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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2018-002092

RECEIVED

JUN 13 2019

SC Court of Appeals

The State of South Carolina,

Respondent,

v.

Dorian Rosean Hopkins,

Appellant,

RECORD ON APPEAL

James R. Snell, Jr.
Vicki Koutsogiannis
Christopher B. Lusk
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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina,)

Indictment Number: 2017 GS 32 03924

Warrant Number: 2017-14031600948

vs.)

ORDER

Dorian Rosean Hopkins)
Defendant)

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2018

CHARGE(S): Indecent Exposure

THIS MATTER COMES BEFORE THE COURT on Motion to Reconsider Present
at the hearing were: James Snell, representing the Defendant; and
Kate Ustry, representing the State.

The following motions were presented: Defendant's Motion to
Reconsider (Filed March 21, 2018)

Attached pertinent documents were submitted by the State/Defendant and were made a part of the record.

The Court determined: Motion DENIED. Defendant must
register as a sex offender

IT IS SO ORDERED

Judy Yeamer
Presiding Judge
Fifth Judicial Circuit

Columbia, South Carolina

This 13th day of November 20 18

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

STATE OF SOUTH CAROLINA }
COUNTY OF LEXINGTON }

IN THE COURT OF GENERAL SESSIONS
FOR THE ELEVENTH JUDICIAL CIRCUIT

State of South Carolina,

vs.

Dorian Rosean Hopkins,

Defendant.

Case No.: 2017GS3203924

MOTION TO RECONSIDER

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2018 MAR 21 AM 9:08
LISA J. COMER
CLERK OF COURT
LEXINGTON SC

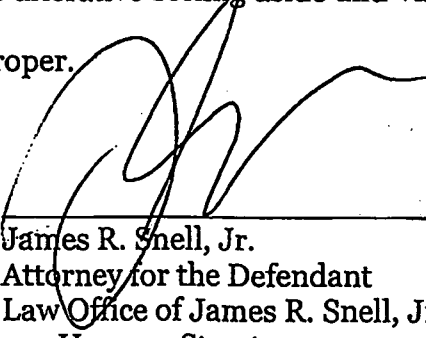
The Defendant plead to indecent exposure on March 12, 2018. As part of his sentence he was required to register as a sex offender. The Defendant is now informed and believed that he is entitled to an order finding that the sex offender registry should not be required, or in the alternative setting aside his plea and reopening his case.

Requiring the Defendant to register does not further the purpose of the registry to "promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens" as stated in S.C. Code § 23-3-400. Further the Defendant believes that there was an insufficient basis for the court to find that sex offender registration should be required pursuant to S.C. Code § 23-3-430(c)(14).

At the time of the guilty plea the Defendant was represented by Jason Turnblad, Esq., with the public defender's office. The Defendant has retained James R. Snell, Jr., with the Law Office of James R. Snell, Jr., LLC, for purposes of this motion. The Defendant requests for a hearing on this motion to be scheduled after an opportunity for the transcripts for the initial plea hearing to be prepared, and for the Defendant to have an opportunity to submit to an examination by a forensic psychologist to obtain expert testimony in support of the request to remove the registry requirement. Defense

counsel has submitted a request for the transcripts and the initial appointment for the evaluation has already been scheduled at the time of the filing of this motion.

WHEREFORE, the Defendant prays for an Order removing the sex offender registration requirement or in the alternative setting aside and vacating his plea, and for all other relief which is just and proper.



James R. Snell, Jr.
Attorney for the Defendant
Law Office of James R. Snell, Jr., LLC
123 Harmon Street
Lexington, South Carolina 29072
(803) 359-3301

March 21, 2018
Lexington, South Carolina

STATE OF SOUTH CAROLINA }

IN THE COURT OF GENERAL SESSIONS
FOR THE ELEVENTH JUDICIAL CIRCUIT

COUNTY OF LEXINGTON }

State of South Carolina, }

Case No.: 2017GS3203924

vs. }

CERTIFICATE OF SERVICE

Dorian Rosean Hopkins, }

Defendant. }

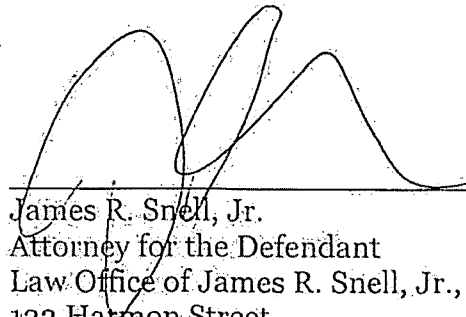
The Defendant's Motion for Reconsideration was mailed to the following on
March 21, 2018:

The Honorable Jocelyn Newman
P.O. Box 192
Columbia, South Carolina 29202-0192

Kate Whetstone Usry, Esq.
11th Circuit Solicitor's Office
205 East Main Street
Lexington, South Carolina 29072

Jason Turnblad, Esq.
Lexington County Public Defender's Office
202 East Main Street
Lexington, South Carolina 29072

FILED
2018 MAR 21 AM 9:08
LISA M. COMER
CLERK OF COURT
LEXINGTON SC



James R. Snell, Jr.
Attorney for the Defendant
Law Office of James R. Snell, Jr., LLC
123 Harmon Street
Lexington, South Carolina 29072
(803) 359-3301

March 21, 2018
Lexington, South Carolina

1	State of South Carolina)	
)	
2	County of Lexington)	In the Court
)	Of General Sessions
3	State of South Carolina,)	Indictment No.: 2017-GS-32-03924
)	
4	Plaintiff,)	
	vs.)	Transcript of Record
5)	
6	Dorian Rosean Hopkins,)	
)	
7	Defendant.)	
)	

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March 12, 2018
Lexington, South Carolina

BEFORE:

The Honorable Jocelyn Newman, Judge

APPEARANCES:

Angela Martin, Assistant State Solicitor
Attorney for the State

Jason Turnblad, Assistant Public Defender
Attorney for the Defendant

ALSO PRESENT:

Dorian Rosean Hopkins

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INDEX

PAGE

Guilty Plea

3

Certificate of Reporter

16

EXHIBITS

NO. DESCRIPTION

ID EVDS.

NONE

1 Thereupon, the following proceedings were had,

2 THE CLERK: Dorian Hopkins. Indictment number
3 2017-GS-32-03924. State versus Dorian Hopkins indicted
4 for indecent exposure. He is pleading to the same. It
5 has been true billed. He's represented by Mr. Turnblad.

6 Thereupon,

7 DORIAN HOPKINS

8 after having been first duly sworn, testified as follows,

9 THE COURT: Mr. Turnblad, you represent Mr. Hopkins?

10 MR. TURNBLAD: Yes, Your Honor.

11 THE COURT: Have you explained to him the charges
12 and possible punishment and his constitutional rights?

13 MR. TURNBLAD: Yes, Your Honor.

14 THE COURT: To the charge of indecent exposure does
15 he want to plead guilty or not guilty?

16 MR. TURNBLAD: Guilty.

17 THE COURT: Do you agree with his decision to plead
18 guilty?

19 MR. TURNBLAD: I do.

20 THE COURT: Do you believe that if required to do so
21 the State could prove him guilty of this offense beyond a
22 reasonable doubt?

23 MR. TURNBLAD: Yes, Your Honor.

24 THE COURT: Mr. Hopkins, are you currently under the
25 influence of alcohol or drugs?

1 DORIAN HOPKINS: No, ma'am.

2 THE COURT: Have you had any in the past 24 hours?

3 DORIAN HOPKINS: No, ma'am.

4 THE COURT: Do you take any medications?

5 DORIAN HOPKINS: No, ma'am.

6 THE COURT: Are you aware of any physical, mental or
7 emotional conditions that you have that would prevent you
8 from understanding what you are doing here?

9 DORIAN HOPKINS: No, ma'am.

10 THE COURT: You clearly understand what you're doing
11 here today?

12 DORIAN HOPKINS: Yes, ma'am.

13 THE COURT: You are here to plead guilty to indecent
14 exposure; is that correct?

15 DORIAN HOPKINS: Yes, ma'am.

16 THE COURT: Okay. Solicitor, let me hear the
17 facts.

18 MS. MARTIN: Thank you, Your Honor. May it please
19 the Court. Your Honor, I'm handling this for another
20 Solicitor. On April 14th of 2017 at the Walmart on Bush
21 River Road here in Lexington County, Your Honor, one of
22 the loss prevention officers that was watching the closed
23 circuit TV monitoring people in the Walmart noticed that
24 something strange was going on. He and his supervisor
25 observed a man later found out to be Mr. Hopkins, but

1 this man was in the cosmetics section looking at a lady.
2 He had exposed his private parts. He was masturbating.
3 He then ejaculated. They followed him out of the store.
4 It happened very quickly. They followed him out of the
5 store. They were able to zoom in and get a license tag
6 on the car, ran it through DMV. They called the Columbia
7 Police Department. The Columbia Police Department pulled
8 up the DMV photo and it was Mr. Hopkins and that matched
9 the person that was on the video. Your Honor, he was
10 later picked out of a lineup by the loss prevention
11 officers and he was arrested.

12 Your Honor, he has a little bit of a record. In
13 2006 he has an ABHAN. In 2010 he has a burg second and a
14 malicious injury to property. He has a breach of peace
15 in 2017. Your Honor, I think Ms. Usry talked to
16 Mr. Turnblad about this. There was an arrest in 2016 for
17 an indecent exposure but there's no disposition and Ms.
18 Usry looked through public indexes and could not find it
19 here or in Richland County. The only reason I would ever
20 bring that up is that it's the same charge. It's a
21 little concerning and registry is in your discretion.

22 THE COURT: Okay. Did that happen at the Walmart,
23 Mr. Hopkins?

24 DORIAN HOPKINS: Yes, ma'am.

25 THE COURT: To the charge of indecent exposure do

1 you plead guilty or not guilty?

2 DORIAN HOPKINS: Guilty.

3 THE COURT: Are you guilty?

4 DORIAN HOPKINS: Yes, ma'am.

5 THE COURT: Has anyone promised you anything,
6 threatened you, coerced you or mistreated you to force
7 you to plead guilty?

8 DORIAN HOPKINS: No, ma'am.

9 THE COURT: Are you pleading guilty of your own free
10 will and accord?

11 DORIAN HOPKINS: Yes, ma'am.

12 THE COURT: Is it your decision to plead guilty?

13 DORIAN HOPKINS: Yes, ma'am.

14 THE COURT: Are you pleading guilty because you are
15 guilty?

16 DORIAN HOPKINS: Yes, ma'am.

17 THE COURT: You understand that by pleading guilty
18 you're giving up your right to remain silent?

19 DORIAN HOPKINS: Yes, ma'am.

20 THE COURT: Do you understand that by pleading
21 guilty you're giving up your right to have a jury
22 trial?

23 DORIAN HOPKINS: Yes, ma'am.

24 THE COURT: Do you understand that by pleading
25 guilty you're giving up your right to require that the

1 State prove that you're guilty of this offense beyond a
2 reasonable doubt?

3 DORIAN HOPKINS: Yes, ma'am.

4 THE COURT: Are you satisfied with your attorney?

5 DORIAN HOPKINS: Yes, ma'am.

6 THE COURT: Has he done everything you have asked
7 him to do?

8 DORIAN HOPKINS: Yes. He has.

9 THE COURT: Have you had enough time to talk to
10 him?

11 DORIAN HOPKINS: Yes.

12 THE COURT: Have you understood your talks with
13 him?

14 DORIAN HOPKINS: Yes, ma'am.

15 THE COURT: Do you need any more time to talk to
16 him?

17 DORIAN HOPKINS: No, ma'am.

18 THE COURT: Do you have any complaints about him
19 whatsoever?

20 DORIAN HOPKINS: Not at all.

21 THE COURT: Do you understand this charge carries a
22 penalty of up to three years in prison?

23 DORIAN HOPKINS: Yes, ma'am.

24 THE COURT: Knowing that I could send you to the
25 Department of Corrections for three years do you still

1 want to plead guilty?

2 DORIAN HOPKINS: Yes.

3 THE COURT: Are you sure?

4 DORIAN HOPKINS: Yes, ma'am.

5 THE COURT: Have you understood all of my
6 questions?

7 DORIAN HOPKINS: Yes, ma'am.

8 THE COURT: Have you been truthful in your responses
9 to me?

10 DORIAN HOPKINS: I have.

11 THE COURT: I find there's a substantial factual
12 basis for Mr. Hopkins' plea. That he's made the plea
13 freely and voluntarily, knowingly and intelligently with
14 the advice of competent counsel with whom he says he is
15 satisfied and I will accept his plea. Mr. Hopkins, if
16 you choose to do so, you have ten days from today's date
17 to file a notice of intent to appeal. Do you understand
18 that?

19 DORIAN HOPKINS: Yes, ma'am.

20 THE COURT: All right. Anything else from the
21 State?

22 MS. MARTIN: No, ma'am.

23 THE COURT: Sir.

24 MR. TURNBLAD: Your Honor, as you can imagine Dorian
25 is very embarrassed by this. Very nervous here today.



1 In our talks with him he's very soft spoken. You can't
2 tell for as big a guy that he is. He's living on campus,
3 going to Greenville Tech, with his wife. He's getting
4 his associate's degree in arts and science and he's
5 working in a student work program on campus to earn money
6 as well. He actually had an exam today that he had to
7 get excused from so that he can be here but he has that
8 exam that he needs to take care of.

9 Your Honor, he's been a really nice guy. Like I
10 said, he's very embarrassed and we would ask you to
11 consider not putting him on the registry for this. He's
12 not - it wasn't any kind of predatory thing. I think it
13 was just stupid.

14 THE COURT: Well, right. And so my question is if
15 you're embarrassed now, why weren't you too embarrassed
16 to do it then?

17 DORIAN HOPKINS: To be honest, I was just -- It was
18 just a certain time. I was stalling some time to wait
19 for my wife.

20 THE COURT: Where was your wife?

21 DORIAN HOPKINS: My wife was on the way home from
22 work and I was supposed to, you know, I was gonna head to
23 meet her home but I end up going to Walmart and doing
24 something stupid.

25 THE COURT: So the problem is if you want to waste

1 time by masturbating, you do that in private. Or if
2 you want to waste time by Walmart, that's fine. You just
3 don't masturbate in front of some lady while you're in
4 Walmart. Putting the two together is where I'm confused.
5 So instead of being embarrassed as you stand here right
6 now having to explain yourself, why weren't you too
7 embarrassed to pull your penis out?

8 DORIAN HOPKINS: I didn't show anyone. I just -- It
9 wasn't - it wasn't my intent to show anyone at all. I
10 didn't really. It was just caught on camera. But I
11 really think it was very stupid. Just -- My wife get on
12 me about it every single day.

13 THE COURT: Well, where in the store were you?

14 DORIAN HOPKINS: In cosmetics. Well, walking into
15 the gardening which was on the side of the cosmetics.

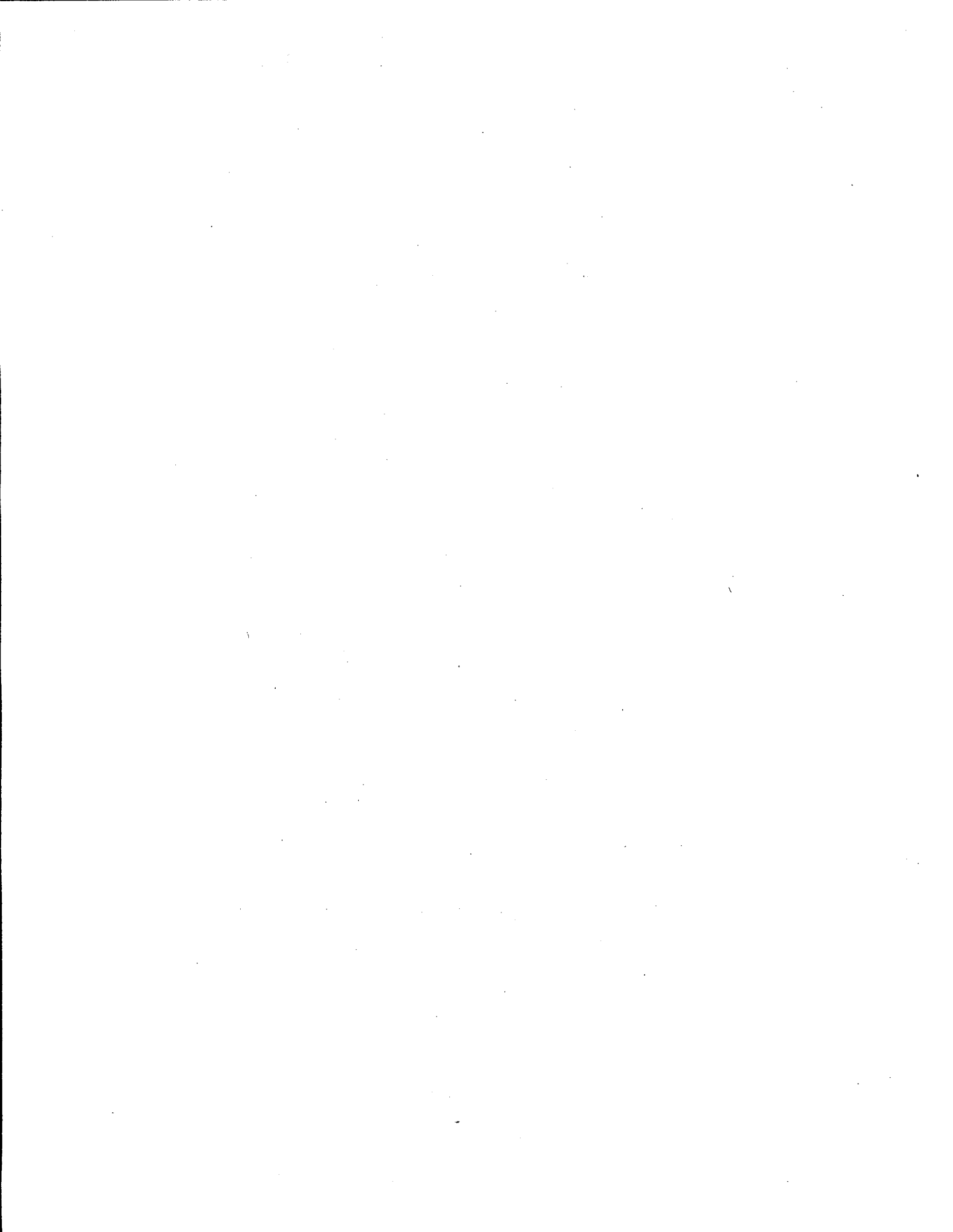
16 THE COURT: Okay. And you didn't want anybody to
17 see you?

18 DORIAN HOPKINS: No, ma'am. No. If I did, I would
19 have. I didn't want anyone to see at all.

20 THE COURT: Well, but on the flip side if you
21 didn't, you wouldn't have been in the cosmetics
22 department, right?

23 DORIAN HOPKINS: I guess. But --

24 THE COURT: If you didn't want anybody to see you,
25 you would go into the bathroom or go back to your car or



1 go wherever?

2 DORIAN HOPKINS: I was -- To be honest with you,
3 ma'am, I was on the dog food aisle and no one was over
4 there and I guess I just thought that I wasn't being
5 seen. That's just it. Me doing it in public is not like
6 - it wasn't - it wasn't my intent for no one to see. I
7 can't really explain it. It's just --

8 THE COURT: Yeah. I'm having trouble understanding
9 because you were in Walmart.

10 DORIAN HOPKINS: Right.

11 THE COURT: In an aisle in Walmart.

12 DORIAN HOPKINS: Right.

13 THE COURT: So if you don't want anybody to see you,
14 why do you go into a public place in the aisle of a
15 grocery store, department store, whatever it is?

16 DORIAN HOPKINS: I'm just -- I'm not gonna lie to
17 you. I'm just -- I'm more - I'm more nervous to explain
18 it to you than anything because it's like I said, like he
19 already said, it's embarrassing. It's very embarrassing.
20 And the thing that she was talking about, the reason why
21 she couldn't find the other indecent exposure was because
22 I was already, I was working at Walmart in Ballentine and
23 it was a female who just didn't want to get caught by her
24 husband so they dropped it so that's why, you know, and
25 that was, those were two at the same time so...

1 THE COURT: What two were at the same time?

2 DORIAN HOPKINS: The one she said she couldn't, you
3 know, she was saying she couldn't find or something like
4 that because it didn't - it didn't exist. It doesn't
5 exist anymore because the girl lied on me and said that I
6 did it when it wasn't really going on.

7 THE COURT: Yeah. But you said two at the same
8 time. That was at the same time as what?

9 DORIAN HOPKINS: Oh, when I was working - when I was
10 --

11 THE COURT: Were you charged with two counts of
12 it?

13 DORIAN HOPKINS: No. It wasn't two counts. It was
14 - it was -- The other one was -- I can't really explain.
15 It's -- The one that's here is what I'm guilty for. The
16 other one is not what I'm guilty. I wasn't guilty.

17 THE COURT: I got you. Okay.

18 DORIAN HOPKINS: But this one right here is what I'm
19 guilty for because, you know, I did it but
20 embarrassing.

21 THE COURT: Okay. Anything else you want to tell
22 me?

23 DORIAN HOPKINS: I apologize for it. I'll just stay
24 at home. Stay at the house. It was just stupid of me
25 thinking of something like that when I have a wife.

1 THE COURT: So who is the lady that saw you?

2 DORIAN HOPKINS: No one seen me. Just - just - that
3 was the camera. That was just the camera.

4 MS. MARTIN: That could be true, Your Honor. It
5 says they from the camera observed him looking at the
6 woman in the cosmetic area. I don't think that lady, she
7 may not have even known what happened but the people
8 monitoring saw it and were able to track him.

9 THE COURT: Who was the lady you were looking at?

10 DORIAN HOPKINS: It was just some random lady. I
11 don't know her.

12 THE COURT: A lady that you found attractive?

13 DORIAN HOPKINS: Obviously.

14 THE COURT: Did she just happen to be there while
15 this was going on or --

16 DORIAN HOPKINS: Yeah.

17 THE COURT: -- this happened because you were
18 looking at her?

19 DORIAN HOPKINS: No. She walked past and that's
20 when I looked but I wasn't doing it for her. I was doing
21 it for myself. I wasn't...

22 THE COURT: Right. But did you see her and then do
23 it or were you doing it?

24 DORIAN HOPKINS: No. I was still doing it.

25 THE COURT: You were already doing it when you saw

1 her?

2 DORIAN HOPKINS: Correct.

3 THE COURT: Anything else you want to tell me?

4 MR. TURNBLAD: Nothing else, Your Honor.

5 THE COURT: Mr. Hopkins, anything else?

6 DORIAN HOPKINS: Just like I said, I apologize for
7 it. I really do. I apologize to my wife. She's on her
8 way right now. But I wish I could apologize to her right
9 now. I just apologize to Lexington County for even
10 seeing me right now doing this.

11 THE COURT: How long did you spend in jail?

12 DORIAN HOPKINS: It was --

13 THE COURT: Over night or more than one day?

14 DORIAN HOPKINS: It was more than one day. I think
15 I stayed for two weeks. A week or two weeks.

16 MS. MARTIN: Your Honor, I can look, Your Honor. If
17 I may approach the Clerk's file. He was arrested April
18 27th and bonded out on the 28th according to the
19 paperwork.

20 THE COURT: Okay. All right. Mr. Hopkins, the
21 sentence of the Court is that you be committed to the
22 State Department of Corrections for a period of three
23 years provided upon time served the balance is suspended.
24 You are placed on probation for 18 months. I am going to
25 require sex offender registry as a result of this plea.

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Good luck to you, sir.

MS. MARTIN: Thank you, Your Honor.

WHEREUPON, THE HEARING WAS CONCLUDED.

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CERTIFICATE OF REPORTER

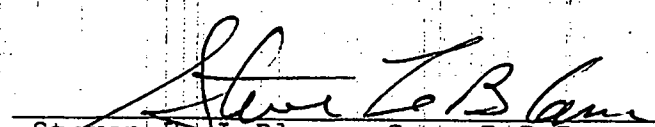
(STATE OF SOUTH CAROLINA)
(COUNTY OF LEXINGTON)

I, THE UNDERSIGNED, Steven E. LeBlanc, Sr., R.P.R.,
and Official Circuit Court Reporter for the Eleventh Judicial
Circuit in and for the State of South Carolina, do hereby
certify that I reported the proceedings in the before
captioned case in the Court of General Sessions in and for the
State of South Carolina on the 12th day of March, 2018.

I FURTHER CERTIFY that the forgoing 15 pages
constitute a true and accurate record of said proceedings.

I FURTHER CERTIFY that I am neither related, counsel
to, nor of interest to any party hereto.

IN WITNESS WHEREOF, I have hereunto set my hand at
Lexington County, this 27th day of May, 2018.


Steven E. LeBlanc, Sr., R.P.R.
Eleventh Circuit Court Reporter
State of South Carolina.

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS
)	
County of Lexington)	2017GS3203924
)	
)	
STATE OF SOUTH CAROLINA,)	
)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
DORIAN HOPKINS,)	
)	
DEFENDANT,)	

November 13, 2018
Held in Columbia, South Carolina

BEFORE:

THE HONORABLE JOCELYN NEWMAN, JUDGE.

APPEARANCES:

KATE USRY, ASSISTANT SOLICITOR
Attorney for the State

JAMES SNELL, JR., ESQ.
Attorney for the Defendant

KAREN AMBROZIAK
Official Court Reporter

C O N T E N T S

> > > < < <

CERTIFICATE OF REPORTER 32

DEFENDANT'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	CV	3	
2	Report	3	

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

3 THE COURT: This is a motion to reconsider a
4 sentence. Let's go ahead and place Mr. Hopkins under
5 oath.

6 DORIAN HOPKINS, after being duly
7 sworn, testified as follows:

8 THE CLERK: State your name.

9 THE DEFENDANT: Dorian Hopkins.

10 THE COURT: All right. Before we begin, Mr. Hopkins,
11 this is a motion to reconsider a sentence that I imposed
12 on indictment 2017-GS-32-3924. That is a Lexington County
13 charge.

14 You understand you have the right to have this motion
15 heard in Lexington County, correct?

16 THE DEFENDANT: Correct.

17 THE COURT: Have you had enough time to talk to your
18 lawyer about whether you should have the matter heard here
19 in Richland County instead of in Lexington County?

20 THE DEFENDANT: Yes.

21 THE COURT: And you agreed to waive venue in this
22 matter and have the matter heard in Richland County; is
23 that correct?

24 THE DEFENDANT: Yes, Your Honor.

25 THE COURT: Okay. All right. Ms. Usry, give me a

1 background about -- and I really want sort of a refresher
2 on the facts, as well as Mr. Hopkins' criminal record.

3 MS. USRY: Yes, ma'am. As you mentioned, this motion
4 to reconsider stems from a sentencing that took place on
5 March 12 of 2018 in Lexington County, Your Honor. About
6 nine days after that hearing, defense counsel filed this
7 motion to reconsider that brings us before you today.

8 This incident arose from an indecent exposure that
9 occurred on April 14th of 2017 at a Wal-Mart located at
10 1326 Bush River Road in the Columbia area of Lexington
11 County.

12 On that date, store employees were watching the floor
13 from a closed circuit camera. They noticed the defendant
14 acting suspicious. At first, they thought he was stuffing
15 things under his clothes.

16 When they began following him on the video camera,
17 they noticed him walk down the aisle, end up near the
18 cosmetics section, looked down the aisle of the cosmetics
19 section and began touching himself in what they described
20 as masturbation, Your Honor. During that time, it
21 appeared he was looking at a female that was down in the
22 cosmetic section of Wal-Mart.

23 One of the employees actually later wrote a statement
24 indicating that he began to play with his private part. I
25 could see him trying to push his penis for the lady to

1 see. Once he finished, he then ejaculated on the floor.
2 I followed him on the camera as he left through the
3 grocery door out the store.

4 THE COURT: All right. And that was a woman that was
5 watching the closed circuit?

6 MS. USRY: So that was a store employee that was
7 watching the closed circuit camera. There is no evidence
8 that the woman he was looking at in the cosmetics section
9 noticed him or saw him touching himself.

10 It was the store employee's opinion that he was
11 attempting to touch himself in a way that she would see.
12 There's no evidence she ever saw, and she never made a
13 report of seeing anything. She actually left the store
14 and never noticed -- or appeared to notice, never reported
15 it to authorities. But the store employees then called
16 law enforcement after this.

17 He did have a prior record. It's '06, he has a petit
18 larceny and an AB/HAN. In 2010, a burg second and a
19 possession of marijuana. In 2013, a malicious injury to
20 personal property; a 2017 breach of peace. There is a
21 2016 indecent exposure on his record. I believe that
22 might have been dismissed. There is no conviction for it.
23 It's just showing on his rap sheet.

24 Since this time, defense counsel has had the
25 defendant evaluated, and I believe that evaluation was

1 handed up to Your Honor.

2 That 2016 incident, I think was addressed on the
3 record at the hearing. I wasn't present for this plea.
4 Ms. Martin in our office handled the plea. But he also
5 discusses -- I just bring it up because I believe he
6 briefly discusses it in that evaluation so that can
7 refresh your memory on that.

8 THE COURT: What county is that other indecent
9 exposure from?

10 MS. USRY: It appears it was made by the Irmo Police
11 Department. I could not find it in our public index. I
12 looked in the Richland and the Lexington public index to
13 see if there was a disposition of it. I couldn't find it.
14 It was shown on the rap sheet, and it shows out of Irmo
15 Police Department.

16 THE COURT: Okay. All right. Anything else from the
17 State at this point?

18 MS. USRY: At this point, nothing further from the
19 State, Your Honor.

20 THE COURT: Mr. Snell.

21 MR. SNELL: Thank you so much. Your Honor, I was
22 not -- I did not represent Mr. Hopkins at the original
23 plea, but he came and got me a few days later and reported
24 to evaluate him.

25 Your Honor, if I can, I have premarked two things.

1 I've got a marked copy of the report from the
2 psychologist, Dr. Watson, and I've got a copy of the CV,
3 and Dr. Watson is here. I'd like in just a minute to ask
4 if you could hear from him.

5 THE COURT: Okay.

6 MR. SNELL: If I could hand these up, Your Honor?

7 THE COURT: Yes, sir.

8 Any objection to either of these exhibits, Ms. Usry?

9 MS. USRY: No, ma'am, Your Honor.

10 MR. SNELL: And, Your Honor, when I read the
11 transcript from his plea hearing in March, it kind of read
12 like the information the Court provided was that
13 Mr. Hopkins wasn't doing this to try to have -- to show
14 anybody or have anybody else look at him.

15 He was actually checking to make sure it was clear.
16 I've got the actual copy of the security footage if Your
17 Honor would like it to review.

18 It is important -- and Dr. Watson thought it's
19 important, it's a big determining factor are you doing
20 this to try to get somebody unsuspecting to watch you, or
21 are you doing it without having somebody trying -- without
22 trying to have somebody watch you, and that ends up being
23 a real important part of how a psychologist diagnoses
24 these kind of conditions and situations whether it's a
25 sexual-type disorder or something else that would be

1 strictly antisocial.

2 So just with what the employer wrote on this
3 statement doesn't match what I saw on the video and what
4 Dr. Watson saw or what we believe the video shows.

5 Although it clearly does show indecent exposure and
6 it shows the inappropriate conduct, we don't believe it
7 shows him doing it with the intent of trying to have
8 somebody else see him.

9 THE COURT: Okay. How long is the video?

10 MR. SNELL: Relevant portions, just two or three
11 minutes.

12 THE COURT: And you have a copy of it with you?

13 MR. SNELL: Yes. Yes, Your Honor.

14 THE COURT: Okay. Obviously, I've not reviewed it
15 yet, but I intend to. But if he is, in fact, trying to
16 get the attention of a specific person, a person known to
17 him who is not a stranger, that would also not comport
18 with what Mr. Hopkins told me under oath at the last
19 hearing when I inquired about his reasons for doing so and
20 whether he wanted anyone to see him, et cetera.

21 I believe he told me he did not want anyone to see
22 him, and I think I asked why he didn't just go to the
23 bathroom stall or something along those lines.

24 But continue.

25 MR. SNELL: Judge, that was my -- my understanding

1 was, you know, when I watched it, when I watched the
2 video, it appeared he's definitely doing it, which is not
3 good, but he wasn't doing it where anybody saw him.

4 He actually appears to be -- he's checking down
5 aisles to make sure he's in the clear and he doesn't
6 realize the security camera is picking him up or doing it.

7 I think there was a shopper that was the catalyst for
8 the urge. I think there was some discussion about a lady
9 he thought was attractive and there was some discussion
10 about it at the original plea and that's what, I guess,
11 sparked the idea. But with him doing it, she's not
12 looking. He's not trying to get, it doesn't appear,
13 anyone to look. He's in a public place, but intending to
14 do it as privately as could be.

15 THE COURT: All right. Well, then so that is a
16 different version from what he told me at the plea and a
17 different version from what he evidently told Dr. Watson
18 at the time of the evaluation.

19 MR. SNELL: During the plea, there was a second
20 incident that Mr. Hopkins, I think, voluntarily got into.
21 That one related to the Irmo incident, which, again, we
22 understand was dismissed. That did involve somebody he
23 knew and did involve not an unsuspecting person but
24 someone asking.

25 The actual what he pled to was the Wal-Mart incident

1 and that's the one that involved not being asked or --
2 what he pled to and what he was put on the registry for
3 was the plea where he was in Wal-Mart and thought he was
4 doing it without anybody seeing it.

5 THE COURT: Okay. Do you have the two incidents
6 mixed up, or does Dr. Watson have the two mixed up?
7 Because the report indicates that in April of 2017, he did
8 this because he -- someone named Bree wanted to -- she
9 wanted to see me masturbate and that he was doing it for
10 that purpose, which is certainly not what he told me at
11 the plea, and it's not what you told me just now.

12 It's on the first page, subsection one. He then goes
13 on under number two to discuss the earlier incident, but
14 this is identified as in Ballentine, not in Irmo where he
15 also knew that person and that she lied about his reasons
16 for doing it.

17 Mr. Hopkins, you tell me what happened in April
18 of 2017 with this indecent exposure in the Wal-Mart on
19 Bush River Road.

20 THE DEFENDANT: I went into the electronics. I did
21 tell you on the last date I wasn't trying to let anyone
22 look at it, and I wasn't doing it for anyone. I was
23 waiting on someone.

24 THE COURT: You were waiting on who?

25 THE DEFENDANT: I was waiting on my girl to get home,

1 and I went just to waste time --

2 THE COURT: Okay.

3 THE DEFENDANT: -- at Wal-Mart. And that's what
4 happened. That's what I was doing.

5 THE COURT: Okay. Did you want anyone to see you?

6 THE DEFENDANT: No, I did not.

7 THE COURT: Were you performing for someone?

8 THE DEFENDANT: No, I did not.

9 THE COURT: Who is Bree?

10 THE DEFENDANT: That's an employee that I knew.

11 THE COURT: Was Bree there that day?

12 THE DEFENDANT: She was.

13 THE COURT: Was she near you when this happened?

14 THE DEFENDANT: She was.

15 THE COURT: Did she tell you that she wanted to see
16 you masturbate in the store?

17 THE DEFENDANT: Yes.

18 THE COURT: Is that why you did it?

19 THE DEFENDANT: It's not why I did it. It was -- I
20 guess, it was in between me talking to --

21 THE COURT: Let's do this, can you all come around
22 like we were here for a plea to this microphone?

23 MR. SNELL: Come out here so the court reporter can
24 hear you.

25 THE DEFENDANT: Yeah, I just -- I went into the

1 Wal-Mart just waiting on my girlfriend to get home, and I
2 just did it.

3 THE COURT: But why?

4 THE DEFENDANT: I didn't really have a reason. It
5 wasn't for anyone.

6 THE COURT: So it's just a coincidence that --

7 THE DEFENDANT: She was there.

8 THE COURT: Well, when did she tell you that she
9 wanted to see you?

10 THE DEFENDANT: Multiple times before.

11 THE COURT: Had you had sex with Bree before?

12 THE DEFENDANT: Unfortunately, yes.

13 THE COURT: But Bree wasn't near you in the store?

14 THE DEFENDANT: She was working in the cosmetics
15 section, yes, ma'am.

16 THE COURT: Okay. But that's not why you did it?

17 THE DEFENDANT: I didn't do it because she asked at
18 that time, but at the time, I just did it for myself.

19 THE COURT: Okay. You did it for yourself. Explain
20 that. Why?

21 THE DEFENDANT: I just -- I just -- honestly, to be
22 honest with you, at that time, I was smoking at that time.
23 You know, I was out of my mind at that time. You know, I
24 wasn't -- around that time, I was going through some
25 things, and like I said, I was just -- I was smoking

1 beforehand. I was smoking heavy around that time. I'm
2 not smoking anymore now, but around that time, I was just
3 high.

4 THE COURT: When's the last time you smoked?

5 THE DEFENDANT: Last time I smoked was, I would say,
6 about a week before I got on probation.

7 THE COURT: Okay. What things were you going through
8 at that time?

9 THE DEFENDANT: Honestly, I -- honestly, I was just
10 going through my friend...

11 (Crying.)

12 (Pause.)

13 I was going through my friend...

14 THE COURT: Your friend passed away?

15 THE DEFENDANT: (Nods in the affirmative.)

16 THE COURT: How long before that?

17 THE DEFENDANT: Like two years.

18 THE COURT: Was this someone you knew for a long
19 time?

20 THE DEFENDANT: It was my only friend. He was my
21 only friend.

22 THE COURT: Your only friend? What happened to him?

23 THE DEFENDANT: He had an enlarged heart and had a
24 heart attack. And I just was waiting on him to come home.

25 THE COURT: I'm sorry. I know you're having trouble,

1 but I also can't understand you.

2 THE DEFENDANT: I'm sorry. He just passed away when
3 I was waiting for him to come home from work so I could
4 chill with him. He was the only friend I had. The only
5 one I could talk to.

6 THE COURT: Just take a minute because -- I know it's
7 hard, but it doesn't help if I can't understand you.

8 THE DEFENDANT: He was the only one I could call my
9 friend. I go through people, falling off with people and
10 just I'd been going through a lot. The only got two
11 people I talk to, they're here with me now. It's just
12 been going through.

13 THE COURT: Who do you have here with you today?

14 THE DEFENDANT: My girlfriend and my mom.

15 THE COURT: What's your girlfriend's name?

16 THE DEFENDANT: Danielle.

17 THE COURT: All right. Your friend was Dominique?

18 THE DEFENDANT: Dominique, yes.

19 THE COURT: Outside of this evaluation that your
20 lawyer had done, have you seen any psychiatrist or
21 psychologist?

22 THE DEFENDANT: No, I was trying to handle it on my
23 own. And that's -- the way I coped with it was me smoking
24 and I was doing it a lot, a lot. I couldn't eat. I
25 couldn't do nothing. I couldn't do nothing. I was just

1 smoking. I was smoking with the wrong people and, you
2 know, I didn't realize they weren't my friends. They was
3 just smoking buddies really.

4 THE COURT: Okay. You can go back and have a seat.
5 Thank you.

6 Yeah, this video won't play for us. I tried it on my
7 laptop and then my clerk tried it on hers, and we can't
8 get it to open or play. But I did interrupt your
9 presentation, Mr. Snell.

10 MR. SNELL: And I think I understand, the Court was
11 asking what's the difference between the first time and
12 what's in Dr. Watson's report.

13 Dr. Watson, I think, comments in the report on some
14 of the inconsistencies or just some difficulty that
15 Mr. Hopkins had kind of conveying, you know, all this
16 history and all the historical facts, and I talked to
17 Dr. Watson about that as far as how that affects his
18 ultimate conclusion if it's not an exhibitionist disorder.

19 In Dr. Watson's report, he mentions they would watch
20 the video. These stores have this special software you
21 have to install on the computer to do it.

22 What I got is Mr. Hopkins has problems, obviously,
23 and he needs mental health treatment and he needs mental
24 health counseling, probably a lot. And so probation
25 has -- as a sex offender, they've got him in a sex

1 offender counseling program, which frankly -- which we
2 don't believe is what he needs. He needs to go to mental
3 health.

4 He needs general -- I mean, he needs to see a
5 psychiatrist, he needs to get checked for medications. He
6 could have depression, antisocial disorder, other
7 circumstances psychologically that led him here, but
8 Dr. Watson found he didn't meet the diagnostic criteria
9 for an exhibitionist disorder and thus wouldn't benefit
10 from the registry.

11 Our thought would be the registry for him is not
12 getting him the help he needs and is putting somebody who
13 doesn't need the registry on the registry, which kind of
14 waters it down for the folks that do need to be watched
15 and tracked. And thus puts that heavy burden on him,
16 which, again, is unnecessary.

17 I'd ask if you'd consider removing the registry, but
18 imposing requirements that he have mental health
19 treatments and, you know, put him on probation in such a
20 fashion that they get him the treatment, they make sure he
21 gets the treatment and addresses it on that end. Because
22 we're just concerned that what he's getting is not what he
23 needs and we're not getting to that issue.

24 Again, Dr. Watson is here if you'd like to hear from
25 him. I've kind of summarized what he says and I'm happy

1 to provide anything further if you need it.

2 THE COURT: I don't believe I have any questions of
3 Dr. Watson because, frankly, I take no issue with the
4 report. It seems thorough and complete.

5 My concern, though, is the variables that no one can
6 control but Mr. Hopkins, and so if there were evidence
7 that indicates he did expose himself to an unsuspecting
8 person, an exhibitionistic disorder diagnosis may apply.

9 Of course, the turning point in my analysis is not
10 whether there is an official diagnosis of some disorder or
11 any -- anything listed in the DSM at all, but also if
12 there is an issue of lack of mental health treatment, no
13 interest in potential anti-depressant medication, smoking
14 marijuana three times a day, et cetera.

15 Those are things that can only be controlled by
16 Mr. Hopkins, and while I understand your concern that
17 Mr. Hopkins may not benefit from the registry, using your
18 words, the purpose of the registry is not simply for the
19 benefit of the offender.

20 In fact, the registry is for the benefit of society
21 and not the offender himself. Even pursuant to statute,
22 you know, the intent is to provide for the public health,
23 welfare and safety of its citizens, of the State's
24 citizens because sex offenders often pose a high risk of
25 reoffending.

1 Registration on the sex offender registry is not
2 intended to punish sex offenders, but rather to protect
3 the public from those sex offenders who may reoffend and
4 to aid law enforcement in solving sex crimes, frankly.

5 So one consideration I have is inquiring of
6 Dr. Watson an opinion about the risk of reoffending, but I
7 would bet that some of those things turn on whether
8 Mr. Hopkins engages in the same kind of behaviors, such as
9 smoking marijuana or, you know, heaven forbid, he loses
10 another person who is close to him, and those things can
11 only be controlled by Mr. Hopkins.

12 And so my concern remains as it was during the guilty
13 plea that Mr. Hopkins doesn't seem to have a logical
14 explanation for why he did what he did. And without any
15 logical reasoning, the ability to predict his actions in
16 the future is diminished, and particularly, if the reason
17 for certain of the behaviors is smoking marijuana or
18 having lost a loved one.

19 Smoking marijuana, certainly, he can control, but
20 depression from having lost a loved one is absolutely
21 outside of his control. And having the inability to deal
22 with those things in a responsible way is what gives me
23 concern for the citizens of the State of South Carolina.

24 And at the sentencing, at the plea, I asked why
25 didn't you do this in the car or in the bathroom or

1 something if you did not want to be seen, which is what he
2 told me.

3 I guess knowing that he could be seen, but -- and he
4 said here today that it wasn't for anyone in particular,
5 it wasn't for Bree, so that's simply illogical to me. If
6 you don't want to be seen, why would you drive in your
7 car, get out of the car, go inside a public place, go to
8 the cosmetics section where you know women are and commit
9 such an act rather than staying in the car or going into
10 the bathroom or going into the far back corner of the
11 Wal-Mart store. I don't know why you would go into
12 Wal-Mart at all for that, but.

13 So I have the same concerns now as I did then and
14 nothing in Dr. Watson's report or anything that
15 Mr. Hopkins has told me has really altered or diminished
16 my concerns.

17 I simply believe that the circumstances of this case
18 and the thought process and behaviors of Mr. Hopkins make
19 it necessary for him to register as a sex offender to
20 protect society and put society, citizens on notice that
21 such a person is out there. Because, you know, why
22 wouldn't he go to the junior league office or wherever, I
23 don't know, some other public place?

24 If I'm in Wal-Mart, I certainly don't want to walk up
25 on someone masturbating in the aisle while I'm trying to

1 buy mascara, and I'm sure you wouldn't want that either
2 when trying to buy cereal, whatever it is. So my concerns
3 are the same. Therefore, your motion to reconsider is
4 respectfully denied.

5 MR. SNELL: Just to protect the record, ma'am, I have
6 a little bit of additional.

7 THE COURT: Sure.

8 MR. SNELL: I briefly touched on it before, my
9 concern again with the registry. You're exactly right,
10 the registry is to protect the public. I think the more
11 people that go on the registry that don't need to be on
12 the registry kind of waters it down, take away resources
13 that should be used to track and monitor folks that really
14 have sexual disorders and sexual problems and present
15 sexual risk. I don't believe the registry is intended to
16 be a generalized mental health registry.

17 I think based on Dr. Watson's kind of report, my
18 understanding, Mr. Hopkins has mental health problems, has
19 issues and I think they're substantial. And there's been
20 the symptom that's come out with the behavior that's
21 obviously illegal and inappropriate, but the underlying
22 cause may not be sexual or sexual dysfunction and it's --
23 but what probation has got him on is sex offender
24 counseling and sex offender treatment, which doesn't get
25 to his issue or his situation. And the concern it's not

1 making him better and that he would actually -- he could
2 be better in better treatment.

3 The report indicates he's not interested in getting
4 it on his own, so if a probationary sentence could be
5 crafted that he had to get them and the probation could
6 supervise and make sure.

7 I agree everything about the registry. The registry
8 is to protect everybody from, you know, basically,
9 dangerous sex people. I think he's got issues. He's got
10 problems. I just -- I'm just hoping -- hopeful this -- I
11 think he is not just a sex person or a mental health
12 person. Thank you very much, Your Honor.

13 Also, Your Honor, I think I've seen in courts before
14 structured sentences. I don't know if in -- in these
15 situations where they put people on probation and they
16 told the registry saying if you do anything else on
17 probation, like don't get your treatments, reoffend, then
18 you're automatically on the registry, but to give them
19 that chance to get the mental health treatment and
20 basically see if it works.

21 I think there's a way to fashion something that kind
22 of holds the registry out if he doesn't get his mental
23 health and doesn't get his help, I think the Court can
24 keep him on probation -- keep him on monitor for five
25 years.

1 If there is such a way just because the registry,
2 good gosh, you probably can't work. You can't get a job
3 that's, you know, worth having probably in a lot of
4 occasions. And it really makes such a second class
5 citizen and some years of life. Thank you very much, Your
6 Honor. Nothing further.

7 THE COURT: I'm sure it does prevent him from getting
8 certain jobs, but in the Court's opinion, that may be a
9 good thing. Certainly, I don't want someone who falls
10 into a depressive episode to work in the day care,
11 particularly -- and, you know, you said you don't think
12 it's intended to be a generalized mental health registry,
13 and I agree wholeheartedly.

14 There are people all over the world that have mental
15 health issues, treated and untreated, but when his
16 untreated mental health issue manifest itself in such a
17 way, that's the concern.

18 There's people who suffer from clinical depression
19 who lay in bed all day. I'm not putting them on the sex
20 registry, of course. You know, they can't get up, they
21 can't get a job, they can't whatever it is, or are crying
22 all the time, or are, perhaps, have, you know, bipolar
23 disorder and when they're manic, they're robbing banks and
24 when they're not, you don't see them very much.

25 Those conditions can manifest themselves in lots of

1 ways, but in this case, it manifests itself evidently in
2 going into Wal-Mart and pulling out his penis and that's
3 my concern.

4 You know, I'm willing to amend the sentence such that
5 it requires some mental health treatment while on
6 probation, if necessary, but I -- I don't know that that
7 fixes my sex offender registry concern.

8 It's probably a good thing, definitely a good thing
9 in this case for Mr. Hopkins to get some mental health
10 treatment. But, you know, I'm sure Dr. Watson would tell
11 me, would probably agree -- I don't know. I'm not a
12 doctor but that mental health conditions sort of ebb and
13 flow and rise and fall. And so as long as it's treated,
14 it's fine and when it's not, it's not. And for a lot of
15 people, as long as they're medicated, they're fine. But
16 am I going to force a pill down his throat to medicate
17 him?

18 And I understand part of that deals with coping
19 skills, too, not simply prescription medication, but
20 there's so many things that can only be controlled by
21 Mr. Hopkins.

22 Yeah, I don't think it's appropriate to withdraw the
23 requirement of sex offender registry.

24 MR. SNELL: Your Honor, just to be sure, I want to be
25 sure I handed up what was marked as A and B. I want to

1 make sure those were --

2 THE COURT: One and two?

3 MR. SNELL: One and two is in evidence or officially
4 part of the record. And then, Your Honor, Mr. Hopkins, I
5 think just asks if you would hear from him again if you
6 would.

7 THE COURT: Yes, sir.

8 THE DEFENDANT: Yeah. I'm sorry. I'm sorry.

9 THE COURT: It might be better for him to sit because
10 he's so tall. Just have a seat because we're having
11 trouble hearing.

12 THE DEFENDANT: Okay. I want to say ever since --
13 like at that time, I wasn't looking for -- I wasn't -- my
14 girl was trying to get me to look for a job and
15 everything. I wasn't looking for a job. I was sitting
16 around smoking, you know, just chilling and doing nothing.

17 Now I'm actually getting something. I'm not worried
18 about females. I'm just worried about getting my money,
19 you know, helping my mom later on down the line.
20 Everything done changed since then. It's a life change.

21 Like right now, I finally had got me a job. I'm
22 planning on -- actually, I'm planning on getting out of
23 South Carolina, period, because all my problems are here.
24 Like, everything's here. I've been having problems here
25 all the time, ever since I was little, like friends and

1 stuff like. It was getting out of hand.

2 Even the last charge I had, I got charged for not
3 doing -- I got charged for, basically, being in a Dollar
4 General. I had went to a CSL plasma place and my bandage
5 fell. They tried to charge me with burglary second
6 degree. I didn't even anything. I wasn't even there.
7 And then they still follow me down the line, and I got
8 trespassing, so why didn't I get burglary second degree
9 then? So you know what I'm saying? So it's like you
10 charged me for nothing.

11 And it's like I just felt like I needed to get out
12 right then and there. I just felt like I wanted to get
13 out, like I needed to get out. Right now, like I said,
14 right now, I'm just -- a lot changed. I did a whole 180
15 on my life. Like, it's not -- what I'm saying, it's not
16 like how it used to be. I'm finally making things happen
17 now. Like, you know what I mean?

18 I put it like this, I'm actually thinking about --
19 like I'm actually -- like before I wasn't thinking about,
20 you know, moving out of my mom's place and stuff like
21 that.

22 Right now, I'm actually thinking about moving out of
23 my mom's place. I finally got a car. I finally got a C
24 note. I never had a C note in my life. Like, I finally
25 got a car, like my dream car. Like, I'm happy with it. I

1 don't plan on going back to that. I don't plan on going
2 back to that stuff that I was doing. I don't plan on none
3 of that.

4 I just want to -- I just want to -- I want to
5 escalate in my life. I want to be able to go to college
6 and get a better job. I know my job is okay now, but I
7 want to escalate, and I know I'm not going to escalate if
8 I have this registry on my back.

9 And I know in South Carolina, it last a lifetime and
10 that's the first thing people look at. People look at me
11 when I walk everywhere. People will think of me as a
12 thug. I'm not a thug. I'm the nicest person you would
13 probably ever meet. I do stuff for people that don't even
14 deserve to be treated good.

15 I just feel like karma's like whipped me or
16 something. I'm not getting a good part of karma or
17 something. It's like I'm always getting the short end of
18 the stick. Like all the stuff that I did, it's like --
19 just like I just did it for nothing.

20 Like I just wish -- I just want to -- I just want to
21 do better in my life, you know, I just really do. I
22 really do. I want to do better for myself, my mom and my
23 girl, and my dad.

24 My father -- even talking about my dad. He doesn't
25 even know about this registry and stuff like that I'm

1 going through. I don't want him to know. I just want him
2 to know that I'm doing good. And that's all I want to do,
3 I just want to escalate.

4 I just want to prove everybody in my life that I'm
5 doing better than they thought I was, make them all look
6 stupid and don't mess with them anymore because I don't
7 talk to anyone anymore. I really don't.

8 I may -- do have antisocial, you know, problems. I
9 ain't going to say I'm good with it, I'm cool with it or
10 whatever, but I don't want to talk to anybody.

11 Like I said, the only person I had is gone now. With
12 him, it wasn't about smoking. It wasn't nothing like
13 that. It was just about okay, come up -- okay, you got a
14 problem or something like that, come over here and chill.
15 I don't want to chill -- I'm trying to -- I'm trying to
16 talk with my family now and talk to them. I can't even
17 chill with them now because I'm on the registry. I can't
18 even be around kids. I can't even do anything with a
19 child. I can't even be around kids right now. I can't go
20 nowhere. All I can do is go to work and come home. And
21 they got me on a curfew for no reason. I can't even chill
22 my girl now.

23 I just feel -- like I said, I'm just trying work, you
24 know, have a better life for myself. I want all this to
25 be behind me. I don't want to keep going through this. I

1 just want a better life. I don't want to keep getting in
2 trouble. The trouble is behind me. I don't want that. I
3 don't want that anymore.

4 I just want to make money, make my mom and dad and my
5 girl proud, everyone that I love to see 20 years from now
6 with a big house and a nice car. That's me. I want
7 better things in life. I do. I'm not going to get it
8 with this registry. None of that at all.

9 Like I said, people look at me now and they just -- I
10 ain't even going to lie to you, now, when I look at
11 people, I just think that they know, like they know I'm on
12 the registry, like you're looking down at me. I may
13 talking to you, but you still looking down on me because
14 of this registry.

15 I'm not going to ever get past anything, it's just
16 going to be the butt of everybody's jokes. It doesn't
17 make it any better is what I'm saying. It doesn't make it
18 any better.

19 I understand you made your decision based on, you
20 know, what you know, but I'm not the person that you can
21 look at. You look at right now and just think that you
22 can judge me.

23 I'm not saying -- you know, you can't just judge a
24 book by its cover is what I'm saying. I'm not who I will
25 look like I am. I'm better than that. I'm way better

1 than that. Like sometimes, I feel like, you know, mental
2 people are just regular people. Everybody has feelings.
3 That's how I look at it. I just don't -- I just don't
4 want to -- I just want it to get better. Honestly, I just
5 want to escalate in my life, Your Honor, that's all. I
6 just want to escalate in my life.

7 THE COURT: I'm well aware that you can't judge a
8 book by its cover, and that is one thing that makes this
9 job that I have so difficult because I don't get to hang
10 out with you and get to know you, spend some time with you
11 and figure out who you really are on the inside.

12 My job is to take the information that I have and use
13 my common sense, education and training to try to do sort
14 of a snapshot evaluation of a person and gather as much
15 information as I can to help me make those decisions. And
16 the decision that I've made is not because I believe that
17 you're a bad person. I don't know you, and I wouldn't say
18 that to you.

19 I know you don't think that of yourself. And people
20 always say, you know, only God can judge. You can't judge
21 me, whatever. And that's true because I don't know you.
22 My job is to judge your conduct, evaluate your actions and
23 try to predict how that may play out in the future, how to
24 best help you, how to best help society and protect
25 everyone's interest.

1 And very often, most of the time, someone walks out
2 of here unhappy, but it's not because I'm evaluating your
3 character exactly. It's because -- I don't think that
4 you're a bad person. You are someone who has made a
5 series of bad decisions. And I'm not convinced that there
6 is anything to prevent you from making the same or similar
7 decisions in the future. I don't know. I never know for
8 sure, but the reality is you don't even know for sure. I
9 know as you sit here today, you believe it. And it may be
10 true. You may be right. And if you believe it every day
11 and you work every day to not make the same kinds of
12 decisions, then you're right, but you don't know. I think
13 you think you do, but you don't really.

14 If you were to walk out of here today and both your
15 mother and your girlfriend said I'm never going to speak
16 to you again and you were just on your own, my concern is
17 that you'd be right back in the same place because there's
18 nothing to indicate to me otherwise except you saying so.
19 And I'm not saying I don't believe you. I believe that
20 you believe what you're saying, and you may be right. But
21 I have a judgment to make based on the information that I
22 have and that is why my decision stands.

23 But I hope that you're right, and I hope that you're
24 able to overcome whatever challenges are in your life,
25 whether that's some restriction on where you can live,

1 where you can work, or a mental health issue or, heaven
2 forbid, you have some physical health issue in the future,
3 we all have challenges that we work around. And I hope
4 that you're able to work around this one.

5 You may not be able to live in the apartment complex
6 across the street from the elementary school. That's
7 fine, there are other apartment complexes out there. You
8 probably wouldn't want to be in there anyway. But I think
9 that based on the circumstances in this case, the registry
10 is appropriate. Thank you.

11 Exhibits 1 and 2 were defense exhibits, CV Dr. Watson
12 one, report Dr. Watson two. Exhibits signed over to
13 solicitor to take to Lexington County after discussions
14 with Jim Truitt.

15 (Whereupon, the proceedings were concluded.)
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E. SELMAN WATSON, Ph.D.

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Suite 101
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Phone: (803) 256-6863

October 1, 2018

Mr. James R. Snell, Esquire
Attorney-at-Law
123 Harmon Street
Lexington, SC 29072

Dear Mr. Snell:

Pursuant to your request, I have spent 8-10 hours with your client Dorian Hopkins who has been charged with a lewd act during a visit to a Walmart where he engaged in some masturbation. In addition to (3) interviews, he also responded to a battery of psychological tests in order to rule out any major impairment and come to some understanding as to what might be driving this behavior. Described below are his test findings, clinical impressions of this respondent, and observations made of his behavior.

- 1) By way of some background, Mr. Hopkins stated that in April of 2017, he visited a Walmart store on Bush River Road in Columbia, South Carolina. It was said that he knew a woman named Bree who was an employee that worked at this location and had invited him over "for sex in a public place". He went on to disclose that he and Bree had also been sexually active with one another in the past having had what he estimated to be about (5) sexual exchanges. Inside the store, "she wanted to see me masturbate" which he obliged but was unsure whether he reached an orgasm. It was his report that he then had sex with her after she got off work since he has trouble telling people "no", and in his mind, "tends to be too nice". Put another way, he related it is important that people like him which causes him often to be nonassertive with others. With this activity and his license plate caught on camera, Mr. Hopkins was picked up by the authorities a few days later but managed to bond out on \$15,000. He also insisted during the initial session that he had never committed a similar act in any other retail establishment prior to this incident which led to his

arrest. Although he decided to marry his long-time girlfriend Danyetta Lakin shortly thereafter in May of 2017, he conceded that his sexual exchange with Bree may have been to retaliate against Danyetta for getting pregnant by another man 2 ½ years ago and submitting to an abortion. He continued to blame Bree for "egging him on" but pled in front of Judge Newman who sentenced him to 3 years suspended and 18 months of probation. Being on the sex offender registry, however, has been problematic since he attends Greenville Tech but has to be home by 7:00 p.m. to maintain compliance with a curfew. He was also advised by his probation officer to not be around minors and had to remove toys from his mother's home despite having no exposure to children. He gave some indication that he feels quite restricted as an adult and has hired the services of an attorney to investigate this matter.

- 2) Mr. Hopkins during a subsequent session revealed an earlier episode of exposing himself as an employee of Walmart at a store in Ballentine, South Carolina. According to his explanation, he had just finished a probationary period but began to smoke cannabis again when he was approached by a female employee who insisted on providing him some oral sex. "Because he wouldn't smoke pot with her on break", he said that she reported it which resulted in him losing his job and her being fired two weeks later. He went on to add that Virginia had accused him of "pulling it out on her" but made no mention of her role in the incident. This respondent, as for his legal record, also admitted he used to steal in high school and was remanded to DJJ for an assessment at the age of 14. Four years later as an 18 year old, he was arrested on a charge of simple possession and was also apprehended for stealing copper and selling it for money. Although he was fined \$100 for trespassing at a Dollar General Store, he denied robbing the establishment and said the authorities had been mistaken when they saw a bandage on his arm where he had donated some blood. He otherwise indicated that he has never served any time in prison but was affiliated with "The Bloods" in high school.
- 3) Mr. Hopkins, on the subject of his mental health, became quite emotional talking about his best friend Dominick who expired at an early age. Although he has never been a client at the local mental health center, he stated "I find myself breaking down a lot" and ruminates about his past and behavior that he tends to regret. From

his report, he has lost 26 lbs. since January of 2018 but is sleeping on average about 4 hours each night and denied any energy loss to this examiner. He nevertheless became so upset about Dominick that he had to excuse himself to try and regain his composure. While his mind is occupied by a lot of self-critical thoughts, he did not warm to the idea of visiting the mental health center or going on a trial of antidepressant medication. Prior to being placed on probation, he acknowledged smoking marijuana three times a day that may have been his way of medicating himself in a bid to try and feel better. This kind of chemical use, however, can worsen a mood disorder despite some short-term relief.

- 4) MMPI-2 data collected on Mr. Hopkins returned an invalid profile due to his inconsistency in responding to items measuring the same content. Sources of error might include carelessness, a poor reading ability, or an effort at impression management but being unable to relate the same story throughout the inventory. A PAI profile also highlighted some inconsistency with a sharp spike on scale PAR (i.e. paranoia) marking his pattern of scores. Suffice it to say, this respondent's clinical presentation is absent this finding and may have been generated psychometrically by an attempt to project a poor impression of his functioning. While this examiner is concerned he is experiencing some subjective depression, it could be a function of his drug use or situational in nature. Mr. Hopkins reluctance to seek some treatment is also incompatible with a person who reports being in some psychic pain or distress from symptoms beyond their control. He otherwise has never been adjudicated mentally ill or been committed to a psychiatric facility based on an emergency petition. It was also his report no history of mental illness runs in his family nor has he ever been the recipient of any counseling or therapy.
- 5) Findings from the SASSI-4, a test of chemical dependence, were inconclusive given Mr. Hopkins approach to the instrument. Although he clearly has a history of cannabis use, he misrepresented this issue as well as some others in marking his response to several test items. This examiner would nevertheless give him a diagnosis of cannabis use disorder based on the history he related. His use of this chemical may have also given rise to the lewd act in Walmart by reducing his inhibition or loosening his behavioral controls.

- 6) This examiner reviewed the video that captured Mr. Hopkins lewd act that was performed in a Walmart store. From this source, he does not expose himself to an unsuspecting person (i.e. Criterion A) as required in the DSM-5 to qualify for an exhibitionistic disorder. While he may have some exhibitionistic sexual interests, he never reported any distress or impairment in other areas of functioning to satisfy or meet the other remaining criteria (i.e. Criterion B). There is some doubt therefore in this examiner's mind whether he qualifies for the sex offender registry.
- 7) Lastly, this examiner would also assign Mr. Hopkins a diagnosis of antisocial personality disorder based on his history and criminal record. Not only did he contradict himself in giving inconsistent responses in his approach to testing but he often blamed others for his predicament rather than accept some measure of responsibility for himself. Using drugs and acting-out sexually are also not uncommon for these men who can be charismatic on introduction but quite manipulative in their treatment of others. Some counseling or therapy may prove beneficial to this respondent as well as a low-dose trial of an antidepressant to address his subjective feelings of depression. If further evidence indicates he did expose himself to an unsuspecting person, an exhibitionistic disorder diagnosis may apply, especially if it has recurred over time causing harm to others.

Respectfully Submitted,

E. Selman Watson / ESW

E. Selman Watson, Ph.D.
Licensed Clinical Psychologist

ESW/tfr

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Jocelyn Newman, Circuit Court Judge

Appellate Case No. 2018-002092

RECEIVED
JUN 13 2019
SC Court of Appeals

The State of South Carolina,

Respondent,

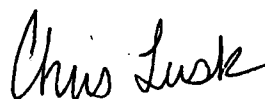
v.

Dorian Rosean Hopkins,

Appellant,

RULE 210 CERTIFICATION

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



Christopher B. Lusk
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ATTORNEY FOR APPELLANT

June 11, 2019
Lexington, South Carolina