

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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MAY 22 2019

Appeal from Berkeley County

Honorable Kristi Lea Harrington, Circuit Court Judge

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

LAWRENCE L. KELLEY, JR.

APPELLANT

APPELLATE CASE NO 2018-000364

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) GENERAL SESSIONS COURT
)
 2 COUNTY OF BERKELEY) CASE NO. 2017-GS-08-1190
 3
 4 STATE OF SOUTH)
 4 CAROLINA,)
 5 Plaintiff,) Transcript of Record
)
 6 vs.)
) Date: June 2, 2017
 7 LAWRENCE KELLEY,)
)
 8 Defendants.)

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12 B E F O R E:

13 The Honorable Kristi Harrington

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Denise J. Lauder, RPR
Ninth Judicial Circuit

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A P P E A R A N C E S

REPRESENTING THE PLAINTIFF:

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(No exhibits were offered or
marked for identification.)

1 (The following proceedings were held
2 June 2, 2017, at 9:19 a.m., Berkeley County
3 Courthouse, in front of Judge Kristi Harrington.)

4 MS. WILLIAMS: The State calls the case
5 of Lawrence Kelly.

6 LAWRENCE KELLEY,
7 being first duly sworn, testified as follows:

8 THE CLERK: Sir, please state your full
9 name and spell your last.

10 THE DEFENDANT: Lawrence Kelley,
11 K-E-L-L-E-Y.

12 THE COURT: Ms. Williams, when are we
13 going to determine sex offender registry?

14 MS. WILLIAMS: I would say, Your Honor,
15 we should be able to do that by July 24th. I think
16 there's a term of court July 24th.

17 THE COURT: And how are we going to
18 determine that?

19 MS. WILLIAMS: We have agreed that he
20 would be evaluated by either Dr. Burke or Helen
21 Clark, whatever is easiest for Probation. So if he
22 could go on Probation today, and then they could
23 arrange that. That part of the agreement is that
24 he's willing to have that evaluation.

25 THE COURT: All right. At his cost,

1 correct?

2 MS. WILLIAMS: Yes, Your Honor.

3 EXAMINATION

4 BY THE COURT:

5 Q. Sir, you're here to plead guilty on
6 2017-GS-08-1190, which is assault and battery in
7 the second degree. You have initialed the
8 sentencing sheet indicating that you waive
9 presentment. I can sentence you on this charge up
10 to three years, fine you up to \$2500, or both. Do
11 you understand that's the possible punishment?

12 A. Yes, Your Honor.

13 Q. Knowing that, do you still wish to go
14 forward here today?

15 A. Yes, Your Honor.

16 Q. I need you to speak loudly. I will be
17 looking down as I'm completing the paperwork so I
18 need you to speak loudly. Can you do that for me?

19 A. Yes, Your Honor.

20 Q. Sir, this is merely a recommendation.
21 I do not have to go along with it. Do you
22 understand?

23 MS. WILLIAMS: Your Honor, it should be
24 negotiated. If it doesn't say negotiated, then
25 that is our mistake.

1 BY THE COURT:

2 Q. If after hearing the facts and your
3 prior record I cannot go along with that, I will
4 allow you to withdraw the plea. Do you understand?

5 A. Yes, Your Honor.

6 Q. Sir, by pleading guilty you're giving
7 up certain rights. Your right to a jury trial;
8 your right to have a jury determine your guilt
9 beyond a reasonable doubt, based upon the evidence
10 the State presents, as well as any evidence you may
11 introduce; your right against self incrimination,
12 your right to say nothing at all; your right to
13 confront and be confronted by the witnesses against
14 you, as well as the right to call witnesses on your
15 behalf.

16 By pleading guilty here today you give
17 up any defense you may have to this charge. Do you
18 understand those rights?

19 A. Yes, Your Honor.

20 Q. And do you waive those rights at this
21 time?

22 A. Yes, Your Honor.

23 Q. Understanding the charge that you are
24 facing, the possible punishment, as well as the
25 consequences of this plea, how do you plead to

1 assault and battery, second degree?

2 A. Guilty under Alford.

3 Q. Are you pleading guilty under Alford
4 because you believe the State could produce
5 witnesses that would testify to the facts about
6 assault and battery, second degree, and a jury most
7 probably would find you guilty?

8 A. Yes, Your Honor.

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

11 A. Yes, Your Honor.

12 Q. Any complaints about the way that he
13 has handled this matter?

14 A. No, Your Honor.

15 Q. You have the right to appeal this plea
16 and sentence I will impose, but you or your
17 attorney must do so within ten days. Do you
18 understand?

19 A. Yes, Your Honor.

20 THE COURT: Please listen to the facts.

21 Ms. Williams.

22 MS. WILLIAMS: Thank you, Your Honor.

23 May it please the Court.

24 The 14-year-old victim was living with
25 her grandparents at the time these events unfolded

1 in an apartment in Goose Creek. The defendant was
2 living across the hallway with his wife in the same
3 apartment complex.

4 Sometime around January 4, 2016, the
5 grandmother saw some suggestive messages between
6 the two on Facebook Messenger. Once confronted,
7 the 14-year-old told her grandmother and wrote a
8 statement for law enforcement that she had been
9 going over to the apartment to watch Netflix, and
10 on a couple of occasions the defendant had touched
11 her breasts over her clothing.

12 The victim has been notified. She has
13 since moved back in with her father in the upstate.
14 They are in support of this plea. They would be
15 willing to come to testify, if necessary.

16 The grandmother would come about the
17 Facebook messages and the victim would come and
18 testify about what happened, but they think this is
19 a good resolution and would just like to move on
20 from it.

21 We would suggest as earlier -- as
22 earlier, Your Honor had suggested that July 24th
23 would be a good date for Your Honor to review the
24 evaluation and decide about the sex offender
25 registration.

1 BY THE COURT:

2 Q. Sir, you heard the facts. Do you
3 believe the State could call witnesses to testify
4 to those facts?

5 A. Yes, Your Honor.

6 Q. And if the jury heard those facts, they
7 most probably would find you guilty beyond a
8 reasonable doubt?

9 A. Yes, Your Honor.

10 THE COURT: I find there is a
11 substantial factual basis for your plea. Your plea
12 here today to plead guilty under Alford has been
13 freely, voluntarily knowingly, and intelligently
14 made. You have indicated to the Court that you've
15 had the advice and counsel of a competent attorney
16 with whom you told the Court that you were
17 satisfied.

18 I hereby accept your plea.

19 Mr. Mayer, I'm happy to hear from you
20 regarding sentencing.

21 MR. MAYER: Thank you, Judge. And just
22 very briefly, Larry is a very good worker. He's
23 been a hard worker since the age of 16. He
24 graduated high school at the age of 16, he got a
25 full scholarship to go to college. After that,

1 Judge, he got an associates in business management.

2 For the last 15 years or so he's been
3 working full time in the automotive industry, 50 to
4 60-hour weeks. He has three children. He
5 initiated a divorce from his now ex-wife back
6 September 2015, after which she tried to stab him.
7 She was arrested for that, didn't get him. When
8 that didn't work, she went across the hallway to
9 this young woman and these allegations arose.

10 Larry is a talented individual outside
11 the automotive industry. He used to dance at a
12 formal arts studio up in Virginia, do all sorts of
13 dances.

14 We would ask that the Court accept this
15 negotiation and look favorably in the future
16 towards not putting him on the registry.

17 THE COURT: Okay. Anything you wish
18 to tell me, sir?

19 THE DEFENDANT: No, Your Honor.

20 THE COURT: It's the order of the Court
21 on 2017-GS-08-1190, that you be committed to the
22 State Department of Corrections for a term of three
23 years. I'll suspend that and place you on
24 probation for five years.

25 I'll give you credit for five days.

1 You are to have substance abuse counselling and
2 standard random drug and alcohol testing. We will
3 have a hearing July 25th at 9:00 a.m. to determine
4 if you should be placed on the sex offender
5 registry. Between now and then, you need to have
6 an evaluation by either Dr. Burke or Helen Clark.

7 Good luck to you, sir.

8 MS. WILLIAMS: That would be at
9 9:00 a.m.?

10 THE COURT: 9:00 a.m.

11 MS. WILLIAMS: Thank you.

12 (These proceedings were concluded at
13 9:52 a.m.)

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1 CERTIFICATE OF REPORTER

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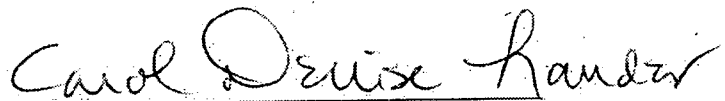
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I, Carol Denise Lauder, Registered Professional Reporter and Notary Public for the State of South Carolina at Large, do hereby certify that the foregoing transcript is a true, accurate, and complete record.

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 4th day of December, 2017 at Charleston, Charleston County, South Carolina.


Carol Denise Lauder
Registered Professional
Reporter, CP

1 STATE OF SOUTH CAROLINA) COURT OF GENERAL SESSIONS
 2 COUNTY OF BERKELEY) CASE NO. 2017-GS-08-1190
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 4 STATE OF SOUTH)
 4 CAROLINA,)
 5 Plaintiff,) Transcript of Record
 6 vs.)
 7 LAWRENCE KELLEY,) Date: September 19, 2017
 8 Defendants.)

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B E F O R E:

The Honorable Kristi Harrington

* * * * *

Denise J. Lauder, RPR
Ninth Judicial Circuit

1 \ A P P E A R A N C E S

2

3 REPRESENTING THE PLAINTIFF:

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(No exhibits were offered or
marked for identification.)

1 (The following proceedings were had
2 September 19, 2017 at 9:26 a.m., in re: State v.
3 Kelley.)

4 MS. WILLIAMS: Lawrence Kelley. Your
5 Honor, we're here this morning for the Court to
6 decide whether or not Mr. Kelley is put on the sex
7 offender registry. When he was sentenced, the
8 Court sentenced him to five years probation and
9 deferred the matter of sex offender registration
10 until after he was evaluated by Dr. Helen Clark.

11 He has transferred his probation to
12 Charleston. Agent Orsi is here; he is the
13 probation officer. Helen Clark has done her
14 evaluation, and her recommendation was for
15 placement on the sexual offender registry.

16 The State's position is that he should
17 be placed on the sex offender registry, probation's
18 is the same; and I imagine that defense counsel's
19 position is the opposite.

20 THE COURT: All right. Mr. Mayer, I'm
21 happy to hear from you.

22 MR. MAYER: Thank you, judge. May it
23 please the Court.

24 You know, this was an unusual
25 assessment in that while the assessment was

1 undergoing, the probation agent took it upon
2 himself to call the doctor and relay some
3 information that had not been confirmed as
4 additional evidence.

5 We believe that that caused some sort
6 of soft spots in the doctor's report. What seems
7 to have happened, Judge, is that somewhere out in
8 Spartanburg in a different probation office, this
9 victim and -- and Mr. Kelley pled under Alford, but
10 this victim apparently went in and said that she
11 found on her phone a Facebook message.

12 It was unclear from that report whether
13 it was an old Facebook message that had been found
14 or some different Facebook message.

15 You know, we've contended all along
16 that this was part of a plot in the divorce that
17 his ex-wife had put together with this minor, who
18 was her friend. And so to have this unconfirmed
19 third party kind of making this statement at the
20 exact time that it would matter in this case and
21 have that get on to this doctor who is doing the
22 assessment was very disturbing.

23 I believe it shows up in the report --
24 the soft spots in the report are where the doctor
25 consistently goes and says that Mr. Kelley's trying

1 to look good or he's showing --)

2 THE COURT: Tell me how that would
3 impact the April assessment for sexual interest
4 which indicates that your client -- the probability
5 of Lawrence having engaged in child sexual abuse
6 behavior was found to be high. The risk for
7 further sexual acting out without treatment was
8 found to be medium risk.

9 MR. MAYER: Well, Judge, I think -- I'm
10 not an assessor, of course, but it's my expectation
11 that all those reports dovetail in some way. And
12 so when she was --

13 THE COURT: Well, my understanding is
14 the assessment is just that; that's a tool that is
15 used. It would not be influenced by any outsider
16 other than what your client reported and took.

17 MR. MAYER: But it's -- the tool is
18 interpreted by this doctor whose lens then was
19 perspective -- perspective was changed by hearing
20 this information, Judge. I think that she became
21 biased during the --

22 THE COURT: What are you wanting me to
23 do, Mr. Mayer?

24 MR. MAYER: Well, Judge, we would love
25 to kind of put this down the road a little bit.

1 Let him go to a doctor who is not --

2 THE COURT: I've already put it down
3 the road. We were supposed to have this hearing
4 July 25. So do you have a different doctor?

5 MR. MAYER: Judge, I believe there are
6 two other doctors who haven't been used yet;
7 there's a doctor in Charleston and there's a
8 doctor, Dr. Burke, in Summerville.

9 And we would love the opportunity to
10 get an assessment that is not influenced by
11 outsiders or third parties that we've never laid
12 eyes on.

13 I think that when we're talking about
14 this gentleman having to potentially register --

15 THE COURT: When do you anticipate
16 your client being able to afford that?

17 MR. MAYER: Judge, I do. I do.

18 THE COURT: The question was when.

19 MR. MAYER: Oh, when? I'm sorry, when.
20 End of the month, Judge.

21 THE COURT: See you back
22 September 29th at 2:00 p.m. Good luck to you.
23 Thank you.

24 MR. MAYER: Thank you, Your Honor.

25 (These proceeding were concluded at

1 10:03 a.m.)

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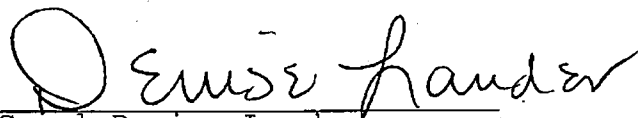
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CERTIFICATE OF REPORTER

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 4th day of December, 2017 at Charleston, Charleston County, South Carolina.



Carol Denise Lauder
Registered Professional
Reporter, CP
My Commission expires
August 2, 2028

1 (The following proceedings were held
2 September 29, 2017, Berkeley County, South
3 Carolina, @ 2:01 p.m.)

4 MS. WILLIAMS: Lawrence Kelley. Your
5 Honor, Mr. Kelley was here for sentencing -- for a
6 sentencing hearing I believe it was on the 18th.
7 And although we objected he was asking for an
8 evaluation by yet another doctor, even though Dr.
9 Clarke had said that in her opinion he should be
10 placed on the sex offender registry. Dr. Burke
11 tells us that they called on September 26th which
12 is just a few days ago and Dr. Burke called them
13 back and said he could have gotten him in yesterday
14 and had a report ready today, but Mr. Kelley was
15 unavailable for that. So we would respectfully ask
16 the Court to make a decision based on Helen
17 Clarke's evaluation and I can state the State's
18 position at the appropriate time.

19 THE COURT: I think one of the concerns
20 that Mr. Mayer had was that you contacted Dr. Burke
21 and gave him some information; is that your
22 objection?

23 MR. MAYER: Yes, Your Honor.

24 MS. WILLIAMS: Which is routine.

25 Probation --

1 THE COURT: I understand, but that was
2 why I gave him the additional time because he was
3 concerned about --

4 MS. WILLIAMS: Your Honor, that was --

5 THE COURT: Ms. Williams. All right.
6 So have you contacted somebody else?

7 MR. MAYER: Judge, I'm not aware of --

8 THE COURT: It's a yes or no.

9 MR. MAYER: No, Your Honor. I'm not
10 aware of anyone who does this. In my knowledge it
11 is only Dr. Clarke or Dr. Burke.

12 THE COURT: Well, I understood when you
13 asked for additional time you indicated there were
14 two other individuals.

15 MR. MAYER: Judge, at the last hearing
16 -- I'm sorry. I didn't understand the question.
17 At the last hearing we had already seen Dr. Clarke
18 who the probation office had contacted during her
19 review and the Court very graciously gave some
20 additional time. I believe it was two days after
21 the last hearing my client went in to meet with Dr.
22 Burke. He signed up. They said the soonest he
23 could possibly get in there was going to be
24 October 5.

25 (Phone ringing.)

1 MR. MAYER: So we sent a copy of that
2 information. I believe to your law clerk and the
3 solicitor and at that time I had learned that Ms.
4 Williams had also let Dr. Burke's office know that
5 there was an allegation that my client had
6 contacted the victim during Dr. Clarke's review
7 which I thought was wholly improper because the
8 whole purpose of us going to seek the second
9 doctor's review was to have a clean slate without
10 any sort of tainting from a third party on the
11 outside about some rumor that wouldn't have even
12 been admissible in court.

13 THE COURT: I do not believe that it is
14 improper, but because I granted you additional time
15 and that was your indication was that you felt that
16 he did not get a proper evaluation by Dr. Clarke, I
17 granted you additional time.

18 I'm going to set this for the week of
19 November 13th. I will give you -- as we proceed I
20 will give you a date during that week of when and
21 the hearing will be whether or not he is to be
22 placed. If you wish to call doctors, if you wish
23 to have him evaluated, that is up to you. But when
24 I give you the date during the week of
25 November 13th we are going to have a hearing on

1 whether or not your client is placed on the sex
2 offender registration. Whether you wish to simply
3 just call Dr. Clarke and inquire as to whether or
4 not she was biased or how that played, that would
5 be sufficient; or if you feel that you want to get
6 him evaluated by Dr. Burke or somebody else, it is
7 entirely up to you. But at the week of
8 November 13th we are going to make a determination
9 whether or not your client is on the sex offender
10 registry. Good luck to you.

11 MS. WILLIAMS: Your Honor, just a
12 little bit of clarification because the record is a
13 little bit muddled on something. I did not call
14 Dr. Clarke. Probation gave the usual information
15 they give so I guess what we're -- right now he is
16 on probation. It is their routine and what doctors
17 ask for is a medical history and a social history.

18 THE COURT: I understand.

19 MS. WILLIAMS: So he is going to give
20 them what we request again and then Mr. Mayer
21 because he is ignorant of the system and the way
22 evaluations work is going to come back and say --

23 THE COURT: Mr. Mayer, please, we are
24 having a hearing --

25 MS. WILLIAMS: I did not contact Dr.

1 Clarke just so we are clear on the record.

2 THE COURT: Ms. Williams, this is the
3 second time you have interrupted me. The week of
4 November 13th we're going to have a hearing to make
5 a determination. Mr. Mayer will be able to present
6 whatever it is additional that he needs to present
7 and you will be able to introduce if there is
8 anything supplemental as to Dr. Clarke's report.
9 That's it. Thank you.

10 (These proceedings were concluded at
11 2:09 p.m., September 29, 2017, Charleston County,
12 South Carolina.)
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CERTIFICATE OF REPORTER

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3 I, Ruth C. Weese, Registered Diplomate
4 Reporter for the State of South Carolina at Large,
5 do hereby certify that the foregoing transcript is
6 a true, accurate, and complete record.

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

10 Witness my hand, I have hereunto affixed my
11 official seal this 1st day of December, 2017 at
12 Charleston, Charleston County, South Carolina.

13
14 *Ruth C. Weese*

15
16 _____
17 Ruth C. Weese
18 Registered Diplomate
19 Reporter
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FILED

STATE OF SOUTH CAROLINA IN THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY 17 NOV 27 PM 4:44 NINTH JUDICIAL CIRCUIT

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

STATE OF SOUTH CAROLINA **Motion and Brief in Support of Placement on the Sex Offender Registry**

vs.

LAWRENCE LAVERNE KELLEY, JR.,

DEFENDANT.

Indictment #2017-GS-08-01190

The State, asserts that sex offender registry is proper in the above mentioned case, based on the medical evaluation, the facts of the case and defendant's behavior before and after sentencing. The State further asserts that the evaluation by Dr Randolph Waid, is not comparable to that completed by Dr. Helen Clark on the issue of psychosexual evaluation. Dr. Waid is not a member of the Association for the Treatment of Sexual Abusers (ATSA), his testing does not meet the standard of care for psychosexual evaluations, and he is not on the probation and parole list of approved providers for sex offender evaluations.

Factual History

Defendant who was thirty-five (35) at the time of his arrest, and his wife lived in an apartment down the hall from the Thirteen (13) year old victim.¹ The victim and her three siblings were living with her grandparents who were struggling to care for all of the kids. The defendant and his wife offered to allow the victim to watch netflix at their apartment and she

¹ The victim reported that the abuse began in August of 2015 when she was 13 and continued past her 14th birthday in December of 2015. She had been left back once and was in the seventh grade and operating under an IEP (Individualized Education program).

became a frequent visitor. Eventually, the defendant began fondling the victim; he also asked her to set up a phony Facebook account² and used it to send her messages and to request that she send him pictures, find out if her grandparents were home and ask her to come over. On January 4, 2016, the victim's grandmother found a message from the defendant on the victim's phone and called law enforcement. The defendant was arrested for Criminal Sexual Conduct with a Minor Second and Third Degree.³ At the time of sentencing, the defendant's wife was cooperating with the State and was prepared to testify if the case had gone to trial. The defendant's sister, Kimberlee Novembree, who DSS has given custody of all four (4) of the defendant's children, has also provided information regarding the allegations of sexual abuse by the defendant against his ten (10) year old daughter, [REDACTED] See "State's 1, 2 and 3".

Procedural History

The defendant in the above mentioned case pled guilty to Assault and Battery in the Second Degree under *Alford*⁴, on June 2, 2017; the State dismissed one count of Criminal Sexual Conduct with a Minor Third Degree. The Court placed the Defendant on probation and deferred the issue of sex offender registry until after a sex offender evaluation was completed. The Court set a sentencing date for July 25, 2017 at 9 a.m. to give probation time to arrange the sex offender evaluation. Although probation initially set the evaluation up with Dr William Burke, See "State's 4". Defendant requested that the evaluation be done by Dr. Helen Clarke which proceeded without objection from the State. Defendant also asked for the hearing to be delayed until September. State did not object and the new hearing date was set for September 19, 2017. Defendant appeared on September 19th for the hearing; Dr Clark had completed her evaluation and recommended sex offender registration. See "State's 5". Defendant argued that Dr Clarke's report was flawed because she took into account a claim by the victim that the

² The fictitious facebook account was set up under the name of "Tamara Lee" and the victim's grandmother saw it under the messenger app on the victim's phone which was connected to that facebook account

³ The State indicted only CSC with a minor 3rd degree as there was no evidence of penetration or other sexual batteries

⁴ *North Carolina v Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970),

defendant had contacted her after her sentencing through facebook. See "State's 6". The State maintained that the victim stood by her account that defendant tried to "friend" her on facebook and also State reported to the Court that Dr Clark did not consider that report in forming her opinion.⁵ See "State's 7". Defendant requested that he be given time to get an evaluation by Dr Burke and the Court granted his request setting a new hearing date of September 29, 2017 at 2:00. Shortly before September 29th hearing, the defendant sent an email to the Court's clerk reporting that Probation Agent, Christopher Orsi and Assistant Solicitor, Anne Williams had given social/medical history to Dr Burke in advance of the evaluation and had now tainted Dr Burke's impartiality; defendant asked for a later date to find a third doctor.⁶ The Court instructed all parties to appear September 29th. At the September 29th hearing, the defendant claimed that Dr Burke could not schedule defendant for an appointment in time to have a report ready for the hearing and asked for more time. This account was disputed by Agent Orsi, who reported that Dr Burke specifically made allowances to get the defendant in and was prepared to have the report done by September 29th. The Court granted the defendant's request to have more time to get an evaluation done and set a new (fourth) hearing date for November 13, 2017 at 9 am. Defendant produced a report by Dr Randolph Waid at the November 13th hearing in which Dr Waid disagreed with the previous opinion of Dr Helen Clark. See "State's 8". Neither probation nor the State had seen the report before. The State requested time to review the report and the qualifications of Dr Waid since he was not on the probation and parole approved list of providers for psychosexual evaluations. See "State's 9".⁷

Legal Analysis

On June 2nd, 2017, the Defendant entered his plea under *North Carolina v Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970), was placed on probation and the determination of placement on the sex offender registry was deferred. The State asserts that placement on the sex

⁵ Dr Clarke said it influenced her less than 1% if she had to quantify it See "State's 7"

⁶ The State sent Dr Burke information about the case, previous evaluations and copied defense attorney Aaron Mayer, and probation officer, Christopher Orsi. Medical/social history is routine for any medical evaluation and common practice for both defense and State to send information to Dr Burke.

⁷ Please note that Southeastern Assessments' President and Clinical Director is Dr William Burke

offender registry is proper in the present case. In the evaluation completed by Dr Helen Clark, the conclusion was: "Placement on the Sexual Offender Registry appears clinically appropriate". Significant to her conclusion were the results of the Abel Screen a psychophysiological measure that indicated the probability of the defendant having engaged in child sexual abuse behaviors was found to be High and the risk of further sexual acting out behaviors, without treatment, was found to be medium. See "State's 5". This is notable because Dr Clark followed the standard of care outlined in the Association for the Treatment of Sexual Abusers (ATSA) Practice Guidelines. In the guidelines; under Psychosexual evaluations 5.01, a specific source of information noted is "empirically grounded objective psychophysiological measures of sexual arousal, interests and/or preferences". Dr Clarke specifically notes this in her letter in her point number 3. She directs attention to these psychophysiological measures and notes the Abel Screen and penile plethysmograph as examples of this measure. See "State's 7 and 10". The State requests that the Court rely on this evaluation based on the qualifications of Dr Clark, and her adherence to the standard of care for this particular specialty. See "State's 10 and 11". We also would like to underscore the fact that the defendant's sole objection to Dr Clark's evaluation was that she learned of the allegation by the victim that the defendant attempted to contact the victim on facebook. Not only does the victim maintain this assertion; but even more importantly, Dr Clark states that she did not consider this fact in any real way in her evaluation. See Dr Clark's letter "State's 7". Dr Clark, in accordance with the ATSA guidelines, is a member of the Association, has extensive training in this field, and used both subjective and objective tests in completing her psychosexual evaluation. Dr. Randolph Waid, who may be an excellent Clinical Psychologist simply did not provide a comparable evaluation and the court should not give it equal weight. To begin with, Dr Waid is not part of the ATSA, he is not listed on the approved

list of Probation and Parole's psychosexual evaluators and used no objective measures in completing his evaluation. This is not in accordance with ATSA guidelines, and does not meet the standard of care for psychosexual evaluations.

Beyond, the evaluation, The State submits the victim's position. Mr. Ronnie Warren, father of the victim, requests sex offender registry. He also wanted jail time for the defendant but supported the plea agreement as a means to keep his daughter from testifying. He asked that his original letter addressing his daughter's reaction to the purported contact by the defendant after sentencing be communicated to the Court. See "State's 12". The State also would like to bring to the Court's attention additional allegations of sexual abuse by the defendant against his biological daughter [REDACTED]. The State is cognizant of the fact that this child is not connected to the facts in the present case, but asserts that the Court has wide latitude in considering issues in sentencing. The Court of Appeals considered the issue of a Judge's discretion during sentencing in *State v. Hicks*, 377 S.C. 322, 325, 659 S.E.2d 499, 500 (Ct.App.2008). In *Hicks*, the Court reconsidered a sentence of a defendant at the request of the State after the father of the victim came forward with additional information and the Defendant's attorney made some misstatements on the record. The *Hicks* Court stated: "A judge or other sentencing authority is to be accorded very wide discretion in determining an appropriate sentence, and must be permitted to consider any and all information that reasonably might bear on the proper sentence for the particular defendant, given the crime committed." See also: ⁸*State v. Fritz*, 2015 WL 3818975 (Ct.App.2015) (unpublished opinion); ⁹*State v. Perez*, 2015 WL 1933739, (Ct.App.2015) (unpublished opinion); *Wasman v. United States*, 468 U.S. 559, 563, 104 S.Ct. 3217, 82 L.Ed.2d 424 (1984).

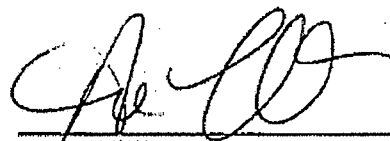
⁸ Appeal originating from a case presided by the Honorable Roger M. Young, Sr. in Berkeley County, SC
⁹ Appeal originating from a case presided by the Honorable J.C. Nicholson, Jr. in Charleston County, SC

In the case at hand, this information is relevant to the defendant's danger to the community, and is appropriate evidence for consideration of his placement on the sex offender registry. The State asserts that this information is appropriate for the Court to consider during sentencing. Two months after the defendant pled guilty to the charges in this case, the King William County, Virginia Department of Social Services founded a sexual abuse claim regarding the defendant's daughter, [REDACTED] against the defendant. He was placed on the Virginia Child Protective Services Central Registry on August 31, 2017. See "State's 1".

Conclusion

The evaluation by Dr Helen Clark recommends sex offender registration for Lawrence Kelly, the victim in the present case reports attempted contact after the defendant was sentenced and another child has reported sexual abuse by the defendant. Wherefore, the State respectfully requests, based on the reasons stated therein that the court place the defendant on the sex offender registry.

Respectfully Submitted,



Anne Williams
Senior Assistant Solicitor

Moncks Corner SC
November_27, 2017

State's 1

**King William County Department of Social Services***Anne M. Mitchell, Director*

172 Courthouse Lane
Post Office Box 187
King William, Virginia 23086

Phone (804) 769-4913
FAX (804) 769-4979

August 31, 2017

Ms. Kimberlee Novembre
3800 Section Road
Lambertville, MI 48144

Dear Ms. Novembre,

This correspondence is to inform you that the Disposition of Founded-Sexual Abuse-Level 2 of your daughter, [REDACTED] Page Novembre, by Lawrence Kelley was sustained on March 28, 2017 by the Administrative Hearing Officer of the Virginia Department of Social Services.

The name of your child will remain in the Virginia Child Protective Services Central Registry for a period of 7 years past the complaint date of June 6, 2016.

Respectfully yours,

Anne M. Mitchell

"Our commitment is strengthening families and connecting our community to meet the needs of our most vulnerable citizens."

State's 2



Children

July 6, 2016

Kymerly Novembre
607 Hickory Hall Lane
Goose Creek, SC 29445

Re: [REDACTED]

Dear Ms. Novembre,

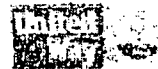
Thank you for attending the Mental Health Assessment on June 28, 2016. The purpose of the assessment was to determine the mental health needs of your child based on measurable information collected regarding possible symptoms and behaviors. Below is a summary and the findings and recommendations.

Based on the results of the assessments completed, [REDACTED] does appear to be experiencing significant amount of symptoms related to trauma. It is not uncommon for children to have these types of symptoms if they have experienced a potentially traumatic event. We recommend that [REDACTED] receives Trauma-Focused Cognitive-Behavioral Therapy (TF-CBT), which is a therapy that has been proven to improve these types of symptoms among children who have experienced such events. Children and parents regularly report reductions in symptoms after receiving TF-CBT. It will involve weekly individual sessions with your child and a therapist. Because caregivers play such an important role in children's lives, you will be an important part of the treatment, as well. Below are three providers who offer trauma focused counseling services in the area. We cannot guarantee that every provider will work effectively with every child/family. Therefore, we encourage you to select a provider with appropriate training and qualifications in addressing your child's specific needs. Please feel free to contact us if you have any questions about how to determine which provider would be a good match for your family.

Jane Evers
Calm Seas, LLC - Child, Family, and Adult Therapy
3 Gamecock Ave Suite 305
843-729-4794

Sallie Campbell
Calm Seas, LLC - Child, Family, and Adult Therapy
3 Gamecock Ave Suite 305
843-224-8315

Dorchester Children's Center
303 E Richardson Ave, Summerville, SC 29483
843-875-1551



State's 3

Kymerlee Novembre

703-489-7180

November 6, 2017

Court of Berkeley County

Ms. Anne Williams

Re: Lawrence Kelley Jr.

To the Honorable Judge of the Court of Berkeley County, Ms. Anne Williams, and To Whom It May Concern:

Demographic information:

- a. Lawrence Kelley Jr.: ex step father - [REDACTED]
- b. Kymerlee Novembre - Sister to Lawrence Kelley Jr.; adoptive mother to [REDACTED]

The purpose of this letter is to offer an account to all parties of the alleged sexual abuse that Willow suffered at the hands of Lawrence Kelley Jr.

October 1, 2014 my husband and I were awarded custody of [REDACTED]. When [REDACTED] first came to live with us there were many concerning behaviors. Willow would smear her feces on the bathroom wall and would scream hysterically when anyone would come in her room to wake her. We enlisted the help of a counselor, Webb Barnes, and Brian West, Ph.D. [REDACTED] was referred to Dr. West at Charleston Psychiatry for a psychological evaluation. October 2015, she was diagnosed with PTSD. [REDACTED] was also under the care of Dr. Mari Asper, child psychiatrist. It was recommended by Dr. Mari Asper that [REDACTED] take Intuniv, Atarax, and Zoloft to help treat her anxiety/PTSD.

During the initial stages of the criminal investigation conducted by Berkeley county my husband and I were awarded custody of [REDACTED]. The day the courts transferred custody, Lawrence saw our vehicle leaving the Berkeley County Sheriff's Department. He immediately called to ask if we were having him arrested for [REDACTED]. By now, we had our suspicions based on [REDACTED] behaviors and the team of professionals we were working with that [REDACTED] had been sexually abused but [REDACTED] had yet to confirm them. There were several other occasions following this one where Lawrence had inquired whether [REDACTED] had accused him of sexual abuse.

State's 3 Cont.

In May of 2016 [REDACTED] shared that Lawrence had touched her inappropriately. Phone calls were immediately placed to the proper authorities in the correct jurisdiction, King William County VA. The King William County Department of Social Services determined that the sexual abuse by Lawrence of Willow was founded. (Letter attached) [REDACTED] also underwent a forensic interview by Low Country Children's Center. She shared how Lawrence had crawled into her bed at night and touched the inside and outside of her vaginal area. Based off of Low Country Children's Center mental health assessment they determined that, "Willow does appear to be experiencing significant amount of symptoms related to trauma". (Letter attached)

In the past year [REDACTED] has shared more about the extent of her abuse. She claims that Lawrence went in her room more nights a week than not to crawl in her bed and touch her vaginal area. [REDACTED] also shared that he did this to her on Christmas. [REDACTED] has also stated that the inappropriate touching started as soon as she moved into the home with Lawrence in June of 2013 and continued until June of 2014 when DSS advised that she stay elsewhere during their investigation of child abuse and neglect.

[REDACTED] still wakes screaming at night and has PTSD meltdowns during the day. She is presently on medication to help with her anxiety and problems sleeping. Occupational therapy also offered her some ways to self soothe and calm to include a weighted blanket. Although Lawrence in 2016 handed me a gift of a diamond necklace for [REDACTED] she never did receive it due to the lack of therapeutic value it offered.

Although I wish that I could be present for court the needs of my family require that I stay home. I am raising seven children including [REDACTED] and three of Lawrence's biological children that I have adopted. [REDACTED]) 11 ADHD and PTSD, [REDACTED]) 5 Autism, ADHD, and fetal alcohol syndrome, [REDACTED]) 4 Nonverbal and fetal alcohol effects, and [REDACTED]) 2 Intrauterine toxin exposure.

I am Lawrence Kelley Jr.'s older sister. I was present and fought for his children and [REDACTED] during a 2014 King William VA child abuse and neglect investigation where I was awarded custody. I then went on to adopt all three children in 2015. Again in 2015 I was there and fought for [REDACTED], the new baby during a Berkeley county DSS investigation, and was awarded custody in 2016. I adopted [REDACTED] a few months after being awarded custody. His path of destruction in children's lives goes beyond child abuse and neglect. According to King William Department of Social Services findings he sexually abused [REDACTED]. He then went on to sexually abuse another child in Berkeley county SC. What I wish for is jail time, what I wish for is someone to impose their will onto him like he has done to two little girls. Instead I will pray that ends up on the sex offender registry. Considering there are two victims that I know of, I believe he is a risk to other children and offending again and should come with a warning label.

I am happy to provide as necessary any supporting documentation that is required.

Very Respectfully,



Kimberlee Novembre

State's 4

South Carolina Department of Probation, Parole, and Pardon Services
Service Referral Information

General Information		
Offender's Name <i>Lawrence Kelly</i>	SIO# <i>0231577</i>	Referral Date <i>6-2-17</i>
Address/Current Location <i>7844 Oak Field dr, sc. 29414 Hollyw</i>	Phone# <i>757-561-8178</i>	Cell Phone #
Offense <i>Assault & Battery 2nd</i>	Date of Birth <i>8-1-81</i>	SSN <i>576-37-4852</i>
Prior Offense History Pertinent to Referral <i>NONE</i>	Family Support System? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Veteran? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Supporting Information/Special Instructions <i>Court order.</i>	Prior Addiction Treatment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Inpatient <input type="checkbox"/> Outpatient	Receiving Public Assistance at this time? If so, list Agency. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Referred by <i>Agent Parson</i>	Office Location <i>Berkeley</i>	Phone# <i>843-761-6577</i>

Reason for Referral

<input checked="" type="checkbox"/> Court/Board Ordered	<input type="checkbox"/> Supervisor Ordered/1182	<input type="checkbox"/> SMART Probation Program
<input type="checkbox"/> Hearing Officer Ordered	<input type="checkbox"/> Agent Ordered	<input type="checkbox"/> Contractual Services
<input type="checkbox"/> Drug Test Results	<input type="checkbox"/> Offender Request	

Reason for Referral (Check all that apply)

<input type="checkbox"/> Substance Abuse Services	<input type="checkbox"/> Vocational/Employment Services
<input type="checkbox"/> Mental Health Services	<input type="checkbox"/> Educational Services
<input type="checkbox"/> Anger Management Services/CDV Treatment	<input checked="" type="checkbox"/> Sex Offender Treatment Services <i>Assessment</i>
<input type="checkbox"/> Life Skills	<input type="checkbox"/> Legal Services
<input type="checkbox"/> Cognitive Behavioral Therapy	<input type="checkbox"/> Financial Services
<input type="checkbox"/> Housing Services	<input type="checkbox"/> Transportation Services
<input type="checkbox"/> Physical/Medical Services	<input type="checkbox"/> Other

Service Provider <i>Summerville Behavioral Health</i>	Address/Location <i>709 Old Trolley Rd</i>	Telephone# <i>843-821-2480</i>
Supporting Information/Special Instructions <i>Dr. Bourke 29485</i>		

Information Release

I authorize release of all information pertinent to my employment, medical, financial, and scholastic records or any other confidential information to the South Carolina Department of Probation, Parole, and Pardon Services (SCDPPPS) duly authorized agents with the understanding that this information will be used to determine the need for services by the referral agency. I authorize SCDPPPS to release information pursuant to Department policies 1404 and 1405 to the Service Provider and I also authorize the service provider specified above release to the duly authorized agents of the South Carolina Department of Probation, Parole, and Pardon Services my treatment plan and summaries of my progress in attaining the objectives therein. I understand that this information will be treated in a confidential manner. I also understand that the consent shall remain in force for (1) one year, or until completion of services provided, whichever occurs earliest.

Offender's Signature <i>[Signature]</i>	Date <i>6/2/17</i>
Signature of Agent/Witness <i>K. Parson</i>	Printed Name Agent/Witness <i>K. Parson</i>
	Date <i>6-2-17</i>

State's 5

Helen Y. Clark, Ph. D.
223 First Street
P. O. Box 1598
Moncks Corner, S. C. 29461
Telephone: (843) 761-5707
FAX: (843) 899-2184

August 16, 2017

Mr. Aaron Mayer, Attorney At Law
2000 Sam Rittenburg Blvd
Suite 2011
Charleston, SC 29407

Re: Lawrence Kelly

Dear Mr. Mayer:

The following is being written per your request and with the permission of Lawrence Kelly. Prior to the assessment, Lawrence was informed anything discussed/disclosed could/would become part of the final assessment summary. He said he understood the process and signed releases for such disclosures.

Sources of Information:

Review of the following documents: Incident Report dated January 4, 2016 (Complainant: Darlene Good, Grandmother of Jasmine - 14 yo female) and Various Pictures - provided by Attorney Aaron Mayer; Same Incident Report; Voluntary Statement (Jasmine Warren dated January 4, 2016); Voluntary Statement (Darlene Good dated January 4, 2016); Arrest Warrants re: Lawrence Kelly; Supplementary Report dated January 5, 2016 - provided by Agent Orsi;

Clinical Sessions: June 26th and July 12, 2017 - Total of 3 hours

Testing: July 27, 2017 (3 hours - The Abel Assessment for Sexual Interest; Personality Assessment Inventory; The Substance Abuse Subtle Screening Inventory - 3; Psychopathic Personality Inventory - Revised; and the Inventory of Offender Risk, Needs, and Strengths);

Evaluation Feedback: August 9, 2017 - Lawrence disagreed with the findings of the Abel Assessment (High Probability of Child Sexual Abuse Behavior; Medium Risk for further sexual acting out behaviors; and sexual interest in Adolescent Females). No major disagreement with the other test findings; he described his attitude throughout the evaluation as open and honest.

Identifying Information/Source of Referral: Lawrence is a 36 yo divorced male who was referred by Attorney Aaron Mayer requesting a Sexual Offender Evaluation. The evaluation will be used by the Solicitor's Office to determine the appropriateness of Lawrence's placement on the Sexual Offender Registry.

Medical/Psychiatric History: Lawrence states he is in good health and on no medication; he reports prior counseling (approximately 6 sessions) to deal with stress re: marital relationship

(ex-wife); **Family History** - Father is reported to be in treatment for depression; denies other family history of psychiatric or substance abuse problems.

Social History: Lawrence is the middle of three children (only male) reared in an intact family; parents divorced when he was 21 years of age. He suspects the divorce was due to incompatibility (post father's Naval retirement). Lawrence describes both parents in positive terms and denies any childhood history of physical or sexual abuse. He states, being the only male, when his father was deployed, his mother expected more from him than his sisters (causing him emotional stress). He describes his childhood as loving and supportive during the times in which his father was home. Lawrence reports doing well in school with no childhood/adolescent history of behavioral difficulties. He graduated from High School at the age of 16 and began working and furthering his education (Associate Degree in Business Management). His work history includes auto mechanics and management (Midas, O'Riley's, Auto Zone). He denies prior legal difficulties and denies any history of substance abuse.

Sexual/Relationship History: Lawrence describes his sexual orientation as "predominantly" heterosexual with a "couple" of homosexual relationships. He reports becoming sexually active at the age of 18 and reports 5 different sexual partners. He denies force during any sexual encounters; limited use of pornography as a teenager (content: adult nudes - females); acknowledges dressing in female clothing (wife's) and denies other sexual acting out behaviors (window peeping; child sexual abuse, obscene phone calls, etc.).

Lawrence reports a history of 3 serious relationships. The first relationship was with a high school sweetheart; it lasted for 5 years and ended due to them "growing apart." The second lasted for 3 years and ended after she became a care giver to her grandparent. The third relationship was with his ex-wife (Sarah). They met at her work place (strip club) and Lawrence states he initially thought she was a single mom working as a stripper to support her daughter. He reportedly later learned Sarah's sister had custody of her daughter due to Sarah's drug use and unstable mood. They were together for 5 years with the time being described as fluctuating between good (Sarah focused upon home and family) and bad (Sarah's drug/alcohol use; mood swings and erratic behaviors). When their second child was born with cocaine in her blood system, Lawrence realized he needed to end the relationship. Lawrence's sister currently has custody of his two children.

Presenting Issue: Lawrence states, five days before going to Family Court to request custody of his younger daughter, he was charged with Criminal Sexual Conduct with a Minor (x5) and Lewd Act on a Minor. He states the allegations began with his wife. Sarah said she saw Lawrence kissing and fondling (breast) Jasmine (14 yo) and told the grandfather (Ben). The grandfather (Ben) pressed charges. Lawrence believes Sarah was able to convince the grandfather (Ben) and Jasmine (14 yo) to go along with the charges because Ben and Sarah were "drinking buddies" and sexually involved; Jasmine (14) and Sarah were "smoking buddies." Lawrence adamantly denies the charges.

A review of the case material provided the following information: Jasmine's grandmother contacted the police when she found sexual messaging between her granddaughter (14 yo) and Lawrence (33 yo). The messages reportedly included statements from Lawrence saying he

wanted to touch Jasmine and asked when she would be returning to his apartment. Jasmine said Lawrence had fondled (breast and vagina) and kissed her on multiple occasions. The behaviors reportedly began when Jasmine was 13 years of age. Officer Gist reported viewing messages in which "the victim and suspect were having a conversation about him touching her again and she acknowledged that she wanted it to happen again."

Testing Results:

The Abel Assessment for Sexual Interest is used to evaluate a persistent sexual interest by gender and age, problematic sexual behaviors, and, if applicable, the impact of childhood sexual abuse upon subsequent sexual acting out behaviors. Lawrence's defensiveness was high (did not interfere with the ability to draw conclusions). Cognitive distortions (thinking errors that justify sexually inappropriate behaviors) were low, indicating Lawrence has understanding of the inappropriateness/harmfulness of child sexual abuse behaviors. Sexual preferences were found to be (in order of preference; highest to lowest) Adult Males followed by Adult Females followed by Adolescent Females (14 - 17 years of age). The probability of Lawrence having engaged in Child Sexual Abuse Behaviors was found to be **High**; the risk for further sexual acting out behaviors, without treatment, was found to be **Medium Risk**. Lawrence denies a childhood history of sexual abuse, denies a history of sexual acting out behaviors, and denies alcohol/drug abuse.

Personality Assessment Inventory is a self-administered, objective personality test. No clinical impressions could be drawn due to Lawrence's degree of defensiveness (attempt to "look good").

The Substance Abuse Subtle Screening Inventory (SSASI-3) is an objective questionnaire that assists in identifying individuals having a high probability of substance dependence. The degree of defensiveness was high, causing some concern re: the findings: low probability for Moderate or Severe Substance Use Disorder. Further evaluation is needed; this can be accomplished during treatment.

The Psychopathic Personality Inventory - Revised is an objective questionnaire that assists in identifying individuals who demonstrate psychopathic (anti-social) traits. The findings were valid, resulting in an ability to draw impressions/conclusions, but, again, Lawrence demonstrated significant effort in presenting himself favorably. He does not appear to possess significant anti-social traits, but does appear to demonstrate a lack of social anxiety re: risky behaviors and views himself as being able to easily influence others.

The Inventory of Offender Risk, Needs, and Strengths is an objective questionnaire that assesses variables related to criminal and violent behaviors (sexual and non-sexual). Although it is evident Lawrence made a significant effort to present himself in a positive manner, the results are valid, resulting in an ability to draw clinical impressions. The overall risk for further difficulty with the law appears **low**. There are indications treatment is needed to address the issue of irresponsibility.

state's 5 cont

Mental Status Exam: Lawrence presented as guarded throughout the evaluation; he kept all appointments, was appropriately dressed, and interacted in an appropriate manner. The Mental Status Exam was Within Normal Limits.

Diagnoses: Adjustment Disorder with Mixed Anxiety and Depressed Mood (F43.23)
R/O Paraphilic Disorder
R/O Personality Disorder

Summary & Recommendations:

1. During the clinical interviews, Lawrence was somewhat guarded. His interactions were appropriate and he demonstrated the ability to know the difference between right and wrong. He consistently denied the sexual abuse allegations. A summary of the charges and resulting plea is as follows: Lawrence said his ex-wife instigated the charges after he sought custody of their baby daughter. He believed she was able to convince Jasmine's grandfather (Ben) to press the charges because they drank together and were sexually involved. Sarah was reportedly able to influence the adolescent (Jasmine) because they were "smoking" buddies. The Solicitor's office reportedly had concern about Sarah's witness credibility and was willing to downgrade the charges to Assault and Battery. Because of his extensive legal expenses and wanting to move forward with his life, Lawrence agreed to the plea.

The case documents provided by Attorney Aaron Mayer and Agent Orsi indicated Jasmine's grandmother called the police after finding sexual messaging between Jasmine (14 yo) and Lawrence (33 yo). The charges Criminal Sexual Conduct with a Minor (x5) and Lewd Act on a Minor were later filed.

2. Significant defensiveness was found throughout the testing: the Personality test was invalid (no conclusions could be drawn) and although conclusions/impressions could be drawn from the remaining instruments, the degree of defensiveness may have resulted in important clinical information not being acknowledged/identified. Lawrence does not appear to have a significant substance abuse disorder (needs further evaluation which can be accomplished during treatment), nor does he appear to demonstrate significant anti-social traits. He does appear to demonstrate a lack of social anxiety re: engaging in risky behaviors and does appear to view himself as being able to easily influence others. There appears to be a low risk for further difficulty with the law. The Abel Screen found cognitive distortions (thinking errors that justify sexually inappropriate behaviors) to be low and sexual preferences were found to be Adult Males followed by Adult Females followed by Adolescent Females (14 - 17 years of age). The probability of Lawrence having engaged in Child Sexual Abuse Behaviors was found to be **High** and the risk for further sexual acting out behaviors, without treatment, was found to be **Medium Risk**.

3. Lawrence's defensiveness throughout the evaluation process, his explanation of the sexual charges, court documentation re: the charges, and the specific findings of the Abel Assessment (High probability of having engaged in Child Sexual Abuse Behaviors and a Medium Risk for further sexual acting behaviors) cause significant clinical concern. Sexual

Offender specific treatment as well as Sexual Offender Monitoring, Supervision and Structure (Probation) are indicated. Placement on the Sexual Offender Registry appears clinically appropriate. It is therefore recommended Lawrence enroll in a Sexual Offender Treatment Program that meets the standards set forth by the Association for the Treatment of Sexual Abusers.

Respectfully Submitted,

Helen Y. Clark, Ph.D.
LISW; LMFT; LPC ; MAC
Clinical Member of the Association for the Treatment of Sexual Abusers

cc: Lawrence Kelly
Agent Orsi, Charleston Probation & Parole
Charleston County Solicitor's Office

State's 6

State of South Carolina
Department of Probation, Parole and Pardon Services

HENRY D. MCMASTER
Governor



JERRY B. ADGER
Director

2221 GREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440
www.dppps.sc.gov/

I, the undersigned Jasmine Warren, hereby state under the pains and penalties of perjury that the following statements are true and correct to the best of my knowledge and belief.

So I decided to check Facebook and it said I had a friend request from Larry Kelley I didn't accept it so I blocked him and deleted him and I went to search for the not location but it wasn't there ~~so I kept~~ because I had blocked him but I didn't remember the date then I finally told my dad

Kelley

Witnessed by Agent Hannah Furell
8/11/17

pg 1 of 2

[Lined area for text entry]

I have read, signed and received a copy of this statement. I understand I may be asked to testify at a hearing about my statements made above.

Sworn to and subscribed before me this 11 day of AUGUST, 2017.

[Signature] (LS)
Signature of Notary Public

My Commission Expires

Jasmine Warten
Affiant
Address: 180 Library St
Spartanburg, SC 29306

Page 2 of 2

States 7

Helen Y. Clark, Ph. D.
223 First Street
P. O. Box 1598
Moncks Corner, S. C. 29461
Telephone: (843) 761-5707
FAX: (843) 899-2184

November 27, 2017

Ms. Anne Williams
Senior Assistant Solicitor
Ninth Circuit Solicitors Office
Berkeley County Courthouse
300-B California Avenue
Moncks Corner, SC 29461

Dear Ms. Williams:

The following is being written at your request re: Lawrence Kelly's Sexual Offender Evaluation.

1. You asked what impact the conversation between myself and Agent Orsi had on the evaluation findings. My response was less than 1%; let me explain. When I was contacted by Agent Orsi, I was informed he had received a call indicating Lawrence had attempted contact with the victim. I suggested he talk with the caller and request, if he/she/they were concerned, to file a report. I also recommended he talk with Lawrence about this. I heard nothing further. When I saw Lawrence, I informed him of the call. He denied any attempted contact with the victim and said he had met with Agent Orsi and the matter was resolved. That is why I said this issue had less than 1% impact on my conclusions; the phone conversation had occurred so I could not say there was 0% impact.

2. What is not a component of Dr. Waid's evaluation is the administration of a psychophysiological measure of sexual arousal, interest, and/or preferences (Penile plethysmograph or Abel Screen). This is a valuable part of the Sexual Offender Assessment. I describe the Abel Screen as a "magnifying glass" focused on a patient's sexual interest, attitude, beliefs and behaviors. It also evaluates the probability of an individual having engaged in some form of child sexual abuse behaviors and the risk for further sexual acting out behaviors. Lawrence's probability of having engaged in some form of child sexual abuse behavior was found to be **High** and the risk for further sexual acting out behaviors was **Medium**.

3. I have included a section from ATSA's Practice Guidelines (Assessment) and have marked a

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couple of areas. You will see in section 5.01, ATSA discusses the components of a Sexual Offender Evaluation. All of the information and findings are then evaluated/reviewed and the clinician forms his/her conclusions/recommendations using the "lense" of his/her knowledge and expertise. In this case, the evaluation components were evaluated through the lense of 37 years of sexual abuse work (my education, training and experience).

4. My final comment concerns Dr. Wade's recommendation for no Sexual Offender Treatment. A Sexual Offender Treatment Program meeting the standards set forth by ATSA is a comprehensive treatment program involving ongoing evaluation and treatment. It is typical with this population, during the course of treatment, to identify other significant treatment needs which may not have been identified during the course of the evaluation (additional victims; other sexual acting out behaviors, other high risk acting out behaviors, childhood abuse, substance abuse, etc). My evaluation indicates a need for further evaluation/treatment.

5. Per your request, attached you will find a copy of my CV. If you have further questions or concerns, please feel free to contact the office. I remain,

Sincerely,

Helen Y. Clark, PhD
LISW; LMFT; LPC; MAC
Clinical Member of the Association for the Treatment of Sexual Offenders

L. Randolph Waid, Ph.D.
Licensed Clinical Psychologist

State's 8 1

The Oaks Business Center
 1459 Stuart Engals Blvd.
 Suite 204-A
 Mt. Pleasant, S.C. 29464

Telephone
 (843) 881-2778
 Fax
 (843) 881-6878

Aaron Mayer, Esquire
 2000 Sam Rittenberg Blvd., Suite 2011
 Charleston, SC 29407

November 12, 2017

RE: Lawrence Kelly

Dear Mr. Mayer:

Lawrence Kelly is a 36-year-old, Caucasian male who was referred for evaluation through the coordination of your office as well as Agent Christopher Orsi of the Department of Probation and Parole. It was my understanding that Lawrence Kelly submitted a plea with regard to multiple criminal charges of criminal sexual conduct with a minor (x 5) and lewd act on a minor. Review revealed that the solicitor's office reportedly may have had concerns regarding the credibility of witness statements, being willing to downgrade the criminal charges to assault and battery. In interview, Lawrence Kelly reported that he had agreed to an Alford plea due to the extensive cost/loss of money associated with his legal expenses. In previous evaluation, as well as the current assessment, Mr. Kelly adamantly denied the allegations/criminal charges. Commencing on October 13th, 2017, Lawrence Kelly underwent evaluation in this office directed toward risk for recidivism of sexual predatory behaviors. Enclosed is a summary of the findings and opinions.

Name: Lawrence Kelly

Age: 36 (██████████)

Sex: Male

Notification: Prior to commencing the evaluation of Lawrence Kelly, he was informed of the purpose of the assessment and the limits of confidentiality. Lawrence Kelly was informed that he was referred for evaluation of his risk for recidivism by his attorney, Aaron Mayer, Esquire. Mr. Kelly was informed that the evaluation would consist of clinical interview, conduction of psychological testing, review of records, as well as use of actuarial measures for prediction of sexual reoffending. Mr. Kelly was informed that a report of my findings and opinions would be provided to Aaron Mayer, Esquire. Mr. Kelly was also informed that the report may be utilized in the legal proceedings with regard to the appropriateness for being placed on the sexual offender registry. As such, information obtained during the conduction of the evaluation would not be confidential. Mr. Kelly was provided an Informed Consent Form detailing the purpose of the assessment and the limits of confidentiality which he read and signed. Mr. Kelly readily agreed to participate in the assessment.

Records Reviewed: Evaluation of Lawrence Kelly was assisted by review of records including the following:

1. Discovery records from the Berkeley County Sheriff's Office including incident and supplementary reports; booking report; arrest warrants; and various pictures provided by Aaron Mayer, Esquire.
2. Report of evaluation conducted on Lawrence Kelly by Helen Y. Clark, Ph.D. (08/16/17).

Procedures: Evaluation of Lawrence Kelly included use of the following psychological and actuarial risk assessment instruments:

1. Minnesota Multiphasic Personality Inventory-2-Restructured Form (MMPI-2-RF).

2. OMNI-IV Personality Disorder Inventory.
3. HARE Psychopathic Checklist: Screening Version.
4. Substance Abuse Subtle Screening Inventory (SASSI-3).
5. Sexual Violence Risk-20 (SVR-20).
6. Static 99 R.
7. Rapid Risk Assessment for Sexual Offender Recidivism (RRASOR).
8. Screening Scale for Pedophilic Interest (SSPI).
9. Minnesota Sex Offender Screening Tool-Revised (MnSOST-R).
10. New Jersey Registrant Risk Assessment Scale (NJRRAS).
11. Inventory of Offender Risk, Needs, and Strengths (IORNIS).
12. Forensic History Questionnaires assessing Mr. Kelly's historical and current status and chronology of life events.

Evaluative Findings: Mr. Kelly was on time for his scheduled appointments. On each occasion he presented appropriately attired with good personal hygiene. There was maintenance of appropriate eye contact and social reciprocity. Mr. Kelly was observed to ambulate without evidence of a gait disturbance. Mr. Kelly engaged well with the evaluative procedures. Affect was euthymic and sensorium was clear. Rapport was easily established with Mr. Kelly and he was experienced as being open and revealing without evidence of being overly guarded and/or defensive in his responding to psychological tests.

In interview, Mr. Kelly reported that he has been divorced for approximately one year, being married to his wife in 2011. Mr. Kelly stated that approximately five days before he was to be awarded custody of the youngest daughter from the marriage with his wife, Sarah, that he was confronted with the criminal charges. There was review with Mr. Kelly of the difficulties in the marriage as he stated that his wife had a history for excessive use/abuse of substances. Mr. Kelly claimed that he was attacked by his ex-wife with a knife upon the discovering of his filing of the divorce papers. Reportedly, this resulted in an arrest. There was review with Mr. Kelly of his belief that when his ex-wife was out on bond, she conspired with a young female, age 13-14, who lived across the hall in the apartment complex (Spring Hill Apartments). There were photos revealing of Mr. Kelly's ex-wife getting "high" with the young female. Mr. Kelly stated his belief that his ex-wife was responsible for the sending of text messages to the phone that the young female used (which belonged to the grandmother), claiming to be from him. Subsequently, the text messages were discovered by the grandmother resulting in a complaint filed by the grandmother (Darlene Goode) regarding the granddaughter having an inappropriate relationship with the neighbor/suspect, Lawrence Kelly. There was subsequent provision of witness statements including the victim/young female providing statements depicting having become friendly with Mr. Kelly's ex-wife, being "welcomed into their home" and claiming there had been multiple incidents in which Mr. Kelly kissed and fondled her. As of January 6th, 2016, Mr. Lawrence Kelly was criminally charged and arrested. As mentioned, the criminal charges were downgraded by the solicitor's office to assault and battery.

Mr. Kelly reported that he is currently employed as a manager at AutoZone, stating that AutoZone recruited him away from O'Reilly's where he had been employed for three years. Mr. Kelly stated that he has resided in Charleston since 2014, believing his ex-wife is currently residing in Virginia. Mr. Kelly stated that his children are currently residing with his sister in Michigan.

Mr. Kelly stated that he is currently experiencing disruptive anxiety/stress related to his involvement in the legal proceedings awaiting an outcome to the case. Mr. Kelly believes his current problems were caused by his divorce and his ex-wife's habitual drug/alcohol use/abuse. Mr. Kelly denied any current use of medications for health reasons or assistance with emotional functioning.

A structured symptom evaluation failed to reveal any complaints by Mr. Kelly with regard to sensory perceptual functioning. Vision is corrected without acuity difficulties. He did acknowledge episodically experiencing sensitivity to exposure to light.

Mr. Kelly was without complaint of motor difficulties. There was no complaint of being disrupted by bodily pain. He does experience occasional stress related headaches. There was no report of being compromised by dizziness/vertigo. Mr. Kelly denied history for seizures.

With regard to cognitive functioning, Mr. Kelly denied experiencing attention/concentration difficulties including an easy distractibility. There was no complaint of memory problems.

With regard to psychological functioning, Mr. Kelly was without complaint with regard to being disruptively depressed or experiencing sleep disturbance. He did acknowledge being stressed and anxious due to his current predicament. There was no complaint with regard to nightmares. He denied having difficulties with irritability or anger dyscontrol. There was no complaint with regard to impulse control problems. Energy level was described as "pretty good." Mr. Kelly acknowledged experiencing mistrustfulness as it relates to his ex-wife and the current legal proceedings, though clinical evaluation failed to reveal paranoid ideation or delusional thinking. There was no report of phobic symptomatology. Mr. Kelly was without hallucinations or evidence of psychotic symptomatology. Appetite was described as "pretty good." Mr. Kelly is not currently involved in an intimate relationship.

Mr. Kelly reported being healthy without history for head or neck injury. There has been previous removal of wisdom teeth but no other involvement in surgical procedures. There is no history for serious infections, allergies, diabetes, hypertension, stroke, or heart problems. He denied history for migraine or tension headaches.

Mr. Kelly was previously involved in brief counseling (six sessions) directed toward the marital relationship with his ex-wife. The counseling took place in Virginia. Mr. Kelly is a minimal social consumer of alcohol. He denied history for problematic use of alcohol. There was no report of experiencing the missing of school or work due to alcohol consumption. He has never been involved in the use of illicit drugs. There is no use of tobacco products. There has been no history for formal substance abuse treatment.

Family History: Significant for a father who has a history of problems with depression including use of medication. Mr. Kelly was unaware of any other family history for psychiatric illness or substance abuse problems.

Psychosocial Review: Mr. Kelly's father, Lawrence Kelly, Sr., was in the United States Navy. Mr. Kelly spent a great deal of his developmental upbringing residing in Washington State. There are two sisters with Mr. Kelly being the middle child. Mr. Kelly reported having a happy childhood, stating that he has maintained good relationships with both of his parents. Mr. Kelly noted that his parents divorced when he was 21 years of age following his father's retirement from the United States Navy. He denied ever being emotionally, physically, or sexually mistreated during his developmental upbringing.

Mr. Kelly is a high school graduate, reporting doing reasonably well in his educational pursuits without history for failure or repetition of grades. He denied history for learning disabilities or need for placement in specialized classes. Mr. Kelly denied being diagnosed with an Attention Deficit Hyperactivity Disorder. Mr. Kelly attained an Associate's Degree in business management from Sergeant Reynold's Community College in Newport News, Virginia. During Mr. Kelly's adult life, he has been employed in auto mechanics as well as management of auto mechanic parts stores including Midas, O'Reilly's, and AutoZone. There is no history for previous criminal arrest or any previous accusations for engaging in sexually deviant behaviors. Mr. Kelly did acknowledge having several homosexual experiences with a male friend who was a professional drag queen. He was also involved in Broadway Dance Art in Williamsburg, Virginia. Mr. Kelly denied ever engaging in the use of force during sexual encounters. Mr. Kelly reported limited use of pornography as an adolescent (adult female content).

Summary of Testing: Mr. Kelly was administered multiple psychological tests to assess his current level of functioning with regard to the experiencing of a clinical disorder, personality disorder, or substance abuse problems. On the Minnesota Multiphasic Personality Inventory-2-Restructured Form (MMPI-2-RF), the

validity scales indicated that Mr. Kelly presented himself in an honest manner without being over-endorsing or defensive in his responding to test items.

Review of the MMPI-2-RF Restructured Clinical (RC) Scales revealed a clinically significant elevation with regard to ideas of persecution (T=75). Mr. Kelly denied being disrupted by demoralization, somatic complaints, low positive emotions, cynicism, antisocial behavior, dysfunctional negative emotions, aberrant experiences, or hypomanic activation. The clinically significant elevation with regard to ideas of persecution is consistent with Mr. Kelly's current predicament revealing him to endorse test items such as "I believe I am being plotted against; I am sure I am being talked about; I have no enemies who really wish to harm me (false).

Review of the MMPI-2-RF Somatic/Cognitive and Internalizing Scales failed to reveal any clinically significant elevations suggestive of suicidal/death ideation, helplessness/hopelessness, self doubt, inefficacy, anxiety, anger proneness, or behavior restricting fears. There was acknowledgment of currently experiencing stress/worry.

Review of the MMPI-2-RF Externalizing, Interpersonal, and Interest Scales failed to reveal report by Mr. Kelly of a history for juvenile conduct problems, substance abuse, or aggression. There was no report of difficulties with interpersonal passivity, social avoidance, shyness, or disaffiliativeness.

Review of the MMPI-2-RF Psy-5 Scales failed to reveal any clinically significant elevations with regard to psychoticism, disinconstraint, aggressiveness, negative emotionality, or introversion.

Mr. Kelly responded to the OMNI-IV Personality Disorder Inventory. The OMNI-IV is a self report inventory designed to assess abnormal personality traits. Mr. Kelly was consistent in his responding to test items. He did not report being overly distressed at the time of completion of the test. Review of the OMNI-IV clinical scales failed to reveal any clinically significant personality abnormalities. Mr. Kelly denied a pervasive pattern of behaviors, traits, or attitudes associated with a personality disorder including paranoid, schizoid, schizotypal, antisocial, borderline, histrionic, narcissistic, avoidant, dependent, and obsessive compulsive.

Mr. Kelly was assessed via the screening version of the Hare Psychopathic Checklist. Review of the extended interview failed to reveal that Mr. Kelly has a history for social/emotional characteristics or lifestyle associated with a psychopathic personality.

Mr. Kelly reported being a minimal social consumer of alcohol without history for problematic usage. He has never engaged in the use of illicit drugs. There are no allegations in the current legal proceedings regarding Mr. Kelly having a history for excessive use/abuse of substances. Mr. Kelly responded to the Substance Abuse Subtle Screening Inventory (SASSI-3). The SASSI-3 is a self report inventory that assists in identifying individuals who are at high probability for having a substance abuse use disorder. Mr. Kelly responded to the SASSI-3 in a non-defensive fashion. Review failed to reveal report of experiencing disruptive symptoms associated with excessive use/abuse of substances. Nor did Mr. Kelly report having numerous obvious and subtle attributes to his personality that are commonly found in individuals with substance abuse problems. Overall, the current evaluation, as well as the SASSI-3, revealed Mr. Kelly to be at low probability for a substance use disorder.

Mr. Kelly was administered multiple actuarial risk assessment instruments developed to assess for the risk of recidivism of sexual predatory behaviors. It needs to be noted that such instruments cannot be used to determine whether someone has committed an act of sexual violence in the past. Nor can they be used to determine whether someone "fits the profile of a sex offender" as no such profile exists. This is pointed out because in Mr. Kelly's case, there is concern with regard to whether he actually engaged in the sexually molesting behaviors of the young female.

One of the actuarial instruments utilized was the Sexual Violence Risk-20 (SVR-20). The SVR-20 is an assessment method developed primarily for use in sexual violence risk assessments conducted in

criminal and forensic contexts. The SVR-20 assesses 11 static/psychosocial adjustment risk factors including history for sexual deviation, victim of child abuse, psychopathy, major mental illness, substance use problems, suicidal/homicidal ideation, relationship problems, employment problems, past nonsexual violent offenses, past nonviolent offenses, and past supervision failure. The SVR-20 also assesses factors associated with past sexual violence including high density sex offenses, multiple offense types, physical harm to victims, use of weapons or threats of death, escalation in frequency/severity, extreme minimization/denial of offenses, and attitudes that support or condone offenses. The SVR-20 also assesses future plans including whether such plans are realistic and whether the individual has negative attitude toward intervention. Assessment of Mr. Kelly utilizing the SVR-20 resulted in a score that placed him in the low risk category.

There was also use of the Static-99-R, Rapid Risk Assessment for Sex Offender Recidivism (RRASOR), and Minnesota Sex Offender Screening Tool-Revised (MnSOST-R). These actuarial instruments focus primarily on static/historical factors. Each of the impairments assessed Mr. Kelly to be at low risk for recidivism of sexual predatory behaviors. Review revealed the Static 99-R to be low with the percentage of sex offenders likely to reoffend within five to six years being less than 9%. With regard to the Rapid Risk Assessment of Sex Offender Recidivism (RRASOR), Mr. Kelly's score was low with the percentage of sex offenders likely to reoffend being less than 8%. With regard to the Minnesota Sex Offender Screening Tool-Revised (MnSOST-R), Mr. Kelly's score was low with the percentage of sex offenders likely to reoffend being less than 1%.

Mr. Kelly was also assessed via the Revised Screening Scale for Pedophilic Interests (SSPI-2). The SSPI-2 is a structured rating scale of four child victim characteristics and child pornography offending for assessing pedophilic sexual interests based on offending behavior. Mr. Kelly's responses resulted in a score that was consistent with less than 9% of males with child sex offenses showing sexual arousal to children when tested on the Penile Plethysmograph (PPt). Thus, Mr. Kelly's SSPI-2 results were not consistent with a diagnosis of Pedophilia/Pedophilic Disorder.

Mr. Kelly was also administered the Inventory of Offender Risks, Needs, and Strengths (IORNS). The IORNS is a 130 item self report measure that is intended to assess static risk, dynamic risk/needs, and protective strength factors as they relate to the risk of general, violent, or sexual recidivism. The IORNS is useful as a predictive measure of risk for recidivism. The IORNS consists of four indexes including the Static Risk Index (SRI), Dynamic Need Index (DNI), and Protective Strength Index (PSI) which are utilized to develop an Overall Risk Index (ORI). The IORNS has two validity scales that assess for inconsistent responding as well as presenting one's self in an overly favorable manner. Review revealed that Mr. Kelly responded in a consistent fashion to test items and did not present himself in an overly defensive/favorable fashion.

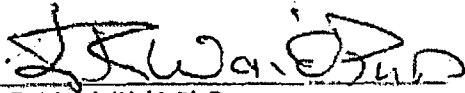
Mr. Kelly's responses to the IORNS resulted in an Overall Risk Index (ORI) that placed him as being at low risk for recidivism which was consistent with that obtained in previous evaluation by Dr. Clark. Consistent with the actuarial measures of recidivism discussed above, Mr. Kelly's Static Risk Index (SRI) was low (7th percentile). Mr. Kelly's Dynamic Need Index was also low (10th percentile) as he does not have a history for manipulateness, impulsivity, or angry detachment associated with psychopathy. Nor was there report of difficulties with intra/interpersonal problems, aggression, or negative social influences. Consistent with previous evaluation conducted by Dr. Clark, there was acknowledgment for irresponsibility however, this reflects Mr. Kelly's denial for having engaged in sexually molesting behaviors of the victim.

With regard to the Protective Strength Index, Mr. Kelly's responses indicate that he has a high level of environmental resources (99th percentile), representative of having friends and family members who have provided instrumental and emotional support to him throughout his life. Mr. Kelly also reported having a good ability to regulate his feelings, cognitions, and behaviors including the management of impulsivity.

Mr. Kelly was also assessed via use of the New Jersey Registrant Risk Assessment Scale (NJRRAS). The NJRRAS was developed by the Statewide Commission of Academics and Practitioners to

aid the Court in Sex Offender Registry decisions. The NJRRAS is comprised of historical/static factors as well as dynamic factors to aid in the prediction of recidivism and need for placement on the Sex Offender Registry. Mr. Kelly's score on the NJRRAS was consistent with the scores obtained on sex offenders in New Jersey who do not require placement on the registry.

Opinions: Mr. Lawrence Kelly is a 36-year-old, divorced male who underwent evaluation in this office directed toward risk for recidivism of sexual predatory behaviors in the future. Mr. Kelly engaged well with the evaluative procedures with rapport being easily established. Evaluation failed to reveal that Mr. Kelly is compromised by a Clinical Disorder, Personality Disorder including psychopathy, or substance abuse problems. Actuarial risk assessment directed toward evaluation of static and dynamic factors as well as protective strength factors rendered the finding that Mr. Kelly is at low risk for sexual recidivism. Indeed, Mr. Kelly's low risk for sexual recidivism and his NJRRAS scores indicate no empirical/quantitative reason for him to be placed on the South Carolina Sex Offender Registry. Nor does Mr. Kelly meet the South Carolina Statutory Definition of a Sexually Violent Predator (SVP). Thus, it is the opinion of this psychologist, L. Randolph Waid, Ph.D. that Mr. Kelly is not in need of placement on the Sexual Offender Registry nor is there need for him to enroll in a sexual offender treatment program.



L. Randolph Waid, Ph.D.
Licensed Clinical Psychologist (SC License #333)

LRW:emf

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Offender: [Blank] Vets: [Blank] PSE: [Blank] Service Providers: [Blank] Fxtn Search: [Blank] General Functions: [Blank] Parole Management (PIC): [Blank]

Select Service Providers and Programs

Results Found: 12													Results Shown: 1-12				
Service Type	Service Provider Name	Program Name	Program State	Program County	Program City	Additional Aids Served	QA Status	Reviewed Date	Program Level	Program Duration	Program Cost	Priority Assigning	Hours of Operation	Program Treatment	Community Assistance Available	Has Medication Access	
Sex Offender Counseling	Southeastern Assessments & MFC Sex Offender Prog	Sex Offender Counseling	SC	DORCHESTER	SUMMERVILLE	Yes	None Assigned	7/11/2017		Need Based	\$50 per Session	UNK	Mon 9:00AM-5:00PM Tue 9:00AM-5:00PM Wed 9:00AM-5:00PM Thu 9:00AM-5:00PM Thu 7:30PM-9:00PM Thu 6:00PM-7:30PM Fri 9:00AM-5:00PM	No	UNK	UNK	
Sex Offender Counseling	Southeastern Assessments & MFC Sex Offender Prog	Sex Offender Counseling	SC	LEXINGTON	LEXINGTON	Yes	None Assigned	7/11/2017		Need Based	\$50 per Session	UNK	Mon 9:00AM-5:00PM Tue 9:00AM-5:00PM Wed 9:00AM-5:00PM Thu 9:00AM-5:00PM Thu 7:30PM-9:00PM Thu 6:00PM-7:30PM Fri 9:00AM-5:00PM	No	UNK	UNK	
Sex Offender Counseling	Southeastern Assessments & MFC Sex Offender Prog	Sex Offender Counseling	SC	CHARLESTON	CHARLESTON	Yes	None Assigned	7/11/2017		Need Based	\$50 per Session	UNK	Mon 9:00AM-5:00PM Tue 9:00AM-5:00PM Wed 9:00AM-5:00PM Thu 9:00AM-5:00PM Thu 7:30PM-9:00PM Thu 6:00PM-7:30PM Fri 9:00AM-5:00PM	No	UNK	UNK	
Sex Offender Counseling	Alternative Life Improvement Center, Inc.	Sex Offender Counseling	SC	CHARLESTON	NORTH CHARLESTON	Yes	None Assigned	6/27/2017		24 Monthly rate	\$45 per Session	No		N/A	No	UNK	
Sex Offender Counseling	Dr. Helen Clark	Sex Offender Counseling	SC	BERKELEY	MONCK'S CORNER	No	None Assigned			Need Based	Sliding	UNK	Mon 9:00AM-5:00PM Tue 9:00AM-5:00PM Wed 9:00AM-5:00PM Thu 9:00AM-5:00PM Fri 9:00AM-5:00PM	No	UNK	UNK	
Sex Offender Counseling	Dr. Thomas Martin Psychiatric Services, P.A.	Sex Offender Counseling	SC	CHARLESTON	NORTH CHARLESTON	Yes	None Assigned			Need Based	\$65 per Session	No	Mon 9:30AM-5:00PM Tue 9:30AM-5:00PM Wed 9:30AM-5:00PM Thu 9:30AM-5:00PM Fri 9:30AM-5:00PM	No	No	UNK	
Sex Offender Counseling	Family Treatment Center	Sex Offender group therapy	SC	CHARLESTON	NORTH CHARLESTON	Yes	None Assigned			Need Based	Sliding	UNK	Mon 2:00PM-10:00PM Tue 2:00PM-10:00PM Wed 2:00PM-10:00PM Thu 2:00PM-10:00PM Fri 2:00PM-10:00PM	No	Yes	UNK	
Sex Offender Counseling	SC Department of Mental Health	Sex Offender Counseling	SC	RICHLAND	COLUMBIA	Yes	None Assigned			Need Based	Sliding	UNK	M-F 8:30AM-5:00PM	No	UNK	Yes	
Sex Offender Counseling	MIMI Blackman, LISW	Individual Sex Offender Counseling	SC	DORCHESTER	SUMMERVILLE	Yes	None Assigned			18 Monthly rate	Sliding	No		No	Yes	No	
Sex Offender Counseling	Jodie J. Moras, LISW	Sex Offender Counseling - Individual	SC	CHARLESTON	MOUNT PLEASANT	Yes	None Assigned			Need Based	Sliding	No		No	UNK	Yes	
Sex Offender Counseling	Jodie J. Moras, LISW	Sex Offender Counseling - Individual	SC	DORCHESTER	SUMMERVILLE	Yes	None Assigned			Need Based	Sliding	No		No	UNK	Yes	
Sex Offender Counseling	Jodie J. Moras, LISW	Sex Offender Counseling - Individual	SC	BERKELEY	MONCK'S CORNER	Yes	None Assigned			Need Based	Sliding	No		No	UNK	Yes	

**ASSOCIATION
FOR THE TREATMENT
OF SEXUAL ABUSERS**

**PRACTICE GUIDELINES
FOR THE ASSESSMENT,
TREATMENT, AND MANAGEMENT
OF MALE ADULT SEXUAL ABUSERS**

2014

(Short title: ATSA Adult Practice Guidelines)

**Association for the Treatment of Sexual Abusers
4900 S.W. Griffith Drive, Suite 274
Beaverton, Oregon 97005
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CMT

for obtaining a more accurate understanding of the current risk and intervention needs of a given individual and for informing adjustments to interventions accordingly.

Overarching Assessment Guidelines

2. Members conduct objective, impartial, and reliable sexual abuser-specific assessments that support well-informed decision making and maintain the credibility and integrity of the profession.

2.01 Members conduct sexual abuser-specific assessments in accordance with the ATSA Professional Code of Ethics and any additional ethical standards, codes, laws, or other expectations for the respective profession or discipline of practice.^a This includes ethical standards pertaining to, but not limited to, the following:

- Informed consent;
- Specialized training, knowledge, expertise, and scope of practice;
- Documentation and retention of records;
- Currency of research;
- Confidentiality;
- Professional relationships; and
- Conduct.

2.02 Members explore and disclose any conflicts of interest or other issues that may interfere with their ability to provide an objective, fair, and impartial assessment, and refer the potential client to another clinician or agency if the assessment process and findings will be compromised by such factors.

^aThe ATSA Professional Code of Ethics is provided to members, and all members agree to adhere to such standards. The ATSA Professional Code of Ethics is publicly accessible at www.atsa.com.

State's 11

 Helen Y. Clark, Ph.D.

223 First Street
 P.O. Box 1598
 Moncks Corner, S.C.
 Telephone: (843) 761-5707
 FAX: (843) 899-2184

 A. EDUCATION

1. Undergraduate: Clemson University, Clemson, SC -
 B.S. Pre-Medicine (1973)
2. Graduate: University of South Carolina, Columbia, SC -
 M.Ed. Rehabilitative Counseling (Mental Health) (Dec. 1974)
3. Graduate: University of South Carolina, Columbia, SC -
 Ph.D. Counselor Education (Dec. 1998)

B. EMPLOYMENT

Private Practice: Helen Y. Clark, Ph.D. (October 2000 -
 Present)

Specializing in Marriage and Family Therapy, Sexual abuse
 Treatment (Child/Adolescent Victim, Adult Survivor, and
 Offender Treatment) and Substance Abuse Treatment; EAP
 Short-Term Treatment for various Networks

Adjunct Professor: Charleston Southern University
 (August 2000 - 2002)

Teach Psychology Courses - Human Growth and Development and
 Child Psychology

Private Practice at Westwood Psychiatric and Psychological
 Services, LLP (January 1995 - November 2000)

Specializing in Marriage and Family Therapy, Sexual abuse
 Treatment (Child/Adolescent Victim, Adult Survivor, and
 Offender Treatment) and Substance Abuse Treatment; EAP
 Short-Term Treatment for various Networks; also
 served as Operations Partner

Psychologist at Charleston Naval Consolidated Brig (August
 1989 - January 1995)

Provided clinical assessment, diagnosis and direct treatment
 to prisoners in need of psychological services (all
 diagnoses). Specialized in sexual abuse treatment to male
 prisoners incarcerated for various sexual offenses. Provided
 emergency psychiatric screening with appropriate referral
 for inpatient/psychiatric care. Provided EAP evaluations
 with referrals to treatment services (to include follow-up)

Director of Social Work Services at South Carolina Department
 of Corrections) (April 1989 - August 1989)

Developed clinical programs for male prison population,
 supervised (4) Master Level Social Workers, emergency

State's II

screening of inmates in need of psychiatric hospitalization and coordinated discharge planning.

Director of Child/Adolescent and Family Services and Addiction Services at a Community Mental Health Clinic with the South Carolina Department of Mental Health (December 1974 - April 1989)

Provided both direct and administrative services; designed and implemented both programs (outpatient, emergency, and specialized programs - sexual abuse, dual diagnosis substance abuse, and Family Preservation), coordinated the substance abuse treatment program, and supervised 12 clinical positions.

C. PROFESSIONAL AFFILIATIONS

1. Clinical Member of the American Association of Marriage and Family Therapists
2. Licensed by the state of South Carolina Board of Examiners:
 - (a) Licensed Independent Social Worker - CP #2212
 - (b) Marriage and Family Therapist #193
 - (c) Professional Counselor #606
3. Certified Alcohol and Drug Counselor (South Carolina)
4. Nationally Certified Masters Addiction Counselor
5. Past President/member of South Carolina Commission on Alcohol and Drug Abuse Certification Review Board
6. Clinical Member Association for the Treatment of Sexual Abusers
7. Previous Board Member for the SC Chapter of the Association for the Treatment of Sexual Offenders

D. Theoretical Orientation: Cognitive/Behavioral

State's 12

Ms. Anne Williams,

We are writing you this letter on behalf of Miss Jasmine Warren. We apologize for taking longer to get back in touch with you.

In regards to Mr. Kelley, we feel that he should receive some kind of jail time for his actions. He knew that he was not supposed to contact Miss Warren in any kind of way, but he did anyway. It has been a difficult road for Miss Warren. She is withdrawn and has difficulties in school. She doesn't speak of this much, but we know what is troubling her.

We are working on getting her into counseling and hope that will help her. It is difficult for us, as her parents, as well. Thank You for your time and we look forward to hearing from you soon.

Sincerely,

Ronnie Warren and Lisa Burnett

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA,

INDICTMENT No.: 2017-GS-08-01190

vs.

LAWRENCE L. KELLEY, JR.

**DEFENDANT'S OPPOSITION TO
PLACEMENT ON SEX OFFENDER
REGISTRY**

Defendant, by and through his undersigned counsel, seeks the Court's entry of an Order placing him, at most, into an Association-for-the-Treatment-of-Sexual-Abusers (ATSA) - approved treatment program as part of his ongoing probation, and declining to place him on a sex offender registry for life. The following are of particular note:

- Mr. Kelley pled under Alford, and adamantly maintains his innocence;
- Dr. Clark erred by using the Abel Assessment for Sexual Interest ("AASI") in Mr. Kelley's evaluation:
 - "According to Dr. Abel, the bivariate analysis indicated that the Abel Assessment is a valid measure of a person's sexual interest **except for males who had been involved sexually with persons 14 to 17 years of age.**" United States v. Robinson, 94 F. Supp. 2d 751, 753 (W.D. La. 2000) (emphasis added). Mr. Kelley was not involved but that is the accusation.
 - Jasmine, the minor female in the case *sub judice* was fourteen years old at the time in question. (Arrest Warrant Affidavit of Kimberly Gist, Jan. 5, 2016; Letter from Dr. Helen Y. Clark to Aaron Mayer (Aug. 16, 2017); Plea Hr'g Tr. 7-8 (June 2, 2017).) Abel analysis was therefore invalid here.
 - Further, the 14-17 year age range is an approximation for the start of puberty. Commonwealth v. Puopolo, No. 11-0758 (Mass. Super. Ct. 2011). Based on the photo(s) she took of herself which were produced in discovery, the minor was well into puberty. This is stated only to explain the inapplicability of the Abel Assessment. Mr. Kelley denies all allegations.
 - "The AASI is a psychological instrument to be used for treatment, not diagnostic purposes, and it is not designed to detect whether a person has sexually abused children." United States v. Birdsbill, 243 F. Supp. 2d 1128, 1131 (D. Mont. 2003). Dr. Clark erred using it for diagnostic purposes here.

- **Even when indicated for use, the Abel Assessments' accuracy rate is at best only 68% -79%.** Ready v. Commonwealth, 824 N.E.2d 474, 479 (Mass. App. Ct. 2005); United States v. White Horse, 177 F. Supp. 2d 973, 975 (D.S.D. 2001); Robinson at 753 (citing Dr. Abel's testimony).
 - "The known or potential error rate of the AASI varies from poor (Gray's calculation of general 21-22% error rate and Dr. Abel's calculation of 32% error rate) to appalling (64% error rate in Dr. Gray's analysis of a group of dissimulators)." Birdsbill at 1135-36
 - That 68%-79% accuracy is woefully inadequate for the beyond-a-reasonable-doubt standard (generally understood to be 90% or higher confidence) applicable to the Court's determination in this matter. See, e.g., <https://courts.uslegal.com/burden-of-proof/beyond-a-reasonable-doubt/> (stating "those legal authorities who venture to assign a numerical value to 'beyond a reasonable doubt' place it in the certainty range of 98 or 99 percent").
- Worse, in testimony on the Abel Assessment, Dr. Abel "discussed 'fail' scores...[that] incorrectly identify ninety-four percent of nonmolesters as sexually interested in children." Ready at 480. **That is an accuracy rate of only 6%.**

In addition to being wrong to use for diagnostic purposes, wrong to use in a criminal case due to high error rates, and additionally wrong to use in this case due to the age and/or development of the minor, the Abel Assessment (AASI) also fails the test for scientific validity. The test is set forth in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993). Under the Daubert standard, the factors that may be considered in determining whether the methodology is valid are: (1) whether the theory or technique in question can be and has been tested; (2) whether it has been subjected to peer review and publication; (3) its known or potential error rate; (4) the existence and maintenance of standards controlling its operation; and (5) whether it has attracted widespread acceptance within a relevant scientific community. The above criteria are conjunctive; all five must be satisfied for scientific reliability.

- The Abel Assessment used by Dr. Clark does not satisfy the Daubert criteria for reliability because of its error rate. White Horse at 976; Ready at 477 (holding that

“the AASI’s high error rate, coupled with Dr. Abel’s solution to the error rate, which is to merely ‘lower the cut-off score’ (thereby erroneously labeling non-molesters as molesters), substantially detracts from the petitioner’s contention that the AASI is scientifically sound and sufficiently reliable to assist the trier of fact”).

- Abel Assessment is a proprietary instrument whose underlying formulas are not released to other professional, so it also fails to satisfy the Daubert criteria because its “black box” workings are not peer reviewed. Ready at 479 (incorporating the thirty-three page decision of the court below); Birdsbill at 1133-34 (“Dr. Abel testified that he does not share his formula with anyone outside his company.”) (internal quotes omitted).
- ATSA practice standards do not endorse the Abel Assessment, casting doubt as to whether it would satisfy a third Daubert criteria (widespread acceptance within a scientific community). Ready at 478; see also, § 5.01 of Exhibit 10 to State’s Motion (ATSA standards not listing Abel).

For all the above reasons, Dr. Clark’s report must be read without her erroneous Abel Assessment findings. Absent the misused and unreliable Abel Assessment, Dr. Clark’s report data is very similar to that of Dr. Waid: both show low risk.

Larry Kelley is not a risk to anyone and there remains no evidence to the contrary. The best evidence is the fact that for the nearly two years since the charges were filed, and for Larry’s prior thirty-odd years of life, he has been a model citizen: hardworking, law-abiding and God-fearing. Mr. Kelley pled to A&B 3rd Degree, under Alford, an offense not requiring sex offender registry, and therefore the Court has discretion.

CORRECTIONS / CLARIFICATIONS TO STATEMENTS IN SOLICITOR’S MOTION

In the absence of any reliable evidence, the State continues to try to smear Mr. Kelley with foundationless claims, such as some alleged Virginia DSS “finding,” that anyone who’s been in family court knows most likely occurred only because Mr. Kelley was not there to address the matter. When he was previously in Virginia, his mentally unstable sister (see affidavit from their mother, attached as Exhibit A) raised the same stuff then and it was summarily dismissed after Mr. Kelley addressed it. See Exhibit B (Virginia DSS In Home Investigation Narrative, and August 14, 2014 letter determining the complaint as Unfounded).

Other corrections / clarifications are probably minor but cumulatively form a more accurate understanding of Mr. Kelley. They are taken in the order in which they appear in the State's motion:

It was not Mr. Kelley allowing Jasmine to watch Netflix at their apartment, it was the defendant's then-wife, Sarah. See Jasmine's hand-written statement.

Sarah and Jasmine were friends and smoked marijuana together. See discovery photos. When Mr. Kelley divorced Sarah, he got child custody and she set Mr. Kelley up on these charges via social media. See Exhibit C (court order granting custody to Mr. Kelley).

South Carolina DSS did not take the children from Mr. Kelley. At the time (long before he filed for divorce) he was still married to Sarah and because of Sarah he felt the children were not safe there, so he voluntarily placed them with his sister to try and save his wife / marriage. Neither worked out well.

At the June plea hearing, the Court authorized an evaluation by either Dr. Burke or Helen Clark. Plea Hr'g Tr. 11, but Dr. Burke required full payment upfront so Mr. Kelley went to Dr. Clark.

The State's subsequent assertions that Mr. Kelley has post-sentencing tried to contact Jasmine on Facebook violate the confrontation clause and lack any corroboration whatsoever. The State has the subpoena power and could obtain records directly from Facebook instead of continuing to rely on slander likely originating from Mr. Kelley's now estranged ex-wife.

The undersigned has never seen any account by Agent Orsi disputing anything, including the notion that Dr. Burke informed Mr. Kelley that the soonest he could get him in was too late for the then-scheduled hearing on the matter. Again the State has provided no evidence for this assertion. It all seems like an attempt to unfairly cast the defendant or counsel in a bad light, and should not be considered.

Lastly, after the solicitor shared the hearsay statements with Dr. Burke, the Court allowed a second opinion from other doctors. That is when the undersigned sent Mr. Kelley to Dr. Waid.

Respectfully submitted,

Aaron Mayer, Esq.
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Charleston, SC 29407
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ATTORNEY FOR DEFENDANT

December 11, 2017
Charleston, SC

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FILED

17 DEC 15 PM 4:24

MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, SC

State's Clarification of Facts in Defendant's Response

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

STATE OF SOUTH CAROLINA

vs.

LAWRENCE LAVERNE KELLEY,
JR.,

DEFENDANT.

Indictment #2017-GS-08-01190

The State, asserts the following clarification of facts recited in Defendant's response:

- 1. Defense Motion state's repeatedly that the victim was 14 when the abuse occurred.

This is untrue; she was 13. The case file is clear that the victim reported that the abuse began in August of 2015 when she was 13 and continued past her 14th birthday in December of 2015. Please see page 2 of incident report by Officer Kimber Gist which reads:

"After arriving on scene, I spoke with the victim who stated she turned 14 years old in December and that some of the sexual acts occurred when she was 13 years old". See "State's 1".

This is also noted in State's footnote 1 in the State's original motion. Also noteworthy with regard to victim's age and maturity: she had been left back once and was in the seventh grade and operating under an IEP (Individualized Education program). See "State's 2"

- 2. The Quote attributed to Dr Abel from United States v Robinson, 94 F. Supp. 2d 751, 753 (W.D. La 2000) is taken out of context and does not account for models of the

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Abel assessment that may not have been relevant to the facts of that specific case. The quote offered by defendant was: "the assessment is a valid measure of a person's sexual interest **"except for males who had been involved sexually with persons 14 to 17 years of age"** (emphasis added - copied from Defendant's motion). Although this may be irrelevant since victim was 13 when the abuse began, in reality, there are several different models and components of the Abel Screen and the Denier-Dissimulator model specifically evaluates the likelihood of a client having touched a child (male or female) **under the age of 18**. (emphasis added). See "State's 3" Dr. Helen Clark's notes; and "State's 4" Dr William Burke's note.

3. Defendant's statement that the Abel Screen fails the test for scientific validity under Daubert and that the accuracy rate of the screen is 6% is false. Please see "State's 5" regarding the cases that have accepted the Abel screen under the Daubert standard (a noteworthy addition is the case defendant cited in his reply: *United States v Robinson*, 94 F. Supp. 2d 751, 753 (W.D. La 2000); and "State's 6" Dr William Burke's clarification of what the "specificity of 94%" being interpreted as a 6% accuracy rate really means.
4. With regard to Defendant's "corrections/clarifications to Statements in Solicitor's Motion"

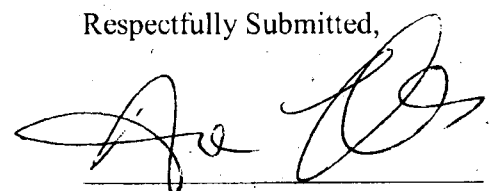
- a. In Defendant's Exhibit B, the August 14, 2014 letter stating the allegations of sexual abuse were unfounded were from an earlier complaint regarding [REDACTED] from before Ms. Novembre had the child. She obtained custody of [REDACTED] in October of 2014 and adopted her in March of 2015. The report offered by defendant is from an earlier disclosure by [REDACTED] of sexual abuse

at the hands of Mr Kelley to a different relative on Sara Kelley's side of the family – unconnected to Ms. Novembre. On the contrary, a disposition of sexual abuse by Lawrence Kelley from a subsequent disclosure was founded in August 31, 2017. See "states 7" (State's 1 from States Original motion in support of placement on the Sex offender registry); and State's 8 letter from Ms Novembre clarifying dates of custody and when she became the "adoptive mother".

b. Also in Defendant's Exhibit B. The uncooperative "aunt" referred to in this July 28, 2016 report is not Ms. Novembre as stated by Defendant. At the time of the offered report, Mrs Novembre was the "adoptive mother". The aunt was a relative of Sara Kelley, named "Robbie Williams". See "State's 8"

5. Although Mrs Novembre is referred to as the "mentally unstable sister" by defendant in his motion ; she was given custody of Defendant's step daughter and three other children and Mr Kelley signed a termination of rights and agreed the children should be adopted by Mrs Novembre. See "State's 9" Final Order of adoption.

Respectfully Submitted,



Anne Williams
Senior Assistant Solicitor

Moncks Corner SC
December 15, 2017

AGENCY I.D.
SC0080000

INCIDENT REPORT

JUVENILE

CASE NUMBER

201601000839

NCIC

IND. ENTD.
N N

EVENT	INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM			
	1. SEXUAL ASSAULT/JUVENILE (11D)		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	Residence/Home (<input checked="" type="checkbox"/> Individual	<input type="checkbox"/> Business		
	2.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> Financial Inst.	<input type="checkbox"/> Government		
VICTIM NO. 1	3.		<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO			<input type="checkbox"/> Refg. Orgn.	<input type="checkbox"/> Soc. Public		
	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					ZIP CODE	WEAPON TYPE			
	100 SWIFT BLVD., GOOSE CREEK					29445	40,			
	INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	24 HR. CLOCK	DEPART. TIME	LOCATION NO.	
	08/01/2015	16:00		12/31/2015	16:00	01/04/16	19:06	19:18	21:26	
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	
	GOOD, DARLENE, RENEE		#1 NE #2 #3		<input checked="" type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> U	W	F	50	N	
	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.			
	100 SWIFT		GOOSE CREEK		SC	29445	Z4			
	VICTIM'S NAME (LAST, FIRST, MIDDLE)		RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	
WARREN, JASMINE, MEDEDA		#1 NE #2 #3		<input checked="" type="checkbox"/> S <input type="checkbox"/> O <input type="checkbox"/> U	W	F	14	N		
HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
502	114	BLN		SSN: 766-09-4312						
ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.				
100 SWIFT BLVD.		GOOSE CREEK		SC	29445	Z4				
VEHICLE INJURY (VCT. 1) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		EXPLAIN -								
VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		UNK <input type="checkbox"/> DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO								
TWO-MAN VEH. <input type="checkbox"/>		ONE-MAN VEH. <input type="checkbox"/>		DETECTIVE/PLASMT. <input type="checkbox"/>		OTHER <input type="checkbox"/>		ALONE <input type="checkbox"/>		
ASSISTED <input type="checkbox"/>		ALONE <input type="checkbox"/>		ASSISTED <input type="checkbox"/>		*J - This Jurisdiction. S - State. O - Out of State. U - Unknown				
SUBJECT NO. 1	<input checked="" type="checkbox"/> SUSPECT	NAME (LAST, FIRST, MIDDLE)		RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	
	<input type="checkbox"/> RUNAWAY	KELLEY, LAWRENCE, LAVERNE		W	M	33	N	08/01/81	507	
	<input type="checkbox"/> WANTED	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.								
	<input type="checkbox"/> WARRANT	SSN: 576374852								
	<input type="checkbox"/> ARREST	ADDRESS		CITY	STATE	ZIP CODE	LOCATION NO.			
	<input type="checkbox"/> JAIL	100 SWIFT BOULEVARD		GOOSE CREEK	SC	29445	Z4			
<input type="checkbox"/> SURMONS	SUBJECT (NO. 1) USING: ALCOHOL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		UNK <input type="checkbox"/>		ARRESTED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DATE/TIME OF OFFENSE		DATE/TIME OF ARREST	
DRUGS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		UNK <input type="checkbox"/>		TYPE:		TOTAL # ARRESTED				
NARRATIVE	ON 1/4/2016 AT APPROXIMATELY 1918 HOURS, I DEPUTY GIST RESPONDED TO 100 SWIFT BLVD APT. B7 IN									
	REGARDS TO AN SEXUAL ASSAULT. UPON MY ARRIVAL, I SPOKE WITH THE COMPLAINANT DARLENE GOOD, WHO									
	ADVISED THAT HER GRANDDAUGHTER (JUVENILE VICTIM) HAD AN INAPPROPRIATE RELATIONSHIP WITH A									
	NEIGHBOR, SUSPECT LAWRENCE L. KELLEY. THE COMPLAINANT ADVISED THAT THE SUSPECT LIVES IN THE									
	APARTMENT ACROSS THE STAIR CASING IN B4. THE COMPLAINANT STATED THAT SHE FIRST NOTICED MESSAGES									
	BETWEEN HER GRANDDAUGHTER THE SUSPECT ON HER FACEBOOK MESSENGER APPLICATION ON HER PHONE.									
	THE COMPLAINANT STATED THAT SEVERAL MESSAGES INCLUDED STATEMENTS BY THE SUSPECT STATED HE									
	WANTED TO TOUCH HER AGAIN, AND WHEN WOULD THE VICTIM BE RETURNING TO HIS APARTMENT. THE									
	COMPLAINANT ADVISED THAT SHE ASKED THE VICTIM ABOUT THE MESSAGES AND WHO THEY WERE FROM. THE									
	VICTIM ADVISED HER GRANDMOTHER THAT SHE WAS FONDLED BY THE SUSPECT ON MULTIPLE OCCASIONS AT									
				JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY			JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY			
PROPERTY EST.	TYPE (GROUP)								TOTAL VALUE	
	STOLEN									
	DAMAGED									
	BURNED									
	RECOVERED									
	SEIZED									
ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED		<input type="checkbox"/> ARRESTED UNDER 18		<input type="checkbox"/> EX-CLEAR UNDER 18	
	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> UNFOUNDED		<input type="checkbox"/> ARRESTED 18 AND OVER		<input type="checkbox"/> EX-CLEAR 18 AND OVER	
	REASON FOR EXCEPTIONAL CLEARANCE: 1. <input type="checkbox"/> OFFENDER DEATH. 2. <input type="checkbox"/> NO PROSECUTION. 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION. 5. <input type="checkbox"/> JUVENILE - NO CUSTODY									
	REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER		
	GIST, KIMBER		01/04/16	4916	PETERS, JOHN		01/04/16	1823		
				FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		OFFICER				

FEB 10 2016

State's 7 Cont 69

AGENCY I.D.
SC0080000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
2 0 1 6 0 1 0 0 0 8 3 9

NCIC
INQ. ENTD.
N N

ORIGINAL REPORT
 MODIFIED ORIGINAL

SUPPLEMENTAL REPORT
 CASE STATUS CHANGE

ADDITIONAL VICTIMS
 ADDITIONAL OFFENDERS

ADDITIONAL STOLEN PROPERTY
 ADDITIONAL RECOVERED PROPERTY

PAGE 2 of _____ PAGES

VICT./SUBJ. I.D. OVERFLOW

COMPLAINANT
 VICTIM #
 SUBJECT #
 RUNAWAY
 WANTED
 WARRANT
 ARREST
 JAIL
 SUMMONS

NAME (LAST, FIRST, MIDDLE)
HEIGHT WEIGHT HAIR EYES FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

VICTIM RELATIONSHIP TO SUBJECT
RESIDENT RACE SEX AGE D.O.B. ETH

ADDRESS CITY STATE ZIP CODE LOCATION NO. DAY PHONE EVENING PHONE

VICTIM NO. _____: VISIBLE INJURY: NO YES
COMPLAINT OF NON-VISIBLE INJURIES: NO YES
EXPLAIN: _____
VICTIM USING ALCOHOL: NO YES UNK.
DRUGS: NO YES TYPE: _____
 SUBJECT NO. _____: USING ALCOHOL: NO YES
USING DRUGS: NO YES → TYPE: _____

TWO-MAN VEHICLE DETECTIVE/PLASMT. ALONE
 ONE-MAN VEHICLE OTHER ASSISTED

NARRATIVE

THE SUSPECT'S HOME. THE VICTIM ALSO TOLD THE COMPLAINANT THAT ALL THE SEXUAL FONDLING OCCURRED AT THE SUSPECT'S RESIDENCE AT VARIOUS TIMES THROUGHOUT THE DAY. AFTER ARRIVING ON SCENE, I SPOKE WITH THE VICTIM WHO STATED SHE TURNED 14 YEARS OLD IN DECEMBER AND THAT SOME OF THE SEXUAL ACTS OCCURRED WHILE SHE WAS 13 YEARS OLD. THE VICTIM STATED SHE FIRST MET THE SUSPECT WHEN HIS WIFE CAME TO HER APARTMENT TO BORROW SOME KETCHUP. THE VICTIM STATED SHE WAS WELCOMED TO HOME BY THE SUSPECT AND THE SUSPECT'S WIFE MULTIPLE TIMES, BECAUSE THEY HAD NETFLIX AND SHE COULD COME OVER AND WATCH IT ANYTIME. THE VICTIM STATED THE FIRST EVENT HAPPENED SOMETIME IN AUGUST, AND THAT HE KISSED HER ON THE LIPS AND TOUCHED HER BREAST WHILE THEY WERE SITTING ON THE FLOOR

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY
JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH./GUN/ETC. 1

STATUS TYPE
 STOLEN VEHICLE
 RECOVERED GUN
 FOUND BOAT
 TOWED LICENSE PLATE
 SUSPECT SECURITIES/BONDS, STOCKS
 VICTIM ARTICLE

VM AND/OR LICENSE NO. BOAT HULL NO. AND/OR REG. NO.
SERIAL AND/OR OWNER APPLIED NO. STATE
YEAR OF REGISTRATION YEAR OF EXPIRATION YEAR MAKE TYPE
MODEL STYLE COLOR BRAND NAME CALIBER
NIC NO. DENOMINATION ISSUER SECURITIES DATE
MISCELLANEOUS

PROPERTY EST.

TYPE (GROUP)	TOTAL VALUE
STOLEN	
DAMAGED	
BURNED	
RECOVERED	
SEIZED	

ADMINISTRATIVE

SUBJECT IDENTIFIED: YES NO
SUBJECT LOCATED: YES NO

ACTIVE ADM. CLOSED
 UNFOUNDED

ARRESTED UNDER 18
 ARRESTED 18 AND OVER

EX-CLEAR UNDER 18
 EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH. 2. NO PROSECUTION. 3. EXTRADITION DENIED. 4. VICTIM DECLINES COOPERATION. 5. JUVENILE - NO CUSTODY

REPORTING OFFICER(S): GIST, KIMBER DATE: 01/04/16 UNIT NUMBER: 4916
APPROVING OFFICER: PETERS, JOHN DATE: 01/04/16 UNIT NUMBER: 1823

FOLLOW-UP INVESTIGATION: YES NO

Anne M. Williams

From: lburnett34 <lburnett34@gmail.com>
Sent: Wednesday, December 13, 2017 2:09 PM
To: Anne M. Williams
Subject: RE: jasmine Warren

Jasmine Warren was held back in Middle School because of a learning disability. She's currently on an IEP & has been since Middle School. Please call with any further questions.

Sent from my MetroPCS 4G LTE Android Device

----- Original message -----

From: "Anne M. Williams" <williamsa@scsolicitor9.org>
Date: 12/13/17 12:19 PM (GMT-05:00)
To: lburnett34@gmail.com
Subject: jasmine Warren

Ms Burnett:

Can you please confirm in an email what we discussed- that Jasmine was left back in middle school and also required an IEP (individualized Education Program)? Thank you!

Anne Millar Williams

Senior Assistant Solicitor

Ninth Circuit Solicitor's Office

300-B California Avenue

Moncks Corner, SC 29461

P: (843) 719-4529

Helen Clark

State's 3

71

I am providing the following information in response to the material you forwarded (Defendant's Opposition to Placement on Sex Offender Registry). I am expecting a call from Dr. White, PhD (staff member of Abel Screening, Inc) but as stated previously, he is out of town, Dr. Abel is out of town and on vacation, and the organization itself is in the process of moving to another location. I will forward that information when received.

1. The Abel Assessment for Sexual Interest is an empirically validated, comprehensive **evaluation and treatment assessment tool** used by clinicians to objectively measure a client's sexual interests and obtain information regarding a number of abusive or problematic sexual behaviors.

2. A Sexual Offender Evaluation involves several components: 1:1 comprehensive interview of the individual undergoing the evaluation, review of any/all pertinent documents (which can be obtained), and objective testing. All components/information and findings are then evaluated/reviewed and the clinician forms his/her conclusions/recommendations using the "lense" of his/her knowledge and expertise. In this case, the evaluation components were evaluated through the lense of 37 years of sexual abuse work (my education, training and experience).

3. The Abel Screen contains a component that evaluates the likelihood of a client (Lawrence) having touched a child (male or female) **under the age of 18** (Denier-Dissimulator model). The probability of having engaged in this past sexual behavior is based on a combination of variables from the Male Abel Assessment of Sexual Interest - 3 (AASI-3) Questionnaire and the Visual Reaction Time (VRT). The client's response patterns are compared to those of child sexual abusers who attempt to conceal having sexually abused a **child 17 years of age or younger**. Lawrence's probability was found to be **Higher Risk**.

4. Sexual Interests: A heterosexual or bi-sexual male (Lawrence Kelly) demonstrating sexual interest in an adult male or female and adolescent male or female is considered a normal profile. What is problematic - if the person acts on those interests in a sexual manner. This is then a **serious violation of appropriate boundaries**.

5. On April 17, 2000, the US District Court of the Western District of Louisiana concurred the AASI (Abel Assessment for Sexual Interest) passed the Daubert Standards. The AASI has passed numerous Daubert hearings, including not simply Visual Reaction Time but **as a testing assessment** containing 12 measures. The Abel Assessment has been used more than 148, 000 times in over 800 locations by more than 5000 mental health providers. It has been included in the training of psychiatrists at the American Psychiatric Association; The Association for the Treatment of Sexual Abusers has recognized the Abel Assessment for Sexual Interest as one of two instruments used to corroborate the report of sexual interest in children (February 25, 2002).

Visual Reaction Time assessment has been empirically tested. The empirical test can be found in Sexual Abuse, Vol. 10: 81-95, 1998. The study compares Visual Reaction Time with plethysmography and was authored by Abel, et al from the Behavioral Medicine Institute of Atlanta. Other independent studies have also been done. All of the independent studies were completed independently and were presented at the Association for the Treatment of Sexual

Abuser meeting in September 1999. All found the AASI to be valid and those studies examining reliability also found it to be reliable.

Evidence of peer-review and publication is the Abel et al article. It was reviewed by the editorial staff of Sexual Abuse and completed the customary editorial scrutiny. Visual Reaction Time was also reviewed in a publication of the American Psychiatric Association entitled Dangerous Sexual Offenders by Zonana published in 2000 by the American Psychiatric Association Press. The four independent research presented their findings at a national meeting - considered peer-review, since their results were available for public scrutiny.

The measures of reliability entitled "Test-Retest for Visual Reaction Time" showed the test-retest reliabilities (primarily in the .8 range). The second measure of reliability involved the Crombach alpha (fell in the .8 range). Regarding the validity of Visual Reaction Time, the bivariant analysis reported in Sexual Abuse 10: 81-95, 1998 showed the sensitivity varying from 66 to 91 % and the four studies also showed significant validity for the Visual Reaction Time. Regarding whether standards and safeguards are in place for consistency of administration, there is training required to qualify for administration of the AASI and all sites (using the AASI) are using identical software and equipment.

No medical (mammography, EKG, etc) or behavioral test is without some range of error.

7. I have included information I hope will be useful as you consider this matter; they include: Association for the Treatment of Sexual Abusers Practice Standards and Guidelines, information re: AASI's acceptance by various courts, and research articles pertinent to the use of AASI.

From: Anne M. Williams
Sent: Wednesday, December 13, 2017 1:16 PM
To: 'William Burke' <drburke58@gmail.com>
Subject: RE: abel assessment question

Thank you

Anne Millar Williams
Senior Assistant Solicitor
Ninth Circuit Solicitor's Office
300-B California Avenue
Moncks Corner, SC 29461
P: (843) 719-4529
F: (843) 719-4588



From: William Burke [mailto:drburke58@gmail.com]
Sent: Wednesday, December 13, 2017 1:09 PM
To: Anne M. Williams <williamsa@scsolicitor9.org>
Subject: Re: abel assessment question

Sexual attraction for adult males typically involve ephebophilic arousal (i.e. 14 to 17 year olds). It seems this attorney is taking statements out of context. If the victim was a female who was 14 and the Abel showed sexual interest in 14 to 17 old females, then it does suggest that he is aroused to that age group.

The Abel has met Daubert in two states (Arizona is one and I cant remember the other) while in Massachusetts it failed daubert. Dr. Clark is correct to use it and ATSA does endorse the Abel.

On Wed, Dec 13, 2017 at 11:29 AM, Anne M. Williams <williamsa@scsolicitor9.org> wrote:

With regard to the attachment I sent- if you don't have time to look at all of it- can you tell me if this statement true : Abel Assessment is a valid measure of a person's sexual interest **except for males who had been involved sexually with persons 14 to 17 years of age.**

AASI ACCEPTED BY COURTS

Court Cases Involving The Abel Assessment *for sexual interest*[™] (AASI)

FEDERAL CASES:

United States vs. Anthony Graves

2005 D.C. Super. LEXUS 14 (SUPER D.C. 2005)
Passed Daubert standard.

U.S. v. Joseph Stoterau

(No. 07-50124)

U.S. Court of Appeals, Ninth Circuit, Central District of California

Judge Andrew J. Guilford, April 29, 2008

Court determined that "the district court did not abuse its discretion in imposing Abel testing."

U.S. v. Lamont Robinson

(No. 99-20063-01)

U.S. District Court, Western District of Louisiana, Lafayette-Opelousas Division, Judge Tucker Melancon, April 17, 2000.

The Judge ruled the AASI met the **Federal Daubert Standard**.

United States v. Staff Sergeant James L. Parker, Jr. United States Air Force

David Walker, M.D., was allowed to present the results of an AASI in the sentencing phase of an incest case in Federal Court on October 15, 2001. (Unpublished)

US Air Force Court of Criminal Appeals – Denied (Unpublished ACM 35673), October 18, 2005

U.S. District Court, Middle District of Florida

(No. 3:07-CR-80-J-25TEM)

Hon. Henry Lee Adams.

AASI results were **admissible** during sentencing.

STATE CASES:

State of California v. Jose Flores

San Francisco County Superior Court, October 20, 2003
AASI results submitted as evidence
Appeal denied (Unpublished 2046662), April 14, 2005

State of Louisiana v. Robert James Lege

(Docket Nos. 34746 and 34747)
15th Judicial District Court, Judge Durwood Conque, April 26, 2001.

State of New Mexico, Children, Youth and Families Department

(D-132-JQ-01-00009)
In the matter of M-S, Judge Barbara Vigil ruled that the AASI met the Daubert Standard for admission as evidence. August 9, 2001.

Commonwealth of Massachusetts v. Kruger

Superior Court, Middlesex County, May, 2002.

Commonwealth of Massachusetts v. Robert Anderson

(WOCV2001-01348)
Worcester Superior Court, May 14, 2002.

Commonwealth of Massachusetts v. Aron Lyons, a.k.a. Roy Swimm

Superior Court, Plymouth County, June, 2002.

Commonwealth of Massachusetts v. Leonard Hewson

Superior Court, Middlesex County, June, 2002.

Children Youth and Families Dept. (CYFD) IMO EM and AC, children, and concerning RM and Mike Crespin, Respondents, 4th District, Las Vegas, NM)

Opposing counsel used the Birdsbill case, with objections such as "no control group," "abysmal stats" and "lack of peer review." Each complaint was addressed in light of R&D over the past several years. The judge ruled that the entire AASI test does meet Daubert criteria.

V. Daniel Gonzales, Second District, NM, CR-2007-05166

NM Supreme Court ruled on the VRT portion of the Abel, that the VRT portion in isolation does meet the Daubert standard of evidence.

Department of Energy Office of Hearings and Appeals: Personal Security Hearing (TSO-0235)

Personal Security Hearing, April 25, 2005
Individual's security access authorization was suspended due to several issues including multiple allegations of child sexual abuse. AASI admitted as evidence.

Chicago Transit Authority v. Amalgamated Transit Union, Local.

Appellate Court of Illinois: First District, Third Division. (399 Ill. App. 3d 689, 692) March 24, 2010. Charge: Aggravated criminal sexual abuse of 12 year old stepdaughter. He was placed on probation with treatment.

People of the State of Illinois v. Jacob Sandry, (367 Ill. App. 3d 949, 971-972) Oct. 2006. Inmate had been released into an outpatient treatment program, but the group leader wanted to send him back to prison because he had been to the mall with a girlfriend who had a child. The **AASI was used to help document his current status**, and he was placed with another group leader for the duration of his treatment.

Juvenile Cases in St. Louis County and City, Missouri

Children were alleged to be perpetrators of sexual abuse. By using the AASI, it was determined that one charge was a mistake, one claim was valid, and the other was found not guilty by judicial decision. The AASI **assisted in the recommendations for treatment for the juvenile that was convicted**.

There are two more cases, one in Texas and another in Massachusetts, where the AASI was accepted in the guilt phase of trials.

The Daubert Standard

I. Is the underlying theory or technique (methodology or reasoning) at issue empirically testable, and has it been tested? (The following all found validity)

- Abel, G.G., & Wiegel, M. (2009). Visual reaction time: Development Theory, Empirical Evidence and Beyond. *Sex Offenders: Identification, Risk Assessment, Treatment, and Legal Issue*, pp. 101-118. Saleh, F., Grudzinskas, A., Bradford, J.M., Brodsky, D. (Eds), Oxford University Press.
- Brown, M. (1979). Viewing time of pornography. *The Journal of Psychology*, 102, 83-95.
- Harris, G.T., Rice, M.E., Quinsey, V.L., & Chaplin, T.C. (1996). Viewing time as a measure of sexual interest among child molesters and normal heterosexual men. *Behavior Research and Therapy*, 34(4), 389-394.
- Quinsey, V.L., Ketschis, M., Earls, C., & Karamanoukian, A. (1996). Viewing time as a measure of sexual interest. *Ethology & Sociobiology*, 17(5), 341-354.
- Rosenzweig, S. (1942). The photoscope as an objective device for evaluating sexual interest. *Psychosomatic Medicine*, 4, 150-158.
- Abel, G.G., Huffman, J., Warberg, B.W., and Holland, C.L. Visual reaction time and plethysmography as measures of sexual interest in child molesters. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 10, No. 2, pp.81-95, 1998.
- Fetourneau, F.J. A comparison of objective measures of sexual arousal and interest: Visual reaction time and penile plethysmography. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 14, No.3, pp. 207-223, 2002.
- Johnson, S.A. and Eistak, A. The measurement of sexual preference: A preliminary comparison of phallometry and the Abel assessment. *The Sex Offender*, Vol. III, Chapter 26, Schwartz, B.K. (Ed.) Civic Research Institute.
- Gray, S.R., and Plaud, J.J. A comparison of Abel Assessment for sexual interest™ and penile plethysmography in an outpatient sample of sex offenders. *Journal of Sexual Offender Civil Commitment: Science and the Law*, Vol. 1, pp. 1-10, 2005.
- Fetourneau, F.J. (1999, September). A comparison of the penile plethysmograph with the Abel Assessment for sexual interest™ on incarcerated military sex offenders. Paper presented at the 18th Annual Research and Treatment Conference of The Association for the Treatment of Sexual Abusers, Lake Buena Vista, Florida.
- Seghorn, T.K., & Wiegel, M. (1999, September). Comparative use of Abel assessments and penile plethysmograph laboratory assessments in an outpatient forensic practice. Paper presented at the 18th Annual Research and Treatment Conference of The Association for the Treatment of Sexual Abusers, Lake Buena Vista, Florida.

2. Has the theory or technique been subjected to peer review and publication?

- Abel, G.G., Huffman, J., Warberg, B.W., and Holland, C.L. Visual reaction time and plethysmography as measures of sexual interest in child molesters. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 10, No. 2, pp.81-95, 1998.
- Letourneau, E.J., A comparison of objective measures of sexual arousal and interest: Visual reaction time and penile plethysmography. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 14, No.3, pp. 207-223, 2002.
- Abel, G.G., Jordan, A., Hand, C.G., Holland, L.A. and Phipps, A. Classification models of child molesters utilizing the Abel Assessment for sexual interest™. *Child Abuse & Neglect: The International Journal*, 25(5), 703-718, 2001.
- Gray, S.R., and Plaud, J.J. A comparison of Abel Assessment for sexual interest™ and penile plethysmography in an outpatient sample of sex offenders. *Journal of Sexual Offender Civil Commitment: Science and the Law*, Vol. 1, pp. 1-10, 2005.
- Johnson, S.A. and Listiak, A. The measurement of sexual preference: A preliminary comparison of phallometry and the Abel assessment. *The Sex Offender*, Vol. III, Chapter 26, Schwartz, B.K. (Ed.) Civic Research Institute.
- Kalmus, E. and Beech, A.R. Forensic assessment of sexual interest: A review. *Aggression and Violent Behavior*, Vol. 10, pp. 193-217, 2005.

3. What is the known or potential error rate of the technique in question, and are there standards and safeguards controlling the operation of the technique or device?

- Cronbach's alpha reliability .8 - .9 and sensitivity of 66%-91%
- Abel, G.G., Huffman, J., Warberg, B.W., and Holland, C.L. Visual reaction time and plethysmography as measures of sexual interest in child molesters. *Sexual Abuse: A Journal of Research and Treatment*, Vol. 10, No. 2, pp.81-95, 1998.
- Abel, G.G., Jordan, A., Hand, C.G., Holland, L.A., and Phipps, A. Classification models of child molesters utilizing the Abel Assessment for sexual interest™. *Child Abuse & Neglect: The International Journal*, 25(5), 703-718, 2001.
- Standards and safeguards include ASI workshop training, webinar training, training videos, phone consultations with Dr. Abel or other ASI psychologists, and website training materials. The AASI-2 is standardized: Same stimulus materials, same software, standard data processing and standard reports

4. General acceptance by the scientific community.

- VRT accepted since 1940's
- Abel Assessment used more than 148,000 times in over 800 locations, by more than 5000 mental health providers
- The AASI is one of two instruments that should be used to corroborate the report of sexual interests in children according to the national Association for the Treatment of Sexual Abusers (approved February 25, 2002).

- Kalmus, E. and Beech, A.R. Forensic assessment of sexual interest: A review. *Aggression and Violent Behavior*, Vol. 10, pp. 193-217, 2005.

Anne M. Williams

From: William Burke <drburke58@gmail.com>
Sent: Friday, December 15, 2017 8:38 AM
To: Anne M. Williams

I was unable to finish my letter for you as my granddaughter had a dance recital West Ashley. I didnt get home until almost midnight.

Feel free to use all of my emails. One additional point, the specificity of 94% does not mean the Abel has "an appalling error rate" with only 6% being accurate. In fact it is the opposite with 6% misdiagnosis. Also, the Gray studies of dissimulation are on known offenders who deny.

The Abel is clearly intended for evaluation and treatment purposes.

states 7



King William County Department of Social Services

Anne M. Mitchell, Director

172 Courthouse Lane
Post Office Box 187
King William, Virginia 23086

Phone (804) 769-4913
FAX (804) 769-4979

August 31, 2017

Ms. Kimberlee Novembre
3800 Section Road
Lambertville, MI 48144

Dear Ms. Novembre,

This correspondence is to inform you that the Disposition of Founded-Sexual Abuse-Level 2 of your daughter, [REDACTED], by Lawrence Kelley was sustained on March 28, 2017 by the Administrative Hearing Officer of the Virginia Department of Social Services.

The name of your child will remain in the Virginia Child Protective Services Central Registry for a period of 7 years past the complaint date of June 6, 2016.

Respectfully yours,

Anne M. Mitchell

"Our commitment is strengthening families and connecting our community to meet the needs of our most vulnerable citizens."

Kymerlee Novembre

703-489-7180

December 13, 2017

Court of Berkeley County

Ms. Anne Williams

Re: Lawrence Kelley Jr.

To the Honorable Judge of the Court of Berkeley County, Ms. Anne Williams, and To Whom It May Concern:

Demographic information:

- a. Lawrence Kelley Jr: Ex step father- [REDACTED]; biological father to [REDACTED] (Kelley), [REDACTED] (Kelley), and [REDACTED]
- b. Kymerlee Novembre: Sister to Lawrence Kelley Jr.; adoptive mother to [REDACTED] (Sarhalar), [REDACTED] (Kelley), [REDACTED] (Kelley), and [REDACTED] (Kelley)
- c. [REDACTED] (Sarhalar): Minor child DOB [REDACTED]
- d. [REDACTED] (Kelley): Minor child DOB [REDACTED]
- e. [REDACTED] (Kelley): Minor child DOB [REDACTED]
- f. [REDACTED] (Kelley): Minor child DOB [REDACTED]
- g. Sarah Kelley: Ex-wife to Lawrence Kelley Jr.; biological mother to [REDACTED] (Sarhalar), [REDACTED] (Kelley), [REDACTED] (Kelley), and [REDACTED] (Kelley); half- sister to Robbie Williams
- h. Robbie Williams: Maternal Aunt- [REDACTED]

During the summer of 2014 there was an ongoing abuse and neglect investigation by the King William Virginia DSS against Lawrence Kelley and Sarah Kelley. As part of a safety plan between Lawrence, Sarah and the DSS it was agreed that [REDACTED] go to Robbie Williams home in SC because she had court ordered visitation with [REDACTED] during that time and that [REDACTED] and [REDACTED] were placed in my care. All children were placed in each respective home on or about June 14, 2014. October 1, 2014 my husband and I were awarded custody of [REDACTED] [REDACTED] and [REDACTED] [REDACTED] was still in the care of Robbie and the judge stated that she had one week from court to deliver [REDACTED] to our care. [REDACTED] was brought to my home October 8, 2014. The beginning of 2015 both Lawrence and Sarah voluntarily signed termination of

parental rights papers so that we would be able to adopt all three children. The court date for the adoption of [REDACTED] [REDACTED] and [REDACTED] was March 4, 2015.

Robbie Williams was [REDACTED] maternal aunt, and Sarah Kelley's half-sister. Robbie had custody of [REDACTED] prior to June of 2013 when it was transferred back to Sarah. During the previously mentioned DSS investigation it was noted that Robbie was not cooperating with the DSS or with the GAL.

After adopting [REDACTED] [REDACTED] and [REDACTED] in March of 2015, Lawrence and Sarah had another child together in July of 2015. [REDACTED] was born positive for cocaine and was placed in my care on or about August 5, 2015 by Berkeley county DSS. That investigation by DSS led to my husband and I being awarded custody of [REDACTED] in January 2016. During court Lawrence and Sarah both went on record before the judge that it was their intentions to allow us to adopt [REDACTED] Sarah and Lawrence voluntarily signed termination of parental rights papers, which Lawrence paid his own attorney Mr. Mayer to draft. The adoption was finalized in April of 2016.

Very Respectfully,

Kymerlee Novembre

on May 30, 1980, and resides at 607 Hickory Hall Lane Goose Creek SC 29445.

3. The Plaintiffs are husband and wife having married on February 11, 1999 in Newport News, Virginia.

4. This is an action to establish the adoptions of [REDACTED], born [REDACTED]; [REDACTED]; and [REDACTED] born [REDACTED].

5. [REDACTED] was born in Florence, South Carolina.

6. [REDACTED] and [REDACTED] were born in York County, Virginia.

7. Sarah Suzan Kelley is the biological mother of the three children at issue. She has executed consents relinquishing her parental rights to these children and authorizing the Plaintiffs to adopt them. These consents are attached to the complaint as Exhibit A. These consents expressly waive notice of these proceedings.

8. Lawrence LaVerne Kelley, Jr. is the biological father of [REDACTED] and [REDACTED]. He has executed consents relinquishing his parental rights to these children and authorizing the Plaintiffs to adopt them. These consents are attached to the complaint as Exhibit B. These consents expressly waive notice of these proceedings.

9. Jesse Dean Whitesell has been adjudicated by the Commonwealth of Virginia to be the biological father of [REDACTED]. He has executed a consent relinquishing his parental rights to this child and authorizing the Plaintiffs to adopt her. This consent is attached to the complaint as Exhibit C. This consent expressly waive notice of these proceedings.

10. Sarah Suzan Kelley and Lawrence LaVerne Kelley, Jr. are married to each other. Lawrence LaVerne Kelley, Jr. is the brother of the Plaintiff, Kimberlee Ann Marie Novembre.

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11. Kymberlee Ann Marie Novembre is the biological aunt of [redacted] and [redacted] and the step-aunt of [redacted]

12. Thomas Joseph Novembre is the uncle-in-law of [redacted] and [redacted] and the step-uncle-in-law of [redacted]

13. The Plaintiffs have had placement of [redacted] and [redacted] since June 14, 2014 and have had placement of [redacted] since October 8, 2014.

14. The Plaintiffs desire to establish the relationship of parent and child between them and the three children at issue, and the Plaintiffs are fit and proper persons and able to care for the children and to provide for the children's welfare.

15. The Plaintiffs desire to change [redacted] name to [redacted]

16. The Plaintiffs desire to change [redacted] name to [redacted]

17. The Plaintiffs desire to change [redacted] [redacted] name to [redacted]

[redacted]

18. The guardian ad litem has conducted a thorough investigation in this matter, including meeting with the Plaintiffs and the minor children in the Plaintiffs' home and contacting the children's birth parents. She believes the adoption and name changes are in the children's best interests. She believes [redacted] should be informed of the name change in a therapeutic setting.

Based on the foregoing findings of fact this court makes the following conclusions of

law:

- a. When an adoption is of spouse's child or child who is related by blood or marriage, no investigation or report required under the provisions of Section 63-9-520 is required unless otherwise directed by the court; no accounting by the petitioner of all disbursements required under the provisions of Section 63-9-740 is required unless the accounting is ordered by the court; and upon good cause

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shown, the court may waive the requirement, pursuant to Section 63-9-750, that the final hearing must not be held before ninety days after the filing of the adoption petition. S.C. Code Ann. § 63-9-1110.

Wherefore it is hereby ordered that:

- I. Sarah Suzan Kelley's parental rights to [REDACTED], [REDACTED] and [REDACTED] are terminated;
- II. Lawrence LaVerne Kelley, Jr.'s parental rights to [REDACTED] and [REDACTED] are terminated;
- III. Jesse Dean Whitesell's parental rights to [REDACTED] are terminated;
- IV. The Plaintiffs request to adopt [REDACTED], [REDACTED] and [REDACTED] is granted and the relationship of parent and child between the Plaintiffs and these children is established;
- V. [REDACTED] name is changed to [REDACTED]. [REDACTED] shall be informed of this name change in a therapeutic setting;
- VI. [REDACTED] name is changed to [REDACTED];
- VII. [REDACTED] name is changed to [REDACTED];
- VIII. The \$750.00 fee the Plaintiffs have paid the guardian in this case shall be the guardian's fee in this matter.

IT IS SO ORDERED!

s/ Jack A Landis
 JACK ALAN LANDIS
 PRESIDING JUDGE, FAMILY COURT

Moncks Corner, South Carolina
3-4, 2015

4/4

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

2018 FEB 15

PK

IN THE COURT OF GENERAL SESSIONS

NINTH JUDICIAL CIRCUIT

INDICTMENT: 2017-GS-08-1190

STATE OF SOUTH CAROLINA

BERKELEY

vs.

ORDER

LAWRENCE KELLEY, JR.,

DEFENDANT.

This matter comes before the Court pursuant to Defendant Lawrence Kelley, Jr.'s guilty plea under *North Carolina v. Alford*, 400 U.S. 25 (1970), entered on June 2, 2017. Assistant Solicitor Anne Williams was present on behalf of the State, and Attorney Aaron Mayer was present on behalf of the Defendant. The facts presented by the State at the plea are as follows: "The 14-year old victim was living with her grandparents at the time . . . in an apartment in Goose Creek. The defendant was living across the hallway with his wife in the same apartment complex. Sometime around January 4, 2016, the grandmother saw some suggestive messages between the two on Facebook Messenger. [T]he 14-year-old told her grandmother and wrote a statement for law enforcement that she had been going over to the apartment to watch Netflix, and on a couple of occasions the defendant had touched her breasts over her clothing."

The Defendant agreed that the State could call witnesses to testify to the facts as presented at the plea. When asked "[i]f the jury heard those facts, they most probably would find you guilty beyond a reasonable doubt?," the Defendant responded, "Yes, Your Honor." The Defendant pled guilty under *Alford* to one count of Assault and Battery, Second Degree. The State dismissed one count of Criminal Sexual Conduct with a Minor, Third Degree, and recommended three years in the State Department of Corrections, suspended to a term of probation. A sexual offender evaluation was to be conducted

and submitted to the Court to allow determination of whether Defendant should be placed on the Sex Offender Registry, S.C. Code § 23-3-430, at a later date. The Defendant was sentenced to three years in the State Department of Corrections, and the balance was suspended with probation for five years with the additional terms of substance abuse counseling, if needed, and drug and alcohol testing. Credit for time served was awarded, and a sexual offender evaluation was ordered.

Sex offender evaluations were conducted by Dr. Helen Clark, Ph.D. (report dated August 16, 2017) and Dr. L. Randolph Waid, Ph.D. (report dated November 12, 2017). Each evaluation was reviewed *in camera* by the Court along with briefs submitted by Solicitor Williams and Attorney Mayer. Dr. Clark's report included multiple psychological assessments, including the Abel Assessment for Sexual Interest. Dr. Clark's report indicated "the probability of Lawrence having engaged in Child Sexual Abuse behaviors was found to be High; the risk for further sexual acting out behaviors, without treatment, was found to be Medium Risk." Dr. Clark ultimately opined that "Defendant's defensiveness throughout the evaluation process, his explanation of the sexual charges, court documentation regarding the charges, and the specific findings of the Abel Assessment caused significant clinical concern." Dr. Clark deemed placement on the Sex Offender Registry clinically appropriate. Dr. Waid's report also included multiple psychological assessments, including the New Jersey Registrant Risk Assessment Scale (NJRRAS). Dr. Waid's analysis found Defendant to be "low risk for sexual recidivism" and did not find a reason for Defendant to be placed on the Registry based on the NJRRAS scores.

After fully reviewing the reports of Dr. Clark and Dr. Waid and the briefs submitted by Counsel, this Court finds that Defendant's placement on the Sexual Offender Registry is appropriate pursuant to S.C. Code § 23-3-430(D), as good cause has been shown by the Solicitor to place the Defendant on the Sex Offender Registry. The South Carolina Court of Appeals has found the "good cause" standard of S.C. Code §23-3-430(D) was satisfied in a case in which the Defendant pled guilty.

to Assault and Battery of a High and Aggravated Nature, admitted to having sex with a 14 year-old girl, and testimony indicated the defendant knew where the victim lived and lived within a half mile of her residence. *See State v. Hicks*, 377 S.C. 322 (2008). Defendant Kelley entered a guilty plea to Assault and Battery, Second Degree under *Alford*, acknowledging that the State could present witnesses to testify to the facts as presented at the plea hearing, including testimony that the Defendant had touched the breasts of a 14 year-old girl.¹ As noted by *State v. Herndon*, "[I]n South Carolina there is no significant distinction between a standard guilty plea and an *Alford* plea. The *Alford* plea may nevertheless offer advantages to both the state and the defendant by facilitating a more efficient trial, providing the defendant a choice that benefits her interests, or obviating a humiliating public admission of guilt.... Moreover, the defendant entering an *Alford* plea is still treated as guilty for the purposes of punishment." *State v. Herndon*, 403 S.C. 84 (2013). Defendant Kelley freely and voluntarily entered his plea under *Alford* with the knowledge that Sex Offender Registry was a potential condition of his sentence.

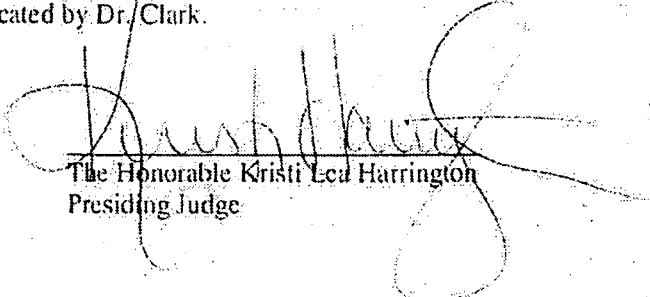
Further, both the State and Defense Counsel acknowledge complaint(s) for Sexual Abuse filed against the Defendant with the Virginia Department of Social Services (DSS), alleging abuse of Defendant's daughter. A letter from Virginia DSS dated August 14, 2014, states that one complaint was deemed "Unfounded for Sexual Abuse," but further stated that the "risk of future harm to the child(ren) [was] assessed as High." *See Defendant's Opposition to Placement on Sex Offender Registry*, Exhibit B. A letter from Virginia DSS dated August 31, 2017, sustained a separate Complaint for Sexual Abuse of Defendant's daughter by Defendant as "Founded" (Complaint filed June 6, 2016). *See State's Clarification of Facts in Defendant's Response*, State's 7.

¹ The State's recitation of the facts at the plea hearing noted that the Victim was 14 years old. The State's Clarification of Facts in Defendant's Response, filed December 15, 2017, states that the Victim reported the abuse first began when she was 13 years old.

In reviewing the reports of both doctors, this Court finds the interview and evaluation conducted by Dr. Clark to be more comprehensive. Dr. Clark conducted two clinical sessions on June 26, 2017, and July 12, 2017, totaling 3 hours and a testing session on July 27, 2017, totaling 3 hours. Dr. Clark's report includes a thorough discussion of Defendant's social and sexual/relationship history. Dr. Clark's report also used the Abel Assessment for Sexual Interest, which has been used in South Carolina. *See In Re Care and Treatment of Tucker*, 353 S.C. 466 (2003) (noting the Abel Assessment "measures whether someone is aroused by something that is considered abnormal, such as pedophilia"). In addition, Dr. Clark's qualifications include her position as a Clinical Member of the Association for the Treatment of Sexual Abusers and inclusion on the list of approved psychosexual evaluators compiled by the South Carolina Department of Probation, Parole, and Pardon Services

Thus, this Court finds good cause shown by the Solicitor and finds Defendant's placement on the Sex Offender Registry appropriate, as indicated by Dr. Clark.

IT IS SO ORDERED!



The Honorable Kristi Lea Harrington
Presiding Judge

February 6, 2018
Charleston, South Carolina

AMW/0312778
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2016-01000839

ARREST WARRANT NUMBER

2017-GS-08-01190

DATE OF ARREST

01/06/2016

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2017-GS-08-01190

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

JUNE TERM 2017

THE STATE

VS.

LAWRENCE LAVERNE KELLEY,

JR.

W/M DOB: [REDACTED]

Indictment for

ASSAULT & BATTERY, 2ND DEGREE

SC Code: § 16-03-0600(D)(1)

CDR Code: 3413

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

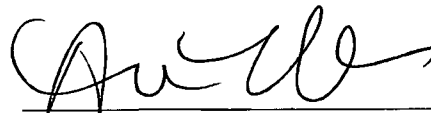
INDICTMENT

At a Court of General Sessions, convened June 2017, the Grand Jurors of Berkeley County present upon their oath:

ASSAULT & BATTERY, 2ND DEGREE

That in Berkeley County , South Carolina, on or between December 1, 2015 and December 31, 2015, the Defendant, Lawrence Laverne Kelley Jr., did commit an unlawful act of injury upon the victim, Jasmine Mededa Warren, or did offer or attempt to injure the victim, Jasmine Mededa Warren, with the present ability to do so and the act either: (1) resulted or could have resulted in moderate bodily injury to the victim; or (2) involved nonconsensual touching of the private parts of the victim, either under or above clothing. This is in violation of Section 16-3-600(D)(1) 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.

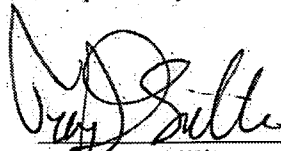


ANNE M. WILLIAMS
SENIOR ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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



Taylor D Gilliam
Appellate Defender

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

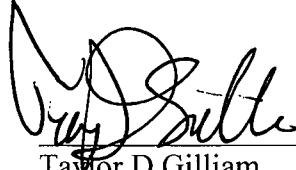
ATTORNEY FOR APPELLANT

This 22nd day of May, 2019.

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,



Taylor D Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
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ATTORNEY FOR APPELLANT

This 22nd day of May, 2019.