

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable Roger M. Young, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF MARK RAINEY A/K/A MARK RANEY,

APPELLANT

RECEIVED

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APPELLATE CASE NO. 2018-001974 **SC Court of Appeals**

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA COURT OF COMMON PLEAS
COUNTY OF CHARLESTON 2017-CP-10-03472

IN RE: In the Matter of the Care and Treatment of
Mark Raney

TRANSCRIPT OF PROCEEDINGS

October 29 - 31, 2018

Charleston, South Carolina

B E F O R E:

The Honorable Roger M. Young, Sr., Judge and a jury.

A P P E A R A N C E S:

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E X A M I N A T I O N S

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Marie Gehle	53	98	119	--
Angela Raney	123	137	--	--
Mark Raney	141	173	178	180

E X H I B I T S

<u>STATE'S</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMITTED</u>
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<u>COURT'S</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMITTED</u>
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1 (October 29, 2018.)

2 (In open court, jury panel and defendant
3 present):

4 THE COURT: We'll go into drawing a jury for
5 my first two cases. All right. What we do on this is we
6 ask you some questions that are kind of case specific.
7 Mainly, we're just trying to see if you know the parties
8 or any of the witnesses or any of the lawyers to the
9 extent that it would affect your ability to be fair and
10 impartial in this case. It's possible that you know
11 somebody. The real question is, would it affect your
12 ability to be fair and impartial in this case?

13 So if there's ever a question that applies or
14 there's a question that you need to tell me something
15 about, I ask that you stand, give me your name and
16 number, and then tell me what the response is, and then
17 I'll ask you, does it affect your ability to be fair and
18 impartial in this case and we'll go from there, all
19 right?

20 Now, the two cases I'm drawing a jury for are
21 the same kind of cases, and it's the same lawyers on both
22 of them, so we've agreed that we would combine the
23 questions because it makes no sense to ask you all the
24 questions two times right in a row. So I'm going to
25 introduce you to the lawyers, tell you their clients'

1 names, read you the question list from each of the two
2 cases, and then the rest of the questions are kind of
3 general questions, but they apply to both of the cases.
4 Then, after we finish that, then the clerk's office will
5 give them a list of names to study, and I'll give them
6 about 20 minutes, and then we'll come back and draw that
7 jury for both of them, actually.

8 So the first case is the case in the matter
9 of the care and treatment of Antonio Young. Mr. Young is
10 not present in here right now. He will be in the
11 courtroom later. This is a case in which the State of
12 South Carolina is represented by the attorney general's
13 office. The attorney general in this state, of course,
14 is Mr. Alan Wilson, and he has designated Mr. Jim Bogle
15 right here to handle this case for him today.

16 So is there any member of the jury panel who
17 is related by blood or marriage or acquainted in any way
18 with Alan Wilson, who's the attorney general, or
19 Mr. Bogle, that's B-o-g-l-e? If you're related by blood
20 or marriage or acquainted with either of them or if you
21 know anybody that works in the attorney general's office,
22 would you please stand. Okay. I find none.

23 Yes, your name and number?

24 A PROSPECTIVE JUROR: Shirderiss Brown. My
25 number is 34. I do have a cousin by the name of Antonio

1 Young, but I don't know if it's the same.

2 THE COURT: Antonio Young? How do you know
3 him?

4 A PROSPECTIVE JUROR: He's a cousin of mine,
5 but, like I said, I don't know if it's the same person.

6 THE COURT: All right. Well, I will excuse
7 you from service in that case, but I have a second case,
8 and you could still be on that one. Okay?

9 All right. Yes, your name and number?

10 A PROSPECTIVE JUROR: 50, Lacretta
11 Collins-Murphy. Same thing. I have a cousin named
12 Antonio Young, but I'm not sure if that's the same
13 Antonio.

14 THE COURT: Well, out of an abundance of
15 caution, since he's not here, I will go ahead and excuse
16 you from that case, but you can still serve on the second
17 case.

18 Okay. Your name and number?

19 A PROSPECTIVE JUROR: Lacretta
20 Collins-Murphy, number 50.

21 THE COURT: Okay. You can be seated. Now,
22 there are several potential witnesses. They may not
23 necessarily all be called, but we give them to you
24 because if we call them and you have a problem, we know
25 about it ahead of time. If I don't call out the name and

1 they get added on later, that could present a problem, so
2 these are people that may be called as witnesses in the
3 case:

4 The first is Dr. Donna Schwartz Maddox.
5 Anybody know her or perhaps been a patient of hers in the
6 past? Okay. I find none. Then there is a gentleman
7 named Fred Stevens. I find none. Then there is a fellow
8 by the name of DeAngelo Patterson. I find none, and then
9 there is a lady named Virginia McWhite. I find none, and
10 then another lady named Patricia Kennedy. All right. I
11 find none.

12 Now, on the next case, we have the same set
13 of lawyers, but the other party in the case that is
14 represented by Mr. Falk is named Mark Raney. Is there
15 any member of the jury panel related by blood or marriage
16 or acquainted in any way with Mr. Mark Raney? If so,
17 would you please stand. Okay. I find none. Now, the
18 potential witnesses in this case are Dr. Marie E. Gehle,
19 G-e-h-l-e. Am I pronouncing that correctly? I find
20 none, and also Angela Raney. Okay. I find none. All
21 right.

22 Now, this next set of questions are questions
23 that apply to both kind of cases, and they all are the
24 same, so both of these kinds of cases are brought under a
25 statute known as the sexually violent predator act, and

1 so both of the gentlemen had been convicted of prior
2 offenses, and they are sexual offenses in nature.

3 Is there any member of the jury panel that
4 knows anything at all about the sexual offenses that
5 Mr. Mark Raney got convicted of? How about the sexual
6 offenses that Mr. Antonio Young got convicted of? Okay.
7 I find none.

8 Would the fact that either of those two
9 gentlemen got convicted of sexual offenses -- they have
10 completed their criminal sentences related to that
11 conviction. The fact that they got convicted and
12 finished serving their sentences, would that affect your
13 ability to be a fair and impartial juror in this trial?

14 Yes. Your name and number?

15 A PROSPECTIVE JUROR: Nancy Harper, juror
16 number 115.

17 THE COURT: Would you come up, please.

18 (Prospective juror approaches sidebar.)

19 Okay. What would you like to tell me?

20 A PROSPECTIVE JUROR: I don't care that
21 they've served their sentences, I still consider them
22 guilty. That's just my personal feeling.

23 THE COURT: Okay. All right.

24 We will have you go ahead and sit back down.

25 Thank you.

1 A PROSPECTIVE JUROR: Okay.

2 (Prospective juror returns to panel.)

3 THE COURT: Anyone else? You want to come
4 forward?

5 (Prospective juror approaches sidebar.)

6 A PROSPECTIVE JUROR: My name is Julia
7 McCarthy, 172.

8 THE COURT: What would you like to tell me?

9 A PROSPECTIVE JUROR: I was adopted, and I
10 was abused by my biological parents, and I don't think it
11 would affect me fully, but it's kind of making me really
12 anxious.

13 THE COURT: All right. You were adopted, and
14 how would that affect your --

15 A PROSPECTIVE JUROR: The abuse part.

16 THE COURT: So you were abused by your
17 biological parents?

18 A PROSPECTIVE JUROR: Yes, biological. I
19 have PTSD from it.

20 THE COURT: So you think that might affect
21 your ability to be fair and impartial in these cases?

22 A PROSPECTIVE JUROR: A little bit, yes.

23 THE COURT: Okay. Thank you.

24 (Prospective juror returns to panel.)

25 MR. BOGLE: Are those two out?

1 THE COURT: Yeah, I'll take her out.

2 All right. Any member of the jury panel,
3 either you or any of your close personal friends or
4 relatives, ever been the victim of a sexual assault or a
5 violent crime or domestic violence? If so, would you
6 please stand.

7 I'll have you come forward, so you come on
8 this side.

9 THE BAILIFF: Number 238.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Yes, ma'am. What you would like
12 to tell me?

13 A PROSPECTIVE JUROR: My sister-in-law, my
14 roommate, and my college roommate and two very close
15 friends of mine were all victims of sexual assault.

16 THE COURT: Do you think that would affect
17 your ability to be fair and impartial in this case?

18 A PROSPECTIVE JUROR: I would say usually,
19 yes, sir, it could mar my judgment.

20 THE COURT: Thank you. You can go ahead and
21 be seated.

22 (Prospective juror returns to panel.)

23 THE COURT: We'll take her out.

24 THE BAILIFF: Juror number 209.

25 (Prospective juror approaches sidebar.)

1 THE COURT: Yes, sir?

2 A PROSPECTIVE JUROR: My ex-wife was sexually
3 abused for a long time, and, from my perspective, it was
4 one of the root causes of our divorce, so yes, I would
5 having trouble being impartial.

6 THE COURT: Well, thank you. 209? You can
7 be seated. Thank you.

8 (Prospective juror returns to panel.)

9 THE BAILIFF: Juror number 296.

10 (Prospective juror approaches sidebar.)

11 THE COURT: Yes?

12 A PROSPECTIVE JUROR: Priscilla Wooden. I
13 left an abusive marriage, and I was also sexually
14 assaulted in 1996.

15 THE COURT: Do you think that would affect
16 your ability to be fair and impartial?

17 A PROSPECTIVE JUROR: I should have came up
18 the first time because knowing that they have done this
19 before makes me biassed.

20 THE COURT: So you think it would affect you?

21 A PROSPECTIVE JUROR: Yeah.

22 THE COURT: You can be seated. Thank you.

23 (Prospective juror returns to panel.)

24 All right. We'll take her out too, 296.

25 THE BAILIFF: Juror number 68.

1 (Prospective juror approaches sidebar.)

2 A PROSPECTIVE JUROR: I have a close family
3 friend that was a victim of sexual violence.

4 THE COURT: Okay. Do you think that would
5 affect your ability to be fair and impartial in this
6 case?

7 A PROSPECTIVE JUROR: Possibly. I don't
8 know. I have great empathy. She was like a daughter to
9 me.

10 THE COURT: Okay.

11 A PROSPECTIVE JUROR: So -- I don't know
12 that -- I was questioning that.

13 THE COURT: Okay. All right. You can be
14 seated.

15 (Prospective juror returns to panel.)

16 If they can't say yes, I'll take them out.

17 THE BAILIFF: Juror number 217.

18 (Prospective juror approaches sidebar.)

19 A PROSPECTIVE JUROR: Could you repeat the
20 question? I just want to make sure. What was the
21 complete thing because --

22 THE COURT: It was either you or any of your
23 friends or relatives ever been the victims of a sexual
24 assault or violent crime or domestic violence?

25 A PROSPECTIVE JUROR: I just want to make

1 sure. I have been a victim of being bitten, and one of
2 my younger sisters was sexually abused by our
3 grandfather.

4 THE COURT: Do you think that would affect
5 your ability to be fair and impartial in this case?

6 A PROSPECTIVE JUROR: I don't really know the
7 complete case, but I think I could be fair.

8 THE COURT: You think you could be?

9 A PROSPECTIVE JUROR: Uh-huh.

10 THE COURT: To both sides?

11 A PROSPECTIVE JUROR: (Nods head.)

12 THE COURT: All right.

13 (Prospective juror returns to panel.)

14 THE COURT: Next?

15 THE BAILIFF: Juror number 229.

16 (Prospective juror approaches sidebar.)

17 THE COURT: Yes?

18 A PROSPECTIVE JUROR: I just found out last
19 month my sister-in-law was raped in high school.

20 THE COURT: Okay. Do you think that would
21 affect your ability to be fair and impartial in this
22 case?

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: Okay. Thank you. You can be
25 seated.

1 (Prospective juror returns to panel.)

2 THE BAILIFF: Juror number 115.

3 (Prospective juror approaches sidebar.)

4 THE COURT: All right. You are number 115.

5 I've already taken you out, so you don't have to respond

6 to any more questions, okay? You can just sit down.

7 You'll be serving perhaps in Judge McCoy's case, but not
8 these two.

9 (Prospective juror returns to panel.)

10 THE BAILIFF: Juror number 50, 50.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Yes, ma'am?

13 A PROSPECTIVE JUROR: You said domestic. My
14 ex-husband used to beat on me.

15 THE COURT: Do you think that would affect
16 your ability to be fair and impartial for or against
17 either side in this case, in either case? You think you
18 would be okay on a jury?

19 A PROSPECTIVE JUROR: I would be fine.

20 THE COURT: Okay. Thank you.

21 (Prospective juror returns to panel.)

22 THE BAILIFF: Juror number 287.

23 (Prospective juror approaches sidebar.)

24 THE COURT: Yes?

25 A PROSPECTIVE JUROR: My son was brutally

1 beaten by a group of boys. I was robbed at gunpoint.

2 THE COURT: Do you think that would affect
3 your ability to be fair and impartial for or against
4 either side in these cases?

5 A PROSPECTIVE JUROR: We're trying to
6 determine if they did the crime or they admitted to doing
7 the crime already?

8 THE COURT: Well, they've -- they were
9 convicted of a crime already, and this is a case that
10 tries to determine if they meet the definition of
11 somebody who might reoffend in the future.

12 A PROSPECTIVE JUROR: I don't think I could
13 be impartial.

14 THE COURT: Okay.

15 (Prospective juror returns to panel.)

16 THE BAILIFF: Juror number.

17 (Prospective juror approaches sidebar.)

18 A PROSPECTIVE JUROR: My wife has confided in
19 me that she was raped when she was younger.

20 THE COURT: Okay. Do you think that would
21 affect your ability to be fair and impartial in either of
22 these cases, for or against either side?

23 A PROSPECTIVE JUROR: No, I don't believe so.

24 THE COURT: Okay. You think you could be
25 fair?

1 A PROSPECTIVE JUROR: Yes.

2 THE COURT: Okay. Thank you.

3 (Prospective juror returns to panel.)

4 THE BAILIFF: Juror number 42.

5 (Prospective juror approaches sidebar.)

6 A PROSPECTIVE JUROR: Good morning. Did you
7 say sexually violent crime? I couldn't understand.

8 THE COURT: Yeah. It could be a sex assault
9 or a violent crime or a domestic violence.

10 A PROSPECTIVE JUROR: My only sibling was
11 murdered.

12 THE COURT: And when was that?

13 A PROSPECTIVE JUROR: That was in '91.

14 THE COURT: Would that affect your ability to
15 be fair and impartial in this case for or against either
16 side?

17 A PROSPECTIVE JUROR: I'm not sure, Your
18 Honor.

19 THE COURT: Okay. Well, there's no right
20 answer. It's how you feel, so you tell me.

21 A PROSPECTIVE JUROR: I don't know. I kind
22 of have a conflict with premeditation, that sort of
23 thing.

24 THE COURT: Okay. Thank you.

25 A PROSPECTIVE JUROR: I could try.

1 THE COURT: Thank you.

2 (Prospective juror returns to panel.)

3 MR. BOGLE: She's out.

4 THE COURT: Yeah, take her out.

5 (End of sidebar.)

6 Anyone else? All right. Any member of the
7 jury panel, either you or any of your close personal
8 friends or relatives, ever been convicted of a sexual
9 offense? If so, would you please stand, and you can come
10 forward and talk to me about that.

11 (Prospective juror approaches sidebar.)

12 THE COURT: Yes. Your name and number?

13 A PROSPECTIVE JUROR: George Stinson. 258, I
14 think.

15 THE COURT: Okay. All right. What would you
16 like to tell me?

17 A PROSPECTIVE JUROR: A few years ago, we had
18 a family acquaintance who I worked with who was charged
19 and convicted of children sex crimes.

20 THE COURT: When you say a family
21 acquaintance --

22 A PROSPECTIVE JUROR: He was a friend of
23 ours. He and his wife had come to the house for --

24 THE COURT: He wasn't a relative, though? He
25 was just an acquaintance?

1 A PROSPECTIVE JUROR: No, no, he was an
2 acquaintance. I knew him. I'm just bringing it up.

3 THE COURT: How long ago was that?

4 A PROSPECTIVE JUROR: About 2011 maybe.

5 THE COURT: Okay.

6 A PROSPECTIVE JUROR: Or 2010.

7 THE COURT: He was your friend, or that's
8 when he got convicted?

9 A PROSPECTIVE JUROR: That's when he was
10 convicted. Once I found out about it, I didn't talk with
11 him anymore. In fact, he was released from the VA where
12 I worked.

13 THE COURT: Do you think that would affect
14 your ability to be fair and impartial in either of these
15 cases, for or against either side?

16 A PROSPECTIVE JUROR: Yeah.

17 THE COURT: You would be okay?

18 A PROSPECTIVE JUROR: I would be all right.

19 THE COURT: All right. Thank you.

20 (Prospective juror returns to panel.)

21 THE BAILIFF: Juror number 96.

22 (Prospective juror approaches sidebar.)

23 THE COURT: Yes?

24 A PROSPECTIVE JUROR: I didn't get the
25 precise wording of your question but a cousin of mine I'm

1 not in close contact with --

2 THE COURT: Any friends or relatives that got
3 convicted of a 'sex offense?

4 A PROSPECTIVE JUROR: So this was a cousin
5 who was --

6 THE COURT: And when was this?

7 A PROSPECTIVE JUROR: You know, I'm not in
8 close contact with this family member at all. I think it
9 was between five and ten years ago.

10 THE COURT: Okay. Somebody you're close to?

11 A PROSPECTIVE JUROR: No.

12 THE COURT: Would it affect your ability to
13 be fair and impartial in either of these cases for or
14 against either party?

15 A PROSPECTIVE JUROR: I would say no. Just
16 checking in out of an abundance --

17 THE COURT: Excellent. Thank you.

18 (Prospective juror returns to panel.)

19 Anyone else? Any member of the jury panel
20 have any training or experience in the field of
21 psychiatry, psychology, or the law, would you please
22 stand? Okay.

23 If you would, give me your name and number
24 and tell me which field it was that you got training in.
25 We'll start with you.

1 A PROSPECTIVE JUROR: Valerie Washington,
2 287.

3 THE COURT: Okay.

4 A PROSPECTIVE JUROR: I'm a retired clinical
5 social worker.

6 THE COURT: 287?

7 A PROSPECTIVE JUROR: Yeah.

8 THE COURT: Thank you. You can be seated.

9 A PROSPECTIVE JUROR: 58. I'm a practicing
10 lawyer.

11 THE COURT: All right. Have you ever had any
12 experience with a sexually violent predator case or
13 studied that area?

14 A PROSPECTIVE JUROR: Not since law school.

15 THE COURT: Would that affect your ability to
16 be fair and impartial in this case?

17 A PROSPECTIVE JUROR: It would not.

18 THE COURT: Thank you.

19 A PROSPECTIVE JUROR: Juror number 99. I
20 have a master's degree in psychology.

21 THE COURT: Have you ever studied anything in
22 the field of sexually violent predators?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Anything in your studies affect
25 your ability to be fair and impartial in either of these

1 cases?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Thank you. Any member of the
4 jury panel ever worked as an emergency medical
5 technician, a volunteer fire person, or any occupation
6 that might be described as a first responder? Okay. I
7 find none.

8 Any member of the jury panel ever worked for
9 or in any way been connected with a social services
10 agency, a guardian ad litem program, a foster care
11 program, or any entity that investigates or counts
12 victims of sexual assault? Yes, ma'am. Number 258, was
13 it?

14 A PROSPECTIVE JUROR: 287.

15 THE COURT: 287. Okay. All right. You can
16 be seated. Anyone else?

17 Any member of the jury panel ever been
18 involved in a prison ministry, a prison outreach program,
19 or any program involving contact with incarcerated
20 persons?

21 Yes, your name and number?

22 A PROSPECTIVE JUROR: Temisan Etikerentse,
23 77.

24 THE COURT: Okay.

25 A PROSPECTIVE JUROR: I was a physician at

1 the Berkeley County detention center.

2 THE COURT: Would that affect your ability to
3 be fair and impartial to either side in either of these
4 cases?

5 A PROSPECTIVE JUROR: I don't think so.

6 THE COURT: Thank you. Anyone else?

7 Any member of the jury panel or any of your
8 close personal friends or relatives ever been subject to
9 civil commitment proceedings or been voluntarily or
10 involuntarily civilly committed? If so, would you please
11 stand. Yes?

12 A PROSPECTIVE JUROR: My son got sick.

13 THE COURT: What is your name and number?

14 A PROSPECTIVE JUROR: Ted Allen, number five.

15 THE COURT: Do you think that might affect
16 your ability to be fair and impartial against -- for or
17 against either side in this case?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: You would be okay? Thank you.
20 Anyone else?

21 Any member of the jury panel related by blood
22 or marriage to any other member of the jury panel? Okay.
23 I find none. Any member of the jury panel know of any
24 reason why they don't think they could be a fair and
25 impartial juror in either of these two cases? If so,

1 would you please stand. Okay. I find none.

2 Let me see you up here for a second.

3 (At sidebar.)

4 THE COURT: These are the ones I was going to
5 strike for cause: 115, 172, 238, 209, 296, 68, 229, 287,
6 42. Any challenge for cause?

7 MR. FALK: The only one I would challenge
8 would be number 50.

9 THE COURT: That's the one in domestic
10 violence? They responded they would be okay.

11 MR. FALK: I'm just making my challenge for
12 cause.

13 THE COURT: Y'all will just have to strike.
14 How about you?

15 MR. BOGLE: I'm good.

16 THE COURT: What I'm going to have them do --
17 we're going to give you both a list to study, 20 minutes,
18 for both of them, and then we'll come back, draw one, and
19 then we'll just draw another one.

20 MR. FALK: We're going to get two separate
21 lists with two different people?

22 THE COURT: Can we do that? We're just
23 drawing two separate ones, and none of them can be on the
24 other list, so we'll give you a list -- so we've got four
25 strikes each and one alternate.

1 (End of sidebar.)

2 So here is what we're going to do: The clerk
3 is printing out a list of names they want to study. I'll
4 give them about 20 minutes to study that, so we will give
5 you a break until 12:00. If you would be back in your
6 seats at 12:00, we're going to draw a jury on one case
7 first. That is Mr. Young's case, I think is the first
8 one.

9 We'll draw that jury, and then we'll go ahead
10 and then draw a jury for the second case, and then we
11 will be done with my two cases, and then those of you
12 that are not picked for either of those two cases will be
13 the panel for Judge McCoy's case, and then, hopefully, in
14 the next 20 minutes we'll figure out if she's going to
15 come down here and draw hers like this or if they're
16 going to move you to whatever courtroom she's out of.

17 So just go ahead. Restrooms are around the
18 corner. Don't wander off the floor, and be back in your
19 seats at 12:00. Thank you.

20 (Recess taken.)

21 THE COURT: Mr. Bogle, do you have anything
22 before we start?

23 MR. BOGLE: No, Your Honor, thank you.

24 THE COURT: Mr. Falk?

25 MR. FALK: Could I have a few more minutes?

1 THE COURT: Sure.

2 (Recess taken.)

3 (In open court, jury panel present.)

4 THE COURT: All right. Folks, here is what
5 we're going to do: We're going to draw a jury for the
6 State versus Antonio Young first, and each side will get
7 four strikes. They've got their list. We'll go through
8 this. It goes pretty quickly, and we're going to draw
9 one alternate. Those of you who are picked for this
10 jury, this case will start after lunch at 2:00, so when
11 the clerk calls your name out, get your belongings, and
12 just head to the back there and line up against the back
13 wall, and when we're finished drawing that jury, they'll
14 take you up to the courtroom, or to the jury room where
15 you'll report to at 2:00. Okay?

16 So, Madame Clerk, if you're ready.

17 THE CLERK: Okay. We'll be using the numbers
18 1 through 21 on the left side. Each side has four
19 strikes. Plaintiff will strike first.

20 MR. BOGLE: Thank you Madame Clerk. The
21 State will strike number one.

22 THE CLERK: Plaintiff strikes number one.

23 MR. FALK: Respondent will strike number
24 five.

25 THE CLERK: Okay. Defendant strikes number

1 five.

2 MR. BOGLE: State would strike number 10.

3 THE CLERK: Plaintiff strikes number 10.

4 MR. FALK: Number 11.

5 THE CLERK: Defendant strikes number 11.

6 MR. BOGLE: State strikes number 14.

7 THE CLERK: Plaintiff strikes 14. Defendant?

8 MR. FALK: Number 12.

9 THE CLERK: Defendant strikes number 12. You
10 each have one strike remaining.

11 MR. BOGLE: State strikes number 20.

12 THE CLERK: Plaintiff strikes number 20.

13 MR. FALK: Strike number 21.

14 THE CLERK: Defendant strikes number 21.

15 Now, for the alternate, we will use numbers
16 22 through 24. Plaintiff strikes first.

17 MR. BOGLE: State would strike 22.

18 THE CLERK: State strikes 22. Defendant?

19 MR. FALK: 24.

20 THE CLERK: Defendant strikes number 24, and
21 if you all would follow along, I'm going to read down the
22 numbers on the left side still to make sure we still have
23 the same remaining: Number 2, number 3, number 4, number
24 7, number 8, number 9, number 13, number 15, number 16,
25 number 17, number 18, number 19, and number 23.

1 Anything from the State?

2 MR. BOGLE: Not from the State, Your Honor.

3 Thank you.

4 THE COURT: Anything from the Respondent?

5 MR. FALK: Nothing from the Respondent.

6 THE COURT: Okay. Go ahead and call the
7 jury.

8 THE CLERK: When I call your name, gather up
9 your belongings and line up against the wall back by the
10 bailiffs: Juror number 57, Ben B. Davis; juror number
11 51, Allan Cornett; juror number 167, Robin Marion; juror
12 number 161, Joseph Makepeace; juror number 175, Chaney
13 McGehee; juror number 273, Nicholas Thorn; juror number
14 10, Nilar Backman; juror number 197, Thomas Murphy; juror
15 number 200, Eileen Neilansnee; juror number 99, Sharon
16 Glaab; juror number 106 Jeffrey Gruber; juror number 112,
17 Kelly Hammond; juror number 35, Telaya Brown.

18 THE COURT: All right. Folks, you are our
19 jury now for the case we'll start after lunch. I'm going
20 to send you up with the bailiffs right now, and they'll
21 take you to the jury room, and then they'll release you
22 to go to lunch. When you come back at 2:00, just go
23 straight to the jury room that they're taking you at now.
24 Don't come back here, don't go to the courtroom. Go to
25 the jury room that they're taking you to now and if you

1 would be back there at 2:00, maybe just a couple minutes
2 before, we're going to get started. Hopefully right
3 around 2:00, so thank you for your patience and we'll see
4 you again this afternoon.

5 Okay. Now we're going to draw a jury for the
6 second case with Mr. Raney, so Madame Clerk, if you're
7 ready.

8 THE CLERK: Gentlemen, we'll be using the
9 numbers on the left again. 1 through 20 will be for the
10 jury. Each of you will have four strikes. Alternate
11 will be 21 through 23, and you'll each have one strike.
12 Plaintiff strikes first.

13 MR. BOGLE: Thank you, Madame Clerk. Number
14 7.

15 THE CLERK: Plaintiff strikes number 7.
16 Defendant?

17 MR. FALK: Number 3.

18 THE CLERK: Defendant strikes number 3.

19 MR. BOGLE: Number 9.

20 THE CLERK: Plaintiff strikes number 9.

21 MR. FALK: Defendant will strike number 2.

22 THE CLERK: Defendant strikes number 2.

23 MR. BOGLE: Number 10.

24 THE CLERK: Plaintiff strikes number 10.

25 Defendant?

1 MR. FALK: Number 12.

2 THE CLERK: Defendant strikes number 12. You
3 each have one strike remaining. Plaintiff?

4 MR. BOGLE: Number four.

5 THE CLERK: Plaintiff strikes four.
6 Defendant?

7 MR. FALK: Number 16.

8 THE CLERK: Defendant strikes 16. And for
9 the alternate, plaintiff?

10 MR. BOGLE: Number 22.

11 THE CLERK: Plaintiff strikes 22. The
12 defendant?

13 MR. FALK: 21.

14 THE CLERK: Defendant strikes 21, and I'll
15 read down the numbers on the left side to make sure we
16 still have the same remaining: I have number one, number
17 five, number 6, number 8, number 11, number 13, number
18 14, 15, 17, 18, 19, 20, and 23.

19 MR. BOGLE: Yes.

20 MR. FALK: Yes.

21 THE COURT: Anything from the State?

22 MR. BOGLE: Not from the State, Your Honor.

23 THE COURT: From the Respondent?

24 MR. BOGLE: Nothing from Respondent, Your
25 Honor.

1 THE COURT: Now, folks, when she calls your
2 name out, take your belongings and, if you would, just go
3 back up against the wall there, and I'll give you
4 instructions after everybody's done.

5 THE CLERK: Juror number 259, Lisa Stokes;
6 juror number 189, Zachary Moden; juror number 168, Seth
7 Martin; juror number 96, Ben Gilbertson; juror number 97,
8 George Gilliard; juror number 199, Deborah Neal; juror
9 number 123, Darryl Hinkley; juror number 64, Christianna
10 Demyan; juror number 128, Shauntel Howard-Castain; juror
11 number 137, Jeffrey James; juror number 48, Bobby
12 Chestnut; juror number 140, Elaine Johnson; juror number
13 53, Donald Cox.

14 THE COURT: Okay. Now, you folks will be for
15 our second case, and we're going to start that tomorrow
16 morning. I'm going to -- when you leave out of here,
17 you'll be free to go for the rest of today. You don't
18 have to call after 6:00. I'd like you to report back
19 tomorrow morning at 11:00.

20 We're going to start the other case this
21 afternoon. We'll probably get the vast majority of it
22 done this afternoon, but we might have a witness or two
23 in the morning and charge, so I'm going to have y'all
24 come in at 11:00 tomorrow morning. You'll just come back
25 to this room right here because the jury room will be

1 used.

2 We'll have you come back here, and you
3 hopefully won't have to wait too long, but once we finish
4 that other one and get them at least deliberating, then
5 we'll go ahead and get started with the second case. So
6 you're free to go for the rest of today. You can go to
7 lunch, go to work. Do whatever you want to. Don't talk
8 about the case with anybody else, including other members
9 of your jury. Just tell people that you did get picked
10 for a case, but the judge says you can't talk about it,
11 and don't try to find out anything about it on the
12 Internet.

13 I don't know that there is anything, but you
14 can sometimes find case information, but anything that we
15 need to tell you, you will get presented that in the
16 courtroom, so just go and enjoy the rest of the day, and
17 report back to this room tomorrow morning by 11:00. All
18 right? Thank you for your patience today.

19 Now, the rest of you, I understand they're
20 going to take you up to Judge McCoy's courtroom. I think
21 that's 3B, and then she will go through the last part
22 with that case that y'all will be starting. As I
23 understand, she's going to draw a jury today, and that
24 case will begin tomorrow morning, so the end is in sight.
25 It won't be too much longer, and you'll either know you

1 have to report back tomorrow or perhaps later in the week
2 if she gets to a second trial.

3 So thank you so much for your patience today,
4 and I hope you enjoy your jury service. All right. I'll
5 see you guys at -- how about 1:45?

6 (Recess taken.) (October 30, 2018.)

7 MR. BOGLE: Do you have a pretrial motion?

8 MR. FALK: I thought I sent this to
9 Mr. Bogle, but apparently I didn't. It's the -- what we
10 have, and I don't even know if it's going to be relevant,
11 but there's a 1989 grand larceny which was nolle prossed,
12 a nolle prossed grand larceny charge from 1989.

13 MR. BOGLE: So as far as the statements about
14 the history, that's -- I can use those like I did before.
15 Is that part of your motion?

16 MR. FALK: Yes.

17 MR. BOGLE: Okay. The next question about
18 the right to annual review, if that's part of your
19 motion, if he brings up indeterminate, then I can bring
20 up annual review, same rule. The third question is,
21 there's a 1989 grand larceny?

22 MR. FALK: 1989 grand larceny, nolle prossed.

23 MR. BOGLE: That case was just on the NCIC.
24 There was no incident report available.

25 THE COURT: Okay. Well, same thing. If

1 there was no incident report, then I'm not going to let
2 that --

3 MR. BOGLE: Leave it out, and then the final
4 part -- well, that's it. Okay. So basically the same.

5 THE COURT: Okay.

6 MR. BOGLE: This is Mark Raney. We'll have
7 one exhibit, criminal sexual conduct in the first degree
8 from 1997, if I can mark it now.

9 (State's Exhibit No. 1 was marked for
10 identification.)

11 THE COURT: Okay. If he's ready, bring the
12 jury in.

13 (11:47 a.m., in open court, jury present.)

14 THE COURT: All right. Welcome back, folks.
15 Did y'all pick a foreperson? Is that you?

16 THE FOREPERSON: Jeffrey James.

17 THE COURT: Congratulations. You're the
18 foreman of the jury. You don't get any extra pay. You
19 just write the verdict down at the end.

20 I'm going to give you some preliminary
21 instructions, tell you what we're going to be doing.
22 Before I do that, I need to have the clerk administer the
23 oath to you, so if you could, please stand and raise your
24 right hand while the clerk administers your oath.

25 (Jury duly sworn.)

1 All right. Be seated. Thank you.

2 Okay, folks. I want to give you some
3 instructions about what we're going to be doing in a
4 little bit about this type of case, and then we'll have
5 the opening statements and then we're going to take a
6 break for lunch.

7 I've got a doctor's appointment that I've got
8 to go to during lunch that seemed like a good idea at the
9 time, but you have to do those so long ago. Today it
10 doesn't seem like it was such a good idea, but we'll
11 probably break around 12:15, 12:30, and I'll give you a
12 break till 2:30, and we'll start back at 2:30. I think
13 that should get everything done that I need to do.

14 Let me tell you what we'll be doing and a
15 little bit about this type of case. I told you that this
16 is a civil case. We're doing common pleas court this
17 week. It's our big, fancy word for civil court. It's
18 not a criminal case. We're not doing general sessions
19 court; however, this case is going to sound like there's
20 a lot of things going on that had to do with criminal
21 court, and that's because it's a type of case known as
22 the sexually violent predator act, and so there are some
23 things that you need to know about that were charged with
24 in the past, there were convictions for, but that's not
25 what he's being charged for today.

1 This is, in essence, a civil commitment
2 procedure. A sexually violent predator case is the type
3 of case in which a person who has been convicted of what
4 the legislature has deemed to be a sexually violent
5 offense is finished with their term and before they can
6 be released, there is a process like this where the end
7 result is it ends up before you, the jury, to determine
8 if he is or is not a sexually violent predator, which is
9 a special definition under a statute, the first thing of
10 which is did he commit -- or was he convicted of a
11 predicate offense, which he was, but the real question is
12 the second part of the analysis, and that is does he have
13 a mental abnormality or a personality disorder that
14 would, in essence, make it likely that he would commit
15 another sexually violent offense in the future and he
16 can't control his emotions or his behavior. Because of
17 that, he needs to be confined in a secure facility with
18 the Department of Mental Health.

19 Okay? So that's what you'll be deciding, not
20 the old case, but, in other words, in a rare incident in
21 which the State or the government tries to prove that
22 somebody may do something in the future. So it's not
23 that he is being charged with another crime but that
24 they're attempting to prove to you that because of this
25 mental abnormality or personality disorder that they

1 allege that he has that it's likely he will reoffend, and
2 so they want him committed to a mental health facility to
3 prevent him from reoffending another sexually violent
4 offense, okay?

5 Normally, in a civil case like this, we have
6 two parties, just like we do here. The party who usually
7 brings a lawsuit is known as the plaintiff; the person
8 who's defending is known as the defendant. In this case
9 here, the State of South Carolina is the party who brings
10 the lawsuit, and the party who is an attempting to commit
11 him civilly is known as the respondent, but like a civil
12 case, normally, the person who brings the lawsuit has the
13 burden of proving what they allege. The person who gets
14 sued does not have to prove anything, they just have to
15 show up, and Mr. Raney has done that.

16 So the State has to prove to the 12 of you
17 that, again, Mr. Raney was convicted of a prior sexually
18 violent offense and that he has this mental abnormality,
19 or personality disorder, that makes it likely he would
20 reoffend unless he is secured at a mental health
21 facility.

22 So normally, in a civil case, like there's
23 been an automobile wreck, for instance, or a breach of
24 contract, the person that brings the lawsuit has the
25 burden of proof. The burden of proof in a civil case is

1 normally a burden of proof standard that we call a
2 preponderance of the evidence. Preponderance of the
3 evidence also gets defined as the greater weight of the
4 evidence, or sometimes it's also said is whatever the
5 party trying to prove more likely true than not true,
6 okay?

7 Now, everybody here speaks English, heard
8 every word I said, and still are probably, like, I really
9 don't understand what he just said, and I get that. It's
10 a difficult concept to get your head around sometimes,
11 but most of us are visual learners. I'm a visual
12 learner, and it helps me to see things in order to
13 understand concepts better.

14 So you've seen the scales of justice, you
15 know, where you have the chains hanging down, there's a
16 plate on each end; the old-fashioned kind of scales where
17 you weigh things that way. Well, if you imagine those
18 scales, in a civil case, we normally start out with the
19 plaintiff on one hand and the defendant on the other
20 hand, and the scales start out even. The plaintiff in a
21 civil case has the burden of proof of a preponderance of
22 the evidence, and they just have to tip those scales,
23 even if it's just slightly, in their favor, and they have
24 met the burden of proof in a civil case.

25 Okay? It's not more complicated than that;

1 however, in a criminal case, and it makes it a little
2 easier to understand -- normally when I'm charging a
3 jury, I don't have to say, well, that one standard
4 applies to this, I just give the criminal -- as the
5 criminal burden of proof as an example to help you
6 understand the concept, but in a criminal case, when we
7 have those same scales, the State alleges that a person
8 has committed a crime, and they have to prove it by a
9 heavier burden of proof than in a civil case, and that
10 heavier burden of proof is called beyond a reasonable
11 doubt.

12 And you probably have all heard that from TV,
13 movies, reading books, that sort of thing, but you've
14 probably never really thought, I wonder what that means?
15 And what it means, according to the law, is that after
16 you've heard all of the evidence, are you firmly
17 convinced the person has committed the crime the State
18 alleged they committed, okay? It's that simple.

19 Again, the scales of justice, we start out
20 even in a civil case. The scales have to tip just a
21 little bit, and the plaintiff, or the person bringing the
22 lawsuit, meets the burden of proof, but in a criminal
23 case where the State alleges somebody committed a crime,
24 beyond a reasonable doubt means those scales have to tip
25 quite a bit in order to meet that burden of proof.

1 Well, as I said, this is a civil case, but
2 we're taking the criminal burden of proof of beyond a
3 reasonable doubt and applying it to this civil commitment
4 procedure, so follow me on this: The State has to prove
5 beyond a reasonable doubt that Mr. Raney is a sexually
6 violent predator. He doesn't have to prove that he is
7 not. The State has to prove that he is, and, again, to
8 prove that he is, they have to show that he committed the
9 previous offense and that he has a mental abnormality or
10 personality disorder that makes him likely to reoffend
11 another sexually violent offense if he's not confined to
12 a Department of Mental Health facility.

13 So at the end of the day on this case, the
14 State has to tip those scales quite a bit in their favor
15 in order to prove to you that he is a sexually violent
16 predator. He does not have to prove that he is not, and
17 at the end of the day, if you don't think the State has
18 met that burden of proof, then he is entitled to a
19 verdict that he is not a sexually violent predator.

20 On the other hand, if you feel like the State
21 met that burden of proof, then the State is entitled to a
22 verdict that he is a sexually violent predator. Okay?

23 Now, this is a trial. We have different
24 parts to the trial. We normally start out with opening
25 statements where the lawyers get up and give you a little

1 review of the evidence that you're likely to hear, talk
2 to you a little bit about what this case is about. The
3 important thing that I want you to remember about opening
4 statements is what the lawyers say is not to be
5 considered by you as evidence. They aren't witnesses,
6 they aren't testifying, and what they say is not to be
7 considered by you as evidence. It's simply argument.

8 When a witness gets up on the witness stand,
9 is placed under oath and tells you what they heard, saw,
10 touched, felt, smelt, that's evidence. A document or a
11 photograph that I'll allow into evidence, that is
12 evidence. When a lawyer asks a question of a witness,
13 that question is not evidence, but the answer to the
14 question is evidence, okay? So that might help. Keep
15 that in mind, because you're going to hear from the
16 lawyers a lot, more than anybody else, really, but what
17 they say isn't evidence. Evidence is what you hear from
18 people testifying from the witness' stand and any
19 documents that might come in. All right?

20 So after we have the opening statements, we
21 get into the presentation of the evidence, which, again,
22 the State, because they have the burden of proof they go
23 first, they put their evidence up first. They call their
24 witnesses first. They'll ask a question of a witness
25 first. Each side will get a chance to ask questions,

1 though, under our adversarial system, so the one side
2 will ask a question. The other side will have the
3 opportunity to cross-examine. So that first round of
4 questions by the party that calls somebody is called
5 direct evidence, direct examination. The response
6 questions are called cross-examination. You've heard
7 those words before. So I then usually allow one round of
8 followup, so we have direct, cross, redirect, recross,
9 and then we move on to the next witness. Okay?

10 So after you've heard then from all of the
11 witnesses that are going to testify, the lawyers will get
12 back up, make closing arguments in an attempt to persuade
13 you to render a verdict in their client's behalf. I'll
14 then get up and tell you what the law is that applies to
15 this kind of case, and then you'll retire and consider
16 whatever your verdict will be. All 12 have to agree on
17 whatever the verdict is to render a verdict. That's how
18 we decide this kind of case.

19 Let's talk about your role and my role in
20 this trial because we have different kinds of roles, and
21 we're both judges, but we're different types of judges.

22 You're judges of the facts. I am the judge
23 of the law. My job is two-fold: To preside over the
24 trial and make sure both sides get a fair trial and then
25 tell you what the law is at the end of the trial. I

1 don't have an interest in the outcome of the lawsuit. I
2 don't have an opinion about the lawsuit. That's totally
3 up to you. You are going to hear testimony, and there
4 will be a conflict in between what one side says and the
5 other side says.

6 That is up to you to decide how to resolve
7 that. That's not my thing, that's your thing, and you
8 bring in your normal, everyday ways of deciding how to
9 judge credibility of witnesses. You go, well, I don't
10 like the way they looked; or, you know, I think they have
11 an interest in the outcome of the lawsuit or they're
12 biassed in some way. Whatever you decide normally is how
13 you figure out how to judge credibility. That's what you
14 bring to the court with you.

15 We're not asking you to set aside common
16 sense or anything like that, but whatever you decide is
17 the verdict, or is the facts in resolving those
18 differences, we're bound by what you decide, but you take
19 the law, or you take the facts as you find them and apply
20 the law that I tell you applies because you're duty bound
21 to accept that law even if you don't think it's correct
22 or even if you don't think it's what the law ought to be,
23 but under the oath that you took, you agree that you'll
24 take the law that I tell you applies, apply it to the
25 facts, and that's how you come up with a verdict.

1 So that's where we're at. So we'll hear the
2 opening statements here in a minute. Then we're going to
3 take a little bit longer than average lunch break. We
4 don't normally take two hours, but we'll probably be two
5 hours, and when we come back this afternoon, you'll hear
6 from the witnesses. It won't be a long trial, but it is
7 important to both sides. Both sides, It's important to
8 them.

9 So we may get it in this afternoon. We may
10 just get the evidence portion in and finish with the
11 arguments and stuff in the morning.

12 We'll just see how it plays out in the end,
13 but while it's not a lengthy trial, it is an important
14 trial, and you'll hear more in a little bit, and it will
15 make more sense to you, some of the stuff I'm saying.

16 So we won't get anywhere if I keep talking,
17 so I'm going to turn it over to -- the attorney general
18 gets to make the first opening statement because they
19 have the burden of proof, so, Mr. Bogle, if you're ready,
20 you may begin.

21 MR. BOGLE: Thank you, Your Honor. May it
22 please the Court, Mr. Falk: Again, my name is Jim Bogle.
23 I'm with the attorney general's office in Columbia.

24 Some people when they hear these cases, they
25 think, well, why isn't our solicitor doing it, our county

1 attorney here in Charleston? The reason is when they
2 passed this law back in 1998, they wrote in the law that
3 our office would handle all the cases statewide, so me
4 and another attorney, Christopher Morrow, he and I have
5 the state divided up, and I've got the Ninth Circuit,
6 which puts me down here.

7 Every case has a theme I like to look for,
8 and before I tell you about what's going to happen here,
9 think about this theme: I'm tired of being told no by
10 women.

11 Now, when you got your jury summons and you
12 told your friends and neighbors, I've been called for
13 jury service in the court of common pleas, there was
14 probably a lot of speculation of what kind of case you
15 might hear. You're thinking, well, it might be a car
16 wreck case or a fight over some land or a dispute about a
17 contract, maybe a medical malpractice case. Well, not
18 so.

19 In 1998, the general assembly passed a law
20 called the sexually violent predator act, and that's what
21 this case is. Basically, what the State is trying to do
22 is civilly commit Mr. Raney to a secure facility for
23 long-term control, sex offender treatment, and care.
24 What the general assembly said -- when they wrote this
25 law, they said a couple of things. They said look, we

1 find that there's a mentally abnormal and extremely
2 dangerous group of sexually violent predators that exist
3 who require involuntary civil commitment in a secure
4 facility for long-term control, care, and treatment.

5 They went on to say because of the existing
6 civil commitment process by the probate Court is not
7 adequate, we're going to create this special situation,
8 special way to do it, and that's what this is. So we
9 have brought an action contending that Mr. Raney is a
10 sexually violent predator. He disputes that, so we have
11 a trial in front of 12 people in Charleston to decide
12 what the facts are.

13 Now, like the judge said, you're going to
14 decide the facts, and the facts are what you hear from
15 the witness stand and whatever evidence or documents are
16 introduced into evidence. Here's what the State has to
17 prove: Number one, has Mark Raney been convicted of a
18 sexually violent crime? And he has, criminal sexual
19 conduct in the first degree. There's 16 sexually violent
20 crimes in the statute, and that's one of them.

21 The next thing is does he have a mental
22 abnormality or a personality disorder or both that makes
23 it likely for him to commit the same types of crimes
24 again when he gets released unless he's confined in a
25 secure place for sex offender treatment, what they call

1 long-term control, care, and treatment. So these are the
2 two things we have to prove, and that mental abnormality
3 or personality disorder, in this case we have both, they
4 have to be to such a degree that it caused him serious
5 difficulty in controlling his behavior.

6 At a hearing some time ago, in this courtroom
7 or down the hallway, another judge heard this case, just
8 the preliminary part, and appointed Dr. Marie Gehle.
9 She's sitting over there in the gray coat. She was
10 appointed to evaluate this guy. She's a full-time chief
11 psychologist for the Department of Mental Health, been
12 doing this kind of work for years.

13 Her job was to get all the documents we have
14 on him, his criminal record, witness statements, incident
15 reports, prior record, record while he was in the
16 Department of Corrections, everything she could find
17 about him and also interview and talk to him and then
18 score him on these psychological testing things that they
19 do and come up with an opinion, or recommendation, as to
20 whether or not he fits the criteria to be a sexually
21 violent predator.

22 Now, normally in court witnesses can only
23 testify about things they see or detect with their
24 senses: I saw the light turn red; I heard the gun go
25 off; I saw the man grab the knife, things like that.

1 They can't give opinions, but in special cases where the
2 person has the education and training in a certain field,
3 they can help you interpret the testimony, they can be
4 qualified by the judge as what's called an expert
5 witness, and they give an opinion about something. In
6 this case, Dr. Gehle, I believe, will be qualified as an
7 expert forensic psychologist, she'll talk about what that
8 means, who will give an opinion about whether or not
9 Mr. Raney fits the criteria to be determined a sexually
10 violent predator.

11 Now, like all witnesses, you're the judges of
12 the facts. You can believe everything a witness says,
13 you can believe none of it, or everything in between.
14 That is totally up to you, and her expertise is intended
15 to guide you and help you listen to the facts about
16 Mr. Raney. So that's what the kind of case is. The
17 burden, like the judge says, is beyond a reasonable
18 doubt.

19 We have to convince you, firmly convince you,
20 that Mark Raney is indeed a sexually violent predator:
21 He's got the conviction. He's got the mental
22 abnormalities. He's also got a personality disorder, and
23 he cannot control them enough, so your job is to listen
24 to all the evidence, give it your fair deliberations, and
25 reach a verdict. I submit to you when the case is over

1 and done with that the verdict will be that he is,
2 indeed, a sexually violent predator.

3 Thank you, Your Honor.

4 THE COURT: Mr. Falk?

5 MR. FALK: May it please the Court,
6 Mr. Bogle, ladies and gentlemen of the jury: My name is
7 Jim Falk. I have a law practice here in Charleston. My
8 office is down there on Broad Street.

9 The reason I am here today is because I have
10 a contract with the South Carolina department of indigent
11 defense, and I represent people like Mr. Raney in these
12 types of actions. I do a couple of these. I run into
13 Mr. Bogle up and down the street, so that's how I got
14 here today, and as far as a theme of the case, I submit
15 here's another theme of the case: The State is really
16 making -- their case is built on a 23-year-old snapshot
17 of my client.

18 Your decision today or tomorrow, whenever we
19 get to that point in the case, your decision is going to
20 be whether or not today Mark Raney is a sexually violent
21 predator. So you're not going to be worried about who he
22 was and who he was 23 years ago. Your decision is what
23 he is today, and I submit a lot of what the State is
24 going to be basing their opinion on is stuff from the
25 past, from 23 years ago. They're going to be relying on

1 instruments that really measure stuff about Mark Raney
2 that will never change, so your decision, again, is going
3 to be, who is he today? Who is he tomorrow?

4 The other thing that might be some confusion
5 for you is the State's going to have an expert up here
6 and the expert is going to tell you he's a sexually
7 violent predator, but that's your decision, because the
8 reason these cases evolve and the way the legislature
9 intended the statute is they want you all to make that
10 decision, whether or not you think he's a sexually
11 violent predator.

12 The State's got an expert, and it's up to you
13 to determine whether or not that diagnosis makes sense to
14 you. It is your decision. Don't just think because the
15 State puts up their expert and he said he's a sexually
16 violent predator you got to find for the State. You got
17 to use your own judgment, your own experience, to make
18 your own determination in this case.

19 What's hard about these cases, first of all,
20 it's going to go very quickly. I mean, relatively, these
21 cases can go a day-and-a-half, and sometimes it -- you
22 can maybe get in sort of a mindset to not sort of step
23 back and realize how serious this case is, because your
24 decision today is going to determine where Mark Raney
25 goes tomorrow and the next day and the day after that.

1 Your decision is whether or not he's going to go home, be
2 with his wife, or whether he's going to go someplace,
3 some secure facility, to get sex offender treatment.

4 So his civil liberties are really at stake
5 here today, so although this case is going to go quickly,
6 please don't confuse that with the fact that this is just
7 sort of a run-of-the-mill case, this is just like an auto
8 accident; you know, whether the light was red or green
9 when the two cars entered the intersection. This is a
10 very serious case, and it requires your very serious
11 attention.

12 The other thing I want to caution you about,
13 my client has committed sexually violent crimes against
14 women. He's done a prison sentence. He's done it. I'm
15 not trying to say he didn't do this, and a lot of times
16 you're going to hear the underlying facts of this case
17 from two decades ago, and it's going to be troubling for
18 you, and it may sort of stir some emotions in you and you
19 may want to decide -- you may get so mad you want to say,
20 well, if he's done this once, he's going to do it again,
21 or a cat doesn't change his spots, whatever the
22 expression is.

23 My point is that it's very easy to try to
24 really almost punish him for crimes that he's done in the
25 past, but I submit he's done a very extensive prison

1 sentence. Your job is not punishing him, so your part of
2 the brain when you're thinking about this case or that
3 part of your heart or whatever that wants to punish him
4 for what he's done in the past, you have to hold those
5 emotions back.

6 What you have to decide is whether or not he
7 has a mental disease, a personality defect, that sort of
8 takes over his emotions and takes over his volitional
9 control and makes him do this. I'm telling you, he's a
10 criminal. He's committed crimes in the past. He's a
11 felon, but the issue today is whether or not he's got a
12 mental disease, and just -- I know this analogy may sound
13 stupid or silly, but I'm just trying to sort of hone in
14 my point.

15 Somebody goes into a grocery store. A kid
16 goes into the convenience store, the Kangaroo, and he
17 steals a chocolate bar and he runs out, stealing the
18 chocolate bar, or 16-year-old, 23-year-old -- the age
19 isn't important. Somebody goes in and steals food.

20 Now, that person might really like chocolate.
21 The person might have been hungry. The person might not
22 have had money in their pocket, so they stole it. That's
23 a crime. Those are all criminal motives for committing
24 that crime. My client, criminal motives, he committed a
25 crime, but the issue is whether or not he's one of these

1 kind of people, just using this analogy, that he finds
2 some kind of pleasure in stealing -- there's a term,
3 kleptomania, and that's really what I'm talking about.
4 It's not the fact that he committed a crime, it's really
5 not. There's something wrong with his brain. He's a
6 kleptomaniac that makes him really get pleasure out of
7 stealing. They really don't care what they're stealing,
8 just so they can steal.

9 That's the difference between somebody who is
10 a sexually violent predator, somebody who has a mental
11 disease, and somebody who just has a criminal record. My
12 client has a criminal record. I think at the end of the
13 day, if you can carefully sort of keep your emotions
14 aside, not try to punish him for what he's done in the
15 past, and think about -- your decision is about who he is
16 today, not who he was 23 years ago. You're going to find
17 he's not a sexually violent predator.

18 Thank you for your attention.

19 THE COURT: Okay. Well, folks, I'm going to
20 send you now back to the jury room, but you're free to go
21 to lunch. You can go anywhere you want to, but do not
22 talk to anybody about the case, including other members
23 of the jury panel. Don't try to find out anything about
24 the case online. If somebody approaches you about
25 talking to you about the case, please report that to me

1 when you get back.

2 So you can go anywhere you want to, just
3 don't talk to anybody about the case, including family
4 members or other members of the jury panel, and, also,
5 please don't post anything about your jury service on
6 social media until after the case is over with. You can
7 do anything you want as far as I'm concerned on Twitter,
8 Facebook, whatever you want to do afterwards, but during
9 the trial, it would be the same as if you just, you know,
10 talked to any other person about the case on the street.
11 It's improper, and your oath requires you to make your
12 decision based on what you hear in this courtroom, not
13 what other people think about the case.

14 So in fairness to everybody, I'm ordering you
15 not to post anything on social media until after the case
16 is over with, okay? So if you would, be back at 2:30,
17 and I hope we can get started at that time.

18 Thank you for your patience.

19 (Recess taken.)

20 - - -

21 A F T E R N O O N S E S S I O N

22 - - -

23 (In open court, jury present.)

24 THE COURT: All right, folks. Welcome back.
25 We are going to resume now with the State calling its

~~MARIE GEHLE - DIRECT EXAMINATION~~

1 first witness.

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

4 MARIE GEHLE,
5 having been first duly sworn,
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 THE WITNESS: My name is Marie Gehle, it's
9 spelled G-e-h-l-e.

10 BY MR. BOGLE:

11 Q. Dr. Gehle, would you please tell us who you work
12 for.

13 A. I work for the South Carolina Department of Mental
14 Health.

15 Q. And what advanced educational degrees or what
16 educational degrees do you possess?

17 A. I have a bachelor's degree in psychology, a
18 master's degree in psychology, and a doctorate in
19 clinical psychology.

20 Q. Do you have any specialized training in those
21 fields?

22 A. Yes. I did a post-doctoral fellowship in forensic
23 psychology, which is a specialty of clinical psychology.
24 I've done a lot of training in that field.

25 Q. You are employed by the Department of Mental

1 Health?

2 A. Yes.

3 Q. For how long?

4 A. Nine years next week.

5 Q. What states are you licensed to practice
6 psychology in?

7 A. In the states of South Carolina and Georgia.

8 Q. Do you have memberships in any organizations
9 relevant to your field?

10 A. I'm a member of the American Psychological
11 Association, the American Psychology and Law Society, and
12 the Sex Offender Civil Commitment Program Network.

13 Q. Basically, what is the study of psychology?

14 A. It's the scientific study of the mind and behavior
15 and.

16 Q. And, also, what is the study of clinical
17 psychology as a separate description?

18 A. Clinical psychology is a specialty of psychology
19 that is concerned with assessment and treatment of mental
20 illness, abnormal behavior, and other problems in life.

21 Q. Do you have any teaching positions outside of your
22 job at the Department of Mental Health?

23 A. Yes. I'm assistant professor at the medical
24 school of the University of South Carolina in the
25 department of psychiatry and also in the department of

1 psychiatry at the Medical College of Georgia in Augusta.

2 Q. If I use the word forensic psychology, what does
3 the word forensic mean in that context?

4 A. It's applying those clinical psychology principles
5 to the questions the Court may have or matters of law, so
6 we do things like competency to stand trial evaluations,
7 determining if somebody is not guilty by reason of
8 insanity; we do personal injury cases and risk
9 assessments and then things like we're here for today,
10 sexually violent predator evaluations.

11 Q. And so you've done all those different types of
12 evaluations of people for different reasons.

13 A. Yes.

14 Q. In the sexually violent predator field, have you
15 been recognized as an expert witness in the circuit
16 courts of South Carolina with regard to sexually violent
17 predator cases?

18 A. Yes.

19 Q. About how many times?

20 A. More than 110 times.

21 Q. Okay.

22 MR. BOGLE: Your Honor, at this time I would
23 like to ask the Court to recognize Dr. Marie Gehle as an
24 expert witness in the field of forensic psychology.

25 THE COURT: Any objection or do you wish to

MARIE GEHLE - DIRECT EXAMINATION

1 voir dire?

2 MR. FALK: Without objection.

3 THE COURT: All right. Folks, normally when
4 we have a witness come in, they tell you what they heard,
5 felt, smelt; their observations, in other words, but we
6 usually don't let people come in and give you their
7 opinions about evidence. It's up to you to decide what
8 to think about evidence; however, sometimes the law says
9 that when somebody, because of education or experience or
10 specialized training in some field, rises to the level of
11 expertise in that field, we allow them to come into
12 court, and they're qualified as an expert, and not only
13 tell you about their observations but to give you their
14 opinion and give you the basis for their opinion.

15 This witness has now been qualified as an
16 expert in the field of forensic psychology. She'll be
17 able to testify, give you her opinion about the evidence
18 and the basis for that. Just because somebody is
19 qualified as an expert doesn't mean you're required to
20 blindly accept their testimony. You decide how much
21 weight to give any witness's testimony, including an
22 expert's testimony, as much as you feel like it deserves
23 based on all of the evidence that you will hear
24 throughout the trial.

25 All right? You may resume.

1 BY MR. BOGLE:

2 Q. Dr. Gehle, on the case of Mark Raney, how did you
3 get involved in this case?

4 A. I was appointed by the Court.

5 Q. And what type of evaluation were you directed to
6 do?

7 A. I was asked to do a precommitment evaluation under
8 the sexually violent predator act.

9 Q. And in that type of evaluation, what are you
10 trying to determine?

11 A. I'm asked to give opinions about whether
12 Mr. Raney has been convicted of a sexually violent
13 offense, whether he has been -- whether he has a mental
14 abnormality or a personality disorder that makes him
15 likely to commit acts of sexual violence if he's not
16 confined in a secure facility.

17 Basically, I'm asking does he have a mental health
18 problem that's related to his sexual offending, and does
19 that mental health problem make him likely to do it
20 again?

21 Q. Now, could you please tell the jury your protocol,
22 your step-by-step method in doing these type of
23 evaluations.

24 A. Yes. So first off, I get a file full of
25 information, and I read that, and I schedule an interview

1 with the person. I request additional records.

2 When I interview the person, I will have them sign
3 releases of information, places that they have been for
4 medical care or mental health treatment, things like
5 that, and I'll request all the records that I can get. I
6 will score an actuarial risk assessment, and then I will
7 take all the information that I've received, all the
8 information from the evaluation, from the interview, and
9 I'll write a report and give my opinions to the Court.

10 Q. Now, when you say documentation of records you
11 get, would that include all of his criminal records?

12 A. Yes.

13 Q. Witness statements, indictments, sentencing
14 sheets; things like that?

15 A. Yes.

16 Q. And also his records while at the Department of
17 Corrections?

18 A. Yes.

19 Q. Whatever happened to him there?

20 A. Yes.

21 Q. Would it also include whether or not he's ever
22 received any sex offender treatment at any other place
23 such as at the Department of Corrections or any other
24 place?

25 A. Yes.

1 Q. Now, as part of the this process, did you meet
2 with and interview Mr. Raney face to face?

3 A. Yes.

4 Q. And, just for the record, is the person you
5 interviewed present in the courtroom today?

6 A. Yes.

7 Q. Would you identify him for the Court.

8 A. Sitting over there, by his attorney (indicating).

9 MR. BOGLE: Let the record reflect she's
10 identified Mr. Raney.

11 BY MR. BOGLE:

12 Q. How long and when did you interview Mr. Raney?

13 A. I interviewed him in November of 2017, and I
14 interviewed him for a total of four hours and 40 minutes.

15 Q. Did you ask him if he would consent or agree to be
16 interviewed by you in the process of this case?

17 A. Yes. I explained to him the purpose of the
18 evaluation, the general way that these cases proceed so
19 that he had all that information before I started asking
20 him questions, and he agreed to participate in the
21 interview.

22 Q. Now, the documentary information you talked about
23 a minute ago, all the stuff, the paperwork you received
24 on Mr. Raney, is this the type of information that is
25 typically and reasonably relied upon by experts in your

1 field?

2 A. Yes.

3 Q. And did you consider and rely upon that
4 information, that written information, together with your
5 interview of Mr. Raney and the scoring you did on the
6 actuarial thing we'll talk about later on, did all this
7 go into the opinion you reached about Mr. Raney?

8 A. Yes, it did.

9 Q. Now, in cases like this, or any case like this, is
10 it important to look at prior evaluations that have been
11 done by the person by some other entities?

12 A. Yes. If they exist, they are a great source of
13 information for the person's background, a person's
14 personality, any diagnoses, problems that they had back
15 then because often they would have been in a different
16 context so the person might be more apt to share
17 information in the evaluation that I do.

18 Q. And is looking at prior evaluations something that
19 is normally done by experts in your field?

20 A. Yes.

21 Q. In this case, we have a 1977 evaluation of
22 Mr. Raney, a 1982 one. Did you look at those?

23 A. It's 1997, but yes, and then the 1982 one was part
24 of the school records that I received.

25 Q. Okay. Okay. So you reviewed school records on

1 him?

2 A. Yes.

3 Q. And was there also some mental health history,
4 mental health commitments or history he had? I'm talking
5 about pages 11 through 14 of your report.

6 A. Yes, there were.

7 Q. What did you learn from these prior evaluations
8 about Mr. Raney?

9 A. I learned a lot of different things. If we go to
10 the school records, he had considerable problems with his
11 behavior as a child beginning in -- at around age seven.
12 He had to be placed in a behavioral -- or he was
13 identified as having significant behavioral problems and
14 had to be placed in special education because of that.

15 So in this state, we call that, like, emotionally
16 handicapped or things like that, but he actually went to
17 school in Missouri. He had lots of anger, really
18 hostile. He was very explosive, frequent physical and
19 verbal outbursts, lots of fighting with others, just --
20 he was a very, very difficult child to manage.

21 He also -- his mother, when he was seven, had a
22 stroke and became disabled, and that, in Mr. Raney's
23 view, led to a lot of anger issues and him being raised
24 by a mother who had a very difficult time talking. That
25 was affected by her stroke, and their sort of financial

MARIE GEHLE - DIRECT EXAMINATION

1 situation changed after her stroke. She was unable to
2 work.

3 So, after that -- I didn't have school records
4 from before that time, but after his mom had that stroke,
5 he had a lot of problems with his behavior. In school he
6 was just very, very difficult to manage and he was
7 suspended, expelled, placed in special education class
8 for kids with behavioral difficulties.

9 Another evaluation that I looked at was a
10 mitigation evaluation that was done before he was
11 sentenced on his last sexual offense, and that confirmed
12 some of the information that Mr. Raney told me and also
13 things that were in those school records but his just
14 considerable problems with anger and that anger continued
15 as an adult. It was noted that one of his sexual
16 offenses might have been caused by the stress of his wife
17 leaving him, things like that.

18 He had a hospitalization after a suicide attempt
19 in -- I believe that was 1996, and he was diagnosed with
20 antisocial personality disorder and posttraumatic stress
21 disorder and mood disorders. He's been diagnosed with
22 antisocial personality disorder also in 1995 when he had
23 an evaluation following an incident of physical abuse of
24 his girlfriend at the time.

25 So, again, just lots of problems with anger

1 throughout those records were noted.

2 Q. Now, can you explain to the jury how a person's
3 past sexual offense behavior impacts or relates to their
4 future sexual offense behavior?

5 A. Just as a general rule, somebody's past behavior
6 is the best predictor of their future behavior. People's
7 behavior tends to remain consistent, but in terms of
8 their sexual behavior, their sexual arousal patterns also
9 tend to remain consistent over time, so a very good
10 indicator of past behavior is a very good indicator of
11 future behavior.

12 Q. In your review of the files and records of
13 Mr. Raney, based upon your review of the file and talking
14 to him and things like that, did you find whether or not
15 Mr. Raney had been convicted of a sexually violent
16 offense in South Carolina?

17 A. Yes.

18 Q. If I may approach the witness, Your Honor, let me
19 hand you what's been premarked as State's Exhibit 1.
20 It's an indictment and sentencing sheet, indictment
21 number 1997-GS-10-1097 for Charleston County for criminal
22 sexual conduct in the first degree. Is that the sexually
23 violent crime that you found in his records?

24 A. Yes, it is.

25 Q. Now, let's step aside from that for just a minute.

1 In a case like this, is it important to look at the guy's
2 entire criminal history?

3 A. Yes.

4 Q. Not just the sexually violent crime you're holding
5 in your hand, but the entire history?

6 A. Yes.

7 Q. Does that include crimes that might have been
8 dismissed or nolle prossed but still crimes that he got
9 arrested for?

10 A. Yes.

11 Q. Why is it important to look at the entire criminal
12 history in a case like this?

13 A. Well, it's important to just see just a timeline
14 of their life, because even if somebody wasn't convicted
15 of something, they may have spent some time in jail,
16 awaiting trial and things like that, so it's time that
17 takes them out of the community.

18 But I'm looking to kind of reconstruct where they
19 were, how long they were in the community, how long they
20 had been in prison, see what types of crimes they are
21 being arrested for. I'm looking for things that indicate
22 mental health problems or personality disorders which can
23 be indicative in the arrests and charges and just their
24 overall criminal history. I'm just looking at all that
25 information to get a sense of how their life has gone.

1 Q. Starting around I think it's page 24 or so of your
2 report, what about his criminal history did you find
3 significant in making your diagnosis?

4 A. Well, he had problems with his behavior that
5 resulted in convictions as a juvenile. He spent time in
6 juvenile detention facilities. He had a probation
7 officer by age 12, so that means that he had problems
8 with his conduct and behavior early on in life, and then
9 he has two very significant sexual assaults and an escape
10 from prison.

11 Q. Did he make a comment to you or to the police in
12 the records you looked at about why he did these sexual
13 assaults?

14 A. Yes, he made a comment to me.

15 Q. What did he say?

16 A. He said he may have committed the rapes of women
17 because he was tired of being told no, that he was tired
18 of being rejected. You keep trying. You're nice to
19 people, and he continues to get rejected, and he was
20 tired of it.

21 Q. Okay. To diagnose someone with antisocial
22 personality disorder, is it necessary to have criminal
23 activity prior to age 15?

24 A. It doesn't have to be criminal activity. It has
25 to be evidence of a conduct disorder, so violation of

1 rules. They don't have to be criminal laws. It can be
2 violation of school rules, parental rules, problems like
3 that.

4 Q. Okay. And you said earlier that he had a
5 probation officer as early as age 12 or so?

6 A. Yes.

7 Q. So now look at page 24. Prior to this crime we're
8 talking about today, prior to the one I handed you, did
9 he have a sexual offense in another jurisdiction?

10 A. Yes, he did.

11 Q. What was it?

12 A. So in June of 1990, he was in North Carolina, and
13 he was convicted of second degree rape, second degree
14 sexual offense, and second degree kidnapping.

15 Q. Okay. In cases like this when you're looking at
16 the sexual offenses, in order to make a diagnosis and
17 explain how you got from point A to point B in these
18 cases, is it necessary to look at the underlying details
19 behind the crime?

20 A. Yes.

21 Q. Why is it necessary to go that deep?

22 A. Well, I need to know the gender of the person he
23 raped, the relationship; was it a stranger? Was it
24 somebody that he knew? Was it a family member? All
25 those things tie into risk.

1 I need to see what were the specific details of
2 the offense. Did the victim fight back? How brutal was
3 it? Were weapons involved? Were threats involved,
4 things like that.

5 Q. What were the underlying facts that you found
6 significant regarding his conviction in North Carolina
7 for the rape conviction you talked about a minute ago?

8 A. Well, there were many. This was the rape of a
9 40-year-old female. She was a stranger. They had -- her
10 and Mr. Raney had never met before. They just happened
11 upon each other in a motel bar.

12 At the time Mr. Raney was working as a long haul
13 truck driver. He had stopped at a hotel, he said, to get
14 a room at first and then decided against it. He went to
15 the hotel bar. The victim worked in the area, and she
16 came into the bar, talked to the bartender. She was in
17 the bar for a total of 20 minutes.

18 While she was there, Mr. Raney asked her if he
19 could buy her a drink. She said no. He said he had a
20 couple more drinks, and then he asked her if he could buy
21 her dinner, and she again said no. So she was in the bar
22 for 20 minutes.

23 When she left the bar to go to her room, Mr. Raney
24 followed her, and then he kind of hung outside of her
25 hotel room while she was coming down the hallway, and he

1 pretended to be very ill. She came to see if he needed
2 some help, if he needed help like getting to his room or
3 if she could call the front desk for him. And there were
4 other people in the hallway, so she felt safe enough to
5 go into her room after he declined her help, and when she
6 opened the door to her room, he pushed his way inside.

7 They fought. They struggled on the floor for over
8 an hour. She screamed. She scratched him. She yelled
9 at him. She did everything that she could, and they
10 struggled and struggled. At one point while they had
11 been laying on the floor for, like, an hour, she said
12 that her back hurt and that she really needed to get up,
13 and he allowed her to get up and they both stood.

14 While they were standing, it just so happened that
15 a fire alarm in the hotel went off, and the victim urged
16 him to -- you know, we've got to check this out. It
17 could be an actual fire, so he put his hand over her
18 mouth. He had, you know, hold of her and walked her to
19 the door and peered into the hallway, and she tried to
20 flee, but she didn't get away.

21 And so at that point, Mr. Raney pushed her on to
22 the bed face first, took off her clothes, and then he
23 performed oral sex on her and he raped her vaginally with
24 his penis. He did that until he ejaculated, and then he
25 made her get dressed. She asked him for a drink. They

1 went to the vending machine, he bought her a drink, and
2 then he made her walk him to a semi and then he left.
3 She immediately told law enforcement.

4 So with just that account, there were several
5 things that were really important: It was a female. It
6 was a stranger. Raping a stranger is actually related
7 to -- people are more likely to commit another sexual
8 offense if they rape a stranger, if they sexually assault
9 a stranger.

10 While he was in the bar, before the victim even
11 came in, he used a fake name when he was talking to the
12 other patrons of the bar, so I found that interesting as
13 to why he's using a fake name. It appeared to me that he
14 was planning to do something wrong. He used a ruse to
15 gain access to her, to let her feel comfortable. So he
16 appeared vulnerable, and she felt safe going to her room,
17 and there was quite a struggle.

18 So he raped her under conditions that could not at
19 all appear consensual. She did not acquiesce. She did
20 not pretend to go along with it. She fought him for a
21 really long time. She struggled, so when somebody can
22 commit rape with somebody who is a victim that's
23 struggling and clearly showing I don't want any part of
24 this, that's very problematic because most people,
25 normally, if somebody does not appear to want sexual

1 contact, that's a turnoff. That decreases arousal, when
2 somebody is not into the sexual act, so that's a big red
3 flag for that offense.

4 Q. And in this case, he was convicted of the rape
5 charge he called second degree rape or something like
6 that?

7 A. He was convicted of three offenses of that. It
8 was second degree rape, second degree sexual offense, and
9 second degree kidnapping.

10 Q. Okay. And he was in prison in North Carolina
11 because of all this.

12 A. Yes.

13 Q. And you said earlier that one of the crimes he was
14 guilty of was escape. Did he escape from prison in North
15 Carolina?

16 A. Yes.

17 Q. Was he later caught?

18 A. Yes.

19 Q. And returned to prison there?

20 A. Yes.

21 Q. When was he paroled, do you have that date?

22 A. Yes. He was released on parole on December 21,
23 1994.

24 Q. Okay. Less than two years pass. What happens
25 again, as far as a sexual offense?

1 A. Well, in October of 1996, Mr. Raney committed the
2 rape of a 26-year-old female here in Charleston County.
3 She was a stranger. He broke into her apartment in the
4 middle of the night. The victim was at her boyfriend's
5 home, and she came back to her apartment. It was like
6 3:00 a.m. She was getting ready for bed, and she heard a
7 noise and turned around and found Mr. Raney there.

8 He grabbed her around the neck and choked her,
9 threatened to break her neck, threatened her quite a lot,
10 told her that he had killed other people, that he would
11 kill her if she didn't -- if she didn't cooperate, or if
12 she tried anything. He told her that she would enjoy
13 this. He told her to act like she liked it or he would
14 kill her, and he proceeded to rape her.

15 Q. Is this the conviction for criminal sexual conduct
16 of the first degree that I handed you a minute ago?

17 A. Yes.

18 MR. BOGLE: Your Honor, at this time I would
19 move to introduce into evidence State's Exhibit 1 a
20 certified copy from the clerk's office of the criminal
21 conviction for criminal sexual conduct in the first
22 degree. It's the sentencing sheet and the indictment.

23 THE COURT: It's admitted.

24 (State's Exhibit 1 was admitted into
25 evidence.)

MARIE GEHLE - DIRECT EXAMINATION

1 BY MR. BOGLE:

2 Q. Going back to what you've been talking about so
3 far, now, in addition to the criminal sexual conduct
4 charge, I'd like to show you a certified copy of a
5 sentencing sheet and an indictment for kidnapping. Was
6 he also charged with and convicted of kidnapping relating
7 to this girl here in Charleston?

8 A. Yes. With the Charleston charges, he was actually
9 charged with and convicted of three offenses.

10 Q. Okay. Criminal sexual conduct you've already
11 talked about; kidnapping, which I handed you; and then
12 this third one, burglary in the first degree?

13 A. Yes.

14 Q. Now, please continue then with what you found
15 significant about this -- now, he's a stranger to this
16 girl, correct?

17 A. Yes.

18 Q. And the girl in North Carolina was a stranger to
19 him.

20 A. That's correct.

21 Q. Is there a special significance relating to future
22 risk when the offense is against somebody you don't even
23 know as opposed to a family member or a girl you dated
24 before or someone you have been in a relationship with
25 before?

1 A. When we look at risk factors, that is one that's
2 been shown in the research, when you look at thousands of
3 sex offenders, people who sexually assault strangers are
4 more likely to sexually assault in the future, so they're
5 more likely to go on and do it again.

6 Q. Regarding the documents relating to his
7 convictions, the North Carolina records that you looked
8 at and also the South Carolina ones that I showed you
9 just a few minutes ago, are these things you review as
10 part of your evaluation?

11 A. Yes.

12 Q. And are these the types of documents typically and
13 customarily reviewed by other experts in your field?

14 A. Yes.

15 Q. And it's necessary to look at the underlying
16 details like you've done with us so far, correct?

17 A. Yes.

18 Q. Now, please continue. Is there anything else then
19 regarding the crime against the girl here in South
20 Carolina that you found significant?

21 A. Yes. When the rape was finished, Mr. Raney drug
22 the victim out of her apartment and told her that if she
23 tried anything that he would kill her and dump her body
24 in the river, and he was dragging her to his van. It
25 just so happened her neighbor heard her, or was out on

1 the porch. The victim screamed. The neighbor heard her
2 and yelled at him to stop, and then the victim was able
3 to get away.

4 So that was also significant because it's unclear
5 as to why he was going to take her to another location,
6 or take her in his van. He said that's what he was going
7 to do, and he told me that he was not going to kill her,
8 but it truly is unclear that's what his plan was.

9 Q. Now, what sentence did he get when he was
10 convicted of these three different crimes, this criminal
11 sexual conduct with this woman in South Carolina, the
12 burglary and the kidnapping? What was the sentence of
13 the Court?

14 A. He got three terms of 25 years, and they would all
15 be served at the same time.

16 Q. The date of the sentencing on that sentencing
17 sheet is when?

18 A. It is December 8, 1997.

19 Q. So as far as you know -- you've met with
20 Mr. Raney. Has he basically been in prison ever since
21 then until now?

22 A. Yes.

23 Q. What about his version to the police when they
24 arrested him and then his version to you? What, if
25 anything, did you find significant in those accounts that

1 he gave?

2 A. Well, when he was arrested on this one, he was
3 arrested just a couple hours later.

4 Q. Uh-huh.

5 A. And he didn't give a statement to law enforcement.

6 Q. What about to you? You talked to him about this?

7 A. Yeah. When I talked to him, he told me that he
8 was -- he had just recently separated with his wife, that
9 his sister lived in Charleston, and he was down here
10 visiting her. He was living out of his van at the time,
11 came to visit his sister. His sister lived in the
12 apartment complex with his victim.

13 He said that he was running out of money and that
14 he needed to go back home, but he didn't have enough
15 money to go back home, so he decided to break into this
16 woman's home, find anything of value, and see what he
17 could get so that he could get back home, and when he was
18 searching her home, she came in. She came back home.
19 And he said that he knew that he was going to go back to
20 jail, that he had been drinking and that she caught
21 her -- or she caught him in her house, and so he grabbed
22 her, pushed her back down the hall.

23 He said that she was partially unclothed because
24 she had been getting ready for bed, changing her clothes,
25 and that he's not sure exactly when, but he decided to

1 sexually assault her. He wasn't sure when that decision
2 was made because he says that he was there for a robbery.

3 Q. Is there any evidence in the record that he stole
4 anything?

5 A. No.

6 Q. Okay. Go ahead.

7 A. He also -- he told the victim that she had left
8 her door unlocked, but he told me that he had cut the
9 screen and removed it, and that's what the police had
10 found as well. So he was kind of taunting her about this
11 is your fault that I'm here when, really, he broke in.

12 He said that during the offenses, the victim was
13 very scared, that she appeared very scared, and that
14 there was a struggle. He choked her. He told her that
15 he had killed people. He threatened to kill her. He
16 made lots of threats like that, so, again, this was a
17 situation that was -- there's no way that you could
18 believe you were in a consensual sexual relationship or
19 any kind of scenario under those conditions where the
20 victim is extremely scared when you're making threats of
21 violence.

22 Q. And he pleaded guilty to criminal sexual conduct
23 in the first degree, correct?

24 A. Yes.

25 Q. And that requires a sexual assault with aggravated

1 force or something like that?

2 A. Yes. It's the most serious sexual assault charge
3 in South Carolina.

4 Q. Is there anything you haven't covered that you
5 found significant regarding his sexual history, the
6 sexual offense history? You covered everything, I think.
7 I just want to make sure I haven't left anything out.

8 A. No. That covers about everything.

9 Q. Okay. What about him? What does he say to you
10 about his own sexual interests?

11 A. He said that he was, you know, interested in
12 consensual sex with adult females.

13 Q. But in these two cases, this was rape?

14 A. Absolutely.

15 Q. Now, did you talk to him -- in these types of
16 evaluations, is it necessary to look at the person's
17 prison history and whether or not they've been
18 disciplined or broke the rules while in prison?

19 A. Yes, I looked at that.

20 Q. Why is that?

21 A. Again, you want to see how the person acts in a
22 really secure, confined area when there is very strict
23 rules about their behavior.

24 Q. Did you find anything significant regarding his
25 prison history?

MARIE GEHLE - DIRECT EXAMINATION

1 A. Yeah. He had some disciplinary infractions there
2 for things like using drugs, having contraband, refusing
3 to go to work, gambling and loansharking, refusing and
4 failing to obey orders. He was also convicted of
5 fighting in a North Carolina prison and of escape.

6 Q. Were any of this -- were any of his disciplinary
7 infractions while in prison sexual in nature?

8 A. No.

9 Q. Now, in cases like this, as a part of your
10 investigation -- you got the documents. You've got the
11 conviction records, things like that.. Is it necessary to
12 contact the prosecuting attorney or the defense attorney?

13 A. No.

14 Q. Is it necessary to try to reach out to the victim
15 of the crime?

16 A. I don't do that because these incidents are very
17 traumatizing to people, and I had the investigation
18 records, so I don't need to ask them questions about what
19 happened. It's all documented, and I don't want to
20 retraumatize anybody by dredging that back up.

21 Q. Now, did you ask him about sex offender treatment?

22 A. Yes.

23 Q. Does he think he needs it?

24 A. No.

25 Q. Was there any comment he made about empathy,

1 whether he has any empathy for his victims or any
2 comments you saw in the record about empathy for victims?

3 A. He said that he has regrets and that he said that
4 he has empathy, but there was much documented in the
5 records that he didn't care about how he hurt people,
6 which he also told me that, that was in the past. I saw
7 in the Department of Corrections records that he said
8 that he had very little empathy for his real and planned
9 victims.

10 Q. Wait a minute. Real and planned victims?

11 A. That is what it said in the records.

12 Q. Like his victims in the future?

13 A. Perhaps, yes.

14 Q. Go ahead.

15 A. And he was also troubled by violent fantasies --

16 Q. Could you --

17 A. -- while he was in prison.

18 Q. Troubled by violent fantasies, violence against
19 women fantasies?

20 A. Well, most of the violence that he's had has been
21 directed towards women, especially as an adult. I asked
22 him a lot about his feelings towards women, and he told
23 me that he didn't believe he hated women, but he did hate
24 his mother at one time and that maybe he has a love/hate
25 relationship with women. He doesn't like to be told no.

1 He doesn't like to be rejected, and he doesn't handle
2 that very well. There's documentation that he's been
3 violent with people he's dated in the past.

4 Q. You mentioned a domestic violence charge against
5 woman?

6 A. No. It wasn't a domestic violence charge. It
7 wasn't reported, but it was something he told me about,
8 and it's noted in the records that he sought mental
9 health treatment after being involved in some sort of
10 violence against his girlfriend at the time. That was
11 back in the mid-90s. It was after he was released from
12 prison on the first rape and before he was sent to prison
13 on the second rape.

14 He was involved in a relationship where the woman
15 was quite scared of him. There was some sort of violent
16 incident with her. It was indicated in the record that
17 he had been very violent towards his mother, that there
18 was a lot of hatred there, and he told me that he had a
19 love/hate relationship with women, that maybe at one time
20 he did hate women.

21 Q. Okay. Now, after evaluating, as part of your
22 evaluation, are you looking to see if he has a mental
23 abnormality or a personality disorder?

24 A. Yes.

25 Q. In this particular case, were you able to

1 diagnose, based on your evaluation of him, the records
2 you've seen, the things he told you, were you able to
3 diagnose him with a mental abnormality?

4 A. Yes.

5 Q. What is the mental abnormality you diagnosed him
6 with?

7 A. I diagnosed him with other specified paraphilic
8 disorder-biastophilia.

9 Q. Okay. Let's break that down.

10 This book right here, it's called the DSM-5. It
11 stands for Diagnostic and Statistical Manual edition 5,
12 right?

13 A. Yes.

14 Q. Is this basically the guideline for diagnoses and
15 criteria for diagnoses that's used in the psychiatric and
16 the psychological industry?

17 A. Yes.

18 Q. So this is what you referred to?

19 A. Yes.

20 Q. Now, you said the diagnosis is other specified
21 paraphilic disorder-biastophilia, let's take that step by
22 step. What does the word paraphilic mean in that
23 context?

24 A. So a paraphilia is any intense or persistent
25 sexual interest other than sexual interest in genital

1 stimulation or preparatory fondling with phenotypically
2 normal, physically mature, consenting human partners. So
3 anything outside of those parameters can be a paraphilia,
4 if somebody has a pattern of that type of arousal, so a
5 deviant sexual arousal that lasts at least six months and
6 they've either acted on it with nonconsenting persons or
7 they are impaired or distraught over their arousal
8 patterns and they've not acted on it, then it can be
9 diagnosed as a paraphilic disorder.

10 Q. Okay. And so here we have conduct occurring over
11 a long period of time between the two offenses, so more
12 than six months?

13 A. Yes.

14 Q. It's paraphilic because it's a deviant disorder
15 based on the facts of the case, right?

16 A. Yes.

17 Q. What was the type you called it, biastophilia?

18 A. Yes.

19 Q. What is biastophilia?

20 A. It is a pattern of sexual arousal toward coercive
21 sexual acts with a nonconsenting person.

22 Q. Now, in the book here, the diagnostic manual, does
23 this specifically list biastophilia as a possible mental
24 abnormality?

25 A. No.

1 Q. Isn't it true that there's literally hundreds of
2 deviant sexual behaviors?

3 A. Yes, of deviant sexual behaviors and paraphilias.

4 Q. So when you're diagnosing somebody -- and I'd like
5 you to turn to page 705 of my copy right here, other
6 definition of paraphilia behavior?

7 A. Yes.

8 Q. Would you read to the jury the criteria where it
9 says to get that.

10 A. So it says this category applies to presentations
11 in which symptoms characteristic of a paraphilic disorder
12 that cause clinically significant distress or impairment
13 in social, occupational, or other important areas of
14 functioning predominate but do not meet the full criteria
15 for any disorders in the paraphilic disorders diagnostic
16 class.

17 The other specified paraphilic disorder category
18 is used in situations in which the clinician chooses to
19 communicate the specific reason that the presentation
20 does not meet the criteria for any specific paraphilic
21 disorder. This is done by reporting other specified
22 paraphilic disorder followed by a specific reason; for
23 example, zoophilia. Examples of presentations that can
24 be specified using the other specified designation
25 include but are not limited to recurrent and intense

1 sexual arousal involving telephone scatologia, which is
2 obscene phone calls; necrophilia, corpses; zoophilia,
3 animals; coprophilia, which is feces; klismaphilia, which
4 is enemas; or urophilia, which is urine, that has been
5 present for at least six months and causes marked
6 distress or impairment in social, occupational, or other
7 important areas of functioning. Other specified
8 paraphilia disorder can be specified as in remission or
9 as occurring in a controlled environment.

10 Q. So let's let -- I have the book back. Let's take
11 that apart a little bit.

12 So you've got the other specified paraphilic
13 disorder. You've got deviant sexual behavior, including
14 but not limited to -- there's a specific list you gave
15 there, like the telephone sex and things like that, but
16 it said included but not limited to.

17 A. That's correct.

18 Q. So the phrase but not limited to allows you the
19 freedom to look at other types of disorders which,
20 frankly, there's not room to list in the book, right?

21 A. Right. If they listed all the paraphilias
22 specifically, we would have our own book.

23 Q. So biastophilia, is that an accepted diagnostic
24 disorder?

25 A. Yes.

1 Q. And by weighing other specified paraphilic
2 disorder, including but not limited to, and then you look
3 at the other four or five or so in this case, it's
4 biastophilia?

5 A. Yes.

6 Q. Now, was there any controversy about coercive sex
7 being a diagnosis to go into the diagnostic and
8 statistical manual?

9 A. Yes. The DSM-5 was published in 2013, and it's
10 published by the American Psychiatric Association. When
11 they were preparing the new edition, they considered
12 adding two paraphilias specifically: Hebephilia -- or
13 pedohebephilia, which is a combination of pedophilia and
14 hebephilia, which is -- pedophilia is sexual attraction
15 to prepubescent children, and hebephilia, which is sexual
16 attraction to pubescent children, so children in early
17 stages of puberty.

18 They considered adding that, and they also
19 considered adding a paraphilia nonconsent, or coercive
20 paraphilia nonconsent. They've played around with the
21 name, but biastophilia is similar to what they're talking
22 to. They chose not to do that for some reasons that I
23 understand. For one, this disorder can frequently apply
24 to people who commit rapes, and one concern is that if
25 they have a disorder that explained rape, then somebody

1 could say that they were not guilty by reason of insanity
2 because of this paraphilic disorder, and then those
3 people would not be held criminally responsible for their
4 behavior, also because it would mean that any rapist
5 could be subject to civil commitment under, like,
6 SVP proceedings or things like that because it would be
7 considered a mental abnormality. So those were some of
8 the controversies. That could apply across the board to
9 anybody who committed a rape.

10 Q. In fact, there's even been controversies -- as
11 they debate whether or not to put these books together,
12 there's even been controversies about whether or not to
13 keep including pedophilia, have there not, or changing
14 the definition?

15 A. Yeah. They played around with maybe specifying
16 how many victims somebody had before you could diagnose
17 pedophilia, so whether they had -- they put out the idea
18 that maybe you would have to have three victims or more,
19 things like that, so they've just done a lot of
20 discussion about that, and they've --

21 Q. Okay. But the bottom line, this is the book,
22 right?

23 A. Yes.

24 Q. And other specified paraphilic disorder is listed
25 in there, correct?

1 A. Yes.

2 Q. And then you have to put a comma and then say
3 which type, and you've diagnosed biastophilia?

4 A. Yes.

5 Q. And, again, the definition of biastophilia?

6 A. Is a pattern of coercive sexual behavior with a
7 nonconsenting person.

8 Q. Did you also diagnose him with a personality
9 disorder?

10 A. Yes, I did.

11 Q. What was that?

12 A. I diagnosed him with antisocial personality
13 disorder.

14 Q. Is that based on this lengthy criminal history
15 going back to a very young age and criminal activity?

16 A. That's part of it, but that's not all of it.

17 Q. Okay. What is the rest of it?

18 A. It's based on his attitudes, the way he looks at
19 the world, the way he views himself and others, his
20 affect, so the way he expresses his emotions, things like
21 that. That's a personality disorder. It's a
22 longstanding pattern of maladaptive patterns of thinking,
23 attitudes, perceptions, affect, impulsivity.

24 So in his case, he has this longstanding
25 significant pattern of anger. It's often been directed

1 at people other than the person he's really mad at, so he
2 seems to have a very longstanding pattern of anger at his
3 mother and at his father, but he's taken that anger out
4 on many different people who had nothing to do with those
5 situations.

6 Q. Like these two women here, the North Carolina
7 woman and the South Carolina woman?

8 A. Yes, yes. And then all throughout school, he was
9 fighting with people, fighting with teachers, fighting
10 with his peers, causing a lot of harm that way, but
11 antisocial personality disorder is a pattern of disregard
12 for and the violation of the rights of others, and he's
13 done that.

14 He's repeatedly failed to conform his behavior to
15 that of lawful behavior, so what we would consider, you
16 know, normal, standard behavior in our society. He's
17 been deceitful, used a ruse to commit sexual offense.
18 He's used aliases in the past. He's been dishonest that
19 way. I found that he repeatedly lied in my evaluation
20 when I was looking at what he told me versus what was in
21 the records, things like that.

22 He fails to plan ahead. He fails to consider
23 consequences of his actions. He's impulsive. He has a
24 long history of irritability and aggressiveness with
25 others. He minimizes the harm he causes others.

1 Q. How does he do that?

2 A. Well, for example, with the first rape, he told me
3 that he was more scared than the victim was. This is a
4 victim that was violently sexually assaulted, and he said
5 that, you know, he suffered more harm than she did.

6 Q. He's the victim?

7 A. Yes.

8 Q. Okay. Go ahead.

9 A. He doesn't have remorse for his actions. He
10 justifies what he does to others, and he makes excuses,
11 and he has that problem with his conduct beginning before
12 age 15, which is part of the criteria for antisocial
13 personality disorder.

14 Q. Now, as part of your evaluation of Mr. Raney, did
15 you conduct any assessments?

16 A. I did an actuarial risk assessment.

17 Q. Let's break that down. Actuarial risk assessment,
18 what does that mean in plain language? Can we relate
19 that to something we encounter in our daily lives?

20 A. We can try. When you call something an actuarial,
21 that just means we can apply it to an actuary table, and
22 it can give people with these certain characteristics,
23 that this the is the percentage of people with those
24 characteristics who go on to have the problem we're
25 looking at.

1 So I use an actuary, it's called a Static-99R, and
2 that is an instrument that is specifically designed to
3 look for how likely somebody is to commit another sex
4 offense in the future.

5 Q. Can you give us an example of something we might
6 encounter in our everyday lives, like insurance or
7 something, that explains what an actuary table is?

8 A. The study of actuarials, that comes from the
9 insurance industry, so they look at -- if they want to
10 see how likely somebody is to die at a young age, they'll
11 look at what characteristics they share with other people
12 who have died at a young age.

13 So in this situation, we're looking at a very
14 large group of sex offenders, and we want to see what
15 differentiates the group of offenders who don't do it
16 again versus who do it again.

17 Q. And like in the insurance industry, when you look
18 at all the factors that make people die at a younger age,
19 they're not saying I'm going to die at a young age, but
20 if I have these factors, are they saying I'm likely to?
21 Is that what you're saying?

22 A. Yes.

23 Q. Like if I smoke, if I don't exercise, have heart
24 trouble, things like that?

25 A. Yes.

1 Q. And that might result in them charging me a higher
2 premium for life insurance, right?

3 A. Right.

4 Q. So going back to the same thing here for sex
5 offenders -- you're familiar with the Static-99R. What
6 about it?

7 A. So it's an instrument that is designed
8 specifically to look at sex offenders only. Our outcome
9 is will they commit another sex offense and what factors
10 differentiate them? So this is a ten-item assessment.
11 It's based on static factors, factors from their history
12 and demographics. The scores range from negative 3,
13 which would be very low risk, to 12, which is very high
14 risk, and you score the person on those ten items. You
15 come up with a total score, and then that corresponds to
16 a categorical risk level, an absolute recidivism
17 estimate, and then a relative risk ratio, so it gives you
18 several statistics.

19 Q. Now, is it important for experts like you to use
20 this tool in assessing people like Mr. Raney?

21 A. Yes.

22 Q. And is the use of the Static-99 scoring system
23 something that is commonly done in your field?

24 A. Almost everybody who does sexually violent
25 predator evaluations uses this tool specifically.

1 Q. Based on the scoring you did on Mr. Raney's
2 record, what score did he get on the Static-99R?

3 A. He has a score of seven.

4 Q. And regarding the information from the study, what
5 does a score of seven mean as far as his chances of
6 reoffending as far as the statistics you mentioned a
7 minute ago? What does that mean?

8 A. It's well above average risk, so even though the
9 scores go up to 12, it's hard to get a score above 7 or
10 8. About 99 percent score 7 or below, so an 8, 9, 10, it
11 doesn't add that much so he has a very high score on this
12 instrument.

13 Q. This is based on a study of people, different
14 countries, thousands of people convicted of a sex
15 offense, convicted of another?

16 A. Well, it's based on thousands of sex offenders who
17 were convicted of one sexual offense.

18 Q. And then reoffended?

19 A. Not everybody reoffended because they looked at
20 this very large sample, and they were trying to
21 differentiate who offends, who doesn't offend, so a big
22 portion of the group they looked at didn't reoffend, but
23 if we look at his score of seven, if I look at
24 individuals in that research sample with a score of 7,
25 27.2 percent reoffended within 5 years.

1 So it's well above average risk, and compared to
2 the average sex offenders -- the average sex offender has
3 a score of two on a Static-99R. His score of 7 means
4 that he is 5.259 times higher than the average sex
5 offender, so his estimated recidivism rate is 5.25 times
6 higher.

7 Q. So he's a little more than five times more likely
8 than the average sex offender to reoffend sexually?

9 A. Yes.

10 Q. Okay. Now, the Static-99 is based on, like you
11 said, static risk factors.

12 A. Yes.

13 Q. Unchanged things about his life?

14 A. Yes.

15 Q: Are there dynamic risk factors in cases like this?

16 A. Yes.

17 Q. Did you find any that you found significant in
18 Mr. Raney?

19 A. Yes.. So dynamic risk factors are factors
20 concerning a person's character, their preferences,
21 lifestyle choices, and they're all related to increased
22 sexual offending.

23 Q. Are these changeable things that can be addressed
24 in treatment?

25 A. They can be addressed in treatment.

1 Q. What did you find?

2 A. He had had several of them. The first one was he
3 had a history of sexual preoccupation, so he was having
4 sex just for the sake of it. He told me that he had
5 between 60 and 100 partners in a very short period of
6 time because he spent most of his adult life in prison,
7 and all those partners were outside of prison, so that's
8 a very short period of time that he had to have sex with
9 that many people, so he was very preoccupied with sex.

10 He had some offense supported attitudes. He
11 described the first sexual offense as rather harmless.
12 He indicated that he experienced more fear than that
13 victim, than she experienced during the sexual assault.
14 He just indicated -- like, his story was very different
15 from the victim's, and his account indicated that he
16 didn't believe he traumatized or caused any harm to that
17 victim, so that was very concerning.

18 He has a history of sexualized violence. He told
19 me the sexual assaults were because of anger, not sex,
20 but even under those conditions, he was able to become
21 sexually aroused, enough to penetrate and ejaculate. He
22 has a lack of emotionally intimate relationships with
23 adults. He has a history of infidelity, repeated
24 conflict in his relationships, and violence in his
25 romantic relationships, his lifestyle, impulsiveness, his

1 history of substance use, employment instability, so his
2 job history was sporadic, and just general low
3 self-control over his behavior.

4 He has poor problem-solving abilities. He avoids
5 addressing problems. He has ineffective coping skills to
6 deal with problems and he ruminates, or just constantly
7 thinks about the negative aspects of problems instead of
8 looking for adaptive solutions to problems. He has
9 resistance to rules and supervision.

10 Q. Is that shown by that long documented history of
11 offending, even going back to childhood?

12 A. No. That risk factor in particular has more to do
13 with, I guess, some of that stuff, just that history of
14 oppositional behavior, the problems with authority, but
15 he also violated parole, and he escaped from prison, so
16 those are things that count toward that risk factor.

17 Q. Okay.

18 A. And then the last one that he has is grievance and
19 hostility. He believes that he's been untreated -- or
20 treated unfairly by his family and the world in general.

21 Q. Okay. Dr. Gehle, in your opinion to a reasonable
22 degree of psychological certainty, have you diagnosed
23 Mr. Raney with a mental abnormality and a personality
24 disorder? Again, you testified about these, but let's
25 just put them on the record.

1 A. Yes, I diagnosed him with both.

2 Q. And what's the mental abnormality again, please?

3 A. Other specified paraphilic disorder backed by
4 biastophilia.

5 Q. And the personality disorder?

6 A. Antisocial personality disorder.

7 Q. Do you also have an opinion, again to a reasonable
8 degree of psychological certainty, do these diagnoses,
9 these two things you found, do they affect Mr. Raney's
10 emotional and volitional capacity so that he is
11 predisposed to commit future sexually violent offenses?

12 A. Yes, I believe they do.

13 Q. When I say volitional, what does that word mean in
14 that context?

15 A. It's his ability to make choices and not be, like,
16 compelled to act in certain ways or act impulsively.
17 It's having purposeful behavior.

18 Q. Do you also have an opinion, again to a reasonable
19 degree of psychological certainty -- does Mr. Raney, Mark
20 Raney, have the propensity to be dangerous and to commit
21 future sexually violent offenses?

22 A. It's my opinion he does.

23 Q. Do you also have an opinion, again, to a
24 reasonable degree of psychological certainty, does
25 Mr. Raney's propensity to commit future sexually violent

1 offenses, is it to such a degree that it poses a menace
2 to the health and safety of others?

3 A. I believe that it does, yes.

4 Q. Do you also have an opinion, again, to a
5 reasonable degree of psychological certainty, as to
6 whether Mr. Raney has serious difficulty in controlling
7 these propensities to be dangerous and his behavior?

8 A. I think he has serious difficulty controlling his
9 behavior.

10 Q. And that's shown by the repeated similarity of the
11 two crimes you talked about?

12 A. Yes, and the very short period of time that he was
13 out in the community before he committed another violent
14 rape.

15 Q. Okay. Do you also have an opinion, again, to a
16 reasonable degree of psychological certainty, as to
17 whether these diagnoses that you've rendered and the
18 records you've looked at about Mr. Raney and the scoring
19 he got on the Static-99R, do these things make him likely
20 to engage in acts of sexual violence unless he's confined
21 to long-term control, care, and treatment?

22 A. It's my opinion, they do.

23 Q. In your opinion to a reasonable degree of
24 psychological certainty, does Mark Raney meet the
25 criteria to be found a sexually violent predator at this

1 time?

2 A. It's my opinion he meets the criteria for sexually
3 violent predator.

4 Q. Do you know whether he's facing any kind of
5 probation or supervision, community supervision, if he is
6 released?

7 A. I believe that he is not.

8 Q. Now, we're talking confined for long-term control,
9 care, and treatment versus outpatient treatment. Is this
10 guy a good candidate for outpatient treatment for sex
11 offender treatment?

12 A. I don't believe he is, no.

13 Q. He's never had it, has he?

14 A. No.

15 Q. No record of sex offender treatment?

16 A. No.

17 Q. Outside or inside?

18 A. Correct.

19 MR. BOGLE: Please answer any questions
20 counsel may have or the Court may have.

21 THE COURT: Cross?

22 MR. FALK: Thank you.

23 CROSS-EXAMINATION

24 BY MR. FALK:

25 Q. When you were talking about the two diagnoses that

1 they were considering putting in the DSM-5, one of those
2 was hebephilia, is that correct, and the other was this
3 coercive disorder?

4 A. It was pedohebephilia, which would be a
5 combination of pedophilia and hebephilia and something
6 along the lines of coercive biastophilia.

7 Q. Have you ever diagnosed with somebody with having
8 hebephilia?

9 A. No.

10 Q. You've done a lot of diagnoses, and you've seen a
11 lot of cases. Is it because the facts have not warranted
12 that diagnosis, or do you believe that's a sexual
13 diagnosis, hebephilia?

14 A. It's my opinion that if somebody is sexually
15 attracted to a teenager in puberty, and we can't go with
16 strict ages there because puberty happens so differently,
17 at different times for different people and it lasts for
18 a number of years, but it's different.

19 As of right now for hebephilia there is no --
20 there's no criteria that explains what exactly they're
21 taking about. Are they taking about somebody who is in
22 the very early stages of puberty as in we -- you tell how
23 far somebody is into puberty by looking at something they
24 call Tanner stages, so a Tanner Stage 1 is prepubescent,
25 so no sexual development at all. Tanner Stage 2 is when

1 breast budding starts and when males start to have some
2 development of their scrotum, things like that.

3 So some people say that hebephilia is Tanner
4 Stages 2 and 3; other people might say 2, 3, and 4. 4 is
5 the very last stages of puberty, and 5 is full adult
6 development, so that's why I haven't diagnosed it,
7 because it's unclear as to what they're taking about. Is
8 it Stages 2 and 3? Is it 2, 3, and 4? Things like that.

9 Q. Well, when we're talking about somebody convicted
10 of a rape, everybody who has been convicted of a rape,
11 are they a sexually violent predator?

12 A. No.

13 Q. What is the criteria to separate a rapist who is a
14 sexually violent predator and someone who is not?

15 A. There are several things you can look at: One is
16 ejaculations are clear signs of arousal during events
17 that are clearly nonsexual, and that's the prominent one
18 here.

19 So we know that he ejaculated in both rapes, and
20 in both rapes, there was no consensual nature of this
21 incident. It wasn't a situation where the victims
22 acquiesced. They both struggled. There was choking
23 involved. There was threats of violence. There was
24 struggles, screaming, crying, being scared, things like
25 that, and, nonetheless, he was aroused sufficiently to

1 penetrate, so he had an erection, and he ejaculated, so
2 that is clear evidence of sexual arousal under those
3 conditions that are not consensual.

4 So that is a big one in this case. Another one is
5 you can look at --

6 Q. If I could interrupt you for a second, in order to
7 have a rape, you have to have penetration; is that
8 correct?

9 A. Well, penetration could be digital. It could be
10 in other circumstances, but yes.

11 Q. Is everybody who commits a rape which includes
12 digital -- which includes penetration with their penis,
13 are they sexually violent predators?

14 A. No.

15 Q. So not all arousals make somebody a sexually
16 violent predator?

17 A. Well, no, because sexually violent predator, we
18 still have to look at risk. We have to look if they were
19 convicted of the right type of crime, all those things.

20 Q. I guess I shouldn't have said that. I mean
21 somebody who suffers from biastophilia, is everybody who
22 commits a rape which includes penetration with the penis,
23 are they --

24 A. No, no.

25 Q. Okay. So there is some type, some arousal, that

1 would constitute biastophilia and some that would not?

2 A. You're really looking at under the conditions that
3 they offended. That's what's important, so in a lot of
4 sexual assaults, the victim may have acquiesced, so there
5 is no struggle, and you could, in your distorted mind,
6 believe that this is a consensual sexual scenario.

7 There are also situations where you could be
8 convicted of criminal sexual conduct in the first degree
9 because the victim was too young to consent, so underage,
10 or where the person was mentally handicapped, where it
11 may not have been a coercive situation at all. So all of
12 those things are important to consider. This was rapes
13 of strangers he didn't know, lots of threats involved,
14 fear, being scared, struggle. There was nothing about
15 these scenarios that looked consensual.

16 Q. Now, these criteria that you are talking about
17 right now, they are not in this book. We've already --

18 A. They are not in that book, that's correct.

19 Q. So would everybody then -- let's say you have a
20 doctor in California. Would he necessarily -- I'm just
21 saying, somebody who hasn't -- could be Summerville,
22 doesn't really matter the location, but how do you
23 communicate with another doctor and have both people
24 agree on a diagnosis if there is no guidelines to follow?

25 A. Well, so the criteria that's in that book for a

1 paraphilia is the deviant pattern of arousal that lasts
2 at least six months, and that is either acted on with a
3 nonconsenting victim or causes distress or impairment to
4 the person, so those are the criteria for all
5 paraphilias; and then they apply their specific
6 behaviors; so if it's a pedophile, focuses on
7 prepubescent children, where this one is focussed on
8 coercive acts with a nonconsenting person.

9 Now, the extra criteria -- not even criteria, but
10 those decision points, those things, how do you make that
11 difference between just a rapist and somebody who has a
12 paraphilia? And what I'm talking about is a list of
13 factors that are published in literature and in books, so
14 they are things that are readily relied on by experts in
15 my field.

16 Q. Now, if somebody has a deviant sexual interest,
17 does that make them a sexually violent predator?

18 A. No. Not necessarily, anyway.

19 Q. And somebody who has a high risk of committing
20 another crime, sort of a high recidivism rate, they're
21 not necessarily a sexually violent predator; is that
22 correct?

23 A. Well, it depends if they are high risk to commit a
24 sexually violent offense and if that's because of a
25 mental abnormality or a personality disorder.

1 Q. Right. There's got to be a connection, I'm just
2 saying, so just because somebody is likely to commit a
3 crime if he's released tomorrow, that does not make him a
4 sexually violent predator; is that correct?

5 A. Well, if he was likely to commit, you know,
6 robberies, purse snatches, this law does not address
7 those issues. We're only looking at sexually violent
8 offending in the future. If he's likely to commit a
9 sexually violent offense and he has a mental abnormality
10 or personality disorder that's related to that, then he
11 could meet criteria for sexually violent predator.

12 Q. Now, I just want to make sure there's no
13 confusion. There's no question that he's not a
14 pedophile?

15 A. Correct.

16 Q. And as far as the types of people he would appear
17 to be sexually aroused by, there's nothing deviant about
18 that; they're age appropriate females?

19 A. His type of victim is -- that's correct. I mean,
20 he's raped two adult females, and then I believe he's had
21 sex with adult females.

22 Q. And phenotypical, isn't that the term that you
23 use?

24 A. Yes.

25 Q. So, I mean, the interest in that type of person is

1 normal?

2 A. Right. Being attracted to adult females is not
3 abnormal.

4 Q. Okay. Do you know why or do you have an
5 opinion -- he had had several mental health diagnoses
6 along the way; is that correct, or a couple?

7 A. Yes.

8 Q. You said there was an evaluation in 1997?

9 A. Yes.

10 Q. And when was the other one, in '98?

11 A. He had -- let me refer to my report here. He had
12 an evaluation, I believe it was, in 1995, or yes, it was
13 in 1995 in Missouri for -- this was secondary to that
14 violent incident with his girlfriend, or wife at the
15 time, and at that point they were looking at putting him
16 into, like, a day program. We call that partial
17 hospitalization. He would go there every day but not
18 sleep there, so that was in 1995.

19 Then he had an evaluation in November of 1996 when
20 he went to William S. Hall Psychiatric Institute. That's
21 a Department of Mental Health facility, after he made a
22 suicide attempt in the Charleston County detention
23 center. That is while he was awaiting trial for the most
24 recent sex offenses, and then he also -- in October of
25 1997, he had an evaluation that was -- he was referred

1 for an evaluation by his attorneys, and it's what they
2 call a mitigation evaluation to determine if there were
3 problems in his past that the judge could consider when
4 sentencing him.

5 Q. And did they reach a diagnosis in 1997?

6 A. In 1997? Let me look. I'm not sure if he was
7 diagnosed with anything in that evaluation, but if you
8 know that to be different --

9 Q. I'm just saying, in any of these evaluations he
10 had prior to yours, has he ever been diagnosed with
11 biastophilia?

12 A. No. He has been diagnosed with antisocial
13 personality disorder, he's been diagnosed with
14 posttraumatic stress disorder, and he's been diagnosed
15 with mood disorders.

16 Q. So you're the first one to diagnose him with
17 biastophilia?

18 A. That's correct.

19 Q. Okay. Did you have an opportunity to speak with
20 Angela Raney?

21 A. No. I don't --

22 Q. Did he talk to you about -- that he was married?

23 A. Yes.

24 Q. And did he give you contact information for her?

25 A. I'm not sure. He may have.

1 Q. Would that not have been somebody to speak with?

2 A. Perhaps. It would depend. I know that his --
3 what he told me was this was a prison relationship, that
4 they were married while he was in prison. They've never
5 lived together, so their relationship has been conducted
6 solely in prison, so that does -- I don't know how much
7 information she would have on how he does in the
8 community.

9 Q. Okay. Now, we were looking at -- you were talking
10 about his prison offenses and them being one of the
11 factors you looked at; is that not correct?

12 A. Yes.

13 Q. But there was no assaultive conduct as part of his
14 prison offenses; isn't that right?

15 A. That's correct.

16 Q. And certainly no sexual conduct?

17 A. Correct.

18 Q. What conduct did he have during that period of
19 time that would be consistent even with a diagnosis of
20 antisocial personality disorder?

21 A. Well, just any of these things. I mean, he had
22 several failing -- refusing or failing to obey orders,
23 gambling, and loansharking.

24 Q. Did you have an opportunity to look at some of the
25 narrative summaries for those charges?

1 A. I did, but it's been a while.

2 Q. I'm going to show you what was provided to me as
3 part of the State's petition, and just look at the two
4 most recent ones because I think the most recent charge
5 that is on there is refusing or failing orders and
6 possession of contraband.

7 Is that consistent with what you have? Well, do
8 you have this Exhibit E as part of the --

9 A. Yeah, but I was looking at the original records,
10 not just in the petition. But I can look that up that
11 way too. E?

12 Q. E.

13 A. Thank you. Yes.

14 Q. Did you read that narrative summary following that
15 charge for being out of place -- refusing or failing an
16 order, the first disciplinary offense reverse order,
17 first one on the list?

18 A. From 2013?

19 Q. Yes.

20 A. Okay.

21 Q. And so what order did he refuse?

22 A. It said that he was given several verbal
23 directives to pack his property because he was going to
24 be reassigned to unit four from unit seven. Inmate
25 stated that he was not going to unit four. Inmate

1 refused the first two directives but complied and packed
2 his property. Inmate was released from unit seven and
3 reported to operations. Once inmate arrived in
4 operations, inmate stated the he would rather go to
5 lockup than unit four. Inmate stated that he did not
6 deserve to be treated like he was being treated.

7 Q. Did you ever ask him about that as part of your
8 interview?

9 A. No. I asked him very briefly, like what kind of
10 disciplinary problems have you been in, but I don't give
11 a lot of weight to the disciplinary problems in the
12 prison.

13 Q. Because the one contraband offense was that he had
14 a little hobby box he had made, and he wasn't supposed to
15 have that wood? I can show you that one.

16 A. Yes.

17 Q. May I approach? This is the one I'm talking
18 about.

19 A. Yes.

20 Q. Okay. So we're on the same page. So what was the
21 problem at that time? What was the contraband that he
22 had?

23 A. He had a black hobby craft box. The officer asked
24 him where he got it from, and he said that he gave an
25 inmate \$40 worth of canteen for the wood and that he

1 built it in the hobby craft room, and that was a
2 violation of the prison rules.

3 Q. Okay. Now -- so you had given him the Static-99
4 and he got a rating, and those are static factors, and
5 what that means is they're never going to change; is that
6 correct? Other than his age, as he gets older.

7 A. If he committed another crime, they would change,
8 but, overall, they generally do not change their
9 historical factors or demographic factors, yes.

10 Q. So the Static-99 -- if you would, let's go back in
11 time 23 years on the day he was admitted to prison.
12 Would his score have been the same as it was when you
13 evaluated him? And let's assume he's the same age, or
14 the age wouldn't have made a difference.

15 A. If I were to look at that after he had been
16 convicted of the current offense, his score would have
17 been higher because he was younger at the time because he
18 got a negative one point for his older age, so his score
19 would have been -- he would have had a score of nine.

20 Q. Okay. So --

21 A. Back then.

22 Q. But other than -- and so the idea is that the
23 likelihood to offend goes down with age?

24 A. Yes.

25 Q. I mean, that's why, right? There must be a

1 certain age of expected sex offenders.

2 A. Well, like with most all crime, it tends to be
3 committed by younger people, and older people commit less
4 crime as they age.

5 Q. So just putting the age aside, all the other
6 factors that gave him that score, those factors existed
7 23 years ago; is that right?

8 A. Yes, but the tool didn't exist then, but yes.

9 Q. My point is -- never mind. I think I've made my
10 point.

11 All right. So then you said that there are --

12 THE COURT: Would this be a good place to
13 break so we can use the restroom?

14 Let's go ahead and take about a ten-minute
15 break so you can use the restroom and stretch your legs.
16 Don't begin deliberations or discussions, and we'll have
17 you back in about ten minutes.

18 (Recess taken.)

19 THE COURT: We'll resume with
20 cross-examination of the witness.

21 BY MR. FALK:

22 Q. At some point in my cross-examination, we were
23 talking about the Static-99. Are one of those factors in
24 there -- does the Static-99 take into account how long
25 somebody has been in custody before release? Does the

1 fact that my client has been in custody for 23 years,
2 does that all influence his risk as computed under the
3 Static-99 other than the fact that he's older?

4 A. No. This instrument is designed to address people
5 who could get out in five years or twenty years.

6 Q. So the risk to reoffend has nothing to do with how
7 long he's been in prison, according to the Static-99?

8 A. That's correct.

9 Q. So what evidence is there that he has provided in
10 the last 23 years that he has -- suffers from
11 biastophilia?

12 A. Well, I came to that conclusion based on the crime
13 details but also the things that he said and his
14 explanations of things, the way that he talked about the
15 harm that he suffered and that he did not cause harm to
16 others. He confirmed those details that he raped under
17 conditions that were definitely not consensual, so --

18 Q. But my point is, he did not rape anybody under
19 nonconsensual terms in the last 23 years that he was in
20 prison?

21 A. That's correct.

22 Q. In fact, as you said, he had no assaultive conduct
23 while he's been in the prison for the last 23 years?

24 A. That's correct.

25 Q. And you also diagnosed him with having antisocial

1 personality disorder?

2 A. Yes.

3 Q. And what evidence of antisocial personality
4 disorder -- is it true that antisocial personality
5 disorder, I believe this is your testimony, is sort of a
6 disregard of the rights of other people. Is that a part
7 of your definition?

8 A. It's a pattern of that, yes.

9 Q. Okay. A disregarding of other people's rights?

10 A. Yes.

11 Q. So if we just look at the summary of his prison
12 disciplinary offenses -- and I don't know if you've got
13 just that one-page summary. Do you have that one-page
14 summary?

15 A. Yes. I have a one-page summary. It might not be
16 exactly what you're looking at, but --

17 Q. I'm looking at this.

18 A. I'm looking at this one, basically the same thing.

19 Q. What I'm looking at on this summary that's part of
20 the South Carolina Department of Corrections under
21 management system, disciplinary, inmate offense history,
22 it shows a refusing or failing order. Talked about that.
23 Possession of contraband; gambling and loansharking;
24 interference with a camp; use or possession of marijuana;
25 out of place; possession of contraband; possession of

MARIE GEHLE - CROSS-EXAMINATION

1 marijuana twice; possession of contraband; refusing or
2 failing another order; apparently possession of tattooing
3 materials and refusing to work.

4 So with the exception of loansharking, I'm not
5 sure what the facts of those were. Do any of those show
6 a disregard of any of the other prisoners' rights? If
7 you're possessing contraband you're not affecting the
8 rights of the other prisoners is that right?

9 A. Maybe not directly, no.

10 Q. I mean, it's not like he's getting into fights.
11 It's not theft from the other prisoners or anything like
12 that. He's got contraband. He's got marijuana, but none
13 of that is necessarily a pattern of antisocial
14 personality disorder, is it?

15 A. It's all these things. He's violating rules while
16 he's in that environment. He knows that these things, he
17 could get in trouble for them, and he could get
18 consequences. He'll lose his visits. He'll not be able
19 to make phone calls, be restricted from ordering canteen,
20 things like that that are a big deal in prison.

21 All of these things are just continued violation
22 of societal norms of rules and things like that, so, as a
23 whole, it's a piece of it.

24 Q. If you did a diagnosis of every member of the
25 South Carolina Department of Corrections prison

1 population, what percentage would you guess would fit an
2 antisocial personality disorder diagnosis? Would it be a
3 high number?

4 A. I don't know. I don't know what it would be.

5 Q. All right. I'm sure you've seen the same quotes.
6 I know it's in the Kansas vs. Crane case where they cite
7 a study where it says up to 60 to 80 percent of the adult
8 male population prison could be diagnosed with antisocial
9 personality disorder.

10 A. I've seen studies like that, and it would depend
11 on whether they're being strictly adherent to the
12 diagnostic criteria of antisocial personality disorder.
13 As a general rule, a lot of prisoners would meet just
14 that overall definition of violating the rights of
15 others.

16 Q. Okay. I want to go back. This coercive
17 paraphilic disorder, biastophilia, what percentage of the
18 population has that, would you guess?

19 A. It would be a very small percentage, maybe 1 or
20 2 percent.

21 Q. Compared with the other ones that are listed as
22 examples of unspecified paraphilias, necrophilia,
23 urophilia, would it be more or less than those?

24 A. I don't have the book with me right now, so I
25 don't know, but generally those are a very small

1 percentage, 1 percent maybe.

2 Q. Okay. I'm just curious why, if these are the
3 really small percentage, someone, if they wanted to
4 include biastophilia, why they wouldn't have used it as
5 one of those five examples?

6 A. Again, it's for the reasons that I said, that
7 they're worried that rapists would use it as a defense to
8 not be criminally responsible for their conduct when they
9 commit rapes. That's a big part of why it's not
10 included.

11 Q. Now, in the last 23 years, evidence -- I mean, as
12 far as whether or not he's attracted to coercive sex,
13 there's been no evidence of him having any fantasies
14 about that, is there?

15 A. There was evidence in the records that he
16 continued to have violent fantasies while he was in the
17 Department of Corrections. Those were in the mental
18 health records.

19 Q. Was he -- when we're talking about these
20 dynamic -- well, how late were those fantasies discussed?

21 A. Give me a minute to find that section. That was
22 noted to be about 1999. He told me that he had been in
23 some -- that he took a class trying to deal with sexual
24 deviancies related to his crimes, and that would have
25 been much, of more recently, and that would have been in

1 2013, 2016, somewhere along those lines in last few
2 years.

3 Q. But as far as those reports from, you said,
4 Department of Corrections records, that was from 1999?

5 A. I know that was one instance. Let me see if there
6 was any more that I noted in my report.

7 Yes, that's what I have listed in my report, 1999.

8 Q. What I'm really getting at is -- so he's got these
9 static risk factors that are never going to change other
10 than as he gets older. So then your diagnosis of the
11 terms of looking at the dynamic risk factors; is that
12 fair?

13 A. No, it relies on both.

14 Q. No. I'm saying the thing that could change are
15 the dynamic risk factors; is that correct?

16 A. Yes.

17 Q. And one of those you found to be a dynamic risk
18 factor was a history of sexual preoccupation.

19 A. Yes.

20 Q. Other than this 1999 reference, has there been any
21 real evidence of a preoccupation with sex in the last
22 15 years?

23 A. Not in the records, no. It would just be from his
24 report, and he would not report that.

25 Q. And he never had possession of any pornography?

1 A. Not that I know of.

2 Q. One of the other risk factors was sexualized
3 violence. Was that one of the other risk factors?

4 A. Yes.

5 Q. What evidence is there that he has displayed
6 interest in sexualized violence in the past 23 years?

7 A. It all goes back to his crimes.

8 Q. Lack of emotional relationships did you -- you're
9 not putting any weight to his relationship with Angela,
10 his wife?

11 A. I apply those risk factors the way that they're
12 defined, and that being a relationship that has occurred
13 exclusively in prison is problematic in relation to that
14 risk factor, so it's not something that necessarily
15 counts there.

16 Q. But, I mean, as far as something that could have
17 changed in the last 23 -- I mean, he's not going to be
18 able to have any intimate emotional relationship --

19 A. We're going back to -- yeah, he's been in prison,
20 so you're right.

21 Q. Most of his adult life, is that not correct?

22 A. Yes.

23 Q. And, again, one of the other dynamic risk factors
24 was talking about disregarding rules, and I think you
25 highlighted the escape charge and the parole violation as

1 evidence of him not following the rules.

2 A. Yes.

3 Q. And that all has obviously been since -- he did
4 not have an escape charge in the last 23 years; is that
5 right? That was prior to?

6 A. That's correct, that's correct.

7 MR. FALK: One moment, Your Honor.

8 Your Honor, at this time we would rest -- no,
9 no. I have no further questions.

10 THE COURT: Redirect?

11 MR. BOGLE: Briefly, if it please the Court.

12 REDIRECT EXAMINATION

13 BY MR. BOGLE:

14 Q. So looking at these prison rules, it's clear from
15 your research on these type of things that prisons have a
16 lot of special rules that maybe we don't have on the
17 outside; is that correct?

18 A. That's correct.

19 Q. As far as the contraband, possessing a wooden
20 hobby box, a wooden box could be broken up into pieces
21 and sharpened up; is that correct?

22 A. That's correct.

23 Q. And regarding the Static-99R, is that the sole
24 thing you relied on in this investigation?

25 A. No.

1 Q. It was part of a comprehensive evaluation, was it
2 not?

3 A. Yes.

4 Q. And you mentioned that a seven that he has now
5 puts him in the 99th percentile. You talked about that
6 earlier?

7 A. Yes. 99 percent of sex offenders will have a
8 score of seven or below.

9 Q. Okay, okay. And so he's pretty high.

10 A. He's very high on that instrument.

11 Q. And had you met him 20 something years ago and
12 scored him right then and there, right after he went to
13 jail back in 1997 -- of course the static didn't exist
14 back then, but had it existed and had you scored him
15 then, he would have had a nine?

16 A. He would have had a score of a nine, yes.

17 Q. And as far as no sexual conduct with women since
18 1997, there's no women in their hotel rooms or no women
19 going to their hotel rooms or no women in their
20 apartments at the Department of Corrections, are there?

21 A. That's correct.

22 Q. The only women he's going to run into there are
23 going to be guards, right?

24 A. That's correct.

25 Q. And I take it you give a certain weight to these

1 prison infractions that's appropriate; is that correct?

2 A. Yeah. I look at them, and in some cases they're
3 more important than in other cases. I expect people to
4 have some prison infractions. You know, it's just under
5 those conditions it's not unlikely that it happens, so
6 it's something that's not extremely important.

7 MR. BOGLE: Thank you, Doctor. Nothing
8 further.

9 THE COURT: Recross?

10 MR. FALK: No recross.

11 THE COURT: You may step down.

12 MR. BOGLE: We would ask that Dr. Gehle be
13 excused, Your Honor.

14 THE COURT: Any objection?

15 MR. FALK: No objection.

16 THE COURT: You are free to go. Thank you.
17 All right. Does the State have any other
18 witnesses?

19 MR. BOGLE: No, Your Honor. At this time the
20 State would rest.

21 THE COURT: Okay.

22 Well, folks, we are going to break for the
23 day. You've heard the State's case, but the defense will
24 have the opportunity to call any other witnesses if they
25 want to tomorrow, so we will break for the day and resume

1 with testimony, and we'll have the closing arguments and
2 the final charge.

3 So you can go home. Don't talk to anybody
4 about the case, including family members and other
5 members of the jury panel. Don't discuss it with anyone.
6 Don't post anything on the Internet. Don't try to find
7 out anything on the Internet. Sometimes court records
8 are on there, but anything that you need to find or help
9 you decide this case we will provide to you, and, again,
10 under the oath that you took, you agree that you will
11 only make your decision based on what you hear in this
12 courtroom.

13 So, if you would, be back in the jury room
14 tomorrow morning at 9:30, and we will resume, hopefully,
15 right thereafter. Thank you for your patience. We'll
16 see you at 9:30 tomorrow.

17 (Jury recessed.)

18 THE COURT: All right. Any motions?

19 MR. FALK: At this time we would move for a
20 directed verdict, but I can also renew it after --

21 THE COURT: Well, I think the State has met
22 its burden of showing that he has committed a predicate
23 offense, and it satisfies the requirements of being a
24 sexually violent predator, so I would deny those motions.

25 So tomorrow the jury charges will be

ANGELA RANEY - DIRECT EXAMINATION

1 essentially what we had on the first case.

2 MR. BOGLE: Okay. Let me look at what you
3 got in the morning. I don't know if I'll have the same
4 objections or not, but if I do, I'll just put them on the
5 record.

6 THE COURT: Sure. All right? Well, I will
7 see y'all tomorrow morning at 9:30.

8 MR. BOGLE: Thank you, Your Honor.

9 (Recess taken.)

10 (October 31, 2018.)

11 (In open court, jury present.)

12 THE COURT: All right. Okay, folks. Welcome
13 back. We are going to resume now this morning with the
14 Respondent calling his first witness.

15 MR. FALK: Your Honor, Respondent would call
16 Angela Raney to the stand.

17 ANGELA RANEY,
18 having been first duly sworn,
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FALK:

22 Q. How do you know my client, Mark?

23 A. Well, we met back in the '80s. We happened to be
24 in Greenwood Lake.

25 Q. Beg your pardon?

1 A. We met back in the '80s, in '87, and I was there
2 with some family and he was there with some friends.

3 It --

4 Q. Let's back up. Where did you grow up?

5 A. I grew up in Clinton.

6 Q. Clinton, South Carolina?

7 A. Yes, sir..

8 Q. Is that where you met Mark?

9 A. I met Mark in Greenwood.

10 Q. In Greenwood, South Carolina?

11 A. Yes.

12 Q. And what do you do now for a living?

13 A. I work for disability and special needs. I'm a
14 manager over food service. I worked my way up, and I've
15 been working there for 24 years now.

16 Q. And where is that located?

17 A. In Clinton, South Carolina.

18 Q. And so you said you met Mark how many years ago?

19 A. It's been --

20 Q. You said back in the '80s?

21 A. Back in the '80s.

22 Q. And how old were you back at that time? Were you
23 just out of school, out of college --

24 A. Just out of high school.

25 Q. All right. And where was that that y'all met?

1 A. We was just there at the lake and we just happened
2 to cross paths, you know. I was there getting some Coke
3 and stuff for me and my cousins, and he happened to walk
4 up and he asked me what my name was, and we just started
5 a conversation and then --

6 Q. Was this, like, a picnic at the lake, a party?

7 A. Yes. We was just there for a picnic.

8 Q. So that was back in the '80s, and after that date,
9 what kind of contact did you have with him?

10 A. Well, before he left, we exchanged phone numbers,
11 and we just communicated over the phone for a few months,
12 and when -- the last phone call I got, he gave me his
13 mom's phone number and told me he was going back to St.
14 Louis, and so after that I never did hear nothing else
15 from him.

16 Q. Okay. And then --

17 A. And then after years had passed, I was wondering
18 whatever happened to him, so I looked and I happened to
19 still have his mom's phone number. So I called her up,
20 and I didn't know if she was living or passed or
21 anything, so she answered the phone and I asked her where
22 Mark was at. Was he okay? And that's when she told me
23 he was incarcerated and told me where he was at, so she
24 gave me his address. I wrote him, and that's -- we just
25 started writing, and I started visiting him there in

ANGELA RANEY - DIRECT EXAMINATION

1 prison, and that's how we are together since then.

2 Q. Did you have contact with his family also?

3 A. Yes.

4 Q. You said you called his mother. Have you had
5 continuing contact with his mother?

6 A. Yes. His mom -- after me Mark started getting
7 together and I started visiting him. visited him for a
8 little over a year, then we got married, and then about
9 six months before we got married, I called her up and I
10 asked her -- because she was in St. Louis and she had no
11 means of seeing her son again. And they had already made
12 up with all their past history, and I asked her, does she
13 want to come and live with me? Because I go see him all
14 the time, and I'd be more than happy to open up my home.
15 I've got an extra bedroom. I would take care of her.

16 When she got ready to go see him, she could go
17 with me, and she'll have access to see him. Whenever I
18 went, she with went with me, and that's how Mark and his
19 mom was still able to see each other until she actually
20 passed.

21 Q. You had been married before?

22 A. Yes.

23 Q. How long had you been married before?

24 A. Ten years.

25 Q. And all this time you were living in Clinton in

1 the Greenwood area?

2 A. Clinton, Laurens, around that area.

3 Q. What kind of contact have you had with Mark over
4 the past ten years? When did you get married?

5 A. We got married in June of 2007.

6 Q. So how often did you get a chance to see him?

7 A. He had a visit every weekend, so I would go every
8 weekend.

9 Q. And so how long would the visits last?

10 A. Different institutions was different times. Some
11 of them was in the morning, some of them was in the
12 afternoon, and then there are some that visited from 8:00
13 till 5 o'clock, so if I went in the morning when his mom
14 was with me, it was easier for her in the mornings,
15 especially in the summer, because they make you stand out
16 in the heat, horrible.

17 So I just told her when she went let me know, and
18 we decided to start going in the mornings so it would be
19 cooler on her and easier on her to be able to go with me
20 too. So, generally, I would stay that whole time. The
21 visits would be in the morning, from 8:00 till 12:00, and
22 then they'll stop, and then they'll start back up to 1:00
23 to 5:00 in the afternoon, and then the other
24 institutions, you go there at 8:00, and you can stay
25 there till 5 o'clock. It depends on which institutions

ANGELA RANEY - DIRECT EXAMINATION

1 he was at for visiting times.

2 Q. How many different institutions did you visit him
3 at?

4 A. We started out at Lieber, we went to Lieber,
5 Perry, Ridgeland --

6 Q. So Lieber is here --

7 A. Correct.

8 Q. -- in Dorchester County, and Perry is Anderson
9 County?

10 A. Pelzer.

11 Q. Pelzer?

12 A. Yes.

13 Q. And then where is the other --

14 A. Tyger River. That's in Enoree.

15 Q. And was he also in Allendale?

16 A. And then after he left Allendale -- well, he left
17 Tyger River where he -- he was supposed to be there until
18 he maxed out, but he just got upset with the way they was
19 treating the visitors because there was some days that we
20 would just stand out there and it would be way past
21 visitation time, and we seen older people and everything
22 pretty much fall out, waiting to just get in to see their
23 loved ones. And a lot of them started complaining about
24 how they're treating their visitors and the warden just
25 flat out said he didn't care, and so --

1 Q. So you're driving all over the State?

2 A. Yes.

3 Q. So you're driving down to Allendale County?

4 A. Yes.

5 Q. Up to Pelzer, back down this way toward Lieber?

6 A. Lieber.

7 Q. And Tiger River is where?

8 A. Tiger River is Enoree.

9 Q. And any other places? Well, it doesn't matter.

10 A. No, it doesn't.

11 Q. Now, do you have children from your first
12 marriage?

13 A. Yes.

14 Q. And where do they live?

15 A. My son still lives with me. He's currently in
16 Piedmont Tech.

17 Q. How old is he?

18 A. He just turned 22.

19 Q. Okay. So how did this go from being catching up
20 with an old acquaintance to wanting to be married?

21 A. Well, there is just something about different
22 people. It's just something you see, something about
23 them, and we started communicating and we started being
24 friends. And then after he told me he was going back to
25 St. Louis, I didn't hear nothing for a long time. In the

1 meantime, I just went on with my life, and he just kept
2 being on my mind.

3 Q. When you saw him at the lake that first time, what
4 was he like? Was he wild? Was he drinking?

5 A. No. I mean, he was nice. I mean, he never did
6 say nothing out of line to me to say hey, I don't care to
7 be around you, just his whole personality, and he never
8 did give me no warnings, signs, that he even had anything
9 in him to even worry about.

10 Q. You were here all day yesterday so you know all
11 his charges.

12 A. Correct.

13 Q. And you already knew those, did you not?

14 A. Yes. So when we got back together -- and that's
15 the first thing he told me. He said that's the choice
16 that you make. You know, this is what I've done, and he
17 was in tears because he said I hate seeing what I put
18 these people through, and I know I'm wrong, and I've been
19 working on getting some help to help me, so --

20 Q. You know that he has charges of domestic violence;
21 is that right?

22 A. Yes.

23 Q. Does that give you any concerns?

24 A. No.

25 Q. Why is that? I mean, he had violence towards his

1 first wife.

2 A. I don't have no reason to. I know his past
3 histories and also know his mom too. You know, me and
4 her talked. When we first started talking and Mark told
5 all the situation, I called her up and said, you know, he
6 told me this. You're the main one that I would honestly
7 trust with this. I said has he actually changed, and she
8 told me yes.

9 Q. How do you think he's changed?

10 A. In the past, I could just sense that he was more
11 cocky, young, thought nobody could tell him what to do,
12 and now he understands that there is stopping points, and
13 he's learned how to have self-control over his anger and
14 his temper, and I have witnessed many a times when I have
15 seen officers go around harassing them at visitation, and
16 there would be a point in time that would cause somebody
17 to go off, but he held his cool, sat there, and took a
18 deep breath, and we continued with our visit, and I asked
19 him how things went afterwards, and he said they didn't
20 have no more problems.

21 Q. So, now the house, your house, do you own the
22 house or do you rent the house?

23 A. Right now I'm currently renting.

24 Q. And who you're working for, is that a state
25 agency?

1 A. Yes.

2 Q. So that provides you health insurance, right, and
3 it provides you some type of retirement, eventually?

4 A. Yes.

5 Q. So relatively financially secure?

6 A. Yes.

7 Q. Are you concerned about exposing your son --
8 because you said your son still lives with you. Are you
9 concerned with having your son exposed to Mark?

10 A. No, because when my son got of age, he was wanting
11 to actually meet him himself because he's talked to him
12 over the phone, and he wanted to go meet him himself, so
13 we filled out the form. So he went and actually talked
14 to him face to face and went to the visits with me with
15 him.

16 Q. So what are y'all's plans? If he's released
17 today, what is y'all's plans for tomorrow?

18 A. Well, first I would meet with the parole officer,
19 which I've already met him and talked to him about
20 everything, and then --

21 Q. What's your understanding of his parole
22 obligations?

23 A. Well, he's going to have GPS monitoring. He's
24 going to have to go through 30 hours' of classes, and
25 he's going to be a registered sex offender.

1 Q. Where is the parole officer? You said you spoke
2 with him?

3 A. Yes.

4 Q. You spoke to him by phone? Where is his office
5 out of? Do you know the person's name?

6 A. Michael.

7 Q. And where's his office out of?

8 A. He's connected to the Laurens County courthouse.

9 Q. Where do you think Mark is going to work?

10 A. Right now, I know it's going to be hard for him to
11 find anything, so we'll just have to see if somebody will
12 actually give him a chance.

13 Q. I'm just curious, and I guess I should have asked
14 you before, how do you get married in prison?

15 A. Through a notary.

16 Q. Is it actually during one of the visitations?

17 A. Yes.

18 Q. Who presides?

19 A. Well, she was there, and I asked her, and she told
20 me yes, that she would marry us and so we done our vows
21 and everything there, and then when we walked out, she
22 had her seal. Before I left, she put her seal on there
23 and signed her information on there.

24 Q. Was it a little different from your first
25 marriage?

ANGELA RANEY - DIRECT EXAMINATION

1 A. Yes.

2 Q. What do you think this jury needs to know about
3 Mark?

4 A. He's not the same man. You know, from the time I
5 met him, you know, I didn't see that side of him. So the
6 time he left for St. Louis and the times I didn't see
7 him, he made the choices he made, and when I got back
8 with him, I see -- even when we was talking on visits, we
9 wouldn't even be talking about it, and he would just --
10 felt I have to talk to you about this. This is on my
11 heart, and he would tell me again how remorseful he was
12 and he wished he could go back and tell these people that
13 he was sorry, but he didn't want to, you know, contact
14 them or anything because he knows it brings back the
15 past.

16 So he just prayed about it and asked God to
17 forgive him and asked me to give him a second chance when
18 he does get possibly -- I hope he comes home, and let
19 people see that he's not that same man.

20 Q. You heard Dr. Gehle talk about how he has this
21 recurrent anger issue that's led to his problems. Have
22 you witnessed that on your telephone calls? I'm sure
23 maybe not in the prison, but telephone calls, has he ever
24 shown any anger?

25 A. Not real violently. He just gets aggravated with

1 some of the systems. If nobody had ever dealt with
2 Department of Corrections and how they really do things,
3 there is a lot of underhanded lies there. I mean, there
4 are multiple stories on charges they got that they don't
5 tell the outside that what that led up to and what
6 actually caused it.

7 Q. And you have witnessed some --

8 A. I have witnessed some of them.

9 Q. And you also have your own frustrations with the
10 Department of Corrections, correct?

11 A. Correct.

12 Q. Not what Mark has told you, but what you
13 experienced?

14 A. No, what he told me, but I have experience myself.

15 Q. And that's primarily the way they treat you during
16 visitation periods?

17 A. Yes, which I am a member of Kairos and Mark is a
18 member in Kairos inside, and all of us ladies get
19 together and we just tell stories of what the Department
20 of Corrections has just literally put their families
21 through, not the family members that are in there, but
22 just what they're putting the family who are trying to
23 support and be there for the ones who's actually there
24 too.

25 Q. What is Kairos?

1 A. It is a Christian fellowship that is for -- it's a
2 prison ministry.

3 Q. How often does that meet? How does that
4 organization work?

5 A. We meet in the fall and the winter, and then we
6 invite other family members that are going through that.
7 At visitation, we'll let them know hey, we got this
8 group. You're not the only one going through this.
9 We're going to a camp site, this minister with the
10 ladies' fellowship. We'll spend time together, and
11 you'll have a God sent blessing, and I've -- and since I
12 have been in, it's just helped so many ladies that feel
13 like they're alone, to either mothers, daughters,
14 grandparents; I've seen all of us become just best
15 friends because we all know what we have went through.

16 Q. You go to church? Where is your church?

17 A. I go to Cornerstone in Clinton.

18 Q. What kind of church is that?

19 A. It's Southern Baptist.

20 Q. Did you grow up in the church?

21 A. Well, not particularly that one. I went to Faith
22 Christian in Laurens, and they also had a school there.
23 So, actually, from first grade to high school, I went all
24 my life there.

25 Q. Does Mark share your faith?

1 A. Yes.

2 Q. So are y'all going to go to that same church?

3 A. Uh-huh.

4 Q. Do you love Mark?

5 A. I love him more than anything.

6 MR. FALK: I have no further questions.

7 THE COURT: Cross?

8 MR. BOGLE: Thank you, Your Honor. May it
9 please the Court:

10 CROSS-EXAMINATION

11 BY MR. BOGLE:

12 Q. Let me try and, just if I can, get a timeline
13 here. So you met Mr. Raney in about 1987 in Greenwood
14 County; is that correct?

15 A. Uh-huh, yes.

16 Q. That's about 30, 31 years ago?

17 A. Right.

18 Q. Right? And then he left for St. Louis because he
19 was a truck driver at one time; is that right?

20 A. Yes.

21 Q. So he left for St. Louis, and I guess that would
22 have been in the late '80s, early '90's?

23 A. Correct.

24 Q. And so you lost contact with him until sometime in
25 the '90's when you reached out to his mother and found

1 out he was in prison in South Carolina.

2 A. Yes.

3 Q. Okay. So in between when he left for St. Louis
4 and when you finally found him, he would have committed
5 the rape in North Carolina back in 1993, right?

6 A. Uh-huh.

7 Q. And gone to prison for it, escaped, got caught,
8 put back into prison, and then committed the rape in
9 South Carolina, and they put him in prison here in 1997,
10 right?

11 A. Yeah.

12 Q. So there was a gap of contact from about 19 --
13 sometime in the '80s to sometime in the late 1990s when
14 you found out he was in prison, and you said you were
15 previously married, right?

16 A. Yes.

17 Q. Are you divorced from the previous husband?

18 A. Yes.

19 Q. Where did the divorce happen?

20 A. In Laurens County.

21 Q. And I guess from your visitations and everything,
22 did you check with the Department of Corrections to see
23 if they would conduct a marriage ceremony? You wanted to
24 get married to him, right? Did you check with the
25 Department of Corrections to see if they would order a

1 chaplain to do a marriage ceremony?

2 A. They wouldn't do it, but they told me if I had a
3 notary that they couldn't stop that.

4 Q. In fact, that's against their rules, is it not?

5 A. Correct.

6 Q. They don't allow their chaplains to conduct
7 marriage services. You found that out.

8 A. Yes.

9 Q. So what you did was, on one of the visitations,
10 you brought a notary public with you in to do the
11 marriage ceremony. So that happened during one of the
12 visitations?

13 A. Yes, sir.

14 Q. And that would have been in 2007; is that right?

15 A. Yes.

16 Q. Is the marriage license filed somewhere?

17 A. Yes. It's in the courthouse.

18 Q. Which courthouse.

19 A. In Horry County.

20 Q. So if I go to the Horry County courthouse, I'll
21 find a marriage license?

22 A. Yes, sir.

23 Q. Isn't there a 24-hour waiting period to get
24 married?

25 A. Yes.

1 Q. So he had to sign it and then you had to come back
2 at a later time?

3 A. Yes.

4 Q. In your membership in the Kairos organization --
5 I'm not pronouncing it right. Is that close enough?

6 A. Yes.

7 Q. And also your visitations, the time you came to
8 the Department of Corrections to see him, when you were
9 there on the premises, did you make any inquiries of
10 other people at the department as to what kind of classes
11 he might have gone to for anger management or something
12 like that?

13 A. Yes.

14 Q. Did you talk to people at the department, hey, I'm
15 seeing this guy. I'm thinking about getting married or
16 we are married. I want to know what kind of classes he's
17 been through. Did you talk to somebody at the Department
18 of Corrections about that stuff or did you just talk to
19 Mr. Raney about it?

20 A. Well, he told me, and then you can actually check.

21 Q. Okay. Did he explain to you why it was he chose
22 to rape the woman in the hotel in North Carolina? Did
23 you ask him?

24 A. Yes.

25 Q. Did he explain to you why it was less than two

1 years after he got out of prison that he chose to rape
2 the woman in her apartment here in South Carolina?

3 A. He said that he don't know what come over him.

4 Q. Don't know what come over him.

5 MR. BOGLE: Thank you, ma'am. Nothing
6 further.

7 THE COURT: Redirect?

8 MR. FALK: No redirect.

9 THE COURT: You may step down.
10 Next witness.

11 MR. FALK: We will call Mark Raney to the
12 stand.

13 MARK RANEY,
14 having been first duly sworn,
15 was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FALK:

18 Q. Some of the pleadings in this have your name
19 spelled R-a-i-n-e-y.

20 A. Yes, sir.

21 Q. Did you ever spell your name differently?

22 A. No, sir. Somehow after I was got convicted they
23 put an I in there in the courts, and then it stayed with
24 me the whole time I was in the Department of Corrections.
25 I couldn't get them to change it. They said it was that

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1 way when you came in. It's going to stay that way until
2 you leave.

3 Q. On your birth certificate, it says R-a-n-e-y.

4 A. Yes, sir.

5 Q. Okay. You heard Dr. Gehle talk about you going by
6 another name.

7 A. Yes.

8 Q. What was that? What --

9 A. I don't know. I never went by another name except
10 for a CB handle when I was driving trucks, and that was
11 it.

12 Q. What was your CB handle?

13 A. Wiley Coyote.

14 Q. You heard Angela testifying, so why don't you sort
15 of tell your story on how you all connected.

16 A. Well, I came to Spartanburg in the late '80s,
17 about 1987. I came down here --

18 Q. So how old were you at this time?

19 A. I was 18.

20 Q. Okay.

21 A. And I came to Spartanburg with a girlfriend who
22 ended up being the mother of my oldest son. Her parents
23 lived here, and she wanted to come see her parents. She
24 hadn't seen them in years, and that's what brought us
25 here.

1 Q. And you came from St. Louis?

2 A. Yes. And we came down here just for the provision
3 of just visiting for a while and ended up staying, and so
4 I got a job working at Domino's Pizza to start,
5 delivering pizzas, and she went to work at K-Mart, and we
6 ended up staying down here.

7 Things didn't go too well down here. I wanted to
8 go back home. She really wanted to stay, so we
9 eventually ended up deciding to go back.

10 Q. Go back to St. Louis?

11 A. Go back to St. Louis, yes.

12 Q. When did you get divorced from your first wife?

13 A. Well, we weren't ever married.

14 Q. Okay. I'm sorry. And you had how many children
15 with her?

16 A. Just one, my son Justin.

17 Q. Where is Justin now?

18 A. He's in St. Louis.

19 Q. And she stayed in St. Louis?

20 A. Yes.

21 Q. So how did you get back to South Carolina?

22 A. I came back to South Carolina -- at the time I
23 came in '96, I came to visit my sister.

24 Q. Where was she living?

25 A. She was living in West Ashley.

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1 Q. So when did you meet Angela?

2 A. I met Angela at Greenwood Lake back in 1987.

3 Q. Okay. Okay. And you had telephone conversations
4 for a little bit?

5 A. Yeah, yeah. I wanted to go see her, but, like I
6 said, I had a girlfriend at the time, and I really
7 wasn't -- it wasn't something I was supposed to do, but I
8 liked her. She had a nice personality, and I just --
9 there's something -- I got a term of endearment for
10 Angel, which I call Little House on the Prairie, because
11 she's so country and she's got a great heart and I love
12 her to death, and it's something I noticed from the
13 get-go. We got separated for all them years, but through
14 the grace of God, he brought her back into my life.

15 Q. Did you have concerns that you were breaking
16 SCDC policy by getting married?

17 A. Yes. It was a difficult thing. I went to the
18 chaplain's office about it, and he said they couldn't
19 help us, but he said we don't allow it, but you can do it
20 on your own, so I went out and did it on my own.

21 Q. So the chaplain told you?

22 A. The chaplain told us it wasn't allowed, but he
23 told me directly that they're not allowed to help us get
24 married any longer. At one time they was allowed to help
25 us, but they was no longer allowed to help us, so you had

1 to do it on your own if you wanted to get it done.

2 Q. So this isn't the first time you got married?

3 A. No.

4 Q. What all correctional institutions have you been
5 to?

6 A. Started out at Lieber, went to Perry. From Perry
7 went to Tiger River. At Tiger River, I ended up catching
8 a charge, which is one of my drug charges that you see on
9 my incident report. That was for Prilosec, my own
10 heartburn medicine being expired, and they gave me use
11 and possession, 903, and when I caught that charge, they
12 transferred me out of the hardship institution I was in.
13 I was there to see my mother and transferred me to
14 Kershaw, where at the time I was -- I filed a grievance
15 on the charge because it was medication the State had
16 been giving me for ten years, so I was authorized to have
17 it by the Kirkland pharmacy, and when I went to
18 Kirkland -- I mean, when I went to Kershaw, it took ten
19 months to get the drug charge overturned, and they
20 overturned it and gave me everything back.

21 Q. What is everything?

22 A. It means they gave me my visitation privileges, my
23 phone privilege, my canteen, my property they made me
24 send home, my TV. They gave all that back to me as if
25 the disciplinary never took place.

MARK RANEY - DIRECT EXAMINATION

1 Q. After Kershaw, where did you go?

2 A. From Kershaw, they gave me an option. We had a
3 lawyer we hired for the disciplinary case, and the lawyer
4 says I can send you back to Tyger River tomorrow, but I'm
5 really concerned about them retaliating against you for
6 us taking them to the administrative law court and so
7 forth, but he said I have a waiver-here. If you're
8 willing to sign it, I could send you back to a level
9 three camp tomorrow, to Perry, which is closer to the
10 house, and I said that's no problem. I'll sign the
11 waiver, and I'll take your advice and not go back to
12 Tiger River.

13 So I went back to Perry, and the agreement with
14 the administrative lawyers at SCDC, it stated that Perry
15 could not transfer me for at least a term of one year
16 unless I request a transfer back to Tiger River
17 administratively or otherwise they couldn't transfer me.

18 Q. So the security level at Tyger River is about the
19 same?

20 A. It's level two. It's a more minimum custody.

21 Q. But Perry?

22 A. It's level three. It's more of the maximum
23 securities.

24 Q. Now, each level is sort of how many wires there
25 are?

1 A. Yeah, but a lot of the level twos in the State now
2 have the same amount of fences because they used to be
3 level threes.

4 Q. So from Perry, were you ever at Allendale?

5 A. Yes. I left -- when I went back to Perry -- I
6 eventually went back to Tyger River again, and at Tyger
7 River, we had a falling out with administration, me and
8 my wife did, where we filed a complaint with the ACLU,
9 the reason being behind that was there was chairs that
10 were supposed to be changed out in visitation because a
11 child fell on a chair and busted his head open, and
12 chairs were supposed to be exchanged for more sturdy
13 chairs. Well, they got what they call in the Department
14 of Corrections an IRC, which is inmate representative
15 committee, which is supposed to be the go-between the
16 inmates and administration.

17 Well, the IRC, in the minutes that they have,
18 where they have meetings with the wardens every two weeks
19 to a month, asked the warden what was being done about
20 the exchange of chairs during visitation, and I remind
21 you I was there for a hardship because of my mother
22 having a handicap. The warden stated the exchange of
23 chairs at visitation is still being looked into. In the
24 meantime, people who are in poor health, overweight, or
25 obese, tell them to stay home.

MARK RANEY - DIRECT EXAMINATION

1 So I took that off the bulletin board and I folded
2 it up and I sent it out to Angel and filed a complaint
3 with the ACLU and the Americans With Disabilities, and
4 after that, six months later, the ACLU came in and talked
5 to Columbia and the warden at the institution --

6 MR. BOGLE: Objection, Your Honor. He's
7 talking about things he wasn't physically present for.
8 That would be hearsay.

9 BY MR. FALK:

10 Q. What was the end result from the ACLU?

11 A. I never found out the results. The warden
12 transferred me from the yard before I could.

13 Q. Angela talked about your supervision.

14 A. Yes.

15 Q. Do you have a parole officer?

16 A. Yes, I do.

17 Q. What's his name?

18 A. They changed it after -- since I've been in the
19 county jail, and I ain't got the new name. I do have his
20 card, but I don't have it with me, but I do know his name
21 is Michael. I can't remember what his last name was.

22 Q. And where do you think his office is?

23 A. In Laurens County.

24 Q. Have they provided you notice of any types of
25 restrictions you're going to have?

1 A. Oh, absolutely. This is intensive supervision
2 where I have to report weekly to start, six months' GPS
3 monitoring, and I have mandatory sexual predator
4 counselling classes, and this is a term for up to two
5 years.

6 Q. And have they given you any paper that says
7 exactly when your termination date is for supervision?

8 A. Yes, yes. I have my supervision certificate here.

9 Q. What does it say?

10 A. Supervision ending date is December 28, 2019.

11 Q. Did Dr. Gehle ask you about your supervision?

12 A. Yes.

13 Q. And what did you tell her?

14 A. I told her I have community supervision. It's
15 mandatory with 85 percent sentences.

16 Q. And did you have that paperwork at the time? Did
17 you tell her how long it was supposed to last?

18 A. Well, it's always a given with 85 percent
19 sentences that it's a two-year supervision unless you
20 have less time remaining on your sentence. It's always
21 two years.

22 Q. Unless the 85 percent comes to less than two
23 years?

24 A. Right.

25 Q. I see.

MARK RANEY - DIRECT EXAMINATION

1 A. So say you had a 12-year sentence, and you already
2 did ten years of it, ten years, eight months. There's
3 not two years left, so the supervision is only going to
4 remain for what you had in the remainder.

5 Q. And the GPS monitoring?

6 A. That's six months non-negotiable.

7 Q. How often do you have to register as a sex
8 offender?

9 A. Beginning every 90 days.

10 Q. And that was all explained to you when?

11 A. Before I left Allendale.

12 Q. Okay. I know Allendale has a character dorm.
13 Were you ever part of that?

14 A. Yes, not just a character dorm --

15 Q. What is a dark character dorm?

16 A. It's a character-based unit which relies on
17 peer-to-peer accountability. It's a prosocial
18 environment that makes it mandatory to be in this program
19 you have to take a certain amount of classes each week
20 and meet a quota each month.

21 Q. What about disciplinary infractions?

22 A. You can't have any. If you get any, you get what
23 they call put in an engagement log, and depending on the
24 charge, if it's major, which most charges in SCDC are,
25 you'll get removed from the program.

1 Q. Why do you want to be in the program?

2 A. Because it's a chance to change my life. It's
3 given me a lot of tools that I need that's helped me in
4 conflict resolution, handling anger, just dealing with
5 all situations that come my way. I'm able to handle them
6 in a different way.

7 Q. Why don't we go through some of those classes that
8 you took.

9 A. Okay. All right.

10 Q. Do you recall any of them?

11 A. Yeah, absolutely.

12 Q. So what is the animal husbandry class you're
13 taking? What's that about? It's the Meow Mate --

14 A. The Meow Mate program? That's a program that's
15 based out of the Friends for Life Center out of Barnwell,
16 South Carolina. The lady, Ms. Vicky Scott, she owns the
17 center, and she's got a program set up at Allendale to
18 where she keeps 25 dogs and 25 cats at the institution.
19 These animals have been animals that have been neglected,
20 abused, abandoned, and just left for dead.

21 She has taken them into her shelter which, is a
22 no-kill shelter, and got a program set up at Allendale
23 where she brings these animals in for rehabilitation,
24 where we take care of them, we retrain them and get them
25 ready to be friendly, loving pets for a nice home.

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1 Q. And so you don't keep them then. You have more
2 than one pet during this time?

3 A. Oh, yeah, but you keep them for quite a bit of
4 time. I trained 13 dogs while I was there, and some of
5 them you can't help but fall in love with. I wanted to
6 adopt every one of them, but you can't do that. I
7 adopted a cat while I was there, but this program is set
8 up to where you keep a dog usually about 90 days, and
9 then you rotate it to another handler so they can get
10 used to different people, different mannerisms, different
11 attitudes so whatever household they get into they'll
12 fit.

13 Q. Are they in your cell?

14 A. Yes, 24/7. The longest I kept Spanky, the last
15 one I adopted, which a friend I have here today, he
16 adopted him, and he's a great dog. Meant the world to
17 me, but they stay with you 24/7 and you train them, give
18 them all the obedience training they need to just be
19 great pets.

20 Q. How do you walk them?

21 A. You go out every two hours. They start at 6:00 in
22 the morning, and you go every two hours up until
23 10 o'clock at night. The program, man, it's amazing.
24 It's a life-changing thing for people because finally,
25 for people like me who have been in prison for all these

1 years, it gives you something to take care of that's
2 relying on you, and it gives you a new outlook and it
3 gets you ready.

4 It really helps. I know it's an animal, but
5 anybody that knows me knows animals mean a lot to me.
6 I've been around animals my whole life. I worked at the
7 humane society as a child for many years, so it was very
8 important to me.

9 Q. How long have you been in prison?

10 A. This last bit, I've been in prison 22 years, going
11 on 23 since I've been incarcerated.

12 Q. And you were sentenced -- and prior to that, you
13 were in the county jail waiting for sentencing?

14 A. Yes. I'm counting that towards incarceration,
15 yes.

16 Q. Because you got credit for your time served?

17 A. Yes, sir.

18 Q. And you pled guilty; isn't that right?

19 A. Yes, sir.

20 Q. Why didn't you go to trial?

21 A. Because I was guilty. There was no sense in
22 putting no families or nobody else through that.

23 Q. Do you have your CDL license?

24 A. I did at one time, yes.

25 Q. And how does that work?

MARK RANEY - DIRECT EXAMINATION

1 A. Come again? What do you mean?

2 Q. Do they bring trucks into the facility --

3 A. I don't have my CDL license now. What I did at
4 Allendale, I was a CDL facilitator because of my past
5 driving trucks. What I would do is teach 40 to 50
6 inmates at a time, six months at a time, how to get their
7 CDL permit, and classes range two days a week, two hours
8 at a time, Tuesdays and Thursdays, two hours, and I would
9 teach people all the basic knowledge that they need and
10 general knowledge, air brakes and combination vehicles,
11 to get their permit so when they step out they can go
12 straight to the DMV to get their permit and be able to
13 pass all the written tests with flying colors and step
14 right into a truck with a licensed driver and get their
15 driving experience.

16 Q. What is the violence prevention program? I guess
17 it's the sexual trauma services of the Midlands.

18 A. Yes. That was a program sanctioned by a group in
19 Columbia that came down to the institution. They come
20 down at certain times. They do it more often in
21 Allendale now because they trained officers to do this
22 class, and I took that class. It was a 90-day class
23 and --

24 Q. And so --

25 A. In violence prevention, but it was based solely on

1 sexual trauma.

2 Q. So if it's a 90-day class, how many days a week
3 does it meet?

4 A. It went one day a week four hours at a time.

5 Q. And what did you do in between classes? Was there
6 homework or --

7 A. Yeah, we had homework, but you do a lot in that
8 four hours. They -- you're drilled in everything as far
9 as social contact with women, appropriate contact, what's
10 inappropriate, what's appropriate, and everything you can
11 imagine in a social contact.

12 Q. And you were with a group of people at the time
13 doing this?

14 A. Yes. There was about, I think, 15 of us in that
15 class.

16 Q. Everybody in that class know what you had been
17 charged with?

18 A. Oh, yes.

19 Q. Do you have to share that with the class?

20 A. Yes.

21 Q. How does that go?

22 A. It doesn't go good because a lot of people spend
23 all their years in prison not telling people why they're
24 there; so it takes a lot of forthright on yourself. It
25 takes a lot to -- just opening up your mind and realizing

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1 this is what change is about, so you go ahead and you put
2 that aside, and you don't worry what people think
3 anymore. It's about you and getting better.

4 Q. What is the Global Express Ministries?

5 A. That is a ministry that comes in to the prisons.
6 I met them at Ridgeland. That's a group that comes in
7 and they teach conflict resolution.

8 Q. So over what period of time?

9 A. That is just a three-day intensive program that
10 just lasts all day, every day, for three days. You just
11 go through it and they show videos. You do role playing
12 on conflict resolution, how to handle different
13 situations, and hopefully you graduate at the end and get
14 a certificate.

15 Q. And you got a certificate?

16 A. Yes, I did.

17 Q. And what is the Palmetto Unified School District?

18 A. Those are the people that accredit and look over
19 the schools that are inside the Department of Corrections
20 where I was at Ridgeland.

21 Q. What kind of classes did you have to take while
22 you were -- well, right here. So as part of character
23 housing unit, how many hours participation did you have,
24 do you know?

25 A. It's mandatory that you have 20 hours a month, but

1 I usually stayed about 40 or 50. These classes
2 consist -- when you first start out, they got what they
3 call mission critical and mission support devices.
4 Mission critical devices, it's mandatory that you take
5 three admission criticals a week and two mission supports
6 a week, and all the electives you want to take, but the
7 curriculum there is about 130 classes that they offer.
8 I've taken probably well over -- I think it's 30, almost
9 40 different classes while I was there, several anger
10 management courses --

11 Q. Let me talk to you about the anger management
12 because I'm looking at something here on this list that
13 says anger management chip.

14 A. There's two different types. The Chip Ingram,
15 it's a video series, and it's anger management based on
16 Christian beliefs and how you deal with anger and how you
17 let go and let God.

18 Q. And so how often would that be?

19 A. Oh, they're on a daily basis.

20 Q. So --

21 A. You don't have to go to them every day. You only
22 have to get your quota in for the week, but the classes
23 are held every single day, and you can go into them any
24 time you want to, as long as you make the one you signed
25 up for.

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1 Q. How long would they meet for the day?

2 A. Some would go for an hour. Most classes were two
3 hours.

4 Q. Okay. Then what is Authentic Manhood class?

5 A. That's another faith-based program. Authentic
6 Manhood is basically getting you to realize what it takes
7 to be a man. It's trying to get you to get away from the
8 man child way of things; you know, to put away the
9 childish way of thinking, the childish way of reasoning,
10 and even the young adult way of thinking and reasoning
11 and realizing that you're an adult and you're a man and
12 that you're a new man.

13 Q. That kind of class, is that sort of a group of
14 people talking or were you watching video?

15 A. No, it's videos. Authentic Manhood is based on
16 videos with homework.

17 Q. What would the homework assignments be?

18 A. Homework assignments would be making sure you're
19 answering questions on what you heard during the video,
20 that you understood what you heard, and it may go through
21 some Bible verses where it points you in different
22 directions where it would correspond with what you heard
23 in the video.

24 Q. I'm looking at something that says Character
25 Traits Understanding class.

1 A. Yeah. Character traits -- your character traits
2 are almost endless. That has to do with integrity and
3 respect and communication -- everything that has to do
4 with living a normal life. These character traits are
5 painted on the walls of the character unit. Everywhere
6 you go you see them. They're everywhere, and the
7 character traits is -- what they do is you go into
8 classes and go through the character traits book, and
9 then each class contains one character trait and all the
10 characteristics that go with it and how you go about
11 living your life according to that character trait, and
12 that's what they study you on and take you through, and
13 they go through each one of them, and then you got
14 character traits one, you got character traits two where
15 they go into a deeper layer.

16 Q. And, again, is this a class that has homework?

17 A. Most of the classes have homework. It's required
18 as the facilitator to give out homework, but sometimes it
19 can just be verbal. A lot of times it is paper homework.

20 Q. What is CHU 101 Focus class?

21 A. That's CHU. That's the character housing unit.

22 Q. Okay.

23 A. That's making sure that you're always aware of the
24 rules, and they do that with -- once you got in the
25 graduate phase, you don't have to take those anymore,

1 which I was in the graduate phase, which is phase four.
2 The CHU rules are basically for people that is in one and
3 two to make sure that they stay on par with the rules of
4 the group, but I wanted to reiterate real quick about the
5 character housing unit that we keep mentioning.

6 It's no longer the character housing unit. It's
7 the character institution. According to Warden Payton --
8 because I been out of the institution. According to
9 Warden Payton, all the volunteers and facilitators of the
10 program -- Allendale is the only all character-based
11 institution in the entire country. The whole yard is set
12 up as a character institution, so it's -- the whole yard
13 of 1,200 people is a prosocial environment. We live our
14 lives accordingly. If you don't, then they ship you off
15 the yard.

16 Q. Did you teach at any of these classes?

17 A. Yes, sir. As a graduate in phase four, I was
18 called upon to teach. You have to, but before you can
19 even teach, they put you in what they called TESA,
20 teacher expectation student achievement classes, and it
21 teaches you different ways to -- they teach classes to
22 realize that not everybody learns verbally or not
23 everybody learns visibly, through sight, or not everybody
24 learns hands on.

25 You got to teach all these different people all

1 the different aspects, and I had to do that before I
2 could do the CDL classes. I had to do that class before
3 I could do my music classes, and I was also in leadership
4 in the animal program, and even doing that, leadership in
5 the animal program as the medical liaison of the animals,
6 I had to take TESA classes. It's mandatory that you take
7 tests or be in TESA in order to participate.

8 Q. What is Jump Start?

9 A. Jump Start is a 40-week program based on Rick
10 Warren's Purpose Driven Life.

11 Q. Where did you take that?

12 A. I started at Ridgeland. At the end of it, I
13 was -- in my 30th week, I was transferred to Allendale to
14 -- I got selected to be a member of the character housing
15 unit, and it's a 40-week program that meets once a week.
16 The program was built by a man named Tim Terry who was an
17 ex-prisoner at SCDC. He built this program for people
18 when they get out of prison, they realize they have
19 another choice, that they have another option in life
20 besides criminal activity, and what this does is once you
21 graduate, they set you up with a job and housing, if you
22 so choose to have that aspect of the program.

23 I joined that program not for those things. I
24 joined them for self-improvement, and I graduated, and I
25 passed with a certificate.

1 Q. What other -- in any of these classes, did you
2 learn anything about victim empathy?

3 A. Most of the program, especially Authentic Manhood,
4 the violence prevention, all that is based on victim
5 empathy.

6 Q. What does that mean to you?

7 A. Victim empathy makes sure that I understand what I
8 put victims through and how they felt and how it just
9 doesn't affect them then, it affects them the rest of
10 their lives.

11 Q. How did it affect, specifically, your victims?

12 A. Sir?

13 Q. Have you thought about how your actions affected
14 your victims?

15 A. I don't think over the years there's been many
16 times I haven't thought about my victims. I know in my
17 heart there's nothing I can do to take back what I've
18 done. There's nothing, no matter how bad I'd like to,
19 but I know that I impacted their lives for the rest of
20 their lives and there's no denying that. I know this in
21 my heart because I know the things that I've done has
22 affected me the rest of my life, so I know the horrors
23 that I brought upon them has affected them.

24 Q. What do you think -- when you were -- before you
25 did these 22-and-a-half years, what did you think your

1 triggers were to cause you to act out?

2 A. I'd say it was a combination of a few things. It
3 was stress, rejection, anger, alcohol, but I think the
4 whole thing was centered on stress, and alcohol just
5 fuelled the whole fire.

6 Q. Which of these classes that you took do you think
7 you learned most from or has helped you the most?

8 A. Outside of the classes, I would say the thing that
9 helped me the most besides those classes is Kairos.

10 Q. And from the inside, what is Kairos?

11 A. Kairos is a faith-based program that is built on
12 the -- Kairos is in God's time. I've been an 18-year
13 member of Kairos, and 18 years ago inside they got what
14 they called a walk. That's a four-day retreat, almost
15 like a tent revival, but it's inside in a building, and
16 it's a place where you go for four days, and you just let
17 all your burdens all your regrets, everything you've ever
18 done, you get a chance to put it all away, and you get a
19 chance to walk with God for four days, and that program
20 changed my life tremendously. It's the best thing I've
21 ever seen.

22 Q. You said that was 18 years ago.

23 A. Yes.

24 Q. How does it go from that first four-day walk?

25 A. From that four-day walk, you have what you call --

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1 where I spent it -- I went through Kairos at Lieber
2 18 years ago. Before that week was over, I want to say I
3 turned my life over to Christ 18 years ago, and after
4 that four-day walk, we have what they call a journey
5 program where all the Kairos members from the street,
6 usually 30 strong, come in, and they make sure we're
7 still on the right path, and they come in every week, and
8 then you have a reunion once every month, and the reunion
9 is people that can't make it every week, they come in
10 too, and all the groups that anybody that's ever been a
11 member of Kairos gets together, and we have fellowship
12 and we sing and we be thankful we're in the graces of
13 God.

14 Q. Did you grow up in the church?

15 A. Yeah. I grew up in the Catholic church, but we
16 used to be very devout practicing Catholics growing up,
17 and then just -- my family got torn apart by my mother's
18 stroke.

19 Q. Dr. Gehle talked a little bit about your mother's
20 stroke, but how did it affect you?

21 A. Before her stroke, our lives were perfect. We had
22 everything.

23 Q. Was your father around?

24 A. No. My mother left my father when I was a year
25 old for abusing her.

1 Q. Where did your mother work before the stroke?

2 A. Before the stroke my mother owned her own
3 businesses. She owned a little department store almost
4 like a K-mart but a single building, about that size, and
5 she owned two taverns.

6 Q. So how did the stroke affect your lives?

7 A. It affected my life in many ways. I was young
8 enough at the time, I was seven years old, and it
9 affected my life because for most of my life, I seen the
10 incident in recurring dreams, visions all the time of
11 what happened to my mother because I was there at seven
12 years old and witnessed it, and it's affected me growing
13 up and communicating with people, knowing how to
14 communicate with people. There was just nobody around to
15 really teach me that. I grew up in a household with a
16 mother who had a speech impairment and partially
17 paralyzed.

18 Q. Were her arms paralyzed?

19 A. Her right side.

20 Q. Could she hug you?

21 A. Barely. She could. She tried.

22 Q. Did that make you an angry kid?

23 A. It made me an angry kid that after the stroke I
24 was left behind. My sister was taken away for a better
25 life.

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1 Q. Can you explain that?

2 A. Well, my dad's family came in and took my sister.
3 They felt that my mother couldn't take care of both of
4 us, so they took her and left me. She was older, and
5 they left me behind because after the stroke, she no
6 longer -- medical bills, everything, everything was lost,
7 everything we ever had, and we ended up in housing,
8 section 8, food stamps.

9 Q. Dr. Gehle talked about a lot of anger issues you
10 had when you were younger.

11 A. Yes.

12 Q. Would you agree with that?

13 A. Yes.

14 Q. Were you acting out at school?

15 A. Oh, absolutely, but some of the reasons why I was
16 acting out are different from what people say. —

17 Q. Well, why do you say you were acting out?

18 A. I acted out -- I realized, as I got older, because
19 I had a learning disability. I didn't learn as quick as
20 other kids, and I think it was because of my development,
21 but when that would get brought to the forefront, I would
22 act out so I wouldn't feel stupid, so I wanted people to
23 think I was this tough guy instead of this dumb guy.

24 Q. So how old were you when you went to prison this
25 last time?

1 A. This last time I was 27.

2 Q. Okay. How have you changed?

3 A. I've changed tremendously. My life has been
4 impacted by God and Kairos. Like I said, I have spent
5 the last 18 years rebuilding my character to become a
6 better human being so as not to allow the past to define
7 anything that happens in my future or to not let anything
8 I've done ever happen again.

9 It's not been easy. It's been a hard walk for me.
10 Again, I've been in prison, and I've been in maximum
11 security prisons, and when you're walking with God back
12 there, it's not easy. People have a tendency to look at
13 you like you're selling out, but I wasn't selling out. I
14 was buying in because I knew that I wanted to change my
15 life, that my life wasn't going to be defined by all the
16 crap that I had in my life. I was going to do something
17 different, that I was going to do everything in my power
18 to make a positive footprint in the days that I have
19 left, and I've been on that path for a long time, and
20 I've become a better man because of it.

21 Q. Dr. Gehle evaluated you, obviously, and then there
22 were some other evaluations that you had.

23 A. Yes.

24 Q. Do you recall anybody in any of these evaluations
25 saying that you suffered from a paraphilic disorder

1 that -- you know, biastophilia or a coercive sexual
2 disorder or anything like that?

3 A. Never.

4 Q. How many times have you been evaluated?

5 A. With Mrs. Gehle's evaluation, it's nine.

6 Q. Okay. Starting when?

7 A. That's nine just since the 1995 evaluation.

8 Q. And how do they come up?

9 A. You mean --

10 Q. I'm just saying -- it's not frequently that I'll
11 have somebody here who's been evaluated nine times.

12 A. There's been times in prison to where I just felt
13 things weren't going right, and I would ask for help and
14 I would go talk to somebody.

15 Q. Okay.

16 A. And I would go talk to them, and they would
17 evaluate me or they would put me on medication, something
18 to help me with anxiety or depression, and that's --
19 obviously, most of them nine offenses I've been
20 incarcerated, only two before.

21 Q. And these were all evaluations that took place, or
22 most of them took place, after your criminal conduct?

23 A. Yes.

24 Q. And they were all -- what types of people were
25 evaluating you?

1 A. They were the psychiatrists and psychologists
2 there employed by SCDC and the Department of Mental
3 Health.

4 Q. You said that stress is one of your triggers?

5 A. Yes, sir.

6 Q. Do you think it's going to be stressful -- this is
7 an obvious question. It's going to be stressful being on
8 the outside, isn't it?

9 A. Absolutely.

10 Q. You're going to have to register as a sex
11 offender?

12 A. Yes, sir.

13 Q. And you're going to have a GPS monitor?

14 A. Yes, sir.

15 Q. What are your job skills?

16 A. I drive trucks for a living. I've been a cook.
17 Since I've been in prison, I've learned skills of
18 upholstery, reupholstery. I graduated the carpentry
19 program, so I know how to frame houses. I have worked,
20 industrial laundry machines, washers, dryers, and, once
21 again, truck driving.

22 Q. Is anything that you're going to have -- you
23 obviously are a convicted felon, and you're going to be
24 on the sex offender registry and GPS monitor. Will you
25 be able to get a CDL license back?

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1 A. No, but I'm not really -- I thought about going
2 out driving again, but I'm just really -- I've been
3 separated from my family for so long that's really just
4 become not an option anymore. I enjoyed teaching the
5 class, but it's not something I want to do anymore.

6 Q. Nothing would prevent you?

7 A. No, sir.

8 Q. Your wife goes to the Southern Baptist church; you
9 go to the Roman Catholic church. Is that an issue?

10 A. No. I've been Baptist now for many, many years,
11 and that's where I --

12 Q. How do you go to church when you're in prison?

13 A. Huh?

14 Q. How do you go to church when you're in prison?

15 A. They have church functions daily, and you go to
16 any of them. They have Kairos, they have Sunday worship,
17 they have Wednesday worships, and we have programs inside
18 the dorm which is just inmate related to where we have
19 Bible studies, prayer groups, prayer calls every day.

20 Q. Do you think you need any additional sex offender
21 treatment?

22 A. Yes. I'm required to take it, so absolutely. I'm
23 going to take it. I'm going to use every tool that's put
24 at my disposal.

25 Q. How can we be convinced that when you get out of

1 prison you're not going to reoffend like you did two
2 years after you got out of prison?

3 A. Because my life now is not like it was as a child.
4 Like I said before, it's not like it was when I was a
5 young man. I'm nearly 50 now, and my whole way of
6 thinking and reasonings is that of a 50-year-old.

7 I'm not that child anymore. I'm not quick to
8 anger anymore. I know how to handle situations that will
9 not let me get to that point again in life. I'm happy
10 with who I am today, and I'm proud of who I am today, and
11 I plan on living the rest of my life that way.

12 Q. Is there anything else you would like to share
13 with the jury?

14 A. Yeah, there's a few things. Thank you.

15 I'd like you to know -- I know you've heard an
16 awful lot of bad things about me, and I'm here to tell
17 you, I'm not going to deny none of that. All of it's
18 true. I've been a liar; I've been a deceiver; I've been
19 a cheater; I've been an abuser, and I've raped two women.
20 I'm truly ashamed of all that, and I'm appalled about my
21 own behavior and actions.

22 I carry with me a heavy heart for those that I
23 have hurt and the victims that are directly related and
24 for the families, loved ones, that were also affected.
25 Everyone here knows or has been through something where

MARK RANEY - DIRECT EXAMINATION

1 they wanted to change the past but knows that's not an
2 option. That's just not possible. I'm one of those
3 people. I'm no exception. I wish I could, but I can't,
4 but I do know that I have spent the past 22 years
5 rebuilding my character to become a better human being so
6 I don't allow this to happen again.

7 I understand the feelings and thoughts of what
8 I've done and what it provokes in people because it
9 provokes it in me today, and it provokes me when I see it
10 on TV or when I hear somebody else's story, and I
11 understand because I have a daughter, I had a mother, and
12 I have a wife, and I would understand how I'd feel if
13 that happened to them. There's no doubt in my mind that
14 I stand on the strongest foundation my life has ever
15 known today, and I know that with the love and support of
16 my beautiful wife and my children and the man I am today
17 that I am confident in my desire to leave a positive
18 footprint before I'm done.

19 I understand all the things you heard, and I
20 understand how you feel, and all I ask is that you see
21 the man who I've been the past 23 years because I'm not
22 the man I used to be. I'm no longer that child, that
23 unruly child, I was in childhood or that young man I was
24 in my 20s. Like I said, I'm older now. Now I'm ready to
25 see and spend time with my grandchildren and my kids that

1 I haven't been a part of in many, many years.

2 I have a beautiful wife who I love and cherish
3 more than anything in this world. God brought her into
4 my life, and he didn't bring her into my life when I was
5 doing bad, he brought her into my life when I started
6 living my life accordingly. He brought her into at a
7 time when it was needed in my life, to show that good
8 things can happen in God's time. I lived my life that
9 way, and I will continue to live my life that way, no
10 matter what you decide today. That's going to be my
11 journey.

12 God is the center of my life. He will continue to
13 be and always will be for the rest of my days, and I will
14 live it no other way because I found peace and joy for
15 once in my life, even in all these years in prison, for
16 the past 17, 18 years, I've had peace and joy behind the
17 walls of that prison, except when my mother-in-law was
18 dying and my mother died. But ever since then, it's
19 different, and I'm not going to let anything jeopardize
20 that ever again.

21 I thank you. May God bless you in whatever you
22 decide. Thank you.

23 MR. FALK: Please answer any questions
24 Mr. Bogle may have.

25 CROSS-EXAMINATION

MARK RANEY - CROSS-EXAMINATION

1 BY MR. BOGLE:

2 Q. Mr. Raney, good morning.

3 A. Good morning.

4 Q. Now, you mentioned one of the sanctions you got at
5 the Department of Corrections had to do with some
6 prescription drugs that you were entitled to have anyway?

7 A. Yes.

8 Q. But in addition to those, there's been, by my
9 count, three sanctions for either testing positive for
10 marijuana or for having a bong, something to smoke
11 marijuana with, in your cell?

12 A. Yes, sir.

13 Q. So apparently marijuana is something you can get
14 ahold of in prison?

15 A. Yes, sir.

16 Q. Now, in 1993, you got convicted in North Carolina
17 of raping a woman in a hotel, right?

18 A. That was 1990, sir.

19 Q. Okay. And you went to prison there. I think it
20 was '93 you escaped?

21 A. '92.

22 Q. Went back in '93, so 1990 conviction there. Did
23 you take any classes in the North Carolina prison system?
24 You've gone into a lot of detail about the ones you took
25 here. Did you take any there?

1 A. Back then there was not a lot of programs inside
2 the institution, back then, but what I did do was take
3 what they call the DART program, which is drug and
4 alcohol rehabilitation treatment, and I ended up being a
5 counselor in that program.

6 Q. So you get released from North Carolina. After
7 escaping and going back, you get released from them, and
8 less than two years later, we have the crime with the
9 lady in the apartment here in South Carolina, back in
10 1996, right?

11 A. Yes, sir. That's correct.

12 Q. Okay. Now, please understand that I can -- I know
13 of people in my personal family situation where there's
14 been tragedy involving a close relative, like your mother
15 or something like that, and your employment, in a tragedy
16 like that, can cause a lot of stress in a person.

17 A. Yes.

18 Q. I understand loss of jobs and things like that.

19 A. Right.

20 Q. I guess -- as bad as that tragedy was, as bad as
21 it might have affected you, are you trying to tell us
22 that that's an excuse for going out and raping two women?

23 A. No, sir.

24 Q. Okay. But there's people that have those
25 tragedies, some far worse than you, and they don't go out

MARK RANEY - CROSS-EXAMINATION

1 and rape people, do they?

2 A. Absolutely not.

3 Q. Now, you've testified you got some kind of
4 supervision from the Department of Probation and Parole
5 if you get released, right?

6 A. Yes, sir.

7 Q. And it's a two-year clock with them that would
8 have began when you got -- finished your prison term back
9 in January?

10 A. Yes, going back in December.

11 Q. Okay. So late December, you finish your prison
12 term, and because of this law we have here today that
13 we're about to make, you've got to stay confined until we
14 can have this trial, right?

15 A. Yes, sir.

16 Q. So you've been in the local detention center here
17 in the county awaiting this trial?

18 A. For ten months.

19 Q. Okay. So the two-year clock for supervision will
20 run out in, what, December of '19?

21 A. December of '19.

22 Q. So you got about another 12 months to go, 12 or
23 13 months to go?

24 A. Yes.

25 Q. Now, your plans -- now, the crime here in South

1 Carolina, we've talked about the criminal sexual conduct
2 in the first degree.

3 A. Yes, sir.

4 Q. But you also pleaded guilty to kidnapping and
5 burglary in the first degree?

6 A. Yes, sir.

7 Q. And burglary in the first degree means breaking
8 into somebody's house in the nighttime?

9 A. Right.

10 Q. After dark?

11 A. Right.

12 Q. When a person is really supposed to feel the most
13 secure in their house at night?

14 A. Right.

15 Q. You could have gotten 30; you got 25. Is that
16 basically what happened?

17 A. Yes.

18 Q. And your plans are to go live in Laurens?

19 A. Yes, sir.

20 Q. Where will you be living in Laurens, the house
21 that Angela has?

22 A. Yes.

23 Q. Have you seen that house before?

24 A. Just in pictures.

25 Q. Just in pictures. Is it next to a playground or

MARK RANEY - REDIRECT EXAMINATION

1 day care center or anything like that, do you know?

2 A. Not that I'm aware.

3 Q. As a sex offender, you're not allowed to live
4 within a certain proximity of a day care center or
5 playground or someplace where children congregate,
6 correct?

7 A. Correct, but I know the probation officer went to
8 the house and approved it.

9 Q. Okay. You haven't seen the house; you don't know
10 what's nearby, do you?

11 A. No, just from hearsay.

12 Q. All right.

13 MR. BOGLE: Thank you, sir. Nothing further.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION

16 BY MR. FALK:

17 Q. I'm looking at your prison disciplinary history,
18 and it shows the last marijuana charge was in 2004. Does
19 that sound about right to you?

20 A. 2004? Yes.

21 Q. Is there still marijuana in prison?

22 A. Oh, absolutely.

23 Q. But have you used any marijuana since 2004?

24 A. No.

25 Q. Why not?

1 A. The 2004 charge -- I didn't use marijuana either.
2 The 2004 charge was actually for paraphernalia, where I
3 was --

4 Q. Well, so if you have a bong --

5 A. Well, what I'm getting at is me and my roommate
6 were both charged because he wouldn't take responsibility
7 for his own stuff.

8 Q. But you're not denying that you were using
9 marijuana while you were in prison?

10 A. No, sir.

11 Q. Okay. When was the last time you used it?

12 A. 2002.

13 Q. 2002?

14 A. 2002 or 2003.

15 Q. And why do you not use it anymore?

16 A. Because, once again, God removed those things for
17 me. I no longer need them, just like I haven't taken a
18 drink since 2002. For the first six years while I was in
19 prison, when I was adapting to prison life, I did all
20 those things: I drank, I smoked, I hung with the wrong
21 crowd, and I finally wanted something different, and I
22 gave all that up when I went to Kairos.

23 Q. So there's booze in prison?

24 A. Absolutely.

25 Q. How does it get in there?

MARK RANEY - REDIRECT EXAMINATION

1 A. They make it. It's homemade wine with yeast and
2 sugar.

3 Q. And you said your probation officer, you believed
4 that your probation officer, has seen the house.

5 A. Yes. He came there when Angela was home and my
6 stepson was home.

7 Q. And as a function of your conviction for the
8 sexual offense, you can't be around that house -- I mean,
9 you can't be around a playground or day care or something
10 like that?

11 A. That's my understanding, yes.

12 Q. So it's nothing related to these proceedings, but
13 it's based on the conviction?

14 A. Yeah. I think that's based on the sexual registry
15 period, that you can't be around.

16 Q. And so as far as you know, probation and parole
17 has checked it out and that you're okay to go there?

18 A. Yes. It's -- yes. My address was approved.
19 Matter of fact, my approved address is written on this
20 form.

21 Q. What city is that?

22 A. It's in Laurens County.

23 MR. FALK: No further questions.

24 THE COURT: Recross?

25 RE CROSS-EXAMINATION

1 BY MR. BOGLE:

2 Q. So you said the last time -- there's marijuana in
3 prison, but the last time you used it would have been in
4 2002?

5 A. Yeah. It was either 2002 or 2003. I can't recall
6 specifically.

7 Q. But you tested positive for THC, the ingredient in
8 marijuana, in 2004, did you not?

9 A. No. They automatically give you a failed drug
10 test if you get caught with paraphernalia or anything or
11 if you refuse a test.

12 Q. Well, we have this record from the Department of
13 Corrections right here.

14 A. Okay.

15 Q. And the charge is use, possession of marijuana,
16 unauthorized drug, April 20, 2004, and the second page it
17 says on above date, inmate Mark Raney was tested and
18 tested positive for THC, so that's the drug in marijuana,
19 right?

20 A. Okay. Then as I said --

21 Q. So it wasn't 2002, it was 2004?

22 A. Right. My last one I knew was right around that
23 time.

24 MR. BOGLE: All right. Thank you. Nothing
25 further.

1 THE COURT: All right. You may step down.

2 THE APPLICANT: Thank you.

3 THE COURT: Any further witnesses for the
4 Respondent?

5 MR. FALK: Respondent rests.

6 THE COURT: All right. Well, folks, you have
7 now heard all of the evidence you're going to hear in
8 this trial. We're going to need a few minutes to go over
9 a couple of things to get you ready for the final phase
10 where you have closing arguments and I charge you on the
11 law. So I'm going to send you back to the jury room, let
12 you take a break, have you back in about 15 minutes.

13 Now, you've heard all the evidence, but don't
14 begin deliberations or discussions about the case, so
15 just go back, use the restroom, get fresh, stretch your
16 legs, and we'll have you back in about 15 minutes for the
17 last part. Thank you.

18 (In open court, jury not present.)

19 THE COURT: All right. Motions?

20 MR. FALK: We'll renew our motions for a
21 directed verdict.

22 THE COURT: I think the State has presented
23 enough evidence to get it to the jury, so I will deny the
24 motion.

25 Have y'all had a chance to review the revised

1 charge?

2 MR. BOGLE: Yes, sir.

3 THE COURT: Would you like to say anything
4 about it, other than --

5 MR. FALK: I really haven't had --

6 THE COURT: Do you want a few minutes?

7 MR. FALK: Yes, sir.

8 THE COURT: All right. Meet you back here in
9 ten minutes.

10 (Recess taken.)

11 (In open court, jury not present.)

12 THE COURT: All right. Mr. Bogle, what did
13 you want to say about the jury charges?

14 MR. BOGLE: Thank you, Your Honor. On page
15 five, the second bullet point down where you defined
16 mental abnormality, the third sentence beginning with the
17 words mental abnormality or personality disorders do not
18 include many deviant behaviors, I guess we're objecting
19 to the rest of the paragraph, beginning with the words
20 mental abnormality or personality disorders. I think
21 it's separate from the definitions in the statute that
22 you already have there. From there to the end of the
23 paragraph we object to. It's outside the scope. You
24 already got the statutory definition there, and we think
25 it's sufficient.

1 THE COURT: Well, I think it's okay. I had
2 it in yesterday. I just removed it from a different
3 place and put it all in one, so it will appear later as
4 two separate definitions, but I think it covers it pretty
5 well, so anything else?

6 MR. BOGLE: No, Your Honor.

7 THE COURT: Mr. Falk?

8 MR. FALK: I appreciate you added the word
9 secure now.

10 THE COURT: I meant to point that out. I
11 just added that on. I know we had a little bit of
12 discussion about it yesterday, but the statute does say
13 secure facility, so --

14 MR. BOGLE: Where are you?

15 THE COURT: On page four, last bullet point
16 down to the next to last sentence that begins without the
17 structure and care provided by, and it just said a mental
18 health facility. Yesterday he asked for secured be added
19 and I declined, but as I was reading it again, after the
20 statute up above, or under that first -- I guess under,
21 what is that, paragraph two, it does say a secure
22 facility, so I added it on there.

23 MR. BOGLE: We don't object to that.

24 THE COURT: Okay. Anything else?

25 MR. FALK: No, Your Honor.

1 THE COURT: All right. Same as yesterday:
2 15 and 5, and 15 and 20, whatever. Are y'all ready then?

3 MR. BOGLE: Yes.

4 (In open court, jury present.)

5 THE COURT: We are now in the final phase of
6 the trial. You will now hear the lawyers making their
7 closing arguments in an attempt to persuade you to render
8 a verdict on their clients' behalf.

9 Again, I want to emphasize that what the
10 lawyers say is not to be considered as evidence. It's
11 argument. They will be reviewing the evidence and giving
12 you a preview of the law that I'll be charging to you.
13 After they're finished, then will charge you on the law,
14 and then you will retire to consider your verdict.

15 Under our rules of procedure, because the
16 State has the burden of proof, they get to open and then
17 close, so you will hear from Mr. Bogle first and then Mr.
18 Falk, and then Mr. Bogle will have the right to a short
19 reply.

20 Mr. Bogle, if you're ready, you may begin.

21 MR. BOGLE: Thank you, Your Honor. May it
22 please the Court, Mr. Falk, Mr. Foreman, ladies and
23 gentlemen: Again, I would like to thank you on behalf of
24 the State and Mr. Raney and Charleston County for doing
25 your job. There's a lot of places we all might rather

1 be, but this is a very important case for everybody
2 concerned: Mr. Raney, the State, Charleston County as
3 well. It's an important case that requires your
4 attention, which you've given, and you should give it
5 your consideration when the time comes that you start
6 deliberating.

7 Now, yesterday I talked about the sexually
8 violent predator law, what the general assembly said when
9 they wrote this, and I talked about how they wrote down
10 that they found a mentally abnormal, extremely dangerous
11 group of people they call sexually violent predators who
12 require involuntary civil commitment, and that's what
13 this case is.

14 Mr. Raney is not on trial for his past
15 crimes. He's been convicted of them. He's done his
16 time. The law requires that he stay confined after
17 getting out of prison until we have this trial, he
18 mentioned that on the stand, so we're having the trial
19 right now. They went on to say that because of the
20 nature of the mental conditions which sexually violent
21 predators suffer from, they require an involuntary
22 sexually violent commitment in a secure facility, and
23 that's what this is all about.

24 Now, what do we have to prove? We have to
25 prove, number one, has he been convicted of a sexually

1 violent crime? Now, we have this crime in North
2 Carolina. We also have this crime in South Carolina. I
3 would submit to you that both of them are sexually
4 violent, but the South Carolina one is specifically
5 listed in our statute. Our statute includes all kinds of
6 sexually violent crimes, so we've got one exhibit in
7 evidence right now, but of course you heard evidence,
8 uncontested evidence, about two, and this is criminal
9 sexual conduct in the first degree, and that's most
10 aggravated.

11 You can read the indictment. It talks about
12 what it is that he did and what he pleaded guilty to.
13 Bear in mind he was also convicted of burglary in the
14 first degree, breaking into this lady's apartment at
15 nighttime, at a time when all of us are supposed to feel
16 most secure, at nighttime, and kidnapping and detaining
17 her. We got the North Carolina crime, a lady staying at
18 a hotel. Has no business with Mr. Raney. Stops by the
19 bar for maybe 20 minutes, encounters him there, goes back
20 to her room, and what happens? She gets raped. She gets
21 attacked by him. So we got to prove that to you: Has he
22 been convicted of at least one sexually violent crime?
23 And there it is.

24 The next thing is does he have a mental
25 abnormality or a personality disorder? So think of this

1 like a medical case in a sense that in a prior hearing, a
2 judge here in Charleston County appointed Dr. Gehle to
3 evaluate this guy. She's done hundreds of these types of
4 evaluations under this law, so she's evaluating him.
5 She's trying to find out, based on his entire history,
6 his prison record, his convictions, what he did to these
7 women, things like that, things he said to her and things
8 he said in prior evaluations. Does this suggest some
9 kind of mental condition? And she found one.

10 She called it other specified paraphilic
11 disorder, and in the book, the diagnostic manual, the
12 psychologist and psychiatrist talked about it, it says
13 you can diagnose this, and it says examples are included
14 but not limited to, and it includes a few examples, but
15 not limited to gives you the freedom to look into the
16 four or 500 other mental diseases that do exist, and
17 you're supposed to say other specified paraphilic
18 disorder, followed by a comma, and then the one that you
19 find. The one she found was biastophilia.

20 She testified, I think, without contradiction
21 that even though biastophilia is not one of the other
22 ones listed in the book, there's only about seven that's
23 listed out of the 500 that exist, it has been well
24 researched, it has been well documented, and it's out
25 there, and it's the forceable sexual intercourse without

1 consent, the kind of rape he did to these two women.

2 I mentioned to you earlier when I talked to
3 you yesterday every case has a theme that I kind of look
4 for, and in this one the theme that I found was the words
5 that he said, tired of being told no by women. And later
6 in one of his evaluations, Dr. Gehle testified about
7 this, that he had a lack of empathy for his real or
8 planned victims, or planned. What does that mean? So
9 somebody else out there who hasn't been attacked yet.

10 Now -- so I wish this was a medical case and
11 we could take an X-ray of his brain and say aha. See
12 that spot right there? That's what making him reoffend,
13 but it isn't. It's a psychological case. It's the study
14 of psychology, and Dr. Gehle uses the tools she has
15 available to her. One of them was testing. The scoring
16 was a thing called the Static-99R. Think of a person
17 going to the doctor's. They're not feeling good, and the
18 doctor tests you and finds you're having shortness of
19 breath, your heart is beating real fast, the doctor then
20 asks you a series of questions about your lifestyle: Do
21 you smoke? Do you exercise? Is there a family history
22 of heart disease in your family? That kind of thing, and
23 based on these factors, which you can't change, he then
24 tells you whether or not you're liable to have a heart
25 attack or heart trouble. It doesn't mean you're going

1 to, but you fit the criteria. You fit the profile of
2 someone that's likely to have that, and then you take
3 steps to fix that; like, you might stop smoking, do more
4 exercise, take medicine, things like that to lower your
5 blood pressure.

6 Here we have the Static-99R, studies
7 thousands of sex offenders in different countries who
8 reoffended, and his score, issued at testing back in 1997
9 when he went to prison on this charge over here, he would
10 have scored a nine, which is literally off the charts.
11 Now, with the passage of time and his age, the score has
12 gone down to a seven. Where does the seven put him? The
13 99th percentile of people who reoffend, about as high as
14 you can get. She said that the research shows that
15 people that score seven, when we rank these other sex
16 offenders who reoffended, they're more than five times
17 more likely to reoffend sexually than the average sex
18 offender. She called it a 27 percent chance of
19 reoffending.

20 Now, maybe you're thinking, okay. The
21 State's got to prove this case beyond a reasonable doubt,
22 and we do, and 27 percent doesn't sound like 51 percent,
23 but you got to put that in context. That's a 27 percent
24 chance of committing another sexually violent offense,
25 not a 27 percent chance of, say, stealing cigarettes or

1 breaking into a liquor store or something like that,
2 sexually violent offense, and that's about as high as it
3 goes, 99th percentile.

4 And, you know, level of risk, you have to
5 look at he's been in prison for an awful long time, but
6 there's no women in prison that are coming from bars back
7 to hotel rooms. There's no women in prison living in
8 apartments that you can attack. There's female guards
9 and all, but he's been in prison the whole time. His
10 risk in the community is something we just don't know
11 because he hasn't been in the community, and that's his
12 fault. Okay? He committed these crimes. He got the
13 time.

14 In the North Carolina case, there was the
15 sexual assault, the dragging the girl. People saw it,
16 witnesses. In South Carolina, the burglary; breaks into
17 the girl's apartment. She finds him there out of the
18 blue. He attacks her. Now, he talked about -- there's a
19 lot of testimony when he was on the stand about some of
20 the stresses and the hard things that have happened to
21 him, and that thing about his mother is horrible. I
22 can't imagine anything like that, and I really think
23 there is a lot of sympathy to be given.

24 I'm not making light of that at all, but all
25 of us have friends or maybe personal experiences in our

1 own lives where there is some tragedy, some really bad
2 thing that happened that has colored our view of society
3 or of our friends or of the way we look at life, but it
4 hasn't made these persons go out and commit these types
5 of crimes. He talked about stress. You know, a lot of
6 us have really stressful jobs. A lot of your friends do,
7 but they can meet that stress and don't go out and commit
8 sexual crimes like this.

9 Dr. Gehle asked him about sex offender
10 treatment. He said he didn't need it, and one thing from
11 Mrs. Raney's testimony and the respondent's testimony
12 about his plans if he's released by you, the jury,
13 they'll go back to Laurens and live with her, but nowhere
14 in their plans did you hear the words I plan to get sex
15 offender treatment, or -- Ms. Raney testified I have
16 contacted someone up there. I found a sexual offender
17 treatment person who lives nearby. I called ahead and
18 made an appointment. You didn't hear that.

19 When Mr. Raney was asked about that by his
20 lawyer -- Mr. Falk asked him. I think I wrote it down.
21 He said do you think you need sex offender treatment?
22 His response was it's required because he still thinks he
23 has some community supervision left on probation and
24 parole, and they're going to require it. He didn't say
25 he thinks he needs it. He's going because he has to go.

1 So that's the case. That's what we have.
2 The judge will explain to you later what beyond a
3 reasonable doubt means. I've heard it described as
4 beyond a reasonable doubt means something -- you're
5 firmly convinced of something. If you're firmly
6 convinced that the State has shown he's a sexually
7 violent predator, then you render a verdict for the
8 State. If, on the other hand, you got some kind of
9 reasonable doubt about whether we proved our case, you
10 give a verdict for him.

11 It's your call. You got to decide the
12 credibility and believability of all the witnesses, and,
13 like we said yesterday, normally witnesses can only talk
14 about things they see, they hear, they feel. They can't
15 give opinions, but when a person has the expertise and
16 training like Dr. Gehle did, she's going to be qualified
17 by the judge as an expert, and she's allowed to give an
18 opinion that you can use and give whatever weight you
19 deem appropriate, but she does this for a living. This
20 is all she does, is these kinds of cases, and she looked
21 at this guy, she looked at the records, and her opinion,
22 her recommendation, is that he fits the criteria, and I
23 would suggest to you that's what the evidence shows.

24 Thank you, Your Honor.

25 THE COURT: Mr. Falk?

1 MR. FALK: May it please the Court:

2 Ladies and gentlemen, Mark Raney is no longer
3 that same 27-year-old kid, or young man, that he was when
4 he went to prison. He's a different person. He has
5 spent 23 years in prison. Now, part of that time he was
6 still not doing what he was supposed to be doing, but he
7 spent 23 years in prison. No one wants to seem to give
8 him any credit for the transition or change a man can go
9 through from the age of 27 to 50 after spending 23 years
10 in custody. You heard what Mark was spending his time
11 doing. You heard he was taking these classes. He was in
12 this character dorm, and he was trying to better himself.
13 He said he spent however many years trying to
14 rehabilitate his character. No one has given him any
15 credit for that.

16 Dr. Gehle gives him no credit for that.
17 Dr. Gehle doesn't give him any credit for the classes
18 that he took. Dr. Gehle, when you're looking at the
19 Static-99, what she seems to put a lot of faith in, it
20 doesn't include or doesn't consider time spent in prison.
21 She said it would be the same as if he were going to be
22 released today or 22 years later.

23 Dr. Gehle took a snapshot of this person
24 23 years ago who was an angry person when he went away to
25 prison. I don't think Mark is trying to excuse his past.

1 I think it's more a reflex, that if you spend some time
2 and you're trying to think about mistakes that you made
3 you probably reflect on, you know, you can't get better
4 without trying to get to the root cause of what has
5 caused some of your problems, and I think he's seen how
6 it affected him when his mother got sick and how that
7 affected his life.

8 I'm sure it's kind of a selfish attitude,
9 they were living kind of the good life, and then they're
10 in section 8 housing, but all he did was sort of
11 identified what was the source of his anger? If you
12 can't identify the source of your anger, you're never
13 going to be able to do anything about your anger. That's
14 all he's done, is identify the source of his anger. Now
15 he's spent the last 23 years trying to do something about
16 it, and nobody has given him any credit for it.

17 I want you all to give him credit for it
18 because you all saw the man on the stand. I really
19 almost don't want to make a closing argument, because I
20 just want you to reflect on who you heard testify. I
21 think you heard from a man who has rehabilitated himself,
22 sort of pulled himself up, took classes, studied, found
23 God, and I know a lot of people say sort of, you know,
24 everybody in prison finds God, but, again, I wanted you
25 to hear his testimony. I wanted you to hear how it

1 influenced him.

2 I believe that when he first took that first
3 Kairos walk, he started to realize it. He was going down
4 this road, and if he ever wants to get back on to this
5 road, he's got to make some changes. That's the tool
6 that he's using. He's connected with a good woman. He's
7 got a place to live. He's got family support. He's
8 going to have supervision. He's got supervision until
9 the end of next year. The fact that, you know, he
10 testified he didn't need -- I asked him about sex
11 offender treatment. He said he's going to get sex
12 offender treatment. Granted, nobody has called about it
13 because he's already made contact with his parole
14 officer, and I think it's a reasonable assumption that if
15 sex offender treatment is required as part of community
16 supervision, I assume your parole officer is going to
17 give you some kind of guidance on where you go and get
18 it, so he's going to have sex offender treatment. He's
19 going to have an ankle monitor. He's going to be a
20 registered sex offender.

21 I just think Dr. Gehle got this one wrong.
22 So many people, whether it's six, seven, five, however
23 many people who had interviewed him before, evaluated him
24 before, nobody ever said that he has this paraphilia,
25 this rape thing where he has coercive paraphilic

1 disorder, biastophilia, where he gets sexual pleasure
2 from raping people. That's the first time this diagnosis
3 has come up.

4 He's been diagnosed numerous other times
5 before with antisocial personality disorder, and it's
6 probably just redefining somebody who has been angry for
7 a good period of his life, but this biastophilia -- first
8 of all, it's not in the DSM-5, if you look here and if
9 you sort of add this qualifier, which is also not listed
10 in the DSM-5, that she says it exists. She also said
11 that not everybody that commits a rape is one of these
12 rapists. Somehow there's, like, good rapists and bad
13 rapists.

14 It's criminal conduct. He committed a crime.
15 He's done the time for the crime. This is going back to,
16 again, what I tried to talk about before, does he have
17 some type of mental disease, or did he just commit
18 crimes? Granted, I shouldn't say he just committed
19 crimes. He committed crimes, serious crimes, and he's
20 done the time, but he doesn't have a mental disease.
21 That's what Dr. Gehle wants you to believe.

22 And, even so, all of her evaluation is still
23 looking at who he was in the last -- you know, when he
24 went into prison, because, really, his conduct while he
25 had been in prison didn't really show any type of sexual

1 paraphilia. I mean, he didn't have any sex offenses. He
2 didn't have any, you know, sexual misconduct charges,
3 which obviously happens frequently in prison, so he
4 didn't have sexual misconduct charges. He didn't have
5 any assaultive charges. He didn't have any theft
6 charges. He didn't --

7 When Dr. Gehle said kind of the best
8 definition of somebody with antisocial personality
9 disorder is somebody who doesn't respect the rights of
10 others, I don't think there is anything that showed in
11 his last 23 years in custody showing he didn't respect the
12 rights of others. You got to give the guy credit for
13 trying to change himself. He's been in a secure facility
14 for 23 years. I don't know why he needs to go to another
15 secure facility.

16 And, at the end of the day, if the State
17 really thinks that he needed this sex offender treatment,
18 I don't know why we're talking about this after he's
19 already served his prison sentence. It just doesn't make
20 sense. If he needed sex offender treatment, why is the
21 State waiting until the end of his term? Maybe it's
22 because the other people who evaluated him through this
23 term never saw this paraphilia.

24 He's not a sex offender. He's a convicted
25 criminal who has done his time. He's a convicted

1 criminal who has done what he could to rehabilitate
2 himself. He's a man. He's not the person he was when he
3 went to prison. I hope you all see that. He is not that
4 same person that Dr. Gehle talked to.

5 If Dr. Gehle really was talking to the person
6 who he was when he went into prison -- because that's
7 really what she focussed on, all his past history, and
8 there is no question that these are violent offenses.
9 Dr. Gehle didn't give him any credit for any of the stuff
10 he's done for the past 23 years. Twenty-three years is a
11 long time. My son was born probably six months after he
12 went to prison for the first time. My son is a junior in
13 college.

14 That's a long period of time not to give a
15 person any motive, not to be giving him any credit for
16 what he's done during that period of time, and he had not
17 had any sex offenses during that period of time. He had
18 not had any kind of assaultive charges during that period
19 of time. Instead, he spent that time rehabilitating
20 himself.

21 I hope at the end of the day you can see that
22 Dr. Gehle was really telling you about who he was when he
23 went to prison that day, and I want you all to focus on
24 who that man was right there who you heard testify, and I
25 believe that you heard the same coming out of his mouth

1 that I heard, and you will believe that he is not a
2 sexually violent predator, and I hope that will be your
3 decision.

4 Thank you.

5 THE COURT: Mr. Bogle?

6 MR. BOGLE: Thank you, Your Honor. May it
7 please the Court: Just two things: One, we all talk
8 about the diagnosis, the other specified paraphilic
9 disorder-biastophilia, which is the forced sex on
10 nonconsenting people, and also the diagnosis Mr. Falk
11 also mentioned was antisocial personality disorder,
12 basically a lifetime of criminal activity, goes back to
13 when he was a small child, but also the question, why
14 does he need to go from one secure facility to another?

15 Well, I think we should all commend Mr. Raney
16 for the classes that he took while he was in prison in
17 South Carolina. He took a number of classes. He worked
18 at a number of good things, worked with animals and
19 things like that, but never once did I hear him say I
20 attended sex offender treatment while I was at the
21 Department of Corrections. Dr. Gehle looked for it,
22 because they offer it. She looked for it in the
23 SCDC records. It wasn't there.

24 Thank you, Your Honor.

25 THE COURT: Okay. Folks, I told you at the

1 beginning of the trial, you and I have different roles
2 that we play. We're both judges, and my role as the
3 trial judge was to preside over the trial and rule on
4 admissibility of evidence, make sure our rules of
5 procedure were followed. Your job, as the judges of the
6 facts, was to consider the evidence that was put before
7 you, and, again, evidence is in the form of people
8 testifying and documents that were admitted, and, again,
9 you're only to consider the evidence that was presented
10 in this courtroom.

11 I also have the additional duty of charging
12 you on the law that applies to this kind of case, and
13 it's your duty under the oath that you took at the
14 beginning of the trial to accept and apply this law as I
15 now state it to you, and if you think you have some idea
16 of what the law is or what it ought to be and it does not
17 conform with what I now instruct you what the law is
18 under that oath that you took, you have a duty to accept
19 this law as I now charge it to you.

20 Again, you are the sole judges of the facts.
21 You determine how to judge the credibility of a witness,
22 how much weight to give the testimony of a witness. You
23 determine whether or not a witness has a bias or
24 interest, a prejudice in this outcome. You can judge
25 things like appearance and demeanor of a witness on the

1 witness stand and the reasonableness of what a witness
2 has to say. You're not bound to decide this case based
3 on the number of witnesses that a side produces. You can
4 accept all of a witness's statement or you can reject it
5 in its entirety. You can accept part of it, or you can
6 reject part of it, and if you reject part of it, you can
7 still accept the remainder of the testimony of a witness.

8 I also told you during the trial that we
9 don't normally let people come in and give you their
10 opinion about what they think about the case or evidence,
11 but we do make an exception for people that because of
12 education or experience or specialized training in some
13 area have risen to an area of expertise in that area, and
14 we qualify them as experts, and we allow them to give
15 their opinion and state the reasons for their opinion.

16 You decide how much weight to give an
17 expert's testimony. You can give it as much or as little
18 weight as you think it deserves. If you don't think it's
19 based on sufficient education or experience or you
20 conclude an expert's opinion isn't sound or it's
21 outweighed by other evidence, then you can disregard that
22 opinion entirely. In other words, you're not required to
23 blindly accept an expert's opinion. You have the right
24 to consider that opinion based on all of the
25 circumstances in the case and give it such weight, if

1 any, you think it's entitled to.

2 Now, we also talked at the beginning of the
3 trial about the burden of proof in this case, and I told
4 you in most civil cases, a burden of proof in a civil
5 case is by what we call a preponderance or the greater
6 weight of the evidence, but in a case like this, the
7 State's burden is greater than that. It must be beyond a
8 reasonable doubt, and proof beyond a reasonable doubt is
9 proof that leaves you firmly convinced that the
10 respondent is a sexually violent predator.

11 Reasonable doubt has also been defined as the
12 kind of doubt that would cause a reasonable person to
13 hesitate to act. We don't know very few things in this
14 world with absolute certainty, and in this kind of case
15 the law does not require proof that overcomes all
16 possible doubt.

17 If, based on your consideration of the
18 evidence, you are firmly convinced that the respondent is
19 a sexually violent predator, then you must return a
20 verdict for the State. On the other hand, if you think
21 there is a real possibility that he is not a sexually
22 violent predator, then you must give him the benefit of
23 the doubt and return a verdict for the respondent.

24 Now, in a trial, you hear usually two types
25 of evidence: There's direct evidence and there's

1 circumstantial evidence. Direct evidence directly proves
2 the existence of a fact, and it doesn't require any
3 deduction. Circumstantial evidence, on the other hand,
4 is proof of a chain of facts and circumstances that
5 indicate the existence of a fact. The law makes no
6 distinction between the weight or value to be given to
7 direct or circumstantial evidence; however, to the extent
8 that the State relies on circumstantial evidence, all of
9 the circumstances must be consistent with each other,
10 and, when taken together, point conclusively to the
11 verdict against the accused beyond a reasonable doubt.

12 If the circumstances merely portray the
13 respondent's behavior as suspicious, then the proof has
14 failed. The State has the burden of proving the
15 defendant is a sexually violent predator beyond a
16 reasonable doubt. The burden rests with the State
17 regardless of whether the State relies on direct
18 evidence, circumstantial evidence, or some combination of
19 the two.

20 Now, the elements that the State has to prove
21 in order to have you establish beyond a reasonable doubt
22 that the respondent is a sexually violent predator is,
23 number one, that the defendant or the respondent has been
24 convicted of a sexually violent offense, and I charge you
25 that the crime of criminal sexual conduct in the first

1 degree is a sexually violent offense.

2 The second is that the defendant suffers from
3 a mental abnormality or personality disorder that makes
4 him likely to engage in acts of sexual violence if not
5 confined in a secure facility for long-term care,
6 control, and treatment. Inherent in these two elements
7 is that the State must prove the requirement that the
8 respondent's mental abnormality or personality disorder
9 causes him serious difficulty in controlling his
10 behavior. In other words, the State must prove beyond a
11 reasonable doubt that the individual it seeks to commit
12 suffers from a mental illness which he cannot
13 sufficiently control without the structure and care
14 provided by a secure mental health facility rendering him
15 otherwise likely to commit a dangerous act.

16 In order for you to better understand the
17 elements of the state causes of action, I'm going to
18 define some of the terms I've used: Mental abnormality
19 means a mental condition affecting a person's emotional
20 or volitional capacity that predisposes the person to
21 commit sexually violent offenses. This mental
22 abnormality or personality disorder must cause Mr. Raney
23 serious difficulty in controlling his behavior.

24 Mental abnormalities or personality disorders
25 do not include merely deviant behaviors that conflict

1 with prevailing societal standards. Not all persons who
2 commit sexually violent offenses can be diagnosed as
3 suffering from a mental abnormality or personality
4 disorder. Not all persons with a mental disorder are
5 predisposed to commit sexually violent offenses or have
6 serious difficulty in controlling their behavior.

7 Likely to engage in acts of sexual violence
8 means the person's propensity to commit acts of sexual
9 violence is of such a degree as to pose a menace to the
10 health and safety of others so that he is dangerous to
11 others. You must limit your consideration to
12 respondent's likelihood of committing a sexually violent
13 offense and not consider the likelihood that he may
14 commit an ordinary criminal offense. The respondent has
15 already been convicted of a sexually violent offense. He
16 received a criminal sentence for that crime and has
17 satisfied the sentence. Your decision whether to commit
18 respondent in this case may not be influenced by your
19 personal opinion regarding whether the respondent
20 received an appropriate criminal punishment.

21 In conclusion, the State must prove beyond a
22 reasonable doubt that unless confined to a secure
23 facility, the respondent is likely to commit another
24 sexually violent offense. In making this determination
25 of likelihood, you must be firmly convinced that

1 respondent is likely to commit another sexually violent
2 offense. You do not have to be convinced beyond all
3 doubt that the respondent will commit another sexually
4 violent offense, but if you have a doubt that causes you
5 to hesitate to act, then such a doubt is reasonable, and
6 the benefit of the doubt must be given to the respondent.

7 If the State carries its burden of proof and
8 convinces you beyond a reasonable doubt as to each of the
9 two elements of its causes of action, then it is entitled
10 to a finding that Mr. Raney is a sexually violent
11 predator. If the State does not meet the burden of proof
12 as to one or both of these elements, then the respondent
13 is entitled to a finding that he is not a sexually
14 violent predator. Now, a verdict in this case may not be
15 based on sympathy, passion, prejudice or emotion or some
16 other consideration not found in the evidence. Finally,
17 your verdict must be unanimous. In other words, all 12
18 must agree.

19 Now, Mr. Foreman, I'm going to go over the
20 verdict form here with you, and, basically, it asks the
21 question do you find beyond a reasonable doubt that
22 Mr. Raney is a sexually violent predator under the South
23 Carolina sexually violent predator act? And there are
24 two possible answers, yes or no. If the jury unanimously
25 finds that the State has met its burden of proof that he

1 is a sexually violent predator, you initial under the
2 first one that says yes, Mr. Raney is a sexually violent
3 predator. If you find that -- if the jury unanimously
4 finds that the State has not met its burden of proof, then
5 you Mark the one no. When you have reached a unanimous
6 verdict and marked one of those two, sign it, date it,
7 and let the bailiff know you have reached a verdict.

8 Now, do not begin your deliberations until I
9 send the verdict form and charges and exhibit back with
10 word from the bailiff that I say you can begin your
11 deliberations. I have to give the lawyers the
12 opportunity to tell me if I misspoke about something. It
13 happens sometimes. Then I would come back and correct
14 it, but in a few minutes, I'll either have you back, or
15 I'll send word back with the bailiff that you can begin
16 your deliberations.

17 Now, it's quarter to 12:00. You can conduct
18 your jury deliberations any way that you want to.
19 There's no set form for it. My suggestion is that you go
20 back, and you're the foreperson, so you conduct the
21 deliberations as you best see fit, but give everybody the
22 opportunity to see what they want, take a vote, see where
23 you're at. If you're unanimous, mark it down. If you
24 need further discussion, talk about it until you come up
25 with a unanimous verdict.

1 We will be glad to order a lunch for you.
2 Why don't you all discuss, see where you're at
3 preliminarily, see if you might reach a verdict sooner
4 rather than later. It takes just about an hour, and we
5 can usually either get you sandwiches from Jimmy Johns or
6 pizza, which takes about an hour or so to get here, so
7 I'll leave that up to you to decide if you want us to
8 order you lunch. You'll get a feel for where the jury is
9 at pretty quick, I imagine.

10 So go back. Don't begin deliberations until
11 I send word back. Thank you.

12 (In open court, not jury present.)

13 THE COURT: Anything from the State?

14 MR. BOGLE: No, Your Honor, other than to
15 preserve the objections that I have made previously.

16 THE COURT: Mr. Falk?

17 MR. FALK: No, Your Honor.

18 THE COURT: I did notice, when I was reading
19 through this, on page four -- and I think I even picked
20 this up yesterday, and it didn't make it through on to
21 the draft. At the very top sentence, where it says
22 together point conclusively to the verdict against the
23 accused, I think we agreed yesterday that probably should
24 be respondent, and then whenever -- the next sentence,
25 which says defendant, it should say respondent, just to

1 be consistent on that, but how about if I just Mark
2 through that and send it back with my initial on that.

3 Does that work for everybody?

4 MR. BOGLE: Yes.

5 MR. FALK: Yes.

6 THE COURT: All right. Well, then I will
7 give this to the bailiff, and you take that exhibit back.
8 You can send that back, and let me see the alternate.

9 (At 11:48 a.m., jury begins deliberations and
10 the judge dismisses the alternate juror.)

11 (12:18 p.m., judge receives note from the
12 jury.)

13 (In open court, jury not present.)

14 MR. BOGLE: That would be Court's Exhibit 1?

15 THE COURT: Yeah. Let me read this back out
16 loud:

17 The length of confinement is not an issue for
18 you to consider and should not be a factor in your
19 decision. You are to determine only whether the State
20 has met its burden of proof in showing that Mr. Raney is
21 a sexually violent predator.

22 Okay?

23 MR. BOGLE: Yes, Your Honor.

24 (Court's Exhibit 1 marked for
25 identification.)

1 (1:59 p.m., judge receives note from the
2 jury.)

3 (In open court, jury not present.)

4 THE COURT: Jury sent back two questions.

5 First question: Just wondering if he has
6 ever had any treatment for sexual disorders? Second
7 question: Can we take a look at the Static-99 criteria?

8 Lawyers agreed with this language: There was
9 no evidence admitted at trial on either question that I
10 can send back for your consideration.

11 (Court's Exhibits 2 and 3 marked for
12 identification.)

13 (2:36 p.m., judge receives note from the
14 jury.)

15 (In open court, jury not present.)

16 THE COURT: Can we be given any advice on
17 interpreting likely in the second element that the State
18 must prove?

19 I propose there is no legal definition of
20 likely. You should give the word its ordinary, everyday
21 meaning. There is no legal definition of likely. You
22 should give the word its ordinary, everyday meaning. You
23 should continue to read the remainder of the sentence as
24 well as the following or -- there is no legal definition
25 of likely. You should give the word its ordinary,

1 everyday meaning. You should continue to read the
2 remainder of the sentence to give it context.

3 MR. FALK: I can live with that.

4 MR. BOGLE: Remainder of the sentence being
5 likely to reoffend, I would also specifically refer them
6 to the definition on page five of your charge. It is
7 explained on page five under the third bullet point.

8 MR. FALK: That's fine.

9 (Court's Exhibit 4 was marked for
10 identification.)

11 (Recess taken.)

12 (3:45 p.m., in open court, jury present.)

13 THE COURT: All right. Mr. Foreman, I
14 understand the jury has reached a verdict; is that
15 correct?

16 THE FOREPERSON: Yes, Your Honor.

17 THE COURT: Will you give it to the bailiff,
18 please.

19 All right. Respondent will stand. In the
20 matter of the care and treatment of Mark Raney, the
21 verdict of the jury is yes, Mark Raney is a sexually
22 violent predator.

23 If this is, in fact, your verdict, would you
24 please indicate that by raising your right hand.

25 (Jury complies.)

1 All right. Let the record reflect that is
2 the verdict of each of the jurors. You may lower your
3 hands. Well, folks, I wish to thank you for your
4 service. Do you wish to poll the jury? I indicated that
5 is the verdict by them raising their hands.

6 MR. FALK: No, Your Honor.

7 THE COURT: I want to thank you for your
8 service. I think one thing you'll find in a case like
9 this, they're not easy, first of all, and even though
10 they don't take a long time to present, it doesn't have
11 anything to do with how serious they are and the
12 implications of it, and it's clear that you grasped that,
13 spent a significant amount of time deliberating. That is
14 all we can ask you to do that.

15 You come in. You assist us. You help us
16 come up with a verdict, and folks will go on and live
17 with that, but we can't do it without people like you
18 showing up, and you take your job seriously. As I said
19 on Monday, I guess it was, I kind of lost track of what
20 day it is, people often don't want to serve on a jury,
21 but once they do serve on a jury, they really do
22 understand our legal process a little better, and I hope
23 that you do understand what we do and some of the
24 methods, and I try to explain to you why we're doing what
25 we are doing the best we can, but ultimately it's you, as

1 the voice of the community, that determines what the
2 outcome of the case is, and so on behalf of the citizens
3 of Charleston County and the State of South Carolina, I
4 want to thank you for your service this week.

5 That completes your jury service for this
6 week, and you may be wondering now what happens in a case
7 like this. Well, Mr. Raney will go to the Department of
8 Mental Health. There's a program there set up, and he'll
9 go through a treatment plan, and they have annual
10 reviews. And after the end of a year, he will have the
11 opportunity to petition the Court to see if an expert
12 like Dr. Gehle would recommend that he is no longer a
13 sexually violent predator, and depending on what that
14 outcome may be, it may be in front of another jury for
15 them to determine, yes, he's gone through the treatment
16 program, and now he will be released; or no, he needs to
17 stay back in, but that's an annual review, so, you know,
18 he will have the opportunity to make his case another
19 day, and it sounds like he's making good progress, is
20 working his way back into society.

21 So thank you very much for your service. You
22 don't have to call the telephone number after 6:00. You
23 don't have to come back tomorrow. If you do need a work
24 notice or anything like that, they'll be able to help you
25 out, but thank you, and you're free to go.

1 (3:48 p.m., jury excused.)

2 All right. Mr. Raney, Mr. Bogle is telling
3 me there will be a new facility next week for people that
4 are in the sexually violent predator program, and I wish
5 you luck. It sounds like you have made a lot of good
6 strides, and I predict that before too very long that
7 you'll be back with either a positive recommendation from
8 a doctor or perhaps you'll get your opportunity to make
9 your case in front of another jury, but my impression is
10 you're on the right path, so good luck to you.

11

12 THE COURT: Thank you very much. Y'all did a
13 good job this week.

14 MR. FALK: Your Honor, at this time we'd ask
15 for a motion notwithstanding the verdict. The grounds
16 would be that Dr. Gehle's testimony did not establish the
17 State's case, primarily that she testified that he had
18 one paraphilia, which is not set forth in the DSM-5,
19 which is the standard -- the other specified paraphilic
20 disorder-biastophilia is nowhere to be found in the
21 DSM-5, and her other testimony regarding that he has
22 antisocial personality disorder, that's not a sexual
23 disorder, that's a personality disorder, and therefore
24 cannot support the verdict.

25 THE COURT: All right. Well, I note your

1 motions for the record, and they're denied.

2 Thank you.

3 - - -

4 (Whereupon, at 3:52 p.m., the proceedings
5 were concluded.)

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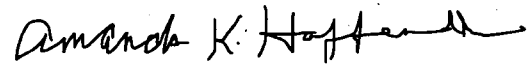
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I, the undersigned, Amanda Kelly Haffenden, RPR, CRR, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Charleston County, South Carolina, on the 31st of October 2018.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 27, 2019



Circuit Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

NEGOTIATED SENTENCE ☐RECOMMENDATION BY THE STATE ☐

GENERAL SESSIONS COURT

SENTENCE

CASE NO. 97-GS-10-1097TICKET/WARRANT NO. F19-7830Date of Incident: 10/26/96Statue No. 16-3-652The defendant, Mark Rainey is committed to the State Dept. ofCorrections/County Detention Center/Under Youthful Offender Act for a term of 25 days/monthsyears and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of

_____ days/months/years and/or pay a fine of \$ _____ plus pay/waive costs and assessment

applicable*, the balance suspended with probation for _____ months/years.

Special Conditions: ☐ PTUP☐ _____ days/hours Public Service Employment☐ Obtain GED☐ Attend Voc. Rehab or Job Corps☐ Substance Abuse Counseling☐ Random Drug/Alcohol testingOther: Credit Since 10/26/94ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C. P. S. & F.C.

Concurrent with: _____

Consecutive to: _____
DEPUTY CLERK

Restitution total x 3% \$ _____

Amount Weekly/Monthly \$ _____

Public Defender Fund \$ _____

Date: 12/8/97

Resident/Presiding Judge, Ninth Judicial Circuit

Fine	\$	_____
Cost & Assessment(62%)	\$	_____
Total	\$	<u>100.00</u>
County(3%)	\$	<u>3.00</u>
Grand Total	\$	<u>103.00</u>

INFORMATION ON DEFENDANT

Age: 28 Race: W
 S.S. No. [REDACTED]
 Date of Birth 6/9 M ✓ F ✓
 Attorney: L. Proctor
 Solicitor: Rodder
 Court Reporter: N. Evans

ALL PAYMENTS MUST BE MADE BY CASH, MONEY

CLERK OF COURT

98-10-RO-03875

WITNESSES

JOHN BURNETT AND/OR

KEITH HAIR

NIBLOCK, CPD

OCA#: 8629573

Barton

ARREST WARRANT NUMBER

F 107830

ACTION OF GRAND JURY

TRUE DILL

Foreperson of Grand Jury

FEB 03 1997

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 97-GS-10-1097

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1997

THE STATE

VS.

MARK RAINEY

DATE OF ARREST: OCTOBER 28, 1996

Indictment for
CRIMINAL SEXUAL CONDUCT
FIRST DEGREEName *Mark Rainey*Address *2001 S. 1st St.*
Florence, AL 36601 Zip *36601*Race *Black* Sex *Male*Date of Birth *1/69* Age *28*SSN *123-45-6789*Attorney *Lowell L. Lott*I APPEAR IN PERSON AND PLEAD GUILT
TO THE WITHIN INDICTMENT.*X Mark Rainey*WITNESS DATE *12-18*
*Edna Miller*ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
[Signature]
DEPUTY CLERK

MAX SENTENCE 0-30

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.By *Sarah Chappie*
DEPUTY CLERK

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

**INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT FIRST DEGREE**

At a Court of General Sessions, convened on FEBRUARY 3, 1997 the Grand Jurors of Charleston County present upon their oath:

THAT MARK RAINEY DID IN CHARLESTON COUNTY ON OR ABOUT THE 26TH DAY OF OCTOBER, 1996, engage in sexual battery, to wit: vaginal intercourse upon and with the body of Pam [REDACTED] without her consent and the sexual battery was accomplished by the use of aggravated force. This is in violation of §16-3-652 of the South Carolina Code of Laws (1978) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]
ASSISTANT SOLLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.

By *[Signature]*
DEPUTY CLERK

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF THE CARE AND
TREATMENT OF MARK RAINEY,
A/K/A MARK WILLIAM RANEY,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

vs.

Defendant(s)

2017-CP - 10-3472

Submitted By: James G. Bogle, Jr.

Address: Office of the Attorney General

P. O. Box 11549

Columbia, SC 29211

SC Bar #: 755

Telephone #: 803-734-1173

Fax #: 803-734-6679

Other:

E-mail: jbogle@scag.gov

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20-CP- ☐ Notice/ File Med Mat (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Label (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCJOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999)
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of-State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☒ Sexual Predator (510)		

Submitting Party Signature:

Date: 07/07/2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA)
 COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE)
 AND TREATMENT OF:)

CIVIL ACTION NO. 2017-CP-10-3472

MARK RAINEY, A/K/A)
 MARK WILLIAM RANEY,)
 RESPONDENT.)

PETITION PURSUANT TO THE
 SEXUALLY VIOLENT PREDATOR
 ACT

2017 JUL 10 PM 2:10
 CLERK OF COURT
 1000

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Mark Rainey, A/K/A Mark William Raney (hereafter, Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **Respondent's max-out date is currently on or about January 19, 2018.** His SCDC Inmate Number is 246348, and he was born in 1969.
3. The Multi-Disciplinary Team (MDT) on May 18, 2017 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (attached as **PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee (PRC) received the case from the MDT on May 22, 2017, and on June 16, 2017 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.

5. SCDC records show no indication of military service that would require a separate court order to obtain.
6. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30, to wit:

QUALIFYING CONVICTION (EXHIBIT C):

- A. Types of Convictions: Criminal Sexual Conduct in the First Degree, Burglary in the First Degree, and Kidnapping.
- B. Date of Convictions: on or about December 8, 1997.
- C. Trials or Pleas: guilty pleas in Charleston County.
- D. Sentence Received: 25 years on each, to run concurrent.
- E. Original Charges: Same.
- G. Brief Facts:

Victim 1: 26-year-old Female.

Victim 1 reported to law enforcement that on or about October 26, 1996, while in her upstairs bathroom, she had heard a noise, turned around, and saw Respondent standing in the bathroom doorway wearing a pair of white gloves (which were later determined to belong to Victim 1's roommate). Respondent grabbed Victim 1 by the neck, forced her onto a bed, and told her that if she didn't cooperate he would break her neck.

Respondent then proceeded to have sexual intercourse with Victim 1 telling her that she had better act like "she liked it," or words to that effect, or he would kill her. After Respondent ejaculated onto Victim 1's stomach, he told her he was leaving town in three days, he had killed two other people, and if she told anyone about the incident, he would kill her too.

Then Respondent grabbed Victim 1 and forced her out of her apartment. He told her that if she screamed he would snap her neck and dump her body in a nearby river. As they exited the apartment, Victim 1 tried to run and was thrown to the ground by Respondent. She screamed, and a neighbor came outside and yelled at Respondent to stop. Respondent fled from the scene in his vehicle.

Detainer: Respondent is wanted in North Carolina for a probation violation.

OTHER SEXUALLY VIOLENT OFFENSES/CONVICTIONS:**North Carolina Conviction (EXHIBIT D):**

- A. Type of Conviction: Second Degree Rape, Second Degree Kidnapping.
- B. Dates of Convictions: on or about October 24, 1990 and November 1, 1990.
- C. Trials or Pleas: guilty pleas.
- D. Sentences Received: 12 Years, and 5 years' probation.
- E. Original Charges: Same.
- F. Max-Out Date: Unknown.
- G. Brief Facts: as of this filing, information has been requested from North Carolina but not received.

OTHER OFFENSES, NOT SEXUAL (IF KNOWN):

- A. Type of Offense: Grand Larceny.
- B. Date of Offense: 02/28/1989.
- C. Sentence Received: Non-conviction; witness failed to appear.
- D. Brief Facts: Unknown.

DISCIPLINARY INFRACTIONS WHILE AT SCDC (EXHIBIT E):

- A. Non-Assaultive:
 - Refusing or failing to obey orders (3 times),
 - Gambling and loan sharking,
 - Possession of Contraband,
 - Use/possession of narc, marijuana, unauthorized drug or inhalant (3),
 - Use/possession of tattoo paraphernalia, and
 - Refusing to work (2).

SEX OFFENDER TREATMENT WHILE AT SCDC (EXHIBIT F):

Records at SCDC showed Respondent enrolled in Phase I of sex offender treatment, known as "C-Star," on or about May 8, 1998, and was subsequently terminated from that program.

GENERAL NOTES:

Risk factors common to cases of this nature include, but may not be limited to: (1) not related to victim, (2) stranger to victim, (3) prior sexual offense, (4) length of sexual offending history one to six years, (5) force or threat of force used, (6) sex offender treatment refused or terminated while incarcerated, and (7) history of probation violation.

7. Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that the Respondent has serious difficulty in controlling his behavior, or sexual desire impulses.

a. In support of the State's allegations that the Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following for consideration:

i. According to the DSV-V the diagnostic criteria for **Paraphilic Disorder** are:

A. Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners (**EXHIBIT G**).

ii. According to the DSV-V the diagnostic criteria for **Other Specified Paraphilic Disorder** are:

A. Presentations in which symptoms characteristic of a Paraphilic Disorder that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class (**EXHIBIT H**).

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S. Ct. 2072, 2080 (1997). The Respondent's instances of violent and non-violent behavior are:

- A. The basis of his 1997 conviction for Criminal Sexual Conduct in the First Degree (**EXHIBIT C**, *supra*).
- B. The basis of other convictions on that date (**EXHIBIT C**).
- C. The basis of his 1990 conviction for Second Degree Rape in North Carolina (**EXHIBIT D**).
- D. The basis of his nonsexual criminal record.
- E. The basis of his disciplinary infractions while confined at SCDC (**EXHIBIT E**).
- F. The basis of his termination from sex offender treatment while at SCDC (**EXHIBIT F**).

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent James Ronnie Nichols Jr. is a Sexually Violent Predator and order:

- 1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined, such as at SCDC or in a county detention center;
- 2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
- 3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, but only if he is not already in custody as described *supra*;
- 4. Counsel be appointed for Respondent if necessary;
- 5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
- 6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
- 7. If probable cause is found a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator that he be committed to the custody of the South Carolina Department of Mental Health for long term control, care, and treatment, until such time as Respondent's mental abnormality or

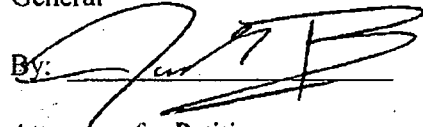
personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Sections 44-48-10 *et seq.*, and

8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney
General

By: 

Attorneys for Petitioner
S. C. Bar Number 755
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Direct: 803.734-1173
Office: 803.734-3970
FAX: 803.734-6679
jbogle@scag.gov

July 6, 2017
Columbia, South Carolina

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

A

SEXUAL PREDATOR REFERRAL FORM

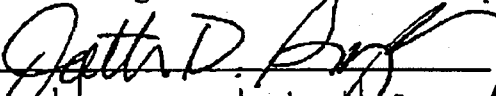
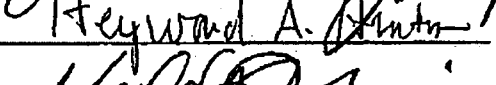
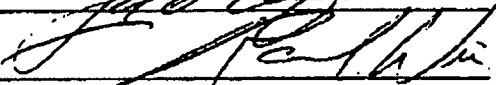
Offender Name: MARK RAINY		Offender Number: 246348	Jurisdictional Agency: SCDC
Age: 48	County: CHARLESTON	Qualifying Offense(s):	Guilty Plea: Trial:
Gender: Male	No. of Incarcerations: 7	Criminal Sexual Conduct 1st	
Adult 25 years	Parole Eligibility	Max-Out	
Sentence:	Date:	Date: 01/19/2018	
Juvenile	Parole	SFH	
Guidelines:	Release Date:	Date:	

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
5	0	0

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

 SCDC -- CHAIRPERSON
 SCDPPS
 DMH
 IDG
 ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on May 18, 2017, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

B

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
MARK RAINEY	246348	JUNE 16, 2017
		MEMBERS PRESENT:
		Barry Bernstein for Alan Wilson
		David M. Stumbo via telephone
		Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: MAY 22, 2017

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Deborah R.J. Shupe
Counsel for Committee

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

C

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

SENTENCE

GENERAL SESSIONS COURT

CSC 1stNEGOTIATED SENTENCE ☐RECOMMENDATION BY THE STATE ☐

CASE NO. 97-GS-10-1097

TICKET/WARRANT NO. E197530

Date of Incident: 10/26/94

Statue No. 16-3-652

The defendant, Mark Kainer is committed to the State Dept. of
 Corrections/~~County Detention Center/Under Youthful Offender Act~~ for a term of 25 days/months

years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of

_____ days/months/years and/or pay a fine of \$ _____ plus pay/waive costs and assessment as

applicable*, the balance suspended with probation for _____ months/years.

Special Conditions: ☐ PTUP☐ _____ days/hours Public Service Employment☐ Obtain GED☐ Attend Voc. Rehab or Job Corps.☐ Substance Abuse Counseling☐ Random Drug/Alcohol testingOther: Order Date 10/26/94

Concurrent with: _____

Consecutive to: _____

Restitution total x 3% \$ _____

Amount Weekly/Monthly \$ _____

Public Defender Fund \$ _____

Date: 12/8/97

Walter R. Ruff
 Resident/Presiding Judge, Ninth Judicial Circuit

INFORMATION ON DEFENDANT

Fine \$ _____
 Cost & Assessment(62%) \$ _____
 Total \$ 100.00
 County(3%)..... \$ _____
 Grand Total \$ 103.00

Age: 26 Race: W
 S.S. No. 2111
 Date of Birth: 09 M F
 Attorney: L. Ruff
 Solicitor: W. Ruff
 Court Reporter: W. Ruff

***** ATTEST: A TRUE COPY *****
 ALL PAYMENTS MUST BE MADE BY CASH, MONEY ORDER OR CASHIER CHECK. WE CANNOT ACCEPT PERSONAL CHECKS.
 J. J. ARMSTRONG, CLERK OF COURT
 244 MELBOURNE AVE.
 CHARLESTON, SC 29405

By Don M. Ruff
 DEPUTY CLERK

96-10-RO-03875

WITNESSES

JOHN BURNETT AND/OR

KEITH HAIR

NIBLOCK, CPD

OCA#: 9629573

Barton

ARREST WARRANT NUMBER

F 197830

ACTION OF GRAND JURY

TRUE BILL

X. J. Brown
Foreperson of Grand Jury FEB 03 1997

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 97-GS-10- **1097**

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1997

THE STATE

vs.

MARK RAINEY

DATE OF ARREST: OCTOBER 26, 1996.

Indictment for

CRIMINAL SEXUAL CONDUCT
FIRST DEGREE

Name *Mark Rainey*

Address *[Redacted] Locust St
Florence, SC Zip 29503*

Race _____ Sex _____

Date of Birth *7/69* Age *28*

SSN *[Redacted]*

Attorney *Lawrence*

I APPEAR IN PERSON AND PLEAD GUILTY
TO THE WITHIN INDICTMENT.

X. Mark Rainey

WITNESS

DATE

12/18/97

Edna Miller

MAX SENTENCE *0-30*

BAIL set by

Judge Adams

on OCT 27 1996

Type and Amount: 250.00 &

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney: _____

Decision: _____

BY JULIE BRISTOL
CLERK OF COURT

DISPOSITION BY

Judge _____

on _____

by _____

(indicate jury trial, bench trial, plea, nol. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

CHECKLIST

SUM. CR. CASE # 6219 CT 02

OW CASE # 5013

REPORT GROUP 0095

DISP. CODE _____

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

NOTICE TO REPORT

YOU MUST REPORT FOR ARRAIGNMENT OR
PLEA ON THE CHARGE HEREIN TO THE
COURT OF GENERAL SESSIONS, LOCATED
IN THE RUSSELL BUILDING, 2144 MEL-
BOURNE STREET, NORTH CHARLESTON, ON
THE 2ND FLOOR AT 9:00 A.M. - 2:00 P.M.

ON 12-13-96 pm

IF YOU DO NOT REPORT, AN ARREST
WARRANT WILL BE ISSUED FOR YOU.

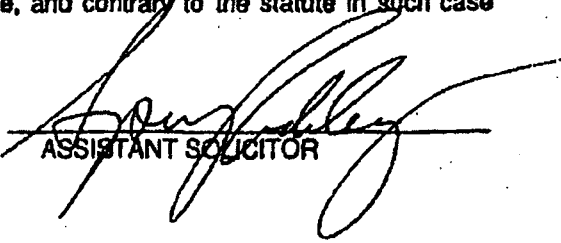
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on FEBRUARY 3, 1997 the Grand
Jurors of Charleston County present upon their oath:

THAT MARK RAINEY DID IN CHARLESTON COUNTY ON OR ABOUT THE 26TH
DAY OF OCTOBER, 1996, engage in sexual battery, to wit: vaginal intercourse upon
and with the body of Pam , without her consent and the sexual battery was
accomplished by the use of aggravated force. This is in violation of §16-3-652 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.


ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

SENTENCE

GENERAL SESSIONS COURT

Burglary 1stNEGOTIATED SENTENCE ☐RECOMMENDATION BY THE STATE ☐

CASE NO. 97-GS-10-1099

TICKET/WARRANT NO. F117332

Date of Incident: 10/26/96

Statute No. 16-11-711

The defendant, Mark K. [unclear] is committed to the State Dept. of
 Corrections/~~County Detention Center/Under Youthful Offender Act~~ for a term of 25 days/months

(years) and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of
 _____ days/months/years and/or pay a fine of \$ _____ plus pay/waive costs and assessment as
 applicable*, the balance suspended with probation for _____ months/years.

Special Conditions: ☐ PTUP☐ _____ days/hours Public Service Employment☐ Obtain GED☐ Attend Voc. Rehab or Job Corps.☐ Substance Abuse Counseling☐ Random Drug/Alcohol testing

Other: _____

Concurrent with: 97-GS-10-1097

Consecutive to: _____

Restitution total x 3% \$ _____

Amount Weekly/Monthly \$ _____

Public Defender Fund \$ _____

Date: 12/8/97

[Signature]
 Resident/Presiding Judge, Ninth Judicial Circuit

INFORMATION ON DEFENDANT

Fine \$ _____
 Cost & Assessment(62%) \$ _____
 Total \$ 700.00
 County(3%) \$ _____
 Grand Total \$ 721.00

Age: _____ Race: _____
 S.S. No. _____
 Date of Birth: 11/6/64 M ☒ F ☐
 Attorney: L. [unclear]
 Solicitor: [unclear]
 Court Reporter: N. [unclear]

***** ATTEST: A TRUE COPY, MONIE J. ARMSTRONG CLERK OF COURT
 ORDER OR CASHIER CHECK. WE CANNOT ACCEPT PERSONAL CHECKS. CLERK, C.P. & G.S. 204 MELBOURNE AVE.
 CHARLESTON, SC 29405

By [Signature]
 DEPUTY CLERK

96-10-RO-03875

WITNESSES

JOHN BURNETT AND/OR

KEITH HAIR

NIBLOCK, CPD

OCA#: 9629573

Barton

ARREST WARRANT NUMBER

F 197832

ACTION OF GRAND JURY

TRUE BILL

K. J. Hower
Foreperson of Grand Jury
FEB 03 1997

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 97-GS-10-1099

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1997

THE STATE

vs.

MARK RAINEY

DATE OF ARREST: OCTOBER 28, 1996

I APPEAR IN PERSON AND PLEAD GUILTY
TO THE WITHIN INDICTMENT.

Mark W. Rainey

WITNESS

DATE

John M. [Signature]

Indictment for

BURGLARY FIRST DEGREE

MAX SENTENCE 15-*Lif*

BAIL set by

Judge Baldwin

on OCT 27 1996

Type and Amount: 250,000 A

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney _____

Decision: _____

by _____

on _____

by _____

(indicate jury trial, bench trial, plea, not. pros., etc.)

Disposition: _____

Sentence: _____

JURORS

CHECKLIST

SUM. CRT. CASE # 6919 CT 01

OW CASE # 5013

REPORT GROUP CHC

DISP. CODE _____

WITNESSES

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

Name _____

Address _____

Telephone _____

CODEFENDANTS

NOTICE TO REPORT

YOU MUST REPORT FOR ARRANGEMENT OR
PLEA ON THE CHARGE HEREIN TO THE
COURT OF GENERAL SESSIONS, LOCATED
IN THE HOUSES BUILDING, 2114 MEL-
BOURNE STREET, NORTH CHARLESTON, ON
THE 2ND FLOOR AT 9:00 AM. 8 2:00

ON 12-13-96 PM

IF YOU DO NOT REPORT, AN ARREST
WARRANT WILL BE ISSUED FOR YOU.

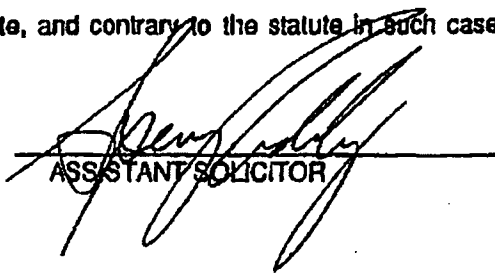
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

**INDICTMENT FOR
BURGLARY FIRST DEGREE**

At a Court of General Sessions, convened on FEBRUARY 3, 1997 the Grand
Jurors of Charleston County present upon their oath:

THAT MARK RAINEY DID IN CHARLESTON COUNTY ON OR ABOUT THE 26TH
DAY OF OCTOBER, 1996, wilfully, unlawfully and feloniously enter the dwelling of
Pamela located at Boulevard, Apartment , Charleston, South
Carolina, in the nighttime, without the consent of the owner and with the intent to
commit a crime therein. This is in violation of §16-11-311 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.



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

SENTENCE

GENERAL SESSIONS COURT

Kidnapping

CASE NO. 97-GS-10-1098

TICKET/WARRANT NO. F197331

Date of Incident: 10/26/96

Statue No. 16-3-110

NEGOTIATED SENTENCE ☐RECOMMENDATION BY THE STATE ☐

The defendant, Mark Ratner is committed to the State Dept. of Corrections/County Detention Center/Under Youthful Offender Act for a term of 25 days/months

years and/or to pay a fine of \$ _____; provided the sentence be suspended upon the service of

_____ days/months/years and/or pay a fine of \$ _____ plus pay/waive costs and assessment as

applicable*, the balance suspended with probation for _____ months/years.

Special Conditions: ☐ PTUP☐ _____ days/hours Public Service Employment☐ Obtain GED☐ Attend Voc. Rehab or Job Corps.☐ Substance Abuse Counseling☐ Random Drug/Alcohol testing

Other: _____

Concurrent with: 17-G-10-1091

Consecutive to: _____

Restitution total x 3% \$ _____

Amount Weekly/Monthly \$ _____

Public Defender Fund \$ _____

Date: 12/8/97

Resident/Presiding Judge, Ninth Judicial Circuit

INFORMATION ON DEFENDANT

Age: 36 Race: WS.S. No. [REDACTED]Date of Birth: 6/7 M ☒ F ☐Attorney: [REDACTED]Solicitor: [REDACTED]Court Reporter: [REDACTED]

Fine \$ _____
 Cost & Assessment(62%) \$ _____
 Total \$ 100.00
 County(3%) \$ 3.00
 Grand Total \$ 103.00

***** ATTEST: A TRUE COPY *****
 ALL PAYMENTS MUST BE MADE BY CASH, MONEY ORDER OR CASHIER CHECK. WE CANNOT ACCEPT PERSONAL CHECKS.
 BY JOE J. ARMSTRONG CLERK OF COURT
 CLERK, C.P. & G.S. 2144 MELBOURNE AVE.
 CHARLESTON, SC 29405

DEPUTY CLERK

96-10-RO-03875

WITNESSES

JOHN BURNETT AND/OR

KEITH HAIR

NIBLOCK, CPD

OCA#: 9629573

Barton

ARREST WARRANT NUMBER

F 197831

ACTION OF GRAND JURY

TRUE BILL

A. Thorne
Foreperson of Grand Jury FEB 03 1997

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 97-GS-10- **1098**

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

FEBRUARY TERM 1997

THE STATE

VS.

MARK RAINEY

DATE OF ARREST: OCTOBER 26, 1996

I APPEAR IN PERSON AND PLEAD GUILTY
TO THE WITHIN INDICTMENT.

Mark R. Rainey

WITNESS

DATE 12/18/97

Don Mark

Indictment for

KIDNAPPING

MAX SENTENCE 0-30

BAIL set by

Judge B. Brown

on OCT 27 1996

Type and Amount: NO BOND

Name of Surety: _____

PRELIMINARY HEARING held by

Judge _____

on _____

Defense Attorney _____

Decision _____

BY JULIE A. ARNS RONA
CLERK OF COURT
96 OCT 28 PM 3:37
FILED
Judge _____
on _____
by _____
(indicate jury trial, bench trial, plea, not, pros., etc.)

Disposition: _____

Sentence: _____

JURORS

CHECKLIST

SUM. CRT. CASE # 6219 CT 03

OW CASE # 5013

REPORT GROUP 0077

DISP. CODE _____

WITNESSES

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

Name: _____

Address: _____

Telephone: _____

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Telephone: _____

Name: _____

Address: _____

Telephone: _____

CODEFENDANTS

NOTICE TO REPORT

YOU MUST REPORT FOR ARRAINGMENT OR PLEA ON THE CHARGE HEREIN TO THE COURT OF GENERAL SESSIONS, LOCATED IN THE RUSSELL BUILDING, 2144 MELBOURNE STREET, NORTH CHARLESTON, ON THE 2ND FLOOR AT 9:00 A.M.

ON 12-13-96 2:00 pm
IF YOU DO NOT REPORT, AN ARREST WARRANT WILL BE ISSUED FOR YOU.

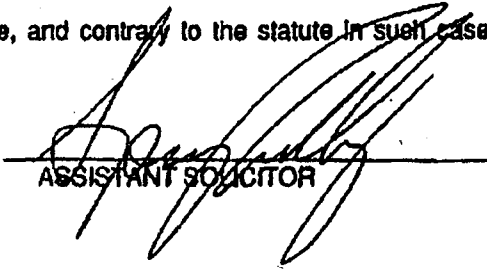
STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

**INDICTMENT FOR
KIDNAPPING**

At a Court of General Sessions, convened on FEBRUARY 3, 1997 the Grand
Jurors of Charleston County present upon their oath:

THAT MARK RAINEY DID IN CHARLESTON COUNTY ON OR ABOUT THE 26TH
DAY OF OCTOBER, 1996, seize, abduct, confine or carry away Pamela without
the authority of law and against Pamela's will and consent. This is in violation of
§16-3-910 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.


ASSISTANT SOLICITOR

CHARGE SHEET

COMPLAINT # 9629573 DATE 10/26/96
 ARREST# 9607358
 BUREAU ID# 150-589
 ARRESTING OFFICER NIBLOCK, BRAU/THARP 0690/0419/0734
 DEFENDANT RANEY, MARK WILLIAM MALE/WHITE/27YRS
 NAME (SEX) (RACE) (AGE)
LOYOLA DR : FLORISSANT, MO (314) 837-1162
 ADDRESS PHONE

CHARGES:

CRIMINAL SEXUAL CONDUCT 1ST DEGREE
16-3-652

WARRANT # F- 197830

(TICKET NUMBER IF TRAFFIC CASE)

BOND HEARING: MAGISTRATE (NAME): B. J. DUNN
 BOND SET: \$250,000 G/S ROLL CALL DATE 12/13/96
 MAGISTRATE REFERRED TO FOR PRELIMINARY HEARING: B. J. DUNN

INCIDENT: (PLACE) BLVD. APT 10-26-96 0430HRS
 (DATE) (TIME)
 ARREST: I-26 WEST MILE MARKER 203 10-26-96 0815HRS
 (PLACE) (DATE) (TIME)

TRANSPORTING OFFICER: W. W. A.

OFFICER ASSIGNED CASE: M. NIBLOCK / S. BRAU

NOTE:

AT THE COMPLETION OF THE BOND HEARING, THE TRANSPORTING OFFICER SHALL INSURE DISTRIBUTION OF THE COMPLETE CHARGE SHEET TO:

- A. ID
- B. WARRANTS
- C. PRESS BOARD

PACKAGE WILL BE RETURNED TO THE APPROPRIATE TEAM LEADER/UNIT COMMANDER.

FORM 157

CHARGE SHEET

COMPLAINT # 9629573 DATE 10/26/96
 ARREST# 9607358
 BUREAU ID# 150-589
 ARRESTING OFFICER NIBLOCK, BRAU/THARP 0690/0419/0734
 DEFENDANT RANBY, MARK WILLIAM MALE/WHITE/27YRS
 NAME (SEX) (RACE) (AGE)
LOYOLA DR FLORISSANT, MO (314) 837-1162
 ADDRESS PHONE

CHARGES:

KIDNAPPING
16-3-910

WARRANT #

F - 197 831

(TICKET NUMBER IF TRAFFIC CASE)

BOND HEARING: MAGISTRATE (NAME): BilderBOND SET: \$250,000 G/S ROLL CALL DATE 12/13/96MAGISTRATE REFERRED TO FOR PRELIMINARY HEARING: Bilder

INCIDENT: (PLACE) | BLVD. APT 10-26-96 0430HRS
 (DATE) (TIME)
 ARREST: I-26 WEST MILE MARKER 203 10-26-96 0815HRS
 (PLACE) (DATE) (TIME)

TRANSPORTING OFFICER: W. D. R.OFFICER ASSIGNED CASE: M. NIBLOCK / S. BRAU

NOTE:

AT THE COMPLETION OF THE BOND HEARING, THE TRANSPORTING OFFICER
 SHALL INSURE DISTRIBUTION OF THE COMPLETE CHARGE SHEET TO:

- A. ID
- B. WARRANTS
- C. PRESS BOARD

PACKAGE WILL BE RETURNED TO THE APPROPRIATE TEAM LEADER/UNIT
 COMMANDER.

FORM 157

CHARGE SHEET

COMPLAINT # 9629573DATE 10/26/96ARREST# 9607358BUREAU ID# 150-589ARRESTING OFFICER NIBLOCK, BRAU/THARP

0690/0419/0734

DEFENDANT RANEY, MARK WILLIAM
NAME

MALE/WHITE/27YRS

REPORTING #

(SEX) (RACE) (AGE)

LOYOLA DR FLORISSANT, MO
ADDRESS

(314) 837-1162

PHONE

CHARGES:

BURGLARY 1ST DEGREE16-11-311

WARRANT #

F- 197 832

(TICKET NUMBER IF TRAFFIC CASE)

BOND HEARING: MAGISTRATE (NAME): BaldwinBOND SET: \$ No Bond

G/S ROLL CALL DATE

12/13/96MAGISTRATE REFERRED TO FOR PRELIMINARY HEARING: Baldwin

INCIDENT:

BLVD. APT

10-26-96

0430HRS

(PLACE)

(DATE)

(TIME)

ARREST: I-26 WEST MILE MARKER 203

10-26-96

0815HRS

(PLACE)

(DATE)

(TIME)

TRANSPORTING OFFICER: [Signature]OFFICER ASSIGNED CASE: M. NIBLOCK / S. BRAU

NOTE:

AT THE COMPLETION OF THE BOND HEARING, THE TRANSPORTING OFFICER SHALL INSURE DISTRIBUTION OF THE COMPLETE CHARGE SHEET TO:

A. ID

B. WARRANTS

C. PRESS BOARD

PACKAGE WILL BE RETURNED TO THE APPROPRIATE TEAM LEADER/UNIT COMMANDER.

FORM 157

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, A MAGISTRATE OF THIS COUNTY ONE _____ WHO, FIRST BEING DULY SWORN DEPOSES AND SAYS THAT (NAME OF DEFENDANT) RANEY, MARK WILLIAM _____ DID WITHIN THIS COUNTY AND STATE ON THE 26TH DAY OF OCT. 1996 VIOLATE THE CRIMINAL LAWS OF THE STATE OF SOUTH CAROLINA IN THE FOLLOWING PARTICULARS:

DESCRIPTION OF OFFENSE
CRIMINAL SEXUAL CONDUCT 1ST DEGREE
16-3-652

THE AFFIANT STATES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT NAMED DID COMMIT THE CRIME(S) SET FORTH AND THAT SUCH PROBABLE CAUSE IS BASED ON THE FOLLOWING FACTS:

THAT ON 10-26-96 AT APPROXIMATELY 4:30AM THE ABOVE NAMED DEFENDANT, MARK RANEY, DID COMMIT THE OFFENSE OF CRIMINAL SEXUAL CONDUCT 1ST DEGREE SC CODE OF LAWS 16-3-652 WHILE AT _____ BLVD. APARTMENT _____ WHICH IS LOCATED IN THE CITY OF CHARLESTON, SC.

IN THAT HE DID PENETRATE THE VICTIMS VAGINA WITH HIS PENIS, AGAINST HER WILL. DURING THE COMMISSION OF A BURGLARY.

THE ABOVE FACTS ARE TRUE AND BELIEVABLE BASED ON THE EYEWITNESS STATEMENTS MADE BY THE VICTIM, PAMELA _____ AND THE INVESTIGATION CONDUCTED BY PFC. BRAU, PVT. THARP AND PVT. NIBLOCK.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS _____ DAY OF _____, 19 _____

AFFIANT _____

SIGNATURE OF JUDGE (L.S.)

CHARLESTON POLICE DEPT
180 LOCKWOOD BLVD
CHARLESTON, SC 29403
(803) 577-7434

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

PERSONALLY APPEARED BEFORE ME, A MAGISTRATE OF THIS COUNTY ONE WHO, FIRST BEING DULY SWORN DEPOSES AND SAYS THAT (NAME OF DEFENDANT) RANEY, MARK WILLIAM DID WITHIN THIS COUNTY AND STATE ON THE 26TH DAY OF OCT. 1996 VIOLATE THE CRIMINAL LAWS OF THE STATE OF SOUTH CAROLINA IN THE FOLLOWING PARTICULARS:

DESCRIPTION OF OFFENSE
KIDNAPING
16-11-910

THE AFFIANT STATES THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE DEFENDANT NAMED DID COMMIT THE CRIME(S) SET FORTH AND THAT SUCH PROBABLE CAUSE IS BASED ON THE FOLLOWING FACTS:

THAT ON 10-26-96 AT APPROXIMATELY 4:30AM THE ABOVE NAMED DEFENDANT, MARK RANEY, DID COMMIT THE OFFENSE OF KIDNAPING SC CODE OF LAWS 16-3-652. WHILE AT EAST ESTATES BLVD. APARTMENT . WHICH IS LOCATED IN THE CITY OF CHARLESTON, SC

IN THAT HE DID FORCIBLY REMOVE THE VICTIM, PAMELA AGAINST HER WILL OUT OF HER RESIDENCE.

THE ABOVE FACTS ARE TRUE AND BELIEVABLE BASED ON THE EYEWITNESS STATEMENTS MADE BY THE VICTIM, PAMELA , AND THE INVESTIGATION CONDUCTED BY PFC. BRAU, PVT. THARP AND PVT. NIBLOCK.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS DAY OF , 19

SIGNATURE OF JUDGE (L.S.)

AFFIANT

CHARLESTON POLICE DEPT
180 LOCKWOOD BLVD
CHARLESTON, SC 29403
(803) 577-7434

AGENCY I.D.
SCO 100100

SUPPLEMENTARY REPORT

CCA 01612915173 111
ARR 9161173518 111

NCIC
ENTD

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE _____ OF _____ PAGES
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENSES	☐ ADDITIONAL RECOVERED PROPERTY	

WITNESS LIST

- 1) PAMELA ESTATES BLVD APT (H)
CHARLESTON SC
- 2) SALVADOR Lockwood DR
CHARLESTON SC
- 3) MICHAEL Lockwood DR
CHARLESTON SC
- 4) RICKY ESTATES BLVD
CHARLESTON SC
- 5) DAVID Lockwood DR
CHARLESTON SC
- 6) NORMAN Lockwood DR
CHARLESTON SC

NARRATIVE

ADMINISTRATIVE	SUBJECT NUMBER		SUBJECT LOCUS		☐ ACTIVE ☐ ADMIN CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
	☐ YES ☐ NO		☐ YES ☐ NO							
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ AVAILABLE - NO CUSTODY									
	REPORTING OFFICER		DATE	UNIT NUMBER	APPROVING OFFICER		DATE	UNIT NUMBER		
PVT DAVID		10-26-96	0734	FOLLOW UP INVESTIGATION		OFFICER				
PFC SALVADOR		10-26-96	0419	☐ YES ☐ NO						

AGENCY I.D.
 SGO 100100

 INCIDENT REPORT
 CHARLESTON POLICE DEPARTMENT

 OCA 9 16 2 9 5 1 7 3
 APR 9 6 1 0 7 3 5 7 1

 NCE
 NO 1 BY

EVENT		INCIDENT TYPE		COMPLETED	FORCED ENTRY	PREMIUM TYPE	UNITS ENTERED	TYPE VICTIM	
1. BURGLARY - 1 ST DEGREE (1 ARREST)		☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	APARTMENT			☒ Individual	☐ Business
2. CRIMINAL SEXUAL CONDUCT - 1 ST DEGREE		☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO				☐ Financial Inst.	☐ Government
3. KIDNAPPING		☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO				☐ Relig. Org.	☐ Bus./Pub.
INCIDENT LOCATION (BUILDING, APARTMENT AND MARINE, STREET NAME AND NUMBER)		ESTATES BLVD APT		29414		29414		WEAPON TYPE	
RESIDENT DATE		10-26-96	0430	10-26-96		0440	0445	1400	
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)		PICKY		STRANDED		0800 W M		36-12-11 N	
ADDRESS		ESTATES BLVD APT		CHARLESTON		SC		29414	
VICTIM'S NAME (LAST, FIRST, MIDDLE)		PAMELA		STRANDED		0800 W F		36-12-11 N	
HEIGHT		505	125	OLD		BLU		FROM: HAIR, SCARS, WOUNDS, GLASSES, CLOTHING, PHYSICAL, PEGMARKERS, ETC.	
ADDRESS		ESTATES BLVD APT		CHARLESTON		SC		29414	
VICTIM'S GALLERY (PAGE 1) ☐ YES ☐ NO		EXPLAIN: PUT ON AT THING		SCRAPES ON RT THUMB		COMPLAINT OF ANY NON-VISIBLE INJURY: ☐ YES ☐ NO			
VICTIM (PAGE 1) ☐ YES ☐ NO		ALCOHOL: ☐ YES ☐ NO		UNCL: ☐ YES ☐ NO		TYPE: ☐ YES ☐ NO			
TWO-ARM VEH		ONE-ARM VEH: ☐ YES ☐ NO		DETECTIVE/PL: ☐ YES ☐ NO		ALONE: ☐ YES ☐ NO		NUMBER: ☐ YES ☐ NO	
JURISDICTION: ☐ J-This Jurisdiction, ☐ S-State, ☐ O-Out of State, ☐ U-Unknown		J-This Jurisdiction: ☐ YES ☐ NO		S-State: ☐ YES ☐ NO		O-Out of State: ☐ YES ☐ NO		U-Unknown: ☐ YES ☐ NO	
SUBJECT		RANEY, MARK WILLIAM		W 4		21		N	
SUBJECT (PAGE 1) ☐ YES ☐ NO		ALCOHOL: ☐ YES ☐ NO		UNCL: ☐ YES ☐ NO		TYPE: ☐ YES ☐ NO			
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AGENCY I.D.
SCO 100100

SUPPLEMENTARY REPORT

DOA 9161219151731
APR 91610171315181

NCIC
INFO

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENSES

☐ ADDITIONAL
SUSPECT PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 2 PAGE

NARRATIVE

AT APPROXIMATELY 0430 THE VICTIM WAS IN THE UPSTAIRS BATHROOM WHEN SHE HEARD A NOISE, WHEN THE VICTIM TURNED AROUND SHE SAW THE SUSPECT, A WHITE MALE, APPROXIMATELY 5-5-5-7" HEIGHTENED BETWEEN 155 TO 165 POUNDS WITH BROWN HAIR STANDING IN THE BATHROOM. THE SUSPECT WAS WEARING A PAIR OF GLOVES WHICH HE HAD TAKEN OUT OF THE VICTIM'S ROOMMATE'S BEDROOM. THE SUSPECT GRABBED THE VICTIM AROUND THE NECK AND FORCED HER TO THE BED WHERE HE TOLD HER THAT SHE LEFT THE DOOR UNLOCKED AND THAT HE WOULD BREAK HER NECK. IF SHE DIDN'T COOPERATE THE SUSPECT PROCEEDED TO HAVE SEXUAL INTERCOURSE WITH THE VICTIM, STATING THAT SHE BETTER MY LIKE SHE LIKES IT OR HE WILL KILL HER. VICTIM STATED THAT THE SUSPECT STAMPEDE ON HER STOMACH AND THAT SHE WIPED THE SPERM OFF WITH TISSUE PAPER, WHICH WAS FOUND BY P/O ON THE BED. VICTIM ALSO SAID THAT THE SUSPECT TOLD HER THAT HE HAD KILLED 2 OTHER PEOPLE AND THAT HE WAS LEAVING TOWN IN 3 DAYS, SO IF SHE SAID ANYTHING HE WOULD KILL HER.

THE SUSPECT GRABBED THE VICTIM AND FORCED HER OUT OF HER APARTMENT WHERE HE STATED THAT HE WANTED TO GO FOR A RIDE AND IF SHE TRIED ANYTHING HE WOULD KILL HER AND DUMP HER BODY IN THE RIVER. THE VICTIM STATED THAT SHE PULLED AWAY FROM THE SUSPECT AND HE FLED IN THE VAN. THE VICTIM RECEIVED A CUT ON THE RIGHT THUMB AND SCRAPES ON THE RIGHT SHOULDER IN THE SCUFFLE. VICTIM WAS TREATED BY MED 3 PARAMEDICS PARKER AND MERRITT.

THE VICTIM STATED THAT SHE RECOGNIZED THE SUSPECT AS THE BROTHER OF LINDY M'CARRETT WHO LIVES IN THE SAME APARTMENT COMPLEX, IN APARTMENT 1. THE VICTIM WAS TAKEN TO COUNTY HOSPITAL WHERE SHE WAS SEEN BY DOCTOR KODAR AND SPOKE WITH P.A.R. PERSONNEL ELIZABETH MARTIN, HELEN IRELAND AND SHARON THOMAS.

CENTRAL INVESTIGATOR WILLIAM SHAW ALONG WITH K. M'GOWAN FROM CRIME SCENE RESPONDED. THE VICTIM'S CLOTHING WAS TAKEN AND TRACED AS EVIDENCE BY CRIME SCENE. THE SUSPECT WAS LATER IDENTIFIED AS MARK WILLIAM PARVEY. THE SUSPECT WAS ARRESTED AT APPROXIMATELY 0815 HRS ON 10-26-96 BY O.P.D. OFFICER M. NIBLOCK (SEE ATTACHED SUPPLEMENTAL REPORT).

010125

ADMINISTRATIVE

SUBJECT SEARCHED YES NO	SUBJECT INDEXED YES NO	SEARCHED INDEXED YES NO	SEARCHED INDEXED YES NO	SEARCHED INDEXED YES NO	SEARCHED INDEXED YES NO
REASON FOR DETENTION: CLEARANCE 1. COVERED BY 2. NO INFORMATION 3. NO EXTENSION DATED 4. NO VICTIM DECLINE COOPERATION 5. NO ANSWERS AND CLERK					
APPROVED BY: [Signature] DATE: 10-26-96					
P/T: DATED: 10-26-96 0754					
P/C: S. V. DATED: 10-26-96 0419					

AGENCY '
SCO 100100

**SUPPLEMENTAL INCIDENT REPORT
CHARLESTON POLICE DEPARTMENT**

OCA	9	6	2	9	5	7	3			
ARR	9	6	0	7	3	5	8			

NCRO	
INCL	ENTD

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AGENCY I.D.
SCO 100100

SUPPLEMENTARY REPORT

OCA 961295123
AIR 9610735181

NCIC
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☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL

☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 of 1 PAGES

Sexual Assault:

On 10-26-96 I had asked Mr. Mark Raney if he would give a Consent For body Fluids. He signed a Consent and was taken to County hospital for suspect standards.

Before I requested him sign a Consent I asked him if he was advised him of his rights. Mr. Raney said he was advised of his rights and understood them.

Steven C. Hood
Sergeant

RULE 5

ADMINISTRATIVE	SUBJECT IDENTIFIED ☐ YES ☐ NO		SUBJECT LOCATED ☐ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
	SEARCH FOR EXCEPTIONAL CLEARANCE: ☐ OFFICER DEATH ☐ NO PROSECUTION ☐ EXTORTION DENIED		SEARCH FOR EXCEPTIONAL CLEARANCE: ☐ OFFICER DEATH ☐ NO PROSECUTION ☐ EXTORTION DENIED		SEARCH FOR EXCEPTIONAL CLEARANCE: ☐ OFFICER DEATH ☐ NO PROSECUTION ☐ EXTORTION DENIED		SEARCH FOR EXCEPTIONAL CLEARANCE: ☐ OFFICER DEATH ☐ NO PROSECUTION ☐ EXTORTION DENIED
	REPORTING OFFICER St. Hood		DATE 10-26-96	TIME 0013	APPROVING OFFICER St. Hood		DATE 10-26-96
	FOLLOW-UP INVESTIGATION		DATE 10-26-96	TIME 0013	FOLLOW-UP INVESTIGATION		DATE 10-26-96

AGENCY I.D. SCO100100	DATE/TIME OF ARREST 10-26-96/0815	BOOKING REPORT ORIGINAL CHARLES COUNTY POLICE DEPARTMENT	OCA ARR 7.6.29.5.7.3

DEFENDANT NAME (LAST, FIRST, MIDDLE) Raney, Mark William		AGE 27	ETHNICITY N	HEIGHT 508	WEIGHT 165	HAIR BLK	EYES Brn	SOCIAL SECURITY NUMBER [REDACTED]	FACE W	SEX M	DATE OF BIRTH -69	DOCKET NUMBER
ADDRESS (NUMBER AND STREET) 674 Loyola Dr.		CITY Florissant	STATE MO	ZIP CODE 63031	RESIDENT J S U	PHONE NUMBER 817-837-1162						
ALIAS		PLACE OF BIRTH St. Louis, Missouri	DRIVERS LICENSE NUMBER [REDACTED]		STATE MO							
EMPLOYER OR OCCUPATION Wilson Refuse		NEXT OF KIN Cindy McGarrett	ADDRESS (CITY AND STATE) Charleston, SC									
BOOKING OFFICER'S NAME [Signature]		NUMBER 0003	ARRESTING OFFICER Michael Niblock/Glender Brad		AGENCY CPD	NUMBER 0690/0419						
ARRESTEE ARMED ☐ YES ☒ NO		WEAPON TYPE:		☒ ON VIEW ARREST		☐ SUMMONED		☐ CUSTOD				
JUVENILE DISPOSITION: 1. ☐ HANDLED, RELEASED		2. ☐ REFERRED TO OTHER AUTHORITY		J—This Jurisdiction, S—State, O—Out of State, U—Unknown								
ADDITIONAL CASE NUMBERS		IF HOLDING FOR ANOTHER AGENCY, CIRCLE CHARGE - A, B, C		MORE IN REMAND: ☐								
CHARGE I.D.	A	B	C									
CHARGE	16-3-652	16-3-97b	16-11-311									
STATUTE												
VIOLATION												
BOND TYPE	GS	GS	GS									
RESTRICTIONS												
DISPOSITION												
WARRANT #												
CONTINUED												
RELEASE DATE	TIME	RELEASING OFFICER	NUMBER	AGENCY RELEASES TO								

Signature of receiving official: X _____

Respect Notification: You are notified that your court date and time is: General Sessions Court

Acknowledge notification of date and time of court: [Signature] SUSPECT SIGNATURE

JUDICIAL RELEASE (juveniles only)

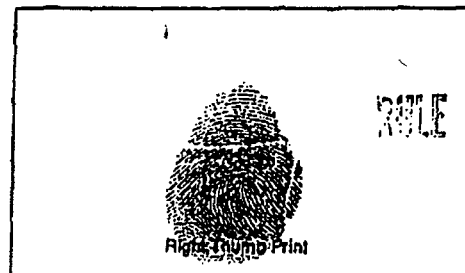
I hereby accept custody of charges party and understand that I must bring the child to the Family Court, upon notification from a representative of the Court. S.C. Law 3-1095-17. I fully understand that should I fail to produce the above named child as agreed, or upon notice from the Court, I am subject to both fine and imprisonment not exceed one year or a fine of \$1500, or both.

Signed this _____ day of _____

Signed _____

_____ at _____ o'clock _____ M

SIGNATURE OF WITNESSING OFFICER



STATE OF SOUTH CAROLINA

COUNTY OF Charleston

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Section 17-13-140
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Charleston

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

That said vehicle is a 1983 GMC Explorer Vandura
mission license tag # EGN-220 vin # 2GDEG25H1D4527267
property of (1) Mark William Roney, W-71, D.O.B. 69
social security # 2911.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Any cutting instrument that may be used to cut a
screen and a pair of glasses property of the
victim at the time of the offense.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Charleston, S.C.
29th October, 19 96
James Fort Sticher (L.S.)
Signature of Judge

RETURN

I received the attached Search Warrant 10-29, 19 96, and have executed it as follows:
 On 10-30, 19 96 at 2:00 o'clock P M, I searched
 (the person) described in the warrant and (the premises)

I left a copy of the warrant with the vehicle inside
 Name of person searched or "at the place of search" with.
 Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant:

- (1) 1 Black leatherette gloves - Front Console
- (2) 2 Box Cutters in Tool Box - Trunk
- (3) 1 White Bra - Woman's - Under the front seat
- (4) 2 Woman's panties - Under the front seat

This inventory was made in the presence of _____
 AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this _____
 day of _____, 19 _____
 _____ (L.S.)
 Signature of Judge

R. M. Halstead
 (Signature of Officer Executing Warrant)

A TRUE COPY

CLERK OF SUPERIOR COURT

IREDELL COUNTY

BY Deborah Shupe
Assistant Deputy Clerk Superior Court

10-2-90

Copy to Atty Benbow

Copy to Patricia Bruce

HLO

Dear, Clerk of Court, and presiding superior court judge! 9-27-90

IREDELL COUNTY, N.C.

My name is Mark W. Roney. I'm a young 21 yrs old male who has been in your local jail since June 21st on current charges of 2nd degree rape, 1st degree kidnapping, and 2nd degree sexual offense. I am from St. Louis, Mo which is where I live now. I am writing concerned with problems I have been having since I was brought here. Since I have been here I have been jumped on twice by a group of no more than three people at a time on each occasion. Cause of the fact they consider me a Yankee. I brought this issue up with At. Ellis and he moved me to a different cell, after I had to yell out loud through the jail house. Cause I was being beat up like a dog by other inmates. I do not approve of the treatment I have been getting since I came here. On Sept 5th I was taken to Dudley Dix hospital for a pre trial evaluation ordered by the judge and my attorney Mr Daniel Benbow. Well the evaluation and tests turned out great and I was discharged back into the custody of the sheriffs department, but also I missed my court date which was Sept 17th at 9:00AM and have not heard of another court date set for me yet. Your honor and Dear Clerk of Court, I have a family of three at home who has been through alot of pain and heart ache since June. My fiance Michelle D. Wells and I have lived together for three years and have never had any problems intill now. I have a newborn little boy named Justin William Roney who I have not seen since he was four days old. When I was at home I had a good paying job as a truck driver a nice apartment and everything else we needed to raise our little son up right. And now all of that is gone Cause I can't seem to get into court on these charges. My fiance Michelle has had to get on welfare and also to support herself and our little boy who is very sick right now from a bad case of bronchitis which doctors think might lead to amonia since he is at such a young age of only three and a half months. And your honor and clerk of Court, I love my family very much, much more than I can express on.

**CHARLESTON POLICE DEPARTMENT
WITNESS STATEMENT**

Page 1 of 2

Case Number 962 9573
 Statement of James Ricky Patrick Date of Birth ██████ 60 Age 36
 Home Address East Estates Home Phone ██████ Bus. Ph. ██████
 Employer Sample Survey Bus. Address Savannah 9th
 This statement is in reference to Kidnapping, Sexual Assault P
 Which occurred at East Estates Blvd. On or about 10.26.96
 At approximately 4:30 AM hours, in Charleston, South Carolina.
 This statement is given 10.28.96 (Date) at 11:00 AM (Time) at ██████
East Estates Blvd. (Location)

Sec. 21-193. False reports or complaints to the police department.

No person shall knowingly make or file or cause to be made or filed a false or misleading report, allegation or complaint with the police department.

I was woken up early Sat. morning by a
woman (my neighbor) screaming. I looked
out my window, when a woman was
being dragged by the rapist. I yelled to
stop, and then batted for his van. I
then ran out my apartment to try & catch
him, he then took off at a fast pace.
I couldn't stop him. Then police arrived

Q. Can you describe the man & do you
know the person.

A. A black color man. Handicap style.
"I do not know him."

I have read the foregoing statement or have had it read to me and it is true and correct to the best of my knowledge. I have given this statement freely and voluntarily.

Signature: R. J. PatrickWitness: P. M. GoldsteinI have received a copy of this statement ██████

WITNESS STATEMENT
CONTINUATION SHEETPage 2 of 2CASE NUMBER 962-9573

Q. Can you describe the clothing of the subject?

A. Black curly hair

small mustache

glasses.

Hispanic kind of looking

white tee shirt

Q. Do you know where the subject lived?

A. Estate Blvd. at the
time w/ sister Cindy

I have read the foregoing statement or have had it read to me and it is true and correct to the best of my knowledge. I have given this statement freely and voluntarily.

[Signature]
Signature

Witness: [Signature]

AGENCY I.D.
SCO 100100

SUPPLEMENTARY REPORT

CCA 961295123
APR 961017131518

NOG
NO EV

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIED ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY

Sexual Assault:

On 10-26-96 I had asked Mr Mark Raney if he would give a Consent For body Fluids. He signed a Consent and was taken to County hospital for suspect standards.

Before I requested him sign a Consent I asked him if he was advised him of his rights. Mr. Raney said he was advised of his rights and understood them.

Steven C. Hood
Sergeant

RULE 5

ADMINISTRATIVE	SUBJECT IDENTIFIED		SUBJECT LOCATED		CASE STATUS		EXEMPTED UNDER 18		EX-CLEAR UNDER 18	
	YES	NO	YES	NO	ACTIVE	CASE CLOSED	CONFESSED UNDER 18	CONFESSED 18 AND OVER	EX-CLEAR 18 AND OVER	
	SEARCH FOR EXCEPTIVE CLEARANCE: 1. OFFICER DEAN 2. NO PROSECUTION 3. EXEMPTION DENIED 4. WOMAN DECLINED COOPERATION 5. JUVENILE-NO CUSTODY									
REPORTING OFFICER		DATE	TIME	OFFICER		DATE	TIME			
St. Hood		10-26-96	0003	St. Hood		0005	03			

Original

9629573

Place: Charleston Police DeptDate: 10-26-96Time: 9:45

CONSENT TO PROVIDE BODILY FLUIDS AND HAIR SAMPLES

I, Mark William Raney, do hereby consent and agree to provide the Charleston Police Department, blood samples, saliva samples, and head and pubic hair follicles, under medical supervision, and for what ever purpose the Charleston Police Department may see fit.

I understand that this evidence may be used against me in court and that I have the constitutional right to refuse to provide these samples. No threats, force, or promises have been made to me by anyone to induce me to give up this right.

Mr. Raney

WITNESSES:

Stumpford Gt
Mark Raney Gt

CHAINED BY: S. Hood
AT: C.P.D. TIME: 0945
DATE: 10-26-96
TURNED OVER TO: 22
DATE: 10/25/96 TIME: 0536
TURNED OVER TO: _____
DATE: _____ TIME: _____
TURNED OVER TO: _____
DATE: _____ TIME: _____
TURNED OVER TO: _____
DATE: _____ TIME: _____
TURNED OVER TO: _____
DATE: _____ TIME: _____
TURNED OVER TO: _____
DATE: _____ TIME: _____

KOPS

CRIME SCENE SUPPLEMENTAL

CH0133

1 Remarks

RESPONDED TO JENNINGS TOWING WITH SGT GOLDSTEIN AND SERVED A
SEARCH WARRANT ON A GMC VAN, LICENSE TAGS E6N220 MISSOURI.
TAKEN AS EVIDENCE FROM VEHICLE WAS TWO PAIR OF FEMALE
PANTIES AND A BRA. THESE ITEMS WERE FOUND UNDER THE DRIVERS
SEAT. PHOTOS ALSO TAKEN OF TWO BOX CUTTERS FOUND IN TOOL BOX
IN REAR OF TRUCK, THESE WERE NOT TAKEN, PHOTOGRAPHED ONLY.

MCGOWAN RESPONDED TO SCENE 10/26/96 0530. COLOR PHOTOS,
COLLECTED BED SPREAD, GLOVES AND TISSUES FROM VICTIMS
BEDROOM. ITEMS WERE TAGGED.

ASA KIT COLLECTED AT COUNTY E.R. (TAGGED)
COLOR PHOTOS OF SUSPECT TAKEN AT CPD.

59 10:49 27 MAY 1997

Charleston P.D., SC0100100

PSAFETY



CYTOPATHOLOGY
 Dept. of Pathology/Laboratory Medicine
 MUSC Medical Center
 171 Ashley Avenue
 Charleston, South Carolina 29425-2645
 (803) 792-2171 Fax: (803) 792-2219

Patient: , PAMELA
 Med Rec: (0000)000941853
 DOB: /69 AGE: 26 YRS
 SEX: F RACE: W
 LOC: CRER EMERGENCY RM PT

Att. Physician: FALCON, JOHN G MD

ACCESSION #: FO-96-02598
 Date Received: 10/31/96

CYTOPATHOLOGY REPORT

Req. Physician: DR. FALCON

SPECIMEN TYPE:
 FORENSIC URINE

CLINICAL INFORMATION:
 COLLECTED: 10/26/96
 HISTORY: PAP # FP 96-13967

GROSS DESCRIPTION:
 RECEIVED 100 CC OF YELLOW FLUID

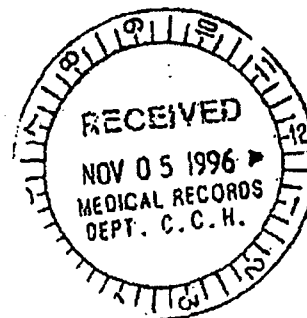
SPECIMEN ADEQUACY:
 Satisfactory for evaluation.

GENERAL CATEGORIZATION:
 Negative

DIAGNOSIS:
 FORENSIC URINE
 WITHIN NORMAL LIMITS

Negative for spermatozoa

Benign urothelial cells and squamous cells present



MEDICAL RECORDS CHART COPY

TECH: TG
 TG
 11/04/96

Mary B. Wilson, M.D.
 (Electronic Signature)

CYTOPATHOLOGY



CYTOPATHOLOGY
 Dept. of Pathology/Laboratory Medicine
 MUSC Medical Center
 171 Ashley Avenue
 Charleston, South Carolina 29425-2645
 (803) 792-2171 Fax: (803) 792-2219

Patient: PAMELA
 Med Rec: (0000)000941853
 DOB: /69 AGE: 26 YRS
 SEX: F RACE: W
 LOC: CAER EMERGENCY RM PT

Att. Physician: FALCON, JOHN G MD

ACCESSION #: PF-96-13967
 Date Received: 10/28/96

CYTOPATHOLOGY REPORT

Req. Physician: DR. FALCON

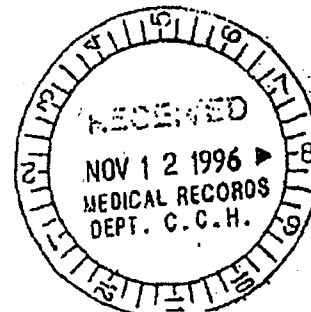
SPECIMEN TYPE:
 CERVICAL

CLINICAL INFORMATION:
 COLLECTED: 10/26/96 SLIDES: 1
 HISTORY: ASA PAP

SPECIMEN ADEQUACY:
 Satisfactory for evaluation.
 Endocervical/transitional zone component present.

GENERAL CATEGORIZATION:
 Negative

DIAGNOSIS:
 PAP SMEAR:
 WITHIN NORMAL LIMITS
 NEGATIVE FOR SPERMATOZOA.



TECH: TG
 RW
 11/11/96

MARY B. WILSON, M.D.
 DIRECTOR CYTOPATHOLOGY

A. Julian Garvin, M.D., Ph.D.
 (Electronic signature)

CHARLESTON MEMORIAL HOSP
DEPARTMENT OF LABORATORY MEDICINE

TELEPHONE 803/577-06
EXT. 34

PATIENT: PAMELA CHARLESTON, S.C. 29401 ROOM: CAER DATE: 11/03/96
ORDER: KODIN ATTEND: ENLOW, JOHN R. MD
NUMBER: (00001)000941853 AGE: 76 YRS SEX: F DOCTOR: ATTEND: ENLOW, JOHN R. MD
TIME: 0829 PAGE: 1

COLLECTION DATE: 10/26/96

DAY/DAY OF STAY: SAT 001

MANUAL HEMATOLOGY

WBC QUANT

STUDATE CULTURE Tests performed at MUSC Clinical Laboratory John Cate, MD Director

ADMISSION: 96-301-0457

FILED: 26 OCT 96 0830

SOURCE: CERVICAL

FINAL CULTURE REPORT

NO GROWTH OF NEISSERIA GONORRHOEA

VIRUS Tests performed at MUSC Clinical Laboratory John Cate, MD Director

ADMISSION: 96-301-0371

FILED: 26 OCT 96 0927

SOURCE: CERVICAL

FINAL REPORT

NO CHLAMYDIA TRACHOMATIS ISOLATED

0 = Abnormal, B Performed at

JOHN GRIFFITHS, MD

DIRECTOR

WEEKLY LABORATORY SUMMARY REPORT

CMH-011 3/91

PATCON #: 701274029

CHARLESTON MEMORIAL HOSP
DEPARTMENT OF LABORATORY MEDICINE

TELEPHONE 803/577-06
EXT. 34

PATIENT: PANELA CHARLESTON, S. C. 29401 ROOM: CAER DATE: 11/03/96
ORDER: KOBIN TIME: 0829
NUMBER: (0000)000941853 AGE: 26 YRS SEX: F DOCTOR: ATTENDING ALCON, JOHN G MD PAGE: 1

COLLECTION DATE: 10/26/96

DAY/DAY OF STAT: SAT 001

MANUAL HEMATOLOGY

WBC QUANT: 11.3

HIV/ML

STANDARD CULTURE: Tests performed at MUSC Clinical Laboratory, John Cate, MD Director

ACCESSION: 96-301-0457

COLLECTED: 26 OCT 96 0830

SOURCE: CERVIX

FINAL CULTURE REPORT

NO GROWTH OF NEISSERIA GONORRHOEA

STANDARD CULTURE: Tests performed at MUSC Clinical Laboratory, John Cate, MD Director

ACCESSION: 96-300-0971

COLLECTED: 26 OCT 96 0927

SOURCE: CERVIX

FINAL REPORT

NO CHLAMYDIA TRACHOMATIS ISOLATED

John Griffiths, MD

DIRECTOR

WEEKLY LABORATORY SUMMARY REPORT

CMH-611 3/91

PAYTON 81 701774029



S.C. DEPART

OF HEALTH AND ENVIRONMENTAL CONTROL
BUREAU OF LABORATORIESTELEPHONE
(803) 634-70008231 PARKLANE ROAD
COLUMBIA, S.C. 29223

CLIA #42-D0688606

H00061

CONFIDENTIAL LABORATORY REPORT

0000017

NAME: PAMELA PAT ID: NONE
BIRTH: /69 SEX: F RACE: W

PRINT DATE: 10/31/96

SPEC NO: H061006 POM: 7
LOC ID: 000941853
SPEC TYP: BLOOD
COLL-DT: 10/26/96
RECV-DT: 10/30/96CPT NO --- TEST NAME ---
86701 HIV ANTIBODY
EIA
NON-REACTIVE

RESULT

CHH ARH 000771853

PAGE

11969 W/F ERH/E/AS
ESTATES ILVO

Page 6

TREATMENT RECORD

PAT 701214024 VICTIM'S NAME 10/26/96

Was general surgical/laceration repair required?

☐ Yes

☒ No

Describe in detail: _____

Was pelvic surgical/laceration repair required?

☐ Yes

☒ No

Was victim given Tetanus Toxoid?

☒ Yes

☐ No

Was victim given prophylactic antibiotic therapy?
(i.e. For venereal disease)

☒ Yes

☐ No

Specify drug and dosage:

2. Gramicidin 1 gm x 1 Cefmaxime 250 mg x 1

Was victim given a pregnancy prevention drug?

☒ Yes

☐ No

If No, why not?

Was victim given any other medication?

☐ Yes

☐ No

If Yes, explain why: _____

DISPOSITION AND FOLLOW-UP:

The victim was referred to:

PHYSICIAN:

SAFE Clinic

DATE:

Jan 2

TIME:

2:00 pm

COUNSELOR:

DATE:

TIME:

Follow-up appointment should be made with examining physician. Victim should be seen within 4-6 weeks for a repeat GC and VDRL; and in one month for repeat HIV.

Signature of Nurse:

J. Chatham RN

Requests report sent for follow-up to:

(Physician)

(Address)

(Examining Physician)

FINAL INSTRUCTIONS

1. Make sure information on forms and evidence containers has been completely filled out and that the attending physician has signed and dated the forms where requested.
2. Separate forms:
3. Retain white copies of forms for hospital records, place yellow copies in kit box, hand investigating officer pink copies, and forward green copies to SOVA/Victim Compensation.
4. Place the following sealed evidence containers (used or unused) in the **SEROLOGY SECTION** Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Known Saliva Envelope; B) Known Blood Ziplock Bag containing Lavender-Stoppered Blood Collection Tube; C) Suspected Semen Envelope; D) Bite Marks Envelope; E) Vaginal and Oral/Rectal Slide Holder; F) Vaginal Swabs Envelope; G) Oral Swabs Envelope; H) Rectal Swabs Envelope; I) Fingernail Scrapings Envelope.
5. Place the following sealed evidence containers (used or unused) in the **TRACE SECTION** Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Miscellaneous Materials Envelope; B) Pubic Hair Combing Envelope; C) Known Pubic Hairs Envelope; D) Known Head Hairs Envelope.
6. Place the following sealed evidence container (used or unused) in the **TOXICOLOGY SECTION** Evidence Distribution Envelope, then seal envelope with an evidence seal: A) Known Blood Ziplock Bag containing Gray-Stoppered Blood Collection Tube.
7. Place all sealed Evidence Distribution Envelopes in kit box along with the sealed Underpants Bag.
8. Fill out all information requested on kit box top, then affix biohazard label where indicated.
9. Initial police evidence seals and affix where indicated on sides of box.
10. Make first entry on Chain of Custody label on bottom of kit box.
11. Transfer sealed kit and sealed Outer Clothing bag to investigating officer.

NOTE: If officer is not present at this time, place sealed kit and sealed Outer Clothing bag in secure and refrigerated area, and hold for pick up by investigating officer.

NOTE TO INVESTIGATING OFFICER

IF POSSIBLE, STORE KIT BOX IN REFRIGERATED AREA.
TRANSPORT EVIDENCE TO SLED FORENSIC SCIENCE LABORATORY.

RE-BEC 7/93

— Page 3 —

VICTIM'S NAME Pamela 1853

FOR USE WITH MALE SEXUALLY ABUSED VICTIMS

Note: The specimens listed below should be collected and treated in the same manner as in the female sexual assault protocol.

CHECKLIST FOR SPECIMENS FROM MALE VICTIMS

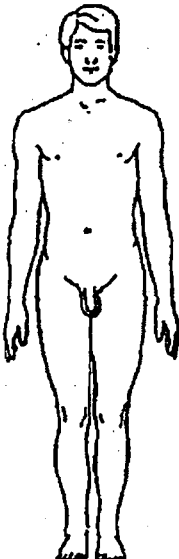
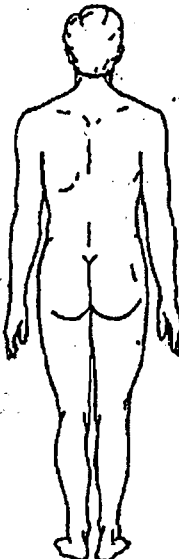
☐ Outer Clothing Bag	☐ Suspected Semen	☐ Bite Marks
☐ Debris Collection Bag	☐ Known Pubic Hair	☐ Rectal Swabs and Smears
☐ Known Blood Standard	☐ Known Head Hair	☐ Oral Swabs and Smears
☐ Fingernail Scrapings	☐ Known Saliva	☐ Miscellaneous Material
		☐ Underpants Bag

LABORATORY TESTS TO BE PERFORMED BY HOSPITAL LAB

☐ GC Cultures, VDRL and HIV (with victim's consent)

PHYSICAL EXAMINATION: Description of all signs of trauma — i.e. bruises, scratches, redness on any part of the body.

Indicate location of trauma described above on appropriate anatomical drawing(s)

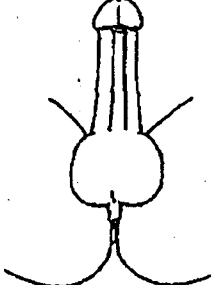
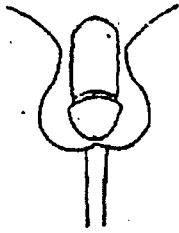



Photographs taken? ☐ Yes ☐ No Forensic Odontologist consulted? ☐ Yes ☐ No

EXTERNAL GENITALIA EXAMINATION —
(To be performed by attending physician)

PENIS: _____
 SCROTUM: _____
 MEATUS: _____
 GLANS: _____
 TESTICLES: _____
 PERINEUM: _____
 RECTUM: _____
 ANUS: _____

Note all signs of trauma, i.e. bruises, petechiae, discharges, sphincter tone. Also note any traces of lubricants or rectal soiling.

COMMENTS: _____

(Attending Physician's Signature)

Date

Time

RE-55C 7/89

CHN

HRN 000941853

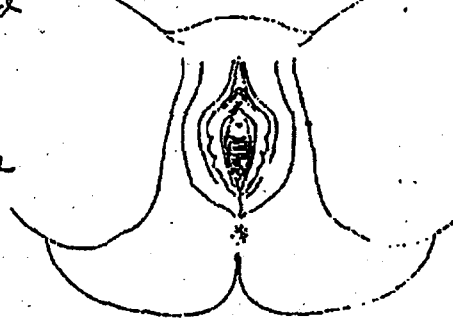
—Page 4—

PELVIC EXAMINATION — (To be performed by attending physician only.)
(Use a non-lubricated speculum.)

VICTIM'S NAME: 653 H/1 E/ERH/E/AS
ESTATE: SLD

PAT: 701274029 10/26/96

VULVA: Multiple areas of irritation
INTROITUS: redness
VAGINA: well oxygenized, lesion
CERVIX: GCMT & lesions
UTERUS: firm, mobile, NT, Midplane
ADNEXA: no masses
HYMEN: no lesions
RECTUM: no lesions
ANUS: no lesions



COMMENTS: _____

A. J. [Signature]
(Attending Physician's Signature)

10-26-96
Date

0845
Time

SWABS AND SMEARS COLLECTION PROCEDURE

NOTE

- (A) *Do Not* moisten swabs prior to collection.
(B) *Do Not* stain or chemically fix smears.
(C) It is imperative that swabs and smears be *completely air dried* before re-packaging in kit box.

- ☒ 1 Slide and 4 air-dried swabs from the vaginal area (including vulva and cervical areas) for semen analysis
☒ 1 Slide and 2 air-dried swabs from the rectum for semen analysis (if applicable)
☒ 1 Slide and 2 air-dried swabs from the mouth for semen analysis (if applicable)

LABORATORY TESTS TO BE PERFORMED BY HOSPITAL LAB

Wet mount for presence of:

Spermatozoa

Other

☒ Motile

☐ Trichomonas

☐ Non-Motile

☐ Gardnerella

☐ None Seen

☐ Candida

Please perform the following:

☒ Pap Smear

☒ Gravindex or HCG

☒ VDRL

☐ GC Culture - Oral

☒ GC Culture - Vaginal

☐ GC Culture - Rectal

☐ Other Culture (i.e. Herpes)

☒ HIV (with victim's consent)

☒ Urinalysis

RE-58C 7/93

1 Pamela

— Page 3 —

GENERAL EXAMINATION (cont.)

CIVIL NO. 000001853

VICTIM'S NAME

- ☒ **SUSPECTED SEMEN** — (It is recommended that a Wood's (UV) lamp be used in the following procedure.)

Examine victim's body for crusty area(s). If found, moisten swab(s) with a saline solution. Then thoroughly swab the suspected area(s). Allow swab(s) to thoroughly air dry, then return swab(s) to the Suspected Semen envelope. Note location from which sample(s) was taken on the anatomical drawings 2b back of envelope. Seal and fill out all information requested on envelope.

- ☒ **PUBIC HAIR COMBINGS** — (To obtain public hairs shed by the assailant during the assault)

Remove paper towel and comb provided in Public Hair Combing envelope. Place towel under victim's buttocks. Using comb provided, comb public hair in downward strokes so that any loose hairs and/or debris will fall onto paper towel. Refold towel in manner to retain both comb and any evidence present. Return to Public Hair Combing envelope. Seal and fill out all information requested on envelope.

- ☒ **KNOWN PUBIC HAIRS** — (For comparison with hairs found at crime scene or on assailant's body)

Pull, do not cut, 15-20 full-length pubic hairs from various locations and place in Known Public Hairs envelope. Seal and fill out all information requested on envelope.

- ☒ **KNOWN HEAD HAIRS** — (For comparison with hairs found at crime scene or on assailant's body)

Remove folded paper bindles from envelope. Pull, do not cut, 3-5 full-length hairs from each of the following scalp locations: center, back, front, left side and right side and place in appropriate paper bindle. Place folded paper bindles in Known Head Hairs envelope, seal and fill out all information requested on envelope.

- ☐ **BITE MARKS**

Using one (1) swab per collection site, moisten swab(s) with a saline solution. Then thoroughly swab the bite mark. Allow swab(s) to thoroughly air dry, then return swabs to envelope. Seal and fill out all information requested on envelope.

PHYSICAL EXAMINATION:

Describe all signs of trauma i.e. bruises, scratches, bite or suck marks or redness on any part of the victim's body.

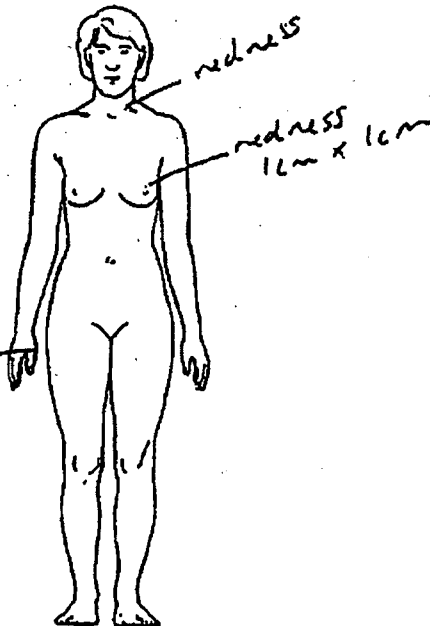
(R) upper outer quadrant of breast redness 1 cm x 1 cm
multiple scrapes along (R) scapular

Indicate location of trauma described above on appropriate anatomical drawing(s).

redness
around (L)
ant. neck

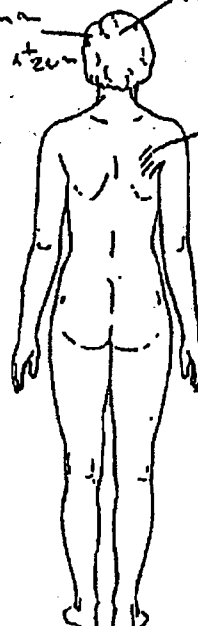
multiple
scalp
raised
wounds

scap



redness
1 cm x 2 cm

scrapes
2 cm x 3 cm



Photographs taken?

☐ Yes☒ No

Forensic Odontologist consulted?

☐ Yes☒ No

RE-33C 7/85

Clinical Record CHARLESTON MEMORIAL HOSPITAL

CHH

MRN 000941853

Date

PATIENT PROGRESS NOTES

(Sign all notes)

 PAMELA
 1969 W/F ER/ERN/E/A5
 ESTATES BLVD

PAT 701274029 10/26/96

DATE	Note progress of case, condition on discharge, instructions to
10-26-96 0845	Pt reports entering home @ ~ 0300 From boyfriend's house. Undressing → bed clothes, heard other bedroom door creak and saw neighbors brother in doorway with gloves on. White ♂ short brown hair. He grabbed pt. around neck, began choking pt and threatened to kill her if she scream or then thrown to floor, he turned off TV & light. Then stated to pt you will enjoy this. Began kissing pt on lips, breast & then began having oral sex. Told pt to act like she was enjoying this. Pt took off her clothes P being threatened. Pt then had intercourse - penetrated pt then ejaculated on her stomach. He then continued to threaten pt that he would snap her neck and throw her in river if she screamed. Then had pt leave her house stating was going for a ride. As they exited her house she tried to run was thrown to ground and screamed. Neighbor came out & he ran. Pt called police.

(Continue on reverse side)

A. Kosh

**SEXUAL ASSAULT EXAMINATION PROTOCOL
STATE OF SOUTH CAROLINA
LAW ENFORCEMENT DIVISION
SOUTH CAROLINA HOSPITAL ASSOCIATION**

— Page 1 —

ADULT VICTIM SEXUAL ASSAULT INFORMATION AND EXAMINATION FORM**NOTE**

If you should have any questions concerning the use of this kit, please call the Department of Forensic Serology and DNA Analysis, SLED Forensic Services Laboratory, at 888-7300 or after 5 p.m. 737-9000.

NAME OF HOSPITAL: Charleston Memorial Hospital DATE: 10/26/96 TIME ADMITTED: 0556
 NAME OF VICTIM: Pamela DATE OF BIRTH: 11.9
 SEX: Female RACE: White MARITAL STATUS: Single SSN NO.:
 ADDRESS: Estates Blvd. Chas. SC 29414 TELEPHONE NO.:
 HOSPITAL CASE NO: 00041853 LAW ENFORCEMENT AGENCY NO:
 LAW ENFORCEMENT OFFICER: Salvador BADGE NO: 0419
 AGENCY: Charleston Police Dept

BRIEF SUMMARY OF ASSAULT — (Include Date, Time, Location; i.e. on bed in victim's or suspect's bedroom. Include, if possible, color of carpet in suspect's home or vehicle; and make/model of the vehicle and its interior/exterior colors.)

please see attached notes

SINCE ALLEGED ASSAULT, HAS VICTIM:

☐ Douched	☐ Defecated	☐ Brushed Teeth
☐ Bathed/Showered	☐ Vomited	☐ Used Mouthwash
☐ Urinated	☐ Drank/Eaten	☐ Changed Clothes

DURING ALLEGED ASSAULT:

- Did penis penetrate? ☒ Vagina ☐ Mouth ☐ Anus ☐ No ☐ Not Known
 Did assailant experience ejaculation? ☒ Yes ☐ No ☐ Not Known
 Did assailant wear condom? ☐ Yes ☒ No ☐ Not Known
 During alleged assault did subject state anything to indicate he had any sexually transmitted diseases?
☐ Yes ☒ No If yes, identify: _____

WERE ANY MEDICATIONS, SOCIAL DRUGS OR ALCOHOL TAKEN PRIOR TO OR AFTER ALLEGED ASSAULT?

- ☐ Yes ☒ No ☐ Not Known
 Type: _____ Amount: _____
 Time: _____ Date: _____

WAS ANY COERCION USED? ☐ Knife ☐ Gun ☒ Choke ☐ Fists

- ☒ Verbal Threats ☐ Other _____

ASSAILANT(S): Number: 2 Age(s): 20's Race: caucasian

ASSAILANT(S) — RELATIONSHIP TO VICTIM:

- ☐ Stranger ☒ Acquaintance ☐ Friend

☐ Relative (Specify): _____

If Relative, Address of Relative: _____

MEDICAL HISTORY:

- Date of Last Menses: 10-20-96 Normal — ☒ Yes ☐ No
 Victim known to be pregnant? ☐ Yes ☒ No ☒ Gravid ☐ Parity A1
 Duration of pregnancy: 6 wks
 Has victim had any past pelvic surgical procedures? ☐ Yes ☒ No
 If yes, date and reason: _____
 Has victim had sexual relations within the last 7 days? ☐ Yes ☒ No
 If yes, date: _____
 Condom used? ☐ Yes ☐ No
 Other type of contraception used: _____

CHN HIRN 000941853

— Page 2 —

GENERAL EXAMINATION

FAPELA

VICTIM'S NAME: J. J. J.

ESTATES: LVO

DESCRIPTION OF OUTWARD APPEARANCE — (i.e. clothes obtained, torn or glass particles present from broken glass at scene):

FAP 1012 110 9 10/26/96

Clothing soaked

DESCRIPTION OF EMOTIONAL STATE — (i.e. crying, agitated, lethargic, frightened, shocked, depressed, etc.)

Basic affect, frightened, crying☒ **OUTER CLOTHING, UNDERPANTS AND DEBRIS COLLECTION**

- Note:
1. Wet or damp clothing should be air dried before packaging.
 2. If victim is not wearing the clothing worn at the time of the alleged assault, collect only the items that are in direct contact with victim's genital area.
 3. If victim changed clothing after assault, inform officer in charge so that the clothing worn at the time of the assault may be collected by the police.
 4. Do not cut through any existing holes, rips or stains in victim's clothing.
 5. Do not shake out victim's clothing or microscopic evidence will be lost.
 6. If additional clothing bags are required, use only new, paper (grocery-type) bags.

Unfold and place a clean hospital bed sheet on floor. Remove paper sheet from Debris Collection bag, unfold and place over bed sheet. Instruct victim to stand in center of paper sheet and carefully disrobe. Collect each item of clothing as removed and place in the Outer Clothing bag. Collect victim's underpants and place in Underpants bag. Refold paper sheet on which victim stood in manner to retain any debris present and return to Debris Collection bag. Fill out all information requested on bag labels. Seal Debris Collection bag and place in the Outer Clothing bag, then seal Outer Clothing bag. Seal Underpants bag with a police evidence seal and return bag to kit box. Return bed sheet to hospital laundry.

☒ **MISCELLANEOUS MATERIALS** — (For comparison with debris found at crime scene or on assailant's body)

Collect any debris found on victim's body (leaves, fibers, hair, etc.) and place in the Miscellaneous Materials envelope. Note location from which miscellaneous material(s) was taken on anatomical drawings on back of envelope. Seal and fill out all information requested on envelope.

☒ **KNOWN SALIVA** — (For secretor status)

Without touching inner circle with your fingers, remove folded filter paper disk from envelope and place inner circle in victim's mouth. Instruct victim to thoroughly saturate inner circle with saliva. Allow disk to air dry, then return to Saliva Sample envelope. Seal and fill out all information requested on envelope. (Caution: Unless sample is completely air dried, the results of the analysis may be erroneous or inconclusive.)

☒ **KNOWN BLOOD STANDARD** — (For SLED Toxicology and Serology/DNA)

Using normal hospital/lab procedure and the blood collection tubes provided in this kit, draw samples from the victim. Immediately after collection, write the victim's name, date and time collected and your initials on the blood tube labels. Return filled blood tubes to the bubble-pack blood tube protector, then place in ziplock bag. Seal bag and fill out all information requested on bag label.

Note: Any blood samples required by the hospital should be drawn using hospital-supplied blood tubes.

☒ **FINGERNAIL SCRAPINGS** — (Collect only if victim scratched assailant's skin)

Left Hand: Remove folded paper labeled "L" and fingernail scraper provided in Fingernail Scrapings envelope, and unfold and place on flat surface. Hold victim's left hand over paper and scrape under all five fingernails, allowing any debris present to fall onto paper. Place used scraper in center of paper; refold paper to retain debris and scraper, tape closed and return to Fingernail Scrapings envelope.

Right Hand: Follow same procedure for right hand using folded paper labeled "R". Then, seal and fill out all information requested on envelope.

RE-55C 7/95

04-12-1997 08:45AM FROM POLICE DEPT

TO

97405858 P.02

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

DAVID M. BEASLEY
GOVERNOR



ROBERT M. STEWART
CHIEF

Department of Forensic
Serology and DNA Analysis
ADDITIONAL REPORT
July 8, 1997
SLED Lab No.: L96-13946
Your Case No.: 9629573
Incident Date: 10/26/96
(S) Mark Raney
(V) Pamela

PFC / SALVADOR
CHARLESTON CITY POLICE DEPT
780 LOCKWOOD BOULEVARD
CHARLESTON, SC 29403

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:RESULTS OF EXAMINATIONS:

3.	Three tissues		
3.1	Tissue	3.1	No semen detected.
*3.2	Tissue	3.2	Semen identified.
*3.3	Tissue	3.3	Semen identified.

* These items have been submitted for RFLP DNA testing.

These examinations were conducted by S/A Lorri M. Johnson, Forensic Analyst, South Carolina Law Enforcement Division.

Lorri M. Johnson
Lorri M. Johnson
Special Agent

July 9, 1997
Date

bjw

cc: Charleston County Solicitor's Office



TOTAL P.02

5-13-1997 9:26AM

FROM

P. 4

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

DAVID M. DEASLEY
GOVERNOR



ROBERT M. STEWART
CHIEF

PFC SALVADOR
CHARLESTON CITY POLICE DEPARTMENT
780 LOCKWOOD BOULEVARD
CHARLESTON, SC 29403

Department of Forensic
Serology and DNA Analysis
December 30, 1996
SLED Lab No. L9613946
Your Case No.: 9629573
Incident Date: 10/26/96
(S) Mark Harey
(V) Pamela

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other Laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:RESULTS OF EXAMINATIONS:

1. Sexual Assault Evidence
Collection kit from
Pamela [REDACTED]

1.4 Blood

1.4 ABO type, "B".
Le(a-b+)(secretor).

1.5 Saliva

1.5 No analysis performed.

1.6 Smears

1.6 No spermatozoa identified.

1.7 Vaginal swabs

1.7 Semen identified.

1.8 Oral swabs

1.8 No semen identified.

1.10 Suspected semen

1.10 No semen identified.

1.11 Fingernail scrapings

1.11 No blood detected.

1.14 Panties

1.14 No semen identified.



5-13-1997 9:27AM

FROM

P.5

Page 2 of 2

SLED LAB NO.: L9613946

December 30, 1996

ITEM(S) SUBMITTED:RESULTS OF EXAMINATIONS:

2.	Suspect Evidence Collection kit from Mark Raney		
2.4	Blood	2.4	ABO type "A" Le(a-b+) (secretor)
2.5	Saliva	2.5	No analysis performed.

This case was submitted for DNA analysis:

These examinations were conducted by S/A Lorri M. Johnson, Forensic Analyst, South Carolina Law Enforcement Division.

Lorri M. Johnson
Lorri M. Johnson
Special Agent

1-2-97
Date

bjw

cc: Charleston County Solicitor's Office

Note: Known blood standards from each individual submitted in this case have been preserved as dried specimens. The vial label has been removed and will be retained with the dried specimen.



5-13-1997 9:24AM

FROM:

P.2

SOUTH CAROLINA LAW ENFORCEMENT DIVISION

FORENSIC SERVICES LABORATORY REPORT

DAVID M. BEASLEY
GOVERNOR



ROBERT M. STEWART
CHIEF

PFC SALVADOR
CHARLESTON CITY POLICE DEPARTMENT
180 LOCKWOOD BLVD
CHARLESTON, SC 29403

Department of Forensic
Serology and DNA Analysis
April 7, 1997
SLED Lab No.: E96-13946
Your Case No.: (NOT LISTED)
Incident Date: 10/26/96
(V) Pamela
(S) Mark Raney

This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case has been or will be conducted by any other laboratory or agency.

Robert M. Stewart, Chief
South Carolina Law Enforcement Division

ITEM(S) SUBMITTED:

- 1.4 Blood standard from Pamela
- 1.7 Vaginal swabs
- 2.4 Blood standard from Mark Raney

EXAMINATION(S)

Deoxyribonucleic acid (DNA) profiles were developed from HAE III digested high molecular weight DNA extracted from items 1.4, 1.7 and 2.4.

RESULTS

No DNA profile unlike the victim was developed from item 1.7 at genetic loci D2S44, D4S139, D10S28, D1S7, D17S79, D5S110 and D7S467.

Any additional evidence retained by your agency that might contain serological or trace evidence can be submitted at this time.

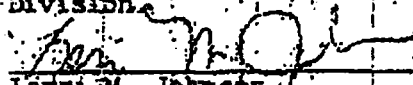


5-13-1997 9:25AM FROM

P.3

Page 2 of 2
SLED LAB NO.: L96-13946
April 7, 1997

These examinations were conducted by S/A Lorri M. Johnson, Forensic DNA Analyst, South Carolina Law Enforcement Division.


Lorri M. Johnson
Special Agent

4-7-97
Date

bjw

cc: Charleston County Solicitor's Office

Note: Known blood standards from each individual submitted in this case have been preserved as dried specimens. The vial label has been removed and will be retained with the dried specimen.



Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

D

STATE OF NORTH CAROLINA					File No. <u>93 CRS 2734</u>		
<u>HAYWOOD</u> County		<u>WAYNESVILLE</u> Seat Of Court		In The General Court Of Justice			
NOTE: (This form is not to be used for multiple offenses unless they are consolidated for judgment.)					☐ District ☒ Superior Court Division		
STATE VERSUS					JUDGMENT AND COMMITMENT G.S. 15A-1301		
Defendant MARK WILLIAM RANEY							
Race WHITE	Sex MALE	DOB 6/69	☐ Pre-FSA ☐ Felony				
Attorney For State BURTON SMITH		☐ Del. Found ☐ Not Indigent		Attorney For Defendant DON PATTEN ☒ Appointed ☐ Retained			
☐ DWI ☐ Offense	Level Of Punishment (G.S. 20-179)			Driver's License No. (DWI Only)		State (DWI Only)	
The defendant ☒ pled guilty to: ☐ was found guilty by the Court of: ☐ was found guilty by a jury of: ☐ pled no contest to:							
File No(s) And Offense(s)		Date Of Offense	G.S. No.	Fel./M.	Class	Max. Term	Presumptive
93 CRS 2734; ESCAPE		4/23/93	148-45 (b) (1); 148-45 (g) (1)	F	J	3 YRS.	1 YR.
The above offenses are consolidated for the purpose of judgment. The Court having considered evidence, arguments of counsel and statement of the defendant Orders that the defendant be imprisoned							
for a term of ONE (1) YEAR			in the custody of the ☒ N.C. Dept. of Correction ☐ Sheriff of _____ County				
The defendant shall be given credit for _____ days spent in confinement prior to the date of this Judgment as a result of this charge.							
☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve. ☐ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below: (NOTE: List the Case Number, Date, County And Court In Which Prior Sentence Imposed.)							
(check all that apply)							
☐ The defendant shall serve as a committed youthful offender pursuant to G.S. Chapter 148, Article 3B.			☐ The defendant should not obtain the benefit of release pursuant to G.S. 148-49.15.				
☐ The defendant shall pay the costs.			☐ The defendant shall pay a fine of \$ _____				
☐ Immediate work release is recommended pursuant to G.S. 148-33.1.			☐ Work release is recommended. ☐ Work release is not recommended.				
☐ With the consent of the defendant, work release is ordered under the conditions set forth in the attached order (applies to misdemeanants only).							
☐ The Court does not recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his earnings if work release is granted.							
☐ The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his earnings if work release is granted, the items and amounts set out below.							
Fine \$	Costs \$	Restitution \$	Reimbursement For Counsel Fee(s) And Other Expenses \$		Total Amount Due \$		
Names and address(es) of aggrieved party (parties) to receive restitution (specify amount if more than one aggrieved party)							

A TRUE COPY

Diene H. Shidrow
CLERK OF SUPERIOR COURT
HAYWOOD COUNTY, N. C.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

E

15:32:46 Friday, May 19, 2017

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM05/19/17
WHITEAU

SCDC ID: 00246348

DISPLAY INMATE OFFENSE HISTORY

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00019	REFUSING OR FAILING O	MAJOR DI	04/04/13	04/17/13	00030	CONVICTED	3
00018	POSSESSION OF CONTRAB	OTHER AC	01/30/13	02/05/13	00000	CLOSED	3
00016	GAMBLING AND LOAN SHA	ADMINIST	03/31/10	04/07/10	00000	CONVICTED	3
00014	INTERFERING WITH COUN	OTHER AC	09/19/08	/ /	00000	CLOSED	3
00013	USE, POSS NARC, MARIJ, U	MAJOR DI	04/20/04	04/27/04	00180	CONVICTED	1
00012	OUT OF PLACE	OTHER AC	04/16/03	/ /	00000	CLOSED	3
00011	POSSESSION OF CONTRAB	OTHER AC	04/30/02	/ /	00000	CLOSED	3
00009	USE, POSS NARC, MARIJ, U	MAJOR DI	04/30/02	05/07/02	00090	CONVICTED	1
00008	USE, POSS NARC, MARIJ, U	MAJOR DI	03/12/02	03/14/02	00120	CONVICTED	1
00007	POSSESSION OF CONTRAB	MAJOR DI	11/06/01	11/08/01	00000	CONVICTED	3
00006	REFUSING OR FAILING O	MINOR DI	12/05/00	12/14/00	00000	CONVICTED	3
00005	USE/POSS OF TATTOO PA	MINOR DI	06/17/00	06/28/00	00000	CONVICTED	4
00003	REFUSING TO WORK	MINOR DI	05/22/98	05/29/98	00000	CONVICTED	3

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

9:50:38 Wednesday, May 10, 2017

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM05/10/17
C035477

SCDC ID: 246348

DISPLAY INMATE OFFENSE HISTORY

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT	DHO	OFF LOST DECISION	LVL
00002	REFUSING TO WORK	MINOR DI	05/15/98	05/25/98	00000	CONVICTED		3
00001	REFUSING OR FAILING O	MINOR DI	01/12/98	01/21/98	00000	CONVICTED		3

END OF LIST

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

15:32:51 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00019

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 825 REFUSING OR FAILING OBEY DATE: 04/04/13 TIME: 03:50 PM

OFFENSE LOCATION...: 0161 TYGER RIVER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 24 ADMIN. BLDG.

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL...:

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0161 TYGER RIVER

ACTUAL HEARING DATE: 04/17/13

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST. REQ.: Y SCHD HEAR DATE: 04/24/13

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 825 REFUSING OR FAILING

CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST...: 00030 APPRV.:

APPEAL DEADLINE: 05/02/13

GT RESTORED...: 00000

CREATED BY.....:

04/08/13

LAST UPDATED BY:

04/24/13

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:32:56 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE MARK RAINY #246348 WAS GIVEN SEVERAL VERBAL DIRECTIVES TO PACK HIS PROPERTY BECAUSE HE WAS BEING RE-ASSIGNED TO UNIT 4 FROM UNIT 7. INMATE STATED THAT HE WAS NOT GOING TO UNIT 4. INMATE REFUSED THE FIRST 2 DIRECTIVES BUT COMPLIED AND PACKED HIS PROPERTY. INMATE WAS RELEASED FROM UNIT 7 AND REPORTED TO OPERATIONS. ONCE INMATE ARRIVED IN OPERATIONS, INMATE STATED THAT HE WOULD RATHER GO TO LOCK-UP THAN UNIT 4. INMATE STATED THAT HE DID NOT DESERVE TO BE TREATED LIKE HE WAS BEING TREATED. INMATE CHARGED WITH 825.

CONVICTED

CASE HEARD BY DHO RICHARD TURNER ON 4/17/13

LOSS OF 30 DAYS GOOD TIME

DISCIPLINARY DETENTION 43 DAYS-13 DAYS CREDIT FOR PHD=
30 DAYS LEFT TO SERVECANTEEN, VISITATION, TELEPHONE SUSPENSION 180 DAYS
+ 30 DAYS DD=210 DAYS TOTAL

CREATED BY.....:

04/08/13

(MORE)

LAST UPDATED BY: _____

04/24/13

DISCIPLINARY TEXT DISPLAYED

PF4-MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:00 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

T.V. TO BE MAILED OUT FOR 5 YEARS DUE TO EXCESSIVE DISCIPLINARIES.

25 DAYS DISCIPLINARY DETENTION SUSPENDED PER WARDEN
DUE TO BED SPACE NEEDS.

ON 4/24/13

CREATED BY.....:
LAST UPDATED BY:04/08/13
04/24/13

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:06 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00018

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 817 POSSESSION OF CONTRABAND DATE: 01/30/13 TIME: 01:30 PM

OFFENSE LOCATION...: 0161 TYGER RIVER

OFFENSE CAT LVL...: 3

DISCOVERY DATE...:

LOCATION IN INST...: 35 OTHER

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL...: 1

TYPE ACTION.....: 03 OTHER ACTION TAKEN/INFORM CHARG. OFF CHAR:

HEARING LOC.....: 0161 TYGER RIVER

ACTUAL HEARING DATE: 02/05/13

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE: 02/05/13

DHO HEARING DEC: L CLOSED

PLEA.....:

CONVICTED OFF...:

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE:

GT RESTORED...: 00000

CREATED BY.....:

02/05/13

LAST UPDATED BY:

02/06/13

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:33:11 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE MARK RAINY 3246348 WAS IN THE HOBBYCRAFT ROOM. LT. ASKED INMATE IF THE BLACK HOBBYCRAFT BOX WAS HIS. INMATE STATED "YES." LT. HAD INMATE CARRY THE BOX TO THE CONTRABAND OFFICE. LT. ASKED INMATE "WHERE DID YOU GET THIS BOX FROM?" INMATE STATED "I GAVE AN INMATE \$40.00 WORTH OF CANTEEN FOR THE WOOD. INMATE STATED HE BUILT THE BOX IN THE HOBBYCRAFT ROOM. INMATE CHARGED WITH 817.

INFORMALLY RESOLVED

CANTEEN, VISITATION, TELEPHONE SUSPENSION 14 DAYS
LOSS OF T.V. FOR 90 DAYS
VERBAL REPRIMAND/DIRECTIVES/COUNSELING

CREATED BY.....:

02/05/13

(MORE)

LAST UPDATED BY:

02/06/13

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:15 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

E. DID USE OR POSSESS A TOBACCO PRODUCT, NAMELY (NAME THE TOBACCO PRODUCT).

OLD DISCIPLINARY CODE 2.04

CREATED BY.....:
LAST UPDATED BY:

02/05/13
02/06/13

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:20 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00016

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 821 GAMBLING AND LOAN SHARKI DATE: 03/31/10 TIME: 10:58 AM

OFFENSE LOCATION..: 0531 EVANS

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 05 BETA/GAMMA AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL..:

TYPE ACTION.....: 08 ADMINISTRATIVE RESOLUTION CHARG. OFF CHAR:

HEARING LOC.....: 0531 EVANS

ACTUAL HEARING DATE: 04/07/10

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE: 04/07/10

DHO HEARING DEC: C CONVICTED

PLEA.....:

CONVICTED OFF...: 821 GAMBLING AND LOAN SH CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE:

GT RESTORED...: 00000

CREATED BY.....:

04/08/10

LAST UPDATED BY:

06/01/10

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:33:25 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

I/M WAS IN POSSESSION OF A TV THAT HAD BEEN PURCHASE BY ANOTHER INMATE.

HEARING RESULTS

CASE HEARD BY CAPT.

ON 4/7/10AMELY, (DESCRIBE THE PARAPHERNALIA).

X-DUTY - 20 HOURS

CANTEEN, VISIT, PHONE - 60 DAYS

06/01/2010: SANCTIONS MODIFIED TO END ON 05/26/2010 PER LEGAL AGREEMENT NOTED
IN TEXT ON DISCIPLINARY #15. ///

CREATED BY.....:
LAST UPDATED BY:

04/08/10
06/01/10

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:30 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00014

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE.: 837 INTERFERING WITH COUNT

DATE: 09/19/08 TIME: 07:30 AM

OFFENSE LOCATION.: 0191 PERRY

OFFENSE CAT LVL.: 3

DISCOVERY DATE..:

LOCATION IN INST.: 38 MEDIUM LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 03 OTHER ACTION TAKEN/INFORM CHARG. OFF CHAR:

HEARING LOC.....:

ACTUAL HEARING DATE:

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE:

DHO HEARING DEC: L CLOSED

PLEA.....:

CONVICTED OFF...:

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE:

GT RESTORED...: 00000

CREATED BY.....:

09/26/08

LAST UPDATED BY:

09/29/08

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:33:35 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE RAINEY, MARK DID INTERFERE WITH COUNT
BY NOT STANDING FOR COUNT.HEARING DT: 9/26/08.
VERBAL REPRIMAND.
LOSS OF CANTEEN 30 DAYS.

NEW DISCIPLINARY CODE

CREATED BY.....:
LAST UPDATED BY:09/26/08
09/29/08

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:40 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00013

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 903 USE, POSS NARC, MARIJ, UNAU DATE: 04/20/04 TIME: 12:03 AM

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 1

DISCOVERY DATE...:

LOCATION IN INST.: 16 VISITING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL...:

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 04/27/04

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST.

REQ.: N SCHD HEAR DATE: 04/22/04

DHO HEARING DEC: C CONVICTED

PLEA.....: N NOT GUILTY

CONVICTED OFF...: 903 USE, POSS NARC, MARIJ,

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00180 APPRV.:

APPEAL DEADLINE: 05/12/04

GT RESTORED...: 00000

CREATED BY.....:

04/20/04

LAST UPDATED BY:

04/27/04

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:33:44 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE, MARK RAINY , 246348 WAS TESTED BY SGT.
AND TESTED POSITIVED FOR THC USING THE ON TRAK TESTSTIX AND THE
AMERICAN BIO MEDICA RAPID ONE STICK.

GUILTY - 2ND OFFENSE
60 DAY PHONE/30 DAY CANTEEN LOSS
10 HRS. EXTRA DUTY
180 DAY GOOD TIME LOSS
240 DAY VISITATION LOSS

CREATED BY.....:
LAST UPDATED BY:

04/20/04
04/27/04

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:49 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00012

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 828 OUT OF PLACE

DATE: 04/16/03 TIME: 11:00 AM

OFFENSE LOCATION..: 0421 LIEBER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...

LOCATION IN INST.: 32 CANTEEN

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 03 OTHER ACTION TAKEN/INFORM CHARG. OFF CHAR:

HEARING LOC.....:

ACTUAL HEARING DATE:

WITNESS/OFFICIAL REQUIRED:

COUNCIL SUBST. REQ.: SCHD HEAR DATE:

DHO HEARING DEC: L CLOSED

PLEA.....:

CONVICTED OFF...:

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE:

GT RESTORED...: 00000

CREATED BY.....:

04/17/03

LAST UPDATED BY:

00/00/00

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:33:53 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE RAINEY, MARK 246348 WENT TO THE CANTEEN TO
MAKE A PURCHASE WHEN IT WAS NOT HIS UNITS DAY. NO AUTHORIZATION TO BE
IN SUCH PLACE.

INFORMAL RESOLUTION PER ACTING MAJOR
2 WEEKS CANTEEN SUSP.

CREATED BY.....:
LAST UPDATED BY:

04/17/03
00/00/00

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:33:58 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00011

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 817 POSSESSION OF CONTRABAND DATE: 04/30/02 TIME: 02:45 PM

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 07 ADMINISTRATIVE SEGREGATIO

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 03 OTHER ACTION TAKEN/INFORM CHARG. OFF CHAR:

HEARING LOC.....:

ACTUAL HEARING DATE:

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE:

DHO HEARING DEC: L CLOSED

PLEA.....:

CONVICTED OFF...:

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE:

GT RESTORED...: 00000

CREATED BY.....:

05/01/02

LAST UPDATED BY:

00/00/00

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:02 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE RAINEY, MARK 246348 WAS FOUND TO HAVE IN HIS
POSSESSION, ONE BLACK LIGHTER AND TWO ROLLED UP CIGS.
THIS IS AN UNAUTHORIZED ITEM FOR INMATE IN SMU.

INFORMAL RESOLUTION PER DUTY WARDEN
AND HAS MAJOR CHARGE PENDING.

. INMATE IS IN MAX

CREATED BY.....:
LAST UPDATED BY:

05/01/02
00/00/00

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:08 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00009

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 903 USE, POSS NARC, MARIJ, UNAU DATE: 04/30/02 TIME: 12:10 AM

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 1

DISCOVERY DATE...

LOCATION IN INST.: 01 ALPHA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 05/07/02

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST.

REQ.: Y SCHD HEAR DATE: 05/07/02

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 903 USE, POSS NARC, MARIJ,

CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST....: 00090 APPRV.:

APPEAL DEADLINE: 05/22/02

GT RESTORED....: 00000

CREATED BY.....:

04/30/02

LAST UPDATED BY:

05/07/02

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:12 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE, RAINEY, MARK #2463348 HAD HIS CELL SEARCHED AND A BONG WAS FOUND IN HIS CELL. THE BONG HAD THC RESIDUE IN IT. THE RESIDUE FROM THE HOME-MADE BONG TESTED POSITIVE FOR THC.

GUILTY/30 DAYS PHONE RESTRICTION/30 DAYS CANTEEN RESTRICTION/5 HOURS EXTRA DUTY/120 DAYS VISITATION/90 DAYS GOOD TIME.

INMATES OWN ADMISSION OF GUILT. NARRATIVE BY OFC. - STATING "BONG" WAS FOUND IN INMATES POSSESSION AND RESIDUE TESTED POSITIVE FOR MARIJUANA. EVIDENCE, PHOTO OF "BONG"/19-79.

CREATED BY.....:
LAST UPDATED BY:

04/30/02
05/07/02

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:17 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00008

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 903 USE, POSS NARC, MARIJ, UNAU DATE: 03/12/02 TIME: 02:48 AM

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 1

DISCOVERY DATE...:

LOCATION IN INST.: 16 VISITING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL..

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 03/14/02

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST. REQ.: Y SCHD HEAR DATE: 03/14/02

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 903 USE, POSS NARC, MARIJ,

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00120 APPRV.:

APPEAL DEADLINE: 03/29/02

GT RESTORED...: 00000

CREATED BY.....:

03/12/02

LAST UPDATED BY:

03/14/02

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:22 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE, RAINEY, MARK 246348 DID TEST POSITIVE FOR MARIJUANA. CONFIRMATION TEST WAS POSITIVE FOR SAME.

GUILTY/120 DAYS GOOD TIME

INMATES OWN ADMISSION OF GUILT. ON-TRAK AND CONFIRMATION TEST SHOWING POSITIVE RESULTS FOR MARIJUANA.
EVIDENCED, 19-79.

CREATED BY.....:

03/12/02

(END)

LAST UPDATED BY:

03/14/02

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:27 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00007

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 817 POSSESSION OF CONTRABAND DATE: 11/06/01 TIME: 02:00 AM

OFFENSE LOCATION.: 0421 LIEBER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 03 GAMMA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 11/08/01

WITNESS/OFFICIAL REQUIRED: Y COUNCIL SUBST.

REQ.: Y SCHED HEAR DATE: 11/08/01

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 817 POSSESSION OF CONTRA

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST....: 00000 APPRV.:

APPEAL DEADLINE: 11/23/01.

GT RESTORED....: 00000

CREATED BY.....:

11/06/01

LAST UPDATED BY:

11/08/01

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:31 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE RAINEY, MARK 246348 WAS FOUND TO HAVE IN HIS POSSESSION, 3 TATTOO NEEDLES, 6 BOTTLE OF INK, ONE BASE OF AN IRON, 7 CASSETTE IZED TO AN INMATE, AND NOT BOUGHT BY THE INMATE FOR HIS USE FROM THE CANTEEN. TAPES, ONE BLACK POWER SUPPLY. INMATE STATED THEY WERE HIS ITEMS.

GUILTY/40 HOURS EXTRA DUTY

INMATES OWN ADMISSION OF GUILT. NARRATIVE BY OFC. ! STATING HE FOUND THE CONTRABAND ITEMS IN INMATE CELL. EVIDENCE, PHOTO OF CONTRABAND ITEMS.

CREATED BY.....:

11/06/01

(END)

LAST UPDATED BY:

11/08/01

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:36 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00006

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 825 REFUSING OR FAILING OBEY DATE: 12/05/00 TIME: 10:00 AM

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...

LOCATION IN INST.: 03 GAMMA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL..:

TYPE ACTION.....: 02 MINOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 12/14/00

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST. REQ.: Y

SCHD HEAR DATE: 12/14/00

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 825 REFUSING OR FAILING

CONVICT. OFF CHAR..:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV..:

APPEAL DEADLINE: 12/29/00

GT RESTORED...: 00000

CREATED BY.....:

12/07/00

LAST UPDATED BY:

12/14/00

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:40 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, INMATE RAINEY, MARK SCDC NO 246348 REFUSED TO GET OUT OF BED AND CLEAN UP FOR MORNING INSPECTION.

GUILTY/REDUCE TO MINOR/20 HOURS EXTRA DUTY.

INMATES OWN ADMISSION OF GUILT. INCIDENT REPORT BY OFC. STATING I/M HAD BEEN TOLD TWICE TO GET OUT OF BED FOR INSPECTION, AND HE REFUSED TO COMPLY.

CREATED BY.....:
LAST UPDATED BY:

12/07/00
12/14/00

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:45 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00005

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 842 USE/POSS OF TATTOO PARAP DATE: 06/17/00 TIME: 11:50 PM

OFFENSE LOCATION.: 0421 LIEBER

OFFENSE CAT LVL.: 4

DISCOVERY DATE...:

LOCATION IN INST.: 03 GAMMA LIVING AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL..

TYPE ACTION.....: 02 MINOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 06/28/00

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST. REQ.: N SCHD HEAR DATE: 06/28/00

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 842 USE/POSS OF TATTOO P

CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE: 07/13/00

GT RESTORED...: 00000

CREATED BY.....:

06/20/00

LAST UPDATED BY:

06/29/00

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:49 Friday, May 19, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

05/19/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME INMATE RAINEY, MARK SCDC NO 246348 HAD HIS ROOM SHAKEDOWN AND THE FOLLOWING ITEM WAS FOUND: HOMEMADE TATTOO GUN WAS FOUND ON THE LEFT SIDE OF HIS WALL LOCKER.

GUILTY/INMATES OWN ADMISSION OF GUILT.
20 HOURS EXTRA DUTY.

CREATED BY.....:
LAST UPDATED BY:

06/20/00
06/29/00

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:34:54 Friday, May 19, 2017

DIS110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00003

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 826 REFUSING TO WORK

DATE: 05/22/98 TIME: :

OFFENSE LOCATION...: 0421 LIEBER

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 30 GREENHOUSE

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 02 MINOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0421 LIEBER

ACTUAL HEARING DATE: 05/29/98

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST. REQ.: N SCHD HEAR DATE: 05/28/98

DHO HEARING DEC: C CONVICTED

PLEA.....: N NOT GUILTY

CONVICTED OFF...: 826 REFUSING TO WORK

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE: 06/13/98

GT RESTORED...: 00000

CREATED BY.....:

05/27/98

LAST UPDATED BY:

06/02/98

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:34:59 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

INMATE RAINY FAILED TO REPORT TO WORK WITH GROUNDS MAINTENANCE. FOUND GUILT
25 HOURS EXTRA DUTYCREATED BY.....
LAST UPDATED BY:05/27/98
06/02/98

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:35:29 Friday, May 19, 2017

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM05/19/17
WHITEAU

SCDC ID: 00246348

DISPLAY INMATE OFFENSE HISTORY

RAINEY, MARK -

CURR LOC: ALLENDALE

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV Y

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00002	REFUSING TO WORK	MINOR DI	05/15/98	05/25/98	00000	CONVICTED	3
00001	REFUSING OR FAILING O	MINOR DI	01/12/98	01/21/98	00000	CONVICTED	3

END OF LIST

PAGE 0002

PF4-MODIFY PF6-DISMISSED/NOT GUILTY

PF11-QUIT PF10-MAIN MENU

15:35:04 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00002

RAINEY, MARK -

OFFENDER TYPE: ADULT-STRAIGHT

CHARGED OFFENSE...: 826 REFUSING TO WORK

OFFENSE LOCATION...: 0421 LIEBER

CURR LOC: ALLENDALE

OFFENSE

DATE: 05/15/98 TIME: :

OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 30 GREENHOUSE

ASSLT WITH WEAPON:

ACCUSING OFFICIAL..:

TYPE ACTION.....: 02 MINOR DISC. HEARING

HEARING LOC.....: 0421 LIEBER

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST. REQ.: Y SCHD HEAR DATE: 05/27/98

DHO HEARING DEC: C CONVICTED

CONVICTED OFF...: 826 REFUSING TO WORK

DATE DROPPED....:

APPEAL DEADLINE: 06/09/98

ASSLT STAFF/INMATE:

CHARG. OFF CHAR:

ACTUAL HEARING DATE: 05/25/98

PLEA.....: N NOT GUILTY

CONVICT. OFF CHAR..:

TOT GT LOST....: 00000 APPRV..:

GT RESTORED....: 00000

CREATED BY.....:

LAST UPDATED BY:

05/19/98

05/26/98

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:35:08 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

INMATE RAINEY FAILED TO REPORT FOR SCHEDULED WORK WITH GROUNDS MAINTENANCE.

20 HOURS EX

A DUTY

CREATED BY.....:

05/19/98

(END)

LAST UPDATED BY:

05/26/98

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

15:35:14 Friday, May 19, 2017

DISI110D
OMDISCASCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY05/19/17
WHITEAU

SCDC#/CASE#: 00246348 - 00001

RAINEY, MARK -

CURR LOC: ALLENDALZ

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 825 REFUSING OR FAILING OBEY DATE: 01/12/98 TIME: :

OFFENSE LOCATION...: 0261 BROAD RIVER R&E OFFENSE CAT LVL.: 3

DISCOVERY DATE...:

LOCATION IN INST.: 06 RECEIVING UNIT

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.:

TYPE ACTION.....: 02 MINOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0261 BROAD RIVER

ACTUAL HEARING DATE: 01/21/98

WITNESS/OFFICIAL REQUIRED: N COUNCIL SUBST. REQ.: N SCHED HEAR DATE: 01/22/98

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 825 REFUSING OR FAILING

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE: 02/05/98

GT RESTORED...: 00000

CREATED BY.....:

01/14/98

LAST UPDATED BY:

01/21/98

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

15:35:18 Friday, May 19, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT05/19/17
WHITEAU

NARRATIVE...>

INMATE REFUSED SEVERAL DIRECTIVES FROM LT.
IT AND MATTRESS, SO HE COULD BE PLACEDD ON MHO.

TO GIVE

UP HIS JUMP

INARY HEARING ON 01/21/98: CONTACT VISIT SUSPENDED THRU

MINOR DISCI
02/06/98.

CREATED BY.....:

01/14/98

(END)

LAST UPDATED BY:

01/21/98

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

F

SP Multi-Disciplinary Team
Rainey Mark - 246348
Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
Medications:
Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis:
Medications:
Problems/Compliance: N/A
Treatment History:
Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
Other Information:

SEX OFFENDER TREATMENT HISTORY:

	TYPE	DATES	STATUS
✓ Phase I:	C-Star	05/08/98	Terminated
SOTP			
Phase II:			
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
Other Information:

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

G

Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *algolagnic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82 (F65.3)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

H

Other Specified Paraphilic Disorder

302.89 (F65.89)

This category applies to presentations in which symptoms characteristic of a paraphilic disorder that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class. The other specified paraphilic disorder category is used in situations in which the clinician chooses to communicate the specific reason that the presentation does not meet the criteria for any specific paraphilic disorder. This is done by recording "other specified paraphilic disorder" followed by the specific reason (e.g., "zoophilia").

Examples of presentations that can be specified using the "other specified" designation include, but are not limited to, recurrent and intense sexual arousal involving *telephone scatologia* (obscene phone calls), *necrophilia* (corpses), *zoophilia* (animals), *coprophilia* (feces), *klismaphilia* (enemas), or *urophilia* (urine) that has been present for at least 6 months and causes marked distress or impairment in social, occupational, or other important areas of functioning. Other specified paraphilic disorder can be specified as in remission and/or as occurring in a controlled environment.

Unspecified Paraphilic Disorder

302.9 (F65.9)

This category applies to presentations in which symptoms characteristic of a paraphilic disorder that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class. The unspecified paraphilic disorder category is used in situations in which the clinician chooses *not* to specify the reason that the criteria are not met for a specific paraphilic disorder, and includes presentations in which there is insufficient information to make a more specific diagnosis.



ALAN WILSON
ATTORNEY GENERAL

July 7, 2017

The Honorable Julie J. Armstrong
Charleston County Clerk of Court
100 Broad Street, Suite 106
Charleston, SC 29401

Re: In the Matter of the Care and Treatment of Mark Rainey,
a/k/a Mark William Raney

Dear Ms. Armstrong:

Enclosed please find an original and two copies of the State's Petition, pursuant to the Sexually Violent Predator Act, in the above matter. Please file the original and return two clocked copies to us in the enclosed envelope.

If you have any questions, please do not hesitate to contact me at (803) 734-1173.

Very truly yours,

James G. Bogle, Jr.
Senior Assistant Attorney General

JGBjr/dt
Enc.

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SC Court of Appeals

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CLERK OF COURT

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN THE MATTER OF THE)
 CARE AND TREATMENT OF)
 MARK RAINEY, A/K/A)
 MARK RAINEY,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE #: 2017-CP-10-03472

ORDER OF COMMITMENT

The trial of this case was held in the Charleston County Court of Common Pleas the week of October 29, 2018. A jury of citizens from Charleston County heard this case pursuant to a request for a jury trial filed by the State. Senior Assistant Attorney General James G. Bogle, Jr., represented the State and James K. Falk, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

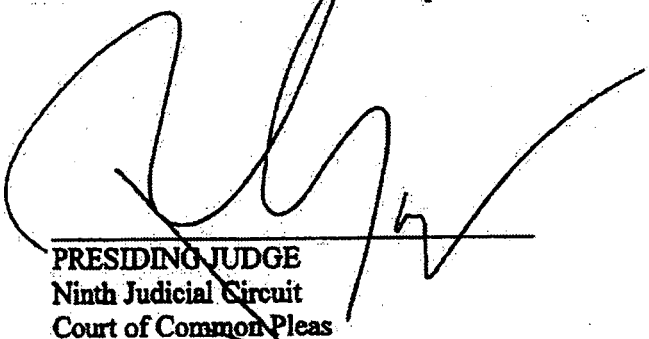
The State has proven beyond a reasonable doubt that Respondent, Mark Rainey, a/k/a Mark Rainey, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED THAT:

(a) Respondent Mark Rainey, a/k/a Mark Rainey, is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent Mark Rainey, a/k/a Mark Rainey, is to continue to be detained at the Charleston County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.


 PRESIDING JUDGE
 Ninth Judicial Circuit
 Court of Common Pleas

10/31, 2018
 Charleston, South Carolina

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,

A handwritten signature in cursive script, reading "Lara M. Caudy", is written over a horizontal line.

Lara M. Caudy
Appellate Defender

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

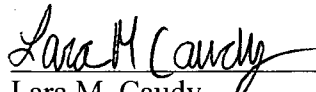
ATTORNEY FOR APPELLANT

This 18th day of July, 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,


Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 18th day of July, 2019.

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SC Court of Appeals