). *Social influences mediating effect between psychopathy and offending behavior*. Poster presented at the annual meeting of the American Psychological Association. San Diego, CA
- Kalder, A., Bechtold, J., Shulman, E. & Cauffman, E. (March, 2010). *For their own good: Perceived coerciveness of treatment for juvenile offenders*. Paper presented at the annual meeting of the American Psychology – Law Society, Vancouver, Canada.
- Kelly, E. & Cauffman, E. (March, 2010). *When research and clinical assessments disagree: Prospectively predicting juveniles' adjustment to incarceration*. Paper presented at the annual meeting of the American Psychology – Law Society, Vancouver, Canada.
- Goldeweber, A. & Cauffman, E. (March, 2010). *Unique aggression profiles and their relation to maladjustment in a secure facility*. Paper presented at the annual meeting of the American Psychology – Law Society, Vancouver, Canada.
- Bechtold, J. & Cauffman, E. (March, 2010). *Juvenile court youths and adult court youths incarcerated together: Who offends more?* Paper presented at the annual meeting of the American Psychology – Law Society, Vancouver, Canada.
- Goldeweber, A. & Cauffman, E. (March, 2010). *Relational aggression and anxiety among incarcerated, serious female offenders: What can staff/clinicians tell us?* Paper presented at the annual meeting of the American Psychology – Law Society, Vancouver, Canada.
- Shulman, E. & Cauffman, E. (March, 2010). *Adolescents' resistance to peer influence: Does it modulate family-based effects on externalizing behavior?* Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Kelly, E. & Cauffman, E. (March, 2010). *Perceptions of stigma among incarcerated youth*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Dmitreiva, J., Cauffman, E., Waugh, M., & Espel, E. (March, 2010). *Anxiety and delinquency: Exploring high comorbidity*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Cauffman, E., Boessen, A., Hipp, J., Fagan, J. & Steinberg, L. (March, 2010). *The impact of residential instability on juvenile offending*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Shulman, E. & Cauffman, E. (March, 2010). *The maturity disparity between offenders and non-offenders--Does it change with age*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Bechtold, J. & Cauffman, E. (March, 2010). *Youth- and parent-report of maturity and future delinquency*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Philadelphia, PA.
- Boessen, A., Hipp, J., Cauffman, E., Fagan, J. & Steinberg, L. (November, 2009). *Youth transition and neighborhood effects: Residential instability among serious adolescent offenders*. Paper presented at the annual meeting of the American Society of Criminology, Philadelphia, PA.

- Kimonis, E.R., Cauffman, E., & Goldweber, A. (April, 2009). *Emotional deficits in youth with callous-unemotional traits: Consistency across ethnicity and gender?* Paper presented at the Society for the Scientific Study of Psychopathy, New Orleans, LA.
- Monahan, K., Goldweber, A., & Cauffman, A. (April, 2009). *The impact of visitation on incarcerated youths' behavior and mental health.* Paper presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Malloy, L., Kaasa, S., & Cauffman, E. (April, 2009). *Sexual abuse disclosure among incarcerated female adolescents.* Paper presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Monahan, K., Meyer, K., Goldweber, A., & Cauffman, E. (April, 2009). *Anxiety and antisocial behavior: the moderating role of the peer group in adolescence and early adulthood.* Paper presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Cauffman, E. & Wakefield, S. (April, 2009). *The transition to parenthood for juvenile offenders.* Paper presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Shulman, E., Cauffman, E., Fagan, J. & Piquero, A. (April, 2009). *Callous-unemotional traits and moral disengagement: pathways out of offending.* Paper presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Bechtold, J., Goldweber, A., Boessen, A., & Cauffman, E. (April, 2009). *Are youths tried as adults more violent than youths tried as juveniles?* Poster presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Meyer, K., Monahan, K., & Cauffman, E. (April, 2009). *The role of callous-unemotional traits in differentiating among serious female offenders.* Poster presented at the biennial meeting of the Society for Research in Child Development, Denver, CO.
- Cauffman, E., Kimonis, E., Dmitrieva, J. & Monahan, K. (March, 2009). *A multi-method assessment of juvenile psychopathy: comparing the predictive utility of the PCL:YV, YPI, and NEO-PRI.* Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Tatar, J., Kimonis, E., Kennealy, P., Skeem, J., & Cauffman, E. (March, 2009). *Victimization history and PTSD: An analysis of psychopathic subtypes.* Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Kimonis, E., Cauffman, E., & Goldweber, A. (March, 2009). *Emotional processing in primary and secondary subtypes of psychopathy.* Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Shulman, E., Boessen, A., Bechtold, J., & Cauffman, E. (March, 2009). *The iatrogenic effects of incarceration for first-time juvenile offenders.* Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Kaasa, S., Tatar, J., & Cauffman, E. (March, 2009). *The impact of waiver to adult court on youths' perceptions of procedural justice.* Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.

- Monahan, K. & Cauffman, E. (March, 2009). *Sex differences in mental health and antisocial behavior*. Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Monahan, K., Steinberg, L., & Cauffman, E. (March, 2009). *Age differences in peer selection, peer socialization, and offending: the role of resistance to peer influence*. Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Chung, H., Leistico, A., & Cauffman, E. (March, 2009). *Trajectories of expectations for success and incarceration among serious juvenile offenders*. Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Kaasa, S., Tatar, J., & Cauffman, E. (March, 2009). *Perceptions of procedural justice among female offenders: time does not heal all wounds*. Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Goldweber, A., Kelly, E., Monahan, K. & Cauffman, E. (March, 2009). *The impact of perceived facility safety and staff support on adjustment to incarceration*. Paper presented at the annual meeting of the American Psychology – Law Society, San Antonio, TX.
- Wakefield, S. & Cauffman, E. (November, 2008). *The transition to parenthood for juvenile criminal offenders*. Paper presented at the annual meeting of the American Society of Criminology, St. Louis, MO.
- Goldweber, A. & Cauffman, E. (November, 2008). *The social networks of girls*. Paper presented at the annual meeting of the American Society of Criminology, St. Louis, MO.
- Chassin, L., Dmitrieva, J., Knight, G., Modecki, K., Cauffman, E., Steinberg, L., & Losoya, S. (July, 2008). *Does adolescent alcohol and marijuana use suppress growth in psychosocial maturity?* Presented at the annual meeting of the Research Society on Alcoholism, Washington, DC.
- Jones, S. & Cauffman, E. (March, 2008). *Juvenile psychopathy and judicial decision-making*. Paper presented at the annual meeting of the American Psychology – Law Society, Jacksonville, FL.
- Malloy, L., Kaasa, S., & Cauffman, E. (March, 2008). *False confessions among serious juvenile offenders*. Paper presented at the annual meeting of the American Psychology – Law Society, Jacksonville, FL.
- Kaasa, S., Malloy, L., & Cauffman, E. (March, 2008). *Procedural justice and the adolescent offender*. Paper presented at the annual meeting of the American Psychology – Law Society, Jacksonville, FL.
- Maslowsky, J., Keating, D., Banich, M., Cauffman, E., Steinberg, L., & Woolard, J. (March, 2008). *Reasoned versus reactive risk taking: Unique contributions of impulsivity and risk assessment to adolescent risk behavior*. Poster presented at the Society for Research on Adolescence, Chicago, IL.
- Monahan, K., Steinberg, L., Mulvey, E., & Cauffman, E. (March, 2008). *Trajectories of offending among serious adolescent offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Meyer, K., Goldweber, A., & Cauffman, E. (March, 2008). *Female offenders' interpersonal relationships: Friends or foes while incarcerated*. Poster presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.

- Goldweber, A., Shulman, E., & Cauffman, E. (March, 2008). *Adjustment to incarceration: Changes in mental health in a sample of serious adolescent offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Dmitrieva, J., Steinberg, L., & Cauffman, E. (March, 2008). *Arrested development: The effects of incarceration experiences on adolescents' development of psychosocial maturity*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Shulman, E., Cauffman, E., Piquero, A., Fagan, J. (March, 2008). *Rationalization of wrong-doing: Developmental trajectories of moral thinking and their correlates in adolescent offenders*. Poster presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Dmitrieva, J., Farruggia, S., Cauffman, E., & Steinberg, L. (March, 2008). *A VIP in need is a VIP indeed: The role of very important caring adults in adjustment of juvenile offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Cauffman, E., Shulman, E., Claus, E., Banich, M., Graham, S., Woolard, J., & Steinberg, L. (March, 2008). *Responding to reward versus punishment: How adolescents differ from adults in performance on the Iowa Gambling Task*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Kimonis, E. & Cauffman, E. (April, 2007). *Contextual and emotional risk factors for primary and secondary variants*. Paper presented at the Society for the Scientific Study of Psychopathy, St. Pete, FL.
- Belsky, J. Steinberg, L.D., Houts, R., Friedman, S.L., de Hart, G., Kaufmann, B., Roisman, G., Halpern-Felsher, B, Sussman, E. & The NICHD Early Child Care Research and Youth Development Research Network. (March, 2007). *Rearing antecedents of pubertal timing*. Paper presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.
- Malloy, L. & Cauffman, E. (March, 2007). *The influence of peers on adjustment to incarceration*. Paper presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.
- Goldweber, A., Cauffman, E., Steinberg, L. & Piquero, A. (March, 2007). *Peer relationships and offending: What distinguishes group from solo offenders?* Paper presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.
- Monahan, K., Steinberg, L. & Cauffman, E. (March, 2007). *Peer groups and deviant behavior: The role of friendship quality and resistance to peer influence*. Paper presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.
- Cohen, A. & Cauffman, E. (March, 2007). *Incarceration during adolescence: The influence of anger and depression on institutional adjustment*. Poster presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.
- Shulman, E. & Cauffman, E. (March, 2007). *The experience of incarceration: How do juvenile offenders cope?* Poster presented at the biennial meeting of the Society for Research on Child Development, Boston, MA.

- Cauffman, E., Goldweber, A., Dmitrieva, J., Kaasa, S., Kelly, E., Malloy, L., & Shulman, E. (November, 2006). *Improving services for mentally ill juvenile offenders*. Paper presented at the annual meeting of the American Society of Criminology, Los Angeles, CA.
- Goldweber, A., Broidy, L. & Cauffman, E. (November, 2006). *Interdisciplinary perspectives on persistent female offending: A review of theory and research*. Paper presented at the annual meeting of the American Society of Criminology, Los Angeles, CA.
- Cauffman, E. & Skeem, J. (March, 2006). *Psychopathy*. Paper presented at the annual meeting of the American Psychology – Law Society, St. Petersburg, FL.
- Goldweber, A. & Cauffman, E. (March, 2006). *Criminal style: What distinguishes group offenders from youths who commit crimes alone?* Paper presented at the biennial meeting of the Society for Research on Adolescence, San Francisco, CA.
- Cauffman, E. & Woolard, J. (March, 2006). *Age differences in risk preference and risk evaluation*. Paper presented at the biennial meeting of the Society for Research on Adolescence, San Francisco, CA.
- Skeem, J. & Cauffman, E. (March, 2006). *Primary and secondary variants of psychopathy-like juvenile offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence, San Francisco, CA.
- Dmitrieva, J. & Cauffman, E. (March, 2006). *Stability and predictive validity of the Youth Psychopathic Traits Inventory*. Paper presented at the biennial meeting of the Society for Research on Adolescence, San Francisco, CA.
- Cauffman, E. & Skeem, J. (March, 2006). *The downward extension of psychopathy*. Paper presented at the biennial meeting of the Society for Research on Adolescence, San Francisco, CA.
- Cauffman, E. & Odgers, C. (April, 2005). *The unintended consequences of social policy on youth development*. Paper presented at the biennial meeting of the Society for Research in Child Development, Atlanta, GA.
- Cauffman, E. & Odgers, C. (March, 2005). *Arrested development: Findings from the Pathways to Desistance study*. Paper presented at the biennial meeting of the American Psychology-Law Society, La Jolla, CA.
- Broidy, L. & Cauffman, E. (November, 2004). *The Glueck girls: Contextual and personal pathways to change*. Paper presented at the annual meeting of the American Society of Criminology, Nashville, TN.
- Jones, S., Cauffman, E., & Piquero, A. (November, 2004). *Parenting behavior among an incarcerated juvenile sample: The conditioning effects of self-control and consideration of others*. Paper presented at the annual meeting of the American Society of Criminology, Nashville, TN.
- Cauffman, E. (March, 2004). *Psychosocial maturity and recidivism among adolescent offenders*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Baltimore, MD.
- Cauffman, E. & Skeem, J. (March, 2004). *Assessing juvenile psychopathy*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Baltimore, MD.

- Cauffman, E., Schubert, C., & Steinberg, L. (March, 2004). *Romantic relationships among serious adolescent offenders: Gender similarities and differences*. Paper presented at the biennial meeting of the American Psychology-Law Society, Scottsdale, AZ.
- Dickman, J., Cauffman, E., & Broidy, L. (March, 2004). *"The girl problem": Female sexuality as a social disease in the early 20th century*. Paper presented at the biennial meeting of the American Psychology-Law Society, Scottsdale, AZ.
- Cauffman, E., Piquero, A., Mulvey, E., Steinberg, L. (March, 2004). *Predicting disposition among serious juvenile offenders: Who gets locked up?* Paper presented at the biennial meeting of the American Psychology-Law Society, Scottsdale, AZ.
- Cauffman, E. & Skeem, J. (March, 2004). *The developmental (in)appropriateness of assessing juvenile psychopathy*. Paper presented at the biennial meeting of the American Psychology-Law Society, Scottsdale, AZ.
- Damon, N., Broidy, L. & Cauffman, E. (November, 2003). *"The social evil": Female prostitution during the Progressive Era*. Paper presented at the annual meeting of the American Society of Criminology, Denver, CO.
- Broidy, L. & Cauffman, E. (November, 2003). *The Glueck girls: The importance of historical context for specifying the influence of social capital, social control, and individual agency on female offending trajectories*. Paper presented at the annual meeting of the American Society of Criminology, Denver, CO.
- Cauffman, E. (April, 2003). *The psychological development of serious juvenile offenders: The MacArthur study of Pathways to Desistance*. Paper presented at the biennial meeting of the Society for Research in Child Development, Tampa, FL.
- Cauffman, E. (November, 2002). *Developmental characteristics of serious adolescent offenders*. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.
- Spahr, L., Cauffman, E., & Skeem, J. (November, 2002). *Treatment and services usage among juvenile and adult offenders*. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.
- Skeem, J. & Cauffman, E. (November, 2002). *The psychometric characteristics and short-term stability of the PCL:YV and its relation to the Youth Psychopathic Inventory*. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.
- Cauffman, E. & Skeem, J. (November, 2002). *The relation between developmental maturity and measures of psychopathy: Initial findings from a cross-sequential study*. Paper presented at the annual meeting of the American Society of Criminology, Chicago, IL.
- Cauffman, E. (October, 2002). *Development & diagnosis: Developmental considerations for mentally ill juvenile offenders*. Paper presented as part of an Institute at the annual meeting of the American Academy of Child & Adolescent Psychiatry, San Francisco, CA.
- Cauffman, E. (April, 2002). *Understanding the female offender*. Paper presented at the biennial meeting of the Society for Research on Adolescence, New Orleans, LA.

- Cauffman, E. (April, 2002). *Psychosocial underpinnings of competence to stand trial*. Paper presented at the biennial meeting of the Society for Research on Adolescence, New Orleans, LA.
- Cauffman, E. (March, 2002). *The relation between developmental maturity and measures of psychopathy: Initial findings from a cross-sequential study*. Paper presented at the biennial meeting of the American Psychology-Law Society, Austin, TX.
- Cauffman, E. (March, 2002). *Mental health issues among female offenders*. Paper presented at the biennial meeting of the American Psychology-Law Society, Austin, TX.
- Cauffman, E. (November, 2001). *Delinquent girls: Developmental considerations and public policy implications*. Paper presented at the annual meeting of the American Society of Criminology, Atlanta, GA.
- Cauffman, E. (November, 2000). *Detained vs. deep end juvenile offenders: Do they differ in mental health needs?* Paper presented at the annual meeting of the American Society of Criminology, San Francisco, CA.
- Cauffman, E. (October, 2000). *Identifying youth at risk: The mental health of juvenile offenders*. Paper presented at the annual meeting of American Academy of Child & Adolescent Psychiatry, New York, NY.
- Espelage, D. L., Cauffman, E., Broidy, L., Mazerolle, P., & Piquero, A. (May, 2000). *A cluster-analytic investigation of MMPI profiles of serious male and female juvenile offenders*. Paper presented at the MMPI-2 Symposium, Minneapolis, MN.
- Cauffman, E., Haapanen, R., Ingram, W. & Steiner, H. (April, 2000). *Mental health and juvenile justice*. Paper presented at the biennial meeting of the Society for Research on Adolescence, Chicago, IL.
- Cauffman, E. (March, 2000). *The predictive validity of the MAYSI among serious adolescent offenders*. Paper presented at the biennial meeting of the American Psychology-Law Society, New Orleans, LA.
- Broidy, L., Cauffman, E., Espelage, D., Mazerolle, P. & Piquero, A. (November, 1999). *Empathy and sex differences in offending*. Paper presented at the annual meeting of the American Society of Criminology, Toronto, Canada.
- Cauffman, E., Haapanen, R., Ingram, W., & Steiner, H. (November, 1999). *Mental health and behavioral problems among serious juvenile offenders*. Paper presented at the annual meeting of the American Society of Criminology, Toronto, Canada.
- Cauffman, E. (July, 1999). *Justice for juveniles: New perspectives on adolescents' competence and culpability*. Paper presented as a part of an invited symposium entitled "Youth on Trial" at the annual meeting of the European Psychology - Law Society, Dublin, Ireland.
- Cauffman, E. (April, 1999). *The costs and benefits of a decision: Similarities and differences between adolescents and adults in their decision-making ability*. Paper presented at the biennial meeting of the Society for Research in Child Development, Albuquerque, NM.

- Mazerolle, P., Cauffman, E., Piquero, A., Broidy, L., & Espelage, D. (March, 1999). *Exposure to stress and conflict among high school aged youth: Do coping responses vary for males and females?* Paper presented at the Academy of Criminal Justice Sciences, Orlando, FL.
- Jensen, L. A., Arnett, J. J., Feldman, S. S., & Cauffman, E. (November, 1998). *Academic dishonesty and lying to parents: Adolescent moral reasoning and behavior.* Poster presented at the Conference for the Association for Moral Education, Hanover, NH.
- Cauffman, E. (September, 1998). *Adolescent decision making in legal contexts: Toward an expanded definition of adolescent competency.* Paper presented at the Quinnipiac College School of Law, Hamden, CT.
- Cauffman, E. (August, 1998). *Developmental Psychology goes to court.* Paper presented at the annual meeting of the American Psychological Association, San Francisco, CA.
- Cauffman, E. (June, 1998). *(Im)maturity of judgment: Adolescent development and juvenile culpability.* Paper presented at the biennial meeting of the Law and Society Association, Aspen, CO.
- Cauffman, E. (March, 1998). *Competence and culpability: Juveniles in the justice system.* Paper presented at the biennial meeting of the American Psychology-Law Society, San Diego, CA.
- Cauffman, E. (February, 1998). *Maturity of judgment and mental health differences between incarcerated and non-incarcerated youth.* Paper presented at the biennial meeting of the Society for Research on Adolescence, San Diego, CA.
- Cauffman, E. (November, 1997). *An interdisciplinary approach to understanding juvenile delinquency: A developmental view.* Paper presented at the annual meeting of the American Society of Criminology, San Diego, CA.
- Cauffman, E., Waterman, J., Feldman, S. S., Behshid, S., & Steiner, H. (October, 1997). *Posttraumatic Stress Disorder in incarcerated youth.* Poster presented at the annual meeting of the American Academy of Child & Adolescent Psychiatry, Toronto, Canada.
- Cauffman, E. (April, 1997). *Maturity of judgment: Psychosocial factors in adolescent decision making.* Paper presented at the biennial meeting of the Society for Research in Child Development, Washington, DC.
- Steinberg, L. & Cauffman, E. (September, 1995). *Finding the balance: What should autonomy rights mean for children and youth?* Paper presented at the Juvenile Law Center, Temple University, Philadelphia, PA.
- Cauffman, E. (March, 1995). *Sibling similarity in peer crowd membership and perceived parenting practices in adolescence.* Poster presented at the biennial meeting of the Society for Research in Child Development, Indianapolis, IN.
- Cauffman, E. & Steinberg, L. (March, 1995). *Moderating effects of neighborhood parenting on family socialization processes.* Paper presented at the biennial meeting of the Society for Research in Child Development, Indianapolis, IN.
- Cauffman, E. (February, 1994). *The effects of puberty, dating, and physical intimacy on dieting and disordered eating in young adolescent girls.* Poster presented at the fifth biennial meeting of the

Society for Research on Adolescence, San Diego, CA.

Eder, R., Harkins, K., Cauffman, E., & Patel, A. (August, 1992). *Self-presentation, self-control, and young children's spontaneous and deliberate expressive behaviors*. Poster presented at the annual meeting of the American Psychological Association, Washington, D.C.

TEACHING EXPERIENCE

Introductory Psychology
Developmental Psychology
Statistics
Research Methods

Child Development, the Law, & Social Policy
Psychological Assessment
Adolescent Development
Child Psychopathology

PROFESSIONAL MEMBERSHIPS

American Psychological Association
American Psychology – Law Society
American Society of Criminology
Association for Psychological Science (Elected Fellow in 2015)
Society for Research on Adolescence
Society for Research in Child Development

PROFESSIONAL MEETING REVIEWS

- 2012 **Panel Chair**, Review Panel on Adolescence: Emotional Processes & Personality. Society for Research in Child Development.
- 2011 **Review Panel Member**, Society for Research on Adolescence.
- 2010 **Review Panel Member**, Society for Research in Child Development.
- 2009 **Review Panel Member**, Society for Research on Adolescence.
- 2008 **Review Panel Member**, Society for Research in Child Development.
- 2007 **Review Panel Member**, Society for Research on Adolescence.
- 2006 **Review Panel Member**, Society for Research in Child Development.
- 2005 **Panel Chair**, Review Panel on Applied Research, Program Evaluation, and Public Policy. Society for Research on Adolescence.
- 2001 **Panel Chair**, Review Panel on Emerging Issues, Society for Research on Adolescence.

AD HOC REVIEWER

Behavioral Sciences & the Law
Child Development
Research in Crime & Delinquency
Criminology
Developmental Psychology
Journal of the American Academy of Child & Adolescent Psychiatry
Journal of Consulting and Clinical Psychology
Journal of Developmental and Life Course Criminology (*Editorial Board: 2014-present*)
Journal of Early Adolescence
Journal of Research on Adolescence
Journal of Youth and Adolescence (*Editorial Board: 2004-present*)
Law & Human Behavior
Psychology, Public Policy, and Law (*Editorial Board: 2012 – present*)

Exhibit E

FILED

2017 MAY - 8 AM 10:30

JULIE J. ARMSTRONG
CLERK OF COURT

BY _____

SOUTH CAROLINA



HIGH SCHOOL EQUIVALENCY DIPLOMA

Be it known that **TERRELL A SMITH** has satisfactorily completed the Tests of General Educational Development and upon the recommendation of the Director of the Office of Adult Education of the State Department of Education, the State Board of Education awards this diploma, which is regarded to be equivalent to the high school diploma. Given at Columbia, South Carolina, March 29, 2017

CHAIRMAN, STATE BOARD OF EDUCATION

STATE SUPERINTENDENT OF EDUCATION

GOVERNOR OF SOUTH CAROLINA

STATE GED ADMINISTRATOR

Exhibit F



Official Transcript of GED Tests

For additional transcripts contact:

GED Testing Office

Mail Room Box GED

1429 Senate Street

Columbia, SC 29201

Phone: 803-734-8198

Candidate Information

Last Name: SMITH

First Name: TERRELL

MI: A

Address: LEEDS AVENUE
CHARLESTON, SC 29405

DOB: [REDACTED]

SSN: [REDACTED]

Test Name	Standard Score	Percentile Rank	Test Date
Mathematical Reasoning	156	47	03/29/2017
Reasoning Through Language Arts	149	26	03/15/2017
Science	152	32	03/15/2017
Social Studies	154	39	03/03/2017
Pass/Non Pass: Pass	611	Avg Score:	152

GED

Administrator: [REDACTED]

Date Printed: Tuesday, April 4, 2017

Center Name: Name not available

Center ID: 74219

Date Passed: March 29, 2017

*The scores on this report are the highest scores achieved by the candidate and not necessarily the most recent. If the latest scores are lower than the scores previously achieved, the latest scores are not reported.

Exhibit G

FILED

2017 MAY - 8 AM 10:30

JULIA A. FONG
CLERK OF COURT

BY _____



Terrell (baby photographs)



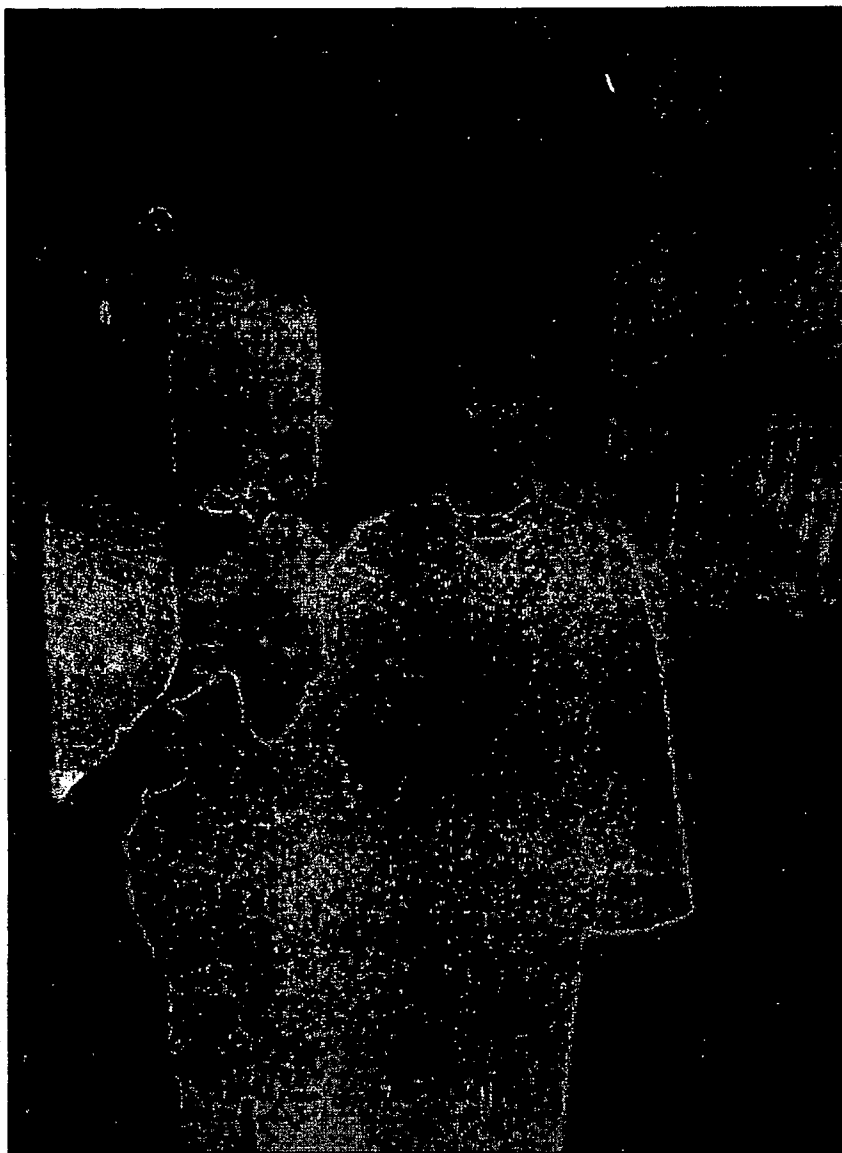
Baby Terrell with Pertina Reid (mother)



Pertina's graduation
(pictured: Kenneth Sheppard, Shaqueena, Pertina, and Terrell)



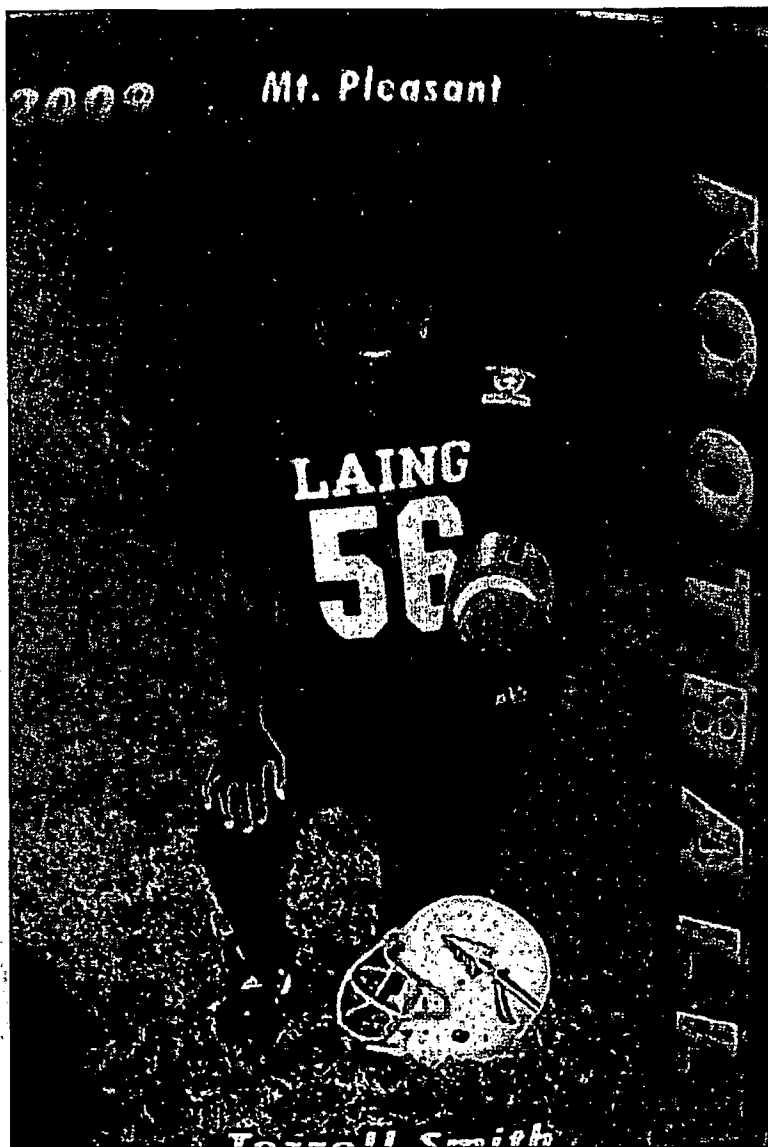
Carolyn Reid (maternal grandmother),
Terrell, and Shaqueena



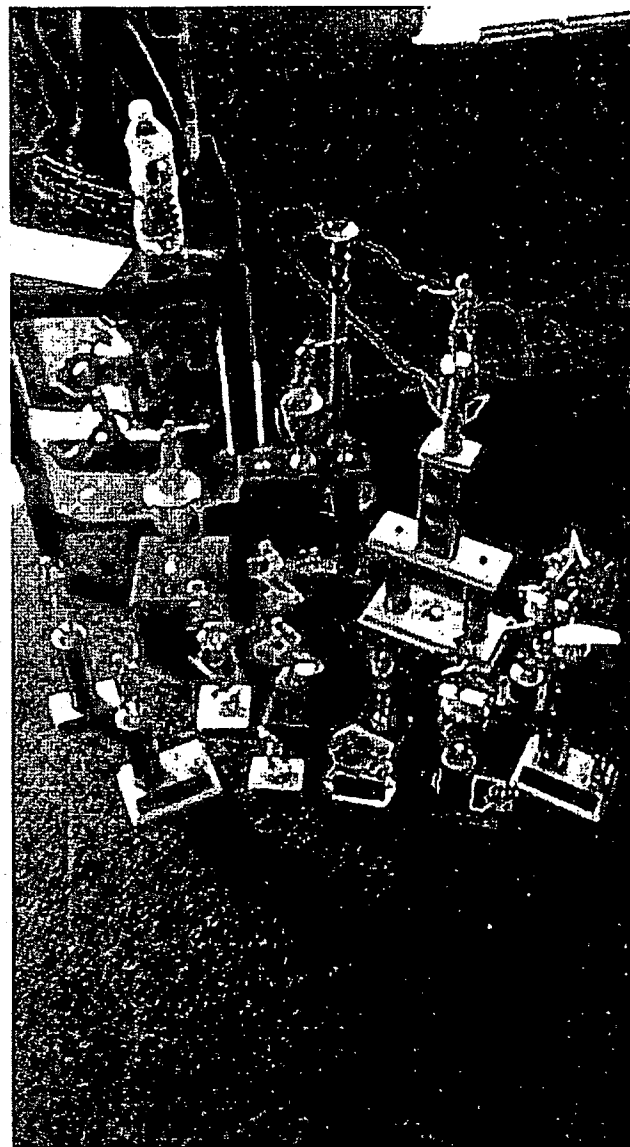
Terrell's Baptism



Terrell, Pertina, and Shaqueena



Laing Football, 2009



Sports Trophies



Terrell, Charleston Boxing Club



Terrell (grey tank, bottom/center of photograph) pictured with friends from the boxing club



Charleston Boxing Club, Charleston, SC



Al Meggett (Coach Hollywood)



Coach Hollywood and Terrell



Terrell at Family BBQ



Family Cookout, 2010 (approximate date)



Terrell and Pertina



Terrell

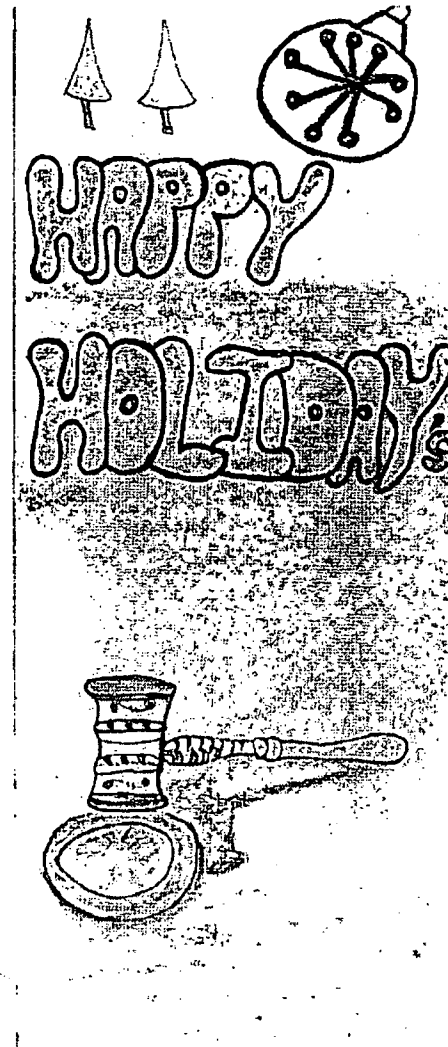
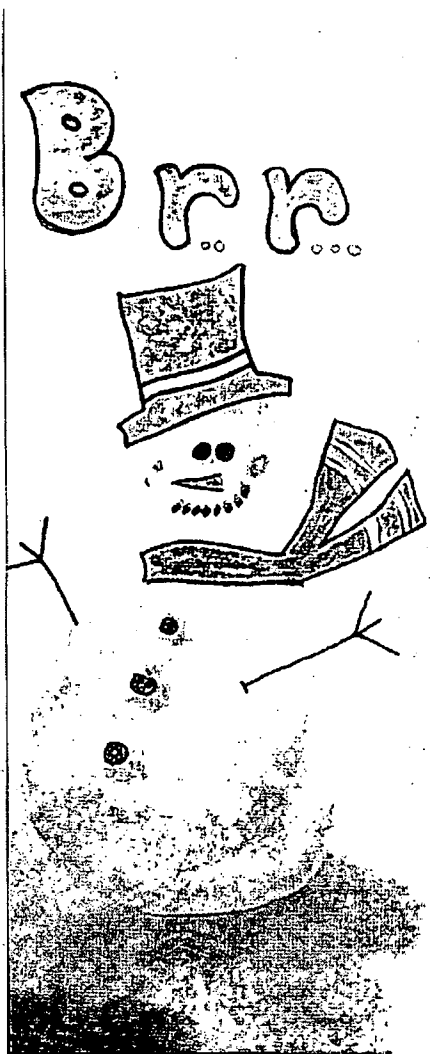
Exhibit H

FILED

2017 MAY -8 AM 10:30

WILLIAM H. ARMSTRONG
CLERK OF COURT

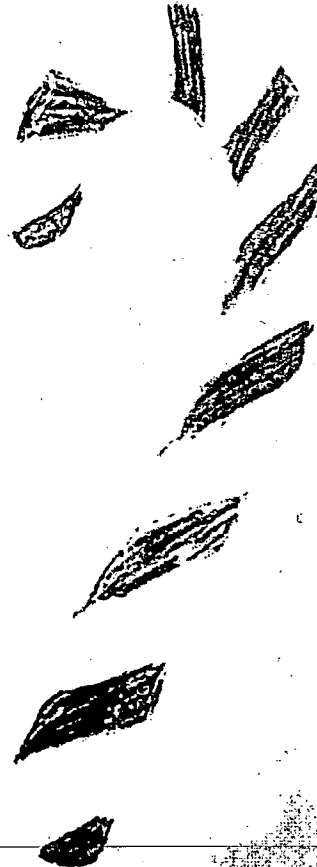
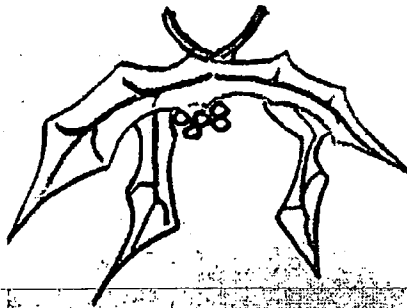
BY _____



Christmas Card Drawn by Terrell and sent to his attorney (Side 1)

I ASK FOR
A LOT OF THINGS
AT
CHRISTMAS

...



BUT I COULD
NEVER ASK
FOR A BETTER
LAWYER
THAN

P.S. congratulations
on your 2nd child
that's a blessing.
And happy holidays
from my family to
yours.

Merry
Christmas

Sincerely,
Jerrall Smith

Christmas Card (Side 2)

Exhibit I

FILED

2017 MAY -8 AM 10:31

JUDITH A. ARMSTRONG
CLERK OF COURT

BY _____

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

Terrell Smith,

Defendant.

IN THE COURT OF GENERAL SESSIONS

AFFIDAVIT

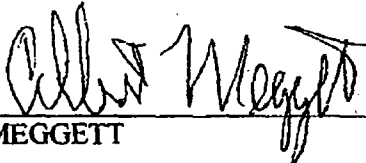
WARRANT NO.: 2014A1010203046

The Affiant, being duly sworn, deposes and says:

1. My name is Al Meggett; however, I am known to Terrell and most of Charleston as "Coach Hollywood."
2. I am over the age of eighteen and believe in the obligations of an oath.
3. I have operated the Charleston Boxing Club in Charleston, South Carolina for over thirty years, training amateur and professional fighters worldwide. I worked with Terrell from about 2006 to 2013.
4. Terrell used to come to the gym everyday and his grandmother, Carolyn Reid, picked him up after our workouts. He was a very hard worker and never had to be told the same thing twice. He took the practices seriously and carried the lessons learned from one lesson to the next.
5. I loved working with him because he was a great kid and never caused any trouble or gave anyone a hard time. No matter who he was matched up against he always gave it his best but left it all in the ring.
6. We were also traveling on the road as a team often and Terrell never gave us any trouble when we were away, just as he didn't at the Club. The funding for the Club decreased over time and, sadly, that caused me to loose many relationships with young boxers like Terrell.

7. When I saw in the news what happened to him I was absolutely shocked—you see stuff like that all the time but I never thought it would be Terrell. I think about him often and want him to learn from this and move forward with his life. I believe he came from a good family and has the potential to succeed in anything he sets his mind to.

FURTHER AFFIANT SAYETH NAUGHT.


AL MEGGETT

Subscribed and sworn to before me
this 21st day of April, 2017


Notary Public for South Carolina
My Commission Expires: 3/24/27

Exhibit J

FILED

2017 MAY -8 AM 10:31

JULIA G. ARMSTRONG
CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

Terrell Smith,

Defendant.

IN THE COURT OF GENERAL SESSIONS

AFFIDAVIT

WARRANT NO.: 2014A1010203046

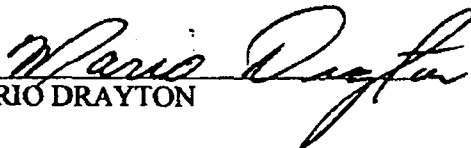
The Affiant, being duly sworn, deposes and says:

1. My name is Mario Drayton and I have been a friend to the Reid family for many years. I have also been a counselor and coach at the city park for many years, which is where I met Terrell.
2. I am over the age of eighteen and believe in the obligations of an oath.
3. I live at 37 F Street, Charleston, South Carolina 29403. I currently work for the City of Charleston as a Recreation Leader and have been in that position for 21 (twenty-one) years.
4. I have known Terrell's grandmother, Carolyn Reid, for many, many years. Although I do not remember an exact year, I remember Terrell being at the park since he was very young. Carolyn always involved him in community sports and activities when he was younger and played a big role in his upbringing. She played an active role in raising her grandson and was always involved in selling concessions at the park and helping organize the teams.
5. While Terrell was growing up he spent many hours at the park playing basketball and on the playground with many of the kids in the neighborhood. During the season, he was always on a basketball team but he also played ball in the gym and was at the park year round. At that time, Ms. T was in charge and regularly disciplined the children at the park for being disrespectful, bullying others, and breaking rules—something she never had to do with Terrell. She even contacted some parents and said their children could not come to the gym for a week or two at a time because of behavior problems—not Terrell, he never gave us any trouble.
6. Terrell is what I call a normal kid—smart, hard worker, supportive family, respectful, well mannered—good kid. He loved being at the park and was kind and polite to everyone, adults

and children just the same. Growing up, he was actually real quiet, he kept to himself mostly. I always tried to keep track of the kids that played around the gym and Carolyn let me know how things were going from time to time and I never heard of any problems with him at school or in the neighborhood.

7. After Terrell got to high school I started to lose track of him and didn't see him as often as when he was younger. The last time I remember seeing Terrell was when he was completing some community service for a marijuana charge. When he asked if he could do the work around the park I was shocked that he'd found himself in that kind of trouble. His family was always so involved in his life and seemed to keep him busy with sports and other activities I was just shocked that he'd gotten mixed up with that. While he completed the hours, we had a good talk about friends, choices, consequences, and growing up. Terrell worked hard to clean up and improve the park so that the children in the area could enjoy it as much as he did.
8. I never expected to hear about him getting into any more trouble and was completely shocked to hear of his arrest. I have known Terrell for many years and never saw him act in an aggressive or violent way. The facts of the crime as explained in the news simply do not fit the character of the young man I knew. Terrell will continue to have an entire community here to help and support him through good times and bad.

FURTHER AFFIANT SAYETH NAUGHT.


MARIO DRAYTON

Subscribed and sworn to before me
this 2nd day of April, 2017


Notary Public for South Carolina
My Commission Expires: 3/24/21

Exhibit K

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

Terrell Smith,

Defendant.

IN THE COURT OF GENERAL SESSIONS

AFFIDAVIT

WARRANT NO.: 2014A1010203046

The Affiant, being duly sworn, deposes and says:

1. My name is Shirley Curnell Scott and I have been a family friend of Terrell for his entire life.
2. I am over the age of eighteen and believe in the obligations of an oath.
3. I live at 21 Laurel Avenue, Charleston, South Carolina.
4. Terrell's grandmother, Carolyn Reid, and I grew up in the same neighborhood in Charleston, South Carolina and I have remained close with her and her family our entire lives. Thinking back, I recall when Carolyn had her first daughter, Pertina Reid, and then when Pertina "Tina" had her first son, Terrell.
5. Tina was very young when Terrell was born and our entire community worked to help her raise him so that she could continue to go to school and grow up herself. Terrell came to my after-school program and summer camps from the time he was able to walk until he was about 13 years old.
6. I worked for the City of Charleston Parks Department for 31.5 years which allowed me to organize and direct many different programs for the children in our area, including the after-school program and summer camps. I remember Terrell coming to St. Julian Devine Community Center every day after school. He would work diligently to complete his

homework so that he would be able to play with the other kids and have everything done before his family picked him up—as was expected of him.

7. He was always very well provided for and often had money to purchase a snack. I recall him getting a 6 piece wing with French fries very often and he would save a handful of fries and one wing and share the rest with the other kids. He was always very kind and giving to the other kids but it was also because he was teased often. Growing up he had glasses to assist with correcting his crossed eyes and was often picked on by other kids. Being able to share his snacks and field trip money would often make Terrell think he had better friends than he actually did. He was always polite and respectful to me and all other adults; however, he and other children at times struggled because they would bully him and take advantage of him.
8. Terrell was such a kind and respectful young man. I recall one day a bunch of random papers somehow got all over the floor and I asked one student to pick them up. He replied, "I'm not doing that, I didn't put them down there." When I asked Terrell to pick them up, he didn't respond at all—he simply began picking them up and putting them in the trash. That was the kind of kid he always was—willing to help and do for others.
9. During our summer camps Terrell always eager to participate in our activities and play with the other children. It was also his responsibility to make sure the trash bags were tied and taken out. He always did what was expected of him without much reminding.
10. Terrell was also very active with our Church, Morris Brown A.M.E. Church. He was an usher and was on the Mime Team Ministry. He was very active with the team and was a very good praise dancer.
11. Terrell's family eventually moved him out of the downtown schools and that changed our relationship. Because Terrell was going to school miles away from our afterschool program, I did not get to see him as often but have always stayed in touch with his family.

12. I will never forget the moment my daughter called to tell me she saw Terrell on the news. I

have never been so shocked by anything. It seemed so out of character for him and every in his family I simply couldn't believe that she was right.

13. I know that Terrell has a very supportive family and community and we will always be here with open arms to help him during the long road ahead. I believe that he has God on his side and will come out of this having learned many valuable lessons. My family and I will always be here to assist him in any way that we can and we will stand by his mother and grandmother during his time away from all of us.

14. I know that Terrell is a very bright and hardworking individual and he will be a valuable member of our community as soon as possible-as soon as he can be released.

FURTHER AFFIANT SAYETH NAUGHT.

Shirley Curnell-Scott
SHIRLEY CURNELL SCOTT

Subscribed and sworn to before me
this 16th day of April, 2017

Shirley Curnell

Notary Public for South Carolina
My Commission Expires 3/24/27

Exhibit L

FILED

2017 MAY -8 AM 10:31

JULIE M. ARMSTRONG
CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

Terrell Smith,

Defendant.

AFFIDAVIT

WARRANT NO.: 2014A1010203046

The Affiant, being duly sworn, deposes and says:

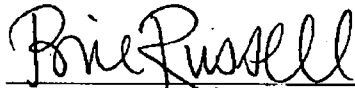
1. My name is Eric Jackson and I am a boxing coach and friend of the family in this matter.
2. I am over the age of eighteen and believe in the obligations of an oath.
3. I live at 836 Hitching Post Road Charleston, South Carolina 29414.
4. I have known Terrell Smith his entire life. While he was growing up, his family kept him involved in sports and this is where I really got to work with Terrell personally. Terrell and my son were on the same boxing team at the Charleston Boxing Club where I was a coach and mentor for several years.
5. Unlike most young boxers, Terrell had a very good sense of following directions. He even helped out with the young fighters. Terrell always acted as a leader and assisted the younger fighters with getting prepared for practice and for matches. We frequently traveled as a team and he would make sure the younger boys had everything they needed for the matches and were where they were supposed to be on time. During these trips I never had any behavioral problems from Terrell. He was always attentive and looking to get better and improve his skill set.

6. Terrell was always a very positive young man and was always smiling. Even after the toughest fight of his life he would still be happy if he did his best. My best memories of Terrell are of him at the Boxing Club working hard and laughing.
7. The funding for the boxing program was cut by the City of Charleston which, in too many cases, left the youth of our city with a void in their lives that led to idle time. Sadly, this prevented me from spending as much time as I'd have liked in 2014. I could never have imagined him ending up in this position but know that he can overcome this and be the productive and contributing young man we all expected him to be.

FURTHER AFFIANT SAYETH NAUGHT.


Eric Jackson

Subscribed and sworn to before me
this 5th day of April, 2017



Notary Public for South Carolina
My Commission Expires: 3/24/27

Exhibit M

FILED

2017 MAY -8 AM 10:31

JULIE A. ARMSTRONG
CLERK OF COURT

BY _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS

THE STATE OF SOUTH CAROLINA,

Plaintiff,

AFFIDAVIT

vs.

Terrell Smith,

Defendant.

WARRANT NO.: 2014A1010203046

The Affiant, being duly sworn, deposes and says:

1. My name is Jamin Powell and I am the manager of Juanita Greenberg's, 439 King Street, Charleston, S.C. [Signature]
2. I am over the age of eighteen and believe in the obligations of an oath. [Signature]
3. Terrell Smith was employed at Juanita's from April 29, 2014 to June 10, 2014. [Signature]
4. While Terrell was employed at our restaurant he was always polite and respectful to his co-workers and me. He got along well with everyone and did everything that was asked of him. [Signature]
5. He began his employment as a dishwasher and quickly moved up to a line-cook. Terrell was a hard worker and did not cause any problems while at work. [Signature]
6. On June 10, 2014 Terrell closed the store with me and another co-worker. That was the last time I saw him. I heard about his case on the news and was shocked because I never thought anything like this would happen with him. [Signature]

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
JAMIN POWELL

Subscribed and sworn to before me
this 5th day of April, 2017

[Signature]
Notary Public for South Carolina
My Commission Expires: 3/24/27

Exhibit N

FILED

2017 MAY -8 AM 10:31

JULIE G. ARMSTRONG
CLERK OF COURT

BY _____

**STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON**

THE STATE OF SOUTH CAROLINA,

Plaintiff,

vs.

Terrell Smith,

Defendant.

IN THE COURT OF GENERAL SESSIONS

AFFIDAVIT

WARRANT NO.: 2014A1010203046

The Affiant, being duly sworn, deposes, and says:

1. My name is Major(R) Rayford B. Mitchell and I am a former teacher of the defendant in this matter. I am over the age of eighteen and believe in the obligations of an oath. I live at 201 Cottonwood Way in Columbia, SC, 29229 and I am currently employed at Garrett Academy of Technology, North Charleston, South Carolina, as the Senior Army Instructor.
2. I have known the defendant, heretofore, Terrell Smith, for several years, as his teacher, mentor, and professional friend. I have always known him to be a very respectable young man, with me and the students in my class. He had never disrespected our program in any manor, worthy of mentioning in this document. He was a typical teenager, with some flaws, just like any other.
3. I recall the day his grandmother came to see me and ask me to keep watch over Mr. Smith while he was at school, her phone number is still etched in the pages of my notebook today, as I promised her I would. I did the very best I could, with over 300 kids in my daily contact he slipped under my view and I lost touch with his inner thoughts. He was convicted of murder and I assure you that I'm not acquainted with any of his thoughts or feelings that may have caused that type of behavior, it's just not him!
4. Finally, I said I had lost touch, but I did see him one more time prior to his life changing incident. We were marching in the Christmas parade in the City of Charleston, with a record number crowds of people observing. I heard a familiar, but faint voice calling my name from

the crowd. I uncharacteristically turned around to see who was calling, it was Terrell Smith. Not only was he calling my name as I marched forward, but was motioning me to come to him. To this day, the image Terrell calling for me as if to say, "I need your help", will remain with me for an eternity. Please allow my words and those of others who know him, be a factor in the sentence he receives before the court. He is a good young man who lost his way.

FURTHER AFFIANT SAYETH NAUGHT.

Rayford B. Mitchell
NAME

Subscribed and sworn to before me
this 14th day of MARCH, 2017

A. Dore Rhot
Notary Public for South Carolina
My Commission Expires: 3/14/17

Exhibit O

FILED

2017 MAY -8 AM 10:31

JULIE A. ARMSTRONG
CLERK OF COURT

BY _____

STATE OF NEVADA

COUNTY OF CLARK

AFFIDAVIT

Vera F. Dolan who appeared personally before me, affirms and states the following:

1. I, Vera F. Dolan, am an epidemiologist and consultant. My business is located in Las Vegas, Nevada.
2. *Referral Question:* In 2015, I was asked by a lawyer representing a juvenile previously sentenced to life without parole to conduct an investigation and develop a life table with life expectancies specific to male inmates in the South Carolina Department of Corrections ("SCDC"). The question to be answered by my investigation was: what is the proper and accurate life expectancy for a male entering SCDC at the time he was a juvenile?
3. *Qualifications:* I am an epidemiologist¹ with a Bachelor's degree in public health from Johns Hopkins University and a Master's of Science in Public Health in epidemiology from the University of North Carolina, Chapel Hill. I have over 30 years of experience in the life and health insurance industries. I am a Fellow of the Academy of Life Underwriting, which is the highest credential in life insurance underwriting. I am currently a private consultant for the life insurance industry and related industries.
4. I have published over 33 peer reviewed articles in which I prepared a mortality ratio analysis from raw population data. I have prepared life tables for over 35 years, beginning when I was a student studying for my Masters of Science in Public Health. My current curriculum vitae is attached as Exhibit 1.
5. I have been qualified as an expert in life expectancy, life insurance, and epidemiology in state and federal courts throughout the country. In South Carolina, I was qualified as an expert in life expectancy and epidemiology in the Williamsburg County Court of General Sessions. In that court, I testified about my South Carolina study and life expectancy findings for SCDC inmates.
6. *Definition of Relevant Terms:*
 - a. **Life expectancy:** the statistical calculation of the average length of life expected for an individual of a certain age, sex, race, and/or other risk factor.
 - b. **Life table:** data laid out in a table format to show how a statistical calculation of life expectancy is done.

¹ An epidemiologist is similar to an actuary in that both are professionals who create life tables to determine life expectancies for various populations. Epidemiologists, unlike actuaries, have a medical background and specialize in the study of health and disease in populations statistically.

- c. **Mortality rate:** the rate at which people die within a given age, sex, race and/or other risk factor group. A mortality rate is calculated by dividing the number of deaths occurring within a given population by the total number of that population at risk of death.
7. *South Carolina Code Life Expectancy Tables:* The South Carolina legislature adopted life expectancy tables, which are contained in S.C. Code § 19-1-150. The tables found in the South Carolina Code were derived from the 2001 Commissioners Standard Ordinary Mortality Tables ("CSO Mortality Tables"). The CSO Mortality Tables were created by the Society of Actuaries in conjunction with the National Association of Insurance Commissioners to provide statutory guidance to state insurance commissioners in figuring out what statutory reserves should be for insurers in their state. The CSO Mortality Tables do not reliably predict the life expectancy for the general population or an incarcerated population because they are based on the lives of insured people, essentially selecting a portion of the population that is much healthier than the general population. An additional problem with the tables is that they were created in 2001 with data much older than 2001 causing concerns that the data relied upon by the tables is outdated and unreliable.
8. *Methodology:* To determine life expectancies for male inmates in SCDC, I reviewed approximately 68,000 male inmate records provided to me by SCDC.² The SCDC information included a unique identifier for each inmate (in place of the inmate's name), their date of entry to SCDC, their age at entry, and the date of release or death (where applicable). Those records originally included all inmates incarcerated from 1996-2015 and included follow-up data through the first half of 2016. Of the 68,000 records, I identified 3,000 duplicate records and excluded them from my final data set. I also identified and excluded a small number of records where the dates of admission and dates of death or release were incongruent. After making these exclusions, I reviewed the records of the remaining 64,204 unique inmates. For purposes of this affidavit, the records of the 64,204 inmates reviewed are referred to as the "SCDC Population."
9. In the SCDC records provided to me was information from the South Carolina Department of Health and Environmental Control ("DHEC") on all of those individuals who died between 1996 and 2016. As part of the preparation of the records provided to me, DHEC used the identifying information provided by SCDC to link the SCDC database with DHEC's information. I was thus provided with the

² I did not receive data from the South Carolina Department of Juvenile Justice, so I did not have sufficient data to calculate the mortality rates of 15, 16, or 17 year olds. This does not affect the accuracy of the reported life expectancies for inmates 18 years old and older because, as discussed below, life expectancy is based on mortality rates for people the same age as the individual and those older than that individual.

date of death and the age at the time of death for each individual within the SCDC population who died at some point after they entered SCDC.³

10. *Mortality Rate Calculation:* To determine life expectancies from the SCDC Population, I first needed to determine the mortality rates for each year of age of people incarcerated in SCDC. Exhibit 2 shows my mortality rate calculations for all individuals incarcerated in SCDC between 1996 and 2015 (Exhibits 3 and 4 show my calculations for black inmates only and white inmates only, respectively). The following is a description of my mortality rate calculations, using column references to the tables in Exhibits 2, 3, and 4.

- a. The first column labeled **Age** lists ages 15 through 97. This range was used because an individual who was incarcerated at SCDC at some point between 1996 and 2015 was alive at each age between 15 and 97.
- b. The second column labeled **Alive** represents the number of men from the SCDC Population who passed through a given age during the time period between 1996 and 2015.
- c. The third column labeled **Dead** provides the number of men within the SCDC Population who died at a given age any time between 1996 and 2016.
- d. The fourth column labeled **Total** provides the total of the "Alive" and "Dead" columns, which is the total population at risk of death during a given age.
- e. The fifth column labeled **Mortality Rate** provides the rate at which men in the SCDC population die at any given age. The mortality rate is calculated by dividing the number of people who died (column three) at a given age by the total number of people at risk of death (column four) during the same age.
- f. The sixth column labeled **Smoothed Mortality Rate** provides the trend of the mortality rate. In statistics, when dealing with raw data like the data relating to the population considered in this case, the rate calculations can have anomalies and bumps such that smoothing is necessary to identify the actual trend over time. To find the trend for the SCDC population mortality

³ The individuals died either during their incarceration or after their release from SCDC. Reliance on mortality information both during incarceration and after release is standard methodology in the actuarial field for calculating the life expectancy of individuals who have been incarcerated. Using this data provides the most reliable calculation for the life expectancy of a juvenile sentenced to a prison term of any length of time. Other analyses, including a study of deaths of incarcerated individuals serving life sentences shows the observed age at the time of death for those individuals who died while incarcerated is substantially lower than the life expectancy calculated from the data obtained from DHEC. See ¶¶ 17-18.

rate, I calculated the three-year moving average of the mortality rates by averaging a given age's mortality rate with the two ages surrounding it. As the data became sparser at the older ages, I used a five-year moving average, which included the mortality rate at a given age and the two ages above and below it. This calculation found the trend in these mortality rates for a more accurate calculation of life expectancies at each age.

11. *Mortality Ratio Calculation:* I next compared the SCDC Population mortality rates with the general United States population mortality rates.

- a. The seventh column on Exhibits 2-4 labeled **US Population Mortality Rate** provides the most current mortality rates by age for males in the US population available at the time of this analysis. These mortality rates were determined by the Centers for Disease Control ("CDC") and is used in life tables published in the CDC's Vital Statistics Reports. The CDC mortality rates are calculated for life tables for the all US males, for black US males only, and for white US males only; these life tables are attached as Exhibits 5, 6, and 7 respectively.⁴ On SCDC Population Mortality Rate tables (Exhibits 2-4) for various races, the US Mortality rate was obtained from the US Life Table for the same race.
- b. The eighth, and final column, on Exhibits 2-4 labeled **Mortality Ratios** compares the smoothed mortality rate from the SCDC Population at a given age with the US Population mortality rate for the same age. The mortality ratio is calculated by dividing the SCDC Population mortality rate by the US Population mortality rate, meaning any mortality ratio over 1.0 indicates the SCDC Population mortality rate is higher than the US Population mortality rate. Mortality ratios are provided only for ages in which there were at least five deaths among the SCDC Population in order to ensure the accuracy of the resulting ratios and life expectancies.

12. *Race Specific Calculations:* I created mortality rate and mortality ratio tables for all races, blacks only, and whites only because doing so is consistent with the CDC analysis of the US population, which shows that race has a significant effect on mortality rates.

13. *Creation of Life Tables:* Life tables provide life expectancies based on mortality rates from a given population. Using the mortality ratios calculated in Exhibits 2-4, I created life tables for the SCDC Population. I created individual life tables for all males, all black males, and all white males, which are attached as Exhibits 8, 9, and 10, respectively. The following is a description of the life expectancy calculations, using column references to the tables in Exhibits 8, 9, and 10.

⁴ The mortality rates on the CDC US Population Life Tables are found in the column labeled **Probability of dying between ages x and x + 1** on Exhibits 5-7.

- a. The first column labeled **Age** lists all ages 0-100.
- b. The second column labeled **Basic Mortality** provides the mortality rate at a given age from the US Population Life Tables (Exhibits 5-7).
- c. The third column labeled **Mortality Risk Factor** is the mortality ratio calculated on the SCDC Population Mortality Rate Tables in Exhibits 2-4.
- d. The fourth column labeled **Adjusted Mortality** provides the US mortality rate for a given age adjusted by the mortality risk factor (mortality ratio) using multiplication.⁵ At ages where there was sufficient mortality data (five or more deaths at any given age) from the SCDC Population, the adjusted mortality rate equals the mortality rate calculated from the SCDC Population data.⁶ At ages where there was insufficient mortality data (four or less deaths at any given age) from the SCDC Population, the adjusted mortality rate equals the US Population mortality rates.
- e. The fifth column labeled **Population at Risk** starts with a hypothetical cohort, or population of 100,000 at age 0. This population is decreased at each successive age by the number of deaths that occurred at the previous age. For example, in the SCDC Life Table for all races (Exhibit 8), the population at risk in age 0-1 is the full hypothetical cohort of 100,000 less 658 deaths that occurred during the first year of life.
- f. The sixth column labeled **Deaths** provides the number of deaths expected to occur at a given age. This number is calculated by multiplying the adjusted mortality rate (column four) by the population at risk (column five).
- g. The seventh column labeled **Interval Person-years** provides the number of years lived by the remaining population during a given age. This is calculated by subtracting one half of the number of deaths during that age from the population at risk during a given age (this assumes the individuals who die during that year live an average of half the year before dying).
- h. The eighth column labeled **Cumulative Person-years** provides the total number of years left to be lived by the entire population surviving to a given

⁵ I used the mortality ratio (comparing the SCDC Population mortality rates to the US Population mortality rates) because I did not have mortality rates for all ages from the SCDC Population data. Specifically, there is not sufficient data for male SCDC inmates at the very youngest and very oldest ages. In order to create a credible life table, one needs to have mortality rates for all of the ages. Use of the mortality ratio to create an adjusted mortality rate is standard practice in the actuarial field when reviewing populations that do not have enough data to calculate credible mortality rates for all ages.

⁶ These ages are designated by highlighting in the Mortality Risk Factor column.

age. This is calculated by totaling the interval-person years for a given age and all of the ages after that age.

- i. The ninth column labeled **Life Expectancy** provides the remaining life expectancy for any SCDC inmate surviving to a given age. It is calculated by dividing the cumulative person-years (column eight) by the population at risk (column five) at a given age.
 - j. To use the life expectancy to calculate the age to which an SCDC inmate is expected to live, on average, locate the age of the inmate in the age column and identify the corresponding life expectancy, then add the person's age to the life expectancy. For example, on the Life Table for blacks only (Exhibit 9), a black male inmate in SCDC at age 18 has a remaining life expectancy of 38.2 years. This individual would, therefore, be expected to live to age 56 ($18 + 38.2$).
14. *Notes on Using Life Tables:* Because race is a risk factor affecting life expectancy, it is most appropriate to use the life table for the race corresponding to the actual inmate to determine the life expectancy for that inmate. For example, a black male inmate's life expectancy is most accurately determined by using the Life Table for black males only (Exhibit 9). A white male inmate's life expectancy is most accurately determined by using the Life Table for white males only (Exhibit 10). Hispanic or Latino inmates' life expectancies are most accurately calculated by using the Life Table for white males only (Exhibit 10) because SCDC classifies them as white.⁷ Life expectancies for inmates of other races can most accurately be calculated by using the Life Table for all races⁸ (Exhibit 8).
15. *Findings:* The SCDC Population Life Tables (Exhibits 8-10) can be compared to the US Population Life Tables (Exhibits 5-7). Comparing the life expectancy for 18 year old males of any race in the general US Population and the SCDC Population reveals that an 18 year old in the general US Population has a remaining life expectancy of 59.1 years (expected death at 77 years old) and an 18 year old male in SCDC has a remaining life expectancy of 37.3 years (expected death at 55 years old). The 18 year old who is incarcerated in SCDC, accordingly, has a life expectancy that is 21.8 years shorter than a male in the general US Population.

⁷ Because SCDC does not classify Hispanic or Latino inmates separately from whites, the white male only mortality rates and life table include data from Hispanic and Latino inmates.

⁸ In addition to classifying inmates as black or white, SCDC uses classifications for Pacific Islander, Asian, American Indian, unknown, and other, but these categories of inmates did not include a sufficient number of inmates to allow for creation of a life table specific to them. Thus, all races are included in the Life Table for all races and that table can be used for inmates who do not fall within the black, white or Hispanic/Latino categories.

16. The Life Tables created based on the SCDC Population clearly indicate that any person who has been incarcerated in SCDC has a lower life expectancy than a person in the general US Population.
17. *Observed Data on Deaths in SCDC:* SCDC also provided me with information on all inmates serving a life sentence who died in SCDC between January 2001 and June 2016. The number of deaths during this period was not sufficient to create a credible life table for inmates serving life sentences who died while incarcerated.⁹ I was, however, able to compare the actual life span of the individuals who died to their expected age of death based on the US Population Life Tables.¹⁰ I grouped these individuals by the age of their last admission to SCDC and calculated the average number of years difference between their actual age at death and their expected age at death in the table below.

Age at Last Admission Group	Average Difference Observed vs Expected Age at Death
16 to 19	-31.8
20 to 24	-26.5
25 to 29	-21.4
30 to 39	-21.7
40 to 49	-16.8
50 to 59	-10.0
60 up	-4.9

As this table shows, the individuals sentenced to life who entered SCDC between the ages of 16 and 19 died while incarcerated an average of 31.8 years earlier than predicted by the US Population life expectancies.

18. The SCDC Population Life Table for all races shows (Exhibit 8) a life expectancy for a 16 year old male incarcerated in SCDC for any length of time is 39.2 years, which is 21.8 years less than the life expectancy of a 16 year old male in the general US Population. The calculations above, based on observed deaths, show the actual

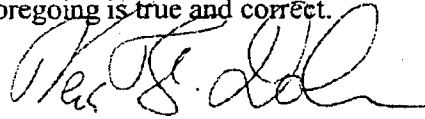
⁹ In order to create a credible life table, the population data must include five deaths at each age. During the period of 2001 to 2016, there were 262 deaths among inmates serving a life sentence. This was insufficient data to create a life table. While the data set is not large enough to create a life table, it is sufficient to show the mortality risk trend of people serving life imprisonment in SCDC as compared to the general US Population.

¹⁰ Because these deaths occurred between 2001 and 2016, I used the life expectancies published in 2000 for the general US Population. Since 2000, the life expectancies for the general population have increased.

life span of a 16 year old serving life imprisonment was 31.8 years less than the life expectancy of a 16 year old male in the general US Population. This demonstrates that a male incarcerated in SCDC for life is at a much higher risk of mortality and has a significantly shorter life expectancy than the general US Population.

19. *Other Notes:* My life expectancy calculations were completed in 2016 with records from 1996 to 2015 and mortality data through 2016. I recommend updating mortality data and mortality ratios every five years. I recommend a full twenty-year look back, as was completed here, be completed again in ten years.

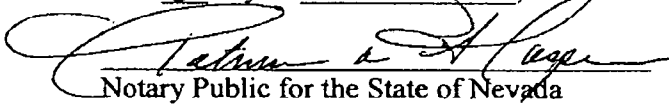
I affirm, under the penalty of perjury, that the foregoing is true and correct.



VERA F. DOLAN

Sworn to and subscribed before me

This 5 day of MAY, 2017



Notary Public for the State of Nevada

My commission expires: 10-18-2020



Exhibit 1

Vera F. Dolan

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702.476.8500 / dolanvp@consultancy.com

EDUCATION and PROFESSIONAL CERTIFICATIONS

MSPH University of North Carolina at Chapel Hill, Epidemiology, 1981

BA The Johns Hopkins University, Public Health, 1979

FALU Fellow of the Academy of Life Underwriting, 1998

ELS Editor in the Life Sciences, 2003

EXPERIENCE

Principal, VFD Consulting, Inc., 1989 to Present

Providing life and health insurance and related industries mortality and underwriting research, market research, product development, business development and technology, underwriting education and training, and litigation support to multinational clients, including:

AIG American General Life Cos.
American Family Life Insurance Co.
AVS Underwriting
Bank of America
Calypse Biomedical
Canada Life Reinsurance
Charles Schwab & Co.
Clinical Reference Laboratory
decydeWARE
Drinker, Biddle & Reath
Edwards Lifesciences
EMSI (formerly PMSI)
Farmers Mutual Insurance Co.
FaxWatch
Federal Home Loan Bank (San Francisco)
First Financial Underwriting Services
General American Life Insurance Co.
Golden Gateway Financial
Hank George, Inc.
Health Net of California
Heritage Labs
HSBC Insurance Services
Independent Order of Foresters
Insure.com

LabOne
Life Settlement Consulting & Management
Los Angeles County Crime Laboratories
MetLife Canada
MJB Group
Millennium Pharmaceuticals
Mutual of Omaha
North Coast Opportunities
On The Risk – The Journal of the Academy of Life Underwriting
PartnerRe Life (formerly Winterthur Life Reinsurance)
Pacific Blue Cross
PPO Oklahoma
Protective Life Insurance Co.
Safe Harbor Resources
Sagicor Financial Corporation
Society of Actuaries
Thomson Management Solutions
21st Services
Wells Fargo Bank
Western Reserve Life Assurance Co. of Ohio
Xcelerate Corporation

Vera F. Dolan

Curriculum Vitae, continued

Expert witness services provided to the following:

Multiple retentions:

Andres, Andres & Moore, Santa Ana, CA
Barger & Wolen, Irvine, CA and New York, NY
County of Hawaii, Hilo, HI
Donahue Horrow, El Segundo, CA
Lewis & Roca, Phoenix, AZ

McCue-Pauley & Associates, Dallas, TX
Taylor Anderson, Denver, CO
U.S. Department of Justice
Wilson Elser Moskowitz Edelman & Dicker, Los Angeles and San Diego, CA

Expert witness brokers:

AMFS / Medical Experts Nationwide
Consolidated Consultants
Insurance Expert Network
ForensisGroup
LITILJ

Medical Advisors, Inc
Medical Consultant Services
The TASA Group
Thomson Reuters Expert Witness Service

Single cases:

Andrews Kurth, Dallas, TX
Bolt Keenley Kim, Berkeley, CA
Campano Law Group, Lancaster, CA
Carlin & Buchsbaum, Long Beach, CA
Cannody Torrance Sandak Hennessey, Waterbury, CT
City of Torrance, Torrance, CA
Cott Cronin Michelson Baumgardner Preece, Seattle, WA
Coughlin Law Firm, San Diego, CA
Cozen O'Connor, Wilmington, DE
Deitchman & Deitchman, Placerville, CA
Demas Law Group, Sacramento, CA
Dressler Law Office, New Haven, CT
Egan & Pechtel, Kennewick, WA
Epstein Becker & Green, Los Angeles, CA
Evan Freirich, Boulder, CO
Fairchild, Price, Haley & Smith, Nacogdoches, TX
Fallgatter Farmand & Catlin, Jacksonville, FL
Ferguson, Skipper, Shaw, Keyser, Baron & Turabassi, Sarasota, FL
Friedman, Rubin & White, Anchorage, AL
Gilchrist & Rutter, Santa Monica, CA
Graves & King, Riverside, CA
Greenberg Traurig, Denver, CO
Greene Broillet & Wheeler, Santa Monica, CA
The Healy Law Firm, Chicago, IL
Hinshaw & Culbertson, Los Angeles, CA
Hoagland, Fitzgerald & Pranaitis, Alton, IL
Diana Holt, LLC, Columbia, SC
Jardine Law Office, DeForest, WI
Kent D. Jensen Law Office, Burley, ID
Johnson Schachter & Lewis, Sacramento, CA
Kantor & Kantor, Northridge, CA
Katten Muchin Rosenman, Los Angeles, CA
Kitch Druchas Wagner Valitutti & Sherbrook, Detroit, MI
Knapp Petersen Clarke, Glendale, CA
Koch Degen & Gomez, Visalia, CA
Law Office of Andy Basseri, Beverly Hills, CA
Law Offices of Benjamin Blakeman, Los Angeles, CA
Law Offices of Robert A. Brenner, Woodland Hills, CA
Law Office of Sean Brew, San Diego, CA
Law Offices of James Matthew Brown, San Diego, CA

Law Offices of Clyde E. Butts, Walnut Creek, CA
Law Offices of Michael Jay Green, Honolulu, HI
Law Office of Katherine MacKinnon, St. Louis Park, MN
Law Office of Stephen W. Penn, Morgan Hill, CA
Law Office of Charles M. Ray, Newport Beach, CA
Law Office of Kenneth U. Reyes, Los Angeles, CA
Law Offices of Cary T. Tanaka, Honolulu, HI
Law Office of Edward J. Thomas, Bakersfield, CA
Littler Mendelson, San Jose, CA
MacMorris & Carbone, Stockton, CA
Daniel Q. Mahone, Frederick, MD
McArdle, Frost & Brinton, Chicago, IL
McDermott Will & Emery, Chicago, IL
McDowell & Osburn, Manchester, NH
McFall Burnett & Brinton, Manteca, CA
Meyers McConnell Reisz Siderman, Los Angeles, CA
Milavetz Gallop & Milavetz, Edina, MN
Morris Polich & Purdy, San Francisco, CA
Myers & Gomel, Las Vegas, NV
Nicholas & Tomasevic, San Diego, CA
Norton Rose Fulbright US, Houston, TX
Ogden Murphy Wallace, Seattle, WA
Pyle Sims Duncan & Stevenson, San Diego, CA
Renaud Cook Drury Mesaros, Phoenix, AZ
Riverside County Public Defender, Riverside, CA
Saur Law Office, Laguna Hills, CA
Schumacher Francis & Nelson, Charleston, WV
Segal and Kirby, Sacramento, CA
Seyfarth Shaw, Chicago, IL
SGH Martineau, London, England
Shook Hardy & Bacon, Kansas City, MO
Sigelman Law Corporation, Beverly Hills, CA
Snell & Wilmer, Phoenix, AZ
South Carolina Commission on Indigent Defense, Columbia, SC
Stanley Law Offices, Syracuse, NY
Stennett & Casino, San Diego, CA
Vaka Law Group, Tampa, FL
Webb Bordson Law Group, San Diego, CA
David K. Wilson & Associates, Sherman, TX
Whitfield & Eddy, Des Moines, IA
Winters & Associates, San Diego, CA

Vera F. Dolan

Curriculum Vitae, continued

Consulting Projects – Underwriting

- Life Underwriting Requirements Research, 2004 to Present Providing methodologies, analysis and write-up of insurance testing laboratory data to initiate new products and services. Conducting cohort mortality studies to improve life underwriting risk assessment.
- Life Policy and Procedures Manual, 2014 Revised and updated life insurance policy and procedures manual based on current underwriting and business operations.
- Health Medical Underwriting Manual, 2010 Adapted medical underwriting manual for supplemental health insurance products.
- Structured Settlement Underwriting Manual, 2008 Developed underwriting manual for structured settlements based on current processes.
- Life Claims Audit, 2007 Performed random selection of cases and designed case data extraction sheet for large life insurance claims study.
- Critical Illness and Disability Income Training, 2006 Prepared and presented training to life underwriters in critical illness and disability income underwriting.
- Underwriting Manual Research and Writing, 2006 Adapted traditional life underwriting manual for simplified life, disability and waiver of premium products.
- Life Settlement Experience Analysis, 2006 Analysis of life settlement mortality to determine predictive factors.
- Life Underwriting Research, 2001 to 2003 Constructed life tables from medical literature to validate life underwriting guidelines. Produced quantitative and qualitative life underwriting manual guidance.
- Life Settlement Underwriting Research, 1998 to 2004 Provided model and design of automated life expectancy calculation system, data collection instruments, evaluation scoring and impairment risk factor weights.
- Insurance Services Product Development, 1997 to 1998 Provided analysis of disease mortality, incidence and prevalence to develop new insurance services product.
- Pension Underwriting Research, 1994 Provided biostatistical research basis to a multinational consortium for a new type of impaired risk European pension product.

Consulting Projects - Business Development and Technology

- Simplified Products Survey and Report, 2005 Conducted survey of top-selling simplified products for underwriting and business process lessons learned.
- New Business Process Review and Optimization, 2004 to 2005 Examined current life new business processes to identify opportunities for decreasing redundancies, handoffs, and inefficiencies.
- Underwriting Decision Software Development, 2004 to 2005 Product and market development of life underwriting software that uses advanced logic engine
- Freelance Writing and Editing, 2004 Editing and writing summaries of medical articles, medical conferences, and insurance topics for physicians and consumers.
- Underwriting Operations Annual Report, 2004 Assisted in editing, writing and analysis of metrics presented in life underwriting operations report for 2003.
- Business Process Improvement, 2003 Interviewed underwriting and business support staff to prepare future improvement in life insurance business process workflow.

Vera F. Dolan

Curriculum Vitae, continued

Consulting Projects - Banking

- Enterprise Technology Plan, 2000 Collaborated on design of three-year technology plan for a Federal bank.
- Financial Services Experience Analysis and Strategy, 1995 to 1998 Provided statistical analysis and models to select business and consumer customers for acquisition and retention programs. Estimated bank account life expectancies using actuarial life table methods.
- Human Resources Automation Plan, 1993 Collaborated in development of plan and prototype for automated human resources management.

Certificate of Appreciation for 30 Years of Contribution, *On The Risk - Journal of the Academy of Life Underwriting*, May 4, 2016

Associate Editor, *On The Risk - Journal of the Academy of Life Underwriting*, 2004-Present

Contributing Editor, *On The Risk - Journal of the Academy of Life Underwriting*, 1994-1997

Kaiser Foundation Health Plan, Oakland, California

Medical Economics and Statistics, 1988 to 1989

Converted community-based pricing approach to experience-based rating for a \$2.5 billion premium enterprise. Conducted underwriting market study of 20,000 employers. Conducted analyses to determine competitive pricing for 2+ million member optical and pharmaceutical programs.

Transamerica Occidental Life Insurance Company, Los Angeles, California

New Business Underwriting Research, 1985 to 1988

Provided analysis of company data and medical literature to support management and underwriting decisions. Developed original methods for actuarial analyses now used for automated systems underwriting \$1.5 billion in annual business.

Lincoln National Reinsurance, Ft. Wayne, Indiana

Underwriting Research, 1982 to 1985

Provided analysis of company data and medical literature to support management and underwriting decisions.

University of North Carolina, Chapel Hill, North Carolina

Department of Biostatistics, 1981 to 1982

Performed statistical analyses for multinational clinical trials.

National Institute of Occupational Safety and Health, Cincinnati, Ohio

Industrywide Studies Branch, Biometry Section, Summer 1980

Performed proportionate mortality analysis of death certificate data for evidence of excess brain tumors among petrochemical workers. Performed analysis of medical records for evidence of excess birth anomalies among railroad workers exposed to dioxin.

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE

"Advantages of a Life Expectancy Using Life Insurance Underwriting and Life Settlement Methods in the Legal Setting" VFD Consulting, Inc.

"Highlights of the 2016 CLIMOA Annual Scientific Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 32, No. 4, 2016

"Hemoglobin Screening Independently Predicts All-Cause Mortality" J. Insurance Medicine, Vol. 45, No. 2, 2015, with Michael Fulks and Robert L. Stout

"Adjusting Measured Creatinine for Low Serum Glucose to Improve Mortality Prediction" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 3, 2015, with Michael Fulks and Robert L. Stout

"Changing the 'Normal Range' for Blood Pressure from 140/90 to 130/any Improves Risk Assessment" J. Insurance Medicine, Vol. 45, No. 1, 2015, with Michael Fulks and Robert L. Stout

"2014 CRL Blood Pressure Study of Life Insurance Applicants" J. Insurance Medicine, Vol. 45, No. 1, 2015, with Michael Fulks and Robert L. Stout

"Which eGFR Calculation Offers the Best Mortality Prediction for Insurance?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 2, 2015, with Michael Fulks and Robert L. Stout

"Using Urine Protein Creatinine Ratio Alone or Reflexing to Urine Albumin in the Applicant with HbA1c Elevation" On The Risk - Journal of the Academy of Life Underwriting, Vol. 31, No. 1, 2015, with Michael Fulks and Robert L. Stout

"Basic Laboratory Testing" In: Basic Life Insurance Underwriting, ALU 101 Textbook, Sixth Ed. Academy of Life Underwriting, 2014, with Michael Fulks and Robert L. Stout

"Evaluating the Risk of Renal Disease Using Urine Proteinuria or Urine Albuminuria in the Applicant with HbA1c Elevation" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 4, 2014, with Michael Fulks and Robert L. Stout

"Advantages of a Life Expectancy Using Life Insurance Underwriting and Life Settlement Methods in the Legal Setting" Defense Research Institute Life, Health and Disability Newsletter, Vol. 25, Issue 2, June 26, 2014

"Serum Globulin Predicts All-Cause Mortality for Life Insurance Applicants" J. Insurance Medicine, Vol. 44, No. 2, 2014, with Michael Fulks and Robert L. Stout

"NT-proBNP as a Predictor of All-Cause Mortality in a Population of Insurance Applicants" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 2, 2014, with Michael Clark, Valerie Kaufman, Michael Fulks and Robert L. Stout

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Beware That Low Urine Creatinine!" On The Risk - Journal of the Academy of Life Underwriting, Vol. 30, No. 1, 2014, with Michael Fulks and Robert L. Stout

"NT-proBNP as a Predictor of All-Cause Mortality in a Population of Insurance Applicants" J. Insurance Medicine, Vol. 44, No. 1, 2014, with Michael Clark, Valerie Kaufman, Michael Fulks and Robert L. Stout

"Scoring Life Insurance Applicants' Laboratory Results, Blood Pressure and Build to Predict All-Cause Mortality Risk" J. Insurance Medicine, Vol. 43, No. 3, 2012, with Michael Fulks and Robert L. Stout

"Urine Protein/Creatinine Ratio as a Risk Predictor in Non-Diabetics with Normal Renal Function" J. Insurance Medicine, Vol. 43, No. 2, 2012, with Michael Fulks and Robert L. Stout

"Trends in Mortality of Insurance Applicants with HIV Infection" J. Insurance Medicine, Vol. 43, No. 2, 2012, with Robert L. Stout and Michael Fulks

"PSA: What Values Predict Increased Mortality Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 3, 2011, with Michael Fulks and Robert L. Stout

"Letter to the Editor: The Use of Modeling for Associating Test Values and Mortality Risk" J. Insurance Medicine, Vol. 43, No. 1, 2012, with Michael Fulks and Robert L. Stout

"Isolated Hematuria as a Mortality Risk Predictor" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 4, 2011, with Michael Fulks and Robert L. Stout

"Highlights of the 2011 AHOU Annual Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 3, 2011

"Correction to article: Association of Cholesterol, LDL, HDL, Cholesterol/HDL and Triglyceride with All-Cause Mortality in Life Insurance Applicants" J. Insurance Medicine, Vol. 42, No. 2-4, 2011, with Michael Fulks and Robert L. Stout

"CDT and Serum Alcohol: What Is the Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 27, No. 1, 2011, with Robert L. Stout and Michael Fulks

"Albumin and All-Cause Mortality Risk in Insurance Applicants" J. Insurance Medicine, Vol. 42, No. 1, 2010, with Michael Fulks and Robert L. Stout

"Mortality Associated with Positive Hepatitis C and B Test Results" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 3, 2010, with Robert L. Stout and Michael Fulks

"Glucosuria as a Mortality Risk Predictor When Blood Is Not Collected" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 2, 2010, with Robert L. Stout and Michael Fulks

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Mortality Associated with Positive Cocaine Test Results" On The Risk - Journal of the Academy of Life Underwriting, Vol. 26, No. 1, 2010, with Robert L. Stout and Michael Fulks

"Association of Cholesterol, LDL, HDL, Cholesterol/HDL and Triglyceride with All-Cause Mortality in Life Insurance Applicants" J. Insurance Medicine, Vol. 41, No. 4, 2009, with Michael Fulks and Robert L. Stout

"Letter to the Editor: The Authors Reply" J. Insurance Medicine, Vol. 41, No. 3, 2009, with Michael Fulks and Robert L. Stout

"Underwriting Implications of Elevated Carcinoembryonic Antigen" On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 3, 2009, with Robert L. Stout and Michael Fulks

"Mortality Associated with Bilirubin Levels in Insurance Applicants" J. Insurance Medicine, Vol. 41, No. 1, 2009, with Michael Fulks and Robert L. Stout

"Non-Cigarette Tobacco Use – What is the Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 2, 2009, with Robert L. Stout and Michael Fulks

"Hemoglobin A1c and Mortality in Insurance Applicants: A 5-Year Follow-Up Study", On The Risk - Journal of the Academy of Life Underwriting, Vol. 25, No. 1, 2009, with Robert L. Stout and Michael Fulks

"Using Liver Enzymes as Screening Tests to Predict Mortality Risk" J. Insurance Medicine, Vol. 40, No. 4, 2008, with Michael Fulks and Robert L. Stout

"Underwriting Integrity: Lessons from the Subprime Mortgage Crisis" On The Risk - Journal of the Academy of Life Underwriting, Vol. 24, No. 4, 2008

"Highlights from the 2007 AHOU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 24, No. 1, 2008

"Increased Mortality Associated with Elevated Carcinoembryonic Antigen in Insurance Applicants" J. Insurance Medicine, Vol. 39, No. 4, 2007, with Robert L. Stout, Michael Fulks, Mark E. Magee and Luis Suarez

"Relationship of Hemoglobin A1c to Mortality in Nonsmoking Insurance Applicants" J. Insurance Medicine, Vol. 39, No. 3, 2007, with Robert L. Stout, Michael Fulks, Mark E. Magee and Luis Suarez

"Highlights from the 2006 AHOU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 23, No. 1, 2007

"The Reproductive System" In: Intermediate Medical Life Insurance Underwriting ALU 201, 1st ed., Education Committee of the Academy of Life Underwriting, chapter 4, 2006

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Highlights from the 2006 CIU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 3, 2006

"Improvements in Cotinine Testing of Insurance Applicants" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 2, 2006 with Robert L. Stout and Mark Magee

"Highlights from the LOMA Emerging Technology Conference: Understanding How to Use New Technology" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 2, 2006

Panelist, "Contemplating Pandemic Risk" by Steven C. Siegel, The Actuary, Vol. 3, Issue 3, 2006

"Highlights of the 2005 AHOU Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 22, No. 1, 2006

"Simplified Products: Something Old, Something New, and Something That May Just Make You Blue!" On The Risk - Journal of the Academy of Life Underwriting, with Ernest A. Testa, Vol. 22, No. 1, 2006

"2005 Simplified Product Survey: Final Report" for MIB Group, with Ernest A. Testa, January 2006

"Highlights of the 2005 CIU Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 21, No. 4, 2005

"Underwriting for the New Millennium: Simplified Product Survey" NewsDirect, September 2005

"Sleep Problems and Accidents" On The Risk - Journal of the Academy of Life Underwriting, Vol. 21, No. 1, 2005

"Customer Relationship Management: A Reinsurer's Experience" On The Risk - Journal of the Academy of Life Underwriting, Vol. 20, No. 2, 2004

"Current Concepts in the Insulin Resistance Syndrome" On The Risk - Journal of the Academy of Life Underwriting, with Robert Weir, Vol. 20, No. 1, 2004

"Highlights of the 2003 AAIM" On The Risk - Journal of the Academy of Life Underwriting, Vol. 20, No. 1, 2004

"Current Concepts in Multiple Sclerosis" On The Risk - Journal of the Academy of Life Underwriting, with Robert Weir, Vol. 19, No. 4, 2003

"Multiple Sclerosis" Canada Life Review Online, Third Quarter 2003, with Robert Weir

"Highlights of the 2003 CIU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 19, No. 3, 2003

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Web-Assisted Inspection Reports: Part 2 of 2" On The Risk - Journal of the Academy of Life Underwriting, Vol. 19, No. 3, 2003

"Keynote Presentation to the Annual Meeting, Canadian Institute of Underwriters" Canada Life Review Online, Second Quarter 2003

"Web-Assisted Inspection Reports: Part 1 of 2" On The Risk - Journal of the Academy of Life Underwriting, On The Risk - Journal of the Academy of Life Underwriting, Vol. 19, No. 2, 2003

"Highlights of the 2002 AAIM" On The Risk - Journal of the Academy of Life Underwriting, Vol. 19, No. 1, 2003

Project Manager, "Report of the 2002 Automated Risk Assessment System Study" Thomson Management Solutions, February 2003

"Insulin Resistance Syndrome" Canada Life Review Online, Fourth Quarter 2002

"The New Paradigm of Coronary Artery Disease: Part 1. The Pathophysiology of Vulnerable Plaque" On The Risk - Journal of the Academy of Life Underwriting, with Robert Weir, Vol. 18, No. 4, 2002

"Orthostatic Hypotension" On The Risk - Journal of the Academy of Life Underwriting, with Robert Weir, Vol. 18, No. 3, 2002

"Highlights of the 2002 CLIMOA" On The Risk - Journal of the Academy of Life Underwriting, Vol. 18, No. 3, 2002

"Treatment of Localized Prostate Cancer" On The Risk - Journal of the Academy of Life Underwriting, Vol. 18, No. 2, 2002

"Privacy Rules and Regulations: An Interview with Linda S. Kaiser, Esq." On The Risk - Journal of the Academy of Life Underwriting, Vol. 18, No. 1, 2002

"Treated Cholesterol; A Preferred Risk?" Canada Life Review Online, First Quarter 2002, with Robert Weir

"Body Mass Index and Mortality" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 4, 2001, with Robert Weir

"Innovations in Underwriting Build" Canada Life Review No. 2, 2001

"Honoring Past HOLUA Presidents" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 3, 2001

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Highlights of the 2001 HOLUA: An Underwriter's Odyssey" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 3, 2001

"Genetic Testing Provides Challenge to Insurers" American Clinical Laboratory, Vol. 20, No. 4, 2001 pp. 18-9

"Highlights of the Spring 2001 Risk Appraisal Forum" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 2, 2001

"Highlights of the 2000 IHOU: Gateway to Change" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 1, 2001

"Progress in Establishing the Association of Home Office Underwriters" On The Risk - Journal of the Academy of Life Underwriting, Vol. 17, No. 1, 2001

"Innovative Technologies for Detecting Alcohol Abuse and Monitoring Drinking Status" American Clinical Laboratory, Vol. 20, No. 1, 2001

"Highlights of the 2000 CIU: Take a Risk!" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 4, 2000

"Alternative/Complementary Medicine" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 4, 2000

"Life Settlements" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 4, 2000, with Chris Cook

"Underwriting Settlements" In: Vitality and Life Settlements: The Challenge Facing the Life Insurance Industry, Jean Gora, ed., Life Office Management Association, Chapter 4, 2000

"Detecting Alcohol Abuse and Monitoring Drinking Status" LabOne Insight, Fall 2000

"Building Corporate E-Commerce" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 3, 2000

"Highlights of the 2000 HOLUA: Brave New World" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 3, 2000

"Progress Report on the Formation of the New Underwriting Organization" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 3, 2000

"Highlights of the Spring 2000 Risk Appraisal Forum" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 2, 2000

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Les Grubin Hosts Risk Appraisal Forum in the City by the Bay" Broker World, Vol. 20, No. 6; 2000

"Highlights of the 1999 IHOU" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 1, 2000

"A Substandard Life Brokerage Agent's Perspective on Underwriting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 16, No. 1, 2000

"Liquid Gold: What Urine Can Do for You" NAILBA Magazine, Winter 2000, with Kip Whitefield

"Highlights of the 1999 CIU" On The Risk - Journal of the Academy of Life Underwriting, Vol. 15, No. 4, 1999

"Highlights of the 2nd International Underwriting Congress" On The Risk - Journal of the Academy of Life Underwriting, Vol. 15, No. 3, 1999

"Highlights of the 1999 HOLUA Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 15, No. 3, 1999

"Predicting Motor Vehicle Accidents Among the Elderly" Underwriter Alert, Vol. 9, No. 2, 1999

"Risk Factors for Elder Abuse" Journal of Insurance Medicine, Vol. 31, No. 1, 1999, pp 13-20

"Insurance Securitization" On The Risk - Journal of the Academy of Life Underwriting, Vol. 15, No. 1, 1999

"Highlights of the 1998 HOLUA: Capitol Crossfire" On The Risk - Journal of the Academy of Life Underwriting, Vol. 14, No. 3, 1998

"DNA Typing for Individual Identification" On The Risk - Journal of the Academy of Life Underwriting, Vol. 14, No. 2, 1998

"DNA Typing for Individual Identification" FALU Paper, 1998

"Highlights of the 1997 IHOU: Remember Our Mission" On The Risk - Journal of the Academy of Life Underwriting, Vol. 14, No. 1, 1998

"Underwriting and Risk Classification" Society of Actuaries' International Section News, No. 15, February 1998, with Chris Cook

"Highlights of the 1997 CIU: Reach for the Top" On The Risk - Journal of the Academy of Life Underwriting, Vol. 13, No. 4, 1997

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Highlights of the 1997 HOLUA: The Heat Is On" On The Risk - Journal of the Academy of Life Underwriting, Vol. 13, No. 3, 1997

"First International Underwriting Congress" Society of Actuaries' International Section News, No. 14, August 1997, with Chris Cook

"Highlights of the 1997 International Underwriting Congress" On The Risk - Journal of the Academy of Life Underwriting, Vol. 13, No. 2, with Chris Cook

"International Outlook: Highlights of the 1997 International Underwriting Congress" Resources, Vol. 17, No. 6 Supplement, 1997, with Chris Cook

"Highlights of the 1996 IHOU: Building Bridges" On The Risk - Journal of the Academy of Life Underwriting, Vol. 13, No. 1, 1997

"Medical Studies: Where Do They Come From? Transferring Medical Knowledge to Risk Selection" (Part 2 of 2) Underwriter Alert, Vol. 6, No. 6, 1997

"Elevated GGT, Hypertension and Obesity" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 4, 1996

"Clinical Trials and Population Studies (Part 1 of 2)" Underwriter Alert, Vol. 6, No. 5, 1996

"Highlights of the 1996 HOLUA: Navigating the Waves of Change" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 3, 1996

"Underwriting Cultural Markets: Focus on Asian Indian Ethnicity" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 3, 1996

"Highlights of the Spring 1996 Risk Appraisal Forum" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 2, 1996

"Tobacco and User/Abstainer Pricing" Product Development News Society of Actuaries, Issue 40, May 1996

"Underwriting Research Resources Among Life Insurers: A Survey" VFD Consulting, Inc. 1996

"Highlights of the 1995 ICLAM/AAIM Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 1, 1996, with John J. Krinik

"The Quest for Excellence: Highlights of the 1995 IHOU" On The Risk - Journal of the Academy of Life Underwriting, Vol. 12, No. 1, 1996

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Conference Review: 1995 Nucleic Acid-Based Technologies" On The Risk - Journal of the Academy of Life Underwriting, Vol. 11, No. 4, 1995

"Scaling New Peaks - Highlights of the 1995 HOLUA Annual Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 11, No. 3, 1995

"OTR Meeting Review: 1995 Society of Insurance Research Planning and Economics Conference" On The Risk - Journal of the Academy of Life Underwriting, Vol. 11, No. 3, 1995

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"Underwriting Marital Violence" On The Risk - Journal of the Academy of Life Underwriting, Vol. 10, No. 5, 1994

"Highlights of the 1994 HOLUA Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 10, No. 4, 1994

"How Agents Can Cope With Reluctance to Sell DI" National Underwriter, Vol. 97, No. 49, 1993

"Both 'Supply' and 'Demand' Causing Sales Doldrums" National Underwriter, Vol. 97, No. 44, 1993

"Sailing for Success: Highlights of the 1993 IHOU Meeting" On The Risk - Journal of the Academy of Life Underwriting, Vol. 10, No. 2, 1994

"Moderate Alcohol Intake and Reduced Mortality: Illusion or Preferred Risk?" On The Risk - Journal of the Academy of Life Underwriting, Vol. 10, No. 1, 1993

"Expanding Horizons: Highlights of the 1993 HOLUA" On The Risk - Journal of the Academy of Life Underwriting, Vol. 9, No. 4, 1993

"Underwriters Urged to Tap More Into Elderly Mkt" National Underwriter, Vol. 97, No. 23, 1993

Contributing Analyst, Medical Risks: Trends in Mortality by Age and Time Elapsed, Edward Lew and Jerzy Gajewski, Praeger Publishers, New York, 1990 (as Vera F. Kelly)

"Notes on Breast Cancer" On The Risk - Journal of the Academy of Life Underwriting, Vol. 4, No. 3, 1988 (as Vera F. Kelly)

Vera F. Dolan

Curriculum Vitae, continued

PUBLICATIONS - INSURANCE, continued

"Underwriting Epilepsy" On The Risk - Journal of the Academy of Life Underwriting, Vol. 2, No. 4, 1986
(as Vera F. Kelly)

PUBLICATIONS - BUSINESS, HEALTH and OTHER

"Selling Our Children in the U.S.: An Interview with Russ Combs" The Voice: The Journal of the Domestic Violence Movement, Winter 2005

Contributor, After the Guns Fall Silent: The Enduring Legacy of Landmines, S. Roberts and J. Williams, Vietnam Veterans of America Foundation, Washington, D.C. 1995

Editor, The Politics of Information Systems, Paul Strassmann, Information Economics Press, New Canaan, CT, 1994

Invited Editorial Response, American Programmer, January, 1993

Editor-Producer, Win Some, Lose Some: My 40 Years in Corporate America, John Tittsworth, Information Economics Press, New Canaan, CT, 1992

Editor, The Business Value of Computers, Paul Strassmann, Information Economics Press, New Canaan, CT, 1990

Editor, Information Payoff: The Transformation of Work in the Electronic Age, Paul Strassmann, Macmillan Free Press, NY, 1985 (as Vera F. Kelly)

"A Proportionate Mortality Study of an Oil, Chemical and Atomic Workers Local in Texas City, Texas" Annals of the New York Academy of Sciences, 381(1982): 54-61, with Reeve, Waxweiler, Thomas and Itaya (as Vera F. Kelly)

PRESENTATIONS

"Life Expectancy for Litigation" Collegium of Pecuniary Damage Experts, Las Vegas, Nevada, March 31, 2017

"Juvenile Life Without Parole Sentencing and Resentencing Case Update" CLE presentation (4:5 hours, course no. 168516), University of South Carolina School of Law, Columbia, South Carolina, December 16, 2016

"Isolated Hematuria: What Is the Risk?" Northern California Life Insurance Association, Walnut Creek, California, May 10, 2012

"Positive Cocaine Tests and Mortality" Northern California Life Insurance Association, Berkeley, California, September 17, 2009

Vera F. Dolan

Curriculum Vitae, continued

PRESENTATIONS, continued

"Actuaries and Public Health: From Analysis to Action" Society of Actuaries Health Spring Meeting, Los Angeles, California, May 28, 2008, with Grady Catterall and Dana Goldman

"Research Results: Potential Impact of a Pandemic on the U.S. Health Insurance System" Society of Actuaries Health Spring Meeting, Los Angeles, California, May 28, 2008, with Jim Toole and Jim Walbridge

"How the World Has Changed, and How Medical Underwriting Will Benefit Your Applicants and Your Companies' Bottom Line" Annual Product Development Actuary Symposium, Denver, Colorado, June 26, 2007, with Robert L. Stout

"Non-Underwritten Life Products – Do They Work?" Annual Product Development Actuary Symposium, Denver, Colorado, June 25, 2007, with Jack Simon

"Pandemics and Extreme Events" Actuarial Society of Greater New York Annual Meeting, New York City, New York, November 9, 2006, with Janet Carstens

"Underwriting Simplified Issue Life Insurance Products" Group Underwriting Association of America, San Diego, California, October 31, 2006, with Ernie Testa

"The Life Settlements Market" Society of Actuaries Annual Meeting, Chicago, Illinois, October 18, 2006, with Tony Duscio and Jay Vadiveloo

"Preparing for Extreme Events" Society of Actuaries Annual Meeting, Chicago, Illinois, October 18, 2006, with Janet Carstens and Max Rudolph

"Pandemic Exposure and Risk Management Strategies in Asia as Compared to the United States" Society of Actuaries Life Spring Meeting, Hollywood, Florida, May 24, 2006, with Ronald Klein

"Current Trends in Distribution Channels: New Underwriting for a New Millennium" Society of Actuaries Life Spring Meeting, New Orleans, Louisiana, May 23, 2005, with Jim McArdle and Ernie Testa

"Gynecologic and Obstetric Disorders" Institute of Caribbean Home Office Underwriters, Almond Beach Resort, Barbados, September 14, 2004

"Sleep Dysfunction and Disorders" Institute of Caribbean Home Office Underwriters, Almond Beach Resort, Barbados, September 13, 2004

"Sleep Dysfunction and Disorders" Western Home Office Underwriters Association, Colorado Springs, Colorado, June 3, 2004

"Nail a Front Door on Your Back Room" Social Enterprise Alliance, San Francisco, California, March 5, 2004, with David Allburn and Russ Combs

Vera F. Dolan

Curriculum Vitae, continued

PRESENTATIONS, continued

"Multiple Sclerosis" Northern California Life Insurance Association, Emeryville, California, October 22, 2003

"Post-Stroke Morbidity" Northern California Life Insurance Association, San Rafael, California, March 21, 2001

"Variable Life Insurance -- The New Frontier?" National Association of Variable Annuities, Palm Beach, Florida, November 6, 2000, with Mark Daley

"Analysis of Profitability by Customer: Banking Case Study" Society of Actuaries, Orlando, Florida, June 19, 1997, with Rex Atwood and Nancy Church

"Establishing Underwriting Guidelines Using General Population Data" International Underwriting Congress, Mexico City, Mexico, February 25, 1997, with Rick Bergstrom

"They Came for AIDS; They Stayed for Liver" Society of Actuaries, Orlando, Florida, October 28, 1996, with Rick Bergstrom and Hank George

"Detecting and Evaluating Marital Violence" Western Home Office Underwriters Association, Squaw Valley, California, June 9, 1995

Last update March 31, 2017

Exhibit 2

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed

Exposure for all races; N=64,204

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	All races Dead	Total	Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
15	3	0	3	0.000000		0.000439	
16	90	0	90	0.000000		0.000552	
17	831	0	831	0.000000		0.000675	
18	2,272	6	2,278	0.002634	0.002701	0.000807	3.3
19	4,322	12	4,334	0.002769	0.003011	0.000942	3.2
20	6,585	24	6,609	0.003631	0.003233	0.001085	3.0
21	8,457	28	8,485	0.003300	0.003812	0.001216	3.1
22	9,725	44	9,769	0.004504	0.004359	0.001310	3.3
23	10,374	55	10,429	0.005274	0.005486	0.001353	4.1
24	10,409	70	10,479	0.006680	0.006254	0.001358	4.6
25	10,065	69	10,134	0.006809	0.006646	0.001351	4.9
26	9,552	62	9,614	0.006449	0.007431	0.001349	5.5
27	8,993	82	9,075	0.009036	0.007899	0.001353	5.8
28	8,454	70	8,524	0.008212	0.008922	0.001371	6.5
29	8,014	77	8,091	0.009517	0.009048	0.001399	6.5
30	7,681	73	7,754	0.009414	0.009188	0.001432	6.4
31	7,465	65	7,530	0.008632	0.010131	0.001464	6.9
32	7,199	90	7,289	0.012347	0.010670	0.001496	7.1
33	6,904	77	6,981	0.011030	0.011365	0.001528	7.4
34	6,738	73	6,811	0.010718	0.010614	0.001563	6.8
35	6,473	66	6,539	0.010093	0.010348	0.001613	6.4
36	6,288	65	6,353	0.010231	0.011223	0.001682	6.7
37	5,989	81	6,070	0.013344	0.012599	0.001764	7.1
38	5,823	84	5,907	0.014220	0.014226	0.001857	7.7
39	5,670	87	5,757	0.015112	0.015292	0.001964	7.8
40	5,529	93	5,622	0.016542	0.016436	0.002083	7.9
41	5,286	95	5,381	0.017655	0.017101	0.002227	7.7
42	5,114	89	5,203	0.017106	0.017659	0.002414	7.3
43	5,012	93	5,105	0.018217	0.018047	0.002653	6.8
44	4,901	94	4,995	0.018819	0.019173	0.002939	6.5
45	4,734	99	4,833	0.020484	0.021675	0.003243	6.7
46	4,545	120	4,665	0.025723	0.025268	0.003563	7.1
47	4,164	127	4,291	0.029597	0.027663	0.003922	7.1
48	3,971	113	4,084	0.027669	0.030107	0.004320	7.0
49	3,715	127	3,842	0.033056	0.032962	0.004749	6.9
50	3,453	137	3,590	0.038162	0.038314	0.005193	7.4
51	3,193	146	3,339	0.043726	0.041608	0.005647	7.4
52	2,920	131	3,051	0.042937	0.044710	0.006122	7.3
53	2,669	133	2,802	0.047466	0.045803	0.006630	6.9
54	2,372	117	2,489	0.047007	0.050491	0.007181	7.0
55	2,068	125	2,193	0.057000	0.053517	0.007779	6.9
56	1,852	111	1,963	0.056546	0.055167	0.008415	6.6
57	1,624	89	1,713	0.051956	0.057715	0.009074	6.4
58	1,418	98	1,516	0.064644	0.061413	0.009727	6.3
59	1,213	88	1,301	0.067640	0.069713	0.010371	6.7
60	1,057	88	1,145	0.076856	0.078531	0.011034	7.1
61	878	88	966	0.091097	0.082366	0.011738	7.0
62	733	63	796	0.079146	0.086399	0.012489	6.9
63	635	62	697	0.088953	0.083857	0.013335	6.3
64	549	50	599	0.083472	0.085654	0.014319	6.0
65	444	41	485	0.084536	0.087103	0.015482	5.6
66	379	39	418	0.093301	0.096722	0.016824	5.7
67	324	41	365	0.112329	0.097724	0.018330	5.3
68	271	26	297	0.087542	0.091657	0.019900	4.6
69	234	19	253	0.075099	0.089544	0.021539	4.2

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed

Exposure for all races; N=64,204

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	All races Dead	Total	Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
70	194	23	217	0.105991	0.095649	0.023396	4.1
71	152	20	172	0.116279	0.090170	0.025476	3.5
72	136	14	150	0.093333	0.096203	0.027794	3.5
73	125	8	133	0.060150	0.097922	0.030350	3.2
74	102	12	114	0.105263	0.091534	0.033204	2.8
75	85	11	96	0.114583	0.094742	0.036345	2.6
76	76	7	83	0.084337	0.109378	0.039788	2.7
77	57	7	64	0.109375	0.111855	0.043720	2.6
78	52	8	60	0.133333	0.114580	0.048335	2.4
79	45	6	51	0.117647	0.116462	0.053650	2.2
80	34	5	39	0.128205	0.125356	0.059565	2.1
81	29	3	32	0.093750		0.065848	
82	22	4	26	0.153846		0.072956	
83	20	1	21	0.047619		0.080741	
84	19	0	19	0.000000		0.089357	
85	17	1	18	0.055556		0.099650	
86	14	2	16	0.125000		0.110901	
87	13	1	14	0.071429		0.123146	
88	10	3	13	0.230769		0.136412	
89	13	0	13	0.000000		0.150710	
90	9	0	9	0.000000		0.166038	
91	8	0	8	0.000000		0.182374	
92	7	0	7	0.000000		0.199676	
93	10	0	10	0.000000		0.217880	
94	15	1	16	0.062500		0.236903	
95	2	0	2	0.000000		0.256636	
96	2	0	2	0.000000		0.276954	
97	2	0	2	0.000000		0.297713	

Total deaths 4,239

Exhibit 3

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed

Exposure for blacks only; N=40,454

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	Black Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
15	2	0	2	0.000000		0.000655	
16	60	0	60	0.000000		0.000822	
17	543	0	543	0.000000		0.001004	
18	1,504	5	1,509	0.003313	0.003033	0.001206	2.5
19	2,898	8	2,906	0.002753	0.003351	0.001421	2.4
20	4,498	18	4,516	0.003986	0.003383	0.001654	2.0
21	5,847	20	5,867	0.003409	0.004059	0.001874	2.2
22	6,867	33	6,900	0.004783	0.004333	0.002041	2.1
23	7,453	36	7,489	0.004807	0.005139	0.002134	2.4
24	7,508	44	7,552	0.005826	0.005656	0.002168	2.6
25	7,216	46	7,262	0.006334	0.005943	0.002186	2.7
26	6,842	39	6,881	0.005668	0.006574	0.002212	3.0
27	6,426	50	6,476	0.007721	0.007412	0.002230	3.3
28	5,938	53	5,991	0.008847	0.008178	0.002245	3.6
29	5,604	45	5,649	0.007966	0.008357	0.002259	3.7
30	5,284	44	5,328	0.008258	0.007893	0.002267	3.5
31	5,059	38	5,097	0.007455	0.008957	0.002276	3.9
32	4,786	54	4,840	0.011157	0.009753	0.002300	4.2
33	4,554	49	4,603	0.010645	0.010648	0.002350	4.5
34	4,392	45	4,437	0.010142	0.010346	0.002426	4.3
35	4,152	43	4,195	0.010250	0.009901	0.002527	3.9
36	3,937	37	3,974	0.009311	0.010548	0.002646	4.0
37	3,679	45	3,724	0.012084	0.012161	0.002772	4.4
38	3,525	54	3,579	0.015088	0.013441	0.002896	4.6
39	3,452	46	3,498	0.013150	0.015186	0.003027	5.0
40	3,291	58	3,349	0.017319	0.015133	0.003179	4.8
41	3,101	47	3,148	0.014930	0.015972	0.003369	4.7
42	3,016	48	3,064	0.015666	0.015002	0.003607	4.2
43	2,941	43	2,984	0.014410	0.014833	0.003902	3.8
44	2,870	42	2,912	0.014423	0.015822	0.004251	3.7
45	2,739	52	2,791	0.018631	0.019842	0.004616	4.3
46	2,611	71	2,682	0.026473	0.024402	0.005016	4.9
47	2,421	70	2,491	0.028101	0.026482	0.005513	4.8
48	2,274	58	2,332	0.024871	0.026654	0.006129	4.3
49	2,127	59	2,186	0.026990	0.028625	0.006838	4.2
50	1,988	70	2,058	0.034014	0.032107	0.007586	4.2
51	1,830	67	1,897	0.035319	0.035336	0.008344	4.2
52	1,681	64	1,745	0.036676	0.038086	0.009145	4.2
53	1,541	68	1,609	0.042262	0.041294	0.010011	4.1
54	1,360	64	1,424	0.044944	0.046430	0.010959	4.2
55	1,183	65	1,248	0.052083	0.049429	0.011995	4.1
56	1,055	57	1,112	0.051259	0.050691	0.013107	3.9
57	937	48	985	0.048731	0.056749	0.014274	4.0
58	794	60	854	0.070258	0.061732	0.015455	4.0
59	677	48	725	0.066207	0.072218	0.016630	4.3
60	585	51	636	0.080189	0.082261	0.017888	4.6
61	466	52	518	0.100386	0.093277	0.019207	4.9
62	363	40	403	0.099256	0.093367	0.020451	4.6
63	320	28	348	0.080460	0.093350	0.021595	4.3
64	269	30	299	0.100334	0.089763	0.022717	4.0
65	206	20	226	0.088496	0.097257	0.023933	4.1
66	183	21	204	0.102941	0.107622	0.025369	4.2
67	152	23	175	0.131429	0.114021	0.027104	4.2
68	116	14	130	0.107692	0.117090	0.029089	4.0
69	95	12	107	0.112150	0.107763	0.031191	3.5

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed

Exposure for blacks only; N=40,454

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	Black Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
70	78	9	87	0.103448	0.115344	0.033429	3.5
71	60	9	69	0.130435	0.116942	0.035780	3.3
72	55	4	59	0.067797		0.038397	
73	48	3	51	0.058824		0.041254	
74	39	5	44	0.113636		0.044174	
75	30	5	35	0.142857		0.047704	
76	27	2	29	0.068966		0.051047	
77	18	3	21	0.142857		0.054624	
78	17	3	20	0.150000		0.059628	
79	15	2	17	0.117647		0.064976	
80	11	2	13	0.153846		0.070676	
81	9	1	10	0.100000		0.076651	
82	8	0	8	0.000000		0.085516	
83	7	0	7	0.000000		0.092664	
84	6	0	6	0.000000		0.100307	
85	5	0	5	0.000000		0.108460	
86	4	1	5	0.200000		0.117140	
87	5	0	5	0.000000		0.126357	
88	4	0	4	0.000000		0.136120	
89	3	0	3	0.000000		0.146432	
90	2	0	2	0.000000		0.157294	
91	3	0	3	0.000000		0.168701	
92	2	0	2	0.000000		0.180641	
93	3	0	3	0.000000		0.193099	
94	7	0	7	0.000000		0.206052	
95	1	0	1	0.000000		0.219470	
96	1	0	1	0.000000		0.233321	
97	1	0	1	0.000000		0.247561	
Total deaths		2,351					

Exhibit 4

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed.

Exposure for whites only; N=22,081

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	White Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
15	1	0	1	0.000000		0.000414	
16	28	0	28	0.000000		0.000522	
17	268	0	268	0.000000		0.000641	
18	717	1	718	0.001393		0.000773	
19	1,325	4	1,329	0.003010		0.000909	
20	1,944	6	1,950	0.003077	0.003181	0.001053	3.0
21	2,427	8	2,435	0.003285	0.003500	0.001185	3.0
22	2,647	11	2,658	0.004138	0.004806	0.001283	3.7
23	2,697	19	2,716	0.006996	0.006919	0.001333	5.2
24	2,676	26	2,702	0.009623	0.008440	0.001349	6.3
25	2,620	23	2,643	0.008702	0.009056	0.001354	6.7
26	2,466	22	2,488	0.008842	0.010391	0.001365	7.6
27	2,316	32	2,348	0.013629	0.009974	0.001379	7.2
28	2,265	17	2,282	0.007450	0.011864	0.001401	8.5
29	2,173	32	2,205	0.014512	0.011735	0.001432	8.2
30	2,161	29	2,190	0.013242	0.013335	0.001467	9.1
31	2,177	27	2,204	0.012250	0.013876	0.001502	9.2
32	2,195	36	2,231	0.016136	0.013753	0.001536	9.0
33	2,147	28	2,175	0.012874	0.013955	0.001570	8.9
34	2,150	28	2,178	0.012856	0.012136	0.001609	7.5
35	2,131	23	2,154	0.010678	0.011928	0.001665	7.2
36	2,177	27	2,204	0.012250	0.013112	0.001742	7.5
37	2,158	36	2,194	0.016408	0.014128	0.001829	7.7
38	2,156	30	2,186	0.013724	0.016339	0.001921	8.5
39	2,078	40	2,118	0.018886	0.016139	0.002023	8.0
40	2,117	34	2,151	0.015807	0.019133	0.002135	9.0
41	2,066	48	2,114	0.022706	0.019370	0.002273	8.5
42	2,001	40	2,041	0.019598	0.022267	0.002459	9.1
43	1,991	50	2,041	0.024498	0.023331	0.002703	8.6
44	1,956	52	2,008	0.025896	0.024755	0.002997	8.3
45	1,922	47	1,969	0.023870	0.025127	0.003309	7.6
46	1,864	49	1,913	0.025614	0.027223	0.003631	7.5
47	1,684	56	1,740	0.032184	0.030095	0.003984	7.6
48	1,638	55	1,693	0.032487	0.035454	0.004366	8.1
49	1,540	67	1,607	0.041693	0.039239	0.004768	8.2
50	1,428	65	1,493	0.043537	0.046941	0.005179	9.1
51	1,325	78	1,403	0.055595	0.050285	0.005596	9.0
52	1,210	66	1,276	0.051724	0.054307	0.006034	9.0
53	1,104	65	1,169	0.055603	0.052714	0.006508	8.1
54	990	53	1,043	0.050815	0.057024	0.007026	8.1
55	868	60	928	0.064655	0.060073	0.007591	7.9
56	780	54	834	0.064748	0.062302	0.008191	7.6
57	672	41	713	0.057504	0.060358	0.008812	6.8
58	608	38	646	0.058824	0.062585	0.009425	6.6
59	520	40	560	0.071429	0.068333	0.010028	6.8
60	458	37	495	0.074747	0.076123	0.010645	7.2
61	402	36	438	0.082192	0.072227	0.011305	6.4
62	362	23	385	0.059740	0.079569	0.012031	6.6
63	308	33	341	0.096774	0.074694	0.012880	5.8
64	276	20	296	0.067568	0.082340	0.013896	5.9
65	233	21	254	0.082677	0.085880	0.015110	5.7
66	191	18	209	0.086124	0.079940	0.016503	4.8
67	169	18	187	0.096257	0.074702	0.018045	4.1
68	153	11	164	0.067073	0.079705	0.019623	4.1
69	139	6	145	0.041379	0.083840	0.021262	3.9

South Carolina DC men admitted 1996 to 2015, followed to 2016

Last admission only, duplicate IDs removed, admission year errors removed

Exposure for whites only; N=22,081

Mortality rates are smoothed for ≥ 5 deaths (running average of 3 or 5 raw rates, previous age, current age & next age)

Age	Alive	White Dead	Total	Raw Mortality Rate	Smoothed Mortality Rate	US Population Mortality Rate	Mortality Ratios (≥ 5 deaths only)
70	116	14	130	0.107692	0.086566	0.023146	3.7
71	92	11	103	0.106796	0.085347	0.025278	3.4
72	81	10	91	0.109890	0.097071	0.027630	3.5
73	77	5	82	0.060976	0.095204	0.030219	3.2
74	63	7	70	0.100000	0.092364	0.033126	2.8
75	55	6	61	0.098361	0.088990	0.036255	2.5
76	49	5	54	0.092593	0.095477	0.039716	2.4
77	39	4	43	0.093023		0.043757	
78	35	5	40	0.125000		0.048405	
79	30	4	34	0.117647		0.053785	
80	23	3	26	0.115385		0.059839	
81	20	2	22	0.090909		0.066176	
82	14	4	18	0.222222		0.073348	
83	13	1	14	0.071429		0.081302	
84	13	0	13	0.000000		0.090236	
85	12	1	13	0.076923		0.100743	
86	10	1	11	0.090909		0.112235	
87	8	1	9	0.111111		0.124750	
88	6	3	9	0.333333		0.138311	
89	7	0	7	0.000000		0.152931	
90	6	0	6	0.000000		0.168603	
91	5	0	5	0.000000		0.185302	
92	5	0	5	0.000000		0.202980	
93	7	0	7	0.000000		0.221569	
94	8	1	9	0.111111		0.240976	
95	1	0	1	0.000000		0.261085	
96	1	0	1	0.000000		0.281762	
97	1	0	1	0.000000		0.302853	

Total deaths 1,874

EXHIBIT 5

Table 2. Life table for males: United States, 2011

Spreadsheet version available from: ftp://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table02.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
0-1	0.006575	100,000	658	99,427	7,629,389	76.3
1-2	0.000445	99,342	44	99,320	7,529,961	75.8
2-3	0.000301	99,298	30	99,283	7,430,641	74.8
3-4	0.000240	99,268	24	99,256	7,331,358	73.9
4-5	0.000183	99,244	18	99,235	7,232,101	72.9
5-6	0.000169	99,226	17	99,218	7,132,866	71.9
6-7	0.000150	99,210	15	99,202	7,033,648	70.9
7-8	0.000134	99,195	13	99,188	6,934,446	69.9
8-9	0.000115	99,181	11	99,176	6,835,258	68.9
9-10	0.000097	99,170	10	99,165	6,736,082	67.9
10-11	0.000085	99,160	8	99,156	6,636,917	66.9
11-12	0.000092	99,152	9	99,147	6,537,761	65.9
12-13	0.000132	99,143	13	99,136	6,438,613	64.9
13-14	0.000213	99,130	21	99,119	6,339,477	64.0
14-15	0.000323	99,109	32	99,093	6,240,358	63.0
15-16	0.000439	99,077	43	99,055	6,141,265	62.0
16-17	0.000552	99,033	55	99,006	6,042,210	61.0
17-18	0.000675	98,979	67	98,945	5,943,204	60.0
18-19	0.000807	98,912	80	98,872	5,844,259	59.1
19-20	0.000942	98,832	93	98,785	5,745,387	58.1
20-21	0.001085	98,739	107	98,685	5,646,602	57.2
21-22	0.001216	98,632	120	98,572	5,547,917	56.2
22-23	0.001310	98,512	129	98,447	5,449,345	55.3
23-24	0.001353	98,383	133	98,316	5,350,898	54.4
24-25	0.001358	98,250	133	98,183	5,252,582	53.5
25-26	0.001351	98,116	133	98,050	5,154,399	52.5
26-27	0.001349	97,984	132	97,918	5,056,349	51.6
27-28	0.001353	97,852	132	97,785	4,958,431	50.7
28-29	0.001371	97,719	134	97,652	4,860,646	49.7
29-30	0.001399	97,585	137	97,517	4,762,994	48.8
30-31	0.001432	97,449	140	97,379	4,665,477	47.9
31-32	0.001464	97,309	143	97,238	4,568,098	46.9
32-33	0.001496	97,167	145	97,094	4,470,860	46.0
33-34	0.001528	97,021	148	96,947	4,373,766	45.1
34-35	0.001563	96,873	151	96,797	4,276,819	44.1
35-36	0.001613	96,722	156	96,643	4,180,022	43.2
36-37	0.001682	96,565	162	96,484	4,083,378	42.3
37-38	0.001764	96,403	170	96,318	3,986,894	41.4
38-39	0.001857	96,233	179	96,144	3,890,576	40.4
39-40	0.001964	96,054	189	95,960	3,794,432	39.5
40-41	0.002083	95,866	200	95,766	3,698,472	38.6
41-42	0.002227	95,666	213	95,560	3,602,706	37.7
42-43	0.002414	95,453	230	95,338	3,507,147	36.7
43-44	0.002653	95,223	253	95,096	3,411,809	35.8
44-45	0.002939	94,970	279	94,830	3,316,713	34.9
45-46	0.003243	94,691	307	94,537	3,221,882	34.0
46-47	0.003563	94,384	336	94,216	3,127,345	33.1
47-48	0.003922	94,047	369	93,863	3,033,129	32.3
48-49	0.004320	93,679	405	93,476	2,939,266	31.4
49-50	0.004749	93,274	443	93,052	2,845,790	30.5
50-51	0.005193	92,831	482	92,590	2,752,738	29.7
51-52	0.005647	92,349	522	92,088	2,660,148	28.8
52-53	0.006122	91,827	562	91,546	2,568,060	28.0
53-54	0.006630	91,265	605	90,963	2,476,514	27.1
54-55	0.007181	90,660	651	90,335	2,385,551	26.3
55-56	0.007779	90,009	700	89,659	2,295,216	25.5
56-57	0.008415	89,309	752	88,933	2,205,557	24.7
57-58	0.009074	88,557	804	88,156	2,116,624	23.9
58-59	0.009727	87,754	854	87,327	2,028,469	23.1
59-60	0.010371	86,900	901	86,450	1,941,141	22.3
60-61	0.011034	85,999	949	85,525	1,854,692	21.6

See footnote at end of table.

Table 2. Life table for males: United States, 2011—Con.Spreadsheet version available from: http://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table02.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
61-62	0.011738	85,050	998	84,551	1,769,167	20.8
62-63	0.012489	84,052	1,050	83,527	1,684,616	20.0
63-64	0.013335	83,002	1,107	82,449	1,601,089	19.3
64-65	0.014319	81,895	1,173	81,309	1,518,641	18.5
65-66	0.015482	80,723	1,250	80,098	1,437,332	17.8
66-67	0.016824	79,473	1,337	78,804	1,357,234	17.1
67-68	0.018330	78,136	1,432	77,420	1,278,430	16.4
68-69	0.019900	76,703	1,526	75,940	1,201,010	15.7
69-70	0.021539	75,177	1,619	74,367	1,125,070	15.0
70-71	0.023396	73,558	1,721	72,697	1,050,702	14.3
71-72	0.025476	71,837	1,830	70,922	978,005	13.6
72-73	0.027794	70,007	1,946	69,034	907,083	13.0
73-74	0.030350	68,061	2,066	67,028	838,049	12.3
74-75	0.033204	65,995	2,191	64,900	771,021	11.7
75-76	0.036345	63,804	2,319	62,645	706,121	11.1
76-77	0.039788	61,485	2,446	60,262	643,477	10.5
77-78	0.043720	59,039	2,581	57,748	583,215	9.9
78-79	0.048335	56,458	2,729	55,093	525,467	9.3
79-80	0.053650	53,729	2,883	52,287	470,374	8.8
80-81	0.059565	50,846	3,029	49,332	418,086	8.2
81-82	0.065848	47,817	3,149	46,243	368,754	7.7
82-83	0.072956	44,669	3,259	43,039	322,511	7.2
83-84	0.080741	41,410	3,343	39,738	279,472	6.7
84-85	0.089357	38,066	3,402	36,366	239,734	6.3
85-86	0.099650	34,665	3,454	32,938	203,368	5.9
86-87	0.110901	31,211	3,461	29,480	170,430	5.5
87-88	0.123146	27,749	3,417	26,041	140,950	5.1
88-89	0.136412	24,332	3,319	22,672	114,910	4.7
89-90	0.150710	21,013	3,167	19,429	92,237	4.4
90-91	0.166038	17,846	2,963	16,364	72,808	4.1
91-92	0.182374	14,883	2,714	13,526	56,443	3.8
92-93	0.199676	12,169	2,430	10,954	42,918	3.5
93-94	0.217880	9,739	2,122	8,678	31,964	3.3
94-95	0.236903	7,617	1,804	6,715	23,286	3.1
95-96	0.256636	5,812	1,492	5,067	16,571	2.9
96-97	0.276954	4,321	1,197	3,722	11,505	2.7
97-98	0.297713	3,124	930	2,659	7,782	2.5
98-99	0.318755	2,194	699	1,844	5,123	2.3
99-100	0.339914	1,495	508	1,241	3,279	2.2
100 and over	1.000000	987	987	2,038	2,038	2.1

SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 6

Table 17. Life table for non-Hispanic black males: United States, 2011Spreadsheet version available from: http://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table17.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
0-1	0.012502	100,000	1,250	98,927	7,173,820	71.7
1-2	0.000674	98,750	67	98,716	7,074,893	71.6
2-3	0.000494	98,683	49	98,659	6,976,177	70.7
3-4	0.000356	98,634	35	98,617	6,877,518	69.7
4-5	0.000316	98,599	31	98,584	6,778,901	68.8
5-6	0.000258	98,568	25	98,555	6,680,317	67.8
6-7	0.000224	98,543	22	98,532	6,581,762	66.8
7-8	0.000193	98,521	19	98,511	6,483,230	65.8
8-9	0.000161	98,502	16	98,494	6,384,719	64.8
9-10	0.000128	98,486	13	98,480	6,286,225	63.8
10-11	0.000107	98,473	11	98,468	6,187,746	62.8
11-12	0.000118	98,463	12	98,457	6,089,278	61.8
12-13	0.000183	98,451	18	98,442	5,990,821	60.9
13-14	0.000310	98,433	31	98,418	5,892,379	59.9
14-15	0.000481	98,402	47	98,379	5,793,961	58.9
15-16	0.000655	98,355	64	98,323	5,695,583	57.9
16-17	0.000822	98,291	81	98,250	5,597,260	56.9
17-18	0.001004	98,210	99	98,160	5,499,010	56.0
18-19	0.001206	98,111	118	98,052	5,400,849	55.0
19-20	0.001421	97,993	139	97,923	5,302,797	54.1
20-21	0.001654	97,854	162	97,773	5,204,874	53.2
21-22	0.001874	97,692	183	97,600	5,107,101	52.3
22-23	0.002041	97,509	199	97,409	5,009,501	51.4
23-24	0.002134	97,310	208	97,206	4,912,092	50.5
24-25	0.002168	97,102	211	96,997	4,814,886	49.6
25-26	0.002186	96,891	212	96,786	4,717,890	48.7
26-27	0.002212	96,680	214	96,573	4,621,104	47.8
27-28	0.002230	96,466	215	96,358	4,524,531	46.9
28-29	0.002245	96,251	216	96,143	4,428,173	46.0
29-30	0.002259	96,035	217	95,926	4,332,030	45.1
30-31	0.002267	95,818	217	95,709	4,236,104	44.2
31-32	0.002276	95,600	218	95,492	4,140,395	43.3
32-33	0.002300	95,383	219	95,273	4,044,904	42.4
33-34	0.002350	95,163	224	95,052	3,949,631	41.5
34-35	0.002426	94,940	230	94,825	3,854,579	40.6
35-36	0.002527	94,709	239	94,590	3,759,755	39.7
36-37	0.002646	94,470	250	94,345	3,665,165	38.8
37-38	0.002772	94,220	261	94,089	3,570,820	37.9
38-39	0.002896	93,959	272	93,823	3,476,730	37.0
39-40	0.003027	93,687	284	93,545	3,382,908	36.1
40-41	0.003179	93,403	297	93,255	3,289,363	35.2
41-42	0.003369	93,106	314	92,949	3,196,108	34.3
42-43	0.003607	92,793	335	92,625	3,103,159	33.4
43-44	0.003902	92,458	361	92,277	3,010,533	32.6
44-45	0.004251	92,097	392	91,901	2,918,256	31.7
45-46	0.004616	91,706	423	91,494	2,826,355	30.8
46-47	0.005016	91,282	458	91,053	2,734,861	30.0
47-48	0.005513	90,824	501	90,574	2,643,807	29.1
48-49	0.006129	90,324	554	90,047	2,553,233	28.3
49-50	0.006838	89,770	614	89,463	2,463,186	27.4
50-51	0.007586	89,156	676	88,818	2,373,723	26.6
51-52	0.008344	88,480	738	88,111	2,284,905	25.8
52-53	0.009145	87,742	802	87,340	2,196,794	25.0
53-54	0.010011	86,939	870	86,504	2,109,454	24.3
54-55	0.010959	86,069	943	85,597	2,022,950	23.5
55-56	0.011995	85,126	1,021	84,615	1,937,352	22.8
56-57	0.013107	84,105	1,102	83,553	1,852,737	22.0
57-58	0.014274	83,002	1,185	82,410	1,769,184	21.3
58-59	0.015455	81,817	1,264	81,185	1,686,774	20.6
59-60	0.016630	80,553	1,340	79,883	1,605,589	19.9
60-61	0.017888	79,213	1,417	78,505	1,525,705	19.3

See footnotes at end of table.

Table 17. Life table for non-Hispanic black males: United States, 2011—Con.Spreadsheet version available from: http://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table17.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
61-62	0.019207	77,796	1,494	77,049	1,447,201	18.6
62-63	0.020451	76,302	1,560	75,522	1,370,151	18.0
63-64	0.021595	74,742	1,614	73,935	1,294,629	17.3
64-65	0.022717	73,128	1,661	72,297	1,220,695	16.7
65-66	0.023933	71,466	1,710	70,611	1,148,398	16.1
66-67	0.025369	69,756	1,770	68,871	1,077,787	15.5
67-68	0.027104	67,986	1,843	67,065	1,008,915	14.8
68-69	0.029089	66,144	1,924	65,182	941,851	14.2
69-70	0.031191	64,220	2,003	63,218	876,669	13.7
70-71	0.033429	62,216	2,080	61,177	813,451	13.1
71-72	0.035780	60,137	2,152	59,061	752,274	12.5
72-73	0.038397	57,985	2,226	56,872	693,214	12.0
73-74	0.041254	55,759	2,300	54,608	636,342	11.4
74-75	0.044174	53,458	2,361	52,278	581,733	10.9
75-76	0.047704	51,097	2,438	49,878	529,456	10.4
76-77	0.051047	48,659	2,484	47,417	479,578	9.9
77-78	0.054624	46,175	2,522	44,914	432,161	9.4
78-79	0.059628	43,653	2,603	42,352	387,246	8.9
79-80	0.064976	41,050	2,667	39,716	344,895	8.4
80-81	0.070676	38,383	2,713	37,026	305,178	8.0
81-82	0.076651	35,670	2,734	34,303	268,152	7.5
82-83	0.085516	32,936	2,817	31,528	233,849	7.1
83-84	0.092664	30,119	2,791	28,724	202,321	6.7
84-85	0.100307	27,328	2,741	25,958	173,597	6.4
85-86	0.108460	24,587	2,667	23,254	147,639	6.0
86-87	0.117140	21,920	2,568	20,637	124,386	5.7
87-88	0.126357	19,353	2,445	18,130	103,749	5.4
88-89	0.136120	16,907	2,301	15,757	85,619	5.1
89-90	0.146432	14,606	2,139	13,537	69,862	4.8
90-91	0.157294	12,467	1,961	11,487	56,326	4.5
91-92	0.168701	10,506	1,772	9,620	44,839	4.3
92-93	0.180641	8,734	1,578	7,945	35,219	4.0
93-94	0.193099	7,156	1,382	6,465	27,274	3.8
94-95	0.206052	5,774	1,190	5,179	20,809	3.6
95-96	0.219470	4,584	1,006	4,081	15,630	3.4
96-97	0.233321	3,578	835	3,161	11,548	3.2
97-98	0.247561	2,743	679	2,404	8,388	3.1
98-99	0.262144	2,064	541	1,794	5,984	2.9
99-100	0.277019	1,523	422	1,312	4,190	2.8
100 and over	1.000000	1,101	1,101	2,878	2,878	2.6

NOTE: This life table is based on death rates that have been adjusted for race and ethnicity misclassification on death certificates.

SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 7

Table 14. Life table for non-Hispanic white males: United States, 2011Spreadsheet version available from: http://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table14.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
0-1	0.005524	100,000	552	99,517	7,643,091	76.4
1-2	0.000413	99,448	41	99,427	7,543,575	75.9
2-3	0.000273	99,407	27	99,393	7,444,148	74.9
3-4	0.000229	99,379	23	99,368	7,344,755	73.9
4-5	0.000156	99,357	15	99,349	7,245,387	72.9
5-6	0.000160	99,341	16	99,333	7,146,038	71.9
6-7	0.000146	99,325	14	99,318	7,046,705	70.9
7-8	0.000132	99,311	13	99,304	6,947,387	70.0
8-9	0.000114	99,298	11	99,292	6,848,082	69.0
9-10	0.000095	99,286	9	99,282	6,748,790	68.0
10-11	0.000082	99,277	8	99,273	6,649,509	67.0
11-12	0.000088	99,269	9	99,264	6,550,236	66.0
12-13	0.000125	99,260	12	99,254	6,450,972	65.0
13-14	0.000201	99,248	20	99,238	6,351,718	64.0
14-15	0.000305	99,228	30	99,213	6,252,480	63.0
15-16	0.000414	99,197	41	99,177	6,153,268	62.0
16-17	0.000522	99,156	52	99,130	6,054,091	61.1
17-18	0.000641	99,105	64	99,073	5,954,960	60.1
18-19	0.000773	99,041	77	99,003	5,855,888	59.1
19-20	0.000909	98,964	90	98,920	5,756,885	58.2
20-21	0.001053	98,875	104	98,822	5,657,965	57.2
21-22	0.001185	98,770	117	98,712	5,559,143	56.3
22-23	0.001283	98,653	127	98,590	5,460,431	55.3
23-24	0.001333	98,527	131	98,461	5,361,841	54.4
24-25	0.001349	98,395	133	98,329	5,263,380	53.5
25-26	0.001354	98,263	133	98,196	5,165,051	52.6
26-27	0.001365	98,130	134	98,063	5,066,855	51.6
27-28	0.001379	97,996	135	97,928	4,968,792	50.7
28-29	0.001401	97,860	137	97,792	4,870,864	49.8
29-30	0.001432	97,723	140	97,653	4,773,072	48.8
30-31	0.001467	97,583	143	97,512	4,675,419	47.9
31-32	0.001502	97,440	146	97,367	4,577,907	47.0
32-33	0.001536	97,294	149	97,219	4,480,540	46.1
33-34	0.001570	97,145	153	97,068	4,383,321	45.1
34-35	0.001609	96,992	156	96,914	4,286,252	44.2
35-36	0.001665	96,836	161	96,755	4,189,338	43.3
36-37	0.001742	96,675	168	96,591	4,092,583	42.3
37-38	0.001829	96,506	177	96,418	3,995,992	41.4
38-39	0.001921	96,330	185	96,237	3,899,574	40.5
39-40	0.002023	96,145	195	96,047	3,803,337	39.6
40-41	0.002135	95,950	205	95,848	3,707,290	38.6
41-42	0.002273	95,745	218	95,637	3,611,442	37.7
42-43	0.002459	95,528	235	95,410	3,515,805	36.8
43-44	0.002703	95,293	258	95,164	3,420,395	35.9
44-45	0.002997	95,035	285	94,893	3,325,231	35.0
45-46	0.003309	94,750	313	94,594	3,230,338	34.1
46-47	0.003631	94,437	343	94,266	3,135,744	33.2
47-48	0.003984	94,094	375	93,907	3,041,479	32.3
48-49	0.004366	93,719	409	93,515	2,947,572	31.5
49-50	0.004768	93,310	445	93,088	2,854,058	30.6
50-51	0.005179	92,865	481	92,625	2,760,970	29.7
51-52	0.005596	92,384	517	92,126	2,668,345	28.9
52-53	0.006034	91,867	554	91,590	2,576,220	28.0
53-54	0.006508	91,313	594	91,016	2,484,630	27.2
54-55	0.007026	90,719	637	90,400	2,393,614	26.4
55-56	0.007591	90,081	684	89,739	2,303,214	25.6
56-57	0.008191	89,397	732	89,031	2,213,475	24.8
57-58	0.008812	88,665	781	88,274	2,124,444	24.0
58-59	0.009425	87,884	828	87,470	2,036,169	23.2
59-60	0.010028	87,056	873	86,619	1,948,700	22.4
60-61	0.010645	86,183	917	85,724	1,862,081	21.6

See footnotes at end of table.

Table 14. Life table for non-Hispanic white males: United States, 2011—Con.Spreadsheet version available from: http://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/64_11/Table14.xlsx.

Age (years)	Probability of dying between ages x and $x + 1$	Number surviving to age x	Number dying between ages x and $x + 1$	Person-years lived between ages x and $x + 1$	Total number of person-years lived above age x	Expectation of life at age x
	q_x	l_x	d_x	L_x	T_x	e_x
61-62	0.011305	85,265	964	84,783	1,776,357	20.8
62-63	0.012031	84,301	1,014	83,794	1,691,574	20.1
63-64	0.012880	83,287	1,073	82,751	1,607,780	19.3
64-65	0.013896	82,214	1,142	81,643	1,525,029	18.5
65-66	0.015110	81,072	1,225	80,459	1,443,386	17.8
66-67	0.016503	79,847	1,318	79,188	1,362,927	17.1
67-68	0.018045	78,529	1,417	77,821	1,283,739	16.3
68-69	0.019623	77,112	1,513	76,355	1,205,919	15.6
69-70	0.021262	75,599	1,607	74,795	1,129,563	14.9
70-71	0.023146	73,991	1,713	73,135	1,054,768	14.3
71-72	0.025278	72,279	1,827	71,365	981,633	13.6
72-73	0.027630	70,452	1,947	69,478	910,268	12.9
73-74	0.030219	68,505	2,070	67,470	840,789	12.3
74-75	0.033126	66,435	2,201	65,335	773,319	11.6
75-76	0.036255	64,234	2,329	63,070	707,985	11.0
76-77	0.039716	61,905	2,459	60,676	644,915	10.4
77-78	0.043757	59,447	2,601	58,146	584,239	9.8
78-79	0.048405	56,845	2,752	55,470	526,093	9.3
79-80	0.053785	54,094	2,909	52,639	470,623	8.7
80-81	0.059839	51,184	3,063	49,653	417,984	8.2
81-82	0.066176	48,122	3,184	46,529	368,331	7.7
82-83	0.073348	44,937	3,296	43,289	321,802	7.2
83-84	0.081302	41,641	3,385	39,948	278,513	6.7
84-85	0.090236	38,256	3,452	36,530	238,565	6.2
85-86	0.100743	34,804	3,506	33,050	202,035	5.8
86-87	0.112235	31,297	3,513	29,541	168,985	5.4
87-88	0.124750	27,785	3,466	26,052	139,444	5.0
88-89	0.138311	24,319	3,364	22,637	113,392	4.7
89-90	0.152931	20,955	3,205	19,353	90,755	4.3
90-91	0.168603	17,750	2,993	16,254	71,402	4.0
91-92	0.185302	14,758	2,735	13,390	55,149	3.7
92-93	0.202980	12,023	2,440	10,803	41,758	3.5
93-94	0.221569	9,583	2,123	8,521	30,955	3.2
94-95	0.240976	7,459	1,798	6,561	22,435	3.0
95-96	0.261085	5,662	1,478	4,923	15,874	2.8
96-97	0.281762	4,184	1,179	3,594	10,951	2.6
97-98	0.302853	3,005	910	2,550	7,357	2.4
98-99	0.324194	2,095	679	1,755	4,807	2.3
99-100	0.345609	1,416	489	1,171	3,052	2.2
100 and over	1.000000	926	926	1,881	1,881	2.0

NOTE: This life table is based on death rates that have been adjusted for race and ethnicity misclassification on death certificates.

SOURCE: CDC/NCHS, National Vital Statistics System.

EXHIBIT 8

Appendix A. 2011 U.S. General Population Male Life Table

Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016

All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
0-1	0.006575	1.0	0.0065750	100,000	658	99,427	5,474,009	54.7
1-2	0.000445	1.0	0.0004450	99,342	44	99,320	5,374,582	54.1
2-3	0.000301	1.0	0.0003010	99,298	30	99,283	5,275,262	53.1
3-4	0.000240	1.0	0.0002400	99,268	24	99,256	5,175,979	52.1
4-5	0.000183	1.0	0.0001830	99,244	18	99,235	5,076,723	51.2
5-6	0.000169	1.0	0.0001690	99,226	17	99,218	4,977,488	50.2
6-7	0.000150	1.0	0.0001500	99,209	15	99,202	4,878,271	49.2
7-8	0.000134	1.0	0.0001340	99,194	13	99,188	4,779,069	48.2
8-9	0.000115	1.0	0.0001150	99,181	11	99,176	4,679,882	47.2
9-10	0.000097	1.0	0.0000970	99,170	10	99,165	4,580,706	46.2
10-11	0.000085	1.0	0.0000850	99,160	8	99,156	4,481,541	45.2
11-12	0.000092	1.0	0.0000920	99,152	9	99,148	4,382,385	44.2
12-13	0.000132	1.0	0.0001320	99,143	13	99,137	4,283,238	43.2
13-14	0.000213	1.0	0.0002130	99,130	21	99,120	4,184,101	42.2
14-15	0.000323	1.0	0.0003230	99,109	32	99,093	4,084,982	41.2
15-16	0.000439	1.0	0.0004390	99,077	43	99,056	3,985,889	40.2
16-17	0.000552	1.0	0.0005520	99,034	55	99,007	3,886,833	39.2
17-18	0.000675	1.0	0.0006750	98,979	67	98,946	3,787,827	38.3
18-19	0.000807	3.3	0.0027013	98,912	267	98,779	3,688,881	37.3
19-20	0.000942	3.2	0.0030114	98,645	297	98,497	3,590,103	36.4
20-21	0.001085	3.0	0.0032334	98,348	318	98,189	3,491,606	35.5
21-22	0.001216	3.1	0.0038118	98,030	374	97,843	3,393,417	34.6
22-23	0.001310	3.3	0.0043592	97,656	426	97,443	3,295,574	33.7
23-24	0.001353	4.1	0.0054859	97,230	533	96,964	3,198,131	32.9
24-25	0.001358	4.6	0.0062542	96,697	605	96,395	3,101,168	32.1
25-26	0.001351	4.9	0.0066459	96,092	639	95,773	3,004,773	31.3

Appendix A. 2011 U.S. General Population Male Life Table

Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016

All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
26-27	0.001349	5.5	0.0074312	95,453	709	95,099	2,909,001	30.5
27-28	0.001353	5.8	0.0078989	94,744	748	94,370	2,813,902	29.7
28-29	0.001371	6.5	0.0089216	93,996	839	93,577	2,719,532	28.9
29-30	0.001399	6.5	0.0090478	93,157	843	92,736	2,625,956	28.2
30-31	0.001432	6.4	0.0091878	92,314	848	91,890	2,533,220	27.4
31-32	0.001464	6.9	0.0101313	91,466	927	91,003	2,441,330	26.7
32-33	0.001496	7.1	0.0106698	90,539	966	90,056	2,350,328	26.0
33-34	0.001528	7.4	0.0113651	89,573	1,018	89,064	2,260,272	25.2
34-35	0.001563	6.8	0.0106137	88,555	940	88,085	2,171,208	24.5
35-36	0.001613	6.4	0.0103475	87,615	907	87,162	2,083,123	23.8
36-37	0.001682	6.7	0.0112230	86,708	973	86,222	1,995,961	23.0
37-38	0.001764	7.1	0.0125987	85,735	1,080	85,195	1,909,740	22.3
38-39	0.001857	7.7	0.0142256	84,655	1,204	84,053	1,824,545	21.6
39-40	0.001964	7.8	0.0152915	83,451	1,276	82,813	1,740,492	20.9
40-41	0.002083	7.9	0.0164363	82,175	1,351	81,500	1,657,679	20.2
41-42	0.002227	7.7	0.0171008	80,824	1,382	80,133	1,576,179	19.5
42-43	0.002414	7.3	0.0176592	79,442	1,403	78,741	1,496,046	18.8
43-44	0.002653	6.8	0.0180473	78,039	1,408	77,335	1,417,306	18.2
44-45	0.002939	6.5	0.0191735	76,631	1,469	75,897	1,339,971	17.5
45-46	0.003243	6.7	0.0216755	75,162	1,629	74,348	1,264,074	16.8
46-47	0.003563	7.1	0.0252682	73,533	1,858	72,604	1,189,727	16.2
47-48	0.003922	7.1	0.0276631	71,675	1,983	70,684	1,117,123	15.6
48-49	0.004320	7.0	0.0301072	69,692	2,098	68,643	1,046,439	15.0
49-50	0.004749	6.9	0.0329621	67,594	2,228	66,480	977,796	14.5
50-51	0.005193	7.4	0.0383143	65,366	2,504	64,114	911,316	13.9
51-52	0.005647	7.4	0.0416080	62,862	2,616	61,554	847,202	13.5

Appendix A. 2011 U.S. General Population Male Life Table

Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016

All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
52-53	0.006122	7.3	0.0447095	60,246	2,694	58,899	785,648	13.0
53-54	0.006630	6.9	0.0458032	57,552	2,636	56,234	726,749	12.6
54-55	0.007181	7.0	0.0504908	54,916	2,773	53,530	670,515	12.2
55-56	0.007779	6.9	0.0535175	52,143	2,791	50,748	616,986	11.8
56-57	0.008415	6.6	0.0551671	49,352	2,723	47,991	566,238	11.5
57-58	0.009074	6.4	0.0577152	46,629	2,691	45,284	518,248	11.1
58-59	0.009727	6.3	0.0614132	43,938	2,698	42,589	472,964	10.8
59-60	0.010371	6.7	0.0697133	41,240	2,875	39,803	430,375	10.4
60-61	0.011034	7.1	0.0785312	38,365	3,013	36,859	390,573	10.2
61-62	0.011738	7.0	0.0823663	35,352	2,912	33,896	353,714	10.0
62-63	0.012489	6.9	0.0863986	32,440	2,803	31,039	319,818	9.9
63-64	0.013335	6.3	0.0838569	29,637	2,485	28,395	288,780	9.7
64-65	0.014319	6.0	0.0856537	27,152	2,326	25,989	260,385	9.6
65-66	0.015482	5.6	0.0871033	24,826	2,162	23,745	234,396	9.4
66-67	0.016824	5.7	0.0967221	22,664	2,192	21,568	210,651	9.3
67-68	0.018330	5.3	0.0977241	20,472	2,001	19,472	189,083	9.2
68-69	0.019900	4.6	0.0916566	18,471	1,693	17,625	169,612	9.2
69-70	0.021539	4.2	0.0895439	16,778	1,502	16,027	151,987	9.1
70-71	0.023396	4.1	0.0956488	15,276	1,461	14,546	135,960	8.9
71-72	0.025476	3.5	0.0901705	13,815	1,246	13,192	121,415	8.8
72-73	0.027794	3.5	0.0962033	12,569	1,209	11,965	108,223	8.6
73-74	0.030350	3.2	0.0979219	11,360	1,112	10,804	96,258	8.5
74-75	0.033204	2.8	0.0915335	10,248	938	9,779	85,454	8.3

Appendix A. 2011 U.S. General Population Male Life Table

Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016

All races

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
75-76	0.036345	2.6	0.0947418	9,310	882	8,869	75,675	8.1
76-77	0.039788	2.7	0.1093784	8,428	922	7,967	66,806	7.9
77-78	0.043720	2.6	0.1118552	7,506	840	7,086	58,839	7.8
78-79	0.048335	2.4	0.1145796	6,666	764	6,284	51,753	7.8
79-80	0.053650	2.2	0.1164621	5,902	687	5,559	45,469	7.7
80-81	0.059565	2.1	0.1253563	5,215	654	4,888	39,911	7.7
81-82	0.065848	1.0	0.0658480	4,561	300	4,411	35,023	7.7
82-83	0.072956	1.0	0.0729560	4,261	311	4,106	30,612	7.2
83-84	0.080741	1.0	0.0807410	3,950	319	3,791	26,506	6.7
84-85	0.089357	1.0	0.0893570	3,631	324	3,469	22,716	6.3
85-86	0.099650	1.0	0.0996500	3,307	330	3,142	19,247	5.8
86-87	0.110901	1.0	0.1109010	2,977	330	2,812	16,105	5.4
87-88	0.123146	1.0	0.1231460	2,647	326	2,484	13,293	5.0
88-89	0.136412	1.0	0.1364120	2,321	317	2,163	10,809	4.7
89-90	0.150710	1.0	0.1507100	2,004	302	1,853	8,646	4.3
90-91	0.166038	1.0	0.1660380	1,702	283	1,561	6,793	4.0
91-92	0.182374	1.0	0.1823740	1,419	259	1,290	5,233	3.7
92-93	0.199676	1.0	0.1996760	1,160	232	1,044	3,943	3.4
93-94	0.217880	1.0	0.2178800	928	202	827	2,899	3.1
94-95	0.236903	1.0	0.2369030	726	172	640	2,072	2.9
95-96	0.256636	1.0	0.2566360	554	142	483	1,432	2.6
96-97	0.276954	1.0	0.2769540	412	114	355	949	2.3
97-98	0.297713	1.0	0.2977130	298	89	254	594	2.0
98-99	0.318755	1.0	0.3187550	209	67	176	341	1.6
99-100	0.339914	1.0	0.3399140	142	48	118	165	1.2
100+	1.00000	1.0	1.0000000	94	94	47	47	0.5

EXHIBIT 9

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
0-1	0.012502	1.0	0.0125020	100,000	1,250	99,007	5,516,944	55.2
1-2	0.000674	1.0	0.0006740	98,750	67	98,717	5,417,937	54.9
2-3	0.000494	1.0	0.0004940	98,683	49	98,659	5,319,221	53.9
3-4	0.000356	1.0	0.0003560	98,634	35	98,617	5,220,562	52.9
4-5	0.000316	1.0	0.0003160	98,599	31	98,584	5,121,946	51.9
5-6	0.000258	1.0	0.0002580	98,568	25	98,556	5,023,362	51.0
6-7	0.000224	1.0	0.0002240	98,543	22	98,532	4,924,807	50.0
7-8	0.000193	1.0	0.0001930	98,521	19	98,512	4,826,275	49.0
8-9	0.000161	1.0	0.0001610	98,502	16	98,494	4,727,763	48.0
9-10	0.000128	1.0	0.0001280	98,486	13	98,480	4,629,269	47.0
10-11	0.000107	1.0	0.0001070	98,473	11	98,468	4,530,790	46.0
11-12	0.000118	1.0	0.0001180	98,462	12	98,456	4,432,322	45.0
12-13	0.000183	1.0	0.0001830	98,450	18	98,441	4,333,866	44.0
13-14	0.000310	1.0	0.0003100	98,432	31	98,417	4,235,425	43.0
14-15	0.000481	1.0	0.0004810	98,401	47	98,378	4,137,009	42.0
15-16	0.000655	1.0	0.0006550	98,354	64	98,322	4,038,631	41.1
16-17	0.000822	1.0	0.0008220	98,290	81	98,250	3,940,309	40.1
17-18	0.001004	1.0	0.0010040	98,209	99	98,160	3,842,060	39.1
18-19	0.001206	2.5	0.0030332	98,110	298	97,961	3,743,900	38.2
19-20	0.001421	2.4	0.0033507	97,812	328	97,648	3,645,939	37.3
20-21	0.001654	2.0	0.0033826	97,484	330	97,319	3,548,291	36.4
21-22	0.001874	2.2	0.0040591	97,154	394	96,957	3,450,972	35.5
22-23	0.002041	2.1	0.0043329	96,760	419	96,551	3,354,015	34.7
23-24	0.002134	2.4	0.0051386	96,341	495	96,094	3,257,465	33.8
24-25	0.002168	2.6	0.0056559	95,846	542	95,575	3,161,371	33.0
25-26	0.002186	2.7	0.0059428	95,304	566	95,021	3,065,796	32.2

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
26-27	0.002212	3.0	0.0065743	94,738	623	94,427	2,970,775	31.4
27-28	0.002230	3.3	0.0074117	94,115	698	93,766	2,876,349	30.6
28-29	0.002245	3.6	0.0081778	93,417	764	93,035	2,782,583	29.8
29-30	0.002259	3.7	0.0083570	92,653	774	92,266	2,689,548	29.0
30-31	0.002267	3.5	0.0078932	91,879	725	91,517	2,597,282	28.3
31-32	0.002276	3.9	0.0089569	91,154	816	90,746	2,505,765	27.5
32-33	0.002300	4.2	0.0097525	90,338	881	89,898	2,415,019	26.7
33-34	0.002350	4.5	0.0106481	89,457	953	88,981	2,325,122	26.0
34-35	0.002426	4.3	0.0103458	88,504	916	88,046	2,236,141	25.3
35-36	0.002527	3.9	0.0099009	87,588	867	87,155	2,148,095	24.5
36-37	0.002646	4.0	0.0105482	86,721	915	86,264	2,060,941	23.8
37-38	0.002772	4.4	0.0121608	85,806	1,043	85,285	1,974,677	23.0
38-39	0.002896	4.6	0.0134407	84,763	1,139	84,194	1,889,393	22.3
39-40	0.003027	5.0	0.0151857	83,624	1,270	82,989	1,805,199	21.6
40-41	0.003179	4.8	0.0151330	82,354	1,246	81,731	1,722,210	20.9
41-42	0.003369	4.7	0.0159715	81,108	1,295	80,461	1,640,479	20.2
42-43	0.003607	4.2	0.0150020	79,813	1,197	79,215	1,560,019	19.5
43-44	0.003902	3.8	0.0148330	78,616	1,166	78,033	1,480,804	18.8
44-45	0.004251	3.7	0.0158215	77,450	1,225	76,838	1,402,771	18.1
45-46	0.004616	4.3	0.0198424	76,225	1,512	75,469	1,325,934	17.4
46-47	0.005016	4.9	0.0244018	74,713	1,823	73,802	1,250,465	16.7
47-48	0.005513	4.8	0.0264818	72,890	1,930	71,925	1,176,663	16.1
48-49	0.006129	4.3	0.0266542	70,960	1,891	70,015	1,104,738	15.6
49-50	0.006838	4.2	0.0286250	69,069	1,977	68,081	1,034,724	15.0
50-51	0.007586	4.2	0.0321075	67,092	2,154	66,015	966,643	14.4
51-52	0.008344	4.2	0.0353362	64,938	2,295	63,791	900,628	13.9

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
52-53	0.009145	4.2	0.0380858	62,643	2,386	61,450	836,838	13.4
53-54	0.010011	4.1	0.0412941	60,257	2,488	59,013	775,388	12.9
54-55	0.010959	4.2	0.0464298	57,769	2,682	56,428	716,375	12.4
55-56	0.011995	4.1	0.0494287	55,087	2,723	53,726	659,947	12.0
56-57	0.013107	3.9	0.0506911	52,364	2,654	51,037	606,221	11.6
57-58	0.014274	4.0	0.0567492	49,710	2,821	48,300	555,184	11.2
58-59	0.015455	4.0	0.0617318	46,889	2,895	45,442	506,885	10.8
59-60	0.016630	4.3	0.0722177	43,994	3,177	42,406	461,443	10.5
60-61	0.017888	4.6	0.0822606	40,817	3,358	39,138	419,038	10.3
61-62	0.019207	4.9	0.0932768	37,459	3,494	35,712	379,900	10.1
62-63	0.020451	4.6	0.0933672	33,965	3,171	32,380	344,188	10.1
63-64	0.021595	4.3	0.0933499	30,794	2,875	29,357	311,808	10.1
64-65	0.022717	4.0	0.0897633	27,919	2,506	26,666	282,452	10.1
65-66	0.023933	4.1	0.0972571	25,413	2,472	24,177	255,786	10.1
66-67	0.025369	4.2	0.1076218	22,941	2,469	21,707	231,609	10.1
67-68	0.027104	4.2	0.1140207	20,472	2,334	19,305	209,902	10.3
68-69	0.029089	4.0	0.1170901	18,138	2,124	17,076	190,597	10.5
69-70	0.031191	3.5	0.1077634	16,014	1,726	15,151	173,521	10.8
70-71	0.033429	3.5	0.1153442	14,288	1,648	13,464	158,370	11.1
71-72	0.035780	3.3	0.1169415	12,640	1,478	11,901	144,906	11.5
72-73	0.038397	1.0	0.0383970	11,162	429	10,948	133,005	11.9
73-74	0.041254	1.0	0.0412540	10,733	443	10,512	122,058	11.4
74-75	0.044174	1.0	0.0441740	10,290	455	10,063	111,546	10.8

Appendix B. 2011 U.S. General Population Non-Hispanic Black Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
Black men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk I_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
75-76	0.047704	1.0	0.0477040	9,835	469	9,601	101,484	10.3
76-77	0.051047	1.0	0.0510470	9,366	478	9,127	91,883	9.8
77-78	0.054624	1.0	0.0546240	8,888	485	8,646	82,756	9.3
78-79	0.059628	1.0	0.0596280	8,403	501	8,153	74,111	8.8
79-80	0.064976	1.0	0.0649760	7,902	513	7,646	65,958	8.3
80-81	0.070676	1.0	0.0706760	7,389	522	7,128	58,313	7.9
81-82	0.076651	1.0	0.0766510	6,867	526	6,604	51,185	7.5
82-83	0.085516	1.0	0.0855160	6,341	542	6,070	44,581	7.0
83-84	0.092664	1.0	0.0926640	5,799	537	5,531	38,511	6.6
84-85	0.100307	1.0	0.1003070	5,262	528	4,998	32,980	6.3
85-86	0.108460	1.0	0.1084600	4,734	513	4,478	27,982	5.9
86-87	0.117140	1.0	0.1171400	4,221	494	3,974	23,505	5.6
87-88	0.126357	1.0	0.1263570	3,727	471	3,492	19,531	5.2
88-89	0.136120	1.0	0.1361200	3,256	443	3,035	16,039	4.9
89-90	0.146432	1.0	0.1464320	2,813	412	2,607	13,005	4.6
90-91	0.157294	1.0	0.1572940	2,401	378	2,212	10,398	4.3
91-92	0.168701	1.0	0.1687010	2,023	341	1,853	8,186	4.0
92-93	0.180641	1.0	0.1806410	1,682	304	1,530	6,333	3.8
93-94	0.193099	1.0	0.1930990	1,378	266	1,245	4,803	3.5
94-95	0.206052	1.0	0.2060520	1,112	229	998	3,558	3.2
95-96	0.219470	1.0	0.2194700	883	194	786	2,561	2.9
96-97	0.233321	1.0	0.2333210	689	161	609	1,775	2.6
97-98	0.247561	1.0	0.2475610	528	131	463	1,166	2.2
98-99	0.262144	1.0	0.2621440	397	104	345	704	1.8
99-100	0.277019	1.0	0.2770190	293	81	253	359	1.2
100+	1.00000	1.0	1.0000000	212	212	106	106	0.5

EXHIBIT 10

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
0-1	0.005524	1.0	0.0055240	100,000	552	99,517	5,349,849	53.5
1-2	0.000413	1.0	0.0004130	99,448	41	99,428	5,250,332	52.8
2-3	0.000273	1.0	0.0002730	99,407	27	99,394	5,150,905	51.8
3-4	0.000229	1.0	0.0002290	99,380	23	99,369	5,051,511	50.8
4-5	0.000156	1.0	0.0001560	99,357	15	99,350	4,952,143	49.8
5-6	0.000160	1.0	0.0001600	99,342	16	99,334	4,852,793	48.8
6-7	0.000146	1.0	0.0001460	99,326	15	99,319	4,753,459	47.9
7-8	0.000132	1.0	0.0001320	99,311	13	99,305	4,654,141	46.9
8-9	0.000114	1.0	0.0001140	99,298	11	99,293	4,554,836	45.9
9-10	0.000095	1.0	0.0000950	99,287	9	99,283	4,455,544	44.9
10-11	0.000082	1.0	0.0000820	99,278	8	99,274	4,356,261	43.9
11-12	0.000088	1.0	0.0000880	99,270	9	99,266	4,256,987	42.9
12-13	0.000125	1.0	0.0001250	99,261	12	99,255	4,157,722	41.9
13-14	0.000201	1.0	0.0002010	99,249	20	99,239	4,058,467	40.9
14-15	0.000305	1.0	0.0003050	99,229	30	99,214	3,959,228	39.9
15-16	0.000414	1.0	0.0004140	99,199	41	99,179	3,860,014	38.9
16-17	0.000522	1.0	0.0005220	99,158	52	99,132	3,760,835	37.9
17-18	0.000641	1.0	0.0006410	99,106	64	99,074	3,661,703	36.9
18-19	0.000773	1.0	0.0007730	99,042	77	99,004	3,562,629	36.0
19-20	0.000909	1.0	0.0009090	98,965	90	98,920	3,463,626	35.0
20-21	0.001053	3.0	0.0031812	98,875	315	98,718	3,364,706	34.0
21-22	0.001185	3.0	0.0035003	98,560	345	98,388	3,265,988	33.1
22-23	0.001283	3.7	0.0048065	98,215	472	97,979	3,167,601	32.3
23-24	0.001333	5.2	0.0069188	97,743	676	97,405	3,069,622	31.4
24-25	0.001349	6.3	0.0084401	97,067	819	96,658	2,972,217	30.6
25-26	0.001354	6.7	0.0090557	96,248	872	95,812	2,875,559	29.9

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
26-27	0.001365	7.6	0.0103911	95,376	991	94,881	2,779,747	29.1
27-28	0.001379	7.2	0.0099736	94,385	941	93,915	2,684,867	28.4
28-29	0.001401	8.5	0.0118636	93,444	1,109	92,890	2,590,952	27.7
29-30	0.001432	8.2	0.0117347	92,335	1,084	91,793	2,498,063	27.1
30-31	0.001467	9.1	0.0133350	91,251	1,217	90,643	2,406,270	26.4
31-32	0.001502	9.2	0.0138762	90,034	1,249	89,410	2,315,627	25.7
32-33	0.001536	9.0	0.0137534	88,785	1,221	88,175	2,226,218	25.1
33-34	0.001570	8.9	0.0139552	87,564	1,222	86,953	2,138,043	24.4
34-35	0.001609	7.5	0.0121357	86,342	1,048	85,818	2,051,090	23.8
35-36	0.001665	7.2	0.0119280	85,294	1,017	84,786	1,965,272	23.0
36-37	0.001742	7.5	0.0131122	84,277	1,105	83,725	1,880,487	22.3
37-38	0.001829	7.7	0.0141275	83,172	1,175	82,585	1,796,762	21.6
38-39	0.001921	8.5	0.0163393	81,997	1,340	81,327	1,714,178	20.9
39-40	0.002023	8.0	0.0161387	80,657	1,302	80,006	1,632,851	20.2
40-41	0.002135	9.0	0.0191327	79,355	1,518	78,596	1,552,845	19.6
41-42	0.002273	8.5	0.0193702	77,837	1,508	77,083	1,474,249	18.9
42-43	0.002459	9.1	0.0222673	76,329	1,700	75,479	1,397,166	18.3
43-44	0.002703	8.6	0.0233308	74,629	1,741	73,759	1,321,687	17.7
44-45	0.002997	8.3	0.0247547	72,888	1,804	71,986	1,247,928	17.1
45-46	0.003309	7.6	0.0251269	71,084	1,786	70,191	1,175,942	16.5
46-47	0.003631	7.5	0.0272227	69,298	1,886	68,355	1,105,751	16.0
47-48	0.003984	7.6	0.0300949	67,412	2,029	66,398	1,037,396	15.4
48-49	0.004366	8.1	0.0354544	65,383	2,318	64,224	970,999	14.9
49-50	0.004768	8.2	0.0392386	63,065	2,475	61,828	906,775	14.4
50-51	0.005179	9.1	0.0469414	60,590	2,844	59,168	844,947	13.9
51-52	0.005596	9.0	0.0502853	57,746	2,904	56,294	785,779	13.6

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
52-53	0.006034	9.0	0.0543075	54,842	2,978	53,353	729,485	13.3
53-54	0.006508	8.1	0.0527141	51,864	2,734	50,497	676,132	13.0
54-55	0.007026	8.1	0.0570244	49,130	2,802	47,729	625,635	12.7
55-56	0.007591	7.9	0.0600728	46,328	2,783	44,937	577,906	12.5
56-57	0.008191	7.6	0.0623023	43,545	2,713	42,189	532,970	12.2
57-58	0.008812	6.8	0.0603584	40,832	2,465	39,600	490,781	12.0
58-59	0.009425	6.6	0.0625852	38,367	2,401	37,167	451,182	11.8
59-60	0.010028	6.8	0.0683332	35,966	2,458	34,737	414,015	11.5
60-61	0.010645	7.2	0.0761226	33,508	2,551	32,233	379,278	11.3
61-62	0.011305	6.4	0.0722265	30,957	2,236	29,839	347,046	11.2
62-63	0.012031	6.6	0.0795687	28,721	2,285	27,579	317,207	11.0
63-64	0.012880	5.8	0.0746940	26,436	1,975	25,449	289,628	11.0
64-65	0.013896	5.9	0.0823396	24,461	2,014	23,454	264,180	10.8
65-66	0.015110	5.7	0.0858800	22,447	1,928	21,483	240,726	10.7
66-67	0.016503	4.8	0.0799398	20,519	1,640	19,699	219,243	10.7
67-68	0.018045	4.1	0.0747021	18,879	1,410	18,174	199,544	10.6
68-69	0.019623	4.1	0.0797052	17,469	1,392	16,773	181,370	10.4
69-70	0.021262	3.9	0.0838395	16,077	1,348	15,403	164,597	10.2
70-71	0.023146	3.7	0.0865662	14,729	1,275	14,092	149,194	10.1
71-72	0.025278	3.4	0.0853467	13,454	1,148	12,880	135,102	10.0
72-73	0.027630	3.5	0.0970708	12,306	1,195	11,709	122,222	9.9
73-74	0.030219	3.2	0.0952045	11,111	1,058	10,582	110,514	9.9
74-75	0.033126	2.8	0.0923638	10,053	929	9,589	99,932	9.9

Appendix C. 2011 U.S. General Population Non-Hispanic White Male Life Table
Life Expectancies Adjusted for South Carolina DC experience 1996 to 2015, followed to 2016
White men only

Age (years)	Basic Mortality q_x	Mortality Risk Factor	Adjusted Mortality q_x	Population at Risk l_x	Deaths d_x	Interval Person-years L_x	Cumulative Person-years T_x	Life Expectancy e_x
75-76	0.036255	2.5	0.0889904	9,124	812	8,718	90,343	9.9
76-77	0.039716	2.4	0.0954766	8,312	794	7,915	81,625	9.8
77-78	0.043757	1.0	0.0437570	7,518	329	7,354	73,710	9.8
78-79	0.048405	1.0	0.0484050	7,189	348	7,015	66,357	9.2
79-80	0.053785	1.0	0.0537850	6,841	368	6,657	59,342	8.7
80-81	0.059839	1.0	0.0598390	6,473	387	6,280	52,685	8.1
81-82	0.066176	1.0	0.0661760	6,086	403	5,885	46,405	7.6
82-83	0.073348	1.0	0.0733480	5,683	417	5,475	40,521	7.1
83-84	0.081302	1.0	0.0813020	5,266	428	5,052	35,046	6.7
84-85	0.090236	1.0	0.0902360	4,838	437	4,620	29,994	6.2
85-86	0.100743	1.0	0.1007430	4,401	443	4,180	25,375	5.8
86-87	0.112235	1.0	0.1122350	3,958	444	3,736	21,195	5.4
87-88	0.124750	1.0	0.1247500	3,514	438	3,295	17,459	5.0
88-89	0.138311	1.0	0.1383110	3,076	425	2,864	14,164	4.6
89-90	0.152931	1.0	0.1529310	2,651	405	2,449	11,301	4.3
90-91	0.168603	1.0	0.1686030	2,246	379	2,057	8,852	3.9
91-92	0.185302	1.0	0.1853020	1,867	346	1,694	6,796	3.6
92-93	0.202980	1.0	0.2029800	1,521	309	1,367	5,102	3.4
93-94	0.221569	1.0	0.2215690	1,212	269	1,078	3,735	3.1
94-95	0.240976	1.0	0.2409760	943	227	830	2,658	2.8
95-96	0.261085	1.0	0.2610850	716	187	623	1,828	2.6
96-97	0.281762	1.0	0.2817620	529	149	455	1,206	2.3
97-98	0.302853	1.0	0.3028530	380	115	323	751	2.0
98-99	0.324194	1.0	0.3241940	265	86	222	429	1.6
99-100	0.345609	1.0	0.3456090	179	62	148	207	1.2
100+	1.00000	1.0	1.0000000	117	117	59	59	0.5

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

SENTENCING MEMORANDUM

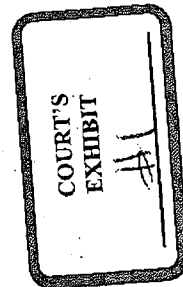
STATE OF SOUTH CAROLINA
vs.

Charges: Murder, Attempted Murder, Possession of a
Weapon during the Commission of a Violent Crime

TERRELL ARTIETH SMITH,
DEFENDANT.

Arrest Warrant #2014A1010203046
Arrest Warrant #2014A1010203047
Arrest Warrant #2014A1010203048

Indictment #2014GS1005999
Indictment #2014GS1006000
Indictment #2014GS1006001



I. PROCEDURAL HISTORY

On September 22, 2016, the Defendant Terrell Artieth Smith was convicted by jury trial of Murder, Attempted Murder, and Possession of a Weapon during the Commission of a Violent Crime. Charles W. Patrick and Benjamin Chad Simpson appeared on behalf of the State. Benjamin Lewis and Megan Ehrlich appeared on behalf of the Defendant.

Sentencing was deferred at the request of the defense (made prior to the commencement of trial), as the Defendant was a juvenile at the time he committed this offense and thus required an individualized sentencing hearing pursuant to *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). The defense was not prepared to conduct such a hearing and would have requested that the trial be continued if a continuance of sentencing be denied. The sentencing hearing, initially set for December 2016, was continued at the request of the defense and is scheduled for Tuesday, May 9, 2017 at 9:00 AM.

At the time of the brutal murder and violent attack of the deceased's father, the defendant was seventeen years old – 4 months and 8 days away from legal adulthood.

II. FACTUAL BACKGROUND

On Wednesday morning, June 11, 2014, Darryl Bennett, age 48, awoke between 7 a.m. and 8 a.m. in his modest home at Congress Street. He walked into the kitchen, which provided him an unobstructed view of his 18 year old son's bedroom. He observed his son

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Brandon sleeping peacefully, and considered waking him up and cooking breakfast but decided to let him sleep a bit longer. Darryl then went back to his bedroom / bathroom and began getting ready for the day.

A short time later, Darryl heard unusual shuffling sounds from the direction of his son's bedroom, separated from his bathroom by only a single wall. He quickly went back towards his son's room to investigate and witnessed an individual standing over his son's bed fatally stabbing him.

Mr. Bennett quickly ran to his son's aid, grabbing the attacker, who was angrily saying as he stabbed, "I told you I was going to get you." Once grabbed, the attacker turned and focused his attention on Mr. Bennett. During the struggle, Mr. Bennett said in horror something to the effect of "you stabbed my boy!" to which the attacker replied "I'll kill you too." Darryl was shoved into a storage room door. The attacker pounced on him, but he was able to grab the attacker's knife hand and prevent being stabbed (likely suffering a defensive wound at this time).

At some point during this struggle, Brandon Bennett (Darryl's son) attempted to help his father, but collapsed in exhaustion due to his wounds. Nevertheless, this allowed Darryl to gain a position holding the attacker's knife arm in front of him while the attacker was on his back. He then bit the attacker's forearm, causing him to release the weapon. Around the same time, the attacker bit him in the back of the neck. After dropping the knife, the attacker was able to separate himself from Darryl and flee through the house to the front door. Police and EMS responded quickly, but Brandon Bennett's injuries, namely a stab wound to the chest, sadly proved fatal.

On the morning his son was murdered, Darryl Bennett was interviewed by police and was very direct regarding the identity of the attacker:

1. He was certain of the attacker's identity.
2. It was a friend of his son who he had seen on many prior occasions.
3. The attacker had been in his home many times before.
4. He was thin, approximately his son's age group, about 160 pounds, 5' - 8" to 5' - 9", with very short hair, clean shaven.
5. He could not recall his name, but would recognize him immediately and it would be very easy to find out his name from others in the neighborhood.

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During this initial interview, Darryl learned via phone call that his son had died from his injuries. Accordingly, Detectives terminated the interview and took Darryl to the hospital to be with his family.

After leaving the hospital later that day, around 1:30 p.m., Darryl Bennett contacted Detective Burkhardt of the City of Charleston Police Department to tell them he had learned the name of the attacker he saw that morning from a neighbor: Terrell Smith. Given the above name via phone, Detective Burkhardt had a traditional "six-pack" lineup compiled which included a photograph of the defendant, Terrell Artieth Smith. He then met Mr. Bennett at his home and followed accepted procedures for conducting a standard six-person photo lineup. Without hesitation, Mr. Bennett identified the photograph of the defendant.

Five days following the murder, the defendant was apprehended by the U.S. Marshals in Birmingham, Alabama. Injuries to the defendant's forearm were photographed consistent in type and location with those described by Darryl Bennett (a bite to the forearm). A swab taken from an apparent bite mark on Darryl Bennett's neck on the day of the murder matched the DNA of the defendant. Similarly, DNA samples taken from a hat located at the crime scene matched the defendant.

III. REQUESTED RELIEF

While the State reserves the right to respond specifically to the motions received from the defense this morning (May 3rd, 2017), the State merely requests that the Court consider all facts and circumstances surrounding this crime, including its horrific nature, the fact that there were multiple victims, the fact that it took place in the victims' home, the defendant's flight out of state, the defendant's lack of acceptance of responsibility, as well as the widely accepted science regarding juvenile offenders and the specific characteristics of this juvenile offender in particular (days from adulthood), and craft a sentence within the lawful and Constitutional range of thirty years to life in prison as the Court deems appropriate.

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By *Danya Dandberg*
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Respectfully Submitted,



Charles W. Patrick
Assistant Solicitor

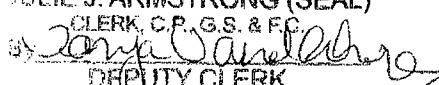

Benjamin Chad Simpson
Assistant Solicitor

Charleston, South Carolina

Dated: 5/3/17

2017 MAY 23 PM 1:42

FILED

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

FILED
2017 MAY -3 AM 9:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY [Signature]
STATE OF SOUTH CAROLINA,

TERRELL ARTIETH SMITH,
Defendant.

IN THE COURT OF GENERAL SESSIONS
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2014GS1005999, 2014GS1006000,
2014GS1006001

Charges: Murder, Attempted Murder, Possession of
Weapon During the Commission of a
Violent Crime

DEFENDANT'S MOTION TO DECLARE
S.C. CODE § 16-3-20(A) MANDATORY
MINIMUM UNCONSTITUTIONAL
AS APPLIED TO JUVENILE DEFENDANTS

**THE THIRTY YEAR MANDATORY MINIMUM SENTENCE SET FORTH IN S.C. CODE §
16-3-20(A) VIOLATES THE EIGHTH AMENDMENT TO THE UNITED STATES
CONSTITUTION AND ARTICLE 1 § 15 OF THE SOUTH CAROLINA CONSTITUTION AS
APPLIED TO JUVENILE OFFENDERS**

The Defendant, Terrell Artieth Smith, moves this Court for a declaration that the mandatory minimum sentencing scheme for murder set forth in S.C. Code § 16-3-20(A), is unconstitutional as applied to juvenile offenders. *See, e.g., Miller v. Alabama*, 567 U.S. ___, 132 S. Ct. 2455 (2012) and *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). As discussed in more detail below, these cases establish that juveniles are constitutionally different than adults for sentencing purposes and that any punishment in cases involving juvenile offenders must take those differences into account if it is to be proportional to both the offender and the offense. Among other things, accounting for those differences requires recognition of the fact that the penological justifications which support lengthy mandatory minimum sentencing for adults do not apply equally to juveniles. Therefore, this Court must not subject Terrell Artieth Smith, who was a juvenile at the time of the offense for which he is to be sentenced, to the same mandatory minimum sentence as an adult offender.

COURT'S
EXHIBIT
#2

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I. The Mandatory Minimum in S.C. Code § 16-3-20(A) is Unconstitutional as Applied to Juveniles because it Does Not Treat Juveniles as Constitutionally Different for Sentencing Purposes.

S.C. Code § 16-3-20(A) states that “[a] person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.” S.C. Code § 16-3-20(A). Because it was enacted long before *Miller* and *Aiken*, the statute does not differentiate between adults and juveniles, and it requires the same mandatory minimum sentence for both classes of offenders. Under the statute, just like an adult, a juvenile may never, regardless of the circumstances, receive a sentence less than thirty years of day for day imprisonment. The statute has not been updated to conform to current Eighth Amendment jurisprudence and thus now runs contrary to the established constitutional maxim that juveniles are different than adults for sentencing purposes. *Miller*, 132 S. Ct. at 2464.¹

a. The Eighth Amendment of the United States Constitution and Article 1, § 15 of the South Carolina Constitution Prohibit the Imposition of the Same Mandatory Minimum Sentence on both Adults and Juveniles because Juveniles Have Diminished Culpability and Greater Prospects for Reform.

The Supreme Court in *Miller* explained that its recent decisions concerning juveniles— *Roper v. Simmons*, 543 U.S. 551 (2005) (holding that that the Eighth Amendment’s prohibition against cruel and unusual punishment prevented states from sentencing juveniles to death) and *Graham v. Florida*, 560 U.S.

¹ South Carolina courts have not evaluated § 16-3-20(A) in the post-*Miller* landscape, nor has the legislature amended the statute to meet the changing panoramic of juvenile jurisprudence since *Graham*. Most recently, but still before *Miller* and *Aiken*, the Court of General Sessions for the Ninth Judicial Circuit rejected a challenge to the mandatory minimum as applied to juveniles in *South Carolina v. Pittman*, No. 04-GS-12-571, 04-GS-12-572, 2005 WL 831970 (S.C. 9th Cir. G.S. April 11, 2005). In that case, the court analyzed § 16-3-20(A) under the Eighth Amendment’s evolving standards of decency test and was “not convinced that standards of decency have evolved to such an extent that would no longer permit juveniles to be sentenced to lengthy terms of imprisonment.” *Id.* at *4. The view taken by that court is no longer correct under *Graham*, *Miller*, and *Aiken*, which require individualized sentencing for juveniles, drawing from their youth and its attendant characteristics before fashioning an appropriate sentence.

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48 (2009) (holding that sentencing juvenile offenders to life imprisonment without the possibility of parole for non-homicide offenses was also barred by the Cruel and Unusual Punishment Clause) — hinged on the now-established constitutional maxim that juveniles have both “diminished culpability and greater prospects for reform” and are thus “less deserving of the most severe punishments.” *Miller*, 132 at 2464 (quoting *Graham*, 560 U.S. at 68). The Court’s observations with regard to lessened culpability and greater prospects for rehabilitation are grounded in three constitutionally significant differences between juveniles and adults:

- ♦ Children are less mature and developed than adults, leading to “recklessness, impulsivity, and heedless risk-taking,” *id.*;
- ♦ Children are more “vulnerable . . . to negative influences and outside pressures,” and have “limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings,” *id.* (internal quotations omitted);
- ♦ Children’s actions are “less likely to be evidence of irretrievable depravity” because “a child’s character is not as well formed as an adult’s” and “his traits are less fixed,” *id.* (internal quotations omitted).

These differences, *Miller* noted, result in part from a consistently growing body of social science and neuroscience research² conclusively establishing that: (a) only a small percentage of adolescents who commit crimes, even serious crimes, “develop entrenched patterns of problem behavior,” *id.* at 2464 (quoting *Roper*, 543 U.S. at 570), and, (b) there are fundamental differences between the brains of juveniles and adults in areas “involved in behavior control.” *Id.* at 2464–65 (quoting *Graham*, 560 U.S.

² Laurence Steinberg, *A Behavioral Scientist Looks at the Science of Adolescent Brain Development*, 72 BRAIN AND COGNITION 160, 162 (2010) (“From this perspective, middle adolescence (roughly 14–17) should be a period of especially heightened vulnerability to risky behavior, because sensation-seeking is high and self-regulation is still immature. And, in fact, many risky behaviors follow this pattern, including unprotected sex, criminal behavior, attempted suicide, and reckless driving.”); Sarah-Jayne Blakemore, *Imaging Brain Development: The Adolescent Brain*, 61 NEUROIMAGE 397 (“The plentiful data that consistently paint a picture of the adolescent brain as relatively immature might speak against the relatively young age of criminal responsibility and harsh sentences for adolescents.”).

at 68). Because the brains of juveniles are not “fully mature in regions and systems related to higher executive functions such as impulse control, planning and risk avoidance,” juveniles have a constitutionally different level of moral blameworthiness and, for that reason, the penological justifications—deterrence and retribution—for *any* criminal punishment are inconsistent with the most severe sentences. *See id.* at 2464 n.5 (quoting Brief of the American Psychological Association et al.).

In *Miller*, the Supreme Court reaffirmed what it had previously established in *Graham* and *Roper*: “Children are constitutionally different from adults for the purposes of sentencing.” *Id.* at 2464. The Court in *Miller* emphasized that juveniles “cannot be viewed simply as miniature adults,” *Id.* at 2470, and, as a result, their punishments should also be different because of their diminished culpability and greater prospects for reform. *Id.*³ The South Carolina Supreme Court embraced this reasoning in *Aiken v. Byars*, 410 S.C. 534, 765 S.E.2d 572 (2014). In *Aiken*, the Court recognized that “youth has constitutional significance” and “must be afforded adequate weight in sentencing.” *Id.* at 543. Applying those principles, the Court went on to hold that all South Carolina juveniles currently serving life without parole were entitled to resentencing because the proceedings which led to those sentences failed to “fully explore the impact of the defendant’s juvenility on the sentence rendered.” *Id.* at 543; *see also id.* (declaring exploration “of the defendant’s juvenility” an “affirmative requirement” for an Eighth Amendment-compliant sentencing scheme).

The current mandatory minimum scheme for the crime of murder is inconsistent with *Miller* and *Aiken* because it erroneously places juveniles and adults on equal footing for sentencing purposes. Both juvenile and adult offenders are subject to the same mandatory minimum of thirty years imprisonment and thus the sentencing scheme ignores the now firmly established scientific and constitutional differences

³ The Supreme Court of the United States recently reaffirmed those principles in *Montgomery v. Louisiana*, 136 S. Ct. 718, 732–735. (2016).

between juveniles and adults. Due to their diminished culpability arising from the hallmark features of youth, juvenile offenders must be treated differently. *Miller v. Alabama*, 132 S. Ct. at 2468 (“in imposing a State’s harshest penalties, a sentencer misses too much if he treats every child as an adult.”).

b. The South Carolina Mandatory Minimum Sentencing Scheme for Murder Removes the Ability for the Sentencer to Exercise its Discretion and Adequately Implement an Individualized Sentence as Required by the United States and South Carolina Supreme Court.

The mandatory minimum sentence in S.C. Code § 16-3-20(A), as applied to juveniles, also violates the Eighth Amendment’s requirement of individualized sentencing for juveniles established in *Miller*. Two strands of Eighth Amendment precedent are relevant here. The first, as discussed above, applies the Court’s concerns for proportionate punishment to juveniles. Applying the Eighth Amendment’s proportionality principle, the Court instituted a “categorical ban on sentencing practices based on mismatches between the culpability of a class of offenders and the severity of a penalty.” *Miller*, 132 S. Ct. at 2463–64. The second has addressed mandatory sentences for adult offenders on various occasions. See e.g., *Hamelin v. Michigan*, 501 U.S. 957 (1991) (upholding a mandatory sentence of life without parole for possessing a large quantity of cocaine); *Ewing v. California*, 538 U.S. 11 (2003) (upholding a mandatory sentence of 25 years to life for the theft under California’s three-strikes recidivist statute). Taken together, these two lines of cases establish the proposition that mandatory sentencing schemes permitted for adults are not permissible for juveniles.

Additionally, *Miller* established that the protections of individualized sentencing jurisprudence apply to juveniles in non-capital cases. *Id.* at 2470. The Court also made clear that individualized sentencing for juveniles in adult court should “follow a certain process—considering an offender’s youth and attendant characteristics—before imposing a particular penalty.” *Id.* at 2471. Consistent with that mandate, a sentencer may not impose life imprisonment without the possibility of parole on a juvenile offender without first accounting for how children are different as a class, the particular circumstances of

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the child and the child's offense, and how those differences counsel against irrevocably sentencing a juvenile to a lifetime in prison. *See Miller*, 132 S. Ct. at 2467–68. Thus, *Miller* requires that juveniles convicted of murder receive an individualized sentencing hearing designed to take into consideration the factors attendant to youth and the circumstances of the offense before fashioning an adequate sentence. *See id.* at 2460 (suggesting that mandatory schemes for juveniles that eliminate the sentencer's discretion to impose a lesser and more appropriate punishment "run[] afoul of our cases' requirement of individualized sentencing").⁴

Mandatory minimum sentences, by their very nature, do not permit the implementation of individualized sentencing contemplated in *Miller* and *Aiken*. Specifically in this case, the arbitrary 30 year minimum ties the sentencer's hands and eliminates the exercise of discretion to determine the appropriate sentence. Under the sentencing scheme in § 16-3-20(A), juveniles will receive the same sentence of 30 years to life in prison as adults, regardless of mitigating evidence and the applicability of sentencing factors outlined by the court in *Miller* and *Aiken*. The mandatory minimum sentencing provision vitiates a sentencer's ability to craft a lesser sentence if it deems such a sentence appropriate after its consideration of those factors. While that regime may have been permissible in the pre-*Miller* era, it cannot be squared with the Eighth Amendment rules that now govern juvenile sentencing.⁵

⁴At least two jurisdictions, Florida and Iowa, have recently held that mandatory minimum schemes for juveniles violate the Eighth Amendment under *Miller* because they deprive the sentencer of the discretion to consider youth and its attendant characteristics. *State v. Lyle*, 854 N.W.2d 378 (Iowa 2014) (holding that the mandatory sentencing schemes for juveniles offenders deprive a sentencing court the discretion to consider the youth of the defendant under *Miller*); *Florida v. Burton*, No. 94-10478 (Fla Cir. Ct. Sept. 23, 2016) (declaring the mandatory minimum sentence for juveniles convicted of murder in adult court unconstitutional because it effectively barred individualized sentencing as required in *Miller*). The field of juvenile sentencing has drastically changed over the last ten years, and the mandatory minimum for juveniles in § 16-3-20(A) has not evolved to meet the new standards.

⁵The Supreme Court's decision in *Penry v. Lynaugh*, 492 U.S. 302 (1989), which held that individualized sentencing requires a vehicle through which it can give effect to mitigating evidence, further supports defendant's position. In *Penry*, the Court found that Texas's capital sentencing scheme failed to give

For these reasons, the mandatory minimum set forth in S.C. Code § 16-3-20(A) violates the Eighth Amendment and Article I, Section 15 of the South Carolina Constitution as applied to juvenile offenders because it removes the sentencer's discretion to determine the appropriate sentence by confining their choices to the same sentencing range prescribed for adult offenders. Thus, it should be utilized in this case.

c. This Court can Fashion an Appropriate Remedy that Cures the Constitutional Violation of S.C. Code § 16-3-20(A) as Applied to Juveniles.

This Court could declare S.C. Code § 16-3-20(A) unconstitutional as applied in this case, and defer future action until the legislature enacts a sentencing scheme that comports with current constitutional jurisprudence. Alternatively, this Court could, until such time as a new sentencing range is enacted, temporarily apply the sentencing scheme for voluntary manslaughter contained in S.C. Code § 16-3-50, for juveniles convicted of murder. This option functions as a constitutional safe harbor under *Miller* and *Aiken* because it applies the juvenile jurisprudential principle of diminished culpability. Diminished culpability indicates a diminished *mens rea*. Through this solution, juveniles would be sentenced under the mental state immediately preceding murder: voluntary manslaughter. The sentencing scheme in § 16-

effect to Penry's mitigation evidence because the scheme did not ask for the consideration of his intellectual disability and history of abuse with regards to the special issues in the statutory scheme. The special issues presented to the sentencer made it impossible to know whether or not the jury was able to give effect to the mitigating evidence of Penry's intellectual disability and history of abuse. In ordering that the state court resentence Penry, the Court expressed its concerns with sentencing schemes that provide the sentencer with mitigation evidence, but not with a vehicle that gives effect to the evidence.

Similarly, § 16-3-20(A) prevents a sentencer from giving effect to the mitigating realities of juvenility. By applying the same sentence to juveniles and adults, it is impossible to tell if and how the sentencer gave effect to the special mitigating circumstances of youth. Moreover, the mandatory scheme precludes a sentencer from giving full effect to the constitutional relevance of youth. The mandatory 30 year minimum bars a sentencer from giving the least culpable juvenile a lessened punishment as compared to an adult. This effectively constrains a sentencer's use and application of juvenility as mitigating evidence. That constraint, as the court found in *Penry*, abrogates the Eighth Amendment requirement of individualized sentencing.

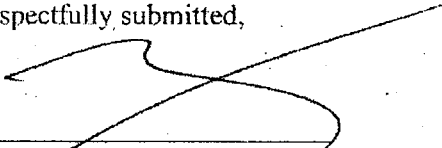
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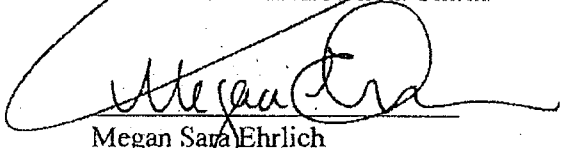
3-50 also provides the sentencer with a range of sentencing options, thus providing the opportunity for the comprehensive implementation of individualized sentencing. Under this temporary solution, a juvenile would face a sentence of 2-30 years imprisonment. This Court would then apply the constitutional relevance of youth under *Miller* and *Aiken*. By taking into account a juvenile's diminished culpability, and providing for individualized sentencing, the Court would conform to current federal and state constitutional standards.

II. Conclusion

This Court should declare that South Carolina's mandatory minimum sentencing scheme, S.C. Code § 16-3-20(A), for murder as unconstitutional, as applied to juveniles, because the mandatory minimum scheme violates the defendant's rights under the Eighth Amendment of the United States Constitution and Article I Section 15 of the South Carolina Constitution.

Respectfully submitted,


Benjamin Carter Lewis
Counsel for Terrell Artieth Smith


Megan Sara Ehrlich
Counsel for Terrell Artieth Smith

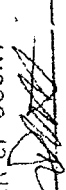
Charleston, South Carolina

Dated: 5/3/17

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CLERK OF COURT

BY 

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF GENERAL SESSIONS
THE NINTH JUDICIAL CIRCUIT

State of South Carolina,

Case No.: 2014GS1005999, 2014GS1006000,
2014GS1006001

Charges: Murder, Attempted Murder,
Possession of Weapon During
Commission of Violent Crime

Plaintiff,

MOTION TO PRECLUDE LIFE
WITHOUT PAROLE AS A
PUNISHMENT

TERRELL ARTIETH SMITH,

Defendant.

**THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION AND
ARTICLE 1 § 15 OF THE SOUTH CAROLINA CONSTITUTION PRECLUDE LIFE
WITHOUT PAROLE AS A PUNISHMENT FOR JUVENILE OFFENDERS.**

I. Introduction.

Over the last decade, the Supreme Court of the United States has dramatically altered the legal framework governing the sentencing of juvenile offenders. In *Roper v. Simmons*, 543 U.S. 551 (2005), the Court held that the Eighth Amendment's prohibition against cruel and unusual punishment prevented states from sentencing juveniles to death. Next, in *Graham v. Florida*, 560 U.S. 48 (2009), the Court went a step further, holding that sentencing juvenile offenders to life imprisonment without the possibility of parole for non-homicide offenses was also barred by the Cruel and Unusual Punishment Clause. In 2012, the Court determined in *Miller v. Alabama*, 567 U.S. ___, 132 S.Ct. 2455 (2012), that even in homicide cases, states are precluded from imposing mandatory life without parole sentences on juvenile offenders. And most recently, in *Montgomery v. Louisiana*, 577 U.S. ___, 136 S.Ct. 718 (2016), the Court held *Miller* to be "a new substantive rule that, under the Constitution, must be retroactive" and effectively ordered new sentencing

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proceedings for hundreds of individuals who had been sentenced to mandatory life without parole as juveniles. All four cases were grounded in one core Eighth Amendment principle: "children are constitutionally different from adults for purposes of sentencing." *Miller*, at 2464.

In *Aiken v. Byars*, 410 S.C. 534, 542–43, 765 S.E.2d 572, 576 (2014), the South Carolina Supreme Court embraced the reasoning of the United States Supreme Court that "youth has constitutional significance" and "must be afforded adequate weight in sentencing." After examining the sentencing hearings in cases where juveniles were sentenced to life without parole in this State in light of these decisions, the South Carolina Supreme Court concluded that the Eighth Amendment required that they be resentenced. The key defect in South Carolina's sentencing practices noted in *Aiken* was the failure to "fully explore the impact of the defendant's juvenility on the sentence rendered." *Id.* at 543. The Defendant is before this Court not for a resentencing, but for initial sentencing pursuant to the standards of *Miller* and *Aiken*. He now moves that this Court remove life without parole as a sentencing option.

II. Juvenile Offenders' Criminal Culpability is Diminished in Ways that Make Life Without Parole Excessive and Cruel and Unusual.

A closer examination of the Court's reasoning in *Miller* is of particular importance to the issues raised in this section of the motion: whether a juvenile offender can ever be sentenced to life imprisonment without the possibility of parole.¹ The Court first observed that the question presented implicated "two strands of precedent reflecting our concern with proportionate punishment." *Miller*, 132 S.Ct. at 2463. The first set of cases adopted "categorical bans on sentencing practices based on mismatches between the culpability of a class of offenders and the severity of the penalty." *Id.* (citing *Kennedy v. Louisiana*, 554 U.S. 407 (2008) (holding that the

¹ The Court explicitly reserved judgment on whether the Eighth Amendment categorically prohibits sentencing juveniles to life imprisonment without parole regardless of the offense or the procedures used as this question was not presented to them. *Miller*, 132 S.Ct. at 2469.

death penalty is disproportionate for non-homicide crimes committed by adults), and *Atkins v. Virginia*, 536 U.S. 304 (2002) (holding that the death penalty may not be imposed upon persons with mental retardation)). After reaffirming that *Graham* “likened life without parole for juveniles to the death penalty itself,” the Court turned to the second strand of relevant cases: those holding that mandatory imposition of capital punishment violates the Eighth Amendment. *Id.* at 2463–64 (citing *Woodson v. North Carolina*, 428 U.S. 280 (1976), and *Lockett v. Ohio*, 438 U.S. 586 (1978)). The Court then concluded that “the confluence of these two lines of precedent leads to the conclusion that mandatory life-without-parole sentences for juveniles violate the Eighth Amendment.” *Id.* at 2464.

The Court in *Miller* explained that all its recent holdings regarding juveniles hinged on the now established constitutional maxim that juveniles have both “diminished culpability and greater prospects for reform” and are thus “less deserving of the most severe punishments.” *Id.* at 2464 (quoting *Graham*, 560 U.S. at 68). The lessened culpability and possibility of rehabilitation are grounded in three constitutionally significant differences between juveniles and adults:

- ♦ Children are less mature and developed than adults, leading to “recklessness, impulsivity, and heedless risk-taking,” *id.*;
- ♦ Children are more “vulnerable . . . to negative influences and outside pressures,” and have “limited control over their own environment and lack the ability to extricate themselves from horrific, crime-producing settings,” *id.* (internal quotations omitted);
- ♦ Children’s actions are “less likely to be evidence of irretrievable depravity” because “a child’s character is not as well formed as an adult’s” and “his traits are less fixed,” *id.* (internal quotations omitted).

These differences, *Miller* noted, result in part from a consistently growing body of social science and neuroscience research conclusively establishing that: a) only a small percentage of adolescents who commit crimes, even serious crimes, “develop entrenched patterns of problem

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behavior,” *id.* at 2464 (quoting *Roper*, 543 U.S. at 570), and, b) there are fundamental differences between the brains of juveniles and adults in areas “involved in behavior control.” *Id.* at 2464–65 (quoting *Graham*, 560 U.S. at 68). Because the brains of juveniles are not “fully mature in regions and systems related to higher executive functions such as impulse control, planning and risk avoidance,” juveniles have a constitutionally different level of moral blameworthiness and, for that reason, the penological justifications for any criminal punishment—deterrence and retribution—are inconsistent with life without parole sentences. *Id.* at 2464 n.5 (quoting Brief of the American Psychological Association et al.). The same characteristics that make this category of offenders less culpable necessarily mean that “an irrevocable judgment about a [juvenile] offender’s value and place in society,” [is] at odds with a child’s capacity for change.”² *Id.* at 2465.

Miller reaffirmed what the Court had previously established in *Graham* and *Roper*: “Children are constitutionally different from adults for the purposes of sentencing.” *Id.* at 2464. This immutable constitutional fact led the Court in *Roper* and *Graham* to declare that juveniles may not be sentenced to death regardless of the circumstances of the crime, and to similarly ban life without parole for non-homicide offenses, regardless of the underlying facts of the case. In *Miller*, the Court simply took the next logical step and held that the Eighth Amendment also bars mandatory life without parole sentences for homicides committed by juveniles.

² Laurence Steinberg, *A Behavioral Scientist Looks at the Science of Adolescent Brain Development*, 72 *BRAIN AND COGNITION* 160, 162 (2010) (“From this perspective, middle adolescence (roughly 14–17) should be a period of especially heightened vulnerability to risky behavior, because sensation-seeking is high and self-regulation is still immature. And, in fact, many risk behaviors follow this pattern, including unprotected sex, criminal behavior, attempted suicide, and reckless driving.”); Sarah-Jayne Blakemore, *Imaging Brain Development: The Adolescent Brain*, 61 *NEUROIMAGE* 397 (“The plentiful data that consistently paint a picture of the adolescent brain as relatively immature might speak against the relatively young age of criminal responsibility and harsh sentences for adolescents.”).

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For these reasons, the Court concluded that a sentence of life without parole, when imposed on a teenager as compared to an adult is the same "in name only." *Id.* at 2466. From a constitutional perspective, it is akin to the death penalty. *Id.* at 2466 ("[W]e viewed this ultimate penalty for juveniles as akin to the death penalty, we treated it similarly to that most severe punishment."). Thus, the Court held that the same constitutional protections afforded adults in capital cases must be provided in any case where a juvenile faces a possible sentence of life without parole. *Id.* at 2468 ("[A] similar rule [to capital cases] should apply when a juvenile confronts a sentence of life (and death) in prison"). The Eighth Amendment, in fact, demands "individualized sentencing . . . analogous to [that required in] capital punishment [cases]." *Id.* It was both the fact that the sentences were mandatory as well as the absence of a process for allowing a juvenile to present the full range of mitigating evidence at a meaningful sentencing hearing similar to the penalty phase of a capital trial which rendered the life without parole sentences imposed upon the petitioners constitutionally infirm. *Id.*

Significantly, "[n]othing the Court said about children—about their distinctive (and transitory) mental traits and environmental vulnerabilities—is crime-specific." *Id.* at 2465. Those characteristics are "evident in the same way, and to the same degree" in juveniles who commit homicide as they are in those who commit armed robbery, kidnapping or any other offense. *Id.* at 2465. In short, the constitutional difference between juvenile and adult offenders does not turn in any respect on the nature of the crime, and any purported distinction on that basis finds no support in the Court's recent decisions.

The Court's recent holding in *Montgomery v. Louisiana* emphasized how uncommon a juvenile life without parole sentence should be. The Court stated that is only "the rare juvenile offender who exhibits such irretrievable depravity that rehabilitation is impossible and life without

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parole is justified.” *Montgomery*, 136 S.Ct. at 733. However, as the Court has recognized, there is great difficulty in distinguishing between the “unfortunate” and the truly culpable offender: “To justify life without parole on the assumption that the juvenile offender forever will be a danger to society requires the sentencer to make a judgment that the juvenile is incorrigible. The characteristics of juveniles make that judgment questionable.” *Graham*, 560 U.S. at 72–73. Elaborating on the cruelty of imposing a life without parole sentence on a juvenile, the Court noted “the great difficulty . . . of distinguishing at this early age between ‘the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.’” *Miller*, 132 S.Ct. at 2469 (quoting *Roper*, 543 U.S. at 573); see also *Graham*, 560 U.S. at 68–69. Rather, “incorrigibility is inconsistent with youth.” *Miller*, 132 S.Ct. at 2465 (internal quotation marks omitted).³ Indeed, it is difficult for even highly-trained child psychologists and psychiatrists to differentiate juvenile offenders whose crimes are the product of permanent fixed character traits from those whose crimes are the result of circumstances and the transient qualities of youth. *Id.* at 2469 (citing *Roper*, 543 U.S. at 573, and *Graham*, 560

³ Many individuals who committed serious crimes as juveniles have gone on to lead very productive lives. Wilbert Rideau, for example, was convicted of committing murder as a teenager and sentenced to death. See *Rideau v. Louisiana*, 373 U.S. 726 (1963). During his incarceration, he began writing for the prison newspaper and received numerous awards for his writing. Sometimes referred to as “the most rehabilitated man in America,” (Life Magazine 1993), he was eventually released after his conviction was overturned by the federal courts. Post-release, he has authored several award-winning books. Erwin James, From Death Row Inmate to Acclaimed Author, *THE GUARDIAN*, (May 31, 2011), <http://www.theguardian.com/society/2011/may/31/wilbert-rideau-rehabilitate-prisoners>. Alan Simpson was convicted when he was seventeen years old of destroying government property. Facing years in prison, the judge instead decided to impose a sentence of two years of probation. With the help of a probation officer, Simpson turned his life around. He eventually went to college, graduated from law school, and after serving in the Wyoming state legislature was elected to the United State Senate. Brief of Former Juvenile Offenders Charles S. Dutton, Former Sen. Alan K. Simpson, R. Dwayne Betts, Luis Rodriguez, Terry K. Ray, T.J. Parsell, and Ishmael Beah as Amici Curiae in Support of Petitioners, *Graham v. Florida*, 560 U.S. 48 (2010) Nos. 08-7412, 08-7621.

U.S. at 68). It is equally difficult for a judge to make such a determination. This difficulty leads to the unacceptable risk that a juvenile may receive a constitutionally disproportionate sentence of life without parole. The fact that the judge took age into consideration is not enough to render such a sentence constitutional—if the sentence is disproportionate, it is necessarily unconstitutional. *Montgomery*, 136 S.Ct. at 734 (“Even if a court considers a child’s age before sentencing him or her to a lifetime in prison, that sentence still violates the Eighth Amendment for a child whose crime reflects ‘unfortunate yet transient immaturity.’”) (quoting *Roper*, 543 U.S., at 573).

The potential for reform that is present in all juvenile offenders requires States to maintain the possibility of eventual release as a sentencing option. It would be constitutionally excessive to render a final, permanent judgment that a juvenile offender should never be released; a mechanism for future review must be available, because States cannot ignore the juvenile’s “potential to attain a mature understanding of his own humanity.” *Roper*, 543 U.S. at 573–74.

Because the Court was confronted only with cases involving mandatory sentences of life without parole, it did not reach the question of whether “the Eighth Amendment requires a categorical bar on life without parole for juveniles.” *Miller*, 132 S.Ct. at 2469. However, the Court did establish a presumption against such sentences:

[G]iven all we have said in *Roper*, *Graham*, and this decision about children’s diminished culpability and heightened capacity for change, we think appropriate occasions for sentencing juveniles to this harshest possible penalty will be uncommon. That is especially so because of the great difficulty we noted in *Roper* and *Graham* of distinguishing at this early age between “the juvenile offender whose crime reflects unfortunate yet transient immaturity, and the rare juvenile offender whose crime reflects irreparable corruption.” Although we do not foreclose a sentencer’s ability to make that judgment in homicide cases, we require it to take into account how

children are different, and how those differences counsel against irrevocably sentencing them to a lifetime in prison.

Id. (internal quotation marks omitted). The Court further emphasized in *Montgomery* that *Miller* had gone a long way towards eliminating life without parole for juveniles and re-iterated that such sentences should be scarcely given: "*Miller* did bar life without parole . . . for all but the rarest of juvenile offenders, those whose crimes reflect permanent incorrigibility." *Montgomery*, 136 S.Ct. at 734. The constitutional reasoning that drove the decisions in *Roper*, *Graham*, *Miller*, and *Montgomery* leads inexorably to the conclusion that any life without parole sentence imposed on a juvenile offender is cruel and unusual punishment proscribed by the Eighth Amendment. See *Montgomery*, 136 S.Ct. at 734 ("[T]he penological justifications for life without parole collapse in light of 'the distinctive attributes of youth.'" (quoting *Miller*, 132 S.Ct. at 2465)). There can be no genuine doubt that the Supreme Court will eventually so hold. Thus, rather than wait for the High Court to act, this Court should now declare that life without parole sentences are barred for juvenile offenders by the Eighth Amendment of the United States Constitution and Article I § 5 of the South Carolina Constitution.

III. The National and International Consensus Against Sentencing Juveniles to Life Imprisonment Without the Possibility of Parole.

The Eighth Amendment's prohibition on cruel and unusual punishment is measured against the "evolving standards of decency that mark the progress of a maturing society." *Trop v. Dulles*, 356 U.S. 86, 101 (1958). While "the standard for extreme cruelty 'itself remains the same, . . . its applicability must change as the basic mores of society change.'" *Kennedy*, 554 U.S. at 419 (quoting *Furman v. Georgia*, 408 U.S. 238, 382 (1972)) (Burger, C.J., dissenting). In order to determine whether the language of the Eighth Amendment applies, the Court looks to contemporary societal norms. See Robert J. Smith et al., *The Way the Court Gauges Consensus*

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WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1409658

ARREST WARRANT NUMBER

2014A1010203046

DATE OF ARREST

July 2, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date

OCT 6 - 2014

VERDICT

Dorset A. T. Allen

Guilty

9/22/16

Foreperson of Petit Jury

Date

INDICT

DOCKET NO. 2014GS1005999

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October Term 2014

THE STATE

vs.

TERRELL ARTIETH SMITH

DOB: [REDACTED]

B/M

Indictment for

Murder

ATTEST: A TRUE COPY
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 CLERK, C.P., G.S. & F.C.

By *[Signature]*
 DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

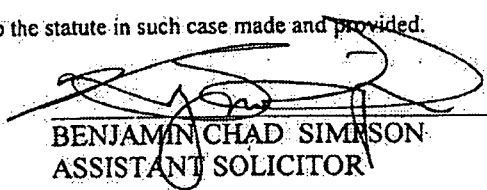
INDICTMENT

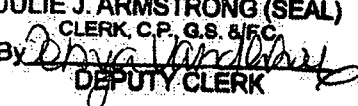
At a Court of General Sessions, convened on October 6, 2014 the Grand Jurors of Charleston County present upon their oath:

Murder

That in Charleston County on or about June 11, 2014, with malice aforethought, TERRELL ARTIETH SMITH did kill and murder Brandon Bennett by means of stabbing him multiple times, and that Brandon Bennett did die in Charleston County as a proximate result thereof on June 11, 2014; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMRSON
ASSISTANT SOLICITOR

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JULIE J. ARMSTRONG (SEAL)
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By 
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WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1409658

ARREST WARRANT NUMBER

2014A1010203047

DATE OF ARREST

July 2, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date:

OCT 6 - 2014

VERDICT

Donat A. S. Allen

Guilty

9/22/16

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2014GS1006000

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October Term 2014

THE STATE

VS.

TERRELL ARTIFTH SMITH

DOB:

B/M

Indictment for

Attempted Murder

ATTEST: A TRUE COPY
 JULIE J. ARMSTRONG (SEAL)
 CLERK, C.P., O.S. & F.C.
 By *[Signature]*
 DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

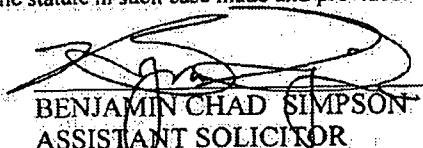
INDICTMENT

At a Court of General Sessions, convened on October 6, 2014 the Grand Jurors of Charleston County present upon their oath:

Attempted Murder

That in Charleston County, South Carolina, on or about June 11, 2014, the Defendant, TERRELL ARTIETH SMITH, did, with intent to kill and malice aforethought, attempt to kill Darryl Bennett. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

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BCS20140706741

WITNESSES

Charleston City Police Department

AGENCY CASE NUMBER

1409658

ARREST WARRANT NUMBER

2014A1010203048

DATE OF ARREST

July 2, 2014

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: *[Signature]* OCT 6 - 2014

VERDICT

*Donat A. Faller**Guilty**9/22/16*

Foreperson of Petit Jury

Date

INDICT

DOCKET NO. 2014GS1006001

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

October Term 2014

THE STATE

vs.

TERRELL ARTIETH SMITH

DOB: *[Redacted]*

B/M

Indictment for

Possession of a Weapon During the
Commission of a Violent Crime

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

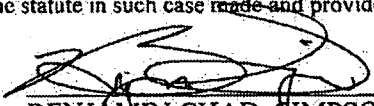
INDICTMENT

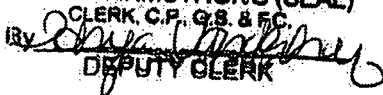
At a Court of General Sessions, convened on October 6, 2014 the Grand Jurors of Charleston County present upon their oath:

Possession of a Weapon During the Commission of a Violent Crime

That in Charleston County, South Carolina, on or about June 11, 2014, the Defendant, TERRELL ARTIETH SMITH, did possess a knife or visibly display what appeared to be a knife during the commission, or attempted commission, of Murder, a violent crime. This is in violation of 16-23-490 of the South Carolina Code of Laws, (1976) as amended.

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


BENJAMIN CHAD SIMPSON
ASSISTANT SOLICITOR

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JULIE J. ARMSTRONG (SEAL)
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By 
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

TERRELL ANTHONY SMITH

AKA:

Race: Black/African American

Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL# [REDACTED]

SID# [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Murder

In violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS☐ §17-25-45(CSG w/minor 1st or Lewd Act)

The charge is:

☒ As indicted☐ Lesser Included Offense☐ Defendant Waiver/Presentation to Grand Jury

(def.'s initials)

The plea is:

☐ Without Negotiations or Recommendation☐ Negotiated Sentence☐ Recommendation by the State

ATTEST:

Charles W. Patrick, III, Assistant Solicitor, SC Bar # 101831

Defendant

Attorney for Defendant

76922
SC Bar #WHEREFORE, the Defendant is committed to the State Department of Corrections☐ County Detention Centerfor a determinate term of 35 days/months/years or☐ under the Youthful Offender Act not to exceed 3 years

and/or to pay a fine of \$

provided that upon the service of 35 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 Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or☐ CONSECUTIVE to sentence on: 2014-GS-10-16000, 00001☒ 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. 1092 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$

plus 20% fee: \$

\$

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SEDPPPS

Attend Voc. Rehab. Or Job Corp.

May serve W/L 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:

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JULIE J. ARMSTRONG (SEAL)

CLERK, CP, CS & PC

By Emilia [Signature]

DEPUTY CLERK

☐ Appointed PD or appointed other counsel

\$47.12 requires \$500. be paid to Clerk

during probation

Presiding Judge

Judge Code: 215Sentence Date: 6/19/17

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

§56-1-286 (DUI Breath Test)

\$25

Proviso 61.6 (Public Def/Prob)

\$500

§14-1-212 (Law Enforce Funding)

\$25

§14-1-213 (Drug Court Surcharge)

\$150

§50-21-114 (BUI Breath Test Fee)

\$50

§56-5-2942(j) (Vehicle Assessment)

\$50/ea

3% to County (if paid in installments)

\$

TOTAL

\$

Clerk of Court/Deputy Clerk

Court Reporter:

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE VS.

TERRELL ARTHUR SMITH

AKA:

Race: Black/African American

Sex: M

DOB: [REDACTED]

SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED]

SID#: [REDACTED]

*CDL Yes: ☐ No ☐ CMV Yes: ☐ No ☐ Hazmat Yes: ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

INDICTMENT/CASE#: 2014GS1006000

A/W: 2014A1010203047

Date of Offense: 06/11/2014

S.C. Code #: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

TO: Attempted Murder

In violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS☐ Mandatory GRS☒ § 17-25-43(CSC w/minor 1st or Lewd Act)The charge is: ☒ As indicted ☐ Lesser Included Offense☐ Defendant Waives Presentment to Grand Jury

(def.'s initials)

The plea is: ☒ Without Negotiations or Recommendation☐ Negotiated Sentence☐ Recommendation by the State

ATTEST:

101831

Charles W. Patrick, III, Assistant Solicitor SC Bar #

Defendant

Attorney for Defendant

76922

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Centerfor a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed 3 yearsand/or to pay a fine of \$ 100.00 provided that upon the service of 30 days/months/years and/or paymentof \$ 100.00 plus costs and assessments as applicable, the balance is suspended with probation for 30 days/months/years

months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014-GS-10-5999-10001☒ 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 1092 days☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waives Hearing☐ Ordered

PTUP

Total: \$ 100.00 plus 20% fee: \$ 20.00

days/hours Public Service Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Com.

May serve W/E beginning

Substance Abuse Counseling: ☐Random Drug/Alcohol Testing: ☐

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ 25.00 Beginning\$ 25.00 Paid to Public Defender Fund

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JULIE J. ARMSTRONG (SEAL)

CLERK C.P., O.B. & F.C.

By Denise L. Boudier

DEPUTY CLERK

☐ Appointed PD or appointed other counsel

\$47.12 requires \$500 to be paid to clerk

during probation

Presiding Judge:

Judge Code:

Sentence Date:

5/16/17

Clerk of Court/Deputy Clerk:

Court Reporter:

Denise L. Boudier

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHARLESTON
STATE VS.

TERRELL ARTHUR SMITH

AKA:

Race: Black/African American

Sex: M

DOB: [REDACTED]

SSN: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DE#: [REDACTED]

SID#: [REDACTED]

*CDE Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or☐ PLEADSTO: Possession Of A Weapon During The Commission Of A Violent Crime

In violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549.

☐ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS☐ § 17-25-45(CSC w/minor 1st of Lewd Act)

The charge is:

☒ As indicted.☐ Lesser Included Offense.☐ Defendant Waives Presentment to Grand Jury.

(def. initials)

The plea is:

☐ Without Negotiations or Recommendation.☐ Negotiated Sentence.☐ Recommendation by the State.

ATTEST:

Charles W. Patrick, III, Assistant Solicitor SC Bar # 101831

Defendant

Attorney for Defendant 76922
SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections ☐ County Detention Center for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed 5 years and/or to pay a fine of \$ 100 provided that upon the service of 100 days/months/years and no payment of \$ 100 plus costs and assessments as applicable, the balance is suspended with probation for 1092 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2014 CR 10-3999, 6000☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION:☐ Deferred☐ Def. Waiver Hearing☐ Ordered

PTUP

Total: \$

plus 20% fee:

\$

days/hours Public Service/Employment

Payment Terms:

Obtain GED ☐☐ Set by SCDPPPS

Attend Voc. Rehab. Or Job Comp.

May serve W/I beginning

Substance Abuse Counseling ☐Random Drug/Alcohol Testing: ☐

Fine may be pd. in equal consecutive weekly/monthly

payments of \$

Beginning

\$ Paid to Public Defender Fund

Other:

ATTEST: A TRUE COPY

JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., G.S. & F.C.

By [Signature]

DEPUTY CLERK

☐ Appointed PD or appointed other counsel

\$47.12 (equivalents \$500 be paid to clerk

during probation.

Presiding Judge

Judge Code:

Sentence Date:

5/9/17

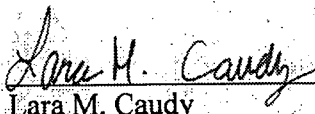
Clerk of Court/Deputy Clerk

Court Reporter

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

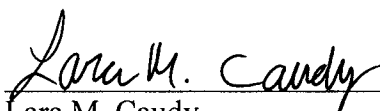
ATTORNEY FOR APPELLANT

This 18th day of July, 2018.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
P.O. Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of July, 2018.

RECEIVED
JUL 18 2018
SC Court of Appeals