

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Tanya A. Gee, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF CHARLES T. SULLIVAN,

ORIGINAL
RECEIVED
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SC Court of Appeals
APPELLANT

APPELLATE CASE NO. 2016-001706

RECORD ON APPEAL

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In The Matter Of The Care And	)	
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	)	TRANSCRIPT OF RECORD
	)	
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		Columbia, SC

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THE HONORABLE TANYA A. GEE, JUDGE; and a jury.

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KESHIA REED
Official Court Reporter

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1 THE COURT: Good afternoon everyone. We are
2 going to do the pretrial motions In The Care and Treatment
3 of Charles Sullivan. I have two motions from the defense
4 and two motions from the State because the defense has
5 filed a motion to dismiss.

6 Mr. Falk, I'll hear from you first on that
7 motion to dismiss.

8 MR. FALK: Thank you, Your Honor. The State has
9 filed a petition and we filed a motion to dismiss and
10 we're really raising two grounds that this action should
11 be barred under a theory of judicial estoppel and it
12 should be barred under the theory of latches. And the
13 timeline I laid out in my motion, but basically he was --
14 he pled guilty in 1998 to these charges to a 32-count
15 indictment and he has a history of trying to get treatment
16 through South Carolina Department of Corrections. He
17 completed the C-Start program, I believe March 2nd of
18 2001. And at that time the department of corrections had
19 a two-step program. They were calling SOTP1's Sex
20 Offender Treatment Program and that was a 12-week course.
21 Then it was followed up by a residential program, which
22 was a nine month group therapy, group interaction program
23 and he tried to get into that program. In fact, he went
24 so far as actually to sue his way into the program. He
25 sued the department of corrections and that -- he was

1 never -- well, the department -- the administrative
2 procedure that he tried that he pursued in order to get
3 into the program that action was -- found that there was
4 not subject matter jurisdiction. Well, my point is he was
5 trying to get into the program ---

6 THE COURT: And it wasn't room for him -- was
7 that the reason why he wasn't ---

8 MR. FALK: That's what was said to him that
9 there wasn't room for him and that was in 2002. We are up
10 until 2015 there was ---

11 THE COURT: Is that program still exist?

12 MR. FALK: I think, their program have morphed
13 and now there is a new program as a Sex Offender Treatment
14 Program, it's a residential program and it's six months.
15 It does not look as though it's as intensive as the other
16 program was in that it was SOTPl. And then the nine-month
17 program and then after that, there was an eight-week relap
18 prevention program and right now what he did graduate from
19 it was a six-month program that ---

20 THE COURT: So he was -- he did have a program
21 to go to?

22 MR. FALK: He did have a program.

23 THE COURT: And is that that SOTPl or something
24 in addition to SOTPl?

25 MR. FALK: I don't think they use that SOTPl any

1 more. I just think their C-Star down there says Sex
2 Offender Treatment Program. It does not look as
3 extensive, but really part of his prejudice that he has
4 suffered as a result of this is that if had there been
5 problems with the treatment which apparently there are
6 because of the petition, there would have been more
7 opportunity for him to go through the program again to get
8 more help at that time. I mean, he was begging for help.
9 He got help. He was actually only put into the
10 residential program at Broad River after the State filed
11 their probable cause petition. So it's kind of an after
12 the fact thing and maybe that's why he got thrown into the
13 program. But we believe that the State sort of taking an
14 inconsistent position of saying now he is -- a mental
15 disease or defect that makes him likely -- that he would
16 commit a crime -- recommit offense of sexual violence if
17 not committed. And my point is if they wanted to do this
18 they had 18 years while he was in custody when they could
19 have been doing that. It seems now this doesn't make any
20 sense and he now he's served out his term.

21 Now, he's going to have a period of
22 indeterminate incarceration or custody or going forward
23 until he completes or until the department of -- South
24 Carolina Department of Mental Health says he's free to go.
25 And we think basically my argument whether it's latches or

1 judicial estoppel, I mean, why did the State have to wait
2 so long in order to put him into that program when
3 certainly because of the nature this case, this was a case
4 that had some publicity at the time. This is a man that
5 was looking for help, help was available whether or not
6 the South Carolina Department of Corrections was following
7 the right protocol and even getting him in classes that
8 are qualified to get into the program. All I know is it
9 took him ---

10 THE COURT: For judicial estoppel arguments and
11 latches argument, don't you have to argue that the State
12 took an inconsistent position in a trial setting or in a
13 courtroom setting. You're just saying that because
14 another state agency didn't allow him into the program for
15 whatever reason whether there wasn't room or there -- that
16 they didn't have the pressure to treat him during the 18
17 years he was incarcerated. Now, that they should be
18 judicially estopped from going forward on this SVP Act and
19 I'm just curious about whether estoppel can be asserted
20 when in a situation like this where it's not where the
21 State in another proceeding before a circuit court judge
22 had said, oh, we don't think he needs treatment or
23 something like that. This is just another agency under
24 the realm of the State did not treat him for 18 years even
25 though he may have asked to. Did they have that

1 responsibility and more importantly how does that go into
2 an estoppel argument since that's not a courtroom setting.

3 MR. FALK: Well, it's the concern whether
4 there's privity between the Attorney General's office and
5 the department of corrections.

6 THE COURT: The concern is whether it's an
7 estoppel argument can be asserted when the State hasn't
8 taken an inconsistent position in a courtroom setting? Is
9 it just by having any sort of inconsistent position...

10 MR. FALK: Well, today it's certainly the
11 State's decision not to put him into the program earlier
12 and not to put him into the more comprehensible program to
13 be used of existence it was all part of ---

14 THE COURT: So they either need to do it then or
15 it's too late. I mean, it's your latches argument, it's
16 too late now and unfair.

17 MR. FALK: Right, he's ready to go. Now, they
18 say he needs help.

19 THE COURT: Okay, okay. Thank you. I got it.

20 MR. FALK: Yes, Your Honor.

21 THE COURT: All right, thank you.

22 Mr. Morrow.

23 MR. MORROW: Yes. First, Your Honor, we would
24 object. We would state or object that this motion on the
25 grounds is untimely filed under Rule 56(c) of the South

1 Carolina Rules of Civil Procedure and motion for summary
2 judgment or motion to dismiss shall be asserted at least
3 ten days before the fixed time for the hearing. I got
4 this copy of this motion at 12:24 a.m. on Sunday,
5 July 24th 2016.

6 Further, the State would argue that while we
7 were not in anyway conceding that point, we would further
8 argue that his motion to dismiss should be denied because
9 it fails on the merits. First, there has to be two
10 inconsistent positions taken by the same party or parties
11 privy to one another. The so called inconsistent
12 positions here certify respondent were not issued by the
13 same party or parties. Mr. Sullivan sued the department
14 of corrections for the State of South Carolina neither the
15 Attorney General's office nor the department of mental
16 health were involved in the prior case.

17 Secondly, the positions must be taken in the
18 same or related proceedings involved the same party or the
19 party privy to one another. This is not the same
20 proceeding or related proceeding. This is an action for
21 civil commitment and that is governed by the Sexually
22 Violent Predator Act. The prior case, which I believe was
23 the 2003 case was a case of which Mr. Sullivan was
24 objecting to the conditions of his criminal confinement or
25 his criminal sentence. These are different issues.

1 THE COURT: But in that case, it was appealed
2 and the Supreme Court specifically said that the
3 department of corrections does not have any sort of
4 requirement to rehabilitate someone, that might be a goal
5 of incarceration, but there is no affirmative duty for
6 this program.

7 MR. MORROW: That is correct, Your Honor. In
8 the Sullivan case, they did find that. Further, the
9 inconsistent must be part of an intentional effort to
10 mislead the Court. There's no evidence, there's nothing
11 intentional about any effort to mislead the Court here.
12 This is simply we are following the statute as required by
13 law. We filed a petition on Mr. Sullivan because he was
14 referred to us from the MDT and ERC and we're moving
15 forward with this trial.

16 First and then lastly, the two positions must be
17 totally inconsistent with one another. Again, these -- if
18 you're talking about a 2003 case, which I'm not sure that
19 that's what counsel is arguing. Positions aren't
20 inconsistent. In that case, the department of corrections
21 were arguing that he did not have a right to demand
22 treatment while at the department of corrections. Here in
23 this case, we're arguing that he has a mental abnormality
24 or personalty disorder that makes him likely to commit
25 acts of sexual violence if not confined to the SVP

1 treatment unit. I just don't believe that those positions
2 are inconsistent with each other.

3 Further, as far as latches, latches requires a
4 negligence for an unreasonable length of time and
5 circumstances affording opportunity for diligence to do
6 under the law, which must be done. The law which governs
7 this act is the South Carolina Sexually Violent Predator
8 Act. We've conformed all timelines and all requirements
9 of the statute. In fact, the only continuances that are
10 -- two of the continuances in this case the reason we're
11 trying in July were defenses continuances.

12 THE COURT: All right.

13 MR. MORROW: Thank you, Your Honor.

14 THE COURT: All right. I understand the
15 defense's position. I do understand the frustration they
16 feel with the length of incarceration and now the
17 treatment coming later at the tail end of incarceration.
18 However, the motion to dismiss is denied. Procedurally,
19 it was not timely filed and on the merits. I do not find
20 either judicial estoppel or latches applies under these
21 circumstances. The position of the State is not the type
22 of inconsistent position that would be misleading to the
23 Court or support an estoppel argument with regard to
24 latches. There was no negligence on the State's part and
25 they have complied with the SVP Act for all the reasons

1 Mr. Morrow has argued. I will now turn to the remaining
2 motions. Let's go with the State's two motions in limine.
3 And then, Mr. Falk, I'll hear from you on your remaining
4 motions.

5 MR. MORROW: Your Honor, the State argues in
6 its first motion in limine that there be a prohibition
7 against respondent being referred to as being punished or
8 being civilly committed for life or words to that effect
9 or talking about him being further incarcerated. This is
10 a civil commitment action where he will be confined to
11 treatment at the department of mental health. The fact he
12 will not be incarcerated and he is not going to be
13 punished. He gets an annual review every year should he
14 be committed by trial. Therefore, the assertion that it
15 will be committed for life is inappropriate and can
16 petition the Court for release at any time, so that is the
17 State's argument with it's first motion.

18 THE COURT: All right, Mr. Falk.

19 MR. FALK: We were ---

20 THE COURT: What do you plan to argue how about
21 that?

22 MR. FALK: Well, first of all, we argue that
23 certainly there's no question in our -- everybody can use
24 some form of treatment, but the issue is here is whether
25 or not if any additional treatment is needed whether or

1 not it can only be provided in order to be effective. It
2 can only be provided as a secure facility.

3 THE COURT: Which is apart of the statute?

4 MR. FALK: It's apart of the statute, so I think
5 I have to -- I think, the jury has to have some
6 understanding of what a secure facility means. And, I
7 mean, I'm not going to talk about death row or anything
8 else, but by the same token, they know they're not going
9 to the Baptist Hospital here for treatment.

10 THE COURT: So when you say secure what would
11 you plan to say beyond secure facility, can we just leave
12 it at he would be in a secure facility or you want to say
13 that secure facility on the grounds of department of
14 corrections?

15 MR. FALK: I say secure facility of where he's
16 not allowed to leave.

17 THE COURT: Okay. I'll allow that nomenclature
18 secure facility where he's not allowed to leave, but I
19 agree with Mr. Morrow that we can't use anything about
20 civil commitment for life because he does have annual
21 reviews, so the length of time for which he's in a secure
22 facility where he's not allowed to leave, which is -- we
23 don't know that at this point. Certainly, we don't know
24 until the jury makes a decision in this particular case
25 and then in the future we don't know along the way.

1 MR. FALK: I think, it's absolutely accurate to
2 say it's for an indeterminate period of time.

3 THE COURT: It's only indeterminate because we
4 don't know what the future holds. Let's ---

5 MR. FALK: He could get -- first of all, on an
6 aside, he's not going to get an annual review probably for
7 the first 18 to 24 months, but that point being what it
8 is. He may be in there for life. He may be out in 36
9 months. It's an indeterminate period of time.

10 THE COURT: But in any other case, I don't talk
11 to the jury about how long if they were to say convict
12 someone for burglary first, I don't let them know that it
13 would be a 15 year minimum sentence. So that similar --
14 it's just not relevant and that's not what the jury is
15 here to decide or what they're here to decide is whether
16 he has the prerequisites sexually violent predator offense
17 and whether or not he can't be made safe without this
18 additional treatment. So I don't think that the length of
19 time for which he would receive the treatment is an
20 appropriate consideration for the jury, so I will allow
21 you to say that he would receive treatment in a secure
22 facility where he's not allowed to leave. But as far as
23 length of time, that's just not really relevant for the
24 jury to consider, so I would ask that you avoid that sort
25 of language. And so this -- I mean, this is one of those

1 motions in limine just -- that we don't necessarily know
2 exactly how it will turn out until we try the case, but
3 just as a guidance so that we aren't striking things from
4 the record, I do want to stay away, just like you said,
5 from any sort of death row, any sort of statement that
6 this is further incarceration. Let's stick to secure
7 facility like the language of the statute.

8 MR. FALK: Thank you, Your Honor.

9 THE COURT: Mr. Morrow, your next motion.

10 MR. MORROW: Yes, Your Honor. The State's
11 second motion in limine is talking about the details of
12 any future treatment the respondent may have received
13 while committed to the Sexually Violent Predator Program.
14 The crux of our argument here is that the elements that we
15 have to prove in order beyond a reasonable doubt having
16 been civilly committed are just that -- are that he has a
17 sexually violent conviction, that he has a mental
18 abnormality or personality disorder that makes him likely
19 to commit acts of sexual violence if not confine for
20 treatment. Requiring us to prove the content of that
21 treatment will be requiring an additional element -- the
22 State to prove an additional element. Further, it's not
23 relevant to this case.

24 THE COURT: All right, Mr. Falk.

25 MR. FALK: Well, two things, one I do believe

1 that the jury needs to know in general terms maybe what
2 the treatment is not. Meaning that it is not shock
3 therapy. It is not chemical castration. It is basically
4 taught therapy and our position is whether or not -- and I
5 do believe I am entitled to talk to someone about the type
6 of treatment because he has had an extensive amount of
7 taught therapy, cognitive behavior development programs
8 that he has taken ---

9 THE COURT: Who would you be -- one question
10 though is do you have a witness to talk about this, who
11 are you going to be asking this question to?

12 MR. FALK: I can talk about what he's done. I
13 have witnesses that talk about what he's done.

14 THE COURT: Okay, but as far as future
15 treatment, do any of these witnesses are they capable of
16 even testifying about that, certainly that's not
17 something -- I don't know Dr. Gehle. Does she know what
18 the treatment is?

19 MR. MORROW: Dr. Gehle's job at the department
20 mental is just doing these pre-commitment evaluations.
21 She's not actually involved in treatment at the SVP
22 Treatment Unit.

23 THE COURT: Okay. So who would you be asking
24 this question to?

25 MR. FALK: Dr. Gehle for one because she's

1 opining that he needs treatment. And if she's going to
2 say that he needs treatment, but I don't know what the
3 treatment is. If I'm allowed to ask that and that's her
4 answer, that's fine, but, I think, I'm entitled to ask
5 Dr. Gehle because part of her opinion is that he's a
6 sexually violent predator which means he needs treatment,
7 that means -- well, it should be some understanding what
8 an expert in the field would know at least in general
9 terms of the type of treatment.

10 THE COURT: And that's relevant to what the jury
11 has to determine because ---

12 MR. FALK: It's relevant to her opinion about
13 whether or not he's a sexually violent predator because
14 she's saying he needs treatment. Disease or defect likely
15 to offend if not given more treatment.

16 THE COURT: Okay. But she could have the
17 opinion that someone can't be treated. I mean, there's
18 no -- allowing him to go through treatment doesn't mean
19 the expert necessarily believes that treatment would work,
20 right? So she's just saying barring treatment she knows
21 that he would be unsafe. Why does that necessarily mean
22 she has to have an opinion on what treatment would work
23 for him, you see what I'm saying? It seems to me like her
24 analysis is just a corner turn different from what you are
25 saying. She has to determine whether or not he's safe

1 without treatment. She's not opining one way or the other
2 whether treatment could or could not be successful.

3 MR. FALK: But how could she opine if he needs
4 treatment if she doesn't -- if she's not going to opine
5 what kind of treatment?

6 THE COURT: Well, if she thinks that without any
7 treatment he's unsafe, I can tell that you respectfully
8 disagree, but I want to have this discussion. So I don't
9 want you to think that I'm asking the question other than
10 to get to the right answer.

11 MR. FALK: I'm not going to go into the nuts and
12 bolts of the treatment. I want her to say that if you're
13 basically going to be taught therapy and group therapy or
14 that would be -- because he's done that. If I had a
15 different person, I wouldn't be arguing this so
16 strenuously, but he has done a bunch of treatment in the
17 last 18 years. And so now she's going to say he now needs
18 treatment. Well, first of all, I don't believe -- I
19 think, I'm entitled to ask her has the treatment he's
20 already gotten worked and if she says no, then what kind
21 treatment.

22 THE COURT: I agree you can ask her that
23 question because if he's already gotten treatment and her
24 opinion is that he is not safe at this point, that
25 necessarily means whatever treatment that he has received

1 has not changed her mind about the safety he poses to
2 other individuals.

3 Mr. Morrow, what do you have to say about first
4 of all her opining as to the treatment either he's
5 received, which my inclination is to allow Mr. Falk to ask
6 her about that question because if she's saying that he's
7 not safe now, that would necessarily mean whatever he's
8 received hasn't rehabilitated him at this point. I'm less
9 incline to allow any testimony about future treatment
10 because I don't know that that's the crux of the issue.

11 MR. MORROW: I have no objection to him asking
12 about his prior treatment.

13 THE COURT: Okay. All right. The prior
14 treatment will be allowed in at this point as a motion in
15 limine. I'm denying the question about future treatment,
16 but if you want to get into that, Mr. Falk, during the
17 trial, let's have a little bench conference as it comes
18 up, so I can see it in context about why you would want it
19 in because I may change my mind at this point about
20 hearing other testimony and based on what the factors are
21 that this jury is going to have to consider. My
22 inclination is to not allow it in, but if you want to
23 proffer that testimony during the trial, at that point
24 we're going to have to break and we'll get it on the
25 record and I may change my in limine ruling at that point.

1 MR. FALK: Thank you, Your Honor.

2 THE COURT: And then, Mr. Falk, you have one
3 remaining motion.

4 MR. FALK: Well, I guess, it's -- I probably
5 should have made these two separate motions in limine on
6 the very end because there's certain things which I would
7 expect the State is going to at some point need as a
8 matter of proof that he has been convicted of a sexually
9 violent offense. And that would be an element of this and
10 I would expect the State's probably going to put up
11 certified records and they'll be part of your charge to
12 the jury that such and such is a sexually violent offense.

13 Now, he had 32 indictments not all of which are
14 classified as sexually violent offenses. As a first
15 point, and I know we discuss this some in chambers, by the
16 statute lewd acts upon minor is not listed in the statute
17 as a sexually violent offense. And it will be our
18 position had the legislature wanted to include that. They
19 could have easily amended the Sexually Violent Predator
20 Act somehow.

21 THE COURT: As of when are lewd acts not a
22 sexually violent offense because they had been, correct?

23 MR. MORROW: That's correct.

24 THE COURT: That's a change in the law?

25 MR. FALK: That's a change in the law.

1 THE COURT: So back in 1998, he was convicted
2 they were a sexually violent offense?

3 MR. MORROW: That is correct, Your Honor.

4 THE COURT: When did the change occur?

5 MR. MORROW: Your Honor, the House passed the
6 Bill H3667 in 2012. It amended references to the former
7 charge of lewd act on a minor and replaced them with
8 references to criminal sexual conduct with a minor in the
9 third degree. I actually have a copy of the Bill. And in
10 the Bill there is a savings clause under section 15 with
11 this -- with the amendment of this act would not affect
12 any future civil or criminal actions based on rights,
13 duties or liabilities and found thereon this Bill amends.

14 THE COURT: So your position is that the lewd
15 act on a minor is still qualified as the pre-request
16 sexually violent offense.

17 MR. MORROW: That is correct.

18 THE COURT: And then what other offenses are --
19 are there other offenses?

20 MR. MORROW: There are other sexually violent
21 --

22 THE COURT: Which specific convictions are you
23 relying on for the sexually violent offense?

24 MR. MORROW: He has ten counts of lewd act on a
25 minor, five counts of exhibiting a harmful performance

1 with a child and three counts of sexual exploitation of a
2 minor, which would be the sexually violent offenses.

3 THE COURT: Okay. And so, Mr. Falk, your
4 position is that the other offenses that are not
5 specifically sexually violent offenses even -- I'm
6 recalling from our discussion in chambers, so correct me
7 if I'm not -- that the expert can discuss those other
8 offenses, but the State should not be able to put forward
9 the indictments as exhibits to the jury on those other
10 charges?

11 MR. FALK: Provided there's foundation, yes.

12 THE COURT: Okay. Okay. And I think Mr. Morrow
13 agreed with that. Do we have -- now, that you've heard
14 from Mr. Morrow on the lewd act on a minor, is your
15 position still that that's still not a sexually violent
16 offense?

17 MR. FALK: We're going to maintain our position.

18 THE COURT: Okay. And I will then deny your
19 motion based on the savings clause in bill that was a
20 sexually violent offense at the time that Mr. Sullivan was
21 convicted of the offense and it has just been kind of
22 reclassified -- remained as criminal sexual conduct in the
23 third degree, but that doesn't affect this proceeding.
24 And so your motion is denied with regard to the lewd act
25 on a minor.

1 MR. FALK: Thank you.

2 THE COURT: Thank you.

3 MR. FALK: Then there was also on my motion I
4 also talked about whether or not Dr. Gehle could talk
5 about nol-pros charges and charges for which uncharged
6 allegations.

7 THE COURT: Okay. You mentioned she discusses
8 victim 20, 21 and those were never prosecuted.

9 MR. FALK: That's right.

10 THE COURT: Okay. Mr. Morrow.

11 MR. MORROW: Your Honor, there's a case directly
12 on point In The Matter of Care and Treatment of Edle
13 (sic). In that case, the Court ruled that testimony
14 concerning defendant's prior sexual offenses which did not
15 result in conviction and a prior murder conviction were
16 relevant and admissible in a proceeding to civilly commit
17 the sex offender pursuant to the SVP Act. I have a copy
18 of that case if you like.

19 THE COURT: With these cases, it's just sort of
20 different. It's a different animal where propensity is
21 actually an issue for the expert to testify about which
22 normally in a criminal case that will be something that we
23 completely avoid. Is that fair to say?

24 MR. MORROW: That's fair to say, Your Honor.

25 THE COURT: All right, go ahead, Mr. Morrow.

1 MR. FALK: In spite of the Edle (sic) case, I do
2 believe that the Court still has an obligation under 402
3 or 403 to make an analysis whether or not the -- I mean,
4 that decision was the fact based on the facts in that
5 case. Your decision here will be based on the facts in
6 this case and it's still whether or not there's a risk of
7 unfair prejudice which would outweigh any probative value
8 and at least a certainly a continuum of facts that could
9 apply here about something that happened 20 years ago is
10 that still probative to ---

11 THE COURT: And I do believe it will depend upon
12 the expert's testimony. Reading the Edle (sic) case it
13 looks like if they -- actually, I think, it's the Corley
14 case where the Court similarly allowed it, but
15 specifically stated that the way in which the expert
16 testified and made it directly relevant and explained why
17 those past uncharged crimes were important to her
18 analysis, that was enough for the Court to allow it in.
19 So here it will certainly depend on Dr. Gehle's -- the way
20 in which she testifies about the prior accusations against
21 him even though they weren't charged, but I do believe
22 that she'll -- my inclination is to allow her to testify
23 as to that so long as she can explain why it was important
24 to her decision in determining -- coming to the opinion
25 that she came to.

1 Mr. Falk, you can certainly object as this
2 testimony starts to come in and we can make a
3 determination at that point whether she has tied it all
4 together, but I anticipate that she'll be able to -- my
5 inclination is going to be to allow those in. At this
6 point I don't see the unfair prejudice based on the very
7 little that I have in front of me, but that could change
8 if she can't explain why they're probative to her
9 analysis. I'm basing it in part on having heard prior SVP
10 trials and what the expert is kind of like the ten factors
11 or whatever they go through to determine what score
12 somebody gets on the risk level and as I recall that's
13 part of that test that they go through.

14 MR. FALK: If I may, Your Honor, I can
15 anticipate that any forensic psychiatrist is going to say
16 everything's relevant, everything is probative. We look
17 at everything. And so she's going to have the definition
18 of probative which maybe more of a dictionary definition.
19 And I do believe that that definition maybe different than
20 what the judicial definition of probative because she
21 said, yeah, because it's prejudice once they hear it. She
22 said, yeah, I knew about it, but she still has -- I mean,
23 I think she still has to convince the Court that, yeah,
24 it's something to throw away because she's going to say
25 everything is probative.

1 THE COURT: Well, if she says that part of the
2 test that she uses as an expert that has been approved by
3 whatever organization -- whatever the testimony is and
4 that includes uncharged offenses and, Mr. Morrow, am I off
5 in left field or is that what she's going to testify to
6 that she has a scale that she uses?

7 MR. MORROW: It's very similar to what she's
8 going to testify to. In this particular proceeding, we're
9 going to be able to establish by his prior investigation
10 for her similar acts that as for his convictions were.
11 We're going to be able to establish that his pattern of
12 offending remains the same and that's something that Dr.
13 Gehle looked at. We're also going to be able to establish
14 that Dr. Gehle is part of her risk assessment considered
15 these prior investigations for sexual offenses.

16 THE COURT: And as part of her risk assessment,
17 is she going to be able to say that that's how experts in
18 the field traditionally looked at risk, that that's one of
19 the factors?

20 MR. MORROW: That is correct, Your Honor.

21 THE COURT: And for me that's enough to make it
22 more probative than unfairly prejudicial, so the motion is
23 denied to exclude that testimony.

24 MR. FALK: It's denied or I can renew it?

25 THE COURT: You can renew it. All motions in

1 limine can be renewed at the appropriate time, but at this
2 point it is denied. It is now a little bit after 12:30.
3 The jury's coming back about two, so we can pick a jury
4 and get started on this case. And anything further before
5 we break and eat some lunch?

6 MR. FALK: Can I approach the bench for a
7 moment?

8 THE COURT: You may.

9 (WHEREUPON, a bench conference was held.)

10 THE COURT: We'll be at ease until two o'clock.

11 (WHEREUPON, a lunch break was taken.)

12 THE COURT: Good afternoon, ladies and
13 gentlemen, I am so happy that you are here for the jury
14 selection today. I don't know how happy you all are to
15 be, but I have been out of court for a couple of weeks in
16 medical leave and I'm just so delighted to be back. And I
17 hope that you will enjoy yourselves if you are selected to
18 be jurors. Of course, this isn't the type of thing that
19 everybody likes to do, but this is so important to our
20 justice system and I appreciate having y'all in the
21 audience today for the very important role that you have.

22 I want to tell you a little bit about this case
23 before we go into the jury selection process because I
24 think it will be helpful to you when you are answering
25 questions. There are going to be a lot of sensitive

1 questions that I ask of you and I'll be asking you to
2 stand up and give your name and juror number. My intent
3 is not to embarrass you with these question and I want to
4 make sure that everybody answers these questions honestly.
5 And so if at any point you feel uncomfortable standing up
6 to answer the question, I want you to make a mental note
7 of the question and you can come forward to me and we will
8 have a somewhat private conversation. It won't be
9 completely private. The attorneys are entitled to hear
10 the answers to your questions, so we'll have a somewhat
11 whispered conversation up here with the attorneys, but you
12 all have to answer those questions out loud where other
13 members of the jury panel hear you. But, again, it's so
14 very important that you answer the questions that I ask
15 you honestly. And I just want to let you know from outset
16 that this is a sensitive case and some of the questions
17 I'm going to be asking you are sensitive.

18 The case we're going to try is called In The
19 Matter of the Care and Treatment of Charles Sullivan. And
20 this is a case where the State of South Carolina has
21 brought the case under what's known as the Sexually
22 Violent Predator Act of South Carolina. The State seeks
23 the civil commitment of Charles Sullivan for long-term
24 care, control, and treatment in a secure facility.
25 Mr. Sullivan denies that he is a sexually violent predator

1 and the burden of proof is on the State to prove by
2 evidence sufficient to satisfy the jury beyond a
3 reasonable doubt that Mr. Sullivan is a sexually violent
4 predator, so that is the backdrop. I want to have the
5 clerk put you under oath before I ask you these questions
6 to make sure that the folks who are selected for this jury
7 can be fair and impartial.

8 THE CLERK: Ladies and gentlemen jury of the
9 jury panel, please stand and raise your right hand to be
10 sworn. After this oath, please acknowledge by answering I
11 do.

12 (WHEREUPON, the jury panel is sworn.)

13 THE COURT: All right. So after each question I
14 ask that you please stand up and then I will ask you
15 follow-up questions if this question applies to you.
16 Again, if you feel any sort of embarrassment to stand up
17 at the time that I ask the question at the end, I will
18 give you an opportunity to come forward so that we can
19 discuss any question that you needed to answer, but you
20 would like to do privately. Does any member of the jury
21 panel know or know of any Charles Sullivan, if so please
22 stand? Yes, ma'am, if you could give me your name and
23 your juror number please?

24 PROSPECTIVE JUROR: My name is Cynthia Burwell.
25 My juror number is 30.

1 THE COURT: And would the relationship you have
2 with Mr. Charles Sullivan affect your ability to render a
3 fair and just verdict in this case?

4 PROSPECTIVE JUROR: It would probably affect my
5 ability to render a fair judgment because I know the ---

6 THE COURT: Circumstances underlying.

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: Thank you very much. We are going
9 to excuse you, Ms. Burwell.

10 Does any member of the jury panel know anything
11 about the sexual offenses Charles Sullivan was convicted
12 of, if so please stand?

13 And, Ms. Burwell, you don't need to stand any
14 more. You been excused.

15 Pat, is it okay for her to go ahead and leave or
16 should she stay?

17 THE CLERK: She can go downstairs.

18 THE COURT: Why don't you go ahead and leave, so
19 that you don't feel like you have to stand up for every
20 question. Thank you, ma'am. I appreciate it. If you can
21 go back to the jury room where you just came on the first
22 floor. Thank you.

23 PROSPECTIVE JUROR: I'm not sure if this is the
24 same Charles Sullivan ---

25 THE COURT: Okay, just one second -- no, no,

1 stand. Can you give me your name and your juror number
2 and then...

3 PROSPECTIVE JUROR: Mary Alice Edmonds juror
4 number 73.

5 THE COURT: Seventy-three just one moment.
6 Okay, Ms. Edmonds, go ahead you don't know if it's the
7 same.

8 PROSPECTIVE JUROR: I don't ---

9 THE COURT: Why don't you come forward just in
10 case whatever you're about to say might be a different
11 Charles Sullivan.

12 PROSPECTIVE JUROR: Sullivan was prosecuted
13 about 15 or 20 years ago Palmetto Baseball League.

14 MR. MORROW: That's him.

15 THE COURT: Yes. How do you know him?

16 THE WITNESS: He was a good friend of my
17 mother-in-law. I never actually knew him. I just know of
18 him.

19 THE COURT: Having known that your mother-in-law
20 was a friend of his and kind of know a little bit about
21 him being prosecuted, would that affect your ability to be
22 fair and impartial in this case?

23 PROSPECTIVE JUROR: From what I remember, he
24 admitted that he was guilty.

25 THE COURT: And this is a different proceeding.

1 He has served his time in the department of corrections
2 and now the State is seeking to hold him civilly beyond
3 his time of incarceration for what he was convicted of.
4 So this has to do -- there are going to be different
5 factors that you have to consider that the State has the
6 burden of proof. Do you think you could listen to those
7 without already having an idea about whether or not he
8 should be civilly committed?

9 PROSPECTIVE JUROR: I do.

10 THE COURT: You think you can be fair and
11 impartial?

12 PROSPECTIVE JUROR: I do.

13 THE COURT: Okay.

14 COURT REPORTER: I can't hear you all.

15 THE COURT: He asked how did her mother-in-law
16 know him.

17 PROSPECTIVE JUROR: My mother-in-law do you want
18 her name?

19 MR. MORROW: Yeah.

20 PROSPECTIVE JUROR: They were good friends
21 because he was a baseball coach in the little boys
22 baseball league. And my mother-in-law was involved in
23 that and they were very good friends. And she was very
24 upset when all this came out, but then he did tell her
25 that he was guilty, that's all I know.

1 THE COURT: I understand. He admitted his
2 guilt.

3 MR. MORROW: He pled guilty.

4 THE COURT: It wasn't a trial, he pled guilty.

5 MR. MORROW: That's correct.

6 PROSPECTIVE JUROR: I don't know any of the
7 victims.

8 THE COURT: Thank you very much.

9 MR. FALK: I move to strike for cause.

10 THE COURT: You can go ahead put the motion to
11 strike for cause.

12 MR. MORROW: Yeah, I agree.

13 THE COURT: She did say that she could be fair
14 and impartial, but if you both agree to strike her, we'll
15 will strike her. I'll let her know.

16 All right, next question. Would the fact that
17 Charles Sullivan has been convicted of a sexual offense
18 and has completed his criminal sentence related to that
19 sexual conviction in any way prevent you from being able
20 to be a fair and impartial juror in the trial of this
21 case, if so please stand?

22 (WHEREUPON, no one stood.)

23 THE COURT: Did you or any of your siblings or
24 children attend Cardinal Newman High School between the
25 years of 1994 and 1998, if so please stand?

1 (WHEREUPON, there were none.)

2 THE COURT: Did you or any of your children
3 participate in the Carolina Children's Home little leagues
4 baseball program between 1982 and 1998, if so please
5 stand? Yes, ma'am. Ms. Edmonds, I already know that
6 relationship. I appreciate that, let's just mark for the
7 record that juror number 73 stood for that question.

8 Is any member of the jury panel have you ever
9 been a victim or do you have a close family member or
10 friend who is a victim of a violent crime, if so please
11 stand?

12 PROSPECTIVE JUROR: I'm Caren Lynch juror 176.

13 THE COURT: And if you're comfortable speaking
14 from there, you may, but if you would prefer to come
15 forward, you can come forward to.

16 PROSPECTIVE JUROR: It involved my sister in
17 Atlanta. Numerous years ago she was raped, slit and left
18 for dead.

19 THE COURT: And having had a -- your sister be a
20 victim of a violent crime like that would that affect your
21 ability to be fair and impartial in this particular case?

22 PROSPECTIVE JUROR: No.

23 THE COURT: Thank you very much.

24 Sir, in the front row here.

25 PROSPECTIVE JUROR: 276.

1 THE COURT: 276 just one moment. I see Mr. Van
2 Rosevelt, okay, go ahead.

3 PROSPECTIVE JUROR: I was -- somebody tried to
4 rob me. A revolver was thrust into my mid section and it
5 didn't go off.

6 THE COURT: And having been the victim of that
7 violent offense, would you be able to be fair and
8 impartial in this particular case?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Thank you, sir. You may have a
11 seat.

12 Ma'am, right next to him, if you can give me
13 your juror number please.

14 PROSPECTIVE JUROR: 222.

15 THE COURT: Okay, just one moment. Ms.
16 Pelletier.

17 PROSPECTIVE JUROR: Uh-huh.

18 THE COURT: Okay, go ahead.

19 PROSPECTIVE JUROR: I have lost both of my
20 brothers tragically. One is -- the last one was within
21 two years.

22 THE COURT: To violent offenses?

23 PROSPECTIVE JUROR: Yes, ma'am.

24 THE COURT: Okay. And having had your brothers
25 be victims of violent offenses, would that affect your

1 ability to be fair and impartial in this particular case?

2 PROSPECTIVE JUROR: I feel that I could be fair,
3 but don't feel that I'm in the frame of mind to be in
4 here.

5 THE COURT: Okay, being in a courtroom setting
6 like this is upsetting to you?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: I understand that. Thank you very
9 much. I'll excuse you, Ms. Pelletier, number 222. As I
10 said, I don't want to be -- this to be a difficult
11 experience for anyone. And under your circumstances, I
12 can understand why it be hard to be in here. So if you
13 like to go ahead and excuse yourself and go to the first
14 floor, there may be another case that you will be involved
15 in as a juror, but I won't require you to be on this one.
16 Thank you.

17 Sir, here in the dark blue shirt.

18 PROSPECTIVE JUROR: Yeah, I'm 141.

19 THE COURT: 141, okay, just one second let me
20 find you. Mr. Jenkins, go ahead.

21 PROSPECTIVE JUROR: My father was killed in
22 Miami, got shot and killed.

23 THE COURT: And having had your father be a
24 victim of a violent offense, would that affect your
25 ability to be fair and impartial in this particular case?

1 PROSPECTIVE JUROR: No, ma'am, but I do have a
2 question.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: You asked the question as
5 far as he said he already served the time for his crime?

6 THE COURT: Yes, sir.

7 PROSPECTIVE JUROR: So what do we do like not
8 guilty or guilty, that doesn't matter?

9 THE COURT: Well, this is a civil commitment.
10 There's a Sexually Violent Predator Act that the
11 Legislature in South Carolina has passed that after
12 someone has spent the time incarcerated on charges after
13 either pleading guilty or being found guilty, they can be
14 civilly committed so long as the State proves certain
15 things that will be tried in this case before you today.
16 So it will be a civil trial. The guilt or innocence part
17 has already been determined as far as the underlying
18 charge, but there are still elements of the statute that
19 the State is required to prove beyond a reasonable doubt.
20 Does that help?

21 PROSPECTIVE JUROR: Yes, ma'am.

22 THE COURT: Thank you.

23 Yes, sir, in the light blue shirt.

24 PROSPECTIVE JUROR: Would it be okay if I came
25 forward?

1 THE COURT: You can. Can you give me your name
2 so I can go ahead and mark you?

3 PROSPECTIVE JUROR: Juror number 301.

4 THE COURT: Okay, 301 come forward.

5 COURT REPORTER: I can't hear.

6 THE COURT: She has to be able to hear you.

7 PROSPECTIVE JUROR: There was someone I was in
8 close relationship with that was a victim of a rape. And
9 I've had to tutor some students who have attended Cardinal
10 Newman, so, I think, I feel more comfortable with
11 another...

12 THE COURT: Having had a girlfriend or
13 significant other who had been a victim of a rape, do you
14 think that would affect your ability to be fair and
15 impartial?

16 PROSPECTIVE JUROR: I feel like it would. I'm
17 sensitive to the subject and it might sort of sway me a
18 little bit. I don't know for sure, but I think it does.

19 THE COURT: Okay. Well, you're the only one who
20 knows. It's one of those questions that you're really the
21 only one who can answer it. And I need to just kind of
22 trust you whether or not -- so you feel like you can't be
23 fair and impartial in this case, that's what I need to
24 know.

25 PROSPECTIVE JUROR: I don't mind serving on

1 something else.

2 THE COURT: Okay. We're going to go ahead and
3 excuse you and put you on possibly another jury panel.
4 You won't have to be on this one. You can't be fair and
5 impartial, that's the important thing. Thank you for your
6 honesty.

7 PROSPECTIVE JUROR: Should I head out now?

8 THE COURT: Let me go ahead and let Pat know.
9 Juror number 301 is excused.

10 And, ma'am, go ahead.

11 PROSPECTIVE JUROR: Juror 90 Judith Forshee. Do
12 I have to watch a video of any kind of what this person
13 did?

14 THE COURT: As far as I know, there's no video.
15 Do you want to come forward though, let's go ahead and let
16 me ask you about that.

17 PROSPECTIVE JUROR: Juror number 90. I was a
18 victim of spousal abuse for 11 years. I was almost killed
19 three times by my ex-husband, so I don't think I can be
20 fair and impartial.

21 THE COURT: I understand. You rather not sit on
22 this case. You don't have to sit on this case. It
23 doesn't sound like this is a good case for you to sit on.
24 I understand. If you'll go down to the first floor, there
25 might be another case you sit on. I can tell with the

1 reaction you're having. I don't want to put you through
2 any more trauma.

3 (WHEREUPON, Juror number 90 is excused by the
4 Court.

5 THE COURT: All right. Next question does any
6 member of the panel believe that a pedophile can never be
7 rehabilitated, if so please stand? All right, let's start
8 in the front row from left to right. And if you'll go
9 ahead and tell me your juror number and I know that the
10 answer to this question was in the affirmative for you and
11 I won't ask any follow-up questions.

12 PROSPECTIVE JUROR: 259.

13 THE COURT: All right. 259, Ms. Sonefeld.

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Okay. Thank you. You may take a
16 seat.

17 Sir, next to her.

18 PROSPECTIVE JUROR: 189.

19 THE COURT: Okay. All right. Thank you. Mr.
20 McInnis, correct?

21 PROSPECTIVE JUROR: Correct.

22 THE COURT: All right. Thank you.

23 Yes, ma'am.

24 PROSPECTIVE JUROR: 198.

25 THE COURT: That was Ms. Miller?

1 PROSPECTIVE JUROR: Yes.
2 THE COURT: Okay. Go ahead, ma'am.
3 PROSPECTIVE JUROR: 294.
4 THE COURT: Ms. Wilson.
5 PROSPECTIVE JUROR: Yes.
6 THE COURT: All right. We on the second row
7 now. I can't quite tell. Go ahead.
8 PROSPECTIVE JUROR: 110.
9 THE COURT: 110, Ms. Hair, okay.
10 PROSPECTIVE JUROR: 278.
11 THE COURT: 278, thank you, Ms. Waters..
12 PROSPECTIVE JUROR: 310.
13 THE COURT: 310 Mr. Deas, okay. Thank you.
14 PROSPECTIVE JUROR: 176.
15 THE COURT: 176. Just one second, sorry. Ms.
16 Lynch. Okay.
17 PROSPECTIVE JUROR: Forty-one.
18 THE COURT: Say that one more time?
19 PROSPECTIVE JUROR: 41.
20 THE COURT: Clybourn. Okay. Thank you.
21 PROSPECTIVE JUROR: 141.
22 THE COURT: Okay, yes, ma'am.
23 PROSPECTIVE JUROR: Seventy-three.
24 THE COURT: Okay. Ms. Edmunds, got it.
25 Yes, sir.

1 PROSPECTIVE JUROR: Eighty-three.

2 THE COURT: Eighty-three. All right, Mr. Ferri.
3 Thank you.

4 PROSPECTIVE JUROR: 264.

5 THE COURT: 264, Ms. Stroman. Thank you.

6 Yes, ma'am.

7 PROSPECTIVE JUROR: Ninety-seven.

8 THE COURT: Ninety-seven. All right, thank you.

9 For those of you who have not answered this question when
10 it came to a violent offense because there's a little
11 overlap here. Let me ask a similar question has any
12 member of the jury panel or any of your close-personal
13 friends or relatives ever been the victim of a sexual
14 assault whether reported or underreported, if so please
15 stand or please come forward? And, ma'am, tell me your
16 number again, but you did ---

17 PROSPECTIVE JUROR: Juror 176.

18 THE COURT: 176, okay. All right. Let's go
19 ahead and have -- we'll have all of these discussions up
20 here privately. So if you could just one at a time come
21 forward for me please.

22 Go ahead, Pat.

23 THE CLERK: Number 110 Tracy Hair.

24 THE COURT: Go ahead.

25 COURT REPORTER: I'm sorry, I can't hear.

1 PROSPECTIVE JUROR: 110. My mother was molested
2 as a child.

3 THE COURT: And would that affect your ability
4 to be fair and impartial in this particular case?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: It would. You said that
7 unequivocally. Having had that experience, you know you
8 couldn't be fair and impartial.

9 PROSPECTIVE JUROR: No. Thank you.

10 THE COURT: 110 is excused.

11 Next.

12 THE CLERK: Number 276 Jan Peter Van Rosevelt.

13 THE COURT: Yes, sir.

14 PROSPECTIVE JUROR: My sister was raped.

15 THE COURT: Having that experience and having
16 your sister be a victim of a sexual assault, would that
17 affect your ability to be fair and impartial in this
18 particular case?

19 PROSPECTIVE JUROR: I don't know.

20 THE COURT: Okay. Understanding in this case
21 is -- I kind of tried to explain to the jury panel is this
22 situation the State bears the burden of proving that the
23 defendant is a sexually violent predator and that there
24 are also other elements -- he couldn't be treated and so
25 there's a burden of proof that the State would have to

1 meet in this case... Do you think you can listen to that
2 and determine whether they meet that burden of proof or do
3 you think -- I mean, I want you to be honest because
4 you're the only one in your heart who would know. So I'm
5 not trying to convince you that you can be fair. I just
6 want to make you understand, you know, what we're
7 looking...

8 PROSPECTIVE JUROR: It's different in that
9 situation I could.

10 THE COURT: Thank you. Do you have any
11 hesitation about that or do you think that you can be fair
12 and impartial in this case?

13 PROSPECTIVE JUROR: Yes.

14 MR. MORROW: May I ask one question?

15 THE COURT: Sure.

16 MR. FALK: How old was she?

17 PROSPECTIVE JUROR: Twenty something.

18 MR. FALK: Thank you.

19 THE CLERK: All right, next. Number 294 Linda
20 Wilson.

21 THE COURT: Yes, ma'am.

22 PROSPECTIVE JUROR: My sister was raped numerous
23 of times.

24 THE COURT: Okay. And having a sister who's a
25 victim of a sexual offense like that, would that affect

1 your ability to be fair and impartial?

2 PROSPECTIVE JUROR: Yeah, on her rape, but I do
3 have two daughters as well. I think, I can be fair in
4 this case.

5 THE COURT: Okay. And how old was your sister
6 approximately?

7 PROSPECTIVE JUROR: She was like in her 30's or
8 40's.

9 THE COURT: Okay. And you understand that in
10 this case, it would be obviously a different set of
11 circumstances, but the State has to prove the case. But
12 based on the subject matter, do you think it would just be
13 difficult for you to listen to it impartially?

14 PROSPECTIVE JUROR: I can listen, but in making
15 a conclusion in a room, no. I don't think I can be fair.

16 THE COURT: Tell me your juror number again?

17 PROSPECTIVE JUROR: 294.

18 THE COURT: 294 is excused.

19 Next.

20 PROSPECTIVE JUROR: 179 Thomas Mann.

21 THE COURT: Yes, sir, you'll come close enough.
22 She needs to be able to hear.

23 PROSPECTIVE JUROR: Certainly. I have a high
24 school friend her sister was gang raped. And although I
25 don't know her that well, I know what it did to the

1 family. And in the second thing I'll tell you is when I
2 was younger I use to work for the DNR. I would have work
3 release people work with me and one of them was a child
4 molester. And I just remember telling him he was going to
5 burn in hell for that. So, I think, I might be
6 predisposed to judge that way.

7 THE COURT: Okay. All right. So you do not
8 think that you could give this particular person a fair
9 and impartial trial?

10 PROSPECTIVE JUROR: I think, I could, but, I
11 think, that there will be a question I raise, you know,
12 so I would say that I would be pre-disposed to find him
13 guilty.

14 THE COURT: Okay. And this is a little bit of a
15 different scenario because he already pled guilty. It's
16 just a question of whether he should be considered a
17 sexual violent predator?

18 PROSPECTIVE JUROR: I think I could be fair at
19 that.

20 THE COURT: You do think you can be fair enough?

21 PROSPECTIVE JUROR: I do, I do, yes.

22 THE COURT: Okay. Thank you.

23 PROSPECTIVE JUROR: Thank you.

24 THE COURT: All right, next.

25 THE CLERK: Number 213 Elizabeth Ogorek.

1 THE COURT: Go ahead.

2 PROSPECTIVE JUROR: I previously worked at a
3 children's home. A number of the kids in my care were
4 victims of abuse and violence.

5 THE COURT: And having worked in that home where
6 kids were victims of abuse, would that affect your ability
7 to be fair and impartial in this particular case?

8 PROSPECTIVE JUROR: I would hope not. I'm
9 currently a therapist, so I have to kind of put that to
10 the side.

11 THE COURT: Okay. You think you can do that?

12 PROSPECTIVE JUROR: I think so.

13 THE COURT: Thank you for coming forward.

14 PROSPECTIVE JUROR: Thank you.

15 THE COURT: All right.

16 THE CLERK: Number 176 Caren Lynch.

17 THE COURT: Yes, ma'am.

18 PROSPECTIVE JUROR: I told you what happened to
19 my sister that was about 25 years ago.

20 THE COURT: And I just want to make sure you
21 believe that you can be fair and impartial in this
22 particular case?

23 PROSPECTIVE JUROR: Is this involving children?
24 Is it males or females?

25 THE COURT: I don't know. I know it involves

1 children, but I don't know the details beyond that. This
2 is a case where he served time incarcerated for the
3 underlying offense and now it's the civil trial whether he
4 remains committed for care and treatment.

5 PROSPECTIVE JUROR: I should probably let you
6 know my mother was an attorney for Georgia Legal Services
7 and represented abused women and children and I heard a
8 lot.

9 THE COURT: Sure.

10 PROSPECTIVE JUROR: I think, I can be fair.

11 THE COURT: And that's what I was just going to
12 say. All I can do is ask the questions and I want -- you
13 have to kind of dig in your heart and see if you can
14 listen ---

15 PROSPECTIVE JUROR: If it's similar to my
16 sister, I don't -- I couldn't do it.

17 THE COURT: Right, right. This is where you
18 have to be able to listen to the State and see if the
19 State carried their burden of proof. You think you could
20 do that?

21 PROSPECTIVE JUROR: Uh-huh, uh-huh.

22 THE COURT: Thank you, very much.

23 THE CLERK: Number 83 Michael Ferri.

24 THE COURT: If you can just tell me why you came
25 up and make sure she can hear you?

1 PROSPECTIVE JUROR: My wife when she was 14 was
2 raped and it was never reported. Then she's now 20 years
3 later and she's still working with a psychologist because
4 she claims it's ever since it's been painful for her to
5 have sex.

6 THE COURT: Now, having her had that experience
7 and you know how it affects her, would that affect your
8 ability to be fair and impartial in this case? This is
9 not the criminal trial for the sexual offenses. This is
10 the civil commitment to determine whether or not he's a
11 sexually violent predator. Would you be able to listen to
12 the evidence in this case and judge this case by the
13 evidence presented in this courtroom without reference to
14 any sort of past history with your wife, could you be fair
15 and impartial in this case?

16 PROSPECTIVE JUROR: I believe I could be.

17 THE COURT: Thank you very much. Thank you.

18 THE CLERK: Number 201 Georgia Missouri.

19 THE COURT: Yes, ma'am.

20 PROSPECTIVE JUROR: My daughter and my niece was
21 sexually assaulted by this guy across the street from my
22 mom's house. It's been some years now.

23 THE COURT: And having had that experience,
24 would that affect your ability to be fair and impartial in
25 this particular case?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Thank you. You seem pretty sure
3 about that. I understand your position, so we're going to
4 go ahead and excuse you. Could you tell me your number
5 again?

6 PROSPECTIVE JUROR: 201.

7 THE COURT: All right, 201 is excused.

8 THE CLERK: Number 188 James McGregor.

9 PROSPECTIVE JUROR: Good afternoon.

10 THE COURT: Good afternoon.

11 PROSPECTIVE JUROR: Trying to understand the
12 question.

13 THE COURT: Sure, go ahead.

14 PROSPECTIVE JUROR: Well, I just want to make
15 sure ---

16 THE COURT: Have you or any of your close family
17 members or friends ever been victims of sexual abuse
18 whether reported or unreported?

19 PROSPECTIVE JUROR: So I don't have direct
20 knowledge, but my wife before I knew her was involved at
21 the time she told me was a date rape and ended up being
22 pregnant and later term abortion. And then later on after
23 several years of marriage found she was a victim of abuse
24 by her brother or whether they're related or not because
25 she's -- to this day, I don't know the details, but I been

1 married 37 years with the brokenness of it. And then I
2 have a former sister-in-law who was married to my brother,
3 they're divorce now, who was abused, raped by somebody she
4 worked with. She was like what they call a meter maid for
5 meter reader, very disturbed afterwards.

6 THE COURT: Now, having the relationship with
7 both then victims of sexual abuse, would that affect your
8 ability to be fair and impartial?

9 PROSPECTIVE JUROR: I don't think so, but I just
10 felt like -- I almost didn't stand up.

11 THE COURT: No, no, you did exactly the right
12 thing, what we need to know is what your experience was
13 and then I wanted to ask that question to keep you on a
14 jury, but you did exactly right, so thank you.

15 (WHEREUPON, this begins a bench conference that
16 was held on the record, but out of the hearing of the
17 jury.)

18 THE COURT: Mr. Falk wanted to put on the record
19 about the folks that answered affirmatively to question
20 number eight which was whether or not they believed that a
21 pedophile could never be rehabilitated. Mr. Falk, I'll
22 hear from you.

23 MR. FALK: My point is is that what our story is
24 going to be in this case is that my guy has had lots of
25 treatment over the past 20 years and whether or not he

1 needs additional treatment, but if you had people who are
2 predisposed to say that he will never be treated
3 sufficiently, I have no chance with those people. They're
4 already pre-disposed to say you have to send him away and
5 I can list those names. I've got the numbers.

6 THE COURT: I've got them too.

7 MR. FALK: In addition to that depending on how
8 you felt about that those, an additional one to number 83.

9 THE COURT: She was the one with the wife.

10 MR. FALK: Fourteen age here.

11 THE COURT: Mr. Morrow.

12 MR. MORROW: I feel that the individuals who
13 came forward and said that they could be fair and
14 impartial despite their relationship, I don't any problem
15 with them.

16 THE COURT: You think that I should bring
17 forward everybody who answered, yes, number eight?

18 MR. MORROW: Right, correct.

19 THE COURT: And ask additional questions?

20 MR. MORROW: Right, correct, Your Honor.

21 THE COURT: All right. I'm going to ask
22 particular jurors to come forward at this time, juror 310,
23 please.

24 Yes, sir, this is a follow-up question I'm going
25 to ask because you responded, yes, to the question people

1 who been a victim -- people who were a pedophile could
2 ever be rehabilitated. What I want to know that in this
3 particular case the State has the burden of proving that
4 someone has a sexually violent offense in their past and
5 that they cannot become safe through treatment? Is that a
6 fair -- do I need to describe it differently or is that

7 ---

8 PROSPECTIVE JUROR: They need additional
9 treatment for it.

10 THE COURT: Before they can be made safe. I
11 wanted to make sure that you think you could be fair and
12 impartial in this case and listen to whether or not the
13 State carries that burden of proof or whether you had come
14 in and said there ain't no way, that someone who's ever
15 done that in the past could ever be safe, that's why --
16 I'm going to call everybody up.

17 PROSPECTIVE JUROR: I truly believe there's no
18 way in this case that ---

19 COURT REPORTER: Can you speak up?

20 THE COURT: Sorry, she has to be able to hear.

21 PROSPECTIVE JUROR: I got you. I got you. I
22 believe in this case no one never be, you know, I just
23 don't believe that ---

24 THE COURT: He could ever be safe?

25 PROSPECTIVE JUROR: Right.

1 THE COURT: Okay. Thank you. I'm going to
2 excuse you from the jury. So thank you for being honest.
3 You're welcome to go to the first floor because you might
4 be selected for another jury. Number 310 is excused.
5 Number 189 please.

6 Mr. McInnis, I called you up here because you
7 had answered to a previous question about whether someone
8 could ever be rehabilitated and I wanted to just kind of
9 get more information about that to make sure you could be
10 fair and impartial in this case?

11 PROSPECTIVE JUROR: Well, it's personal a
12 belief. And then a neighbor about two years ago was
13 indecent exposure. He is handicapped, he was let out.
14 And talking with him one time, I stopped him and I'm like
15 did you have a previous experience, and he said, yes. And
16 so it's a little slant to it as well.

17 THE COURT: Okay. In this case what I'm asking
18 jurors to be able to do and I want you to be honest about
19 whether you can or cannot do this. I'm not trying to
20 convince you like that you can be unbiased. I just want to
21 explain to you exactly what you'll be looking at. The
22 State has the burden of proving the respondent in this
23 case is a sexually violent predator and that he can't be
24 made safe without additional treatment. Now, can you
25 listen to that testimony and judge it fairly based on the

1 testimony you hear in the courtroom or do you think you
2 would be bias to everything from everything else you just
3 personally believe and have known and having know this.

4 PROSPECTIVE JUROR: Without knowing anything,
5 I'd say I'm probably 75 percent on convicted.

6 THE COURT: I'm going to go ahead and excuse
7 you. I appreciate your honesty, that's exactly what I
8 need to know. Go down to the first floor, you may be
9 selected for another jury. I appreciate that. Thanks.
10 Number 189 is excused.

11 Number 278. Ms. Waters, I called you up because
12 you had answered earlier about a question about pedophilia
13 and believing that they could ever be rehabilitated. I
14 just wanted to follow up to make sure you could be fair
15 and impartial in this case because in this case the
16 State -- I'm going to explain to you has the burden of
17 proving that the respondent is a sexually violent predator
18 and that he cannot be made safe without further treatment.
19 And I didn't know if your answer to that question meant
20 that you wouldn't be able to listen to that testimony and
21 hold the State's feet to the fire about that burden of
22 proving those elements.

23 PROSPECTIVE JUROR: He needs to continue to have
24 treatment.

25 THE COURT: Well, the question is whether or not

1 he needs to be in a secure facility at this point.

2 PROSPECTIVE JUROR: He does, yes, always.

3 THE COURT: You believe that he does?

4 PROSPECTIVE JUROR: Yeah, unfortunately.

5 THE COURT: Without having heard anything else?

6 PROSPECTIVE JUROR: Well, you know --

7 THE COURT: Because of the fact that he was
8 convicted before?

9 PROSPECTIVE JUROR: Yes, treatment is regularly
10 for people having issues..

11 THE COURT: Okay. The question is whether he
12 would have to be in a secure treatment facility, that he
13 wouldn't be able to leave the facility and stay in the
14 custody -- in custody of the state?

15 PROSPECTIVE JUROR: That's a hard decision. I
16 can't tell you one way or the other. I've never done
17 this.

18 THE COURT: Well, I'm not asking you to tell me
19 what your decision is. What I wonder is if you could
20 listen to the evidence in this case and make a decision
21 based on what's presented in this courtroom and based on
22 the law that I tell you the law is or whether you already
23 have an idea about whether he needs to be treated or not
24 treated or ---

25 PROSPECTIVE JUROR: Well, I would say constant

1 treatment, but I don't say secure environment or not.

2 THE COURT: Okay. I understand what you're
3 saying. Do you think that you can listen to the evidence
4 in this case and be fair and impartial as you listen to it
5 and then make a decision after having heard the testimony
6 from this witness stand rather than preconceived notions
7 you might have?

8 PROSPECTIVE JUROR: Yeah, I don't know anybody
9 -- it's just hard to understand.

10 THE COURT: Okay, but you do think you can be
11 fair and impartial?

12 PROSPECTIVE JUROR: Yes, ma'am, I would work on
13 it, but I can't promise anything.

14 THE COURT: Okay. Well, you're the only person
15 who knows the answer in your heart. So if you think you
16 can, I need to kind of rely on you, so you let me know.
17 There's no right or wrong answer.

18 PROSPECTIVE JUROR: This is hard to say. It's
19 only fair that everybody gets a chance, so I will say it
20 that way.

21 THE COURT: Okay. Any follow-up questions?

22 MR. FALK: No.

23 THE COURT: Anything from you?

24 MR. MORROW: Nothing from the State.

25 THE COURT: Thank you. Number 198. All right.

1 And then if we could go ahead and have number 294 kind of
2 on deck over here next to Pat.

3 Ms. Miller, I called you up because you did
4 answered earlier about the question about whether Mr.
5 Sullivan could ever be rehabilitated and I just wanted to
6 get a little bit more information about whether or not you
7 thought you could be fair and impartial in this particular
8 case?

9 PROSPECTIVE JUROR: I think, I could be fair and
10 impartial consider everything I heard. I believe I can
11 be.

12 THE COURT: In this particular case, we're not
13 going to determine the guilt or innocence.

14 PROSPECTIVE JUROR: Of that civil suit.

15 THE COURT: And if I were to give you the law
16 and you were to know that you had to determine whether or
17 not the State met its burden of proof based on the
18 information you received in this courtroom, you think you
19 would be able to do that?

20 PROSPECTIVE JUROR: Yes, I do.

21 THE COURT: Thank you.

22 THE CLERK: Number 176.

23 THE COURT: Ms. Lynch, I'm sorry to keep calling
24 you up. I need to follow up with everybody who answered
25 yes to the question that I asked if do you believe that

1 pedophiles can never be rehabilitated? You would be able
2 to be fair and impartial in this case to determine whether
3 or not this defendant needed to be civilly committed based
4 on the evidence you hear in this courtroom?

5 PROSPECTIVE JUROR: Can I say I'm undecided?

6 THE COURT: Here's the thing, I need to know
7 whether or not you think you can be fair and impartial.
8 And so you're the only one who knows that in your heart
9 and so that's why I need to ask and keep pushing on the
10 question just to make sure, I'm not trying to push you
11 one way or the other just want to make ---

12 PROSPECTIVE JUROR: I do medical transcription
13 and what I'm taught is every word hangs on everybody's --
14 what's important in someone life. So, I think, I could.

15 THE COURT: Okay. Thank you.

16 Ma'am.

17 THE CLERK: Number 97 Tracy Garza.

18 THE COURT: Ms. Garza, I called you up here
19 because earlier you had stood to a question when I asked
20 whether you thought that a pedophile could ever be
21 rehabilitated and you said that you did not think that
22 they could be. And I wanted to follow up to make sure you
23 can be fair and impartial in this case. Would you be able
24 to listen to the evidence in this case and determine
25 whether or not the respondent needs to be civilly

1 committed based on the evidence you hear in this
2 courtroom?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: You can?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Thank you very much.

7 259. I called you up to follow up on the
8 question I asked with regard to pedophiles whether or not
9 they can be rehabilitated. I just want to talk to you
10 about whether or not you think you can be fair and
11 impartial in this --

12 PROSPECTIVE JUROR: No.

13 THE COURT: You do not think so?

14 COURT REPORTER: I'm sorry I didn't hear the
15 answer.

16 THE COURT: She cannot be fair and impartial.
17 You'll be excused. Your, Ms. Sonefeld, right?

18 PROSPECTIVE JUROR: Uh-huh.

19 THE COURT: All right, 259 is excused. If
20 you'll go to the first floor. You may be selected for
21 another jury.

22 Mr. Clybourn, I wanted to follow up on my
23 question that I asked you earlier about whether you
24 believed a pedophile could ever be rehabilitated. I want
25 to know is whether you think you can be fair and impartial

1 in this particular case where you would determine whether
2 or not this particular respondent needed to be committed
3 based on the evidence you hear in this courtroom or
4 whether you don't think it could be fair with that?

5 PROSPECTIVE JUROR: No.

6 THE COURT: You don't think you can be fair with
7 that?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Okay, all right, that's what I
10 needed to know. I appreciate the honest answer. I'm
11 going to ask you to go downstairs. You might be selected
12 for a different jury, but I'm going to excuse you.
13 Forty-one is excused.

14 (WHEREUPON, this is juror number 83 Michael E.
15 Ferri.)

16 Sir, I'm sorry to call you back up here. I am
17 following up with the answer the question with regard to
18 whether pedophiles could ever be rehabilitated ask whether
19 you could be fair and impartial in this particular case
20 based on the evidence you hear in this courtroom.

21 PROSPECTIVE JUROR: Yes, ma'am, it's my belief
22 that they can.

23 THE COURT: So you would be able to follow the
24 law if I told you that it's the state's burden of proving
25 that element of the case you will be able to follow that

1 instruction?

2 PROSPECTIVE JUROR: I would.

3 THE COURT: Thank you very much.

4 (WHEREUPON, this is juror number 264 April I.
5 Stroman.)

6 THE COURT: Ms. Stroman, I called you up because
7 I'm following up with everyone who answered the question
8 with regard to whether pedophiles could ever be
9 rehabilitated. I want to make sure you can be fair and
10 impartial in this case. Would you be able to decide this
11 case based on the evidence you hear in this courtroom and
12 based on the law as I tell it to you?

13 PROSPECTIVE JUROR: Yes and no.

14 THE COURT: Okay, tell me why you answer yes and
15 no?

16 PROSPECTIVE JUROR: Yes, I will be able to tell
17 the truth on this case, but, no, I be feeling like
18 something weighing mental.

19 THE COURT: Okay. So do you think that you come
20 in kind of bias in this case?

21 PROSPECTIVE JUROR: Yes, I can.

22 THE COURT: Would you be fair or you would be
23 bias?

24 PROSPECTIVE JUROR: I'll be fair.

25 THE COURT: You would be fair. You don't think

1 you have -- when you say you come in with a certain
2 something, that would be like a preconceived notion that
3 sort of indicates bias. I need to kind of get into your
4 heart what you think.

5 PROSPECTIVE JUROR: And in my heart, I would be
6 bias. I would be bias.

7 THE COURT: Okay. And is there anything if I
8 instructed you about the law if what I told you was
9 different from what was in your heart would you be able to
10 divorce those two?

11 PROSPECTIVE JUROR: Yes, I would be able to
12 divorce those two.

13 THE COURT: You would be able to?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: So you would be able to follow my
16 instructions?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: And if I were to instruct you that
19 you could only consider the evidence that you hear in this
20 courtroom in deciding the case, you would be able to do
21 that?

22 PROSPECTIVE JUROR: Yes, I would.

23 THE COURT: Thank you.

24 THE CLERK: Number 141 Ramon Jenkins.

25 THE COURT: All right, Mr. Jenkins, I called

1 everybody up here who answered the question about
2 pedophilia and not believing that people could be
3 rehabilitated just to sort of get some more information.
4 Do you think you could be fair and impartial in this
5 particular case to determine whether or not this gentleman
6 needs to be civilly committed based on the evidence you
7 hear in this courtroom or do you think your bias -- have a
8 bias against him? Just trying to get into your heart and
9 I don't know how ---

10 PROSPECTIVE JUROR: Me personally as far as the
11 situation, I think, I will be partial because of bias.
12 It's because of the situation especially from -- I know
13 this is like after the fact and him already being
14 convicted and then depending on like the severity.

15 THE COURT: And so what you would be ask to
16 determine is whether the State or their burden of proving
17 certain elements, you wouldn't have anything to say about
18 what happened to him next. It would be a matter of me
19 telling you the law is, you listening to the facts, and
20 whether you could apply the facts of law. But if you
21 don't think you could do that fairly, that's what I want
22 to know. There's no wrong answer here.

23 PROSPECTIVE JUROR: I think because of the --
24 like if you already been committed like guilty ---

25 THE COURT: Which he has in this case.

1 PROSPECTIVE JUROR: It's almost like get some
2 more -- I fell like he may deserve more if we didn't have
3 -- whatever comes to him ---

4 THE COURT: Okay. I'm going to go head and
5 excuse you. I appreciate your honesty. I don't want you
6 to think you gave me the wrong answer. I appreciate you
7 being honest with me. I'll send you down to the first
8 floor. You might be chosen for another jury.

9 PROSPECTIVE JUROR: 141 is excused.

10 THE CLERK: Thank you.

11 THE COURT: All right. I appreciate everyone's
12 patience as we go through this process. I really
13 appreciate not only your patience, but your honesty in
14 answering these questions. Let me turn to the next
15 question. Does any member of the jury panel have any
16 training or experience in the fields of psychiatry,
17 psychological or the law, if so please stand? All right,
18 let's start in the front row here in the gray shirt please
19 your juror number.

20 PROSPECTIVE JUROR: 311 Donald Weeks.

21 THE COURT: Okay, number 311 Mr. Weeks. And how
22 are you trained in psychiatry or psychology or the law?

23 PROSPECTIVE JUROR: The law.

24 THE COURT: The law.

25 PROSPECTIVE JUROR: Law enforcement.

1 THE COURT: Law enforcement and tell me
2 specifically?

3 PROSPECTIVE JUROR: I do law enforcement at
4 McEntire National Guard Base.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR: Especially pretty much what
7 the gentleman is doing here especially confine to the base
8 itself.

9 THE COURT: And having that law enforcement
10 background, would that affect your ability to be fair and
11 impartial in this particular case?

12 PROSPECTIVE JUROR: Not a problem.

13 THE COURT: Thank you, sir.

14 Yes, sir, next to him in the tie.

15 PROSPECTIVE JUROR: 276.

16 THE COURT: 276. All right, Mr. Van Rosevelt,
17 go ahead.

18 PROSPECTIVE JUROR: I'm an attorney.

19 THE COURT: Your an attorney. And being an
20 attorney, would that affect your ability to be fair and
21 impartial in this particular case?

22 PROSPECTIVE JUROR: No, ma'am.

23 THE COURT: Okay, thank you.

24 Ma'am, in the pink.

25 PROSPECTIVE JUROR: I have an odd number -- even

1 number 66.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: I'm a retired law
4 enforcement for 25 years with the City of Columbia.

5 THE COURT: Okay. And you're, Ms. Dowling; is
6 that correct?

7 PROSPECTIVE JUROR: I am.

8 THE COURT: Okay. And having been in law
9 enforcement, would that affect your ability to be fair and
10 impartial in this particular case?

11 PROSPECTIVE JUROR: No, it would not.

12 THE COURT: Okay, thank you.

13 Yes, ma'am, in the black.

14 PROSPECTIVE JUROR: 213 I'm a licensed
15 professional counselor and licensed marriage family
16 therapist.

17 THE COURT: Okay. And would that affect your
18 ability to be fair and impartial in this particular case?

19 PROSPECTIVE JUROR: No.

20 THE COURT: Okay, thank you. Has any member of
21 the jury panel ever worked for or in any way been
22 connected with a social services agency, a guardian ad
23 litem program, a foster care program or any other entity
24 either private or governmental that investigates or
25 counsels victim's of rape or sexual assault, if so please

1 stand? I thought you might stand again. You are number
2 213, correct?

3 PROSPECTIVE JUROR: Uh-huh.

4 THE COURT: Same answer that you just gave?

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: And would that affect your ability
7 to be fair and impartial in this case?

8 PROSPECTIVE JUROR: I don't think so.

9 THE COURT: Thank you.

10 Yes, sir, in the white?

11 PROSPECTIVE JUROR: Number 273.

12 THE COURT: Just one moment let me find you.

13 Mr. Turner, go ahead.

14 PROSPECTIVE JUROR: I don't know if this matter
15 or not, but I'm the operation's officer at Fort Jackson
16 for the emergency operations center. So I deal with all
17 of these different organizations you're mentioning on a
18 daily basis to include law enforcement, mental hygiene,
19 social services and all of them.

20 THE COURT: Okay. And having that role at Fort
21 Jackson, would that affect your ability to be fair and
22 impartial in this particular case?

23 PROSPECTIVE JUROR: No, ma'am.

24 THE COURT: Thank you, sir.

25 Does any member or spouse of a member of the

1 panel work for or with any law enforcement agency either
2 on the City, County, State or federal level? Yes, sir, I
3 know in the gray if you'll stand up again. I know this is
4 a repeat for some folks, but go ahead and stand up again
5 and give me your juror number and I'll ask you the same
6 question as before.

7 PROSPECTIVE JUROR: Juror number 311 Donald
8 Weeks.

9 THE COURT: And you have law enforcement
10 background. Is any other aspect of this question --
11 you're the law enforcement agency -- tell me again which
12 agency?

13 PROSPECTIVE JUROR: This will be for the
14 McEntire National Guard Base?

15 THE COURT: Okay. And would that affect your
16 ability to be fair and impartial in this case?

17 PROSPECTIVE JUROR: Not at all.

18 THE COURT: Okay, thank you.

19 Yes, ma'am, in the pink again sorry to repeat.

20 PROSPECTIVE JUROR: Sixty-six is my juror
21 number.

22 THE COURT: That's right, Ms. Dowling. And
23 having had the experience with law enforcement would that
24 affect your ability to be fair and impartial in this case?

25 PROSPECTIVE JUROR: No, it would not.

1 THE COURT: Okay. Thank you.

2 Yes, sir, in the green.

3 PROSPECTIVE JUROR: I'm number nine.

4 THE COURT: Mr. Beacham.

5 PROSPECTIVE JUROR: Yes, ma'am.

6 THE COURT: Go ahead.

7 PROSPECTIVE JUROR: My father use to be a
8 solicitor out of Lexington county and he's currently
9 criminal defense attorney.

10 THE COURT: Okay. And having your father a
11 former solicitor and now a defense attorney, would that
12 affect your ability to be fair and impartial in this
13 particular case?

14 PROSPECTIVE JUROR: No, ma'am.

15 THE COURT: Okay. Yes, sir, in the light blue
16 here.

17 PROSPECTIVE JUROR: Juror 205.

18 THE COURT: 205 just one moment. Mr. Moore.

19 PROSPECTIVE JUROR: I want to clarify it's
20 family, extended family?

21 THE COURT: Yes, sir.

22 PROSPECTIVE JUROR: I have a step father and a
23 cousin, uncle who are all either current or former law
24 enforcement.

25 THE COURT: Okay. And having those relatives as

1 former law enforcement or current law enforcement, would
2 that affect your ability to be fair and impartial in this
3 particular case?

4 PROSPECTIVE JUROR: No, ma'am.

5 THE COURT: Thank you.

6 All right. This is maybe a repeat I know for at
7 least one person it will be a repeat. Does any member or
8 spouse of a member of the panel work for the Solicitor's
9 office or any sort of county, state or federal
10 correctional facility? Actually that was not your spouse
11 that was your father who worked for the Solicitor's
12 office. Does that apply to anybody in the audience? Does
13 any member or spouse of a member of the panel work as an
14 emergency medical technician, volunteer fire person or any
15 occupation that can be described as a first responder, if
16 so please stand?

17 Yes, sir, go ahead.

18 PROSPECTIVE JUROR: Can we go back to the
19 previous question?

20 THE COURT: Sure.

21 PROSPECTIVE JUROR: I have a cousin who's
22 employed at a correctional facility?

23 THE COURT: Okay. And having a cousin at a
24 correctional facility, would that affect your ability to
25 be fair and impartial in this case?

1 PROSPECTIVE JUROR: No, ma'am.

2 THE COURT: Okay. Thank you, sir. And tell me
3 your juror number one more time?

4 PROSPECTIVE JUROR: 205.

5 THE COURT: Thank you.

6 Are any of you or your family members associated
7 with any crime advocacy group or victims' rights group or
8 any criminal or law enforcement organization such
9 Neighborhood Watch Group, Citizens Against Violent Crime,
10 People Against Rape or anything of that nature, if so
11 please stand?

12 (WHEREUPON, no one stood.)

13 THE COURT: Does any member of the jury panel
14 know or has any member of the jury panel ever been
15 involved in a case where you or another party was
16 represented by James Falk. Mr. Falk, if you could please
17 stand? Mr. Falk, you can sit down. Anybody ever been
18 involved in a case with Mr. Falk.

19 (WHEREUPON, no one stood.)

20 THE COURT: All right. Same question regarding
21 Mr. Morrow with the Attorney General's office? All right,
22 thank you. I am going to read a list of witnesses in this
23 case. And if any of you have a relationship with any of
24 these witnesses, I ask that you please stand. Dr. Charles
25 Sullivan, Steven Williams, Sellman Watson, Charlotte

1 Taylor, Gary Janelle, Cary Sanders, Mary Jane Berry,
2 Eileen Sullivan, Dr. Marie Gehle of the Department of
3 Mental Health and Sylvia Roberts. Does any member of the
4 jury panel have any relationship with any of those
5 possible witnesses?

6 (WHEREUPON, no one stood.)

7 THE COURT: All right. Has any member of the
8 jury panel or any of your close personal friends or
9 relative ever been subject to civil commitment proceedings
10 or been voluntarily or involuntarily civilly committed, if
11 so please stand?

12 (WHEREUPON, no one stood.)

13 THE COURT: Okay. Is there any member of the
14 jury panel who for any reason believes that they may not
15 be a fair and impartial juror in the trial of this case,
16 if so please stand?

17 (WHEREUPON, no one stood.)

18 THE COURT: And if there's any juror who would
19 like to step forward now with regard to any questions that
20 was asked before that you would like to step forward now
21 is the time to come forward and I'll speak to you?

22 THE CLERK: Number 53, Your Honor.

23 PROSPECTIVE JUROR: Just mentally not really for
24 jury.

25 THE COURT: Why do you say that?

1 PROSPECTIVE JUROR: Because you sentence my son
2 to 20 years.

3 THE COURT: I was the judge who sentenced your
4 son to 20 years?

5 PROSPECTIVE JUROR: Yeah.

6 THE COURT: Okay. And you don't feel like you
7 could be fair and impartial in this particular case
8 because of that?

9 PROSPECTIVE JUROR: Yeah.

10 THE COURT: Okay. All right. I'll excuse you.

11 PROSPECTIVE JUROR: Thank you.

12 THE COURT: All right, 53 is excused.

13 (WHEREUPON, a bench conference was held in the
14 presence of the jury panel, but out of the hearing of
15 the jury panel.)

16 THE COURT: All right. Ms. Edmonds, I want to
17 let you know you have been excused, so you may go down to
18 the first floor. You may be selected for another jury.

19 All right. To the rest of the jurors, you are
20 part of this jury panel whether or not you're going to be
21 selected for this jury, I don't know yet. We're going to
22 do jury strikes in a few moments. I need a bigger jury
23 panel for the jurors to choose from. So I'm going to send
24 you all downstairs where you can kind of be more at ease
25 while we get more jurors up here. We're going to go

1 through the screening process for those jurors as well.
2 Again, I apologize for the time that this takes, but I
3 want you to know how important it is and how much I do
4 appreciate this. We will get you back up here as soon as
5 possible. I just need to make sure that we have enough
6 jurors so that we can start this trial. To the clerk's
7 office, are we able to keep them kind of separated so we
8 know that this is our pool for this jury and then we need
9 ten more jurors up here to be screen. We are going
10 screen. If everyone will go and follow Mr. Truitt, he'll
11 lead you back downstairs and we'll bring you back up as
12 soon as possible. We're going to wait on the clerk's
13 office to bring up ten more jurors to screen. And we'll
14 be at ease until then, so you all can have a comfort break
15 and I can have a quick comfort break. Anything we need to
16 put on the record before we take a break?

17 MR. MORROW: Nothing from the State, Your Honor?

18 MR. FALK: Your Honor, can my client not be
19 shackled at the hands?

20 THE COURT: He's got one hand shackled. How are
21 we with the -- what is the department of corrections say
22 about that? This is a little bit unusual. Certainly, the
23 jurors know that Mr. Sullivan is incarcerated at this
24 time, so it's a little bit different from a regular trial,
25 but I want to get input from department of corrections.

1 Normally, when I have a defendant sitting here, they're
2 not shackled at the hands.

3 DEPUTY: Let me get one of the Richland County
4 supervisors up here to better clarify that. I know
5 juveniles are different from adults, so let me get my
6 supervisors here and he can better explain to the Court
7 ---

8 THE COURT: Why he's shackled at the hand.

9 MR. FALK: I certainly don't want the jury to
10 think it is my request. I certainly don't want the jury
11 to think I got any concerns. I'm afraid they might get
12 that impression.

13 THE COURT: Absolutely. We'll see what the
14 sheriff's department says about why he's shackled at the
15 hands.

16 MR. FALK: Okay, thank you.

17 THE COURT: We'll make sure to the extent the
18 jurors won't think that it's -- I'll talk to them about
19 that.

20 MR. FALK: Thank you.

21 THE COURT: We'll be at ease.

22 (WHEREUPON, a break was taken.)

23 THE COURT: All right. Ladies and gentlemen,
24 thank you for coming here this afternoon. We have a set
25 of jurors come in earlier that I screened and we need some

1 additional jurors, so I ask that ten more folks come
2 upstairs and I'm going to ask you questions for the
3 attorneys to make a decision as they select jurors in this
4 particular case.

5 The case we're about to begin the trial of is
6 the case of In The Matter of Care and Treatment of Charles
7 Sullivan. Let me give you just a little bit of
8 information about this case. The State of South Carolina
9 has brought this case under the Sexually Violent Predator
10 Act of South Carolina. The State seeks the civil
11 commitment of Charles Sullivan for long-term control, care
12 and treatment in a secure facility.

13 Mr. Sullivan denies that he is a sexually
14 violent predator and the burden of proof is on the State
15 to prove by evidence sufficient to satisfy each of you
16 beyond a reasonable doubt that Mr. Sullivan is a sexually
17 violent predator. Now, because of the nature of this case
18 the questions that I'm going to ask you are pretty
19 sensitive in nature. And I want you to know that it is
20 not my intent to embarrass you in any way. So at any time
21 if you need to answer a question and would like to do so,
22 a little bit more privately, it won't be completely
23 private, but you can come forward. I'll meet you over
24 here by my court reporter. The two attorneys will come up
25 and we can have a conversation about the answers to your

1 questions -- to the questions that I'm about to ask you.
2 But I want to stress to you how important it is that you
3 always give me honest answers and I'm going to actually
4 put you under oath at this point. Then I'll ask you those
5 questions.

6 Madam clerk, if you could please put them under
7 oath.

8 THE CLERK: Ladies and gentlemen of the jury
9 panel, please stand and raise your right hand to be sworn.

10 (WHEREUPON, the additional 10 jurors were
11 sworn.)

12 THE COURT: Now, I ask that if you need to
13 answer the question you please stand up and give your jury
14 juror number and then I will -- we can come forward if you
15 need to. And I'll give you an opportunity at the end if
16 you would like to come forward privately about anything --
17 to speak about anything that you like to speak about.

18 All right. The first question does any member
19 of the jury panel know or know of Charles Sullivan --
20 well, first does anybody know Mr. Sullivan? Mr. Sullivan,
21 if you could turn around and face the jurors. Thank you.
22 If so please stand?

23 (WHEREUPON, no one stood.)

24 THE COURT: Does any member of the jury panel
25 know anything about this sexual offense Charles Sullivan

1 was convicted of, if so please stand?

2 (WHEREUPON, no one stood.)

3 THE COURT: Would the fact that Charles Sullivan
4 has been convicted of a sexual offense and has completed
5 his criminal sentence related to that conviction in any
6 way prevent you from being able to be a fair and impartial
7 juror in the trial of this case, if so please stand?

8 (WHEREUPON, no one stood.)

9 THE COURT: Did you or any of your siblings or
10 children attend Cardinal Newman High School between the
11 years 1994 and 1998, if so please stand?

12 (WHEREUPON, no one stood.)

13 THE COURT: Did you or any of your children
14 participate in the Carolina Children's Home little league
15 baseball program between 1982 and 1998, if so please
16 stand?

17 (WHEREUPON, no one stood.)

18 THE COURT: Is any member of the panel -- has
19 any member of the panel been a victim or have a close
20 family member or a friend who is the victim of a violent
21 crime, if so please stand?

22 Sir, if you'll like come to forward to privately
23 speak, that would be a good way to handle it. Thank you.
24 Can you tell me your juror number?

25 THE CLERK: 118.

1 THE COURT: 118, okay. Thank you. You're Mr.
2 Harton?

3 PROSPECTIVE JUROR: Yes, I'm Darren Harton. My
4 wife was a victim of a sexual assault twice.

5 THE COURT: Okay. And having that experience
6 that you being married to someone who's a victim of a
7 sexual assault, would you be able to be fair and impartial
8 in this particular case it does involve sex crimes?

9 PROSPECTIVE JUROR: I don't think so.

10 THE COURT: You don't think you can be fair and
11 impartial?

12 PROSPECTIVE JUROR: No.

13 THE COURT: I'm going to go ahead and excuse
14 you. Number 118 is excused. You can go back down to the
15 first floor. Thank you.

16 Does any member of the jury panel believe that a
17 pedophile can never be rehabilitated, if so please stand?

18 All right, if you'll come forward please. Those
19 of you we will get you one at a time. You'll meet Pat
20 over at the podium. She will -- walk over.

21 THE CLERK: Number 224 Christie Phelps.

22 THE COURT: Hey, thank you for coming up. I
23 just want to follow up on that question to determine
24 whether or not you could be fair and impartial in this
25 particular case. Would you be able to sit in this

1 courtroom and listen to the testimony in this case to
2 determine whether or not this particular respondent should
3 be civilly committed?

4 PROSPECTIVE JUROR: I am a survivor of childhood
5 sexual abuse.

6 THE COURT: Okay. You don't think you can be
7 fair and impartial I understand. I'm going to go ahead
8 and excuse you. You can go to the first floor just in
9 case you get called for another jury. Thank you. Number
10 224 is excused -- no, sorry, what was that number?

11 THE CLERK: 224.

12 THE COURT: Okay, 224 is excused. Thank you.

13 THE CLERK: Number 130 Robbie Howard. Yes,
14 ma'am, I just wanted to call you up and to talk to you
15 about your answer to that question to see if you could be
16 fair and impartial in this case. This is a case where the
17 State has the burden of proving that the defendant needs
18 to be civilly committed. I wondered if you'll be able to
19 listen to the testimony hear in this courtroom and apply
20 the law as I tell it to you in a fair and unbiased manner.
21 You think you could do that?

22 PROSPECTIVE JUROR: I don't. I work with
23 preschoolers. I just couldn't get pass it. I'm sorry.

24 THE COURT: It's okay. That's what I need from
25 you to be honest about that and that's why I'm asking

1 these questions. You're the only one who knows in her
2 heart and we want to make sure we can give someone a fair
3 and impartial trial. We're going to go ahead and excuse
4 you. You can go down to the first floor to see if you get
5 selected for another jury. Thank you. 130 is excused.

6 THE CLERK: Thank you. Number 302 Elizabeth
7 Greene.

8 THE COURT: Yes, ma'am. I just wanted to call
9 you forward just kind of elaborate on that question that I
10 just asked. I want to know if you think you can be fair
11 and impartial in this particular case. Would you be able
12 to listen to the testimony from this witness stand and
13 determine the facts based on what you hear in this
14 courtroom rather than some preconceived notion you might
15 have.

16 PROSPECTIVE JUROR: I think I could be fair. I
17 don't think I could listen to something where somebody is
18 sexually abused just because I would be upset. It's
19 certainly upsetting material.

20 THE COURT: Can you be fair and impartial to the
21 situation in this case where the respondent has already
22 served time on this charge. This is a civil commitment,
23 so it will certainly will be sexual in nature. The type
24 of testimony that you hear. Nobody likes to hear, that's
25 going to be true for every single person, but what I need

1 to know is whether you can be fair and impartial and
2 listen to that kind of testimony?

3 PROSPECTIVE JUROR: I'm afraid that I might not
4 be able to in this case. I think if something that wasn't
5 like this, I could be, but I'll have a very hard time in
6 this.

7 THE COURT: All right. I'm going to go ahead
8 and excuse you. You'll possibly get another case, I'm not
9 sure just go back for further instructions on the first
10 floor. Thank you very much. That was 302. 302 is
11 excused.

12 THE CLERK: Thank you.

13 THE COURT: Go ahead.

14 THE CLERK: Number 307 Cari Platt.

15 THE COURT: I called you up here to get a little
16 bit more information on your last question. I'm trying to
17 figure out whether folks on this jury can be fair and
18 impartial in this particular case. In order to be fair
19 and impartial, I need to know that you can listen to the
20 facts as you hear them from this witness stand. You'll
21 make a determination based on the laws I tell to you, the
22 facts you hear and not some preconceived notion you
23 already have. Do you think that you would be able to do
24 that?

25 PROSPECTIVE JUROR: I think I could listen and

1 hear, but I think it would be hard for me.

2 THE COURT: It's not going to be easy for
3 anybody to hear this kind of material. What I need to
4 know is whether you can listen to it and I tell you what
5 the law is and apply that law. That State has the burden
6 of proof in this case. I don't want anybody to come in
7 here that the respondent has to prove his innocence. The
8 State has to prove their case, I want to make sure that
9 people will be able to listen to that instruction and make
10 a determination of the facts they hear from this witness
11 stand. You think you could do that?

12 PROSPECTIVE JUROR: (Nodded head in the
13 affirmative.)

14 THE COURT: Thank you.

15 THE CLERK: Number sixty-five Timothy Doupnik.

16 THE COURT: I'm going to follow up on that
17 question that I just asked. What I'm trying to determine
18 is whether I get a jury of folks who are fair and
19 impartial in this case to determine whether or not the
20 respondent needs to be civilly committed based on the
21 evidence you hear from this within stand and the law as I
22 instruct you. Do you think that you would be able to do
23 that? For instance, one of the things that I'm going to
24 instruct you is the State has the burden of proving this
25 case. Would you be able to listen to that instruction

1 and give the respondent a fair and impartial trial based
2 on what you hear in this courtroom?

3 PROSPECTIVE JUROR: I believe I can.

4 THE COURT: Okay. Thank you very much. Has any
5 member of the jury panel or any of your close personal
6 friends or relatives ever been the victim of a assault
7 whether reported or unreported, if so please come forward?

8 THE CLERK: Number 182 Mia Mattison.

9 PROSPECTIVE JUROR: When I was age 12, our house
10 was broken in and robbed and I was raped.

11 THE COURT: Now, having been a victim of a rape
12 would that affect your ability to be fair and impartial in
13 this particular case?

14 PROSPECTIVE JUROR: No.

15 THE COURT: Thank you. She said no.

16 THE CLERK: Number 100 Julie Guisto.

17 THE COURT: I want to give you an opportunity to
18 explain kind of a little bit privately.

19 PROSPECTIVE JUROR: When I was in college, I
20 owned a tanning salon and closing one night a guy came in
21 and just attacked me. There was no sexual -- he was going
22 to and then I kept telling him my boss was going to come
23 back to close up. And we filed a report and I never
24 couldn't identify him, so I just wanted you to know that.

25 THE COURT: That's good. Thank you for coming

1 forward, that's exactly what I needed to know. Having had
2 that experience, would you be able to be fair and
3 impartial in this particular case?

4 PROSPECTIVE JUROR: Absolutely because nothing
5 happened he pushed me down and he kicked me once.

6 THE COURT: Thank you very much. Can you tell
7 me your number again?

8 PROSPECTIVE JUROR: 100.

9 THE COURT: Okay, thank you. Has any member of
10 the jury or any of your close personal friends or
11 relatives been charged with or convicted of a sexual
12 offense, if so please stand?

13 (WHEREUPON, there are none.)

14 THE COURT: Does any member of the jury panel
15 have any training or experience in the fields of
16 psychiatry, psychological or the law, if so please stand?

17 (WHEREUPON, there are none.)

18 THE COURT: Has any member of the jury panel
19 ever worked for or in anyway been connected with a social
20 service agency, a guardian ad litem program, a foster care
21 program or any other entity either private or governmental
22 that investigates or counsels victims of rape or sexual
23 assaults, if so please stand? Are you standing for this
24 question?

25 PROSPECTIVE JUROR: I have a couple questions

1 that I need to talk to you about.

2 THE COURT: All right, let's come forward.

3 THE CLERK: 100.

4 PROSPECTIVE JUROR: I am a guardian for my
5 brother who has a traumatic brain injury does that count?

6 THE COURT: That's not what we were getting at,
7 but I'm glad you came forward because any time there's a
8 question, that's exactly what I want you to do is clarify.
9 I don't think that that's what a guardian ad litem ---

10 PROSPECTIVE JUROR: Okay. And then I'm not the
11 main guardian, I'm a co-guardian. And I work for a law
12 firm does that matter?

13 THE COURT: Okay, that's good to know. Would
14 that affect your ability to be fair and impartial?

15 PROSPECTIVE JUROR: No. I'm sorry.

16 THE COURT: All right. You did exactly right,
17 that's what you should do.

18 Does any member or spouse of a member of the
19 panel work for or with any law enforcement agency either
20 on the city, county, state or federal level, if so please
21 stand?

22 (WHEREUPON, no one stood.)

23 THE COURT: Does any member or spouse of a
24 member of the panel work for a solicitor's office or any
25 sort of county, state, or federal correctional facility,

1 if so please stand?

2 (WHEREUPON, no one stood.)

3 THE COURT: Does any member or spouse of a
4 member of the panel work as an emergency medical
5 technician, volunteer fire person or any occupation that
6 can be described as a first responder, if so please stand?

7 (WHEREUPON, no one stood.)

8 THE COURT: Are any of you or your family
9 members associated with any crime advocacy group or
10 victims' rights group or any criminal or law enforcement
11 organization such a Neighborhood Watch Program, Citizens
12 Against Violent Crime, People Against Rape or anything of
13 that nature, if so please stand?

14 (WHEREUPON, no one stood.)

15 THE COURT: Does any member of the jury panel
16 know or has any member of the jury panel ever been
17 involved in a case where you or another party was
18 represented by James Falk? Mr. Falk is standing for you.

19 (WHEREUPON, no one stood.)

20 THE COURT: Same question regarding Assistant
21 Attorney General Mr. Christopher Morrow.

22 (WHEREUPON, no one stood.)

23 THE COURT: I'm now going to give you a list of
24 potential witnesses in this case and ask that if you have
25 a relationship with any of the witnesses that please

1 stand. Here's the list Charles Sullivan, Steven Williams,
2 Selman Watson, Charlotte Taylor, Gary Janelle, Cary
3 Sanders, Mary Jane Barrie, Eilleen Sullivan, Dr. Marie
4 Gehle of the South Carolina Department of Mental Health,
5 Sylvia Roberts.

6 (WHEREUPON, no one stood.)

7 THE COURT: Has any member of the jury panel
8 been involved in a prison ministry, prison outreach
9 program and other program involving contact with
10 incarcerated persons, if so please stand?

11 (WHEREUPON, no one stood.)

12 THE COURT: Has any member of the jury panel or
13 any of your close personal friends or relatives ever been
14 subject to civil commit proceedings or been voluntarily or
15 involuntarily civilly committed, if so please stand?

16 (WHEREUPON, no one stood.)

17 THE COURT: Is there any member of the jury
18 panel who for any reason believes they may not be able to
19 be fair and impartial in this case, if so please stand or
20 if there's any other reason why you need to come forward
21 to speak with me now is the time to do so?

22 (WHEREUPON, no one stood.)

23 THE COURT: All right. Anything further from
24 the attorneys? Are we ready to combine the two groups?

25 MR. MORROW: Nothing further from the State,

1 Your Honor.

2 MR. FALK: May I approach, Your Honor?

3 THE COURT: You may please come forward.

4 (WHEREUPON, a bench conference was held in the
5 presence of the jury, but out of the hearing of the
6 jury.)

7 (WHEREUPON, this begins a bench conference on
8 the record, but out of the hearing of the jury
9 panel.)

10 THE COURT: Mr. Falk, would like to put an
11 objection on the record.

12 MR. FALK: We would object for cause for seating
13 juror 182. She said that she was a victim at 12. She was
14 a victim of a violent rape. And because of the age of the
15 victims in this case in spite of what she said, I still
16 don't believe that she can be fair. And I believe that
17 testimony may come up during the middle of the trial that
18 may rekindle some emotions that will be difficult for her
19 to be fair and unbiased.

20 THE COURT: Your objection is reflected for the
21 record. It's denied. The motion to strike for cause is
22 denied. She unequivocally said that she could be fair and
23 impartial in this case and I believe her. Thank you.

24 (WHEREUPON, this is end of bench conference on
25 the record in front of the jury panel, but out of the

1 hearing of the jury panel.)

2 THE COURT: All right. Madam clerk, are you
3 able to get the other jurors from the other room to bring
4 them in here?

5 THE CLERK: Yes, Your Honor.

6 THE COURT: And does everybody have a strike
7 sheet is we will be ready to roll with the jury selection
8 process once the other jurors arrive?

9 MR. MORROW: Yes, Your Honor.

10 MR. FALK: Yes, Your Honor.

11 THE COURT: All right. Let's bring in the other
12 jurors. Everybody else if you can be at ease for a little
13 while if you need to stand up, stretch whatever you need
14 to do as we get the other jurors in here and we'll select
15 a jury in this case..

16 (WHEREUPON, a break was taken.)

17 (WHEREUPON, the jury came into open court.)

18 THE COURT: All right. Welcome back, ladies and
19 gentlemen, we now have a jury panel from which to select
20 jurors. Mr. Morrow and Mister -- sorry. You have your
21 jury strikes -- you have your list in front of you?

22 MR. FALK: Yes, Your Honor.

23 THE COURT: Sorry about that. Mr. Falk, sorry.
24 I was going to call you Far and I knew that wasn't quite
25 right, so Mr. Falk.

1 MR. FALK: No problem.

2 THE COURT: All right. You may now proceed with
3 making your strikes with Mr. Morrow going first.

4 MR. MORROW: State would strike juror two.

5 THE CLERK: Plaintiff strikes number two.

6 MR. FALK: Respondent will strike juror number

7 31.

8 THE CLERK: Defendant strikes number 31.

9 MR. MORROW: State will strike number four.

10 THE CLERK: Plaintiff strikes number four.

11 MR. FALK: Defendant will strike 25.

12 THE CLERK: Defendant strikes number 25.

13 MR. MORROW: The State will strike number 12.

14 THE CLERK: Plaintiff strikes number 12.

15 MR. FALK: Defendant strikes 13.

16 THE CLERK: Defendant strikes number 13.

17 MR. MORROW: State strikes juror seven.

18 THE CLERK: Plaintiff strikes number seven.

19 MR. FALK: Defendant will strike 33.

20 THE CLERK: Defendant strikes number 33. Please
21 proceed to strike your alternates numbers 35 through 37
22 beginning with the plaintiff.

23 MR. MORROW: State strike 38.

24 THE CLERK: Thirty-five through 37.

25 MR. MORROW: I'm sorry. State strikes 37.

1 THE CLERK: Plaintiff strikes number 37.

2 MR. FALK: Defendant will strike 35.

3 THE CLERK: Defendant strikes number 35. Second
4 alternate numbers 38, 43 and 44 beginning with the
5 plaintiff.

6 MR. MORROW: State strikes 44.

7 THE CLERK: State strikes number 44.

8 MR. FALK: Defendant strikes 38.

9 THE CLERK: Defendant strikes number 38.
10 Counsel please allow me to repeat your strikes with you
11 plaintiff numbers are two, four, 12, seven and for
12 alternates number 37 and 44; is this correct?

13 MR. MORROW: That is correct.

14 THE CLERK: And then for defendant numbers are
15 31, 25, 13, 33 and alternates number 35 and 38; is this
16 correct?

17 MR. FALK: I'm sorry.

18 THE CLERK: Numbers thirty-one, 25, 13, 33 and
19 alternate numbers 35 and 38.

20 MR. FALK: Yes, that's correct.

21 THE CLERK: Thank you.

22 THE COURT: Madam clerk, please seat the jury.

23 THE CLERK: Yes, Your Honor. Ladies and
24 gentlemen of the jury panel, as I call your name please
25 come to the jury box, bring any personal belongings with

1 you. Number nine Frederick Beacham, number 311 Donalds
2 Weeks, number 132 Carmen Huerta, number 198 Susan Miller,
3 number 273 Leslie Turner, number 213 Elizabeth Ogorek,
4 number 66 Marilyn Ann Dowling, number 258 Larry Smith,
5 number 97 Tracy Garza, number 205 James Moore, number 188
6 James McGregor, number 80 Annette Etheredge, 100 Julie
7 Giusto, 307 Cari Platt.

8 THE COURT: Ladies and member who been selected
9 for the jury, I'm going to excuse you just for a moment,
10 so I can give instructions to the members of the jury
11 panel who have not been selected. I'm going to get you
12 back in the courtroom as soon as possible. I'm going to
13 go ahead and let you know we're not doing opening
14 statements until tomorrow morning, so don't think that
15 we're going to have a long night tonight. I will bring
16 you back in just briefly to give you instructions about
17 where to be tomorrow morning and what to expect, but it
18 will be very brief. So you'll follow the bailiff into the
19 jury room. I'll get you back out here as soon as
20 possible.

21 (WHEREUPON, the jury retire to the jury room.)

22 THE COURT: All right. Anything from the
23 attorneys with regard to jury selection?

24 MR. FALK: Your Honor, I wanted to preserve my
25 objections that I made certain jurors -- want me go back

1 on the record or was ---

2 THE COURT: It's preserved for the record unless
3 there's anything that you want on the record that hasn't
4 been put on the record. I believe all of your objections
5 were placed on the record.

6 MR. FALK: And some of those jurors have been
7 seated.

8 THE COURT: That's correct. Your objections are
9 renewed at this time, just want to make sure you don't
10 have anything additional that you want to argue if there's
11 -- you stand on what you argued before then ---

12 MR. FALK: I don't have anything to add to my
13 old arguments.

14 THE COURT: Thank you, Mr. Falk.

15 Mr. Morrow.

16 MR. MORROW: Nothing from the State, Your Honor.

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

18 All right. To the members of the jury panel who have not
19 been selected in this case, let me just consult with the
20 clerk to make sure they need to call in the number after
21 six o'clock.

22 THE CLERK: Go back downstairs.

23 THE COURT: Go downstairs and they'll get
24 instructions from there. That's even easier. All right,
25 go back to the first floor, you'll get instructions from

1 there. I believe, you'll be calling in to see what your
2 duties are for tomorrow morning. I don't know what --
3 there are a lot of other courtrooms here in Richland
4 County. I'm not sure what's going on in those other
5 courtrooms, but we will not need you for this particular
6 trial in this particular courtroom. I appreciate you all
7 being here. It was a long afternoon of jury selection.
8 You got a little bit of a taste of what it's like to be in
9 the courtroom and I commend you all for your honesty and
10 your stickuitiveness to have paid so much attention. And
11 I appreciate you being in this courtroom and I hope you
12 have a great rest of the week. Thank you.

13 (WHEREUPON, the remaining jury panel is
14 excused.)

15 THE COURT: All right. Gentlemen, let's talk
16 about timing of this case. As you all know Wednesday
17 afternoon I have a doctor's appointment in Greenville, so
18 I will -- I have to be there two o'clock. So I'm going to
19 be off the bench by about 11:30. So Wednesday is going to
20 be a very truncated day. We'll probably start at nine and
21 go to about 11:30. Tomorrow, we slug it out. I was
22 thinking we would start at nine o'clock if that suits you
23 all. We still have the matter of the subpoena to discuss.
24 I'll get the jurors out here -- I'll get the jurors out of
25 here and then we'll go on the record about the subpoena of

1 your witness, but does nine o'clock work for starting
2 tomorrow morning for everybody?

3 MR. MORROW: Yes, Your Honor.

4 MR. FALK: Yes, Your Honor.

5 THE COURT: All right. I'll ask the jurors to
6 be here by 8:45 so we can start promptly at nine. All
7 right. Mr. Bailiff, if you could bring in the jurors
8 please.

9 (WHEREUPON, the jury came into open court.)

10 THE COURT: All right. Ladies and gentlemen, I
11 have consulted with the attorneys about starting the case
12 tomorrow. We're going to start at 9:00 a.m. tomorrow. I
13 will bring in some breakfast for you all if you can get
14 here about 8:45. I don't -- sometimes I get a sense of a
15 jury what they want. You all want like chicken biscuit,
16 sausage biscuits, doughnuts. Anybody have any allergies
17 that I need to be aware of?

18 JUROR: I'm allergic to peanuts.

19 THE COURT: Peanuts, okay, no peanut butter and
20 jelly anything. No Chick-fil-A is that ---

21 JUROR: I'm good with Chick-fil-A.

22 THE COURT: Chick-fil-A is okay. All right.
23 Very good.

24 JUROR: I'm a vegetarian.

25 THE COURT: Vegetarian, okay. We'll make sure

1 we got some fruit or something or regular biscuits
2 something like that.

3 JUROR: No biscuit.

4 THE COURT: Okay, we're going to do fruit and
5 biscuits. We're going to have a kind of long day
6 tomorrow. Just let you know for the rest of week, I will
7 not be here Wednesday afternoon. This -- I do expect this
8 case to go into probably Thursday maybe even Friday, but
9 Wednesday afternoon you will have a break because I have
10 to be in Greenville that afternoon. So we will be
11 breaking around about lunchtime on Wednesday. Otherwise
12 tomorrow, we're going to have a full day. I want to keep
13 you as comfortable as possible. I want you to know that
14 if you ever need a break, you've got bailiffs nearby you.
15 You let them know or you try and get my attention. We can
16 always take comfort breaks for you. The most important
17 thing for you to do is you need to be paying attention to
18 what's going on in this courtroom and on this witness
19 stand. So if you for some reason are thirsty or you need
20 to use the restroom, I know that that's not conducive to
21 listening to what's going on. So I do want you always to
22 know that you are not held hostage here, but what we want
23 you to do is be able to be comfortable and pay attention.
24 You are the VIP's in this courtroom and I'll do everything
25 that I can to accommodate you. This is a courtroom and

1 not a luxury cruise, so there is going to be a most likely
2 a lot of sort of hurry up and wait time. Sometimes I have
3 to take up matters of law where I'll have to send you back
4 into the jury room, so I can make a decision on the law.
5 And I'm not suppose to comment to you about what I think
6 the facts are in this case, so I'll usually excuse you so
7 nothing I say from the bench will affect your decision in
8 this case.

9 I just want you to kind of have an idea that
10 what you see on television or read in books isn't exactly
11 how it always works out in the real world. This may be a
12 very riveting case, but there may be times where we have
13 long days and we just need to get through it together.
14 And I am so happy that I have the 14 of you here with me
15 as my jurors.

16 And one other important thing that I want to
17 talk to you about is when on you're on a jury, you don't
18 start deciding the case until you've heard all the
19 evidence. There will be times when you're on breaks back
20 in the jury room and the only thing you may have in common
21 right now is that you're sitting here listening to the
22 same testimony in the case. You're not allowed to talk
23 about that testimony until I tell you it's time to talk
24 about it. And the time to talk about it is after you've
25 heard from all sides. You've heard closing arguments and

1 you've heard me instruct you on the law. So when I do
2 take breaks or have you go back in the jury room, I'm
3 going to ask that you certainly converse with each other,
4 get to know each other. It's a time when you're not
5 always on social media, you actually get to meet your
6 neighbor, but you'll be talking about perhaps the up
7 coming gamecock football season or the fact that Clemson
8 is number one in the ACC supposedly coming in. So those
9 types of things are what you should be talking about not
10 about your opinions as the case is going forward. At the
11 very end when everybody's heard everything, at that point
12 I'll let you know when you can talk about the case. I
13 think that's a little different from what most people
14 expect, but not only can you not talk about it with your
15 family members, your friends when you're on breaks, but
16 you can't even talk about it with your fellow jurors until
17 the very end of the case when I talk tell you it's time to
18 deliberate.

19 So I know you don't know much about this case
20 yet. When you go home, you can let your family members
21 and friends know that you been selected for a jury. But
22 otherwise, I ask that you not talk about this case. At
23 the end of the trial when you've rendered your decision,
24 you will certainly be free to talk about it to anyone that
25 you chose to speak with about it. And if you chose not to

1 talk to people about it, you can let the Court know that
2 you rather not talk about it and I'll make sure nobody
3 bothered you about the case. So does anybody have any
4 questions before I let you go for the evening? All right.
5 And tomorrow morning please be here at what time?

6 JUROR: Nine.

7 THE COURT: Okay, 8:45, nine is when we want to
8 start, so come here 8:45.

9 JUROR: Do we meet here or downstairs?

10 THE COURT: Meet downstairs and they'll escort
11 up here.

12 JUROR: In the jury room?

13 THE COURT: In the jury room where you were
14 earlier today, yes, sir. All right. And I'll have
15 breakfast waiting for you, so hopefully I'll have friendly
16 jurors to look out at during the course of the day. All
17 right. Thank you all very much. I hope you have a great
18 evening. I'll see you tomorrow at 8:45.

19 (WHEREUPON, the jury is excused for the day.)

20 THE COURT: All right. Mr. Falk, I looked at
21 your subpoena. Have you all talked about what you want to
22 do about this. It looks like your subpoena is in order as
23 far as having properly served it given the witness enough
24 time to answer it. You've spoken with the witness?

25 MR. FALK: I believe he's of the opinion that

1 since he's with mental health, he only is going to appear
2 with a court order. And I talk to him on the phone, I
3 said I'm not going to asking for any confidential
4 information. I explain to him about the letter. I said
5 from my position you're a fact witness to verify this
6 letter.

7 THE COURT: Okay, mr. Morrow.

8 MR. MORROW: Your Honor, I can't -- without the
9 witness being here, I can't cross-examine him on the
10 letter.

11 THE COURT: Do we have his phone number where we
12 can call him back in chambers -- I mean, I can send out a
13 deputy. We can do what we need to do to get him here.
14 Obviously, that's not the easiest or best way. I don't
15 doubt that's the way he wants to do it.

16 MR. FALK: I can put my hands on it in a second.

17 THE COURT: Okay. Well, let's try to call him
18 and make sure he get heres. It looks like we want need
19 him until when -- because tomorrow the State will be
20 presenting their case. You think you'll take all day,
21 don't you?

22 MR. MORROW: Yes, Your Honor, most likely.

23 MR. FALK: Here's what my thought is, I have two
24 witnesses that will be here the whole time that I push on
25 Tuesday just to get ready, but, I guess, it's Wednesday

1 ---

2 THE COURT: Wednesday morning. Well, let's see
3 if we can get in touch with him to let him know that he
4 needs to be here Wednesday morning. Why don't you try to
5 call him and let him know that you've -- that that's what
6 the judge said from the bench, that might not persuade
7 him. I'll call him tomorrow morning if we need to, but
8 see if having known that you've presented this to me and
9 that my intention is that he has to comply with this
10 subpoena. It will have to send a deputy out to get him if
11 we need to and I certainly assume that that want be
12 necessary.

13 MR. FALK: Okay. Just so he knows it, I've
14 articulated what his objection was.

15 THE COURT: You've said to me that his objection
16 was that because he's from the Department of Mental Health
17 he thinks he needs a court order.

18 MR. FALK: Because he's a mental health worker
19 because ---

20 THE COURT: Right. You're not asking about any
21 sort of specific diagnosis or anything like that. You are
22 wanting him to verify a letter that is -- or a memo that
23 is in the file was written by him.

24 MR. FALK: Yes, thank you.

25 THE COURT: Here's your subpoena information.

1 Just be sure I have his contact information tomorrow so I
2 can call him if necessary myself. All right. We'll be at
3 ease. Do you all have anything tomorrow morning before we
4 bring the jury in or you anticipate? Anything before we
5 bring the jury in tomorrow morning or we'll roll in here
6 about nine o'clock bring in the jury and start with
7 opening statements.

8 MR. FALK: Do you want us to stand when the jury
9 walks in and out?

10 THE COURT: That's up to you. If you want to
11 stand -- I think most lawyers do just to show them
12 respect, but it's totally your call.

13 MR. FALK: Thank you.

14 MR. MORROW: Thank you, Your Honor.

15 (WHEREUPON, the proceedings were concluded for
16 the day to be reconvened on July 26, 2016.)

17 THE COURT: Good morning everyone.. Anything
18 before we bring the jury in?

19 MR. FALK: Nothing from he respondent.

20 MR. MORROW: Nothing from the State.

21 THE COURT: All right. We ready for the jury if
22 you can go ahead and bring the jury in.

23 (WHEREUPON, the jury came into open court.)

24 THE COURT: And do we have note pads and pencils
25 in the event they would like to take notes?

1 THE BAILIFF: Yes, ma'am.

2 THE COURT: I will allow them to. And they're
3 here in the courtroom.

4 THE BAILIFF: Not in the courtroom, but we can
5 get them here in a minute.

6 THE COURT: Let's go ahead and bring them out as
7 I start talking to them this morning.

8 All right. Good morning, ladies and gentlemen.
9 As I told you yesterday, we would be starting at nine
10 o'clock and it is 9:30, so you get a little bit of a sense
11 of sometimes how we're delayed in the morning. I
12 apologize for that, but I'm glad that you all are here
13 this morning. I understand that you were all on time and
14 I really appreciate that.

15 Ms. Dowling, have you sitting in the
16 foreperson's chair. And I want to explain to you that you
17 have three duties as the foreperson. You will be the
18 spokesperson for the jury. You're right in my line of
19 vision. So if anybody needs something from the Court,
20 they can tap you on the shoulder and you can try to get my
21 attention. There will be a bailiff sitting to your right.
22 He's not there right now. But in the event that I don't
23 see you, the bailiff will come up here and make sure I'm
24 aware if someone needs to take a bathroom break or needs a
25 drink or needs anything else, they can communicate through

1 you. You'll also preside over deliberations. I'll give
2 you more instructions about that. Everybody is going to
3 have an equal vote in deliberations, but it helps to have
4 someone kind of start the ball rolling and I'm going to
5 ask that to be you in this case. And then finally you
6 will be responsible for writing on the verdict form. And
7 so those are your three additional responsibilities. And
8 again at the end of the trial, I will elaborate on all of
9 those things.

10 And we also have two alternates. Now, normally
11 we have the two alternates sitting in the back. We have a
12 little bit of a configuration today, but we have Ms.
13 Giusto and Mr. Platt.

14 JUROR: I'm Ms. Platt.

15 THE COURT: Okay, thank you Ms. and Ms., sorry
16 about that. The two of you are selected as alternates.
17 You will replace a juror in the event that a juror is
18 unable to serve throughout the week. If we get to the end
19 of the trial and we don't need your services, you will not
20 participate in deliberations and you'll be sent home at
21 that time. With a trial that lasts for a week, I like to
22 have two alternate just in case someone on the jury were
23 to get sick or something would come up that we could
24 continue with the trial with another juror who could stand
25 in their place. So you need to listen to this case as

1 though you will be participating in jury deliberations, so
2 pay attention. You're an alternate juror, but for the
3 purposes of listening to trial, understand that at any
4 moment you could become one of the 12 jurors who will be
5 deciding this case.

6 Madam clerk, can you please swear the jury
7 please.

8 THE CLERK: Yes, Your Honor. Please stand and
9 raise your right hand.

10 (WHEREUPON, the jury is sworn.)

11 THE COURT: Ladies and gentlemen of the jury,
12 the case we're about to try is captioned In The Matter of
13 the Care and Treatment of Charles Sullivan. Jury trials
14 are a fundamental part of our democracy. There search for
15 the truth in an effort to make sure that justice is done
16 between the parties before the Court. Searching for the
17 truth and making sure that justice is done is often slow,
18 deliberate and repetitive. The opposite of what you may
19 have seen on television or read in books.

20 This courtroom is a place of honor dedicated to
21 the protection and preservation of citizens' rights
22 through what many have called the greatest justice system
23 ever created. The attorneys appearing before you are
24 advocates for the parties that they represent, but first
25 and foremost, they are officers of this court sworn to

1 upheld the integrity and fairness of our justice system
2 and to help you in the search for the truth. You should
3 expect them to be professional, competent, and ethical in
4 the representation of their client's interest. Remember
5 that you have taken an oath to try this case and reach a
6 fair and just verdict and you are also expected to be
7 professional, reasonable and ethical. Thank you for
8 accepting the important responsibility of jury service and
9 for your contribution today to our justice system.

10 Now, we just passed out some note pads and a
11 pencil. I'm going to allow you to take notes during this
12 trial if you wish to, but I want to remind you that some
13 people are better at taking notes than others. You do not
14 have to take notes. The important thing for you to do is
15 to listen to the witnesses on the stand and determine the
16 facts of this case. Now, if at any time you are taking
17 notes and your notes are different from somebody else's
18 recollection, that's something for you all to discuss in
19 deliberations. Do not think that just because somebody
20 wrote it down on a note pad, that that's any more
21 convincing necessarily than somebody's memory. Some
22 people are better at writing notes. Some people are
23 better at listening. I understand that people have
24 different preferences and I want you to have the option to
25 take notes if wish to, but don't feel compelled to take

1 notes.

2 At the end of the trial, we will be taking up
3 your note pads. So if you're making grocery lists or
4 anything like that, don't do it on your trial note pad.
5 This is just for your notes for this particular case.
6 What I'll now say is meant to served as an introduction to
7 the trial of this case. These remarks are not a charge on
8 the law of this case. I'll instruct you on the law at the
9 end of the trial before you retire to decide the case.

10 Before the trial begins, I want to explain the
11 procedure that we will follow, so that you can better
12 understand what's happening. As I explained yesterday,
13 the State of South Carolina has brought this case under
14 the Sexually Violent Predator Act of South Carolina. The
15 State seeks the civil commitment of Charles Sullivan for
16 long term control, care and treatment in a secure
17 facility. Mr. Sullivan denies that he is a sexually
18 violent predator and the burden of proof is on the State
19 to prove by evidence sufficient to satisfy each of you
20 beyond a reasonable doubt that Mr. Sullivan is a sexually
21 violent predator.

22 Your purpose as jurors is to find and determine
23 the facts in this case. You are the sole judge of the
24 facts. If at any time I make a comment regarding the
25 facts, you must disregard it. You are to determine the

1 facts from the testimony you hear and any other evidence
2 that is presented. You should not be influenced by any
3 opinions or statements you may have heard outside this
4 courtroom. On the other hand and with equal emphasis, the
5 same law that makes you the judges of the facts makes me
6 the judge of the law. The law as given by the Court is
7 the only law you must consider. You must accept and
8 follow it even though may disagree with it. I cannot tell
9 you what the facts are and you cannot disagree with me
10 about what the law is or what the law should be. Your job
11 is to take the law as I give it to you and apply it to the
12 facts as you find them from the testimony of the witnesses
13 and any other evidence that is presented. After doing
14 that, you will render your verdict under the solemn oath
15 that you just took as jurors.

16 Until I advise you to begin your deliberations,
17 you must not discuss this case with anyone, including your
18 fellow jurors, friends, family members and anyone involved
19 in the case. You may not use a computer, cell phone, or
20 other electronic device with communication capabilities at
21 any time while in the courtroom or during deliberations.
22 I will allow you to use these devices during breaks.
23 However, you may not at any time use those devices to get
24 or send information about the case. Do not research
25 independently the case. Do not text or e-mail your

1 friends about the case? To the extent the case is covered
2 by the media, I ask that you refrain from reading articles
3 or watching news stories about this case.

4 After the case is submitted to you, you must
5 discuss it only in the jury room with your fellow jurors.
6 It is important that you keep an open mind and not decide
7 any issue in the case until all the evidence has been
8 presented. The parties have made their closing arguments
9 and I have instructed you on the law in this case.

10 Now, in just a moment, the attorney for the
11 State will make what is called an opening statement. The
12 attorney will explain to you the issues in this case or at
13 least what the attorney believes the issues in this case
14 are. And the attorney for the defendant will also make an
15 opening statement. What the attorneys tell you in the
16 opening statements is not evidence in this case. It is
17 only their contention as to what the issues are. The
18 evidence in this case will be presented to you by the
19 testimony of sworn witnesses from this witness stand and
20 by exhibits that may be presented to you. From time to
21 time during the trial, you may hear one of the lawyers say
22 something like Your Honor we have a matter of law that we
23 need to take up or I might find it necessary to excuse you
24 from the courtroom so that I can take up a matter of law.

25 The reason I do this is because you are the

1 judges of the facts in this case. And sometimes when I'm
2 discussing a matter of law, I have to make a comment as to
3 the facts in connection with a ruling that I'm making.
4 I'm not suppose to tell you what I think the facts are, so
5 I'll excuse you from the courtroom while these discussions
6 take place so that you will not be influenced by anything
7 that I may say in connection with the facts.

8 In determining what the facts are in this case,
9 you must decide whether or not the testimony of the
10 witnesses is believable. It will be my responsibility to
11 rule as a matter of law whether certain testimony is
12 admissible or not, but once the testimony is admitted
13 whether or not you believe it, it's solely for you to
14 determine. It is your duty to pay close attention to
15 these witnesses, to observe the witnesses, to listen to
16 the witnesses and to pay close attention to the attorneys
17 and to the Court.

18 Now, I'm going to do everything I can to keep
19 this case moving. I know you all might not be as accustom
20 as some of us in the courtroom for sitting for so long a
21 period. So I'll try to take breaks about every hour and a
22 half or so or earlier if you need it so that you can get
23 up, stretch, use the restroom and make sure that it's
24 easier for you to pay attention to the case. So I'll try
25 to keep you fresh and alert. And with that, I'll turn it

1 over to the State for their opening argument.

2 MR. MORROW: Thank you, Your Honor. May it
3 please the Court.

4 THE COURT: Yes, sir..

5 MR. MORROW: Good morning, ladies and gentlemen,
6 my name is Cam Morrow and work for the South Carolina
7 Attorney General's office. I'm here today handling this
8 case because the statute which enables assign all sexually
9 violent predator cases to the Attorney General's office.
10 The case today been brought by the State under the
11 Sexually Violent Predator Act. We are here today because
12 the State is seeking a civil commitment of Charles
13 Sullivan as a sexually violent predator. Now, you may be
14 asking yourself at this point what is a sexually violent
15 predator.

16 Well, about 16 years ago the South Carolina
17 General Assembly passed the Sexually Violent Predator Act
18 with two thoughts in mind. First, that there are certain
19 individuals in our state that suffer from mental
20 abnormality personalties or personality disorders, that
21 make them likely to commit acts of sexual violence and
22 that these individuals need treatment in a security
23 facility to protect the public during the treatment
24 process because they are extremely dangerous individuals.

25 The State contends that Mr. Sullivan is one of

1 those individuals that the General Assembly had in mind
2 when they passed the Sexually Violent Predator Act. To
3 prove that Mr. Sullivan is a sexually violent predator,
4 the State must prove two basic elements to you. First,
5 that Mr. Charles Sullivan has been convicted of at least
6 one sexually violent offense. Mr. Sullivan has been
7 convicted of 18 sexually violent offenses and I don't
8 think the defense is going to contest that point. You
9 will hear about the sexual defendant's history and what
10 happened to his victims today. Second, the State must
11 prove to you that Charles Sullivan suffers from a mental
12 abnormality or personalty disorder that makes him likely
13 to commit acts of sexual violence if not confine for long
14 term control, care and treatment.

15 Charles Sullivan has been diagnosed by the
16 State's expert who you will hear from today Dr. Marie
17 Gehle with two separate mental abnormalities and one
18 personalty disorder. Pedophilic disorder other specified
19 pedophilic disorder nonconsent and narcissistic personalty
20 disorder. You will hear the testimony from which you can
21 decide whether Mr. Charles Sullivan lacks control over
22 these mental abnormalities or personalty disorders and
23 whether he is likely to commitment acts of future sexual
24 violence. You will hear testimony of Dr. Marie Gehle a
25 psychologist with the Department of Mental Health. You

1 will hear how Dr. Gehle spent a significant amount of time
2 reviewing Charles Sullivan's case. She reviewed the file,
3 she conducted an actuarial assessment of Mr. Sullivan's
4 risk. She interviewed Mr. Sullivan and took a closer look
5 at Mr. Sullivan's plans to avoid re-offense. Dr. Gehle
6 will tell you that Mr. Sullivan suffered from relevant
7 abnormalities and personalty disorders. And based on her
8 evaluation, she concludes is likely to commit another act
9 of sexual violence if not confined for treatment.

10 So the question that will be presented to you
11 today is whether Charles Sullivan suffers from mental
12 abnormality or personalty disorder which makes him likely
13 to reoffend sexually if he is not confined to a secure
14 facility for care, control and treatment. In other words,
15 is Charles Sullivan safe to be out in the community on his
16 own and not commit another crime of sexual violence ever
17 again.

18 Now, the burden of proof in this case is on the
19 State and the State welcomes that burden. The judge will
20 instruct you that this is a civil case and not a criminal
21 case. However, the burden is placed on the State is to
22 prove its case beyond a reasonable doubt. Keep in mind
23 that it's not beyond all doubt or beyond any doubt or
24 every doubt or any conceivable doubt. It's beyond a
25 reasonable doubt. Later, the judge will tell you what

1 that means and she will tell you that proof beyond a
2 reasonable doubt is proof that leaves you firmly
3 convinced. These cases by their very nature are going to
4 contain some disturbing facts. I apologize that you have
5 to listen to it, but I ask you to do one thing and that's
6 listen to the evidence. At the end of the day if you
7 listen to the evidence as presented today, you will find
8 that Charles Sullivan is a sexually violent predator and
9 needs to be committed to the Department of Mental Health's
10 sexual violent predator treatment program so that he can
11 get the treatment that he so desperately needs. Thank
12 you.

13 THE COURT: Mr. Falk.

14 MR. FALK: May it please the Court.

15 THE COURT: Yes, sir.

16 MR. FALK: Mr. Morrow. Good morning. My name
17 is James Falk. I'm representing Charles Sullivan here
18 today. When I was looking over the case file, it really
19 seems that this case sort of plays out -- is going to play
20 out possibly a three act play. And act one is going to be
21 Charles Sullivan's life from birth up until when he was
22 sentenced in 1998. And I think that what we're going to
23 hear from the State is a lot stuff about what happened in
24 the first act of Mr. Sullivan's play. And I'm guessing
25 that maybe if you're in the audience and you're in the

1 theater and you saw this play, you went out at
2 intermission and a lot of you would leave because you
3 would be very upset. There's no question that at the end
4 of act one of the play Charles Sullivan has done some
5 awful things. He has probably the worse really breach of
6 trust. I mean, there were people, there were families who
7 trusted their children in his care and he violated that
8 trust, there's no question about that. The other problem
9 is the other reason why you're not going to like the play
10 is because Mr. Sullivan has a lot of tools. He was a very
11 successful person. He's a creative person and he could
12 have done a lot of good things. He could have done a lot
13 of things to contribute, but he didn't. He blew it all
14 up. That's act one.

15 I'm asking you to stay in for act two because
16 I'm going to talk about act two. I'm going to talk about
17 everything that happened while he was in custody because
18 Mr. Sullivan did everything he could grabbed every piece
19 of rehabilitation, every training course, any kind of
20 self-development classes, character classes, sex offender
21 awareness classes. In fact, he even moderated some of
22 these classes. He basically spent 18 years in treatment,
23 that's the part that I don't think the State's going to
24 talk to you about, but that's the part that I want to talk
25 about. Because you all have to decide today whether or

1 not Mr. Sullivan needs to continue with treatment and
2 whether or not that treatment can only be provided in a
3 long-term secure facility, lots of people need treatment.

4 If you a recovering alcoholic, you probably say
5 that, you know, you always one drink away from, you know,
6 relapse. And you can always have an opportunity. And you
7 always need an opportunity to be able to go to a meeting.

8 People who have a mental disease or mental
9 deficiency, they're going to need treatment for the rest
10 of their life. There's no question about that. It's just
11 whether or not it can only be conducted in a secure
12 facility or whether or not he has been in a secure
13 facility long enough. Remember when people go to the
14 department of corrections, it's retribution,
15 rehabilitation, restitution. He has spent since 1998 in
16 custody. That's the retribution.

17 The biggest story here though is the
18 rehabilitation. When you listen to our witnesses, you're
19 going to see that he has rehabilitated himself. He's
20 basically done it by himself with the help of whatever
21 resources were available to him at the department of
22 corrections. That would include the character housing
23 unit at Allendale and that would include what's called the
24 Sex Offender Treatment Program SOTP that was conducted as
25 a six month residential program that he did while he was

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1 confined at Broad River. So he has had treatment, he has
2 had plenty of treatment. It is time for him to be able to
3 go home, finally get out of the jump suit and go back
4 home, wear regular clothes, have a home cook meal and live
5 the third act of his life. Thank you.

6 THE COURT: Thank you. Mr. Morrow, you may call
7 your first witness.

8 MR. MORROW: Your Honor, the State would call
9 Dr. Marie Gehle.

10 THE CLERK: Do you swear or affirm that the
11 testimony you're about to give in this case to be the
12 truth, the whole truth, and nothing but the truth so help
13 you God?

14 THE WITNESS: I do.

15 THE CLERK: Thank you. Have a seat on the
16 witness stand.

17 WHEREUPON,

18 Dr. Marie E. Gehle,
19 after first having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. MORROW:

22 Q Good morning, Dr. Gehle.

23 A Good morning.

24 Q Before we begin, could you please state your name and
25 spell your last name for the record.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 A My name is Marie Gehle and it's spelled G-E-H-L-E.

2 Q And, Dr. Gehle, what is your occupation?

3 A I am a clinical psychologist.

4 Q And how long -- where do you work?

5 A I work at the Department of Mental Health.

6 Q And how long have you worked in that capacity?

7 A I have work there for almost seven years.

8 Q And what degrees do you possess?

9 A I have a bachelor's degree in psychology, a master's
10 degree in clinical psychology and a doctorate in clinical
11 psychology.

12 Q And, Dr. Gehle, could you please tell us what is the
13 study of psychology?

14 A It's the study of human behavior in the mind.

15 Q And what is forensic psychology?

16 A It's when you take the study of psychology, the
17 science of psychology and apply it to questions in the
18 law. We do things like do competency to stand trial
19 evaluations or determine if somebody is not guilty by
20 reason of insanity. We do risk assessments for the Court
21 and we do these kind of evaluations sexually violent
22 predator evaluations.

23 Q Dr. Gehle, have you had any additional specialize
24 training or experience within the field of forensic
25 psychology beyond your doctorate degree?

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 A Yes, I did a year long internship at the state
2 psychiatric hospital in the sexually violent predator
3 program in Washington state. I did a post doctoral
4 fellowship in forensic psychology at state hospital in
5 Georgia. I was supervise by a board certified forensic
6 psychologist for the first probably four or five years of
7 my working at the Department Mental Health. And then just
8 ongoing I attend a lot of conferences, seminars, other
9 types of trainings. I'm reading all the time, research.
10 I do some research. I read a lot of court opinions and
11 legal briefs and things like that to keep me up to date.

12 Q Dr. Gehle, do you have any memberships at an
13 professional organizations?

14 A I'm a member of the Association of Psychology and Law
15 Society. The sex offender civil commitment program
16 network and the Augusta Area of Psychological Association.

17 Q Does your work allow you to conduct forensic
18 evaluations of individuals?

19 A Yes.

20 Q And do you have any experience working directly with
21 sex offenders?

22 A Yes, I began working with sex offenders when I
23 graduated from college in 2000. I have worked with them
24 in several different capacities as a case manager right
25 out of under graduate school. I worked with some sex

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1 offenders during graduate school. I did the -- worked at
2 the treatment program of the sexually violent predator
3 program in Washington state. I work also do some therapy
4 now and I work with several sex offenders.

5 Q And, Dr. Gehle, how many sex offenders have you
6 evaluated?

7 A I have evaluated around 200 sex offenders under the
8 Sexually Violent Predator Act.

9 Q Can you briefly describe your background in relation
10 to sexually violent predator cases?

11 A Well, first off, I did that internship, that was a
12 four-month rotation in their sexually violent predator
13 civil commitment program in Washington state. I did
14 treatment there. I also learned how they do their
15 evaluations. Then I came and worked at the Department of
16 Mental Health in, I believe, it was 2009. And I started
17 in the sexually violent predator program. At the time I
18 was the only clinical psychologist in the program and I
19 supervise the treatment. I sat on the management
20 committee things like that. And I also did evaluations of
21 people who were civilly committed as sexually violent
22 predators. They get a yearly evaluation and I did those
23 evaluations, that lasted for a couple years. And then I
24 transferred to the job that I have now and that is just to
25 do pre-commitment evaluations, which is to give a

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 determination or opinion to the Court about whether
2 somebody meets the criteria to be considered a sexually
3 violent predator.

4 Q Dr. Gehle, you ever testified for the respondent in a
5 SVP case?

6 A Yes, I have. The last case I testified in was on
7 behalf of Mr. Falk's client. I testified for which ever
8 side my opinion helps.

9 Q Have you ever recommended that a respondent in a
10 sexually violent predator case did not meet the criteria
11 for commitment?

12 A Yes, I have found that an individual or the
13 individuals I have evaluated, I found that more do not
14 meet the criteria then I have found that people that do.
15 So I have said no to commitment more than I've said yes.

16 Q Dr. Gehle, have you been previously been recognized
17 as an expert witness in the field of forensic psychology?

18 A Yes, I have.

19 Q How many times?

20 A For than 80 times.

21 MR. MORROW: At this time, You Honor, I would
22 move -- the State would move for Dr. Gehle to be
23 recognized as an expert in the field of forensic
24 psychology?

25 THE COURT: Any objection?

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 MR. FALK: May I voir dire?

2 THE COURT: You may.

3 Dr. Gehle, please answer any questions from Mr.
4 Falk.

5 VOIR DIRE EXAMINATION

6 BY MR. FALK:

7 Q There's also a field of forensic psychiatry, is there
8 not?

9 A There is.

10 Q And I'm aware that you can be board certified in the
11 field of forensic psychiatry. Is there a similar board
12 certification in forensic psychology?

13 A There is a board certification. I don't know if I
14 would say that it's similar, it's a very different
15 process.

16 Q Are you board certified?

17 A No, I'm not.

18 MR. FALK: No further question, but we would
19 accept her as an expert.

20 THE COURT: All right. Dr. Gehle is so
21 qualified as an expert in forensic psychology.

22 BY MR. MORROW:

23 Q Dr. Gehle, how did you become involved in this case?

24 A I was appointed by the Richland County of common
25 pleas.

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 Q And will you be paid -- were you paid to conduct your
2 evaluation in this case?

3 A I'm paid a salary by the Department of Mental Health.

4 Q Would you be paid any differently if you did not
5 recommend commitment?

6 A No, I'm paid a salary either way.

7 Q What type of evaluation did you conduct in this case?

8 A It's what I call a pre-commitment evaluation. It's
9 to determine whether Charles Sullivan meets the criteria
10 for civil commitment under the Sexually Violent Predator
11 Act.

12 Q And could you describe the method by which you
13 conduct pre-commitment evaluations in sexually violent
14 predator cases?

15 A Well, the goal in my evaluation is to learn as much
16 as I can about the person's life. Because I'm asked to
17 give an opinion as whether the person has a mental
18 abnormality or personality disorder that makes them likely
19 to commit acts of sexual violence if not confine for long
20 term care, control and treatment, that takes a
21 comprehensive evaluation. So first off, I review the
22 records that I receive. I ask for any records that are
23 missing. I try to get all of the legal documents, all the
24 arrest reports, all the investigations, all the warrants
25 and indictments and get a really linear account of the

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1 crime of the criminal history. I look at all the witness
2 statements, I look at the prison records. I look at
3 things like any mental health reports or any information
4 that the respondent wants me to look at. I will take
5 anything that they give me and then I interview the
6 person. In this case, I interviewed Mr. Sullivan for six
7 hours. So I ask them a whole bunch of questions about
8 their background. I ask them a lot of very intrusive
9 questions about their sexual history. What things they
10 find arousing. What things that they've done sexually,
11 things like that, a lot of their masturbation and fantasy
12 habits. I take all of the information that I get and I
13 write a report. And I give that report to the Attorney
14 General's office and they distribute it to other people.
15 In this case, I also had to consult with a colleague
16 because there was an allegation that happened in England,
17 so I had to consult with a colleague who had a history of
18 working in England so I could score the actuarial risk
19 assessment.

20 Q Dr. Gehle, as part of your evaluation, did you meet
21 with and interview Mr. Sullivan?

22 A Yes.

23 Q How long did you meet with him?

24 A Six hours.

25 Q Is the man that you met with in the courtroom today?

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 A Yes, sitting over there.

2 MR. MORROW: Your Honor, may the record reflect
3 that Dr. Gehle identified Mr. Sullivan.

4 THE COURT: It so reflects.

5 BY MR. MORROW:

6 Q Did you explain the purpose of the evaluation to him?

7 A Yes, I explain that in great detail to him.

8 Q And did he consent to the evaluation?

9 A Yes.

10 Q Dr. Gehle, in addition to meeting with and
11 interviewing Mr. Sullivan, what information did you
12 receive to aid you in conducting your evaluation?

13 A Well, if you saw me walking up here, I had a lot of
14 information. I had too very thick files full of
15 information. Those included all the investigation
16 reports, court records, police reports, witness
17 statements, the charging documents, the prison records,
18 letters that Mr. Sullivan had written things of that
19 nature.

20 Q And are these documents that you just described
21 typically and reasonably relied upon by other experts in
22 your field?

23 A Yes.

24 Q Did you consider and rely on the information you
25 listed for the jury a moment ago and upon your interview

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 with Mr. Sullivan in rendering your conclusion in this
2 matter?

3 A Yes.

4 Q Dr. Gehle, can you explain to the jury how
5 individuals past sexual offense behavior relates to his
6 future sexual offense behavior?

7 A Well, persons past sexual behavior is the best
8 indicator of their future sexual behavior because what a
9 person is sexually aroused by tends to remain consistent
10 over time.

11 Q Dr. Gehle, base on your interview with Mr. Sullivan
12 and your review of his file, did you tell at the time of
13 your interview with him he had been convicted of a
14 sexually violent offense?

15 A Yes.

16 Q In fact, you found that he been convicted of 18
17 sexually violent offenses?

18 A That's correct.

19 Q At the same time he was also convicted of nonsexual
20 offenses, correct?

21 A That is correct.

22 Q Did you consider those as part of your expert
23 opinion?

24 A Yes.

25 Q Are those convictions typically and reasonably relied

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 upon by experts in your field?

2 A Yes.

3 Q Why is it important to review and consider nonsexual
4 offenses?

5 A Well, it was -- it's important especially in this
6 case because all of his criminal history related to his
7 deviant sexual behavior. It related to the things that
8 were basically nonsexual, were giving alcohol to minors,
9 also he pled to at least one ABHAN or assault and battery
10 of a high and aggravated nature, which is sometimes what
11 is pled to -- with sexual behavior. So all of it to me
12 was relevant. It all had to do with the way he treated
13 victims. The way he groomed victims. They way he
14 sexually assaulted victims.

15 Q Dr. Gehle, before you continue, could you give a
16 brief overview or time line of Mr. Sullivan's sexual
17 offense history?

18 A Well, it's not going to be brief and I apologize in
19 advance. This was a very complicated case. The was the
20 biggest case that I've ever worked on. So just to give
21 you a little background, he graduated in 1978 from the
22 University of South Carolina. From 1978 to 1980, he
23 worked for the Fifth Circuit Solicitor. And then at the
24 Attorney General's office, he worked in the pretrial
25 intervention program. And he told me that he took that

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1 program statewide and that was why he transferred over to
2 the Attorney General's office. 1982, he ran for state
3 house. He ran for state house representative. He told me
4 that he received the democratic nomination but lost the
5 general election. In 1982 after he lost that election, he
6 said that that opened a lot of doors for him and he began
7 a public relations and advertising business. He did that
8 for about a year. And then in 1983 he said that he was
9 approached by the board of the Carolina Children's Home,
10 which is a home for troubled youth. And they asked him if
11 he would serve as superintendent of the Carolina
12 Children's Home, so he did that between 1983 and 1985. He
13 told me that he resigned from that position, but some of
14 the records that I reviewed, it appeared that he was
15 terminated for poor job performance and for drinking beer
16 in front of kids on a weekend outing. In 1985 to 1986, he
17 told that me ran the Ernest Hollings campaign for the
18 United States Senate. And then in 1987 he was
19 volunteering -- I should say that this whole time he was
20 volunteering as a coach at various places. He was
21 involved in civic program with young kids. He's
22 volunteered all of his life, so that was always going on.
23 In 1987, he was volunteering at the Carolina Children's
24 Home and two boys accused him of sexually assaulting them.
25 There was an investigation, but no charges were brought

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1 that I could find. So in 1988, he moved to High Wycombe
2 -- I'm not sure if I'm pronouncing it right, but it's a
3 suburb of London, England. He worked in sells for a
4 computer training company is what he told me. So while he
5 was there he approached social services and asked to
6 volunteer with young boys who had behavior problems. He
7 told them that he was a devote Christian and that he ---

8 THE COURT: Just one moment, is there an
9 objection.

10 MR. FALK: May we approach?

11 THE COURT: Come up.

12 (WHEREUPON, a bench conference was held in the
13 presence of the jury, but out of the hearing of the
14 jury.)

15 THE COURT: Ladies and gentlemen, there's a
16 matter of law that I need to take up outside of your
17 presence. So I ask you all to go to the jury room.
18 Please do not discuss this case while you're back in the
19 jury room and we'll get you back out here as soon as
20 possible.

21 (WHEREUPON, the jury retire to the jury room.)

22 THE COURT: All right. Yesterday, I had heard a
23 motion in limine, a motion prior to trial with regard to
24 the defense's motion to exclude any testimony with regard
25 to uncharged offenses. And we are getting to that part of

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1 the testimony. I had preliminarily ruled that I would
2 allow that testimony in. Mr. Falk is renewing his
3 objection at this time. I would like him to have the
4 opportunity to have this testimony proffered outside of
5 the presence of the jury. I will then make a ruling
6 during the trial and we will proceed from there. So at
7 this point, Mr. Falk, do you want to elaborate on your
8 objection?

9 MR. FALK: My objection would be that the
10 information that I believe is going to be proffered will
11 be so is highly prejudicial that any type of probative
12 value that it would have would greatly outweigh excuse me
13 -- more prejudicial than probative.

14 THE COURT: Okay. And at the time of my ruling
15 yesterday as I explained, it was a preliminary ruling. I
16 wanted to hear the testimony in context. This is my
17 opportunity to hear that testimony in context. So,
18 Mr. Morrow, if you'll continue with questioning Dr. Dr.
19 Gehle on these charges that you're about to discuss. I
20 don't know whether he was a formally arrested or not,
21 we'll get to that. And Then I'll make a ruling on the
22 motion -- the objection.

23 MR. FALK: Thank you.

24 DIRECT EXAMINATION IN-CAMERA

25 BY MR. MORROW:

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 Q Dr. Gehle, please continue with your testimony in
2 regards to the allegations from London.

3 A Mr. Sullivan approached social services and asked to
4 voluntary with young boys who had behavior problems. He
5 told them that he was a devote Christian and that he
6 wanted to set up a business in where he helped young boys
7 with problems. He was allowed to mentor or befriend, I
8 guess, the word was one for 14 year old boy. And then he
9 was allowed to serve as a foster parent for another boy.
10 Within days of that boy being placed in his home, he
11 accused Mr. Sullivan of sexually abusing him. They did an
12 investigation and the claim was found to be
13 unsubstantiated, so that boy was -- remained living in
14 Mr. Sullivan's house. Then the boy accused him for a
15 second time and at that point they did another
16 investigation, they substantiated the allegation of abuse
17 and he was arrested. He was released on bond and asked to
18 come back on a date like a month later. As a result of
19 that, he was no longer to have contact with that first
20 boy. And so Mr. Sullivan asked that he be allowed to
21 continue counseling that boy. He ask that be allowed to
22 continue counseling him without supervision. And he said
23 that there were times that he needed to have unstructured
24 access to him so that the boy would open up to him. And
25 then it's my understanding that he left England and

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 returned to South Carolina.

2 Q Thank you, Dr. Gehle. And this again was based on
3 documentation that you received?

4 A Yes.

5 Q And let me show you the documentation here. I would
6 like for you to take a moment to look at this
7 documentation and see if you recognize it?

8 A Yes.

9 Q Dr. Gehle, can you identify that documentation?

10 A Yes, I've looked at this or copies of this.

11 Q And what is it?

12 A Well, the first document is --

13 MR. FALK: What are you showing?

14 MR. MORROW: Sorry.

15 THE COURT: And this is still with regard to
16 uncharged offenses?

17 MR. MORROW: Correct.

18 THE COURT: I want to make sure we don't just
19 keep going without the jury in here.

20 MR. MORROW: They were charged, but not
21 adjudicated.

22 THE COURT: Okay.

23 A So the first document has the -- I mean, it doesn't
24 have a title on it, so I don't know exactly what it is and
25 it's not documents that we use here in South Carolina. So

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1 I'm not sure exactly what to call it, but basically it has
2 the station at Alsberry (sic). It has Charles Tricott
3 Sullivan, his date of birth, his address and it says
4 charges. It says released on bail under the provision of
5 section 47-3 police and criminal act 1984 further
6 inquiries are conducted into allegation. It's
7 handwritten. It says release on something I cannot read.
8 It says bail to return. It says bail record at the bottom
9 of this document. It says Charles Tricott Sullivan. I,
10 Charles Tricott Sullivan, acknowledge that I am under a
11 duty to surrender to custody at the police station, at
12 Alsberry Police Station on the 25th of September 1990 at
13 two o'clock and then he signed the document, that was the
14 first document. The second is a fax cover sheet to Murray
15 Fint from South Carolina Police Department and it is from
16 Thames Valley Police. And it's dated December 22nd 1997,
17 and the third and fourth pages are basically an
18 investigation report signed by a Paul Watson, police
19 constable, operational support services for the Thames
20 Valley Police. In this document, they explained what
21 happened in the case.

22 Q Thank you, Dr. Gehle. Were you able gain any in
23 additional information about those charges?

24 A Yes, I was not sure if that meant that he was
25 actually charged, if somebody's released on bail in the

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 United States, we assume that that means that they're, you
2 know, charged, but there weren't any names of charges on
3 that document. So through your office I contacted the
4 Thames Valley Police, those people, to determine if there
5 was -- if that was in fact related to the allegations that
6 this boy made. And they said that their only interaction
7 with him was sexual in nature or sexual offense natured
8 and that did count for an arrest. And they said, I
9 believe, I have look at this specifically, but basically
10 that you can be arrested and bonded out during the
11 investigation, that's how it's routinely done there.

12 Q Thank you. I believe is that the full amount of
13 testimony in regards to the...

14 A Well, there's just one thing that I want to add. I
15 mean, whether this happened or not, the important part for
16 me in my evaluation of him is that this was an accusation
17 that he had to contend with. And so he was aware of this
18 accusation and that's important because I want to know how
19 many times was he accused and goes on to re-offend. This
20 causes a lot of stress in people's life. If he was
21 worried about getting caught for committing sex offenses,
22 you know, this can be a broad wake-up call for somebody
23 when they are accused and when they're, you know, facing
24 arrest and conviction and time in prison. So that's one
25 of the most important things for me in looking at this.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Q And again are uncharred or unadjudicated offenses are
2 they important when considering whether or not he's likely
3 to reoffended?

4 A Yes, this one in particular because it was a charge
5 and contacted one of the developers of the static 99 are
6 which is actuarial risk assessment that I used. I
7 contacted David Thorton and he happens to have a history
8 of working in England, so he understands their criminal
9 justice system. I sent him some D-identified documents,
10 the documents that we just reviewed and I asked him does
11 this qualify as a prior charge for the scoring of the
12 static and he said that it did. So it was important in
13 that in my risk assessment. It's also important in
14 overall assessment because it's time that they were giving
15 wake-up call to stop and it's a time that they were
16 brought to the attention of law enforcement. And it's
17 important to know what happened afterwords to that -- did
18 that cause them to stop their behavior, did it cause them
19 pause, did they just continue to re-offend those are
20 things I considered.

21 MR. MORROW: Thank you, Dr. Gehle.

22 THE COURT: All right. Any cross-examination?

23 MR. FALK: May I approach the witness?

24 THE COURT: You may.

25 CROSS-EXAMINATION IN-CAMERA

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 BY MR. FALK:

2 Q Dr. Gehle, I'm going to show you pages two and three
3 which I think are facts that you referred to?

4 A Yes.

5 Q And I have highlighted some areas on those two pages?

6 A Yes.

7 Q Would you mind reading those?

8 A Yes. Nothing untoward was suspected by the social
9 services department as no complaints had been received
10 from the boy or his family. An investigation into he
11 matter was commenced, but as a result of certain
12 allegations made by the boy, could not be substantiated.
13 I was agreed that the complaint was not valid and Sullivan
14 was allowed to continue with his counseling.

15 Q And then on the next page?

16 A But it -- was it -- was not possible to prove the
17 matter beyond a reasonable doubt, that's exactly what it
18 says. In view of these circumstances, the police were not
19 made aware and no legal action was taken. It was later
20 found that Sullivan had returned to his native America.
21 Sullivan has unfortunately never been brought to notice of
22 police in the United kingdom.

23 Q Thank you.

24 MR. FALK: May I approach?

25 THE COURT: You may.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 BY MR. FALK:

2 Q So it said that he was not brought to the attention
3 of the police in the United Kingdom, so action was
4 started?

5 A And what was the last part of what you said, I'm
6 sorry?

7 Q You said Sullivan has unfortunately never been
8 brought to the notice of the police in the United Kingdom.
9 And in view of these circumstances, the police are not
10 made aware and no illegal action was taken, that's what it
11 said, right?

12 A I'd have to have it back.

13 Q Okay.

14 A But, no, that's exactly what I was confused about and
15 that's why we did further inquiries with them because I
16 had that, I guess, bail record, I don't know what to call
17 that document. I found that very contradictory. And I
18 wasn't sure if it was just a matter of us using different
19 language, having a different legal system or what exactly
20 that meant. But if I have a second here, I can look up
21 exactly what they told me. So it was my understanding he
22 was arrested but not charged for that 1990 allegation. So
23 we got an e-mail from Nigel Wilham from the Thames Valley
24 Police and it says in terms of a bail inquiry from 1990
25 following arrest, suspects were and still are bailed

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 without charge to return to a police station to allow
2 further investigation of the crime.

3 MR. FALK: So he might have been a suspect, but
4 I'm just having a hard time reconciling the fact that he
5 could have been arrested without any notice to the police
6 in the United Kingdom, that's a direct statement she said,
7 unfortunately never been brought to notice of the police
8 in the United Kingdom and no legal action was taken.
9 Those are two sentences read off that same sheet. I'm
10 just concerned as to what the jury's going to think about
11 whether or not this was arrest or not arrest or what the
12 basis of assuming that this was the same type of arrest
13 that would have taken place here. It doesn't sound like
14 it because they said to not give notice to the police in
15 the United Kingdom, I don't know which police could have
16 arrested him. And so, I mean, I had concerns that ---

17 THE COURT: Are you making an argument with me.

18 MR. FALK: Now, I have concerns of an expert who
19 is possibly going beyond the scope of her expertise as to
20 saying what is the legal significance of documents that
21 are coming from England. And it would appear that her
22 testimony is contradictory on its face and then he was
23 arrested, but then the police never knew anything about
24 it. I have concerns about the jury drawing a normal
25 conclusion well he was arrested, that's exactly what she

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1 is saying, but, I think, there is such an ambiguity or
2 just a hole in this piece of testimony that for her to
3 testify further is going to certainly be highly
4 prejudicial in that we don't know. I mean, there's no
5 legal expert in here to tell us, you know, British
6 Parliament, British law enforcement procedures or criminal
7 procedures to know what those terms mean as far as when
8 they translated over here. So, I think, this is highly
9 prejudicial.

10 THE COURT: All right. So you're making your
11 objection based on Rule 403 that be unfair prejudice
12 outweighs any probative value of his testimony?

13 MR. FALK: Yes, I can understand that it has
14 probative value just as I said I'm sure everything has
15 probative value towards the risk assessment, but these
16 terms may have confusing implications for our jury here.

17 THE COURT: Well, we are here on a Sexual
18 Violent Predator Act case, it's an unusual animal. Unlike
19 a typical criminal trial. Obviously, this is civil, but
20 unlike a trial where we are deciding someone's guilt or
21 innocence of the underlying criminal offense where we
22 always avoid propensity evidence here in a SVP Act case.
23 One of the burdens that the State bears is proving that
24 the defendant has a mental abnormality making him likely
25 to recommit an offense in the future. It necessarily

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1 requires evidence of propensity. I find that based on the
2 expert's testimony that was just offered that she
3 explained why this testimony is both relevant and
4 probative to that issue. She specifically testified that
5 it's an important -- that the important part of her
6 opinion was to determine how the respondent reacted after
7 having been accused of an offense, whether it's
8 unadjudicated or not. The accusation itself was important
9 to her opinion. That she uses an actuarial risk
10 assessment that experts in this field typically-commonly
11 used and that an accusation such as this qualifies as a
12 prior charge. So while I -- do you understand that there
13 is some degree of prejudice to this testimony, I find that
14 the -- it is not the type of unfair prejudice that
15 outweighs the probative value and your objection is
16 denied. And I will allow the testimony.

17 MR. FALK: Just to finish my record and, I
18 guess, I should have wrapped up the point in that I can
19 appreciate the fact that this is a civil proceeding, not a
20 criminal proceeding, but at the end of the day we still
21 have a significant liberty interest which is that
22 statement for my client in that he going to have
23 indeterminate facility care.

24 THE COURT: I understand that. Thank you.
25 You're protected for the record. My ruling stands and I

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1 will allow her to testify. I will note that I will also
2 allow you to cross-examine her on exactly as you just
3 cross-examined now as to the circumstances of the arrest
4 and the questions that she may not be able answer for the
5 jury, but she did use that information in her assessment.
6 It's the type of information that is used by experts to
7 assess folks propensity to reoffend in the future and I
8 will allow the testimony.

9 MR. FALK: Thank you.

10 THE COURT: All right. We can bring the jury
11 back in.

12 MR. FALK: Your Honor, before the jury comes
13 back ---

14 THE COURT: Just one moment.

15 MR. FALK: I have another matter.

16 THE COURT: Okay, go ahead.

17 MR. FALK: In Mr. Morrow's opening argument, he
18 made some comment about affect on the victims and I know
19 that one of the victims in this case had a tragic affect
20 to the fact he taken his life and I don't believe that
21 that -- I think that that would be highly prejudicial.
22 I'm moving in limine that any testimony regarding a
23 victim...

24 THE COURT: Mr. Morrow, do you plan to get into
25 anything like that?

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1 MR. MORROW: I will not ask any questions
2 regarding that.

3 MR. FALK: Thank you.

4 THE COURT: All right. You can bring in the
5 jury.

6 (WHEREUPON, the jury came into open court.)

7 THE COURT: All right. Mr. Morrow, you may
8 continue with your direct examination.

9 MR. MORROW: Thank you, Your Honor.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. MORROW:

12 Q Dr. Gehle, I believe we left off Mr. Sullivan was
13 living in England. Will you please continue your
14 testimony?

15 A In 1990 I'm sorry -- 1988, he moved to England. He
16 approached social services there and asked to volunteer
17 with young boy who had behavior problems. While doing
18 that, he was asked to take in a boy as a foster child
19 under an emergency basis. Within days of that placement,
20 that boy accused Mr. Sullivan of sexually assaulting him.
21 They did a quick investigation and it was found to be
22 unsubstantiated so they allowed the boy to continue to
23 live at Mr. Sullivan's home. In a short while, the boy
24 again accused Mr. Sullivan of sexually assaulting him. At
25 that point they removed him from his home and they told

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1 him that he could not have any contact with any youth in
2 the area. And he was arrested and then released. And at
3 some point around that time, he came back to South
4 Carolina. So he returned to South Carolina and he resumed
5 his volunteering here. In 1993, he took a boy on a
6 shrimping trip to Beaufort and he sexually assaulting him
7 while the boy was sleeping. The parents -- the boy
8 disclosed this to his parents a couple weeks later and the
9 parents told Mr. Sullivan to cease all activities and
10 involvement with minors. They told him that he needed to
11 get therapy and they wanted access to his therapist. This
12 was all outlined in letters that I reviewed, so it was
13 very detailed. Mr. Sullivan met with them and was
14 partially compliant with this stuff, but resumed his
15 activities with young boys. In 1996, he was coaching
16 basketball at Cardinal Newman Jr. High School and in 1990
17 -- in November of 1996, the Cardinal Newman received an
18 unanimous letter stating that Charles Sullivan had
19 sexually abused kids at the Carolina Children's Home.
20 They questioned Mr. Sullivan and Mr. Sullivan mistakenly
21 thought it was the 1993 allegation, that boy that he took
22 on the shrimping trip. So he told them, he told the
23 Cardinal Newman people that it's that, right. It's that
24 and they were like, oh, well, we didn't know about that.
25 So they were very concerned and they put him on

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1 administrative leave. He wrote letters to Cardinal Newman
2 and asked to be reinstated. He said that he was amenable
3 to having an assist coach with him at all times, but from
4 my review of the records, he continued to offend boys at
5 Cardinal Newman while he was reinstated, because they did
6 reinstate him as the basketball coach while they did their
7 investigation. So he continued the basketball season and
8 then in February 1997, he resigned from Cardinal Newman.
9 Again, I had a letter and he cited time constraints in his
10 schedule as his reasoning. In late 1997, two brothers
11 accused Mr. Sullivan of sexually abusing them and giving
12 them alcohol and pornography. That launched a huge
13 investigation that went backwards and caught -- found
14 allegations and offenses from 1978. Those that happened
15 at the Carolina Children's Home in 1987, things that
16 happened at Cardinal Newman and these offenses against
17 these two boys. So SLED lead the investigation and they
18 did a very very detailed investigation and this resulted
19 in 54 charges involving 19 victims.

20 MR. FALK: Your Honor, I'm objecting to the
21 narrative nature here. There should be question and
22 answer. I mean, she's going on and on and on. I think,
23 she should be responsive to questions.

24 THE COURT: All right. I will allow her to
25 continue at this point. You certainly are allowed to

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1 object, but I think the question was to give a time line
2 and she's going forward with time line. So I'll allow her
3 to continue in this fashion.

4 A I'm almost finished. He pled guilty to 32 charges
5 and was sentenced to 35 years in prison in 1998, that's
6 it.

7 Q Dr. Gehle, I like to talk about John Doe number five
8 and K.E. and I'm going show you the document. I'd like
9 for you to take a moment to review that document see if
10 you recognize it?

11 THE COURT: Please show it to defense counsel
12 first.

13 BY MR. MORROW:

14 Q Dr. Gehle, can you take a moment to review that? You
15 see those documents before?

16 A I've seen copies of those documents, yes.

17 Q What are they?

18 A The first page is the what I call the face sheet of
19 the indictment. It's an indictment for assault and
20 battery of high and aggravated nature. It was true billed
21 by the grand jury. The second page is a narrative. It's
22 account of assault and battery of a high and aggravated
23 nature that occurred on or about October 23rd 1987 and it
24 was a battery upon the victim John Doe number five. All
25 the victims in this case were numbered John Doe one.

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1 through 19 and then there are a couple other victims who
2 had initials. And this is is John Doe number five.

3 Q And, Dr. Gehle, is there anything on those documents
4 that indicate their authenticity?

5 A Yes, they're stamped as certified true copy all of
6 them are.

7 Q And are -- did you review those documents as part of
8 your evaluation?

9 A Yes, I reviewed copies of these, yes.

10 Q And are these the type of documents that are commonly
11 relied on by experts in your field?

12 A Yes.

13 Q And why is it necessary to review the details of the
14 underlying facts of this offense?

15 A It's important because this was the 1987 allegations
16 and it's important for me to look at the time line of
17 events when a person offended, who they offended, do they
18 offend males, females, do they commit rapes, what type of
19 sexual acts, how long did it last, all those things are
20 really important for me to consider.

21 Q And, Dr. Gehle, would you please describe for the
22 jury the details underlying those specific facts regarding
23 the crimes Mr. Sullivan committed against John Doe number
24 five and alleged committed K.E. against?

25 A So this was 1987 investigation that happened at the

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1 Carolina Children's Home. So John Doe number five was a
2 16-year-old resident at the Carolina Children's Home and
3 then was, I believe, maybe 14 years old. John Doe
4 number five said that he spent the night at Mr. Sullivan's
5 house in November of 1987. He was accompanied by two
6 other males, underage males who also spent the night. And
7 he said that when he awoke during the night,
8 Mr. Sullivan's hand was on his penis. He removed his hand
9 and went back to sleep. And when he next awoke,
10 Mr. Sullivan again had his hand on the boy's penis. So
11 Mr. Sullivan pled guilty to that assault and battery of a
12 high and aggravated nature for that behavior. At the same
13 time there was another boy who accused Mr. Sullivan of
14 sexual assault and that was -- the second one is K.E. He
15 said that Mr. Sullivan became a sponsor and he began
16 spending weekends at his home and that he provided alcohol
17 to him and other minors. He said one day he fell asleep
18 on the couch and was awakened up around two o'clock in the
19 morning after he felt what he thought was a hand inside
20 his pants. He said when he woke up his pants were
21 unbuttoned and unzipped. And he said Mr. Sullivan was
22 sitting on the end of the couch staring at him in the dark
23 and he got up off the couch and went upstairs. He said
24 on another occasion he was sleeping in the water bed with
25 Mr. Sullivan. He said he was wearing underwear and a pair

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1 of joggings shorts and sometime during the night he woke
2 up with Mr. Sullivan's hand on the outside of his pants in
3 the area of his penis. He was laying on his back and he
4 thinks that Mr. Sullivan was on his side and he removed
5 Mr. Sullivan's hand and went back to sleep. Mr. Sullivan
6 was questioned in this incident. And in both occasions,
7 he said that he didn't do it, but he couldn't account for
8 what he did during his sleep. So it might have happened
9 during his sleep was what his report was. He also said
10 that one of the victims misunderstood their relationship,
11 but the SLED agents or the investigators at that time
12 thought that Mr. Sullivan didn't have a great
13 understanding of what it took to be a sponsor in this case
14 because he was looking for reciprocal relationship. He
15 wanted the kids to give as much as he gave. He made
16 comments -- let me find those. He made statements said
17 these are quotes the relationship seem to me to be the
18 victim. And he wasn't putting anything back into the
19 relationship. I was the entertainer and I was hoping he
20 would respond to me. I began to see this boy smoking as a
21 lack of refusing to compromise and I was upfront with him.
22 I told him I'm interested in being a sponsor but not a
23 sugar daddy. I'm not going to buy you a bunch of things
24 and not be an entertainer for him. And after about seven
25 months or so, this is what I started to feel like. So he

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1 thought that the victim misread his legitimate shows of
2 affection. He said that he put his arm around him, kissed
3 him on the cheeks, told him that he cared about him, told
4 him that he loved him, hugged him things like that. And
5 he thought that the victim misread that stuff.

6 Q Dr. Gehle, Mr. Charles Sullivan ultimately pled
7 guilty to that offense?

8 A Yes, to the assault against John Doe number five.

9 Q And what sentence did he receive following the
10 conviction for ABHAN?

11 A Ten years in jail or in prison.

12 Q I retrieve those documents from you?

13 A Sure.

14 Q Thank you.

15 THE COURT: Show that document to defense
16 counsel.

17 (WHEREUPON, Plaintiff's Exhibits Nos. 1 was
18 marked for identification only.)

19 BY MR. MORROW:

20 Q Dr. Gehle, I like to talk to you about John Doe
21 number 19?

22 A Yes.

23 Q I'm going to approach you to show you what's been
24 premarked for identification purposes as only Plaintiff's
25 Exhibit 1. I want you to take a moment to look at that

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1 document and see if you recognize it.

2 A Yes.

3 Q So you seen those documents before?

4 A Yes, I've looked at copies of these, yes.

5 Q And what are they?

6 A The first page is a sentence sheet for lewd act upon
7 a child. The second page is the face sheet for the
8 indictment for lewd act upon a child, it's true billed by
9 the grand jury. And the last page is the narrative of the
10 indictment for lewd act upon a child that occurred on or
11 about October 3rd 1993 involve John Doe number 19.

12 Q And is there anything on these documents that you
13 just reviewed that indicates that you previously -- that
14 indicates their authenticity?

15 A Yeah, the sentence sheet is stamped as a true copy
16 and it looks like -- it's just the sentence sheet that is
17 stamped as a true copy.

18 Q Are these the types of -- did you review these
19 documents as part of your evaluation?

20 A I reviewed copies of those, yes.

21 Q Are these the type of documents that are common
22 relied upon by experts in your field?

23 A Yes.

24 Q And why is it necessary to review the details of the
25 underlying facts of this event?

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1 A It's necessary to look at all the convictions, to
2 look at the time line, to look at the victims. It's
3 important for determining whether he has a mental
4 abnormality or personalty disorder and it also speaks to
5 his risk.

6 Q Dr. Gehle, would you please describe for the jury the
7 details underlying the specific facts regarding
8 Mr. Sullivan's conviction for lewd act upon a child from
9 Beaufort County John Doe number 19?

10 A Yes. John Doe number 19 is the victim that was
11 sexually assaulted in 1993. He was a 14-year-old boy. He
12 knew Mr. Sullivan from the Junior Achievement Program at
13 Cardinal Newman Middle School. Mr. Sullivan took John Doe
14 number 19 on a shrimping trip to Beaufort County. He gave
15 him alcohol until he was intoxicated and then fondled is
16 genitals while he slept. The victim stated in his
17 statement he said that on the trip Mr. Sullivan give him
18 many beers and encouraged him to drink. They came home
19 late and he was quite intoxicated. He said that they
20 smoked pot together and that he got sick. He said that
21 Mr. Sullivan was nice enough to help him to bed. However,
22 when he woke up several hours later, he found that his
23 clothes were off and that Mr. Sullivan was curled around
24 him grasping his penis. He said that he was very afraid
25 and feared physical violence if he said anything. He said

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1 that after what seemed like eternity. He mustered up
2 enough courage to get and crawl over Mr. Sullivan
3 explaining that he needed to go to the bathroom. He said
4 the next day Mr. Sullivan drove him home and they had a
5 confrontation and Mr. Sullivan denied doing it. When John
6 Doe number 19 told his parents about the incident, they
7 initially contacted the Fifth Circuit Solicitor and the
8 local police. They lived here, but the offense happened
9 in Beaufort County, so they were told that charges needed
10 to be filed in Beaufort County. But the victim decided
11 that he didn't want to go through all that and he didn't
12 want to prosecute. So what his parents did instead was
13 wrote him a letter. They wrote a letter saying that they
14 were exposing him as a child molester. They wanted him to
15 disassociate himself from all activities in which he had
16 contact with children. He wanted -- they wanted him to
17 agree to get psychological help and they wanted to have
18 access to the psychologist. They actually sat down and
19 met with Mr. Sullivan. And at that meeting Mr. Sullivan
20 gave them handwritten or gave them -- handed them a letter
21 that was dated Sunday, October 3rd and it was attached to
22 an envelope postmarked October 4th 1993. So this incident
23 happened on October 3rd, but they didn't meet with him
24 until until October 25th. At that meeting he hands them
25 this letter and it was addressed to the victim's family in

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1 care of Chuck Sullivan and then it had his address on it.
2 So the return address was the same as the mailing address.
3 And apparently Mr. Sullivan had written this letter after
4 the incident with the victim and then had sent it himself
5 as proof that he wasn't backtracking or that he was
6 writing it at the time. He said that he was awakened in
7 the night when John Doe 19 touched his hand and gently
8 moved it from around his waist. He said he was startled
9 at what he may have thought, but I did not say anything
10 and I turned away to the very edge of the bed, turned face
11 way. I knew how it might appear, but rather than make
12 issue at three or four a.m. I choose to cowardly silence
13 and I went back to sleep. He said that the next day he
14 noticed that John Doe 19 was very withdrawn. And he said
15 I told him about me wakening when he moved my hand and I
16 explain that I was surprised that I stretched out that
17 much and frightened at how it would appear. He apologized
18 and hold him that he'd hoped he had not gotten the wrong
19 impression. And he said to my surprise his reaction was
20 that my comments were quote bullshit and he didn't believe
21 me. He said my hand was on his penis and he thought I had
22 meant for it to be there. He told me that something like
23 that had happened to him before and I could just be
24 covering it up. I told him that I truly understand how he
25 may believe that, but I did not agree. I cannot make him

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1 or you his parents believe me. Trust is earned and my
2 main concern is that I have done nothing to suggest
3 otherwise and I'm hurt that he doesn't believe me. I
4 regret not dealing with this on the spot, but perhaps it
5 would have spared his fear and anger and mine too. I
6 decided to bring it up because it bothered me. I was not
7 sure he felt the way he did, but I was concerned that his
8 attitude had changed so drastically. He went on to say
9 things about I didn't say anything. I wanted, but I
10 thought John Doe should be given the opportunity to say
11 something if he wanted to. He said that he had a lot of
12 why questions about what happened. And that he said I
13 only ask you please accept my word with God as my witness
14 all three of you, this is not what it appears and that
15 this is as it seems to John Doe 19 is not my lifestyle.
16 So John Doe 19's parents wrote some letters and there were
17 some letters exchanged and meetings that occurred. And
18 Mr. Sullivan got therapist involved and basically he
19 continued with his activities in the Junior Achievement
20 Program. He told John Doe 19's family that he only had
21 six weeks and he wasn't going to disrupt the other kids --
22 the program for the other kids, so he basically just
23 continued and the situation just seemed to go nowhere.
24 Q Dr. Gehle, charges were ultimately brought against
25 Mr. Sullivan?

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1 A It was brought in that 1997 investigation by SLED,
2 yes.

3 Q And he was ultimately convicted of it?

4 A Yes, he was.

5 Q Which are the documents Plaintiff's Exhibit 1?

6 A That's correct.

7 Q Okay. What sentence did he receive following that
8 conviction?

9 A He received a sentence of I'm sorry -- ten years in
10 prison.

11 MR. MORROW: Thank you. At this time, Your
12 Honor, the State would admit Plaintiff's Exhibit 1 into
13 evidence.

14 THE COURT: Any objection?

15 MR. FALK: No objection.

16 THE COURT: So admitted Plaintiff's Exhibit 1.

17 (WHEREUPON, Plaintiff's Exhibit No. 1 was
18 admitted into evidence.)

19 (WHEREUPON, Plaintiff's Exhibit No. 2 was marked
20 for identification only.)

21 BY MR. MORROW:

22 Q Dr. Gehle, let's talk about John Doe number one. I
23 would like for you to review what has been premarked for
24 identification purposes only as Plaintiff's Exhibit 2.
25 Will you take a moment to review that and see if you

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1 recognize the documents? Dr. Gehle, have you seen those
2 documents before?

3 A I've seen copies of these, yes?

4 Q And what are they?

5 A There's an indictment for lewd act upon a child that
6 occurred between June 16th 1997 and August 20th 1997. It
7 involved John Doe number one. There's a sentence sheet
8 for that offense. There is an indictment for lewd act
9 upon a child that occurred between February 3rd and
10 August 20th 1997, it involved John Doe number one.
11 There's a sentence sheet for that offense. There's an
12 indictment for exhibiting harmful performance to a minor,
13 that occurred between February 3rd 1997 and August 20th
14 1997. It involved John Doe number one. And there is a
15 sentence sheet for that offense.

16 Q Is there anything on those documents that indicate
17 their authenticity?

18 A Yes, they are all stamped as certified true copies.

19 Q Did you review those documents as part of your
20 evaluation?

21 A I reviewed copies of them, yes.

22 Q Are these the type of documents that are commonly --
23 are reasonably relied upon by other experts in your field?

24 A Yes.

25 Q And why is it necessary to review the details of the

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1 underlying facts of John Doe number one's case?

2 A It's essential that I know the details regarding the
3 victim, when the offense occurred, how it occurred. I
4 need to know this information in order to consider mental
5 disorders and risk to reoffend. And I need to know this
6 so I can ask Mr. Sullivan questions about it during the
7 interview.

8 Q And, Dr. Gehle, would you please describe for the
9 jury the details underlying the specific facts regarding
10 crimes Mr. Sullivan committed against John Doe number one?

11 A John Doe number one is an 11-year-old prepubescent
12 male. He spent the night at Mr. Sullivan's home several
13 times. He said that sometimes he was the only minor who
14 spent the night, so he spent the night alone with
15 Mr. Sullivan. While other times, there were other boys
16 present as well. He said that Mr. Sullivan gave him
17 alcohol which he drank until he quote swayed from side to
18 side. And Mr. Sullivan let him smoke cigarettes. He said
19 that on the first night he spent the night with Mr.
20 Sullivan. Mr. Sullivan gave him a massage while they were
21 both dressed in their underwear. On the second night,
22 Mr. Sullivan fondled his genitals. And he convinced John
23 Doe number one to reciprocate, so John Doe number one also
24 fondled Mr. Sullivan's penis. John Doe number one
25 reported that he saw Mr. Sullivan masturbate in bed at

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1 night on more than one occasion. He saw Mr. Sullivan and
2 John Doe number six somebody we'll take about in a little
3 while, fondled each other and perform oral sex on each
4 other. John Doe number one reported that Mr. Sullivan
5 also performed oral sex on him. He said that he witnessed
6 Mr. Sullivan and John Doe number six engage in sexual acts
7 together until they ejaculated. And John Doe reported
8 that he did not ejaculate because he had not reached
9 puberty, so he was prepubescent.

10 Q And what sentence did Mr. Sullivan receive following
11 his conviction?

12 A He pled guilty to the charges and he received five
13 years for exhibiting harmful performance to a minor, 15
14 years for lewd act upon a minor and 15 years for lewd act
15 upon a minor.

16 Q And those sentences ran concurrent?

17 A Some of the sentences were concurrent and some were
18 consecutive. Let's see. So the lewd acts upon a child
19 the 15-year sentences were concurrent and then the
20 three-year sentence for exhibiting harmful performance to
21 a minor was consecutive.

22 THE COURT: Mr. Morrow, let me interrupt you
23 here, it is 11 o'clock. I like to go ahead and take a
24 break. We been going for about an hour and a half. And I
25 think you have a while yet to go with this witness. So

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1 let me go ahead and let the jury take a break. The Court
2 needs a comfort break itself. So we will get back on the
3 record in about five or ten more minutes. I remind the
4 jurors that when you go back into the jury room to please
5 not talk about the case that you're hearing. You all can
6 talk about other things but not about this testimony
7 before you today. It's not yet time to deliberate. Thank
8 you all very much. We'll get you back in the courtroom
9 shortly.

10 (WHEREUPON, the jury retire to the jury room.)

11 THE COURT: Dr. Gehle, you are welcome to step
12 down from the witness stand, take a comfort break yourself
13 just don't talk about your testimony with anybody
14 including the assist attorney general.

15 (WHEREUPON, a break was taken.)

16 THE COURT: All right. Just so you'll know,
17 we'll be breaking around noon for lunch, from noon until
18 about 1:30 for lunch. And then we'll continue for the
19 rest of the afternoon just so you all can kind of know
20 what your day looks like as well. We ready for the jury?

21 MR. MORROW: Yes, Your Honor.

22 THE COURT: We ready for the jury, ma'am. Thank
23 you.

24 (WHEREUPON, the jury came into open court.)

25 THE COURT: Welcome back. We'll continue with

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1 direct examination at this time.

2 Mr. Morrow.

3 MR. MORROW: Thank you, Your Honor. May it
4 please the Court.

5 BY MR. MORROW:

6 Q Dr. Gehle, again, we're talking about John Doe number
7 one and his convictions. Are these documents that you
8 relied upon -- typically and reasonably relied upon by
9 other experts in your field?

10 A Yes.

11 Q And did you consider them as part of your ultimate
12 conclusion in this case?

13 A Yes, I did.

14 MR. MORROW: State would move at this to admit
15 what's been premarked as State's Exhibit 2 into evidence.

16 THE COURT: Any objection?

17 MR. FALK: No objection.

18 THE COURT: It is so is admitted.

19 (WHEREUPON, Plaintiff's Exhibit No. 2 was
20 admitted into evidence.)

21 (WHEREUPON, Plaintiff's Exhibit No. 3 was marked
22 for identification only.)

23 BY MR. MORROW:

24 Q Dr. Gehle, like to talk to you about John Doe number
25 two. Let me show you what has been premarked as

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1 Plaintiff's Exhibit 3 for identification purposes only.

2 Could you take a moment to review those documents and see
3 if you recognize them?

4 A Yes. Yes, I recognize them.

5 Q What are they?

6 A It's an indictment for lewd act upon a child for an
7 offense that occurred between June 16th 1997 and
8 August 20th 1997. It involved John Doe number two. It is
9 a sentence sheet for that offense. There's an indictment
10 for exhibiting harmful performance to a minor. For an
11 offense that occurred between June 16th 1997 and June 20th
12 1997. It involved John Doe number two. There's a
13 sentencing sheet for that offense. There's an indictment
14 for lewd act upon a child for an offense that occurred
15 between June 16th 1997 and June 20th 1997. It incurred
16 John Doe number two. There's a sentencing sheet for that
17 offense. There's an indictment for lewd act upon a child
18 for an offense that occurred on or about November 26, 1997
19 and incurred -- and involved John Doe number two. There's
20 a sentencing sheet for that offense. There's an
21 indictment for exhibiting harmful performance to a minor.
22 For an offense that occurred on or about November 26th
23 1997 and it involved John Doe number two. And there's a
24 sentencing sheet for that offense.

25 Q Dr. Gehle, is there anything on those documents that

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 indicates their authenticity?

2 A Yes, they're all stamped as certified true copies.

3 Q And did you review these documents as part of your
4 evaluation?

5 A I reviewed copies of these documents.

6 Q And are these documents that are typically and
7 reasonably relied upon by experts -- other experts in your
8 field?

9 A Yes.

10 Q And I'm going to show you now separate document,
11 please keep it separate from the ones that I just handed
12 to you.

13 A Sure, okay.

14 Q Please take a moment to review this document?

15 A Okay.

16 Q Do you recognize that document?

17 A Yes.

18 Q What is that document?

19 A It is an indictment for contributing to the
20 delinquency of a minor for an offense that occurred on or
21 about November 26th 1997. It involved John Doe number
22 two. And it is a sentence sheet for that offense.

23 Q Are those -- have you seen those documents before?

24 A I've seen copies of these.

25 Q Okay. Is there anything on those documents that

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 indicate their authenticity?

2 A They're stamped with certified true copy.

3 Q And did you review those documents as part of your
4 evaluation?

5 A I reviewed copies of these, yes.

6 Q And are they the type reasonably and typically relied
7 upon by other experts in your field?

8 A Yes.

9 Q And again, Dr. Gehle, why is it necessary to review
10 the details of the underlying facts of both sexually
11 violent crimes and nonsexually violent crimes?

12 A Well, it's essential that I know the details
13 regarding the victim, when the offense occurred, how it
14 occurred. I need to know this information in order to
15 consider mental disorders and risk to reoffend. I also
16 need to know this information in order to question Mr.
17 Sullivan about it.

18 Q And did you consider all these documents as part of
19 your ultimate conclusion?

20 A Yes.

21 Q Dr. Gehle, would you please describe for the jury the
22 details underlying those specific facts regarding the
23 crimes Mr. Sullivan committed against John Doe number two?

24 A John Doe number two was a 14-year-old male. He
25 reported that he spent the night at Mr. Sullivan's home on

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 several occasions, sometimes alone with him and sometimes
2 with other boys. He reported that Mr. Sullivan allowed
3 him to drink alcohol, smoke and watch pornography at his
4 house. He said the first time that Mr. Sullivan sexually
5 touched him was when his legs were sore from soccer camp
6 and Mr. Sullivan offered to rub them. Mr. Sullivan rubbed
7 his legs, then began messaging his genitals while also
8 fondling himself. He then alternated between rubbing John
9 Doe number two genitals and his own until they both
10 ejaculated. John Doe number two also reported that
11 Mr. Sullivan had him, John Doe number two, manually
12 stimulate Mr. Sullivan. It was noted that this occurred
13 five or six times on different nights. John Doe said that
14 Mr. Sullivan performed oral sex on him, but John Doe
15 number two made him stop. And Mr. Sullivan pled guilty to
16 the five sexual offenses for those behaviors.

17 Q What sentence did he receive follow his conviction?

18 A He received 15 years for the lewd act upon a minor,
19 five years for exhibiting harmful performance to a minor,
20 15 years for lewd act on a minor, another five years for
21 exhibiting harmful performance to a minor, another 15
22 years for lewd act and three years for contributing to the
23 delinquency of a minor.

24 MR. MORROW: At this time the State would move
25 to admit what was previously premarked as State's Exhibit

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 3 into evidence.

2 THE COURT: Any objection?

3 MR. FALK: No objection.

4 THE COURT: State's Exhibit 3 is admitted.

5 (WHEREUPON, Plaintiff's Exhibit No. 3 was
6 admitted into evidence.)

7 (WHEREUPON, Plaintiff's Exhibit No. 4 was marked.
8 for identification only.)

9 BY MR. MORROW:

10 Q Dr. Gehle, I like to talk to you about John Dow
11 number 3. I'm going to approach and show you a document
12 that's been premarked for identification purposes only as
13 Plaintiff's Exhibit Number 4. Could you please take a
14 moment and look at that document and see if you recognize
15 it?

16 A Yes, I recognize it.

17 Q What is that document?

18 A It's an indictment for lewd act upon a child for an
19 offense that occurred between September 21st 1978 and
20 January 1st 1979. It involved John Doe number three and
21 there is a sentence sheet for that offense.

22 Q And have you seen those documents before?

23 A I seen copies of these.

24 Q And is there anything on the documents that indicates
25 their authenticity?

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 A They're stamped as certified true copies.

2 Q And did you review these documents as part of your
3 evaluation?

4 A Yes.

5 Q Are they the type of documents that are reasonably
6 and typically relied upon by experts in your field?

7 A Yes.

8 Q Why is it necessary to review the details of the
9 underlying fact of this offense?

10 A It's essential to know the details regarding the
11 victim when the offense occurred, how it occurred. I need
12 to know this information for considering mental disorders
13 and risk and also so that I can question Mr.
14 Sullivan about it.

15 Q Did you rely on these documents when you came to your
16 ultimate conclusion in this case?

17 A Yes.

18 Q Dr. Gehle, would you please describe for the jury the
19 details underlying specific facts regarding the crimes
20 Mr. Sullivan committed on John Doe number three?

21 A So John Doe number three was a ten-year-old male at
22 the time of these offenses. He was prepubescent. He
23 reported that Mr. Sullivan had been his coach at St.
24 Joseph's Catholic School between 1978 and 1979.
25 Mr. Sullivan reportedly befriended the boy and his

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 recently divorced mom. The boy's mother reported that she
2 thought Mr. Sullivan was interested in dating her as well
3 as being interested in John Doe number three academics.
4 John Doe number three reported that on several occasions
5 Mr. Sullivan fondled his buttocks and penis. He reported
6 these incidents to his mother, but his mom thought that he
7 had misinterpreted Mr. Sullivan's behavior. But she made
8 him quit the team that Mr. Sullivan coached and then they
9 reportedly moved out of the area. She stated that
10 Mr. Sullivan wrote several letters to John Doe three about
11 how he missed him and these letters convinced her that
12 John Doe three was telling the truth about Mr. Sullivan's
13 sexual abuse, so this came back up in that 1997
14 investigation. Mr. Sullivan pled guilty to one sexual
15 offense against that victim.

16 Q What sentence did he receive following his
17 conviction?

18 A He received ten years in prison.

19 Q And again you relied on these documents conforming
20 your ultimate conclusion in this case?

21 A Yes.

22 MR. MORROW: At this time, Your Honor, the State
23 would move to admit State's or Plaintiff's Exhibit Number
24 4 into evidence.

25 THE COURT: Any objection?

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 MR. FALK: No objection.

2 THE COURT: All right. Plaintiff's Exhibit
3 Number 4 is moved into evidence.

4 (WHEREUPON, Plaintiff's Exhibit No. 4 was
5 admitted into evidence.)

6 BY MR. MORROW:

7 Q Dr. Gehle, now I like to talk to you about John Doe
8 number 4. I'm going to show you a document. I like for
9 you to take a moment and look at that document see if you
10 recognize it?

11 MR. MORROW: May I approach, Your Honor?

12 THE COURT: You may.

13 A Yes, I recognize these documents.

14 Q Have you seen them before?

15 A Yes, I've seen copies of them.

16 Q What are they?

17 A It is an indictment for assault and battery of a high
18 and aggravated nature for an offense that occurred between
19 May 23, 1982 and November 2nd 1982. It involved an
20 assault and battery upon John Doe number four.

21 Q Is there anything ---

22 A And it's a sentence sheet for that offense.

23 Q Is there anything on those documents that indicate
24 their authenticity?

25 A They're stamped as certified true copies.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Q Did you review these documents as part of your
2 evaluation?

3 A I reviewed copies of those documents, yes.

4 Q And are these the documents that you have in front of
5 you, the type of documents that are commonly relied upon
6 by experts in your field?

7 A Yes, they are.

8 Q And, again, did you use these in forming your
9 ultimate conclusion in this case?

10 A Yes, I did.

11 Q And why is it necessary to review the underlying
12 facts of the offense even nonsexual?

13 A It's important to know the details of the --
14 regarding the victim when the offense occurred, how it
15 occurred. I need to know this information in order to
16 determine what mental disorders Mr. Sullivan may have and
17 what his risk is to reoffend. I also need to know this
18 information so I can ask him about it in the interview.

19 Q Dr. Gehle, would you please describe for the jury the
20 details underlying the specific facts regarding the crimes
21 Mr. Sullivan committed against John Doe number four?

22 A Yes. John Doe number four was a 15-year-old male.
23 He reported that Mr. Sullivan fondled his genitals when he
24 stayed the night at Mr. Sullivan's home. He reported the
25 incident to his mother and stepfather when it happened.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 And they decided not to pursue legal action at the time
2 and it was brought in that 1997 case. Mr. Sullivan pled
3 guilty to one offense against John Doe four.

4 Q What sentence did he receive following his
5 conviction?

6 A Ten years in prison.

7 Q Thank you. Now, I like to talk to you a little bit
8 about John Doe number 6.

9 (WHEREUPON, Plaintiff's Exhibit No. 5 was marked
10 for identification only.)

11 BY MR. MORROW:

12 Q I'm going to show you some documents that been
13 premarked for identification purposes only as Plaintiff's
14 Exhibit Number 5. I'm going to ask you at this time to
15 take a moment to review those documents and see if you
16 recognize it.

17 A Yes, I recognize them.

18 Q And what are they?

19 A It's an indictment for lewd act upon a child for an
20 offense that occurred between June 16th 1997 and June 20th
21 1997. It involve John Doe number six. It's a sentencing
22 sheet for that offense. An indictment for exhibiting
23 harmful performance to a minor for an offense that
24 occurred between February 3, 1997 and June 16th 1997. It
25 involved John Doe number six. There's a sentencing sheet

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 for that offense. It's an indictment for lewd act upon a
2 child for an offense that occurred between February 3rd
3 1997 and June 16th 1997. It involved John Doe number six
4 and there's a sentencing sheet for that offense. There's
5 an indictment for exhibiting harmful performance to a
6 minor for an offense that occurred between John 16th 1997
7 and June 20th 1997, and it involved John Doe number six.
8 There's a sentence sheet for that offense.

9 Q And, Dr. Gehle, I'm going to now show you a separate
10 document and I ask again that you keep these separate from
11 the documents that I have just shown you. Do you
12 recognize that document?

13 A Yes, I recognize them.

14 Q And what are they?

15 A It's an indictment for contributing to the
16 delinquency of a minor for an offense that occurred
17 between February 3rd 1997 and June 16th 1997 involved John
18 Doe number 6 and there is a sentencing sheet for that
19 offense.. There is an indictment for contributing to the
20 delinquency of a minor for an offense that occurred
21 between February 3rd 1997 and May 28th 1997. It involved
22 John Doe number 12 and there's a sentencing sheet for that
23 offense.

24 Q Dr. Gehle, have you seen those documents before?

25 A I seen copies of these, yes.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Q And is there anything on those documents that
2 indicate their authenticity?

3 A They're all stamped as certified true copies.

4 Q And did you review those documents as part of your
5 evaluation?

6 A I reviewed copies of these, yes.

7 Q And are they the type of documents that are typically
8 and reasonably relied upon by other experts in your field?

9 A Yes.

10 Q And why is it necessary to review the details of the
11 underlying facts of both sexually violent and nonsexually
12 violent convictions?

13 A What's important that I understand the details
14 regarding the victims, what the circumstances were of the
15 offenses, how the offenses occurred, when it occurred. I
16 need to know this information in order to consider mental
17 disorders and risk to reoffend. And I also ask
18 Mr. Sullivan about it in the interview.

19 Q And were these documents considered part of your
20 ultimate conclusion in this case?

21 A Yes.

22 Q Dr. Gehle, would you please describe for the jury the
23 details underlying these facts, the specific facts
24 regarding the crimes Mr. Sullivan committed against John
25 Doe number six?

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 A John Doe number 6 was a six or sorry -- a 12-year-old
2 male. He reported that Mr. Sullivan fondled his genitals
3 on several occasions. He stated that Mr. Sullivan sat
4 around naked in front of him and other minor males that
5 were present. He masturbated in front of them.
6 Mr. Sullivan allowed him to drink alcohol and watch
7 pornography. And it was reported by other victims that
8 Mr. Sullivan performed oral sex on John Doe number six and
9 that he had John Doe number six perform oral sex on him.
10 Mr. Sullivan pled guilty to four sexual offenses against
11 John Doe number six and one nonsexual offense.

12 Q What sentence did he receive following his
13 conviction.

14 A He received three years in prison for contributing to
15 the delinquency of a minor, five years in prison for
16 exhibiting harmful performance to a minor, 15 years for
17 lewd act upon a minor, another five years for exhibiting
18 harmful performance to a minor and 15 years for lewd act
19 upon a minor.

20 MR. MORROW: Your Honor, at this time the State
21 would admit State's Exhibit -- Plaintiff's Exhibit 5 into
22 evidence.

23 THE COURT: Any objection?

24 MR. FALK: No objection.

25 THE COURT: State's Exhibit Number 5 is admitted

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 into evidence.

2 (WHEREUPON, Plaintiff's Exhibit No. 5 was
3 admitted into evidence.)

4 BY MR. MORROW:

5 Q Dr. Gehle, let's talk about John Does number nine and
6 ten, show you a document want you to see if you recognize
7 that document?

8 A Yes, I recognize it.

9 Q And have you seen it before?

10 A I've seen a copy of it.

11 Q And what is it?

12 A It is an indictment for contributing to the
13 delinquency of a minor for an offense that occurred
14 between February 3rd 1997 and May 28th 1997, and it
15 involved John Doe number nine and John Doe number ten.

16 Q And is there anything on these documents that
17 indicate their authenticity?

18 A They're stamped as certified true copies.

19 Q Did you review these documents as part of your
20 evaluation?

21 A Yes, I reviewed copies of these.

22 Q And are these the type of documents that are
23 typically and reasonably relied upon by other experts in
24 your field?

25 A Yes.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Q Did you consider these documents when forming your
2 ultimate conclusion in this case?

3 A Yes.

4 Q Dr. Gehle, would you please describe the specific
5 facts and details underlying the offenses against John Doe
6 number nine and ten?

7 A John Doe number nine is a 12-year-old male and John
8 Doe number 15 is -- ten is a 15-year-old male. And
9 Mr. Sullivan provided alcohol and pornography to them.

10 Q And what sentence did Mr. Sullivan receive for his
11 conviction?

12 A He pled guilty and was sentenced to three years in
13 prison.

14 Q Thank you, Dr. Gehle. I like to now talk about John
15 Doe number 11 and 12. I approach and show you a document
16 I like you to take a moment and see if you can recognize
17 that document?

18 A Yes, I recognize it.

19 Q Have you seen it before?

20 A Seen a copy of it, yes.

21 Q And is there anything on the document that indicates
22 it's authenticity?

23 A They're certified -- they're stamped as certified
24 true copies.

25 Q And what is the document?

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 A It's an indictment for contributing to the
2 delinquency of a minor for an offense that occurred
3 between September 6th 1997 and October 17th 1997. It
4 involved John Doe number 11 and there's a sentencing sheet
5 for that.

6 Q Thank you. Are there -- are these the type of
7 documents that are commonly -- are reasonably and
8 typically relied upon by experts in your field?

9 A Yes.

10 Q And why is it necessary to review the details
11 underlying facts of the offense even if they're nonsexual
12 in nature?

13 A Well, I need to know the details about the victim,
14 how the offense occurred, when it occurred. These in
15 particular are important because these are grooming
16 behaviors that Mr. Sullivan engaged in. This was how he
17 gain the compliance of his victims or how he, you know,
18 continued to get them to come over to his house and things
19 like that by offering them alcohol and pornography.

20 Q And, Dr. Gehle, would you again please describe the
21 underlying details of the offenses against John Doe 11 and
22 12?

23 A Mr. Sullivan provided Tequila and beer to John Doe
24 number 11 a 14-year-old male while another minor was
25 present. And Mr. Sullivan provided pornography to John

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Doe number 12 an 11 to 12-year-old male while other minors
2 were present. He pled guilty to contributing to the
3 delinquency of a minor charge against each of those
4 victims. And he was sentenced to three years in prison.

5 (WHEREUPON, Plaintiff's Exhibit No. 6 was marked
6 for identification only.)

7 BY MR. MORROW:

8 Q Thank you, Dr. Gehle. Now, I would like to talk to
9 you about John Doe number 13. Dr. Gehle, I'm going to
10 approach now and show you document like for you to review
11 it and see if you recognize it. Do you recognize that
12 document?

13 A Yes.

14 Q Have you seen it before?

15 A I've seen a copy of it, yes.

16 Q And what is it?

17 A It's an indictment for lewd act upon a child for an
18 offense that occurred between January 6th 1997 and May
19 30th 1997. It involved John Doe number 13 and it's a
20 sentencing sheet for that offense.

21 Q Is there anything on those documents that indicate
22 their authenticity?

23 A They are stamped as certified true copies.

24 Q Did you review those documents as part of your
25 evaluation?

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 A I reviewed copies of these.

2 Q Are they the type of documents that are typically and
3 reasonably relied upon by other experts in your field?

4 A Yes.

5 Q Did you review those documents and find your ultimate
6 conclusion in this case?

7 A Yes.

8 Q I'll approach and also show you now a separate set of
9 documents please keep them separate from the ones I just
10 handed. I want you to see your review and see if you
11 recognize these documents?

12 A Yes.

13 Q Thank you. Have you seen the documents before?

14 A I've seen copies of them, yes.

15 Q And what are they?

16 A It's an indictment for contributing to the
17 delinquency of a minor for an offense that occurred on or
18 about October 18th 1997 and incurred -- and involved John
19 Doe number 13, John Doe number eight and John Doe number
20 seven. And a sentencing sheet for that offense. There's
21 an indictment for contributing to the delinquency of a
22 minor for an offense that occurred between December 1st
23 1997, and December 11, 1997. It involved John Doe number
24 13 and a sentencing sheet for that offense.

25 Q Thank you. And have you seen those documents before?

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 A I seen copies of them.

2 Q Okay. Is there anything on those documents that
3 indicate their authenticity?

4 A They're all stamped as certified true copies.

5 Q Did you review those documents as part of your
6 evaluation?

7 A I reviewed copies of them.

8 Q And are they the type of documents that are
9 reasonably and typically relied upon by other experts in
10 your field?

11 A Yes, they are.

12 Q And, again, are they documents that you use
13 conforming your ultimate conclusion in this case?

14 A Yes.

15 Q Dr. Gehle, why is it necessary to review the details
16 of the underlying facts of both sexually violent and
17 nonviolent convictions?

18 A It's essential that I know the details of all the
19 offenses, when the offense occurred and how it occurred.
20 I need to know this information to consider mental
21 abnormalities and personalty disorders and risk to
22 reoffend. And I also need to know it so that I can
23 question Mr. Sullivan during the interview.

24 Q And, Dr. Gehle, can you please describe for the jury
25 the details underlying facts of the crimes Mr. Sullivan

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 committed against John Doe number nine -- number 13?

2 A Yes, John Doe number 13 was a 15-year-old male and he
3 reported that Mr. Sullivan fondled his genitals one night
4 when he spent the night at Mr. Sullivan's home. He
5 disclosed this incident to an adult and he was encouraged
6 to tell his parents, but he refused to do that. So it
7 came out later in the 1997 investigation.

8 Q Thank you, Dr. Gehle. What sentence did he receive
9 following his conviction?

10 A He received a 15 year in prison for lewd act upon a
11 minor and three years in prison for contributing to the
12 delinquency of a minor and three years in prison for
13 contributing to the delinquency of a minor.

14 MR. MORROW: Your Honor, at the State would
15 admit State's Exhibit Number 6 into evidence.

16 THE COURT: Any objection?

17 MR. FALK: No objection.

18 THE COURT: State's Exhibit Number 6 --
19 Plaintiff's Exhibit Number 6 is admitted into evidence,

20 (WHEREUPON, Plaintiff's Exhibit No. 6 was
21 admitted into evidence.)

22 (WHEREUPON, Plaintiff's Exhibit No. 7 was marked
23 for identification only.)

24 BY MR. MORROW:

25 Q Dr. Gehle, at this time I like to talk to you a

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 little bit about John Doe number 14. Now, approach you
2 and show you a document. I want you to see if you can
3 recognize that document?

4 A I recognize it.

5 Q Have you seen it before?

6 A I have seen a copy of it.

7 Q What is it?

8 A It is an indictment for contributing to the
9 delinquency of a minor for an offense that occurred on
10 May 30th 1997. It involved John Doe number 14 and it is a
11 sentencing sheet for that offense.

12 Q Is there anything on those documents that indicate
13 their authenticity?

14 A They're all certified as true copies.

15 Q Did you review these documents as part of your
16 evaluation?

17 A I reviewed copies of them.

18 Q And are they the type of documents that are typically
19 and reasonably relied upon by other experts in your field?

20 A Yes.

21 Q And why is it necessary to review the details of
22 contributing to the delinquency of a minor?

23 A Well, it's important that I know what Mr. Sullivan
24 was doing in addition to the sexual offenses. In this
25 case, the only offense against John Doe number 14 was

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 contributing to the delinquency of a minor and it's
2 important to know his grooming habits of victims.

3 Q And did you consider this ultimately as part of your
4 conclusion?

5 A Yes.

6 Q And what sentence did he receive following his
7 conviction?

8 A Three years in prison.

9 Q Thank you, Dr. Gehle. I like to talk to you now
10 about John Doe number 17. I approach to show you a
11 document like for you to see if you can recognize it. Do
12 you recognize that document?

13 A Yes, I've seen copies of this.

14 Q Is there anything on that document that indicates its
15 authenticity?

16 A They're stamped as certified true copies.

17 Q What is the document?

18 A It's an indictment for contributing to the
19 delinquency of a minor for an offense that occurred
20 between June 6th 1997 and August 25th 1997. It involved
21 John Doe number 17..

22 Q Are these the type of documents that are common --
23 reasonably -- typically and reasonably relied upon by
24 other experts in your field?

25 A Yes.

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 Q Why is it necessary to review the details again
2 contributing to the delinquency of a minor?

3 A Because in this offense he was giving alcohol to a
4 16-year-old boy. It's important to know what he was doing
5 in addition to his sexual offenses around that same time
6 and these are groom behaviors.

7 Q What sentence did he receive following his
8 conviction?

9 A Three years of incarceration.

10 Q Thank you. Dr. Gehle, now I like to talk to you
11 about John Doe number 18. I'm going to approach and show
12 you a document can you please take a moment to review it
13 and see if you recognize it?

14 A I recognize it.

15 Q What is the document?

16 A It is an indictment for contributing to the
17 delinquency of a minor for an offense that occurred
18 between January 1st 1997 and June 6th 1997. It involved
19 John Doe number 18 and it's a sentencing sheet for that
20 offense.

21 Q And are these the type of documents that are
22 typically and reasonably relied upon by other experts in
23 your field?

24 A Yes.

25 Q Why is it necessary in review the details of the

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 underlying facts of a nonsexually violent offense like
2 contributing to the delinquency of a minor?

3 A Again, this an indication of grooming behaviors of
4 priming victims, so it's important to review all that
5 stuff to look at the time line of the victims and things
6 like that.

7 Q And what sentence did Mr. Sullivan receive for his
8 conviction?

9 A Three years of incarceration.

10 Q Thank you, Dr. Gehle. At this time I want to talk to
11 you about Mr. Sullivan's charges for sexual exploitation
12 of a minor. Now, I want to show you a document that's
13 been premarked for identification purposes only as
14 Plaintiff's Exhibit 7. I like for you to take a moment to
15 review that document and see if you recognize it?

16 A Yes, I recognize them.

17 Q Thank you. What are those documents?

18 A It's an indictment for sexual exploitation of a minor
19 in the third degree for an offense that occurred between
20 August 17th 1997 and December 12th 1997, and a sentencing
21 sheet for that offense. It's an indictment for sexual
22 exploitation of a minor in the third degree for an offense
23 that occurred between August 17th 1997 and December 12th
24 1997, and a sentencing sheet for that offense. And a
25 third indictment for sexual exploitation of a minor in the

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1 third degree for an offense that occurred between
2 August 17th 1997 and December 12th 1997 and a sentencing
3 sheet for that offense.

4 Q Have you seen those documents before?

5 A I've seen copies.

6 Q And is there anything on those documents that
7 indicate their authenticity?

8 A They're all stamped as certified true copies.

9 Q And did you review these documents as part of your
10 evaluation?

11 A I reviewed copies of them.

12 Q Are they the type of documents that are typically and
13 reasonably relied upon by other experts in your field?

14 A Yes.

15 Q Did you review these documents in coming to your
16 ultimate conclusion in this case?

17 A Yes.

18 Q Why is it necessary to review the underlying details
19 of the facts of the offense?

20 A Well, these are pornography offenses and so it's
21 important for me to see what Mr. Sullivan is looking at in
22 terms of pornography to speak to what mental abnormalities
23 or personalty disorders that he may have and what his risk
24 is to reoffend. And also so I can ask Mr. Sullivan in the
25 interview.

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 Q And, Dr. Gehle, would you please describe for the
2 jury the details underlying the specific facts regarding
3 his sexual exploitation of a minor crimes?

4 A So these charge as I just said are related to
5 possession of child pornography. According to the legal
6 records, he possessed materials showing minor males in
7 various states of arousal including penile erections,
8 minor males engaged in masturbation, minor males engaged
9 in simulated touching, oral sex, and anal sex.

10 Q What sentence did he receive for his conviction?

11 A He received five years of incarceration for each
12 offense and I believe two of them were concurrent with
13 each other, so they served at the same time. And maybe
14 they were all concurrent, two were concurrent with each
15 other and then one was consecutive.

16 Q Thank you, Dr. Gehle.

17 MR. MORROW: Your Honor, may I approach?

18 THE COURT: You may.

19 MR. MORROW: At this time, Your Honor, the State
20 would admit State's Exhibit 7 into evidence.

21 THE COURT: Any objection?

22 MR. FALK: No objection.

23 THE COURT: All right. Plaintiff's Exhibit
24 Number 7 so admitted.
25

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1 (WHEREUPON, Plaintiff's Exhibit No. 7 was
2 admitted into evidence.)

3 THE COURT: Mr. Morrow, I see some squirming in
4 the jury. I think this is a good time -- I said earlier
5 that we would break around noon for lunch, it is none at
6 this time. We are going to go ahead and break for lunch.
7 It will be your witness when we get back, unless you are
8 about to end with this witness. I don't want to cut you
9 off if you're about to end with this witness.

10 MR. MORROW: No, Your Honor, I have quite a bit
11 to go.

12 THE COURT: I thought that was the case. All
13 right. Ladies and gentlemen, we are going to break for
14 lunch. It's noon right now. I like you back to the
15 courthouse by 1:30, so that we can start as promptly after
16 1:30 as possible. Sometimes it takes a little while to
17 get out of the doors here and then you'll have time to eat
18 some lunch and get back through security into the
19 building, so we will see you back here at 1:30. You all
20 don't talk about this case, it's not yet time to talk
21 about it. Stay away from any news articles, media and we
22 will see you back soon. Thank you.

23 (WHEREUPON, the jury is excused for lunch.)

24 THE COURT: Dr. Gehle, you remain under oath
25 over lunch, so you will not be allowed to talk about your

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1 testimony during the lunch period.

2 Anything else we need to take up before we break
3 for lunch?

4 MR. FALK: Not at this time.

5 MR. MORROW: Nothing from the State.

6 THE COURT: Thank you.

7 (WHEREUPON, a lunch break was taken.)

8 THE COURT: Anything before we bring the jury
9 in?

10 MR. MORROW: Nothing from the State, Your Honor.

11 MR. FALK: No, Your Honor.

12 THE COURT: You want to go ahead and get our
13 witness back in the stand. Oh, she's in the -- maybe if I
14 look to my right, I would have -- I just assumed you were
15 not. Thank you very much. I needed some more sweet tea
16 at lunch today apparently. All right, let's go ahead and
17 bring the jury back in.

18 (WHEREUPON, the jury came into open court.)

19 THE COURT: Welcome back from lunch everyone.
20 Mr. Morrow, you may continue with your direct examination
21 of Dr. Gehle.

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

24 THE COURT: Yes, sir.

25 DIRECT EXAMINATION CONTINUED

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 BY MR. MORROW:

2 Q Dr. Gehle, in reviewing the legal documents in this
3 case, did you see whether Mr. Sullivan had previously been
4 investigated for sexual offenses prior to his convictions?

5 A Yes, he was investigated prior to his convictions on
6 two occasions or three occasions actually.

7 Q And why is it important for you to look at those
8 prior investigations when making your ultimate conclusion?

9 A Well, some of those investigations resulted in
10 offenses in the 1997 case that was brought, so it was
11 important just understand from that point of view. But
12 ultimately I want to see what happens when somebody is
13 investigated, but they're not convicted or they're not
14 even potentially arrested maybe. Is this enough of a wake
15 up call that they're going to get caught, that they stop
16 offending or that they, you know, change the way that
17 they've been acting, do they change that stuff. So it's
18 really important for me to look at all of it and see it in
19 a time line and understand it from a real linear point of
20 view.

21 Q And so are -- was the fact that he has been
22 previously investigated for sexual offenses is that the
23 information that is typically and reasonably relied upon
24 by other experts in your field?

25 A Yes.

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 Q And was it part of your ultimate conclusion in this
2 case?

3 A Yes.

4 Q So can you tell me about what are his prior -- what
5 prior investigations did he undergo for sex offenses?

6 A Well, he was first investigated in 1987 and 1988 for
7 those offenses at the Carolina Children's Home.

8 Q So in 1998 or in 1988 he had allegations against him
9 as a member of the Carolina Children's Home. What
10 happened after that were there any investigations after
11 that?

12 A Of those charges or of other charges?

13 Q Of those charges?

14 A So that -- the allegations began by two boys in 1987
15 and the investigation concluded in 1988 and I could not
16 find evidence that he was charged in those incidents. So
17 it's my understanding that he then relocated to a town
18 outside of London, England.

19 Q So after he went to England, Mr. Sullivan became
20 involved in mentoring children with behavioral problems
21 with the social services department?

22 A Yes.

23 Q And, I believe, you mentioned earlier that he did so
24 by claiming that he was a devote Christian?

25 A Yes, that's what was noted in the investigative

DR. MARIE GEHLE - DIRECT EXAMINATION BY MR. MORROW

1 report.

2 Q And again there were allegations of sexual abuse in
3 an investigation, correct?

4 A Correct.

5 Q So can you tell me about the investigation in England
6 what happened?

7 A Yes, he was, I guess, mentoring or volunteering
8 working with some youth who had been apparently detained
9 in a facility. It sounded like a group home facility kind
10 of placement for kids with severe behavior problems. He
11 first befriended a young man his name is -- or his
12 initials are S.H. and that boy was eventually placed back
13 into the custody of his family, but Mr. Sullivan
14 approached the family and asked if he could continue to
15 work with the child and the parents agreed. So he
16 continued that relationship. And there were no
17 allegations of sexual abuse with that boy, that never came
18 out, so it's just a caveat. He then was asked to take in
19 this boy, that's his initials. And he was asked to
20 be a foster parent to that child on an emergency basis and
21 within a couple days of that placement, that child accused
22 Mr. Sullivan of sexual abuse. They investigated that
23 complaint and it was found that the allegations couldn't
24 be substantiated. And so they agreed that the complaint
25 was not valid and they allowed Mr. Sullivan to continue

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 with that placement. So the boy continued in his home,
2 but then the boy complained again about sexual abuse. He
3 said it happened a second time. So at that point they
4 removed him from the care of Mr. Sullivan and told
5 Mr. Sullivan that he was not allowed to have any contact
6 with either boy for the time being. And it was my
7 understanding that he was brought into the police station
8 and then released on bail and asked to come back about a
9 month later.

10 Q And, Dr. Gehle, after he left England, he came back
11 to Columbia, South Carolina, correct?

12 A Yes, that's my understanding.

13 Q And then that is where he ultimately was convicted of
14 the sexual offenses here in Columbia, correct?

15 A That's correct.

16 Q And were these prior investigations for sexual
17 offenses part of the basis of your ultimate conclusion?

18 A Yes.

19 Q And what was Mr. Sullivan's reaction to being
20 investigated in 1988?

21 A Well, in 1988, he denied knowingly committing those
22 sexual offenses. He said that he could not account for
23 his behavior while asleep and so something could have
24 happened while he was asleep he didn't know. So
25 apparently he was sleeping in the same bed with these

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1 teenage boys. He was questioned by, I believe, social
2 services before the investigation was handled -- handed
3 over to SLED or to the South Carolina Law Enforcement
4 Division SLED. So he -- I had some quotes in regard to
5 that investigation, some of his statements or his
6 statement. And it's my understanding that he thought that
7 one of the victims misunderstood some of his actions. He
8 thought that that victim was not engaging in a reciprocal
9 relationship with him, which is what he expected as a
10 mentor apparently. He said that he was confident that if
11 the case went to court be exonerated. He said he had
12 character witnesses. There was no one who collaborate the
13 allegations. He said he was not child molester or a
14 homosexual, but that he was just a dedicated person who
15 had worked with a lot of kids and he was very
16 professional. So his response was essentially to kind of
17 deny it, but not fully and then he left the country.

18 Q So, Dr. Gehle, he claim innocence on those charges,
19 but ultimately he pled guilty to molesting one of the boys
20 from 1988; isn't that correct?

21 A Yes, one of the boys could not be located. So there
22 were no charge brought there. So it's unclear if that was
23 valid, but, yes, he pled guilty to an assault against one
24 of those boys.

25 Q And what was Mr. Sullivan's reaction to the

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 investigation in England?

2 A Well, in the letters that I read, I didn't see any
3 outright or that I can recall, I don't think that he
4 outright denied that. What he said was that the victim
5 was accusing him because he unhappy with the placement and
6 that he wanted to get out of to essentially. So he said
7 that that's why the victim accused him. In the letters
8 that I wrote or letters that I read that he wrote, he was
9 more concerned about continuing his relationship with the
10 other child who he was not accused of offending S.H. He
11 asked that he be allowed to have contact with S.H. He
12 said that that was good for the boy. He understood that
13 the boy was angry at not being allowed to have contact
14 with him any more. He said that he needed sort of
15 unfettered access. He didn't need to just be in
16 structured activities like he needed, you know, private
17 access to the boy, so that they could be able to talk
18 freely and he thought that this would be helpful. One
19 thing that I read that was particularly striking to me was
20 that he said in one of these letters I decided some time
21 ago that I been blessed with talent to reach young people
22 and that I should contribute this whenever a situation
23 presents itself. That situation occurred for me in
24 England last year when S.H. was at 1-A, I believe that's
25 the placement 1-A, time has proven beneficial. I decided

DR. MARIE GEHLE - DIRECT EXAMINATIN BY MR. MORROW

1 not to allow my decisions of whether or not to become
2 involved to be governed by anyone else's fears or
3 insecurities. I decided to act rather than react. I
4 invite you to do the same. He also offered social
5 services a copy of his South Carolina criminal history
6 report, which wouldn't have had any charges because those
7 things in 1987 and 1988 were not charged. So it wouldn't
8 have been on his record at that time, but he told me that
9 he committed those offenses in '87 and '88. So he knew
10 that he had done this at that point and so he wanted to
11 portray himself as very different then that.

12 Q What was your ultimate analysis of Mr. Sullivan's
13 reaction to these investigations?

14 A Well, I think, he's very articulate. He has a
15 college degree. He has a background in public relations.
16 I think that he's good at presenting a case. I think
17 that he went on the offensive by acting like he was hurt
18 and in disbelief that someone would accuse him of sexually
19 abusing a child. He also did not act sheepishly. He
20 charged ahead and asked to be reinstated based on claims
21 that he was good at helping young boys. He appealed to
22 the emotions in just the natural disbelief that the
23 adults would feel by knowing somebody and trusting kids
24 with somebody who then committed sexual offenses. I
25 think, he also made some vail threats that if, you know,

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1 if you accuse me of these things, I am going to retain an
2 attorney and I'm going to fight you and it's not going to
3 be pretty for you. And you can't just go around accusing
4 people and so, I think, like all those things helped him
5 to continue offending over a long period of time.

6 Q Dr. Gehle, later Mr. Sullivan was investigated by the
7 church while he was employed at Cardinal Newman; isn't
8 that correct?

9 A That's correct.

10 Q And you know this because of the records that you
11 receive?

12 A Yes.

13 Q And they are records that are typically and
14 reasonably relied upon by other experts in your field?

15 A Yes.

16 Q What was Mr. Sullivan's reaction to that
17 investigation?

18 A Well, I told you about this a little earlier today.

19 In that investigation, it started with an anonymous

20 letter. And when the people from Cardinal Newman

21 questioned Mr. Sullivan about that, he mistakenly

22 disclosed the 1993 allegations against him involving that

23 Beaufort County shrimping trip with the boy, that was not

24 what the anonymous letter it was about. It was about the

25 1987 incidents. So he inadvertently, you know, gave them

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1 more information then they had. And they immediately put
2 him on paid administrative leave. Mr. Sullivan wrote a
3 letter to, I believe, it was somebody in authority at
4 Cardinal Newman. I can't remember exactly who it was, but
5 in that letter -- let me see if I can find it. He asked
6 if he could be reinstated as a coach. He said that he
7 thought that the attorney's were taking the easy way out
8 by just putting him on leave and not doing other things,
9 not taking a chance with allowing him to continue coaching
10 kids. And that they hoped or that he thought that were
11 doing that so he would just sort of go away and then it
12 would be a mute point. He told them that he would
13 aggressively work to preserve his good name and his
14 reputation as a coach. And that he would prefer a mutual
15 resolution. He said this is a quote. I want one simple
16 thing to be able to continue the contract to coach the B
17 team into which I entered with Cardinal Newman. The
18 easiest thing to do here would be to back off and not
19 coach. However, this would be denying something which I
20 enjoy, something which contributes to overall welfare of
21 the students who play for me, something which I am good at
22 and something for which I've enjoyed a good reputation for
23 over 20 years, to allow one's personal -- one person's
24 anonymous call to bring that to a halt would be as wrong
25 as the person's method for initiating this anonymous

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1 allegation. He said our family goes back a long way in
2 this parish and I've given many hours of time to it. I
3 would hope that this would encourage some compromise on
4 the diocese's part by allowing me to continue to coach
5 with some restrictions. He said that would be amendable
6 to having a named assistant present at all practices and
7 games. And he said I would agree to reframe from any
8 one-on-one contact which may lend itself to any
9 compromising situations. He said these are reasonable
10 requests to impose while an internal investigation is
11 being conducted. So the attorney agreed to allow him to
12 be reinstated if he provided the documentation for that
13 1993 allegation. I'm not sure if he did that, but he was
14 able to resume his coaching duties with supervision and
15 that investigation continued until January 1997. And I'm
16 not sure when it concluded, but that's when the letters
17 stopped. And I was reading letters back and forth between
18 attorneys, diocese's things like that, his attorney. And
19 so then in February he resigned due to time constraints is
20 what he said..

21 Q So each time that he was investigated for sexual
22 abuse prior to being convicted, he wrote letters in
23 defense of himself?

24 A He did in the 1990 and the 1993 and the 1996 cases,
25 yes. I don't know if he did in the 1987 case.

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1 Q Now, he continued to molest boys after being
2 investigated; isn't that correct?

3 A That's correct.

4 Q Now, during your interview with Mr. Sullivan, how
5 many minors did he say he committed sexual acts with?

6 A Mr. Sullivan reported to me that in relation to his
7 criminal case so the 1997 case, he engaged in sexual acts
8 with ten on the record victims, so on the record would be
9 things -- victims that were reported to police officers
10 and he said 15 off the record victims that could have come
11 forward but didn't. He said nothing sexual occurred with
12 more 20 other minor boys. He only provided or allowed
13 them to drink alcohol and look at pornography at his home
14 or in his presence, so it was quite a few. At one point I
15 think he told me that it was around 40.

16 Q That's 40 victims between 1978 to 1998, correct?

17 A Yes.

18 Q Okay. That's an average of about two a year?

19 A Yes.

20 Q Okay. And some of those victims were unknown to law
21 enforcement, correct?

22 A That's correct.

23 Q Did you find what he said as significant to your
24 decision in this case?

25 A Yes, I asked him a lot of questions about this stuff

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1 to get his take on everything and a lot of that
2 information was significant.

3 Q In your evaluation of this case, did you discover
4 that Mr. Sullivan used grooming behavior?

5 A Yes.

6 Q And what is grooming?

7 A Grooming is things that sex offenders do in order to
8 gain the trust of parents and victims, ways that they get
9 kids on their side, ways that they attempt to get kids to
10 not disclose the sexual abuse. Typically, you know, it's
11 giving them special attention, buying them things, taking
12 them places, treating them in ways, that they might not be
13 treated at home. Letting them do adult things like drink
14 and look at pornography and being, you know, extra fun
15 type person.

16 Q And, Dr. Gehle, would it be fair to say that Mr.
17 Sullivan groomed his victims?

18 A Yeah, he told me he did.

19 Q And during your interview with Mr. Sullivan, did he
20 disclose how many minors he groomed for sexual activity?

21 A He said he groomed around 50.

22 Q Dr. Gehle, to a layperson prior to his conviction,
23 did Charles Sullivan seem or would he have seem like a
24 predator?

25 A Well, to a layperson, I would say that he wouldn't.

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1 He appeared to be very likeable, very nice, upstanding,
2 was church going, had professional jobs, was college
3 educated, spent a lot of his time devoted to civic
4 activities and, you know, working with children.

5 Q He was able to convince many people that he was an
6 upstanding member of society; isn't that correct?

7 A Yes.

8 Q He was able to blend in and even excel in his career?

9 A Yes.

10 Q In fact, he was able to obtain employment at the
11 Fifth Circuit Solicitor's office?

12 A Yes.

13 Q He was able to obtain employment at the South
14 Carolina Attorney General's office?

15 A Yes.

16 Q He was able to gain the trust and become appointed to
17 the board Carolina Children's Home?

18 A I'm not sure if he was appointed to the board, but he
19 was asked to be the superintendent of the facility, so he
20 ran the facility for a couple years. That could mean that
21 he had a board appointment. I'm not sure.

22 Q He was able to secure a mentor position with social
23 services in London, England?

24 A Yes.

25 Q In 1993, he was caught by the parents of the victim

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1 and agreed to go to counseling; isn't that correct?

2 A Yes, he essentially agreed that he would go to
3 counseling for an evaluation and then follow the advice of
4 his counselor.

5 Q Yet after that incident he was able to obtain a
6 position as B Team basketball coach at Cardinal Newman?

7 A While after that allegation, he continued in the
8 mentoring he was doing at the time of the Junior
9 Achievement Program which was how he met that victim in
10 the first place. And then, yes, he went on to coach at
11 Cardinal Newman.

12 Q And he was able to do all that -- how was he able to
13 do all that and have so many victims? How was he able to
14 obtain the jobs that he was able to obtain and have so
15 many victims at the same time?

16 MR. FALK: Your Honor, I'm going to object, that
17 goes beyond the scope of her expertise.

18 THE COURT: All right. I'll sustain your
19 objection. You rephrase the question or move on.

20 BY MR. MORROW:

21 Q Would it be fair to say that Mr. Sullivan was very
22 convincing?

23 A Yes.

24 Q Would it be fair to say that one of the reasons
25 Charles Sullivan is so dangerous is because of his ability

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1 to blend in?

2 A Yes.

3 Q What about his -- would it be fair to describe
4 Mr. Sullivan as a wolf in sheep's clothing?

5 A Yes, that seems to be an accurate description.

6 Q Doctor, were there any actuarial assessments that
7 measured risk performed as part of your evaluation?

8 A Yes, I completed the Static 99R.

9 Q What is the Static 99R?

10 A The Static 99R is an actuarial risk assessment
11 instrument that's design to estimate the risk that
12 somebody who has been charged or convicted of a prior sex
13 offense will go on to commit another sex offense. It's
14 comprised of ten questions and the score is range from
15 negative three to 12. And when you score the questions
16 and you come up with a total score, it gives you a risk
17 level. You can take that score and go to a table and it
18 gives you a percentage of people with that score who went
19 on to reoffend.

20 Q Is this assessment the Static 99R of the time that's
21 considered -- that other experts in your field typically
22 and reasonably rely upon?

23 A Yes, it's most commonly used type of risk assessment
24 in sex offender evaluations.

25 Q What did you learn from the Static 99R?

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1 A Well, he had a score of five, which places him in the
2 moderate-high-risk category relative to other adult male
3 sex offenders. I compared him with a routine group that's
4 a group of all the sex offenders in the research studies.
5 And on average offenders with the score of five,
6 15.2 percent will reoffend within five years and that's
7 roughly 2.7 times higher than the expected recidivism rate
8 or re-offense rate for the average sex offender. Now,
9 last month Mr. Sullivan turned 60, so in guidance with
10 scoring rules his score decreased because you -- offenders
11 are less likely to offend as they age. But one thing
12 that's important to note about the Static 99R, is that it
13 just compares somebody to a group. I can't specifically
14 say that this instrument, that this is what it says he
15 will do. It's looking at a group rate, so when I look at
16 a score of five, that's 15.2 percent of that group of
17 people with a score of five reoffended, so quit a few
18 didn't. And with the three it's less.

19 Q Dr. Gehle, was the information you learned from the
20 Static 99R part of the basis of your opinion?

21 A Yes.

22 Q Dr. Gehle what are the risk factor?

23 A Risk factors are anything that are related to an
24 increase risk to sexually reoffend. There's static risk
25 factor that don't change and those are the risk factors

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1 that are used in the Static 99R. Those are things like
2 age, history of crimes, what type of crimes and things
3 like that and then there's dynamic risk factors. And
4 those are psychological or behavioral features that are
5 related to increased risk to reoffend and these are
6 potentially changeable through treatment.

7 Q Dr. Gehle, what were Mr. Sullivan's dynamic risk
8 factors?

9 A Sexual preoccupation, so being preoccupied with sex.
10 A sexual preference with prepubescent and pubescent
11 males; emotional congruence with children, offense
12 supportive attitudes, a lack of emotionally intimate
13 relationships with adults, that's romantic relationships,
14 and sexualize violence and lastly he has multiple
15 paraphilias.

16 Q Are those dynamic risk factors significant regarding
17 your?

18 A Yes.

19 Q Why are those dynamic risk factors significant?

20 A Well, these are important to know because they are
21 also related to risk of re-offense and determining what
22 somebody's risk is to reoffend is difficult and so you
23 look at everything that you can in terms of what the
24 research supports. And this is the group of factors that
25 have been shown in big research studies to be related to

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1 risk to reoffend. So it's notable that he had quit a few
2 of these. He has deviant sexual interest primarily, so
3 that's important to note.

4 Q Dr. Gehle, did Mr. Sullivan complete sex offender
5 treatment while housed at SCDC or any sex offender
6 treatment while housed at SCDC?

7 A According to the records that I reviewed, he
8 participated in sex offender treatment between October 6,
9 2000 and March 2nd 2001, and he completed that program
10 with excellent participation. He also began treatment
11 again in February of 2015. And I spoke to the therapist
12 at the department of corrections and she said that he was
13 excelling in the program after overcoming some initial
14 resistance. She did note that he was manipulative with
15 staff. He convinced another therapist to hold sex
16 offender groups without her knowledge. And that he had
17 started or was facilitating and supervising a Sex Offender
18 Treatment Program at a different prison and that she
19 dismantled that program. And then he came to Broad River
20 Correction Institution for the official Sex Offender
21 Treatment Program. I believe he was also in some other
22 treatment throughout the years, although this is the --
23 what specifically noted as sex offender treatment in the
24 department of correction records.

25 Q Did Mr. Sullivan's treatment at the department of

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1 corrections factor into your decision in this case?

2 A It did, but minimally or I didn't think that he got
3 much out of treatment because when I meet with him, he was
4 still denying the nature of the allegations in the
5 evaluation. So he admitted that he committed all the
6 offenses except for an offense against a ten-year-old
7 victim. So he said that he did all that stuff, but he
8 described his offenses repeatedly as mutual masturbation,
9 which was wholly wrong, that's not what the victims
10 reported. That's not what happened. Also, the treatment
11 at the department of corrections is good and it's great
12 that they're offering treatment, but it's largely
13 educational. And I believe it's insufficient to address
14 the needs of somebody who's offended over such long period
15 of time and who has made it such a big part of his life.

16 Q Dr. Gehle, was there any other information which you
17 relied upon in rendering your opinion on Mr. Sullivan?

18 A Well, that's a broad question. I think something
19 that I haven't talked about is what Mr. Sullivan said when
20 I asked for his account of the sex offenses. And that was
21 certainly important to me.

22 Q What was his account of the sex offenses?

23 A Well, as I noted, he repeatedly described his sex
24 offenses as mutual masturbation. He said he never forced
25 any victim to engage in sexual acts. He said he never did

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1 anything against their will. He said that oral sex was
2 the furthest he went with a minor. He said and I quote, I
3 don't require them to do me. Some of them ask to do it.
4 He denied engaging in any digital penetration or any
5 penile penetration other than oral sex. When I asked him
6 what was the most extensive sexual act he engaged in with
7 a sleeping boy because he had offended several boys while
8 they were sleeping, he said he manually stimulated them
9 until they ejaculated. He said he did this about eight or
10 ten times. When I asked him like when was the first and
11 when was the last, he said that he thought they were in
12 the 1980's, maybe the mid 1980's until 1987. So those
13 would all be off the record incidents most likely because
14 we don't have any offenses that occurred during that time
15 frame in his convictions. I think, there's an '82
16 offense, but he said mid 1980's until 1987. He said he
17 would stop touching a boy immediately if he got a really
18 bad reaction, like if they rolled over really quick. He
19 was afraid that that boy would tell and it would come out.
20 He denied that he ever sexually abused a stranger. He
21 said he never gave a boy drugs or pills, even prescription
22 pills. And then at one point he said that he was and I
23 quote full of crap. And he explained I was making
24 decisions for the victims that I shouldn't have been
25 making. I was making assumptions that I shouldn't have

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1 been making. So that was sort of some insight that he was
2 having in the middle of his questioning, so that was a
3 change. He told me that he was -- committed his first
4 offense when he was 22. He went on a vacation with a
5 friend and a friend's 12 year or 13-year-old brother and
6 the boy -- during the night, he said he put his hands on
7 the boy's stomach and inched down. He said the boy
8 grabbed Mr. Sullivan's penis and then they touched each
9 other until they ejaculated. He said that they talked and
10 stayed friends. And he said this was actually how his
11 offense history started. I asked him if he ever targeted
12 certain boys to sleep with him in his bed and he said he
13 wouldn't target, but he would encourage. He said that
14 they slept in his bed because they wanted to, he had a big
15 water bed and that if they wanted to they could sleep with
16 him. He told me that he never tried to stop himself from
17 engaging in sexual acts with minors. And when I asked him
18 why he had never tried to stop himself, he said I had
19 myself convinced. He said he knew it was against the law,
20 but he had himself convinced that it was okay, because he
21 did not force anyone and because the kids kept coming back
22 to his house. And when I asked if he ever told himself
23 that he needed to stop, he said, yeah, I think I told
24 myself that a couple times, but he had himself convinced
25 that it wasn't that bad and that he didn't need to stop.

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1 And that he really didn't know what to do. So all those
2 things are factors for me because I want to know how much
3 stress this is causing. I want to know how hard it is for
4 them to stop. If it's not hard at all or if it's
5 extremely hard, you know, what sort of barriers either
6 internally or externally are they overcoming to commit the
7 offenses.

8 Q Dr. Gehle, based on your evaluation and examination
9 of Mr. Sullivan in review of the records in this case, the
10 assessment that you conducted and all these factors we
11 been discussing here today, did you render a conclusion as
12 to whether Mr. Sullivan suffers from a mental abnormality
13 or personality disorder?

14 A Yes.

15 Q And what was that conclusion?

16 A My conclusion is that he meets criteria for two
17 mental abnormalities and one personality disorder.

18 Q Let's talk about the personality disorder first what
19 is narcissistic personality disorder?

20 A I diagnosed Mr. Sullivan with narcissistic personality
21 disorder and it's a personality disorder is an enduring
22 and flexible and stable pattern of abnormal internal
23 experience and behavior. It's sort of just the way that
24 somebody views the world. Narcissistic personality
25 disorder in particular is a pattern of grandiosity need

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1 for admiration and a lack of empathy.

2 Q And narcissistic personality disorder considered a
3 relevant personality disorder amongst the experts such as
4 yourself who conduct mental evaluations of sexual --
5 sexually violent predators?

6 A Narcissistic personality disorder is rarely the sole
7 basis for a sexually violent predator commitment. There
8 are plenty of sex offenders who have this disorder.
9 Narcissism helps somebody commit the offenses because it
10 helps them feel like they're above the law like they'll
11 get away with it, like they'll get special treatment if
12 they're caught. It really gives them the audacity to act
13 and to commit the offenses without too much internal
14 struggle.

15 Q And is narcissistic personalty disorder curable?

16 A No, it's thought to be an enduring pattern of
17 personality across a lifetime.

18 Q And why did you conclude that Mr. Sullivan has a
19 narcissistic personalty disorder?

20 A Mr. Sullivan presented with a grandiose and very
21 superior view of himself. He believed he would never get
22 caught sexually abusing minors, despite numerous
23 allegations of him over the years. He had some very close
24 calls and that didn't seem to deter him. He acted like he
25 needed special treatment. He continued to act while under

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1 investigation. He presented himself as special and unique
2 and deserving of blind trust from others. He repeatedly
3 stated that he had a gift to reach young people all while
4 sexually abusing them and allowing them access to alcohol
5 and pornography, that's part of that special treatment and
6 grandiose view of himself. He was arrogant in the letters
7 that he wrote to people who are investigating him and
8 monitoring his involvement with minor males, all the while
9 knowing that he was committing those offenses. He asked
10 these people for special consideration so that he could
11 continue to have access to kids that he could offend which
12 really indicates a strong sense of entitlement. And his
13 history suggest that he was exploited in relationships and
14 really lacked the empathy for others.

15 Q Dr. Gehle, do you have an opinion or a conclusion as
16 to whether his narcissistic personalty disordered caused
17 him serious difficulty in controlling his behavior?

18 A Well, I believe it contributes to his difficulty in
19 controlling his sexual behavior. I don't think that it
20 necessarily predisposes him to commit future acts of
21 sexual violence, but when you converge that with his
22 paraphilias, it makes him likely to act on his deviant
23 sexual interest. So it's his narcissism that basically
24 gives him the audacity and the boldness in his offending
25 that allowed him to push for all that continued access,

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1 allowed him to offend the following allegations and while
2 under investigation and made him think that he could get
3 away with it.

4 Q Dr. Gehle, you diagnosed Mr. Sullivan with two
5 paraphilias?

6 A That's correct.

7 Q What were they?

8 A The first is pedophilic disorder nonexclusive type
9 sexually attractive to males and the second is other
10 specified paraphilic disorder nonconsent.

11 Q What is pedophilic disorder nonexclusive type
12 sexually attractive to males?

13 A Well, paraphilias are recurrent intense sexually
14 arousing fantasies sexual urges or behaviors involving a
15 set of behaviors or a special class of victims or nonhuman
16 objects that occurred over a period of at least six
17 months, that the person is either acted on or that caused
18 them to distress. So that's just the general definition
19 of a paraphilic disorder, it's basically a pattern of
20 abnormal deviant sexual interest that can be harmful to
21 others or caused them distress. Specifically pedophilic
22 disorder involves a pattern of arousal towards
23 prepubescent children, so children who have not started
24 sexual development yet. The nonexclusive type means that
25 he's not exclusively attracted to children. He's also

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1 attracted to at least teenage boys and he tells me that
2 there's an attraction to females, although he had a lot of
3 intimacy problems with adult females, but he told me that
4 so it's not exclusive to prepubescent children. And then
5 sexually attracted to males, that's the only evidence I
6 have that he engaged in any sexual acts with a
7 prepubescent child was with a male child. So that's why
8 that qualifier is added.

9 Q Dr. Gehle, is pedophilic disorder nonexclusive type
10 sexually attracted to males curable?

11 A No, it's thought to be enduring disorder.

12 Q Is it treatable?

13 A It can be with somebody who is very invested in
14 treatment and is willing to give up something that gives
15 them a lot of arousal.

16 Q Dr. Gehle, why did you conclude that Mr. Sullivan has
17 pedophilic disorder nonexclusive type sexually attracted
18 to males?

19 A Well, he offended against a ten-year-old male over a
20 period of more than three months. He was convicted of
21 that offense, that occurred between 1978 and 1979 that
22 child was prepubescent. He also was convicted of
23 offending an 11-year-old male over the course of more than
24 six months in 1997, that victim was also prepubescent. He
25 told me in the interview that he engaged in sexual acts

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1 with prepubescent males maybe five or six times. But
2 given that there is evidence, strong evidence, convictions
3 that he pled guilty to sexual acts with prepubescent males
4 between 1978 and 1997, he meets that criteria for the
5 pattern, so he meets criteria for this disorder, for
6 pedophilic disorder.

7 Q Dr. Gehle, do you have an opinion or conclusion as to
8 whether his pedophilic disorder nonexclusive type sexually
9 attracted to males caused him serious difficulty in
10 controlling his behavior?

11 A Yes, it's my opinion that it does.

12 Q So about the other paraphilia what is other specified
13 paraphilic disorder nonconsent?

14 A Other specified paraphilic disorder is a general
15 diagnostic category, general diagnostic paraphilia. It's
16 used when the symptoms are consistent with a paraphilic
17 disorder that maybe is not named. So there are hundreds
18 of paraphilias and not all of them are named specifically
19 in the diagnostic book that we use to diagnose these. So
20 if it's one that is less common, this is what you have to
21 diagnose is other specified paraphilic disorder.
22 Essentially, this disorder is sexual arousal towards
23 non-consenting victims.

24 Q Doctor, why did you conclude that Mr. Sullivan has
25 other specified paraphilic disorder nonconsent?

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- 1 A Well, he was convicted of offending several victims
2 while they were asleep and or intoxicated, so they were
3 not able to consent. He admitted that he offended many
4 victims while they slept. In addition to the criminal
5 convictions, he reported that he engaged in that type of
6 conduct eight to ten times over the course of a year in
7 1908's. The victims were essentially unconscious,
8 nonresponsive and unaware of the sexual activity. This
9 suggestive pattern of arousal focused on sexual acts with
10 non-consenting victims. Most people if they engaged in a
11 sexual act with somebody who is asleep, if the person
12 doesn't wake up, they stop. It's not interesting, but to
13 people who have this disorder, that's exactly what they
14 want.
- 15 Q Dr. Gehle, do you have an opinion or conclusion as to
16 whether his other specified paraphilic disorder nonconsent
17 caused him serious difficulty in controlling his behavior?
- 18 A Yes, it's my opinion that it does.
- 19 Q Dr. Gehle, how does the presence of two paraphilias
20 and a personalty disorder affects Mr. Sullivan's ability
21 to control his sexual offending?
- 22 A Well, it's my opinion that all those together caused
23 him serious difficulty in controlling his behavior. It
24 seems like this arousal was so strong that there was
25 nothing that could stop him. He offended while he was

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1 under investigation. He continued to seek access to males
2 just by being threatened with exposure if he did so. He
3 sought positions of power and authority with continued
4 access to minors over the course of his adult life. He
5 anticipated accusations and engaged in behaviors such as
6 sending himself a letter of denial in order to maintain
7 his continued ability to sexually offend. He pushed to
8 have continued access to minors even while under
9 investigation. And he offended even while under
10 investigation. None of these things did anything to stop
11 his behavior. Mr. Sullivan told me that he never tried to
12 stop. He was convinced he was not harming anyone despite
13 being confronted by angry victims and despite being
14 subject to allegations, investigations and threat of
15 criminal prosecution multiple times, he didn't stop. With
16 few exceptions, he portrayed his offenses as consensual
17 sexual acts to me. He indicated that it would be wise
18 for him to have professional accountability if he was
19 released to the community, that's telling me that he's
20 also concerned that he'll reoffend. So for all those
21 reasons, it's his deviant sexual interests that causes him
22 to commit these offenses. And so there's a direct
23 relationship there.

24 Q Dr. Gehle, do you have an opinion as to a reasonable
25 degree of psychological certainty whether Mr. Sullivan has

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1 the propensity to commit future acts of sexual violence?

2 A Yes, I believe that he does. I believe he his likely
3 to reoffend if he's not civilly committed.

4 Q Dr. Gehle, do you have an opinion as to whether
5 Mr. Sullivan's pedophilic disorder -- other specified
6 paraphilic disorder nonconsent and narcissistic personalty
7 disorder make him likely to engage in acts of sexual
8 violence if he is not confined to a secure facility for
9 long-term control, care and treatment?

10 A Yes, I believe it does.

11 Q Dr. Gehle, do you have an opinion as to whether
12 Mr. Sullivan meets the legal criteria to be a sexually
13 violent predator at this time?

14 A Yes, he's been convicted of 18 sexually violent
15 offenses. He has two relevant mental abnormalities and a
16 personalty disorder.. And it's my opinion that these
17 disorders make him likely to engage in future acts of
18 sexual violence if not confined for long-term control,
19 care and treatment.

20 Q Are all of these opinions based on a reasonable
21 degree of psychological certainty?

22 A Yes.

23 Q If Mr. Sullivan was not confined and committed to
24 indeterminate program, would Mr. Sullivan be on probation
25 or community supervision?

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1 A No. When I did my evaluation, I checked with the
2 South Carolina Department of Probation, Pardon and Parole.
3 And it's my understanding that he completed his sentence.
4 He will not be on community supervision or any probation,
5 so other than having to register as a sex offender, he
6 will be able to make all his own decisions. And he will
7 be able to do, you know, whatever he wants. He will be
8 under no supervision.

9 Q Dr. Gehle, is there anything other than this process
10 that would require Mr. Sullivan to take sex offender
11 treatment?

12 A No.

13 Q Based on your evaluation, who would be at risk if Mr.
14 Sullivan is not permitted to the Sexually Violent Predator
15 Program?

16 A I believe, you know, young males that he comes into
17 contact with would be at risk.

18 Q And does Mr. Sullivan have any plans to avoid
19 reoffending?

20 A Well, he told me that he's not concerned that he may
21 sexually reoffend. He said he has a good understanding of
22 what it takes to avoid offenses. He said he will be
23 accountable to his family, friends and church. He said
24 this was his first offense. The first time he's ever been
25 in trouble with the law and now he gets it. He told me

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1 that he would -- if he's released he would like to go to
2 the Jump Start Program, which is a -- it's a program for
3 people who are released from prison. He also said that he
4 would go to the mental health center and he would go to
5 celebrate recovery, which is another program for people
6 released from prison. And that he also plans to marry a
7 girl that he had dated in -- when he lived in England.

8 Q Dr. Gehle, do you think these plans are sufficient?

9 A I don't necessarily think so. Jump Start is a good
10 program and they help a lot of people, but there's no
11 guarantee that Mr. Sullivan will go there. And there's no
12 guarantee that he'll go there for any significant period
13 of time. I worry about his ability to commit offenses
14 while appearing to be a good upstanding individual. I
15 think he can fake -- you know, trick the people in that
16 program. I'm sure that people in the Jump Start Program
17 are really familiar with people like Mr. Sullivan, but I
18 worry about him being released to the community at this
19 time.

20 MR. MORROW: Thank you. Please answer any
21 questions that respondent's counsel may have for you or
22 the Court may have.

23 THE COURT: All right. Let's go ahead and take
24 a break. We been in here about an hour. We go ahead and
25 take a comfort break now before Mr. Falk begins his

1 cross-examination. I remind the jurors that they are not
2 to talk about the case while we're on a short break.
3 We'll get back out here in about ten minutes.

4 (WHEREUPON, the jury retire to the jury room.)

5 THE COURT: Dr. Gehle, I know you know the
6 drill. You been on the stand all day, but you remain
7 under oath. You're welcome to take a break yourself, but
8 do not speak to anyone about your testimony. We'll be at
9 ease for about ten minutes.

10 (WHEREUPON, a break was taken.)

11 THE COURT: Mr. Falk, are we ready to bring in
12 the jury?

13 MR. FALK: Yes.

14 THE COURT: Okay, great. I just want to make
15 sure you're ready, take your time, get all your ducks in a
16 row while they're out. Bring in jury please.

17 (WHEREUPON, the jury came into open court.)

18 THE COURT: Welcome back, ladies and gentlemen.

19 Mr. Falk, you may begin with cross-examination.

20 MR. FALK: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. FALK:

23 Q Hello, Dr. Gehle.

24 A Hello.

25 Q Looking at your -- some of the sources of the

1 information for your opinion and you talk about records
2 from the South Carolina Department of Corrections SCDC
3 records?

4 A Yes.

5 Q Which records did you look at, I mean, just topically
6 what were you looking at?

7 A Just what?

8 Q Topically, did you look at any disciplinary
9 infractions?

10 A Well, I look at what they send which includes sort of
11 just his history of movements, any treatment that he
12 received, his disciplinary infractions, health status
13 things of that nature. They include a lot of different
14 things, just any tracking that they do of the people in
15 their custody.

16 Q Did that include looking at medical records?

17 A If they existed.

18 MR. FALK: May I approach the witness?

19 THE COURT: You may.

20 BY MR. FALK:

21 Q Did they send you that?

22 A I have to look through my records and see if I have
23 that not sure. No, it doesn't look like I have that.

24 MR. FALK: May I approach the witness?

25 THE COURT: You may.

1 BY MR. FALK:

2 Q Just one thing, if you could just look at it and just
3 tell me what it would appear to be. I mean, just summary
4 or if I can lead you it looks to me to be like chart notes
5 from interactions that he may have had with mental health
6 professionals while at SCDC or summaries of meetings?

7 A It's entitled to South Carolina Department of
8 Corrections SCDC Health Services medical summary. And it
9 looks like encounters in 2007, 2006, 2005, 2004 and 2001.

10 MR. FALK: May I approach?

11 THE COURT: You may.

12 BY MR. FALK:

13 Q So it's safe to say it looks like a chronology of
14 encounters that he had with mental health over a period of
15 time?

16 A Yes.

17 Q Okay. But that might have something that would have
18 been important towards -- information that would have been
19 important towards reaching an opinion as to what kind of
20 mental health treatment he was getting while he was in
21 custody?

22 A Well, potentially I haven't reviewed that document,
23 so I don't how important it would be, but potentially.

24 Q I mean, the document that talks about interactions
25 that he had with mental health that be something that

1 would be potentially important?

2 A Potentially, yes.

3 Q You did also in your -- you did have an opportunity
4 to look at some letters that were written to the parole
5 board, did you not? Let me kind of help you along here
6 looks like -- if you look at your list -- look at items
7 92, 93 and 94.

8 A Yes.

9 Q Based on your description, what were those three
10 items?

11 A A letter from John R. Cusack, D.O. Medical University
12 of South Carolina to Jonathan S. Chaplin, Esquire dated
13 January 24, 2007. A letter from John R. Cusack to
14 Jonathan Chaplin dated February 7th 2006, and a letter
15 from John Cusack to Mr. Sullivan dated November 23rd 2004.

16 Q Do you have copies of those up there with you?

17 A I believe, they'll be buried in here.

18 Q I'll just show you mine.

19 A That will be fine.

20 Q If you could read over and familiarize yourself with
21 that.

22 THE COURT: All right, Mr. Falk, I think she's
23 ready.

24 MR. FALK: Oh, I'm sorry.

25

1 BY MR. FALK:

2 Q They're sign by doctor -- they're signed by Mr.
3 Cusack. What does it say his title is or does it have
4 anything on the signature block?

5 A Clinical Professor of Psychology or Psychiatry, I'm
6 sorry -- clinical Professor of Psychiatry Medical
7 University of South Carolina.

8 Q And the D.O. what does that mean?

9 A D.O. means doctor of osteopathy.

10 Q Oh, okay. Thank you. And based on those letters
11 does that look like he thought he was a good candidate
12 for parole?

13 A Yes, it appears so.

14 Q Did you ever try to follow up with them?

15 A No.

16 Q Would it have been important to know, I mean, this is
17 is somebody who apparently has had some contact with him
18 and you saw those letters, it's 2004 to 2007. So this is
19 somebody that a clinical psychiatrist had some contact
20 with him over a period of time. Was it not important to
21 try to find out something about his opinions of
22 Mr. Sullivan?

23 A Why, I think, that he put his opinions in here so...
24 No, I don't know who this doctor is. I don't know how I
25 could get in contact with him. It's not something that's

1 routinely done to follow up with. Also, I see some
2 errors in or what I would call errors in his opinions
3 here, so, I think, it's not especially helpful.

4 Q Okay. This is not helpful because it was saying
5 positive for my client or contrary to your diagnosis?

6 A Well, first off, it's contrary in terms of diagnosis.
7 It doesn't consider the prepubescent victims. And the
8 diagnosis of paraphilia or pedophilia, so that's
9 concerning. That's a probably the major error that I saw
10 there.

11 MR. FALK: May I approach?

12 THE COURT: You may.

13 BY MR. FALK:

14 Q This is item 105 on your list. Did you have a chance
15 to look at that letter? Do you remember looking at that
16 as part of the investigation?

17 A Yes.

18 Q Did you ever have an opportunity to try and contact
19 Mr. Williams?

20 A No.

21 Q And what is he saying in that memorandum?

22 A He said that Mr. Sullivan received voluntary sex
23 offender treatment phase one in 1999 and repeated the
24 class in 2006 to 2007. That he's not currently indicated
25 for phase two. That he is incarcerated for crimes

1 involving lewd acts with teenage minors. He meets
2 criteria for paraphilia per the diagnostic and statistical
3 manual of mental disorders fourth edition. Because of the
4 category of offenses and the post pubescent age of the
5 victims, I would not categorize him as a pedophile. His
6 prognosis for treatment is fair to good. It is
7 recommended that this inmate be allowed entry into an
8 outpatient Sex Offender Treatment Program upon release and
9 that he's not indicated for further treatment at this
10 time. It says that Sullivan is fully responsible for his
11 behaviors and has been held accountable for his actions.
12 He has taken steps to address his issues over the past 11
13 years. In addition to phase one SOTP, he applied for
14 phase two and was denied access. He also initiated a sex
15 offender faith base support group through an institutional
16 chaplain at Lieber and assisted the clinical social worker
17 there as a facilitator for phase one classes. He is
18 currently involved in counseling at Ridgeland and
19 continues to address his issues.

20 Q Did you have an opportunity to speak with
21 Mr. Williams?

22 A No.

23 Q Did you make any effort to try to speak with Mr.
24 Williams?

25 A No.

1 Q Is there a reason why?

2 A Well, for one I cannot contact every single person
3 who provided a document or I would -- that's not a good
4 use of the State's resources it would take -- these
5 evaluations already take me a very long time, it would
6 just be incomprehensible to be able to do that. Two, I
7 mean, he outlines his opinion and again I see errors in
8 it. He says that Mr. Sullivan's crimes just involve
9 teenage minors and I know that not to be true. And so
10 that's the reason that he give a paraphilia and not
11 pedophilia. And he says that he's fully responsible for
12 his behaviors, which I also found not to be true.

13 Q But he is with the South Carolina Department of
14 Corrections?

15 A This person?

16 Q Yes.

17 A It says he's a clinical correction counselor.

18 Q And this is on memorandum letterhead from South
19 Carolina Department of Corrections the letter?

20 A Yes.

21 Q Okay. It's not really just any old documents because
22 here's somebody again who is at mental health services
23 part of the department of corrections somebody who had
24 seen him over a period of time while he's incarcerated and
25 said that he recommended him for out-patient treatment?

1 A Yes.

2 Q So that is not just any old document that's a
3 document that says that my client does not need to be in a
4 sexually violent predator treatment program?

5 A Well, I don't think that this has anything to do with
6 an evaluation for the sexually violent predator treatment
7 program. This person was not evaluating Mr. Sullivan for
8 the sexually violent predator treatment program. The
9 subject line in this is treatment status for inmate
10 Charles T. Sullivan, so I'm not sure under what context
11 this was written.

12 Q But it would recommend -- it would excuse me -- it
13 does say though that he would be -- he could get treatment
14 on an out-patient basis?

15 A It says it is recommended that this inmate be allowed
16 entry into an out-patient sex offender treatment program
17 upon release.

18 Q Okay. I'm jus saying that's a recommendation seems
19 to be contrary to yours?

20 A I don't know that this recommendation is necessarily
21 contrary to mine. It's not saying he should be released.
22 It's saying that they recommend that he be placed in
23 out-patient sex offender treatment upon release.

24 Q But it's your opinion that he needs to have treatment
25 in a secure facility for long-term -- long-term secure

1 facility?

2 A It's my opinion that he needs to be confined for
3 long-term control, care and treatment, yes.

4 Q And that's not out patient?

5 A That's correct.

6 Q Okay. So it is different opinion from you?

7 A Why, I think, it might be addressing a different
8 issue, but, yes, they're saying he should be allowed
9 out-patient treatment.

10 Q You had testified earlier about an incident that
11 happened in England; is that correct?

12 A Yes.

13 Q Okay. And is it safe to say that you had some --
14 when you read some of the documents that you received from
15 England, you had some questions about them; is that
16 correct?

17 A Yes.

18 Q Okay. Is it safe to say you had some questions about
19 whether or not they were -- he in fact had been arrested?

20 A Yes.

21 Q And, again, I'm going to -- if I can approach the
22 witness, I'm going to show you this from Thames police
23 report. We'll talk about it. And I ask you to read these
24 passages that I put the numbers next to, so it's not that

25 ---

1 A Just that you put the numbers next to.

2 Q Where did that document come from? That was part of
3 the documents you looked at; is that correct?

4 A Yes.

5 Q Okay.

6 A The Thames Valley Police.

7 Q That's somewhere in England I'm assuming?

8 A I assume as well.

9 Q And that it would appear to be some kind of summary
10 of an investigation that took place over there?

11 A Yes, I believe that this was a summary. It's dated
12 December 22nd 1997. So it came up when the South Carolina
13 Law Enforcement Division started their investigation is
14 what I believe occurred.

15 Q That particular summary was important to you, was it
16 not?

17 A Yes.

18 Q Because you needed a prior arrest in order to do your
19 scoring for the Static 99?

20 A I don't need a prior arrest, but I have to consider
21 whether there was a prior arrest.

22 Q Okay. Now, could you please read those highlighted
23 paragraphs that are numbered?

24 A Nothing untoward was suspected by social services
25 department as no complaints had been received from the boy

1 or his family. Go on?

2 Q Yes, please.

3 A An investigation into the matter was commenced, but
4 as a result of certain allegations made by the boy, could
5 not be substantiated. It was agreed that the complaint
6 not valid and Sullivan was allowed to continue with his
7 counseling. Go on?

8 Q Please.

9 A In view of the circumstances, the police were not
10 made aware and no legal action was taken. It was later
11 found that Sullivan had returned to his native America and
12 Sullivan has unfortunately never been brought to notice of
13 police in United kingdom.

14 Q So now, but it's your testimony prior to that you
15 considered that interaction as a basis for a prior arrest,
16 and you did your scoring; is that correct?

17 A That's correct.

18 Q Okay. But certainly there's some language in there
19 that you just read. He has never been brought to the
20 attention of the police in Great Britain, that doesn't
21 seem to sound as though he could have been arrested
22 without the police in Great Britain knowing about it?

23 A Well, that is exactly why I followed up on it because
24 I was very confused. Because I also had a document that
25 said bail record and it had -- it said that Mr. Sullivan

1 had been brought to the Alsberry Police Station and had
2 been I believe -- let me find exactly what it said. It
3 was a document from the Alsberry Police Station on August
4 20th 1990. On this document, it said under charges that
5 Mr. Sullivan was released on bail under the provisions of
6 section 47-3 of the Police and Criminal Act of 1984
7 further inquiries are conducted into the allegation. On
8 that document, it said I, Charles Tricott Sullivan,
9 acknowledge that I am under a duty to surrender to custody
10 at the Alsberry Police Station on September 25, 1990 at
11 2:00 p.m. in connection with the offenses shown hereon and
12 he signed the document. So I also did another follow up
13 with contacting the Thames Valley Police Department in
14 England through the Attorney General's office and it was
15 classified as an arrest. And in that e-mail says in terms
16 of the bail inquiry from 1990 following arrests suspects
17 were and still are bailed without charge to return to a
18 police station to allow further investigation of the
19 crime. I still had questions, so I also contacted a
20 colleague in author of the Static 99R the Actuarial
21 Instrument. I redacted some of these documents. I
22 blacked out his name and I sent him those and asked him
23 does this count as a prior charge. And he told me that it
24 did.
25 Q Dr. Gehle, my only concern is that you certainly went

1 above and beyond following up on that lead looking --
2 following back up with the Attorney General's office and
3 calling somebody in England to try and find something that
4 would support your opinion, but then when you have
5 information that you were privy to letters by mental
6 health professionals one of whom consent that he was ready
7 for out-patient services and another person was
8 recommending for parole, you didn't follow up on those?

9 A: Well, when I followed up on that stuff from the
10 Thames Valley Police, I had not come to an opinion yet. I
11 don't come to an opinion until I am almost completely
12 finished with my report. I write my reports in an
13 objective way and I let the information help me figure out
14 my conclusion. That issue was particularly important so
15 that I could correctly score the actuarial instrument. So
16 I had to follow up on that so I could score correctly.

17 MR. FALK: Your Honor, may I approach?

18 THE COURT: You may.

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury, but out of the hearing of the
21 jury.)

22 THE COURT: Ladies and gentlemen of the jury, we
23 have a matter that needs to be taken up on the record but
24 out of your presence, so I'm going to ask you to step out
25 back to the jury room. We'll get you back in the

1 courtroom as soon as possible, please don't discuss the
2 case.

3 (WHEREUPON, the jury retire to the jury room.)

4 THE COURT: All right. Go ahead, Mr. Falk.

5 MR. FALK: May I approach the witness?

6 THE COURT: You may. For the record, we are
7 proffering an exhibit that Mr. Falk would like to get
8 before -- into evidence before the jury. Preliminary at
9 the bench I have ruled that it is protected by the
10 attorney-client privilege, but I will allow them to
11 proffer it for the record. And I will make a ruling for
12 the record at that time.

13 CROSS-EXAMINATION IN-CAMERA

14 BY MR. FALK:

15 Q Can you look over that?

16 A Uh-huh.

17 Q Do you recognize it?

18 A It looks like an e-mail that I sent Mr. Morrow.

19 Q Would you mind reading it?

20 A It says, Hi, Cam, I wanted to follow up regarding our
21 conversation last week, any luck on figuring out things
22 concerning whether Charles Sullivan was charged in the
23 U.K. It is still unclear whether the bail record document
24 relates to the allegations of sexual abuse or something
25 else. Is it possible to get a criminal history report

1 like our NCIC from the U.K. This is really important to
2 the scoring of the Static. It is the best case for
3 having -- him having a prior which will add a point to his
4 score. Did you find anything in the Solicitor's file
5 about how the situation was resolved in the 1987, 1988
6 involving the abuse of the two boys at the Carolina
7 Children's Home. It would be good to know if he was
8 charged or why he was not. I hope to talk to you soon.
9 Thank you.

10 Q So it would look like you were trying to find another
11 point to add to his score?

12 A I don't think I was trying to find another point. I
13 needed to figure out whether that was a point.

14 Q And it's the best case for having him -- giving him a
15 prior is what your statement was?

16 A Yes, it was the best -- it was the case out of all of
17 the prior allegations, that it was an actual charge or an
18 arrest.

19 Q But it's your testimony that you still were trying to
20 find evidence that supported diagnosis that he was a
21 sexually violent predator when you had written that
22 e-mail? Had you already made your diagnosis when you
23 wrote that e-mail?

24 A My diagnose or my opinion?

25 Q Your opinion excuse me -- your opinion?

1 A I don't believe so, no.

2 Q Okay. So during the course -- but you were looking
3 for evidence to support an opinion that says that he
4 would?

5 A I'm looking for evidence that I can score on the
6 Static 99R. I need to follow up on those leads to see if
7 there priors and that was the best case that would likely
8 result in a prior.

9 MR. FALK: Your Honor, I can appreciate that
10 it's attorney-client communication, but it certainly
11 showing bias that she has and that she is looking for
12 points to add to the score.

13 THE COURT: All right, Mr. Morrow.

14 MR. MORROW: Your Honor, this e-mail doesn't
15 show any bias. It shows the fact that Dr. Gehle is
16 thorough in her investigation and it shows that she is
17 seeking to find out more information about something that
18 she's confused about. I believe, it's privileged and I
19 don't believe it should be admitted into evidence.

20 THE COURT: All right. This is an e-mail that
21 is a South Carolina Department of Mental Health Worker
22 e-mailed to the Attorney General's office in an e-mail to
23 an attorney. The e-mail itself substitutively I find as
24 fact is asking about a prior -- the possibility of a prior
25 crime for purposes of plugging into an actuarial scale. I

1 understand, Mr. Falk, your argument is that by asking the
2 question that necessarily means she is looking to add a
3 point to the scale. I do not find that that is what the
4 meaning of that e-mail says, that she is explaining that
5 as she has to fill out that scale she needs to know the
6 answer to that particular question, whether or not that --
7 the answer of yes or no would mean that there is an extra
8 point or not does not mean that she wishes there to be
9 necessarily an extra point.

10 Again, I appreciate your argument that there --
11 that you would like the jury to see this, but I find that
12 it is not appropriate for the jury to see, not only
13 because the attorney-client privilege, but because it
14 would confuse the issues. And that it is not probative of
15 this witness's expert testimony. So I'm going to not
16 allow you to present that to the jury. Your objection or
17 your desire to do so I should say is on the record. It
18 has been proffered. We can make that an exhibit, so that
19 it can go along with the record in this case. So it will
20 be available to a higher court to review, but that is the
21 ruling of the Court.

22 MR. FALK: Thank you.

23 THE COURT: And is that marked? Go ahead and
24 mark, mark it as a court's exhibit to make sure we don't
25 send it back with the jury or however the court reporter

1 wishes to handle that. I don't know what the easiest way
2 to do that is. I know that when we have it as a court's
3 exhibit that way it's easier to keep it out of the jury's
4 hand.

5 MR. FALK: I believe, I have a record, I'm done.

6 THE COURT: Okay. Let's bring the jury back
7 out. Thank you.

8 (WHEREUPON, Court's Exhibit No. 1 was marked for
9 the record.)

10 THE COURT: Let's bring the jury back out.

11 (WHEREUPON, the jury came into open court.)

12 THE COURT: Mr. Falk, you may continue with
13 cross-examination.

14 CROSS-EXAMINATION CONTINUED

15 BY MR. FALK:

16 Q Are you familiar with the diagnostic test called the
17 MMPI?

18 A Yes.

19 Q And what is that?

20 A It's the Minnesota Multiphasic Personalty Inventory.

21 Q If you were going to see if somebody had narcissistic
22 tendency, would that -- one of the axis, I guess, they
23 would say or whatever would that indicate a narcissistic
24 personalty?

25 A It surprisingly it does not.

1 Q Would it show -- what does it show?

2 A I don't have one in front me, but it shows a number
3 of dimensions like depression introversion. You're really
4 testing my memory here. Male-female factor is one,
5 psychopathic deviate. It shows a variety of symptoms
6 related to mental illness categories.

7 Q You gave him the Static 99, that is one that you did
8 use?

9 A It's not something that I gave him, but it's
10 something that I scored.

11 Q Okay, okay. You scored him under the Static 99?

12 A That's correct.

13 Q And under the Static 99, it gives you certain --
14 there's some indexes that you would look at to see risks;
15 is that right? Once you got somebody's number on the
16 Static 99, then you can look at it to see re-offense risk;
17 is that correct?

18 A Re-offense rates, yes.

19 Q Re-offense rates. Do you have the scoring sheet
20 there?

21 A I believe so.

22 Q And I'm looking for the sheet that says relevant for
23 the Static 9R scores?

24 A Well, I have the scoring sheet.

25 Q You have that sheet?

1 A I can't see that far. I'm sorry. I don't have this
2 with me, no.

3 Q Is that -- does that look like a sheet that would
4 come from part of the scoring on the Static 99?

5 A It looks different than the version that I'm use to.

6 Q But it does have the 2.7 number out there to the
7 right?

8 A Yes.

9 Q And that's the same one -- that's the same number in
10 you're reporting?

11 A Yes.

12 Q And what exactly does a 2.7 mean?

13 A It's a ratio, so the ratio of when you compare him
14 against the average sex offender and the average sex
15 offender has a score of two. How does he compare. So
16 it's 2.7 times higher than the -- his expected recidivism
17 rate is 2.7 times higher than the expected recidivism rate
18 of the average sex offender.

19 Q And so what would that recidivism rate be if the
20 score was a three?

21 A Well, the relative risk ratio would be 1.3 times
22 higher than the average sex offender.

23 Q How do you compare those two, that roughly 1.3 a half
24 of 2.7 never could understand you alls stats?

25 A It doesn't quite work like that, but, you know, 1.39

1 times higher is certainly a lot less than 2.7 times
2 higher.

3 Q But is it almost half or just or what's a lot. Well,
4 we'll leave it with a lot. We'll leave it a lot less.
5 And so then if he was a two what would that?

6 A He would have the same risk ratio as the average sex
7 offender, so his estimated risk would be the same as the
8 average sex offender.

9 Q Okay. Let me grab that back from you. You had
10 indicated that -- if you gave him -- if you scored him
11 today, what would his score be?

12 A Three.

13 Q And does that mean that his relative risk ratio today
14 would be 1.39?

15 A Yes.

16 Q Okay. You have the sheet that has the statistics
17 over there?

18 A Well, I'm looking for his scoring sheet if you will
19 bare with me for a minute. I found it. Are you asking if
20 I have the statistic page up her?

21 Q The one that has the five-year sexual recidivism
22 rates on it?

23 A The only thing that I have up here is the Static 99R
24 Coding Form. I didn't bring up my manual.

25 Q I'm going to show you if that's okay. I believe

1 those highlighted statistics of the file, those are the
2 same ones that were in your report, are they not?

3 A Yes.

4 Q Okay. And what do those -- and for somebody whose
5 rate is a five, what do they mean?

6 A 15.5 percent of people with a five will reoffend
7 within five years.

8 Q Okay. What does it mean if it has three?

9 A 7.9 percent of people with a score of three will
10 reoffend in five years.

11 Q Okay. And one more if he has a two?

12 A If he has a score of two, 5.6 percent of people with
13 score of two will reoffend within five years.

14 Q Okay. Thank you. So if you're looking at the Static
15 99R and scoring and you said that is common technique, is
16 it not? Is that a common tool issue?

17 A Yes.

18 Q Pretty well recognize tool?

19 A Yes.

20 Q For this purpose?

21 A Yes.

22 Q And it would be your testimony that if you were going
23 to give it to him today, he would be a three?

24 A Yes, because he recently had a birthday just about a
25 month ago and so he turned 60 and that dropped his score

1 by two points.

2 Q Because that's consistent with the scoring rules for
3 the Static 99; is that right?

4 A What's consistent?

5 Q Using excuse me -- what is the most relevant thing
6 here, the date that he would be -- if you're looking at
7 somebody's age, your scoring a Static 99 and we're talking
8 about how old the person is whether he's 18, 25 or
9 whatever, what age is going to be relevant to your report?

10 A It's date that he will be given a chance to reoffend,
11 so that he will be exposed to risk.

12 Q And so that would be consistent with now that he's
13 60; is that correct?

14 A Yes.

15 Q So that would be the proper number to be using right
16 now; is that correct?

17 A Yes.

18 Q And there is -- is there testing data to support the
19 fact that there's age up pattern for recidivism?

20 A Is there testing data? I'm not sure what your
21 question is.

22 Q Okay. You have the scoring book that's got this ---

23 A I didn't bring any of that onto the stand with me.

24 Q Can I show you the coding rules for number one? Does
25 that look like something that he -- have you seen that

1 document before?

2 A Yes.

3 Q Okay. And there's a graph on that document?

4 A Yes.

5 Q And that shows a steady decline in recidivism rates
6 as people age out, does it not?

7 A Yes.

8 Q Okay. And so when somebody is 60 years old that's
9 support -- is that supported by documentation or is there
10 supported by a piracle data that would support the fact
11 that if somebody ages out their risks goes down
12 considerably?

13 A There's research to support that risk decreases with
14 age, certain ages.

15 Q All right. Thank you. Because the age category that
16 you've worked when he was originally scored when you
17 scored him originally, the question is whether or not he
18 was -- you're familiar with the age -- when doing age --
19 for example if somebody is 18 to 34.9, they would get one
20 point; is that correct?

21 A That's correct.

22 Q Okay. And if somebody's 35 to 39 or 35 to 40, they
23 would get like no points, it would be zero; is that
24 correct?

25 A Roughly, yes.

1 Q Okay. And then 40 to 60 it's less one, you take away
2 one point?

3 A Yes.

4 Q So it wouldn't necessarily be fair to compare
5 somebody who is even -- on the eve of their 60th birthday
6 with the recidivism rates of somebody who is 40, would it?

7 A I don't think that that's really how it works. It's
8 not comparing somebody at 40. It's -- the way that you
9 use the Static is you come to a total score and then you
10 compare that to a table of, you know, a large group of sex
11 offenders. In that large group of sex offenders, there
12 are offenders of a wide variety of ages.

13 Q But it's still as you get younger -- well, as you get
14 older, the risk goes down, does it not?

15 A That's correct.

16 Q Okay. So if you're comparing some -- when you were
17 scoring the Static 99, you also gave him a one under the
18 category of ever lived with a lover for at least two
19 years; is that correct?

20 A That's correct.

21 Q And what was the basis for that?

22 A Well, he told me that he had lived with a lover for
23 two years, but it didn't correspond with a time frame that
24 he was there. So I didn't believe that to be true.

25 Q Did you contact Crissy Tober?

1 A I had no contact information for her.

2 Q Okay. If he had a two-year relationship with her,
3 would he have gotten a zero in that category?

4 A If he had lived with her in compliance with what the
5 scoring rules are and they're specific, so if he lived
6 with her for two years in compliance with the scoring
7 rules, he would have a gotten zero for that.

8 Q Okay. And so you gave him a five originally, but if
9 you were to score him today, he be at a three?

10 A That's correct.

11 Q And if he had in fact lived with Crissy Tober for two
12 years he have a two; is that correct?

13 A In compliance with the scoring rules, yes.

14 Q Okay. And what is the descriptor for somebody who
15 gave either a two or a three when they -- as far as the
16 label for the risk category under the Static 99R?

17 A Two or three is low moderate.

18 Q If his Static 99 score never changes to reflect any
19 treatment, does it -- would it? If you gave him the
20 score, if he had gone into the SVP program tomorrow and he
21 came out three years later and you ran the -- did another
22 Static 99, would his number be the same or be the same
23 three?

24 A It would most likely be the same.

25 Q On the Static what would change?

1 A The only thing that could change is if let's say he
2 got an institutional sexual infraction that met the
3 criteria, then all of his offenses will become priors and
4 that would increase his score.

5 Q So it could go up?

6 A If he offended a stranger in the institution, that
7 would increase his score. So it could increase, but given
8 that he would be in the lowest age category, it would not
9 likely decrease.

10 Q But there's nothing on the Static 99 that would go
11 down to reflect the fact that he had received treatment?

12 A That's correct.

13 Q Okay. So the Static 99 is not a measure of whether
14 or not somebody has received any treatment?

15 A No, it's a baseline level of risk rate.

16 Q Okay. And then you look at some dynamic risk
17 factors; is that right?

18 A That's correct.

19 Q Okay. Are you familiar with the test stable 2007?

20 A Stables.

21 Q Is it stable, okay.

22 A Yes, it's not something that I use, but I'm familiar
23 with it, roughly.

24 Q Stable would include some other characteristics,
25 would it not?

1 A I'm not sure all the specific risk factors that are
2 included in the Stable.

3 Q Does it consider treatment?

4 A Again, I'm not -- I can't remember all of the
5 specific risk factors that are included, so I'm not sure
6 how it considers treatment.

7 Q The dynamic risk factors you were looking at that
8 gave you some concerns what were those?

9 A Sex preoccupation, sexual preference for
10 prepubescent, prepubescent males, emotional congruence
11 with children, offense supportive attitudes, lack of
12 emotional intimate relationships with adults, sexualize
13 violence and multiple paraphilias.

14 Q What current evidence is there that he has a sexual
15 preoccupation?

16 A It's based on what he told me about, you know, his
17 criminal -- what I knew about his criminal history and his
18 self-reported history, sexual fancies. He had fantasized
19 about them for many years.

20 Q In your report, you said the first couple of years in
21 prison is when he would fantasize about that?

22 A That's what he told me. He said that in large part
23 this arousal went away five years ago.

24 Q So that's not necessarily -- so he doesn't have a
25 current preoccupation or you do not believe him?

1 A I believe that he has a sexual preference for
2 prepubescent; prepubescent males, yes.

3 Q That's not just an interest, you say preoccupation.
4 Because I don't see anything in your report supporting
5 that it's a preoccupation?

6 A Well, we're talking about two different risk factors.
7 So sexual preoccupation, he told me that he was sexually
8 preoccupied. He said that he was sexually preoccupied
9 with having sex with adult females and teenage boys. He
10 said right before I got locked up, I was thinking about it
11 too much. He was surfing the net and looking for
12 pornography and it fed the fire. So the first couple
13 years in prison, he continued to think about sex a lot and
14 frequently masturbated to fantasies of past sexual
15 encounters with consensual sexual partners and with the
16 victims.

17 Q I'm just saying. So based on his self-report, it
18 still sounds like he's talking way in the past. He said
19 before I got locked up. He got locked up in 1998 and for
20 the first couple of years?

21 A And these risk factors consider all of that
22 information.

23 Q Okay. Emotional congruence with children, what
24 current information is there in support for your comment
25 that he has an emotional congruence with children

1 currently?

2 A Currently, I have no information about that
3 currently.

4 Q How about holds offense supportive attitudes?

5 A Currently?

6 Q Yes.

7 A No, I have information about that currently.

8 Q Okay. Now, some of -- you got dynamic risk factors
9 when you sort of finishing off doing one of these
10 evaluations, but there's also another category of things
11 called protective factors? You know, you got all the
12 things that sort of make him bad. How about some of the
13 things that make him good?

14 A Well, protective factors in sexual offending are hard
15 to know and I haven't seen too much good research in
16 saying what is protective.

17 Q Well, the fact that he's well educated, would that
18 not have some impact on whether or not he be a success?

19 A In general criminal recidivism education can be a
20 protective factor, but I'm not sure if that applies to
21 sexual offending.

22 Q How about a support of family?

23 A It may help. I'm not sure.

24 Q But did you in do your report did you try to explore
25 any of the possible protective factors?

1 A I look at the same risk factors in all the reports
2 that I do and it's a list that is derived from a study,
3 many studies involving risk assessments. I don't believe
4 that I have come across any research or good research that
5 speaks to what the protective factors are if there are any
6 for sexual offending.

7 Q How about a willingness to seek treatment is that --
8 would that be a protective factor?

9 A I don't know if it's a protective factor.

10 Q In your opinion if somebody is willing to seek
11 treatment, would that not be something that would give you
12 some comfort that would be a risk for recidivism if he's
13 willing to receive treatment?

14 A No, not necessarily.

15 Q Are you saying it has no influence?

16 A I'm not saying it has no influence. I'm saying it
17 doesn't. It's not necessarily a decision point that if
18 they're willing to seek treatment then they're not at risk
19 to reoffend, which is what you just said.

20 Q Well, if they're not willing to seek treatment, that
21 would clearly be a problem, would it not for re-offense?

22 A It depends on what the offenses are. It depends on
23 the offense history. It depends on a lot of things.
24 These are all complicated decisions. And they're
25 individualized in that case. It would depend on the case.

1 Q All right. How about in this case Mr. Sullivan if
2 he's willing -- if he's shown a willingness to seek
3 treatment?

4 A I think that's a positive thing that will help him
5 benefit from treatment, but I don't know that it reduces
6 his risk to reoffend.

7 Q Are you familiar with the 12-week sexual offender
8 class that they have at Allendale Correctional?

9 A No.

10 Q How about the six-month sex offender awareness
11 program that they have there i's a six months -- it's at
12 Allendale as well?

13 A No, it was my understanding that all the sex offender
14 treatment in corrections is happening at Broad River
15 Correctional Institution.

16 Q If he had receive some sexual offender treatment at
17 another facility, would that influence your opinion or
18 affect your opinion?

19 A You know, the bottom line is no matter what treatment
20 he's had when I interviewed him, he did not admit to his
21 offenses. He didn't take full responsibility. He
22 continued to describe them as mutual masturbation which
23 was holy incongruent with what the offenses were. So I
24 take that as a very negative sign that treatment has
25 really impacted him.

1 Q Was it clear when you're asking him about that -- if
2 he -- if you were asking him what he thought now about
3 those offenses or what was going through his head at the
4 time 20 years ago?

5 A He was telling me what he saw those offenses as now.

6 Q One moment please. What do you know about the SOTP
7 program at Broad River?

8 A I know that it's out at Broad River, that it's run by
9 Ms. Sylvia Robert's who is a licensed, I think,
10 professional counselor. And she's the primary clinician
11 for that program. It's changed a lot over the years and
12 currently it's offered in the last months of people's
13 incarceration.

14 Q Do you know anything about the curriculum?

15 A I don't know what he curriculum is no.

16 Q And you don't know anything about the programs at
17 Allendale; is that correct?

18 A That's correct.

19 MR. FALK: May I have a moment?

20 THE COURT: You may.

21 (WHEREUPON, a pause in the proceedings.)

22 MR. FALK: No further questions.

23 THE COURT: All right. Redirect, Mr. Morrow.

24 MR. MORROW: Briefly, Your Honor.

25 REDIRECT EXAMINATION

1 BY MR. MORROW:

2 Q Dr. Gehle, Mr. Falk mentioned a letter to the parole
3 board by Steven William you had that document for your
4 consideration of this evaluation, correct?

5 A Yes.

6 Q And he did not change your opinion?

7 A No.

8 Q Okay. Was Mr. Sullivan well educated at the time he
9 committed these offenses?

10 A Yes.

11 Q Did he have the support of family at that time?

12 A I believe so.

13 Q Did he have a willingness to seek treatment in 1993
14 as well?

15 A Well, he sought treatment before that for, I believe,
16 an unrelated issue. And then in 1993 he saw that same
17 counselor at the behest of John Doe 19's family. I'm not
18 sure if he continued in treatment at that time.

19 Q Yet we know that in 1998 he pled to offenses that
20 occurred after he sought treatment in 1993, correct?

21 A That's correct.

22 Q He was investigated three times prior to convictions
23 in 1998, correct?

24 A That's correct.

25 Q By SLED in 1988, correct?

1 A Yes.

2 Q By the Thames Valley Police Department in 1990,
3 correct?

4 A Yes.

5 Q By the church in 1996 and 1997?

6 A Yes.

7 Q Yet he continue to offend?

8 A Yes.

9 Q In fact, he wrote letters seeking special treatment
10 in privileges while he was being investigated?

11 A That's correct.

12 MR. MORROW: Thank you. No further questions
13 for this witness.

14 THE COURT: Briefly, keep it to redirect.

15 RECROSS-EXAMINATION

16 BY MR. FALK:

17 Q He asked about since his arrest. He has not been in
18 trouble since he's been in prison, has he?

19 A I believe, he only had one behavioral infraction.
20 He's been a good prisoner from the records that I
21 reviewed.

22 MR. FALK: Thank you.

23 THE COURT: All right. Thank you, Dr. Gehle,
24 you may step down.

25 (WHEREUPON, the witness leaves the witness

1 stand.)

2 THE COURT: If I could quickly call up the
3 attorneys for just one moment so I can get a sense of what
4 we have coming forward.

5 (WHEREUPON, a bench conference was held in the
6 presence of the jury, but out of the hearing of the
7 jury.)

8 THE COURT: Mr. Morrow, you can call your next
9 witness.

10 MR. MORROW: Your Honor, at this time the State
11 would call Sylvia Roberts to the stand.

12 THE CLERK: Do you swear or affirm that the
13 testimony that you're about to give in this case to be the
14 truth, the whole truth, and nothing but the truth so help
15 you God?

16 THE WITNESS: Yes.

17 THE CLERK: Thank you. Have a seat on the
18 witness stand please. State your name for the record.

19 THE WITNESS: My name is Sylvia Roberts.

20 THE COURT: Go ahead, Mr. Morrow.

21 WHEREUPON,

22 Sylvia Roberts,
23 after first having been duly sworn, testified as follows:

24 DIRECT EXAMINATION

25

1 BY MR. MORROW:

2 Q Good afternoon, Ms. Roberts.

3 A Good afternoon.

4 Q Could you tell me what is your occupation?

5 A I am social worker.

6 Q And where do you work?

7 A I work for the South Carolina Department of
8 Corrections.

9 Q And how long have you worked in that capacity?

10 A Fourteen years.

11 Q What degrees do you possess?

12 A I possess a masters in social work, also a masters of
13 divinity.

14 Q Ms. Roberts are you licenses in social work?

15 A I am licensed in State of South Carolina to practice
16 social work. I'm a candidate for the LISW, the licensed
17 independent social work in September of this year.

18 Q And what is social work?

19 A Social work is a profession, a helping profession in
20 which we help the vulnerable population in order to let
21 them receive services or help them or advocate for them
22 some services.

23 Q And have you had any specialize training or
24 experience within the field of treatment of sex offenders
25 beyond your degree?

1 A Yes, I have currently 20 hours working with ASTA,
2 that is the association for sex abusers. I have been
3 working with -- to work with sex offenders.

4 Q And, Ms. Roberts, do you have any memberships in any
5 professional organizations?

6 A I am a part of the ASTA Association at this time.

7 Q And what is ASTA Association?

8 A The ASTA Association is an association that we get
9 journals, books. We get diagnosis. We work with one
10 another. Currently, I am training under ASTA to
11 administer and also interpret the Static 99 Sex Offender
12 Risk Assessment at this time, so they give us training as
13 well.

14 Q And, Ms. Roberts, you currently run a sex offender
15 treatment program at Broad River Correctional Institution?

16 A Yes.

17 Q And how many sex offenders have you treated?

18 A I treated over the time of 290.

19 MR. MORROW: At this time, Your Honor, I would
20 move to qualify Ms. Roberts as an expert in the field of
21 treatment of sex offenders.

22 THE COURT: Mr. Falk, would you like voir dire?
23 Do you have an objection?

24 MR. FALK: May I voir dire?

25 THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. FALK:

Q Have you published anything in this field?

A I have not published anything in sex offender at this time, sir.

Q How long have you been at Broad River?

A I been at Broad River for 13 years, sir.

Q How long have you been running a program at Broad River?

A I been running the program for five years, sir, at Broad River.

Q Okay. Did you have any clinical studies that you did?

A Yes, sir.

Q Where was that?

A I took it at Fordham University and currently I am at the University South Carolina and I am taking a psycho-diagnostic course as we speak.

Q Are you enrolled in school?

A Yes, sir.

Q I mean, do you go to classes?

A Yes, sir.

Q Where did get your -- what is undergraduate degree?

A My undergraduate degree came from Fordham University in the College of Staten Island in New York, sir.

1 Q And when was that?

2 A That was in the year I graduated in 2001 with my
3 masters of social work. I have always had CEU hours. I
4 currently enrolled in the University of South Carolina to
5 take refreshing courses because ASTA we need to be on the
6 cutting edges when we're doing a diagnosis of these Static
7 99 reporting.

8 Q Thank you.

9 MR. FALK: Your Honor, I like to concede that
10 she is an expert in sex offender treatment.

11 THE COURT: Okay, and that's based upon?

12 MR. FALK: That I think -- I'll withdraw that,
13 that's fine. We can go forward.

14 THE COURT: All right. Ms. Roberts is qualified
15 as an expert in the treatment of sex offenders.
16 Mr. Morrow.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. MORROW:

19 Q You currently run the sex offender treatment program
20 based out of Broad River Correctional Institution; isn't
21 that correct?

22 A I do.

23 Q And it is the only authorized sex offender treatment
24 program at the Department of Corrections, correct?

25 A Yes, sir.

1 Q And again yours is the only program authorized for
2 sex offender treatment at the Department of Corrections,
3 no other program exists, correct?

4 A No, sir, not at this time.

5 Q Okay. If any other program had been authorized, you
6 through your position as head of treatment would have been
7 notified?

8 A Yes, sir.

9 Q Okay. So what is the process by which you determine
10 which inmates you offer services to?

11 A At this time we have what is called a Rim list. We
12 have 2,467 sex offenders that come into the Department of
13 Corrections. With the list Rim, they will send me a list
14 of all sex offenders that will max out within the next
15 five years, ten years, and 20 years. Through that list, I
16 will vent the list of all sex offenders, that means that I
17 will get rid of the long-term offenders and more focus on
18 the short-term offenders and that's when I will go out to
19 the institutions in which the inmate is located and I will
20 interview them and offer them services in sex offender
21 treatment.

22 Q And when does that process begin, when do you start?

23 A I started a -- I would start every six months.
24 Interviewing is held every six months. I do interviews
25 every six months. I can get a referral, a direct referral

1 from a clinician. I can also get direct referral from an
2 inmate, but most of all I be getting direct referrals from
3 institutions, the wardens and the associate wardens for
4 services for my program.

5 Q And, Ms. Roberts, did you have the opportunity to
6 come the know Charles Sullivan through your work in the
7 South Carolina Department of Corrections?

8 A I did.

9 Q And when did you first become aware of Mr. Sullivan?

10 A I became aware of Mr. Sullivan through two mediums.
11 First and foremost, he came up for interview for the sex
12 offender treatment program, but secondly I became known of
13 him through a program that was conducted in Allendale.

14 Q So let's talk about that program that's conducted at
15 Allendale, how did you first become aware of it?

16 A I became aware of the program through my division
17 director Mr. Kinard Dubose. He ask me to come to his
18 office to look at a proposal for a sexual treatment
19 program that is going on in Allendale. I told him I would
20 take a look at the program. I looked at the program and I
21 found out that it was plagiarized, that all of my work
22 from the sex offender treatment program was compiled by a
23 program in Allendale.

24 Q And did you find the news of a program at Allendale
25 Correctional Institutional surprising?

1 A Yes.

2 Q Why?

3 A Because I am the only authorize program within the
4 department that can do sex offense.

5 Q What did you do after you were assign to review this
6 program?

7 A What I did is first I had to interview the warden. I
8 had to interview all the volunteers and I interview the
9 program coordinator. And I wanted to know whom was
10 responsible for the program. I went to Allendale and I
11 interview Warden Pate. Warden Pate did not know that the
12 program was being offered as a Sex Offender Treatment
13 Program. He assume that it was a -- he said it was a
14 group of men meeting together. He did not know it was a
15 sex offender treatment program.

16 Q After you reviewed the materials of the program being
17 conducted at Allendale, were you able to determine where
18 the materials came from?

19 A Yes, sir. The book, the facilitator book has the
20 name Charles Sullivan on the front.

21 Q Had you given approval for your materials to be used
22 at Allendale?

23 A No.

24 Q This was done without your knowledge?

25 A Yes.

1 Q So someone essentially stole your material; is that
2 correct?

3 A Yes.

4 Q So after you reviewed the material what was your next
5 step?

6 A The next step was that I spoke with my division
7 director Mr. Dubose and we had a cease and desist order
8 for that material to be used at Allendale. Deputy
9 Director Sandra Barrett was notified and through her
10 office, through the office of program at the Department of
11 Correction that program was cease and desist with.

12 Q Were you able to conclude what individual stole your
13 material and initiated this program?

14 A Yes.

15 Q Who did it?

16 A It was Mr. Charles Sullivan.

17 Q During the time that this program existed at
18 Allendale, this road program being operated by
19 Mr. Sullivan, did he ever ask to be included in your
20 program that was authorized by the Department of
21 Corrections?

22 A No, sir.

23 Q Okay. Did Mr. Sullivan enlist the aid of anyone to
24 help them in creating this program from your stolen
25 materials?

1 A Yes, he had ask a Dr. Charlotte Taylor from
2 Charleston to be the group leader of this material as well
3 as himself. The warden paid and also the associate warden
4 of Allendale to include a clinician at Allendale for
5 mental health.

6 Q Did you meet with Dr. Taylor during your
7 investigation?

8 A Yes, she was interviewed during the time. She stated
9 she did not know where the work came from because she was
10 there to only talk about self-esteem. She did not know
11 that she was teaching sex offense.

12 Q Follow your meeting with Ms. Taylor, did she continue
13 her involvement in the Road Program?

14 A No, sir.

15 Q As a result of your investigation, how many inmates
16 were involved in the Road Program?

17 A Thirty.

18 Q Were other inmates -- did other inmates decline
19 participation in your program because of this program?

20 A Yes. They stated that they were already taking sex
21 offense treatment program at Allendale.

22 Q As a result of your investigation, were you able to
23 determine who initiated the creation of this Road
24 unauthorized program?

25 A Yes.

1 Q Who did it?

2 A Charles Sullivan.

3 Q How did Charles Sullivan, an inmate, manipulate
4 people into believing he had the authority to start this
5 program?

6 A Mr. Sullivan is very charismatic. He took material
7 or better yet material was given to him from other inmates
8 that completed the Sex Offender Treatment Program in Broad
9 River. He compiled the material and he through his way of
10 getting along with people, grooming, talking to them
11 because he is very intelligent. What he did is that he
12 had the program replicated under the knowledge that my
13 colleagues did not know that he was taking material that
14 did not belong to him nor he had the rights to have.

15 Q Ms. Roberts, is Charles Sullivan licensed?

16 A Not to my knowledge.

17 Q Okay. To be clear at this point, Mr. Sullivan was
18 unauthorized to use your material for any purpose?

19 A No, sir.

20 Q Okay. What happened at the conclusion of your
21 investigation?

22 A At the conclusion that as I stated before that we had
23 him cease and desist services. We broke up the program at
24 Allendale. And the inmates was reoffered services at this
25 time for sex offender treatment in which they still

1 declined.

2 Q Was Mr. Sullivan ever enrolled in your treatment
3 program at Broad River Correctional Institution?

4 A During the time of the interview in November of 2014
5 or '15 excuse me -- Mr. Sullivan was offered the Sex
6 Offender Treatment Program. He said no. He does not need
7 my program.

8 Q Did he at any point in time was he allowed to take --
9 participate in your program later on after the
10 investigation?

11 A After the investigation, he stated that he needed to
12 talk to Warden Pate about participating in what does he
13 think about him participating in my program. And all of
14 sudden, I got a staff request form from Charles Sullivan
15 wanting to participate and I allowed him.

16 Q Could you describe Mr. Sullivan's behavior during his
17 time in your program?

18 A During his time in my program, Mr. Sullivan first and
19 foremost was controlling. He was very pushy at times
20 during the program. He was divisive. He wanted -- he
21 bought his illicit book to the class. He wanted to teach
22 from the same manual, but I was explaining to him I
23 developed that book, so you got -- you should follow
24 instructions. At times Mr. Sullivan challenges the
25 theories, the thoughts. He minimized his victims. He

1 only admitted to two victims when there was many.

2 Mr. Sullivan was not empathetic at times. He was not
3 genuine during the groups.

4 Q Did Mr. Sullivan successfully complete the Sex
5 Offender Treatment Program, the authorize sex offender
6 treatment program operated at Broad River Correctional
7 Institution?

8 A He completed the program. He received a certificate,
9 but then again he still did not grasp the concept of
10 cognitive behavior therapy. I think at that time when I
11 was looking over the paperwork, Mr. Sullivan continued to
12 not -- to use defense mechanisms of denial of what had
13 been done or he minimized his role in his crimes.

14 MR. MORROW: Thank you, Ms. Roberts, please
15 answer any questions respondents counsel or the Court may
16 have for you.

17 THE COURT: Mr. Falk.

18 CROSS-EXAMINATION

19 BY MR. FALK:

20 Q You know what a form is that's a South Carolina
21 Department of Corrections SCDC health services medical
22 summary? Have you seen a document like that?

23 A Yes, I have seen the health summary, sir.

24 Q And on a health summary like that, what is -- if
25 something is listed as an accountant, what does that mean?

1 A An encounter?

2 Q Yes.

3 A That means that is an actual record that has been put
4 into the AMR upon an inmate record.

5 Q What's the AMR?

6 A The AMR is the automatic medical record that we use.

7 Q And what's the purpose of putting -- if you have an
8 encounter, you then make notes of that encounter?

9 A Yes, you are putting your actual group note
10 individual or any documentation for an inmate into an
11 encounter.

12 Q What is the point of that?

13 A The point of it is for documentation.

14 Q Documentation of what progress?

15 A Progress or non-progress. What note would have been
16 done, what doctor appointment have been seen, what mental
17 health, what interventions has been done.

18 Q Is it important to keep that accurate notes?

19 A It is important to keep notes in the files, yes, sir.

20 Q Is it important to keep accurate notes?

21 A They are accurate. I can say I just put the notes
22 into the file. Whether they're accurate or not, I don't
23 know, sir.

24 Q How about the notes that you put into the file?

25 A Yes, it is on those days around or about.

1 Q And those are accurate?

2 A Yes, sir.

3 Q You recall putting a note in his file on August 21st
4 2015, and that his final test score was an 87 percent?

5 A 87 percent.

6 Q And that his overall class average was a 93 percent?

7 A Uh-huh.

8 Q Is that considered an A is that a pass?

9 A That's passing.

10 Q What's failing?

11 A What's failing to me or academically was really a 70
12 and below. They do not get a seal. They will get what we
13 called a participation certificate.

14 Q Okay. I mean, it's cut and dry what a fail is and
15 what a pass is, right?

16 A Yes.

17 Q Okay. And a 93 is pass; is that correct?

18 A Yes.

19 Q Okay. And you have to get all the way down to a 70
20 get a failure; is that correct?

21 A Get a 70.

22 Q Do you recall writing into this AMR your notes from
23 an encounter you had with him on July 6th?

24 A I am not -- if you have the note, can I review it
25 please, so I can be -- re-familiarized with it?

1 Q Sure.

2 A And the one in August. Thank you, sir.

3 THE COURT: Can you hand that back for just one
4 moment, so he can show it to Mr. Morrow.

5 BY MR. FALK:

6 Q Can you flip down there to where it says July 6th?

7 A July 6th. All right, I'm there.

8 Q Did you make note on that day that he has inside into
9 his error of thinking?

10 A Yes, on that day, yes, sir.

11 Q Okay. Did you -- why don't you step back and find
12 June 25th?

13 A Yes, sir.

14 Q Did you make a note on that date that says he has
15 incite into his crime?

16 A Yes, sir, on that day, yes, sir. He did discuss --
17 that's the day, sir, that when we was in group therapy and
18 then when we had to do the stories, that's when he talked
19 about the one victim, even though I knew it was more
20 victims, but he was courageous to talk about the one
21 victim. And he talked about it in a way of -- from a
22 power and control issue. It was not that he went out and
23 talked about what he have done. He talked about it as it
24 was in context of power and control, how he took control
25 over his victim, that he was buying them things and taking

1 them out, sir.

2 Q So that was therapeutic for him to describe it in
3 that way?

4 A In that way, he did, yes, sir, yes, sir.

5 Q Is there a notation on June 17th?

6 A On June 17th excuse me, sir.

7 Q On the seventh page did you write does he continue to
8 identify his cognitive distortions during a sexual act?

9 A Yes, he -- now, the June 17th and the July 6 is two
10 different notes. On this note, we were talking about
11 confrontation. And the purpose of the group discussion
12 was soft confrontation, so he had to be confronted about
13 this. And that day he talked about cognitive distortion
14 and he did talk about one of his acts as it related to the
15 class work. Whether it was something that he had an
16 epiphany that he had change, it was not seen at that point
17 in time. We was talking about it in the group setting.

18 Q But you said he continued to identify his cognitive
19 distortions?

20 A Yes, and he talked about that he does use denial. He
21 stated that -- he said that in class. He does use denials
22 and how he used denials, sir.

23 Q So he was being open in saying that in the past he
24 had used denial?

25 A Just only on this day, sir, that he took the word

1 denial and he applied it to one of the victims and how he
2 was in denial.

3 Q There was test on -- y'all did scoring on test on
4 June 8th?

5 A Yes, sir.

6 Q Does it reflect what the score was on that test?

7 A His score was a 97.

8 Q Is that considered a pass?

9 A Yes, sir, it was.

10 Q Do you know if anyone got any higher than a 97?

11 A Three other inmates.

12 Q Okay. Let's go to April 30th?

13 A Okay.

14 Q Were you made a notation that he had value feedback
15 what does that mean?

16 A That means that he was very cooperative during the
17 class during that day. That he was talking about how the
18 class should work because we were working on at that time
19 denial patterns and victim empathy and understanding
20 victimizations. And during that time he just has some
21 good incites into the group work, not anything personal
22 towards him.

23 Q Is there a notation on the 27th of April?

24 A Yes, sir.

25 Q Did it talk about becoming tearful and taking

1 responsibility for his victimization of others?

2 A He was tearful during this day and I remember this
3 very note very clearly. I remember the class.

4 Q These are all your notations?

5 A Yes, sir.

6 Q You are the author of those notes?

7 A I am the author.

8 Q Okay. On April 10th, could you go to April 10th
9 could you go to the notation?

10 A Yes, sir.

11 Q Did you write good incite identified distorted
12 thoughts?

13 A He has good incite into the group discussion. Again,
14 that was a topic that was discussed in group. So he
15 understood the work that we were doing, sir.

16 Q And on April 7th voice value incite into group
17 discussion?

18 A During a group -- during this time in this group, we
19 was talking about grooming sexual abuse and statistical
20 data. And he had voice good value, incite into how people
21 are groomed, what are the victims, what is sexual abuse.
22 And again we were talking about the material in the group
23 there was no individual. It was no -- nothing that we was
24 talking about in the group. Let me rephrase that when we
25 were talking in the group, it was group material only.

1 Only when we talked about the story, is whether he applied
2 the material to his actual criminalization.

3 Q So in your hand you probably have close to 85 or so
4 encounters -- descriptions of encounters with him?

5 A I'm missing one page of the counters, the final
6 notes.

7 Q Right. Here is the final notes.

8 A Thank you, sir.

9 Q So other than that very final note, can you find any
10 notation that you made that has a negative comment about
11 him other than that final note?

12 A The final note -- throughout my -- no, no, sir.

13 Q So you said he was manipulative. What were some --
14 okay, but you never put that notation in his file that he
15 was manipulative?

16 A At this time I had to do an investigation and I had
17 to hold the group. I was the investigator of the programs
18 in Allendale.

19 Q Okay. But I'm talking about you had expressed your
20 opinion about Mr. Sullivan when you took the stand and
21 about his participation in the program that you were
22 teaching at Broad River and that you gave him a passing
23 grade on. I just want to see is there any negative note
24 in there on any particular ---

25 A Other than the final note?

1 Q Other than the final note.

2 A Oh, okay. Other than the final note -- when I
3 compile, I did not know Mr. Sullivan well enough. I made
4 sure it was objective and not subjective. So I did try to
5 assess him at all times. So when I do do my final note,
6 that's when I give a full picture of the participant
7 participation within the program. And during that time
8 within the program that Mr. Sullivan -- maybe, if I did
9 not note it, that I had a book that I could put it in or
10 written it down Mr. Sullivan was still divisive. When I
11 came to class, he wanted to bring in a manual that was
12 already developed by me. He wanted to control the group
13 and the group members. There was times that I had to have
14 the group members do votes because it was a democracy in
15 the group and so it was disruptive at a point, but
16 Mr. Sullivan still came to the group, every group session
17 Mr. Sullivan was there. He challenged my authority in
18 doing the group as well.

19 Q But you never once wrote as a note on the day when
20 would have been contemporaneous in your mind and he
21 challenge my authority or he was decisive or divisive.
22 You never once wrote that as one your encounter notes, why
23 is that?

24 A Because I had discussed it with the client himself
25 and he was already informed that it would be in the final

1 note on what I have thought. And I think in his
2 individual notes, we have always had discussion about
3 these behaviors up front. And he improved as it went
4 along.

5 Q All right. Is this Road -- is this the Road Program
6 book that you were talking about?

7 A Yes, sir, this is called -- this is the program.

8 Q Okay. That's the one that you had the concern about;
9 is that correct?

10 A Yes, sir.

11 Q And what are your concerns about that?

12 A It is called a Sexual Offender Awareness Program.
13 SOAP and this program was going taught by an inmate.

14 Q Who developed that manual?

15 A It says Charles Sullivan.

16 Q It says compiled, right?

17 A Uh-huh.

18 THE COURT: Just one second, just for the
19 record, rather than uh-huh make sure to say yes or no
20 please.

21 THE WITNESS: Yes, ma'am.

22 A Sorry, sir.

23 Q Is there anything inaccurate in that?

24 A Is there anything inaccurate in the body of this?

25 Q Is it -- does it describe anything that is not

1 accurate?

2 A No, because it's my work.

3 Q So whatever was being thought was stuff that you --
4 is your work as you say?

5 A Yes, but it was not authorized and I had no knowledge
6 that this was going on.

7 Q Okay. I understand it wasn't authorized, but it was
8 still the types of information that you would have
9 provided?

10 A It was the information that was provided and it was
11 given to another inmate without my written-soul
12 permission.

13 Q Was your concern that -- you're saying it's a
14 copyright violation, what is your concern?

15 A My concern is that the manual -- the same manual we
16 see here is currently being worked on at the Department of
17 Corrections. We are using USC students as well as interns
18 to compile and then copyright it to make sure that sex
19 offenders are getting up to date reliable information.

20 Q The last page if you flip to the back, it has
21 references of -- there's a bibliography in the back of it,
22 is it not? Siting references on the back page or maybe
23 three pages from the back.

24 A Yes, it's references.

25 Q So he's certainly not holding that out as being all

1 his original thought, is he? Was that your concern?

2 A It is not his original thought.

3 Q Is it yours?

4 A It is.

5 Q So you wrote every word of that?

6 A I didn't write every word, but it's been compiled by
7 all these authors and the South Carolina Department of
8 Corrections Sexual Offender Education First Phase Manual
9 Circa 2000 is no longer in use.

10 Q Okay. So your concern is that you're just using the
11 old manual?

12 A The manual stuff was not even in here when I looked
13 at the same data because I have the manual here as well,
14 sir. This -- when I look at this, this is all the work
15 that is currently being used now within the Sex Offender
16 Treatment Program.

17 Q Was that the role -- the role that you were talking
18 about with Mr. Morrow earlier?

19 A This is unauthorize book that was being used and
20 being taught and facilitated by an inmate.

21 Q You said at the very beginning that you not published
22 anything. So this is not necessarily your intellectual
23 property, is it?

24 A No, sir. This will be the property of the South
25 Carolina Department of Corrections. Once we get it

1 approved and it looked at, but it is still in a draft
2 form.

3 Q So seems like your biggest concern with Mr. Sullivan
4 is that he was trying to share some thoughts on sex
5 offender awareness with other inmates at Allendale?

6 A My concern is not that he shared thoughts and ideas
7 with one person. My concern is when he changes the
8 opinion of others to receive services, that in which he
9 was not authorize to do. Mr. Sullivan -- it concerns me
10 that Mr. Sullivan used a series of my colleagues not only
11 Mr. Pate, warden, the associate warden, Dr. Taylor, and
12 others to compile and to teach a program in which I
13 interview inmates to say do you need sex offender
14 treatment service. And they said no because I'm already
15 in the Sex Offender Treatment Program. That's my concern
16 that now we have another untreated inmate getting ready to
17 be released from the Department of Corrections. That's my
18 concern.

19 Q But you don't have concern about the content of the
20 program?

21 A It's my material.

22 Q Okay. I get it. You did not publish this material?

23 A It is in draft form, sir.

24 Q Which just shows you the inside cover. It's not
25 slander there. It's not -- could you read the disclaimer?

1 A This is not a complete Sex Offender Treatment Program
2 as offered by SCDC and is taught at Broad River
3 Institution. This program is a discussion class which
4 information and nature and is design to encourage and
5 develop support systems for one another.

6 Q Okay. With that disclaimer that's certainly says
7 that it's not, usurping your authority just saying that
8 it's a discussion group and it's using some materials that
9 are helpful?

10 A The materials that was helpful were my materials.
11 Two, they did hurt someone because if an inmate states
12 that he had a Sex Offender Treatment Program at Allendale
13 then, sir, the question becomes did he really have Sex
14 Offender Treatment Program. Did he participate in the Sex
15 Offender Treatment Program, was he treated by a clinician,
16 a licensed clinician, someone who continuing their
17 education for the betterment of treatment at Allendale
18 Institution.

19 Q But it sounds like your concern that people at
20 Allendale can get an advanced look at this material?

21 THE COURT: Could I have the attorneys up here
22 for just a second.

23 (WHEREUPON, a bench conference was held in the
24 presence of the jury, but out of the hearing of the
25 jury.)

1 THE COURT: Go ahead, Mr. Falk.

2 MR. FALK: Just one last question.

3 BY MR. FALK:

4 Q So this was prepared you're saying without the
5 warden's knowledge at Allendale?

6 A Per the investigation, I took him the same manual
7 you're holding, the facilitator model, the participator
8 model and the pink jump suit model to Warden Pate. And he
9 stated that he was under the impression that it was a
10 support group and they was talking. But he did not know
11 that it was a sexual treatment program.

12 MR. FALK: No further questions.

13 THE COURT: Redirect.

14 MR. MORROW: Briefly, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. MORROW:

17 Q Ms. Roberts, does passing the written test for your
18 class mean that an inmate needs no further sex offender
19 treatment?

20 A Of course not. We talk about throughout the whole
21 time that they're with us, that this is just something
22 that opens up the door and for them to accept treatment,
23 but first of all they have accept responsibilities for
24 those actions.

25 Q Mr. Sullivan as you said earlier is very intelligent,

1 so would his high score on a test have surprised you?

2 A No, because he has already had -- he already knew the
3 material. He had the material, he studied the material.
4 I was just wondering why he never received a 100.

5 Q Did you ever discuss the need for additional
6 treatment with Mr. Sullivan?

7 A Yes, sir. It was within the last note before he was
8 leaving the Department of Corrections. I explain to
9 Mr. Sullivan that he may need more treatment.
10 Mr. Sullivan said to me that he does not need any further
11 treatment. He's done with us people. I did not know what
12 people he was talking about, but he stated if he needs
13 something he'll get it. He had a cavalier attitude
14 towards it and he left my office.

15 MR. MORROW: Thank you. No further questions
16 for this witness.

17 MR. FALK: No redirect.

18 THE COURT: All right. Thank you, ma'am. You
19 may step down.

20 (WHEREUPON, the witness leaves the witness
21 stand.)

22 THE COURT: Does the State plan to call any
23 other witnesses or does the State rest?

24 MR. MORROW: No, Your Honor, the State would
25 rests it's case at this time.

1 THE COURT: All right. Ladies and gentlemen of
2 the jury, the State has rested its case. It is 4:45 and
3 we are going to break for the day. As I told you
4 yesterday, tomorrow is going to be a shorter day than
5 today was. We will be here nine o'clock again to start so
6 let's try to get here just like you did this morning 8:45.
7 The goal is to start at nine o'clock. As you know, we
8 started a little bit later in the courtroom, but that is
9 my intention is to try to start at nine o'clock. We will
10 go into until 11:30 tomorrow morning. We will break at
11 11:30 for the rest of the day. As I said, I have a
12 doctor's appointment in Greenville in the afternoon and
13 that is why we have to break, so I don't want you to hold
14 that break against either party. That break is solely
15 because of my situation and we will then -- I will give
16 you instructions on when to come on Thursday, but for
17 tomorrow please be here at 8:45. I can have breakfast for
18 you so that you can have a comfortable morning. Do not
19 speak to anybody about this case fellow jurors, friends,
20 family. Do not do independent research. Do not read any
21 media reports about this case. Thank you all very much
22 and have a great afternoon.

23 (WHEREUPON, the jury is excused for the day.)

24 THE COURT: All right. I'll entertain any
25 mid-trial motions.

1 MR. FALK: Your Honor, at this time we move for
2 a motion for direct verdict. We believe that the State is
3 calling an expert witness to the stand who has testified.
4 By the time she testified, the risk is significantly lower
5 from when she made her initial opinion as you will recall.
6 She gave him an additional opinion of a five which has a
7 percentage of recidivism rate of 15.2 percent. She admits
8 that the recidivism rate he's now rates as a three
9 according to that scoring index which comes up to a 7.9.
10 I don't believe that the State had put out sufficient
11 evidence to show that it -- that my client is likely to
12 commit a crime of sexual violence if not released or if --
13 if he's likely to commit a crime of sexual violence. The
14 recidivism rate right now currently is between 8.8 and 7.9
15 percent with a 95 percent competence index of seven, that
16 does not seem any stroke of the imagination to be likely
17 to reoffend, that's seven percent likelihood. I do not
18 think that the State has carried its burden on that
19 point.

20 THE COURT: Thank you.

21 Mr. Morrow.

22 MR. MORROW: Your Honor, in ruling on a motion
23 for directed verdict, the trial court is concerned with
24 the existence of evidence, not its weight. What Mr. Falk
25 is talking about is the weight of the evidence that was

1 presented. The 7.9 percent figure he quotes Dr. Gehle
2 testified is not 7.9 percent in the rest of Mr.
3 Sullivan's lifetime. It's 7.9 percent in five years. The
4 concern of the SVP Act what we're here today to talk about
5 is that he ever reoffend. Is he likely to reoffend in the
6 future and there is plenty of evidence in the record to
7 that effect. Dr. Gehle has testified to that effect and I
8 say you should deny his motion.

9 THE COURT: All right. This is a motion for
10 directed verdict. As Mr. Morrow points out, the concern
11 of the Court is the existence of evidence not the weight
12 of the evidence. There are two elements to a Sexual
13 Violent Predator Act case. One is that the respondent has
14 been convicted of a sexually violent offense and two that
15 the respondent suffers from a mental abnormality or
16 personality disorder that makes him likely to engage in
17 acts of sexual violence if not confined in a secured
18 facility for long-term control, care and treatment. We
19 had expert testimony that -- in Dr. Gehle's opinion, the
20 respondent does suffer from a mental abnormality that
21 makes him likely to engage in acts of sexual violence if
22 not confined. While the jury may disagree with that
23 opinion and while the factual inferences that can be drawn
24 from what was testified to on the stand could differ, the
25 existence of that testimony is all that it takes to

1 overrule a directed verdict motion and so the motion for
2 directed verdict is respectfully denied.

3 I do want to give you all an update on Dr.
4 Williams the subpoena request. We have heard from
5 Dr. Williams. He says he will be here at nine a.m. I
6 know we had discussed earlier he was either going to come
7 Wednesday or Thursday. He opted for Thursday. I will
8 just give you a heads up, Mr. Falk, that he did not seem
9 particularly happy about the whole situation. And he did
10 want a copy of the subpoena. If we can get the subpoena,
11 we are going to fax him the subpoena, but just so you know
12 he will be here Thursday as you prepare for your case.
13 And we will start tomorrow morning at nine a.m. And any
14 questions for me or any other motions that we need to
15 address, anything while we're still here.

16 MR. FALK: Not at this time. Although, I may
17 contact Mr. Williams on Wednesday.

18 THE COURT: Okay. You're, of course, free to
19 contact him. I just wanted to let you know that our need
20 for sending a deputy out appears not to be necessary, that
21 he says he will come.

22 MR. FALK: I hate the idea of ---

23 THE COURT: Well, if you chose to let him go
24 from the subpoena, that's up to you, but you had wanted
25 him here. He will be here Thursday and if you want to

1 call him or not call him, you just know that you can make
2 that decision.

3 MR. FALK: I appreciate y'all's effort.

4 THE COURT: Absolutely.

5 MR. MORROW: Thank you. Nothing further from
6 the State, Your Honor.

7 THE COURT: Can the attorneys approach?

8 (WHEREUPON, a bench conference was held off the
9 record.)

10 THE COURT: We'll be at ease until tomorrow.

11 (WHEREUPON, the proceedings were concluded for
12 the day to be reconvened on July 27, 2016.)

13 THE COURT: Good morning. We have a note from a
14 jury. And let me go ahead and read the note out loud for
15 the record. And we will mark that as an exhibit for the
16 Court. This is dated Tuesday, July 26, 2016, I got it
17 this morning when I arrived. It says, Your Honor, during
18 the trial this morning, I recognized two ladies in the
19 courtroom as aunts of a good friend of mine. I've seen
20 the two ladies at my friend's house while visiting and
21 have been introduced to them. When I saw the two ladies
22 and I recognize -- that I recognize as his aunts sitting
23 behind the defendant, I realize that the defendant must be
24 related to my friend. I attended Cardinal Newman High
25 School for one year and graduated in May, 2015. I never

1 heard of the defendant or any of these charges, but I'm
2 very uncomfortable sitting on the jury for this hearing
3 and I request to be excused. Thank you, Frederick Arnold
4 Trip Beacham, III. I am going to ask Mr. Beacham to come
5 into the courtroom, so I can ask him a couple questions
6 about this note. If you could bring him in please. And
7 for the record, that's juror number nine.

8 (WHEREUPON, juror number nine Mr. Beacham came
9 into the courtroom.)

10 THE COURT: Good morning.

11 JUROR: Good morning.

12 THE COURT: I received your note this morning
13 and I appreciate you letting the Court know this
14 information. This is exactly what you need to do when
15 something like this comes up. So I want to tell you right
16 off the bat thank you very much for your honesty with the
17 Court. I know it's uncomfortable coming out here and now
18 talking to a judge one on one, but I did have a couple of
19 questions.

20 One thing that I just want to note about what
21 you wrote is you answered all of the questions for voir
22 dire honestly. It sounds like you did not know that you
23 had a friend who maybe related to the defendant and you're
24 kind of making -- you're not sure about that relationship
25 now, but you assume that that's true based on what you've

1 noticed in the courtroom. You also note that you attended
2 Cardinal Newman High School. The question during voir
3 dire was during the 90's at some point. And, obviously,
4 you were much later in 2015. I also understand that you
5 feel as you say very uncomfortable sitting on the jury
6 because of all those things that you told me. And I just
7 want to talk to you about that level of discomfort. I
8 think, probably anyone who is selected for a jury in a
9 case like this does have a level of discomfort in hearing
10 the subject matter knowing it happen -- hearing all these
11 details about a case such as this. What I need to know as
12 a judge is not whether or not you feel uncomfortable on
13 the jury, but whether or not you feel like you could give
14 the respondent, Mr. Sullivan, in this case a fair and
15 impartial trial. I want you to know there's not a right
16 or wrong answer in this question. You're the only one who
17 knows inside your heart and so that's the question that I
18 need to know the answer to.

19 JUROR: Yes, ma'am. Well, to be honest, I know
20 this family personally, very good friends with one of them
21 and I don't feel comfortable.

22 THE COURT: And when you say you don't feel
23 comfortable. Do you mean you don't feel like you could be
24 a fair and impartial jury?

25 JUROR: Yes, ma'am.

1 THE COURT: Okay. I'm going to excuse you from
2 this jury. I thank you very much for your honesty. We
3 will seat one of the alternates, but you can go back and
4 gather your things.

5 Sheila, do you want him to go down to the first
6 floor?

7 THE CLERK: He can report downstairs.

8 THE COURT: Okay. Do you remember the first
9 floor of the jury assembly room?

10 JUROR: Yes, ma'am.

11 THE COURT: If you'll report down there to let
12 them know that you been excused from this trial. There
13 may be another trial for you to sit on during this week.
14 You may be excused for the week. I don't know that
15 information for you, that's what you'll find out
16 downstairs. Thank you very much.

17 (WHEREUPON, juror number nine is excused.)

18 THE COURT: Anything either of the attorneys
19 want to put on the record with regard to excusing of that
20 juror?

21 MR. FALK: No, Your Honor.

22 MR. MORROW: Nothing from the State, Your Honor.

23 THE COURT: All right, thank you. Now, if you
24 could bring in the rest of the jurors please.

25 Ms. Reed, I'm going to hand you this note, so it

1 can be marked as a Court's Exhibit.

2 (WHEREUPON, Court's Exhibit No. 2 was marked for
3 the record.)

4 (WHEREUPON, the jury came into open court.)

5 THE COURT: Ms. Giusto, you are now seated as a
6 juror on this case. You are no longer an alternate juror,
7 okay. The other matter I wanted to discuss with the
8 jurors this morning, there has been media coverage in this
9 case. Has anyone either read or been told about that
10 media coverage?

11 (WHEREUPON, there was no response from the
12 jury.)

13 THE COURT: All right. Thank you very much.
14 Well, good morning, ladies and gentlemen. I hope you
15 enjoyed your breakfast this morning. We are ready to
16 begin with the defense's case. And I will turn it over to
17 Mr. Falk so he can call his first witness.

18 MR. FALK: The defense would like to call Gary
19 Janelle to the stand.

20 THE CLERK: Do you swear or affirm that the
21 testimony that you're about to give in this case to be the
22 truth, the whole truth, and nothing but the truth so help
23 you God?

24 THE WITNESS: I do.

25 THE CLERK: Thank you. Have a seat in the

1 witness box please. State your name for the record.

2 THE WITNESS: My name is Deacon Gary Janelle
3 J-A-N-E-L-L-E.

4 WHEREUPON,

5 Gary Janelle,

6 after first having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. FALK:

9 Q Should I refer to you as Deacon or Mr. Janelle where
10 are you currently employed?

11 A I'm not employed, I'm a volunteer with the Catholic
12 church at Holy Trinity in Orangeburg.

13 Q And what is the extent of your ministry or
14 commission?

15 A I'm a full-time deacon working in the prison at
16 Allendale and the prison at Lieber every week. And on the
17 alter every day including Saturday and Sunday doing
18 homilies.

19 Q Doing homilies?

20 A Homilies.

21 Q And when you say is working there, what do y'all --
22 are there specific programs that you ---

23 A In the prison, we do Catholic Mass when he have a
24 priest communion service and Bible study. We've over the
25 last five years, six years that I been there we've brought

1 people into the church and in the Catholic Church it
2 involves RCIA and I get involved in that. I also get
3 involved with Ciros, which is a prison ministry to reach
4 out to everyone in the prison and bring them to
5 Christianity.

6 Q When you say brought people into the church, what do
7 you mean by that?

8 A They became Catholics.

9 Q Okay. And you said RCIA.

10 A Yes, that is the process for them to become
11 Catholics.

12 Q Okay. And then you said something Ciros?

13 A It's a -- on the outside, we have walk to amaos
14 (sic). Criseo is a Catholic movement. There's many other
15 fourth day movements people maybe involved with in the
16 prison, that ministry is called Ciros. It's a Christian
17 ministry to take people out of the population and bring
18 them to Christ.

19 Q Does it have a particular curriculum?

20 A Yes.

21 Q So what is the curriculum like?

22 A It's very focused. We focused on people
23 understanding that it's their actions that brought them to
24 where they are today. And then we go through a process
25 of explaining Christ in helping them understand who Christ

1 is and what Christianity involves. And then help them
2 understand forgiveness and even to the point of taking and
3 writing a list of who they need to forgive in their life.
4 And then we take those lists at the end and we burn them
5 so that they can get to the point of releasing before they
6 accept God. They have to release those things that are
7 caught up inside. It's a fantastic process.

8 Q During the course of your ministry, did you ever have
9 an opportunity to meet my client?

10 A Yes, I have.

11 Q And where was that?

12 A From the time I started in prison ministry, my wife
13 did prison ministry for 25 years. And I got started at
14 the beginning of the process of becoming a deacon, so I
15 just became a deacon in February of this year, but over
16 those five years, I came into the prison and I learned a
17 lot from the guys included Charles in the prison and it
18 was an awakening for me. You know, my thought process up
19 to that point was if you wanted to do RCIA or, you know,
20 Christian initiation, you would give someone a book. They
21 would go home and do it and then come back. And they get
22 the answers to the book in the prison, it really can't
23 work that way cause you really don't know when you're
24 going to be in again. Prison might be lock down for
25 whatever reason. So it was imperative that you had people

1 that you could depend on in the prison. Charles was one
2 of those people. We had people at the time, I think, the
3 first group was like 11 that wanted to come in. And
4 Charles -- we didn't have enough folks coming and Charles
5 took two of them, that means he had to work with two
6 people at those times that I wasn't there. They have
7 ministry twice a week. I went once at the time once a
8 month. And in watching everyone work with folks, it was
9 very difficult for me to have an honest appraisal from
10 anybody as to how these guys are doing. I could always
11 depend on Charles to give me an honest appraisal. He had
12 two. There was one that was getting it and one that
13 wasn't getting it. So I had an opportunity now to work
14 with that person and help him understand what Catholicism
15 involved. So he added a lot to the Catholic ministry at
16 Allendale. In Ciros, that was a different story. Ciros
17 is one of the first things that I went in there. I did
18 Crisceo on the outside and I went in the very next month
19 and started meeting people. Well, I did my first Ciros
20 the month after I was there. And I notice that there was
21 someone back there that was helping all of us to explain
22 Christianity and in poster boards and art and that was
23 Charles. He was right there. You know, we would go in.
24 I think, that very first time I had a talk, if I remember
25 right, it was Christian action and they give us a book and

1 it's got some ideas and whatnot. And I explain those
2 ideas to Charles and he transformed them into a
3 presentation for me. And over the next three or four
4 years as I worked Ciros twice a year, I knew I was going
5 to be a leader and I knew that these 80 and 90-year-old
6 guys that I work -- I'm old, but they're older, they make
7 me feel a lot better. I knew that they needed to get into
8 computers. And so I took it as my challenge to start
9 getting some of these pictures that Charles did because he
10 wasn't always there. He couldn't always be there. While
11 I was there, he was there because I needed someone to
12 explain that story. And I went to Charles and asked is
13 there any way that you can help because, you know, I know
14 that with the warden he was doing some things for him
15 because he didn't show up for Mass a couple of times. And
16 I said what's happening, Charles, you upset about
17 something. He said, no, I've got meetings with the warden
18 because we have to build a chapel. So I understood that
19 and what he was doing is setting things up on the computer
20 for the warden to try to get funding for this chapel
21 because where we meet is the gymnasium that's just got
22 fans. Well, long story short knowing that he had some
23 computer skills, I asked if there's anyway that he could
24 help take this book and turn it into a shell of something
25 because he had been through several Ciros' that explains

1 this process. Now, I really didn't do a good job of
2 explaining the process to you because I don't have the
3 book in front of me, but he took that book -- and I let
4 him take the book and he took the book and he turned it
5 into a group of presentations that we used before I
6 was a leader and then when I was a leader and it really
7 helped. I mean, his actions help to explain Christ to
8 these guys enough so that many made the conversion. And
9 when I say made the conversion in prison, you have a mix
10 up of everybody. I mean, the State can't limit anything.
11 So you have Rastafarians and Wiccans and devil worshipers.
12 And, you know, it is a very difficult place to go into.
13 And telling that story, that Christian story, the story of
14 God is just so important. And Charles was able to
15 succinctly do that so that we made a difference in what we
16 as volunteers were doing in the prison. And he really --
17 you know, it goes beyond that because if I were honest and
18 I did good job, I would want to keep doing that, right,
19 seems I would want to keep doing that. Well, as soon as
20 these things get on the computer, then we don't need an
21 artist. I know many of the other artists we have now say,
22 well, you guys really don't need artists. And we're
23 trying to explain that we need some good art, some
24 cartoons or something that explains something rather than
25 a whole presentation on chalkboards. And they're starting

1 to get it, but back two or three or four years ago Charles
2 got that. He wanted to put himself out of a job because
3 the message was more important than having the job. So in
4 the work that I do in the prison, he participated in every
5 aspect of it.

6 Q Did he appear prideful?

7 A Excuse me.

8 Q Did he appear prideful?

9 A Not at all, not at all. I can remember a couple of
10 Ciros which would be about a year ago. We had one of our
11 guys, one of the volunteers brought his own computer in
12 and, you know, we're all different types that go into the
13 prison. And we need someone other than us because they're
14 working with the inmates, we need someone to work the
15 keyboard and, you know, it's power point that we're using
16 and bring up the right slots. So, you know, I went back
17 and I probably shouldn't have because I wasn't the leader.
18 I went back and asked Charles to come up and help. And,
19 you know, this man said, I don't want him touching my
20 computer because he was inmate -- not because he was
21 Charles. And, I mean, I had a problem with that, but
22 Charles didn't. I mean, he just said that's fine. I
23 mean, I'll do -- so he moved over to another job that
24 somebody else was doing and let that person come and do it
25 and just, you know, so total opposite of what would be

1 pride.

2 Q So his involvement in preparing some of these
3 presentations and making the diagrams and the cartoons and
4 the illustrations, you feel like he was usurping your
5 authority or your mission?

6 A No, he was doing exactly what we needed at our
7 request.

8 Q And, again, over what course of time did you get an
9 opportunity to know Charles?

10 A Over the last six years.

11 Q And so on a yearly basis how many interactions would
12 you have is maybe once a month, a couple of times a month?

13 A At least a couple of times a month. Most recently,
14 it would be every week.

15 Q Okay.

16 A But see I was in the process of becoming a deacon, so
17 as I became a deacon, I volunteered further.

18 Q And each time that you were with him is that for five
19 minutes, is it for an hour or is it...

20 A Several hours at a time. Ciros -- every Ciros was --
21 Ciros is 70 hours. So we're actually in the prison
22 working with them for 70 hours and its, you know, I'll be
23 honest with you, it's a scary thing to do because you're
24 taking people from all different places. I remember one
25 man had devil written across his forehead and he had the

1 picture of a devil on his head. And we ask them when we
2 start Ciros, you know, what do you expect to get out of
3 this and his answer was the food. I really came for the
4 food, which is fine. I mean, we just want them to hear
5 the story. And then after the 40 hours which we're
6 together with them and with the volunteers like Charles
7 and others, you know, he made a complete conversion. A
8 complete conversion to the point that he stood up at the
9 end and said I came in here not understanding what love
10 was, thinking love was sex. And he said you men showed me
11 what love really was. And then you told me don't pay
12 attention to us because we're in here as the hands and
13 feet of God and that is who love is. And he said if
14 that's so, then count me in. He said I got to know more.
15 So there's one story out of hundreds and it's because of
16 the support we got from guys like Charles. So that story
17 is so important, how it's told is not -- I mean, I can't
18 do it myself. It's all of us.

19 Q I guess, I raised the point where say some people are
20 in there for the food. I guess, I would assume being in
21 prison day-to-day some people like go to classes just for
22 change of pace?

23 A Yes.

24 Q So you have active participants and passive
25 participants?

1 A Yes.

2 Q And how would you characterize Charles'
3 participation?

4 A Very active.

5 MR. FALK: I have no further questions. Please
6 answer any that Mr. Morrow would have.

7 CROSS-EXAMINATION

8 BY MR. MORROW:

9 Q Mr. Janelle, you were aware that Mr. Sullivan has
10 admitted to molesting 40 boys between 1978 and 1998,
11 correct?

12 A Yes.

13 Q You are aware that in 1988 while serving as director
14 or I'm sorry -- superintendent of Carolina Children's Home
15 he was accused and investigated for molesting one of the
16 residence there?

17 A I wasn't aware of that part.

18 Q Okay. Were you aware that he later pled guilty to
19 that offense molesting one of the children from 1988?

20 MR. FALK: Your Honor, could I object to the
21 relevancy here the topic that I just brought up.

22 THE COURT: All right. Your objection is
23 overruled.

24 Go ahead, Mr. Morrow.

25

1 BY MR. MORROW:

2 Q Were you aware of that?

3 A You know, I'm here talking about the last five years,
4 six years so...

5 Q You're here to testify about his character. Wouldn't
6 it be good to know all about Mr. Sullivan, not just the
7 last five years?

8 A I'm not here to testify about the character, just
9 what I experienced when I was involved with Charles.

10 Q Okay.

11 A But what goes back six years -- let me just say this,
12 okay, to answer your question. I'm a Christian. I
13 believe everybody has the opportunity to do better and to
14 come to Christ.

15 Q Were you aware that while he was committing his
16 crimes, he claimed that he was a devote Christian in order
17 to become involved with these children?

18 A Let me answer this way. I'm in prison ministry, so I
19 see lots of guys that have prison religion. I see lots of
20 guys that claim to be Christians. I see a lot of that.
21 So I definitely see a lot that and it doesn't surprise me
22 that someone would claim that even Charles, so all I can
23 attest to is the last five or six years.

24 Q Okay. Well, are you aware that Mr. Sullivan can
25 successfully convince parents of his victims that he was a

1 devote Christian and was allowed to mentor their children,
2 would that surprise you?

3 A Actually with human beings nothing surprises me.

4 Q You aware that -- mention he has some computer
5 skills, are you aware that Mr. Sullivan is convicted of
6 viewing child pornography on the computer?

7 A Nothing surprises me.

8 MR. MORROW: Thank you. No further questions
9 for this witness.

10 THE COURT: Any redirect?

11 MR. FALK: No redirect.

12 THE COURT: All right. Thank you, sir. You may
13 step down.

14 (WHEREUPON, the witness leaves the witness
15 stand.)

16 MR. FALK: May I look for my next witness?

17 THE COURT: You may.

18 (WHEREUPON, a pause in the proceedings.)

19 MR. FALK: Your Honor, may I have a five minute
20 break?

21 THE COURT: Yes.

22 We are going to take a five minute break.
23 Please do not discuss this case in the jury room. I will
24 get you back out in the courtroom as soon as possible.

25 (WHEREUPON, the jury retired to the jury room.)

1 THE COURT: We'll be at ease for about five
2 minutes.

3 (WHEREUPON, a break was taken.)

4 THE COURT: You can go ahead and bring in the
5 jury in.

6 (WHEREUPON, the jury came into open court.)

7 THE COURT: Mr. Falk, you may call your next
8 witness.

9 MR. FALK: At this time I would call Mary J.
10 Barrie to the stand.

11 THE CLERK: Do you swear or affirm that the
12 testimony that you're about to give in this case to be the
13 truth, the whole truth, and nothing but the truth so help
14 you God?

15 THE WITNESS: Yes, I do.

16 THE CLERK: Thank you. Have a seat on the
17 witness stand please. State your name for the record.

18 THE WITNESS: Mary Jane Barrie B-A-R-R-I-E.
19 WHEREUPON,

20 Mary Jane Barrie,
21 after first having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. FALK:

24 Q Ms. Barrie, can you tell us how you're related to Mr.
25 Sullivan?

1 A I'm the older sister.

2 Q Okay. And then how many brothers and sisters do you
3 have?

4 A There were nine of us all together, several have
5 passed away already.

6 Q Okay. So if we just want an idea of how many family
7 members Charles has who's out there?

8 A There's four sisters and a brother. And a mother.

9 Q And where do you live?

10 A I live in West Columbia.

11 Q Okay. And are others -- where do the rest of them in
12 the state?

13 A Most them are in the state. One sister is in
14 Virginia.

15 Q You have heard some -- a rehash of everything that
16 led to his convictions shun back in 1998. You been
17 through this trial the whole time?

18 A Yes.

19 Q How is the family reacting to this?

20 A Now or...

21 Q Now.

22 A Now, we believe that he's served his time. He's
23 maxed out what they gave him and we believe he needs to be
24 released and trust that he won't do it again.

25 Q You said -- when you said now sound like this has

1 been change in...

2 A Well, of course, we were all mortified, you know, at
3 the charges that we heard and know absolutely that they
4 were horrible things to have done, but I believe that we
5 visit him over the years and talk to him. And I believe
6 he really does have remorse and that he's wanting to make
7 amends and move on with his life.

8 Q So you maintain contact with him?

9 A Yes.

10 Q Over what period of time?

11 A Most the whole time he was incarcerated at least once
12 a month. There might have been a few times we couldn't go
13 and then lately because he's been in the detention center
14 where we can't really see him in person, so I haven't seen
15 him in person until this trial for the last year.

16 Q When you're saying we, who all ---

17 A The rest of the family members. We would including
18 my mother until she got too infirm to go, we would all try
19 to go and visit him.

20 Q Okay. What's going to be the reaction when he's
21 released?

22 A Joy. My mother said it would make her heart sing.

23 Q Will you celebrate holidays with him?

24 A Absolutely. He's welcome in my home. He could live
25 with me if he needs to.

1 Q Well, that brings us to a point. So you have room in
2 your house?

3 A Yes, I do.

4 Q And so he would have a place to live?

5 A Yes.

6 Q Here in West Columbia?

7 A Yes.

8 Q Okay. Do you know Crissy Til...

9 A Yes, Chris Tilbury.

10 Q Can you spell the last name?

11 A T-I-L-B-U-R-Y.

12 Q Tilbury?

13 A Yes.

14 Q And could you tell me who she is?

15 A She is my brother's fiancé and a good friend of mine.

16 Q So are you in some type of contact with her?

17 A Yes, on the phone or e-mails or she's come to my
18 house and stayed with me a couple of times.

19 Q Do you know where she is right now?

20 A She is in Dubai.

21 Q In Dubai?

22 A Dubai in the United Emirates.

23 Q Okay. Do you know what she's doing there?

24 A She runs a beauty salon of types like a spa, day spa
25 type thing.

1 Q Do you know why she's not here today?

2 A She has visa issues, it's a work visa that she's got
3 to honor.

4 Q So you said that she's come here to visit?

5 A Yes.

6 Q Did you ever visit her? Did you ever go to England?

7 A Yes, I did.

8 Q And when was that?

9 A That was in 1992, the summer.

10 Q The summer of 1992?

11 A Yes.

12 Q Okay. And where were y'all?

13 A We were at Charles' house in Stokenchurch, England.

14 Q And over what period of time were you there?

15 A It was about two weeks.

16 Q And what kind of interaction did you have with Crissy
17 at that time?

18 A She spent a good bit of the time with us. She
19 actually took sometime off from work and showed me around
20 England. And we went out to dinner together. And did
21 things together with my brother. And she stayed a couple
22 nights over there. She cut my hair, so we did a lot of
23 things together.

24 Q Did you believe that they were together?

25 A Yes, they were.

1 Q And do you have any kind feeling for over what period
2 of time they were together?

3 A No, my understanding is when he first got there, they
4 were in the same office together and met that way. And
5 after they started dating before he bought his home in
6 Stokenchurch, he was with her in High Wycombe...

7 Q Were they maintaining separate residences, did you
8 think?

9 A At that time they weren't, but when he bought his
10 house, he had his home and it was, I believe, after that
11 she rented her house and stayed him.

12 Q I see. I see. And do you know when Charles came
13 back to the United States?

14 A I really don't. I didn't live in South Carolina at
15 the time.

16 Q Okay. Where were you living then?

17 A Florida.

18 Q I mean, just approximately was it after your visit,
19 was it the next month, next day, a year?

20 A I think, it was within that year. I really don't
21 know when.

22 Q Okay. When is the last time you had any
23 communication with her with Ms. Tilbury?

24 A This past week. We e-mail constantly. She's wanting
25 to know what's going on and she's wishing she were here,

1 so just wanting to know what's happening.

2 Q And so when a period of time when he was
3 incarcerated, were you maintaining contact with her?

4 A Oh, yeah, she came down and stayed with me for two
5 weeks while he was in Allendale. And she went to see him
6 every day and even got special permission to go on
7 non-visit days because she had traveled so far to visit
8 him.

9 Q And she's not remarried or anything?

10 A No. She's wearing his engagement ring. She's
11 committed to him.

12 MR. FALK: I have no further questions. Please
13 answer any questions Mr. Morrow may have.

14 MR. MORROW: Your Honor, the State has no
15 questions for this witness.

16 THE COURT: Thank you, ma'am. You may step
17 down.

18 (WHEREUPON, the witness leaves the witness
19 stand.)

20 MR. FALK: At this time we would call Eileen
21 Sullivan to the stand.

22 THE CLERK: Do you swear or affirm that the
23 testimony that you're about to give in this case to be the
24 truth, the whole truth, and nothing but the truth so help
25 you God?

1 THE WITNESS: Yes.

2 THE CLERK: Have a seat on the witness stand
3 please. State your name for the record.

4 THE WITNESS: Eileen Sullivan. Eileen.

5 THE COURT: Mr. Falk.

6 WHEREUPON,

7 Eileen Sullivan,
8 after first having been duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. FALK:

11 Q Ms. Sullivan, you have the last name of my client.
12 Are you all related?

13 A I'm his younger sister.

14 Q And how much contact have you had with him over the
15 years?

16 A Constant. Between my family members, as my sister
17 said, we've all taken turns going to see him, so that he
18 had visits every time he was able to.

19 Q Are you concerned about -- and where do you live?

20 A I live in Columbia.

21 Q Okay. How will it affect the family if he is
22 released.

23 A My mother is going to be 93 next month and it would
24 mean the world to her as my sister said she told us it
25 would bring joy to her heart. I feel like she's holding

1 on. She has a form of dementia and she's losing her
2 eyesight and her hearing. So she is very worried and, you
3 know, concerned about him and the rest of family, I mean,
4 of course, he's welcome in all of our homes.

5 Q Are you married?

6 A No.

7 Q So if he gets into -- he'd have an opportunity to
8 stay at your house as well?

9 A Yes.

10 Q And you live here in Columbia?

11 A Yes.

12 Q Did you have an opportunity to meet Crissy Tilbury?

13 A Yes, two summers 1989 and 1990, I attended graduate
14 school in Ireland. And at the end of my summer studies, I
15 spent a week each year in England in High Wycombe.

16 Q And is it your impression that they were together?

17 A Oh, absolutely. And, again, she took time, you know,
18 to show me around when he was working. And then we would
19 meet up for lunch or, you know, go to dinner, that kind of
20 thing, you know, just shopping that kind of thing.

21 Q Would you describe that as a committed relationship?

22 A Yes.

23 Q Have you been in touch with her recently?

24 A Yes.

25 Q How often do you all communicate?

1 A Very regularly. I think, I heard from her yesterday,
2 haven't checked messages today.

3 Q So was it your understanding that they were living
4 together when they were England?

5 A Yes, I certainly didn't ask, but I assume she would
6 stay over. It was really none of my business.

7 Q And you have any other information why she's not here
8 other than what ---

9 A She is tied up in a work contract and, you know, been
10 working for last several years trying to get over here.

11 Q Would you expect that she's going to be able to come
12 back over here?

13 A Yes, when her contract and visa's worked out.

14 MR. FALK: I have no further questions. Please
15 answer any Mr. Morrow may have.

16 MR. MORROW: The State has no questions for this
17 witness.

18 THE COURT: All right. Ma'am, you may step
19 down.

20 (WHEREUPON, the witness leaves the witness
21 stand.)

22 MR. FALK: Your Honor, may I approach?

23 THE COURT: You may.

24 (WHEREUPON, a bench conference was held in the
25 presence of the jury, but out of the hearing of the

1 jury.)

2 THE COURT: Our next witness is looking for a
3 parking spot right now, so we are going to take a break.
4 And we'll get you back in the courtroom as soon as he is
5 ready to roll. Again, I remind you that you are not to
6 discuss this case while you're back in the jury room.
7 Thank you.

8 (WHEREUPON, the jury retire to the jury room.)

9 THE COURT: While we are waiting on this
10 witness, let's go ahead and talk about the jury
11 instruction. I had received a proposed jury instruction
12 from the State prior to trial and I didn't know, Mr. Falk,
13 if you had any proposed instructions or any objections to
14 the propose jury charge that the State has given.

15 MR. FALK: No objections.

16 THE COURT: I can read it as is.

17 MR. FALK: I've seen it before.

18 THE COURT: Okay, very good. Thank you all.

19 MR. FALK: Thank you.

20 THE COURT: Just let the bailiff know or the
21 clerk know when the witness is ready and I'll come back
22 out. We'll be at ease until then.

23 (WHEREUPON, a break was taken.)

24 THE COURT: Go ahead and bring in the jury.
25

1 (WHEREUPON, the jury came into open court.)

2 THE COURT: Mr. Falk, you may call your next
3 witness.

4 MR. FALK: Your Honor, at this time we will call
5 Cary Sanders to the stand.

6 THE CLERK: Do you swear or affirm that the
7 testimony that you're about to give in this case to be the
8 truth, the whole truth, and nothing but the truth so help
9 you God?

10 THE WITNESS: Yes, ma'am.

11 THE CLERK: Thank you. Have a seat in the
12 witness box please.

13 THE COURT: Can you please state your name for
14 the record.

15 THE WITNESS: Cary Sanders.

16 THE COURT: Does he need to spell that for you,
17 Ms. Reed.

18 THE WITNESS: C-A-R-Y.

19 WHEREUPON,

20 Cary Sanders,

21 after first having been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. FALK:

24 Q Mr. Sanders, where are you currently employed?

25 A With Jump Start Ministries in Spartanburg and at

1 Bethany Baptist Church also in Spartanburg.

2 Q What is Jump Start Ministries?

3 A We are a faith based prison rehabilitation program
4 focused on break the back of recidivism in South Carolina.
5 We have 15 programs in different institutions across the
6 state. It's a year-long program where we help men and
7 women work through the issues that led to their
8 incarceration to help them, you know, face -- face what
9 they did and face what led them to do what they did and
10 recover from it, redemption. And then on the outside we
11 have 16 transitional homes where we accept men who have
12 only completed the inside portion of the program. So
13 these are men that have demonstrated by their actions over
14 a period of time that they want to be successful. Because
15 in the year-long program on the inside, they have a chance
16 to prove themselves. We often say crazy can't hide for a
17 year in that type of environment. So if they complete
18 that program, they're eligible for our outside program.
19 Our outside program we have 16 homes in Spartanburg. And
20 the men stay there for up to a year. And they're
21 monitored closely by staff, by mentors in the community.
22 We have a lot of relationships with area churches and
23 pastors and so the men are mentored weekly. We find them
24 employment and help them with a budget and get them back
25 on track.

1 Q You had said that there's -- so there's two halves of
2 the ministry. There's a sort of helping people transition
3 back into society, that's the 16 homes in the Spartanburg
4 Greenville area, right?

5 A Yes, sir.

6 Q And then you have you said an inside program?

7 A Yes, sir.

8 Q And are you a graduate of the inside program?

9 A Yes, sir, I am.

10 Q So let's get that out of the way. So what were you
11 convicted of?

12 A I shot someone -- I shot a drug dealer during an arm
13 robbery when I was 17.

14 Q Okay. So did you get -- what was your sentence?

15 A Ten years.

16 Q And where did you serve it?

17 A In the South Carolina Department of Corrections.

18 Q All over? Did you go to Allendale?

19 A Yes, sir, I was at Allendale for about nine months.

20 Q Okay. Were you ever part of the character dorm down
21 there?

22 A No, sir.

23 Q So not everybody at Allendale gets into that?

24 A I was at Allendale before that was started.

25 Q I see. I see. So how long have you been out?

1 A Almost three years.

2 Q Okay. And you said you have a ministry at Bethal?

3 A At Bethany Baptist Church.

4 Q Okay. What is the extent of your ministry there?

5 A I'm the youth director. I work with all the
6 neighborhood kids and things of that nature, trying to
7 help them avoid the mistakes I made.

8 Q Beg your pardon.

9 A I said I attempt to help them avoid the mistakes I
10 made.

11 Q I see. But that sort of bring us to a point. Do you
12 know Mr. Sullivan's charges, do you not?

13 A Yes, sir.

14 Q And do you know that those involve children, right?

15 A Yes, sir.

16 Q Okay. Let me back up for a minute. Jump Start has
17 he been admitted to the program? Do you know if Mr.
18 Sullivan has graduated from the in-custody program?

19 A He has.

20 Q Okay. And so that means he went through the
21 year-long program?

22 A Yes, sir.

23 Q Okay. Do people ever not graduate from the program?

24 A Absolutely.

25 Q Okay.

1 A Each year about a thousand people sign up for the
2 inside program across the state in 15 different
3 institutions and only about 300 of those thousand graduate
4 successfully. We have an assessment process. And, you
5 know, if it's just jailhouse religion, they don't make it.
6 We call them out.

7 Q All right. So the houses -- and Jump Start will
8 accept somebody who has sexually violent crimes?

9 A Yes, sir.

10 Q Okay. Are there others in the program that you are
11 aware of who have you sexual offenses?

12 A Yes, sir, in preparation for this, I was looking over
13 our data. Since 2008 when the ministry began, we've had
14 63 inmates come just to the outside program who were a sex
15 offender. And only one of them has ever committed another
16 crime and it was not a sex offense.

17 Q So where will they work -- does this program include
18 working?

19 A Yes, sir. We have employment director name Don
20 Williams. He works with different employment places
21 across the Spartanburg area. Right now we have employment
22 opportunities with 17 different companies who employ our
23 guys.

24 Q What kind of companies are those?

25 A Some of them work at Amazon. A big supporter of the

1 ministry is Custom Forest Products. He has about 20 of
2 our guys working there. They produce all types of
3 products from wood. And then just normally we try to take
4 a skill set a person has, you know, prior to their
5 incarceration and find them employment opportunity in that
6 area. We have, sad to say, prior drug dealers who are
7 great at marketing, who are great at packaging and
8 selling, so get them a job in a different atmosphere and
9 they do well.

10 Q Are you aware that Mr. Sullivan will have some
11 restrictions on where he could be?

12 A Absolutely.

13 Q And obviously ---

14 A That is very common with our ministry. We have 53
15 men and one female in the program at this time. And I
16 would say probably 35 of them have a sex crime because
17 most of them have, you know -- their options are limited.
18 So they come to Jump Start and we know the boundaries. We
19 have a very good working relationship with the Department
20 of Probation Pardon and Parole. They come to our
21 headquarters once a month and sit down and assess the guys
22 and make sure they're on the right track.

23 Q Because he's certainly not going to be able to work
24 with you with your ministry at Bethel?

25 A No, that is completely separate.

1 Q Yes. I just meant the fact that they would be around
2 children?

3 A No, sir. Like at the Jump Start homes, we don't even
4 allow children to visit. Once they get off their
5 paperwork and complete the outside program and are
6 finished with the of Department Probation and Parole, you
7 know, then they're allowed, you know, whatever the
8 stipulations are.

9 Q Okay. So what is -- where will they live? What will
10 house look like?

11 A We have houses of various sizes. - They also start at
12 the same house. It's a 15 bedroom facility given to us by
13 the Presbyterian Church in Spartanburg and all of the guys
14 start there, that gives us a great opportunity to monitor
15 these guys, to make sure they're on the right track, so
16 our staff and the pastors of the church, you know, they
17 have daily interaction with these men. And that's when we
18 work on getting them a driver's license and many of them
19 have lost their social security card. So there's a
20 process to get them back to being a productive citizen.

21 Q What kind of accountability do they have to Jump
22 Start? What happens if someone shows up drunk?

23 A Well, the first thing we're going to do is give them
24 a drug test, so that we know that's what it is. They're
25 going to receive counsel. It depends on the level of

1 infraction. Usually, if it's alcohol or drugs, we have a
2 placement program in Greenwood that works closely with us
3 and we'll get them in an in-house treatment for that
4 issue. We work closely with their parole officers. If
5 they've done something that's out of line, we report it
6 immediately and they know that up front.

7 Q Do you have any people at Jump Start who are not on
8 parole?

9 A Yes, sir, but few because most when they complete
10 their sentence, they at least have community supervision
11 for a period of time.

12 Q Okay. Are you aware Mr. Sullivan doesn't have
13 community supervision?

14 A Yes, sir.

15 Q So what kind of accountability if he got out of line?
16 He doesn't have a parole officer to call.

17 A Well, he is a sex offender, correct?

18 Q Yes, sir.

19 A I think that there would be certain stipulations that
20 he would still fall under. Weekly, he would be required
21 to go to Dr. Paul Gunter's class. He was appointed to us
22 by the Department of Probation and Parole. He comes out
23 weekly on Monday's and everyone with a sex crime he does
24 group therapy. And then he also assess their need for
25 individual therapy if the need is there. So he works very

1 closely with us monitoring the guys and, you know, he's a
2 professional in that area.

3 Q What happens to people who don't show up for work?

4 A With Jump Start?

5 Q Yes.

6 A We do everything we can to help those who choose to
7 be successful. We have a five percent recidivism rate for
8 those who complete the program, so we don't deal with a
9 lot of that. But there's been on several occasions we've
10 taken people to, you know, a homeless shelter and told
11 them said, you know, this what you've chosen for yourself
12 by your actions. We want better for you, but if you're
13 not going to cooperate, you're not going to mess it up for
14 everyone else.

15 Q Is there also a spiritual component to Jump Start
16 obviously?

17 A Yes, sir, on Friday's, we have a weekly gathering of
18 all the men. And we usually have, you know, a rotation of
19 pastors and laymen who come in and lead a worship service
20 with a life group component to it to where they, you know,
21 they all gather and talk about the things they're going
22 through and the adjustment process. And we monitor
23 closely their budget because usually you can identify what
24 someone's doing by what they're doing with their money.
25 So if we keep them on track in that area, that usually

1 sets them up for long-term success.

2 Q So you have -- so you're actually are knowing what
3 he's spending his money on?

4 A Yes, sir.

5 Q Okay. So you said there's a life group component.
6 Are there any other kind of meetings are -- what other
7 kind of non-work program? What other kind of programs are
8 there on a daily basis or on a weekly basis?

9 A Yes, sir. Well, we have the outside program director
10 who oversees most of that. He normally has a weekly
11 meeting with each of the guys him or his assistant, so
12 we've got a, you know, a former review process where we
13 pull the guys and say, hey, you know, how are you doing
14 with your finances, how are you doing with family
15 relationships, you know, how are you doing with your
16 relationship with the Lord, how is it going at work, you
17 know, just kind of keep a read on the guys. There's the
18 class on Monday night and many of our guys are heavily
19 involved in other things in the community trying to give
20 back.

21 Q What other types of things would they be involved in?

22 A A lot with the local churches doing different things.
23 We have some that sing on the choir, some that if they're
24 not a sex offender working with the youth, you know,
25 trying to engage them things of that nature.

1 Q So how structured is somebody's day at Jump Start is
2 there a lot of free time?

3 A The first zero days, no. It usually takes about a
4 week to get a person a job. We have, you know, great
5 relationships with our employers. And most of the guys
6 are great employees because they're hungry for a second
7 chance, so they go in wanting to prove themselves and they
8 give their best. And a lot of the employers recognize
9 that and they want hire the men and women in Jump Start.
10 So it only takes about a week to get them a job. And then
11 they work all day and come in tired and, you know, most of
12 them have a six p.m. curfew, so they're at the house and
13 they read and play board games. And, you know, just
14 slowly transition back to a normal lifestyle over a period
15 of a year. After the 90 days, if they've done really
16 well, we have a phase-two housing where they stay their
17 last nine months and that is usually a home of three or
18 four bedrooms and you have three or four men living in it.
19 And they're not as closely monitored during that time, but
20 they still must attend the weekly meetings.

21 Q So when they move to that home is there a curfew?

22 A Yes, sir, it's 11 p.m., unless their parole states
23 otherwise on community supervision.

24 Q You said that you graduated then also from the
25 in-custody program?

1 A Yes, sir.

2 Q All right. Why don't you go through a little bit of
3 what you -- what that class was like?

4 A Okay. We have a -- it's a 42-week program. It last
5 a year because the nature of an institution that some
6 weeks you can't have classes and things like that, but
7 it's 42 weeks. It's based on Rick Warren's Purpose Driven
8 Life.

9 Q I'm sorry.

10 A It's based on the book by Rick Warren the Purpose
11 Driven Life.

12 Q Okay. Thank you.

13 A So they have a copy of that book. We also have a
14 manual that is one chapter per week on the book, so they
15 have to go in and do journaling. And that provides us --
16 you know, if we've got a person in the program who saying
17 everything is perfect in my life, well, I look right at
18 them and tell them you're liar. You know, you wouldn't be
19 in prison if it was. Something's wrong and you need to
20 face it and deal with it. So each five weeks in the class
21 they're assessed to see how they're doing by their peers,
22 by their chaplains, by other staff members to determine
23 if, you know, they're learning and progressing in the
24 program. And at the end of the year we have an assessment
25 that can -- it's based on colors. Blue means that they

1 completed with excellence, that they did about the best
2 they could do. Green is they did well, they completed
3 successfully. Yellow means they need to take it again.
4 And red means they didn't even try.

5 Q Okay. What are some of the topics of the classes?

6 A One of the beginning ones that really grabs the guys
7 attention is what drives your life. What propels you to
8 do the things that you do. And we've seen a lot of guys
9 really they begin to recognize some of the things that led
10 to their incarceration whether it was peer pressure,
11 whether it was greed or pride, you know, things of that
12 nature, what lead them to make the decisions that they
13 made. And once they recognized that, they can begin to
14 see what needs to take place for recovery to happen.

15 Q Do you all talk about victim impact, victim empathy?

16 A Yes, sir, that's one of the things that we pride
17 ourselves at Jump Start on. We don't just help
18 ex-offenders get out and stay out. We're also reducing
19 crime in the number of victims in our state by making sure
20 these -- doing the best we can to make sure these guys
21 don't re-offend.

22 Q So what drives -- what are some of the other modules
23 in the custody program?

24 A One of the chapters would be shape to serve. I found
25 even my working with the youth and these guys that many

1 people don't understand the big picture of life. It just
2 go day to day trying to make ends meet or doing whatever
3 they can to make themselves happy. Once these guys see
4 that, you know, they have a creator and that God created
5 them for a purpose, that they can live in that, it really
6 changes their mind set. I think even any statistics would
7 show the impact or programs happen even within the
8 department of corrections by helping these ex-offenders
9 live their life for the purpose of Christ because it
10 changes how they interacted in their relationships,
11 changes how they interact at work. It changes everything
12 about them. It's not a miracle pill. They have to put in
13 work.

14 Q What modules did you get the most benefit from do you
15 think when you were taking it?

16 A I would say for me what drives your life -- because
17 as a young teenager the need for others approval is what
18 drove my life, so I wanted people to think I was tough and
19 think I was bad. And that's the label I wore, so that's
20 who I tried to be. But when I realize that, I said, you
21 know, none of these other people the have right to define
22 me. And I don't have the right to live my life that way,
23 hurting other people and taking advantage of others. You
24 know, I can have a greater impact in life then that.

25 Q And how long have you been out of custody?

1 A Almost three years since 2013.

2 Q Are you still on probation?

3 A No, sir.

4 Q When did you get off probation?

5 A In November of 2015.

6 MR. FALK: One moment please.

7 (WHEREUPON, a pause in the proceedings.)

8 MR. FALK: Your Honor, we have no further
9 questions. Please answer any questions Mr. Morrow may
10 have.

11 THE COURT: Mr. Morrow.

12 MR. MORROW: Thank you, Your Honor. If it
13 please the Court.

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. MORROW:

17 Q Mr. Sanders, in addition to your job at Jump Start,
18 you mention earlier that you are a youth pastor; is that
19 correct?

20 A Yes, sir.

21 Q What age group of boys do you work with?

22 A What age group of boys.

23 Q Uh-huh.

24 A From 7th to 12th grade.

25 Q Okay. You aware that Mr. Sullivan admitted to

1 molesting 40 boys between 1978 and 1998?

2 A No, sir, I'm not.

3 Q Okay. Were you aware that in 1988 while serving as
4 a superintendent of the Carolina Children's Home he was
5 accused and investigated for molesting one of the
6 residence there?

7 A No, sir.

8 Q Were you aware that he later pled guilty to molesting
9 one of the residence at the Carolina Children's Home?

10 A No, sir.

11 Q Okay. Were you aware that he was investigated and
12 arrested while living in London, England for molesting a
13 boy he mentored through the social services department?

14 A No, sir..

15 Q Were you aware that in 1993 he molested John Doe 19
16 in Beaufort County after convincing the boy's parents he
17 was going to mentor the boy and he was going to take him
18 on a shrimping trip?

19 A No, sir.

20 Q Were you ware ---

21 MR. FALK: Your Honor, I object on relevance. I
22 haven't asked any character questions. This is -- I asked
23 him -- he's speaking about where he's going to go next.
24 And all these questions are just an opportunity to rehash
25 the facts from chapter one.

1 THE COURT: Mr. Morrow, that objection is
2 sustained. I ask you to move on.

3 BY MR. MORROW:

4 Q You said that crazy couldn't hide for a year; is that
5 correct? Is that what your statement was?

6 A Yes, sir.

7 Q Yet, Mr. Sullivan offended for over 20 years before
8 being caught?

9 A Yes, sir.

10 MR. MORROW: Thank you. No further question for
11 this witness.

12 THE COURT: Any redirect?

13 REDIRECT EXAMINATION

14 BY MR. FALK:

15 Q You were aware that he was a convicted sex offender?

16 A Yes, sir.

17 MR. FALK: No further questions.

18 THE COURT: Sir, you may step down.

19 (WHEREUPON, the witness leaves the witness
20 stand.)

21 THE COURT: All right. Ladies and gentlemen of
22 the jury, I wanted to discuss with the attorneys the
23 schedule. As I had told you yesterday, I need to recess
24 court at 11:30 today. I don't want you to hear piecemeal
25 witnesses. We do have more witnesses to be heard

1 tomorrow, but based on the length of those witnesses, I am
2 going to recess now for the day. Again, I apologize that
3 we don't have a full day of court today. And to the
4 extent that anyone is to blame for that, that is on my
5 shoulders. Please don't hold that against either of the
6 parties. As I told you yesterday, you are to avoid any
7 media coverage of this case. Don't personally look for
8 media coverage. If somebody tries to talk to you about
9 the case, do not speak about the case, that includes
10 fellow jurors, friends, family, no independent research,
11 no nothing. You are to decide this case based on the
12 evidence you hear in this courtroom from that witness
13 stand. Thank you all for your attention this morning. We
14 are going to start tomorrow just as we did the previous
15 mornings where our goal is to start in the courtroom at 9
16 a.m., so I like you to be here Thursday morning at 8:45.
17 Thank you all very much and I'll see you tomorrow.

18 (WHEREUPON, the jury is excused for the day.)

19 THE COURT: All right. And I didn't want to
20 write any checks I couldn't cash with the jurors, but our
21 intent is to do closing arguments tomorrow and hopefully
22 send this case to the jury tomorrow. Obviously, that
23 depends on exactly how long the witnesses are tomorrow,
24 but that is where we are. I got the jury instruction
25 ready to do. Anything else for good of the order before

1 we recess for the day knowing that tomorrow maybe our last
2 day of court?

3 MR. FALK: No response, Your Honor.

4 MR. MORROW: Nothing from the State.

5 THE COURT: All right. Well, I will see you all
6 tomorrow morning. We will try to start promptly at 9 a.m.
7 Thank you.

8 (WHEREUPON, the proceedings were concluded for
9 the day to be reconvened on July 28, 2016.)

10 THE COURT: All right. Anything before we bring
11 in the jury?

12 MR. FALK: Other than again there was another
13 news article.

14 THE COURT: Okay. I'll mention it like I did
15 yesterday.

16 MR. MORROW: Nothing from the State, Your Honor.

17 THE COURT: All right. Thank you. If we can
18 bring in the jurors please.

19 (WHEREUPON, the jury came into open court.)

20 THE COURT: All right. Good morning, ladies and
21 gentlemen. Just as I asked you yesterday, I want to ask
22 again if anybody has been exposed to any media either
23 story, newspaper reports where you read or someone has
24 told you about the media reports in this case?

25 (WHEREUPON, no response from the jury.)

1 THE COURT: All right, very good. Well, without
2 further ado, we will continue with this case. Mr. Falk,
3 you may call your next witness.

4 MR. FALK: We would like to call Dr. Charlotte
5 Taylor to the stand.

6 THE CLERK: Thank you. Do you swear or affirm
7 that the testimony that you're about to give in this case
8 to be the truth, the whole truth, and nothing but the
9 truth so help you God?

10 THE WITNESS: I do so help me God.

11 THE CLERK: Have a seat in the witness box
12 please. State your name for the record.

13 THE WITNESS: Dr. Charlotte Monroe Taylor.

14 THE CLERK: Can you spell your first name?

15 THE WITNESS: C-H-A-R-L-O-T-T-E.

16 WHEREUPON,

17 Dr. Charlotte Taylor,
18 after first having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. FALK:

21 Q Dr. Taylor, what is your profession?

22 A I'm a counseling psychologist.

23 Q How long have you been that?

24 A I receive my doctoral degree in 1992, but I have been
25 working for more than 40 years with variety of patients in

1 a variety of ways.

2 Q You said that you received your doctoral degree.

3 What other educational background do you have?

4 A I have an under graduate degree in psychology and
5 education with a minor in comparative religions from
6 Jacksonville University in Jacksonville, Florida. I have
7 a master's degree from the Citadel in Charleston, South
8 Carolina with a major in counseling and a minor in
9 psychology and a doctorate from the University of Memphis.
10 My major field being counseling psychology.

11 Q Okay. Do you have any other licenses?

12 A Yes, I do.

13 Q And what are those?

14 A I am nationally certified as a counselor. I'm a
15 nationally forensic counselor. I am a state certified
16 mediator. I probably need to open up and look at my
17 resume actually. Just for fun, I'm a Rhodes (sic) course
18 facilitator. My areas of expertise are both criminal
19 sexual conduct from the victims perspective and now from
20 perpetrator's perspective and depression suicide and
21 adolescents and young adults.

22 Q And how long have you been counseling private
23 patients or how long have you been seeing people
24 individually?

25 A Forty-two years.

1 Q Okay. And is a portion of that time spent with
2 seeing people who are offenders?

3 A Yes.

4 Q And about how much time have you spent in that field?

5 A In the last six years at least 50 percent of that
6 time.

7 Q Do you have a feel for how many offenders you have
8 counseled or provided therapy for?

9 A Somewhere between 80 and 100.

10 MR. FALK: Your Honor, at this time we would
11 like to have Dr. Taylor admitted as an expert in the field
12 of counseling and therapy for offenders.

13 THE COURT: All right, Mr. Morrow.

14 VOIR DIRE EXAMINATION

15 BY MR. MORROW:

16 Q Dr. Taylor, approximately how many sex offenders have
17 you treated?

18 A I believe, I just said between 80 and 100?

19 Q Okay. Have you ever evaluated a sex offender
20 pursuant to the South Carolina Sexually Violent Predator
21 Act?

22 A Yes, I have.

23 Q You testified in court about that?

24 A No.

25 MR. MORROW: No further questions, Your Honor.

1 THE COURT: Any objection to this witness being
2 qualified as an expert in counseling and therapy for sex
3 offenders?

4 MR. FALK: No, Your Honor.

5 THE COURT: All right. She's so qualified
6 without objection.

7 BY MR. FALK:

8 Q Dr. Taylor, can you tell me specifically what
9 facilities -- what South Carolina Department of Correction
10 SCDC facilities you go to?

11 A Can you hear me? Can you hear me? I just discovered
12 I have to have two hearing aids. Could you speak a little
13 louder.

14 Q Yeah, can you hear me now?

15 A Result of chemo, I apologize.

16 Q If I could be more specific, do you ever seen any
17 offenders in Allendale?

18 A Yes.

19 Q Okay. How long have you been going to Allendale?

20 A Six years.

21 Q And when I say Allendale, that's the SCDC facility,
22 the prison in Allendale?

23 A Yes, I also go to Lieber.

24 Q Okay. And when you go to Allendale, what are you
25 doing when you are going there?

1 A I have several roles in Allendale and I met with one
2 just yesterday -- no, the day before.

3 Q Let me just go back. Two months ago when you were
4 going to Allendale, what kind of access to the inmates
5 there did you have?

6 A I have a group that meets every Tuesday. Then I see
7 inmates for individual therapy and then we have Catholic
8 Mass. If there are more individuals who would like to see
9 me privately, I stay and see them.

10 Q Deacon Janelle testified yesterday and I know you
11 weren't here, but he talked about Wiccans and some other
12 people. Do you only see Catholics when you go to
13 Allendale?

14 A I see anyone who wants to come.

15 Q So you don't have to be Roman Catholic in order for
16 you to talk with them?

17 A I'm well trained to serve those who need that
18 serving.

19 Q Was there ever a period of time when your visitation
20 at Allendale was interrupted?

21 A Yes.

22 Q And about when did that happen?

23 A Six week ago.

24 Q And what is your status there now?

25 A After meeting with Warden Pate on Tuesday, I will be

1 doing exactly what I was doing but adding a program called
2 help them locked up who I am -- who am I written by a
3 Minister Lynn Potter. I will be doing that with groups
4 and I will also be going into lock up and working with
5 individuals in lock up.

6 Q I'm not sure if anybody on the jury knows what lock
7 up means?

8 A Lock up is when an inmate has offended in some way
9 and they violated the principles that are set out by both
10 SCDC and Allendale. And they are put into a cell where
11 only they are. They don't go out on the yard with all the
12 other inmates. They don't have a dorm to speak with other
13 inmates. And I believe that they come out about an hour a
14 day.

15 Q Somebody once explained that to me as there's a jail
16 inside the prison?

17 A Exactly.

18 Q And that's what the lock up is?

19 A Uh-huh.

20 Q So, I guess, it was some kind of concern, but there
21 was no longer a concern?

22 A I'm not sure it was a concern, Mr. Falk. There was a
23 comment made by the prerelease person and, you know,
24 gossip being what it is Warden Pate had to investigate
25 that comment.

1 Q You might have stepped on somebody's toes at SCDC.

2 A I think that the fact that I am a mental health
3 professional of many years and they were in the process
4 of finally finalizing an agreement to serve inmates who
5 have mental health issues, Warden Pate had asked me to
6 meet with a caseworker and perhaps it was offense that
7 somebody else had been suggested by the warden to help.

8 Q Okay. But, I mean, everything's fine now and you
9 have actually greater access to prisoners?

10 A I have more work to do, yes.

11 Q Thank you. All right. So you said that you have
12 provided therapy and counseling for sex offenders?

13 A I provide that for any inmate.

14 Q So let's -- do you do -- so let's sort of walk
15 through how do you -- how does somebody avail themselves
16 to your services?

17 A There is a young man who's wheelchair bound but
18 incredibly bright and he's my contact. And he's my
19 contact between the warden and I as well. When someone
20 wants to join a group and I'm lined up to do Life Skills
21 102, which is a skill base group so they can learn how to
22 function on the outside and the help I'm locked up, I Need
23 Peace, Who Am I, which is spiritually based group. I'm
24 also going to be teaching a psychology class.

25 Q But how does a person get in contact with you or how

1 do you get in contact with a prisoner?

2 A He goes to William Teseay (sic) and signs up.

3 Q Okay. And then once somebody signs up with Mr.
4 Teseay and then you have them, do you do any kind of
5 initial screening for them or how do you -- how do you
6 initiate your therapy and treatment?

7 A I don't screen to -- first I need to tell you, I
8 limit my groups to 20 people. That's a lot for a group
9 with no co-facilitator to begin with, but I'm pretty
10 extroverted and so I can get around. When we do the first
11 group, we just do some getting to know each other
12 activities. When we meet the second time, we meet weekly
13 for two and a half hours. When we meet the second time, I
14 do some assessment that helps me understand where they're
15 coming from because I'm trained to interpret the
16 assessments not that I'm God's gift to the therapeutic
17 universe, but I'm not quite sure of something I have a
18 manual I can look at.

19 Q What type of assessment tools do you use?

20 A Let me get my list here. If you'll give me one
21 moment and that serves the answer to your question when I
22 ever did one assessment to learn how it went. Well, I
23 lost my list. Do you happen to have your list, Mr. Falk?

24 Q Do you do any -- for example, you and I spoke and you
25 were telling me something about PCLR?

1 A Yes, I do that.

2 Q And what is that?

3 A Well, it was developed in the 70's. It's been
4 advised once. It's an assessment designed to determine
5 how ready to enter the world you walk in. It looks at a
6 number of items. Each item is scored zero, two, or three
7 and then ---

8 Q Is it done with a series of questions and answers?

9 A Yes, sir.

10 Q Is there a validation scale in it?

11 A Yes, there is.

12 Q Okay. And I've always heard the term PCLR associated
13 with another term of psychopathy?

14 A Yes, sir.

15 Q Is there then -- is that then a method to measure a
16 level of -- I guess, y'all's term is psychopathy?

17 A Yes, sir.

18 Q Okay.

19 A Under five, five or under, I would hope be most of us
20 here in this room. Twenty is cut off for minimal or
21 psychopathy or, you know, psychological problems. And at
22 30 according to that particular item, that person would
23 test as having severe psychopathy. They might be
24 considered to be a sociopath or psychopath. At 40
25 definitely, they would be considered.

1 Q So did you perform a -- this assessment -- well, let
2 me go back. So now when you were at Allendale, did you
3 ever have an opportunity to meet with Charles Sullivan?

4 A Yes.

5 Q And over the course of what period of time?

6 A More than a year.

7 Q Okay. And you had said that ---

8 A Excuse me I'm sorry -- I met with Charles for four
9 years before I met with Charles in his group. Charles was
10 part of our Catholic group, so I met with him weekly as
11 part of the Catholic group. During those times, he was
12 one of the people who came individually to see me not
13 nearly as much as after we started the group together.

14 Q Okay. So you were just saying that on the second
15 meeting when somebody's in a group, then you provide some
16 assessments?

17 A I do.

18 Q And did you assess Mr. Sullivan according to the hair
19 psychopathy test according to the ---

20 A Yes, I did.

21 Q Did he -- and based on your training, what did -- how
22 did you score his results?

23 A He scored a five.

24 Q Okay. And you said that is okay, that's good?

25 A That's normal.

1 Q Okay. Do you have any other assessment tools, do you
2 have any other kind of sex offender screening tools?

3 A Yes.

4 Q Can you tell us about that?

5 A I must explain, Mr. Falk, when I set up a group in my
6 own office in Charleston or Walterboro or Orangeburg, that
7 group is designed so that everybody is battling similar
8 issues. Nobody has exactly the same issues but similar
9 issues. When I get a group in Allendale, they're coming
10 from all different directions, so it's important for me to
11 know what the issues are so that I can approach them from
12 where they come -- not where I'm standing. So I do the --
13 one of the test I do is the sexual addiction screening
14 test. SCDC does not use that test.

15 Q Okay.

16 A I try to stay away from anything that SCDC uses
17 because test retest is designed to invalidate tests and
18 they're rarely reliable the second time around.

19 Q Okay. Test retest that means like the second time
20 you give somebody a PCLR that maybe able to cheat the
21 system?

22 A I don't want to test with the items that SCDC uses.
23 I'm apart of that system. I do not want to interfere with
24 that.

25 Q Okay. Before we go any further, just maybe some

1 terminology. There is something that's called Sex
2 Offender Treatment Program and it's, I think, referred to
3 by acronym SOTP?

4 A Yes.

5 Q And that is -- that's a program that's a SCDC
6 program?

7 A That's correct.

8 Q But so -- and when we're talking here, we're talking
9 maybe about lower case treatment for sex offenders is that
10 accurate to say?

11 A Yes.

12 Q Okay. Got myself off tract here.

13 A On the sexual addiction screening test which has no
14 discriminatory factors which makes it a really good tool
15 to use, again Mr. Sullivan tested normal. He had goals
16 for his future. He had family support. He accepted total
17 responsibility for his behavior.

18 Q Does that any have validation or nexus in it?

19 A This particular assessment is highly valid and
20 reliable if given in the right conditions.

21 Q And what other right conditions?

22 A Individually.

23 Q Is that how you gave it to Charles Sullivan?

24 A Yes.

25 Q Thank you. All right. And so based on that, you

1 didn't find any sexual addictions?

2 A No, I did not find a sexual addiction. The one item
3 that Charles marked would be related to magazines.

4 Q Magazines.

5 A Magazines.

6 Q Meaning?

7 A An interest in magazines.

8 Q Girly magazines, I guess ---

9 A Girly magazines, yeah. You know, I find half of my
10 population is interested in girly magazines or if they're
11 women, boy magazines, boy toy things. I mean, it's a
12 natural drive. I'm not saying criminal sexual conduct is
13 a natural drive. I'm saying sexuality is a natural drive.

14 Q And did you have a concern with Charles Sullivan with
15 that? Did you have any concerns with -- did he have a
16 problem with magazines?

17 A None.

18 Q Okay. All right. So let's walk through, I think,
19 you talked about Life Skills 101 and 102?

20 A Yes.

21 Q If you could share with the jury maybe some of the
22 modules or what that -- first of all, how long does the
23 course take?

24 A The course takes approximately 24 weeks.

25 Q Okay.

1 A I've modeled the course after the guidelines set
2 forth by not only SCDC, but the center for treatment of
3 sexual offenders. They have certain criteria. So in
4 terms of what I'm teaching and how I'm teaching it, I
5 modeled the guidelines for my classes according to those
6 groups, particularly the center for sex offender treatment
7 because they're the guru. They're the top of line. They
8 know more than anybody else. They bring research from all
9 over. I hate research. I don't like to do that stuff and
10 crunch numbers and things. So I subscribe to a number of
11 sites and I use their materials. I also use the materials
12 from the PCL revised.

13 Q What's the PCL?

14 A The PCL revise, that's the assessment that -- it's
15 the only assessment I use and I'll probably stop that SCDC
16 uses. I did not realize they used it.

17 Q Are those the same three initials as the PCL hair
18 test?

19 A Yes, it was developed by hair.

20 Q Let me just go back a minute when I was asking you,
21 you said it's 24 weeks ---

22 A I modeled that from Clemson.

23 Q What's the time commitment each week?

24 A Two and a half hours and probably anywhere from six
25 to ten hours of homework.

1 Q Okay. That was my question. So you had two and a
2 half hours of classroom and then you said six to ten hours
3 a week of homework?

4 A Correct.

5 Q What's the homework?

6 A One homework assignment was to write the family
7 story. I taught -- may I use that?

8 Q Maybe just try and answer.

9 A Okay, I'll try it. I taught gentleman how to go --
10 to do a lifeline from birth to proceed death way out there
11 and to put events on that lifeline, a positive event above
12 the nine, an incredible positive and further event,
13 negative event below the line. A disastrous event such as
14 Mr. Sullivan's behavior much further down. They take
15 that. I have a handout I give them about writing family
16 stories developed by another person and one of the
17 assignments is to write their family story.

18 Q What's the goal of assignments like that?

19 A The goal of an assignment like that is to then look
20 closely about what you learn that you don't want to
21 replicate, to look closely of the fact you were loved.
22 You might not have felt it, but you were, to look closely
23 at the people with whom you spent your time, the behaviors
24 you engaged in. Is that enough examples?

25 Q I just want to know what the goal of the assignment

1 is.

2 A The goal is to look at, okay, this is where I am.
3 This is who I been. What of this I need to leave here in
4 my bag, what of this do I need to take with me to be a
5 healthy productive citizen.

6 Q So is it safe to say there's a starting point the
7 goal is how did I get here. I'm wearing a jump suit, so
8 at first you need to know how you got there?

9 A Exactly.

10 Q And you said you're going through life stories maybe
11 to explore what you did what motivated you?

12 A There's no question and the dialogue the first time I
13 did that I had to give them another day of class. It was
14 very difficult for them, extremely difficult, a couple of
15 them cried.

16 Q Was Charles Sullivan in your 101 Life Skills class?

17 A Yes.

18 Q So he participated in this program?

19 A Yes, he did.

20 Q Now, what kind of feedback do you give them? I mean,
21 can we just -- I give you my lifeline, my graph. Did you
22 ever call BS on it, challenge it?

23 A I make them privy to my lifeline. My lifeline is
24 kind of interesting. I won't bore you with it now in the
25 interest of time, but I got a lot of downs on my lifeline

1 but plenty of ups by the grace of God. No, I collect
2 them. I take them home and I write commits all over them
3 not in red.

4 Q Okay. So then you review that feedback with them?

5 A Yes, I do because what we do from that is develop a
6 working plan. The working plan involves -- and it's
7 called (inaudible) circle. It involves looking very
8 closing at what they want for their future and looking
9 very closely at what they've been doing is that going to
10 get them to what they want. Then we after examining
11 that -- by this time, there's a lot of sharing and
12 talking. It is a confidential group and the warden
13 supports that. Obviously, I'm guided by my ethical
14 standards if someone's in danger from I have to report
15 that. Somebody's going to do something against SCDC
16 regulations, I have to report that and they all know that.
17 But it's a tremendous amount of discussion now. And
18 they're giving each other suggestions most of these men
19 have not had maybe the right kind of friends. It's not my
20 place to judge, but, you know, if you're down on Sprull
21 Avenue if you know where that is looking for your friends,
22 they may not be the best friends. If however, you're in
23 downtown Charleston at the museum, you might a friend who
24 can bring you up instead of pulling you down. Lots of
25 discussion about that.

1 Q I am hopeful enough our jurors know where Sprull
2 Avenue is in -- hopeful none of our jurors know where
3 Sprull Avenue is in Charleston?

4 A Oh, I'm sorry.

5 Q What's a place here in Columbia?

6 A It's not the best place and it's certainly not a good
7 place to find a friend.

8 Q Okay. But -- so you talked about some of the modules
9 that are designed for how did I get here?

10 A Yes.

11 Q Now, are there modules to how do I get where I'm
12 going -- where I want to go?

13 A Yes.

14 Q And what are those?

15 A Well, communication. It's -- nobody teaches us how
16 to communicate. In school, they teach us geography and
17 history and now they're teaching technological things that
18 I never even heard of, but they don't teach us how to
19 communicate and there is a really important step in
20 communication. If Mr. Falk right here in conflicted
21 communication, not here in the room, said something to me
22 and I was trying to understand what he said, so that we
23 could resolve it, I would repeat to him, it's distressing
24 to you that I was here 20 minutes late. It's distressing
25 to me as well. I'm sorry for keeping you, that's active

1 listening. And these gentlemen have never been thought
2 this. And I combine communication with diversity
3 training because they have to live in a very diverse
4 world, but they haven't been taught how.

5 Q Well, how does communication relate to
6 rehabilitation?

7 A Communication relates to rehabilitation because if an
8 inmate can say to a staff member wait a minute let me make
9 sure I got this right and repeat what they think they
10 heard, the staff member can say, yes, and I want it taken
11 care of within 30 minutes or no that's not exactly what
12 I'm trying to say. If they can learn to do that within
13 that setting, they can then take it outside. There will
14 be fewer disagreements within the family, fewer
15 disagreements with friends and even works in the work
16 place. A lot of the people who end up in lock up or
17 confined to their room, are confined because they don't
18 get it and they don't know how to find out how to get it.
19 So the communication skills are extremely important.

20 Q Are there other types of skill set?

21 A Uh-huh.

22 Q What other modules do you have?

23 A And again this is based on my work at Clemson and the
24 three lists, two lists what inmates need to eliminate
25 recidivism and one list the PCR, what are the trends that

1 it looks for. I want to turn them around. So with
2 communication, we talk about remorse. We talk about
3 guilt. We talk about forgiveness and I put them in groups
4 of two, generally everybody's got a buddy or they wouldn't
5 be in the group. I'm going to this group come with me. I
6 put them in groups of two and they discuss it and I walk
7 around and help them. Then they take notes. I open that
8 group and this is extremely important. I open that group
9 with a song called we are the children of the night. It's
10 an old song by Richard Marks, but it talks about, you
11 know, a home life that really wasn't all that great, you
12 know.

13 Q So generally how does the Life Skills 101 class, how
14 does that relate to recidivism?

15 A It teaches them skills that will keep them if they
16 implement from ever returning to a SCDC facility.

17 Q How about impulse control, change in thoughts?

18 A We have a whole unit on that.

19 Q What does that consist of?

20 A It consist of a number of things. Everyone has
21 different tools that they can use for impulse control.
22 When I was little kid, my tool what I was taught count to
23 ten. And then it was count to ten backwards because I got
24 too good at counting to ten. I could do it too fast. And
25 I have a thing that I have printed for them and I say if

1 you feel in your gut starting to get you in trouble, stop
2 and analyze it with your head, put it in your head and
3 figure out what's going on. If your head is getting you
4 in trouble, put it in your gut, your heart and feel about
5 this what's going on. Incidentally, one of the members of
6 the group brought after this particular unit, brought his
7 roommate to me. His roommate was schizophrenic, but until
8 that gentleman learned to stop and pay attention to what
9 was going on, he just thought he was a pain.

10 Q How do your modules relate to identifying the
11 triggers?

12 A Pardon.

13 Q You have any modules that is design to help people
14 identify their own triggers?

15 A Yes. And I do that module with a lot of pictures and
16 Mr. Falk told me I couldn't have any handouts, sir. So
17 this is -- you know when I said what do you want, what are
18 you doing, evaluate what you're doing. This is just very
19 simplistic. It's elaborated. It's a book this thick and
20 every member of my group got this book, okay. This is
21 based on reality theory and this relates to triggers. I
22 also give each of them a book on relationships. It's
23 called Nobody Taught Us To Live Happily Ever After. You
24 got a relationship issue, you should get that book.
25 Truly, it's the best. When we brainstorm a list of

1 triggers, I take in pictures, okay, from places I been.
2 The most recent Africa, but dealing with -- no, Colombia,
3 South America, I'm sorry, but dealing with triggers, I
4 give them certain pictures and then they brainstorm what
5 those pictures mean to them and what it would trigger for
6 them. And as you can imagine some of the pictures are,
7 you know, people not real people because I'm not allowed
8 to take real people pictures in, but, you know, draw on
9 pictures by an artist who does a pretty good job, who
10 helps me. She's a volunteer as well. Some people are
11 triggered by really odd things.

12 Q And these are triggers for your offense; is that
13 correct?

14 A Yes.

15 Q That's what we're talking about?

16 A Yes. There are times when for example, a song will
17 trigger somebody and they'll get in their car and go look.
18 I have in my group a murderer through no intention. His
19 girlfriend hollered at him in the exact same way his
20 mother had and he hit her. He intended just to hit her,
21 which is in and of itself horrible, but he hit her on the
22 temple and she died. But the trigger was that same tone
23 of voice, those same words, so we have to spend a lot of
24 time looking at those kinds of things because they have to
25 be able to -- what it does is hit a feeling. He felt and

1 he went -- never gave it a thought. I get hair bands. I
2 give out hair bands. And if they feel a trigger, they
3 have to pinch themselves with the hair band. I do that
4 with all my clients. I do that when people are trying to
5 stop smoking, triggers. We've all got triggers.

6 Q I've heard the term cognitive development, therapy?
7 Is Life Skills 101 that type of program?

8 A It is to some extent. I do a projective assessment.
9 It's a drawing. I'm trained to interpret that drawing.
10 Now, I'm not God's gift to the counseling universe and I
11 don't think I know everything. I'm always going to
12 classes, but I can interpret those drawings of projecting
13 technique like the ink blot things. I know how to do
14 those ink blots believe it or not. So I do drawings with
15 them and then we sit down and talk about it. Everybody
16 has an assignment and I go around talk one to one quietly.
17 And when I identify from the list of triggers, they
18 brainstorm what they think are their triggers and what
19 they think they need to add. And then we go on to
20 techniques. I do stop signs, big red stop signs. I use a
21 lot of red construction paper. I teach them to visualize
22 a stop sign and fake any trigger can be dealt with if you
23 identify where the person is and here comes that word
24 developmentally. There was a young man who I now visit in
25 one of the detention centers. He's done his time, but

1 he's not ready to be released developmentally he is
2 delayed. He qualifies under the ADA for special services.
3 And when and if he gets out he will get those, but I
4 cannot work with that young man exactly the same way I
5 work with someone else who has an IQ of 140.

6 Q So let's sort of focus now on Mr. Sullivan's
7 treatment and therapy?

8 A Okay.

9 Q Did you have classes with help that helped him
10 identify his triggers?

11 A I certainly did.

12 Q And why don't you talk maybe about his general
13 participation in your classes?

14 A Well, Mister -- I have to go back a moment.
15 Mr. Sullivan went to Warden Pate and said I have
16 discovered -- this is several years ago maybe three. That
17 in our Catholic group there's one who's a counseling
18 psychologist and she's an expert witness. He didn't know
19 that I've always been an expert witness for the victim.
20 But I had felt a real need to change my focus because the
21 incarcerated are the forgotten ones, so that's what I did.
22 I got a lot of training. Some I already had and changed
23 my focus. Charles Sullivan went to the warden and said we
24 need someone who's really qualified to help with this
25 group because he had with the warden's permission with

1 materials the warden had given him including a laptop,
2 the whole nine yards. He had begun just a group to
3 discuss, okay, what things do we have to change here. And
4 he recognized I'm remembering that he needs -- some things
5 were coming up in group that he needed somebody well
6 trained to feel.

7 Q So are you saying that he was finding out stuff about
8 himself that he needed to train with?

9 A Yes, yes.

10 Q And do you feel that you helped him with some of
11 those things?

12 A Unequivocally, the man as changed.

13 Q So did you witness growth?

14 A Tremendous group. I worked with Charles one on one.
15 I apologize for telling this Charles. In a very very
16 intense session when I confronted Charles about pleading
17 guilty, he cried for what he had done. He cried. He told
18 me that -- and I'm not in confession. I'm not a confessor
19 so, I really can't say that this, but it's private. He
20 told me that no matter how many times he went to
21 confession he always felt remorse and guilt. And that he
22 didn't think he could be forgiven. We did a lot of work
23 on forgiveness I brought a lot of biblical things and I
24 used a lot of quotes. And, you know, Margaret Weed, you
25 know, never let it be said only one person can change the

1 world because it's the one thing they ever did. Nelson
2 Mandela changed the world. And Charles changed.

3 Q His world?

4 A He changed his world and he forgave himself. He
5 still has -- and I haven't spoken with Charles in a while
6 now, but when I last saw Charles, he still had tremendous
7 remorse. He still has a driving need to make things
8 better. He made Allendale better. I can give you a dozen
9 examples, but I don't have time. But he is a changed man.
10 He has a plan. He has a significant other. I mean, a
11 healthy plan for the future. He has a significant other
12 of many many years.

13 Q That's Crissy?

14 A That's Crissy, who would be here except she works in
15 Dubai to build enough money for the two of them to get
16 started again. I guess, they pay a lot in Dubai. And her
17 contract is over the end of August, so in September she
18 should be here. I've been in ---

19 Q You been in had contact with her?

20 A Yes, I been in contact with her for a long time
21 because that's something that's very important. I can't
22 just take somebody's word for it, that they have a
23 long-term relationship. She went so far as to send to me
24 a picture of her engagement ring and of the two of them
25 together when he gave it to her when he was here.

1 Q If I could just -- you had said that you were in
2 groups with him; is that correct?

3 A Yes.

4 Q Did he try and hijack those groups? Did he try and
5 hijack the discussion in those groups?

6 A Never.

7 Q Did he try and usurp some of your role in the group?

8 A No, he was the reason I was there. In fact, quite
9 the opposite.

10 Q Was he trying to manipulate the group?

11 A No, I can spot a manipulator in a second. I'm old,
12 I'm 69. I been working a long time, no. Charles is no
13 longer a manipulator. He sticks to the facts. He's
14 reality base. He's a devote Christian. He has done
15 tremendous good things in Allendale. I'm sure he's done
16 good things here in Columbia as well.

17 Q So you have a long-term relationship with Charles
18 Sullivan. You known him you said four, five or six years?

19 A Yes.

20 Q Based on what you know about him, would you have any
21 concerns if he was out on the street tomorrow?

22 A No. I would bring him into my home with my
23 grandchildren.

24 MR. FALK: I have no further questions. Please
25 answer any questions Mr. Morrow may have.

1 THE COURT: Mr. Morrow.

2 MR. MORROW: Your Honor, may I take a brief
3 moment, a break?

4 THE COURT: Sure, absolutely.

5 Ladies and gentlemen of the jury, we're going to
6 take a about five or ten minute comfort break before we
7 begin this cross-examination. Please do not discuss this
8 trial in the jury room. Thank you.

9 If you'll stay right there on the witness stand
10 please just for a moment until the jury's out, stay right
11 there.

12 (WHEREUPON, the jury retire to the jury room.)

13 THE COURT: Thank you. I can't have too many
14 moving parts in the courtroom. Dr. Taylor, you're still
15 under oath, so while we're on the break, you're welcome to
16 use the restroom, but don't talk to anybody about your
17 testimony. And we will get you back on the record in
18 about five or ten minutes. Thank you.

19 (WHEREUPON, a break was taken.)

20 THE COURT: All right. Anything before we bring
21 the jury back in?

22 MR. MORROW: Nothing from the State, Your Honor.

23 MR. FALK: Nothing from the respondent.

24 THE COURT: Please bring the jury in.
25

1 (WHEREUPON, the jury came into open court.)

2 THE COURT: Mr. Morrow, you may proceed with
3 cross-examination.

4 MR. MORROW: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MORROW:

7 Q Dr. Taylor, in reviewing your CV and reviewing your
8 testimony earlier, you called yourself a counseling
9 psychologist?

10 A Uh-huh.

11 THE COURT: Ma'am, can you please say yes or no?

12 A I'm sorry, yes..

13 Q You have a doctorate degree in counseling correct or
14 in education from the University of Memphis?

15 A It's in counseling.

16 Q Okay. And you are a licensed professional counselor,
17 correct?

18 A That's correct.

19 Q You're not a licensed psychologist, are you?

20 A My minor is psychology in both my master's and my
21 doctorate. My major in my under grad was a double major
22 one of which was psychology. I can assure you I would not
23 call myself a counseling psychologist under the ethical
24 standards of my organizations if I were not one.

25 Q And you are not a licensed psychologist in the State

1 of South Carolina, are you?

2 A No, I'm a counseling psychologist.

3 Q Did you review Dr. Gehle's 59 page written report in
4 connection with this case?

5 A I certainly did, yes, sir.

6 Q Have you seen all 215 sources of information list by
7 Dr. Gehle in her report?

8 A Yes, sir.

9 Q So you would agree with me that Charles Sullivan pled
10 guilty in 1998 to ten counts of lewd act on a child?

11 A Yes, I would.

12 Q You would agree with me that Mr. Sullivan pled guilty
13 to two counts of assault and battery of a high and
14 aggravated nature in 1998?

15 A Sir.

16 Q You would agree with me ---

17 A Sir, I'm familiar with everything that ----

18 Q Please just answer the question, ma'am. You would
19 agree with me that the victims of both of the ABHAN
20 charges were minor males under the age of 18?

21 A Yes, sir.

22 Q You would agree ---

23 A Mr. Sullivan pled guilty ---

24 THE COURT: Wait a minute, ma'am. Ma'am, please
25 answer the questions as the attorney ask you them. If you

1 wish to explain your answer after you answer the question,
2 you may explain the answer, but listen to Mr. Morrow's
3 question, answer it and then if you wish to explain, do it
4 at that point please.

5 THE WITNESS: Okay. Thank you.

6 BY MR. MORROW:

7 Q You would agree that Mr. Sullivan pled -- you would
8 agree that the victims on both of those ABHAN charges were
9 minor males under the age of 18?

10 A Yes.

11 Q You would agree that Mr. Sullivan pled guilty to five
12 counts of exhibiting an harmful performance to a minor?

13 A Yes, may I elaborate?

14 Q By all means.

15 A Thank you. Thank you. And I apologize this is a
16 little different than what I'm use to. I have read
17 everything, every word at least twice with a highlighter.
18 I'm also aware that Mr. Sullivan pled guilty so that a
19 number of those young people would not have to go to
20 court.

21 Q Okay. So exhibiting harming performance to a minor,
22 you're aware that means he showed pornography to young
23 boys, correct?

24 A Yes.

25 Q Okay. You would agree that Mr. Sullivan also pled

1 guilty in 1998 to ten counts of contributing to the
2 delinquency of a minor?

3 A I'm sorry, could you repeat that whole line?

4 Q He pled guilty in 1998 to ten counts of contributing
5 to the delinquency of a minor?

6 A Yes.

7 Q Okay. You would agree with me that what he pled
8 guilty to was providing alcohol to boys and allowing them
9 to watch pornography in his home, but that's one of the...

10 A Yes.

11 Q Okay. You would agree with me that those are groom
12 behaviors?

13 A Yes.

14 Q Okay. You would agree that in Dr. Gehle's report she
15 stated Sullivan disclosed the fact that he engaged in
16 sexual acts with 40 minors?

17 A I would agree that that's in the report, yes.

18 Q You would agree that Mr. Sullivan offended twice
19 after being investigated previously for alleged sexual
20 abuse?

21 A Yes.

22 Q You would agree that while being investigated
23 Mr. Sullivan wrote letters to investigators and the
24 parents of minors involved in the investigation?

25 A Yes.

1 Q You would agree that in 1996 and 1997 he was
2 investigated by the Catholic church?

3 A Sir, yes, and is there a point here?

4 Q Yes, ma'am, there is a point. Please answer the
5 questions as I ask them. You would agree that now this
6 would make three times that he was investigated prior to
7 actually being caught and pleading guilty to those crimes?

8 A Twenty years ago.

9 Q Okay. And you would agree that despite being
10 investigated three times, he continued to seek positions
11 of power over young boys?

12 A Not necessarily. No, I would not necessarily agree
13 to that.

14 Q So you wouldn't agree that he got involved with that
15 Junior Achievement Program at Cardinal Newman after he was
16 investigated?

17 A It was my understanding that he was already involved
18 with Cardinal Newman.

19 Q You would agree that he wrote letters seeking to be
20 able to continue his supervision and coaching position
21 while he was being investigated?

22 A Yes.

23 Q Okay. You would agree that he pled guilty to crimes
24 where he molested boys after they consumed alcohol or
25 while they were sleeping?

1 A Yes, sir.

2 Q And you're familiar with a diagnostic and statistical
3 manual on mental disorders, are you not?

4 A I certainly am.

5 Q Okay. You would agree that engaging in an act with a
6 person who is intoxicated or unconscious would be a
7 nonsexual act?

8 A I didn't hear you, I'm sorry.

9 Q You would agree that engaging in a sexual act with
10 someone who is unconscious or passed out is nonconsensual?

11 A Yes.

12 Q You would agree that Mr. Sullivan's victims ranged in
13 age from ten years old to 16 years old?

14 A Yes.

15 Q You would agree that he was convicted of acts that
16 span from the 1980's until 1998?

17 A I'm not sure of those dates, no, sir, but ---

18 Q But you read the file?

19 A Yes, I did.

20 Q Okay. And you looked at all his convictions?

21 A I didn't memorize it, sir, so I can't confirm those
22 dates.

23 Q You would agree that Mr. Sullivan was born in of
24 1956?

25 A Uh-huh.

1 Q You would agree that would make him 32 in 1988?

2 Could you answer yes or no, ma'am?

3 A Yes.

4 Q Okay. You would agree that his -- that it would also
5 make him 42 in 1998, correct?

6 A (No response.)

7 Q You would therefore agree that Mr. Sullivan committed
8 his offenses and he pled guilty, that he was at least 16
9 years old and at least five years older than his victims?

10 A Yes, sir.

11 Q Okay. And again you are familiar with the Diagnostic
12 Statistical Manual on Mental Disorders Fifth Edition?

13 A Exceptionally familiar.

14 Q Okay. And it is a learning treatise in your field?
15 It's a learning treatise in your field?

16 A I teach it.

17 Q Okay. And one of those mental disorders listed in
18 that book is pedophilic disorder, correct?

19 A (No response.)

20 Q You would agree that the criteria for pedophilic
21 disorder spelled out in that book, correct?

22 A Uh-huh.

23 THE COURT: One moment, Mr. Morrow.

24 Can you please yes or no for the record? I'm
25 having trouble hearing now.

1 A Yes. I'm sorry, yes.

2 Q And you would agree that criteria is that recurrent
3 sexual arousal fantasies or intense urges involving a
4 prepubescent child or children generally 13 years of age
5 or younger?

6 A Yes.

7 Q And again earlier you would agree with me that the
8 time between 1988 and 1998 was a period of greater than
9 six months?

10 A Yes.

11 Q You would agree that criteria B is that individual
12 act on those sexual urges that he has, correct?

13 A Yes, and I would like to add the purpose of the
14 diagnostic statistical manual is to diagnose for the
15 purpose of treatment not simply to diagnose.

16 Q Again, you would agree that criteria C is an
17 individual be at least 16 years old or older and that more
18 than five years older than the child or children that were
19 his victims?

20 A Yes.

21 Q Okay. So Mr. Sullivan meets the criteria of
22 pedophilic disorder?

23 A He did at that time.

24 Q Wait you said he did at that time? Doctor, is a
25 pedophilic disorder curable?

1 A I'm sorry.

2 Q Is pedophilic disorder curable?

3 A Yes, it is. There are different types of abusers.

4 Q Doctor, you talked about being involved in the SOAP
5 Program at Allendale Correctional; is that correct?

6 A I'm sorry.

7 Q The SOAP program at Allendale Correctional?

8 A I didn't work directly with the SOAP Program. I was
9 invited to do that. I was given a letter by the warden
10 with some suggestions what he would like me to do. I did
11 include those suggestions and the work that he did.

12 Q And Charles Sullivan was the facilitator of that
13 program?

14 A Not when I was involved in the program. When I came
15 into the program, I was the teacher. Charles Sullivan sat
16 in a chair like the rest of the students.

17 Q On the SOAP Program manual Charles Sullivan's name
18 appears as the facilitator on the very front page of that
19 manual?

20 A It says compiled and that manual is chop full of
21 material cited by many many many people Steven Covey,
22 Nelson Mandela. They have pulled from a large variety of
23 experts to put that manual together. Charles Sullivan's
24 name on it says compiled by.

25 Q Were you aware that other inmates turned down the

1 petition of the patient in the residential treatment
2 program offered at Broad River Correctional Institute and
3 the declined to participate in the Sex Offender Treatment
4 Program because of the SOAP program?

5 A Can you break that into two questions please?

6 Q Were you aware that other inmates at Allendale
7 Correctional Institution declined to participate in the
8 Sex Offender Treatment Program?

9 A Yes, I am. And they declined to participate -- and I
10 have a working relationship with them. They declined to
11 participate because some of them were beaten up. They're
12 put in regular population, many of their belongings were
13 stolen. They did not feel safe at the Broad River
14 treatment program. Smile if you will, sir. I have
15 statements ---

16 Q I'm not smiling. I'm just trying to -- I'm not
17 smiling at you.

18 A You are.

19 Q No, I'm not.

20 THE COURT: All right. Let's stick with
21 questions and answers, no commentary.

22 BY MR. MORROW:

23 Q You taught Life Skill courses, correct, Life Skills
24 101 and 102? You just talked about.

25 A Yes, sir.

1 Q Okay. One of those things that you emphasize is find
2 the right kind of friends, correct?

3 A Uh-huh.

4 Q Friends like people who worked at the Fifth Circuit
5 Solicitor's office is that a good example of friends to
6 have?

7 A I have no idea.

8 Q Okay. Well, Mr. Sullivan was employed at the Fifth
9 Circuit Solicitor's office which is a prosecuting agency,
10 correct?

11 A Yes.

12 Q He was also involved at the Attorney General's office
13 and was instrumental in starting the PTI program; isn't
14 that correct?

15 A Yes.

16 Q Okay. He also -- while he was offending, was
17 involved in the social services department in England;
18 isn't that correct?

19 A Yes.

20 Q Okay. And he was also involved as a superintendent
21 of the Carolina Children's Home; isn't that correct?

22 A Yes.

23 Q And he offended while he was there too?

24 A Yes, sir, I also gave probably eight other examples
25 of things that are listed by the people who are considered

1 the experts in the country.

2 Q Ma'am, it's fair to say that Mr. Sullivan had good
3 life skills prior to going in?

4 A No.

5 Q He was successful in his career?

6 A That doesn't mean that he had ---

7 Q He had friends in the community.

8 A --- psychological skills. He did not have -- let me
9 make sure I get this right. I'm not trying to be smart,
10 I'm trying to be accurate. He did not have appropriate
11 awareness of the devastation of his behavior. He did not
12 have the ability to avoid the triggers. He did not have
13 the ability to hold himself accountable. He did not have
14 clearly defined boundaries. He did not have anyone else
15 he had set up to hold him accountable. He did not have
16 the support of family and friends because they had no
17 idea. There are others, but there were many many things
18 lacking, sir.

19 Q Let's go back to that support of family and friends.
20 He has had support of his family and friends. In fact,
21 both of his sisters testified for him in his original
22 hearing, correct?

23 A Exactly.

24 Q And in fact he had support of family and friends. In
25 fact actually quite a few friends testified for him at his

1 guilty plea; isn't that correct?

2 A Sir, yes, but this relates to growth. This does not
3 relate to -- and this is straight out SOAP. This does not
4 relate to the initial situation. And if you can recall
5 his sisters -- I don't know what they'll say, but I
6 suspect they'll say they did not know this was taking
7 place.

8 Q Can I also ask you you mention his fiancé. He was
9 seeing his fiance when he lived in England in 1990; is
10 that correct?

11 A Yes.

12 Q They were living together?

13 A Yes.

14 Q Okay. And yet he was accused of sexually molesting a
15 boy while he was living with his fiancé in England; isn't
16 that correct?

17 A Yes.

18 Q And Mr. Sullivan's freedom is on the line here today;
19 isn't that correct?

20 A Yes.

21 Q It's an pretty important day; don't you think?

22 A Yes.

23 Q Do you see his fiancé anywhere in the courtroom
24 today?

25 A His fiancé is under contract in Dubai, which is the

1 United Arab Emirates. They have her visa and her
2 passport. And until her contract is finished the last day
3 of this month, they will not return them so that she could
4 come. We've had enumerable calls about that. I have
5 spoken to the British Embassy. I have spoke to her
6 superior. I don't think it's odd that she's not here. I
7 think, it's sad. I think it's a statement about countries
8 other than ours. But in fact he has a fiancé who loves
9 him very much. Where not hear say, I would read you the
10 letter and plans a future with him. She has also
11 indicated that if you would like to take a break and call
12 her, she would be glad to speak with you.

13 Q Dr. Taylor, one more time. You would agree with me
14 -- again, you agreed with me earlier that Mr. Sullivan met
15 the criteria for pedophilic disorder?

16 A At that time he did.

17 MR. MORROW: Thank you. Beg the Court's
18 indulgence for a moment.

19 THE COURT: Sure.

20 (WHEREUPON, a pause in the proceedings.)

21 BY MR. MORROW:

22 Q Okay. One more question, Dr. Taylor. Can you cite
23 research showing that experts in your field agree
24 pedophilic disorder is curable?

25 A I really cannot hear you.

1 Q Can you site research that other experts in your
2 field believe that pedophilic disorder is curable?

3 A Yes. Bear with me one moment. I appreciate it.
4 Wolf and Workley (sic) 1993, behavioral and cognitive
5 programs for those who have physically abused and
6 neglected their children. Typically, that goes on what it
7 does, interventions for convicted offenders, Burgess et.
8 al. 1978, Alton 1988, Roth 1982, Palin (sic) 1992.

9 Q Thank you. You would agree that there is counter
10 research in your field that says -- suggest that
11 pedophilic disorder is not cured? You would agree that
12 there is other research in your field that says that
13 pedophilic disorder is not curable? It is treatable, it
14 is not curable?

15 A Sir ---

16 Q It's a yes or no question. Please answer the
17 question?

18 A Yes.

19 MR. MORROW: Thank you. No further questions

20 ---

21 A Research -- I would like to elaborate ---

22 THE COURT: Ma'am, ma'am, you answered the
23 question. I'll let the attorney for the respondent ask
24 you questions redirect and you can explain your answer at
25 that time.

1 Mr. Falk.

2 MR. FALK: We have no redirect. Thank you.

3 THE COURT: Thank you. You may step down.

4 (WHEREUPON, the witness leaves the witness
5 stand.)

6 MR. FALK: Your Honor, may we approach?

7 THE COURT: You may.

8 (WHEREUPON, a bench conference was held in the
9 presence of the jury, but out of the hearing of the
10 jury.)

11 THE COURT: Mr. Falk, you may call your next
12 witness.

13 MR. FALK: At this time we would call Respondent
14 Charles Sullivan to the stand.

15 THE CLERK: Do you swear or affirm that the
16 testimony that you're about to give in this case to be the
17 truth, the whole truth, and nothing but the truth so help
18 you God?

19 THE WITNESS: I do.

20 THE CLERK: Thank you. Have a seat in the
21 witness box please.

22 WHEREUPON,

23 Charles Sullivan,

24 after first having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. FALK:

2 Q You stated your name for the record?

3 A Charles Sullivan.

4 THE COURT: You need -- I'm sorry.

5 MR. FALK: I didn't know if I should wait until
6 Mr. Morrow ---

7 THE COURT: It's not distracting me. Go ahead.

8 MR. FALK: Okay.

9 BY MR. FALK:

10 Q You were obviously here when Dr. Gehle was
11 testifying?

12 A Yes, I was.

13 Q Now, there was some testimony about John Doe number
14 19?

15 A Okay.

16 Q And Dr. Gehle said some troubling things during her
17 testimony. At some point there was a letter that you had
18 written to yourself. Can you sort of explain what brought
19 that about?

20 A Back then when I think back 25, 30 years ago when I
21 was deep in this stuff, I'm not proud, very shameful. I
22 mean, it hurts to look back with a new set of eyes. What
23 I was doing then was in my head at that time was like
24 survival and trying to cover things up. I was just -- I
25 don't know how to explain it except to say that it was the

1 way I was thinking back then is survival, it's about me.
2 And I have learn that -- you know, when you sit in some of
3 the treatment groups that I been in and hear other
4 people's story it's like -- and you say to yourself that's
5 me. It hurts to look back with a new set of eyes, but I
6 have learned that it's not about me. It's not about my
7 shame, my guilt. It's not about what I've lost or the
8 status in the community. It's about the harm that I did
9 to these teenagers who didn't deserve it. And it's that
10 kind of behavior back then was best defense is a good
11 offense. I just thought I write it down to have the
12 credibility to dodge that shame to say that's what was
13 going on.

14 Q Because Attorney General has done a very good job of
15 painting a portrait of somebody who was very in depth at
16 manipulating people. And you had the audacity to be
17 writing letters to the social service agency to letting
18 you still see children while at the same time there was
19 allegations of abuse?

20 A Yes, sir.

21 Q How about -- we also heard something -- testimony
22 related specifically with John Doe 19 that you actually
23 got the warning early in 1993, did you not?

24 A I did.

25 Q Why don't you talk a little bit about that?

1 A I got the warning and obviously did not heed it.
2 When the allegation came back and his parents came to see
3 me, came to visit and explain what he had said and outline
4 -- looking back what was a very fair proposition. It was
5 quit what you're doing, seek help and through the victim
6 coordinator later in my bed and I wrote that and expressed
7 the -- my sorrow that I didn't heed that. They were one
8 of the few people who actually did the right thing. They
9 came to me. And if I had listen to them, I wouldn't be
10 here today, but that's what happened and it came to me.
11 I'm sorry I might have missed the rest of your question.

12 Q I'm sure you can appreciate some of the jurors may
13 have sentiments that you had a lot going for yourself.
14 You may be on the verge of a political career. You had
15 contact with the Solicitor's office. You had made one run
16 for statewide office. You had done some big things as far
17 as expanding the PTI program?

18 A Yes.

19 Q Certainly have skills, but you blew it?

20 A I blew it. At the time -- again, this is looking
21 back with a new set of eyes. You know, it's painful, you
22 know, mainly because of the harm of the victim. The one
23 also harm of the people around me and me. It was a
24 terrible waste because I was given some opportunities to
25 do well and -- but at the time my mind set was I didn't

1 really think what I was doing was all that bad. I was
2 minimizing and I would say, well, whatever excuse I could
3 come up with. It was okay with them. It was okay with
4 me, so, you know, it's really not that bad. And I know
5 that sounds stupid today, it's insensitive. I was making
6 decisions based on those kind of distorted thinking that
7 what I was doing was okay and I'm telling them I'm making
8 a decision for the victims saying, well, I'm telling you
9 to do is okay, taking away that from the victim, that's
10 what was going on at the time. And that's why these
11 opportunities -- I didn't take advantage of them and
12 should have because I was fooling myself as well as
13 anybody else.

14 Q There was some comments that Dr. Gehle -- and, I
15 think, they were sort of under a general heading of
16 offense supportive behavior. Well, really the only thing
17 -- it wasn't so bad was mutual masturbation.

18 A Yeah.

19 Q Did you say that to her -- what were you talking
20 about there?

21 A She ask me what I view it as and I was speaking in
22 terms of back then not the way I see it now. I certainly
23 don't feel it's anything mutual about that. And there
24 was -- at the time the distortion I'm telling myself were
25 -- some things happen to me when I was 11 or 12 and I was

1 molested in a similar way. And I thought that I had dealt
2 with it at the time. I thought, well, it's a bad decision
3 I made. It was an older kid in the neighborhood. I just
4 felt like that was a bad decision I made, you know, I got
5 over it. It would be okay for them, but the truth is I
6 never got over it. I thought I did. I told myself I did,
7 but that kind of thinking had me believing that, you know,
8 that was just like masturbation because as an 11 year old
9 when that happened to me, it felt good as it would. But
10 it had tremendous emotional impact that I didn't see
11 because I just sort of denied that was even a molestation
12 at the time. So in my mind and that distorted thinking at
13 the time, I'm just doing the same kind of stuff, you know.
14 It's mutual masturbation. That's a poor choice of words,
15 but at the time that was the discussion. It is not my
16 attitude today and it hasn't been since the arrest.

17 Q You trying to justify your comment that you were
18 abused?

19 A No, thank you. That's not what I'm trying to do.
20 Understanding what happened gives you an understanding of
21 how to avoid the future. It is in no way an excuse for
22 what I did. There are plenty of people who are abused had
23 similar situations who don't grow up and molest other
24 children. So that is in no way intended to be an excuse.
25 It is purely an understanding that I have now that helps

1 me avoid those situations.

2 Q When Dr. Gehle was talking about giving you a
3 Statistic 99 and then she was testifying about your
4 dynamic risk factors. And one of those risk factors she
5 was talking about was this offense supportive behavior.
6 And I think may be you can explain that you were talking
7 about -- you were trying to explain to her what was I
8 thinking back then?

9 A We had a six-hour conversation and she had her
10 computer in front of her and she was typing my responses
11 in as we spoke. And I believe that it was easy to confuse
12 what I'm trying to say now as -- what I was trying to
13 describe is back then being that I'm saying in the moment.
14 A few times she asked for clarification and we did give it
15 to her. I don't fault her for that, but, I think, that's
16 what was happening. This is not my -- this is not my
17 position today and it hasn't been since then.

18 Q One of the other conducts she talked about was a
19 preoccupation with sex?

20 A Yes.

21 Q And, I think, one of your -- I think maybe her
22 testimony -- would you admit that prior to being --
23 certainly prior to your arrest and prior to your
24 sentencing you had a preoccupation, would that be a fair
25 assessment?

1 A Yes. When I look back from about the time that John
2 Doe number 19 parents confronted me, I was -- I could look
3 back and say I didn't see it at the time, but I was kind
4 of spiraling out of control. And the preoccupation, you
5 know, I read in scripture something that really spoke to
6 me. It said lust indulged starves the soul. And when I
7 was in that lust and it's indulging itself. It also cuts
8 off a side of you that needs to be paying attention to
9 that and that would feed itself. So the thought -- and
10 then you find pornography was new in 1998 or so and you
11 start seeing things on the internet, that fed more and
12 that, I think, spark some of that. But, yes, before I got
13 locked up -- right before I got locked up, I was thinking
14 too much about it, yes.

15 Q And it carried on for the first couple of years
16 during your life?

17 A And the first couple of years those just don't end
18 right away. It was, you know, you find yourself bored,
19 you know, in a prison with nothing to do and those are
20 things that you learn later in life. I've learned in some
21 of these classes are like lifestyle and balance and so you
22 focus on things that happen. And then to fantasize -- to
23 masturbate, you find yourself remembering an event that
24 was exciteful. And the first year or so I did struggle
25 with trying to keep those thoughts out and thank God I was

1 able to move on from them.

2 Q Okay. The Attorney General was speaking about the
3 fact that you were working at the Solicitor's office. You
4 were working at Carolina Children's Home you certainly had
5 colleagues?

6 A Yes, I had lots of ---

7 Q You were successful?

8 A Yes, very, yes.

9 Q And presumably upstanding people who were -- they
10 your friends?

11 A Good acquaintances. One of the things I've learned
12 in prison is the difference in a real friend and just an
13 acquaintance. There's nothing wrong with good
14 acquaintances. It's just -- they're not people that are
15 going to hold you accountable, so in that sense they
16 weren't friends, but they were acquaintances.

17 Q You certainly didn't have anybody you could confide
18 in?

19 A Not about this kind of stuff. In fact, I can
20 remember reading in the paper or seeing something on TV
21 that if you spoke to somebody, a lot of people are bound
22 by the law that tells something. And even I had spoken to
23 a psychologist at one time that -- he worked with the
24 Children's Home and I sort of knew him. And I started to
25 ask some questions and the way he answered something said,

1 you know, these of kind things I could be compelled to go
2 to trial. I just sort of got scared and shut it down. So
3 I was afraid to talk about it and definitely didn't have
4 anybody that I felt like I could trust with that kind of
5 issue.

6 Q You had just quoted a chapter from the scripture
7 what was that lust starves the soul?

8 A Lust indulge starves the soul.

9 Q Where is that?

10 A In Proverbs.

11 Q I'm always skeptical of the jailhouse conversion.

12 A I understand.

13 Q Obviously, you must have been active in the Roman
14 Catholic church prior to your arrest, were you not?

15 A Yes, there's religion I've learn and there's
16 relationship, in my case with Jesus Christ. And at the
17 time I had all the outer trappings of thinking I'm a
18 devote Christian because I went to church, you know, I
19 volunteered. I did things. And that distortion I tell
20 myself I'm a good person because I'm doing that. And
21 reality inside, again, looking back I can see it was all a
22 fraud. Another proverb is a double minded man is unstable
23 in all his ways and I was double minded. I was acting one
24 way and on the inside acting another, and so I understand
25 the skepticism about jailhouse religion. I use to have

1 the same skepticism. This isn't jailhouse religion in a
2 sense that I just found Jesus. He just found me again,
3 but it's -- it wasn't hallelujahs and amens and it's all
4 over and thank God I'm saved. I do thank God I'm saved,
5 but God also expects me to deal with these practical
6 issues on earth and resist the temptations in these
7 practical ways. And psychology is a tool just as much as
8 a doctor helping somebody with surgery is a tool. God
9 creates the body to heal, but the doctor is to assist and
10 that's what I understand now a need for the professional
11 help and that tool. But I believe that no change, no real
12 change is possible without God, but I also know that
13 change doesn't happen unless you want it to and you have
14 to participate and you have to do the things to drop that
15 kind of stuff, to replace that thinking with a more
16 positive way of thinking. I'm not ashamed to say that,
17 you know, I am -- I have a relationship now that I didn't
18 have and I know I was a fraud back then. I mean, I know
19 looking back it's easy to say, well, put yourself out as a
20 devout Christian and I did because that's what I thought
21 of myself.

22 Q Well, that's how you got a job at Cardinal Newman,
23 right?

24 A I went to Cardinal Newman high school.

25 Q Okay.

1 A I went to St. Joseph school, Cardinal Newman high
2 school, most of my family did. And I had coached St.
3 Joseph's basketball team for years. And I had a
4 reputation for, you know, having successful teams and they
5 ask me if I coach the B team and the JV team or something
6 there because of that not because of something I applied
7 for and won.

8 Q One other comment regarding your dynamic risk factors
9 that Dr. Gehle addresses. I think you told her that you
10 fed off of the adrenaline of being around children?

11 A I probably use some wording to that effect. What it
12 was when I was coaching and I was a good coach. I was not
13 a good person in that capacity. I abused that position,
14 but as far as the coaching part and teaching fundamentals
15 and play, you know, I'm proud of that. Sorry, I lost ---

16 Q I was talking about do you still feel that you have
17 kind of congruent attitude with children?

18 A I mean, I like that coaching part and I was -- you
19 feed off of that that you're doing something. You're
20 getting a response from somebody, that admiration and it
21 was from parents and children, but, you know, as a kid, I
22 never had a little brother. I started coaching as young
23 as 15. I appreciated that positive feedback I got. It
24 wasn't that I saw myself as a child like them, but I saw
25 myself as a mentor, big brother in my earlier days that --

1 you know that's a positive thing that really feeds your
2 self worth, their ego or whatever.

3 Q But then that leads us really into what the other
4 problem is. One is sort of squandered opportunity?

5 A Yes.

6 Q The other one is violation of trust?

7 A Absolutely.

8 Q You had parents who entrusted their children to you
9 to coach. You enjoyed coaching. What do you say to the
10 parents?

11 A I know words are shallow right now. I mean, I from
12 the deepest part of my heart I apologize. I know some of
13 them are watching. I betrayed their trust. I betrayed
14 the minor -- their children's trust in me because they
15 trust me to say this is a good thing or not a good thing
16 and I didn't do the right thing. I abused my power in a
17 sense that I didn't use it properly. I didn't use it for
18 the right reason and that betrayal -- I note it is deeper
19 than just with me. I know that that betrayal cost people
20 to not trust other people or to have relationship issues
21 and things, so sorry I brought this into their lives.

22 Q Let's talk a little bit about efforts for treatment?

23 A Yes.

24 Q What type of treatment did you seek out when you --
25 once you became incarcerated?

1 A Well, as soon as I became incarcerated, I heard they
2 had a program called C Star. I don't know what the
3 acronym exactly stood for, but it was also known as the
4 SOTP Static 1. Back then, they a had three-part program.
5 SOTP 1 was a 16-week education component. SOTP 2 was a
6 nine-month residential program that was at Broad River
7 Correctional Institution. And then they had SOTP 3 which
8 was a relapse prevention program right before you can be
9 released. So I signed up for the SOTP 1 under Dr. Steve
10 Compton and that was '99 or 2000. And it lasted about six
11 months or a year. It's 16 sessions, but sometimes in
12 prison you don't for the week, but that was the first
13 class I took.

14 Q And so how long is each class? How long is SOTP 1
15 the C Star class?

16 A It was a 16-week class.

17 Q Each day?

18 A No, once a week for about three hours a day, so three
19 hours a week over 16 weeks about 50 hours.

20 Q And was there any homework?

21 A Oh, yeah. I mean, we had lots of time things. The
22 first thing they'll do is ask you how did you get here
23 kind of thing. You have to explain and that's when I
24 started to see things that I hadn't before seen. I mean,
25 it was almost a relief when I was arrested. It was almost

1 relief because there's no hiding. There's no running.
2 And through this class and others down the road, I learn
3 that I accepted the fact that I was a molester. I really
4 was -- my first -- I got in trouble it was like, that's
5 not me. I'm not a child molester. I would never do
6 anything to hurt somebody I'm with, but I had to accept
7 that I did. No matter what I thought I did and that was
8 the first thing that we talked about is acceptance. I
9 concluded, of course, that I did molest these children.
10 And whatever age they were is not important. That I cause
11 harm and I cause harm to people who didn't deserve it, so
12 that was the first thing. And then the second thing was
13 to understand that there was a pattern to that. There was
14 a willful pattern. However, self-conscious or conscious,
15 it was a willful pattern to manipulate situations and
16 things to allow these kinds of things to happen, to put
17 things together so that they would happen and I remember
18 that as part of the class. That first class too was the
19 time I saw -- I have a cycle of abuse that talks about
20 what a child molester would go through with, you know,
21 first it starts with a thought and you make seemingly
22 unimportant decisions that put you into positions. I
23 know, they refer to me seeking positions of power and
24 things. And it wasn't a conscious decision, well, I'm
25 going to seek this power so I can have this access, but

1 that's the seemingly unimportant things that I was doing
2 that was putting myself in positions to these things could
3 happen. You know, at the time it's like I dealt with
4 thousands of kids, but it wasn't but a handful of these
5 happened, but that's no way an excuse. At the time I'm
6 thinking I'm just doing this because I like this or I like
7 that. So that's seemingly an important decision and then
8 you move into thoughts. You know, then you move into
9 putting together a situation that could happen. You move
10 into the grooming part you talked about where you gain
11 trust. You test the waters like deep a secret. You know,
12 if I let somebody drink around me and they didn't tell,
13 then that was an indication that they could probably keep
14 a secret. This is between us. I'm not seeing this at
15 that time as something that bad, which I understand it was
16 now, but at the time that's what's going through. And
17 when I saw this model even the point where something
18 happens and there's a period of remorse and grief --
19 remorse and sorrow after that and you re-evaluate the
20 situation and you got by with it or it didn't go bad, then
21 you say, you know, that cycle repeats itself and it
22 repeats itself. And then when I saw that, it was like
23 that was a big eye opener because I had to look and say
24 that was me and part of that class they had a couple of
25 interviews with people ---

1 Q And we're still talking about C star?

2 A Yeah, we still talking about C Star 1. And they had
3 a couple of interviews with people on videos and talk show
4 a couple people that were child molesters. And they had
5 asked them questions. And I hear this person answering
6 the question I had to say exactly what I did. And there
7 were ah ha moments at the time. It's like I started to
8 get it and that's the benefit of that C Star 1 class. It
9 got me focused on where do we go from here.

10 Q And then what was that you go to C Star 2?

11 A Well, I had applied for the phase two and Dr. Compton
12 even supported that and we put the application in ---

13 Q Dr. Compton he was the director ---

14 A He was the teacher, yeah. He was a Ph.D social
15 worker. He helped me put in the application and we heard
16 nothing. We heard nothing. I wrote and I finally filed a
17 grievance about it because at the time I'm thinking, you
18 know, I like while I'm over there to be working on things
19 so that there's something I need to be working on, I'm
20 doing it. And I'm getting these run arounds, so I filed a
21 grievance to try and get into phase two. They told me I
22 was on a list, you know, and that went on and on. And
23 then they told me I had to be within a year and a half of
24 my max out, so I filed the grievance. I took that to the
25 process. And then I took that to the administrative law

1 court, which is a court that oversees state agencies to
2 make sure they're following policies and procedures. And
3 I asked the administrative law court because the State's
4 Constitution required rehabilitation, but under that, you
5 know, this is the only sex offender program they have,
6 that I wanted to go through it. Then I had to take that
7 to the Court of Appeals because the administrative law
8 court was not going to get involved in the manner and took
9 that to the Court of Appeals. And they upheld, of course,
10 the administrative law judge and then we took it to the
11 Supreme Court. And the Supreme Court heard the case and
12 they said that even if the South Carolina Constitution
13 requires rehabilitation, that it doesn't specify, you
14 know, how it should happen. So they kind of leave that to
15 SCDC. And SCDC in their statement there said he's on a
16 list, he's already had some treatment. He's on a list to
17 see if and when it would be appropriate for him to go
18 through phase two. That was in 2003 the Supreme Court
19 made their ruling. Jumping head it wasn't until 2015 that
20 they ever came back to me and by then the State had
21 already filed their probable cause motion to have me
22 committed.

23 Q So when you filed the suit, were you looking for
24 money damages.

25 A No, I was just looking to get access to the program.

1 Instead of putting me in the program which would have cost
2 them nothing, they hired outside counsel to defend that
3 suit. I just for the life of me it didn't make any sense
4 I was just trying to get in the program. So that effort
5 failed, but I didn't quit there. I mean, I knew we had to
6 do something.

7 Q What else did you -- did you have any -- what is your
8 interaction with John Cusack?

9 A After the efforts to get in phase two didn't work. I
10 had a friend of mine, an inmate, who was going to
11 Dr. Cusack who was a -- he's a psychiatrist who worked for
12 MUSC who is on contract at Lieber. And I asked Dr. Cusack
13 could I log some hours with him the way I asked him and I
14 explain the situation and he said he'd be happy to. So I
15 started seeing Dr. Cusack shortly after that 2003 decision
16 one-on-one therapy. He also used in terms of him bringing
17 with him and so we had a lot of different encounter
18 sessions. Sometimes, you know, it be a group setting
19 where interns would grill me to, but through that process
20 I started to understand again not as an excuse for my
21 behavior, but understand some of the issues that move my
22 life that way. And we talked about the abuse that
23 happened, you know, to me that again I didn't consider
24 abuse at the time and looking back mine was minor probably
25 compared stuff I caused in people's life, but it help me

1 understand why that age group, why the triggers I had. We
2 talked about things that were going on that, you know,
3 that you need to seek approval from people or stuff like
4 that. And I started to understand some of why behind the
5 what with Dr. Cusack. And we also talked about relative
6 risk assessment, that's when I first heard the term Static
7 99. Dr. Cusack had done one on me.

8 Q Over what period of time did you see Dr. Cusack?

9 A From 2003 until about 2005 -- no, 2006. I left
10 Lieber in 2007. A year before I left, he got transferred
11 to -- re-assign from department of corrections to the
12 Department of Veteran Affairs.

13 Q Okay. And so how long -- you said you saw him on
14 one-on-one basis?

15 A Yes, sir.

16 Q How long would that be -- what particular encounter
17 how long would that last?

18 A Hour and a half, two hours sometimes once a week.
19 Sometimes a little more. Sometimes once, you know, be a
20 couple of weeks go by depending on what the schedule was.
21 He would often just call me, you know, last moment and
22 took him on up. He knows I have nowhere else to go.

23 Q Was it at Lieber?

24 A Yes, at Lieber, but they have a medical department
25 you have to walk to that building. It was like up front

1 is what they referred to as.

2 Q Did he give you any homework assignments or what did
3 you do in between those meetings?

4 A In between those meetings, I wrote some like
5 autobiography kind of stuff for him, for me too. I'm sure
6 that was the purpose of the drill, but your life story,
7 you know, trying to explain events and things in your
8 life. There's some other, but I can't remember the
9 details, but more on the line of understanding a distorted
10 way of thinking and how would you relate this to something
11 that happened to you, that kind of thing. We started
12 doing that, most of it was, you know, one-on-one in
13 talking to him. And like I said he -- we discussed things
14 like risk assessment and relapse prevention plans. You
15 know, if you're going to be released what would you do,
16 how would you handle it. So with him help developed sort
17 of a plan for when I got out because I was going up for
18 parole around that same time. And he -- like I said, he
19 did the risk assessment with the Static 99 and the score
20 was a three or something. It was a three at the time.
21 And I don't know what it would be under the new score. It
22 might be less with the age difference and things. But he
23 also wrote to the parole board and appeared before them
24 personally twice with my lawyer in support of my parole.
25 Q You sought him out for that though, did you not?

1 A Yes, I did. I saw him. I mean, I was denied every
2 time I went up for parole, so I just kept seeing him.

3 Q But you asked him to do that?

4 A Absolutely, yes, yes, yes.

5 Q Is that the reason why you were seeing him to groom
6 somebody as a witness?

7 A Oh, know. The fact it's out of the box for them to
8 be able to do that because he was a MUSC employee. He was
9 probably able to do that. SCDC employee they don't let
10 them speak you. I had no expectation that he would be
11 able to do that.

12 Q How about Steven Williams, so you lost continuity
13 with John Cusack or Dr. Cusack?

14 A When Dr. Cusack left, social workers at Lieber one
15 name Dr. Ransom and one name is Binds. They ran another
16 SOTP 1 class and I repeated that class with them in the
17 remaining time I was at Lieber. And I mention that
18 because the value of that to me was -- that was the first
19 time with a better way of thinking that I was in a
20 classroom telling my story and shared it with other
21 people. One of the benefits of the legal challenge and I
22 didn't see it as a benefit at that time, but the media was
23 there and it was all over the papers. It was all over the
24 press. And in prison what that does is it -- your stuff
25 is numb. First came to prison, you're afraid what people

1 will do to a child molester in prison. And I didn't have
2 those problems, but we didn't talk about my stuff and this
3 came out on the news. And what I found was there was a
4 lot people supportive not of what I did, but of me as a
5 person. And they give me courage to be able to get in
6 front of a group of people and talk frankly about my
7 stuff. I'm talking about other people who had the same
8 issue not just anybody. And so that gave me the
9 opportunity that when I got into Dr. Ransom's class, that
10 I was helping start some of the discussion that people
11 might be like the ice breaker, you know, to get them to
12 open up. And it help me, of course, because there's an
13 old saying that you teach what you most need to learn.
14 And every time I got up, I was learning something more
15 about myself. And then I was transferred to Ridgeland
16 because my custody level changed. I was a level three,
17 which is the maximum custody. Once you get within ten
18 years of your max out, they move you, but I got moved to
19 Ridgeland Correctional Institution down in Jasper County
20 and what's where I met Dr. Williams -- Mr. Williams, I'm
21 sorry. He wasn't a doctor.

22 Q What did you with Dr. Williams?

23 A He was a clinical correctional counselor. He was a
24 LPC 1, which is a licensed counselor. And we started
25 talking because I was asking him if they had anything at

1 that institution like a level one class or something that
2 I could participate in. And he said they didn't have
3 anything formal and he agreed to see me on a one-on-one
4 basis. At that time I worked in the library. He would
5 come into that building a lot and, you know, because of
6 that relationship, I was able to see him on a regular
7 basis. And we continued a lot of the same kind of stuff
8 that Dr. Cusack and I had started. And, I think, he
9 reviewed Dr. Cusack's note because he became familiar with
10 what we had already talked about.

11 Q Was her class at Ridgeland?

12 A No, not when I was there. In the four years I was
13 there, they never had a class going. There was some
14 things in the chaplain's office and a program I took part
15 in, but there was not an official sex offender class. And
16 I offered with Mr. Williams that he wanted to get one
17 going. You know, I'd be happy to talk to people about,
18 you know, that I'm in it and you talk about your stuff and
19 trying to recruit people to come into class to encourage
20 them to come forward. He went into private practice and
21 left before I left so...

22 Q So you said that you taken SOPT 1 again?

23 A Yes.

24 Q Did you complete that class?

25 A Yes. There were two classes. I completed the first

1 one and I think I was right at the end of the second one
2 before I got transferred.

3 Q Because I'm not sure that your department of
4 corrections record show, ---

5 A It does. There's a note in the mental history --
6 mental health file that you show me from the computer.
7 There's notes from Dr. Randall in there that would at
8 least confirm that I was in his class, but there's no
9 certificate given.

10 Q So how long were you at Ridgeland?

11 A About four years.

12 Q Did you at some time participate in a course called
13 guardrails?

14 A Yes, that was through the SOTP and Ms. Robert's
15 class. She had some guys from the chaplain's office. At
16 SCDC inmates can go through the Columbia International
17 University. There's a program they have where they
18 become -- get a degree in their pastoral degree kind of
19 thing and they came in and would teach classes to us on
20 one with guardrails and that was based on a DVD varies by
21 Andy Stanly and that's Dr. Charles Stanly. If anybody
22 knows, that's the incite for living, a very very
23 well-known Christian group. And the course was about
24 setting guardrails, being aware of the things in your life
25 that caused problems and how to set up boundaries to

1 prevent that.

2 Q To keep the car in the road?

3 A Right. And, again, that was at least some way ordain
4 by Ms. Roberts because she had it as part of her
5 curriculum.

6 Q So that's part -- were those -- so when you went to
7 guardrail, were the classes actually taught?

8 A Yeah, what she would do is we had like a three-hour
9 class. She might give an hour to the chaplain and let
10 them -- she would go and take a break and do something and
11 let them teach the class for the guardrail section.

12 Q So your participation in guardrail was part of the
13 hours of participation and the sex offender treatment?

14 A That's correct, yes.

15 Q And so over -- now, is everybody who is in the
16 guardrail's class also in sex offender treatment?

17 A Yes, but at least that class. They may have done
18 another class for the yard, but that was just for our
19 class.

20 Q Okay. And over what period of time was guardrails?

21 A From February to August, it was part of that
22 curriculum and, I think, it took the whole time, but it
23 was probably two months of that. Now, we met every day
24 except Friday with the sex offender program. When I was
25 at Ridgeland, we're still there. I mean, when

1 Mr. Williams left, they really had no counselor. I became
2 a clerk in the chaplain's office. I started working in
3 the chaplain's office. And part of that, I got to
4 participate in a lot of seminars that would go from, you
5 know, healing and angry heart, which is about dealing with
6 your past issues and let it go, anger management, you
7 know, some other life skills from a biblical standpoint
8 but worked in the chaplain's office.

9 Q So then when did you get to Allendale?

10 A Allendale I got moved from Ridgeland to Allendale
11 because I'm diabetic and I only take pills. And anybody
12 who wasn't on insulin they moved, so I got moved to
13 Allendale in 2011. And when I got there, I first really
14 didn't want to leave. You get used to a place you are,
15 but Allendale was by far the best yard I've been on. I
16 got there in 2011. It was about the time when they were
17 just starting their character housing unit program.

18 Q Character housing unit?

19 A Yes.

20 Q Is the SHOE or the CHU?

21 A The CHU they called it C-H-U. And it was based on
22 something that had started at Perry under then Warden
23 McCall. I think, he's the deputy director of the
24 department now. And when he left Perry, it kind of fell a
25 part. By the time Allendale had picked it up because

1 Allendale -- the warden had sent some inmates to Perry and
2 learn that program. And so when they came back and then
3 Perry fell apart, the focus kind of became on Allendale's
4 yard. Of course, the warden there John Pate is an
5 extremely good outside of the box kind of warden, but when
6 I got to there, and it was just a lot of programming
7 because of that on the yard. It's -- I don't know if you
8 want me to get into explain what that program was or not.

9 Q Can you talk about the Thinking For A Change class?

10 A Thinking For A Change, it's a class based on federal
11 curriculum. They teach in the federal system and it's
12 about learning how to approach situations and problems and
13 think alternatively. You know, there's an acronym for
14 that called STOP, you know, see the harm, think
15 realistically, opt for a better choice and then practice
16 accountability. And that was about pretty much the crux
17 of that kind of class. It's a learn how to see things
18 coming and to put in effect -- you know, it's just kind of
19 like a count to ten thing, but not that simple, but to
20 say -- take another option and then accountability part is
21 how do you make sure that you are held accountable if you
22 do the wrong thing. Who you got in your life and what you
23 have in your life that will keep you accountable.

24 MR. FALK: May I approach the witness for a
25 second?

1 THE COURT: You may.

2 BY MR. FALK:

3 Q I've have handed you a document. It says certificate
4 of completion?

5 A Yes, sir.

6 Q For successful completion of the Allendale chapel
7 Thinking For A Change class?

8 A That's correct.

9 Q It says Allendale chapel does that mean that there
10 was a faith based class?

11 A Yes -- well, no, no, not this one, but all volunteer
12 programs were at the chapel. This particular one was a
13 federal curriculum that was not faith based. It was just
14 based on life skills kind of stuff. But everything in the
15 department of corrections, all the volunteers on the yard
16 supported through the chaplain's office and what's why the
17 chaplain assigned this one, but they don't shy away from
18 faith don't get me wrong. But the curriculum wasn't based
19 on faith.

20 Q And so how long is this class? How many ---

21 A This was about a 12 or 16 week class.

22 Q And how long was each class?

23 A Each class was about two, three hours once a week.

24 Q And you said it lasted for about 16 weeks?

25 A Yes, sir.

1 Q Is there any homework?

2 A There's a workbook that went with it and we would do
3 the work in a workbook, so, yes, it was homework. It
4 wasn't as elaborate as some of the other homework that
5 I've had, but it was fill out this so that we can discuss
6 it next class.

7 Q Were you accountable for the homework?

8 A Oh, yeah. And that's part of getting a certificate.
9 If you didn't complete your assignments and didn't
10 participate in class, you wouldn't get a certificate.

11 MR. FALK: One moment.

12 (WHEREUPON, a pause in the proceedings.)

13 BY MR. FALK:

14 Q When did you complete that class?

15 A In 2013 February.

16 Q Thank you. I have a couple of certificates here that
17 talk about the FREE program?

18 A That was in the Richland County detention center at
19 Alvin S. Glenn detention center.

20 Q What is that about?

21 A FREE is a faith based, a Biblical life skills kind of
22 class. It talks about how to handle conflict and anger
23 and just some life skills stuff and how to stay align
24 more with God's will and that sort of thing.

25 Q How long did they ---

1 A That was about a six week class and there was a FREE
2 one and FREE two, so altogether it was about 12 weeks.

3 Q I got you.

4 A FREE stood for it was a academically Fully Restored
5 Equip and Empower, that was the acronym and there were
6 volunteers. And there were volunteers that come from --
7 there was a Word of God church on Broad River who came to
8 that program.

9 Q So that was not part of Broad River. You said it was
10 part of Alvin S. Glenn?

11 A That's correct.

12 Q Okay. Now, what does it mean to be a chaplain's
13 clerk?

14 A Chaplain's hire inmates to help them with some of the
15 clerical work. He has -- he handled all of the counseling
16 for inmates when somebody's -- somebody dies those kind of
17 things, so he's busy with that kind of personal work. And
18 inmates help with some of the services the chaplain
19 provides for the yard like somebody would donate cards and
20 they're allowed to get a couple of cards a month and one
21 person might handle that. Some handle the data base, the
22 computer. Every time there's a program or something that
23 goes on, you are a -- there's a out count they call it,
24 but it's like a authorization for them to be out of their
25 dorm and do something. So doing the paperwork for that

1 getting it ready is administrative part. And then there's
2 at Ridgeland particular there was a chapel there in the
3 same building, so some of the clerks would be musical.
4 You know, they would handle the choir and the practice and
5 do that and some would handle the janitorial. My job was
6 to help him organize the data base and then most of the
7 computer stuff. And then, you know, being -- before you
8 could be hired there, you had to demonstrate character
9 that would be appropriate with being involved with the
10 church.

11 Q And you were hired?

12 A Yes, I was hired by Chaplain Rynn and it was an
13 Episcopal priest who was also the associate chaplain.
14 Chaplain Pollock who had known me in Lieber too and I work
15 with both of them.

16 Q And how long did you do that?

17 A It was about almost two years, half of the time I was
18 there.

19 Q What is the adult Catechism course?

20 A That was part of Lieber. There was a Catholic deacon
21 there name Dave Richardson who brought some of the
22 curriculum for studying our faith. The principles --
23 basic Christian principles, but, you know, from the
24 Catholic perspective, but Catholic is Christian. It was
25 going through these things and there was a test in all

1 that. When you completed that, then you complete -- it's
2 like -- I guess, it's like a Bible study class, but it's
3 more studying your own faith and all the laws are
4 scripturally based any way all the rules of the church and
5 you learn those and you participate in the faith. You
6 know, that means actually participate in the services and
7 attending as well.

8 Q Deacon Janelle testified about RCIA is that this?

9 A Short for something to the effect Rights of Christian
10 Initiation and that's just the acronym they use for the
11 for the procedure you go through to become, you know,
12 admitted into the Catholic church.

13 Q Okay. That's what is Catechism was?

14 A Not that. No, that Catechism just for people who
15 were already in the church to strengthen their faith, yes.

16

17 Q Over what period of time was that?

18 A I think, that class itself lasted about nine months I
19 think.

20 MR. FALK: May I approach?

21 THE COURT: You may.

22 BY MR. FALK:

23 Q Can you describe that document there?

24 A It says certificate of completion. This is to
25 certify that Charles Sullivan has completed the adult

1 Catechism course for the Catholic diocese of Charleston,
2 South Carolina signed most Reverend Robert J. Baker Bishop
3 of the Charleston and Deacon David Richardson.

4 Q And the date?

5 A The date is April 1st 2006.

6 Q Okay. So what was the state of your faith prior to
7 that?

8 A It was getting better at that time, that was in 2016,
9 but it was so far different than it was before I got
10 locked up.

11 Q Because that's the Archdiocese of Charleston?

12 A Well, the South Carolina -- the Diocese of Charleston
13 includes all of South Carolina.

14 Q So that's the diocese that you really offended
15 against?

16 A Yeah, it was part of it.

17 Q You heard Dr. Taylor talk about Life Skills 101?

18 A Yes.

19 Q What did you get out of that -- first of all, did you
20 participate in those classes?

21 A Oh, yes.

22 Q And did you think she accurately described what ---

23 A I think, she did it pretty well. What I remember the
24 encounters and the -- when she said she can spot
25 manipulation in prison, we call that BS radar and her

1 radar is really high. She is good and I needed that. I
2 needed that because nothing I've learned in some of the
3 classes is my -- one I forgot to tell you about at Lieber
4 was the chaplain had a group. He approached -- the
5 chaplain at Lieber approached me and asked me what I was
6 doing and I explain to him. He asked if he -- if I wanted
7 him to help me and I said absolutely because, you know, he
8 had had experience in the Kansas department of
9 corrections, who was one of the original states that had
10 this kind of civil commitment hearing going, but he had
11 some experience in that. What we ended up doing was
12 recruiting some other people and having a group that we
13 met with that was a first real sex offender support group
14 I ever met with. And the chaplain once a week we meet for
15 about two or three hours hearing the accounts of people
16 wouldn't necessarily know what people were doing. You're
17 locked down and counted about five times a day, so this is
18 during one of those lock downs sometimes. He really got
19 that going. I forgot to throw that in and...

20 Q That was at Lieber?

21 A That was at Lieber.

22 Q Okay.

23 A I'm sorry, now we're...

24 Q I kind of forgot about that too. So was this part of
25 when you were with Dr. Cusack?

1 A I was still with Cusack then. This was just in
2 addition to that.

3 Q Sort of like starting your own AA meeting then?

4 A The chaplain was the one that led it. It wasn't like
5 an AA meeting, but it was from the support side it was.
6 What the chaplain was really good about was calling your
7 stuff. And I learned -- became more aware of -- you know,
8 I knew I had it. I became more aware of my tendency to
9 put a spin on something too. My degrees in public
10 relations, so it put something in its best light and I got
11 called on that. I started to learn when you get -- kind
12 of do that, the chaplain was really good about that and I
13 started to learn when I speak something to speak exactly
14 what it was, not what I think it was, not what I hope it
15 was, but to say what it was.

16 Q So you weren't teaching those sex offender treatment
17 when you were at Lieber, were you?

18 A No, when I was at Lieber, I didn't. I never taught.
19 I would facilitate conversation, but I'm not a teacher.

20 Q Why don't you explain what that difference means to
21 you difference between teaching and facilitating?

22 A There's a difference you in a class and saying this
23 is my class versus this is our class. I mean, that's the
24 critical difference because each person that comes into a
25 support group like that and that's some of the things we

1 started to do at Allendale, but when you come into that
2 class, we all have to know we're on the same level. I'm
3 no better or no worse than anybody. And you can't start
4 saying my crime isn't as bad as his crime, but that's
5 minimizing it. My crime is bad in it's own way no matter
6 what somebody else was. So you can't come in acting like
7 you're there to teach something. I'm still there to
8 learn. So you facilitate, that means, that you're the
9 leader to get the ball rolling. You're the ice breaker,
10 you get something going, so that we can learn from each
11 other because every time I hear somebody story and I'm
12 sure they do when they hear mine say, God that was me.
13 You know, I see that now, but I didn't see it because I
14 was looking this way. So that is the difference to me in
15 the facilitator and a teacher.

16 Q Somebody's got to start to share it first?

17 A I taught the class at Allendale in journalism, but
18 that's my degree. So I can teach somebody something
19 because I know something they don't know. This is just
20 helping bring out issues that we all need to air out.

21 Q But if you're in a group of people and everybody's
22 got to share and somebody's got to share first?

23 A Yeah, yeah.

24 Q That's what a facilitator does, one of her jobs?

25 A Yes, and usually, you know, as Dr. Taylor talked

1 about the timeline thing, that was one of the things that
2 we use too and the timelines the way to share my story
3 too. Life this is what happened and then this is where I
4 fell and you can start to show that. And I felt like that
5 empowered people to get up and share their story too.
6 They wouldn't be judged because, I think, same offset. I
7 was blasphemy and arrogant man, but I was treated
8 mercifully. And that's what you got to say. You don't
9 have to worry about your stuff cause mine's bad as it can
10 get.

11 Q So you were in Life Skills 101 with Dr. Taylor?

12 A That's right.

13 Q She talked about one of the things they were trying
14 to do or one of the purposes of one of the modules there
15 was identifying triggers; is that accurate?

16 A Yes.

17 Q What are your triggers?

18 A Triggers are kind of -- they're external and internal
19 triggers.

20 Q What are your triggers?

21 A And the internal triggers are, you know, the -- where
22 you're in a situation where you're sort of out of balance
23 in your life. And when I'm out of balance in my life and
24 you seek to find a way to fill a void. Like if it's not a
25 sex offense for instance and I feel lonely, some people

1 may go to drugs or alcohol. Some people may go to
2 prostitutes or whatever. And mine was to that teenage
3 male kind of thing that as I learn was sort of where I was
4 in my head. As I'm getting approval, seeking approval,
5 things that would be in your mind at that age group. I
6 learn that was one of the triggers, you know, that you
7 think that you need to stay emotionally healthy. You
8 know, physical triggers, I mean, things that allow
9 something -- the situations that allow that to happen like
10 alcohol, being alone with a minor or pornography or
11 something that would limit the conversation to a sexual
12 nature. Those are things you want to avoid. If I'm an
13 alcoholic and this is by no means as simple as that, but
14 if I'm an alcoholic, I don't want to go into a bar. And I
15 certainly wouldn't want, you know, want to be in a place
16 where alcohol was flowing freely until at least I
17 developed my ability to shut that off. But even then you
18 wouldn't just hang around with other people drink because
19 you then have nothing in common with them. So you learn
20 to -- what your triggers were and to avoid them. So in
21 this situation, it's like you learn to -- those are things
22 that will get me in trouble, that's what the trigger is.
23 Those are the things that will get that thought going to
24 thinking wow that might be something that might be
25 something that could happen and you stay and avoid those,

1 so that's what those triggers are.

2 Q Volunteering for basketball teams?

3 A Yeah, I would certainly not be involved in coaching
4 or anything that would put me in a position of being held
5 up as an example or a mentor to a young person, but they
6 would follow my lead. And while I know that, you know, I
7 have the ability to control that just like an alcoholic, I
8 know that that ability is in all of us and we have to be
9 on alert for it to avoid the company of fools as they say
10 and to avoid the things that are foolish and that is being
11 foolish to go trying and touch that fire again. It's not
12 what happened.

13 Q What is your definition of victim empathy?

14 A Victim empathy is the ability to feel or see things
15 from the victim's side, you know, in comments like talking
16 about walking a mile in somebody else's shoes and that was
17 certainly one of the things that was lacking with me. I
18 like these people. I knew these people. These aren't
19 people I just met. People that played on my team several
20 years before, but I stayed friends. One level I'm
21 thinking I understand and get that, I understand, but I
22 didn't have empathy. I didn't have -- I wasn't seeing the
23 harm that was done and part of that victim empathy is --
24 the thing that caused victim empathy deficits as they call
25 it in this SOTP class, that is things that blind you to

1 that, things that -- like I said before, I would make a
2 decision to say it's okay if you do this. I'm taking that
3 decision away. I'm not being empathetic to their feeling.
4 And in a situation where I may have -- you know, I explain
5 in some of the indictments it talks about where I touch
6 somebody. And I felt at that time this twisted way that
7 if they didn't move or didn't say no, then it must be okay
8 and that was just so wrong and so stupid. It was probably
9 happening is they were petrified. They couldn't move
10 inside. They were scared. And at the time I didn't see
11 that. I was seeing what I wanted to see. And so I see
12 now that fear was caused by my deficit or for me to say
13 well something happened with this person, but they came
14 back and they kept wanting to come back over to my house,
15 so it must be okay and that's another example of the
16 victim empathy deficit. I wasn't seeing that they may not
17 have been, you know, aware, but they definitely were not
18 comfortable. Maybe in the moment, you know, you're
19 adolescent. It's, you know, your sex drive is high and
20 things in the moment, but they sure were not okay with it.
21 And so when they came back, it wasn't because they liked
22 that act, but they came back is because they liked the
23 trappings, the fun, the alcohol or the grooming parts that
24 I did, that's what they came back for. But the victim
25 empathy deficit to me that kind of blind spot says, well,

1 they came back so it must be okay, that's called blame
2 shifting when you accept that and say for them I'm making
3 a decision, I'm going to shift that blame. You can cause
4 you want it to and that was so wrong, but at the time
5 that's kind of deficits in what I learned later through
6 these classes to give it the name and say that's what was
7 going on.

8 Q What was going on -- there was some testimony about
9 victims were sleeping and maybe there's some touching
10 while they were sleeping?

11 A That was -- what would happen in the sexual touch
12 part wouldn't happen unless they were awake, at least I
13 thought they were awake.

14 Q Thought they were awake?

15 A Yeah. And so, you know, I would be like put your
16 hand on your stomach and if they didn't move it, then, you
17 know, it was okay. I woke up and you could -- I thought I
18 could tell by breathing or whatever, that's what it was.
19 And again this is a twisted way of thinking that was going
20 on back then. Please this is not going on now I promise.
21 That was my way of thinking, well, that was the test. And
22 in bed the reason, I guess, you do something like that is
23 -- if it had a bad reaction, pretend like you were asleep
24 and that was the way to kind of test from start. I mean,
25 it may sound like it's easy to talk about now, but this

1 is really hard to look back and realize that the stuff
2 like that was going on in my twisted mind somehow thought
3 that was okay.

4 Q So give me -- the alcohol was that lowering your
5 ambitions or was lowering their ambitions or you want to
6 be the cool guy? I mean, what was that about? I mean,
7 obviously part of the grooming, but what would be in your
8 head at the time, what was in your head at that time?

9 A All of the above being the cool guy, lowering my
10 ambitions for sure and lowering their ambitions I'm sure
11 because it's lowering mine, but you do -- I've learned
12 I've done stupid things when my ambitions are low.
13 Ambition are there your conscious telling you this is
14 something you should not be doing and alcohol is part of
15 that.

16 Q I'm going to come back around to some of the stuff
17 that you did while you were in custody. I've handed you
18 three documents. I'm not sure if I kept them in
19 chronological order, but Palmetto Unified School District
20 what are these?

21 A The department of corrections has its own school
22 district. It's called the Palmetto Unified School
23 District. No different than Lexington 1 or Richland 1 or
24 whatever. And so these are from ---

25 Q It's on campus?

1 A Yeah, they're on -- at the prison right, but it's
2 their own instead of -- in the adult education when they
3 have GED programs and yards and things often that's the
4 local adult education. People coming in from that county.
5 This was the school district that SCDC had registered
6 with the department of education. These are -- they call
7 them vocational certificates because it was like
8 on-the-job training. I was a GED tutor in the adult
9 education department for the Palmetto Unified School
10 District. And what they do is they record the number of
11 hours, so if you went to find work, you know, in another
12 SCDC, here's my certificate that says that I'm certified,
13 you know, and so my last one these are cumulative, so the
14 last number in 2015 -- they're not cumulative ---

15 Q But one of them says 720 hours on-the-job training as
16 a teacher assistant and that's in 2012?

17 A Right. And they're all teacher assistance. One's
18 level one. One's a level two. I had 2160 hours in June
19 of 2013 and 720 hours the year before that. And then the
20 last year I was there in 2015 is 200 more hours.

21 Q I've never asked this. What is your educational
22 background?

23 A I have a bachelor's of art in journalism from
24 University of South Carolina. I have a paralegal
25 certificate from Black Stone studies. And a high school

1 diploma from Cardinal Newman high school.

2 Q Okay. So this is not GED necessarily?

3 A No, I mean I'm helping people achieve their GED in
4 these classes.

5 Q Okay. What's Jump Start?

6 A Jump Start is a faith based prison rehabilitation
7 program. The field director for that was in here
8 testifying yesterday Cary Sanders. And the program he was
9 talking about is what this is. Inside, there's a yearlong
10 program that you go through that meets weekly as a unit.
11 And then in the dorm also weekly as -- they're like four
12 dorms on the yard and they all come together and meet
13 maybe in the education building. And then when you go
14 back to their units, there's a smaller group that meets in
15 there. It's kind of a share group. And what Jump Start
16 does is in that period you have like you said there was a
17 manual we follow the Purpose Driven Life book by Rick
18 Warren was a best seller for a long time on the New York
19 Times best seller list, but it's a really good practical
20 example of finding your purpose of developing a
21 relationship with God that will support you doing his
22 will. And this program is a yearlong, but it's more than
23 just faith base. They have a lot of practical things that
24 come into too. For instance, there's somebody who comes
25 in from a consultant outside that teaches things about how

1 to do resumes for guys that, you know, need to get ready
2 for the work world. There community resource people will
3 come in and explain what's in the community to help you
4 when you get out, so it's a lot about preparing yourself
5 for restoring life in the community. That first week is
6 -- I mean, the first year is out of that book. After
7 that, some people will stay with the program as
8 facilitators, table leaders they'll call them and they
9 help the groups. You come from your dorm. Your dorm is
10 usually together at a table so you develop a family kind
11 of thing, accountability is what it's about. So the
12 people know your stuff and you get to be held accountable
13 to your work. And that program when you finish it, you
14 graduate and you get a certificate. You have to have a
15 green or blue certificate to be able to qualify for
16 housing and I did. So the second part of that program is
17 the transition program, I think, Mr. Sanders yesterday
18 covered, you know -- the program on the outside is
19 transition to help you not only get re-adjusted in life
20 physically, but also spiritually mentality and to put
21 accountability in place. This is a program ---

22 Q This certificate here this represents your completion
23 of the unit in custody unit?

24 A That's correct the inside unit that's correct.

25 Q I think, Mr. Sanders said to knowing your stuff.

1 What does that mean?

2 A Stuff is kind of a technical term, isn't it?

3 Q Well, you know, I'm just ---

4 A Yeah, it's about understanding the issues that you
5 have that would if not address would lead you to reoffend
6 and to relapse, you know. Everybody, you know, things
7 along the way they call lapses, but they don't turn into
8 re-offense. It's a thought pattern or something. And so
9 part of that stuff is learning your lapses. Your things
10 that you need to avoid and they do a good job of -- in
11 this book covers a lot of those too, like temptation is a
12 whole chapter and probably several chapters under
13 different names, but how to avoid temptation, how to set
14 up accountability around you, how to set up
15 accountability, of course, starting with God, but also to
16 a church, to a program like a 12-step program or
17 something. In my case, I've gone to Celebrate Recovery
18 and will be doing that when I get out. It's a Christian
19 12-step program. They're all over Celebrate Recovery
20 International. And so you align yourself with
21 accountability not just on a professional level. And the
22 Jump Start outside program has classes lined up with a sex
23 offender counselor in Spartanburg, so we'll do that from a
24 professional standpoint. We do the peer accountability
25 with something like Celebrate Recovery or if I wanted to

1 go to Alcoholics Anonymous or Narcotics Anonymous or some
2 of the established programs like that. And then you have
3 your own family accountability, so that people who know
4 your stuff, your issues will hold you accountable to it.

5 Q So people at Allendale knew what you had -- the
6 crimes that you pled guilty to?

7 A Yes, there was -- I never lied to anybody about it
8 and about by the time I got to Allendale, I was -- if I
9 hadn't told somebody, they read about it. So, I mean,
10 anybody who wanted to know I was happy to explain, you
11 know, what happened. Not because I'm proud of it, not
12 because I'm bragging about, but because I'm ashamed of it.
13 And it's a way to say these are the things that you
14 shouldn't be afraid to come and talk about because my not
15 talking about these things for 40 years of my life is one
16 of the things that contributed to it happening. And so
17 it's a way to say when I got to Allendale people in my
18 group already knew my stuff. It's not comfortable for a
19 lot of people. A lot of people I'm sure didn't like me
20 because of my crime and I don't blame them. I mean, I
21 understand it, but they know about it. And the main thing
22 that I was concerned about is the ones who were trying to
23 change and get help that we're real with each other. We
24 try not to hide something.

25 Q I think -- you can't hide crazy for a year is that

1 kind of you alls motto?

2 A Yeah, we heard that a lot in there. Years is the
3 number out there -- you can't hide crazy forever. And I
4 know when you look at mine ---

5 Q You hid crazy for 20 years?

6 A Yeah, I mean I hid crazy, but, you know, a lot of the
7 stuff that I was doing in my life that was positive had
8 nothing to do with me trying to be around children. I
9 started in the Solicitor's office when I came out of
10 college at 23. And, you know, Solicitor Anders ask me to
11 run the PTI program. At that time I didn't even know what
12 PTI was and it was certainly nothing to gain by putting
13 myself in -- these are adult offenders, but when you get
14 those positions of authority and you abuse that by using
15 that as look at me and it becomes about me not about, you
16 know, the blessing I receive from God that I was able to
17 do something like that at 23 years old. Then that's when
18 it's an abuse. I'm using it for the wrong reason, so
19 those things that I did in the PTI program and Attorney
20 General's office that was simply a position that allowed
21 me to take that program statewide. I help with the
22 solicitor's encouragement to write a draft of the
23 legislation and Dick Hartpootlian was the assistant at the
24 time and, of course, we know he's a really good politician
25 and he showed me how to lobby that and take it through.

1 Q The people in the Solicitor's office didn't know your
2 stuff?

3 A Absolutely not.

4 Q What is the impact of crimes program that's at
5 Allendale?

6 A I took it twice once at Lieber before that and that
7 was a curriculum developed by Mother's Against Drunk
8 Driving MADD, do a lot of these kind of things. And SCDC
9 then created their own and that's the one that I took at
10 Allendale. I took the one at Lieber. The one at
11 Allendale is the same, so I just talk about that, but it's
12 a little different. The one at Allendale was the newer
13 version and it teach you the -- help you get a better
14 understanding of the impact that your crime had on the
15 victim. And it covers all victims, but there is a module
16 for sex offenders. And one of the things that was really
17 powerful in that is they had DVDs of actual testimonial
18 from victims and who were survivors of sexual abuse in
19 various form. And when you hear those, they're very
20 powerful. There is a workbook that goes with it, homework
21 that you do to describe situation, explain situations and
22 what, you know, give you an example what should they do,
23 what they do, how do you think they were affected, just
24 help you get a better understanding ---
25 Q . . What period -- what course of time?

1 A That's a 12-week class.

2 Q How long is each class?

3 A Once a week for two hours.

4 Q Homework in between?

5 A Yes, it work the next week's lesson was always apart
6 of it.

7 Q But this is separate and apart from SOTP?

8 A Yeah, this is a different program. It's open to
9 anybody, any offense.

10 THE COURT: Can I get the attorneys up here just
11 quickly for scheduling reasons, that's the only reason why
12 I'm asking. We have been out here for about an hour and a
13 half and I just want to get a sense of how much longer.

14 (WHEREUPON, a bench conference was held in the
15 presence of the jury, but out of the hearing of the
16 jury.)

17 THE COURT: All right, ladies and gentlemen, we
18 a little while longer with direct. I want to go ahead and
19 take a small break because you all have been out here for
20 an hour and a half, just so you can stretch out your legs,
21 use the restroom if you want to. I know we're running up
22 against lunch. I'm going to try to have lunch by one
23 o'clock this afternoon, but if we can finish up with
24 direct before we go to lunch, that will be my preface.
25 But, of course, this is -- it all depends on how long his

1 questioning last. I just want you guys to have a sense --
2 I like to know what my schedule is like, so I sometimes
3 see a little bit of squirming with the jurors and I
4 understand why. So let's go ahead and take a break, don't
5 talk about the case, stretch your legs, use the restroom.
6 We'll get back out here and I'll get you to lunch as soon
7 as possible after that. Thank you.

8 (WHEREUPON, the jury retire to the jury room.)

9 THE COURT: Mr. Sullivan, you may also stretch
10 your legs if you need to during this break or if you need
11 to use the restroom, you let us know about that. And we
12 will get back out in five or ten minutes. Remember,
13 Mr. Sullivan, that you remain under oath. You cannot talk
14 to your attorney right now about your testimony. Thank
15 you.

16 (WHEREUPON, a break was taken.)

17 THE COURT: All right. If we can go ahead and
18 get Mr. Sullivan back on the stand. All right, and we can
19 bring the jury in please.

20 (WHEREUPON, the jury came into open court.)

21 THE COURT: Mr. Falk, you can continue with
22 examination.

23 DIRECT EXAMINATION CONTINUED

24 BY MR. FALK:

25 Q Mr. Sullivan, while the jury was out, I handed you a

1 couple of documents?

2 A Yes, sir.

3 Q And those were all documents that sort of reflect
4 the time that you spent in Allendale; is that correct?

5 A Yes, sir.

6 Q Okay. What are these certificates accomplishment
7 from the CHU, what do they signify?

8 A Completion every year they have sort of a recognition
9 of what you've done in your time at the character housing
10 unit. The one on top I'm looking at it says from March
11 1st 2012 until February 8th of 2015. So this was the last
12 one I got before I left to go to Broad River and it says
13 certificate of accomplishment presented to Charles
14 Sullivan for his devotion to the Character program at
15 Allendale Correctional Institution. Mr. Sullivan
16 voluntarily enrolled himself into a regiment of programs
17 in a respect based on pro-social environment. He has been
18 a contributing member of this character base program at
19 ACI from March 1st 2012 until February 8th 2015 with more
20 than 1,205 hours of attendance. His devotion to this
21 program is evidence that he is determine to improve his
22 life. Signed by Warden John R. Pate Associate Warden for
23 programs Randall Williams.

24 Q The back of that certificate list what topics?

25 A Yes, these are a list of the classes that I attended

1 or the programs I took part in that counted toward that
2 commitment to the character housing unit.

3 Q Now, the character housing unit isn't specifically
4 for people with a charge of sexual offenses?

5 A No, it's for everything.

6 Q Okay. What kind of accountability is there at the
7 character housing unit?

8 A At it's core level it's peer to peer accountability.
9 This program is indeed ---

10 Q You said peer to peer?

11 A Peer to peer, inmate to inmate basically. The idea
12 of this is that in the unit you have resident coordinators
13 of that program. They are like the elders in the church,
14 if you speak, you know, in the program. And their job is
15 to ensure that the program rules were being followed in
16 the unit. It's every residence job within that unit to
17 hold each other accountable. When you come into program,
18 you sign what they call a social contract. You agree to
19 refrain from these things. You agree to respect others by
20 keeping the noise down or respect others by no fighting or
21 respect others by keeping the area clear, you know,
22 whatever things that are pro-social skills. And in the
23 prison environment, that's really unique. It's really
24 kind of rare that people would care about the person next
25 to them and so a lot times guys will forget. And so our

1 job as a resident would be to come to you and say I just
2 want to remind you of the social contract about noise and
3 I heard you from over there. I just wanted to point it
4 out. And it's suppose to be based on like in biblical in
5 Matthew 18 about, you know, you go to your brother if you
6 have a problem. And you try and address that problem with
7 him. And if it doesn't work, then you bring someone from
8 the church in. In this case, you would bring a
9 coordinator or a mentor who would address that
10 accountability with that person. And they have what they
11 would call that engagement procedure and would log that
12 into a log book. So that became a repetitive pattern you
13 might be removed from the program.

14 Q So what's the affect of being removed from the
15 program?

16 A There's a lot of perks to being in that program.

17 Q Like?

18 A Physical perks in the unit like -- the unit is
19 obviously cleaner and, you know, they allow us to paint
20 things. The environment is more residential. You have
21 plants on the common area. You have bookshelves with
22 library books. We had our own kind of library in the
23 unit. We had -- they had bay rooms use to be for games
24 were converted to like classroom with 50 inch TV's and
25 DVR's that you could play in the unit too. We had

1 programs that we could show DVD's, regular movies. So
2 there's some perks for people who want to be in that
3 program. In addition to, you know, relatively free
4 environment no stealing going on, no fighting. Those are
5 zero tolerance offenses so if someone was smoking, had a
6 cell phone, doing drugs, fighting, some of the things that
7 were zero tolerance including, you know, any sexual
8 activity any is a zero tolerance. They would be removed
9 from the program. So there's an accountability to that on
10 a peer to peer level on the -- on peer to peer with an
11 interaction with a coordinator. And that, of course, the
12 ultimate accountability is associate warden over programs
13 was over that and ultimately the warden on the yard. So
14 you could be removed from the program and you wouldn't be
15 allowed to come back in for at least six months if you met
16 the requirement.

17 Q Is this document up there the yellow one?

18 A No, it's not. I don't think so, let me see. Yeah,
19 I'm sorry, I beg your pardon.

20 Q Can you tell me -- I mean, just summarize what is
21 this document?

22 A This is the SOAP program what's referred to earlier
23 as a ROAD program. This program was -- SOAP stands for
24 Sexual Offender Awareness Program and it was based on --
25 in the character housing unit, we had programs would

1 address areas that were important indicators for people
2 that would come into prison that needed to address their
3 issues. We had an addictions recovery program, that had
4 national curriculum they bought and made a grant to get
5 their program going. We had called the Corner Stone
6 education project for people. One of the big reasons
7 people offend is not having the right education, so it's
8 like a GED boot camp within that unit. So we had programs
9 specialize for areas and we did not have one for sex
10 offenders. So when I first got to Allendale, some of
11 these other certificates came before this one, I was asked
12 by the chaplain to help facilitate -- first I took it and
13 then I was asked to help facilitate his 12-week Sex
14 Offender Awareness Program run through the chaplain's
15 office. Base on that experience, based on the other
16 classes I had taken, you know, through C Star and those.
17 And then through some of the people that had come into the
18 program that had been through the SOTP program some of
19 their handouts, I just recompiled them, didn't change
20 information. Those handouts were old typed. They just
21 didn't look that good and because I had to access to a
22 computer, the warden let me redo those. I put together
23 a -- when I did the chaplain's office, it was such a
24 mismatch of things, handout, I just organized them to try
25 and make it more coherent and give somebody.

1 Q And that was at the direction of the chaplain's
2 office you said pulling this program together?

3 A The red one's -- these are the chaplain's programs.

4 Q And one of those says awarded to Charles Sullivan for
5 completion of the 12-week sex offender class and that's
6 dated May 23rd 2012?

7 A That's correct and the other one is same thing for
8 helping facilitate.

9 Q Okay. And these came before this one?

10 A That's correct.

11 Q Okay.

12 A At the time the chaplain just handed me a big file
13 with a bunch of handouts. Some of them were -- may have
14 used by the SOTP program before Ms. Roberts. In fact, all
15 the handouts I had from the SOTP program, I used -- had a
16 name R. Daniels at the bottom. It didn't have Ms.
17 Roberts' name, so I didn't know who she was at the time.
18 So I just recompiled those, put it into an organized kind
19 of booklet. It was just stapled together, but just a
20 little booklet that helped organize it in some kind of
21 topical order. This is just a mismatch of stuff before
22 that and so we put it together. And then I also talked to
23 Ms. Verlinda Henderson at Allendale who is a social worker
24 there, Ms. Sandra Brown. Ms. Henderson gave me her C Star
25 manual, the original C Star manual to incorporate some of

1 that information into this. And then there were some
2 stuff that I had had from, you know, former classes step
3 one program, SOTP 1 which was also included in that
4 manual, but I had some of the handouts. And then I had,
5 you know, some published articles from the internet, from
6 the ATSO the American Treatment for Sex Offender. Some of
7 that information and some of my own from my experience in
8 journalism and communication and some of the workshops we
9 had. So we compiled this together and then gave the draft
10 to the warden to Warden Pate, asked him to look it over
11 and to make sure that, you know, there was nothing that he
12 found offensive or outside of our boundaries to have a
13 discussion group that's all this was.

14 Q What was your understanding of the chaplain? Who's
15 his boss at Allendale?

16 A The warden.

17 Q Okay. He's not independent from the warden?

18 A No, and the chaplain saw this too in fact, you know,
19 to help him if he wanted to do his own class in the future
20 he have some handouts. We -- in a marketing sense, we
21 gave it a name SOAP. And like we had Corner Stone
22 education, ARP for Addiction Recovery and the CHU. This
23 was design to just package it as a concentration on a
24 particular area that, you know, we want to work on in
25 discussion. So when that was given to Warden Pate, I

1 asked him I said run this up the flag pole if you would so
2 that, you know, we don't have any problem on this. And he
3 sent it to -- I think, it was Sandra Barrett and then
4 headquarters.

5 Q So it was your understanding from Warden Pate that it
6 was okay?

7 A Yes, it was definitely okay. And we started the
8 class. In fact, his signature is on this certificate.

9 Q And when these classes were held, where were they
10 held?

11 A They were held in the unit, in one of the units in
12 the classroom.

13 Q They weren't held in private? They weren't held ---

14 A No, no, this is in our classroom. And it was --
15 anyone who had a sex offense and that was the only
16 condition you had to have a sexual commitment offense to
17 participate. We didn't people want people coming out of
18 the woods just being nosey about somebody else's business
19 or something like. So that's the only thing that he
20 allowed us to put the stipulation on it. And Ms. Brown,
21 you know, the mental health worker. She's come to a
22 couple of the classes. And these we started before I got,
23 you know, an understanding that Dr. Taylor had experience
24 in this and explain to the warden that it would be great
25 to have or a licensed person that we may have some issues

1 coming up.

2 Q So how long were you at Allendale?

3 A About four years. I left there the end of '14.

4 Q The certificate is signed in May of ---

5 A The character housing unit program?

6 Q No, no, this one here?

7 A Oh, this was in August of '14.

8 Q Of the four years or so that you were in Allendale,
9 how much time did you spend facilitating classes or
10 attempting classes regarding sex offender awareness
11 treatment?

12 A Almost from the time I got there in '11. Like I
13 said, I did two with the chaplain's program. The warden
14 asked me to do one for the pink suits, that's inmates who
15 are found guilty of a sexual disciplinary, like public
16 masturbation, that's a problem in prison on female CO's or
17 something like that. And if they get caught, they get put
18 in a pink jump suit and housed differently. And he ask
19 they ought to do a class for them to have some awareness
20 of some of the issues. And if they took that class, they
21 would get out of their pink suit a little early. So
22 between -- that was the pink suit program, I think, that
23 was referred to earlier.

24 Q Were any of these classes that you were teaching held
25 secretly?

1 A No, they were all done -- all of them received
2 certificate from the warden and from the associate warden.
3 And they were out in the public where you could be seen, I
4 mean, in the class room.

5 Q And what types of subjects -- what are you looking at
6 here? Are you looking at triggers or we looking at
7 relapse prevention? What are some of the topics that were
8 being covered?

9 A Some of the same topics that are covered in the other
10 education components like cognitive distortions, that's
11 the things you tell yourself that what you're doing is
12 okay that makes you somehow think that it's okay to do.
13 There are things like the cycle of abuse. There's a
14 chapter on that. What are arousal triggers, that's
15 another chapter of the things that make you become
16 sexually excited. There are things like relapse
17 prevention. There was a chapter on what the sex offender
18 laws are that you need to be aware of that you'll be
19 subject to and how to comply with those to some just
20 general understanding of, you know, what is a sex offender
21 and these are articles by people like that who share with
22 them to get an understanding of a fair and objective view
23 of what sexually deviant behavior is. And there's a
24 chapter on deviancy. There's a chapter on communication
25 about how to use I statements, you know, don't put it on

1 somebody else. I did this, I did that, instead of well
2 this is what happened. There's a section where, you know,
3 they're encouraged to talk about how secrets were apart of
4 their pattern of abuse, how victim empathy there's a
5 section on the issues that -- and these were based on
6 psychological studies that showed and they were listed.
7 Everywhere in that manual was either a footnote or in the
8 back there's a bibliographer where that information came
9 from. And so we were trying to show them this is where
10 you can find this information when you get out. So these
11 are the kind of things that you need to be aware of that
12 will help you make informed decisions. In front of the --
13 from the very beginning of class, the first thing is they
14 signed this disclaimer that says this is an information
15 only group and there's confidentiality expected and all
16 that.

17 Q So now coming back to this certificate, this one is
18 signed 2014?.

19 A Yes.

20 Q And is this program that was led by Dr. Taylor?

21 A This program was not led by Dr. Taylor. She came and
22 participated in a couple of sessions with this, but this
23 was before when I asked the warden about the time that
24 that happened -- this is after we had done two classes, so
25 it must be close to a year after we had gotten the manual

1 sent up to headquarters. Word came down from Ms. Barrett
2 that we needed to stop the SOAP program because it needed
3 a licensed person to run it. And understood that concern,
4 but, I think, they misinterpreted it as a discussion
5 group, support group. But with all fairness, I understand
6 because they were dealing with a mental health law suit
7 and somethings that were going on that they had to comply
8 with certain conditions. So I talked to the warden and
9 said, you know, perhaps Dr. Taylor could take this type of
10 thing over and we don't have to call it SOAP anymore, just
11 get that off the books because that name obviously had a
12 connotation to it that was not approved, so we disbanded
13 the SOAP program and became Dr. Taylor's personal
14 awareness program.

15 Q Okay. And then that's the Life Skills 101?

16 A Life Skills 101 for the sex offenders and some of
17 these same information would come up again.

18 Q I spent sometime down in Allendale County and I spend
19 sometime in Allendale and it's probably more prosperous
20 parts of the state than that?

21 A Yes.

22 Q You're almost describing a dorm at Allendale maybe
23 some of the nicest housing in Allendale?

24 A It's beat going on the street, but ---

25 Q You made a decision to go to Broad River?

1 A Yes.

2 Q And what did you know about Broad River?

3 A Broad River is a level three yard. Of course,
4 Allendale is a level two. Broad River had nothing from a
5 character standpoint, had a reputation in some pockets of
6 it for being rough and, you know, lots more. You get back
7 in that environment you're dealing with more stealing,
8 more fighting, more, you know, threats to your person and
9 your property.

10 Q That's what you do before you went to Broad River?

11 A Yes, sir, from people who had been there I thought
12 were at Allendale that knew Broad River.

13 Q Were you aware of people who did not want to go to
14 Broad River because they thought they had gotten
15 everything they needed from the programs at Allendale?

16 A Well, there were a lot of people who thought they had
17 everything they needed and were in denial about treatment
18 period. And, I think, some of them -- a few people and, I
19 mean, just really one or two that I knew, I think took
20 this program because they could use that as an excuse to
21 say I don't need -- but they were in denial about the
22 treatment part and didn't want to give up their comfort
23 level to go there.

24 Q Because as far as prison facilities, Allendale is not
25 bad?

1 A As far as prison ---

2 Q As far as livability, as far as livability?

3 A At that time it was excellent because the character
4 program guard what guided the behavior on it. SCDC, I
5 think, was the lowest yard for disciplinaries and ---

6 Q What was it?

7 A Allendale was the lowest yard for disciplinaries at
8 the time and that goes a long way doing your time, makes
9 life comfortable. And at Allendale they had about 50
10 volunteers from the community. And the Allendale
11 community was very supportive. One of the local animal
12 shelters had a dog program there. And you had a dog in
13 your room or, you know -- not everybody, but 15 that
14 helped the animal shelter get them ready for adoption.
15 That kind of normalcy developed a comfort level there that
16 was just -- you know, you felt a connection to the street.

17 Q Before we move from Allendale, where did you take the
18 MRI program?

19 A That was here in Richland County detention center.

20 Q Okay. What is that about?

21 A It's called MRI means Men's Re-entry Initiative.
22 It's a program that's run by a guy name Mark Sellers who
23 is a master of social work from -- he works at the
24 University of South Carolina and he created this program
25 with a grant to come into prisons and it's a -- it's hard

1 to describe. It's some of life skills kind of stuff, but
2 it's mostly in an encounter group. The core of the class
3 as you come in and you do a grief and loss chart is what
4 he do. So everything you're doing prepares you to get up
5 and tell your story and Mr. Sellers is real good about
6 prying and picking.

7 Q Prying and pick?

8 A Prying and picking, you know, like I see you said or
9 come on now really. He will call you on things. It's a
10 really good experience and everybody in the class gets to
11 call you on things too. And so that grief and loss chart
12 is about, you know, what happened in your life and what
13 you need to change and what you need to let go of, that
14 class is still not finished. We got a few more sessions,
15 but I did my grief and loss chart. And that's why I don't
16 have a certificate for it yet, but he's suppose to be
17 sending one. But I'll probably leave the institution
18 before.

19 Q Did you ever have any hesitancy about going to Broad
20 River and going into the SOTP program?

21 A Well, I think, the normal hesitancy that you get
22 comfortable where you are, had a lot of personal property
23 getting stolen, but it was the only place that you could
24 get the SOTP program.

25 Q So went to the program at Broad River?

1 A Yes.

2 Q What is that program like? Are you all segregated?

3 A When we got there -- and this is some of the reason
4 people didn't want to come because the story that came
5 back -- the unit that we were put in -- SOTP use to be
6 down by itself and separated from the yard. They emptied
7 one of the units on the yard Maren unit because the aids
8 patients were housed there and I don't know if you
9 remember reading that they separated in a lawsuit they had
10 spread them out in that population. So that whole unit
11 was open and what happened was all the bad guys from other
12 institutions came there and that was kind of like a war
13 zone and that's where they put the sex offender program.
14 They became sheeps among the wolves because you got a
15 bunch of guys who were robbing people at knife point and I
16 witness that and were taking stuff, were threatening
17 people. And their people in that program -- there was a
18 row of rooms that were identified as the Sex Offender
19 Treatment Program, that was like putting a target on a lot
20 of those people and it was not a pleasant experience. I
21 survived it pretty well only because I had done a lot of
22 time at that point and I had known a lot of people lifers,
23 people from other yards that help me cope with that. And
24 after complaints were made, Ms. Roberts finally agreed
25 just about half way through the program to move people to.

1 other units and I got moved to Wateree unit. Some other
2 people got moved to several units, but it got sort of
3 disbanded and instead of the class meeting in the same
4 building which is the what idea was because it was so
5 noisy, so disrespectful in that class, we ended up going
6 to the education building. The only reason that's
7 significant is when you have movement, you have to leave
8 your dorm and go where it's controlled movement in SCDC
9 where you have to wait in line for an hour to get out the
10 door. They just caused a lot of scheduling problems and
11 interruptions, but that was what the yard was like.

12 Otherwise, it had some good chaplain programs Jump Start
13 was there.

14 Q Is there like a class -- is there a group of people
15 who are together for the 15 weeks or 12 weeks?

16 A Yeah, there is two different classes. They had a
17 group with people who had issues with minors and then
18 people who had adult sex offender issues. So one would be
19 in the morning and one ---

20 Q So there's continuity of people in this class?

21 A Constantly people in this class.

22 Q Continuity, the same people?

23 A Yes.

24 Q Okay.

25 A Some people would drop out or get transferred or

1 something, but same group of people except for maybe a
2 few.

3 Q So how many times did you have instruction?

4 A Four days week. We didn't meet on Friday's. That
5 was in the morning like from nine to 12, three hours a day
6 four days a week.

7 Q And was there -- was Ms. Robert there the whole time?

8 A She was there and she had interns who worked with
9 her.

10 Q And in between the classes was there homework?

11 A Yes. A lot of homework.

12 Q What kind of accountability was there for the
13 homework?

14 A She graded everyone and put comments on them, you
15 know, excellent or very good and check that you did them.
16 And she did kept a log if you hadn't turned homework in,
17 that would be grounds for not getting a certificate.

18 Q And this lasted for what period of time again how
19 many weeks?

20 A The class actually started about March the 1st
21 through August the 1st. We got to the yard in February,
22 but there were some things going on on the yard that
23 security wouldn't let things happen for a few weeks.

24 MR. FALK: May I approach?

25 THE COURT: You may.

1 BY MR. FALK:

2 Q What is that dock?

3 A This is the South Carolina Department of Corrections
4 division of behavioral and mental health substance abuse
5 services. Certificate is awarded to Charles Sullivan in
6 recognition of successfully completing the six months of
7 group therapy in the Sex Offender Treatment Program. This
8 24th day of August 2015 signed by Sylvia Roberts the SOTP
9 coordinator and Dr. Crystal Russell the division assistant
10 director of BMHSAS.

11 Q That has a seal on the bottom of it?

12 A It's got a seal South Carolina Department of
13 Correction seal on the bottom.

14 Q And did everybody who was in that class get one of
15 those?

16 A No. Well, everybody in our class I think but not in
17 the two groups. Our class, I think, has successfully
18 completed it. You had to get a score of at least, I
19 think, it was 75 to get a certificate or a 80. And the
20 other ones would just get a certificate of completion.
21 They wouldn't get that -- they get a certificate of
22 participation not a certificate of completion.

23 Q Okay. Because one of the other Jump Start or
24 something you get a green certificates or blue
25 certificates was there something similar with this?

1 A Similar in the sense that that has a seal on it which
2 means it's, you know, the completion and that you got a
3 good mark on that and the other would not have a seal and
4 would just say certificate of participation.

5 Q How did you meet Crissy Tilbury?

6 A In 1988, I had applied for a job with Wells American
7 Corporation in South Carolina that was opening a London
8 office. They wanted a London branch manager. I applied
9 for the job and got it. I moved over to England in August
10 of '88, but I was living in London then. When I was
11 searching around for office place and found a place in
12 High Wycombe. So I went back and got my stuff and came
13 back in October. The business center that we rented space
14 in she worked there as a main switchboard downstairs in
15 one of the administrative support people.

16 Q Y'all became romantically involve?

17 A Yeah, at first, you know, we were friends, went out
18 date a few times and then didn't take long we got
19 seriously involved.

20 Q And you all engaged?

21 A Yes, we're engage now. We were engaged when I got
22 locked up. And I came back in like late '92 and she was
23 going to come over. We were trying to work out a long
24 distance thing. And then finally it was about -- early
25 '97 that we decided let's go ahead and do this that she

1 would go ahead and come over, trying to work out important
2 things and job things. And, you know, we were engaged at
3 the time and unfortunately, you know, for everybody this
4 happened. And the idea was that she was going to come
5 back, but I got 35 years. And it didn't take long for it
6 -- we stayed friends and -- but she went her way and I
7 went my way. And then about 2009, we reconnected and
8 wrote and talked and she flew over to see me when I just
9 moved to Allendale and we talked for a while. And it was
10 like yesterday. We been together in England for, you
11 know, three and a half years. And it was just felt right
12 again, so we decided that -- I gave her the ring back and
13 we been engaged since then.

14 Q Some of your behavior back when you -- I think your
15 word spiraling out of control, some of that was going on
16 probably while you were seeing her or is there any
17 overlap?

18 A She was in England at the time. And, I think,
19 there's no excuse for what I did, so this is not offered
20 as any kind of excuse, but an understanding of why I might
21 have started spiraling is that there was an imbalance in
22 my life because of that just not being an issue at all.
23 She was still there. I was over here and I didn't really
24 want to make an commitment to somebody else over here and
25 I dated some.

1 Q Dr. Gehle talked about an investigation that might
2 have been going on over there?

3 A Yes.

4 Q Was she in the picture?

5 A She was aware of it, yes. She was not knowledgeable
6 of it beforehand and she wasn't part of it. She wasn't
7 home that night.

8 Q Okay. What is your relapse prevention plan today?

9 A The core of it other, I mean, other than having, you
10 know, understanding my issues and the need for
11 accountability, the first step is that Jump Start
12 transition program because that gives not only
13 accountability. These people have known me for a while
14 and, you know, it's hard to manipulate or con somebody
15 who already knows that you're a convicted sex offender and
16 that you are held accountable. They already have
17 something lined up with a doctor in Spartanburg who does
18 sex offender treatment, so I'll start with that
19 professional accountability. Celebrate Recovery for the
20 peer accountability. I will be involve in that 12-step
21 program, which I was involved in in Allendale, so I
22 understand it. They're not just substance abuse. They
23 deal with sex addictions and they deal with other things
24 too. They group you by your topics of -- that's what I
25 like about Celebrate Recovery. Then one of the

1 requirements of the transition programs you have to be an
2 active member in a church family and have a mentor with
3 that church and they help set that up for you. So I will
4 have a community mentor as well. And then like a group of
5 your three or four people that your close circle of people
6 that know your stuff, that will hold you accountable. Of
7 course, my family and soon as Crissy gets here and we
8 intend to marry, that's another level of accountability
9 that hasn't been in my life before and so that's the first
10 step. The professional counseling is going to go beyond
11 just what Jump Start has. I'm going to meet with --
12 Dr. Taylor had offered to help to continue some of the
13 treatment we did, would definitely like to continue
14 working with Dr. Taylor and whatever recommendation she
15 makes about groups or -- there's several people around the
16 state that specialize in this that, you know, when people
17 required to do sex offender treatment that they would do.
18 I'm not required by law to do community supervision or
19 parole or probation because I was denied for parole and my
20 crimes happened before these laws came into affect. I
21 express through my previous contact that I would be happy
22 to accept whatever stipulation, but I don't know that it's
23 legally possible, but if they want to do a binding
24 contract ---

25 Q One of the things that we talked about was some of

1 the laws that are applicable to sex offenders. Are you
2 aware of any registration laws?

3 A Yes, I have to register four times a year quarterly
4 and pay a fee for that too.

5 Q Okay.

6 MR. FALK: May I approach?

7 THE COURT: You may.

8 BY MR. FALK:

9 Q Okay. That's a document that's titled notice of sex
10 offender registry form?

11 A Yes, sir.

12 Q You remember filling this out?

13 A Yes, sir. This was upon release September the 24th.
14 When you get release, they make you sign this -- they're
15 telling you these are the things that you're going to be
16 subject to and that you need to be aware of it. So this
17 is part of the awareness of the relapse prevention.

18 Q Those are your initials?

19 A Yes.

20 Q That's a several page form, but what's your
21 understanding what do you have to do?

22 A Well, first I got to register within 24 hours at the
23 sheriff's office in the county I'm going to live in, so
24 that means Spartanburg County sheriff's office.

25 Q What happened if you don't?

1 A I don't I'll be charged with failure to register,
2 which is a separation crime. I could be put back in
3 prison for.

4 Q Okay.

5 A And if any crime I go back to prison for, the same
6 sexually violent predator proceeding is subject -- I'm
7 subject to the same thing even though I didn't commit
8 another sex crime. They still could review me for this.

9 Q So it's your understanding if you went out and stole
10 a pack of gum, you theoretically could be put back through
11 this process today?

12 A Exactly.

13 Q Okay, go on.

14 A That if I move, I have to tell them, you know, that
15 I'm going to move. I have just a few days to be able to
16 do that. If I go to school somewhere, if I participate in
17 education or work at a school or work somewhere, I have to
18 tell them where I'm working and let the people that I work
19 for know. I have to if I'm going to go out of the
20 country, I have to give 21 days notice. And then when I
21 come back, I have to give notice within a couple of days
22 that I'm back. If I use the computer, I have to register
23 my computer passwords and my codes with the sheriff's
24 department, so that they can monitor that any activity on
25 the computer.

1 Q What's your understanding if you change one of your
2 passwords?

3 A I have to tell them. And by changing my password, I
4 can be charged.

5 Q That's an offense just like not registering?

6 A My understanding, yes, it's jut like not registering
7 -- not complying with the registration and I have to -- I
8 can't live within a thousand feet from a school or daycare
9 center things like that. There's certain restrictions on
10 where I live. There are, of course, the registry is
11 published. And this doesn't include things like
12 neighborhood watch groups that produce news letters and
13 leaflets and community notification. Wherever I go, it
14 will be very clear to those around me that I am a sex
15 offender and I'm living in that area. And I understand
16 that if I give any false information on when I re-register
17 or anything like you said when you comply, that it is a
18 crime, so I can be rearrested. That's the gist of it.

19 Q So your record what you pled guilty to that's going
20 to be in the NCIC whatever it is, right?

21 A Yes.

22 Q Criminal record data base?

23 A Yes, sir, it's the National Crime Information Center
24 and the SLED, which is the state crime information center
25 it's there. It's on the internet. There's a web cite to

1 check for sex offenders free check for anybody who wants
2 to look.

3 Q You're not old enough for social security?

4 A No, I just turn 60.

5 Q So are you concerned about finding employment knowing
6 that you're going to have the -- sort of scarlet letter?

7 A That is one of the huge drawing parts for Jump Start
8 is that they provide work for you. They have a
9 relationship with real companies up there that you have
10 some opportunities to have meaningful employment. And
11 housing is also an issue when you first get out. People
12 don't want to rent houses to sex offenders. They don't
13 want to live next door to them. And then there's the
14 cost. If you don't have a job, it's hard to pay for that.
15 So housing is a real challenge and that's one of the
16 things that the American Society for Treatment of Sex
17 Offenders talks about is the things that are potential
18 problems for sex offender to reoffend. And it doesn't
19 mean with another sex offender. It means like failure to
20 register and things like that, so Jump Start provides the
21 housing and it provides the job.

22 Q Jump Start only goes a year. What's on the 366 day?

23 A Well, part of that year is helping you get a budget
24 together, save some money. If you want to buy a house,
25 they help you find place to buy. And, of course, Crissy

1 will be working too and well be able to combine income
2 and, you know, find a place, but it doesn't give us enough
3 time to find the proper place with proper boundaries, you
4 know. By that time, you're understanding and you're
5 readjusting to community. It's just another plus to help
6 minimize the opportunity to reoffend.

7 Q But you're only going to have employment with Jump
8 Start for a year?

9 A No, no, the job is a job once you have the job that's
10 between you and the company. If I were to lose that job,
11 Jump Start will help me find another one. And I know that
12 none of them will quit supporting me just because I finish
13 my year of in their transition house. I mean, once you're
14 with Jump Start, they stay with you. They mentor you.
15 They help you. And I'm sure that if my residence needed
16 to go beyond a year, they would probably be happy to
17 extend that. They have 16 houses around the state and
18 they're not always full. Some of the people who had work
19 with Jump Start like Mr. Sanders who was here yesterday,
20 you know, came up through the ranks. And has an
21 understanding that some of them may -- guys live at the
22 residence will become a resident manager for them those
23 kind of things. There jobs within Jump Start and they had
24 talk to me about that a while back maybe helping them at
25 headquarters, things change since then, so I don't know if

1 that's a possibility, but it would be, you know,
2 management part that are helping fundraise or something
3 like that.

4 Q What happens to your relapse prevention program if
5 you get thrown out of Jump Start?

6 A Well, I have a backup in family. My sister Mary Jane
7 has a place with extra bedroom in it. She's already
8 offered to put Crissy up right away there, so Crissy and I
9 can live there and my sister Eilleen is here, she has a
10 place. I have a friend around Charleston that would have
11 a place. There's another friend who lives in Spartanburg
12 coincidentally that has already told me if I need a place
13 to live come see him. I have ---

14 Q But are you motivated to stay in Jump Start?

15 A Absolutely. I mean, I'm motivated because it's the
16 kind of accountability and the kind of program that I want
17 and I need in my life.

18 Q That you need?

19 A Yeah. Like I said earlier, would be a fool to think
20 that there's not potential, you know, to reoffend. The is
21 issue can you control it. And so that accountability like
22 alcoholic is always going to be there. You always have
23 that potential, so I'm not fooling myself. But if nothing
24 else, the draw of the support of the job and a place to
25 live and things is insensitive enough knowing what I'm up

1 against to try and find something on my own. If I come
2 back to prison for whatever, you know, likely going to be
3 a life sentence, could be something small, but, I mean,
4 life in the sense that I wouldn't be released from
5 confinement, so the motivation is high. I mean, I been
6 confine for 18 years. I'm anxious and very motivated to
7 try and establish myself again in the right way.

8 Q Do you need treatment?

9 A Yes.

10 Q So I think you talked a little bit about Dr. Taylor.
11 When do you think you'll be done with treatment?

12 A Never. I mean, treatments always going to be apart
13 of my life. It's just the constant need to evaluate and
14 re-evaluate yourself all the time to make sure that you're
15 not slipping, that lapses don't become relapses. You
16 know, that you don't commit another crime. The goal of
17 treatment is always no more victims. And that's the goal
18 for my life which it is and then that means treatment.
19 It's got to be part of that all of that.

20 Q You were spinning out of control in 1990's?

21 A In the '90's, yes.

22 Q What assurance do we have that you're not going to
23 spin out of control again?

24 A I think, that one of the things that allowed me to be
25 spinning out of control but evade, capture or evade,

1 detection is that there was that side of me that you could
2 hold up and say he's a good guy, that's not there any
3 more. It is hard to fool somebody who already knows what
4 you're about. And because of the accountability I have
5 through -- between social media, between the law, the
6 registration, people already gone know. If I went and
7 applied just assuming I would be so foolish, I applied to
8 work to be a coach, it doesn't take anything to go on the
9 web and Google my name and it's -- it would come up very
10 quickly what my past was and I wouldn't be allowed to do
11 that. So I know that even if I wanted to which I don't,
12 I wouldn't be allowed to be in the situations that I have
13 been. That there's no one that would look now days in
14 these kind of situations with publicity it's had that
15 would not do a background check on somebody before they
16 would even date them now days, you know. I know that
17 accountability is there. And I'm not going to be in a
18 position to be able to do that. What you have an
19 assurance from me is that, I mean, I said this earlier
20 when I think back 20 to 35 years ago that period of time
21 and look at the distorted and the twisted thinking that
22 allowed that I put in my life, that allowed that kind of
23 stuff to go on, I'm shamed, but it's not about me. I'm
24 disgusted because I'm looking at it with a different set
25 of eyes now. The time it seem like, you know. I know

1 what the word is for it, but it didn't seem like the harm
2 that I see today that hurts to look at that. So I just --
3 you know, I want the Court to understand I am not the same
4 man that committed these crimes and pled guilty to these
5 crimes, you know, 20 years ago or 18 years ago, but the
6 assurance is that there's going to be a tight leash on me
7 not just for my own relapse prevention plan and those kind
8 of things, but a tight leash is going to be by the law
9 too. And I don't know anybody who ---

10 Q I see you're saying you're not the same man some of
11 the counseling and the courses help you. Is that why
12 you're not the same man?

13 A That is the biggest reason because group -- when I
14 finally got separated from the life I had fashioned and
15 I'm sitting in these treatment groups and I'm listening to
16 people talk. You know, I realize that our stories aren't
17 that different. You know, we all sin. We lived in a
18 sinner of wickedness. We did things that hurt people that
19 didn't deserve it. And you come to that realization that
20 you just can't ever go back there. That it's just not
21 something that you would want to do to them and not
22 something you want to do yourself again. And that whole
23 process I just realize, you know, it's just not about me.
24 And that you sit in these groups and you listen, that's
25 why treatment is such an important part. I don't care how

1 many groups I do whether I facilitate, whether I sat
2 there, whether -- every group I did I got to hear somebody
3 talking about something that you don't get to talk about
4 on the street. If I hadn't had these opportunities in
5 prison from a growth standpoint, those were the best years
6 of my life from a growth standpoint. I didn't have the
7 opportunities to listen to those in that kind of forum, I
8 would have never learned because on the street -- not that
9 I'm afraid to talk to somebody about that because you're
10 afraid that life's going to get ruined or you're going to
11 be destroyed, but you don't have that chance, and so if I
12 had stayed out -- and, I mean, this excuse me -- I think,
13 John Doe One and John Doe Two they know who they are, but
14 I thank them for taking the courage because it's the only
15 way I was going to stop when they came forward. And if it
16 weren't for that instance that I got convicted and sent to
17 prison, still be doing the same crap excuse me. But
18 because of that courage not just the parents but of those
19 kids involved too, who we had a good relationship. I
20 think, you know, they certainly must feel very betrayed
21 and the parents too because they trusted me, but I thank
22 God for it.

23 MR. FALK: I have no further questions.

24 THE COURT: Thank you. All right. We are going
25 to take a break for lunch before we go into

1. cross-examination of this witness. It is now 1:25. We
2 will take an hour and 15 minute lunch. So I would like
3 you all back here let me just make it a little easier.
4 We'll do an hour and 20 minute lunch. So we will be back
5 here at 2:40, that's right 2:40. Let's get back here at
6 2:40 and we will then proceed with cross-examination at
7 that point. I remind you all not to speak to anyone about
8 this case no fellow jurors, not friends not while you're
9 out there grabbing lunch. Please refrain from all talking
10 about this case during this break. Thank you all very
11 much. And we'll see you at 2:40.

12 (WHEREUPON, the jury retire to the jury room for
13 a lunch break.)

14 THE COURT: All right. Mr. Sullivan, you'll
15 remain under oath during this lunch break. So you're not
16 allowed to talk to your attorney about your testimony
17 during the break. Can I get an estimate from the
18 attorneys on how long your closing arguments will be?

19 MR. FALK: I have three pages of notes.

20 THE COURT: And that equates into?

21 MR. FALK: I'm sorry. I would guess it's 20
22 minutes.

23 THE COURT: Okay. Mr. Morrow.

24 MR. MORROW: I have ten pages of notes.

25 THE COURT: And that is?

1 MR. MORROW: Probably about 30 minutes, 40
2 minutes.

3 THE COURT: All right. Do you plan to do a
4 apply, Mr. Morrow?

5 MR. MORROW: I do, Your Honor.

6 THE COURT: And brief?

7 MR. MORROW: You're talking about in closing?

8 THE COURT: In closing.

9 MR. MORROW: I ---

10 THE COURT: You will have a reply witness?

11 MR. MORROW: I will.

12 THE COURT: Okay. All right. We'll be back
13 here at 2:40.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: We ready to bring in the jury?

16 MR. FALK: We are, Your Honor.

17 THE COURT: All right, Mr. Morrow?

18 MR. MORROW: Yes, Your Honor.

19 THE COURT: Go ahead and bring in the jury
20 please.

21 MR. FALK: Should he take the stand?

22 THE COURT: I'm sorry.

23 MR. FALK: Should he take the stand?

24 THE COURT: Oh, yes, go ahead and take the
25 stand, just wait one moment while the respondent takes the

1 stand. Thank you.

2 (WHEREUPON, the jury came into open court.)

3 THE COURT: All right, welcome back. I see some
4 refresher faces, so I can tell lunch did you all good. We
5 will proceed with Mr. Morrow on cross-examination.

6 Go ahead, Mr. Morrow.

7 MR. MORROW: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. MORROW:

10 Q Good afternoon, Mr. Sullivan.

11 A Good afternoon, Mr. Morrow.

12 Q Mr. Sullivan, you were interviewed by Dr. Gehle in
13 connection with these?

14 A That's correct.

15 Q You stated to Dr. Gehle that in the past you had
16 sexual fantasies with all these teenage boys and you
17 masturbated to those fantasies, correct?

18 A Yes, at some point, yes.

19 Q You also admitted to looking at child pornography on
20 your computer in the past, correct?

21 A Correct.

22 Q You told Dr. Gehle that you would -- while I'm
23 sorry -- you admitted to sexual conduct with teenage boys
24 who were sleeping, correct?

25 A Who we were in bed together.

1 Q You told Dr. Gehle that you would while sleeping in a
2 bed with minors start with your hand on their stomach and
3 if they did not move their body or move your hand, you
4 would proceed to move it lower to touch their genitals?

5 A Yes, if it felt like they were awake, that's what
6 happened.

7 Q You indicated that at the time you thought if the
8 minor didn't stop your advances you thought it was okay?

9 A At the time.

10 Q You also reported to Dr. Gehle that you thought that
11 several of your victims enjoyed your sexual acts although
12 most did not?

13 A No, I said at the time I thought they did.

14 Q And, Mr. Sullivan, you gained access to your victims
15 through social service organizations, civic organizations
16 and through coaching sports, correct?

17 A Because those conditions, yes.

18 Q So in 1997 you served as superintendent Carolina
19 Children's Home, correct?

20 A No, it was 1983 to 1985.

21 Q I'm sorry. You were still involved in the Carolina
22 Children's Home in 1987?

23 A Not direct capacity. One or two of the kids that had
24 been there before had remained in contact and I became a
25 sponsor for one of them.

1 Q And you were investigated by DSS in 1987 and later by
2 the South Carolina Law Enforcement Division for sexually
3 abusing one of the residents at the Carolina Children's
4 home?

5 A Yes, I was aware of the department of social service.
6 I wasn't aware of the SLED investigation until the 1998
7 thing.

8 Q And at the time in 1987 and 1988 you claimed that the
9 resident misread your legitimate shows of affection?

10 A That's what I said at the time, yes.

11 Q And you did eventually plead guilty to an ABHAN
12 charge against John Doe number five who was a resident at
13 the Carolina Children's Home?

14 A I believe he was a resident. Yes, and I did plead
15 guilty.

16 Q So after that investigation in 1988, you moved to
17 London, England sometime after that?

18 A That's correct.

19 Q And you were able to get involved with the department
20 of social services there, correct?

21 A I call them when I got there because they had an ad
22 in the paper about they wanted foster parents, but I
23 called them and said I don't have really time to be foster
24 a parent, but I be interested in talking to you about how
25 you recruit volunteers and helping whenever I can because

1 I use to run the Carolina Children's Home in Columbia and
2 because of that they took me to one of the homes to show
3 me around. And one of the directors of the home ask me to
4 take up time with -- who was identified there as S.E. not
5 the one who made the allegation.

6 Q Okay. Now, again in 1990 while you were involved
7 with social services department in England there were
8 allegations of you sexually abusing a boy?

9 A There was one allegation of one boy.

10 Q And you were investigated by the Thames Valley
11 police department in relation to those charges?

12 A Thames Valley called me on the phone said they had
13 some questions. They ask me to come by. I drove by to
14 see them and answer their questions and drove away.

15 Q You were in fact detained during that investigation
16 and released upon summons to return, were you not?

17 A No, I sat in the interview room and talked with them
18 and left as soon as we were through.

19 Q Mr. Sullivan, would it surprise you to learn that I
20 have a document that would contradict that statement?

21 A It doesn't contradict, I mean, necessarily because I
22 sign that document. And I seen what you're talking about.
23 I believe they call it a bail report. What that was as
24 I'm leaving sign this piece of paper. I wasn't ever put
25 in a holding cell. I wasn't ever detained. They never

1 took my property. They said sign this. I never even came
2 back. I never had to come back for the date they put on
3 there. I don't know what that was, but that was their
4 paperwork and to me that's not a detainment. I wasn't
5 detained, but if that's the technical definition I'm not
6 trying to deny that. It's a piece of paper I signed.

7 England does things differently than the United States as
8 far as arrests. There's an arrest and there's a caution.

9 Q Could you care to just take a look at the document?

10 A Sure, be happy to.

11 Q Mr. Sullivan, what is printed on the top right-hand
12 corner of that document?

13 A Detained person's copy.

14 Q Thank you. So, Mr. Sullivan, you left England,
15 correct?

16 A In 1992.

17 Q Okay. And at that point in your life, Mr. Sullivan,
18 you would agree that you been investigated twice for
19 allegations of molesting boys?

20 A Yes.

21 Q And you started a computer consulting firm here in
22 Columbia?

23 A Correct.

24 Q Okay. And then you became involved in the Junior
25 Achievement Program at Cardinal Newman?

1 A Yeah, that was a classroom setting, yes.

2 Q And you became involved with an individual there John
3 Doe number 19 through the Junior Achievement?

4 A I knew him before that. He played for me in
5 basketball when he was 11 or 12.

6 Q And you took John Doe number 19 on a shrimping trip
7 to Beaufort County?

8 A Yes, I did.

9 Q Okay. And John Doe 19 alleged that you provided him
10 with beer and marijuana on that trip?

11 A He had his own marijuana, but I allowed him to smoke
12 it, so in that context, yes.

13 Q And he said -- John Doe number 19 said that you
14 helped him to bed?

15 A I don't recall that, but I'm sure I probably did
16 because we were at the same place.

17 Q And then in the middle of the night you began
18 touching him on his genitals, correct?

19 A That's what he said correct.

20 Q So after that John Doe 19's parents wrote you a
21 letter and confronted you and demanded that you agree to
22 get psychological help, correct?

23 A That's correct.

24 Q And you did agree to go to counseling?

25 A I agreed to go to a counselor to see if he would

1 determine that I needed further counseling and I would
2 follow his advice.

3 Q So after this incident you again you started coaching
4 the B team basketball team at Cardinal Newman, correct?

5 A Yes, and that was my second time coaching them.

6 Q And again you were investigated in 1996 and 1997 for
7 allegations of sexual molestation?

8 A You speak of the anonymous allegations at St.
9 Joseph's?

10 Q That's correct.

11 A Yes, that's correct.

12 Q And then ultimately in 1998 authorities brought
13 charges against you?

14 A Yes.

15 Q And then you pled guilty to ten counts of lewd act on
16 a minor, two counts of assault and battery of a high and
17 aggravated nature, five counts of exhibiting a harmful
18 performance to a minor, ten counts contributing to the
19 delinquency of a minor and three counts of sexual
20 exploitation of a minor?

21 A Yes, sir, I believe that's been what established here
22 today.

23 Q Mr. Sullivan, I want to talk to you a little bit
24 about -- you have a degree don't you from the University
25 of South Carolina?

1 A Yes, sir.

2 Q And that degree was in public relations?

3 A Yeah, school of journalism. I tracted in
4 advertising, public relations.

5 Q Okay. So, Mr. Sullivan, I also want to ask you were
6 you aware that you did not have to wear your jump suit to
7 court this week? You could have worn ---

8 MR. FALK: Objection, Your Honor. I'm sure I
9 understand the relevance of this at all.

10 THE COURT: All right. I'll allow him to ask
11 the question. Can you repeat it?

12 BY MR. MORROW:

13 Q Mr. Sullivan, are you aware that you could have worn
14 normal clothes to court this week?

15 A I assume I could have, but they already know I'm in
16 jail. It didn't matter.

17 Q So, in fact, you have a degree in public relations,
18 right?

19 A Correct.

20 Q And in public relations you know that someone's
21 appearance can convey to the jury or to anyone in general
22 what -- kind of emotional response; is that correct?

23 A I'm sure you're aware that anything you do can imply
24 emotional response, yes.

25 Q You would agree with me further, Mr. Sullivan, that

1 if you are released, you will not be on probation?

2 A That's correct. Under the law, not by my choice I be
3 happy to sign an agreement. If you want me to sign an
4 agreement right now, you and I can sign an agreement that
5 will be a legally binding contract and I be happy to abide
6 by it, but I'm not required by law to do it.

7 Q And no one by the law will be able to force you to go
8 to treatment?

9 A To get treatment, no.

10 Q Now, you said earlier that you were thankful for John
11 Doe number one and two for coming forward; is that
12 correct?

13 A That's correct.

14 Q And you stated because they did you stopped
15 offending; isn't that correct?

16 A I said that's what it took.

17 Q And the truth is you stopped because you went to
18 prison?

19 A Well, yeah, of course, but I'm saying that if they
20 hadn't done what I was saying to them then was that they
21 hadn't come forward, I would still be out here doing this.
22 I wouldn't have been caught and it's because I got caught
23 that I had the opportunity to address this issue. I'm
24 thankful for it.

25 Q Just want to be clear here, Mr. Sullivan, there

1 aren't any little boys in prison, are they?

2 A No.

3 Q Okay. In fact, you haven't seen a minor male in
4 person since you went to prison?

5 A No, sir, it's not true, come as visitors things like
6 that.

7 Q But you haven't interacted with them?

8 A Oh, no, no.

9 MR. MORROW: Thank you. No further questions
10 from this witness, Your Honor.

11 THE COURT: All right, redirect?

12 MR. FALK: No redirect.

13 THE COURT: All right. Thank you, Mr. Sullivan.
14 You may step down.

15 (WHEREUPON, the witness leaves the witness
16 stand.)

17 THE COURT: Mr. Falk, any further witnesses?

18 MR. FALK: We would rest at this time.

19 THE COURT: All right. Ladies and gentlemen of
20 the jury, the defense has rested at this time. There is a
21 matter of law that I need to take up. I'm going to send
22 you out for just a moment and we will get you back into
23 the courtroom as soon as possible. Again, I remind you
24 not to discuss the case while you're back in the jury
25 room.

1 (WHEREUPON, the jury retire to the jury room.)

2 THE COURT: Any motions?

3 MR. FALK: Your Honor, I would renew all motions
4 that I've made including my motion for a directed verdict
5 at this time.

6 THE COURT: All right. And for the reasons all
7 ready stated on the record that motion is respectfully
8 denied. Looking at the existence of evidence, I believe
9 there is enough evidence to send this case to the jury for
10 them to determine the factual issues that are before them.

11 And, Mr. Morrow, I understand that you do have a
12 reply witness that you wish to call?

13 MR. MORROW: That's correct, Your Honor.

14 THE COURT: That just one witness?

15 MR. MORROW: Just one witness it'll be very
16 brief, Your Honor.

17 THE COURT: Okay. All right, very well we will
18 bring the jury back in.

19 (WHEREUPON, the jury came into open court.)

20 THE COURT: Ladies and gentlemen of the jury,
21 before you left, the defense rested and now the State is
22 going to have an opportunity to provide reply argument.

23 Mr. Morrow, you may call your witness.

24 MR. MORROW: Your Honor, the State would call
25 Dr. Marie Gehle to the stand.

1 THE COURT: Let's go ahead and get her sworn in
2 again.

3 THE CLERK: Do you swear or affirm that the
4 testimony that you're about to give in this case to be the
5 truth, the whole truth, and nothing but the truth so help
6 you God?

7 THE WITNESS: I do.

8 THE CLERK: Thank you. State your name for the
9 record please.

10 THE WITNESS: It's Marie Gehle G-E-H-L-E.

11 THE CLERK: Thank you.

12 WHEREUPON,

13 Dr. Marie Gehle,

14 after first having been duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. MORROW:

17 Q Dr. Gehle, you been present in the courtroom
18 throughout these proceedings, correct?

19 A Yes, I have.

20 Q Okay. And you've heard everything that's been said
21 here today and all throughout this week?

22 A Yes.

23 Q Okay. I wanted to address to you what is the current
24 line of thought in the mental health care community
25 regarding health pedophilic disorder? Is it considered

1 chronic?

2 A It's considered chronic, yes.

3 Q And, again, you been in the courtroom throughout
4 these proceedings, correct?

5 A Yes.

6 Q And has anything today or anything at all this week
7 changed your opinion on whether Mr. Sullivan is a sexually
8 violent predator?

9 A No, everything that I've watched has solidified my
10 opinion.

11 Q And why is that?

12 A Well, as I heard Mr. Sullivan testify today, I still
13 heard minimization and some cognitive distortions in what
14 he was saying. He repeatedly said, you know, teenagers,
15 that he only offended teenagers and that's not true. He
16 offended ten year olds, 11 years old, 12 year olds, which
17 are not technically teenagers. Some of those victims were
18 prepubescent. And that's a very different thing than a
19 pubescent child. A child who is prepubescent has no
20 markers of sexual development yet and that is whole
21 different type of arousal than being aroused to teenagers.
22 I also heard just a minute ago when you asked him if he
23 touched victim number 19 during the night. He said, yes,
24 that's what the victim said, so still it's taking
25 ownership of those things. Those things give me pause, of

1 course.

2 Q In considering everything that you've looked at in
3 the past, everything you look at in regards to your
4 evaluation, everything you've heard this week. Do you
5 still have the opinion that Mr. Charles Sullivan meets the
6 criteria as a sexually violent predator?

7 A Yes, my opinion is that he meets that criteria.

8 MR. MORROW: Thank you. Please answer any
9 questions defense counsel has.

10 CROSS-EXAMINATION

11 BY MR. FALK:

12 Q I believe you testified that according to your direct
13 examination that if you given him a Static 99 -- if you
14 would have evaluated him according to the Static 99 today,
15 his score would be a three. Is that still your testimony?

16 A Yes.

17 Q And if he was a three, then the likelihood of
18 re-offenses 5.7 percent or 7.9 percent?

19 A I believe, it's 7.9, that means that 7.9 percent of
20 people with that score recidivate. I think, he's in that
21 7.9 percent that recidivate.

22 MR. FALK: No further questions.

23 THE COURT: All right. Any other questions from
24 you, Mr. Morrow?

25 MR. MORROW: Nothing, Your Honor.

1 THE COURT: Thank you, Dr. Gehle. You may step
2 down.

3 (WHEREUPON, the witness leaves the witness
4 stand.)

5 THE COURT: Any additional witnesses from the
6 State?

7 MR. MORROW: Nothing from the State, Your Honor.

8 THE COURT: All right. Ladies and gentlemen,
9 the parties have presented their evidence in this case.
10 It's now time for the attorneys to make their closing
11 arguments. The arguments of the attorneys are not
12 evidence in this case. They're statements and arguments
13 are meant to help you understand the evidence and apply
14 the law to the evidence. You should disregard any marks,
15 statement or argument which is not supported by the
16 evidence presented during the trial or the law that I will
17 explain to you after the arguments. Mr. Morrow, you may
18 begin with your closing argument.

19 MR. MORROW: Thank you, Your Honor. The trials
20 about whether Mr. Sullivan is a sexually violent predator,
21 whether he's dangerous. We all familiar with stereo type
22 of predator. A stranger dressed in a long trench coat who
23 drives a windowless van. A person who attempts to abduct
24 children by promises of candy or stories of lost puppies.
25 Mr. Sullivan is not that type of predator. That type of

1 predator is far less dangerous than Mr. Sullivan because
2 that type of predator is easy to spot, easy to identify.
3 A vigilant parent can protect their child from that type
4 of predator. Children have been taught to spot that type
5 predator. The old stranger danger and find the nearby
6 authority figure like a parent, guardian, teacher or
7 coach. No, Mr. Sullivan is not that type of predator.
8 He's far worse. He's one of the authority figures that
9 children are suppose to trust and run to for protection.
10 He was a coach and a mentor. His behavior is exactly like
11 the parable most of us are familiar with, the wolf in
12 sheep's clothing.

13 You see Mr. Sullivan, the wolf, disguises
14 himself as one of the sheep. He pretends to be something
15 that he is not and he does so quite convincingly. He's
16 very intelligent. You say him here today. It's like
17 camouflage. He lulls his victims into a false sense of
18 security. There's nothing to worry about here, it's only
19 little Johnny's mentor coming to help him. It's just
20 Coach Chuck nothing to worry about.

21 This is precisely what makes him so dangerous.
22 He is not the stereo type. He is not easy to spot. He is
23 not immediately identifiable. He's a wolf dressed in
24 sheep's clothing. His disguise is convincing. He is a
25 charmer and very charismatic individual.

1 Let's think about his history for a moment. His
2 camouflage is so convincing that a sheep never had any
3 suspicion of a wolf walk among them. Mr. Sullivan was
4 heavily involved in politics in the 1980's. He has a very
5 successful career. He worked in the Fifth Circuit
6 Solicitor's office, has one of their first pretrial
7 intervention programs in South Carolina history. He
8 worked on a daily basis with experience of prosecutor's,
9 law enforcement officers and none even had a suspension
10 that he was a pedophile. Mr. Sullivan worked at my office
11 the South Carolina Attorney General's office. He brought
12 the PTI program statewide. Think about that the top
13 prosecutor's in the State of South Carolina did not
14 recognize or did not see through his facade. No one had
15 any idea that he was an offender. He served on the board
16 as superintendent of the Carolina Children's Home. A home
17 for some of the most vulnerable children among us.
18 Mr. Sullivan left the United States and went to the United
19 Kingdom where he convinced the social services department
20 to allow him to mentor young children. This is a
21 department designed to protect children. They allowed him
22 to mentor boys. They did not see through his facade.

23 When he came back to the United States, he was
24 again able to get involved with children. This time
25 through mentor -- through the Junior Achievement Program

1 at Cardinal Newman and then later as a B team boy's coach.
2 Keep in mind that at this point, Mr. Sullivan had been
3 already investigated for allegations of molesting boys.
4 He knew full well that the consequences of his actions if
5 he continued to repeat them. He knew that he could lose
6 his job. He knew that he could go to prison. He knew
7 what he was doing and he still chose to offend.

8 Folks, Mr. Sullivan sexually abused little boys
9 from 1978 to 1998. He had over 40 victims, that he
10 engaged in sexual acts with. He groomed between 45 and 50
11 children for sexual activity. He also groomed their
12 parents by convincing them that he was just Coach Chuck.

13 I want you to think about those numbers for a
14 minute, 40 children between 1978 and 1998, that's an
15 average of two per year. Yet during the whole time,
16 Mr. Sullivan had everyone convinced that he was a good guy
17 and had a gift for working with children. He was
18 investigated by the church in 1996 and 1997, was able to
19 convince those officials that he was a good guy. And they
20 were even convinced to allow him to continue working with
21 children while he was being investigated for molesting
22 children. He was so convincing that he could do that.

23 At every point and every turn Chuck Sullivan was
24 able to manipulate, convince and charm people into
25 believing he was a sheep. Chuck Sullivan is not a sheep.

1 He is a wolf. A predator of skill who stalks his prey.
2 Methodically gained their trust integrated himself into
3 their community. He mimics his prey at every turn. He
4 thoroughly convinces the entire herd that he is one. That
5 is what makes him dangerous.

6 As he stalks his unsuspected herd, doesn't
7 notice them. They don't notice when he invites a player
8 over to his house to spend the night because it's just
9 Coach Chuck. Slowly but surely he isolates the weak,
10 children the most vulnerable among us and he lures them
11 into a mentor relationship. Then gives them gifts. He
12 makes them feel special. Then when the moment is right he
13 strikes.

14 Mr. Sullivan does not fit the stereotype, but he
15 is the most dangerous type of predator. The one you don't
16 suspect. Think about the defense witnesses that you heard
17 from this week. His sisters took the stand. They say
18 that they love their brother. I have no doubt they love
19 their brother, that he's welcome home any time. That his
20 mother was in poor health and it would mean the world to
21 her Mr. Sullivan could just come home. I have no doubt of
22 their sincerity. He victimized his family too with his
23 choices. But the truth is Mr. Sullivan had family support
24 while he was committing his crimes. They loved him when
25 he was committing his offense. He was welcomed in their

1 home then. No matter how well intentioned his sisters may
2 be. They cannot monitor him 24-hours a day seven days a
3 week. They have no way to force Mr. Sullivan to go o
4 treatment. He will be on community supervision or
5 probation, nothing outside of this process could force him
6 to get treatment.

7 You heard from Gary Janelle another well meaning
8 person with noble intentions. Mr. Janelle is a deacon in
9 the Catholic church. His mission is to help prison
10 ministry and it's an admirable one. He testified that
11 Chuck Sullivan would participate and even excel in his
12 ministry. He testified Chuck Sullivan helped with
13 computers and helped other inmates, of course,
14 Mr. Sullivan did. That's what he did when he was
15 offending.

16 Sullivan got involved in civic organizations,
17 church organizations and charitable organizations and he
18 made himself instrumental to those organizations. He used
19 his charm and intelligence to excel. He did all these
20 things while he was on the outside, while he was
21 offending. This isn't reform. It isn't rehabilitation.
22 It's continuing a pattern of behavior. He sought once
23 again to manipulate another well intentioned and noble
24 person. Just like he manipulated the parents of the
25 children that he molested, the church leaders who trusted

1 him and others in our community for years.

2 You also heard from Cary Sanders. He came down
3 to testify. He told a compelling story of a reformed
4 felon who's now a youth minister and leader of the Jump
5 Start Program. He, too, represents a noble, and well
6 intentioned person. The problem with his testimony is
7 that at Jump Start Program we have no mechanism to enforce
8 compliance for Mr. Sullivan. He will not be on probation.
9 He will not be monitored. He will not be on community
10 supervision. He will have to register as a sex offender
11 which means he has to show up at sheriff's office a few
12 times a year to get his picture taken and update them on
13 his address. They don't monitor him 24/7.

14 If Mr. Sullivan doesn't want to comply with Jump
15 Start's rules and Mr. Sullivan will not be able to revoke
16 -- they will not be able to revoke his probation. They
17 can't tell his probation agent because he won't have one
18 or they can't even drop him off at a homeless shelter
19 because he has family support. And his sisters said he's
20 welcome in their home at any time. There are no
21 consequences for Mr. Sullivan if he does not follow
22 through seeking help unless you commit him to the sexually
23 violent predator treatment unit. You heard from
24 Dr. Taylor and she talked about his success in her
25 program, but she also testified that she was a counseling

1 psychologist. She's not a license psychologist.

2 Further, you heard from Mr. Sullivan and he was
3 have charming and he told you about all the things that
4 he's done while in prison to look good. The problem is he
5 did that when he was in the community too. If he had
6 never been caught everyone would have still thought
7 Mr. Sullivan was a piler of this community.

8 You heard from Sylvia Roberts on Tuesday who
9 told you that Mr. Sullivan manipulated individuals to
10 start an unauthorized sex offender program within the
11 department of corrections. She told you how she
12 discovered that the Sex Offender Treatment Program was
13 being offered at Allendale. She told you -- this was
14 surprising since she is the head clinician for the only
15 authorized treatment program at the South Carolina
16 Department of Corrections. She told you how her
17 investigation uncovered that this unauthorized program
18 used stolen materials from her program. She also told you
19 about harm that this caused.

20 First, it was being facilitated by an inmate, a
21 sex offender, who is unlicensed and unqualified to teach.
22 The second existence of this ROAD program caused other
23 inmates to refuse the authorized treatment being offered
24 at Broad River Correctional Institution. And third the
25 material being used was great material, but it lacked a

1 key component. It lacked Ms. Roberts lecture notes. Now,
2 inmates who refused to go to Broad River Correctional were
3 not getting this information and they suffered because of
4 it. This is again an example of Mr. Sullivan's narcissism
5 at work. You heard from several people this week who had
6 a positive opinion of Chuck Sullivan, of course, they did.
7 Everyone who has ever met Chuck Sullivan including his
8 victims initially thought that. That is exactly the point
9 the State is trying to make.

10 He's dangerous because of his ability to
11 convince people that he is not a predator. He wants you
12 to believe that he is a changed man. He wore a prison
13 jump suit to court even though he could have changed his
14 clothes if he wanted to. Why? He wants you to feel
15 sympathy for him. It was a strategic decision designed to
16 pull the wool over your eyes. Ladies and gentlemen, he
17 has done his best to conceal himself and strap on that
18 sheep's clothing, but you'll see and you have seen this
19 week that he is a wolf. The State has proven that beyond
20 a reasonable doubt Chuck Sullivan is a predator, a is
21 sexually violent predator.

22 At the beginning of this trial, I told you that
23 the State bears the of proof. I told you that the State
24 must prove its case beyond a reasonable doubt. I told
25 that proof beyond a reasonable doubt is proof that leaves

1 you firmly convinced. It is not beyond any doubt; beyond
2 all doubt or any conceivable doubt. It's beyond a
3 reasonable doubt. In order for the State to meet it's
4 burden, it must prove first that he's been convicted of a
5 sexually violent offense. We've done that. You're going
6 to have it. There's seven exhibits here that you will be
7 able to take back with you and look at.

8 We have proven that he was convicted of 18
9 sexually violent offenses, ten counts of lewd act on a
10 child, five counts of exhibiting harmful performance on a
11 minor, three counts of sexual exploitation of a minor.
12 You will have certified copies each of those indictments
13 and the sentencing sheet to look at and physically touch.
14 The State has proven that element.

15 The second element I told you that the State
16 must prove is that Mr. Sullivan suffers from a mental
17 abnormality or personalty disorderly that makes him likely
18 to commit sexual offenses if not confined for long-term
19 control, care and treatment. The State has also proven
20 now that this case is provided to you with the testimony
21 of an expert Dr. Marie Gehle. A court appointed evaluator
22 in this case. Dr. Gehle is a forensic psychologist who's
23 sole job at the department of mental health is to evaluate
24 whether sex offenders meet the requirements under the
25 Sexually Violent Predator Act. She does not always

1 recommend commitment. In fact more times than not, she
2 does not recommend commitment. In this case, she
3 concludes Chuck Sullivan is a sexually violent predator.
4 She testified that she diagnoses Chuck Sullivan with two
5 mental abnormalities and one personalty disorder.

6 Now, the criteria for pedophilic disorder which
7 she diagnosed Chuck Sullivan with are first for at least
8 six months he has strong sexual urges towards prepubescent
9 children. He's convicted of sexual offenses against
10 between children 1978 and 1988, that's ten years. He
11 admitted to Dr. Gehle that offend 40 victims between 1978
12 and 1998, that's 20 years. So again that's greater than
13 six months and he meets the criteria of one.

14 Second he asked to have the -- actually acted on
15 those sexual urges. Again, we have his convictions which
16 you will be able to see. He's actually acted on those
17 urges. Thirdly, Dr. Gehle asserted that he needs to be
18 over the age of 16 at least five years older than his
19 victims. Well, Mr. Sullivan was 32 in 1978 and 42 in
20 1998. So he was older than 16 and at least five years
21 older than his victims. Mr. Sullivan meets the criteria
22 for pedophilic disorder.

23 Dr. Gehle also testified that Chuck Sullivan
24 suffers from other specified paraphilic disorder
25 nonconsent. She came to that diagnosis because

1 Mr. Sullivan provided alcohol and marijuana to minors and
2 then waited until they pass out or fell asleep and
3 molested them. A person who is passed out cannot consent.
4 Mr. Sullivan has other specified paraphilic disorder
5 nonconsent.

6 Dr. Gehle also testified that Chuck Sullivan
7 suffers from narcissistic personality disorder.
8 Narcissistic personality disorder is a pervasive pattern of
9 grandiosity in fancy or behavior and need for admiration
10 and lack of empathy. Dr. Gehle told you that Chuck
11 Sullivan presented a grandiose superior view of himself.
12 He believed he would never get caught sexually abusing
13 boys despite numerous allegations against him over the
14 years and he continued to act while under investigation.

15 He presented himself especially and unique,
16 deserving of blind trust. He repeatedly stated he had a
17 gift to reach young people all while abusing them and
18 allowing them access to alcohol and pornography. He
19 arrogantly wrote letters to people who were investigating
20 him for molesting children and asserted that he should be
21 allowed to continue working with children during that
22 time. Mr. Sullivan meets the criteria for narcissistic
23 personality disorder.

24 The State has proven that Mr. Sullivan suffers
25 from multiple mental abnormalities and one personality

1 disorder. Now, the defense will argue that the State has
2 not met its burden when it comes to showing Mr. Sullivan
3 lacks control over his mental abnormalities and personalty
4 disorder, that argument fails. The State has proven that
5 element. Dr. Gehle talk to you about the static and
6 dynamic risk factors. She told you that on an actuarial
7 scale experts use measured risks. Mr. Sullivan's score
8 just went down. She said went down because he had a
9 birthday. He turned 60 years old.

10 Dr. Gehle also told you that the reduction of
11 Mr. Sullivan's score did not change her opinion. Why?
12 Because his static risk factors are only one piece of the
13 puzzle. The other piece of the puzzle are his dynamic
14 risk factors and his specific behavior. First, he has a
15 self-reported history of sexual preoccupation with adult
16 females and teenage boys. While he was in prison, he
17 continued to masturbate fantasies about past encounters
18 with victims. Second he has a sexual preface for
19 prepubescent children evidence by the exhibits that are
20 going to be before you.

21 Third, he has an emotional congruence with
22 children evidence by his constant seeking throughout his
23 life to be involved with children. Four, he holds offense
24 supportive attitudes. He describes his sexual encounters
25 with children as consensual or mutual masturbation.

1 Fifth, he has an interest in coercive non-consensual
2 sexual activity. He offended against children who were
3 sleeping or passed out.

4 Finally, Mr. Sullivan has multiple paraphilias
5 and a personality disorder that increases risk. He was
6 sanctioned and continued to reoffend. The State has shown
7 that Chuck Sullivan offended despite being investigated on
8 three separate occasions by different government agencies
9 and a church. The truth is Mr. Sullivan knew full well
10 the consequences of his actions. He knew that if he was
11 caught that he would go to prison. He knew that if he was
12 caught -- he had caught a break on three separate
13 occasions prior to his convictions in 1998. Yet, he
14 choose to continue offending. He continued to offend
15 while being investigated by the Catholic church in 1996
16 and 1997 knowing he could lose his coaching job and face
17 criminal charges. Yet, he still continued to offend.
18 Why? Because he could not control his urges.

19 The defense can try all it wants to convince you
20 that Mr. Sullivan is a sheep. He is not. He is a wolf, a
21 predator, a sexually violent predator and the State has
22 proven its case. Put this man in the department of mental
23 health to control so that he can get the treatment he so
24 desperately needs and to protect the public from a wolf in
25 sheep's clothing. Thank you.

1 THE COURT: Mr. Falk.

2 MR. FALK: I just want to put one thing to rest
3 right now about the jump suit. First of all, I told
4 Mr. Sullivan to go ahead and wear the jump suit. His
5 sister called me and said Chuck wants some new clothes,
6 wants to get a blue blazer. I said he's already in prison
7 just let him wear the jump suit. I think, it's a little
8 unfair what the State is doing there because if
9 Mr. Sullivan been sitting there dress like me, then the
10 state would say, well, look at Mr. Sullivan. He's trying
11 to be a wolf in sheep's clothing. He's trying to look
12 like a respectful person and he really should be wearing a
13 jump suit. I'm not sure what the State wants him to do
14 there naked. I mean, he's in a jump suit. There's no
15 question he's been in prison and it's time for him to get
16 out of the jump suit. But do not think that it is any
17 kind of, you know, it wasn't even his idea. I had to talk
18 him into saying that that's what he needs to be wearing
19 because that's what he's been wearing.

20 As I said at the beginning, I am hoping that you
21 all can look at this case as a three act play. And I also
22 said at the very beginning of the case that act one is
23 bad. I said at the very beginning of this case that the
24 State has done an excellent job with portraying the fact
25 that Mr. Sullivan did some horrific things. He did some

1 horrific things to children. He violated their trust. He
2 violated the trust of the parents. He had a lot going for
3 him and he blew that up too. And I think I said at that
4 time that, you know, if this was the one act play and if
5 you leave at the end of the one act, you're not going to
6 do a good job with Mr. Sullivan. You're going to want to
7 punish Mr. Sullivan. I don't doubt that. I think, the
8 State has spent -- has every opportunity they have given
9 that they've had. They wanted to remind you about what
10 Mr. Sullivan did. They want to remind you about
11 everything from act one. Any time I put a witness up on
12 the stand and get Mr. Morrow an opportunity to come back
13 and say, well, did you know he did this, did you know he
14 did that. I'll tell you right now he did all that stuff.
15 It was bad, but you all need to see that this is not a one
16 act play.

17 There's at least two acts in this play because
18 for the last 18 years Mr. Sullivan had been in the custody
19 of the department of corrections and he hasn't been
20 sitting there taking shop classes or just sitting there
21 watching TV or getting into trouble. He has spent a
22 majority of that time taking whatever resources were made
23 available to him in trying to better himself. He was --
24 he took on possibly two occasions however many times.
25 He's always taking classes in sex offender awareness, sex

1 offender counsel. He was trying to be -- in fact, he had
2 to go to court to try and get the State to put him into
3 the class. He has tried to get the help that he needed.
4 He took everything he could get his hands on.

5 You have to consider that there's an opportunity
6 that somebody goes to prison for that length of time,
7 spent 18 years in prison and they spend most of their time
8 trying to better themselves that maybe it did some good.
9 He had to consider that there are opportunities for
10 rehabilitation. Mr. Sullivan he took classes. He tried
11 to share his experiences with other people. He tried to,
12 you know -- they tried to demonize for the fact that he
13 was trying to a get of group at the Allendale facility to
14 start talking about sex offenders and letting people sort
15 of share their experiences. I made the analogy possibly
16 like starting an AA meeting where you get people together.
17 So it takes somebody to facilitate that. I'm not really
18 sure I understand why there's anything wrong with that.
19 I'm not sure what exactly a rogue program for development
20 for sex offenders what that really means. I think when we
21 saw Ms. Roberts -- Sylvia Roberts on the stand, I think,
22 maybe there's something going on there as far as stepping
23 on her toes if she felt like somebody was trying to usurp
24 her authority, but certainly Mr. Sullivan is there trying
25 to -- he had spent sometime. He took C Star 1. He took

1 SOTP 1. He had some experiences. He had some incites
2 that he could share with people.

3 I'm not sure why the State has tried to demonize
4 him for that, but let's just consider that he took those
5 classes. The warden certainly knew what was going on,
6 none of these classes are done in private, you know, in
7 secretive. These classes that he's doing now they're out
8 in the open. Everybody knows what's going on. He is
9 trying to better himself and he is trying to share what
10 he's learned with other people.

11 As I said, the State's done an excellent job of
12 act one and, I think, the State's closing argument right
13 now would have been an excellent argument to have made for
14 prior to a sentencing in 1998. He did bad stuff. There's
15 no question he did bad stuff.

16 There is one thing about the State's case which
17 I think is kind of interesting. I want y'all to think a
18 little bit from at least a perspective that you can take
19 on Dr. Gehle's testimony. Consider you've gone into a
20 doctor's office and the doctor starts taking your history,
21 your medical history. You start to share stuff with the
22 doctor and you go through your medical history. And you
23 get up to a point in time of let's say about 18 years ago
24 and you tell the doctor, well, 18 years ago I was
25 suffering from chest pains. I had some pain in my right