ORIGINAL

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

Honorable R. Lawton McIntosh, Circuit Court Judge

RECEIVED
NOV 06 2019
SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF KENNETH WRIGHT,

APPELLANT.

APPELLATE CASE NO 2019-000204

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR APPELLANT

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

INDEX

INDEX i

TRIAL TRANSCRIPT DATED APRIL 23-24, 2018 1

JURY SELECTION 4

MOTION IN LIMINE 18

OPENING STATEMENT BY MR. MORROW 29

OPENING STATEMENT BY MS. MOORE 33

TESTIMONY

EMILY GOTTFRIED 38

VOIR DIRE BY MS. MOORE 43

RULING BY THE COURT 44

STATE RESTS 123

MOTION FOR A DIRECTED VERDICT 123

RULING BY THE COURT 124

DEFENSE RESTS 162

CLOSING ARGUMENT BY MR. MORROW 167

CLOSING ARGUMENT BY MS. MOORE 177

CHARGE ON THE LAW 195

VERDICT 200

MOTION FOR A NEW TRIAL 205

MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT 205

HEARING TRANSCRIPT DATED JUNE 11, 2018 208

PETITION PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT AND EXHIBITS 223

ORDER OF COMMITMENT 435

MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT 436

RETURN TO MOTION FOR JUDGMENT NOT WITHSTANDING THE VERDICT.....437

FORM 4 439

CERTIFICATE OF COUNSEL 441

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)	2015-CP-04-00555
)	
IN THE MATTER OF THE CARE)	
AND TREATMENT OF)	
)	
KENNETH WRIGHT,)	TRANSCRIPT OF RECORD
Respondent)	
)	

APRIL 23, 24, 2018
ANDERSON, SOUTH CAROLINA

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH

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

CHRISTOPHER MORROW, ESQUIRE
ATTORNEY FOR STATE ATTORNEY GENERAL

SCARLETT MOORE, ESQUIRE
ATTORNEY FOR RESPONDENT

VIVIAN CROSS,
CIRCUIT COURT REPORTER

2

INDEX

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
DR. EMILY GOTTFRIED				
BY MR. MORROW	36			
BY MS. MOORE		113		
DR. MARIE GEHLE				
BY MS. MOORE	123			
BY MR. MORROW		153		

STATE'S EXHIBIT NO. 1 INDICTMENTS, ETC. PAGE 59

STATE'S EXHIBIT NO. 2 INDICTMENTS, ETC. PAGE 59

DEFENDANT'S EXHIBIT NONE

*** * * APRIL 23, 2018 * * ***

THE CLERK: All rise. Come to order.

THE COURT: Please be seated. All right. Ladies and gentlemen of the jury -- it would help if I would cut this on, wouldn't it -- ladies and gentlemen of the jury, we're about to begin jury selection In the Case in the Matter and Care and the Treatment of Kenneth Wright. This is what is known as a Sexually Violent Predator case. It is a civil case. I will tell those of you who are selected the standard -- the burden of proof is a higher burden, it's by proof beyond a reasonable doubt, but it's still a civil case.

I have several questions that I need to ask, so we can go through qualifications for this case. Unlike the other general qualification, if the questions applies to you, stand up. Unless you just absolutely need to come up here, give us the information in open court because there's not as many questions that are so personal. But if you do not want to, raise your hand and say I need to come forward and we'll take care of that right now. Okay.

Everybody can still hear me; is that correct?

(Affirmative responses.)

THE COURT: Ladies and gentlemen of the jury, has

4

any member of the jury ever been related by blood or marriage to Kenneth Wright -- would you have Mr. Wright stand, please?

(Defendant complied.)

THE COURT: All right. Has any member of the jury ever been related -- thank you, sir -- by blood or marriage to Mr. Wright, would you please stand?

(No response.)

THE COURT: Has any member of the jury ever had a close personal or social relationship with Kenneth Wright; if so, would you please stand?

(No response.)

THE COURT: All right. Ladies and gentlemen, the other potential witnesses in this case are as follows: Dr. Emily Gottfried -- where is she from?

MR. MORROW: Charleston, Your Honor.

THE COURT: Charleston, South Carolina. And Dr. Marie Gehle -- G-e-h-l-e -- now where is she from?

MS. MOORE: I believe it's Columbia -- that's correct.

THE COURT: Columbia. All right. Ladies and gentlemen, Dr. Emily Gottfried or Dr. Marie Gehle, has any member of the jury panel ever been related by blood or marriage to any one of these folks; if so, would you please stand?

(No response.)

THE COURT: Has any member of the jury panel ever had a close personal or social relationship with either Dr. Emily Gottfried or Dr. Marie Gehle; if so, would you please stand?

(No response.)

THE COURT: All right. Counsel for the State, would you stand up and introduce yourself please, sir.

MR. MORROW: My name is Christopher Morrow. You might hear me referred to from time to time as CAM. It's my initials and it's also my nickname. I work for the Attorney General's Office with the State of South Carolina. Prior to that, I was employed for two years at the 8th Circuit Solicitor's Office, and that 8th Circuit governs Greenwood, Allendale, Laurens and Newberry County.

THE COURT: Thank you. All right. Counsel, would you do the same, please, for the respondent?

MS. MOORE: I'm Scarlett Moore and I represent Mr. Wright in this matter. And I'm originally from Asheville, North Carolina, one of the most beautiful places on earth. If you've been there, you know that. But I reside in Greenville and I have pretty much a state wide practice. I practice all over the state, but my office is based in Greenwood.

6

THE COURT: Do you have any partners?

MS. MOORE: I do not. I have one incredible retired assistant extraordinaire, but I do not have any partners.

THE COURT: All right. All right. Ladies and gentlemen, if any member of the jury panel has in the past or are you currently represented by either of these attorneys in the courtroom -- if you've ever been or are you currently represented by a member of the Attorney General's Office, would you please stand?

(No response.)

THE COURT: Has any member of the jury panel ever been related by blood or marriage to either of these attorneys in the courtroom or any attorney employed by the Attorney General's Office; if so, would you please stand?

(No response.)

THE COURT: Has any member of the jury panel ever had a close personal or social relationship with either of these attorneys here in the courtroom or any attorney by the Attorney General's Office; if so, would you please stand?

(No response.)

THE COURT: Ladies and Gentlemen, has any member of the jury panel read, heard or seen from any source

anything about the case of In the Matter of the Care and Treatment of Kenneth Wright prior to coming to court today; if so, would you please stand?

(No response.)

THE COURT: As a follow-up to that, has any member of the jury panel formed or expressed an opinion about any issue or matter in this case which I told you is a civil action under the Sexually Violent Predator statutes; if so, would you please stand?

(No response.)

THE COURT: Is any member of the jury panel aware of any bias or prejudice they may harbor towards Mr. Wright or the attorneys for the State or the attorneys for this respondent; if so, would you please stand?

(No response.)

THE COURT: Does any juror know of any reason whatsoever why he or she should not sit on the -- sit as a juror in the trial of this matter with particular emphasis being placed on your ability to be fair and impartial to both the State of South Carolina and to Kenneth Wright, the respondent? If you know of any reason why you should not serve, would you please stand?

(No response.)

THE COURT: All right. Ladies and gentlemen,

8

would the fact that Kenneth Wright has been convicted of a sexual offense and has completed his criminal sentence related to that conviction in any way prevent you from being able to be fair and impartial as a juror in the trial of this matter; if so, would you please stand?

(No response.)

THE COURT: And ladies and gentlemen, for those who may not understand, Sexually Violent Predator cases is a civil commitment. It's not a criminal commitment; it would be a civil commitment. Has any member of the jury panel or any members of your family or close personal friends ever been the victim of a sexual assault; if so, would you please stand?

(No response.)

THE COURT: Has any member of the jury panel or any close family members or personal friends ever been charged with or convicted of a sexual offense; if so, would you please stand?

(No response.)

THE COURT: Is there any member of the jury panel that has any experience or training in the fields of psychiatry, psychology or the law; if so, would you please stand?

(No response.)

(No response.)

THE COURT: Has any member of the jury panel ever been involved or are you currently involved with any prison outreach program or any other type program involved with contact with incarcerated persons; if so, would you please stand?

(No response.)

THE COURT: Has any member of the jury panel or any member of their family or close personal friends ever been the subject of a civil commitment proceeding or have been voluntarily or involuntarily civilly committed; if so, would you please stand?

(No response.)

THE COURT: And finally, ladies and gentlemen, has any member of your immediate family been charged or accused of or convicted of a crime of any kind involving sexual abuse; if so, would you please stand?

(No response.)

THE COURT: All right. Very good. All right. Ladies and gentlemen, those are the questions that have to do with your qualifications to serve on this trial. In just a minute, our Clerk is going to spin names through the computer, and they'll be a random selection. You will not know if you're stricken from the case during jury selection, but certainly if you're

10

selected, you will know. Back in the day before I had gray hair when we would come in and pick a jury, we would have someone up here who did not or could not read or were blind and would reach into the spindle and draw names out. Now we have a computer that does just that.

We're going to have, Mr. Clerk, two alternates in this case if you don't mind.

THE CLERK: Are the strikes five and five?

THE COURT: It's four and four and one and one on alternates -- everybody agree? It's four and four and one and one?

MR. MORROW: Correct, Your Honor.

THE COURT: All right.

(Pause.)

THE COURT: Counsel, when you're ready, just let us know please, sir.

MR. MORROW: Okay. Thank you, Your Honor.

THE COURT: Yes, sir.

PROSPECTIVE JUROR 66: May I talk to you a second, sir?

THE COURT: May you -- yes, sir, you may. Would the attorneys, would y'all step up here as well?

THE CLERK: Sixty-six?

(Bench conference with Judge, attorneys and juror

66 as follows:)

THE COURT: Hang on one second. What is your name?

PROSPECTIVE JUROR 66: Sixty-six, Eddie Hughes. I go by number 66.

THE COURT: Mr. Hughes, would you get him, Eddie Hughes, number 66. What is it, sir?

PROSPECTIVE JUROR 66: The sexual bias question you asked before, my son-in-law was accused of sexually assaulting his children in 2005, but I'm not biased in the least bit.

THE COURT: Well, here's the question, these proceedings determine whether or not somebody gets committed civilly, not criminally.

PROSPECTIVE JUROR 66: Okay.

THE COURT: Okay. But would that experience with your son, would that prevent you from being -- not be able to be fair and impartial to both the State or to the defendant in this matter?

PROSPECTIVE JUROR 66: No.

THE COURT: It wouldn't? It would not affect you?

PROSPECTIVE JUROR 66: It wouldn't affect me in the least.

THE COURT: All right. Would either one of y'all have any additional questions for this potential juror

12

number 66?

MS. MOORE: You said it was your son --

COURT REPORTER: I'm sorry. I can't hear --

THE COURT: I know. I know. She said -- you said it was your son; and he said, yeah, and this is in 2005.

PROSPECTIVE JUROR 66: It's my son-in-law and my daughter, both. He was charged with sexually assaulting his children.

THE COURT: Well, how did it -- you said he was found guilty?

PROSPECTIVE JUROR 66: He was found guilty of sexually assaulting his children.

THE COURT: Oh, he was found guilty. Okay.

PROSPECTIVE JUROR 66: And he has no rights to see his children. And I've gone to all the DSS classes and all that crap.

THE COURT: All right. Well, that's the kind of question I was asking. So -- all right. Any additional questions?

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

THE COURT: Any additional from you?

MS. MOORE: No.

THE COURT: All right. Good. Thank you, sir.

(Whereupon, the bench conference ended. Juror

66 returned to his seat.)

THE COURT: Are you guys about ready?

MR. MORROW: The State is ready, Your Honor.

THE COURT: Is the Respondent ready?

MS. MOORE: Yes, sir.

THE COURT: All right. Mr. Clerk.

THE CLERK: If it pleases the court?

THE COURT: Yes, sir.

THE CLERK: Ladies and gentlemen, I just want to re-emphasize we're going to use numbers now, one through 26. So if you hear your number called, it's not you. Okay. So don't get offended if one of the attorneys strikes a number that you think is you. Okay. And I'll tell the attorneys we're going to -- for this first selection, we'll use one through 20, and 21 through 26 will be our alternates.

THE COURT: Twenty-one through 23.

THE CLERK: So with that, what say the State?

MR. MORROW: The State strikes juror 19.

THE CLERK: Nineteen.

MS. MOORE: Judge, the State (sic) strikes number four.

THE COURT: Which number?

MS. MOORE: Number four.

THE COURT: Okay.

14

THE CLERK: The State.

MR. MORROW: The State strikes juror seven.

THE CLERK: The defense?

MS. MOORE: The State strikes -- excuse me -- the defense strikes number 11.

THE CLERK: The State?

MR. MORROW: The State strikes juror six.

THE CLERK: The defense?

MS. MOORE: The defense strikes number eight.

THE CLERK: And the State?

MR. MORROW: The State strikes juror 13.

THE CLERK: And defense?

MS. MOORE: The defense strikes number 14.

THE COURT: Now, if you would -- I don't mean to interrupt you, Mr. Clerk, confine your strikes for the alternates from number 21 through 23 please.

THE CLERK: The first alternate from the State, strike 21, 22 or 23.

MR. MORROW: The State strikes 23.

THE CLERK: And now, Ms. Moore, you can strike 21 or 22.

MS. MOORE: The defense will strike number 21.

THE CLERK: And now for the second alternate, we will strike 24, 25 and 26.

MR. MORROW: The State strikes juror 25.

THE CLERK: Ms. Moore, you can strike from 24 or 26.

MS. MOORE: The defense will strike number 26.

THE CLERK: All right. If we can review, I have that the State struck number 6, 7, 13, 19, alternate 23 and alternate 25.

MR. MORROW: That's correct.

THE CLERK: I have the defense struck juror 4, 8, 11, 14, alternate 21 and alternate 26.

MS. MOORE: Correct.

THE CLERK: Your Honor.

THE COURT: Yes, sir.

THE CLERK: All right, ladies and gentlemen, we're now going back to the numbers that you do know. And when I call your name and number, if you'll bring all your possessions that you have with you and come forward to Mr. Shaw here, he will put you in the jury box.

(The following jurors came forward.)

Our first juror is number 39, Michael A. Floyd. Next is number 29, Travis L. Dickson. The next is number 121, Maria E. Saunders. Next is number 69, Steven W. Johnston, Jr. The next is number 34, Calvin D. Ellison. Next is 133 Jason M. Sawson. Next is number 31, Troy S. Dodgens. Next is number 114, Logan

16

B. Robinson. Next is number 117, Rachael N. Ruffett. Next is number 18, Susie J. Carpenter. Next is number 131, Tyson C. Strickland. Next is number 127, Luvard Smith. Our first alternate is number 65, Everett M. Huffman, Jr. And our second alternate is number 128, Thomas B. Smith.

THE COURT: All right. Any motions direct towards jury selection process?

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

MS. MOORE: None from the defense.

THE COURT: All right. Very good. Ladies and Gentlemen, those of you who were selected, I'm going to ask that you go back to your jury room now and that you select a foreperson to preside over your deliberations at the end of this case, and also who's going to be in charge of communicating with the court if ever there needs to be a communication. So it doesn't have to be unanimous, it just has to be a simple majority. Our two alternates, raise your hands. Now, you've got a right to vote, but you may not sit as a foreperson because you are the alternates.

But once you are selected, would you write your name down on a piece of paper, along with your jury number. And then afterwards ask your fellow jurors whom, if anyone, would like to have pad and pen to take

notes with during this trial. Once -- if anyone does, or multiple people do, write that number down; knock on the door and we'll give you further instructions. But if you'd go with the bailiff now, please.

(Whereupon, the jurors exited the courtroom at 11:17 a.m.)

THE COURT: All right. Ladies and gentlemen, those of you who were not selected, I can look at your faces out here and see how disappointed you are. I want to tell you and thank you again for coming here. Really -- and I'm serious when I say that, you know, it's the highest service -- during peace time -- the highest service during peace time that you can do to sit on a jury. Without you, the rule of law is not existent, whether it be the civil side of court which you're in now, or the criminal side of court. Fortunately, for you, we only have one trial for this court so you're excused. The better part of this is that you can't be recalled back to State court for three more years.

Does anyone need a statement for their employer -- Mr. Clerk will take care of that. Thank you very much for coming.

(Whereupon, the jury panel was dismissed.)

THE COURT: I assume there's no issue about

18

sequestration in this case since we just basically have experts and Mr. Wright -- if there is, I don't -- I don't know how I could do it, but do you have a motion to sequester?

MS. MOORE: Judge, I do not have a motion to sequester.

THE COURT: And you don't either?

MR. MORROW: No, Your Honor.

THE COURT: I didn't think so -- all right. I want to take up the motions in limine right now. Do you have any matters for me to take up?

MS. MOORE: No, Your Honor.

THE COURT: All right. The first motion has to do with any testimony that stems from where Mr. Wright would be housed in the event he is committed, et cetera, et cetera. I think that is certainly an appropriate motion. Do you want to argue against that?

MS. MOORE: No, Your Honor.

THE COURT: All right. As to the underlying details of the, you know, convictions, certainly since that's part of the element of the charge as a general matter, I think that would be admissible. However, you know, we've got the rule that just because you're an expert doesn't mean you get to testify as to non-admissible situations. So if you see something

that you think is inappropriate, you're going to have to stand up and object to it. Okay.

MS. MOORE: Yes, sir. And I'm prepared to do that.

THE COURT: Okay. I mean that -- I don't know how else to do it. But as a general matter, it's part of the elements so they go into it. Any other things from the State before we take a quick break?

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

THE COURT: From the respondent?

MS. MOORE: No, Your Honor.

THE COURT: All right. Very good. You guys, it's 11:20, do you want to go ahead and do opening statements and then break for lunch and come back for testimony, or what do you want to do?

MR. MORROW: That would -- that would -- we can do that, Your Honor.

THE COURT: Okay.

MS. MOORE: That's fine with me.

THE COURT: Just hang tight. This jury won't be long and then we'll get them back in just a second.

(Pause.)

THE COURT: All right. Bring the jury in. We need ten people with pad and pen. Do you have those?

THE CLERK: I will by the time they get here.

20

Okay.

(Whereupon, the jury entered the courtroom at 11:24 a.m.)

THE COURT: Let me see the attorneys up here right quick please.

(Conference between bench and attorneys.)

THE COURT: All right, sir. You are our foreperson?

FOREPERSON: Yes, sir.

THE COURT: Okay. Let me make sure I wasn't clear -- my wife tells me on a regular basis that I'm not very clear on occasion. But the foreperson will also communicate with the court. Okay. You will preside over deliberations at the end of this proceeding when you're instructed to do so, okay.

FOREPERSON: Yes.

THE COURT: And if you ever have any questions, or if you need anything, write it down like you did on this, knock on the door and give it to the bailiff and we will go forward from there. Okay. If you would use that seat, each time we come in and out of the courtroom, it helps us keep up with some administrative matters. All right, sir.

Our two alternates, you're still there. If you'll use those seats, it helps again -- helps up keep

up with some administrative matters. The other juror can sit where you like other than those three spaces.

All right. Mr. Clerk, would you swear the jury.

THE CLERK: Yes, Your Honor. If it pleases the court.

THE COURT: Yes, sir.

THE CLERK: Ladies and gentlemen, I need for you to stand and raise your right hand.

(Whereupon, the jury was sworn.)

THE COURT: All right. Mr. Foreman, ladies and gentlemen of the jury, as I've told you this is the case In The Matter of the Care and Treatment of Kenneth Wright. It is a civil commitment proceedings and you'll hear more about that as it goes -- as we go.

I don't know if any of you have ever been involved in a trial before whether it be civil or criminal, civil of which this case is -- either as a witness in the case or participant or just a spectator, I would suspect, however, that each and every one of you has watched on TV or the movies something that purports to show a trial. Let me quickly dispel you, trials in the real life are nothing like you see on TV. They're certainly not entertainment. They're very slow. They're very deliberate and they're very methodical.

22

These attorneys who will be appearing before you, like all attorneys, when they're sworn in and they take an oath to be an attorney, they swear or affirm that they will zealously represent their client's interest or their -- the person they represent in the matter. You can expect no less of them in this case.

With that being said, they're also officers of this court. That means that they have -- I have a right and you have a right to expect of them that they will be professional, they're be competent and ethical in their dealings with one another, with me, with any witness that may appear before the court.

Now, ladies and gentlemen, each and every one of you just took an oath where you were sworn or affirmed that you would be fair and impartial and try to find this decision based on the testimony and evidence presented during this case. That means that these attorneys and the court and everybody participating in these proceedings have the right to expect that of you, that you will be fair and that you will be impartial, and that you will follow the instructions that we give to you -- I give to you right now.

Now, what I tell you now is just an introduction. It is not the charge on the law that you will apply. I will give that to you at the end of this

case. I basically want to give you an understanding of what you're about to embark on so you'll generally know what's going on at any given time. Now, those of you who have requested to have notes, do you have your pad and pens -- very good.

Now, Mr. Foreman, trials are not endurance contests. If I call you back to the jury room before your jury is ready to come back, send word back saying we need a few more minutes.

Also, during the course of the proceedings, I -- and my court reporter can tell you, I have a tendency to run long. If you need a break and you're not getting a break, speak up and we will stop and make sure that you have one.

Also, if you cannot see or hear the proceedings at any time, indicate that. We'll stop and make sure that you have seen and heard it and you continue to do so because it's very important to both sides that you're able to listen to and hear all the testimony and evidence.

Let me say something to the note takers in this matter, just because something appears in your notes doesn't mean it trumps somebody's memories. And, Mr. Foreman, at the end of this case when you begin your deliberations, if somebody's memory differs from

24

somebody else's notes, that's why they're called deliberations. You'll just have to hash it out. But the note takers part of performing, your task as juror, or what we call the judges of the facts, means that you have to determine the credibility or the believability of the testimony that you'll hear in this case.

One of those functions is the term to look at somebody's demeanor while they're on the witness stand. If you become so engrossed in your note taking that you miss somebody's subtle reaction here on the witness stand, you may miss something that is very important to you in making a decision as to the believability or the non-believability of the testimony that you will hear in this case.

Now, ladies and gentlemen, in the vernacular of the law, you are the sole judges of the facts. In other words, what verdict you will bring back in this case matters. No one has a right to invade your sole province as being the fact finders. The State doesn't, the respondent doesn't, the court doesn't. That is for you and you alone, and you'll determine what the facts are by listening to the testimony and evidence that you hear right here from this witness stand and any exhibits that may be admitted into evidence. That is the only true evidence you may consider.

Now, ladies and gentlemen, the law that makes you the sole judges of the facts in this case, makes me the sole judge of the law. You must accept the law as I give it to you. You may not be concerned with what you think it should be, but only what it is. I'll tell you that there are crowds down in Columbia named the Court of Appeals or the Supreme Court that will correct any errors of law that I may make during the course of the proceedings.

On the other hand, I'm going to ask that you pay particular close attention throughout this case. I don't think it's going to be excessively long, but ordinarily there's no way to correct an erroneous finding of fact in an appeal, so please pay close attention.

Now, ladies and gentlemen, until I have instructed you to begin your deliberations, then you may not do so. In other words, you can't talk about this case amongst your fellow jurors until you're told to do so.

Also, when we break for lunch or break for tonight, you may not speak with anybody else, a spouse or girlfriend or boyfriend, a child, a good friend about this case until you've been dismissed as jurors. The reason being we don't want you to be infected by

26

outside influences not related to this case, we want your decision being made based solely on the testimony and evidence you hear from this witness stand and according to the law as I give it to you at the end of this case.

Also, I am required to instruct all of the jurors that in the event that there's any news about this case, you may not read, see or hear anything about it. I don't really anticipate that will be a situation you will have to contend with, but if it is, do not look at it, listen to it, or read it until after you have been dismissed.

Also, I'm also required to tell you that you're not to engage in what is called independent jury research. What that simply means is until you've been dismissed, you may not look up anything about anyone involved in this case, the respondent, the State's attorney, the Respondent's attorney, myself, any court personnel; any issue involved in this case or any issue that you think would be helpful. And, again, that is to keep you from seeing outside information that the other sides can't see in making your decisions based on something outside the testimony and evidence presented during the course of this case.

Now, Mr. Foreman, ladies and gentlemen, in every

-- in every trial, whether it be criminal or civil, there's five phases. In just a moment, there's going to be opening statements by the attorneys. After the opening statements, they will present evidence in this matter. After that, they will have closing arguments. I will then charge you on the law that you must apply in this case. And finally -- only finally at that point, when you're instructed to do so, you will begin the fifth phase which is your deliberations. I tell you that so you will know generally where you are at any time during the course of this trial.

Now, ladies and gentlemen, opening statements and later on in this case, closing statements, the questions by these attorneys are helpful, but what they say or what they ask is not ask evidence. They're not sworn in. They're not subjected to cross examination. It is only something that guides you through this process. At the end of the day, and I'll remind you of this, if what either or both of them tells you differs from your memory of that fact of those issues, then your memory will control.

Also, ladies and gentlemen, attorneys have an oath that they will object any time there -- anything that happens in proceedings that they feel like is improper. Generally it has to do with the presentation

28

of the evidence. I'll charge you, Mr. Foreman, and ladies and gentlemen, that the fact that an attorney objects or to the extent I let you stay in here and see my ruling on my objection is not and may not be the subject of your deliberations for -- forsaken to say, that that is simply the process that everyone goes through in every single case I've been involved with.

Now, in this case, the State has the burden of proof. This is a civil proceeding. It is not criminal. But because it involves confinement, the burden of proof is the same as it is in a criminal case, it's by proof beyond a reasonable doubt. And I'll give you a full definition by the end of this case. But forsake it to say, that a reasonable doubt is the kind of doubt that would cause a reasonable, sincere and honest person to hesitate to act in an important matter in their own affairs. It is proof that leaves you firmly convinced of the State's case in this matter.

Now, ladies and gentlemen, if you've ever been involved in a civil case, the burden is by what we refer to as a preponderance or greater weight of the evidence, and the burden of proof in this case is like in criminal, although this is civil, it is by proof beyond a reasonable doubt. It's much stronger than a

preponderance of the evidence. At the end of this case, you'll be called upon to determine whether or not that burden has been met.

Now, that being said, we're about to begin opening statements, is there any additions or exceptions to my open instructions from the State?

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

THE COURT: From the defense?

MS. MOORE: None -- nothing from the defense.

THE COURT: Very good. Are you ready to proceed?

MR. MORROW: Thank you, Your Honor, if it please the court.

THE COURT: Yes, sir.

MR. MORROW: Good morning, ladies and gentlemen, my name is Christopher Morrow. I work for the South Carolina Attorney General's Office located in Columbia, South Carolina, and that's where I live with my family. Now, you might be wondering to yourself why am I here, why isn't somebody local handling this case. A simple answer to that question is when the State legislature passed the Sexual Violent Predator Act, it assigned all Sexually Violent Predator cases to the Attorney General's Office. I drive around the case -- me and one other person, and we do these cases all over the state.

30

Now, this case today has been brought under the Sexually Violent Predator Act. We're here because the State is seeking the civil commitment of Mr. Kenneth Wright as a sexually violent predator to a mental health care facility.

Now, about 20 years ago, the South Carolina General Assembly passed the Sexually Violent Predator Act with a few thoughts in mind. First, that there are certain individuals in our state that suffer from mental abnormalities, personality disorders, that make them likely to commit acts of sexual violence. And those individuals need treatment in a secure facility during the treatment process. And so the State contends that Mr. Wright is one of those individuals that the General Assembly had in mind when they passed the Sexually Violent Predator Act.

To prove that he is a sexually violent predator, the State must prove two basic elements. First, Mr. Wright has been convicted of at least one sexually violent offense. I don't think that's going to be -- that the defense is going to contest that in this case; you're going to get to see his convictions through his sexually violent offenses.

The second thing the State has to prove to you is that he suffers from a mental abnormality or

personality disorder that makes him likely to commit acts of sexual violence if not confined for treatment. Mr. Wright has been diagnosed by the State's witness that we'll call, Dr. Emily Gottfried, with several mental abnormalities and personality disorder.

Dr. Gottfried will testify that she diagnosed Mr. Wright with Pedophilic Disorder, Exhibitionist Disorder, Other Specified Paraphilic Disorder and Antisocial Personality Disorder. You're going to hear the testimony of Dr. Gottfried on the basis of her opinion today.

You'll also hear testimony from which you can decide whether Mr. Wright lacks control over his mental abnormality and personality disorder and whether he is likely to commit acts of sexual violence if not confined for treatment.

You'll hear how Dr. Gottfried spent a significant amount of time reviewing Mr. Wright's case, including looking at files, conducting an actuarial of Mr. Wright's risks using several different tests and data points as part of her evaluation in meeting with Mr. Wright, and taking a closer look at his plans to avoid her defense.

You can hear her testify as to the basis of her opinion and it's -- and you're going to also hear why

32

she believes he lacks control over his mental abnormality and personality disorder.

You're also going to hear from another doctor, Dr. Marie Gehle, the Chief Psychologist at the Department of Mental Health. She's going to tell you that she agrees with the Exhibitionist Disorder and specified -- other specified personality -- or Other Specified Paraphilic Disorder, and she's going to agree that he has a high risk on the actuarial measure risk to re-offend.

The area they differ is whether or not he suffered from a certain mental abnormality of personality disorder and whether Mr. Wright is likely to commit a crime of sexual violence if not confined to treatment. So at the end of the day, you're going to be asked to compare these two experts' opinion and see what the basis of those opinions are and see which expert you're more likely to believe. In other words, is Mr. Wright safe to be at large and not commit another act of sexual violence.

Now, the burden of proof in this case is on the State, and that burden is to be proof beyond a reasonable doubt. It doesn't provide for your -- keep in mind, it's not proof beyond any doubt, or all doubt, or any conceivable doubt, it's proof beyond a

reasonable doubt. Proof beyond a reasonable doubt is proof that leaves your firmly convinced.

Now, these cases by their very nature are going to contain some disturbing cases. And this case is certainly no different in that regard, but I ask you to do one thing, and that's to listen to the evidence.

As you listen to the evidence, the burden you should render will become clear, that Kenneth Wright is a sexually violent predator and should be committed to Sexually Violent Predator treatment program so that he can get the treatment that he needs. Thank you.

THE COURT: Ms. Moore.

MS. MOORE: Good morning, ladies and gentlemen of the jury, I'm Scarlet Moore and I represent Mr. Kenneth Wright today. What Mr. Morrow just told -- well, let me tell you why we're here. I'm going to tell you exactly why we're here, that when Mr. Wright is referred to -- for consideration of the Sexually Violent Predator Program, the State initially chose Dr. Maria Gehle -- and Mr. Morrow just mentioned that to you -- to conduct an evaluation on Mr. Wright. She did -- and Mr. Morrow is correct, there was a very thorough investigation. It's very scientific, you know, a lot of testing pursuant to her expertise, and -- and the ultimate conclusion that Dr. Gehle is that Mr. Wright

34

did not meet the criteria for a Sexually Violent Predator.

Now, we've heard all throughout our lives that words matter. And that word "violent" matters because not every sex offender is committed to the Sexually Violent Predator Program.

And what's interesting about Dr. Marie Gehle is that she is often chosen as a State's Expert. Okay. Now, also, again, you're going to hear Dr. Gehle say that she's a -- she's an expert for the court, which is absolutely correct. But at the end of the day, the State referred this case to Dr. Gehle initially and she said he simply does not meet the criteria for sexually violent predator.

So what did the State do, the State did what they're allowed to do under the statute, they got a second opinion. And Dr. Gottfried came back with that opinion, in fact disagreeing with Dr. Gehle. But I want you to pay very close attention to these experts when they're testifying. This is a very technical case. I mean, we're not here to determine whether or not Mr. Wright is a sex offender; he is. He is a sex offender.

We're not here to determine criminal guilt or innocence. That's already occurred and the judge

35

mentioned that to you in his opening statements to you. What we're here to determine is whether or not, pursuant to the specific language of our law -- and you heard Judge -- Judge McIntosh talk about the rule of law in this country and the words, and the standards that we have set for -- for ourselves pursuant -- pursuant to the law, to determine whether or not the criteria is met for Mr. -- for Mr. Wright to, in fact, be committed to this program.

I would just ask this jury to keep an open mind, listen to these experts, listen to the -- the Judge's instructions later when we get to that point -- point of the case. But I will submit to you the judge just talked to you about proof beyond a reasonable doubt. And here we go again, that's another -- you know, what my husband would call legal gobbledygook, right.

But the bottom line is that it's a higher standard than what we're used to in civil cases. Okay. Typically a civil case is we just have to show, well, you know what, I think they've reached about a 51 percent threshold and I ain't going to rule for one side or the other. Proof beyond a reasonable doubt is a lot more. And I -- I like the Judge's characterization of a firm belief. The fact that we have two experts in this case giving you different

36

opinions to me establishes the fact that we do not have proof beyond a reasonable doubt in this case. Thank you.

THE COURT: All right. Madam forelady -- Madam -- Mr. Foreman and ladies and gentlemen of the jury, I'm going to go ahead and break for lunch and ask that you be back in your jury room about 1:15. I'm sorry to kick you out in the weather, but that's kind of the process we have.

If you would, when you leave, take your notepads with you to the jury room and leave them there. And as a further note, when we're in court, and we take a break, leave your pads here in the courtroom, and then overnight we'll leave them in the jury room. So lunch time, you're -- and overnight, your pads will be in the jury room. Otherwise, it'll be in the courtroom. Nobody will be looking at them at all. But if you would, go with the bailiff please sir.

(Whereupon, the jury exited the courtroom at 11:48 a.m.)

THE COURT: Any additions or exceptions from the State?

MR. MORROW: Nothing from us, Your Honor.

THE COURT: From respondent?

MS. MOORE: No, sir.

THE COURT: All right. I'll see you guys at 1:15 -- well, do y'all need to get back in the courtroom before we get back for 1:15?

MR. MORROW: No, Your Honor.

THE COURT: I'm asking you will you need to get back before 1:15?

MS. MOORE: I don't think so.

MR. MORROW: I don't believe so, Your Honor.

THE COURT: Do you have any technical stuff we need to be hooking up and testing before we put it up in front of the jury?

MR. MORROW: Any -- I'm sorry, Your Honor?

THE COURT: Are you going to be using your computer to put a power point or anything of the like --

MR. MORROW: No, Your Honor --

THE COURT: -- audio, video --

MR. MORROW: Nothing like that.

THE COURT: And Ms. Moore?

MS. MOORE: No.

THE COURT: All right. Good. See you at 1:15.

(After a recess, court reconvened.)

THE COURT: Please be seated. Mr. Morrow, is the State ready to proceed?

MR. MORROW: Yes, Your Honor.

THE COURT: Ms. Moore, are you ready to proceed?

MS. MOORE: Yes, sir.

THE COURT: Will you bring the jury in please sir.

(Whereupon, the jury entered the courtroom at 1:18.)

THE COURT: All right. Now, I noticed, ladies and gentlemen of the jury, several of you standing around in the rain when I walked out for lunch. You know, I was just being facetious about sending you out in the rain, I didn't mean for you to stand out there. I hope you had a good lunch though.

Mr. Morrow, are you ready to proceed with your first witness?

MR. MORROW: Yes, Your Honor. The State would call Dr. Emily Gottfried to the stand.

DR. EMILY GOTTFRIED, having been first duly sworn, testified as follows:

THE CLERK: If you would take the witness stand, please, ma'am, and state your name and spell your name for the reporter, please.

THE WITNESS: Dr. Emily Gottfried, G-o-t-t-f-r-i-e-d.

DIRECT EXAMINATION BY MR. MORROW:

Q. Dr. Gottfried, what is your occupation?

A. I'm a forensic psychologist. I work as an

assistant professor at the Medical University of South Carolina in Charleston in the Department of Psychiatry and in the sexual behaviors clinic and lab.

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

A. I've worked at MUSC since 2015.

Q. And what advanced degrees do you possess?

A. I have a bachelors degree in psychology from San Diego State. I have a masters degree in psychology from Columbia University, and I have another in psychology and a doctorate in clinical psychology from Florida State University.

Q. What states are you licensed in?

A. I'm licensed in the State of Georgia and State of South Carolina.

Q. Dr. Gottfried, what is psychology?

A. Psychology is the study and the assessment and treatment diagnosis of mental illnesses. Psychologists also perform research typically.

Q. And what is forensic psychology?

A. Forensic psychology is kind of the intersection between the practice of psychology and the law. So forensic psychologists often offer psycho-legal or opinions for the court about whether a defendant is a risk or if they're competent to stand trial.

Q. Dr. Gottfried, have you had any additional specialized training within the field of psychology beyond your doctorate degree?

A. Yes. As part of my training during my masters and doctorate programs, we have to do practical hours, so practicum sites. I did all of my practicum sites within forensics, so I did practical experiences for the Federal Bureau of Prisons, for forensic state hospitals, for local county jails. And then as part of my doctoral training, we have to do a 2000 hour full year internship before you can get your degree, your doctorate in psychology. And I did mine at Patton State Hospital, which is a maximum security forensic hospital in the State of California. Following my degree, I then did a one year specialized fellowship in forensic psychology through a partnership out of Medical College of Georgia and a hospital in the state of Georgia.

Q. And, Dr. Gottfried, do you have any memberships in professional organizations?

A. I do. I am a member of the American Psychology and Law Society. I'm a member of APA or American Psychiatric -- not psychiatric -- excuse me -- Psychological Association. I'm a member of the academy -- American Academy of Forensic Sciences. I'm also a

member of the association for the treatment sexual abusers, and I was elected as the secretary of the local chapter of that here in South Carolina.

Q. Dr. Gottfried, does your work allow you to conduct forensic evaluations of individuals?

A. Yes.

Q. And do you have experience working with sex offenders?

A. Yes, I do.

Q. And how long have you worked with sex offenders?

A. While being supervised, I've worked with sex offenders since the year 2008.

Q. And approximately how many sex offenders have you evaluated?

A. Probably about 90.

Q. Okay. And what type of evaluations have you conducted in -- in relation to sex offenders?

A. A very -- variety of different evaluations. I've done some for sexually violent predators -- or assessments. I have done general sexual abuse assessments. I've done treatment needs, some pretrial for defense attorneys.

Q. Can you briefly describe your background in relation to Sexually Violent Predator cases?

A. Certainly. I received some training during graduate school at a few practicum sites in Florida. In the same hospital that I worked in California, we had a few individuals committed there under the Sexually Violent Predator Act and I ran several treatment groups for those individuals. And then since going to MUSC, I joined the sexual behavior clinic and lab. And my boss there, I'm considered an expert in the field he mentors me in, Sexually Violent Predator evaluations.

Q. And have you ever been previously recognized as a -- and testified as an expert within the field of forensic psychology?

A. Yes.

Q. And how many times?

A. Sixteen times.

Q. Have you ever been qualified as an expert in the Sexually Violent Predator cases?

A. Yes, I have.

Q. Approximately how many times?

A. Four times.

MR. MORROW: At this time, Your Honor, the State would move that Dr. Gottfried be recognized as an expert in the field of forensic psychology.

THE COURT: Voir dire.

MS. MOORE: Very brief -- brief questions, Your Honor.

VOIR DIRE BY MS. MOORE:

Q. Dr. Gottfried, when -- when were you first -- what was the date of your -- the first time you got your license?

A. I've been licensed, I believe, since 2015.

Q. Okay. And so when you say since 2018 you were supervised, can you elaborate on that?

A. 2008.

Q. I'm sorry, correct. I misspoke, 2008?

A. So during all my practicum experiences as an unlicensed student or psychologist, all the work that I did was under supervision, but I worked with sex offenders under supervision since 2008.

Q. Okay. But then in 2013, you became licensed; is that correct?

A. 2015.

Q. 2015. And then in fact -- so, how many years have you been unsupervised in your -- in your practice?

A. Since 2015.

Q. Okay. Thank you.

MS. MOORE: I have no further questions, Your Honor.

THE COURT: Do you challenge her expertise or do

you now stipulate?

MS. MOORE: I -- I -- there's no objection, Your Honor.

THE COURT: All right.

MS. MOORE: Thank you.

THE COURT: All right. Ladies and gentlemen, after voir dire or the questions of this witness, defense counsel -- or respondent's counsel stipulates that this witness is an expert in the area of forensic psychology.

I'll tell you that normally witnesses are not allowed to give their opinion except in very limited circumstances. They are limited what they saw, what they felt, they smelt, something along their senses. However, a person because of their education, experience or a combination of the two, who develops an expertise in a particular area and is helpful to you, the jury, they are allowed to give their opinion in the area of the expertise.

In this case, it's been stipulated that Dr. Gottfried is an expert in the area of forensic psychology. She'll be allowed to give you and state her opinion in that area with regard to this case. An expert opinion, ladies and gentlemen, is like any other testimony you'll hear in this case, you may accept it,

you may reject it and give it as much weight as you think it deserves. All right, sir.

BY MR. MORROW:

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

A. The South Carolina Attorney General's Office requested a second opinion or a second evaluation of Mr. Wright; that was assigned to the Sexual Behavior and Lab at MUSC who then assigned it to me.

Q. Were you paid to conduct your evaluation in this case?

A. I'm a salaried faculty member at the University, so this is part of my salary, but I don't get any additional money.

Q. Would you have been paid any differently if you did not recommend commitment in this case?

A. Nope. I make my salary either way.

Q. Dr. Gottfried, what type of evaluation did you perform?

A. A precommitment evaluation.

Q. And when you were asked to do this evaluation, what were you asked to do?

A. I was asked to assess Mr. Wright to find out if he had a mental abnormality or personality disorder that would pre-depose him or make him likely to commit

further crimes of sexual violence.

Q. Dr. Gottfried, could you just briefly describe the method by which you conduct precommitment evaluations in a Sexually Violent Predator case?

A. Yeah. So once we get the referral for the case, usually that comes with a really large packet of information. So first I review the file and look at all of the entire arrest report, I look at the prison record. I look at other state psychologist or psychiatrist forensic reports. I look at any treatment records. I look at disciplinary infractions in the prison. And I also make a list of things that I'm missing, and I contact the Attorney General's Office to request things that I'm missing.

Once I'm satisfied that I have everything that I need to make an opinion in the case, we schedule several appointments for the examinee to come in. They undergo a battery of testing and then are interviewed on one or two occasions. Then I make sure I have all the records that I need and then I write a report.

Q. And, Dr. Gottfried, as part of your evaluation, did you meet with and interview Mr. Wright?

A. Yes, I did.

Q. Is he in the courtroom today?

A. Yes, he is.

Q. Could you identify him?

A. Yes. He's right over there.

Q. Sitting beside defense counsel?

A. Yes.

Q. Okay. Could you explain the purpose of your evaluation of Mr. Wright?

A. Yes. On each day that Mr. Wright came in, he -- the first day, we went over a really long consent form, explaining all of the tests that he may be administrated. He had the opportunity to ask questions. And then on each subsequent appointment, we went back over that consent form and then signed a new re-reading of that consent form.

Q. In addition to meeting with and interviewing Mr. Wright, what information did you receive to aid in your evaluation?

A. I received all of his prior arrest warrants, incident reports, some were things from the Anderson County Sheriff's Office. I received his school transcript. I received some federal records on him, so a pre-sentence investigation report; some federal charging papers, some things from the United States Probation Office; a psychological evaluation from the Federal Bureau of Prisons. All of his South Carolina Department of Corrections records, so those would

include medical, mental health, disciplinary records. Let's see, I reviewed prior forensic reports in this case that other experts had issued regarding other issues in this case. All previous testing that had been administered and then all of the proceedings related to sex arousal pleasure.

Q. Is that the type of information that is typically reasonably relied upon by other experts in your field?

A. Yes.

Q. And did you consider and rely upon that information that you listed a moment ago, and upon your interview with Mr. Wright, render your opinion in this matter?

A. Yes, I did.

Q. Dr. Gottfried, can you explain how an individual's past sexual offense behavior relates to his future sexual offense behavior?

A. Well, it's important that I look at all previous acts, charges and convictions for other offenses. Because, first of all, the best predictor of future behavior is past behavior. And so I want to look to see what happened in the past. Also, looking at previous offenses tells us if there is a new offense -- like the nature or the severity of what could occur

in the future.

Q. Dr. Gottfried, based on your interview with Mr. Wright and your review of his file, can you tell if he's been convicted of a sexually violent offense?

A. Yes. Yes, he was.

Q. In fact, you found he's been convicted of two sexually violent offenses; is that correct?

A. Correct.

Q. All right. And those would be two counts of lewd act on a minor?

A. That's correct.

Q. Why is it important for you to review and consider this type of information when rendering your opinion?

A. As I mentioned, it's important to look at the previous behaviors, prior convictions and prior charges are correlated or associated with risk of future offending, and also I had to go through the details and see exactly what happened.

Q. Dr. Gottfried, would you give a brief overview of the timeline of Mr. Wright's sexually -- sexual offense history?

A. His -- all of his offenses --

Q. Or sexually violent offense history.

A. Yes. So this offense -- he was arrested for

this offense on August 1st of 2001. He was charged with two counts of kidnapping and two counts of committing a lewd act on a minor. According to records, the victims reported --

MS. MOORE: Objection, Your Honor.

THE COURT: Just one second, Mr. Foreman, would you go back to the jury room with your jury please sir.

(Whereupon, the jury left the courtroom at 1:32 p.m.)

THE COURT: All right. Mr. Morrow, ask your question again. I want to hear -- I just wanted to stop it from the jury hearing it. Okay.

MR. MORROW: I believe I asked, Your Honor, for her to give a brief -- brief overview of the timeline of Mr. Wright's sexually violent offense history, and Dr. Gottfried was answering that question.

THE COURT: But you -- well, it sounded to me -- and I -- I agree with Ms. Morrow(sic), that she was about to say what somebody said who had been a victim or involved in those cases. Unless you can show me a hearsay exception it falls under, I'm going to sustain it if that's where she's going. I can't really tell.

MR. MORROW: Your Honor, under Rule -- I believe under Rule 702 and 703, an expert --

THE COURT: No sir. That doesn't get you under a

hearsay exception. What is the testimony -- I hadn't heard it yet, so how about bring up the testimony that you're going to say, please, Doc.

THE WITNESS: Sure. What I was saying is according to records that I reviewed, the victims in this case reported to police that Mr. Wright had a verbal agreement with them to clean his residence for money. The victims were two 14 year old girls. They reportedly cleaned his apartment. And when they were finished, he requested that they rub lotion on his penis and buttocks, which they did. Reportedly, he padlocked the door so they were not able to leave.

After they finished rubbing lotion on him, he asked them to masturbate him, and they -- they did not. And then he masturbated in front of them and then he let them leave.

THE COURT: Was this a trial?

MR. MORROW: If I could, Your Honor, approach --

THE COURT: Let -- now, Ms. Moore, I think that she has a right to testify --

MR. MORROW: It's a plea, Your Honor, to lewd act on a child under --

THE COURT: It was a plea?

MR. MORROW: Yes, Your Honor.

THE COURT: Is that part of the colloquy, those

facts, essentially?

MR. MORROW: Those -- yes, yes, Your Honor.

THE COURT: All right. Ms. Moore, I agree with you to the extent that the "victim said" testimony, that she -- I think you said it twice. I think she has a right to describe the mechanics of what he allegedly did. And if you disagree, I'll be glad to hear why.

MS. MOORE: Well, Your Honor, I still think it's hearsay. She's -- she's gathering this information and recalling what someone -- someone reported to not only -- it's double hearsay, according to law enforcement and then she's reviewing records. And she's attempting to testify regarding what these statements are.

THE COURT: Well, he also plead guilty to that; right?

MS. MOORE: That's correct.

THE COURT: All right.

MS. MOORE: That's right --

THE COURT: To the extent -- go ahead. I'm sorry.

MS. MOORE: Well, I'm sorry.

THE COURT: No, no, no. You're fine.

MS. MOORE: Because again, I -- I certainly understand that -- that the jury -- you know, we have the lewd act convictions. But specifically, Mr. Morrow and I agree that the specifics -- the specifics --

certainly the information that was alleged in the indictment would not be attached to those -- to -- to the exhibits. So I would just -- I would object, Your Honor.

THE COURT: I understand. I'm going to overrule the objection as to the mechanics of -- when you testified a minute ago that -- as to what these children said, then I'm going to sustain that. You can't say that. But you can say that based on what he's supposed to have done was, you know, X, Y and Z in his apartment while they're there, cleaning or something, asking them to do these things. I -- I hear what you say, and I may just be wrong on that, but --

MS. MOORE: No, sir.

THE COURT: At the same time, I'm going to rule in that manner, and subject to your objection to my ruling I know.

MS. MOORE: Okay. Thank you, Your Honor.

THE COURT: All right. So do you understand what I'm saying?

THE WITNESS: To clarify I don't --

THE COURT: Give me -- give me -- give me your -- do you have your notes in front of you -- or no, you're just going over it.

THE WITNESS: This is my report.

THE COURT: Okay. Go ahead.

THE WITNESS: Just to clarify, so I don't say according to records, just say he plead guilty to these acts?

THE COURT: Just say the factual background behind what he did was that -- don't say what the little girl said, but that he had them clean his apartment, lock the door, asked him to do the various and sundry things that you went over, and that's what he plead guilty to do.

THE WITNESS: Say what the facts of the case were --

THE COURT: Right.

THE WITNESS: -- and not -- thank you.

THE COURT: All right. You're welcome.

MS. MOORE: Judge, and I'm sorry, I just want to make sure my objection is preserved for the record.

THE COURT: Yeah. I think I covered you, but go ahead and make it again.

MS. MOORE: No, no, thank you, Your Honor. Thank you. It makes me nervous.

THE COURT: Oh, I don't blame you. And, you know, -- I don't -- it's one of those things I don't necessarily disagree with you either. All right.

MS. MOORE: Yes, sir. Thank you, Your Honor.

THE COURT: All right.

MS. MOORE: Thank you.

THE COURT: Let me just put this on the record, since part of the elements of the -- this case is that he had this condition, and those are the factors that a psychia -- psychologist would look at in determining whether or not he has these conditions as part of -- that's relevant and material to this case. And so that's the reason I'm letting it in. All right. Are you ready to proceed?

MR. MORROW: Yes, Your Honor.

THE COURT: Would you bring the jury in please.

(Whereupon, the jury entered the courtroom at 1:39 p.m.)

THE COURT: All right. Mr. Morrow.

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. I'm going to show you what's been premarked for identification purposes as State's Exhibits 1 and 2. If you would please take a moment and see if you are familiar with those documents.

MR. MORROW: May I approach, Your Honor?

THE COURT: Yes, sir.

BY MR. MORROW:

A. I'm familiar with them.

Q. So you've seen those documents before?

A. Yes.

Q. And what are they?

A. These are the indictments and the -- the sentencing sheets and the arrest warrant and affidavit for the two lewd act upon a child under the age of 16.

Q. And did you review those documents as a part of your evaluation?

A. Yes, I did.

Q. Okay. Is there anything -- are they the types of documents that are commonly and typically relied upon by experts in your field?

A. Yes.

THE COURT: Let me stop you one more time so I can get further clarification. I apologize to the jury. This is my fault and none of the attorneys. I'm going to ask you to go back to your jury room one more time please.

(Whereupon, the jury exited the courtroom at 1:41 p.m.)

THE COURT: Mr. Morrow, you're changing gears with me. Let me see those documents right quick. Let me just point out something to you, and the reason -- 702 doesn't mean any admissible documents come into evidence --

MR. MORROW: Well --

THE COURT: I don't care if she relies on it or not. There's a case out there that's very clear that although they can use them to formulate their opinion, they have to separately establish that they're admissible, and that's been the case for a while.

MR. MORROW: Well -- Your Honor, these are records of a prior conviction --

THE COURT: I understand that --

MR. MORROW: And --

THE COURT: -- and you were going to have her verbally testify about what happened like you were trying to do the first time, and all of a sudden you're putting in charging documents that may or may not be good. I mean, that's why I wanted to stop you. Will you pass those forward please.

What's your position with regard to that, Ms. Moore?

MS. MOORE: Your Honor, it looks like pursuant to --

THE COURT: The affidavit --

MS. MOORE: -- 803(a), the public records under the courts, and I think that's 80 -- 803(a). I don't want to believe they will be helpful to the State, but it looks like the records or court statements of

compilation of any public offices or agencies setting forth the activities of the office or agency or matters preserved --

COURT REPORTER: I'm sorry, could you slow down a little bit.

MS. MOORE: I'm so -- I'm so sorry. I'm sorry. Your Honor, and the -- I mean my position is that I think the copies are certified copies as well, so judge -- I mean, I would not have an objection to that.

THE COURT: You do not have an objection?

MS. MOORE: I wouldn't have any objection to that.

THE COURT: All right. Well, let's get -- let's go ahead. I don't want to keep interrupting you and I'm sorry. Are there any other exhibits that are government documents or charging documents or public record that you intend to introduce?

MR. MORROW: Nothing else, Your Honor, just those sexually violent --

THE COURT: Okay. Let me say, now if there is no objection from the defense -- from the respondent, then by all means it's fine with me and that would be State's Exhibit 1 and 2. They don't come in under 702 though. Okay. All right. That's a different thing.

All right. Are you ready to proceed?

MR. MORROW: Yes, Your Honor.

THE COURT: All right. Will you bring the jury back in.

(Whereupon, the jury entered the courtroom at 1:45. p.m.)

THE COURT: All right. Ladies and gentlemen of the jury, I apologize for that. I just wanted to make sure we get some clarification to hopefully avoid some of that in the future. All right. Are you ready, Mr. Morrow?

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. Is there anything on those documents that I'm showing you -- is there anything on those documents that indicate their authenticity?

A. Yes. They have a seal. I believe they're certified copies.

MR. MORROW: Your Honor, at this time, the State would move State's Exhibit 1 and 2 into -- be admitted into evidence.

THE COURT: Any --

MS. MOORE: Judge, we have no -- no objection.

THE COURT: All right. Admitted 1 and 2.

(State's Exhibits No. 1 and 2 admitted into evidence.)

BY MR. MORROW:

Q. Dr. Gottfried, why is it necessary to review the details of the underlying facts of those offenses?

A. Well, as I mentioned previously, it's important to look at the behaviors that were associated with the previous sex offenses. We look at behaviors to help us determine if there is an underlying paraphilic or sexual disorder diagnosis. And it also tells us about the nature and severity of a future offense if one were to occur -- if one were to occur -- excuse me -- what it could be like the severity.

Q. Dr. Gottfried, could you describe the facts regarding Mr. Wright's 2001 conviction?

A. Yes. In 2001, Mr. Wright was charged with two counts of kidnapping and two counts of committing a lewd act on a minor. The facts of that case -- or those cases were that Mr. Wright had an agreement with two 14 year old girls to clean his apartment. They cleaned and he took a shower. After he showered, he laid nude on his bed and he asked them to rub lotion on his penis and on his buttocks. He padlocked the door shut so that they couldn't leave.

They performed said act of rubbing lotion on his penis and buttocks. He then asked them to masturbate him. They refused. He masturbated to completion in

front of them, then he let them leave. He also told them if they informed anyone of what had occurred, he would make it so they could not talk. And then he ultimately pled guilty to two counts of committing a lewd act on a minor.

Q. What sentence did Mr. Wright receive for his conviction of two counts of lewd act on a minor?

A. He was sentenced to five years in prison. He served three years and was required to be supervised on one year of probation. He subsequently violated his probation by being arrested in 2005 and sentenced to two additional years in prison.

Q. Dr. Gottfried, in addition to this -- these charges in 2002, is it important to look at convictions for criminal offenses that are not sexually violent offenses in your -- in these evaluations?

A. Yes.

Q. And why is that?

A. Well, it's important to look at all offenses. They give us information about potential diagnoses. They give us information about risk and reoffending because previous charges and convictions are related -- are associated with risk for sexual violence in the future. Additionally, knowing all of the charges and convictions somebody has incurred helps us score some

of the measures for tests that we use in these kinds of evaluations.

Q. And are documents, including individual's non-sexually violent convictions, the type document that you reasonably, typically rely upon or -- or the other experts in your field reasonably and typically rely upon?

A. Yes.

Q. And in reviewing the records of Mr. Wright -- of Mr. Wright, did you find he had been convicted of any non-sexually convictions?

A. Yes. He had --

MS. MOORE: Objection, Your Honor. I don't believe a proper foundation has been laid for that information.

THE COURT: Rephrase your question, please, sir.

BY MR. MORROW:

Q. Dr. Gottfried, as part of your evaluation, did you consider any convictions that Mr. Wright may have had or non-sexual offenses -- or non-sexually violent offenses as part of your evaluation?

A. Yes. I consider all offenses, sex offenses, violent sex offenses, non-sexually violent offenses as part of my evaluation.

Q. And is it part of the basis of your diagnosis

in this case?

A. Yes.

Q. Did -- Dr. Gottfried, could you -- you told us a moment ago it was important to look at the convictions of other offenses outside of sexually violent convictions as a part of your evaluations; why did you say that was important?

A. It helps me have information to look at diagnoses, it helps scoring psychological test batteries that I administer. I also know that there is a relationship between past offenses and risks for future offenses.

Q. And did you consider -- is indecent -- did you consider any -- did you find that he had been convicted for non-sexually violent offenses?

A. Yes. I find that he had been --

MS. MOORE: I object, Your Honor. I just don't believe there's been a proper foundation laid for how the doctor is testifying to this information.

THE COURT: Overruled. Go ahead.

MS. MOORE: Thank you, Judge.

BY MR. MORROW:

Q. What offenses did you find Mr. Wright had been convicted of?

A. I noted that Mr. Wright had been charged or

convicted 25 different times. He had at at least nine charges or convictions of indecent exposure, and that is exposing your genitals to an unsuspecting person. He very frequently exposed his genitals and was convicted of doing so to young children.

He also had a few violent offenses and a few other sex offenses such as making obscene phone calls, communicating obscene messages to women. I also noted that after being convicted of sexually violent offenses, he committed several more indecent exposures.

Q. Dr. Gottfried, as a part of your evaluation, did you review or did you see that Mr. Wright had been convicted of indecent exposure on June 21st of 1990?

MS. MOORE: Objection, Your Honor, relevance and also leading.

THE COURT: Sustained on leading. Rephrase your questions -- just what is the relevance of that?

MR. MORROW: Your Honor, the details --

THE COURT: Let me stop you -- is that part of her opinion in this matter that she -- that she considered in formulating her expert opinion?

MR. MORROW: Yes, Your Honor.

THE COURT: Go ahead and lay the proper foundation.

MR. MORROW: Your Honor, I --

BY MR. MORROW:

Q. Dr. Gottfried, you mentioned the indecent exposure offenses that you had just talked about you reviewed?

A. Yes.

Q. They -- were they part of the basis of your expert opinion?

A. Yes, they were.

Q. Okay. And were they part of the basis of your diagnoses in this case?

A. Yes.

Q. Could you discuss a timeline of his indecent exposure convictions?

A. Yes. He was charged in June of 1990 with indecent exposure. The facts of that case were that he exposed --

MS. MOORE: Objection, Your Honor, hearsay.

THE COURT: Just one second. Mr. Foreman, would you take your jury out to the jury room please sir.

(Whereupon, the jury exited the courtroom at 1:53 p.m.)

THE COURT: One of the problems I'm having, Mr. Morrow, is you're -- I think that you're -- and it may be appropriate because I know it's not an easy call, but I'm not getting to hear what they're about to say.

I know you don't want the jury to hear it so we need to come up with some --

MS. MOORE: I'm sorry, Your Honor.

THE COURT: No, no, no, you're doing what you're supposed to do. But ask a question, give us your answer please, ma'am.

MR. MORROW: Your Honor, do you want to --

THE COURT: Ask the same question as best you can -- I know once it goes by, it's hard to recapture, but as best you can. Okay.

MR. MORROW: Yes, Your Honor. I was just going to suggest --

THE COURT: Just ask your question please. Okay.

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. Could you go through a timeline of Mr. Wright's indecent exposure convictions?

A. Yes. In June of 1990, Mr. Wright was charged with indecent exposure. The facts of that are that Mr. Wright exposed himself to two 13 year old girls in the state of Maryland. He was next charged with indecent exposure in November of 1990 when he was observed walking through a parking lot in Maryland with his penis exposed.

THE COURT: Let me stop you here, that's the

objection because you're -- you're using the fact that those kids had to report it and therefore it's hearsay; is that it?

MS. MOORE: Judge, that's right, Your Honor. I think as we discussed with the lewd act convictions, those are certified copies. They are judgments of previous convictions pursuant to 80322, and they're also public records, Your Honor. I just -- I'm just concerned about Dr. Gottfried testifying about information that is hearsay that -- that she -- my problem she's testifying regarding information she may have looked at, which again is hearsay. Again --

THE COURT: Well, hang on. Let me -- let me -- because I'm not sure exactly what all things you're objection to -- objecting to, but hold on. We have two exposure cases. One that they're saying he did this -- did he -- was he found guilty or pled guilty?

MS. MOORE: He pled guilty, Your Honor, and that --

THE COURT: On each one of those cases?

MS. MOORE: Correct.

THE COURT: So when they did a plea colloquy, I assume that they said this is what he did; right?

MS. MOORE: Well, and that's -- that's -- that would certainly be my expectation, Your Honor, if he

pled guilty to those offenses. But, again, I just -- I don't -- I certainly object to any, you know, elaboration on what children reported and what was said --

THE COURT: I agree with you on that. But if he pled guilty to it, and that's the facts and he admitted that, it's a statement against his interest -- admission against his interest and therefore it's admissible there.

MS. MOORE: I wouldn't dispute that with the court. I -- I -- what I dispute is the recitation of perhaps what was in the police report, which specifically that information would be excluded you know, and any kind of you know witness statements, any kind of elaboration, you know. It is what it is. He pled guilty. And I think he also discussed this with not only Dr. Gottfried, but also Dr. Gehle. So my -- I don't want to jump up every time she says something --

THE COURT: Well, that's what I'm trying to do. May I ask a question over here to just kind of help me out a little bit.

MR. MORROW: Yes, Your Honor.

THE COURT: You met with this -- the respondent and did you ask him about each particular one of these charges?

THE WITNESS: I did.

THE COURT: And are you testifying based on what he told you or based on some other --

THE WITNESS: The majority of the time he said he couldn't recall.

THE COURT: Okay.

THE WITNESS: So I'm testifying on the documents that were provided to me.

THE COURT: Well, it seems to me -- as I was trying to be consistent earlier, if you were -- I don't want you saying what these people told law enforcement -- okay -- but there is a guilty plea and that was in the colloquy, and he admitted it, then it comes in under admissions against interest. So you need to add a little bit of a background to it. Okay.

MR. MORROW: Yes, Your Honor.

MS. MOORE: Thank you. Thank you, Your Honor.

THE COURT: I don't know how to be much more consistent than that. I'm trying to be because obviously it's material and relevant to the charges in this case or to the elements that the State has to prove.

MR. MORROW: Yes, sir.

THE COURT: All right. Bring the jury in please.

(Whereupon, the jury entered the courtroom at

1:59 p.m.)

THE COURT: Mr. Morrow.

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. Dr. Gottfried, did you -- again, please go through a brief timeline and the facts of the indecent exposure convictions that Mr. -- that you considered as part of your expert opinion and the -- and the basis of your diagnosis in this case.

A. Yes. In June of 1990, Mr. Wright was charged and convicted of indecent exposure. The facts of that case included that he exposed himself to two 13 year old girls in Maryland when he was sitting in the doorway of his house completely naked.

He was charged and convicted of indecent exposure again in November of 1990 when he was observed walking through a parking lot in Maryland with his penis exposed.

Again, in December of 1990, he was charged with indecent exposure. No information was located on this offense.

In May of 1997, he was charged with two counts of indecent exposure when he exposed his genitals to a seven year old girl and an eight year old girl while he was inside an elementary school.

Let's see. Then in March of 2005, he exposed himself at a Wal-Mart to a nine year old female child. Also in 2005, March of 2005, he was charged and convicted of indecent exposure when he was at a Charger Mart Discount Store, and when he went up to an 11 year old girl and showed his penis to her.

And January of 2013, he exposed his penis to a nine year old female child, and charged and convicted of indecent exposure. And the last one occurred in April of 2013, where he was -- had -- sorry -- exposed himself to a nine and seven year old child, and convicted of indecent exposure.

Q. Dr. Gottfried, did you rely solely on Mr. Wright's past criminal history in making your ultimate decision in this case?

A. No, I didn't.

Q. And would it -- would it have been professionally accepted to do so?

A. No, it would not have been.

Q. What about his criminal history did you find significant in reaching your opinion?

A. Well, the sheer number of indecent exposures suggested to me that Mr. Wright may have a paraphilic or sexual disorder related to sexual arousal from exposing his penis to unsuspecting others. I also

noted that he had gotten out of prison for the sexually violent offenses and had entered the sexually violent treatment program. And then when he got out, reoffended those indecent exposures despite being treated.

Q. Did you interview Mr. Wright with regard to this incident -- these proceedings?

A. Yes, I did.

Q. And what did Mr. Wright tell you during the interview regarding these sexual offenses?

A. Some of them he remembered, some of them he couldn't recall the information. He reported that he prefers to expose himself to children because of kind of the shock and awe of a young child seeing a penis in a store.

He also has exposed to more particularly mature people. He typically said he likes to expose to girls, but if a boy sees that's okay too. He told me some information about the lewd act that he was convicted of, said that he had asked these girls to clean the house. He said that he did not lock them in. He said he did not force them to rub lotion on him. He did admit that he masturbated in front of them.

Q. And, Dr. Gottfried, you mentioned it is necessary to look at sex offender treatment in the past

-- or has had in the past when doing these types of evaluations?

A. Yes.

Q. And why is it necessary to look at that?

A. Well, it's important to know if they have already gone through sex offender treatment because sex offender treatment should lower their risk. So if somebody has gone through treatment and has reliable strategies they can use to keep themselves safe and the community safe from committing another sex offense, those are important things to look at.

Q. And is that something done by other experts in your field?

A. Yes.

Q. And was it part of the basis of your expert opinion?

A. Yes, it was.

Q. And what did you find regarding Mr. Wright's sex offender treatment - prior sex offender treatment?

A. I found that he had told me that he had received some kind of sex offender treatment in the community in the '90s. The Attorney General's Office contacted probation. They didn't have a record of it. They said that it doesn't mean he didn't do it, it -- just due to the age they might have been expunged or

purged the records.

While he was in prison, he went through an educational sex offender program. And then after his release from prison on the sexually violent offenses of the lewd act against the children, he was committed to the Sexually Violent Predator Treatment program for treatment.

Q. And, Dr. Gottfried, did his prior treatment factor into your ultimate opinion in this case?

A. Yes.

Q. And what, if anything, did you find significant?

A. I found as significant that he went through the treatment program and got out and re-offended. I also found it significant that in my opinion he was not treated for Pedophilic Disorder, which is a sexual arousal to young children. And in the records it does not appear he was being treated for that particular disorder while he got the sex offender treatment.

Q. Dr. Gottfried, based on your examination of Mr. Wright, and your view of his records and all the other factors we've been discussing, were you able to diagnose Mr. Wright with a relevant mental abnormality?

A. Yes. I diagnosed him with several disorders.

Q. And what was the -- what is that diagnosis?

A. Let's as I mentioned, he had several diagnosis. He met diagnostic criteria for Pedophilic Disorder, nonexclusive type, sexually attracted to both girls and boys. So what that means is an intense and reoccurring sexual urgers, arousals, fantasies about prepubescent children. So those are children who are not yet in puberty. Nonexclusive type means that he is not exclusively attracted to children, he's also -- also attracted to adults.

I also diagnosed him with Exhibitionistic Disorder, sexually aroused by exposing his genitals to prepubertal children and to physically mature adults in a controlled environment. That one means, Exhibitionistic Disorder, that he has sexual arousal to exposing his penis to unsuspecting others, to both young children and physically mature adults, and that is in a controlled environment because he was detained in a detention center when I evaluated him.

I also diagnosed him an Other Specified Paraphilic Disorder, which was specified as Telephone Scatologia. That is a paraphilic disorder, so it's a sexual disorder that is recurrence and intense when you have a sexual arousal to calling people or writing them notes of a sexual nature that isn't wanted.

I also found that he had several other mental

health diagnoses that weren't sexual in nature. He had Antisocial Personality Disorder which is a pervasive pattern of kind of breaking the law, going against people's wants and needs. Repeatedly performing acts that are grounds for arrests. Impulsivity, aggressiveness, not having a lot of empathy. Those are all things that go into Antisocial Personality Disorder.

And finally I diagnosed him with several severe substance use disorders that were in remission, which means he didn't meet criteria for them in at least a year. He had substance use disorders related to alcohol use, methamphetamine, and cocaine, PCP, and heroin. And those were his diagnoses.

Q. Dr. Gottfried, as part of your evaluations you conducted in these cases, do you use a specific protocol?

A. Yes.

Q. And you mentioned in your report that in addition to meeting and interviewing an individual and reviewing relevant documents, you also used a series of assessment inventories and tests; is that correct?

A. Yes.

Q. And what's the difference between an assessment inventory and a psychological test?

A. I mean, I think they all kind of fall under tests.

Q. Okay.

A. So there are different kinds of measures that we give, some are self report questionaries, so where somebody would sit in front of a computer and answer true/false or sometimes true, very true, mostly true, questions about themselves. They might like performance base tests like an IQ test where you're putting blocks together, or it might be something that I'm just gathering information and from my interview in order to score something myself, and so those are the different kinds of tests that are used.

Q. And, Dr. Gottfried, as part of your evaluation, did you administer something called the Montreal Cognitive Assessment, or MoCA?

A. Yes.

Q. And what -- what exactly is that?

A. It's a screening instrument that looks at neurocognitive functioning so it looks at someone's memory and their language and their attention and they're like spacial reasoning.

Q. And is it the type of assessment that is typically and reasonably relied upon by experts in your field?

A. Yes. I don't typically give the MoCA for these types of evaluations. I gave it in this case because in 1987 approximately Mr. Wright had a self-inflicted gunshot wound to the head, and so I wanted to make sure that he was going to be able to concentrate and pay attention and make sure that he didn't have really severe neuropsychological deficits that would require more testing. And that was the reason that I gave that measure.

Q. And was the MoCA testing that you used in this case, was it part of the basis of your expert opinion?

A. Yes.

Q. And why is it important to use this assessment as part of your evaluation?

A. As I mentioned, I wanted to make sure that I didn't need to either bring in a neuropsychologist or give the more extensive longer battery of tests to see if Mr. Wright had a neurocognitive disorder.

Q. And what, if anything, did you learn from Mr. Wright's results on the MoCA?

A. His MoCA score did not suggest impairment. There were no problems noted in his language, memory, concentration, executive functioning. It is just a screening measure, but he scored 28 out of a possible 30, which indicated to me that for the purpose of this

evaluation a more comprehensive neuropsychological evaluation wasn't warranted.

Q. Thank you, Dr. Gottfried. Did you also use what's called a Conner's Continuous Performance Test II?

A. Yes, I did.

Q. And as part of your protocol, you administered -- do you usually administer the Conner's Continuance Performance Test II?

A. Yes, it's part of the standard battery I use.

Q. Okay. What is it exactly?

A. It's a computerized test that looks at attention deficits, so sometimes people use it to try and diagnose ADHD or ADD. The reason that we give it in the sexual clinic and lab at MUSC is because we give a very long test battery. It has a lot of questions. The person has to be able to pay attention and concentrate. And so if the results later are invalid, I can rule out that it was because they couldn't pay attention. And so I like to give that test first.

And then regardless of the results, I administer the battery but this kind of -- it gives me information if the tests come out -- the other ones invalid later.

Q. And is this the type of assessments that are reasonably and typically relied upon by experts in your

field?

A. Yes.

Q. Was it part of the basis of your expert opinion in this case?

A. Yes.

Q. Again, what if anything did you learn from Mr. Wright's results on the Conner's Continuous Performance Test II?

A. I --

MS. MOORE: Your Honor, I would object to hearsay and I don't think proper foundation has been laid.

THE COURT: Ask your question again please sir.

Q. Dr. -- Dr. Gottfried, did you have a Conner's Continuous Performance Test to administer to Mr. Wright in this case?

A. Yes.

Q. And what, if anything, did you learn from the results of his Conner's Continuous Performance Test II?

THE COURT: Okay. Is that where you objected?

MS. MOORE: It is, Your Honor.

THE COURT: All right. Overruled. Go ahead.

MS. MOORE: Thank you, Judge.

THE WITNESS: From the Conner's, I noted that Mr. Wright did have some attention problems on that measure compared to the normative data. And what I mean by

that is when people are developing these kinds of psychologicals, it has to give them to thousands of people and then compare that performance to the person being evaluated in performance. And so -- let's see -- Mr. Wright had an average reaction time, so to pay attention and identify the symbols on the computer screen. It was -- his reaction time was average.

However, his overall performance was poor and there was some indication of poor attention capacity. I went over the results with Mr. Wright at the end of my evaluation, he said that he was a perfectionist, that the task is very quick and you have to press the space bar every time you see a letter, but not when you see other letters. So he said I'm a perfectionist, that kind of made me feel like a failure. He thought that he missed a few and said a 100 percent that he had poor attention.

When I asked him if he had problems effectively perceiving or processing information, he told me, no, I have a grasp on that. But he acknowledged he had some problems paying attention.

BY MR. MORROW:

Q. Dr. Gottfried, as part of your battery of tests, and as part of your protocol at MUSC, do you also administer the Substance Abuse Subtle Screening

Inventory or SASSI?

A. Yes.

Q. And what exactly is that?

A. The SASSI is a computerized questionnaire where it asks multiple questions about substance use history.

Q. And is it a type of assessment that is reasonably and typically relied upon by experts in your field?

A. Yes.

Q. Was it part of the basis of your opinion in this case?

A. Yes.

Q. And why was it important to you to use the assessment as part of your evaluation in this case?

A. Well, when I'm doing these kinds of pre-commitment evaluations, I'm doing a full diagnostic evaluation, so I'm not just looking for paraphilic or sexual disorders, I'm looking for any mental abnormality or personality disorder, and getting a full picture on the person. And so this is specific to substance use.

We also know that substance use lowers someone's inhibitions. And so while substances do not cause people to sexually offend, if they are prone to

sexually offending, using drugs or alcohol could like lower their inhibitions or to increase their ability to put the brakes on that behavior.

Q. And in this case what, if anything, did you learn from Mr. Wright's results from Substance Abuse Subtle Screening Inventory?

A. We --

MS. MOORE: Objection, Your Honor. The results are hearsay.

THE COURT: Overruled. Go ahead.

THE WITNESS: His responses suggested a high probability that he has -- or has had a severe substance use disorder. When I followed up with him during the clinical interview, he said that he did have a problem with multiple substances, but not since 1988.

There also was a indication of a possible risk for acting out behavior. And when I asked him about that during my follow-up interview, he made some contradictory statements. On the one hand, he said with me, I can control pretty much any situation. And then he said, if something is on my mind, it comes out of my mouth without thinking of the consequences. So it was a wash.

BY MR. MORROW:

Q. As part of your protocol and the protocol that

you use, do you administer a Personality Assessment Inventory or PAI?

A. Yes.

Q. And what exactly is that?

A. That is a personality assessment instrument so that asks a lot of questions about symptoms. So it asks about depression, hearing voices, being paranoid. It also looks at general personality styles and personality pathology. I think it's about 344 questions where they answer them about themselves on a scale of false, sometimes true, mainly true and very true. And then it puts all those responses together and then you can see elevations on scales looking at certain personality features and psychological symptoms as well.

Q. And what if any -- was it part of the basis of your opinion in this case?

A. Yes.

Q. And is it the type of assessment that is reasonably and typically relied upon by various experts in your field?

A. Yes.

Q. And why is it important to use this assessment as part of your evaluation?

A. As I mentioned, I believe in full diagnostic

evaluations so this is a tool that looks at a large number of symptoms that I'm going to ask about in a clinical interview, but I like to ask these questions in multiple different ways. So I want to see if he's endorsing or talking about depression to me, and he also, you know, doing it on a self-report check list.

Q. And what, if anything, did you learn from the results of the PAI in this case?

MS. MOORE: The same objection, hearsay.

THE COURT: Noted. Overruled.

MS. MOORE: Thank you, Your Honor.

THE WITNESS: Mr. Wright endorsed a wide range of symptoms. He indicated that when he is in distress, that he might have some impairment in his functioning. He reported a history of substance use and associated problems with substance use. He had a lot of concern about his physical functioning, so like health concerns or how his body looks or moves for him. There was indication that he has been depressed and has had some depressive symptoms.

He endorsed a lot of features like Antisocial Personality, that's what I mentioned, you know, things that usually constitute criminal behavior or youth conduct problems.

He said he had severe mood swings and poorly

controlled anger. He has a negative self concept. He has periotic thoughts of hurting himself, but that in his relationships with others, he's pretty confident in that.

Q. And, Doctor, did he also have an Abel Assessment of Sexual Interest III performed?

A. Yes.

Q. And as part of your protocol, do you administer the Abel Assessment of Sexual Interest III?

A. Yes.

Q. And what exactly is the Abel Assessment of Sexual Interests III?

A. The Abel or the AASI is a two part test. So the first test -- or part of the test is a long questionnaire on the computer about a variety of sexual behaviors, fantasies, actions, thoughts, anything you can think of having to do with a sexual behavior.

The reason why I administer that is because like I mentioned, those are cautions that I'm going to ask Mr. Wright during my clinical interview. And there's some previous literature, especially when it comes to suicide and things like that, that people might be more forthcoming answering questions on a computer by themselves or they might be more forthcoming answering to a person, so that's why I ask these questions in a

variety of different ways. So that's the first part of the Abel.

The second part is called the visual reaction time where the examinee looks at slides on a computer and they are boys, girls, men, women, teenagers, and they're rating their level of sexual interests in those slides. At the same time, the computer is measuring their sexual interests kind of based on all of their responses. So there -- basically their own control. It's comparing all of their responses to all of their other responses.

Q. And is that type of assessment or tests that are typically and reasonably relied upon by experts in your field?

A. Yes.

Q. And was it part of the basis of your expert opinion in this case?

A. Yes.

Q. Why was it important to use the assessment -- the Abel Assessment as part of your evaluation?

A. As I mentioned, I wanted to get measures of sexual interests, sexual behaviors, so I like to ask them in a variety of ways. And in the sexual interests one, it's a small data point, in what they're reporting their sexual interests and what the computer is looking

at the viewing time what they are sexually interested in.

Q. Could you clarify that point for me one second -- so you said it showed -- it showed -- they report their sexual interests, but it also measures the time that they look at each individual slide, is that -- is that correct?

A. Right. It's a viewing time measure, but they're also rating their own level of sexual interest.

Q. And what main thing did you learn from Mr. Wright's results on the Abel Assessment Sexual Interests?

A. I --

MS. MOORE: Objection, Your Honor, the same -- the same objection, Your Honor. It's hearsay.

THE COURT: Overruled.

MS. MOORE: Thank you.

THE COURT: Noted.

MS. MOORE: Thank you.

THE WITNESS: On the questionnaire he reported a range of sexual behaviors. He reported that he sent obscene notes or emails or telephone calls about seven times to nine adult female strangers from the age of 12 to 39. He engaged in exhibitionism with at least 21 different victims, he said, so that he exposed himself

to adult female family members, teenaged females age 14 to 17, children -- female children under the age of 13, and male children under the age of 13 when he was 26 to 49 years old.

He reported having a history of his own sexual abuse. And that is -- from the questionnaire. And then when he was looking at the slides, his high self rating was for adult males. And then the subjective visual time that looked at sexual interests, you know, above his awareness, so that he had sexual interests in male children under the age of six; male children age six to 13; female and male teenagers, age 14 to 17; and adult men and women.

Q. Dr. Gottfried, as part of your protocol, do you also administer a test called the Penile Plethysmograph?

A. Yes.

Q. What is the Penile Plethysmograph?

A. So Penile plethysmography or Plethysmograph is a physiological measure of male sexual arousal. And so how they do that is it's a mercury little gauge that the examinee places on their penis. They are in a room by themselves, and then they cover themselves up, and they listen to sexual scenarios. And these sexual scenarios have scenes of consenting adults engaging in

sexual behavior. They also listen to sexual scenarios of infants and children being raped, being -- made to have sex with, teenagers, so it's a wide range of deviant and consenting sexual scenarios that they listen to. And then they also see some pictures. There's some nude women and nude men, the pictures, but no nude children -- it's like clothed children that go along with those scenarios that they listen to.

And then you look to see based on the consenting scenarios, so they also listen to these consenting adult men and women having sex. And to determine the PPG, you're looking to see if they have a greater level of sexual arousals, so that's an erection, to children than they do to adults.

Q. And is the PPG, or the Penile Plethysmograph, is that the type of assessment that is reasonably and typically relied upon by experts in your field?

A. Yes.

Q. Was it part of the basis of your opinion in this case?

A. Yes.

Q. And why is it important to use this assessment as part of your evaluation?

A. Well, I mean they say the plethys doesn't lie, so this is the gold standard of physiological male

arousal. Men don't get erections for things that they are not aroused by, and so this gives us -- you can ask somebody all day are you aroused to fantasies with children, this is something that is hard -- it is hard to fake.

Q. And what, if anything, did you learn from the results of Mr. Wright's penile plethysmogram --

MS. MOORE: Your Honor --

Q. -- through your examination?

MS. MOORE: -- I'm going to object to this question. First of all, I think it's hearsay. I also think there's no foundation laid regarding the -- the test. Dr. -- Dr. Gottfried did not administer this test. She's not testifying as an expert as to the results. She's reading hearsay from her results on -- pursuant to this --

THE COURT: One second. Mr. Foreman, let's go ahead and take a little afternoon break. If you would go back to the jury room please sir.

(Whereupon, the jury exited the courtroom at 2:26 p.m.)

THE COURT: Ask your question again please, sir.

BY MR. MORROW:

Q. Doctor, what if anything, did you learn from Mr. Wright's results on the Penile Plethysmograph?

A. He had a valid PPG, or Penile Plethysmography. His maximum level of sexual arousal was to a scenario depicting coercion or rape of a prepubescent female child, so a female child not yet in puberty. He also had arousal to persuasion of a male child. There was numerous stimuli that he exhibited arousal to. And then when you compared the consenting scenarios to the abusive ones against children, it showed that he had a preference for sexual activity with children.

THE COURT: And your objection is hearsay and that she didn't perform the test but somebody else did?

MS. MOORE: And that she is just testifying regarding results that she didn't -- these are not her results. She's testifying to someone else's results regarding -- regarding this -- this methodology, Your Honor. And I also say it's hearsay.

THE COURT: All right. What's your response, Mr. Morrow?

MR. MORROW: Your Honor, that the results of this test are just the same as other tests that were administered, it's a --

THE COURT: She's the one that administered the other tests.

MR. MORROW: They -- Your Honor, I believe that -- this is not unlike a blood pressure test or xrays where

a technician administers the test, the computer generates a report, that then Dr. Gottfried is qualified to read and look at the report and the results of those tests. It's not a matter of her sitting there watching his reaction every second of the tests. It's a matter of the computer recording those results.

THE COURT: Did you order the test?

THE WITNESS: I ordered it, yes.

THE COURT: So you had a tech perform it and then they gave you the results back?

THE WITNESS: Yes. It is actually in every clinic and lab, almost all of the tests are administered by a tech. I interpret most of them. I did not interpret Mr. Wright's PPG because I was not certified at the time, but that's been our standard practice.

MS. MOORE: Which is exactly my objection, Your Honor.

THE COURT: Let me keep that under -- I'm going to take it under advisement right quick and go and consider it. Let's take about a ten minute break. Doc, you can stand down, don't talk to anybody about your testimony and be back.

MS. MOORE: Thank you, Your Honor.

(Whereupon, after a recess court reconvened.)

THE COURT: Please be seated. All right. Off the record -- I mean back on the record this -- whatever that does the sexual arousal. penile blank -- whatever it is, I can't remember the name of it, it is -- I'm sustaining your objection to that.

First, she didn't order it at the time it was ordered. She was not qualified or she didn't -- hadn't had her expertise, she has been under somebody's else tutoring, and somebody apparently looked at the test and made their own conclusions about it from which she's reporting, which she would be vouching for another expert's testimony. So under all of that, unless you can establish another ground for it -- just because it's an expert opinion, it just doesn't mean it comes in; do you understand?

MR. MORROW: Yes, Your Honor.

THE COURT: All right. Anything further before we bring the jury back?

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

MS. MOORE: Nothing further.

THE COURT: All right. Bring the jury back.

(Whereupon, the jury entered the courtroom at 2:51 p.m.)

THE COURT: Counselor.

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. Dr. Gottfried, moving on from the PPG, as part of each protocol, do you administer the Hare Psychopathy Checklist revised second edition?

A. Yes.

Q. And what exactly is that?

A. That is a checklist that looks at psychopathy. So psychopathy is a personality characteristic marked by a lack of empathy, impulsivity, criminal behavior, paraphilic lifestyle. And there's some literature to suggest that individuals high in psychopathy are at a higher risks for re-offending.

Q. And is this the type of assessment that is typically reasonably relied upon by other expects in your field?

A. Yes.

Q. And part of your protocol is a standard battery of test?

A. Yes, it is.

Q. And was it part of the basis of your expert opinion?

A. Yes.

Q. And why was it important to use this assessment as a part of your evaluation?

A. This is just another data point that I consider in rendering my opinion regarding risks. As I mentioned there is some literature to suggests that individuals who have a lot of characteristics, or are high on measuring some psychopathy, or being psychopaths, are related or associated with future risks for sexual violence.

Q. And what, if anything, did you learn from Mr. Wright's results in the Hare Psychopathy checklist revised second edition?

MS. MOORE: Objection, Your Honor. There has not been a proper foundation laid.

THE COURT: Rephrase your question please, sir.

BY MR. MORROW:

Q. Dr. Gottfried, did you have a Hare Psychopathy Checklist administered to Mr. Wright?

A. It's a checklist that I score based on my interview and my review of records. I score it based on information that you -- that I gathered.

Q. And you are trained and certified?

A. There is not a current certification, but as a part of my education and training, I'm qualified to administer the Hare Psychopathy Checklist.

Q. And what, if anything, did you learn from the Hare Psychopathy Checklist?

MS. MOORE: Objection, Your Honor. I don't believe that -- that she's also -- I don't believe that she's been qualified as an expert in regard to this particular test, Your Honor, that can testify to this court --

THE COURT: There was no qualification as to any particular test, it was just generally under forensic psychology was what the area of expertise was. And now why would that not -- why -- is it just a problem with this particular test?

MS. MOORE: Your Honor, it's because -- it's specifically a scientific methodology that she's using to -- to gather information and gather conclusions, a scientific method, Your Honor. I think that's different than being qualified as an expert, so I would just -- I would just note my objection.

THE COURT: All right. Let me get some further information. Ladies and gentlemen, as I told you at the beginning of this case, trials are very slow and very methodical. This is no exception. And the breaks are not the fault of the parties or the attorneys, it's my fault. I need to be careful to make sure I control what gets in and out. But if you'd go back to your jury room right quick please.

(Whereupon, the jury left the courtroom at 2:56

p.m.)

THE COURT: Now, the concern I have is that I think I understand Dr. Gottfried -- excuse me -- but testified that she gathered the information herself from all the various sources, but then she said I wasn't certified in this particular area -- or --

THE WITNESS: There -- there isn't a certification, so I meet the user requirements in the manual for this measure. I've been trained on it, but I didn't receive like a certificate. I administered it --

THE COURT: Certificates don't concern me a whole lot. Let me ask you this -- I'm going to let you ask your own questions instead of me sitting here doing it. Go ahead.

BY MR. MORROW:

Q. Dr. Gottfried, are you fully qualified to use the Hare Psychopathy Checklist?

A. Yes. I meet the user qualifications specified in the manual written by the test author. I received training on it. I've administered hundreds of them. And I'm also what's called research reliable, so I've been certified by a research lab that I can score them for research.

Q. Is this -- and this test is used frequently in

your field?

A. Yes.

Q. And what, if anything, did you learn from the results that you compiled on this test?

A. I learned that although Mr. Wright --

THE COURT: That's -- that's okay. That doesn't go to the qualifications. I'm going to overrule your objection. I think she is qualified to give that opinion.

MS. MOORE: Just note my objection, Your Honor.

THE COURT: I do note it.

MS. MOORE: Thank you.

THE COURT: Bring the jury out please.

(Whereupon, the jury entered the courtroom at 2:59 p.m.)

BY MR. MORROW:

Q. Dr. Gottfried, are you qualified to administer the Hare Psychopathy Checklist?

A. Yes, I am.

Q. And you -- you gathered those results yourself?

A. Yes, I did.

Q. And it was part of the basis of your expert opinion?

A. Yes. It factored into my opinion as a data

point that I looked at.

Q. And, again, why -- what, if anything, did you learn from Mr. Wright's results on the Hare Psychopathy Checklist revised second edition?

A. On the Hare Psychopathy Checklist, I noted that Mr. Wright had some features of psychopathy, but did not meet the clinical cut scores. So his total score on this measure did not suggest that he is a psychopath or has psychotic behaviors, so he has some characteristics but he's not classified as a psychopath on this measure.

Q. Dr. Gottfried, in addition to this battery of test we've been going over, did you meet with and interview with Mr. Wright?

A. Yes, I did.

Q. And during your interview with Mr. Wright, did he disclose any conduct that would -- that would -- of a sexual nature that was unreported?

A. Yes.

Q. And what was that?

A. Well, over the course of the evaluation I asked him a number of times about sexual arousal with children. He reported basically that he has had some sexual arousal with children, but that this is pretty taboo in his eyes. He said that sex with children has

crossed my mind. So he was interviewed on a number of occasions. He ultimately told me that sometime between the ages of when he was somewhere between 14 and 18, for a period of three to four years, he molested a seven year old boy and a seven year old girl for a period of two to three years about twice a week.

And so to my knowledge, based on my review of the records, he had not disclosed that information before that he had actually molested children and was not arrested for it.

Q. And what, if anything, did you find significant about that information?

A. Well, it's information for my diagnosis about whether or not he has sexual arousal with children. He reported being attracted to those children that he molested. He also noted that he was engaging in sexual activity with individuals of his own age around the same time, which suggests a preference for children. You have someone more age appropriate to have sex with, and then you're still having sex with children, that suggests a paraphilia interest or sexual arousal to children.

Q. And, Dr. Gottfried, again let's go back over your diagnosis, what is a Pedophilic Disorder Non-Exclusive type, Sexually Attracted to Both?

A. That's a period for at least six months when the person is at least 16 years old, and there is at least a five year age difference between the person and the child. The experience recurrence, intense, sexually arousing fantasies, urges or behaviors involving prepubescent children, so those are children who have not entered puberty.

Q. And how does Mr. Wright meet the criteria of Pedophilic Disorder?

A. I found that there were multiple data points to suggest that he had Pedophilic Disorder. Like I mentioned, he kind of went back and forth about whether or not he had fantasied about children. He told me that sex with children had crossed his mind. It wasn't something he really wanted to talk about because it was really taboo to him.

He reported that he molested prepubescent children for a period of three to four years. These children were seven years old and he was somewhere between the age of 14 and 18, but it lasted three or four years. He said he molested these children at least twice a week or multiple times a week. The Abel Assessment for sexual interest also showed sexual interest in prepubescent male children.

Q. Doctor, what does Mr. Wright's diagnosis of

Pedophilic Disorder mean?

A. It means that he has a sexual arousal to fantasies, urges, or behaviors -- sexual behaviors with children not in puberty.

Q. You also diagnosed him with Exhibitionistic Disorder; is that correct?

A. Yes.

Q. And -- and, in fact, you said Exhibitionistic Disorder sexually aroused by exposing genitals to prepubertal children and to physically mature individuals; is that correct?

A. Yes.

Q. And what were the criteria of someone being diagnosed with that disorder?

A. That's a period of at least six months. There is recurrence and intense sexual arousal from the exposure of ones genitals. So in Mr. Wright's case, exposure of his penis to unsuspecting persons. And that is manifested or displayed by fantasies, urges or behaviors.

Q. And how did Mr. Wright meet the criteria of Exhibitionistic Disorder?

A. He has been arrested at least nine times for exposing his penis to unsuspecting others. He told me over the course of my interview that it was probably

more like 40 times, but he had not been caught for those other ones. He told me that he fantasies about exposing himself to unsuspecting others. He likes the thrilled and reaction of it.

I noted that after he got out of the Sexually Violent Treatment Program in 2010, he continued to commit offenses of indecent exposure. He had exposed his penis to both children and adults. He said he prefers children because of the kind of shock and awe that he got from them, which is what he likes about it. And he also talked about fantasizing about it and engaging since he was at least a teenager, but I believe earlier than that, that he started fantasizing about doing that.

Q. And you also diagnosed Mr. Wright with Other Specified Paraphilic Disorder, Telephone Scatologia; is that correct?

A. Yes.

Q. What is that?

A. Other Specified Paraphilic Disorder is another sexual disorder where you have recurrent and intense fantasies about something that involves someone who can't consent or that's abusive. And so there is a lot of things that meet that, and the book we used to diagnose doesn't list the hundreds of them there are.

So he has sexual arousal to Telephone Scatologia, which is making obscene sexual phone calls to other people. And that last for six months or longer and it causes distress or impairment either to the person or to the other person.

He's reported that he is sexually aroused in making these sexually obscene phone calls from the age prior to the age of 10 years old until his 30s. He fantasized about making these phone calls. He engaged in this behavior, he told me, approximately twice a year from the age of approximately eight years old until 2002, and he further served a prison sentence for making obscene phone calls.

Q. Finally, you also diagnosed Mr. Wright with Antisocial Personality Disorder; is that correct?

A. Yes.

Q. And what is Antisocial Personality Disorder?

A. Antisocial Personality Disorder -- personality disorders are pervasive patterns of your personality and the way that you deal with other people around you. So somebody with antisocial personality disorder is a pervasive pattern of disregard for and violation of the rights of others that occurs since about the age of 15. Basically you have a hard time following the laws. You repeatedly perform acts that are grounds for arrest.

You might be deceitful which means you might lie a lot or use a fake name or alias. You might con other people for your own personal profit or pleasure. You might exhibit impulsivity or an inability to plan ahead. You may have a reckless disregard for the safety of other people. And also there's evidence of Kotik Disorder, which is serious youth behavioral problems.

Q. And how does Mr. Wright meet the criteria for Antisocial Personality Disorder?

A. Well, he showed evidence of conduct disorder, that is before the age of 15, he reported that he ran away from home on multiple occasions. He used drugs and alcohol. He stole from stores. He got into a number of fights. He was impulsive and he had irresponsible behavior. As an adult, he has failed to conform to social norms as evidenced by at least 21 different arrest dates.

He's reportedly been, according to him, affiliated with several prison gangs. He's irritable and aggressive. He has demonstrated a disregard for the safety of other people and he demonstrated a lack of remorse.

Q. And, Dr. Gottfried, you also diagnosed him with several substance abuse disorders; is that

correct?

A. Yes.

Q. And why is that important in this case?

A. Well, as I mentioned earlier, I'm doing a full diagnostic evaluation, I'm not just like searching and fishing for sexual behavior disorders, I'm looking to see everything that's going on with the person that I am assessing. And so substance abuse disorders are mental illness, so they're part of -- just like depression that I assess for, or anxiety, they're part of something that I'm going going to assess for.

Other things that we know about substance abuse disorders, as I mentioned, is that drugs don't make you commit sex offenses, but if you are -- have a proclivity or if you have a history of committing sexually deviant behaviors, drugs can lower your inhibitions. So they can make you do things that you might have been able to stop yourself from doing if you were sober.

Q. And how does the presence of various -- the various paraphilias that you mentioned, a personality disorder -- in this case Antisocial Personality Disorder and the substance use and disorders in one individual, how does that affect his risk for re-offense?

A. Well, I think it makes him pretty risky. So there have been large research studies where they looked at samples of like over 20,000 sex offenders. And they found that the presence of multiple paraphilic disorder, or paraphilias, which is a sexual interest in abusive or deviant or nonconsensual sexual activity makes you a high risk.

Additionally, we know that substance use, again, lowers your inhibition. Impulsivity going along with his disorders. Antisocial Personality Disorder suggest that he might not care about the health and safety of other people and has committed a lot of crimes.

Q. Dr. Gottfried, when you do these evaluations, how do you know that a person is a risk to re-offend?

A. Well, it's -- I -- I put together a lot of data points. One measure that you didn't ask me about is an actuarial measure of sexual re-offending that we use.

Q. And that would be the Static 99R --

A. Yes --

Q. -- in your report?

A. Yes.

Q. And that measure -- what does the Static 99R measure?

A. So the Static 99 is an actuarial measure for

risk of sexual recidivism. So what those words means is it looks at known factors associated with offending and to see if the person you are scoring have those factors.

So an example that I can use is when you apply for life insurance, so the insurance company doesn't know when you're going to die, but they're going to ask you a lot of questions to kind of estimate how risky you are for an early death. So they want to know if you smoke. Do you have a job where you're like hanging off the side of a building. Have you had a lot of tickets for driving your car too fast. Do you use alcohol. So all of those things we know are associated with an increased risk for early death.

Similarly, the Static 99 takes factors that have been identified in research studies that we know are associated with risk for future sex offenses. And so basically the score on the Static 99, you take those factors and the measure assigns them numbers, and you just calculate it, and then you can have an estimate of risk. So this isn't Mr. Wright's -- what his percentage of re-offending is -- it's individuals who also have those same characteristics how often they went on to be arrested for a sex offense.

Q. Okay. And is the Static 99R the type of

actuarial assessment used by other experts in your field?

A. Yes.

Q. And was it part of the basis of your expert opinion?

A. Yes.

Q. And, Dr. Gottfried, are you qualified for the Static 99R?

A. I am.

Q. Okay. And what is the qualification process or how do you -- how does that work?

A. You go to a training course and you get a certificate and you're certified, so I did that in -- I would say 2013. And then I went back to the association of treatment of sexual abusers this year and got recertified under a new 2016 workbook.

Q. And, again, did you administer the Static 99R in this case?

A. I scored it myself.

Q. And was it -- it was part of the basis of your expert opinion?

A. Yes.

Q. And what was Mr. Wright's score on the Static 99R?

A. Well, it was a seven, but that doesn't really

tell us very much. So you can -- there's a lot of tables that you can look at other offenders and what a score of seven means. So individuals who scored a seven on the Static 99R five year -- when you followed them for five years, 18.8 percent of those people with the same score re-offended. And so put another way, that's the 97 percentile. So if you were to take 100 sex offenders, 96 of them will have a lower score on the Static 99, three would have the same score, and two would have a higher score than Mr. Wright.

Additionally if you look at relevant risk ratios, so that looking at the normal score that the average sex offender obtains on that measure, Mr. Wright's score was 5.25, so over five times the risk than the average sex offender -- he was five times more risky looking at the scores like that.

Q. And to be clear when we were talking about the Static 99, this is groups of convicted sex offenders; correct?

A. Yes.

Q. That he's being compared to?

A. Correct.

Q. Correct. Not the over all the population?

A. No. These are sex offenders.

Q. Okay.

A. And these are people that -- the 18.8 percent were people who were -- a new sex offense was identified, so we don't know the people that didn't get caught. Those are the people that were arrested for a new sex offense.

Q. And are there any other risk factors that you considered in assessing Mr. Wright's risk to re-offend?

A. Yes.

Q. And what were they?

A. Well, I noted that he had a long substance use history. He has problems with impulsivity. As I mentioned, he had multiple, several paraphilic disorder diagnoses, so he's sexually interested in exposing himself to children and adults. He's sexually interested in making sexually obscene phones. He's sexually interested in having sex with children, so all of those factored into my decision.

I also noted, as I mentioned, that he had already gone to this treatment program; gotten out and re-offended. And based on what I spoke to Mr. Wright about, it does not appear that he received treatment for his sexual arousal with children while he was being treated because he had not told anyone before that he had molested children.

Q. Dr. Gottfried, these risk factors that you

just described, they're dynamic risk factors; correct? The Static 99 that you were talking about previously were -- they are known as static risk factors; is that correct?

A. Yeah, I mean I think him molesting children, that was a static factor, you can't undo that. That is something that happened. Static factors are things that you can't change, like how old you are; like you could get a lot of treatment and you'll still be the same age, things like that. Like the number of times you've been arrested in the past, you can't treat somebody for that. That's always going to be about them.

Dynamitic risk factors are things you can treat, like substance use, poor coping skills, things like that.

Q. And so you used both of those types of risk factors when coming up to your ultimate opinion in this case?

A. Yes.

Q. Okay. To be clear, Dr. Gottfried, is it your expert opinion that Mr. Wright suffers from a mental abnormality?

A. Yes, he does.

Q. And among those mental abnormalities are

Pedophilic Disorder?

A. Yes.

Q. Exhibitionistic Disorder?

A. Yes.

Q. Other Specified Paraphilic Disorder, Telephone Scatologia?

A. Yes.

Q. And he also suffers from a personality disorder; is that correct?

A. Antisocial Personality Disorder.

Q. And, Dr. Gottfried, do you have an opinion as to whether Mr. Wright's mental abnormalities, personality disorder, causes him serious difficulty in controlling his behavior?

A. Yes.

Q. And what is that opinion?

A. I believe that his disorders cause him a lot of problems controlling his behavior. I think he's really impulsive. I think that the urge to expose his penis, to actually offend, is greater than he can control as evidenced by nine arrest for indecent exposure; arrest after he was treated; him reporting that he actually engaged in the behavior over 40 times. I think those get at that he has a lot of difficulty controlling his behavior, or suggests that he doesn't

want to control it. I think it's hard to tell the difference between those two.

Q. Dr. Gottfried, do you have any opinion of whether Mr. Wright is likely to commit future acts of sexual violence if not confined for treatment?

A. Yes, I have an opinion.

Q. And what is that opinion?

A. It's my opinion that he represents a risk that if not committed for treatment, that children could be at risk of him committing sexual crimes against him.

Q. And, Dr. Gottfried, do you have any opinion as to whether Mr. Wright's Pedophilic Disorder, Exhibitionistic Disorder, Other Specified Paraphilic Disorder and Antisocial Personality Disorder make him likely to engage in acts of sexual violence if not confined for treatment in a secure facility for a long term control care and treatment?

A. Yes. I believe that he needs treatment for those.

Q. Dr. Gottfried, do you have an opinion as to whether Mr. Wright meets the criteria to be found a sexually violent predator?

A. Yes.

Q. And what is that opinion?

A. It's my opinion that he would meet the

statutory criteria or definition for being a sexually violent predator.

Q. And, Dr. Gottfried, are all of these opinions based on a reasonable degree of psychological certainty?

A. Yes.

MR. MORROW: Thank you, Dr. Gottfried. Please answer any questions that -- that the defense may have or the court may have.

THE COURT: Ms. Moore, cross examination.

MS. MOORE: Thank you.

CROSS EXAMINATION BY MS. MOORE:

Q. Dr. Gottfried, this evaluation that you conducted on Mr. Wright occurred on or about June 29th of 2016; is that correct?

A. One moment. No, not in June. His evaluation span from August 4th of 2016 until August 31st of 2016.

Q. Okay. So as of the day of the evaluation -- or the span of the evaluation period, you had been licensed for about a year; correct?

A. In 2016, just over a year, that's correct.

Q. Okay. And, in fact, you were told that the State was seeking a second opinion in this matter, weren't you?

A. Yes.

Q. Okay. And, in fact, you had Dr. Marie Gehle's report that you used to complete your -- your evaluation; correct?

A. I didn't use it to complete my evaluation, it's part of a document that I reviewed in preparation for my evaluation.

Q. But certainly you refer to Dr. Gehle's report in your report?

A. Yes, I do.

Q. Now, -- and Dr. Gehle has come to a different conclusion than you have; isn't that true?

A. Yes.

Q. Now, I want to talk about -- I want to talk about the allege unreported offenses that you have testified to regarding my client, you said that my client told you that there were unreported three to four offenses -- or excuse me-- unreported offenses that occurred approximately three to four years, two times a week, when he was approximately 14 to 18 years old; do you recall that testimony?

A. Yes.

Q. In fact, none of that information is anywhere in Mr. Wright's record, is it?

A. Not that I can locate.

Q. It's only in your report; correct?

A. To my knowledge, yes.

Q. You -- it's your testimony that my client disclosed that to you; correct?

A. He did disclose it.

Q. And it's nowhere in Dr. Gehle's report, is it?

A. Not that -- not that I saw.

Q. In fact, the last time that Mr. Wright was convicted of a sexually violent act was the 2002 conviction for lewd act on a minor; isn't that correct?

A. The -- the two lewd acts on a --

Q. Right.

A. -- minor -- yes, 2001 was -- when he was arrested, 2002.

Q. Correct. The 2002 was the conviction date; correct?

A. Yes.

Q. Okay. And, in fact, he's also been through treatment since then, hasn't he?

A. That's right. He was in the --

Q. The --

A. -- Sexually Violent Treatment Program 2006 to 2010.

Q. Right. And -- and he was discharged from that program finding that he had taken responsibility for what he had done; isn't that true?

A. I think that was part of the reason he was discharged.

Q. But he was discharged; correct?

A. He was discharged.

Q. And since his discharged, he has not had one single violent sexual offense in his history; does he?

A. Not that he was arrested for, not that we know of, that's correct.

Q. Okay. And that, in fact, he would not be referred for consideration by the Sexually Violent Predator unit just with an indecent exposure conviction; isn't that correct?

A. That's correct. The fact that he had the previous convictions for sexually violent offenses is what got him back in this process.

Q. But certainly you would -- you would agree with me, wouldn't you, that just having a conviction for indecent exposure would not put him on the radar of a Sexually Violent Predator Program?

A. Well, per the statute, it wouldn't be a sexually violent offense, that's right.

Q. Okay. And you're also aware that Dr. Gehle did not diagnose Mr. Wright with Pedophilic Disorder?

A. That's correct.

Q. So you just -- so you -- you're -- you

disagree with Dr. Gehle's conclusion in that?

A. I think that we might have relied on different information, so Mr. Wright told me that he had molested children, that he was sexually interested in children, and so that was part of the reasons for my diagnosis.

Q. Okay. So -- but you -- but you stipulate that Dr. Gehle, based on her evaluation of Mr. Wright did not diagnose him with Pedophilic Disorder?

A. To my knowledge, she wasn't aware that he had molested children in the past.

Q. Is that your testimony?

A. To -- to my knowledge, I -- yeah, that he did not tell her that.

Q. But to be clear, the answer to my question is -- let me ask it again. Isn't it -- isn't it true that Dr. Gehle did not diagnose Mr. Wright with Pedophilic Disorder; yes or no?

A. Correct. She did not diagnose Pedophilic Disorder.

Q. Thank you. Now, Dr. Gottfried, during your testimony you repeated the same answer to Mr. Moore's question, when -- when asked about the various testing devices that you used, as to whether or not these tests are such that other experts typically and reasonably rely upon it in your field; do you recall Mr. Morrow

asking a similar question as that?

A. Yes.

Q. Okay. And your answer to each -- each question was what?

A. They are relied upon in my field. They are published instruments that are used for -- to assess a variety of psychological and psychiatric conditions.

Q. Can you tell us what experts you're talking about rely upon -- rely upon these tests?

A. Not by name, I mean I can tell you a couple of people at MUSC that use them, but not by name.

Q. So you can testify as to your colleagues that use these tests, but you have no evidence that -- that actual experts typically and reasonably use these testing devices to complete this evaluation; correct?

A. Well, they are reasonably relied upon in my field was the question.

Q. But the answer is you can't tell us any experts today?

A. Well, there are published measures that have literature behind them that other people purchase and use to diagnose a variety of psychological and psychiatric conditions.

Q. Okay. But the bottom line is you can't give us one name of an expert?

122

A. I mean, I can tell you people who published some of them, but --

Q. No. I'll -- I'll withdraw that. Do you know who Rebecca L. Jackson and Derrick T. Hess?

A. I'm familiar with the names. I've met Dr. Jackson.

Q. Okay. And who are they?

A. Rebecca Jackson, she publishes on this topic. She was the person who set up TriCare (ph) when they took over the Sexually Violent Predator Treatment program.

Q. Okay. And are you familiar with her -- are you familiar with her research?

A. Yes.

Q. Okay.

A. You're referring to her survey of forensic expert SVP evaluations?

Q. I'm -- I'm just asking if you were familiar with her work?

A. Some of it.

MS. MOORE: I have no further questions of this witness.

THE COURT: All right. Redirect?

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

THE COURT: All right. May this witness be

excused?

MR. MORROW: Your Honor, I'd like for her to remain.

THE COURT: Okay. Thank you, Doc. You may step down.

THE WITNESS: Thank you.

THE COURT: Call your next witness.

MR. MORROW: At this time, Your Honor, the State will not be calling any further witnesses. We would rest our case.

THE COURT: Okay. Mr. Foreman, ladies and gentlemen of the jury, the State has presented its part of the case. They -- they say they rest, which means they've finished presenting evidence. I have some administrative matters to take up now and then we'll bring you back here and begin the defense side of the case in a -- or the respondent's side of the case, but if you'll go back to your jury room please.

(Whereupon, the jury exited the courtroom at 3:28 p.m.)

THE COURT: All right. Ms. Moore?

MS. MOORE: Yes, sir. Judge, at this time I would move for a directed verdict. Your Honor, the State has absolutely not proven beyond a reasonable doubt that Mr. Wright meets the criteria as a sexually violent

124

predator. In fact, the key witness for the State specifically testified that he has not re-offended in a sexually violent manner since the qualifying conviction of lewd act in 2002.

You also heard testimony, Your Honor, that he's been through the program from 2006 to 2010, in fact was successfully discharged from that program, Your Honor. Even if the court is inclined to believe the information that Dr. Gottfried presented regarding these uncharged -- unreported offenses, these allegations, Your Honor we're talking about something that happened from the ages of 14 to 18. Again, that's pursuant to her testimony and her recollection, Your Honor, even if this court is inclined to -- to accept that, that would have happened well before he completed -- well, he's already completed four years of Sexually Violent Predator treatment.

And, Your Honor, the standard as this court certainly informed the jury is much higher than a preponderance, Your Honor. Judge, I would ask this court to direct a verdict in favor of the respondent today. I do not feel the State has met its burden pursuant to -- to the testimony of their witness.

THE COURT: All right. Thank you, ma'am. I'm going to deny your motion. Are you ready to proceed

125

with your case?

MS. MOORE: I am.

THE COURT: All right. Do you need a break or are you go to go?

MS. MOORE: I'm sorry?

THE COURT: Do you need a break or are you go to go?

MS. MOORE: I think I'm okay.

THE COURT: Okay. Bring the jury in. Mr. Morrow, I assume you are as well; is that correct?

MR. MORROW: Yes, Your Honor.

THE COURT: All right.

MS. MOORE: Judge, is it okay if I stand here?

THE COURT: Ma'am?

MS. MOORE: Is it okay if I stand here?

THE COURT: Yeah, just stand if you would, but don't --

MS. MOORE: No. Absolutely.

THE COURT: Yeah. Sure.

MS. MOORE: No. No. I just -- I just have my computer, so.

THE COURT: Yeah. Absolutely.

(Whereupon, the jury entered the courtroom at 3:31 p.m.)

THE COURT: All right. Ms. Moore, is the

respondent ready to proceed?

MS. MOORE: Yes, sir.

THE COURT: Okay. Call your first witness.

MS. MOORE: I call Dr. Marie Gehle to the stand.

DR. MARIE GEHLE, having been first duly sworn, testified as follows:

THE CLERK: Thank you. If you would take the stand and state your name and spell your last name for the reporter please.

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

DIRECT EXAMINATION BY MS. MOORE:

Q. And, Dr. Gehle, what is your profession?

A. I'm a chief psychologist at the South Carolina Department of Mental Health.

Q. Okay. And can you tell -- tell the jury what is your educational background?

A. I have a Bachelor's Degree in Psychology from Ohio Northern University, a Masters in Clinical Psychology from Xavier University, and a Doctorate in Clinical Psychology from Xavier University.

Q. Okay. And when did you earn your doctorate?

A. I completed and earned my degree in 2008?

Q. Okay. And have you since then been licensed --

A. Yes.

Q. -- in your field -- okay. And what license do you hold?

A. I have a license in psychology in the states of Georgia and South Carolina.

Q. Okay. Now, as part -- as part of your licensure, have you maintained any and all continuing education requirements to keep your license current?

A. Yes.

Q. Has your license ever been revoked?

A. No.

Q. Okay. And since 2008 when you became licensed, have you continually been engaged in the practice of your field?

A. I finished my degree in 2008, and I was licensed in 2010. The licensure process takes a little bit of time, so -- I earned my license in 2010. I just want to be clear about that.

Q. Okay.

A. But, yes, since that time I have been continuously involved in practicing clinical psychology.

Q. Okay. Now, do you have a specialty?

A. My specialty is in forensic psychology and I specialize in Sexually Violent Predator evaluations.

Q. And how long have you been so engaged in that area?

A. I've been doing Sexually Violent Predator evaluations since 2010, I believe, or 2011.

Q. And pursuant to -- pursuant to your specialty in forensic psychology, with an emphasis in SVP evaluations, have you ever testified in court?

A. Yes.

Q. How -- approximately how many times?

A. I've testified in Sexually Violent Predator cases in South Carolina almost a 100 times. I've testified in probably more than 40 jury trials such as this.

Q. Okay. And have you ever been denied an expert status by -- by a court?

A. No.

Q. So you always -- every time you testified you've always been qualified as an expert?

A. Yes.

Q. And I think you've already testified to this, but certainly your license is current as we sit here today; correct?

A. Yes.

Q. Okay. And you've completed any and all requirements of your license; correct?

A. Yes.

Q. Okay.

MS. MOORE: Judge, at this time, I would offer Dr. Marie Gehle as an expert in forensic psychology with an emphasis is SVP, Sexually Violent Predator evaluations.

THE COURT: Any voir dire?

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

THE COURT: Do you stipulate to her expertise?

MR. MORROW: We do, Your Honor.

THE COURT: All right. Again, ladies and gentlemen, I'll remind you that experts are allowed to give their opinion in the area of their expertise. And it's been stipulated that Dr. Gehle is an expert in the field of forensic psychology with an emphasis on Sexually Violent Predator Evaluations. An expert opinion is just like any other opinion you'll hear, you may accept it, you may reject it, and give it as much weight as you think it deserves.

All right. Ms. Moore.

MS. MOORE: Thank you.

BY MS. MOORE:

Q. Now, Dr. Gehle, during the course of your duties as a forensic psychologist, have you ever been engaged to conduct a -- an evaluation of my client, Mr. Kenneth Wright?

A. Yes, I was.

Q. Okay. Can you tell the court -- did you, in fact, conduct an evaluation of him?

A. Yes, I did.

Q. And when did that -- when did that occur?

A. I evaluated him -- I interviewed him in July of 2015.

Q. Okay. And what was your understanding as to why you were interviewing Mr. Wright?

A. Well, I was ordered by the court to conduct a pre-commitment evaluation pursuant to the Sexually Violent Predator Act. That means that the court wanted to -- me give an opinion as to whether he had a mental abnormality or a personality disorder that would make him likely to commit acts of sexual violence if he was not confined in a secure facility for long term control, care and treatment.

Q. Okay. Now, Dr. Gehle, you testified that you -- excuse me -- that you actually testified approximately a 100 times in SVP hearings; correct?

A. That's correct.

Q. And so do you have any gauge regarding the majority of the time you testified for either the State or the defense?

A. I can tell you before I came here today I

looked at my numbers, so I have -- I have given the opinion in 96 cases that the person should not be committed to the program or didn't meet the criteria as a sexually violent predator, and 56 cases I have testified -- or I've -- I've opined that the person met criteria as a sexually violent predator.

I'm called to court to support which ever side my opinion helps, so I often testify for the State; I often testify for the defense. It's whoever calls me to court because I've been a mutual party court appointed evaluator.

Q. Right. And so -- so at the end of the day, you render a professional judgment based on your evaluation of each individual case; is that correct?

A. That's correct.

Q. Okay. But would it be fair to say that in a majority of the times you have, in fact, recommended an evaluee, if you will, for the program -- the SVP program?

A. No, I have not in the majority. It's been 56 to 96 in terms of recommending commitment and not recommending commitment, but I would say that the -- I have testified far more times for the State than for the defense.

Q. Okay. Now -- and so you testified that you,

in July of 2015, conducted an evaluation of Mr. Wright; is that correct?

A. That's correct.

Q. And at that point, as of July of 2015, can you -- can you even estimate how many evaluations you have conducted regarding Sexually Violent Predator status?

A. At -- it was probably around a 100 I would guess -- I would estimate.

Q. Okay. Well, I believe you testified -- okay. And so you have significant experience in -- in conducting Sexually Violent Predator evaluations; is that correct?

A. Yes. This is my full time job of -- before I started doing the treatment and evaluations, I did evaluations of people who were committed to the program, and I did around 85 of those evaluations. SO I've done around 250 or so of these evaluations.

Q. Okay. Okay. Now, pursuant to the -- the evaluation, the referral of Mr. Wright to you, can you please explain to the jury what is -- what is your process? What is the process in regard to the Sexually Violent Predator evaluation?

A. My process is to review all the records, make sure that I have all the records, so I request a lot of additional records in the cases because I want to have

a full history of all the sexual offenses. I review those. I conduct an extensive interview. And then I look at all that information and I write a report and give opinions.

Q. Okay. And that -- is that the methodology that you used in regard to the evaluation of Mr. Wright?

A. Yes.

Q. Okay. Now, you testified that you gather information or you oversee records; is that correct? Am I stating that correctly?

A. That's correct.

Q. Okay. And can you please tell the jury what types of records or information did you gather in assisting with your evaluation of Mr. Wright?

A. Well, I looked -- I got all of the incident reports, that's what typically starts a criminal complaint, is an incident report by the police officer. And that might lead to an arrest warrant, I looked at those. And that pointed to a grand jury indictment, so I looked at those. And if the person is convicted, it will result in a sentence sheet and I looked at those.

That was the legal -- that was the bulk of the legal information. And there was much -- a lot of information about that stuff.

I also looked at probation revocation orders, things like that. I looked at all the records from Mr. Wright's stay in the Sexually Violent Predator treatment program. And he has multiple evaluations over the years when he was there. He was there about four years. And I looked at all the evaluations that occurred while he was there.

I also looked at some of his medical records that he had following his release from the program. I talked to a community care home, or I got some records from the community care home, some information from them where he lived upon his release from the program. And I talked to somebody at his -- at his physician's office that was relevant.

Q. Okay. Did you also -- did you conduct any tests upon Mr. Wright similar or perhaps different than -- than Dr. Gottfried testified to?

A. Well, I -- I -- I scored him on this Static 99R, which is a risk assessment, and I did not use other tests.

Q. And can you tell the jury, briefly, why -- why is that? Why is that?

A. Many of those things are irrelevant for this purpose. And some of them might be relevant, but they've not been well supported in the research as

being accurate and admissible in court, so I don't use those measures.

Q. So to be clear, the MoCA test, the CPT II, the SASSI 4, the tests that Dr. Gottfried testified to in this courtroom, do you ever use these tests?

A. I never use those tests. I would say of that list that you just gave, the MoCA could be relevant to determine his current mental status, but there are other options. And the PAI, which is a personality measure, can sometimes be relevant, but I tend to use a different personality measure when I do give it.

Q. Okay. And -- and I think there was also testimony regarding the Abel test, the PCLR test, do you ever use those tests?

A. I use the PCLR sometimes when it's relevant from the interview data, which in -- in my interview with Mr. Wright, it was -- it was not going to be significant so I don't need to do that test which was also what Dr. Gottfried found.

I do not use the Abel Assessment because the research foundation for that is extremely poor. And I do not use the Penile Plethysmograph because the research foundation is pretty poor.

Q. Can you elaborate on that when you say that the research foundation is poor; what do you mean by

that?

A. Well, they've not been found to be accurate in the research in terms of measuring what they say they are measuring.

Q. Now, and -- and you heard me ask Dr. Gottfried regarding the question that Mr. Morrow asked her about whether or not these tests are such that other experts typically and reasonably rely upon in the field; do you recall that line of questioning?

A. Yes.

Q. Okay. And what is your opinion regarding that question -- are these in fact -- are these tests that other experts typically and reasonably rely upon in the field in conducting these SVP evaluations?

A. Well, of the tests that she talked about, the PCLR, the Hare Psychopathy Checklist would be the most supported, but most evaluators use the Static 99R as well, so those two tests are reasonably relied on in this field.

Q. Okay. What about the MoCA test?

A. Not for SVP evaluations per se. It's not directly relevant, but it is a test that is used by other psychologists.

Q. What is the CPT II?

A. Again, that's a test for Attention Deficit

Disorder. It's not really relevant to this case.

Q. SASSI 4?

A. It's a test about substance abuse, which you can also get from an interview, so it's not really relevant.

Q. Okay. The PAI?

A. That's a personality assessment, so sometimes it's relevant and sometimes it's not. But most people do not use that measure in SVP evaluations.

Q. But -- but what about the Abel test, do other experts typically and reasonably rely upon the Abel testing in the field to make their determinations?

A. No. It's my experience that that is not true. That test has a pretty poor research standing. It's proprietary meaning we don't know what the results are based on. You send the results to a company in Atlanta and they send you the results, so we don't know because they won't open up their formulas to scrutinies, so we don't know how they're coming up with their determinations.

Q. Okay. Now, Dr. -- Dr. Gehle, I want to ask you, did you hear the testimony of Dr. -- Dr. Gottfried regarding alleged unreported offenses that occurred over a period of three to four years twice a week; do you recall that testimony?

A. Yes.

Q. Okay. And was this information -- did Mr. Wright, when you sat down with him to be evaluated, did he he disclose this information to you?

A. No.

Q. And how much time did you spend with Mr. Wright?

A. I interviewed him for about six hours.

Q. Okay. And so this never came up during the course of your interview?

A. He never reported any such information to me in that regard.

Q. Okay. But subsequent to receiving Dr. -- the results of Dr. Gottfried's report, did you have the occasion to -- to learn about these -- these alleged unreported offenses?

A. Yes.

Q. Okay. And -- and we'll get to that later, but do you -- but based on -- did that information change your opinion about whether or not Mr. Wright should be committed to the SVP program?

A. No.

Q. Okay. Now, during the course -- during the course of your gathering information regarding criminal offenses, what did you learn about Mr. -- Mr. Wright's

criminal history?

A. He has a long criminal history. Was there any particular that you --

Q. Well --

A. -- wanted to talk about?

Q. Well, were you -- were you specifically informed and had information about the fact -- essentially what we call --

A. I'm sorry.

Q. Okay. Let me -- let me strike that. Have you been provided information about the conviction in 2002 of lewd act on a minor?

A. Yes. I -- I looked at his full criminal history and then I requested records for all of the things that were sexually related or could be sexually related offenses.

Q. Okay.

A. So I looked at -- I looked at his total criminal history and I got into the specifics on only some offenses.

Q. Okay. But did you have an occasion to look at -- the criminal history of Mr. Wright following the -- the conviction in 2002 of lewd act on a minor?

A. Yes.

Q. Okay. And pursuant to your review of Mr.

Wright's record, did you identify any offenses that could be deemed sexually violent in nature?

A. No. This is a really important distinction and I think that gets lost here in the court, but the Sexually Violent Predator Act lists certain offenses that they call sexually violent. It includes most sexual offenses, but it excludes indecent exposure. It excludes a peeping tom, which is more of a voyeurism type offense. It excludes exposure of private parts in a lewd and lascivious manner. Those things are not included.

So when the lawmakers made the SVP act, they didn't include those offenses as sexually violent. Therefore, they -- disorders like Exhibitionism, which would lead to indecent exposures become irrelevant, because they're not sexually violent offending.

Q. And, in fact, if -- if Mr. Wright only had indecent exposure convictions on his record, would that land him a referral to the SVP Unit for further consideration?

A. No. The only way that you can be reviewed under the Sexually Violent Predator Act is if you've committed -- been convicted of a sexually violent offense and you step foot into secure confinement. So if you step -- if you don't get a prison sentence, then

you wouldn't be reviewed. But if you step foot into the Department of Corrections, your case will be reviewed. And it'll be reviewed regardless of the reason that you're in prison as long as you've been convicted of one of these offenses at some time in your past, which is what happened to Mr. Wright.

Q. Okay. Now, Dr. Gehle, pursuant to your evaluation of Mr. Wright, and pursuant to the information that you gathered and reviewed, in addition to the Static 99R testing, did you reach a conclusion as to whether or not Mr. Wright should, in fact, at this -- at this time be committed to the Sexually Violent Predator Program?

A. Yes.

Q. Okay. And what was that -- what was that opinion?

A. My opinion is that he doesn't meet the criteria for commitment as a sexually violent predator.

Q. Why do you say that?

A. Well, I diagnosed him with Exhibitionistic Disorder. That disorder predisposes him to commit sex offenses that are not sexually violent offenses. And if the lawmakers wanted us to be preventing that type of crime that --

THE COURT: No, no, no --

THE WITNESS: I'm sorry.

THE COURT: -- limit your testimony, don't editorialize please, ma'am.

THE WITNESS: Okay.

THE COURT: Continue please, Ms. Moore.

BY MS. MOORE:

Q. Okay. And, Dr. Gehle, so let's talk about that. So your opinion was that Mr. -- Mr. Wright should not be committed to the SVP program; correct?

A. Yes.

Q. And to be clear, was your evaluation -- I think we've covered this, but just to be clear, your evaluation happened prior to the evaluation of Dr. Gottfried; is that correct?

A. That's correct.

Q. Okay. So the State in this case sought a second opinion after getting your opinion that he does not meet the criteria; correct?

A. That's correct.

Q. Okay. Now, pursuant to -- pursuant to your opinion, it seems that you were testifying to diagnoses of Mr. Wright -- pursuant to your evaluation did you -- did you diagnose Mr. -- Mr. Wright with any disorders?

A. Yes.

Q. Okay. And what -- what were those disorders?

A. Exhibitionistic Disorder, sexually aroused by exposing his genitals to pre -- pre -- prepubescent children and physically mature individuals. Other Specified Paraphilic Disorder, Telephone Scatologia.

Q. Okay. And -- okay.

A. And I diagnosed him with several substance use disorders.

Q. Okay. Now, I think you've covered it but -- but can you tell the jury a little bit more detail about what is Exhibitionistic Disorder? What is that?

A. That's a pattern of sexual arousal that occurs over a period of at least six months, and the arousal focus is to exposing your genitals to unsuspecting persons.

Q. Okay. But, again, it's not a violent offense; correct?

A. Well, that type of disorder typically leads to exposing to your genitals to non-consenting people, and that's typically an indecent exposure offense.

Q. Okay. And the -- the tele -- I don't want to mispronounce it -- telephonic sta --

A. Telephone Scatologia.

Q. Yes. Please tell us what is that, Dr. Gehle?

A. That's a pattern of sexual arousal lasting at least six months towards making obscene phone calls to

unsuspecting persons or strangers.

Q. Okay. And you diagnosed Mr. Wright with several substances abuse issues; is that correct?

A. Yes.

Q. But -- but in fairness, I mean, did you get a gauge on the last time Mr. Wright actually used a substance?

A. It's been a very long time, I -- I think that he has been largely sober since his gunshot wound in 1988.

Q. So for the jury, who may have a question about that, if he hasn't used -- if -- pursuant to your investigation and gathering information in this case, if she hasn't used substances since 1988, how -- how can he be diagnosed with substance -- Substance Abuse Disorder?

A. The way that those disorders are treated is that if they were ever present, they are diagnosed. And then they're given a specifier that they're in remission -- in sustained remission in this case. So -- because that's something that can always come up for a person if they've had that addiction.

Q. Okay. Now, let's talk about Dr. Gottfried, Dr. Gottfried gave Mr. Wright two additional -- two additional diagnoses, one of which was Pedophilic

Disorder; are you familiar with that diagnosis in her report?

A. Yes, I saw that in her report.

Q. Okay. And can you tell the jury, what is Pedophilic Disorder?

A. Pedophilic Disorder is an arousal pattern of at least six months towards sexual acts with prepubescent children. And prepubescent just means absolutely no level of sexual development has occurred. For most kids these days, that's around nine years -- nine or ten for girls, a little bit older for boys.

Q. Okay. But you did not diagnose Mr. Wright with Pedophilic Disorder; is that correct?

A. That's correct.

Q. And tell the jury why, why not?

A. Well, I didn't see evidence of that. He had no known offenses against prepubescent children. The lewd acts that he was convicted of were against 14 year old girls. Those girls would have been in puberty by a -- by age 14. And he has exposed himself to prepubescent children, but it appeared to me because he had exposed himself to adults in a variety of settings as well, that that was the main focus of his arousal. It was the exhibitionism behavior, not -- not the prepubescent child.

Q. Okay. And you've already testified that you -- you have -- since you did your evaluation received the information regarding these alleged unreported offenses; correct?

A. Yes.

Q. And did that -- with -- receiving that information from Dr. Gottfried's report, did that change your mind as to whether or not Mr. Wright should be diagnosed with Pedophilic Disorder?

A. Well, you know that information was -- I mean it was interesting. I'm not sure what to make of it because it was self-reported. He was not ever charged or convicted with any conduct in that nature. This apparently was the only time he ever engaged in that such -- in that kind of behavior. It was never reported during the years that he was in the program and I would expect it to be reported then.

It also could have occurred prior to age 16, which in -- if that was the case, it wouldn't qualify for a Pedophilic Disorder, so I'm not sure what to make of it.

Q. I guess the question -- I mean, do you have an opinion about whether or not this information is reliable at this point?

A. I don't know.

Q. Okay. And you also heard that Dr. Gottfried had diagnosed Mr. Wright with Antisocial Personality Disorder; do you recall that testimony?

A. Yes.

Q. Did you see that in her report as well?

A. Yes.

Q. Okay. And did you diagnose -- did you diagnose Mr. Wright with Antisocial Personality Disorder?

A. No.

Q. Okay. And why not?

A. Well, I don't believe that he met criteria for Antisocial Personality Disorder. When I met with him, he did not display those characteristics of the disorder, and he was not diagnosed with that disorder when he was in the hospital for four years, he was never diagnosed with Antisocial Personality Disorder. And that disorder is something that you're not going to be able to hide for four years in a close environment like that, so I don't believe that he meets that criteria.

Q. And to be clear, the hospital -- are you talking about the confinement at that SVP Program?

A. Yes.

Q. Okay. Okay. And anything else -- any other

opinions regarding why you did not diagnose him with Antisocial Personality Disorder?

A. Well, again, I don't believe that he meets that criteria. The criteria of the Antisocial Personality Disorder is strongly related to criminal behavior. Mr. Wright's criminal behavior and his impulsivity can also be associated with his gunshot wound. He shot himself in the head in 1988. When he did that, he reportedly had significant changes to his behavior, to his control, and to his personality. And I believe that if he has a maladaptive personality traits, it's more likely related to that and not a pattern of Antisocial Personality Disorder.

Q. But to be clear, your testimony is that this is something that should have been identified during -- during the four years that he was committed to the SVP Program; correct?

A. Yes.

Q. Okay. Now, let's -- let's talk about -- so, again, your -- do you -- you testified that you do not recommend that Mr. Wright be committed to this program; correct?

A. That's correct.

Q. Okay. Now, have you -- pursuant to your review of the records in this case, did you have an

opportunity to review any discharge summary or any discharge notes that -- that would have been in his chart when he was released from the Sexually Violent Predator Unit in or about 2010?

A. Yes.

Q. Okay. And did -- did any of the information in the discharge summary assist you in your evaluation of Mr. Wright and your opinion today?

A. Yes.

Q. Okay. And so based on the discharge summary, is it your opinion that Mr. Wright would -- would further benefit from another stay at the SVP Program?

A. I don't know that he would benefit from that. I mean he -- he completed treatment and his behavior -- his sexual behavior in terms of exposing himself was well under control with medication.

Q. Okay. And what types -- what type of medication are you referring to?

A. He was actually prescribed Depo Provero, which is a birth control shot. And that affects the -- the arousal of men. And so sometimes that's prescribed to people when -- when they volunteer to take it -- in order to reduce their sexual urges and acting out. He was discharged on medication.

The program arranged for him to follow-up with a

doctor in the community to continue on that medication, which he did for a period of time when he was living in proximity to that doctor. When he moved, he did not continue on that medication.

Q. Okay. And I mean you -- you certainly -- you don't prescribe medicine; is that correct?

A. That's correct.

Q. Okay. But have you seen, I guess, success stories during the course of your practice with sex offenders using Depo Provero as a treatment?

A. Yes.

Q. Okay. And are you familiar with any type of professional research or scientific research or -- that -- that would support the use of Depo Provero for sex offenders?

A. Yes. I'm -- there is some research to support that use, and it's more of a medical treatment, but it's hormonal so it affects their arousal.

Q. So would you recommend -- again based on you're not a -- I know you're not a physician that prescribes medication, would you support -- well, let me -- sorry, let me rephrase it a different way. So have you seen -- to ask it in a different way, positive outcomes for Mr. Wright when he has been taking Depo Provero?

A. Yes. When he was taking Depo Provero, there were no instances of indecent exposure. Those did not occur until he stopped taking it, after he moved away from that position.

Q. And did -- has -- did Mr. Wright discuss with you the difficulty of finding physicians who are willing to -- to prescribe Depo Provero to men?

A. Yes.

Q. And have you also seen that -- that opinion in other areas of your practice? For example, have you also seen other -- other patients, SVP clients, who have attempted to get Depo Provero or is recommended -- some physicians recommend it, but then it's difficult to get it from other physicians?

A. Yes. It's something that we talk about among our colleagues, the difficulty of getting a general practitioner or a physician in the community to prescribe that medication because it's prescribed in a way that it's not necessarily marketed for. You know, it's a birth control pill marketed towards women.

Psychiatrists often deal with medical problems related to mental illness, but they're not necessarily going to prescribe hormonal treatment, so we've -- we've always had a very difficult time getting physicians to prescribe that medication.

Q. But certainly -- it would help Mr. -- Mr. Wright immensely; correct?

A. Yes.

Q. So would it be fair to say, Dr. Gehle, that you disagree with the -- the conclusion of the State's witness, Dr. Gehle --

THE COURT: Do not answer that question. That's pitting witnesses. Move forward please.

MS. MOORE: Yes, sir.

BY MS. MOORE:

Q. Now, Dr. -- Dr. Gehle, you're -- your ultimate conclusion is that -- that Mr. Wright does not meet the criteria of a sexually violent predator; is that correct?

A. That's correct.

Q. And still today, after hearing the testimony of the State's witness, do you still stand by that opinion?

A. Yes.

Q. Okay.

MS. MOORE: Judge, I have no further questions of this witness.

THE COURT: All right. Thank you, ma'am. Cross examination.

MR. MORROW: Yes, Your Honor.

CROSS EXAMINATION BY MR. MORROW:

Q. Dr. Gehle, Mr. Wright shot himself in the head in 1988; is that correct?

A. That's correct.

Q. And the head injury resulted in your report as significant frontal lobe damage that resulted in memory impairment, mood -- impulse control, poor judgment, and significant personality changes; is that right?

A. Yes.

Q. In your report, you find that he was not charged with any sexually related behavior prior to said injury in 1988; is that correct?

A. Yes. He was not charged with any that I could find.

Q. Correct. And you also mentioned in your report that he was charged with 18 sexual offenses and convicted of 15; is that correct?

A. Yes.

Q. The first of those sexual offenses occurred on November 8, 1990 when he was charged with indecent exposure and disorderly intoxication; is that correct?

A. Yes.

Q. And that was in Maryland?

A. Yes.

Q. And you had agreed the facts of that offense

is that he exposed himself to two 13 year old girls; is that correct?

A. Yes.

Q. And, again, he was convicted on that offense. And then later in the year, in December 14th of 1990, he was again charged with indecent exposure; is that correct?

A. Correct.

Q. And he was convicted of that offense?

A. Yes.

Q. And he exposed himself to two female victims; is that correct?

A. Yes.

Q. And those victims were seven and eight years old?

A. Yes, I believe so.

Q. And you agree then that in 1997, an incident took place at an elementary school where Mr. Wright volunteered, and he was convicted of two counts of indecent exposure relating to that offense; is that correct?

A. That's correct.

Q. And, again, on April 7th of 1999, he was charged with unlawful use of telephone; is that correct?

A. That's correct.

Q. And that incident involved him making sexually inappropriate advances over the phone to a female cashier at the Dollar Tree; is that correct?

A. Yes.

Q. Later on, he was charged with two counts of communing obscene messages to women in 1999; is that correct?

A. Yes.

Q. And the victims in those cases were a 14 year old and a 13 year old; is that correct?

A. That's correct.

Q. And he was convicted of those offenses?

A. Yes.

Q. Then on August 1 of 2001, Mr. Wright was arrested for two counts of committing and attempting a lewd act upon a child under 16 years old; is that correct?

A. That's correct.

Q. And the victims in that case were a 14 year old and a 15 year old acquaintance; is that correct?

A. Yes.

Q. And Mr. Wright hired them to clean his apartment; is that correct?

A. Yes.

Q. And once he -- once they were there, he wouldn't let them leave until they rubbed lotion on his body and watch him masturbate; is that correct?

A. That's correct.

Q. And then he -- he went to prison for that offense; is that correct?

A. That's correct.

Q. And then he got out and his probation was revoked; is that correct?

A. Yes.

Q. And then on March 3rd of 2005, he was convicted -- he was arrested for exposing himself to a nine year old female and then an 11 year old female; is that correct?

A. Yes.

Q. And he pled guilty to indecent exposure on April 27th, 2005; is that correct?

A. That's correct.

Q. And so after that offense, he entered the SVP Program for the first time between 2006 and 2010; is that correct?

A. That's correct.

Q. And after he got out of the program in 2013, he was arrested again for indecent exposure; is that correct?

A. That's correct.

Q. And that offense, the -- he exposed himself to two children, and one of whom was nine years old?

A. In the first offense?

Q. In the January 2013.

A. Yes.

Q. Offense -- and then again on April 8th of 2013, he exposed himself to two children in K-Mart; is that correct?

A. Yes.

Q. And one -- one of those children was seven years old and the other one was nine years old; is that correct?

A. That's correct.

Q. And he plead guilty to three counts of indecent exposure?

A. Yes.

Q. And you would agree that both you and Dr. Gottfried diagnosed Mr. Wright with Exhibitionistic Disorder, Sexually Aroused by Exposed Genitals to Prepubescent Children and to Physically Mature Individuals?

A. Yes.

Q. And, again, at lot of these exposures, several of them involved children under the age -- under the --

that would have been prepubescent; is that correct?

A. Yes. Based on their age, yes.

Q. And including the most recent ones; is that correct?

A. That's correct.

Q. Okay. And, again, you also diagnosed Mr. Wright with Other Specified Paraphilic Disorder, Telephone Scatologia; is that correct?

A. Yes.

Q. And those are based on the telephone offenses that he had?

A. The pattern of arousal towards making obscene phone calls, yes.

Q. Okay. And both you and Dr. Gottfried found Mr. Wright scored a seven on a Static 99R?

A. That's correct.

Q. Okay. And you also found he has several empirically supported psychologically meaningful risk factors; correct?

A. That's correct.

Q. Those are that he's been diagnosed with multiple paraphilias?

A. Yes.

Q. And he has a history to resistance for rules and supervision?

A. Correct.

Q. And that can be shown by the violation of the probation and also multiple criminal convictions; is that correct?

A. Yes.

Q. And he has a history of lifestyle impulsiveness?

A. Yes.

Q. And then he has poor problem solving abilities?

A. That's correct.

Q. And your primary reasoning for finding Mr. Wright is not a sexually violent predator is that you had no evidence of actual contact offenses against a prepubescent child; is that correct? You couldn't make a diagnosis of Pedophilic Disorder; is that correct?

A. Can you restate that question?

Q. You could not make a diagnosis of Pedophilic Disorder at the time you did your report because you had no evidence on a contact offense against a prepubescent child; is that correct?

A. Well, I had evidence of a pattern of sexual arousal towards prepubescent children. He denied that, and there was no evidence of those contact offenses or that he was sexually aroused by sexual acts with

prepubescent children.

Q. Yet in Dr. Gottfried's examination, Mr. Wright admitted to contact offenses against prepubescent children that lasted approximately about four years; is that correct? That was her testimony?

THE COURT: Doctor, no, don't you do it either. You cannot pit witnesses' testimony, okay, sir.

MR. MORROW: Yes, Your Honor.

BY MR. MORROW:

Q. Let's go to the Depo Provero that you were talking about, he had a doctor that prescribed him Depo Provero; correct?

A. Yes. He was prescribed that in the program. And then when he was discharged from the program, he lived at a community care home and he was prescribed that medication while he was at that community care home.

Q. And once he left that community care home, he stopped taking the medicine?

A. Well, he moved across the state, and it's my understanding that he couldn't find a doctor to prescribe that.

Q. Was he prevented from seeking a doctor from prescribing that medication? Was there anything that prevented him from seeking multiple second opinions

until he found somebody that was willing to prescribe it?

A. Other than potentially his finances or medicaid, or you know those sorts of circumstances. But I understand that his doctor that he did see in Anderson did not prescribe that medication.

Q. But when he was discharged from the Sexually Violent Predator Program, both -- he had both the court records and treatment records that indicated that he should get that medicine; is that correct?

A. Yes. And he had a doctor that agreed to prescribe that medication.

Q. And he could have gotten his court records or his medical records or his treatment records and used those to show them to further doctors that he tried to get this medication from? He could have done that?

A. Probably. I mean, he probably could get those documents if he requested them.

Q. But he didn't try?

A. I don't know if he tried or not.

MR. MORROW: Okay. Thank you. No further questions for this witness.

THE COURT: Redirect?

MS. MOORE: Nothing further.

THE COURT: May this witness be excused?

162

MS. MOORE: I have no objection.

MR. MORROW: No objection.

THE COURT: All right. Thank you, ma'am. You are excused. Call your next witness.

MS. MOORE: May we approach, Your Honor? May we approach?

THE COURT: Yes, ma'am.

(Whereupon, there was a bench conference.)

THE COURT: All right. Mr. Foreman, let's take about a five minute break and then we'll bring you back out here.

MS. MOORE: Thank you, Judge.

(Whereupon, the jury left the courtroom at 4:17 p.m.)

(After a recess, court reconvened.)

THE COURT: Are you going to call your witness?

MS. MOORE: We will have -- we will rest.

THE COURT: You will rest?

MS. MOORE: We have no further witnesses.

THE COURT: Okay. Then 9:30 in the morning, bring them in, tell them to get a good night sleep. We had one sleeping on the front row, I think.

MS. MOORE: Oh, really. I wasn't even paying attention.

THE COURT: Well, I just caught it from my court

163

reporter. She sent it to my computer, which is in my office, and so I didn't see it. Any other matters we need to keep -- take up before we let the jury go?

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

THE COURT: Nothing from the State.

MS. MOORE: Nothing.

THE COURT: Okay. Is 9:30 okay with you guys?

MS. MOORE: Yes.

MR. MORROW: Yes, Your Honor.

THE COURT: Are you staying here or driving back and forth?

MR. MORROW: I'm staying here, Your Honor.

MS. MOORE: I'm from Greenville.

THE COURT: Okay. Good. Would you bring the jury in please.

(Whereupon, the jury entered the courtroom at 4:31 p.m.)

THE COURT: The next witness, please, ma'am.

MS. MOORE: Judge, at this time, the respondent will rest.

THE COURT: Okay. Very good. Does the State have any case in reply?

MR. MORROW: No, nothing from the State, Your Honor.

THE COURT: All right. Very good. Mr. Foreman,

164

ladies and gentlemen of the jury, if you will recall what I told you at the beginning of this case, there are five phases. You have the opening statements, then you had the presentation of the evidence, both the State and the respondent have stated that they have ended their presentation of the evidence. So that takes us up to the third phase in this case which would be closing arguments, and then I will charge you on the law, and then you'll begin your deliberations once we have a conference at the end. All that is going to take place in the morning. Okay.

Is there any reason that any juror cannot be here and be ready to go at 9:30 in the morning?

(No response.)

THE COURT: Very good. I'm going to excuse you for the day. If you have a pad and pen, if you'd leave it in the jury room, and we'll excuse you and see you in the morning. I hope you have a nice night.

(Whereupon, the jury exited the courtroom at 4:33 p.m.)

THE COURT: All right. Let me -- before we go, I think you told me, Ms. Moore, you had no objection to the proposed charge, verdict form; is that correct?

MS. MOORE: Correct.

THE COURT: We can all sit down. We're relaxing

165

now.

MS. MOORE: Okay.

THE COURT: Anything -- and that would be the entire charge from your perspective as well?

MS. MOORE: No. No objection.

THE COURT: Okay. But you're okay with that being the entire charge?

MS. MOORE: Yes.

THE COURT: Sometimes some people want some other stuff.

MS. MOORE: No.

THE COURT: And you're okay Mr. Morrow -- well, I guess you already gave it to me. Do you have any proposed charges you want me to consider?

MR. MORROW: No.

THE COURT: All right. Guys, well thank you and I'll see you in the morning for closing arguments.

MS. MOORE: Thank you, Judge.

MR. MORROW: Thank you.

(Whereupon, the hearing adjourned for the day.)

166

*** * * APRIL 24, 2018 * * ***

THE COURT: All right. Mr. Morrow, I got your changes to the charge. I had already made those changes, and also made slight grammatical changes as to -- with the expert, made it plural instead of singular.

I struck out on page four the verbiage, the second paragraph. Keep in mind throughout the process, you have but one objective to seek the truth regardless of the source and where it comes -- that's been stricken by the Supreme Court.

MR. MORROW: Okay. That's correct, Your Honor, sorry.

THE COURT: That's all right. Other than that, just basic -- I think that's pretty much it. All right.

MR. MORROW: Correct.

THE COURT: Now, anything from the State before we do closing?

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

THE COURT: From the defense or respondent?

MS. MOORE: Nothing.

THE COURT: So you'll go first, you'll go next, then you'll reply to her; right?

MR. MORROW: That's correct, Your Honor.

THE COURT: Okay. Bring the jury in.

THE BAILIFF: Do you want to wait until they bring the defendant in?

MS. MOORE: Oh, that's right.

THE COURT: What's that?

THE BAILIFF: Do you want to wait until they bring the defendant up?

THE COURT: Oh, yeah, yeah, yeah. That would help. He is respondent in this case. All right.

(Pause.)

(Respondent entered the courtroom.)

THE COURT: Go ahead and bring them in.

(Whereupon, the jury entered the courtroom at 9:44 a.m.)

THE COURT: All right. Good morning, ladies and gentlemen. I hope you had a nice evening. As I told you yesterday, we had concluded phase two of the trial, we're now going into phase three, which is closing arguments.

The State has the burden of proof so they will go first, and the respondent will go next, and the State will reply to that, just so you understand. All right. Mr. Morrow.

MR. MORROW: Thank you, Your Honor. Kenneth Wright can't stop. Since June of 1990 Mr. Wright has

168

demonstrated a pattern of easily failing to control his deviant sexual impulses. Since that time Mr. Wright has been charged with 18 sexual offenses and convicted of 15.

In June of 1990, he was convicted of exposing himself to 13 year old girls. In December of 1990, he was convicted again of indecent exposure. In May of 1997, he exposed himself to a seven year old and an eight year old inside an elementary school. He was convicted.

Then in April of 1999, he was charged with making sexually inappropriate advances over the phone to a female cashier. Later in 1999, he was charged with two counts of communicating obscene messages to women. The victims in those cases were 13 years old and 14 years old.

In August -- on August 1 of 2001, he was arrested for two counts of lewd act on a child under 16, the victims in those cases were a 14 year old girl and a 15 year old girl. He paid them to clean his apartment. And once inside, refused to let them leave until they rubbed lotion down on him and then watched him masturbate. He plead guilty to those offenses.

He went to prison, got out, and was placed on probation. What did Mr. Wright do next? He went to

169

Wal-Mart and exposed himself to a nine year old girl.

Mr. Wright went back to prison in 2006. And after his sentence was complete, he was committed to the Sexually Violent Treatment Unit in 2006 until 2010. After he got out of the SVP Treatment Unit, what did Mr. Wright do? He proceeded to expose himself in 2013 to a seven year old and a nine year old inside the K-Mart.

He did this despite knowing that he went back to prison, he could be flagged again for review under the Sexually Violent Predator Act. He knew that could happen because it already happened to him once back in 2006. Mr. Wright cannot stop. He cannot control his deviant sexual impulses. If you make a mistake once, it's a mistake.

For example, if you forget to pay your electric bill and they cut off your lights, you made a mistake. You learn from that. If I forget to pay my bill, they're going to cut off my lights. If you repeatedly make the same mistake over and over again, it demonstrates a pattern of behavior. If you look at the overall pattern of Mr. Wright's history, it starts off with indecent exposures and he works his way up to contact offenses.

In this case, the State has to prove two

170

elements to you: One, Mr. Wright has been convicted of at least one sexually violent offense. In this case, the State has proven that element. The State has provided you with copies of his convictions for lewd act on a child under 16.

The second element the State must prove to you is that Mr. Wright suffered from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual offenses if not confined for treatment.

At the outset of this case, I asked you to listen to the evidence. The State has provided you with Dr. Emily Gottfried, a forensic psychologist with the Medical University of South Carolina. Dr. Gottfried testified that she diagnosed Mr. Wright with several mental abnormalities and a personality disorder. She told you that after her evaluation, she diagnosed Mr. Wright with a Pedophilic Disorder, non-exclusive type, sexually attracted to both.

And she explained that the criteria for Pedophilic Disorder are: Over a period of at least six months, recurrent or intense sexual arousal, fantasies, sexual urges or behavior involving sexual activity with a prepubescent child or children; that individual has acted on those sexual urges -- or sexual urges or

fantasies causing marked stress or interpersonal difficulty. And the individual is at least 16 years old and at least five years older than the child or children.

Dr. Gottfried explained that her reasoning that Mr. Wright met that criteria is because he disclosed a previously unreported conduct when he was between 14 and 18 years old, he molested a male and female child who were approximately seven, twice a week for a period of at least three years -- three to four years. He told Dr. Gottfried that sex with children had crossed his mind. And his Abel testing indicated an attraction to children.

Dr. Gottfried further testified that Mr. Wright also meets the criteria for Exhibitionistic Disorder, sexually aroused by exposing genitals to prepubertal children and a physically mature individual. She explained that the criteria for that are that the individual over a period of at least six months, had recurrent or intense sexual arousal for exposure of one's genitals to an unsuspecting person. And the person acted on those urges with a non-consenting person.

Dr. Gottfried explained that Mr. Wright met criteria for this because he -- he was charged at least

172

nine times with exposing his genitals. He also reported to her that he engaged in the behavior at least 40 times without being caught. He reported fantasies of exposing himself to unsuspecting people, and expressed a thrill of the reaction.

Dr. Gottfried also diagnosed Mr. Wright with other paraphilic disorders, Telephone Scatologia. She explained that Telephone Scatologia is the sexual arousal making of obscene phone calls to unsuspecting individuals. He did, in fact, engage in that activity and he admitted that he had -- did that prior -- from ages 10 until about in his 30s.

Dr. Gottfried also diagnosed him with Antisocial Personality Disorder. She told you that Antisocial Personality Disorder is a pervasive pattern of and disregard for the violation of the rights of others occurring since age 15. And she explained that evidence of conduct disorder prior to age 15 and she cited Mr. Wright's running away from home, substance use, stealing, impulsivity, and his irresponsible behavior.

As an adult, he failed to conform to social norms. He was arrested multiple times. He violated his probation. He has shown no disregard for the safety of others, and he has shown a lack of remorse.

173

Now, Dr. Gottfried discussed his risk for offense to you as well. She explained to you that one way she looks at risk to re-offend using an actuarial measure called the Static 99R. Dr. Gottfried used what is called the Static 99R and she explained it, it impairs individuals who have similar characteristics to Mr. Wright with other convicted sex offenders.

She used the example of life insurance. She explained you don't -- an insurance company doesn't know when you're going to die, but it does know that certain individuals with certain characteristics are more likely to die earlier than others.

In this case, she used data about other registered sex offenders with similar characteristics to Mr. Wright. And what she found was Mr. Wright's score was a seven. That indicated a high risk to re-offend when compared to other convicted sex offenders. She testified that one way to think about it is if you look at a group of 100 sex offenders, and 96 of those sex offenders would score lower than Mr. Wright, two -- or three would score about the same as Mr. Wright and two would score higher. Dr. Gottfried further explained that his risk to re-offend was about five times that of the average sex offender.

Let's talk about what you heard from Dr Gehle.

174

Dr. Gehle testified that she diagnosed Mr. Wright with Exhibitionistic Disorder, sexually aroused by exposing genitals to children and physically mature adults.

She diagnosed Mr. Wright with Other Specified Paraphilic Disorder, Telephone Scatologia. She also used the Static 99R measure and Mr. Wright's risk for re-offense. She found he scored a seven, the same score that Dr. Gottfried found.

During cross examination, Dr. Gehle stated that she also found Mr. Wright had other empirically supported psychological meaningful risk factors for re-offense. In fact, she stated those other factors included diagnoses for multiple paraphilias, story of lifestyle impulsivity, and poor problem solving ability.

Further on cross examination, Dr. Gehle was asked if -- prior reasons she didn't diagnose Mr. Wright with Pedophilic Disorder is that she lacked any evidence of contact offense against prepubescent children. Dr. Gehle diagnosed him with personality change due to traumatic brain injury. She testified that his personality changed when he shot himself in the head in 1988. However, the State's expert testified she looked for neurological impairment by administering the Montreal Cognitive Assessment, also

called the MoCA, to Mr. Wright. Dr. Gottfried found that Mr. Wright scored a 28 out of 30. She testified that score did not suggest a comprehensive evaluation of cognitive deficits were necessary.

Ms. Moore got up here in her opening and made the argument that because you had two experts here testifying and they disagreed, that by itself was enough for reasonable doubt. I respectfully disagree.

In a moment, the judge is going to instruct you about how you're to consider the testimony of expert witnesses. Normally a witness cannot testify to their opinion. However, an exception to that will exist when a witness has demonstrated a special knowledge, skill, experience, training or education in a particular field. He instructed you are to decide what weight, if any, to give an expert's opinion. You're not bound by their opinions and you should give them the weight, if any, that you deem them entitled.

You should consider the qualifications and credibility of the experts and the reasons they gave for their expert opinion, including the thoroughness of their evaluation. You may also believe as much or as little of each witness' testimony as you so chose.

At the end of the day, you will ultimately decide what weight, if any, you give the weight -- you

176

give the testimony of the two experts that testified in this case.

In a moment, you will have to decide if the State has proven its case beyond a reasonable doubt. I want you to keep in mind that a judge will decide for you what that means. However keep in mind it's not proof beyond all doubt or any doubt, it's proof that leaves you firmly convinced.

The state has met its burden of proof in this case. We have proven that Mr. Wright has been convicted of a sexually violent offense. In this case, he's been convicted of two counts of lewd act on a child under 16.

In addition, we have provided an expert who has diagnosed Mr. Wright with multiple paraphilic disorders, including Pedophilic Disorder, Exhibitionistic Disorder, sexually aroused by exposing his genitals to prepubertal children and physically mature individuals, and Other Specified Paraphilic Disorder, Telephone Scatologia.

Dr. Gottfried also testified that he suffers from a personality disorder, Antisocial Personality Disorder. The State has further provided an assessment of risk that places Mr. Wright's at re-offending at five times higher than the average sex offender.

Ladies and gentlemen, the State of South Carolina has met its burden in this case. The State asks you to find that Kenneth Wright is a sexually violent predator and commit him to the Sexually Violent Predator Treatment Unit so he can get the treatment that he needs, and to protect the public during the treatment process. Thank you.

THE COURT: All right. Ms. Moore.

MS. MOORE: Good morning, ladies and gentlemen. My client is a sex offender. You had two experts come to this courtroom and tell you that my client has an Exhibitionistic Disorder. And by the testimony in this case, you learned that my client has a pattern of exposing himself to people, to third parties, including children. This is socially unacceptable behaviors. In fact, it's criminal behaviors.

And you have heard from two experts who have testified that, in fact, Mr. Wright has been committed to the Department of Corrections for these activities. If we were here today to determine whether or not being an exhibitionist or even a serial exhibitionist was socially unacceptable or criminal in nature, then that would be a very easy case. You probably wouldn't be back in the jury room for more than five minutes.

But this case is hard. It's hard. That's why

178

we've got two experts who don't agree on what the outcome should be in this case. And why? Because Mr. Wright has not committed a sexually violent offense. And remember that I told you in my opening that words matter. And that word that serves as the definition of this program that was set forth by our legislature, the Sexually Violent Predator Program has standards and criteria.

Now, you heard both of the -- both of the experts in this case testify and tell you that if Mr. Wright were convicted solely of indecent exposure, which is all we're talking about since he had his lewd act convictions 16 years ago, and -- and since he entered the SVP program for treatment and successfully completed from 2006 to 2010, all we're talking about are convictions of indecent exposure. And I don't minimize that. I just told you that this is criminal behavior and it's also socially unacceptable behavior.

But you also heard the experts say that if Mr. Wright were only convicted of indecent exposure, then he would not even be referred to the Sexually Violent Predator Program. You heard Dr. Gottfried testify to that, that was the State's Expert, and you heard Dr. Gehle testify to that. And that is an extremely, vital, important distinction.

Why? Because your job, as the jury, is to take the specific facts of this case and apply it to the law that has been set forth by our legislature. In fact, there are no violent contact offenses since the qualifying events from 16 years ago, and Mr. Wright has already gone through treatment.

Indecent exposure is specifically excluded by the law for the radar screen of sexually violent predators. And you can imagine why this might be the case. You know, I think about some scenarios. That's what they do -- that's what they do to you at law school, you think about kind of hypothetical situations.

You imagine some -- some college kids at a Clemson game. Right. I know we got Clemson fans here because we're in the proximity of Anderson, but maybe we got Carolina fans. I'm an LSU fan. But you can imagine at a Clemson game, urinating in public, exposing themselves to third parties, possibly children. Okay. Does that led to a situation where all of a sudden they find themselves in a commitment proceeding where they are committed to the Department of Mental Health for intensive treatment, commitment, confinement and -- and commitment and treatment. I think the answer to that is no. It's not violent.

180

It's socially unacceptable and it's criminal, but it's not violent. And that served the basis of Dr. Gehle's opinion.

Now, you heard from Dr. Gehle. And what's interesting about this case as well, is this is not a scenario where Dr. Gehle was the -- the witness or the respondent. She was not a hired gun by the defense. Okay. This case was initially referred to her by the State when Mr. -- when Mr. Wright was referred to the Sexually Violent Predator Program for further evaluation after his conviction for indecent exposure.

And she told you that she has testified approximately 100 times. This is her expertise. This is what she does. This is what she does for a living. She said solely she does Sexually Violent Predator evaluations. She's been licensed since 2010, five more years than the State's expert, Dr. Gottfried.

She spent six hours with Mr. -- Mr. Wright. She thoroughly reviewed all of her records and evidence in this case, and all of the information. And her ultimate conclusion was that he should not be committed to the program. And why? Because he simply does not meet the legal criteria for commitment into this program.

And then you also heard her testify about the

fact that Mr. -- Mr. Wright had, in fact, controlled his impulses, which you know that's not in dispute. He has these impulses. He had successfully controlled his urges with the drug, Depo Provero. But then you also heard her testify that's it a little controversial for -- for prescribing a birth control methodology to men, it's controversial. I mean, you don't always -- you are not always able to find physicians who can do it.

Certainly you did hear testimony from Dr. Gehle to say that he did, in fact, find a physician that would prescribe Depo Provero. But again, she said he had gotten good results from that.

As -- as -- as has been stated, and the experts testified to you, he's already been through this program. He was successfully discharged in 2010. He has not re-offended in a violent manner.

Let's talk a little bit about the uncharged or the unreported offenses that Dr. Gottfried testified to. Dr. Gottfried testified that during her interview of Mr. Wright, that he disclosed to her that there had been contact offenses when he was approximately 14 to 18 years of age. Now, Dr. Gehle told you that even pursuant to the testimony of Dr. Gottfried, that you have to be at least 16 to qualify for Pedophilic Disorder. So she said that wouldn't even apply.

182

And it was significant that in six hours that Mr. Wright sat down and was very candid, told her all about his offenses, and talked about it. And she thoroughly reviewed the record in this case and there was no mention of that.

There was also no mention of that in the four years that he was down at the Sexually Violent Predator Program receiving treatment. There was only until Dr. Gottfried, who was engaged by the State to get a second opinion in this case, that this information is -- is revealed.

But let's say that this is accurate. It has no bearing whatsoever on the task before this jury today. We're talking about uncharged offenses when he was approximately 14 years old, that would not qualify him for Pedophilic Disorder. You have to be at least 16. The estimate that Dr. Gottfried says that these occurred when he was 14 to 18. There were no specifics -- no specified information.

And furthermore, he already went through the program and successfully completed the program subsequent to these offenses, which were alleged to have occurred years ago. Mr. Wright is approximately 52, 53, and he successfully completed treatment. So it has absolutely no bearing or impact whatsoever and it

served as the basis, the core of Dr. Gottfried's opinion.

Mr. Morrow is correct. I did tell you in my opening statement that this case is different. This is not a typical civil case. You know, in law school we learned that in a civil action that -- if you imagine the scales of justice, we can see her at the Supreme Court, right. She's got her two scales. And typically in a civil action, as long as the scale tips just a little bit in favor of one side or the other, maybe 51 percent certainty, then we can -- the jury can make your order and make your -- make your findings.

But in this case, it's a much higher legal standard of proof beyond a reasonable doubt. And I do stand by what I said in my opening, the fact that you've got two experts, one of which who had this case first -- this case was referred by the State to Dr. Gehle first. She's testified a hundred times in SVP cases. This is her expertise. This is what she does for a living. Dr. Gottfried has testified, as she said, four times. She simple is not as experienced as Dr. Gehle. Now, we're talking about the issue of proof beyond a reasonable doubt, which is a higher burden. And doesn't it create a reasonable doubt in your mind about what Dr. Gehle came to this courtroom and told

184

you about whether or not Mr. -- Mr. Wright should be confined or continued in their intensive Sexually Violent Predator treatment -- she said no. That's her opinion. She's not a hired gun of the respondent. We didn't pay her thousands of dollars to come in here and say anything. She said it on her own accord. And it was the State that said, you know what, we don't accept that. We want to get a second opinion, and put Dr. Gottfried in this -- in this case. I submit to you, ladies and gentlemen of the jury, that not only is that plenty for reasonable doubt, it is enough for reasonable doubt.

If you look at Dr. -- think about Dr. Gehle's point about Antisocial Personality Disorder. If you recall that Dr. Gottfried testified that Mr. Wright -- that she had diagnosed Mr. Wright with Antisocial Personality Disorder. And wasn't Dr. Gehle's point on that very compelling.

She said he spent four years in the custody of the Department of Mental Health. He was never diagnosed with anti personality -- Antisocial Personality Disorder. And wouldn't that be when you're intensively under the care of the State, wouldn't that be the time that you would discover any of these Antisocial Behaviors. She did not diagnose him with

Antisocial Personality Disorder.

She also testified to you that she doesn't use the test that Dr. Gottfried relied upon in her assessment of Mr. -- Mr. Wright. She said they are not such that are typically and reasonably relied upon in the field. She did use the Static 99R. She came to the same conclusions that Dr. Gottfried came from. But ultimately they -- an objective scientist applying the facts of this case to the law, she did not find that Mr. Wright met the criteria for further confinement and treatment.

Now, ladies and gentlemen of the jury, this is a -- this is a hard case. I understand that. And why? Because I have a client who was engaged in criminal -- at the most -- socially unacceptable at the least behaviors. And I think it would be easy for this -- this jury to -- to be overcome by -- by the facts of this case as Mr. Morrow just laid out to you, but this is harder.

You're charged with following the law that has been set for us by our legislature. Indecent exposure is specifically excluded by the statute in and of itself for any consideration for a Sexually Violent Predator Program. Mr. Wright has not re-offended in a violent manner. He's already been through this

186

program. He does not need to be re-confined. And so I am asking this jury to find that he should not be committed today. Thank you.

THE COURT: Mr. Morrow.

MR. MORROW: You know, if we were here today just because Mr. Wright exposed himself and he never had a sexually violent conviction on his record, then I would agree that would be -- we wouldn't even be here because it wouldn't have triggered the Act. But the facts are not limited to that hypothetical that the respondent just put out.

Mr. Wright has been convicted of a sexually violent offense. That is what he requires. He's been convicted of at least one sexually violent offense. He has been. We've proven that point.

He's re-offended in a sexual matter since that time, and he knew that because of his prior offense, he could be flagged for review for this program. He knew that. He chose to offend anyway.

Let's talk about Dr. Gehle. Dr. Gehle testified that 56 times she's recommended commitment. She also testified that 96 times she has not recommended commitment. The far majority of the times she does not recommend commitment in these cases.

Let's talk about the Depo Provero. We talked

about that. And Dr. Gehle told you on that stand that, yes, he had medical records that he had access to that showed that he had been prescribed Depo Provero before. He had the court records that showed it was part of his treatment plan. He could have gotten those records and gone to different physicians and continued to try to find someone to get a -- prescribed for it. He didn't do that.

Let's also talk about this offense -- she mentioned that Dr. Gottfried said it took place between when he was 14 and 18 years old. Yeah, that's true. She also said it lasted three to four years. So even if you go with the minimum amount of time, he would have been 17 by the time he finished molesting those children, which is enough under Pedophilic Disorder to diagnose him with that. He offended for three to four years, two seven year old children, two times per week. He meets the criteria for Pedophilic Disorder. And he continuously exposed himself to children after he got out -- after that. Throughout his entire criminal career, he's repeatedly exposed himself to children and he's been convicted for a sexually violent offense. He meets the criteria under the Sexually Violent Predator Act. Thank you.

THE COURT: All right. Mr. Foreman, ladies and

188

gentlemen of the jury, that concludes closing arguments. It's now my responsibility as the trial judge to charge you on the law that you must apply in this case.

Mr. Foreman, we've been going about 45 minutes. I anticipate my charge will be 20 to 25 minutes roughly, would you like to take a break or would you like to proceed?

FOREPERSON: Proceed.

THE COURT: Proceed?

FOREPERSON: Yes.

THE COURT: All right. Ladies and gentlemen, let me tell you from the outset, that the charge on the law will be given to you as many times as you would like to have it. It will not be sent back to the jury room for you to have during your deliberations because I want you to focus on what the facts are and apply those to the law as I give it to you. So if you have any misunderstanding as to what it is, Mr. Foreman, let me know and I'll be glad to give it to you as often as you would like.

And also, ladies and gentlemen, this is not my regular charge so this will be read to you. I will apologize to you in advance because normally I try not to read to you as much as possible.

But, ladies and gentlemen, in this case, the petitioner, the State of South Carolina, has brought this case under the Sexually Violent Predator Act of the State of South Carolina. The State seeks the civil commitment of the respondent for long term -- long term control, care and treatment in a secure facility. This is not a criminal proceeding seeking incarceration, but it is rather a proceeding seeking civil commitment.

The State of South Carolina alleges or claims that the respondent, Kenneth Wright, is a sexually violent predator under the law. The respondent denies that he is a sexually violent predator, and the burden is therefore on the State to prove by evidence sufficient to satisfy each of you beyond a reasonable doubt that the respondent is a sexually violent predator.

If the State is unable to meet the burden of proof as to one or more of the elements of this claim, the respondent is entitled to a finding that he is not a sexually violent predator.

Now, in most civil cases, the petitioner only has the burden of proving that a fact is more likely than not true more likely true than not true, by the greater weight or preponderance of the evidence. However, in this type of case the State's burden of

190

proof is more powerful. It is proof beyond a reasonable doubt.

Under the Constitution and laws of South Carolina, ladies and gentlemen, you are the sole finders of the facts in this case. I may not intimate to you in any way what I may think about the claims in this case. You are also the judges of the credibility and believability of any witnesses who have testified.

In passing upon the witness' credibility, you may take into consideration many things such as number one, what was the manner and appearance of the witnesses who testified. In other words, was she straightforward or was she hesitant in answering. How did the witness come to know the facts that she testified to, or what was her ability to know these facts. Is there some reason the witness would want to give testimony that would help, or hurt one side or the other. In other words, was the witness bias or prejudice. And was the testimony strengthened or weakened by other testimony or evidence.

Ladies and gentlemen, you, the jury, may believe as much or as little of each witness' testimony as you think proper. You may believe the testimony of a single witness against that of many witnesses, or just the opposite. You may believe part of a witness'

testimony and disbelieve the rest. And you do not determine the truth merely by counting the number of witnesses presented by each side of the case. The fact that testimony also is not controverted does not mean you must accept it as true and undisputed. You must gauge the creditability of the witness to determine the believability or truth of the facts offered through the testimony.

Now, ladies and gentlemen, there are two types of evidence which may be presented during a trial. That is direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who claims to have actual knowledge of a fact such as an eye witness. It is evidence which immediately establishes the main fact to be proved.

There is also circumstantial evidence. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. It is evidence which immediately establishes collateral facts from which the main fact may be inferred. Circumstantial evidence is based on inference and not on personal knowledge or observation.

Ladies and gentlemen, the law makes absolutely no distinction between the weight or value to be given either direct or circumstantial evidence, nor is a

192

greater degree of certainty required of circumstantial evidence than of direct evidence.

Also, ladies and gentlemen, you've heard the testimony of witnesses who have special knowledge, skill, experience, training or education in a particular field and who have given their opinion as an expert as to matters in which they are skilled. In determining the weight to be given such opinions, you should consider the qualifications and credibility of the experts and their reasons given for their opinions. You are not bound by such opinions. Give them the weight, if any, to which you deem them entitled. The value and effect of expert testimony is a matter to be solely determined by you or estimated by you, the jury.

No opinion of an expert can be accepted in and of itself as truthful or reliable, but must be weighed by you and convince your judgment beyond a reasonable doubt and with the same force and effect and any other fact proved in this case before you can rely on it.

You must consider expert testimony in the same manner as you do any other testimony, and give to it such weight as you believe it is entitled when considered with all the other evidence in this case. Such testimony is given for the purpose of helping you and not for the purpose of controlling your judgment.

193

Now, ladies and gentlemen, now the same Constitution and law that makes you the sole finders of the facts and the evidence, as I discussed with you, makes me, as the judge, the sole and only instructor in the law. You must accept as correct the law which I charge and apply it to the evidence as you find it and reach a verdict if you can.

If I should make an error in the law as I instruct it to you, there is another time and another place in another court in which that error can be considered and if necessary corrected. But for the purpose of this case today, you must accept the law as I charge it. And in that regard, I tell you that neither you nor I, nor for that matter -- excuse me -- and in that regard I tell you that neither you nor I, for that matter, should be concerned about what we think the law ought to be, but only concern yourself with what charge -- what I charge you the law and the facts to be. And I stumbled over that. Let me do that again. You should be concerned with what you think the law should be, but only what it is as I give it to you now.

Now, ladies and gentlemen, in this case the State's burden is proof beyond a reasonable doubt. So what is a reasonable doubt. A reasonable doubt is the

194

kind of doubt that would cause a reasonable and sincere person to hesitate to act in an important matter in their own affairs. Proof beyond a reasonable doubt is proof that leaves you firmly convinced. There are very few things in this world that we know with absolute certainty, and the law does not require proof that overcomes every possible doubt.

What is required is if based on your consideration of the evidence, you are firmly convinced that the respondent is a sexually violent predator, then you must return a verdict for the State. If, on the other hand, you think there is a real possibility that he is not a sexually violent predator, you must give him the benefit of the doubt and find a verdict for the respondent.

Reasonable doubt may arise from the evidence that is in the case, or from the lack or absence of the evidence in the case. It is up to you, ladies and gentlemen, to determine whether or not a reasonable doubt exists in this case.

Now, the elements that the State must prove beyond a reasonable doubt in this case are two elements. First, the State must prove beyond a reasonable doubt that the respondent has been convicted of a sexually violent offense. Mr. Foreman, ladies and

gentlemen, I charge you that lewd act upon a child under 16 is a sexually violent offense.

Second, the State must prove beyond a reasonable doubt that the respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for a long term control, care, and treatment.

Ladies and gentlemen, inherent in these two elements, is that the State must prove the requirement that the defendant's mental abnormality or personality disorder causes him serious difficulty in controlling his behavior. In other words, the State must prove beyond a reasonable doubt that the individual it seeks to commit suffers from a mental illness, which he cannot sufficiently control without the structure and care provided by a mental health facility, rendering him otherwise likely to commit a dangerous act.

In order for you to better understand the elements of the State's cause of action, I'm going to define for you some of the terms that I've just used. First it's mental abnormality. Mental abnormality means a mental condition affecting a person's emotional or volitional capacity that predisposes the person to commit sexually violent offenses. This mental

196

abnormality or personality disorder must cause the respondent serious difficulty in controlling his behavior.

Next is the phrase likely to engage in acts of sexual violence. Likely to engage in acts of sexual violence means the person propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others so that he is dangerous to others.

Again, I remind you that the burden of proof is on the State to prove to your satisfaction beyond a reasonable doubt that the respondent has been convicted of a sexually violent offense, as I have instructed you, and also suffers from a mental abnormality or personality disorder that makes the respondent likely to engage in acts of sexual violence if not confined in a secure facility for long term control, care and treatment.

If the State carries its burden of proof and convinces you beyond a reasonable doubt as to each of the two elements of its cause of action, it is entitled to a finding that respondent is a sexually violent predator. If the State does not meet that burden of proof as to one or both of these elements, the respondent is entitled to a finding that he is not a

sexually violent predator.

Now, ladies and gentlemen, I am drawing near the end of my charge, and I want you to clearly understand that you are not partisans or advocates for the State or for the respondent. You do not serve as jurors to reward your friends or to punish your enemies. In this regard, you have been selected by both the State and respondent to be fair and impartial jurors. It is your duty, by your jury deliberations, to determine the truth in this case giving to the respondent the benefit of every reasonable doubt on each and every issue.

Then to the facts which you determine to be true, you should take and apply the law which has been given to you by this court and thus arrive at a verdict which speaks to truth in this case if you can. In fact, the word verdict which -- the word verdict, which has a Latin derivative, means a true saying. Thus when you have accomplished these responsibilities, you will have satisfied your oath as jurors and you will have discharged your duty to this court.

Now, Mr. Foreman, ladies and gentlemen, there are two possible verdicts which you may find in this case. First, you may find the respondent is a sexually violent predator; or second, you may find that the respondent is not a sexually violent predator. Now,

198

there is no significance whatsoever in the order in which I presented these verdict possibilities to you. I have to give them in some order.

Now, all 12 of you must agree on the verdict for it to stand. It must be unanimous. Now, your verdict cannot be based on sympathy, passion, prejudice, emotional or other consideration not in evidence in this case.

Now, Mr. Foreman, if and when the jury agrees on a verdict, you will sign your name as a foreperson on the line underneath the jury verdict form. You will then knock on the door and inform the bailiff that you have reached a verdict. At that time, we will receive the verdict back in -- your verdict in the jury room, and act accordingly in the courtroom.

Now, Mr. Foreman, when you are filling out this verdict form, you'll check the option that the jury is able to unanimously agree on. Then you'll sign your form. You'll then fold it and crease it and keep it in your hand, and the bailiff will receive it from you here in the courtroom.

I'm going to ask that you go back to your jury room now. Do not begin your deliberations. I have a brief meeting with these attorneys. We'll then send back the verdict form and the exhibits with word that

199

you are to begin your deliberations. If you'll return to your jury room, please.

(Whereupon, the jury left the courtroom at 10:30 a.m.)

THE COURT: All right. Any additions or exceptions from the State?

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

THE COURT: From the defense -- from the respondent?

MS. MOORE: No, sir.

THE COURT: All right. Would you look at your exhibits and confirm those. And do we have a clerk in here?

THE CLERK: Yes, sir.

THE COURT: If you would, once they do, return that and the exhibits to the jury and tell them to begin. All right. Guys, thank you for your preparation. I appreciate your professionalism. You've done a nice job in this case.

MS. MOORE: Thank you, Judge.

THE COURT: Oh, and get the alternates out here. I almost always forget alternates.

(After a recess, court reconvened.)

THE COURT: All right. Anything before we bring the jury in?

200

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

MS. MOORE: No, sir.

(Whereupon, the jury entered the courtroom at 12:20 p.m.)

THE COURT: All right. Mr. Foreman, has the jury reached a verdict?

FOREPERSON: Yes, sir.

THE COURT: And is it unanimous?

FOREPERSON: Yes, it is.

THE COURT: Would you pass the verdict form to the bailiff please, sir.

(Pause.)

THE COURT: Yes, sir.

THE CLERK: If it pleases the court.

THE COURT: Yes, sir.

THE CLERK: The State of South Carolina, County of Anderson, in the Court of Common Pleas, 10th judicial Circuit, case number 2015-CP-04-00555. This is the verdict form In The Matter of the Care and Treatment of Kenneth Wright, Respondent. Has the Petitioner, the State of South Carolina, proved beyond a reasonable doubt Kenneth Wright is a sexually violent predator under the South Carolina Sexually Violent Predator Act. We, the jury, unanimously answer the question as follows: Yes, Kenneth Wright is a sexually violent

predator. It is signed by the foreperson and dated today, April 24, 2018, in Anderson, South Carolina.

THE COURT: All right. Mr. Foreman, and ladies and gentlemen, if that was your verdict unanimously in the jury room and if that is your unanimous verdict here in the courtroom, raise your right hand. Let the record reflect that all 12 responded in the affirmative.

All right. Ladies and gentlemen of the jury, we want to thank you for your service. We don't thank you for your verdict, but we thank you for your work that you put towards this case. I asked you to pay attention. You did. It was a relatively short case, but it's still important to both the State and to the defense.

We are done with all the cases this week because of you being here and the other potential jurors being here, so you're excused for the remainder of the week. You cannot be called back here to State Court for three years. If anybody needs a statement for their employer, our Clerk will have them in the mail to you unless somebody needs one today. And if you do raise your --

THE CLERK: I got them.

THE COURT: Oh, you got them. I never know what

202

our clerk is going to do over here. While you're here, and if you want, I'll be glad -- not about the case or the facts of the case, but does anybody have any questions about the process, any criticisms or comments about anything?

JUROR: What is the protocol for him being committed, like for how long, what's the duration, is that gone through by medical experts? You know, how does that work -- or that something --

THE COURT: I'm going to let the attorney answer that. Mr. Morrow, Cam, you go ahead and answer it.

MR. MORROW: Okay. He is reviewed every year on an annual basis by the Department of Mental Health. He will receive group treatment on a weekly basis and assignments to do on a weekly basis while he's at treatment. But there is a staff psychologist who is there and -- as well as leaders who will meet with him.

At the end of that year, there will be an annual review report that's issued. It'll go to my office. I'll forward it to his attorney and it also goes to the judge. He will, at that time, have the ability to get a second opinion on his annual review if said annual review recommends that he stays in.

Then he'll have an opportunity to seek a second opinion if he so wants to and have an annual review

hearing in front of a judge at that time, and will continue that process until he gets recommended for release.

If he's recommended for release, we'll have a short hearing where the judge will have the opportunity to ask a psychologist recommending him for release questions, and then the State will rest its case, and the defense gets to ask him to be released. But that's basically the entire process from start to finish.

THE COURT: Okay. Now -- and without any more questions about the case because there's some appellate issues out here potentially, does anybody have any other questions or comments about the process you've been through as jurors? Any criticisms about the process? I mean, I'm a big boy. I promise you there's probably more things been said to me. You couldn't hurt my feelings more than likely. So I'm glad to hear. And sometimes we can do something about it. It's constructive for us.

All right. Are you raising your hand or just twiddling your fingers?

JUROR: I just wondered sometimes -- you know, I wanted more information about, you know, we're not supposed to Google it, but like -- what's the name of the Act?

204

THE COURT: The Sexually Violent Predator Act.

JUROR: Yeah. Like if we had a full taste of that or something --

THE COURT: Yeah, I have jurors ask me all the time about sending back the law. When -- the first week -- this is Judge McCoy. This is actually her first week as a judge. And what they do is send her to me and then they'll send her to somebody else to correct the mistakes that I gave to her.

I had a judge my first week that I was trying a case, and he told me, he said, do not send the jury instruction back. Some people do. But in that case I did it anyway because I thought that's what the jury wanted. And they sat back for hours and hours and hours debating over legal terms and not focusing on the facts and getting clarification on what the law is, and that's why you don't get it.

And the whole act, you just need to take from the two elements the State has to prove and then you know down the line, -- like in criminal cases -- this is a civil case. But in criminal cases, the amount of time that a person is looking at is not admissible. Because your job is not to sentence, that is my job. In this case, you know, whether he stays in for the amount of confinement is not an issue for you anyway,

205

it's just whether or not he needs the confinement based on those elements. All right.

All right, guys. Thank you for your service. You are excused for the remainder of the week.

(Whereupon, the jury left the courtroom at 12:28 p.m.)

THE COURT: All right. Ms. Moore, would you like to make your post trial motions now or would you like to have time to do it?

MS. MOORE: Judge, I -- I guess the only real one that I would -- I guess the only two that I would move for would be a new trial and also judgment not withstanding the verdict. If I could have a little bit of time to file those.

THE COURT: I'll give you ten days.

MS. MOORE: That would be perfect.

THE COURT: And if you want to include others without prejudice, that will be fine. All right, gentlemen and ladies, Thank you.

Now, Mr. Wright, you'll be taken into confinement --

MR. MORROW: Your Honor, I have an order prepared for that.

THE COURT: Okay, sir. Very good.

MR. MORROW: Thank you.

206

THE COURT: Have you seen this order, Ms. Moore?

MS. MOORE: No, I haven't.

MR. MORROW: I'll give her a copy.

THE COURT: I'm going to sign it and let you look at it. If you have any objections or corrections, let me know.

MS. MOORE: Will there be a further order?

MR. MORROW: No. That's our standard commitment order.

MS. MOORE: It looks in order.

THE COURT: No objections?

MS. MOORE: No objections.

THE COURT: All right. Thank you. All right, guys, thank you. I appreciate it. Mr. Clerk, here you go.

(Whereupon, the hearing adjourned.)

END OF TRANSCRIPT

CERTIFICATE OF REPORTER

I, SHARON D. JONES, CERTIFIED COURT REPORTER, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, ACCURATE AND COMPLETE TRANSCRIPT OF RECORD OF THE PROCEEDINGS HAD AND EVIDENCE INTRODUCED IN THE TRIAL OF THE CAPTIONED CASE, RELATIVE TO APPEAL, IN THE COURT OF COMMON PLEAS FOR ANDERSON COUNTY ON THE 23RD AND 24TH OF APRIL, 2018.

I DO FURTHER CERTIFY THAT I AM NEITHER OF KIN, COUNSEL NOR INTEREST TO ANY PARTY HERETO.

05/03/2019

Sharon D. Jones

SHARON D. JONES,
CERTIFIED COURT REPORTER
MY COMMISSION EXPIRES 9.22.2024

State of South Carolina
County of Anderson

In the Court of Common Pleas

In The Matter of the Care and Treatment of Kenneth Leallen Wright

2015-CP-04-00555

June 11, 2018

Transcript of Record

B E F O R E:

The Honorable R. Lawton McIntosh, Judge

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

Scarlet Bell Moore, Esquire
Attorney for the Defendant

Christopher Andrew Morrow, Esquire
Attorney for the State

Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

(WHEREUPON, court convened with all parties present and the following proceedings were had commencing at 11:54 a.m.)

THE COURT: We're on the record in the matter of the care and treatment of Kenneth Leallen Wright.

Ms. Moore, this is your motion.

MS. MOORE: Yes, sir. Judge, I filed a fairly brief motion on behalf of my client. Essentially, it mirrors the key arguments of the State's -- excuse me, not the State's expert, but, essentially, the expert that we called to the stand, Dr. Marie Gail.

Your Honor, and let me just kind of cut to the chase. I read Mr. Morrow's return, and he cites case law. I believe it's the Maringo case.

THE COURT: I do not have the return, by the way, so if I could get a copy, I'd appreciate it.

MS. MOORE: So I guess what I'm trying to say is, essentially, I can find no quoted authority for my position other than the evaluator, when she testified at trial, you know, her concern was that my client does not, in fact, meet the definition of a sexually violent predator.

Why, I spell it out very plainly in my motion. He successfully completed treatment, was at the program for four years, he was successfully discharged.

There's no other way to be discharged in the SVP unit other than successfully, and he did not reoffend in a violent way.

And so, again, according to the State's -- excuse me, according to the expert that we called, Dr. Marie Gail, she considered that to be significant. That's why she took the opinion that she did. And, of course, Dr. Godfrey had a different opinion to the jury; she had a different take on it.

But, Your Honor, just in my conversations with Dr. Gail, you know, she thinks that that's a novel issue. So at the end of the day, when you've got someone who's already been through the program once, has been successfully discharged, and then they do not reoffend, I mean, so the question becomes -- and it's still indecent exposure, it's in the sexual flavor, but at the same time, as both experts testified, that in and of itself, indecent exposure, would not independently trigger the SVP. He had 20 convictions of that.

So, certainly, the way we look at that would be no different than Mr. Wright writing bad checks after he got out of prison or tax evasion or something completely unrelated to a sexual offense. Why? Because it doesn't trigger the SVP statute.

Again, that's the basis of my motion. There's no case law that supports my position other than the expert testimony that was presented in the trial, Your Honor, and I think it also comes down to the statutory interpretation issue about --

THE COURT: What aspect of the statute are you asking that I interpret?

MS. MOORE: Well, what I'm saying is, Judge, and Mr. Morrow and I had this discussion about it, so the question becomes -- and, again, what we don't know is after treatment. There's no doubt about the fact that my client has a qualifying conviction. He has a lewd act conviction that would otherwise qualify him for review pursuant to the sexually violent predator statute.

But the question becomes once someone has -- and that's the issue with the Maringo case or "Maringo" case that Mr. Morrow had cited in his motion is that in that case, that client or that defendant never actually went through the program. They unsuccessfully tried to get him in the program, and then he committed some indecent exposures. And then so he argued essentially what I'm arguing today, which lost, but the key difference between those cases is that my client has already successfully completed the SVP program, which

also went into Dr. Gail's opinion.

So the question becomes, it's just essentially statutory interpretation about, you know, does every -- once someone has, in fact, successfully completed the program, do we keep going back year after year after year again if he had bad checks or forgery or something wholly unrelated to any kind of, like, sexually based offense, does that in fact trigger the statute once they have in fact successfully completed treatment?

Because I think the way the statute is interpreted is really assuming that we're trying to get somebody into treatment. The question becomes once they have successfully completed treatment and they don't reoffend in a sexually violent manner, the question becomes: Is that the proper interpretation or application of the statute, really? But, again, Judge, I have no authority for that.

THE COURT: Right. Let me look at the return right quick. Just one second.

MS. MOORE: Yes, sir. Thank you.

THE COURT: Sir, glad to hear from you.

MR. MORROW: Yes, Your Honor. First of all, Your Honor, in this case we're dealing with a motion for judgment notwithstanding the verdict. In that case, the Court should be looking at whether or not there

exists evidence in the record for the jury's verdict.

In this case the State would argue that we provided both sexually violent -- certified copies of Mr. Wright's conviction for lewd act on a child, which is a sexually violent offense, we provided the testimony of Dr. Godfrey who testified that both he suffered from a mental abnormality, in this case pedophilic disorder, and a personality disorder, antisocial personality disorder. And using the Static-99R, Dr. Godfrey testified that he scored a seven, and out of one hundred sex offenders, 96 would score below him, two would score the same as him, and two would score higher than him. But he basically tested in the high risk factor for reoffense. So she testified, in her opinion, that made him a risk to reoffend in a violent manner. That went into evidence. That was considered by the jury, and they came back with a verdict.

Further, I would cite, Your Honor, the Manigo case. I have a copy of that, Your Honor, if Your Honor needs a copy of that. In that case it was argued that a person needs to be currently serving or their current period of incarceration needs to be a sexually violent offense in order to trigger the statute. And the Court rejected that argument citing that -- and in that case,

the facts were similar to this, in that a person had been convicted for a sexually violent offense, had gotten out of prison, then later was convicted of an indecent exposure offense, went back to SCDC, which triggered the review under the Act. The Court found that was proper under the Sexually Violent Predator Act. The Act defines sexually violent predator in past tense terms. And so the State would ask that Ms. Moore's motion be denied on those grounds, Your Honor.

THE COURT: Well, do you see a distinction, as Ms. Moore points out, that in the Manigo case, and I have not read it, but apparently, as she represents, that the person in that case had not successfully completed the SVP program, whereas in this case, Mr. Wright has? Is there a distinction there?

MR. MORROW: I don't believe that there is a distinction in the statute or in the actual way that the statute should be interpreted based on that. I mean, I could understand, in fact, there is a somewhat factual distinction in the facts of our case versus the facts of that case in that he had not gone to the sexually violent predator treatment program in that case. However, the way the Act was applied in this situation when it was triggered for review and

everything was properly conducted under the statute and under the terms defined in the statute.

THE COURT: Say that again, please.

MR. MORROW: The way that the -- all right. So the way that Mr. Wright's case was triggered under the statute is that he was convicted for a new offense, he went, and when he was about ready for release, 280 days prior to his release, he was reviewed by the multidisciplinary team because he had this sexually violent conviction in his record.

That was proper under the Act. And I believe, you know, he was reviewed under the Act by the MET by the PRC, forwarded to PRC, the PRC forwarded it to us. We filed a petition in a timely manner, and then we got to the point where we're at now. All of that was proper under the Act, and I believe, even if there is a distinction in the facts of this case, that he went to a treatment program before whereas Manigo didn't, the way you interpret the statute is the same. He still had a sexually violent conviction on his record in the past. And under the definition of sexually violent predator, it requires two things: That he was convicted of a sexually violent offense, and that he suffered from a mental abnormality or personality disorder that makes him likely to reoffend. The State

presented evidence to that effect and, evidently, the jury came to the same conclusion on that.

THE COURT: Ms. Moore, can you point me to any language in the Sexually Violent Predator Act that would indicate that, once a person successfully completes the program, I'm taking it -- you may correct me if I'm wrong -- that in order to come back to be evaluated as a sexually violent predator, he has to commit a subsequent violent act or be convicted on that before he could be considered?

MS. MOORE: There's nothing in the statute, Your Honor. There's nothing in the statute. But the question becomes, you know, what was, in fact, the intent of the legislature? Was the intent of the legislature to -- again, these review processes and this Court has been --

THE COURT: If you're arguing legislative intent, then isn't the proper instruction, if you look at the statute itself, to see if it's vague and ambiguous, and if it's not, apply the language as worded by the legislature if it's ambiguous?

Point out to me where you find it to be ambiguous.

MS. MOORE: I don't. And I don't find it to be ambiguous. The question becomes -- and, again, Judge, I've set forth my argument just very -- again, pursuant

to the opinion of our expert, the question becomes in the case, the Manigo case that Mr. Morrow cited, that person had not ever been through treatment. And as this Court is aware, I know that I have appeared in front of this Court on annual review hearings, and the process is such that they are not released unless there is a consensus.

In fact, the Department of Mental Health has to basically -- you know, it's really crucial that the Department of Mental Health says, "You're safe to be at large at this point." So the question becomes, is it Mr. Wright, once he gets a traffic ticket or has, you know -- not a traffic ticket, but again, something nonsexually related. And again, that's just the crux of my argument. That's what I argued to the jury, that indecent exposure does not trigger the statute. Do we start all over again? Is that what we do? Or is it that forever, forever? Since he has, in fact, gone through the program, is he in fact going to be subject to being readmitted once he's released?

So the question is, I don't know. Again, our witness took the position that it was improper, and at the end of the day -- but, again, you know what, the State has had their witness, had their expert --

THE COURT: We all know experts, a jury can

believe them or disbelieve them or believe as much of them as they want.

MS. MOORE: That's right.

THE COURT: To me, I was looking -- I was researching. I have not looked at the Manigo case and I will, but it seems to me that to review your motion, number one, I have to look at it under the standard for JNOVs for civil cases.

MS. MOORE: Right.

THE COURT: Bearing in mind that the defendant unquestionably has been convicted of a sexually violent offense in the past. The State's expert says he still has -- suffers from a mental abnormality, you know, a disorder that makes him likely to engage in sexual offenses if he's not secured in a long-term health facility. The orders said no, because he successfully completed it, he doesn't fall under subpart B on the statute.

I don't see, quite frankly, at this juncture -- I'm going to look at it. I'm not ruling -- that there's any room in the statute which you admit is not vague or ambiguous to have the instruction that says once they complete it, they're done. That might be your expert's opinion, but I think that's probably just that.

Bear in mind, this has also been through disciplinary committee, probable cause, prosecutors committee and found probable cause, and the jury found that he suffered from a sexually violent -- he is a sexually violent predator by proof beyond a reasonable doubt.

So all said and done, you may be right. It's probably something that needs to be taken care of on appeal. But not ruling, I'm just giving you my thoughts, I'm going to look at the standard, I'm going to look at the Manigo case, and I'll issue a ruling in week.

MS. MOORE: Thank you very much.

MR. MORROW: Thank you.

(WHEREUPON, proceedings adjourned at 12:15 p.m.)

Certificate of Reporter

I, Diane L. Marcengill, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of a portion of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Anderson County, South Carolina, on the 11th day of June 2018.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

March 25, 2019

Diane L. Marcengill, RPR, CRR, CRC
Circuit Court Reporter

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

IN THE MATTER OF THE CARE AND TREATMENT OF KENNETH L. WRIGHT
Plaintiff(s)

vs.

Defendant(s)

CIVIL ACTION COVERSHEET

2015-CP - 04- 00555

Submitted By: Christopher A. Morrow
Address: Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211

SC Bar #: 100703
Telephone #: 803-734-8446
Fax #: 803-734-6679
Other:
E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)
- Previous Notice of Intent Case # 20___-CP-_____-_____
- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
- ☐ PCR (500)
- ☐ Mandamus (520)
- ☐ Habeas Corpus (530)
- ☐ Other (599)

Administrative Law/Relief
- ☐ Reinstate Drv. License (800)
- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☐ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

Judgments/Settlements
- ☐ Death Settlement (700)
- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

Appeals
- ☐ Arbitration (900)
- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☒ Sexual Predator (510)

Submitting Party Signature: [signature] **Date:** 3/5/2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FILED-CLERK'S OFFICE
ANDERSON SC
2015 MAR -6 PM 2:50
COMMON PLEAS AND GENERAL SESSIONS

222

MANDATED ADR COUNTIES

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

FILED-CLERK'S OFFICE
ANDERSON SC
2015 MAR -6 PM 2:

STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON	TENTH JUDICIAL CIRCUIT
IN THE MATTER OF THE CARE AND TREATMENT OF KENNETH L. WRIGHT,	CIVIL ACTION NO. 2015-CP-04-00555
	PETITION PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT
RESPONDENT,	

COMMON PLEAS AND GENERAL SESSIONS

COMES NOW, Petitioner, State of South Carolina by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).

2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Kenneth L. Wright (Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **The max-out date for this individual is February 8, 2015.**

3. The Multi-Disciplinary Team (MDT) on or about December 22, 2014 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (**PETITIONER'S EXHIBIT 1**). The assessment of the Multi-Disciplinary Team is based on a review if existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s), history of other criminal convictions or adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment and risk factors.

4. The Prosecutor's Review Committee (PRC) on or about January 20, 2015 determined there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**PETITIONER'S EXHIBIT 2**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.

5. Respondent was previously civilly committed to the Sexually Violent Predator Treatment Program after a jury trial on or about December 2006. He remained in treatment and was release on or about September 9, 2010 after the Department of Mental Health found his mental abnormality or personality disorder has so changed that he was safe to be at large, and not likely to commit acts of sexual violence, pursuant to S.C. Code. Ann. Section 44-48-120 (**EXHIBIT 3**).

6. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-40(1) to wit:

   (a) On or about January 1, 2014 Respondent exposed his penis to **Victim 1** (9 year-old female) while she was shopping in a store with her grandmother and sister. The Respondent fled the store, but was later identified by Victim 1 via a photo line-up. Respondent pled to indictment 2013-GS-04-01275 Indecent Exposure. This offense did occur in Anderson County (**PETITIONER'S EXHIBIT 4**).

   (b) On or about April 4, 2013 Respondent exposed his penis to **Victim 2** (9 year-old female) and **Victim 3** (7 year-old male) while they were shopping in a store with their mother. The Respondent pled guilty to indictments 2013-GS-04-01274 Indecent Exposure and 2013-GS-04-01275 Indecent Exposure. These offenses did occur in Anderson County (**PETITIONER'S EXHIBIT 5**).

   (c) On or about March 3, 2005 Respondent exposed his genitals to **Victim 4** (9 year-old female) at a Department store in Anderson County. On the same day Respondent exposed himself to **Victim 5** (11 year-old female) at a discount store in Anderson County. Respondent pled guilty to indictments 2005-GS-04-1110 Indecent Exposure and 2005-GS-04-1111 Indecent Exposure. These offenses did occur in Anderson County (**PETITIONER'S EXHIBIT 6**).

   (d) On or about August 1, 2001 the Respondent hired **Victim 6** (14 year-old female) and **Victim 7** (14 year-old female) to clean his residence. Upon completing the job Respondent paid the victims but then Respondent padlocked the door and refused to let the victims leave. Respondent told the victims they would have to rub his body with lotion before they could leave. Respondent then told the victims they would have to watch him masturbate. Respondent then forced both victims to touch his penis and requested they perform oral sex on Respondent. Victims refused Respondent's request and were allowed to leave. Respondent pled to indictments 2002-GS-04-2741

Lewd Act Upon a Child and 2002-GS=04-2742 Lewd Act Upon a Child. These offenses did occur in Anderson County (**PETITIONER'S EXHIBIT 7**).

(e) On or about April 10, 1999 Respondent allegedly offered to pay **Victim 8** (14 year-old female) and **Victim 9** (unknown age female) $2.00 if they would watch him masturbate. No arrest was made and no disposition is listed. This incident is alleged to have occurred in Anderson County (**PETITIONER'S EXHIBIT 8**).

(f) Between March 20, 1999 and April 7, 1999 the manager of a discount store **Victim 10**, reported to the police that the store received sexually inappropriate phone calls from respondent. Respondent was convicted of two counts of unlawful use of telephone under indictments 99-GS-04-11288 and 99-GS-04-1289 (**PETITIONER'S EXHIBIT 9**).

(g) On or about May 7, 1997 Respondent exposed his penis to **Victim 11** (female) and **Victim 12** (female) at an elementary school. Respondent pled guilty to indictments 97-GS-04-1518 Indecent Exposure and 97-GS-04-1519 Indecent Exposure. These offenses did occur in Anderson County (**PETITIONER'S EXHIBIT 10**).

(h) On or about November 8, 1990 Respondent was allegedly observed walking through a parking lot with his penis exposed. This incident allegedly occurred in St. Mary's County, Maryland (**PETITIONER'S EXHIBIT 11**).

(i) On or about May 21, 1990 Respondent allegedly exposed himself to **Victim 13** (13 year-old female) and **Victim 14** (13 year-old female). This incident allegedly occurred in Anne Arundel County, Maryland (**PETITIONER'S EXHIBIT 12**).

7. Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined to a secure facility for long-term control, care, and treatment, and that Respondent has serious difficulty in controlling his behavior or sexual desire impulses.

(a) In support of the state's allegations that the Respondent has a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control,

care, and treatment, the State, in addition to any other evidence which it may present to the Court hereafter, submits the following for consideration:

(b) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for Pedophilic Disorder listed at Page 697 are:

i. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

ii. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

iii. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. **(PETITIONER'S EXHIBIT 13).**

(c) According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric association, the diagnostic criteria for Paraphilic Disorder at Page 685 are:

i. Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. **(PETITIONER'S EXHIBIT 13).**

(d) "[P]revious instances of violent behavior are an important indicator of future violent tendencies." Kansas v. Hendricks 521 U.S. 346, 358, 117 S.Ct. 2072, 2080 (1997). Respondent's instances of violent and non-violent behavior are:

i. The basis of Respondent's 2013 convictions for Indecent Exposure **(PETITIONER'S EXHIBIT 4, *supra*; Exhibit 5, *supra*).**

ii. The basis of Respondent's 2005 convictions for Indecent Exposure **(PETITIONER'S EXHIBIT 6, *supra*).**

iii. The basis of Respondent's 2001 convictions for Lewd Act Upon a Child **(PETITIONER'S EXHIBIT 6, *supra*).**

iv. The basis for Respondent's 1997 convictions for Indecent Exposure **(PETITIONER'S EXHIBIT 9, *supra*).**

(e) The facts of Respondent's offenses indicate the existence of a mental abnormality in that they involve recurrent sexual urges or behaviors involving underage children occurring over a period of at least six months.

(f) Known risk factors increasing Respondent's likelihood to reoffend include: 1) Prior sexual offenses; 2) length of sexual offending history one to six years; 3) victim age range and 4) more than one victim.

(g) Upon information and belief, Respondent did no complete sex offender treatment program while incarcerated in the South Carolina Department of corrections **(PETITIONER'S EXHIBIT 14)**.

(h) Attached also is Respondent's NCIC Report and additional miscellaneous criminal history **(PETITIONER'S EXHIBIT 15)**.

WHEREFORE, Petitioner request that based on the above information the Court find there is probable cause to believe Respondent is a Sexually Violent Predator and Order:

1. Respondent be taken into custody and confined in a secure facility, if has not already been so confined;

2. Respondent be notified by the Court of the opportunity to appear in a person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;

3. A hearing, if Respondent is not already in custody, to contest probable cause be held within 72 hours after Respondent is taken into custody;

4. Counsel be appointed for Respondent if necessary;

5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation to determine whether Respondent meets the statutory criteria as a Sexually Violent Predator;

6. The Court appoint a qualified expert for such an evaluation if probable cause is found;

7. If probable cause is found, a trial be held on all issues and if Respondent is found to be a Sexually Violent Predator, that he be committed to the custody of the South Carolina Department of Mental Health for control, care, and treatment until such time as Respondent is safe to be at large and has been released pursuant to requirements of S.C. Code Ann. Section 44-48-10, *et seq.*, and

8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

CHRISTOPHER A. MORROW
Assistant Attorney General

By: _____
Attorneys for Petitioner
S.C. Bar Number 100703
Office of the Attorney General
Columbia, South Carolina 29211
V: (803) 734-8446
F: (803) 734-6679

March 5, 2015

PETITIONER'S EXHIBIT 1

SEXUAL PREDATOR REFERRAL FORM

Offender Name: KENNETH LEALLEN WRIGHT	Offender Number: 263813	Jurisdictional Agency: SCDC
Age: 50	County: ANDERSON	Qualifying Offense(s): Guilty Plea:___ Trial:___
Gender: Male	No. of Incarcerations: 4	Lewd Act on Child Under 16 (2 counts)

Adult Sentence: 2 years / completed	Parole Eligibility Date:	Max-Out Date: 01/18/2015
Juvenile Guidelines:	Parole Release Date:	SFH Date:

Deferred from MDT 11/20/14

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment..

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
3	1	0

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

_____ SCDC – CHAIRPERSON

_____ SCDPPS

_____ DMH

_____ JDG

_____ ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on December 18, 2014, and based upon that assessment, we find that:

✓ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.

___ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

PETITIONER'S EXHIBIT 2

PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION

INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
KENNETH LEALLEN WRIGHT	263813	JANUARY 20, 2015 MEMBERS PRESENT: John McIntosh for Alan Wilson David M. Stumbo via telephone Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: DECEMBER 22, 2014

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

Deborah R.J. Gregory
Signature of Counsel for Committee

PETITIONER'S EXHIBIT 3

263813

STATE OF SOUTH CAROLINA

COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2005CP0402950

State Of South Carolina *vs.* Kenneth L Wright

CHECK ONE:

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED** *(CHECK REASON):* ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN** *(CHECK REASON):* ☐ Rule 40(j) SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other: _____

A TRUE COPY
0 2010

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:

Dated at Anderson, South Carolina, this 10th day of September, 2010.

Court Reporter: Renee Tollison

PRESIDING JUDGE - J. Cordell Maddox, Jr.

This judgment was entered on the _____ day of September, 2010, and a copy mailed first class this _____ day of September, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

R. Westmoreland Clarkson P O BOX 11549
COLUMBIA, SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

Rodney Wade Richey P O BOX 10916
GREENVILLE, SC 29603-0916

ATTORNEY(S) FOR THE DEFENDANT(S)

Martha D Newton - Clerk of Court

2010 SEP 13 AM 8:12
INMATE RECORDS OFFICE

263813

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOR THE TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON	)	CASE NO. 05-CP-04-2950
	)	
IN THE MATTER OF THE CARE AND TREATMENT OF KENNETH L. WRIGHT, RESPONDENT	)	ORDER FOR RELEASE

A TRUE COPY
FILED SEP 13 2010
Martha D. Burton
CLERK OF COURTS

This matter comes before me upon the petition of Kenneth L. Wright for his release from confinement pursuant to the Sexually Violent Predator Act, Sections 44-48-10 et seq. of the Code of Laws of South Carolina, 1976, as amended. A hearing was held September 10, 2010. Mr. Wright was represented by Rodney Richey, Esquire, who on August 3, 2010, filed a Petition for Release on behalf of Mr. Wright. The State was represented by James G. Bogle, Jr, Senior Assistant Attorney General.

The Court heard testimony from Peggy C. Wadman, M. D., MPH, Forensic Psychiatrist, of the Sexually Violent Predator Treatment Program. The Court also received the following Exhibits: (1) letter to the Attorney General's Office dated June 24, 2010 from John H. Magill, State Director of the Department of Mental Health; (2) letter from Mr. Magill dated June 24, 2010 to the Respondent authorizing him to petition the court for release and (3) Sexually Violent Predator Treatment Program Release Review dated June 7, 2010.

I have heard and considered the above information, and hereby find and conclude as follows:

1. Mr. Wright was found on or about December 6, 2006 to be a sexually violent predator and committed to the Department of Mental Health for long-term control, care, and treatment, pursuant to Sections 44-48-10, et seq. of the Code of Laws of South Carolina, 1976, as amended.

2. The Director of the Department of Mental Health states that Mr. Wright has successfully completed his treatment at the Sexually Violent Predator Treatment Program, and it is believed that his mental abnormality or personality disorder has so changed that he is safe to be at large and; if released, not likely to commit acts of sexual violence.

3. The Department of Mental Health states that no sexual offender treatment program can guarantee what any individual will do. Nevertheless, based on the treatment received at the Sexually Violent Predator Treatment Program, Mr. Wright should have learned how to control his urges, and should be able to apply what he has learned and function in society with nominal risk.

4. The Department of Mental Health has authorized Mr. Wright to petition for release pursuant to Section 44-48-120 of the Code of Laws of South Carolina, 1976, as

2010 SEP 13 AM 8:12 INMATE RECORDS OFFICE

263813

amended.

5. Having met the statutory requirements pursuant to Section 44-48-120 of the Code of Laws of South Carolina, 1976, as amended, the Court hereby finds and concludes that Kenneth L. Wright should be released from confinement in the secure facility of the South Carolina Department of Mental Health.

6. Upon his release Mr. Wright must comply with the requirements of Sections 44-48-160, 23-3-450 and 23-3-460 the South Carolina Code of Laws, 1976, as amended, including, but not limited to, registration as a Sexually Violent Predator, verification of registration and photographing every ninety days at the sheriff's department in the county in which he resides, sending written notice of any change of address to such sheriff within ten days of establishing a new residence, and if he changes his address into another county in South Carolina registering with the county sheriff in the new county within ten days of establishing the new residence. This Order shall constitute actual notice of these requirements, and failure to comply will subject Mr. Wright to the appropriate statutory penalties.

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Kenneth L. Wright be released from confinement in the secure facility of the Department of Mental Health pursuant to Section 44-48-120 of the Code of Laws of South Carolina ,1976, as amended, and that he comply with the statutory requirements of registration as a Sexually Violent Predator.

AND IT IS SO ORDERED.

The Honorable J. Cordell Maddox, Jr.
Circuit Court Judge for the Tenth
Judicial Circuit Court of Common Pleas

9/9, 2010
Anderson, South Carolina

09 SEP 10 A 8:10

A TRUE COPY
SEP 10 2010
CLERK OF COURTS

INMATE RECORDS OFFICE
2010 SEP 13 AM 8:12

DMH South Carolina Department of Mental Health

Division of Inpatient Services
Forensic Evaluation and Treatment Services
7901 Farrow Road
Columbia, South Carolina 29203
Information: (803) 935-5809
Fax: (803) 935-5811

MEMORANDUM

TO: John Magill, State Director

THROUGH: Versie Bellamy, RN, MN, Acting Deputy Director, Division of Inpatient Services

FROM: Holly Scaturo, RN, MSN, Director, Forensic Evaluation and Treatment Services

DATE: June 14, 2010

SUBJECT: Mr. Kenneth Wright, SVPTP Resident

Mr. Kenneth Wright has been approved by the SVPTP Discharge Review Board to petition for release from the Sexually Violent Predator Treatment Program. The Department believes that his mental disorder or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. We recommend that you authorize Mr. Wright to petition the court for release.

Attached please find the report of the Psychiatric Examiner, Peggy Wadman, M.D., concerning Mr. Wright. As described, Mr. Wright is believed to be safe to be released. Mr. Wright understands that should he be released by the Court he will have to register with the Charleston County Sheriff's Department in his county of residence, and thereafter follow the registration protocol in South Carolina. Mr. Wright will reside in Charleston County at Bowles Residential III Home at 9348 Highway 17 N, McClellanville, South Carolina, 29458.

Mr. Wright will comply with outpatient appointments, develop a comprehensive support network, maintain structure in his daily life and continue to practice appropriate interpersonal skills, Mr. Wright's Social Security Benefits will be reinstated upon his release.

Please let us know if you have any questions or need any further information.

xc: Versie Bellamy, Acting Deputy Director, Division of Inpatient Services
Mark W. Binkley, SCDMH General Counsel

Attachment

DMH South Carolina Department of Mental Health

Division of Inpatient Services
Forensic Evaluation and Treatment Services
7901 Farrow Road
Columbia, South Carolina 29203
Information: (803) 935-5809
Fax: (803) 935-5811

June 14, 2010

Mr. Kenneth Wright
Sexually Violent Predator Treatment Program
Building 3
7901 Farrow Road
Columbia, South Carolina 29203

Dear Mr. Wright:

In accordance with Section 44-48-120, South Carolina Code of Laws, I hereby authorize you to petition the court for your release.

Sincerely,

John H. Magill, State Director

xc: Versie Bellamy, Deputy Director, Division of Inpatient Services
Holly Scaturo, Director, Forensic Evaluation and Treatment Services
Mark Binkley, SCDMH General Counsel

DMH South Carolina Department of Mental Health

Division of Inpatient Services
Forensic Evaluation and Treatment Services
7901 Farrow Road
Columbia, South Carolina 29203
Information: (803) 935-5809
Fax: (803) 935-5811

June 14, 2010

Westmoreland Clarkson
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211-1549

Re: Mr. Kenneth Wright

Dear Mr. Clarkson :

The Department of Mental Health states that Mr. Wright's mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. Accordingly, I have authorized him to petition the court for release pursuant to S.C. Code Ann. §44-48-120. A copy of such authorization is attached for your information.

No sex offender treatment program can guarantee what any individual will do in the future. Nevertheless, Mr. Wright should have learned how to control his deviant sexual urges, and he should be able to apply what he has learned and function in society with minimal risk.

It is my understanding that you have agreed to make counsel for Mr. Wright aware of this determination and authorization.

Thank you for your assistance.

Sincerely,

John H. Magill
State Director

xc: Mark Binkley, SCDMH General Counsel

Sexually Violent Predator Treatment Program

Discharge Review Board Report

Name: Wright, Kenneth L.
Date of Birth: [redacted]
SCDMH: 9245183
SCDC: 263813
Date of Commitment: December 6, 2006
Date of Admission: December 8, 2006
County: Anderson
Date of Report: June 7, 2010

Purpose of Evaluation: Kenneth L. Wright is a 45-year-old male from Anderson County who was committed to the Sexually Violent Predator Treatment Program of the South Carolina Department of Mental Health on December 6, 2006 after adjudication as a Sexually Violent Predator (SVP) pursuant to statute.

This evaluation was conducted to assist the SVPTP Discharge Review Board in determining 1) whether Mr. Wright's mental disorder or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence and 2) whether to recommend to the state director that he authorize Mr. Wright to petition the court for release pursuant to S.C. Code Ann. §44-48-120.

Sources of Information: Information reviewed for this report included, but was not limited to, review of Mr. Wright's available legal files and treatment records, actuarial assessment data, interviews with members of Mr. Wright's treatment team and a series of interviews with Mr. Wright.

Background Information: Mr. Wright was born in Belleville, Illinois. His parents, Sylvia Margaret and Frankie Wright, separated when he was three years old. During the school year, he lived with his father and stepmother and he spent the summers with his mother in Ohio. His mother remarried when Mr. Wright was approximately 17 years old. Records indicate he made average grades in school and was the vice president of his senior class. He was arrested once as a juvenile in junior high school for breaking into a high school with some of his friends. He was suspended numerous times for rules infractions, including being disrespectful to teachers and truancy. He was never expelled. Mr. Wright had one long-time girlfriend. Their relationship ended in 1987 when he was 23 years old and the following year he attempted suicide by shooting himself through the roof of his mouth resulting in severe brain injury. His family reported that Mr. Wright's personality changed after this event and he became impulsive with poor judgment. He has never married and has no children. Prior to his incarceration, he was receiving Social Security Disability benefits due to his head injury.

Medical History: Mr. Wright has the following medical conditions: Seizure Disorder Secondary to Head Injury; Gastroesophageal Reflux Disease; Hypertension; Chronic Constipation; Chronic Headaches; Urinary Hesitancy; Brain Injury (Frontal Lobe) Secondary to Self-Inflicted Gunshot Wound (1988); Right Optic Nerve Damage with Blindness; Asthma; Left Leg Injury (requires leg brace), and Hepatitis C with mild cirrhosis of the liver.

His current medications are: Prilosec 20 mg capsule 30 minutes before breakfast; Remeron 45 mg at bedtime; Benadryl 100 mg at bedtime; Cymbalta 60 mg every morning; Detrol LA 4 mg capsule at bedtime; Norvasc 10 mg daily; Motrin 800 mg twice a day; Colace 100 mg daily; Dilantin 230 mg twice a day; Elavil 75 mg at bedtime; Ventolin Inhaler 30 mcg 2 puffs every six hours as needed for asthma; Depo Provera 150 mg every 2 weeks.

Psychiatric History: Mr. Wright has a history of several psychiatric hospitalizations. He was hospitalized for the first time in his teens in Maryland, although he cannot recall the details of this hospitalization. He had several more psychiatric hospitalizations, the last one in the early 1990s. He has taken many different psychotropic medications and has been assigned various diagnoses. In 1988, Mr. Wright shot himself through the roof of his mouth in a suicide attempt. He suffered a severe brain injury that resulted in lasting impairment in memory, judgment, planning, strategy formation, and executive function. His personality changed and he became disinhibited and emotionally labile (sometimes referred to in the psychiatric literature as 'acquired sociopathy', 'pseudopsychopathic disorder' or '*orbital* personality'). Specifically, Mr. Wright's brain damage resulted in impulsiveness, juvenile behavior, a jocular attitude, sexual disinhibition, and lack of concern for others. He began exposing his genitalia to others and making obscene telephone calls which resulted in legal difficulties.

During the first year of Mr. Wright's commitment to the SVPTP, he engaged in frequent inappropriate sexual behavior. Mr. Wright acknowledged having fantasies of exposing his genitalia to unsuspecting other since adolescence but said he lost the ability to control these fantasies and urges after his head injury in 1988. His medications were adjusted several times after his admission to the SVPTP in an attempt to decrease his level of impulsivity. On December 3, 2007, he was prescribed the progestronal hormone compound Provera and was later switched to the long-acting intramuscular Depo Provera 150 mg every two weeks. This medication has significantly reduced his libido and sexual impulsivity and has decreased his blood testosterone to an undetectable level. He has not had any episodes of exposing himself or behaving in a sexually inappropriate manner since starting this medication.

His pre-commitment report stated that he had a prior history of dressing like a female in adolescence and being "preoccupied with the idea that he might be a woman trapped in a man's body." Mr. Wright denied that he ever made this statement to the psychiatrist who evaluated him for commitment to the program or that he has ever dressed like a female or wanted to be a female.

Substance History: Mr. Wright started drinking alcohol in elementary school and this escalated to alcohol dependence by his early teens. He has had three DUIs. He has also abused marijuana, PCP, LSD, cocaine (powder and IV), IV heroin, amphetamines and opioids. He was hospitalized several times in the past for substance dependence treatment. He said he last abused alcohol or illicit substances in July 1988.

Sex Offense History: Records indicate that Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child for an incident involving two teenage females, ages 14 and 15, in August of 2001. He hired the victims to clean his residence and then prevented them from leaving by padlocking the door. He instructed them to come to his bedroom, rub lotion on his body (including his penis and buttocks) and then watch him masturbate and ejaculate. He allowed them to leave after they refused his request to perform oral sex on him, allegedly telling them he would "make it so they could not talk" if they told anyone about the incident. He was not referred for a SVP pre-commitment evaluation after his release from prison.

He was convicted of Indecent Exposure in June, 1990, November of 1990, December of 1990, May of 1997 (two counts), and twice in March of 2005. In 1999, he was convicted of one count of Communicating Obscene Messages to Another Person. He was charged in 1999 with Solicitation of Minors but was not convicted. Mr. Wright has since admitted that he committed this offense.

SVPTP Treatment Summary: In October 2009, Mr. Wright's case manager, Victoria Bourdon, wrote the following: "[Mr.] Wright has been placed in [a] Special Needs group with Ms. White, as he continues to have difficulty with understanding many of the concepts; for example, he takes full responsibility for offense, yet he minimizes the harm cause to victims. [Mr.] Wright does make [an] effort to complete all assignments as required; he has completed autobiography, disclosure, and empathy assignments. Although he can be insightful on certain days, he tends to not retain many of the issues addressed in group. He should be exploring normative sexual views at this time. He continues to show poor coping skills in the milieu, that is, he can overreact and be disrespectful to peers and with staff."

Since that time, the treatment team has reported that Mr. Wright has reached maximum benefit from the structured part of the treatment program. The treatment team reported that Mr.'s Wright's frontal lobe damage and resulting personality change will prevent him from completing the remaining treatment assignments, but he has accepted responsibility for his offense behavior and has expressed empathy for his victims. With medication, Mr. Wright has been able to control his impulsive sexual behavior on the unit and exhibit better emotional regulation. He has not acted out sexually since starting the medication Depo Provera on December 3, 2007.

Mr. Wright has acknowledged that without Depo Provera, he had difficulty controlling his urges to expose himself in public. He said he knew he needed help and has learned better coping skills. He understands his risk factors for re•ffense, the most important

being discontinuation of his medication. Mr. Wright is able to explain the excuses, justifications, and cognitive distortions he used during his sexual offending.

Assessment Tools: The Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) is an actuarial risk assessment instrument. Comprised of items statistically associated with sexual recidivism, it estimates the probability that a convicted sex offender will commit a future sex offense as indexed by official records (i.e., arrests, convictions, admissions). Based on available records at this time, Mr. Wright's score on the RRASOR is a 4. This score is equal to or greater than the scores obtained by 98% of the sex offenders in the instrument's normative sample. Approximately 33% of sex offenders with this score sexually recidivated within 5 years; approximately 49% of sex offenders with this score sexually recidivated within 10 years.

A Penile Plethysmograph conducted on September 21, 2009 indicated that although he responded more robustly to multiple deviant stimulus sets than non-deviant stimulus sets, "this relatively greater physiological arousal was not statistically significant."

Mental Status Examination: Mr. Wright entered the examination room without incident. He was noted to be wearing a brace on his left leg. He was dressed in institutional attire. His hair was long but clean. He was alert, oriented, and attentive. His speech was normal in volume, rate, and rhythm. His thought process was goal-directed. There was no evidence of delusions or other psychotic thought content. He denied experiencing auditory or visual hallucinations. His intellectual functioning appeared to fall within the average range. His memory for remote and recent events is chronically impaired due to brain damage resulting from a self-inflicted gunshot wound to the head. His affect was appropriate. He described his mood as "good." He denied having suicidal or homicidal thoughts or plans.

DSM-IV Diagnostic Impression:

Axis I:	**Personality Change Due to Head Injury, Disinhibited Type.** **Exhibitionism.** **Paraphilia, Not Otherwise Specified (telephone scatologia).** **Polysubstance Dependence, in a Controlled Environment.**
Axis II:	**No diagnosis**
Axis III:	**Seizure Disorder Secondary to Head Injury.** **Gastroesophageal Reflux Disease.** **Hypertension.** **Chronic Constipation.** **Chronic Headaches.** **Urinary Hesitancy.** **Brain Injury (Frontal Lobe) Secondary to Self-Inflicted Gunshot Wound (1988).** **Right Optic Nerve Damage with Blindness.** **Asthma.**

Left Leg Injury (requires leg brace).
Hepatitis C (with mild cirrhosis of the liver).

Opinion: In accordance with S.C. Code Ann. §44-48-110, a resident is to be considered for release from the SVPTP when it is determined that his "mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence." Due to his condition of Personality Change Due to Head Injury, which resulted from as self-inflicted gunshot wound to the head in 1988, Mr. Wright has engaged in socially inappropriate and sexually impulsive behavior in the past. However, medication appears to be controlling his sexual impulsivity. A review of available records, interview of Mr. Wright and discussion with his treatment team, lead this examiner to conclude at this time that the "mental abnormality or personality disorder" that resulted in Mr. Wright's commitment to the SVPTP has so changed due to medication management that he is safe to be at large from a sexual reoffense standpoint, and, if released, is not likely to commit acts of sexual violence.

Discharge Plans:

Release Placement	County of Residence	Probation Information	County Sex Offender Registry	Medical Follow Up Care
Bowles Residential III 9348 HWY 17 N McClellanville, SC 29458 Facility- 843-887-4180 Virginia Drayton-Assistant Director Mr. Benjamin Bowles-Director/Owner	Charleston County	Anderson **Two (2) Years Probation:** **Intensive Supervision** (as of 6/7/10) according to Agent Scott Meteals of Anderson County Probation Pardon and Parole **864-260-2230** The resident must report to the agent listed to register and set terms of probation before his case is transferred to Charleston County. **Fee Schedule of Probation:** **1. Court Costs -** $250.00 payable to the Anderson County Clerk of Court. This amount is paid over a period of two years at the rate of $10.00 per month. **2. Intensive Supervision Fees:** $20.00 per week	Charleston County Sheriffs Department Sex Offender Registry 3505 Pinehaven Drive North Charleston, SC 29405 Investigator Stober 843-308-7321or Detective Smith 843-308-7313 Registration Requirements are as Follows: Documentation from the release hearing declaring the resident is an SVP; Any ID form; Register every 90 days-initial registration within 24 hrs; Registration Fee is not applicable at this time. Change of address requires department to be notified within 10 days.	**Charleston County Mental Health Center** Medication Management **PENDING Appointment once Release Hearing is scheduled** West Ashley Clinic 2100 Charlie Hall Blvd Charleston, SC 29414 843-414-2350- Intake appointment to be made for an assessment for continuation of mental health services and medications. Contact:Tonya Ray –Fax: 843-571-7719 Medical Care: Santee St. James Family Health Alford Daniels M.D. 1189 Tibwin Road McClellanville, SC 29458 843-887-3274 **Dr Reynolds has agreed to administer Depo Provera 150 mg every two weeks for the resident like that of another male patient seen in his practice** The community home provider will schedule the initial appointment according to the transport schedule of home once the resident is released.

Treatment Team Recommendations: The treatment team recommends the following:

1. Mr. Wright should not have unsupervised contact with children or adolescents.

2. Mr. Wright should follow the terms of his probation established with his assigned probation officer in Anderson County before his case is transferred to Charleston County.

2. Mr. Wright must register as a Sexually Violent Predator with the Charleston County Sex Offender Registry after his release. He will be required to register with the Sheriff's Office every 90 days under the provision of SC Code 23-3-460.

3. Mr. Wright should be court-ordered to take medication that controls his sexual impulsivity.

Resident Income Source: Mr. Wright's Social Security benefits will be reinstated following his release.

Peggy Wadman, MD, MPH
SCDMH Forensic Medical Director

Date 6/7/10

To Be Completed By SVPTP Discharge Board

Discharge Approved: X Yes _____ No

If discharge is not approved, state reason: _____

Mark Binkley, JD
SCMH General Counsel

6-14-2010
Date

Harold Morgan, MD
Independent Examiner/Forensic Psychiatrist

6-14-2010
Date

Holly Scarbro, RN, MSN
Director, Forensic Evaluation and Treatment Service

6/14/10
Date

Algie W. Bryant, RN, MSN
Director, Performance Improvement
Interim Chief Nursing Officer, Division of Inpatient Services

06/14/2010
Date

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM

ANNUAL TREATMENT REVIEW SUMMARY

In Accordance With 44-48-110

Name:	**Wright, Kenneth**
DOB:	[redacted]
SCDMH #:	9245183
SCDC #:	263813
Date of Commitment:	December 6, 2006
Date of Admission:	December 8, 2006
County:	Anderson
Date of Report:	May 8, 2009

DIAGNOSES:

AXIS I:	**Personality Change Due to Head Injury, Disinhibited Type.** **Exhibitionism.** **Paraphilia, Not Otherwise Specified (telephone scatologia).** **Polysubstance Dependence, in a Controlled Environment.**
AXIS II:	**No Diagnosis.**

SOURCES OF INFORMATION:

1. Sexually Violent Predator Treatment Program (SVPTP) treatment records.
2. SVPTP Medical records
3. Legal records, including court order, arrest warrants, police incident reports and statements

PERTINENT DATA: Mr. Wright is a 44-year-old male who was committed to SVPTP of the SC Department of Mental Health after adjudication as a Sexually Violent Predator (SVP) pursuant to statute.

In accordance with §44-48-110, the purpose of the current Annual Evaluation is provide the court with an examination of Mr. Wright's mental condition in order to assist the court in reviewing the status of Mr. Wright and to determine whether probable cause exists to believe that Mr. Wright's "mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence."

SEX OFFENSE HISTORY: Records indicate that Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child for an incident involving two teenage females, ages 14 and 15, in August of 2001. He was convicted of Indecent Exposure in June, 1990, November of 1990, December of 1990, May of 1997 (two counts), and twice in March of 2005. Mr. Wright was convicted of one count of Communicating Obscene Messages to Another Person in 1999. He was charged in 1999

with Solicitation of Minors but was not convicted. Mr. Wright has since admitted that he committed this offense.

MENTAL STATUS EXAMINATION: Mr. Wright entered the examination room without incident. He was noted to be wearing a brace on his left leg. He was disheveled, with long hair, wearing a red baseball cap on his head. He was alert, oriented, and attentive. His speech was normal in volume, rate, and rhythm. His thought process was goal-directed. There was no evidence of delusions or other psychotic thought content. He denied experiencing auditory or visual hallucinations. His intellectual functioning appeared to fall within the average range. His memory for remote and recent events is chronically impaired due to brain damage resulting from a self-inflicted gunshot wound to the head. His affect was appropriate. He described his mood as "frustrated." He denied having suicidal or homicidal thoughts or plans.

SVPTP TREATMENT SUMMARY: In February 2008, the SVPTP adopted the Rockwood Model as its method for providing sex offender treatment to its residents. The Rockwood Model incorporates a series of 17 target areas for treatment. Each target area has two rating components, Intellectual Understanding (e.g., the resident can verbalize an individual anger management plan) and Behavioral Demonstration (e.g., the resident actually uses the anger management skills when needed). The resident is assessed on both dimensions for each target area, which means the resident receives a total of 34 ratings. Each target is rated on a 4-point scale (1- Unsatisfactory, 2 – Marginal, 3-Normative, 4- Optimal). When all 17 areas are rated as normative or optimal, the resident will be considered ready for discharge.

The 17 target areas are as follows: 1. Acceptance of Responsibility, 2. General Empathy, 3. Empathy for Victim, 4. Prosocial Attitudes, 5. Adequate Coping Skills/Styles, 6. Adequate Social Skills, 7. Positive Self-Esteem, 8. Control Over Impulses; 9. Good Emotional Regulation; 10. Control Over Anger/Aggression, 11. Control Over Substance Use, 12. Normative Sexual Views/Interests, 13. Understanding of Risk Factors, 14. Quality of Self-Management Plans, 15. Quality of Supports, 16. Quality of Release Plans, and 17. Commitment to Maintenance.

The target ratings can be adjusted in an upward or downward direction based on the resident's behavior. If behavior in a target area deteriorates, that target rating will be re-visited in treatment (e.g., a resident who has completed the anger management target but gets in a fight may be given additional work to do on anger control).

Mr. Wright is making progress in treatment and is demonstrating some intellectual and behavioral understanding of some of the target areas. However, Mr. Wright's cognitive difficulties secondary to his head injury interfere at times with his ability to understand and retain information. With medication, he is showing improved self-control. He is currently working on Adequate Coping Skills/Styles, Adequate Social Skills, and Good Emotional Regulation.

It is the opinion of the Treatment Staff that Mr. Wright has yet to complete treatment in the SVPTP to modify, overcome or change his "mental abnormality or personality disorder" and

would therefore be at continued risk to sexually re-offend were he to be released to the community.

RECOMMENDATION: It is the recommendation of the Treatment Staff that Mr. Wright remain in the Sexually Violent Predator Treatment Program at this time.

Cynthia M. Helff, MSP — 5/14/09
Cynthia M. Helff — Date
SVPTP Program Manager I

H Scaturo — 5/15/09
Holly Scaturo, RN, MSN — Date
Director of Forensic Services
Sexually Violent Predator Treatment Program

P Wadman — 5/15/09
Peggy C Wadman, MD, MPH — Date
Forensic Medical Director

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM

ANNUAL TREATMENT REVIEW SUMMARY

In Accordance With 44-48-110

Name:	**Wright, Kenneth**
DOB:	[redacted]
SCDMH #:	**9245183**
SCDC #:	**263813**
Date of Commitment:	**December 6, 2006**
Date of Admission:	**December 8, 2006**
County:	**Anderson**
Date of Report:	**December 14, 2007**

DIAGNOSES:

AXIS I:	**Personality change secondary to head injury, disinhibited type** **Exhibitionism** **Paraphilia, not otherwise specified (telephone scatologia)** **Polysubstance dependence, in remission, in a controlled environment**
AXIS II:	**No diagnosis**
AXIS III:	**Status Post Head Injury, Seizure Disorder, Hepatitis C, Asthma**

PSYCHIATRIC MEDICATIONS: **Zoloft, Depo-Provera**

SOURCES OF INFORMATION:

1. Sexually Violent Predator Treatment Program (SVPTP) treatment records.
2. SVPTP Medical records
3. Legal records, including court order, arrest warrants, police incident reports and statements

PERTINENT DATA:

Mr. Wright is a 43-year-old male who was committed to SVPTP of the SC Department of Mental Health after adjudication as a Sexually Violent Predator (SVP) pursuant to statute.

In accordance with 44-48-110, the purpose of the current Annual Evaluation is to assess whether Mr. Wright 's "mental abnormality or personality disorder has so changed that the person is safe

to be at large and, if released, is not likely to commit acts of sexual violence".

This Annual Evaluation report summarizes his participation and progress in the Sexually Violent Predator Treatment Program within the past year.

SEX OFFENSE HISTORY:

Records indicate that Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child in an incident involving two 14-year-old girls in August of 2001. He was also convicted of Indecent Exposure in November of 1990, December of 1990, May of 1997, and twice in March of 2005.

Mr. Wright has been convicted of two counts of Communicating Obscene Messages to Another Person in 1999. He was also charged in 1999 with Solicitation of Minors. Although he was not convicted of this, Mr. Wright has admitted his responsibility for this last offense.

MENTAL STATUS EXAMINATION:

Mr. Wright entered the examination room without incident displaying normal gait and posture. He was neat and clean and showed adequate concern for his personal appearance and hygiene. He was alert, oriented, and able to exert sufficient attention and concentration to interview questions.

His speech was of normal volume, rate, and rhythm. His answers were relevant, well-organized, and goal-directed. There was no evidence of delusions or other psychotic process. He denied experiencing any current auditory or visual hallucinations.

He denied beliefs of thought insertion or thought broadcasting. His intellectual functioning appeared to fall within the average range

His memory for remote, recent, and immediate events appeared to be intact. His affect was appropriate. He described his mood as "not good," and reported having "bad mood swings." He denied having suicidal or homicidal thoughts or plans.

SVPTP TREATMENT SUMMARY:

Treatment Incentive Program Level: Yellow.

Disciplinary Infractions (within the past 12 months):

Mr. Wright had six disciplinary infractions within the past year.

Treatment Accomplishments:

Mr. Wright has completed the first of six phases of the Education Group (Legal Aspects of Criminal Behavior). He has also completed one of the twelve Process-Oriented Group Tasks (Autobiography).

Treatment Goals to Achieve:

Mr. Wright needs to complete the remaining five Education Phases:

- Phase II - Biology of Human Sexuality;
- Phase III - Impulse Control,
- Phase IV- Advanced Relapse Prevention,
- Phase V- Family Issues, and
- Phase VI- Developing Positive Social Skills and Relationships.

Mr. Wright needs to complete the following Process-Oriented Treatment Group Tasks:

- Task 2- Basic Ownership
- Task 3- Advance Ownership
- Task 4- Personalized Treatment Task (development of an individualized treatment plan),
- Task 5- Anger management (understanding his use of anger to control others, rationalizing/denying anger, development of humility),
- Task 6- Yourself as Victim (personal history of victimization and your attempts to deny/keep secret your trauma),
- Task 7- Victim Personalization (empathy for those harmed by your assaults),
- Task 8- Levels of Needs (identifying, understanding, overcoming unmet emotional, affective needs and deficits),
- Task 9- Relapse Prevention (develop and present methods to be used to avoid high-risk situations, rules to follow to prevent recidivism throughout entire cycle

of abuse),

- Task 10- Offense-Free Lifestyle Planning (present and obtain group approval of entire specific Offense Cycle of warning signs, thinking errors, high risk situations, deviant sexual fantasies, and planning/grooming),

- Task 11- Service Project (becoming more other-directed and developing citizenship), and

- Task 12- Re-connecting with People and the Community (develop, present, and obtain group members' and staff's approval for community reintegration, prevention of isolation, meeting sexual needs appropriately, maintaining relapse prevention and treatment support).

Mr. Wright needs to complete the obligations and demonstrate the daily behavior required for advancement in his privileges from Yellow, to Bronze, to Silver, to Gold, and finally, to Platinum (the pre-release program level).

FINDINGS AND RECOMMENDATIONS:

1. Mr. Wright has not satisfactorily completed treatment in the Sexually Violent Predator Treatment Program.

2. Mr. Wright has not, as of yet, successfully modified, overcome, or changed his "mental abnormality or personality disorder," and thus he would continue to be at risk to re-offend sexually if he were released to the community at this time.

3. It is the recommendation of the treatment staff that Mr. Wright remain in the Sexually Violent Predator Treatment Program at this time.

Report prepared by Pamela Crawford, M.D.

_____ _____

Chad Lominick, Director, SVPTP Date

_____ _____

Holly Scaturo, RN, MSN Date
Director of Forensic Services
Sexually Violent Predator Treatment Program

Resident's Name Wright, Kenneth
SCDMH# 9245183

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF ANDERSON)	CASE NO. 2005-CP-04-0250
)	
IN THE MATTER OF THE CARE)	
AND TREATMENT OF)	ORDER OF COMMITMENT
KENNETH L. WRIGHT,)	
RESPONDENT.)	
)	

DEC - 6 2006

The probable cause hearing in this case was held in the Anderson County in the Court of Common Pleas on January 25, 2006. The Court found probable cause and an evaluation was ordered.

The evaluation was conducted by Pamela M. Crawford, M.D., Forensic Psychiatrist. Dr. Crawford found and stated in her report dated May 7, 2006 that Mr. Kenneth L. Wright suffers mental abnormalities known as Exhibitionism and Paraphilia, Not Otherwise Specified that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

A hearing was held on December 6, 2006 in the Anderson County Court of Common Pleas. The Respondent was present along with his attorney, Rodney W. Richey. The State was represented by Assistant Attorney General R. Westmoreland Clarkson.

At the hearing, the State introduced into evidence Dr. Crawford's Psychiatric Evaluation and certified copies of Mr. Wright's convictions for two counts of Lewd Act Upon a Child, four counts of Indecent Exposure, and two counts of Unlawful Use of Telephone.

The Respondent, through his counsel, advised the Court that he will waive his rights as stated below and will not contest and will consent to his commitment pursuant to the Sexually Violent Predator Act, South Carolina Code of Laws, 1976, as amended, Section 44-48-10, et seq.

The Court inquired of the Respondent if he freely, voluntarily, intelligently and with out coercion waives his rights, including but not limited to, the right to a jury trial, the right to present evidence and the right to cross-examine witnesses; and consents to be committed to long-term control, care, confinement and treatment in the Department of Mental Health pursuant to South Carolina Code Section 44-48-10, et. seq.

The Respondent stated that he does so freely, voluntarily, intelligently and without coercion waive said rights and consents to long-term control, care, confinement and treatment under the aforesaid act.

The Court inquired of the Respondent whether he was making this decision after consultation with his counsel, and if he was satisfied with the representation of his attorney. The Respondent replied "Yes" to these inquiries.

#1 of 2

The Court inquired whether the Respondent was under the influence of alcohol or drugs at this time. The Respondent replied "No" to this inquiry.

The Court having heard presentation of the State's evidence and the statements of the Respondent makes the following findings of fact pursuant to South Carlina Code Section(s) 44-48-10 et seq.:

(1) This Court has jurisdiction of this matter and to determine the merits of the State's case;
(2) Respondent Kenneth L. Wright freely, voluntarily, intelligently and without coercion has waived his rights as aforesaid and consented to long-term control, care, confinement and treatment pursuant to the Sexually Violent Predator Act;
(3) The State has proven beyond a reasonable doubt that Respondent Kenneth L. Wright is a sexually violent predator as that term is defined in South Carolina Code Section 44-48-30;
(4) Respondent Kenneth L. Wright should be committed to the Department of Mental Health for his long term control, care and treatment pursuant to South Carolina Code Section 44-48-10, et seq.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent Kenneth L. Wright is committed to the Department of Mental Health for his long- term control, care and treatment; and
(b) Respondent Kenneth L. Wright is to be detained in the Anderson County Detention Center and transported, as soon as possible, by the Sheriff of Anderson County to a secure facility of the South Carolina Department of Mental Health.

AND IT IS SO ORDERED.

D. Garrison Hill

The Honorable D. Garrison Hill,
Judge for the Tenth Judicial Circuit
Court of Common Pleas

December 6, 2006
Anderson, South Carolina

PETITIONER'S EXHIBIT 4

DOCKET NO. 2013GS04 01273

WITNESSES

Greg Hayden, Anderson Co. Sheriff's Office

ARREST WARRANT NUMBER

2013A0410200705

ACTION OF GRAND JURY

TRUE BILL

JUN 25 2013

Foreperson of Grand Jury
Date: Foreperson

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 25 2013

Term

THE STATE

vs.

Kenneth Leallen Wright

LDP

Indictment for

Sex / Indecent exposure

SC Code: 16-15-0130
CDR Code: 0091

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

COMMITMENT

9.30.14 RT

257

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUN 2 5 2013 the Grand Jurors of Anderson County present upon their oath:

Sex / Indecent exposure

That Kenneth Leallen Wright did in Anderson County, on or about April 8, 2013, willfully, maliciously and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway. This is in violation of §16-15-130 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS.)
Kenneth Leal le Wright)
AKA:)
Race: W Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: [redacted])
DL#: [redacted] C00910827)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-04-0127
A/W#: 2013A0410200705
Date of Offense: 4/8/2013
S.C. Code § : 16-15-0130
CDR Code #: 0091

ENTERED

GBMT
SENTENCE SHEET

3yrs active
CTS 540 day

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Indecent exposure

in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: Michael A. Andrew 16582 SC Bar# | Kenneth Leal le Wright Defendant | Attorney or Defendant 13413 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. Days 540 Days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling _____
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

A TRUE COPY
FEB -2 2015
CLERK OF COURT

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, §47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Richard A. Hurley
Court Reporter: V. Cross
Presiding Judge: #2129
Judge Code:
Sentence Date: 9-30-14

SCCA/217 (03/2011)

AGENCY LD. SC0040000

INCIDENT REPORT

CASE NUMBER: 2013-02288

REC'D: NO. N ENTD. N.

EVENT

	COMPLETED	CONCEIVED CRIME	PREMISE TYPE	ENTER CRIMES	TYPE VICTIM
1. INDECENT EXPOSURE (36C)	■ YES ☐ NO	☐ YES ☐ NO	Department/Discou		■ Individual
2.	☐ YES ☐ NO	☐ YES ☐ NO			☐ Business
3.	☐ YES ☐ NO	☐ YES ☐ NO			☐ Financial Inst.

☐ Government ☐ Relig. Org. ☐ Soc/Public ☐ Other ☐ Unknown ☐ Other OL

651 HIGHWAY 28 BYP, ANDERSON — ZIP CODE: 29624 — LOCATION TYPE

OCCURRED DATE	OCCURRED TIME	TO	END DATE	END TIME	REPORTED DATE	REPORTED TIME	ARRIVED TIME	CLEARED TIME	LOCATION NO.
01/13/2013	15:40		01/13/2013	15:45	01/13/13	16:39	16:43	17:15	3

VICTIM NO. 1

WILLIAMS, BRENDA, KAY — [redacted] — CITY: [redacted] — STATE: SC — ZIP CODE: [redacted] — LOCATION NO. 1

RESIDENCE PHONE	BUSINESS PHONE	EMPLOYER/SCHOOL	OCCUPATION	RACE	SEX	AGE	ETH.	CONFINED PREMISES	EMPLOYER PREMISES
[redacted]				B	F	50	N	[redacted]	

MINOR 1 — [redacted] — ST

RESIDENCE PHONE	BUSINESS PHONE	EMPLOYER/SCHOOL	OCCUPATION	RACE	SEX	AGE	ETH.	CONFINED PREMISES	EMPLOYER PREMISES
				B	F	9	N	[redacted]	

411 | 100 | BLK | BRO

[redacted] — CITY: [redacted] — STATE: SC — ZIP CODE: [redacted] — LOCATION NO. 1

SUBJECT NO. 1

WRIGHT, KENNETH, LEALLEN — W | M | 48 | N | 08/01/19 | 506 | 135 | GRY | BLU

BLACK SLEEVELESS WEST COAST CHOPPERS SHIRT OVER RED LONGSLEEVE SHIRT, BLUE JEANS, GR

201 M STREET — CITY: ANDERSON — STATE: SC — ZIP CODE: 29625 — LOCATION NO. 04

ARRESTED: NO ■ — TOTAL ARRESTEE: 1 — DATE/TIME OF OFFENSE: 01/13/13 15:40 — DATE/TIME OF ARREST: 04/11/13 10:30

JUVENILE

NARRATIVE

I, Deputy S. Hill, responded to the incident location (Walmart) in reference to an indecent exposure. Upon arrival, I made contact with the complainant, Brenda Williams, who advised an unknown white male subject exposed his penis to her 9 year old granddaughter while they were shopping in the store. Brenda advised the subject left the area prior to my arrival. I issued the juvenile a victim's form which was signed by Brenda.

PROPERTY SEIZED

TYPE PROPERTY	STOLEN	DAMAGED	RECOVERED	SEIZED	VALUE

SUBJECT ARRESTED ☐ YES ■ NO — SUBJECT LOCATED ☐ YES ■ NO

ADMINISTRATIVE

REPORTING OFFICER	DATE	TIME	REVIEWED BY	DATE	TIME
HILL, SCOTTY	01/13/13	1620	VAUGHN, C. T.	01/13/13	1779
			SUPERVISOR NOTIFIED ■ YES ☐ NO HAYDEN, G. M.	01/13/13	187

AGENCY I.D. SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER: 2013-02298

REQ. N | EMER. N

☐ ORIGINAL REPORT ■ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL OFFENSES ☐ ADDITIONAL PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY ☐ SUCCEEDED CHARGES ☐ CASE REJECTED CHARGES PAGE 1 of ____ PAGES

INVESTIGATIVE SUPPLEMENTAL ONLY

Incident Type: Indecent Exposure

Suspect: Unknown White Male

Victim: MINOR 1

Original Reporting Officer: S. Hill

NARRATIVE

I, Deputy S. Hill, responded to Walmart in reference to an indecent exposure. Upon arrival, I made contact with the complainant, Brenda Williams, who advised that an unknown white male exposed his penis to her 9 year old granddaughter. Brenda advised that she walked away from her two granddaughters (MINOR 1 and MINOR 2) for a moment and they came running up to her shortly after and MINOR 1 told her that a man showed his penis to her. Brenda advised that MINOR 2 was not looking at the subject when the incident occurred.

I then spoke with MINOR 1 who stated that they were on the aisle with a scanner, (Bakery Aisle) and the man walked up to her and pulled out his penis. MINOR 1 stated that she then grabbed MINOR 2 and told her to run. I also spoke with the Asian who stated that she did not see anything and was not aware that anything happened until MINOR 1 told her to run.

I then made contact with Elton Payne and Anthony Smith of Walmart Loss Prevention. Elton advised that he and Anthony followed the 3 male after they were told about the incident. Elton advised that the subject went to the Dollar Tree after leaving Walmart and then left on a bike Pedals Sports Moped towards Hwy 28 Bypass. Elton also advised that there was surveillance video of the subject but not of the incident due to there not being a camera on the aisle that the incident occurred. Elton showed me the video and I observed the male subject walking behind the two girls and then follow them down the aisle. A few seconds later, the girls run away from the aisle towards Brenda. The incident occurred at approximately 1542 hours. The subject then remained in the store and shopped until 1627 hours. The subject was wearing a black in color sleeveless West Coast Choppers shirt over a long sleeve red shirt, blue jeans, and a grey hat. The subject appeared to have a goatee. Elton was able to provide a copy of the surveillance video of the subject which was placed in evidence.

ADMINISTRATIVE

REPORTING OFFICER	DATE	UNIT	APPROVED OFFICER	DATE	UNIT NUMBER
HILL, SCOTTY	01/13/13		VAUGHN, C.T.	01/13/13	179
			HAYDEN, G.M.	01/13/13	187

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER
2013-022988

INCL. N | EXPEL. N

JUVENILE

Incident Type: Indecent Exposure

Suspect: Unknown White Male

Victim: MINOR 1

Original Reporting Officer: S. Hill

I've spoken with Elton Payne of Walmart lost prevention and he advised that he has not seen the suspect from this incident since the incident date. I have been unable to identify the subject or locate any witnesses to this incident. I request this case be administratively closed due to lack of leads, suspects, and evidence.

NARRATIVE

ADMINISTRATIVE

REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
HILL, SCOTTY	03/14/13		HAYDEN, G. M.	01/13/13	187

AGENCY I.D.
SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER
2013-02298

INCC. ARCH. N CNTRD. N

PAGE 3 OF

NARRATIVE

This Case Officer was conducting research regarding Case # 2013-16579, an Indecent Exposure incident that had occurred at K-Mart, 3801 Clemson Blvd in Anderson on 04/08/2013. The Suspect description in that incident is a close resemblance to the Suspect description in this incident, including the blue Peace Sports Moped.

After reading the specifics of this incident, I contacted the Complainant of this incident, Brenda Williams. I advised Ms. Williams of why I was contacting her, and inquired if she thought she would be able to recognize the Suspect in a photograph line up. She replied that she may be able to. On 04/09/2013 I compiled a photograph line up, to include the Suspect from Case # 2013-16579. I responded to Ms.Williams residence, [redacted]. Upon speaking with Ms. Williams, I advised that there were six photographs present in the line up, and that the Suspect from the incident involving her Granddaughter at Wal-Mart may or may not be present in the line up. While looking over the photograph line up, Ms. Williams stated the person in Photo #2 looked sort of like the person, but then stated that she didn't really get a good look at the Suspect, in that she mainly saw him from the side and from behind. Ms. Williams stated that she couldn't tell for sure. Ms. Williams then called the Victim from this case, Kaden, (Minor Victim #1 from this point forward) into the room. Minor Victim #1 was in the back of the house as Ms. Williams and I spoke about the photograph line up. I informed Minor Victim #1 of the same had I had previously informed Ms. Williams, that the Suspect's photograph may or may not be present in the line up. It was without hesitation that Minor Victim #1 pointed to photograph #5, and identified the person depicted in that photograph as the person who exposed his penis to her at Wal-Mart on 01/13/2013. Minor Victim #1 stated that she was absolutely positive that was the Suspect. Minor Victim #1 circled, dated, and put her name under photograph #5. This was done in the presence of Ms. Williams. An Affidavit of Photograph Identification was completed and signed by both Minor Victim #1 and Ms. Williams, as Minor Victim #1 Guardian. In the photograph line up presented to Minor Victim #1, the person depicted in Photograph #5 is Kenneth LeAllen Wright, the same Suspect from, K-Mart on 04/08/2013.

Upon returning to the LEC, I obtained a copy of the ACSO Vehicle Impound and Inventory Form from Case # 2013-16579. The vehicle that was inventoried and impounded was a blue Peace Sport Moped, as is documented in Deputy Scotty Hill's initial supplemental report.

I also contacted Elani Payne, listed as an Extra Person on the initial incident report. I advised Mr. Payne of why I was calling and inquired if he would be able to recognize the Suspect of this case in a photograph line up, to which he replied that he would, adding that he had observed the Suspect in Wal-mart approx. 2-3 weeks ago and followed him around the store to see if there was another incident. On 04/10/2013, I re-configured the photograph line up and responded to Wal-Mart. I met with Mr. Payne in the Loss Prevention Office. Prior to viewing the photograph line up, I advised the Suspect's photograph may or may not be in the line up. As Mr. Payne viewed the line up, he advised the person depicted in photograph #3 was the Suspect that he observed in Wal-Mart that had exposed himself to the Victim in this case. Mr. Payne circled, dated, and signed his name under photograph #3. An Affidavit of Photo Identification was completed. Mr. Payne also provided me with a copy of video footage, which showed the Suspect entering and leaving Wal-Mart, as well as the Victim and her sister running back to her grandmother after the incident occurred. The "act" of Indecent Exposure was not captured as part of the video

ADMINISTRATIVE

REVIEWED BY	DATE	UNIT NUMBER	APPROVED BY	DATE	UNIT NUMBER
HAYDEN, G. M.	04/11/13		HAYDEN, G. M.	01/13/13	187

AGENCY I.D. SC0040000

SUPPLEMENTARY REPORT

CASE NUMBER: 2013-02298

NCIC: IND. N ENTD. N

PAGE 4

NARRATIVE

footage. Mr. Payne provided me with a copy of this video footage.

On 04/11/2013 I spoke with Magistrate Melone, who did find that sufficient probable cause existed to issue the following arrest warrant:

2013A0410200725 for Indecent Exposure.

The arrest warrant was turned over to the Anderson County Sheriff's Office Warrants Division for service.

The arrest warrant was served on the Suspect at the Anderson County Sheriff's Office Detention Center.

I have been in contact with Debra Shupe with the SC Attorney General's Office regarding the Suspect's "Sexual Predator" classification. Ms. Shupe advised that there was nothing that the Offender could be held on regarding his "Predator" status during the pre-conviction stage. Ms. Shupe advised that she would inquire of her Prosecutor if they would be willing to assume control of the case and prosecute said case as they had done before. I was contacted on 04/10/2013 and was advised that her Prosecutor agreed to assume control of the prosecution in the cases involving this Suspect and requested the case information be forwarded to her attention. All corresponding paperwork has been completed and enclosed in a case jacket, as well as forwarded to the SC Attorney General's Office.

This case is closed by arrest.

ADMINISTRATIVE

REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
HAYDEN, G. M.	04/11/13	187	HAYDEN, G. M.	01/13/13	187

No. 4983 P. 8
Oct. 30. 2014 12:36PM

ARREST WARRANT

2013A0410200725

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

THE STATE 2013-00013
against 02298
Kenneth Leellen Wright

Address: [redacted]
Anderson, SC 29625-4111
Phone: SSN: [redacted]
Sex: M Race: W Height: 5 ' Weight: 175
DL State: SC DL #: [redacted]
DOB: [redacted] Agency ORI #: SC0040000
Prosecuting Agency: Anderson County Sheriff
Prosecuting Officer: Greg Hayden - 187
Offense: Sex / Indecent exposure

Offense Code: 0091
Code/Ordinance Sec: 16-15-0130

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)
Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Kenneth Leellen Wright on 1-13-13

Signature of Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

13 JAN 11 A09:29 IN

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

AFFIDAVIT ORIGINAL

Personally appeared before me the affiant Greg Hayden who being duly sworn deposes and says that defendant Kenneth Leellen Wright did within this county and state on or about 1/13/2013 violate the criminal laws of the State of South Carolina for preference of ☒ County ☐ Municipality of Anderson in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on January 13, 2013 in the county of Anderson, one Kenneth Leellen Wright did willfully and maliciously expose his private parts to the victim, being a nine year old child at Walmart, a public place or property within view of a street or highway. The defendant was picked out of a photo lineup. This incident did occur at 6ST Highway 28 By-Pass, Anderson, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

Affiant's address: 305 Carlson Road
Anderson SC 29625
Affiant's Telephone: 864-231-2447

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 1/13/2013 defendant Kenneth Leellen Wright did within the criminal laws of the State of South Carolina in preference of ☒ County ☐ Municipality of Anderson as set forth below.

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

Having found probable cause and the above affiant having sworn before me, you are commanded and directed to arrest the above named defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant upon his arrest and a return made hereon in accordance with law.

Sworn to and subscribed before me
on 1/11/2013

(L.S.)
Deputy McCurry #alone
Judge Code: 7105

Judge's Address: Post Office Box 8002
Anderson, SC 29622-8002
Judge's Telephone: (864) 222-8633
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

RECEIVED
APR 17 2013
Clerk of Court

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

PETITIONER'S EXHIBIT 5

DOCKET NO. 2013GS04 01274

WITNESSES

Greg Hayden, Anderson Co. Sheriff's Office

ARREST WARRANT NUMBER

2013A0410200706

ACTION OF GRAND JURY

TRUE BILL

JUN 25 2013

Foreperson of Grand Jury
Date:

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 25 2013

Term

THE STATE

VS.

Kenneth Lealien Wright

LDP

Indictment for

Sex / Indecent exposure

SC Code: 16-15-0130
CDR Code: 0091

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

COMMITMENT

9.30.14/RT

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUN 25 2013 the Grand Jurors of Anderson County present upon their oath:

Sex / Indecent exposure

That Kenneth Leallen Wright did in Anderson County, on or about April 8, 2013, willfully, maliciously and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway. This is in violation of §16-15-130 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS.)
Kenneth Leal dn Wright)
AKA:)
Race: W Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City, State, Zip: [redacted])
DL#: [redacted] SID 00910827)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-04-01274
A/W#: 2013A0410200706
Date of Offense: 4/8/2013
S.C. Code § : 16-15-0130
CDR Code #: 0091

GBH I 3 yrs CTS 540 day

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Indecent exposure
in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: [signature] 16582 SC Bar# — Means, Al Andrew — Lawyer Prin
[signature] Defendant
[signature] Attorney for Defendant 15413 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 540 Days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 56-21-114(DUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining
Substance Abuse Counseling
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning FEB - 2 2015
$ _____ paid to Public Defender Fund
Other: _____

A TRUE COPY
CLERK OF COURT

☐ Appointed PD or appointed other counsel § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ ~~Deputy Clerk~~ Richard A. Whitley
Court Reporter: V. Cross
Presiding Judge
Judge Code: #2139
Sentence Date: 9-30-14

SCCA/217 (03/2011)

DOCKET NO. 2013GS04 01275

WITNESSES

Greg Hayden, Anderson Co. Sheriff's Office

ARREST WARRANT NUMBER

2013A0410200725

ACTION OF GRAND JURY

TRUE BILL

JUN 25 2013

Foreperson of Grand Jury
Date: Foreperson

VERDICT

Foreperson of Petit Jury
Date:

The State of South Carolina

County of Anderson

COURT OF GENERAL SESSIONS

JUN 25 2013

Term

THE STATE

vs.

Kenneth Leallen Wright

LDP

Indictment for

Sex / Indecent exposure

SC Code: 16-15-0130
CDR Code: 0091

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

COMMITMENT

9.30.14/RT

STATE OF SOUTH CAROLINA)
)
COUNTY OF Anderson)

INDICTMENT

At a Court of General Sessions, convened on JUN 2 5 2013, the Grand Jurors of Anderson County present upon their oath:

Sex / Indecent exposure

That Kenneth Leallen Wright did in Anderson County, on or about January 13, 2013, willfully, maliciously and indecently expose his person in a public place, on property of others, or to the view of any person on a street or highway. This is in violation of §16-15-130 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

ASSISTANT SOLICITOR

272

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS.)
Kenneth Leallen Wright)
AKA:)
Race: W Sex: M Age: 48)
DOB: [redacted] SS#: [redacted])
Address: [redacted])
City,State,Zip: [redacted])
DL#: [redacted] 00910827)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-04-01275
A/W#: 2013A0410200725
Date of Offense: 1/13/2013
S.C. Code § : 16-15-0130
CDR Code #: 0091

ENTERED JAN 2015

GBMI 3yrs active CTS 540 days

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Indecent exposure
in violation of § 16-15-0130 of the S.C. Code of Laws, bearing CDR Code # 0091
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST: Price, Laurel D. | 77011 SC Bar# | Kenneth Wright Defendant | Attorney for Defendant | 13413 SC Bar#

WHEREFORE, the Defendant is commited to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment of $ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 540 DAYS

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ _____ plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) (Conv. Surcharge)	$100	$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.3 (SCCJA Surcharge)	$5	$5.00
3% to County (if paid in installments)		$3.90
TOTAL		$133.90

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Richard A. Hurley
Court Reporter: V. Cross

Presiding Judge
Judge Code: #2139
Sentence Date: 9-30-14

SCCA/217 (03/2011)

No. 4983 P. 8

Oct. 30. 2014 12:36PM

ARREST WARRANT

2013A0410200725

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

THE STATE
against
Kennith Leallen Wright

2013-GS02
02298

Address: [redacted]

Phone: SSN: [redacted]
Sex: M Race: W Height: 5 Weight: 175
Dr. State: SC DLN: [redacted]
DOB: [redacted] Agency ORI #: SC0040000
Prosecuting Agency: Anderson County Sheriff
Prosecuting Officer: Greg Hayden - 189
Offense: Sex / Indecent exposure

Offense Code: 0001
Code/Ordinance Sec: T61S-9130

This warrant is CENTERED FOR SERVICE in the
[ ] County [ ] Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)
Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Kennith Leallen Wright on 1-13

Signature of Officer

RETURN WARRANT TO:
General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

01-11-13 A09:29 IN

ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

AFFIDAVIT

ORIGINAL

Personally appeared before me the within Greg Hayden who being duly sworn deposes and says that defendant Kennith Leallen Wright did within this county, the date on or about 1/13/2013 within the criminal limits of the State of South Carolina (or jurisdiction of [X] County [ ] Municipality of Anderson) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on January 13, 2013 in the county of Anderson, one Kennith Leallen Wright did willfully and maliciously expose his private parts to the victim, being a nine year old child at Walmart, a public place or property within view of a street or highway. The defendant was placed out of a phone image. This incident did occur at 601 Highway 28 By-Pass, Anderson, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

Affiant's Address: 305 Cameron Road
Anderson SC 29621
Affiant's Telephone: 864-231-2101

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the sworn affidavit that there are reasonable grounds to believe that on or about 1/13/2013 defendant Kennith Leallen Wright did violate the criminal laws of the State of South Carolina (or ordinances of [X] County [ ] Municipality of Anderson) as set forth below.

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

You are hereby commanded, in the name of the State of South Carolina, that you arrest the above named defendant and bring him or her before me (or the clerk) of this court (or before such other court as may be prescribed by law) to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant upon his arrest.

Sworn to and subscribed before me this 1/13/2013

(L.S.)
Signature of Judge

Denise McCurry Malone
Judge Code: 9105

Judge's Address: Post Office Box 8002
Anderson SC 29622-8002
Judge's Telephone: (864)231-8691

Issuing Court: [X] General Sessions [ ] Municipal [ ] Circuit

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT

2013A0410200705

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

THE STATE — 2013-18578
against
Kenneth Leallen Wright

Address: [redacted]
[redacted]
Phone: SSN: [redacted]
M Race: W Height: 5 '7 Weight: 170
State: SC DL #: [redacted]
DOB: [redacted] Agency ORI #: SC0040000
Prosecuting Agency: Anderson County Sheriff
Prosecuting Officer: Greg Hayden - 187
Offense: Sex / Indecent exposure

Offense Code: 0091
Code/Ordinance Sec.: 16-15-0130

This warrant is CERTIFIED FOR SERVICE in the [ ] County [ ] Municipality of
The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)
Signature of Judge
Date:

RETURN
A copy of this arrest warrant was delivered to defendant
on
Signature of Law Enforcement Officer

RETURN WARRANT TO:
General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

04-09-13A10:47 RCVD

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AFFIDAVIT

ORIGINAL

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

Personally appeared before me the affiant Greg Hayden who, being duly sworn deposes and says that defendant Kenneth Leallen Wright did within this county and state on or about 4/8/2013 violate the criminal laws of the State of South Carolina by virtue of [X] County [ ] Municipality of Anderson in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on April 8, 2013 in the county of Anderson, one Kenneth Leallen Wright did willfully and maliciously expose his private parts to victim, being a seven year old child, at K-Mart, a public place or property within view of a street or highway. This incident did occur at 3801 Clemson Blvd., Anderson, S.C.

Signature of Affiant

STATE OF SOUTH CAROLINA
[X] County [ ] Municipality of
Anderson

Affiant's Address: 303 Clemson Road, Anderson, SC 29625
Affiant's Telephone: 864-332-5407

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on or about 4/8/2013 defendant Kenneth Leallen Wright did violate the criminal laws of the State of South Carolina by virtue of [X] County [ ] Municipality of Anderson as set forth below:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant before the said defendant may be searched, fingerprinted or in any way questioned. Sworn to and subscribed before me on 4/9/2013

Signature of Judge
Denise McCurry Mcleod
Judge's Code: 7105

Judge's Address: Post Office Box 8002, Anderson, SC 29622-8002
Judge's Telephone: (864)222-6637
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

A TRUE COPY
APR 12 2013
CLERK OF COURT

ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL ORIGINAL

ARREST WARRANT

2013A0410200706

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

THE STATE
against
Kenneth Leallen Wright

Address: [redacted]

Phone: SSN: [redacted]

M Race: W Height: 5 Weight: 170

Eye Color: SC DL#: [redacted]

DOB: [redacted] Agency ORI #: SC0040000

Prosecuting Agency: Anderson County Sheriff

Prosecuting Officer: Greg Hayden - 167

Offense: Sex / Indecent exposure

Offense Code: 0091

Code/Ordinance Sec: 16-15-0130

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☒ Municipality of

The accused is to be arrested and brought before me to be dealt with according to law.

(L.S.)
Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant on

4-9-13

Signature of Deputy Sheriff or Police Officer

RETURN WARRANT TO:
General Sessions
100 South Main Street
Po Box 8002
Anderson, SC 29622

04-09-13A10:47 RCVD

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

AFFIDAVIT

ORIGINAL

Personally appeared before me the affiant Greg Hayden who being duly sworn deposes and says that defendant Kenneth Leallen Wright and within this county and state on or about 4/ 8/2013 violate the criminal laws of the State of South Carolina for ordinance of ☒ County ☐ Municipality of Anderson in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

This on April 8, 2013 in the county of Anderson, one Kenneth Leallen Wright did willfully and maliciously expose his private parts to victim, being a nine year old child, at KMart, a public place or property within view of a street or highway. This incident did occur at 3801 Clemson Blvd., Anderson, S.C.

Signature of Affiant: Greg M Hayden

STATE OF SOUTH CAROLINA
☒ County ☐ Municipality of
Anderson

Affiant's Address: 305 Clemson Road
Anderson, SC 29625

Affiant's Telephone: 864-260-5407

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on or about 4/ 8/2013 defendant Kenneth Leallen Wright did violate the criminal laws of the State of South Carolina for ordinance of ☒ County ☐ Municipality of Anderson as set forth below:

DESCRIPTION OF OFFENSE: Sex / Indecent exposure

Having found probable cause and the above affidavit having been sworn before me, you are commanded and directed to arrest the said defendant and bring him before me or, if I am not available, to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time he is arrested or at a time thereafter as is practical.

Sworn to and subscribed before me
on 4/ 9/2013

Signature of Judge (L.S.)

Judge's Name: Diane McCurry Malone

Judge Code: 7105

Judge's Address: Post Office Box 8002
Anderson, SC 29622-8002

Judge's Telephone: (864)222-6637

Issuing Court: ☒ Magistrate ☐ Municipal ☐ County

A TRUE COPY
APR 12 2013
Clerk of Court

ORIGINAL ORIGINAL ORIGINAL ORIGINAL

AGENCY I.D.
SC0040000

INCIDENT REPORT

CASE NUMBER: 2013-16579

SCLD: NO. N / ENTD. N

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. INDECENT EXPOSURE (36C)	YES	NO	Department/Discou	
2.	NO	NO		
3.	NO	NO		

TYPES VICTIM: Individual, Business, Financial Inst., Government, Religious Org., Society/Public, Other, Unknown, Police Off.

LOCATION OF INCIDENT: 3601 CLEMSON BLVD, ANDERSON — ZIP CODE: 29625 — WEAPON TYPE:

OCCURRED DATE	OCCURRED TIME	TO	DATE	REPORTED TIME	DISPATCH DATE/TIME	ARRIVED DATE/TIME	CLEARED DATE/TIME	LOCATION NO.
04/08/2013	13:56		04/08/2013	14:00	04/08/13 14:02	14:08	16:20	4

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	OFFICE PHONE	CELL PHONE
BRADLEY, ERIN, J.	ST		W	F	32	N		

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC		4

VICTIM OF	NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT	RESIDENT	RACE	SEX	AGE	ETH.	OFFICE PHONE	EVENING PHONE
MINOR 3 [redacted]		ST		W	F	9	N		

HEIGHT	WEIGHT	HAIR	EYES	RACIAL MAR, SCARS, TATTOOS, CLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
400	65	BLN	BLU	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC		4

COMPLAINT BY ANY NON-RESPONSIBLE INDIVIDUAL? YES NO

SUBJECT NO. 1

SUBJECT	NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	WEIGHT	HAIR	EYES
	WRIGHT, KENNETH, LEALLEN	W	M	40	N	[redacted]	506	175	BLK	BRO

ADDRESS	CITY	STATE	ZIP CODE	ID/CODE NO.
[redacted]	[redacted]	SC		4

SUBJECT OF INCIDENT	ARRESTED	ARRESTING AGENCY	DATE/TIME OF ARREST	DETENTION ENDED
	NO	1	04/08/13 15:55	04/08/13 15:30

NARRATIVE

JUVENILE VICTIMS

1. Deputy Guthrie, responded to KMart, the listed incident location, in reference to a report of a sexual exposure. Upon arrival I made contact with the suspect, Kenneth Wright, who was lying on the ground beside the parking lot. Bystanders advised that Wright had exposed himself to two young children and tried to flee the scene. At that time I placed Wright into investigative detention, advised him of his Miranda Rights, and placed him into my patrol car.

I then made contact with the complaint and victims, both victim's being juveniles. Each victim separately stated that a man exposed his genitals to them and at that point they went one aisle over and told their mother, Erin Bradley. Cpl. Carroll advised Sgt. Bowland of the incident and Sheriff's Office investigators responded to the scene.

SUBMITTED BY (OFFICER, LAW ENFORCEMENT AGENCY)	SUBMISSION OF REPORT APPROVED BY (LAW ENFORCEMENT AGENCY)

PROPERTY REPORT

TYPE RECORD								TOTAL VALUE
JEWELRY								
FIREARMS								
CLOTHING								
OTHER								
RECOVERED								
MONEY								

ADMINISTRATIVE

SUBJECT ARRESTED	SUBJECT LOCATED	ACTION	ARRESTED BY AND OTHER	EXCLUDED UNDER M.C.
YES NO	YES NO			

REASON FOR EXCEPTIONAL CLEARANCE: 1. OFFENDER DEATH 2. VICTIM REFUSAL 3. NO PROSECUTION 4. PROSECUTION DECLINED 5. VICTIM OR WITNESS UNAVAILABLE 6. JUVENILE - NO CUSTODY

REPORTED/APPROVED	DATE	UNIT	APPROVED BY/OTHER	DATE	UNIT
GUTHRIE, GERALD M.	04/08/13	690	SGT BOWLAND, JACOB	04/08/13	624
			REVIEWED BY: SUPERVISOR YES NO HAYDEN, G. M.	04/08/13	

AGENCY I.D.
SC0040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER
2013-16578

REC'D
NO. N
CRT'D N

PAGE 2

VICT./SUBJ. I.D. OVERFLOW

MINOR 4

ST

W M

305 50 BLN BLU

SC

NARRATIVE

After speaking with all parties, I was advised by the investigators on scene to take Wright into custody and transport him to the Arkansas County Detention Center. There a hold was placed on Wright for two counts of indecent exposure.

VEH./GUN/ETC. 1

PROPERTY EST.

ADMINISTRATIVE

GUTHRIE, GERALD M 04/08/13 690 SGT. BOWLAND, JACOB 04/08/13 824

OFFICER HAYDEN, G. M 04/08/13

BAIL set by

Judge: Dennis A Adams

on: 4/9/13

Type and Amount: 100,000 DS

Name of Surety:

PRELIMINARY HEARING held by

Judge:

on:

Defendant Attorney:

Decision:

DISPOSITION before

Judge:

on:

by:

(indicate jury trial, bench trial, pleas, not. pros., etc.)

Disposition:

Sentence:

JURORS

WITNESSES

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

Name:
Address:
Telephone:

CODEFENDANTS

OFFICE OF THE SHERIFF
ANDERSON COUNTY

Forensic Interview Report Form

This report represents a brief summary of the interview.

Child's Name: MINOR 3 [redacted]

Age: 9

Date: 04/08/2013

Forensic Interviewer's name: Michele Hendrix

Referral Source: Gregg Hayden, ACSO

Individuals Viewing Interview: Gregg Hayden, ACSO

Tools used in the Interview Process: Anatomical Drawing

Identified parent/guardian or siblings in the home:
Not covered in the interview

Rapport Building:
Rapport was established with MINOR 3 [redacted] to build her comfort zone, assess her communication skills and to determine her [redacted] level. I proceeded to explain to MINOR 3 [redacted] the interview room and she should only tell me about things that are real if she did not understand any questions or needed a break and to correct me if needed.

Truth v. Lie/ Moral imperative
☐ Reviewed ☒ not reviewed
Competence: ☐ Yes ☐ No ☒ not reviewed due to age

Child's behavior, affect and reactions during the MINOR 3 [redacted] MINOR 3 [redacted] MINOR 3 [redacted] this interviewer with ease. [redacted] presented as a friendly and demonstrated she was able to MINOR 3 [redacted] and focused narrative responses during rapport building phase of the interview. [redacted] also demonstrated that she felt comfortable correcting this interviewer.

Brief Description of Disclosure:

When asked why she was there, MINOR 3 reported that she and her brother were at K-mart with their mom and when they walked in this guy winked at her and smiled. MINOR 3 reported that she thought the guy was nice and trying to be friendly. MINOR 3 reported that she and her brother, MINOR 4 wanted to look at the patio stuff and their mom gave them permission to look but stay there at the patio stuff. MINOR 3 reported that the same guy who smiled at them earlier started walking towards them. MINOR 3 reported that he was behind some type of picture so no everyone could see him and he unzipped his pants and took his penis (identified as a private or if) out and shook it at her. MINOR 3 reported that the man's private was long and part of it looked like a deflated ball. MINOR 3 reported that it scared her so she yelled for her Mom and then her Mom started yelling at the man and the man said that he didn't do anything. MINOR 3 described the man wearing a hat, black vest, gray shirt, and jeans. MINOR 3 MINOR 3 reported that he had brown hair that had gray in it and he had a beard like a goatee.

Recommendations (e.g., treatment, placement, visitation issues, etc.)
ACSO to continue their investigation

Evaluator Michele Hendrix **Date** 4/9/2015
Signature

This forensic interview should be considered as one piece of the evidence.

OFFICE OF THE SHERIFF

ANDERSON COUNTY

Forensic Interview Report Form

This report represents a brief summary of the interview.

Child's Name: MINOR 4

Age: 7

Date: 04/08/2013

Forensic Interviewer's name: Michele Hendrix

Referral Source: Gregg Hayden, ACSO

Individuals Viewing Interview: Gregg Hayden, ACSO

Tools used in the Interview Process: Anatomical Drawing

Identified parent/guardian or siblings in the home:
Not covered in the interview

Rapport Building:
Rapport was established with MINOR 4 to build his comfort zone, MINOR 4 his communication skills and to determine his competency level. I proceeded to explain to [redacted] the rules of the interview room and he should only tell me about things that are real and true and inform me if he did not understand any questions or needed a break and to correct me if needed.

Truth v. Lie/ Moral imperative
☒ Reviewed ☐ not reviewed
Competence: ☒ Yes ☐ No ☐ not reviewed due to age

Child's behavior, affect and reactions during MINOR 4 interview:
[redacted] accompanied this interviewer with ease. [redacted] presented as a friendly and polite child. [redacted] demonstrated he was able to provi MINOR 4 [redacted] and focused narrative responses during the rapport building phase of the interview. [redacted] also demonstrated that he felt comfortable correcting this interviewer.

MINOR 4

Brief Description of Disclosure:

When asked why he was there, MINOR 4 reported that something bad happened. When asked what happened, MINOR 4 reported that a guy winked at them and smiled and them and then he hid his face and showed MINOR 4 and his sister his coco (identified as the penis by MINOR 4). MINOR 4 reported that the guy did not say anything to them when this occurred. MINOR 4 described the man and kind of old with brown/gray hair and an oval face. MINOR 4 reported that he knew the man's pants looked black to him.

Recommendations (e.g., treatment, placement, visitation issues, etc.)
ACSO to continue their investigation

Evaluator Michele Hendrix **Date** 4/9/2013
Signature

This forensic interview should be considered as one piece of the evidence.

State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:
Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Jane B. Jones
Everard Rutledge, PhD
J. Buxton Tony
Sharon L. Wilson
STATE DIRECTOR
John H. Magill

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building #8
Columbia, SC 29203
Information: (803) 935-5588

June 30, 2014

Andrew Potter
Attorney at Law
301 Camson Rd
Anderson, SC 29625

Re: The State of South Carolina vs. Wright, Kenneth
DMH Case #: 924-5183
Anderson County, Court of General Sessions

Dear Attorney Potter:

In accordance with the court order issued by the Honorable J. Cordell Maddox, Jr., evaluations of criminal responsibility and capacity to conform were conducted by the South Carolina Department of Mental Health (SCDMH) pursuant to S.C. Code Ann. § 17-24-10 (1976) and § 17-24-20 (1976).

Please see the attached report for the results of this evaluation.

This 8 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 17-24-10 (1976) and § 17-24-20 (1976).

6/30/14
Date

Jeffrey E. Musick, Ph.D., ABPP
Chief Psychologist
Forensic Evaluation Services
Department of Mental Health

cc: Lauren Price, Assistant Solicitor, PO Box 8002, Anderson, SC 29625

JM/tl

CRIMINAL RESPONSIBILITY AND CAPACITY TO CONFORM EVALUATION
FORENSIC EVALUATION SERVICE
S.C. DEPARTMENT OF MENTAL HEALTH (SCDMH)

DATE OF EVALUATION: June 26, 2014

EXAMINER: Richard L. Frierson, MD, Professor of Clinical Psychiatry, University of South Carolina School of Medicine

DIAGNOSES:

AXIS I:
Dementia Due to General Medical Condition (Head Injury)
Personality Change Due to General Medical Condition (Head Injury), Disinhibited Type, by history.
Exhibitionism.
Paraphilia, NOS (telephone scattalogia)
Cocaine Dependence, Sustained Full Remission.
Phencyclidine Dependence, Sustained Full Remission.
Opioid Dependence, Sustained Full Remission
Alcohol Dependence, in a Controlled Environment

AXIS II: No Diagnosis.

AXIS III:
Hypertension.
History of Self-Inflicted Gunshot Wound to the Head.
Seizure Disorder
Migraine Headaches
Hepatitis C Infection

OPINION REGARDING CRIMINAL RESPONSIBILITY: Responsible.

OPINION REGARDING CAPACITY TO CONFORM: Lacked capacity to conform for the charges of Exhibitionism. Had the capacity to conform for the charge of Failure to Register as a Sex Offender.

DISPOSITION: Mr. Wright was returned to the Anderson County Detention Center.

NOTE: Mr. Wright was initially seen for an evaluation of his criminal responsibility and capacity to conform his behavior to the requirements of the law on March 24, 2014. A report was submitted to the court offering no opinions on those issues and requesting that the court order a competency to stand trial evaluation to be jointly performed by the Department of Mental Health and the Department of Disabilities and Special Needs. An order for a competency to stand trial evaluation was received on April 4, 2014. In the meantime, Mr. Wright was referred for psychological assessment prior to the joint evaluation due to concerns of potential malingering or exaggeration of cognitive deficits.

IDENTIFYING INFORMATION: Kenneth Wright is a 49-year-old Caucasian male who was seen at the Forensic Evaluation Service pursuant to a court order from the Anderson County Court of General Sessions. This court order requests an evaluation of his criminal responsibility and capacity of conform evaluation on or about January 13, 2013, April 8, 2013, and April 9, 2013 pursuant to S.C. Code Ann. §17-24-10 (1976). According to the court order, he is currently charged with three counts of indecent exposure and failure to register as a sex offender. However, we were not provided with documentation or other information regarding the charge of failure to register as a sex offender.

Prior to participating in evaluation, Mr. Wright was warned of the limitations of confidentiality. He was informed that the evaluation was court ordered and the evaluators were employed by the South Carolina Department of Mental Health and not paid by his attorney or the solicitor. He was informed that after the evaluation a report would be submitted to his attorney. He was informed that the report could also go to the solicitor and the judge in his case. Finally, he was informed that the evaluators could be called to court to testify at his trial.

SOURCES OF INFORMATION:

1. Court order requesting the evaluation.
2. Arrest Warrant 2013A0410200705 for Indecent Exposure.
3. Arrest Warrant 2013A0410200706 for Indecent Exposure.
4. Incident Report related to the alleged offense of Indecent Exposure dated April 8, 2013.
5. Booking Report.
6. Arrest Warrant 2013A0410200725 for Indecent Exposure.
7. Incident Report related to the alleged offense of indecent Exposure dated January 13, 2013.
8. National Crime Information Center (NCIC) for the Defendant.
9. Medical Records from the Anderson County Detention Center.
10. Pre-commitment Psychiatric Evaluation conducted by Pamela M. Crawford, MD for the Department of Mental Health dated February 7, 2006 and March 27, 2006.
11. Sexual and Violent Predator Treatment Program Discharge Review Board Report dated June 7, 2010.
12. Medical records from the South Carolina Department of Corrections dated January 28, 2003 through March 3, 2006 and January 26, 2001 through July 9, 2001.
13. Medical records from Anderson/Oconee/Pickens Mental Health Center dated August 19, 2013 through August 26, 2013.
14. Medical records from Anderson Area Medical Center (AnMed) dated December 6, 2001 through 2012 (outpatient visits only).
15. Records from University of Maryland Medical Center letter informing the defendant's records have been destroyed.
16. Social History obtained from the defendant's mother, Margaret Kidder, by Cassandra Sims, LMSW.
17. Psychological evaluation on May 6, 2014 by Sandra Stader, Ph.D.
18. A three-hour clinical forensic interview on today's date.

CLINICAL AND PSYCHIATRIC HISTORY: Mr. Wright is currently incarcerated in the Anderson County Detention Center. He is currently prescribed medication for a seizure disorder as well as his blood pressure but is not currently taking medications for psychiatric illness. He reports that things are okay in the jail but he is frustrated about having to deal with so many different people all the time (i.e. new inmates coming and going) and being around so many people at once. He reports that other inmates tease him, calling him "grumpy old man" and "Forrest Gump." He was once placed in lock up for having a metal piece but does not recall why he had it. He denies being threatened or assaulted by other inmates. He said the jail environment was so bad that he would "take 20 years just to get out of there." He reports chronic difficulty sleeping in the detention center and has had a severe problem with insomnia since the 1990s. He also reports that he is eating fairly well and that the food is actually good. He reports frequent mood swings but denies suicidal or homicidal ideations. On today's date he reported his mood was good.

His psychiatric history is remarkable for an event in 1988 at age 20 where he self-inflicted a gunshot wound through his hard palate and out the top of his cranium. He reports he was under the influence of drugs at the time. He reports that he has not used illicit substances since that time. He could not recall which hospital he went to right after this occurred and he was poor in giving a psychiatric history, alleging that he could not remember details. He believes it was the University of Maryland Medical Center. However, they reported to us that his records have been destroyed. This injury required neurosurgical intervention. According to his mother he was discovered in the woods almost 18 hours after this occurred.

According to his mother, he had no history of psychiatric illness or treatment until after his self-inflicted injury. Apparently at that time he suffered a severe head injury with damage to his frontal lobes and as a result was medically hospitalized for 6 months. He has been treated at the Anderson/Oconee Mental Health Center from 1992 until 1994 where he was diagnosed with Organic Mental Disorder Not Otherwise Specified. He was noted to have temper outbursts and poor self control. He also is reported to have a history of auditory hallucinations. From January 2005 through March 2005 he was treated at the mental health center and diagnosed with Dementia Secondary to Head Injury, Alcohol Abuse, Mood Disorder Not Otherwise Specified, and Antisocial Personality Disorder. During prior incarcerations in the South Carolina Department of Corrections he was occasionally placed on antidepressant medication (Prozac) for short periods of time for Depression, Not Otherwise Specified.

Mr. Wright was declared a Sexually Violent Predator and was hospitalized in the South Carolina Sexually Violent Predator Program from December 6, 2006 to some time in 2010 when he was released. This occurred after he competed a sentence for two counts of Lewd Act Upon a Child involving two 14-year-old girls. At the time of his release he was prescribed a hormonal medication, dihydroxymethyl progesterone acetate (Depo-Provera®), to help control his sexual impulses. He reports he was discharged to a group home in McClellanville, S.C. for two years and then released when his probation ended. He then moved to Anderson in November 2012 and did not secure continued treatment for his Exhibitionism.

Additionally, he states that he has been treated on an inpatient psychiatric ward at AnMed Health System. We do not have records from that facility. His recollection of why he was treated there is poor and he is a very poor historian. He states that he was hospitalized because he was "trying to get my mind together and was scatterbrained." He also states that he was in several hospitals in Maryland after his head injury.

Mr. Wright was a very poor historian and frequently he appeared to have difficulty with thought blocking and long speech latency.

ALCOHOL AND SUBSTANCE USE HISTORY: He reports that he has not used illicit substances since July 25, 1988 when he shot himself in the head. He reports that prior to that time he was highly addicted to cocaine, and Phencyclidine (PCP) and heroin. He also reports being addicted to heroin and experiencing withdrawal symptoms upon cessation of use. He is somewhat vague in giving his alcohol and substance use history. We note from old records that he reportedly was using alcohol and illicit substances more recently than 1988.

Until further information is obtained regarding his substance us history, we are assigning of diagnoses of Cocaine Dependence, Sustained Full Remission; Phencyclidine Dependence, Sustained Full Remission; and Opioid Dependence, Sustained Full Remission.

Mr. Wright also gives a history of heavy alcohol use. He has developed tolerance to the effects of alcohol and withdrawal symptoms. He also has a history of delirium tremens. His last use of alcohol is not known. We are assigning a diagnosis of Alcohol Dependence, in a Controlled Environment.

MEDICAL HISTORY: Mr. Wright has a history of a seizure disorder which predates his head injury. He also suffers from hypertension. He had a severe injury to his left leg when he fell out of an upper floor window from a building in Ocean City, Maryland. This occurred during his senior year in high school and he was under the influence of drugs at the time. This required surgical repair to his left leg. He is partially blind in his right eye due to damage of his optic nerve from his gunshot wound. Finally, although he denies other medical illnesses, medical records indicate that in the past he has been diagnosed with Hepatitis C.

FAMILY HISTORY: His mother, Margaret Kidden, lives in Naples, Florida. She is reportedly in good health and has no history of mental health treatment. His father, Frankie Wright, lives in Maryland and his health status is not known. He has an older brother, Frank Wright, and a younger brother, Ronnie Wright. He reports that both of his brothers have had problems with alcohol and his youngest brother has also had problems with abusing drugs. There was no family history of treatment for mental illness and no family history of suicide. His older brother reportedly runs a construction company.

SOCIAL HISTORY: He was born in Illinois and raised by both parents until they separated when he was six years of age. After that, his father was awarded custody although he was sent to live with his mother over the summer months. He denies a history of developmental delays. He denies a history of physical abuse. He reports he was sexually abused by some babysitters when he was 12 years of age. He is a high school graduate but reports that he was already using drugs by the time he entered high school. He reports that he was held back in the first grade and was once placed in a class of slow learners during his middle school years. He reports he was suspended from school on occasion and reports truancy beginning in the seventh grade. He denies animal cruelty but endorses fire setting and also stealing as a juvenile. He was never involved with the juvenile justice system and has never been to a juvenile correctional facility.

He has never married and has no children. He had worked for his father as a painter for almost 10 years before his head injury. He has also worked in the restaurant business as a cook and dishwasher and worked after his head injury at Bojangles for up to a year. He reports that he was not working at the time of his arrest and has not worked for the past ten years. He receives Social Security Disability income in an amount over $700 and he is his own payee.

According to records, Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child in an incident involving two 14 year old girls in 2001. Mr. Wright hired the victims to clean his residence. After completing the task he paid them and padlocked his trailer. He forced them to watch him masturbate before he let them leave. He has a conviction for indecent exposure which occurred on March 3, 2005 where he exposed himself to a nine year old girl in WalMart. He was convicted of exposing himself to an 11 year old girl in a discount store on March 15, 2005. He also allegedly exposed himself to two girls age 13, when they were walking by his house in 1990. He reports a longstanding history of exhibitionistic behaviors. He states, "I freely admit I'm a serial exhibitionist." He reports these behaviors began in the seventh grade. He reports he has engaged in these behaviors "a few dozen" times.

MENTAL STATUS EXAM: Mr. Wright appears with multiple tattoos. He was alert and oriented to person and place but did not know the day of the week or date. He reported the month was June and the year was 2014 after extremely long speech latencies. He was able to register three objects and he recalled one of them after five minutes. He was able to recall a second object when presented a list of objects. There was evidence of potential impaired long and short-term memory noted during the evaluation as his ability to recall significant events in his life appears to be impaired as well as his ability for form and make new memories. His fund of knowledge was in the low average range. He was able to name the current and past two presidents. His performance on a test of concentration was poor as indicated by his in abillty to spell his last name backwards. He was able to perform simple calculations. His abstract reasoning on similarities was fair but he could abstractly interpret proverbs. He described his current mood as good. His affect (outward expression of mood) was bright and he laughed appropriately several times during the interview. He denied current suicidal or homicidal ideas.

Mr. Wright also reports hearing occasional auditory hallucinations of people who he knows are no longer alive. They sometimes say comforting things to him and he does not report that they cause him distress or impairment. He also reports having the thought that he may have special powers at times and also that someone who performed head surgery when he shot himself implanted a device in his head which mixes up his mind to the point that he does things that can get him in trouble.

Mr. Wright exhibited significant difficulties with increased speech latency and thought blocking. At times, when asked a question, it would take him significant amount time to generate a response. This appears consistent with his head injury.

RESULTS OF PSYCHOLOGICAL EVALUATION: Mr. Wright put forth satisfactory effort and did not appear to feign deficits on a measure that assesses effort. He was subsequently administered an instrument to measure his overall cognitive functioning. He has extreme deficits in Attention (1st percentile) and Delayed Memory (below 1st percentile). He was in the low average range in Language (21st percentile) and Immediate Memory (10th percentile). He scored in the borderline range on a Visuospatial-Constructional scale (5th percentile).

He was also administered psychological testing to assess feigning of psychiatric symptoms. The results were indicative of feigning and thus necessitate scrutiny of reported psychiatric symptoms.

DIAGNOSTIC FORMULATION: Mr. Wright clearly suffered a traumatic brain injury when he inflicted a gunshot wound through his hard palate and out the top of his cranium. As a result of that injury he has displayed significant deficits in delayed memory, short term memory, attention and executive functioning (sequencing and planning, abstraction). These deficits have caused significant impairment in his occupational functioning and he is now on disability. Therefore, he would meet diagnostic criteria for Dementia Due to General Medical Condition (Head Injury).

Additionally, his mother reports there was a change in his previous characteristic personality pattern. Since his head injury he has demonstrated poor impulse control as compared to previous functioning. His poor impulse control has been manifested by increased arrests for indecent exposure and difficulty controlling his temper. Therefore he would meet diagnostic criteria for Personality Change Due to General Medical Condition (Head Injury), Disinhibited Type, by history.

Because of his self-admitted fantasies of exposing his genitalia to unsuspecting others and his history of arrests for indecent exposure, he would meet diagnostic criteria for Exhibitionism.

Additionally, he has a history of engaging in obscene phone calls. Therefore he would meet diagnostic criteria for Paraphilia, NOS (telephone scattalogia).

The reasoning behind his substance use disorder diagnoses is contained under *alcohol and substance use history* above.

Although he reports auditory hallucinations that are somewhat atypical in their description, we do not believe he qualifies for a diagnosis of a psychotic mental illness at this time, especially in light of the results of the psychological evaluation.

CONCLUSION REGARDING CRIMINAL RESPONSIBILITY: Mr. Wright suffers from Exhibitionism, a psychiatric disorder that is characterized by recurrent intense sexually arousing fantasies, urges, and behaviors involving the exposure of one's genitals to an unsuspecting stranger. He also has cognitive deficits as the result of a severe traumatic brain injury. However, he reports he is fully aware of the wrongfulness of indecent exposure. His recollection of the events of the alleged offenses to police and during this evaluation is self-protective. It is my opinion that his mental condition did not impair his ability to distinguish legal or moral right from legal or moral wrong or to recognize the particular acts charged as legally or morally wrong. Therefore it is my opinion that he would have been criminal responsible pursuant to S.C. Code Ann. §17-24-10 (1976).

CONCLUSION REGARDING CAPACITY TO CONFORM: Mr. Wright states he has no recollection of the alleged Indecent Exposure charge of January 13, 2013. His recollection of the events of April 8, 2013 is self-protective. However, if the court finds he did commit the acts for which he is charged on those dates, it is my opinion that his Exhibitionism, combined with the disinhibition caused by damage to his frontal lobes during his brain injury, would have caused him to lack sufficient ability to conform his conduct to the requirements of the law for the charges of Indecent Exposure.

Mr. Wright asserts that he did not fail to register as a sex offender and that he went the Sheriff's Office to do this when he moved to Anderson. He also reports that he has witnesses that can attest to this fact. There is no relation in the symptoms of his mental disorders to the allegation contained in this charge. Therefore it is my opinion that he would have had the capacity to conform his behavior to the requirements of the law for the charge of Failure to Register as a Sex Offender.

Richard L. Roesch, MD, DFAPA
Professor of Clinical Psychiatry
University of South Carolina School of Medicine

RLF/bds
D: 03/24/2014
RT/EM: 03/25/2014
F/EM: 03/26/2014

State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:
Allson Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Jane B. Jones
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson
STATE DIRECTOR
John H. Magill

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building 68
Columbia, SC 29203
Information: (803) 935-8586

June 30, 2014

Lauren Price
Assistant Solicitor
PO Box 8002
Anderson, SC 29622

Re: The State of South Carolina vs. Wright, Kenneth
DMH Case #: 924-5183
Anderson County, Court of General Sessions

Dear Assistant Solicitor Price:

In accordance with the court order issued by the Honorable J. Cordell Maddox, Jr., a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health and South Carolina Department of Disabilities and Special Needs, pursuant to S.C. Code Ann. § 44-23-410 (1976).

Please see the attached report for the results of this evaluation.

This 9 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 44-23-410 (1976).

6/30/14
Date

Jeffrey E. Musick, Ph.D., ABPP
Chief Psychologist
Forensic Evaluation Services
Department of Mental Health

cc: Andrew Potter, Attorney at Law, 301 Camson Rd., Anderson, SC 29625
Melinda Fair, DDSN, PO Box 4706, Columbia, SC 29240

JM/tl

COMPETENCY TO STAND TRIAL EVALUATION
FORENSIC EVALUATION SERVICE
S.C. DEPARTMENT OF MENTAL HEALTH (SCDMH)
S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (DDSN)

DATE OF EVALUATION: June 26, 2014

DMH EXAMINER: Richard L. Frierson, MD, Professor of Clinical Psychiatry, University of South Carolina School of Medicine

DDSN EXAMINER: Alicia Hall, Ph.D.

DIAGNOSES:

AXIS I:
Dementia Due to General Medical Condition (Head Injury)
Personality Change Due to General Medical Condition (Head Injury), Disinhibited Type, by history.
Exhibitionism.
Paraphilia, NOS (telephone scattalogia).
Cocaine Dependence, Sustained Full Remission.
Phencyclidine Dependence, Sustained Full Remission.
Opioid Dependence, Sustained Full Remission
Alcohol Dependence, in a Controlled Environment

AXIS II: No Diagnosis.

AXIS III:
Hypertension.
History of Self-Inflicted Gunshot Wound to the Head.
Seizure Disorder
Migraine Headaches
Hepatitis C Infection

OPINION REGARDING COMPETENCY TO STAND TRIAL: Competent. Please read conclusion section for specific recommendations.

DISPOSITION: Mr. Wright was returned to the Anderson County Detention Center.

NOTE: Mr. Wright was initially seen for an evaluation of his criminal responsibility and capacity to conform his behavior to the requirements of the law on March 24, 2014. A report was submitted to the court offering no opinions on those issues and requesting that the court order a competency to stand trial evaluation to be jointly performed by the Department of Mental Health and the Department of Disabilities and Special Needs. An order for a competency to stand trial evaluation was received

on April 4, 2014. In the meantime, Mr. Wright was referred for psychological assessment prior to the joint evaluation due to concerns of potential malingering or exaggeration of cognitive deficits.

IDENTIFYING INFORMATION: Kenneth Wright is a 49-year-old Caucasian male who was seen at the Forensic Evaluation Service pursuant to a court order from the Anderson County Court of General Sessions. This court order requests an evaluation of his competency to stand trial pursuant to State v. Blair, 275 S.C. 529, 273 S.E. 2d 536 (1981) and S.C. Code Ann. §44-23-410 (1976). According to the court order, he is currently charged with three counts of indecent exposure and failure to register as a sex offender. However, we were not provided with documentation or other information regarding the charge of failure to register as a sex offender.

Prior to participating in evaluation, Mr. Wright was warned of the limitations of confidentiality. He was informed that the evaluation was court ordered and the evaluators were employed by the South Carolina Department of Mental Health and not paid by his attorney or the solicitor. He was informed that after the evaluation a report would be submitted to his attorney, the solicitor and the judge in his case. Finally, he was informed that the evaluators could be called to court to testify at a hearing related to his competency to stand trial.

SOURCES OF INFORMATION:

1. Court order requesting the evaluation.
2. Arrest Warrant 2013A0410200705 for Indecent Exposure.
3. Arrest Warrant 2013A0410200706 for Indecent Exposure.
4. Incident Report related to the alleged offense of Indecent Exposure dated April 8, 2013.
5. Booking Report.
6. Arrest Warrant 2013A0410200725 for Indecent Exposure.
7. Incident Report related to the alleged offense of indecent Exposure dated January 13, 2013.
8. National Crime Information Center (NCIC) for the Defendant.
9. Medical Records from the Anderson County Detention Center.
10. Pre-commitment Psychiatric Evaluation conducted by Pamela M. Crawford, MD for the Department of Mental Health dated February 7, 2006 and March 27, 2006.
11. Sexual and Violent Predator Treatment Program Discharge Review Board Report dated June 7, 2010.
12. Medical records from the South Carolina Department of Corrections dated January 28, 2003 through March 3, 2006 and January 26, 2001 through July 9, 2001.
13. Medical records from Anderson/Oconee/Pickens Mental Health Center dated August 19, 2013 through August 26, 2013.
14. Medical records from Anderson Area Medical Center (AnMed) dated December 6, 2001 through 2012 (outpatient visits only).
15. Records from University of Maryland Medical Center letter informing the defendant's records have been destroyed.

16. Social History obtained from the defendant's mother, Margaret Kidder, by Cassandra Sims, LMSW.
17. Psychological evaluation on May 6, 2014 by Sandra Stader, Ph.D.
18. A three-hour clinical forensic interview on today's date.

CLINICAL AND PSYCHIATRIC HISTORY: Mr. Wright is currently incarcerated in the Anderson County Detention Center. He is currently prescribed medication for a seizure disorder as well as his blood pressure but is not currently taking medications for psychiatric illness. He reports that things are okay in the jail but he is frustrated about having to deal with so many different people all the time (i.e. new inmates coming and going) and being around so many people at once. He reports that other inmates tease him, calling him "grumpy old man" and "Forrest Gump." He was once placed in lock up for having a metal piece but does not recall why he had it. He denies being threatened or assaulted by other inmates. He said the jail environment was so bad that he would "take 20 years just to get out of there." He reports chronic difficulty sleeping in the detention center and has had a severe problem with insomnia since the 1990s. He also reports that he is eating fairly well and that the food is actually good. He reports frequent mood swings but denies suicidal or homicidal ideations. On today's date he reported his mood was good.

His psychiatric history is remarkable for an event in 1988 at age 20 where he self-inflicted a gunshot wound through his hard palate and out the top of his cranium. He reports he was under the influence of drugs at the time. He reports that he has not used illicit substances since that time. He could not recall which hospital he went to right after this occurred and he was poor in giving a psychiatric history, alleging that he could not remember details. He believes it was the University of Maryland Medical Center. However, they reported to us that his records have been destroyed. This injury required neurosurgical intervention. According to his mother he was discovered in the woods almost 18 hours after this occurred.

According to his mother, he had no history of psychiatric illness or treatment until after his self-inflicted injury. Apparently at that time he suffered a severe head injury with damage to his frontal lobes and as a result was medically hospitalized for 6 months. He has been treated at the Anderson/Oconee Mental Health Center from 1992 until 1994 where he was diagnosed with Organic Mental Disorder Not Otherwise Specified. He was noted to have temper outbursts and poor self control. He also is reported to have a history of auditory hallucinations. From January 2005 through March 2005 he was treated at the mental health center and diagnosed with Dementia Secondary to Head Injury, Alcohol Abuse, Mood Disorder Not Otherwise Specified, and Antisocial Personality Disorder. During prior incarcerations in the South Carolina Department of Corrections he was occasionally placed on antidepressant medication (Prozac) for short periods of time for Depression, Not Otherwise Specified.

Mr. Wright was declared a Sexually Violent Predator and was hospitalized in the South Carolina Sexually Violent Predator Program from December 6, 2006 to some time in 2010 when he was released. This occurred after he competed a sentence for two counts of Lewd Act Upon a Child

involving two 14-year-old girls. At the time of his release he was prescribed a hormonal medication, dihydroxymethyl progesterone acetate (Depo-Provera®), to help control his sexual impulses. He reports he was discharged to a group home in McClellanville, S.C. for two years and then released when his probation ended. He then moved to Anderson in November 2012 and did not secure continued treatment for his Exhibitionism.

Additionally, he states that he has been treated on an inpatient psychiatric ward at AnMed Health System. We do not have records from that facility. His recollection of why he was treated there is poor and he is a very poor historian. He states that he was hospitalized because he was "trying to get my mind together and was scatterbrained." He also states that he was in several hospitals in Maryland after his head injury.

Mr. Wright was a very poor historian and frequently he appeared to have difficulty with thought blocking and long speech latency.

ALCOHOL AND SUBSTANCE USE HISTORY: He reports that he has not used illicit substances since July 25, 1988 when he shot himself in the head. He reports that prior to that time he was highly addicted to cocaine, and Phencyclidine (PCP) and heroin. He also reports being addicted to heroin and experiencing withdrawal symptoms upon cessation of use. He is somewhat vague in giving his alcohol and substance use history. We note from old records that he reportedly was using alcohol and illicit substances more recently than 1988.

Until further information is obtained regarding his substance us history, we are assigning of diagnoses of Cocaine Dependence, Sustained Full Remission; Phencyclidine Dependence, Sustained Full Remission; and Opioid Dependence, Sustained Full Remission.

Mr. Wright also gives a history of heavy alcohol use. He has developed tolerance to the effects of alcohol and withdrawal symptoms. He also has a history of delirium tremens. His last use of alcohol is not known. We are assigning a diagnosis of Alcohol Dependence, in a Controlled Environment.

MEDICAL HISTORY: Mr. Wright has a history of a seizure disorder which predates his head injury. He also suffers from hypertension. He had a severe injury to his left leg when he fell out of an upper floor window from a building in Ocean City, Maryland. This occurred during his senior year in high school and he was under the influence of drugs at the time. This required surgical repair to his left leg. He is partially blind in his right eye due to damage of his optic nerve from his gunshot wound. Finally, although he denies other medical illnesses, medical records indicate that in the past he has been diagnosed with Hepatitis C.

FAMILY HISTORY: His mother, Margaret Kidden, lives in Naples, Florida. She is reportedly in good health and has no history of mental health treatment. His father, Frankie Wright, lives in Maryland and his health status is not known. He has an older brother, Frank Wright, and a younger brother, Ronnie Wright. He reports that both of his brothers have had problems with alcohol and his

youngest brother has also had problems with abusing drugs. There was no family history of treatment for mental illness and no family history of suicide. His older brother reportedly runs a construction company.

SOCIAL HISTORY: He was born in Illinois and raised by both parents until they separated when he was six years of age. After that, his father was awarded custody although he was sent to live with his mother over the summer months. He denies a history of developmental delays. He denies a history of physical abuse. He reports he was sexually abused by some babysitters when he was 12 years of age. He is a high school graduate but reports that he was already using drugs by the time he entered high school. He reports that he was held back in the first grade and was once placed in a class of slow learners during his middle school years. He reports he was suspended from school on occasion and reports truancy beginning in the seventh grade. He denies animal cruelty but endorses fire setting and also stealing as a juvenile. He was never involved with the juvenile justice system and has never been to a juvenile correctional facility.

He has never married and has no children. He had worked for his father as a painter for almost 10 years before his head injury. He has also worked in the restaurant business as a cook and dishwasher and worked after his head injury at Bojangles for up to a year. He reports that he was not working at the time of his arrest and has not worked for the past ten years. He receives Social Security Disability income in an amount over $700 and he is his own payee.

According to records, Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child in an incident involving two 14 year old girls in 2001. Mr. Wright hired the victims to clean his residence. After completing the task he paid them and padlocked his trailer. He forced them to watch him masturbate before he let them leave. He has a conviction for indecent exposure which occurred on March 3, 2005 where he exposed himself to a nine year old girl in WalMart. He was convicted of exposing himself to an 11 year old girl in a discount store on March 15, 2005. He also allegedly exposed himself to two girls age 13, when they were walking by his house in 1990. He reports a longstanding history of exhibitionistic behaviors. He states, "I freely admit I'm a serial exhibitionist." He reports these behaviors began in the seventh grade. He reports he has engaged in these behaviors "a few dozen" times.

MENTAL STATUS EXAM: Mr. Wright appears with multiple tattoos. He was alert and oriented to person and place but did not know the day of the week or date. He reported the month was June and the year was 2014 after extremely long speech latencies. He was able to register three objects and he recalled one of them after five minutes. He was able to recall a second object when presented a list of objects. There was evidence of potential impaired long and short-term memory noted during the evaluation as his ability to recall significant events in his life appears to be impaired as well as his ability for form and make new memories. His fund of knowledge was in the low average range. He was able to name the current and past two presidents. His performance on a test of concentration was poor as indicated by his in ability to spell his last name backwards. He was able to perform simple calculations. His abstract reasoning on similarities was fair but he could abstractly interpret

proverbs. He described his current mood as good. His affect (outward expression of mood) was bright and he laughed appropriately several times during the interview. He denied current suicidal or homicidal ideas.

Mr. Wright also reports hearing occasional auditory hallucinations of people who he knows are no longer alive. They sometimes say comforting things to him and he does not report that they cause him distress or impairment. He also reports having the thought that he may have special powers at times and also that someone who performed head surgery when he shot himself implanted a device in his head which mixes up his mind to the point that he does things that can get him in trouble.

Mr. Wright exhibited significant difficulties with increased speech latency and thought blocking. At times, when asked a question, it would take him significant amount time to generate a response. This appears consistent with his head injury.

RESULTS OF PSYCHOLOGICAL EVALUATION: Mr. Wright put forth satisfactory effort and did not appear to feign deficits on a measure that assesses effort. He was subsequently administered an instrument to measure his overall cognitive functioning. He has extreme deficits in Attention (1st percentile) and Delayed Memory (below 1st percentile). He was in the low average range in Language (21st percentile) and Immediate Memory (10th percentile). He scored in the borderline range on a Visuospatial-Constructional scale (5th percentile).

He was also administered psychological testing to assess feigning of psychiatric symptoms. The results were indicative of feigning and thus necessitate scrutiny of reported psychiatric symptoms.

DIAGNOSTIC FORMULATION: Mr. Wright clearly suffered a traumatic brain injury when he inflicted a gunshot wound through his hard palate and out the top of his cranium. As a result of that injury he has displayed significant deficits in delayed memory, short term memory, attention and executive functioning (sequencing and planning, abstraction). These deficits have caused significant impairment in his occupational functioning and he is now on disability. Therefore, he would meet diagnostic criteria for Dementia Due to General Medical Condition (Head Injury).

Additionally, his mother reports there was a change in his previous characteristic personality pattern. Since his head injury he has demonstrated poor impulse control as compared to previous functioning. His poor impulse control has been manifested by increased arrests for indecent exposure and difficulty controlling his temper. Therefore he would meet diagnostic criteria for Personality Change Due to General Medical Condition (Head Injury), Disinhibited Type, by history.

Because of his self-admitted fantasies of exposing his genitalia to unsuspecting others and his history of arrests for indecent exposure, he would meet diagnostic criteria for Exhibitionism.

Additionally, he has a history of engaging in obscene phone calls. Therefore he would meet diagnostic criteria for Paraphilia, NOS (telephone scattalogia).

The reasoning behind his substance use disorder diagnoses is contained under *alcohol and substance use history* above.

Although he reports auditory hallucinations that are somewhat atypical in their description, we do not believe he qualifies for a diagnosis of a psychotic mental illness at this time, especially in light of the results of the psychological evaluation.

CONCLUSION REGARDING COMPETENCY TO STAND TRIAL: Mr. Wright states he is charged with three counts of Indecent Exposure. He is very aware of the allegations against him that have led to his legal charges. He was not aware that he had been charged with failure to register as a sex offender. He reports that the charges are serious but he did not know the maximum potential sentence he could receive if he were to be found guilty. He stated that his public defender, Mr. Potter is the person who is supposed to give him information about his case. He states he has only met with his public defender on one occasion. He reports he has not heard good things from other inmates about his public defender. He is aware that conversations with his public defender are confidential. He states that if he felt he could not work with him he would "tell him he is fired." When asked to name the most serious charge he reported "rape". He is aware of the pleas of guilty and not guilty although he initially was asked about the pleas he could enter he reported he could say "did it" o "didn't do it." He states if someone pleads guilty they are sentenced to prison. He stated initially that if someone pleads not guilty they would go home. He was educated about the process of a jury trial. He also asked insightful questions about how a jury trial is conducted when it was explained to him.

He states that the job of his attorney is to "talk on my side". He states that he wants his attorney to "keep me from going back to prison". He would like for his attorney to tell the judge that "prison did not help me last time I went for the same thing – I need some one on one counselling." He states he would prefer to receive outpatient therapy but he would also prefer to return to the SVP program rather than go to prison. He was not familiar with the term *solicitor*, but he understands that a prosecutor would want to have him found guilty. He understands that if he were to speak with the prosecutor without his attorney present it could be used against him. He states that the judge "decides how much prison time you get." He understands that a jury decides his guilt. He was educated and remembered some time later in the evaluation that a jury consists of twelve persons and all of them had to agree on a verdict. He spontaneously asked what would happen if they did not all agree. He understands the role of a witness. He was able to discuss evidence in his case including statements of the alleged victims. He states evidence is "something they have to have in order to take you to trial". He has a very basic understanding of the concepts that are involved in plea bargaining. He would be competent to accept a plea offer in his case, but only after it as explained slowly to him in great detail. He understands the importance of appropriate court room behavior. If understands if he was disruptive he could be removed from the court.

In summary Mr. Wright has a sufficient factual and rational understanding of the legal system. In regards to working with his attorney in the preparation of a defense, he is not without limitations. He frequently takes a very long time to generate an answer to some questions which are relatively

simple. This speech latency or thought blocking is likely the result of his head injury and has the potential to impair attorney/client or judge/defendant interactions. Therefore, the court should allow extra time for Mr. Wright to consult with his attorney and to answer questions posed to him by the court. With these precautions in mind, it is out opinion that Mr. Wright is currently competent to stand trial.

Richard L. Frierson, MD, DFAPA
Professor of Clinical Psychiatry
University of South Carolina School of Medicine

RLF/bds
D: 03/24/2014
RT/EM: 03/25/2014
F/EM: 03/26/2014

State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:
Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Jane B. Jones
Everard Rutledge, PhD
J. Buxton Terry
STATE DIRECTOR
John H. Magill

Division of Inpatient Services
G. Werber Bryan Psychiatric Hospital
Forensic Evaluation and Treatment Services
7901 Farrow Road, Building #8
Columbia, SC 29203
Information: (803) 935-6586

March 27, 2014

Andrew Potter
Attorney at Law
301 Camson Road
Anderson, SC 29625

Re: The State of South Carolina v. Wright, Kenneth
DMH Case#: 924-5183
Anderson County, Court of General Sessions

Dear Attorney Potter:

In accordance with the court order issued by the Honorable J. Cordell Maddox, criminal responsibility and capacity to conform evaluations were initiated by the Department of Mental Health. However, an opinion, at this time, cannot be rendered due to concerns regarding competency. **Therefore, we recommend that an order for competency to stand trial be forwarded as soon as possible. Upon receipt of the competency order, we will reschedule the evaluation and coordinate with the Department of Disabilities and Special Needs to arrange a joint evaluation in order to render an opinion on the defendant's competency to stand trial.**

This 6 page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. § 17-24-10 (1976).

3-27-14
Date

Jeffrey E. MuSick, Ph.D., ABPP for
Chief Psychologist
Forensic Evaluation Services
Department of Mental Health

cc: Lauren Price, Assistant Solicitor, PO Box 8002, Anderson, SC 29622

JM/tl

MISSION STATEMENT
To support the recovery of people with mental illnesses.
DMH

CRIMINAL RESPONSIBILITY AND CAPACITY TO CONFORM EVALUATION
FORENSIC EVALUATION SERVICE
SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH (SCDMH)

DATE OF EVALUATION: March 24, 2014

PRESIDING EXAMINER: Richard L. Frierson, MD, Professor of Clinical Psychiatry, University of South Carolina School of Medicine

SECOND EXAMINER: Odette Anderson, MD, Resident in Psychiatry, University of South Carolina School of Medicine.

DIAGNOSES:

AXIS I: Dementia Secondary to Head Trauma, provisional.
Personality Change Due to Head Injury, Disinhibited Type, by history.
Exhibitionism.
Polysubstance Dependence, in Sustained Full Remission.

AXIS II: No Diagnosis.

AXIS III: Hypertension.
History of Self-Inflicted Gunshot Wound to the Head.
History of Hepatitis C.

OPINIONS REGARDING CRIMINAL RESPONSIBILITY AND CAPACITY TO CONFORM: No opinion. A court order for a competency evaluation to be conducted jointly by the Department of Mental Health and the Department of Disabilities and Special Needs is requested.

DISPOSITION: Mr. Wright was returned to the Anderson County Detention Center.

IDENTIFYING INFORMATION: Kenneth Wright is a 49-year-old Caucasian male who was seen at the Forensic Evaluation Service pursuant to a court order from the Anderson County Court of General Sessions. This court order requests an evaluation of his criminal responsibility and capacity to conform his conduct to the requirements of the law on or about January 13, 2013, April 8, 2013, and April 9, 2013 pursuant to S.C. Code Ann. §17-24-10(1976). According to the court order, he is currently charged with three counts of indecent exposure and failure to register as a sex offender. However, we were not provided information regarding the charge of failure to register as a sex offender.

Prior to participating in evaluation, Mr. Wright was warned of the limitations of confidentiality. He was informed that the evaluation was court ordered and the evaluators were employed by the South

Carolina Department of Mental Health and not paid by his attorney or the solicitor. He was informed that after the evaluation a report would be submitted to his attorney. He was informed that the report could also go the solicitor and the judge in his case. Finally, he was informed that the evaluators could be called to court to testify at a hearing related to the evaluation.

SOURCES OF INFORMATION:

1. Court order requesting the evaluation.
2. Arrest Warrant 2013A0410200705 for Indecent Exposure.
3. Arrest Warrant 2013A0410200706 for Indecent Exposure.
4. Incident Report related to the alleged offense of Indecent Exposure dated April 8, 2013.
5. Booking Report.
6. Arrest Warrant 2013A0410200725 for Indecent Exposure.
7. Incident Report related to the alleged offense of Indecent Exposure dated January 13, 2013.
8. National Crime Information Center (NCIC) for the Defendant.
9. Medical Records from the Anderson County Detention Center.
10. Pre-commitment Psychiatric Evaluation conducted by Pamela M. Crawford, MD for the Department of Mental Health dated February 7, 2006 and March 27, 2006.
11. Sexual and Violent Predator Treatment Program Discharge Review Board Report dated June 7, 2010.
12. A two-hour clinical forensic interview on today's date.

CLINICAL AND PSYCHIATRIC HISTORY: Mr. Wright is currently incarcerated in the Anderson County Detention Center. He is currently prescribed medication for a seizure disorder as well as his blood pressure but is not currently taking medications for psychiatric illness. He reports that things are okay in the jail but he is frustrated about having to deal with so many different people all the time (i.e. new inmates coming and going) and being around so many people at once. He was once placed in lock up for having a cutting device but does not recall why he had it. He denies being threatened or assaulted by other inmates. He reports chronic difficulty sleeping in the detention center and has had a severe problem with insomnia since the 1990s. He also reports that he is eating well. He reports frequent mood swings but denies suicidal or homicidal ideations.

His psychiatric history is remarkable for an event in 1988 where he self-inflicted a gunshot wound through his hard palate out the top of his cranium. He could not recall which hospital he went to right after this occurred and he was poor in giving a psychiatric history, alleging that he could not remember details.

According to his mother, he had no history of psychiatric illness or treatment until after his self-inflicted injury. Apparently at that time he suffered a severe head injury with damage to his frontal lobes and as a result was medically hospitalized for 6 months. He has been treated at the Anderson/Oconee Mental Health Center from 1992 until 1994 where he was diagnosed with Organic Mental Disorder Not Otherwise Specified. He was noted to have temper outbursts and poor self

control. He also is reported to have a history of auditory hallucinations. From January 2005 through March 2005 he was treated at the mental health center and diagnosed with Dementia Secondary to Head Injury, Alcohol Abuse, Mood Disorder Not Otherwise Specified, and Antisocial Personality Disorder. Allegedly he was also treated in the South Carolina Department of Corrections but we do not have access to those records at this time.

Of note, Mr. Wright did not report to these examiners that he was declared a Sexually Violent Predator and was hospitalized in the South Carolina Sexually Violent Predator Program from December 6, 2006 to some time in 2010 when he was released. At the time of his release he was prescribed a hormonal medication, dihydroxymethyl progesterone acetate Depo-Provera, to help control his sexual impulses. The fact that he was in the SVP program was discovered after our interview on today's date.

Additionally, he states that he has been treated on an inpatient psychiatric ward at AnMed Health System. We do not have records from that facility. His recollection of why he was treated there is poor and he is a very poor historian. He states that he was hospitalized because he was "trying to get my mind together and was scatterbrained." He also states that he was in several hospitals in Maryland after his head injury.

Mr. Wright was a very poor historian and frequently he appeared to have difficulty with thought blocking and long speech latency. It might take him up to 30 seconds to generate a response to a simple question. It was unclear, from this examination, whether this represented true genuine impairment or whether there could be potential exaggeration of symptoms.

ALCOHOL AND SUBSTANCE USE HISTORY: He reports that he has not used alcohol or illicit substances since July 25, 1988 when he shot himself in the head. He reports that prior to that time he was highly addicted to cocaine and Phencyclidine (PCP). He also reports being addicted to heroin and experiencing withdrawal symptoms upon cessation of use. He is somewhat vague in giving his alcohol and substance use history. We note from old records that he reportedly was using alcohol and illicit substances more recently than 1988.

Until further information is obtained regarding his substance us history, we are assigning of diagnosis of Polysubstance Dependence, by History.

MEDICAL HISTORY: Mr. Wright has a history of a seizure disorder which predates his head injury. He also suffers from hypertension. He had an injury to his left leg when he fell out of a window from a high story at a building in Ocean City, Maryland. This required surgical repair to his left leg. He is partially blind in his right eye due to damage of his optic nerve from his gunshot wound. Finally, although he denies other medical illnesses, medical records indicate that in the past he has been diagnosed with Hepatitis C.

FAMILY HISTORY: His mother, Margaret Kidden, lives in Naples, Florida. She is reportedly in good health and has no history of mental health treatment. His father, Frankie Wright, lives in Maryland and his health status is not known. He has an older brother, Frank Wright, and a younger brother, Ronnie Wright. He reports that both of his brothers have had problems with alcohol and his youngest brother has also had problems with abusing drugs. There was no family history of treatment for mental illness and no family history of suicide.

SOCIAL HISTORY: He was born in Illinois and raised by both parents until they divorced when he was 3 years of age. After that, his father was awarded custody although he was sent to live with his mother over the summer months. He denies a history of developmental delays. He denies a history of physical or sexual abuse. He is a high school graduate but reports that he was already using drugs by the time he entered high school. He reports that he was held back in the first grade and was once placed in a class of slow learners during his middle school years. He reports he was suspended from school on occasion and reports truancy beginning in the seventh grade. He denies animal cruelty but endorses fire setting and also stealing as a juvenile. He was never involved with the juvenile justice system and was has never been to Juvenile Prison.

He has never married and has no children. He had worked for his father for almost 10 years before his head injury. He has also worked in the restaurant business as a cook and dishwasher and worked after his head injury at Bojangles for up to a year. He reports that he was not working at the time of his arrest. He receives Social Security Disability income in an amount over $700 and he is his own payee.

According to records, Mr. Wright pleaded guilty to two counts of Lewd Act upon a Child in an incident involving two 14 year old girls in 2001. Mr. Wright hired the victims to clean his residence. After completing the task he paid them and padlocked his trailer. He forced them to watch him masturbate before he let them leave. He has a conviction for indecent exposure which occurred on March 3, 3005 where he exposed himself to a nine year old girl in WalMart. He was convicted of exposing himself to an 11 year old girl in a discount store on March 15, 2005. He also allegedly exposed himself to two girls age 13, when they were walking by his house in 1990.

MENTAL STATUS EXAM: Mr. Wright appears with multiple tattoos. He was alert and oriented to person and place but did not know the day of the week, the month, or the year. He reported the month was February and the year was 2013 (both near miss answers) after extremely long latencies. He was able to register three objects and he recalled two of them after five minutes. He was able to recall the third object when presented a list of objects. There was evidence of potential impaired long and short-term memory noted during the evaluation as his ability to recall significant events in his life appears to be impaired as well as his ability for form and make new memories. His fund of knowledge was in the low average range. His performance on a test of concentration was good as indicated by his ability to spell his last name backwards. He was able to perform a calculation. His abstract reasoning on similarities was poor but he could abstractly interpret proverbs. He described his mood as "fluctuating." He denied current suicidal or homicidal ideas.

Mr. Wright also reports hearing occasional auditory hallucinations of people who he knows are no longer alive. They sometimes say comforting things to him and he does not report that they cause him distress or impairment. He also reports having the thought that he may have special powers at times and also that someone who performed head surgery when he shot himself implanted a device in his head which mixes up his mind to the point that he does things that can get him in trouble.

Mr. Wright's affect was somewhat constricted but he was able to smile and laugh on occasion. What was most notable, was significant difficulties with increased speech latency and thought blocking. At times, when asked a question, it would take him significant amount time to generate a response.

CONCLUSION REGARDING CRIMINAL RESPONSIBILITY CAPACITY TO PERFORM:
Throughout the evaluation Mr. Wright displayed slow thought processes. This made interviewing him very difficult and within two hours we were only able to cover a minimum amount of information. We screened him for Competency to Stand Trial. He appears to have understanding of the role of the solicitor and his attorney. He was unable to differentiate the differences between the functioning with the judge and the jury. He had difficulty defining the concepts of plea bargaining. Most notably, his ability to engage in conversation in a meaningful pace was impaired and, if these symptoms are genuine, they would likely impair his ability to work with an attorney. Given the fact that he has had a significant head injury and has been diagnosed in the past with Dementia, we are requesting that the court issue an order for an evaluation of his Competency to Stand Trial to be completed jointly by the Department of Mental Health and the Department of Disabilities and Special Needs.

Richard L. Frierson, MD, DFAPA
Professor of Clinical Psychiatry
University of South Carolina School of Medicine

RLF/bds
D: 03/24/2014
RT/EM: 03/25/2014
F/EM: 03/26/2014

PETITIONER'S EXHIBIT 6

WITNESSES
WILLIAMS R. - ACSD

ARREST WARRANT NO. I852598

ACTION OF GRAND JURY

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

DOCKET NO. 2005-GS-04-1111

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

TERM

THE STATE

vs.

KENNETH L. WRIGHT

Indictment for

INDECENT EXPOSURE
16-15-0130 [0091]

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

Commitment
4/22/05

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR

INDECENT EXPOSURE
16-15-0130 [0091]

At a Court of General Sessions, convened on _____

the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY, SOUTH CAROLINA, ON OR ABOUT MARCH 3, 2005 WILFULLY AND MALICIOUSLY INDECENTLY EXPOSE HIS PERSON IN A PUBLIC PLACE, ON PROPERTY OF OTHERS OR TO THE VIEW OF ANY PERSON ON A STREET OR HIGHWAY.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

_____
SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
STATE v KENNETH L WRIGHT
AKA: _____
Race/Sex: W M Age: 40

DOC [redacted] SSN: [redacted]
Address: [redacted]
City: [redacted]
DL# [redacted] SID: SC00910827

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE #

2005-GS-04-1111

A/W#: 1852598
Date of Offense: 03/03/05
S.C Code: 16-15-0130 CDR Code #: 0091
CASE RESTORED ☐

SENTENCE ☑ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS TO:

Indecent Exposure

in violation of 16-15-130 of the S.C. Code of Laws, bearing CDR Code #: 0,0,9,1,

☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Catherine Dunseath | Kenneth L. Wright | [signature]
Solicitor | Defendant | Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections,
☐ County Detention Center, for a determinate term of 3 ~~Three~~ days/months/years or
☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of $ _____
provided that upon the service of 2 days/months/years and/or payment of $ _____
plus costs and assessments as applicable*, the balance is suspended with probation
for 2 months/years and subject ot South Carolina Department of Probation,
Parole & Parole Services standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentences on: Plea & Retain 4/27/05
☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
Payment Terms: _____
☐ Set by SCDPPPS _____
_____
Recipient: _____
_____

*Fine		$
14-1-206 - Assessments (107.5%)		$
14-1-211 (A)(1) Conv. Surcharge	$100	$ Too
14-1-211 (A)(2) DUI Surcharge	$100	$
56-5-2985 (DUI Assessment)	$12	$
35.3 (Public Def/Prob)	$500	$
73.18 TP (Law Enforce. Funding)	$25	$ 25
33.18 TP (Drug Court Surcharge)	$100	$
50-21-114 (BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% County(if paid in Installments)		$
TOTAL		$

Cathy M. Phillips
Clerk of Court/Deputy Clerk
SC 4/217(7/2003)

PTUP _____ time served pursuant to S.C. Code 24-13-40
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab, or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be paid in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund thru CLERK OF COURT
Other: Mental Health Evaluation Cancelled

A TRUE COPY
FEB - 2 2015

☐ Appointed PD or other counsel, 35.13 TP
Requires $500 be paid to Clerk during probation.

No contact w/ Children under age 18.

[signature] Judge Code: 213
Presiding Judge

Sentence Date 4/27/05
Court Reporter Brady Code #: 111

310

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
STATE v KENNETH L WRIGHT
AKA:
Race: W Sex: M Age: 40
DOC #: [redacted] SSN: [redacted]
Address: [redacted]
City, State, Zip [redacted]
[redacted] SID: SC00910827

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE #
2005-GS-04-111
A/W#: 1852598
Date of Offense: 03/03/05
S.C Code: 16-15-0130 CDR Code #: 0091
CASE RESTORED ☐
SENTENCE ☑ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS TO:

Indecent Exposure

in violation of 16-15-130 of the S.C. Code of Laws, bearing CDR Code #: 0,0,9,1,

☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury
Plea is: ☑ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Catherine Dunseath Kenneth L Wright
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections,
☐ County Detention Center, for a determinate term of 3 ~~Three~~ days/months/years or
☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of $ _____
provided that upon the service of 2 days/months/years and/or payment of $ _____
plus costs and assessments as applicable*, the balance is suspended with probation
for 2 months/years and subject ot South Carolina Department of Probation,
Parole & Parole Services standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentences on: Plea & Sentence 4/27/05
☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total $_____ plus 20% fee $_____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: _____

*Fine $.....		$_____
14-1-206 - Assessments (107.5%)		$_____
14-1-211 (A)(1) Conv. Surcharge	$100	$ 100
14-1-211 (A)(2) DUI Surcharge	$100	$_____
56-5-2995 (DUI Assessment)	$12	$_____
35-3 (Public Def/Prob)	$500	$_____
7[illegible]-1B TP (Law Enforce. Funding)	$25	$ 25
3[illegible]-1B TP (Drug Court Surcharge)	$100	$_____
56-5-1114 (BUI Breath Test Fee)	$50	$_____
56-5-2942(J) (Vehicle Assessment)	$40/ea	$_____
3[illegible] County(if paid in Installments)		$_____
TOTAL		$_____

Cathy M. Phillips
Clerk of Court/Deputy Clerk
SCCA217(7/2003)

PTUP _____ time served pursuant to S.C. Code 24-13-40
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab, or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling Cathy on G4
Random Drug/Alcohol Testing _____
Fine may be paid in equal, consecutive weekly/monthly pmts. of $_____ beginning _____
$_____ paid to Public Defender Fund.
Other: Mental Health Evaluation & Counseling

☐ Appointed PD or other counsel, 35.13 TP
Requires $500 be paid to Clerk during probation

No contact with children under age 18.

Presiding Judge Judge Code 2134

Sentence Date 4/27/05
Court Reporter Brady Code # 111

FILE COPY
4/27/05
Clerk of Court

ARREST WARRANT

I-852598 OFFICE COPY

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
ANDERSON

MAR 29 2005

Cathy M. Phillips CLERK OF COURT

THE STATE
against

WRIGHT, KENNETH L
Address: [redacted]
Phone: _____ SSN: [redacted]
Sex: M Race: W Height: _____ Weight: 170
DL State: [redacted]
DOB: [redacted] Agency ORI#: 0400
Prosecuting Agency: SHERIFF DEPT.
Prosecuting Officer: WILLIAMS, RANDALL
Offense: INDECENT EXPOSURE
Offense Code: 0091
Code/Ordinance Sec. 16-15-130

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of
_____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L
on 3-23-05

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

AFFIDAVIT

Form Approved by S.C. Attorney Generals July 26, 1990 SCCA 518

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
ANDERSON)

Personally appeared before me the affiant C.R. WILLIAMS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 3/03/2005 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: INDECENT EXPOSURE 91

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THAT THE DEFENDANT DID WILFULLY AND MALICIOUSLY EXPOSE HIS GENITALS TO A 9 YEAR OLD FEMALE WHILE INSIDE WAL MART AT 621 HWY 28 BY PASS IN ANDERSON COUNTY. THE VICTIMS MOTHER INDENTIFED THE DEFENDANT FROM A PHOTO-LINE UP. THIS DID OCCURR IN ANDERSON COUNTY.

Sworn to and subscribed before me)
on 3/23/2005)
_____ (L.S.))
Signature of Issuing Judge

Signature of Affiant
Affiant's Address 305 Cameron Dr. Anderson, SC 29625
Affiant's telephone (864) 260-4460

FILED-CLERK'S OFFICE 2005 MAR 29 PM 2:45 ANDERSON SC GENERAL SESSIONS

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
ANDERSON)

** CASE NUMBER 2005A0955 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 3/03/2005 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: INDECENT EXPOSURE

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

_____ (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone 260-4156
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
STATE v KENNETH L WRIGHT
AKA:
Race/Sex: W M Age: 40

DOB: [redacted] SSN: [redacted]
Address: [redacted]
City, State, Zip [redacted]
DL# SID: SC00910827

) IN THE COURT O ENERAL SESSIONS
) INDICTMENT/CASE #
)
) 2005-GS-04-1110
) A/W#: I852510
) Date of Offense: 03/15/05
) S.C Code: 16-15-0130 CDR Code #: 0091
) CASE RESTORED ☐
) SENTENCE ☑ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS TO:
Indecent Exposure
in violation of 16-15-130 of the S.C. Code of Laws, bearing CDR Code #: 0091

☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☑ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:
Catherine Durrand Kenneth L. Wright
Solicitor Defendant Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of $ _____ provided that upon the service of 2 days/months/years and/or payment of $ _____ plus costs and assessments as applicable*, the balance is suspended with probation for 2 months/years and subject ot South Carolina Department of Probation, Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☑ CONCURRENT or ☐ CONSECUTIVE to sentences on: Plea & Sentencing 4/27/05
☐ The Defendant is given credit for time served pursuant to S.C. Code 24-13-40 to be calculated and applied by the State Department of Corrections

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
Payment Terms:
☐ set by SCDPPPS

Recipient:

*Fine		$
14-1-206 - Assessments (107.5%)		$
14-1-211 (A)(1) Conv. Surcharge	$100	$ 100
14-1-211 (A)(2) DUI Surcharge	$100	$
56-5-2995 (DUI Assessment)	$12	$
35.13 (Public Def/Prob)	$500	$
73.3, 1B TP (Law Enforce. Funding)	$25	$ 25
33.7, 1B TP (Drug Court Surcharge)	$100	$
50-21-114 (BUI Breath Test Fee)	$50	$
56-5-2942(J) (Vehicle Assessment)	$40/ea	$
3% County(if paid in installments)		$
TOTAL		$

Cathy M. Phillips
Clerk of Court/Deputy Clerk
SCCA/217(7/2003)

PTUP_____ time served pursuant to S.C. Code 24-13-40 t
_____ days/hours Public Service Employment
Obtain GED
Attend Voc Rehab, or Job Corps
May serve W/E beginning ATTEST COPY 4/27/05
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be paid in equal, consecutive weekly/monthly
pmts. of $_____ beginning _____
$_____ paid to Public Defender Fund.
Other: Mental Health Evaluation & Counseling

☐ Appointed PD or other counsel, 35.13 TP
Required $500 be paid to Clerk during probation. No Contact w/ children

Presiding Judge Judge Code: 1131

Sentence Date 4/27/05
Court Reporter Brady Code #: 111

Anderson County Sheriff's Office

CASE#2005-11118

CASE FILE FACE SHEET

(Attach to case file and check off items)

CASE FILE FACE SHEET .....(X)
INCIDENT REPORT .....(X)
SUPPLEMENTAL REPORTS .....(X)
INVESTIGATIVE HISTORY .....( )
WITNESS STATEMENTS .....(X)

For each defendant, enclose the following information in the order given:

MIRANDA WARNINGS .....(X)
DEFENDANT STATEMENTS .....(X)
COPY OF ARREST WARRANTS .....(X)

SEARCH WARRANTS/CONSENT TO SEARCH .....( )
EVIDENCE SHEET .....(X)
CRIME STOPPERS LEAD SHEET .....( )
TOW SHEET .....( )
PAWN SHOP TICKET OR FORMS .....( )
FORENSIC / LAB / SLED REPORTS .....( )
CRIMINAL HISTORY .....(X)

SUPERVISOR'S APPROVAL Sgt CT Vaughn
APPROVAL DATE 3-21-05

Criminal Investigations Division
Case Analysis Sheet
(To be completed by supervisor)

Case# 2005-X11118 Incident Type: Indecent Exposure
Investigator: Hashe, C. W. Date Assigned: 03-15-05

Crime Scene:

Did forensics respond?	Yes____	No X	
Any latents collected?	Yes____	No X	AFIS quality? Yes___ No___
Video of incident?	Yes X	No____	
Waiting any test/lab results?	Yes____	No X	

Explain: Video of certain areas inside the business; however, criminal act occurred in area where there is no video capabilities.

Victim Contact:

Inv. responded to the scene?	Yes X	No____
Telephone contact only?	Yes____	No X
Face to face contact?	Yes X	No____
Can victim ID suspect?	Yes X	No____
Statement taken?	Yes X	No____
Property in P&E?	Yes X	No____
Any hold on vehicles?	Yes____	No X

Explain:

Witness Contact:

Any witness to incident?	Yes X	No____
Telephone contact only?	Yes____	No X
Face to face contact?	Yes X	No____
Statement taken?	Yes X	No____

Suspect Contact:

Suspect identified?	Yes X	No____	
Suspect interrogated?	Yes X	No____	
Waiver of rights?	Yes X	No____	
Statement taken?	Yes X	No____	
Co-defendant involved?	Yes____	No X	Identified? Yes____ No____
Warrants signed?	Yes X	No____	
Warrants served?	Yes X	No____	Date:____
Suspect on NCIC?	Yes____	No X	

Investigative strategies:

Case has similar M.O. to other incidents?	Yes X	No
Talked to other agencies?	Yes	No X
BOLO sheet distributed?	Yes	No X
Photo line-up?	Yes	No X

Case File:

Incident Report(code 5)?	Yes X	No	
1st Supplemental?	Yes X	No	Date: 03-16-05
2nd Supplemental?	Yes	No	Date:
3rd Supplemental?	Yes	No	Date:
4th Supplemental?	Yes	No	Date:
ID Supplemental?	Yes	No X	
Search Warrant?	Yes	No X	
Arrest Warrant?	Yes X	No	
Waivers?	Yes X	No	
Statements?	Yes X	No	
Criminal History/ID Pack?	Yes X	No	
P & E Sheets?	Yes X	No	
Phone/Utility records?	Yes	No X	
Coroner's Report/Autopsy?	Yes X	No	
Court Orders?	Yes	No X	

Supervisor comments:

ALL PAPERWORK AND INVESTIGATION IS IN ORDER. CASE FILE IS FORWARDED TO BE COPIED AND [redacted] ROOM.
VERY GOOD INVESTIGATION. - Sgt CT Vaughn 3/21/05

Reviewed by:

Supervisor	Date	Status
Sgt CT. Vaughn	3/21/05	Cleared By Arrest

OFFICER INPUT FORM

Reminder: The Solicitor's Office receivas on average 5,000 warrants per year in Anderson County and on average 2,000 warrants per year on Oconee County. We have approximately 250 days of General Sessions Court per year in Anderson County and 50 days of General Sessions Court per year in Oconee County. On average, a case takes two days to try. It is absolutely impossible to try each case. To do that, we would need 10,000 court days per year in Anderson County and 4,000 court days per year in Oconee County. This court time must be shared by all law enforcement agencies in each county.

STATE VS. Kenneth L. Wright
CASE NO. 2005-011118

Please complete this form and return it to the Solicitor's Office with your investigation.

_____ I wish to be present for any plea.
My telephone numbers are: (Work)_____
(Pager)_____ (Home)_____

_____ I recommend you use your own discretion in the disposition of these charges.

XXX Please contact me if you intend to reduce the charge as part of a plea negotiation.

_____ I recommend or have no opposition to the following:

Dismissal:_____ Probation:_____ PTI:_____

XXX I recommend incarceration because:
Defendant is a registered sex offender with four prior convictions for sex related offenses (two for Indecent Exposure).
Victim in this case is an eleven year old female.

Y XXX N____ I want to be notified upon disposition of this case.

Are there any co-defendants? ____ Yes XXX No

If yes, please give names._____

Y____ N XXX Has any asset been seized? Describe._____

PLEASE USE THE BACK FOR ANY ADDITIONAL COMMENTS OR EXPLANATION YOU WISH TO PROVIDE.

Ernest W. Hesla
OFFICER SIGNATURE

AGENCY I.D.
SCO 040000

INCIDENT REPORT

CASE NUMBER: 05-1118

NO. 317 | ENID.

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. Indecent Exposure	☒ YES ☐ NO	☐ YES ☒ NO	Business	
2.	☐ YES ☐ NO	☐ YES ☐ NO		
3.	☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Organ. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): 302 Pearman Dairy Rd (Treasure Mart) | ZIP CODE: 29624 | WEAPON TYPE: N/A

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
3-15-05	1600								5

VICTIM NO. 1

MINOR 5

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
Massey, April M	Stsg			J@OU	W	F	35	N	[redacted]	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC	[redacted]	5

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
[redacted]	Sis			DSOU	W	F	11		[redacted]	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC	[redacted]	5

VISIBLE INJURY (VICT. 1) ☐ YES NO ☒ EXPLAIN — COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES NO ☒

VICTIM (NO. 1) USING: ALCOHOL ☐ YES NO ☒ UNK. ☐ DRUGS ☐ YES NO ☐ UNK. ☐ TYPE:

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE (SPL. ASMT.) ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ J — This Jurisdiction S — State O — Out of State U — Unknown

SUBJECT NO. 1

☒ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ SUSPICIOUS ☒ ARREST ☒ JAIL ☐ SUMMONS

NAME, (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
Wright, Kenneth Leallen	W	M	40	N	[redacted]	5'6	160	BRO	HAZ

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: [redacted]

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC	[redacted]	5

SUBJECT (NO. 1) USING: ALCOHOL ☐ YES NO ☐ UNK. ☒ DRUGS ☐ YES NO ☐ UNK. ☒ TYPE: | ARRESTED NEAR OFFENSE SCENE ☒ YES NO ☐ | TOTAL # ARRESTED: 1 | DATE/TIME OF OFFENCE: 3-15-05 1600 | DATE/TIME OF ARREST: 3-15-05 1630

NARRATIVE

R10 responded to the incident location in reference to an indecent exposure. Upon arrival the suspect was being detained by management. The complainant stated that her daughter, the victim, came to her and said the suspect "shook his private at her." The complainant then approached the suspect, then management detained him and police was called.

JURISDICTION OF THEFT, LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY, LAW ENFORCEMENT AGENCY

PROPERTY

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Kelley, KS	3-15-05	208			

FOLLOW-UP INVESTIGATION ☐ YES NO ☐ OFFICER

318
AGENCY I.D.
SCO 040000

SUPPLEMENTARY REPORT

CASE NUMBER
2005-011118

NCIC
INQ. | ENTO

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY PAGE 1 OF 2 PAGES
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM: NAME: [redacted] MINOR 5 W/F 11yoa

ADDRESS: [redacted]

INCIDENT TYPE: Indecent Exposure

LOCATION: Treasure Mart 302 Pearman Dairy Rd. 224-9877

I responded to Anderson City Police Dept and met with Officer K. S. Kelley. Officer Kelley had responded to the "Treasure Mart" Discount Store at 302 Pearman Dairy Rd in reference to an Indecent Exposure complaint. Upon arrival, Officer Kelley was informed by the victim's mother, April Massey, that the suspect had exposed his penis to the victim inside the store. The suspect had been detained by the store management until law enforcement had arrived. Officer Kelley transported the suspect to the Detention Center where he was placed under a temporary committment. I had the victim and her parents respond to the City Police Department where I was able to interview the victim firsthand. The victim stated that she had gone to the location with her mother to shop and while inside she proceeded to look at several pairs of shoes located on the back wall of the business. Victim's mother was just a short distance away on another aisle. The victim stated that the suspect said something that got her attention but was not able to understand what he said. As the victim turned to look at the suspect she observed that the suspect's penis was fully exposed through the zipper area of the suspect's pants. The suspect was standing still and not moving as he looked at the victim. The victim immediately dropped some shoes to the floor and ran to her mother's location at which time she reported the incident to her mother. The mother proceeded to approach and grab the suspect's shirt in an effort to detain him until management could assist. The suspect was detained by store employees without incident until Officer Kelley arrived. The victim and her mother both advised that they had never seen the suspect prior to this incident. After obtaining the victim's statement, I responded to the Detention Center with detective S. Ashley. We transported the suspect over to the Sheriff's Office where I mirandized the suspect. The suspect offerred a statement stating that he had responded to the location to purchase some food. The suspect stated that he recalled seeing the girl in the back of the store and that the victim had thrown down some shoes. The suspect stated that the next thing he knew the mother had grabbed him and he was accused of exposing himself. The suspect went on further to say that he has difficulty recalling all of the facts about certain incidents due to a self-inflicted gunshot to the head in 1988. He advised that he did not remember exposing himself to the victim on this date but that he could not be certain due to his inability to remember. The suspect was placed back into Detention

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Hashe, C. W. #V43	03-16-05	407			
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER		

AGENCY I.D.
SCO 040000

SUPPLEMENTARY REPORT

CASE NUMBER
05-011118

319
INC. | ENTD

☐ ORIGINAL REPORT ☒ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY PAGE 2 OF 2 PAGES
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM: NAME: MINOR 5 [redacted] W/F 11yoa [redacted]

ADDRESS: [redacted]

INCIDENT TYPE: Indecent Exposure

Center in good condition. On this date, I responded to the incident location and met the District Manager (Bill Dickerson) and the Store Manager (David Redding). Both managers were present on the date when incident occurred. They informed me that they were in other areas of the store when the incident occurred. They first became aware of the problem when they heard the victim's mother yell for the manager at which time they observed her holding onto the suspect by his shirt. The mother explained the situation and they called for law enforcement assistance. They instructed the suspect that he needed to remain at the scene until the police arrived. I could not locate any other witnesses to the incident. The managers explained to me that there is a camera surveillance system inside the location which films and records select areas within the business. Eight cameras are positioned throughout the business and cover the following areas: Men's clothes, entrance door, exit door, register#1, register#2, Housewares, administrative office door and the candy aisle. The managers informed me that the area where the incident occurred is not recorded by a camera and observation by myself confirmed that there were no visible cameras mounted to the ceiling that would have captured the incident. I did observe the location of the shoe department where the incident occurred. It is located on the rear wall of the business as described by the victim and her mother. There were no food products located in this area. the food products were located on the front lefthand corner of the store as one faces the store. There is approximately 70 to 75 feet between the food products display and the shoe department. I responded to Summary Court at which time I presented the facts of this case to Magistrate Busby. Magistrate Busby issued Warrant#I-852510 for above charge. I responded to the Detention Center and turned the warrant over for service. A criminal history check revealed that the suspect has two prior convictions for Indecent Exposure and two convictions for Lewd Act on a Minor. He is currently registered with this agency as a sex offender. I placed two VRS tapes into Evidence that were taken from the location by Officer Kelley. Cleared By Arrest

Suspect: Wright, Kenneth - LeAllen W/M 40yoa [redacted] 507 170lbs Bro/Haz

[redacted]

NARRATIVE

MINOR INITIATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADM CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
☒ YES ☐ NO	☒ YES ☐ NO	☐ UNFOUNDED	☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
Hashe, C. W. #V43	03-16-05	407			
			FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER		

320

CASE# 2005-011118

Date 03-17-05 Page No. 1

STATEMENT OF MINOR 5 [redacted]

On Tuesday afternoon, I was with my mom and my brothers and sister shopping at the "Treasure Mart". We had been in the store for about 15 to 30 minutes when I started looking at some sandals in the shoe department. I was standing near the back wall and had some sandals in my hand when I heard someone say something behind me. I turned around and saw a man standing about five to ten feet away looking at me. He was standing still and had his private part pulled out of his pants through his zipper. He was holding himself down there with his hand like he was holding a cigarette. He didn't say anything and I immediately got scared. I dropped the sandals that I was holding and ran to find my mom who was on another aisle with my brothers and sister. I told her what had happened and she went to where he had walked to in the store to talk to him. I have never seen the man before that day. I attend Oakwood Christian School and am currently in the fourth grade.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXEnd of StatementXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Witness: [signature] 03-17-05

Witness: [signature] 03-17-05

[signature]

CASE#2005-011118

Date 03-17-05 Page No. 1

STATEMENT OF: Massey, April [redacted]

I had taken my children to the "Treasure Mart" Tuesday afternoon. We hadn't been in the store long when I noticed that Ashlynn was not with us on the same aisle. I had just started to call for her when she came up to me. I could tell she was scared because her face was red and she was crying. She told me that a man had exposed himself to her by pulling out his "private part" through his zipper. After she told me, I turned around and took off after the guy who had walked within about five of us. MINOR 5 pointed him out to me so I knew he was the right guy. I grabbed his arm and tried to pull him towards the front of the store as I was yelling for the manager. The managers came over and said they would handle it from there. They asked me if I wanted them to notify the police and I said yes. I had never seen this man before that afternoon. XXXXXXXXXXEnd of StatementXXXXXXXXXXXXXXXX

Witness: C.L. Hale 03-17-05

X April Massey 03-17-05

322

OFFICE OF THE SHERIFF

ANDERSON COUNTY, SC

VICTIM/WITNESS ASSISTANCE PROGRAM

CASE #: 2005-1118 INCIDENT TYPE: Indecent Exposure DEPUTY: Hastie, C.

VICTIM'S NAME: MINOR 5 [redacted]
LAST NAME / FIRST NAME

ADDRESS: [redacted]
STREET & NAME / STATE

SUSPECT(S)

1. Wright, Kenneth L. 2. ——— 3. ———

I WISH TO BE PRESENT AT THE BOND HEARING, (Circle One) YES (NO)

I WISH TO BE INFORMED OF ALL PROCEEDINGS, (Circle One) (YES) NO

IS VICTIM A JUVENILE, (Circle One) (YES) NO

PARENT/GUARDIAN NAME April Maney

MINOR 5 [redacted] 3/15/06
(Victim's Signature) (Date)

COMMENTS: ———

This Section Only Applies to Victim's of Criminal Domestic Violence:

Under provisions of SC Code of Laws § 20-4-100, I am advising you of the following information:

1. You have the right to seek an Order of Protection as a result of this incident. You may petition the Family Court at the Anderson County Courthouse located on Main St.

2. Have you already obtained an Order of Protection? YES NO
If so, do you have it with you? YES NO

3. Do you need transportation to a place of shelter or to a hospital for medical treatment? YES NO

I have been advised of the circumstances and procedures in this case.

I do ☐ I do Not ☐ wish to press charges against ———

for the crime of ——— committed against me.

I acknowledge that the reporting officer has advised me of my rights as a victim of Criminal Domestic Violence and I understand what my rights and responsibilities are.

Signature of complainant

Signature of Officer

WHITE - Vic Advocate • PINK - Investigating Officer • BLUE - Detention • GREEN - Warrant/Magistrate • YELLOW - Victim

Anderson County Sheriff's Office
Advisory of Rights

Location: #305 Conson Rd. AC50

Date: 03-15-05

Time: 8:20 Pm

Before you are asked any questions, you must understand your rights.

- ☐ You have the right to remain silent.
- ☐ Anything you say may be used against you in court.
- ☐ You have the right to speak to a lawyer for advise before we you are asked any questions and have him with you during questioning.
- ☐ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ☐ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

C. L. Hale
Witness

Date & Time: 03-15-05 / 8:25 Pm

Witness

Signature: Kenneth L. Wright

WAIVER OF RIGHTS

I have read this statement of my rights, and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

C. L. Hale
Witness

Date & Time: 03-15-05 / 8:27 Pm

Witness

Signature: Kenneth L. Wright
Kenneth L. Wright

324

VOLUNTARY STATEMENT

CASE#2005-11118

DATE 03-15-05 PLACE #305 Camson Rd. ACSO TIME STARTED 8:30 P.M.

I, the undersigned, Kenneth LeAllen Wright, am 40 years of age, having been born [redacted], at Bellville, Illinois

I now live at [redacted]

I have been duly warned and advised by Detective C. W. Hashe, a person who has identified himself as Anderson County Sheriff's Detective, that I do not have to make any statement at all, nor answer any questions or do anything that might tend to go against me or incriminate me in any manner, and that any statement I make, can and will be used against me on the trial or trials for the offense or offenses concerning which the following statement is herein made. I was also warned and advised of my right to the advice and presence of a lawyer of my own choice before or at any time during my questioning or statement I make, and if I am not able to hire a lawyer I may request and have a lawyer appointed for me, by the proper authority, without cost or charge to me.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to the advice and presence of a lawyer before and during any questioning or at any time before or while I voluntarily make the following statement to the aforesaid person, knowing that anything I say can and will be used against me in a court or courts of law.

I declare that the following voluntary statement is made to the aforesaid person of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I would prefer that Detective Hashe type my statement for me because I hate writing. K.W. I graduated High School in 1983 and I can read and write. This afternoon I rode my motorbike up to the discount store to look for some food. I went inside and walked to the back of the store. There was a little girl already at the back of the store. I looked both ways to look at the food products when I saw that the girl looked confused as she stood there near some shoes. I continued to look at the food and the girl slammed some shoes down on the floor. I heard her momma call for her by her name MINOR 5. I was still looking at the food and the next thing I knew the girl's momma came up and grabbed me by my shirt. She started to yell for the manager. I just looked at her and asked her why she was grabbing me. We met the manager half way back across the store and the mother proceeds to tell him what the girl said I did. I stayed until the police came. The manager offerred to keep my bike there until this mess could be cleared up. I shot myself in the head trying to committ suicide in 1988. After my severe brain injury, I sometimes can't remember all the details of an event. Sometimes there are just missing parts. If I exposed myself to the girl today I don't remember it. I feel that is more likely that I didn't than I did but I can't be sure because I just don't remember. I have never seen that girl or her mother before today. The reason that I shot myself in 1988 is because I was hooked on serious drugs like Heroin and PCP.XXXXXXXXEnd of StatementXXXXXXX

Anderson County Sheriff's Office

CASE FILE FACE SHEET

(Attach to case file and check off items)

CASE FILE FACE SHEET .....(✓)
INCIDENT REPORT .....(✓)
SUPPLEMENTAL REPORTS .....(✓)
INVESTIGATIVE HISTORY .....( )
WITNESS STATEMENTS .....( )

For each defendant, enclose the following information in the order given:

MIRANDA WARNINGS .....(✓)
DEFENDANT STATEMENTS .....(✓)
COPY OF ARREST WARRANTS .....(✓)

SEARCH WARRANTS/CONSENT TO SEARCH .....( )
EVIDENCE SHEET .....( )
CRIME STOPPERS LEAD SHEET .....( )
TOW SHEET .....( )
PAWN SHOP TICKET OR FORMS .....( )
FORENSIC / LAB / SLED REPORTS .....( )
CRIMINAL HISTORY .....(✓)

SUPERVISOR'S APPROVAL _____
APPROVAL DATE _____

Criminal Investigations Division
Case Analysis Sheet
(To be completed by supervisor)

Case# 2005-09559 Incident Type: Indecent exposure
Investigator: C.R. Williams Date Assigned: 3-3-05

Crime Scene:

Did forensics respond?	Yes____	No ✓
Any latents collected?	Yes____	No ✓ AFIS quality? Yes____ No____
Video of incident?	Yes ✓	No____
Waiting any test/lab results?	Yes____	No ✓

Explain: W/I - most video was obtained and taped into evidence.

Victim Contact:

Inv. responded to the scene?	Yes____	No ✓
Telephone contact only?	Yes____	No____
Face to face contact?	Yes ✓	No____
Can victim ID suspect?	Yes ✓	No____
Statement taken?	Yes____	No ✓
Property in P&E?	Yes____	No ✓
Any hold on vehicles?	Yes____	No ✓

Explain:

Witness Contact:

Any witness to incident?	Yes____	No ✓
Telephone contact only?	Yes____	No____
Face to face contact?	Yes____	No____
Statement taken?	Yes____	No____

Suspect Contact:

Suspect identified?	Yes ✓	No____
Suspect interrogated?	Yes ✓	No____
Waiver of rights?	Yes____	No____
Statement taken?	Yes____	No____
Co-defendant involved?	Yes____	No ✓ Identified? Yes____ No____
Warrants signed?	Yes ✓	No____
Warrants served?	Yes ✓	No____ Date:____
Suspect on NCIC?	Yes____	No ✓

Investigative strategies:

Case has similar M.O. to other incidents?	Yes ✓	No
Talked to other agencies?	Yes	No ✓
BOLO sheet distributed?	Yes	No ✓
Photo line-up?	Yes ✓	No

Case File:

Incident Report(code 5)?	Yes ✓	No	
1st Supplemental?	Yes ✓	No	Date:
2nd Supplemental?	Yes	No	Date:
3rd Supplemental?	Yes	No	Date:
4th Supplemental?	Yes	No	Date:
ID Supplemental?	Yes	No	
Search Warrant?	Yes	No	
Arrest Warrant?	Yes	No	
Waivers?	Yes	No	
Statements?	Yes	No	
Criminal History/ID Pack?	Yes ✓	No	
P & E Sheets?	Yes	No	
Phone/Utility records?	Yes	No	
Coroner's Report/Autopsy?	Yes	No	
Court Orders?	Yes	No	

Supervisor comments:

Reviewed by:

Supervisor	Date	Status
Sgt CT Vogt	4/11	Cleared By Arrest

AGENCY I.D.
SCO 040000

INCIDENT REPORT

CASE NUMBER

NCIC: INC. | ENTD

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1.	☒ YES ☐ NO	☐ YES ☒ NO		
2.	☐ YES ☐ NO	☐ YES ☐ NO		
3.	☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Organ. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): [redacted]

ZIP CODE: 926

WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
7-6-05	1600		7-8-05	1700	7-8-05				5

COMPL./ARREST'S NAME (LAST, FIRST, MIDDLE) | RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT | RACE | SEX | AGE | ETH. | EVENING PHONE

[redacted]

ADDRESS: [redacted] | CITY: [redacted] | STATE: CA | ZIP CODE: 926 | LOCATION NO.

VICTIM NO. 1

VICTIM'S NAME (LAST, FIRST, MIDDLE): MINOR 6 [redacted] | RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT: J B O U | RACE: W | SEX: F | AGE: 9 | ETH.: N | DAYTIME PHONE | EVENING PHONE

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO.

VISIBLE INJURY (VICT. 1) ☐ YES ☐ NO EXPLAIN — COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES ☐ NO

VICTIM (NO. 1) USED ALCOHOL ☐ YES ☐ NO ☐ UNK DRUGS ☐ YES ☐ NO ☐ UNK TYPE:

TWO-ADULT VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL. ASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐

* J — This Jurisdiction, S — State, O — Out of State, U — Unknown

SUBJECT NO. 1

☐ SUBJECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE): [redacted] | RACE | SEX | AGE | ETH. | DATE OF BIRTH | HEIGHT | WEIGHT | HAIR | EYES

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: [redacted] | CITY | STATE | ZIP CODE | LOCATION NO.

SUBJECT (NO. 1) USED ALCOHOL ☐ YES ☐ NO ☐ UNK ☒ DRUGS ☐ YES ☐ NO ☐ UNK ☒ TYPE:

ARRESTED NEAR OFFENSE SCENE ☐ YES ☐ NO ☒ | TOTAL # ARRESTED | DATE/TIME OF OFFENSE | DATE/TIME OF ARREST

NARRATIVE

[redacted]

JURISDICTION OF THEFT — LAW ENFORCEMENT AGENCY | JURISDICTION OF RECOVERY — LAW ENFORCEMENT AGENCY

PROPERTY

TYPE (GROUP)								TOTAL VALUE
STOLEN								
DAMAGED								
BURNED								
RECOVERED								
SEIZED								

SUBJECT IDENTIFIED ☐ YES ☐ NO | SUBJECT LOCATED ☐ YES ☐ NO | ☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
[redacted]	7-22-05	[redacted]			

FOLLOW-UP INVESTIGATION ☐ YES ☐ NO | OFFICER

AGENCY I.D. SCO 040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER: 5-05-095559

INCID. NO.: 329

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIM ☐ ADDITIONAL STOLEN PROPERTY

☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDER(S) ☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM# ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT J S O U	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE H / B	EVENING PHONE H / B

☐ VICTIM NO. ___ VISIBLE INJURY ☐ NO ☒ YES EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES

VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES TYPE ☐ UNK

☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ___ USING ALCOHOL ☐ NO ☐ YES USING DRUGS ☐ NO ☐ YES TYPE: ☐ UNK

VICT./SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM# ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT J S O U	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE H / B	EVENING PHONE H / B

☐ VICTIM NO. ___ VISIBLE INJURY ☐ NO ☐ YES EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES

VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES TYPE ☐ UNK

☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASMT ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED

☐ SUBJECT NO. ___ USING ALCOHOL ☐ NO ☐ YES USING DRUGS ☐ NO ☐ YES TYPE: ☐ UNK

NARRATIVE

(C.) He made type of crime on 28-by-pass. I/O prepared a photo-line-up at which the Complainant and victim identified the listed suspects As the person that had displayed a weapon to them while robbing. I/O issued a warrant for Indecent exposure that was served on the suspect while he was in custody.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH / VET / PROP

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

VIN AND/OR LICENSE NO. | BOAT HULL NO. AND/OR REG. NO.

SERIAL AND/OR OWNER APPLIED NO. | STATE

YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE

MODEL	STYLE	COLOR	BRAND NAME	CALIBER

SEC. NO.	DENOMINATION	ISSUER	SECURITIES DATE

MISCELLANEOUS

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

SUBJECT IDENTIFIED ☐ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
W. [illegible]	5-22-05	V-56			
		159	FOLLOW-UP INVESTIGATION ☐ YES ☐ NO OFFICER		

330

OFFICER INPUT FORM

Reminder: The Solicitor's Office receives on average 5,000 warrants per year in Anderson County and on average 2,000 warrants per year on Oconee County. We have approximately 250 days of General Sessions Court per year in Anderson County and 50 days of General Sessions Court per year in Oconee County. On average, a case takes two days to try. It is absolutely impossible to try each case. To do that, we would need 10,000 court days per year in Anderson County and 4,000 court days per year in Oconee County. This court time must be shared by all law enforcement agencies in each county.

STATE VS. Kenneth Wright
CASE NO. 2005-09559

Please complete this form and return it to the Solicitor's Office with your investigation.

_____ I wish to be present for any plea.
My telephone numbers are: (Work)_____
(Pager)_____ (Home)_____

__✓__ I recommend you use your own discretion in the disposition of these charges.

_____ Please contact me if you intend to reduce the charge as part of a plea negotiation.

_____ I recommend or have no opposition to the following:

Dismissal:_____ Probation:_____ PTI:_____

_____ I recommend incarceration because:

_____

_____

Y___N___ I want to be notified upon disposition of this case.

Are there any co-defendants? ____Yes __✓__No

If yes, please give names._____

_____

Y___N___ Has any asset been seized? Describe._____

_____

PLEASE USE THE BACK FOR ANY ADDITIONAL COMMENTS OR EXPLANATION YOU WISH TO PROVIDE.

C. Scott Williams
OFFICER SIGNATURE

ANDERSON COUNTY SHERIFF'S OFFICE
CRIMINAL INVESTIGATIVE DIVISION
Affidavit of Photo Identification

PLACE: Anderson
DATE: 3-31-05
TIME: 2:47 pm
CASE #: 2005-09552

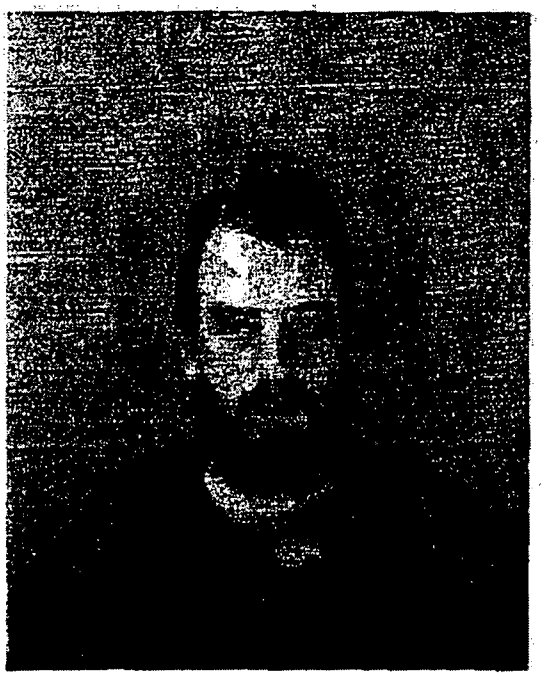
I, Allison Hall, have viewed a group of 6 photographs this 31st day of March 2005 from which I have positively identified photograph # 2 as displayed to me by C.R. Williams of the Anderson County Sheriff's Office as being the person who displayed his private part to my 9 year old daughter in a public place at Wal-Mart on hwy 28 by-pass

Signature Allison L. Hall
Address [redacted]

Witness C. Randall Williams

ANDERSON COUNTY
MUGSHOT PROFILE

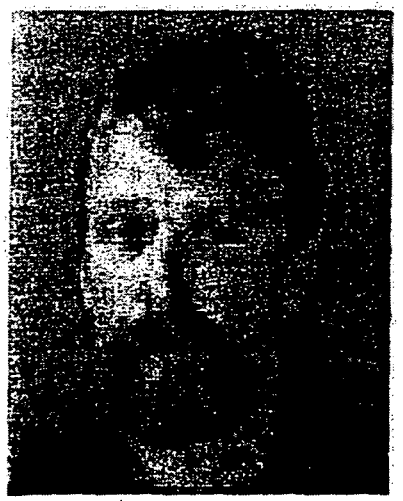
NAME:	KENNETH LEALLEN WRIGHT
PHOTO#:	187574
DOCKET#:	200501719
CASE#:	
ALIAS:	KENNY
DOB:	[redacted]
PHOTO DATE:	03-15-2005
PLACE OF BIRTH:	
SOCIAL SECURITY#:	[redacted]



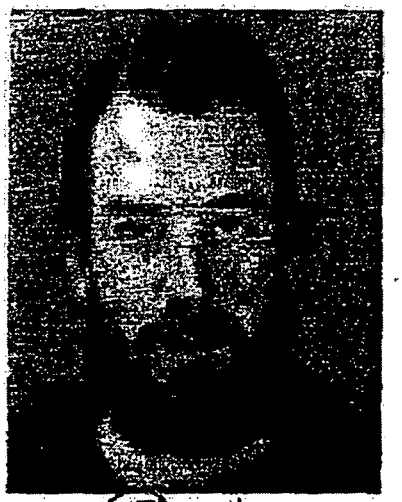
PHYSICAL DESCRIPTION

RACE:	WHITE
SEX:	MALE
HEIGHT:	5'07"
WEIGHT:	170
BUILD:	MEDIUM
HAIR COLOR:	BLONDE
HAIR STYLE:	
FACIAL HAIR:	
EYE COLOR:	
EYE CHARACTERISTICS:	
COMPLEXION:	LIGHT
COMPL. CHARACTERISTIC:	
TEETH:	
SCARS 1:	
SCARS 2:	
MARKS:	
TATTOOS1:	
TATTOOS2:	
CRIPPLED:	
MISS. BODY PARTS:	
ARTIFICIAL LIMBS:	
SPEECH:	
DEAFNESS:	
COMMENTS:	

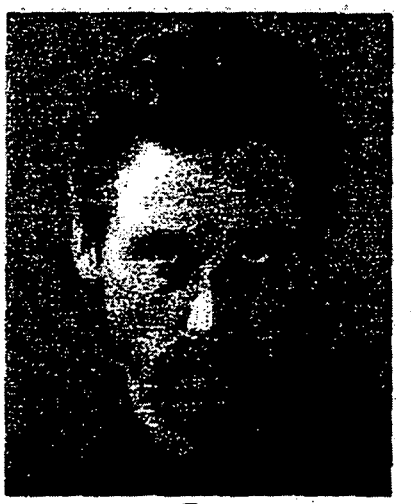
Anderson County Sheriff's Office



1

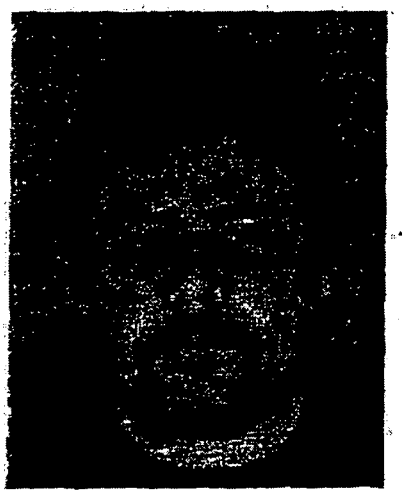


2 Rsk.



3

4



5

6

334

VOLUNTARY STATEMENT

CASE#2005-11118

DATE 03-15-05 PLACE #305 Camson Rd. ACSO TIME STARTED 8:30 P.M.

I, the undersigned, Kenneth LeAllen Wright, am 40 years of age, having been born on [redacted], at Bellville, Illinois

I now live at [redacted]

I have been duly warned and advised by Detective C. W. Hashe, a person who has identified himself as Anderson County Sheriff's Detective, that I do not have to make any statement at all, nor answer any questions or do anything that might tend to go against me or incriminate me in any manner, and that any statement I make, can and will be used against me on the trial or trials for the offense or offenses concerning which the following statement is herein made. I was also warned and advised of my right to the advice and presence of a lawyer of my own choice before or at any time during my questioning or statement I make, and if I am not able to hire a lawyer I may request and have a lawyer appointed for me, by the proper authority, without cost or charge to me.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to the advice and presence of a lawyer before and during any questioning or at any time before or while I voluntarily make the following statement to the aforesaid person, knowing that anything I say can and will be used against me in a court or courts of law.

I declare that the following voluntary statement is made to the aforesaid person of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

I would prefer that Detective Hashe type my statement for me because I hate writing. K.W. I gradu ated High School in 1983 and I can read and write. This afternoon I rode my motorbike up to the discount store to look for some food. I went inside and walked to the back of the store. There was a little girl already at the back of the store. I looked both ways to look at the food products when I saw that the girl looked confused as she stood there near some shoes. I continued to look at the food and the girl slammed some shoes down on the floor. I heard her momma call for her by her name MINOR 5. I was still looking at the food and the next thing I knew the girl's momma came up and grabbed me by my shirt. She started to yell for the manager. I just looked at her and asked her why she was grabbing me. We met the manager half way back acroes the store and the mother proceeds to tell him what the girl said I did. I stayed until the police came. The manager offerred to keep my bike there until this mess could be cleared up. I shot myself in the head trying to committ suicide in 1988. After my severe brain injury, I sometimes can't remember all the details of an event. Sometimes there are just missing parts. If I exposed myself to the girl today I don't remember it. I feel that is more likely that I didn't than I did but I can't be sure because I just don't remember. I have never seen that girl or her mother before today. The reason that I shot myself in 1988 is because I was hooked on serious drugs like Heroin and PCP.XXXXXXXXEnd of StatementXXXXXXX

Anderson County Sheriff's Office
Advisory of Rights

Location: #305 Conway Rd. AC,SC

Date: 03-15-05

Time: 8:20 PM

Before you are asked any questions, you must understand your rights.

- ☐ You have the right to remain silent.
- ☐ Anything you say may be used against you in court.
- ☐ You have the right to speak to a lawyer for advise before we you are asked any questions and have him with you during questioning.
- ☐ If you cannot afford a lawyer, one will be appointed for you before any questioning, if you wish.
- ☐ If you decide to answer questions now without a lawyer present, you will still have the right to stop answering questions at any time. You also have the right to stop answering at any time until you speak with a lawyer.

E. L. Hoke
Witness

Date & Time: 03-15-05 / 8:25 PM

Witness

Signature: Kenneth L. Wright

WAIVER OF RIGHTS

I have read this statement of my rights, and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

E. L. Hoke
Witness

Date & Time: 03-15-05 / 8:27 PM

Witness

Signature: Kenneth L. Wright
Kenneth L. Wright

Case Summary
CASE#2005-011118

Indecent Exposure

Defendant: Wright, Kenneth – LeAllen W/M [redacted]

On 03-15-05, the defendant approached the victim MINOR 5 W/F 11yoa) inside the "Treasure Mart" Discount Store located at 302 Pearman Dairy Road. The victim was shopping with her mother and was looking at shoes in the shoe section of the store. The defendant walked up to the victim while her mother was on another aisle and exposed his bare penis to the victim by unzipping his pants and pulling it through the opening below the beltline. The victim notified her mother and management detained the suspect until law enforcement arrived. The defendant is a convicted sex offender with two independent, prior convictions for Indecent Exposure and two counts of Lewd Act on a Minor. The victim provided a sworn statement in this case detailing the incident.

OFFICE OF THE SHERIFF
ANDERSON COUNTY SC

305 Camson Road
Anderson, S.C. 29625

Post Office Box 5497
Anderson, S.C. 29623

Phone: 864-260-4400
Greenville Line: 864-233-1158
Fax: 864-260-4398

Email: INFO@ANDERSONSHERIFF.COM
WWW.ANDERSONSHERIFF.COM

March 16, 2005

Judge,

Mr. Wright is a **registered sex offender** with convictions as follows:

-two different incidents of Indecent Exposure
-two counts of Lewd Act on a Minor unrelated to Indecent Exposure cases
-Making Obscene Phone Calls

He is also a suspect in other exposure incidents still under investigation. Due to his history and the fact that the victim in this case is an eleven year old female, the state would request that he be held in detention pending trial with a bond set accordingly. He is also on probation for various offenses. I can be reached at the following numbers if I can be of any further assistance.

Detective Creed W. Hashe ACSO

Cell#844-3086
Pager#375-7921

PETITIONER'S EXHIBIT 7

DOCKET NO. 2002-GS-04-2741

WITNESSES

ACSD/Brothers

ARREST WARRANT NO. I136657

ACTION OF GRAND JURY

TRUE BILL DATE 10-22-02

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

The State of South Carolina,
ANDERSON
County of

COURT OF GENERAL SESSIONS

OCT 22 2002 TERM

JCD **THE STATE**

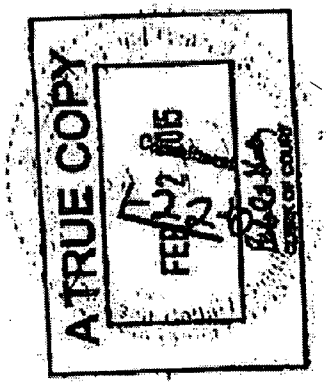
vs.

Kenneth L. Wright

Indictment for

LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]

DRUANNE WHITE, SOLICITOR



340

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR

LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]

At a Court of General Sessions, convened on OCT 22 2002,

the Grand Jurors of ANDERSON County present upon their oath:

LEWD ACT UPON CHILD UNDER SIXTEEN

That Kenneth L. Wright did in Anderson County, South Carolina, on or between July 8, 2001, and August 9, 2001, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, or its parts, of MINOR 7, whose date of birth is [redacted], with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child. All in violation of Section 16-15-140, *Code of Laws of South Carolina*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
STATE v KENNETH L WRIGHT
AKA:
Race/Sex: W M Age: 38
DOB: [redacted] SSN: [redacted]
DL# SID: SC00910827

) IN THE COURT OF GENERAL SESSIONS
) INDICTMENT/CASE #
) 2002-GS-04-2741
) A/W#: I136657
) Date of Offense: 08/01/01
) S.C Code: 16-15-0140 CDR Code #: 2468 L22-03
) CASE RESTORED ☐
) SENTENCE: ☒ PLEA ☐ TRIAL Alford

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO:
Lewd Act Upon Child Under Sixteen
in violation of 16-15-140 of the S.C. Code of Laws, bearing CDR Code #: 2468

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

Joy E. Davis — Solicitor
Kenneth K. Wright — Defendant
[signature] — Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed ____ years and/or pay a fine of $ ____ provided that upon the service of 3 days/months/years and/or payment of $ ____ plus costs and assessments as applicable*, the balance is suspended with probation for 1 months/years and subject ot South Carolina Department of Probation, Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for 156 days/months jail time.

☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: 2742

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $____ plus 20% fee $____
Payment Terms: ____
☐ set by SCDPPPS ____
Recipient: ____

*Fine	$
14-1-208 - Assessments (107.5%)	$
14-1-211 (A)(1) Surcharge	$100.00
14-1-211 (A)(2) Surcharge	$
56-5-2995 (DUI)	$
3% County(if Paid in Installments)	$
Public Defender Fund	$
TOTAL	$100.00

PTUP ____
____ days/hours Public Service Employment
Obtain GED ____
Attend Voc Rehab, or Job Corps
May serve W/E beginning ____
Substance Abuse Counseling ____
Random Drug/Alcohol Testing ____
Fine may be paid in equal, consecutive weekly/monthly pmts. of $____ beginning ____
$____ paid to Public Defender Fund.
Other: ____

A TRUE COPY
FEB 2 2015
CLERK OF COURT

Cathy M. Phillips
Clerk of Court/Deputy Clerk

Court Reporter Tollison Code #: 111

JUDGE [signature] Code #: 1131
Sentence Date 1/22/03

SCCA/217 (1/01)

DOCKET NO. 2002-GS-04-2742

WITNESSES

ACSD/Brothers

ARREST WARRANT NO. I136655

ACTION OF GRAND JURY

TRUE BILL
DATE 10-22-02

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

The State of South Carolina,
ANDERSON
County of

COURT OF GENERAL SESSIONS

OCT 22 2002 TERM

JCD

THE STATE

vs.

Kenneth L. Wright

Indictment for
LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]

DRUANNE WHITE, SOLICITOR

A TRUE COPY
FEB 22 2005
CLERK OF COURT

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR

LEWD ACT UPON CHILD
UNDER SIXTEEN
16-15-140 [2468]

At a Court of General Sessions, convened on OCT 2 2 2002,

the Grand Jurors of ANDERSON County present upon their oath:

LEWD ACT UPON CHILD UNDER SIXTEEN

That Kenneth L. Wright did in Anderson County, South Carolina, on or between July 8, 2001, and August 9, 2001, willfully and lewdly commit or attempt a lewd or lascivious act upon or with the body, or its parts, o MINOR 8, whose date of birth is [redacted], with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child. All in violation of Section 16-15-140, *Code of Laws of South Carolina*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

SOLICITOR

344

15 yrs

STATE OF SOUTH CAROLINA) **IN THE COURT OF GENERAL SESSIONS**
COUNTY OF ANDERSON) **INDICTMENT/CASE #**
STATE v KENNETH L WRIGHT)
AKA:) on 2002-GS-04-2742
Race/Sex: W M Age: 38) A/W#: 136655
DOB: [redacted] SSN: [redacted]) Date of Offense: 08/01/01
) S.C Code: 16-03-0910 CDR Code #: 0095 1-22-03
DL# SID: SC00910827) CASE RESTORED ☐
) SENTENCE: ☑ PLEA ☐ TRIAL Alford

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☑ PLEADS TO:
Lewd Act Upon Child Under Sixteen

In violation of 16-3-910 of the S.C. Code of Laws, bearing CDR Code #~~[illegible]~~ 2468 cwp 1-23-03

☑ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

Charge is: ☑ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
Plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☑ Recommendation by the State.

Joy C. Davis — Solicitor | Kenneth L. Wright — Defendant | Jennifer Lord — Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or pay a fine of $ _____ provided that upon the service of 3 days/months/years and/or payment of $ _____ plus costs and assessments as applicable*, the balance is suspended with probation for 1 months/years and subject ot South Carolina Department of Probation, Pardon & Parole Services standard conditions of probation, which are incorporated by reference.

☑ The Defendant is to be given credit for 156 days/months jail time.

☑ CONCURRENT or ☐ CONSECUTIVE to sentences on: 2741

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
Payment Terms: _____
☐ set by SCDPPPS _____
Recipient: _____

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab, or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing
Fine may be paid in equal, consecutive weekly/monthly pmts. of $_____ beginning _____
$_____ paid to Public Defender Fund
Other: _____

*Fine	$
14-1-206 - Assessments (107.5%)	$
14-1-211 (A)(1) Surcharge	$100.00
14-1-211 (A)(2) Surcharge	$
56-5-2995 (DUI)	$
3% County(if Paid in Installments)	$
Public Defender Fund	$
TOTAL	$100.00

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

Cathy M. Phillips
Clerk of Court/Deputy Clerk

JUDGE _____ Code #: 111

Court Reporter _____ Code #: 111

Sentence Date 1/22/03

SCCA/217 (1/01)

ARREST WARRANT

I-136658

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of ANDERSON

THE STATE
against

WRIGHT, KENNETH L

Address: [redacted]

Phone: _____ SSN: [redacted]

Sex: M Race: W Height: 5 7 Weight: 155

DL State: _____ DL#: _____

DOB: [redacted] Agency ORI#: 0400

Prosecuting Agency: SHERIFF DEPT.

Prosecuting Officer: BROTHERS, JAMIE

Offense: KIDNAPPING

Offense Code: 0095

Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE In the

[ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L

on 8/19/02

M.C. Aylin ACSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 UNLAWFULLY SEIZE, CONFINE, INVEIGLE DECOY, KIDNAP, ABDUCT OR CARRY A 14 YEAR OLD FEMALE CHILD WITHOUT AUTHORITY OR LAW. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

AUG 28 2002

CLERK OF COURT

Sworn to and subscribed before me on 8/01/2002

Signature of Issuing Judge (L.S.)

Signature of Affiant

305 Cameron Rd.
Anderson SC 29625

Affiant's Address

Affiant's telephone

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)

Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000

Judge's Telephone 260-4156

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

P 140.02

345

ARREST WARRANT

I-136657

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of ANDERSON

THE STATE
against

WRIGHT, KENNETH L
A [redacted]
Phone: _____ SSN: [redacted]
Sex: M Race: W Height: 5 7 Weight: 155
DL #/State: [redacted]
DOB: [redacted] Agency ORI#: 0400
Prosecuting Agency: SHERIFF DEPT.
Prosecuting Officer: BROTHERS, JAMIE
Offense: COMMITTING/ATTEMPTING LEWD ACT UPON A Offense Code: 2468
Code/Ordinance Sec. 16-15-140

This warrant is CERTIFIED AS SERVICE in the

[ ] Co_____ Will e accused
is to b pick to be
dealt wit up
_____ _____ (L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L
on 8/19/02

M.G. Affin ASO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

AFFIDAVIT

S.C. Attorney General
July 26, 1990
SCCA 518

346

Personally appeared before me the affiant J.BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 FORCE A 14 YEAR OLD FEMALE CHILD TO TOUCH THE DEFENDANT'S GENITAL'S WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRE OF HIMSELF AND THE CHILD. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

Sworn to and subscribed before me on 8/01/2002
Signature of Issuing Judge (L.S.)

Signature of Affiant Jami Brothers 8/1 2002
Affiant's Address 305 Camson Rd. Anderson, SC 29625
Affiant's telephone (864) 260-4460

CLERK OF COURT

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge (L.S.)
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST. ANDERSON SC 29622-0002
Judge's Telephone 260-4156
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

ARREST WARRANT

I-136655

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of
ANDERSON

THE STATE
against

WRIGHT, KENNETH L

Address: [redacted]

Phone: _____ SSN: [redacted]

Sex: M Race: W Height: 5 7 Weight: 155

DL State: DL#: [redacted]

DOB: [redacted] Agency ORI#: 0400

Prosecuting Agency: SHERIFF DEPT.

Prosecuting Officer: BROTHERS, JAMIE

Offense: COMMITTING/ATTEMPTING LEW D ACT UPON A Offense Code: 2468

Code/Ordinance Sec.: 16-15-140

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

_____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L

on 8/19/02

M.G. Ruff

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

32002
910827

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

AFFIDAVIT

SC Attorney General's July 28, 1993 SCCA 518

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 FORCE A 15 YEAR OLD FEMALE CHILD TO TOUCH THE DEFENDANT'S GENITALS WITH THE INTENT OF AROUSING, APPEALING TO OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRE OF HIMSELF OR THE CHILD. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

Sworn to and subscribed before me on 8/01/2002

Jan Brothers
Signature of Affiant

305 Cannon Rd.
Anderson SC 29625
Affiant's Address

(864) 260-4109
Affiant's telephone

Signature of Issuing Judge (L.S.)

Aug 2 2002

Catherine Pruitt
CLERK OF COURT

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
ANDERSON)

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

_____ (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address: POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone: 260-4156
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

347

ARREST WARRANT

I-136657

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of ANDERSON

THE STATE
against

WRIGHT, KENNETH L

Address: [redacted]

Phone: SSN: [redacted]

Sex: M Race: W Height: 5 7 Weight: 155

DL State: DL#: [redacted]

DOB: [redacted] Agency ORI # 0400

Prosecuting Agency: SHERIFF DEPT.

Prosecuting Officer: BROTHERS, JAMIE

Offense: COMMITTING/ATTEMPTING LEWD ACT UPON A Offense Code: 2468

Code/Ordinance Sec: 16-15-140

This warrant is CERTIFIED /ICE in the

☐ County

is to be dealt with

Will pick up

e accused to be

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L on 8/19/02

M.G. Anthis ASO

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

AFFIDAVIT

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of ANDERSON

S.C. Attorney General July 26, 1990 SCCA 518

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of) in the following particulars:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 FORCE A 14 YEAR OLD FEMALE CHILD TO TOUCH THE DEFENDANT'S GENITAL'S WITH THE INTENT OF AROUSING, APPEALING TO, OR GRATIFYING THE LUST OR PASSIONS OR SEXUAL DESIRE OF HIMSELF AND THE CHILD. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

Sworn to and subscribed before me on 8/01/2002

(L.S.)

Signature of Issuing Judge

Signature of Affiant

305 Cannon Rd.
Anderson, SC 29625

Affiant's Address

Affiant's telephone

CLERK OF COURT

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of ANDERSON

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of) as set forth below:

DESCRIPTION OF OFFENSE: COMMITTING/ATTEMPTING LEWD ACT UPON A CHILD UNDER 16 YRS OLD.

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

(L.S.)

Signature of Issuing Judge

Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000

Judge's Telephone 260-4156

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

ARREST WARRANT

I-136656

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of ANDERSON

THE STATE
against

WRIGHT
A [redacted]
P [redacted] SSN: [redacted]
Sex: M Race: W Height: 5 [redacted] 5
DL State: [redacted] DL#: [redacted]
DOB: [redacted] Agency ORI#: 0400
Prosecuting Agency: SHERIFF DEPT.
Prosecuting Officer: BROTHERS, JAMIE
Offense: KIDNAPPING
Offense Code: 0095
Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L on 8/19/02

[signature] ACSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of ANDERSON

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01, UNLAWFULLY SEIZE, CONFINE, INVEIGLE, DECOY, KIDNAP, ABDUCT OR CARRY AWAY A 15 YEAR OLD [redacted] HOUT AUTHORITY OF LAW. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

Sworn to and subscribed before me on 8/01/2002

[signature] (L.S.)
Signature of Issuing Judge

[signature] 8/28/2002
Signature of Affiant

305 Camson Rd.
Anderson SC 29625
Affiant's Address

(CLERK OF COURT)

Affiant's telephone

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of ANDERSON

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

[signature] (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone 260-4156
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

8-14-02

ORIGINAL

349

ARREST WARRANT

I-136658

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of ANDERSON

THE STATE
against

WRIGHT, KENNETH L.
A [redacted]
Phone: _____ SSN: [redacted]
Sex: M Race: W Height: 5 7 Weight: 155
DL State: _____ DL#: _____
DOB: [redacted] Agency ORI#: 0400
Prosecuting Agency: SHERIFF DEPT.
Prosecuting Officer: BROTHERS, JAMIE
Offense: KIDNAPPING
Offense Code: 0095
Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of _____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L
on 8/1/02
M.C. Ayllon ACSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of ANDERSON

AFFIDAVIT

Form Approved by S.C. Attorney General July 26, 1990 SCCA 518

350

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 UNLAWFULLY SEIZE, CONFINE, INVEIGLE DECOY, KIDNAP, ABDUCT OR CARRY A 14 YEAR OLD FEMALE CHILD WITHOUT AUTHORITY OR LAW. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

AUG 28 2002

CLERK OF COURT

Sworn to and subscribed before me on 8/01/2002
_____ (L.S.)
Signature of Issuing Judge

Signature of Affiant
[redacted]
Affiant's Address
(864) [redacted]
Affiant's telephone

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of ANDERSON

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

_____ (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone 260-4156
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

8/1/02

ORIGINAL

ARREST WARRANT

I-136658

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
ANDERSON

THE STATE
against

RIGHT, KENNETH L
ress: [redacted]
me: SSN: [redacted]
M Race: W Height: 5 7 Weight: 155
State: DL#: [redacted]
[redacted]
ecuting Agency: SHERIFF DEPT.
ecuting Officer: BROTHERS, JAMIE
nse: KIDNAPPING
Offense Code: 0095
de/Ordinance Sec. 16-03-0910

s warrant is CERTIFIED FOR SERVICE in the
County/ [ ] Municipality of
_____. The accused
lo be arrested and brought before me to be
lt with according to law.

_____ (L.S.)
Signature of Judge

e: _____

RETURN

opy of this arrest warrant was delivered to
ndant WRIGHT, KENNETH L
8/19/02
M.C. Ryle ACSO
Signature of Constable/Law Enforcement Officer

TURN WARRANT TO:

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
ANDERSON

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01 UNLAWFULLY SEIZE, CONFINE, INVEIGLE DECOY, KIDNAP, ABDUCT OR CARRY A 14 YEAR OLD FEMALE CHILD WITHOUT AUTHORITY OR LAW. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY

SEP 18

Sworn to and subscribed before me on 8/01/2002
[illegible] (L.S.)
Signature of Issuing Judge

Signature of Affiant
Affiant's Address
Affiant's telephone

CLERK OF COURT

STATE OF SOUTH CAROLINA
[X] County/ [ ] Municipality of
ANDERSON

** CASE NUMBER 2001-39012 **

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of [ ] County/ [ ] Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

[illegible] (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone 260-4156
Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

8/19/02

ORIGINAL

351

ARREST WARRANT

I-136656

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
ANDERSON

THE STATE
against

WRIGHT, KENNETH L
Address: [redacted]
Phone: SSN: [redacted]
Sex: M Race: W Height: 5 7 Weight: 155
DL State: DL#: [redacted]
DOB: [redacted] Agency ORI#: 0400
Prosecuting Agency: SHERIFF DEPT.
Prosecuting Officer: BROTHERS, JAMIE
Offense: KIDNAPPING
Offense Code: 0095
Code/Ordinance Sec. 16-03-0910

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of
_____. The accused is to be arrested and brought before me to be dealt with according to law.

_____ (L.S.)
Signature of Judge

Date: _____

RETURN

I received a copy of this arrest warrant was delivered to defendant WRIGHT, KENNETH L
on 8/19/02
M.G. Hall #CSO
Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

AFFIDAVIT

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
ANDERSON)

Form Approved by
S.C. Attorney General
July 26, 1990
SCCA 518

Personally appeared before me the affiant J. BROTHERS/ACSO who being duly sworn deposes and says that defendant WRIGHT, KENNETH L did within this county and state on 8/01/2001 violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) in the following particulars:

DESCRIPTION OF OFFENSE: KIDNAPPING

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:
THE VICTIM STATED THAT THE DEFENDANT DID ON 08/01/01, UNLAWFULLY SEIZE, CONFINE, INVEIGLE, DECOY, KIDNAP, ABDUCT OR CARRY AWAY A 15 YEAR OLD FEMALE CHILD WITHOUT AUTHORITY OF LAW. THIS OFFENSE OCCURRED AT [redacted] IN ANDERSON COUNTY.

A TRUE COPY
SEP 10

Sworn to and subscribed before me
on 8/01/2002
[signature] (L.S.)
Signature of Issuing Judge

[signature]
Signature of Affiant
[redacted]
Affiant's Address
Affiant's Telephone

ARREST WARRANT

STATE OF SOUTH CAROLINA)
☒ County/ ☐ Municipality of)
ANDERSON)

** CASE NUMBER 2001-39012 **

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
It appearing from the above affidavit that there are reasonable grounds to believe that on 8/01/2001 defendant WRIGHT, KENNETH L did violate the criminal laws of the State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of _____) as set forth below:

DESCRIPTION OF OFFENSE: KIDNAPPING

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

[signature] (L.S.)
Signature of Issuing Judge
Judge Code: 733

Judge's Address POB 8002, 107 S. MAIN ST.
ANDERSON SC 29622-0000
Judge's Telephone 260-4156
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

8.14202A

ORIGINAL

AGENCY I.D. SC0040000

INCIDENT REPORT

CASE NUMBER 2001-0012 — NIC — 353 — ENT

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1. 100 KIDNAPPING	■ YES ☐ NO	☐ YES ■ NO	20 RESIDENCE/HOME	
2. LEWD ACT ON A MINOR	■ YES ☐ NO	☐ YES ■ NO	20 RESIDENCE/HOME	
3.	☐ YES ☐ NO	☐ YES ☐ NO		

TYPE VICTIM: ■ Individual ☐ Business ☐ Financial ☐ Governmental ☐ Religious Org ☐ Society/Public ☐ Other ☐ Unknown ☐ Police Officer

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): [redacted] — ZIP CODE: 29624- — WEAPON TYPE:

INCIDENT DATE	24 HR CLOCK	TO	DATE	24 HR CLOCK	DISP DATE	DISP TIME	TIME ARRIVED	INVEST TIME	LOCATION NO.
08/01/2001	14:00		08/01/2001	17:00	08/09/2001	21:31	21:50	00:13	5

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
BOONE, TAMMY DIANE.				J	W	F	37	N	[redacted]	- -

ADDRESS: [redacted] LN — CITY: [redacted] — STATE: SC — ZIP CODE: 29624- — LOCATION NO.

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH	DAYTIME PHONE	EVENING PHONE
MINOR 8	AQ			J	W	F	14	N	[redacted]	- -

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
501	95	BLACK	BLUE	

[redacted] — STATE: SC — ZIP CODE: 29624- — LOCATION NO: 5

VISIBLE INJURY (VICT. 1) ☐ YES NO ■ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES: ☐ YES NO ■

VICTIM (NO. 1) USING: ALCOHOL ☐ YES NO ■ UNK ☐ DRUGS ☐ YES NO ■ UNK ☐ TYPE

TWO MAN VEH ☐ ONE MAN VEH ☐ DETECTIVE/PLAINCT ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ — J—This Jurisdiction S—State O—Out of State U—Unknown

SUBJECT NO. 1

■ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
WRIGHT, KENNY	W	M	30	N		508	150		

FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC: [TATTOO, TIGER HEAD, 11] [TATTOO, PLAY BOY BUNNY, 35]

DAYTIME PHONE: - - EVENING PHONE: - -

ADDRESS: [redacted] — CITY: ANDERSON — STATE: SC — ZIP CODE: 29624- — LOCATION NO: 5

SUBJECT(S) USING: ALCOHOL ☐ YES NO ■ UNK ☐ DRUGS ☐ YES NO ■ UNK ☐ TYPE

ARRESTED NEAR OFFENSE SCENE ☐ YES NO ■ TOTAL # ARRESTED

DATE/TIME OF OFFENSE: 08/01/2001 14:00:00

DATE/TIME OF ARREST:

NARRATIVE

I SPOKE WITH VICTIM #1 . WHO STATED SHE AND VICTIM#2 HAD A VERBAL AGREEMENT WITH THE SUSPECT TO CLEAN HIS RESIDENCE FOR A MONETARY AMOUNT. AFTER THE VICTIMS CLEANED THE RESIDENCE, THE SUSPECT FORCED THE TWO TO STAY INSIDE HIS RESIDENCE BY PADLOCKING THE DOOR. THE SUSPECT THEN FORCED THE TWO VICTIMS TO WATCH HIM MASTURBATE. THE SUSPECT ALSO FORCED THE TWO VICTIMS TO TOUCH HIS PENIS AND THEN HE REQUESTED ORAL SEX. AFTER THE VICTIMS REFUSED THE SUSPECT THEN RELEASED THEM. THE INVESTIGATIONS CONTINUES.

APPROVED BY SGT. MARK KING

-pst Mir. In Bs DSC

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

PROPERTY

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
USED							

SUBJECT IDENTIFIED	SUBJECT LOCATED	■ ACTIVE ☐ ADM CLOSED	☐ ARRESTED UNDER 18	☐ EXCLEAR UNDER 18
■ YES NO ☐	■ YES NO ☐	☐ UNFOUNDED	☐ ARRESTED 18 AND OVER	☐ EXCLEAR 18 AND OVER

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

REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	DATE KEYED
MCCLELLAN, J R	08/09/2001	331			

FOLLOW-UP INVESTIGATION ■ YES NO ☐ — OFFICER ASSIGNED: — DATE: 08/10/2001 — INV

Narrative: Page 2

****

Narrative Title:
Entered By: S M KING
On: 08/10/2001 01:41:09

********** INVESTIGATIONS ONLY**********

THE TWO VICTIMS RELAYED THE SAME ACCOUNT OF THE INCIDENT. BOTH VICTIMS STATED THAT ON ABOVE DATE AND TIMES THE THEY MADE AN AGREEMENT TO CLEAN THE SUSPECTS HOME. UPON COMPLETION OF TASK, THE SUSPECT PAID THE VICTIMS THEN FORCED BOTH VICTIMS TO STAY BY PADLOCKING THE FRONT DOOR. SUSPECT STATED TO BOTH VICTIMS TO ACCOMPANY HIM TO HIS BEDROOM. BOTH VICTIMS STATED THEY DID NOT WISH TO, BUT THE SUSPECT STATED THEY HAD TO BEFORE THEY COULD LEAVE. THE VICTIMS RELUCTANTLY COMPLIED. UPON ENTERING THE BEDROOM, THE SUSPECT TOLD THE VICTIMS THEY WERE GOING TO HAVE TO RUB LOTION ON HIS BODY. THE SUSPECT THEN REMOVED HIS CLOTHING, ONCE AGAIN THE SUSPECT TOLD THE VICTIMS THEY WOULD HAVE TO PERFORM THIS ACT BEFORE LEAVING. THE VICTIMS RELUCTANTLY COMPLIED RUBBING LOTION ON THE SUSPECTS BODY INCLUDING HIS PENIS AND BUTTOCKS. THE SUSPECT THEN TOLD THE VICTIMS THEY WOULD HAVE O WATCH HIM MASTURBATE BEFORE THEY WOULD BE ALLOWED TO LEAVE. MINOR 8 AT THIS TIME STATED SHE DID NOT KNOW WHAT MASTURBATE MEANT. THE SUSPECT STATED TO HER IT MEANT " TO WATCH ME JACK OFF." THE SUSPECT THEN EJAC D THE TWO VICTIMS TO PERFORM ORAL SEX ON HIM, ANDTHEY REFUSED. MINOR 8 STATED HER MOTHER WAS EXPECTING HER HOME SO SHE COULD ATTEND CHURCH. THE SUSPECT THEN ALLOWED THEM TO LEAVE. UPON LEAVING THE SUSPECT STATED TO BOTH VICTIMS NOT TO INFORM ANYONE OF WHAT OCCURRED. THE SUSPECT STATED TO BOTH VICTIMS THAT HE WOULD " MAKE IT SO THEY COULD NOT TALK". BOTH VICTIMS THEN LEFT.

MINOR 7 STATED SHE REMEMBERED SEEING A TATTOO OF A TIGERS HEAD ON THE SUSPECTS BACK RIGHT SHOULDER. SHE ALSO STATED REMEMBERING SEEING A TATTOO OF A "PLAYBOY" BUNNY ON THE SUSPECT LEFT THIGH JUST BELOW THE SUSPECTS TESTICLES. SHE ALSO REMEMBERED THE SUSPECT HAVING SEVERAL PORNOGRAPHY PICTURES ON HIS BEDROOM WALL.

AGENCY : ANDERSON COUNTY SHERIFFS OFFICE
ORI # : SC0040000
Report Date / Time : 08/09/2001 20:40:00
Incident # : 200139012

INCIDENT REPORT
ADDITIONAL OTHERS

MINOR 7 [redacted]

NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	AQ			J	W	F	32	[redacted]	N

TYPE V2

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
411	95	BROW	BROWN	

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	DAY PHONE	EVENING PHONE
[redacted]	ANDERSON	SC	29624-	5	[redacted]	

VISIBLE INJURY ☐ YES NO ■ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ■

USING ALCOHOL ☐ YES NO ■ UNK ☐ DRUGS ☐ YES NO ■ UNK ☐ TYPE

PERSON TYPE

NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

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

VISIBLE INJURY ☐ YES NO ☐ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ☐

USING ALCOHOL ☐ YES NO ☐ UNK ☐ DRUGS ☐ YES NO ☐ UNK ☐ TYPE

PERSON TYPE

NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

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

VISIBLE INJURY ☐ YES NO ☐ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ☐

USING ALCOHOL ☐ YES NO ☐ UNK ☐ DRUGS ☐ YES NO ☐ UNK ☐ TYPE

PERSON TYPE

NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

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

VISIBLE INJURY ☐ YES NO ☐ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ☐

USING ALCOHOL ☐ YES NO ☐ UNK ☐ DRUGS ☐ YES NO ☐ UNK ☐ TYPE

PERSON TYPE

NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

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

VISIBLE INJURY ☐ YES NO ☐ EXPLAIN— COMPLAINT OF ANY NON-VISIBLE INJURIES ☐ YES NO ☐

USING ALCOHOL ☐ YES NO ☐ UNK ☐ DRUGS ☐ YES NO ☐ UNK ☐ TYPE

356

AGENCY I.D.
SCO 040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER: 2001-39012

NCIC / INC

☐ ORIGINAL REPORT ☑ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
PAGE 1 OF 1 PAGES
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM# ☑ SUBJECT # 1 ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE): Wright, Kenneth | VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT J S O U | RACE W | SEX M | AGE 38 | D.O.B. [redacted]

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS: [redacted] | CITY: Anderson | STATE: SC | ZIP CODE: 29621 | LOCATION NO: S | DAY PHONE H / B | EVENING PHONE H

☐ VICTIM NO. ___ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASH ☐ ONE-MAN VEHICLE ☐ OTHER | ☐ ALONE ☐ ASSIST
EXPLAIN:

☐ SUBJECT NO. ___ USING ALCOHOL ☐ NO ☐ YES
USING DRUGS ☐ NO ☐ YES TYPE: ☐ UNK

VICT/SUBJ. I.D. OVERFLOW

☐ COMPLAINANT ☐ VICTIM# ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE) | VICTIM RELATIONSHIP TO SUBJECT #1 #2 #3 | RESIDENT J S O U | RACE | SEX | AGE | D.O.B.

HEIGHT | WEIGHT | HAIR | EYES | FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.

ADDRESS | CITY | STATE | ZIP CODE | LOCATION NO | DAY PHONE H / B | EVENING PHONE H

☐ VICTIM NO. ___ VISIBLE INJURY ☐ NO ☐ YES | COMPLAINT OF NON-VISIBLE INJURIES ☐ NO ☐ YES | VICTIM USING ALCOHOL ☐ NO ☐ YES ☐ UNK DRUGS ☐ NO ☐ YES TYPE ☐ UNK | ☐ TWO-MAN VEHICLE ☐ DETECTIVE/SPLASH ☐ ONE-MAN VEHICLE ☐ OTHER | ☐ ALONE ☐ ASSIST
EXPLAIN:

☐ SUBJECT NO. ___ USING ALCOHOL ☐ NO ☐ YES
USING DRUGS ☐ NO ☐ YES TYPE: ☐ UNK

NARRATIVE

R/O's located suspect at [redacted] R/O's served warrants # I-136655 for Lewd Act on Minor, # I-136656 for Kidnapping, # I-136657 for Lewd act on minor, # I-136658 for Kidnapping. R/O's transported and Released Suspect to ACDC without Incident

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

PROPERTY / GLC

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

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

PROPERTY RECAP

TYPE (GROUP)						TOTAL VALUE
STOLEN						
DAMAGED						
FOUND						
RECOVERED						
SEIZED						

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO | SUBJECT LOCATED ☒ YES ☐ NO | ☐ ACTIVE ☐ NON-DISCLOSED ☐ UNFOUNDED | ☐ ARRESTED UNDER 18 ☒ ARRESTED OR ADULT | ☐ EX-CLEARED UNDER 18 ☐ EX-CLEARED OR ADULT

REASON FOR EXCEPTIONAL CLEARANCE: 1 ☐ OFFENDER DEATH 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM REFUSES COOPERATION 5 ☐ WARRANT / NO ACTION

REPORTING OFFICER	DATE	DAY NUMBER	REVIEWING OFFICER	DATE	DAY NUMBER
M. G. Wirth	8/19/01	252			
M. J. Brown yes	8/19/01	253			

INVESTIGATIVE FOLLOW-UP

Case Number:

Type of Crime:	LEWD ACT/KIDNAPPING	Complainant/Victim	TAMMY DIANE BOONE		
Location of Offense:	[redacted]	Offense Date	08/01/2001	Date Completed	09/19/2002
Reporting Officer:	INVESTIGATOR J BROTHERS	Case Officer:	BROTHERS	Page 1 of 1	

Narrative

On 8/9/01 it was reported to the Anderson County Sheriff's Office that an incident had occurred at the residence of Kenneth L. Wright. The incident was reported by Tammy Diane Boone. Two minor females, MINOR 8 [redacted] and MINOR 7 [redacted] said to be victims in this incident. On 8/16/01 I interviewed MINOR 8 [redacted] She stated that she lives near the former residence of the defendant. MINOR 8 [redacted] stated that she and her friend MINOR 7 went to the defendant's residence after he asked the two if they would be interested in cleaning his house for money. The two agreed to clean the defendant's house for $5. MINOR 8 [redacted] stated that while cleaning the defendant's kitchen he asked them to come into his bedroom to clean in there. MINOR 8 [redacted] stated that the defendant then padlocked the door shut. Both victims and the defendant were locked in the bedroom. MINOR 8 [redacted] tated that the suspect said that he wanted them to rub lotion all over his body. MINOR 8 [redacted] stated that the defendant then took all of his clothes off. MINOR 8 [redacted] stated that she and MINOR 7 told the defendant that they did not want to do that. MINOR 8 [redacted] stated that the defendant told them that they would do this or they wouldn't leave. MINOR 8 [redacted] stated that she rubbed lotion on the defendant's upper body and that MINOR 7 rubbed lotion on his lower body. MINOR 8 [redacted] stated that the defendant make both of them rub his penis. MINOR 8 [redacted] stated that the defendant has a tattoo of a "playboy bunny" on his upper left leg near the groin area. MINOR 8 [redacted] stated that he also has several other tattoos but that she remembered this particular tattoo and its location.

On 8/30/01 I interviewed MINOR 7 [redacted]. MINOR 7 stated that she and MINOR 8 [redacted] were at the defendant's residence to clean for $5 each. MINOR 7 stated that the defendant went into his bedroom with them and padlocked the door shut. MINOR 7 stated that the defendant told them to rub lotion on his body. MINOR 7 stated that the defendant took all of his clothes off. MINOR 7 stated that she and MINOR 8 [redacted] told the defendant that they wanted to leave. MINOR 7 stated that she rubbed lotion on the defendant's lower body while MINOR 8 [redacted] rubbed lotion on his upper body. MINOR 7 stated that the defendant has several tattoos. MINOR 7 stated that the defendant has a tattoo of a "playboy bunny" on his left upper thigh.

On 10/10/01 I along with Inv. Kevin Matheson went to the defendant's residence located a [redacted]. The defendant and Inv. Matheson went into a back room where the defendant showed Inv. Matheson his [redacted] d the defendant has a green in color "playboy bunny" located on his upper left thigh. I then obtained a search warrant from Judge Ronald Whitman on 10/23/2001. This search warrant was executed by Inv. Matt Smith. Lt. George Cremer was also present and did photograph this particular tattoo. During this search the defendant stated that the victims could have seen him while he had bikini swimwear on. When asked if he could show me this swimwear he stated that these clothes had been burned in a house fire.

During each visit with the defendant he denied the accusations made against him by the victims. I then signed four arrest warrants for the defendant.

1-136655 Committing/Attempting lewd act upon a child under 16 yrs old
1-136656 Kidnapping
1-136657 Committing/Attempting lewd act upon a child under 16 yrs old
1-136658 Kidnapping

After his arrest I spoke with Mr. Wright at the detention center. I read him his Miranda warning and he did sign a waiver. Mr. Wright gave a written statement. He stated that the girls had been asked by him to clean his home. He stated that once there they began asking him if he would pay them for sexual favors. He stated that after they began doing this he asked them to leave. He also stated that the victims had seen him swimming at Broadway Lake while he had bikini type swimwear on.

Notes of victims' interviews and photographs of the tattoo are contained in the case file.

INVESTIGATIVE FOLLOW-UP

Case Numbe

Type of Crime: [illegible] Complainant / Victim: [illegible]

Location of Offense: [illegible] Offense Date: _____ Date Completed: _____

Submitting Officer: [illegible] Case Officer: [illegible] Page 1 of Pages

Narrative

[illegible] [redacted] [redacted] [redacted]

[illegible] [redacted] [redacted] [redacted]

[illegible] MINOR 8 [redacted] [redacted]

[illegible]

① [illegible]

② [illegible]

③ [illegible]

④ [illegible]

MINOR 8 [illegible]

[illegible] his [illegible]

MINOR 7 and MINOR 8 [illegible]

[illegible]

[illegible]

[

INVESTIGATIVE FOLLOW-UP

Case Number

Type of Crime: [illegible] Complainant / Victim: MINOR 7 [redacted]

Location of Offense: _____ Offense Date: _____ Date Completed: _____

Submitting Officer: _____ Case Officer: _____ Page ___ of Pages: ___

[redacted] Narrative

MINOR 7 [redacted] [redacted] has known all ages

MINOR 8 and MINOR 7 are good friends

never heard of any problem between

the night before they came to MINOR 8 house and asked MINOR 8 and MINOR 7

to clear his head for 15 mins

they said they would meet back at MINOR 8 house

MINOR 8 was told if any fit could be heard, MINOR 8 said yes because

MINOR 7 was with her

sleep over, when they picked [illegible] up from [illegible] his brother

and his brother

his house was very dirty has a couch two chairs, never met his

sister, [illegible] [illegible]

told they might have to go to church, Kacey did not say

anything [illegible]

locked inside door, told them to go to his bedroom kept telling them

they needed to leave

MINOR 8 and MINOR 7 were told

MINOR 8 said they had to wake up to go

went to bedroom, he said he wanted to be woken up to eat before he took pants

all over him

[illegible]

and never had sex at his own house

MINOR 7 at home MINOR 8 noticed all his

MINOR 8 sister saw the [illegible] on MINOR 8 legs

[illegible]

[illegible]

[illegible]

EXHIBIT A

A photograph(s) of the tattoo(s) located on the left upper inner thigh of Kenneth L. Wright

EXHIBIT B

Kenneth L. Wright W/M 5'7" 155 brown hair/hazel eyes
DOB [redacted] SSN [redacted]
[redacted]

EXHIBIT C

On August 9, 2001 it was reported to the Anderson County Sheriff's Office that an incident had females occurred at the residence of Kenneth L. Wright. Tammy Diane Boone reported the incident. Two minor were alleged to be victims in this incident. On August 16, 2001 Affiant interviewed victim #1. Victim #1 stated that she lives near the former residence of Kenneth L. Wright, listed suspect. Victim #1 stated that she and victim #2 went to the suspect's residence after the suspect had asked the two if they would be interested in cleaning his house for money. The two victims agreed to clean the suspect's house for $5 each. Victim #1 stated that while cleaning the suspect's kitchen the suspect asked then to come into his bedroom to clean in there. Victim #1 stated that the suspect paid them $5. Victim #1 stated that the suspect then padlocked the door shut. Both victims and the suspect were locked in the bedroom. Victim #1 stated the suspect said that he wanted them to rub lotion all over his body. Victim #1 stated that the suspect then took all of his clothes off. Victim #1 stated that she and victim #2 told the suspect that they did not want to do that. Victim #1 stated that the suspect stated that they would do this or they would not leave. Victim #1 stated that she rubbed lotion on the suspect's upper body and that victim #2 rubbed lotion on the suspect's lower body. Victim #1 stated that the suspect made both of them rub his penis. Victim #1 stated that the suspect has a tattoo of a "playboy bunny" on his upper left leg near the groin area. Victim #1 stated that the suspect has several other tattoos but that she remembered this particular one and its location. Victim #1 stated that she would not have seen this particular tattoo if the suspect had not taken off all of his clothes.

On August 30, 2001 Affiant interviewed victim #2. Victim #2 told Affiant what took place at the suspect's residence. Victim #2 stated that she and victim #1 were at the suspect's residence to clean for $5 each. Victim #2 stated that the suspect went into his bedroom with them and padlocked the door shut. Victim #2 stated that the suspect stated that he wanted them to rub lotion on him. Victim #2 stated that the suspect took his clothes off. Victim #2 stated that she and victim #1 told the suspect they wanted to leave. Victim #2 stated that she rubbed lotion on the suspect's lower body while victim #1 rubbed lotion on the suspect's upper body. Victim #2 stated that the suspect has several tattoos. Victim #2 stated that the suspect has tattoo of a "playboy bunny" on his left upper thigh. Victim #2 stated that this tattoo was not visible until the suspect removed his clothing.

On October 10, 2001 Affiant, and Investigator Kevin Matheson, went to the suspect's residence at [redacted] in Anderson. The suspect and Investigator Matheson went into a back room where the suspect showed Investigator Matheson this particular tattoo. Investigator Matheson stated that the tattoo is a green in color "playboy bunny" and is located on the left upper inner thigh of the suspect. Investigator Matheson further stated that this tattoo would not be visible unless the suspect had on bikini shorts.

Ronald Matheson
mas, strike
10-25-01

VOLUNTARY STATEMENT

DATE 8/16/05 PLACE Anderson County Detention Center TIME STARTED 1:54 P.M

I, the undersigned, Kenneth L Wright, am 38 years of age, having been born on [redacted], at Illinois

I now live at [redacted]

I have been duly warned and advised by Jami Brothers, a person who has identified himself as ACSO Investigator, that I do not have to make any statement at all, nor answer any questions or do anything that might tend to go against me or incriminate me in any manner, and that any statement I make, can and will be used against me on the trial or trials for the offense or offenses concerning which the following statement is herein made. I was also warned and advised of my right to the advice and presence of a lawyer of my own choice before or at any time during my questioning or statement I make, and if I am not able to hire a lawyer I may request and have a lawyer appointed for me, by the proper authority, without cost or charge to me.

I do not want to talk to a lawyer, and I hereby knowingly and purposely waive my right to the advice and presence of a lawyer before and during any questioning or at any time before or while I voluntarily make the following statement to the aforesaid person, knowing that anything I say can and will be used against me in a court or courts of law.

I declare that the following voluntary statement is made to the aforesaid person of my own free will without promise of hope or reward, without fear or threat of physical harm, without coercion, favor or offer of favor, without leniency or offer of leniency, by any person or persons whomsoever.

K.W. This statement is being written for me by Investigator Jami Brothers. I lived on [redacted] for a couple of years. MINOR 8 and her mother Tammy Bone were my neighbors. They lived just up the road. I asked Tammy K.W. if she would be interested in cleaning my trailer for money. Tammy said no but that her daughter might be interested. MINOR 8 agreed to clean my trailer. She seemed excited about having money. A week and a half or so later MINOR 8 and her friend MINOR 7 showed up to clean. I let K.W. them in and showed them what I wanted done. They thought after washing dishes and moving newspapers that they were done. I expected more cleaning for the money. MINOR 8 said "I know I will" and if she wasn't sure K.W. I don't recall. MINOR 7 talked. She said they would have sex with me for a certain amount of K.W. money. I don't remember how much. I gave them $15 for cleaning and told them I would not like to be used by young people because of my past. I was always afraid of being accused of something I did but my short off but that was it. Jami has seen me at Broadway Lake with K.W. some. XXX END OF STATEMENT XXX

I have read this statement consisting of 1 page(s), and I certify that the facts contained therein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also declare that I was not told or prompted what to say in this statement.

This statement was completed at 2:34 P.M. on the 16th day of August, 2005

WITNESS: [signature]

Kenneth L Wright
Signature of person giving voluntary statement

362

10-28-02

To whom it may concern:

My name is Kenneth LeAllen Wright and I am currently incarcerated at The Anderson County Detention Center, I have been here since Aug the 7th. At this time I would like to petition the Court and exercise my right to a fast & speedy trial. I previously asked my public defender Mr John Skelton if he has put in for a fast & speedy trial & he just shook his head no. My question is am I able to put in for a fast & speedy trial or does my lawyer have to do it. Please let me know A.S.A.P. at the address below. Thank you in advance for your speedy help in this matter.

Waiting on your reply

Your friend,

Mr. Kenneth Wright

Mr. Kenneth Wright
1504 County Home Rd.
Anderson, SC.
29625

Please respond either way

FILED-CLERK'S OFFICE
ANDERSON SC.
2002 OCT 30 P 3:22
COMMON PLEAS AND
GENERAL SESSIONS

A TRUE COPY

NOV 01 2002

PETITIONER'S EXHIBIT 8

AGENCY I.D.
SC 0040000

INCIDENT REPORT

CASE NUMBER: 9920075

NCIC: INC. Yes / ENT. No

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED
1 SOLICITATION OF MINORS 40B	☒ YES ☐ NO	☐ YES ☒ NO	17 HIGHWAY/ROAD/ALLEY	0
2				
3				

TYPE VICTIM: ☐ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): SOUTH MCDUFFIE ST EXT

ZIP CODE: 29624 | WEAPON TYPE:

BEGIN DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME	ARRIVED AT SCENE	CLEARED	HOURS INC.	LOCATION NO.
04/10/1999	1245		04/10/1999	1300	04/10/1999	1302	1335	1350	5

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
MINOR 9				Resident	W	F	14	N		

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	[redacted]	SC	[redacted]	5

VICTIM'S NAME (LAST, FIRST, MIDDLE)	#1	#2	#3	RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE
SOUTH CAROLINA STATE OF/ACSO									[redacted]	

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
	0			

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
303 CAMSON RD	ANDERSON	SC	29621	

VICTIM INJURY (VICT 1): ☐ YES ☐ NO ☐ EXPLAIN | COMPLAINT OF ANY NON-FISICAL INJURIES: ☐ YES ☐ NO

VICTIM NO. 1 USING ALCOHOL: ☐ YES ☐ NO ☐ UNK | DRUGS: ☐ YES ☐ NO ☐ UNK | TYPE:

TWO MAN VEH. ☐ | ONE MAN VEH. ☐ | DETECTIVE/SPECIALIST ☐ | OTHER ☐ | ALONE ☐ | ASSISTED ☐ | J-This Jurisdiction, S-State, O-Other State, U-Unknown

SUBJECT NO. 1

☒ SUSPECT ☐ SUSPECT ☐ ARRESTED ☐ WARRANT ☐ JUVENILE ☐ JAIL ☐ FINGERPRINTED

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
WRIGHT, KENNETH LEALLEN	W	M	30	N	[redacted]	506	210	BRO	BLUE

FACIAL HAIR, SCARS, TATTOOS, GLASSES, PHYSICAL PECULIARITIES, ETC.: LONG DARK HAIR, FACIAL HAIR, BRACE ON LEFT LEG, DRIVING A RED MOPED

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.
[redacted]	ANDERSON	SC	29621	

SUBJECT OF 1 CRIME ALLEGED: ☐ YES ☐ NO ☐ UNK | ADDITIONAL OFFENSE SHEET: ☒ YES ☐ NO | TOTAL OFFENSES: 2 | DATE/TIME OF OFFENSE: 04/10/1999 1245 | DATE/TIME OF ARREST: 04/14/1999 0

NARRATIVE

THE JUVENILE VICTIMS REPORT THAT WHILE WALKING FROM THE STORE DOWN SOUTH MCDUFFIE ST. EXT., AN UNKNOWN SUBJECT APPROACHED THEM AND OFFERED THEM TWO DOLLARS TO WATCH HIM MASTURBATE. THE VICTIMS DECLINED AND THE SUSPECT LEFT THE AREA. THE SUSPECT IS DESCRIBED AS A WHITE MALE, 30-40 YOA, LONG DARK COLORED HAIR WITH FACIAL HAIR, A BRACE ON HIS LEFT LEG, AND DRIVING A RED MOPED. THE VICTIMS FEEL THAT THE SUSPECT MAY RESIDE IN THE SOUTH MCDUFFIE ST. EXT. AREA, BUT ARE NOT SURE. R/O CHECKED THE AREA, BUT WAS UNABLE TO LOCATED THE SUSPECT.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY:

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY:

PROPERTY

TYPE (CODE)	STOLEN	DAMAGED	RECOVERED	TOTAL VALUE
STOLEN				0
DAMAGED				0
RECOVERED				0
TOTAL				0

ADMINISTRATIVE

SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED	☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER	☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER
☒ YES ☐ NO	☒ YES ☐ NO			

IF NO FOR EXCEPTIONAL CLEARANCE: ☐ APPROVED DEATH | ☐ DECLINED PROSECUTION | ☐ EXTRADITION DENIED | ☐ VICTIM REFUSES COOPERATION | ☐ JUVENILE/NO CUSTODY

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
TRIBBLE A G	04/10/1999	237	JONES A	04/10/1999	140
	/ /		REVIEWED BY: ☐ YES ☒ NO JONES S	04/14/1999	078

AGENCY I.D.
SC 0040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER: 9 9 2 0 8 7 5

NCIC: INQ. Yes | CMTO No

☐ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY PAGE 2
☐ MODIFY ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENSES ☐ ADDITIONAL RECOVERED PROPERTY

VICTIM/SUBJECT/WITNESS

☐ COMPLAINANT
☐ VICTIM
☐ SUBJECT
☐ WITNESS
☐ ARRESTED
☐ JUV
☐ SUMMONS
☐ OTHER

NAME (LAST, FIRST, MIDDLE): MINOR 10
VICTIM SEQ./OFFENSE NO.: 01
RACE: W
SEX: F
AGE: 13
DOB: [redacted]
HGT: 0
WGT:
HAIR:
EYES:
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.:
ADDRESS: [redacted]
CITY: ANDERSON
STATE: SC
ZIP CODE: 29621
LOCATION NO.:
BUS. PHONE:
EVENING PHONE: [redacted]
VICTIM OF: HOME INVASION
EMPLOYER:
COMPLIANCE OF NON-VIOLENT OFFENDERS: ☐ NO ☐ YES
VICTIM WITNESS NOTIFIED: ☐ NO ☐ YES ☐ UNK
TYPE:
☐ DOMESTIC ☐ NO ☐ YES TYPE: ☐ UNK
☐ RELOCATE ☐ SAFE ☐ CLOSE
☐ WITNESS ☐ OTHER ☐ UNK
☐ PHOTOS TAKEN ☐ NO ☐ YES
☐ SUBJECT OR WEAPON ☐ NO ☐ YES
WEAPON/BODY PART: ☐ NO ☐ YES TYPE: ☐ UNK

VICTIM/SUBJECT/WITNESS

☐ COMPLAINANT
☐ VICTIM
☐ SUBJECT
☐ WITNESS
☐ ARRESTED
☐ JUV
☐ SUMMONS
☐ OTHER

NAME (LAST, FIRST, MIDDLE):
VICTIM SEQ./OFFENSE NO.:
RACE:
SEX:
AGE:
DOB:
HGT: 0
WGT:
HAIR:
EYES:
FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.:
ADDRESS:
CITY:
STATE:
ZIP CODE:
HOME PHONE:
BUS. PHONE:
EVENING PHONE:
VICTIM OF:
EMPLOYER:
COMPLIANCE OF NON-VIOLENT OFFENDERS: ☐ NO ☐ YES
VICTIM WITNESS NOTIFIED: ☐ NO ☐ YES ☐ UNK
TYPE:
☐ DOMESTIC ☐ NO ☐ YES TYPE: ☐ UNK
☐ RELOCATE ☐ SAFE ☐ CLOSE
☐ WITNESS ☐ OTHER ☐ UNK
☐ PHOTOS TAKEN ☐ NO ☐ YES
☐ SUBJECT OR WEAPON ☐ NO ☐ YES
WEAPON/BODY PART: ☐ NO ☐ YES TYPE: ☐ UNK

NARRATIVE

JURISDICTION OF THEFT: LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY: LAW ENFORCEMENT AGENCY

PROPERTY

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE: ☐ VEHICLE ☐ GUN ☐ DRUG ☐ LICENSE PLATE ☐ VEHICLE/BOAT PART ☐ ARTICLE

OWNER APPLIED NO.
DRIVER LIC. NO. APPLIED NO.
SERIAL NUMBER OWNER APPLIED NO.
STATE
YEAR OF REGISTRATION
YEAR
MAKE
MODEL
STYLE
COLOR
NO. OF UNITS
CALIBER
VIC NO.
OPERATING
ISSUED
SECURITY NO.
MISCELLANEOUS

								TOTAL VALUE
STOLEN								
RECOVERED								
DAMAGED								
SEIZED								
RELEASED								

SUBJECT IDENTIFIED: ☐ YES ☐ NO
SUBJECT LOCATED: ☐ YES ☐ NO
☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED
☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
☐ LE CLEAR UNDER 18 ☐ LE CLEAR 18 AND OVER

IF CLEARED FOR EXCEPTIONAL CLEARANCE: 1 ☐ DIFFICULTY OF LOCATE 2 ☐ NO PROSECUTION 3 ☐ PROSECUTION DECLINED 4 ☐ VICTIM REFUSES COOPERATION 5 ☐ JUVENILE NO CUSTODY

REPORTING OFFICER	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
FRIBBLE A C	04/19/1999	737	JONES A	04/19/1999	140
	/ /		FOLLOW-UP INVESTIGATION ☐ YES ☐ NO SUPERVISOR JONES S	04/19/1999	070

AGENCY ID: SC 0040000

ANDERSON CO. SHERIFF'S OFFICE
INCIDENT REPORT
Narrative Continuation Page

CASE NUMBER: 9920075 002

ARREST/CJ/JUVINILE INV [Narrative ID = 9920075 INC000002]
Added 05/03/99 - 11:01:42 By JONES H S

ON 04-14-99 R/O ARRESTED MR KENNETH LEALLEN WRIGHT FOR 2 COUNTS OF COMMUNICATING OBSCENE MESSAGE TO WOMEN WARRANT#-F692452,F692453 MR WRIGHT WAS ARRESTED AFTER INVESTIGATION CONCLUDED THAT MR WRIGHT DID FIT DESCRIPTION OF SUSPECT AND WAS POSITIVELY IDENTIFIED BY BOTH JUVINILE VICTIMS OUT OF A PHOTO LINE UP.

PETITIONER'S EXHIBIT 9

WITNESSES

S. JONES, ACSD

ARREST WARRANT NO. F692453

ACTION OF GRAND JURY

TRUE BILL

DATE

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

DOCKET NO. 99-GS-04-1288

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JUNE TERM 1999

JTE

THE STATE

vs.

KENNETH L. WRIGHT

Indictment for

COMMUNICATING OBSCENE MESSAGES TO WOMEN

16-15-250 [0144]

GEORGE M. DUCWORTH, SOLICITOR

A TRUE COPY

FEB - 2 2015

1-20-2000

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
) INDICTMENT FOR
COUNTY OF ANDERSON) COMMUNICATING OBSCENE MESSAGES TO WOMEN
16-15-250 [0144]

At a Court of General Sessions, convened on JUNE 1, 1999,

the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY ON OR ABOUT APRIL 10, 1999, DIRECTLY COMMUNICATE AN OBSCENE MESSAGE TO A MINOR FEMALE, MINOR 9 [redacted].

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M. Duckworth

SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS KENNETH L WRIGHT)
AKA: _____)
Race: [redacted] Sex: M)
DOB: [redacted] AGE: 35)
SSN: [redacted] SCDL#:)
SID: S[redacted])

ENTERED

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:
99-GS-04 - 1288
A/N#: F692453
Date of Offense: 04/[redacted]/99
S.C. Code: 16-15-0250 CDR Code#: 0144
SENTENCE
PLEA ☐ TRIAL ☐

In disposition of the said indictment come now the Defendant who was ☐ CONVICTED OF or ☐ PLEADS TO:
Communicating Obscene Messages to Women 0-3 yrs +/or fn
in violation of 16-15-250 of th S.C. Code of Laws, bering CDR Code# 0144
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Joy E. Clark — Solicitor
Kenneth L. Wright — DEFENDANT
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of three 3 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.
☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
set by SCDPPPS _____
Recipient: _____

*Fine: ..... $ _____
14-1-206 - Assessments 100% ..... $ _____
14-1-211 - Surcharge: ..... $ 100
(Exceptions: See 14-1-211)
56-5-2995 (DUI) ..... $ _____
County(3%) ..... $ _____
TOTAL ..... $ 100
Clerk of Court/Deputy Clerk: Linda DeShields
Court Reporter: Dawn

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $_____ beginning _____
$_____ paid to Public Defender
Other: _____

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

PRESIDING JUDGE Frank Eppa
Judge Code: 101012
Sentence Date 1/19/2000

WITNESSES

S.JONES, ACSD

ARREST WARRANT NO. F692452

ACTION OF GRAND JURY

TRUE BILL

DATE

Martha A. Cromer

6-1-99

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

DOCKET NO. 99-GS-04-1289

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JUNE TERM 1999

JTE

THE STATE

vs.

KENNETH L. WRIGHT

Indictment for

COMMUNICATING OBSCENE MESSAGES

TO WOMEN

16-15-250 [0144]

GEORGE M. DUCWORTH, SOLICITOR

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

1-20-20

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR
COMMUNICATING OBSCENE MESSAGES TO WOMEN

16-15-250 [0144]

At a Court of General Sessions, convened on JUNE 1, 1999,

the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY ON OR ABOUT APRIL 10, 1999, DIRECTLY COMMUNICATE AN OBSCENE MESSAGE TO A MINOR FEMALE, MINOR 10 [redacted].

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M. Bennett
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS KENNETH L WRIGHT)
AKA:)
Race: Sex: M ENTERED)
DOB: [redacted] AGE: 35)
SSN: [redacted] SCDL#:)
SID: S)

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:
99-GS-04 - 1289
A/W#: F692452
Date of Offense: 04/[illegible]/99
S.C. Code: 16-15-0250 CDR Code#: 0144
SENTENCE
PLEA ☒ TRIAL ☐

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO:
Communicate in Obscene Messages to Woman 0-3 yrs & / or fine
in violation of 16-15-250 of th S.C. Code of Laws, bering CDR Code# 0144
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Joy E Clark — Kenneth L. Wright — [illegible]
Solicitor — DEFENDANT — Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of three 3 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of $_____; provided that upon the service of _____ days/months/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for _____ months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ The Defendant is to be given credit for _____ days/months jail time.
☒ CONCURRENT or ☐ CONSECUTIVE to sentences on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
set by SCDPPPS _____
Recipient _____

*Fine: $_____
14-1-206 - Assessments 100% $_____
14-1-211 - Surcharge $ 100
(Exceptions: See 14-1-211)
56-5-2995 (DUI) $_____
County(3%) $_____
TOTAL $ 100
Clerk of Court/Deputy Clerk: Linda DeShields
Court Reporter: [illegible]

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $_____ beginning _____
$_____ paid to Public Defender
Other: _____

A TRUE COPY
FEB - 3 2015
CLERK OF COURT

PRESIDING JUDGE Frank Eggo
Judge Code: 101012
Sentence Date 1/19/2000

DOCKET NO. 99-GS-04-1286

WITNESSES

STEVE JONES, ACSO

ARREST WARRANT NO. G122214

ACTION OF GRAND JURY

TRUE BILL

DATE

Martha A Crowe
6-1-99

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury *Date:*

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JUNE TERM 1999

JTE

THE STATE

vs.

KENNETH L. WRIGHT

Indictment for

UNLAWFUL USE OF TELEPHONE

16-17-430(A) (1) [87]

GEORGE M. DUCWORTH, SOLICITOR

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

1-20-2000

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
) INDICTMENT FOR
COUNTY OF ANDERSON) UNLAWFUL USE OF TELEPHONE
16--17-430 (A) (1) [87]

At a Court of General Sessions, convened on JUNE 1, 1999,
the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY ON OR ABOUT APRIL 7, 1999, UNLAWFULLY USE IN A TELEPHONIC COMMUNICATION VULGAR AND OBSCENE WORDS TO ANOTHER PERSON, MINOR 11.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M. Duncan
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF Anderson)
STATE VS KENNETH L WRIGHT)
AKA: _____)
Race: Sex: M)
DOB: [redacted] AGE: 35 ENTERED)
SSN: [redacted] SCDL#:)
SID: [redacted])

IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:
99-GS-04 - 1286
A/W#: G122214
Date of Offense: 04/07/99
S.C. Code: 16-17-0430(A)(1)(~~[illegible]~~) CDR Code#: ~~0046~~ 0087
SENTENCE
PLEA ☒ TRIAL ☐

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Unlawful Use of Telephone 0-10yrs
in violation of 16-17-430(A)(1) of th S.C. Code of Laws, bering CDR Code# 0087

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.
The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

Joy E. Clark / Solicitor — Kenneth L Wright / DEFENDANT — Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of Ten 10 ~~days/months~~/years or ☐ under the Youthful Offender Act not to exceed ~~2nd~~ ~~years~~ and/or to pay a fine of $_____; provided that upon the service of Thru 3 ~~days/months~~/years and/or payment of $_____; plus costs and assessments as applicable*; the balance is suspended with probation for 5 Five months/years and subject to South Carolina Department of Probation. Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ The Defendant is to be given credit for Eight 8 ~~days~~/months jail time.
☐ CONCURRENT or ☐ CONSECUTIVE to sentences on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION ☐ Heard, ☐ Waived, ☐ Ordered
Total: $_____ plus 20% fee $_____
set by SCDPPPS _____
Recipient: _____

*Fine: ..... $ _____
14-1-206 - Assessments 100% ..... $ _____
14-1-211 - Surcharge ..... $ 100
(Exceptions: See 14-1-211)
56-5-2995 (DUI) ..... $ _____
County(3%) ..... $ _____
TOTAL ..... $ 100
Clerk of Court/Deputy Clerk: Linda DeShields
Court Reporter: Tran

PTUP _____
_____ days/hours Public Service Employment
Obtain GED _____
Attend Voc Rehab. or Job Corps _____
May serve W/E beginning _____
Substance Abuse Counseling _____
Random Drug/Alcohol Testing _____
Fine may be pd. in equal, consecutive ~~weekly/monthly~~ pmts. of $_____ beginning _____
$_____ paid to Public Defender Fund.
Other: mental health counseling as long as needed

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

FRESIDING JUDGE Frank Eggs
Judge Code: 101012
Sentence Date 1/19/2000

AGENCY I.D.
SC 0040000

INCIDENT REPORT

CASE NUMBER: 9 9 1 3 5 2 7

NCIC: IBR Yes / ENTD No

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISES TYPE	UNITS ENTERED
1 UNLAWFUL USE OF TELEPHONE 751	☒ YES ☐ NO	☐ YES ☒ NO	05 COMMERCIAL/OFFICE	0
2				
3				

TYPE VICTIM: ☐ Individual ☒ Business ☐ Financial Inst. ☐ Government ☐ Relig. Org. ☐ Society/Public ☐ Other ☐ Unknown ☐ Police Dir.

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): DOLLAR TREE - 408 HWY. 28 BY-PASS

ZIP CODE: 29624 — WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK
03/20/1999	1000		04/07/1999	1400

SUSPECTED ACTIVITY TIMES

DAY DATE	BEGIN TIME	END TIME	REPORT TIME
04/07/1999	1340	1356	1418

LOCATION NO.: 5

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE): DOLLAR TREE KELLY COCHRAN — RELATIONSHIP TO SUBJECT #1 #2 #3 — RESIDENT — RACE — SEX — AGE — DOB — DAYTIME PHONE: [redacted] — EVENING PHONE

ADDRESS: 408 HWY. 28 BY PASS — CITY: ANDERSON — STATE: SC — ZIP CODE: 29624 [redacted] — LOCATION NO.: 5

VICTIM'S NAME (LAST, FIRST, MIDDLE): DOLLAR TREE — RELATIONSHIP TO SUBJECT #1 #2 #3 — RESIDENT — RACE — SEX — AGE — DOB — DAYTIME PHONE: [redacted] — EVENING PHONE

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
	0			

ADDRESS: 408 HWY. 28 BY PASS — CITY: ANDERSON — STATE: SC — ZIP CODE: 29624 — LOCATION NO.

VISIBLE INJURY (WHAT?) ☐ YES ☐ NO ☐ EXPLAIN — COMPLAINT OF ANY BODY INJURIES ☐ YES ☐ NO

VICTIM INJ. IS USING ALCOHOL ☐ YES ☐ NO ☐ UNK — DRUGS ☐ YES ☐ NO ☐ UNK — TYPE:

TWO MAN VEH ☐ ONE MAN VEH ☐ DETECTIVE/INVESTIGATOR ☐ OTHER ☐ ALONE ☐ ASSISTED ☐ *J-This Jurisdiction, S-State, O-Out of State, U-Unknown

SUBJECT NO. 1

☒ SUSPECT ☐ VICTIM/AGENCY ☐ ARRESTED ☐ WARRANT ☐ ARREST ☐ UNKNOWN

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	HAIR	WEIGHT	HEIGHT	EYES	CLOTHING
UNKNOWN,UNKNOWN	W	M	35	N	??			0

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.: LONG BROWN HAIR, BEARD, BRACE ON LEFT LEG, DRIVES RED MOPED

ADDRESS: UNKNOWN — CITY: UNKNOWN — STATE: — ZIP CODE: — LOCATION NO.:

CRIMINAL HISTORY RECORDS ☐ YES ☐ NO ☐ WANT ☒ — CRIMES THIS INCIDENT ☐ YES ☐ NO ☒ — DATE/TIME OF OFFENSE: 03/20/1999 1000 — DATE/TIME OF ARREST: 04/09/1999 0

DRUGS ☐ YES ☐ NO ☐ USE ☒ TYPE: — TOTAL CRIMES THIS INCIDENT: 1

NARRATIVE

KELLY (MANAGER AT DOLLAR TREE) STATES THAT OVER THE PAST THREE WEEKS FEMALE EMPLOYEES HAVE BEEN RECEIVING PHONE CALLS WHERE THE CALLER SPEAKS OF VULGAR SEXUAL ACTIVITY. THEY HAVE RECEIVED APPROXIMATELY EIGHT PHONE CALLS DURING THIS TIME, INCLUDING FOUR TODAY. THE EMPLOYEES BELIEVE THAT THE CALLER WAS IN THE STORE ON THIS DATE PURCHASING BATTERIES. THEY RECOGNIZED HIS VOICE, AND STATE THAT APPROXIMATELY TEN MINUTES AFTER HE LEFT THE STORE THEY RECEIVED ANOTHER CALL FROM A SUBJECT WHO STATED THAT HE WAS THE "BATTERY MAN". THE SUSPECT IS DESCRIBED AS A WHITE MALE, 35-40 YOA, LONG BROWN HAIR WITH A BEARD, LEG BRACE ON HIS LEFT LEG, AND HE DRIVES A RED MOPED. KELLY HAS ALREADY CONTACTED BELL SOUTH, WHO STATES

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY: — JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY:

PROPERTY/EST.

TYPE/GROUP							TOTAL VALUE
STOLEN							0
DAMAGED							0
BURNED							0
RECOVERED							0
SEIZED							0

SUBJECT IDENTIFIED ☒ YES ☐ NO — SUBJECT LOCATED ☒ YES ☐ NO — ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED — ☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER — ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR ADDITIONAL SUBMITTAL: ☐ OFFENSE REPT. 2 ☐ NO PROSECUTION 3 ☐ EXTRADITION DENIED 4 ☐ VICTIM DECLINED COOPERATION 5 ☐ JUVENILE NO PURSUIT

ADMINISTRATIVE

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
FRIBBLE A G	04/07/1999	237	JONES A	04/07/1999	149
	11		FOLLOW UP SUPERVISION ☐ YES ☐ NO ☒ — JONES S	04/11/1999	076

AGENCY I.D.
SC 0040000

SUPPLEMENTAL INCIDENT REPORT

CASE NUMBER: 9 9 1 3 5 2 7

RCIC: Inc. Yes / Contr. No

☒ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY ☐ ADDITIONAL RECOVERED PROPERTY ☐ ARREST(S) ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS PAGE 2

VICT/SUBJ/I.D. OFFENSE(S)

☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT(S) #1	#2	#3	RESIDENT	DATE	SEX	AGE	DOB	ETH
☐ VICTIM	WRIGHT,KENNETH LEALLEN									
☒ SUBJECT 2					Residence	W	M	34	[redacted]	N
☐ WITNESS	HEIGHT: 507	WEIGHT: 200	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLEANS, CLOTHING, POSSIBLE PECULIARITIES, ETC.: TATTOOS EVERYWHERE					
☐ SUSPECT	ADDRESS: [redacted]	CITY: ANDERSON	STATE: SC	ZIP CODE	LOCATION OF	DAY PHONE: [redacted]	EVENING PHONE			
☒ WARRANT	VICTIM OF VEHICLE BURGLARY	COMPLAINT OF NON-VEHICLE BURGLARY: ☐ NO ☐ YES	VICTIM WAS USING ALCOHOL ☐ NO ☐ YES ☐ UNK		☐ TAKEN BY FORCE ☐ ACCIDENTAL DISPLACEMENT ☐ OTHER					
☐ ARREST	LICENSE PLATE		DRUGS: ☐ NO ☐ YES, TYPE	☐ UNK	☐ BY FRAUD ☐ [illegible] ☐ ATTEMPTED					
☐ JUV.	SUSPECTED OF USING ALCOHOL ☐ NO ☐ YES									
☐ WARRANTS	USING DRUGS: ☐ NO ☐ YES, TYPE		☐ UNK							
☐ OTHER										

VICT/SUBJ/I.D. OFFENSE(S)

☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)	VICTIM'S RELATIONSHIP TO SUBJECT(S) #1	#2	#3	RESIDENT	DATE	SEX	AGE	DOB	ETH
☐ VICTIM										
☐ WITNESS	HEIGHT:	WEIGHT: 0	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, CLEANS, CLOTHING, POSSIBLE PECULIARITIES, ETC.					
☐ SUSPECT	ADDRESS	CITY	STATE	ZIP CODE	LOCATION OF	DAY PHONE	EVENING PHONE			
☐ WARRANT	VICTIM OF VEHICLE BURGLARY	COMPLAINT OF NON-VEHICLE BURGLARY: ☐ NO ☐ YES	VICTIM WAS USING ALCOHOL ☐ NO ☐ YES ☐ UNK		☐ TAKEN BY FORCE ☐ ACCIDENTAL DISPLACEMENT ☐ OTHER					
☐ ARRESTED	LICENSE PLATE		DRUGS: ☐ NO ☐ YES, TYPE	☐ UNK	☐ BY FRAUD ☐ [illegible] ☐ ATTEMPTED					
☐ JUV.	SUSPECTED OF USING ALCOHOL ☐ NO ☐ YES									
☐ WARRANTS	USING DRUGS: ☐ NO ☐ YES, TYPE		☐ UNK							
☐ OTHER										

NARRATIVE

THAT THEY WILL PLACE A TRACER ON THE TELEPHONE AND OBTAIN CALLER INFORMATION ONCE AN INCIDENT REPORT IS FILED.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEHICLE/ITEM

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM

TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ [illegible] ☐ ARTICLE

VIN (VEHICLE ID NO.) | BOAT HULL ID / ARTICLE SER. NO.

MAKE / AMMO CODE / ARTICLE MFG. | STATE

YEAR OF REGISTRATION | YEAR OF EXPIRATION | YEAR | MODEL | STYLE

MODEL | STYLE | COLOR | [illegible] | CALIBER

OAN NO. | DENOMINATION | ISSUER | SECURITIES DATE

MISCELLANEOUS

PROPERTY TYPE

							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							

ADMINISTRATIVE

SUBJECT NOTIFIED: ☐ YES ☐ NO | SUBJECT LOCATED: ☒ YES ☐ NO | ☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED | ☒ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER | ☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER

REASON FOR EXCEPTIONAL CLEARANCE: ☐ DEATH OF OFFENDER ☐ DECLINED TO PROSECUTE ☐ EXTRADITION DENIED ☐ VICTIM REFUSED COOPERATION ☐ JUVENILE/NO CUSTODY

REPORTING OFFICER ID	DATE	UNIT NUMBER	APPROVING OFFICER ID	DATE	UNIT NUMBER
THIBBLE A G	06/07/1999	737	JONES A	06/07/1999	140
	/ /		FOLLOW-UP INVESTIGATION ☐ YES ☒ NO ASSIGNED JONES S	06/11/1999	078

10:AUG 896 2750 P.3/7

AGENCY ID
SC 0040000

ANDERSON CO. SHERIFF'S OFFICE
INCIDENT REPORT
Narrative Continuation Page

CASE NUMBER
9919527 007

ARREST/C.T [Narrative ID = 9919527 INC000002]
Added 05/03/99 - 10:47:44 By JONES H S

ON 04-09-99 KENNETH LEALLEN WRIGHT WAS ARRESTED ON WARRANT# G122215,G-122214 FOR UNLAWFUL USE OF TELEPHONE 2 COUNTS. R/O CHECKED WITH BELL SOUTH SECURITY AND DETERMINED PHONE CALLS WERE TRACED FROM MR WRIGHTS HOME TO THE DOLLAR TREE WHERE THE VICTIMS WORKED.

PETITIONER'S EXHIBIT 10

WITNESSES

JEAN SUTTON, ACSD

ARREST WARRANT NO. E736658

TRUE BILL
DATE ACTION OF GRAND JURY
6/24/97

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury Date:

DOCKET NO 97-GS-04-1518

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JUNE TERM 1997

JTE THE STATE

vs.

KENENTH L. WRIGHT

Indictment for

INDECENT EXPOSURE

16-15-130 [0091]

GEORGE M. DUCWORTH, SOLICITOR

A TRUE COPY

FEB - 2 2015

CLERK OF COURT

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

INDICTMENT FOR

INDECENT EXPOSURE
16-15-130 [0091]

At a Court of General Sessions, convened on JUNE 24, 1997,

the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY ON OR ABOUT MAY 7, 1997, WILLFULLY AND MALICIOUSLY EXPOSE HIS PERSON IN AN INDECENT MANNER TO THE VIEW OF ANOTHER PERSON, MINOR 12 MINOR 12 AT HOMELAND PARK ELEMENTARY SCHOOL.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M Duncan
TENTH
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

INDICTMENT #:97-GS-04-1518

STATUTE #: 16-15-130 OFFENSE #: 91

Now comes the defendant, Kenneth L. Wright

who in open Court, waives presentment and pleads guilty to the charge in the within warrant(s)/Indictment(s) and consents to the sentence of this Court, This 24 day of June, 1997.

Kenneth L. Wright
Defendant Signature

SENTENCE

The defendant, Kenneth L. Wright is hereby committed to the South Carolina Department of Corrections/Anderson County Jail for a term of one (1) [redacted] /Years and/or the payment of a Fine of $_____ provided upon the service of _____ months/Years and/or payment of a Fine of $_____ (plus court cost as applicable), the balance suspended with probation for _____ months/Years.

Special conditions: reg for sex offender reg

Restitution - Yes/No Amount: _____

Pay to Anderson Clerk of Court for: _____
(Victim Name & Address)

(Payment Schedule)

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

Date: 6/24/97

Frank Eppes
Judge of the Tenth Judicial Circuit

Commitment: _____

DOCKET NO. 97-GS-04-1519

WITNESSES

JEAN M. SUTTON, ACSD

ARREST WARRANT NO. E736657

TRUE BILL
DATE ACTION OF GRAND JURY

6/24/97

Foreman of Grand Jury

VERDICT

Foreman of Petit Jury Date:

The State of South Carolina,

County of ANDERSON

COURT OF GENERAL SESSIONS

JUNE TERM 1997

JTE

THE STATE

vs.

KENNETH L. WRIGHT

Indictment for

INDECENT EXPOSURE

16-15-130 [0091]

GEORGE M. DUCWORTH, SOLICITOR

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)

INDICTMENT FOR

INDECENT EXPOSURE
16-15-130 [0091]

At a Court of General Sessions, convened on JUNE 24, 1997,

the Grand Jurors of ANDERSON County present upon their oath:

THAT KENNETH L. WRIGHT DID IN ANDERSON COUNTY ON OR ABOUT MAY 7, 1997, WILLFULLY AND MALICIOUSLY EXPOSE HIS PERSON IN AN INDECENT MANNER TO THE VIEW OF ANOTHER PERSON, MINOR 13 MINOR 13 , AT HOMELAND PARK ELEMENTARY SCHOOL.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

George M Ducworth
SOLICITOR

STATE OF SOUTH CAROLINA)
COUNTY OF ANDERSON)

INDICTMENT #:97-GS-04-1519

STATUTE #: 16-15-130 OFFENSE #: 91

Now comes the defendant, Kenneth L. Wright

who in open Court, waives presentment and pleads guilty to the charge in the within warrant(s)/Indictment(s) and consents to the sentence of this Court, This 24 day of June 1997.

x Kenneth L Wright
Defendant Signature

SENTENCE

The defendant, Kenneth L. Wright is hereby committed to the South Carolina Department of Corrections/Anderson County Jail for a term of me 1 ~~months/Years~~ and/or the payment of a Fine of $_____ provided upon the service of _____ months/Years and/or payment of a Fine of $_____ (plus court cost as applicable), the balance suspended with probation for _____ months/Years.

Special conditions: reg for the offender reg

Restitution - Yes/No Amount:_____

Pay to Anderson Clerk of Court for:_____
(Victim Name & Address)

(Payment Schedule)

A TRUE COPY
FEB - 2 2015
CLERK OF COURT

Date: 6/24/97

Frank Eggo
Judge of the Tenth Judicial Circuit

Committment: _____

PETITIONER'S EXHIBIT 11

P/2

Defendant's Name Wright, Kenneth L. Case No. 00561501

2004 FEB 26 P 12:58

CONTINUATION SHEET

APPLICATION FOR STATEMENT OF CHARGES/STATEMENT OF PROBABLE CAUSE

indecent.

While speaking with the initial employee regarding this incident, she pointed to the defendant, who was walking across the parking lot, and indicated that he was the individual who was exposing his penis.

I contacted the defendant in the parking lot of the Maryland National Bank, which is located near the Burchmart in Mechanicsville. I asked the defendant to step towards the rear of my vehicle at which point I noticed his penis was hanging out of his pants. The defendant who appeared to be intoxicated, as he had a strong odor of an alcoholic beverage on his breath, and appeared to be unsteady on his feet.

11/20/20
Date

Deputy Clerk / Notary Public / Commissioner / Judge

DC/CR 1A (Rev. 5/85)

...NTY OF MARYLAND FOR St. Mary's County

...COURT ADDRESS)
...ter Building, Leonardtown, Maryland

STATE OF MARYLAND -VS- | DEFENDANT Wright, Kenneth Leslie | DOB [redacted] | TRACKING NUMBER 00561501

...(CONTINUED)

...THE FACTS CONTAINED IN THE SWORN APPLICATION OF (NAME AND ADDRESS OF APPLICANT)
County Sheriff Gregory L. Laxton, Box 426, Leonardtown, Maryland 20650

...ARTICLE SEC. | ON OR ABOUT (DATE) | AT (PLACE)

2 1 0349 29232-90 on or about November 8, 1990 at Mechanicsville Burchmart, Rt. 5, Mechanics-
ville, St. Mary's County, Maryland 20659

...was located at Mechanicsville Burchmart, a public place, and did cause a public disturb-
ance thereat.

IN VIOLATION OF
☐ MD ANN. CODE ART. 28 SEC. 207 ☐ COMMON LAW OF MD. ☐ PUB. LOCAL LAW ART. SEC.
☐ COMAR OR AGENCY CODE NO. ☐ ORDINANCE NO. AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE
...ARTICLE SEC. | ON OR ABOUT (DATE) | AT (PLACE)

IN VIOLATION OF
☐ MD ANN. CODE ART. SEC. ☐ COMMON LAW OF MD. ☐ PUB. LOCAL LAW ART. SEC.
☐ COMAR OR AGENCY CODE NO. ☐ ORDINANCE NO. AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE
...ARTICLE SEC. | ON OR ABOUT (DATE) | AT (PLACE)

IN VIOLATION OF
☐ MD ANN. CODE ART. SEC. ☐ COMMON LAW OF MD. ☐ PUB. LOCAL LAW ART. SEC.
☐ COMAR OR AGENCY CODE NO. ☐ ORDINANCE NO. AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE
...ARTICLE SEC. | ON OR ABOUT (DATE) | AT (PLACE)

IN VIOLATION OF
☐ MD ANN. CODE ART. SEC. ☐ COMMON LAW OF MD. ☐ PUB. LOCAL LAW ART. SEC.
☐ COMAR OR AGENCY CODE NO. ☐ ORDINANCE NO. AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE

☐ CONTINUED ON ATTACHED SHEET (FORM DC/CR 3A)

DATE | TIME | JUDICIAL OFFICER/ARRESTING OFFICER

P/12

ST. MARY'S COUNTY SHERIFF'S DEPARTMENT

☒ Warrant
☐ Criminal Summons

ARREST REPORT

INMATE 2004 FEB 26 PM 12:57

1. CCN: (Original) 29225-90
2. Arrest CCN: 29232-90
3. I.D. No. 9670
4. Date Arrested 11/8/90
5. Time Arrested 1720
6. Day of Week THURSDAY

7. Defendant's Name - Last: WRIGHT First: KENNETH Middle: LEALLEN
8. Address/Phone: [redacted] MECHANICSVILLE, MD 20659 Home Phone 301-
9. Race: W Sex: M Height: 5'9" Weight: 160 Hair: BRN Eyes: BRN Complexion: FAIR Age: 26
10. Date/Year of Birth: [redacted] 14. [redacted] 15. Place of Birth (City, State): BELLEVILLE, ILLINOIS
11. Operator License No. [redacted] 17. Vehicle Information (Year, Make, Model, Color, Tag No., State): N/A
16. Employer or School Attending: UNEMPLOYED 19. Occupation/Grade: N/A
20. Employer or School Address: N/A 21. Bus. Phone: N/A
22. Arrest - Type of Premise (Corporate Name) - Address: PARKING LOT MD. NATIONAL BANK, RT. 5, MECHANICSVILLE
23. Defendant's Condition: ☐ Sober ☐ HBD ☐ Influence ☒ Intoxicated
24. Narcotics or Drug Use: ☐ Yes ☐ No Type: PCP, COCAINE
25. Weapons: N/A 26. Hangouts: N/A

27. F/M	Charges	Article/Section	File No.	Court Warrant No.
M	1) INDECENT EXPOSURE	27/333A		00561501
M	2) DISORDERLY INTOXICATION	27/207		
	3)			
	4)			
	5)			
	6)			
	7)			

28. CODE: P - Parent S - Spouse R - Relative A - Accomplice O - Other (Associate) C - Comp. W - Witness

	NAME	ADDRESS	CITY, STATE, ZIP	RES. PHONE
1)				
2)				
3)				

Item No. | Narrative - Continuation of Previous Items

29. Defendant's Bail Status at Time of Arrest (If Known): ☐ Out on Bail ☐ St. Mary's County ☐ Other: N/A 30. ☐ On Parole ☐ On Probation N/A 31. N.C.I.C. Hit Confirmed: ☐ Yes ☒ No
32. Currency Seized: ☐ Yes ☒ No Amount: 33. Did Defendant Confess: ☒ Yes ☐ No
34. Advised of Rights: N/A Date/Time: By Whom: 35. Warrant Identified: ☒ Yes ☐ No 36. How? ☐ Photo ☐ Prints ☒ Other
37. Status of Defendant: ☒ Incarcerated ☐ Recognizance ☐ Released on Bond ☐ Summons
38. Juvenile Released To:
39. Reporting Officer: Deputy Gregory L. Barton 11/8/90 40. Approving Officer: Lt. Col. [illegible] 11/8/90
42. Case Final Disposition:

SMCSO FORM 50 (R10-85) White - Headquarters PINK - Officer 181-11436

Office of the Sheriff
St. Mary's County

DAVID D. ZYLAK
SHERIFF

Headquarters
23150 Leonard Hall Drive
P.O. Box 1559
Leonardtown, MD 20650
301-475-4200 Ext. 1900
301-475-4047 Fax

Detention Center
41880 Baldridge St.
P.O. Box 960
Leonardtown, MD 20650
301-475-4000
301-475-4010 Fax

INMATE RECORDS
2004 FEB 26 PM 12:57

FAX TRANSMITTAL COVER SHEET

VOICE LINES:	
DUTY OFFICER	(301) 475-4200 EXT 1900
COMMUNICATIONS	(301) 475-4200 EXT 1902
WARRANT SECTION	(301) 475-4200 EXT 1993
RECORDS SUPERVISOR	(301) 475-4200 EXT 1990
SHERIFF	(301) 475-4200 EXT 1911
ASSISTANT TO THE SHERIFF	(301) 475-4200 EXT 1912
PATROL DIV. COMMANDER	(301) 475-4200 EXT 1918
SPECIAL OPS DIV. COMMANDER	(301) 475-4200 EXT 1921
CID COMMANDER	(301) 475-4200 EXT 1922
DETENTION CENTER	(301) 475-4000
CRIME LAB	(301) 4754200 EXT 1972
TRAFFIC SAFTEY	(301) 4754200 EXT 1981
POLICE SERVICES COORDINATOR	(301) 475-4200 EXT 1975

TO: Barbara Baker

FAX #: 803-896-2749

FROM: Kathy Kreps

FAX#: 301-475-6746

PHONE: 301-479-4200 EXT 1992

TOTAL PAGES SENT: 5

(Includes Cover Sheet)

DATE: 26 February 2004

Message:

We no longer have a copy of the report, but I am faxing a copy of Kenneth Wrights arrest and statement of probable cause for his indecent exposure arrest on 11-08-90.

CONFIDENTIALITY NOTICE: This fax contains confidential information that may also be legally protected and which is intended only for the use of the addressee named above. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile, or the taking of any action in reliance on the contents of this information, may be strictly prohibited. If you have received this fax, in error, please notify us immediately at (301) 475-8008. Thank you.

PETITIONER'S EXHIBIT 12

1432 - 1709

ANNE ARUNDEL COUNTY POLICE DEPARTMENT, MILLERSVILLE, MD. — Incident Report — Page 1 of 2

1. OFFENSE: Indecent Exposure	[MINOR 14] (FIRST, MIDDLE)	3. CASE NUMBER: 90-72628
4. DATE AND TIME OCCURRED: 21 June 90 2005hrs	[redacted] CITY	6. RESIDENCE PHONE: [redacted]
7. DATE AND TIME REPORTED: 21 June 90 2017hrs.	8. VICTIM'S EMPLOYMENT: Student CITY	9. BUSINESS PHONE: N/A
10. DAY OF WK. OCCURRED: Thr.	11. DAY OF WK. REPORTED: Thr.	12. DOB: [redacted] RACE: B W O OTH. SEX: M AGE: 013
13. OCCUPATION: Student	14. UNDER INFLUENCE: ☒NO ☐ALCOHOL ☐DRUGS	15. WEATHER AT TIME OF OCCURRENCE: ☒CLEAR ☐RAIN ☐FOGGY ☐CLOUDY ☐COLD ☐WARM ☐SNOW ☐SEVERE WIND ☐HAIL ☐OTHER
16. REPORTING PERSON (LAST, FIRST, MIDDLE): Same As #2	17. DOB: [redacted]	18. RESIDENCE PHONE: S/A #6
19. DISTRICT: 04	20. POST: 481	21. SHIFT: #2
22. REPORTING PERSON ADDRESS: Same As #5 CITY		23. BUSINESS PHONE: N/A
24. [redacted]	25. TOTAL LOSS VALUE: N/A	26. DESCRIBE LOCATION: House/Public Street
27. TOOLS/WEAPON USED: N/A	28. POINT OF ENTRY: N/A	29. POINT OF EXIT: N/A
30. ROUTE/METHOD OF ESCAPE: N/A	31. METHOD OF OPERATION/INTENT: Exposed Himself	
32. PHYSICAL INJURY/MENTAL CONDITION (☐VICTIM ☐SUSPECT ☐MISSING PERSON): N/A	33. HOSP/ALBI/OUT WHERE	34. HOW TRANSPORTED

35. VEHICLE CODES (CHECK APPLICABLE CODES): ☐ABANDONED ☐DAMAGED ☐EVIDENCE ☐IMPOUNDED ☐RECOVERED STOLEN ☐STOLEN ☐SUSPECT ☐THEFT FROM ☐TOWED ☐USED IN CRIME

36. RELEASE	37. BODY TYPE	38. YEAR	39. MAKE	40. MODEL	41. COLOR TOP / BOTTOM	42. TAG	43. STATE	44. EXPIRES
☐YES ☐NO			N/A					

45. VIN NUMBER	46. VALUE	47. CONDITION/FURTHER IDENTIFYING ITEMS

48. LOCATION ☐STOLEN ☐TOWED ☐RECOVERED	49. OWNER NOTIFIED BY	50. PERSON/OTHER VEH. NOTIFIED	51. DATE AND TIME NOTIFIED

52. TOW CO.	53. TOW TO	54. RADIO NOTIFIED - DATE AND TIME	55. TYPE	56. LOCKED ☐DOORS ☐WINDOWS ☐TRUNK ☐KEY IN CAR ☐RADIO ☐SPARE TIRE

57. ENTER WITNESS, VICTIM, SUSPECT, RUNAWAY OR MISSING PERSON INFORMATION BELOW: (USE LETTER "CODE" BLOCK)
IF WITNESS (W), OR VICTIM (V) ENTER NAME (LAST, FIRST, MIDDLE) ADDRESS, PHONE, DOB
IF SUSPECT (S), RUNAWAY (R) OR MISSING PERSON (M) ENTER NAME (LAST, FIRST, MIDDLE) ADDRESS, DOB AND FULL DESCRIPTION (PHYSICAL AND CLOTHING)

CODE: V | [MINOR 15] F-W/M [redacted]

CODE: S Kenneth LeAllen [redacted] W/M 25

CODE:

58. SUMMARY

Both victims [MINOR 14] (V#2) and [MINOR 15] (V#5) Report that they were walking north bound on Rivard near the Riva Firehouse when they observed (S#5) sitting inside of his house naked with the front door open. As V#2 & V#5 were returning home, S#5 stood at the front door way, and whistled to the girls. As they looked, they observed S-5 to be completly naked, exposing himself to all passers by.

This officer took the victims to the area of occurance (cont)

59. WAS INCIDENT: ☐RACIAL ☐ETHNIC ☐RELIGIOUS ☐SPOUSAL ASSAULT ☐N/A	60. REPORT TAKEN: ☒SCENE ☐STATION ☐PHONE ☐OTHER	61. EMERGENCY RUN: ☐YES ☒NO	
62. DISPOSITION: ☒OPEN ☐CLOSED ☐SUSPENDED ☐ARREST (S) ☐UNFOUNDED ☐FALSE REPORT ☐FOLLOWUP NEEDED		63. OPERATION IDENTIFICATION: ☐YES ☒NO ☐N/A	
64. OFFICER: Ofc. R. Rainwater #978	65. SECOND OFFICER / ID	66. SUPERVISOR: Sgt Willey	67. REVIEW OFFICER / ID

Form # 09-46-7-1

ANNE ARUNDEL COUNTY POLICE DEPARTMENT, MILLERSVILLE, MD. — Supplement/Narrative — Page 2 of 2

1. OFFENSE/INCIDENT: Indecent Exposure
2. BUSINESS NAME/VICTIM'S LAST, FIRST, MIDDLE: MINOR 14 [redacted]
3. CASE NUMBER: 90-732628
4. DATE WRITTEN: 21 June 90
5. DISTRICT/POST: 4B1
6. BUSINESS/VICTIM'S ADDRESS: [redacted]
7. OCCUR. DATE: 21 June 90
8. MULTIPLE CLEAR-UP: ☐ YES ☐ NO
9. CHECK ONE OR MORE: ☒ ORIGINAL ☐ FOLLOW-UP ☒ OFFENSE ☐ ACCIDENT ☐ ARREST ☐ PROSECUTION ☒ SUPPLEMENT ☒ CONTINUATION
10. LIST IN NARRATIVE ALL RELATED CASE NUMBERS IF MULTIPLE CLEAR-UP.

where they pointed out [redacted] as the house where S-56 exposed himself to them.

This officer then went to the house and identified S-56, so the victims parents could obtain charging documents.

RECEIVED 28 FEB 2002 POLICE

11. DISPOSITION: ☒ OPEN ☐ CLOSED ☐ SUSPENDED ☐ CLEARED BY EXCEPTION ☐ FALSE REPORT ☐ CLEARED BY ARREST
12. FIRST OFFICER: R. Bennett ID 1978
13. SECOND OFFICER: ID
14. SUPERVISOR: ID 1115
15. REPORTS REVIEW OFFICER: ID

Form #09-13-60-1.8

P. Thomas Shanahan
Chief of Police

ANNE ARUNDEL COUNTY
MARYLAND

Police Department
8495 Veterans Hwy.
Millersville, Md. 21108
(410) 222-8500
Fax# (410) 987-9167

February 25, 2004

Ms. Barbara Baker
South Carolina Dept. of Corrections
P.O. Box 21787
4444 Broad River Road
Columbia, South Carolina 29221-1787

Dear Ms. Baker:

I received your letter of February 24, 2004 concerning any reports that we might have on Kenneth L. Wright.

Mr. Wright was arrested 06-21-1990 for Indecent Exposure, his plea was guilty on 03-06-1991, disposition was guilty, fines, costs and time to be served (30 Days) were suspended. He was placed on probation for two years ending 06-03-1993.

Actual incident report is in our archives and will take a few days to recover, if you would need the actual report, please fax your request to 410-222-8697.

Sincerely,

Sheila F. Ripley

Sheila F. Ripley
Central Records

PETITIONER'S EXHIBIT 13

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "sadomasochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their sadomasochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism per se is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria 302.2 (F65.4)

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).

B. The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

Specify if:

Sexually attracted to males
Sexually attracted to females
Sexually attracted to both

Specify if:

Limited to incest

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individuals may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.

Development and Course

Adult males with pedophilic disorder may indicate that they become aware of strong or preferential sexual interest in children around the time of puberty—the same time frame in which males who later prefer physically mature partners became aware of their sexual interest in women or men. Attempting to diagnose pedophilic disorder at the age at which it first manifests is problematic because of the difficulty during adolescent development in differentiating it from age-appropriate sexual interest in peers or from sexual curiosity. Hence, Criterion C requires for diagnosis a minimum age of 16 years and at least 5 years older than the child or children in Criterion A.

Pedophilia per se appears to be a lifelong condition. Pedophilic disorder, however, necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Adults with pedophilic disorder may report an awareness of sexual interest in children that preceded engaging in sexual behavior involving children or self-identification as a pedophile. Advanced age is as likely to similarly diminish the frequency of sexual behavior involving children as it does other paraphilically motivated and nonnophilic sexual behavior.

Risk and Prognostic Factors

Temperamental. There appears to be an interaction between pedophilia and antisociality, such that males with both traits are more likely to act out sexually with children. Thus, antisocial personality disorder may be considered a risk factor for pedophilic disorder in males with pedophilia.

Environmental. Adult males with pedophilia often report that they were sexually abused as children. It is unclear, however, whether this correlation reflects a causal influence of childhood sexual abuse on adult pedophilia.

Genetic and physiological. Since pedophilia is a necessary condition for pedophilic disorder, any factor that increases the probability of pedophilia also increases the risk of pedophilic disorder. There is some evidence that neurodevelopmental perturbation in utero increases the probability of development of a pedophilic orientation.

Gender-Related Diagnostic Issues

Psychophysiological laboratory measures of sexual interest, which are sometimes useful in diagnosing pedophilic disorder in males, are not necessarily useful in diagnosing this disorder in females, even when an identical procedure (e.g., viewing time) or analogous procedures (e.g., penile plethysmography and vaginal photoplethysmography) are available.

Diagnostic Markers

Psychophysiological measures of sexual interest may sometimes be useful when an individual's history suggests the possible presence of pedophilic disorder but the individual denies strong or preferential attraction to children. The most thoroughly researched and longest used of such measures is *penile plethysmography*, although the sensitivity and specificity of diagnosis may vary from one site to another. *Viewing time*, using photographs of nude or minimally clothed persons as visual stimuli, is also used to diagnose pedophilic disorder, especially in combination with self-report measures. Mental health professionals in the United States, however, should be aware that possession of such visual stimuli, even for diagnostic purposes, may violate American law regarding possession of child pornography and leave the mental health professional susceptible to criminal prosecution.

Other Specified Paraphilic Disorder

302.89 (F65.89)

This category applies to presentations in which symptoms characteristic of a paraphilic disorder that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class. The other specified paraphilic disorder category is used in situations in which the clinician chooses to communicate the specific reason that the presentation does not meet the criteria for any specific paraphilic disorder. This is done by recording "other specified paraphilic disorder" followed by the specific reason (e.g., "zoophilia").

Examples of presentations that can be specified using the "other specified" designation include, but are not limited to, recurrent and intense sexual arousal involving *telephone scatologia* (obscene phone calls), *necrophilia* (corpses), *zoophilia* (animals), *coprophilia* (feces), *klismaphilia* (enemas), or *urophilia* (urine) that has been present for at least 6 months and causes marked distress or impairment in social, occupational, or other important areas of functioning. Other specified paraphilic disorder can be specified as in remission and/or as occurring in a controlled environment.

Unspecified Paraphilic Disorder

302.9 (F65.9)

This category applies to presentations in which symptoms characteristic of a paraphilic disorder that cause clinically significant distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class. The unspecified paraphilic disorder category is used in situations in which the clinician chooses *not* to specify the reason that the criteria are not met for a specific paraphilic disorder, and includes presentations in which there is insufficient information to make a more specific diagnosis.

PETITIONER'S EXHIBIT 14

South Carolina Department of Corrections

Classification Summary Reports

Date: Thursday, December 11, 2014

Classification Summary Reports

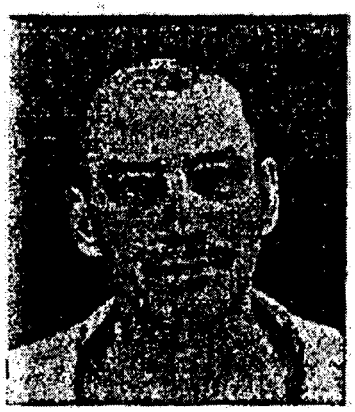
Inmate Number 263813 Submit

Classification Summary Report for WRIGHT, KENNETH LEALLEN :

Create PDF

CLASSIFICATION SUMMARY REPORT DATED 12/11/2014

SCDC# 00263813 WRIGHT, KENNETH LEALLEN FBI# 75637SAA9



OFFENDER TYPE: ADULT-STRAIGHT SENTENCE

INSTITUTION: BROAD RIVER

SECURITY/CUST: 2 MININMUM IN

CURR INCARC SENT: 3 YRS 0 MOS 0 DAYS

VICTIM WITNESS: Y SEPREQ:N

MED CLASS: MED PROB/WORK RESTRICT

INST RESTRICT: 24 HOUR NURSING COVERAGE

MENTAL CLASS: MH-4 (OUTPATIENT)

CURRENT PROGRAM: NO CURRENT PROGRAM

SEX REGISTRY: Y

DNA: C

AGE: 50

RESIDENT STABILITY: UO

DORMROOMBUNK_CODE: MA 0137 B

PROJ MAXOUT DATE: 01/18/2015

PROJ PAROLE DATE: 09/30/2014

EWC JOB: WARDKEEPER ASSISTANT

ASSIGNMENT: ASST WARD KEEPER

EWC LEVEL: 2F5 EEC LEVEL:

EDUC PGM: NO CURR EDUC PROGRAM

PREVIOUS NUMBERS:

00242173

CURRENT OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
INDECENT EXPOSURE	3	0	0	ANDERSON	04/08/2013	N	4	13GS0401273

COMPLETED OFFENSES	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
LEWD ACT/CHILD UNDER 16	2	0	0	ANDERSON	03/15/2005	N	4	02GS042741+
INDECENT EXPOSURE	2	0	0	ANDERSON	03/15/2005	N	4	05GS041110+
ILLEGAL USE OF TELEPHONE	3	0	0	ANDERSON	01/22/2003	N	2	99GS041287
ILLEGAL USE OF TELEPHONE	3	0	0	ANDERSON	01/22/2003	N	2	99GS041286
LEWD ACT/CHILD UNDER 16	3	0	0	ANDERSON	08/19/2002	N	4	02GS042741+
OBSC COMMUNICATION	3	0	0	ANDERSON	01/19/2000	N	2	99GS041288
ILLEGAL USE OF TELEPHONE	3	0	0	ANDERSON	05/24/1999	N	2	99GS041286

PRIOR COMMITMENTS OVER 90 DAYS:

INMATE HAS NO PRIORS

PREVIOUS OFFENSES	PREVSCDCID	SENTENCE YRS	MOS	DYS	COUNTY	START	SENTENCE V/NV	CAT	INDICT
INDECENT EXPOSURE	00242173	1	0	0	ANDERSON	05/14/1997	N	4	97GS041518

DETAINERS (HOLD,WANTED,NOTIFY):

NO DETAINERS

ESCAPES:

NO ESCAPE HISTORY

CRIMINAL CHARGES:

NO CRIMINAL CHARGES HISTORY

ASSAULTIVE DISCIPLINARIES:

NO ASSAULTIVE DISCIPLINARY HISTORY

PREVIOUS ASSAULTIVE DISCIPLINARIES:

NO PREVIOUS ASSAULTIVE DISCIPLINARY HISTORY

NON-ASSAULTIVE DISCIPLINARIES:

NO NON-ASSAULTIVE DISCIPLINARIES HISTORY

PREVIOUS NON-ASSAULTIVE DISCIPLINARIES:

09/06/1997	00242173	INCITING/CREATING A DISTURBANCE	CONVICTED MINOR DISC. HEARING
09/06/1997	00242173	USE OBSCENE,VULGAR,PROFANE LANG/GESTURES	CONVICTED MINOR DISC. HEARING

HISTORY OF MOVEMENTS:

10/28/2014	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
10/02/2014	GILLIAM PSY	INCARCERATED	MEDICAL
10/02/2014	KIRKLAND	INCARCERATED	R&E PROCESSING
10/02/2014	PERRY	INCARCERATED	NEW ADMISSION
09/10/2010	UNK	RELEASE	PAROLE SATISFIED
01/30/2007	DMH AT BRCI	RELEASE	PAROLE SATISFIED
03/01/2006	ANDERSON CO	PROBATION	RELEASED TO PROBATION
01/25/2006	ALLENDALE	INCARCERATED	RETURN FROM COURT
01/25/2006	ANDERSON CO	AUTH ABSENCE (AWL)	TO COURT
12/14/2005	ALLENDALE	INCARCERATED	ADMINISTRATIVE
12/14/2005	LIEBER	INCARCERATED	COURT/PAROLE HEARING VIA
11/04/2005	ALLENDALE	INCARCERATED	MEDICAL
11/04/2005	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/25/2005	ALLENDALE	INCARCERATED	ADMINISTRATIVE

04/28/2005	KIRKLAND	INCARCERATED	R&E PROCESSING
04/28/2005	PERRY	INCARCERATED	PROBATION VIOLATOR
07/01/2004	ANDERSON CO	PROBATION	RELEASED TO PROBATION
02/02/2004	PERRY	INCARCERATED	ADMINISTRATIVE
10/29/2003	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
10/29/2003	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/28/2003	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
05/28/2003	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
02/14/2003	BROAD RIVER	INCARCERATED	ADMINISTRATIVE
01/28/2003	KIRKLAND	INCARCERATED	R&E PROCESSING
01/28/2003	PERRY	INCARCERATED	NEW SENT W/O PR/CS/SF REV
07/26/2001	ANDERSON CO	PROBATION	RELEASED TO PROBATION
07/06/2000	LIEBER	INCARCERATED	ADMINISTRATIVE
07/06/2000	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
05/18/2000	LIEBER	INCARCERATED	ADMINISTRATIVE
05/18/2000	RICHLAND CO	AUTH ABSENCE (AWL)	MEDICAL
02/18/2000	LIEBER	INCARCERATED	ADMINISTRATIVE
01/26/2000	KIRKLAND	INCARCERATED	R&E PROCESSING
01/24/2000	PERRY	INCARCERATED	NEW ADMISSION

HISTORY OF EARNED WORK CREDIT ASSIGNMENTS:

JOB DESCRIPTION	START DATE	END DATE	TERMINATION REASON	JOB LVL
WARDKEEPER ASSISTANT	11/10/2014			2F5
FOOD SERVICE AIDE	05/26/2005	03/01/2006	RELEASED/PAROLED	2F5
FOOD SERVICE AIDE	02/18/2004	07/01/2004	RELEASED/PAROLED	2F5
WARDKEEPER ASSISTANT	06/10/2003	02/02/2004	INSTIT TRANSFER	2F5
FOOD SERVICE AIDE	03/18/2003	06/09/2003	INMATE REQUEST	2F7
WARDKEEPER ASSISTANT	02/21/2003	03/17/2003	INMATE REQUEST	2F5
WARDKEEPER ASSISTANT	02/20/2003	02/20/2003	MI ELIGIBLE FOR LEVEL 2	3F5

HISTORY OF EARNED EDUCATION CREDITS:

EEC DESCRIPTION	START DATE	END DATE	TERMINATION REASON
BONUS 4-7 HRS/WK	04/12/2004	04/27/2004	COMPLETED EDUC PROGRAM
LVL 2 - FULL TIME(NO EWC)	03/10/2000	07/26/2001	RELEASED/PAROLED
LVL 3 - FULL TIME(NO EWC)	03/02/2000	03/09/2000	MI ELIGIBLE FOR LEVEL 2

********** END OF REPORT **********.

Create PDF

Source : SummaryReport.jsp

Copyright © 2007-2014 South Carolina Department of Corrections. All rights reserved.
[Version: *1.4.9* Built: *09/25/2013 03:12:37 PM* Time: *09:23:27 AM*]

SUMI200D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
GENERAL OFFENDER PROFILE WHITEAU

SCDC ID..: 263813
NAME: **WRIGHT,KENNETH LEALLEN**
OFFENDER TYPE..: **ADULT-STRAIGHT SEN**
RACE..: **W** SEX.....: **M**
AGE...: **50** BIRTHDATE.: [redacted]
HEIGHT.....: **5 FT 07 IN**
WEIGHT.....: **164 LBS**
EYES.: **HAZEL** HAIR.: **BROWN**
SKIN.: **FAIR** BODY.: **MEDIUM**
AIMS CATEGORY.:
MILITARY BRAN.:
OCCUPATION....:
INTELLIGENCE..:
READING SCORE.: **12.2** GED.: **Y**
BIRTHPLACE....: **ILLINOIS**
CURRENT ASSIGN: **ASST WARD KEEPER**
ADMISSION DATE: **10/02/14**
PAR ELIG. DATE: **09/30/14**
MAXOUT DATE...: **01/18/15**

CURRENT LOC.....: **BROAD RIVER**
CURRENT STATUS.....: **INCARCERATED**
FBI NUMBER.....: **756375AA9**
SID NUMBER.....: **SC00910827**
U.S. CITIZEN.....: **CITIZEN - NATIVE B**
RELIGION.....: **BAPTIST**
MARITAL STATUS.....: **SINGLE**
MEDICAL STATUS.....:
SOCIAL SECURITY #...: [redacted]
DRIVERS LIC & STATE.:
SECURITY.: **MI2** DORM.: **MA0137B**
COMMITTING COUNTY...: **ANDERSON**
SENTENCE.....: **00300000** YYYMMDDD
SENTENCE START DATE.: **04/08/13**
MOST SERIOUS OFFENSE: **INDECENT EXPOSURE**
SCDC CLASSIFICATION.: **VIOLENT**
DETAINERS.....: **NONE**

VICT/WIT NOTIFICATIONS: **YES**

OFFENDER PROFILE DISPLAYED...
PF11-QUIT CLEAR-OMS MENU PF24-SIGNOFF SYSTEM

11:41:04 Friday, December , 2014

DIS1100D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
DISCIPLINARY SYSTEM WHITEAU
SCDC ID: 263813 **DISPLAY INMATE OFFENSE HISTORY**
WRIGHT, KENNETH LEALLEN CURR LOC: **BROAD RIVE**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL

*****END OF LIST*****

PAGE 0001
SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

1:40:21 Friday, December , 2014

PRVI100D
OMPRVNMA

SCDC OFFENDER MANAGEMENT SYSTEM
PREVIOUS NUMBER APPLICATION
LIST OF PREVIOUS SCDC NUMBERS FOR AN INMATE

12/19/14
WHITEAU

SCDC ID> 263813
WRIGHT,KENNETH LEALLEN

CURR LOC: **BROAD RIVER**

	PREV SCDC#	NAME	RACE/SEX	DOB	SS NUMBER	SID	VERIF.
_	00242173	WRIGHT KENNETH L.	WM	[redacted]	[redacted]	SC00910827	Y

END-OF-LIST

RESPONSE:
HISTORY OF PREVIOUS NUMBERS DISPLAYED. PRESS PF3 TO ADD A RECORD...
PFKEY: 3/ADD 4/MOD 5/STORE REQUEST 7/PAGE UP 8/PAGE DOWN 11/QUIT

11:41:40 Friday, December 19, 2014

SUMI200D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
GENERAL OFFENDER PROFILE WHITEAU

SCDC ID..:	242173	CURRENT LOC.....:	**UNK**
NAME:	**WRIGHT,KENNETH L.**	CURRENT STATUS.....:	**RELEASE**
OFFENDER TYPE..:	**ADULT-STRAIGHT SEN**	FBI NUMBER.....:	**756375AA9**
RACE..: **W**	SEX.....: [redacted]	SID NUMBER.....:	**SC00910827**
AGE...: 50	BIRTHDATE.:	U.S. CITIZEN.....:	**CITIZEN - NATIVE B**
HEIGHT.....:	**5 FT 06 IN**	RELIGION.....:	**BAPTIST**
WEIGHT.....:	**200 LBS**	MARITAL STATUS.....:	**SINGLE**
EYES.: **HAZEL**	HAIR.: **SANDY**	MEDICAL STATUS.....:	[redacted]
SKIN.: **MEDIUM**	BODY.: **MEDIUM**	SOCIAL SECURITY #...:	[redacted]
AIMS CATEGORY.:		DRIVERS LIC & STATE.:	
MILITARY BRAN.:		SECURITY.: **MI3**	DORM.:
OCCUPATION....:	**DISABLED**	COMMITTING COUNTY...:	**ANDERSON**
INTELLIGENCE..:		SENTENCE.....:	**00100000** YYYMMDDD
READING SCORE.:	GED.:	SENTENCE START DATE.:	**05/14/97**
BIRTHPLACE....:	**INDIANA**	MOST SERIOUS OFFENSE:	**INDECENT EXPOSURE**
CURRENT ASSIGN:	**HORTICULTURE DETAI**	SCDC CLASSIFICATION.:	**NON-VIOLENT**
ADMISSION DATE:	**06/26/97**	DETAINERS.....:	**NONE**
PAR ELIG. DATE:	**08/10/97**		
MAXOUT DATE...:	**12/13/97**	VICT/WIT NOTIFICATIONS:	**NONE**

OFFENDER PROFILE DISPLAYED...

PF11-QUIT CLEAR-OMS MENU PF24-SIGNOFF SYSTEM

11:41:48 Friday, December 19, 2014

DISI100D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
DISCIPLINARY SYSTEM WHITEAU

SCDC ID: 242173 **DISPLAY INMATE OFFENSE HISTORY**
WRIGHT, KENNETH L. CURR LOC: **UNK**
OFFENDER TYPE: **ADULT-STRAIGHT** PURCHASED TV

	CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
_	00002	INCITING/CREATING A D	MINOR DI	09/06/97	/ /	00000	CONVICTED	2
_	00001	USE OBSCENE,VULGAR,PR	MINOR DI	09/06/97	/ /	00000	CONVICTED	3

END OF LIST

PAGE 0001

SELECT A RECORD AND PRESS <ENTER> TO DISPLAY OR <PF04> TO MODIFY
PF4-MODIFY PF6-DISMISSED/NOT GUILTY PF11-QUIT PF10-MAIN MENU

DISI110D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
OMDISCA DISCIPLINARY SYSTEM WHITEAU
OFFENSE INQUIRY

SCDC#/CASE#: **242173 - 00001**
WRIGHT, KENNETH L. CURR LOC: **UNK**
OFFENDER TYPE: **ADULT-STRAIGHT** OFFENSE
CHARGED OFFENSE..: **818** USE OBSCENE,VULGAR,PROFA DATE: **09/06/97** TIME:
OFFENSE LOCATION.: **0211** BROAD RIVER OFFENSE CAT LVL.: **3**
LOCATION IN INST.: **21** MEDICAL UNIT
ASSLT WITH WEAPON: ASSLT STAFF/INMATE:
ACCUSING OFFICIAL.: **M WILLIAMS, RN**
TYPE ACTION.....: **02** MINOR DISC. HEARING CHARG. OFF CHAR:
HEARING LOC.....: **0211** BROAD RIVER ACTUAL HEARING DATE:
WITNESS/OFFICIAL REQUIRED: COUNSIL SUBST. REQ.: SCHD HEAR DATE: **10/02/97**
DHO HEARING DEC: **C** CONVICTED PLEA.....:
CONVICTED OFF..: **818** USE OBSCENE,VULGAR,P CONVICT. OFF CHAR.:

DATE DROPPED...: TOT GT LOST...: **00000** APPRV.:
APPEAL DEADLINE: GT RESTORED...: **00000**

CREATED BY.....: **FERGUSON, SHARRON** **09/10/97**
LAST UPDATED BY: **FERGUSON, SHARRON** **09/23/97**

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

11:42:12 Friday, December 19, 2014

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

12/19/14
WHITEAU

NARRATIVE...>
INMATE WRIGHT WAS STANDING IN THE PILL LINE WINDOWN WHEN HE STATED, "I VE A FUCKING MIGRAINE HEADACHE.AND I WANT SOME TYLENOL." HE WAS ASKE CLARIFY HIS STATEMENT AND HE STATED, "TAKE IT AND SHOVE IT UP YOUR FUCKING ASS 20 DAYS LOGT FORF TED.

CREATED BY.....: **FERGUSON, SHARRON** **09/10/97** **(END)**
LAST UPDATED BY: **FERGUSON, SHARRON** **09/23/97**

DISCIPLINARY TEXT DISPLAYED
PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

DISI110D SCDC OFFENDER MANAGEMENT SYSTEM 12/19/14
OMDISCA DISCIPLINARY SYSTEM WHITEAU
OFFENSE INQUIRY

SCDC#/CASE#: **242173 - 00002**
WRIGHT, KENNETH L. CURR LOC: **UNK**
OFFENDER TYPE: **ADULT-STRAIGHT** OFFENSE
CHARGED OFFENSE..: **814** INCITING/CREATING A DIST DATE: **09/06/97** TIME:
OFFENSE LOCATION.: **0211** BROAD RIVER OFFENSE CAT LVL.: **2**
LOCATION IN INST.: **21** MEDICAL UNIT
ASSLT WITH WEAPON: ASSLT STAFF/INMATE:
ACCUSING OFFICIAL.: **M WILLIAMS, RN**
TYPE ACTION.....: **02** MINOR DISC. HEARING CHARG. OFF CHAR:
HEARING LOC.....: **0211** BROAD RIVER ACTUAL HEARING DATE:
WITNESS/OFFICIAL REQUIRED: COUNSIL SUBST. REQ.: SCHD HEAR DATE: **10/02/97**
DHO HEARING DEC: **C** CONVICTED PLEA.....:
CONVICTED OFF..: **814** INCITING/CREATING A CONVICT. OFF CHAR.:

DATE DROPPED...: TOT GT LOST...: **00000** APPRV:
APPEAL DEADLINE: GT RESTORED...: **00000**

CREATED BY.....: **FERGUSON, SHARRON** **09/12/97**
LAST UPDATED BY: **FERGUSON, SHARRON** **09/23/97**

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

11:42:22 Friday, December , 2014

DISI150D SCDC OFFENDER MANAGEMENT SYSTEMS 12/19/14
DISI150M INMATE DISCIPLINARY SYSTEM WHITEAU
DISPLAY OFFENSE CODE TEXT

NARRATIVE...>
INMATE WAS IN THE PILL LINE AND STATED, "I HAVE A FUCKING MIGRAINE HEADACHE AN I WANT SOME TYLENOL. WHEN ASKED TO CLARIFY HIS STATEMENT, HE STATED, "TA IT AND SHOVE IT UP YOUR FUCKING ASS." 9/20/97 20 LOGT F FEITED.

CREATED BY.....: **FERGUSON, SHARRON** 09/12/97 (END)
LAST UPDATED BY: **FERGUSON, SHARRON** 09/23/97

DISCIPLINARY TEXT DISPLAYED
PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

PETITIONER'S EXHIBIT 15

Messages

Menu - Refresh Screen

Check messages (6) below for: ATTSC406

	Date	Title
☐	December 23, 2014 at 11:27:15	CR 000836695E from NLETS
☐	December 23, 2014 at 11:27:10	CR 000836695B from NLETS
☐	December 23, 2014 at 11:27:08	QWA 00066BDB38 from NC2K
☐	December 23, 2014 at 11:27:07	QR 003525C04D from III
☐	December 23, 2014 at 11:27:06	ICHR 003F16A2D2 from SCCH
☐	December 23, 2014 at 11:27:05	ICHR 003F16A2D0 from SCCH

Check All ○ Delete All Checked Messages ◉ Print All Checked Messages Submit

CR 000836695E from NLETS - December 23, 2014 at 11:27:15

```
ATTSC406
.CR.000836695E.NLETS.20141223 11:27:15
  TO: ATTSC406-227        20141223 11:27:15  000836695E
FROM:     NLETS-3565918    20141223 11:27:15
CR.MDIII0000
09:27  17054
 12/23/2014 84409 SC040015A
*2D0A0000A5
TXT
HDR/2L01&D0A0000A52QR
ATN/DEB SHUPE
********************  CRIMINAL HISTORY RECORD  ********************

Data As Of                  2014-12-23

**********************  Introduction  **********************

This rap sheet was produced in response to the following request:

Subject Name(s)             WRIGHT, KENNETH LEARLEN
FBI Number                  756375AA9
State Id Number             MD3791?8 (ME)
Purpose Code                C
Attention                   DEB SHUPE

The information in this rap sheet is subject to the following caveats:

THIS RECORD IS PROVIDED IN RESPONSE TO YOUR REQUEST. IT IS BASED UPON
FINGERPRINT-SUPPORTED CRIMINAL HISTORY INFORMATION MAINTAINED BY THE
MARYLAND DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES. THE
MARYLAND CRIMINAL HISTORY RECORD INFORMATION SYSTEM IS OPERATED UNDER
THE AUTHORITY OF THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND
```

CORRECTIONAL SERVICES AND DOES NOT CONTAIN DATA PRIOR TO 1978. THIS IS THE MOST CURRENT CRIMINAL HISTORY RECORD INFORMATION AVAILABLE. IF THERE ARE ANY QUESTIONS OR NEED FOR CLARITY PLEASE CONTACT MD CJIS CUSTOMER SERVICE AT 1-888-795-0011, OR THE DATA INTEGRITY UNIT AT 410-585-3621, 410-585-3634 OR 410-585-3692 FROM 8:00AM TO 4:30PM OR EMAIL ANYTIME TO MDRAPsheetissues@dpscs.state.md.us (MD)
WARNING: *** This individual is a multi-state offender *** (MD)

********** IDENTIFICATION **********

Subject Name(s)

WRIGHT, KENNETH LEALLEN
BENNETT, RUSSELL CLAY (AKA)
KENNY, (AKA)
WRIGHT, KENNETH A (AKA)
WRIGHT, KENNETH L (AKA)
WRIGHT, KENNETH LEALLLEN (AKA)
WRIGHT, KENNITH ALLEN (AKA)
WRIGHT, KENNY (AKA)

Subject Description

FBI Number	State Id Number
756375AA9	MD379175 (MD)

Social Security Number
[redacted]

Sex	Race	
Male	White	
Height	**Weight**	**Date of Birth**
5'07"	170	[redacted]
Hair Color	**Eye Color**	
Brown	Hazel	

Scars, Marks, and Tattoos

Code	Description, Comments, and Images
Unknown Code	, SC CHIN
Unknown Code	, SC HEAD
Unknown Code	, SC L WRIST
Unknown Code	, SC LF ARM
Unknown Code	, TAT L ARM
Unknown Code	, TAT R ARM
Unknown Code	, TAT UL ARM

Place of Birth
Illinois

********** CRIMINAL HISTORY **********

========== Cycle 1 ==========

Tracking Number	0008301915MD
Earliest Event Date	1983-02-18

Arrest Date	1983-02-18
Arrest Case Number	100983
Arresting Agency	MD0172100 PRINCE GEORGES CNTY PD
Comment(s)	1983-02-20 RELEASED ON BAIL
Charge	01
Charge Literal	ANIMAL-CRUELTY
Statute	(270059; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)

Court Disposition	(Cycle 1)
Court Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge	01
Charge Literal	ANIMAL-CRUELTY
Statute	(270059; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1983-12-21; GUILTY)

Cycle 2

Tracking Number	0009355E3
Earliest Event Date	1984-06-20

Arrest Date	1984-06-20
Arrest Case Number	100,983
Arresting Agency	MD0172100 PRINCE GEORGES CNTY PD
Comment(s)	1985-03-27 ROR
Charge	01
Charge Literal	CDS-UNLAWFUL POSSESSION ETC
Statute	(270287; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)
Charge	02
Charge Literal	THEFT/MISDEMEANOR
Statute	(270342; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)

Court Disposition	(Cycle 2)
Court Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge	01
Charge Literal	CDS-UNLAWFUL POSSESSION ETC
Statute	(270287; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1985-05-21; GUILTY)
Charge	02
Charge Literal	THEFT/MISDEMEANOR
Statute	(270342; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1985-05-21; NOT GUILTY)

Sentencing	(Cycle 2)
Sentence Date	1985-05-21
Sentencing Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge Literal	CDS-UNLAWFUL POSSESSION ETC
Sentence	Confinement: 00Y00M030DL
Sentence	Suspended: 00Y00M030DS
Sentence	Probation: 01Y00M000DU

Sentence	UNSUPERVISED PROBATION
Sentence	Begin Date: 1985-05-21
==========	Cycle 3 ==========
Tracking Number	0619274E5
Earliest Event Date	1985-07-27
Arrest Date	1985-07-27
Arrest Case Number	117677
Arresting Agency	MD0170000 SHERIFFS OFFICE PRINCE GEORGES
Comment(s)	1985-07-27 ROR
Charge	01
Charge Literal	MAL/DEST-PROP OF ANOTHER
Statute	(270111; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)
Court Disposition	(Cycle 3)
Court Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge	01
Charge Literal	MAL/DEST-PROP OF ANOTHER
Statute	(270111; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1985-10-15; GUILTY)
Sentencing	(Cycle 3)
Sentence Date	1985-10-15
Sentencing Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge Literal	MAL/DEST-PROP OF ANOTHER
Sentence	Confinement: 00Y00M180DL
Sentence	Suspended: 00Y00M180DS
Sentence	Probation: 03Y00M000DS
Sentence	SUPERVISED PROBATION
Sentence	Begin Date: 1985-10-15
Corrections	(Cycle 3)
Date Supervision Began	1985-10-15
Corrections Agency	MD0030150 P&P-TOWSON OFF HDQTS
Correctional Id Number	5654517
Correction Action	UNKNOWN
==========	Cycle 4 ==========
Tracking Number	0052530E2
Earliest Event Date	1987-04-25
Arrest Date	1987-04-25
Arrest Case Number	100983
Arresting Agency	MD0172100 PRINCE GEORGES CNTY PD
Comment(s)	1987-04-25 ROR
Charge	01
Charge Literal	HINDERING/OBSTRUCTING
Statute	(CL; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)
Court Disposition	(Cycle 4)

Court Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge	01
Charge Literal	HINDERING/OBSTRUCTING
Statute	(CL; MD)
Severity	MISDEMEANOR
Disposition	(1988-03-15; GUILTY)

Sentencing	(Cycle 4)
Sentence Date	1988-03-15
Sentencing Agency	MD0172100 PRINCE GEORGES CNTY PD
Charge Literal	HINDERING/OBSTRUCTING
Sentence	Confinement: 00Y00M000D
Sentence	Suspended: 00Y00M000D
Sentence	Probation: 00Y06M015DU
Sentence	UNSUPERVISED PROBATION
Sentence	Begin Date: 1988-03-15

========== Cycle 5 ==========

Tracking Number	0004389P0
Earliest Event Date	1988-04-24

Arrest Date	1988-04-24
Arrest Case Number	1-24836
Arresting Agency	MD0090000 SHERIFFS OFFICE CHARLES CNTY
Comment(s)	1988-04-24 ROR
Charge	01
Charge Literal	CDS-UNLAWFUL POSSESSION ETC
Statute	(270287; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)

Court Disposition	(Cycle 5)
Court Agency	MD0090000 SHERIFFS OFFICE CHARLES CNTY
Charge	01
Charge Literal	CDS-UNLAWFUL POSSESSION ETC
Statute	(270287; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1989-07-11; PROBATION BEFORE JUDGEMENT)
Court Comment	1988-09-21 FAILURE TO APPEAR ISSUED

========== Cycle 6 ==========

Tracking Number	0649659E3
Earliest Event Date	1988-07-05

Arrest Date	1988-07-05
Arrest Case Number	117677
Arresting Agency	MD0170000 SHERIFFS OFFICE PRINCE GEORGES
Charge	01
Charge Literal	BATTERY
Statute	(CL; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)
Charge	02
Charge Literal	THEFT/MISDEMEANOR
Statute	(270342; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)

```
Court Disposition       (Cycle 6)
Court Agency             AGENCY NOT PROVIDED
Charge                  01
        Charge Literal  BATTERY
              Statute    (CL; MD)
             Severity  MISDEMEANOR
          Disposition  ( 1988-12-30; NOLLE PROSEQUI)
Charge                  02
        Charge Literal  THEFT/MISDEMEANOR
              Statute    (270342; MD)
             Severity  MD CJIS CODES N/A AT CHARGED TIME
          Disposition  ( 1988-12-30; NOLLE PROSEQUI)
========================== Cycle 7 ==========================
Tracking Number         0056797E6
Earliest Event Date     1988-07-08
------------------------------------------------------------------
Arrest Date             1988-07-08
Arrest Case Number      100983
Arresting Agency        MD0172100 PRINCE GEORGES CNTY PD
Comment(s)              1988-07-08 RELEASED ON BAIL
Charge                  01
        Charge Literal  DIS COND-PUBLIC PLACE
              Statute    (270123; MD)
             Severity  MD CJIS CODES N/A AT CHARGED TIME
          Disposition  ( ; TURNED OVER TO COMMISSIONER)

------------------------------------------------------------------
Court Disposition       (Cycle 7)
Court Agency            MD0172100 PRINCE GEORGES CNTY PD
Charge                  01
        Charge Literal  DIS COND-PUBLIC PLACE
              Statute    (270123; MD)
             Severity  MD CJIS CODES N/A AT CHARGED TIME
          Disposition  ( 1989-01-13; NOLLE PROSEQUI)
========================== Cycle 8 ==========================
Tracking Number         0005615Q1
Earliest Event Date     1990-11-08
------------------------------------------------------------------
Arrest Date             1990-11-08
Arrest Case Number      9670
Arresting Agency        MD0190000 SHERIFFS OFFICE ST MARYS CO
Comment(s)              1990-11-08 ROR
Charge                  01
        Charge Literal  INDECENT EXPOSURE
              Statute    (CL; MD)
             Severity  MD CJIS CODES N/A AT CHARGED TIME
          Disposition  ( ; TURNED OVER TO COMMISSIONER)
Charge                  02
        Charge Literal  ALCOHOL BEV: CAUSE DISTURBANCE
              Statute    (2B0207; MD)
             Severity  MD CJIS CODES N/A AT CHARGED TIME
          Disposition  ( ; TURNED OVER TO COMMISSIONER)

------------------------------------------------------------------
Court Disposition       (Cycle 8)
Court Agency            MD0190000 SHERIFFS OFFICE ST MARYS CO
Charge                  01
        Charge Literal  INDECENT EXPOSURE
              Statute    (CL; MD)
```

Severity	MISDEMEANOR
Disposition	(1991-05-17; STET)
Charge	02
Charge Literal	ALCOHOL BEV: CAUSE DISTURBANCE
Statute	(2B0207; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(1991-05-17; STET)

========== Cycle 9 ==========

Tracking Number	0663462A2
Earliest Event Date	1990-12-14
Arrest Date	1990-12-14
Arrest Case Number	97265
Arresting Agency	MD0020200 ANNE ARUNDEL CNTY PD
Comment(s)	1990-12-15 RELEASED ON BAIL
Charge	01
Charge Literal	INDECENT EXPOSURE
Statute	(CL; MD)
Severity	MD CJIS CODES N/A AT CHARGED TIME
Disposition	(; TURNED OVER TO COMMISSIONER)

Court Disposition	(Cycle 9)
Court Agency	AGENCY NOT PROVIDED
Charge	01
Charge Literal	INDECENT EXPOSURE
Statute	(CL; MD)
Severity	MISDEMEANOR
Disposition	(1991-06-03; GUILTY)
Court Comment	1991-03-20 FAILURE TO APPEAR ISSUED

Sentencing	(Cycle 9)
Sentence Date	1991-06-03
Sentencing Agency	ORI: AGENCY NOT PROVIDED
Charge Literal	INDECENT EXPOSURE
Sentence	Confinement: 00Y00M030DL
Sentence	Suspended: 00Y00M030DS
Sentence	Probation: 02Y00M000DS
Sentence	SUPERVISED PROBATION
Sentence	Begin Date: 1991-06-03

Corrections	(Cycle 9)
Corrections Agency	MD0020130 ANNE ARUNDEL CNTY DETENTION CE
Correction Action	RELEASED TO BAIL BOND
Release Date	1990-12-15
Date Supervision Began	1990-12-15
Corrections Agency	MD0020130 ANNE ARUNDEL CNTY DETENTION CE
Correction Action	UNKNOWN
Date Supervision Began	1991-06-03
Corrections Agency	MD0190150 P AND P LEONARDTOWN
Correctional Id Number	3419984
Correction Action	UNKNOWN

********** INDEX OF AGENCIES **********

Agency	ANNE ARUNDEL CNTY PD; MD0020200;
Agency	SHERIFFS OFFICE ST MARYS CO; MD0190000;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	SHERIFFS OFFICE PRINCE GEORGES; MD0170000;
Agency	SHERIFFS OFFICE CHARLES CNTY; MD0090000;
Agency	ANNE ARUNDEL CNTY DETENTION CE; MD002013C;
Agency	P AND P LEONARDTOWN; MD019015G;
Agency	P&P-TOWSON OFF HDQTS; MD003015G;
Agency	AGENCY NOT PROVIDED; ORI:;
Agency	SHERIFFS OFFICE ST MARYS CO; MD0190000;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	AGENCY NOT PROVIDED; ORI:;
Agency	SHERIFFS OFFICE CHARLES CNTY; MD0090000;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	PRINCE GEORGES CNTY PD; MD0172100;
Agency	AGENCY NOT PROVIDED; ;

* * * END OF RECORD * * *

Top of page or Menu

Delete | Copy | Print

CR 000836695B from NLETS - December 23, 2014 at 11:27:10

```
ATTSC406
.CR.000836695B.NLETS.20141223 11:27:10
  TO: ATTSC406-226       20141223 11:27:10  000836695B
FROM:    NLETS-3565915   20141223 11:27:10
CR.WVFBINF00
09:27  30012
 12/23/2014 04406 SC040015A
*2D0A0000A5
TXT
HDR/2L012D0A0000A52QR
ATN/DEB SHUPE
********************  CRIMINAL HISTORY RECORD  ********************

**************************  Introduction  **************************

This rap sheet was produced in response to the following request:

Purpose Code            C
Attention               DEB SHUPE

The information in this rap sheet is subject to the following caveats:

This record is based only on the FBI number in your request-UCN:
756375AA9 Because additions or deletions may be made at any time, a new
copy should be requested when needed for subsequent use. (US)
All arrest entries contained in this FBI record are based on
fingerprint comparisons and pertain to the same individual. (US)
The use of this record is regulated by law. It is provided for official
use only and may be used only for the purpose requested. (US)

************************  IDENTIFICATION  ************************

Subject Name(s)

WRIGHT, KENNETH LEALLEN
BENNETT, RUSSELL  (AKA)
BENNETT, RUSSELL CLAY  (AKA)
FENTRESS, LEONARD  (AKA)
WILDMAN, KENNY  (AKA)
WRIGHT, KENNETH  (AKA)
WRIGHT, KENNETH L  (AKA)
WRIGHT, KENNETH LE ALLAN  (AKA)
WRIGHT, KENNETH LEALLAN  (AKA)
WRIGHT, KENNETH LEALLLEN  (AKA)
WRIGHT, KENNITH ALLEN  (AKA)
WRIGHT, KENNY  (AKA)
WRIGHT, KENNY WILDMAN  (AKA)
WRIGHT, TAZZ  (AKA)
WRIGHT, WILDMAN  (AKA)

Subject Description

FBI Number              State Id Number
```

756375AA9	SC00910827 MD379175

Social Security Number
[redacted]

Sex	Race	
Male	White	
Height	**Weight**	**Date of Birth**
5'06"	135	[redacted]
Hair Color	**Eye Color**	
Blonde Or Strawberry	Blue	

Scars, Marks, and Tattoos

Code	Description, Comments, and Images
TAT R ARM	, TATTOO ON RIGHT ARM
SC LF ARM	, SCAR ON LEFT FOREARM
SC L WRIST	, SCAR ON LEFT WRIST
TAT L KNEE	, TATTOO ON LEFT KNEE
CRIP L LEG	, CRIPPLED LEFT LEG
SC HEAD	, SCAR ON HEAD
TAT ABDOM	, TATTOO ON ABDOMEN
TAT R KNEE	, TATTOO ON RIGHT KNEE
TAT BACK	, TATTOO ON BACK

Place of Birth	Citizenship
Illinois	United States

Caution Information

Registered Sex Offender
Registered Sex Offender

********** CRIMINAL HISTORY **********

========== Cycle 1 ==========

Earliest Event Date 1998-02-04

Arrest Date	1998-02-04
Arrest Case Number	93393071
Arresting Agency	SCUSM0100 US MARSHAL'S SERVICE
Subject's Name	WRIGHT,KENNETH LE ALLAN
Charge Literal	THREATENING KIDNAP INJ PERSON OF ANOTHER
Severity	Unknown

Court Disposition	(Cycle 1)
Court Case Number	
Court Agency	
Charge Literal	EXTORT-THREAT INJURE PER
Charge Description	Charge Severity:Unknown
Disposition	(; PG 8-19-98 6 MOS 15 DAS JAIL, TIME SERVED)

========== Cycle 2 ==========

```
Earliest Event Date     1998-02-04
-------------------------------------------------------------------------
Arrest Date             1998-02-04
Arrest Case Number      74CC024226
Arresting Agency        SCFBIC000 FEDERAL BUREAU INVEST
        Charge Literal  TRANSMIT INTRST COMM THRT TO INJURE ANOTHER
              Severity  Unknown
========================== Cycle 3 ==========================
Earliest Event Date     1998-02-11
-------------------------------------------------------------------------
Arrest Date             1998-02-11
Arrest Case Number      93393071
Arresting Agency        NC039017C INSTITUTION-MALE
        Charge Literal  USNG COM FAC TO THRTN KDNP/INJ PER OF ANOTH
              Severity  Unknown

-------------------------------------------------------------------------
Court Disposition       (Cycle 3)
Court Case Number
Court Agency
        Charge Literal  USNG COM FAC TO THRTN KDNP/INJ PER OF ANOTH
    Charge Description  Charge Severity:Unknown
           Disposition  ( ;  45 DAYS,COMPL STUDY)
************************  INDEX OF AGENCIES  ************************

Agency                  SHERIFF'S OFFICE; GA1210000;

-------------------------------------------------------------------------
Agency                  SHERIFF'S OFFICE; SC0040000;

-------------------------------------------------------------------------
Agency                  US MARSHAL'S SERVICE; SCUSM0100;

-------------------------------------------------------------------------
Agency                  FEDERAL BUREAU INVEST; SCFBIC000;

-------------------------------------------------------------------------
Agency                  INSTITUTION-MALE; NC039017C;

                              * * * END OF RECORD * * *


Top of page or Menu
```

Delete Copy Print

QWA 00066BDB38 from NC2K - December 23, 2014 at 11:27:08

```
ATTSC406
.QWA.00066BDB38.NC2K.20141223 11:27:08
  TO: ATTSC406-225        20141223 11:27:08  00066BDB38
FROM:      NC2K-7068472   20141223 11:27:08
1L012D0A0000A42QWA
SC040015A

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.
```

*** SEX OFFENDER REGISTRY INFORMATION ***
THE SUBJECT IDENTIFIED IN THE FOLLOWING RECORD WITH NIC/X211685619
IS REGISTERED AS A SEX OFFENDER. DO NOT SEARCH, DETAIN, OR
ARREST BASED SOLELY ON THIS RECORD. ADDITIONAL INFORMATION REGARDING
SUBJECT MAY BE AVAILABLE FROM THE INTERSTATE IDENTIFICATION INDEX.

MKE/SEXUALLY VIOLENT PREDATOR - CAUTION
CMC/30 - SEXUALLY VIOLENT PREDATOR - CONTACT ORI FOR DETAILED INFORMATION
OFS/78 - INACTIVE - INCARCERATED
ORI/SC0040000 NAM/WRIGHT, KENNETH LEALLEN SEX/M RAC/W POB/IL
DOB/[redacted] HGT/507 WGT/170 EYE/HAZ HAI/BRO FBI/756375AA9 CTZ/US
SKN/MED SMT/TAT R SHLD
MNU/PI-1348237 SOC/[redacted]
OLN/[redacted] OLS/SC OLY/2017
ORD/19980123 ERD/NONEXP SXP/Y CRR/SEX OFFENSE
CON/20030122 JUV/N PLC/SC
AOV/14 SOV/F
OCA/0000003310
VLD/20140423
MIS/(CRR - 3699) 16-15-140 - COMMIT OR ATTEMPT LEWD ACT ON CHILD 16(*)
DNA/Y DLO/SLED DNA LAB COLUMBIA SC
SNU// SNA/INCARCERATED
CTY/ANDERSON STA/SC ZIP/29625
COU/UNKNOWN
TNO/[redacted]
ORI IS [redacted]
AKA/BENNETT, RUSSELL
AKA/BENNETT, RUSSELL CLAY
AKA/FENTRESS, LEONARD
AKA/KENNY, X
AKA/WILDMAN, KENNY
AKA/WRIGHT, KENNETH
AKA/WRIGHT, KENNETH L
AKA/WRIGHT, KENNETH LE ALLAN
AKA/WRIGHT, KENNETH LEALLAN
AKA/WRIGHT, KENNETH LEALLLEN
AKA/WRIGHT, KENNITH ALLEN
AKA/WRIGHT, KENNY
AKA/WRIGHT, KENNY WILDMAN
AKA/WRIGHT, TAZZ
AKA/WRIGHT, WILDMAN
SMT/PRCD L EAR
SMT/SC HEAD
SMT/SC L FT
SMT/SC L WRIST
SMT/TAT ABDOM
SMT/TAT BACK
SMT/TAT L BRST
SMT/TAT L THGH
SMT/TAT LELBOW
SMT/TAT LF ARM
SMT/TAT R CALF
SMT/TAT R WRS
SMT/TAT RELBOW
SMT/TAT RF ARM
SMT/TAT UL ARM
SMT/TAT UR ARM
MNU/OA-MD379175
SOC/[redacted]

```
SOC/299604783
SOC/399604703
NIC/X211685619 DTE/20120913 1343 EDT DLU/20140423 0807 EDT

***** END OF SEX OFFENDER REGISTRY INFORMATION *****


Top of page or Menu
```

Delete | Copy | Print

QR 003525C04D from III - December 23, 2014 at 11:27:07

```
ATTSC406
.QR.003525C04D.III.20141223 11:27:07
  TO: ATTSC406-224        20141223 11:27:07  003525C04D
FROM:       III-2474061   20141223 11:27:07
FL012D0A0000A52QR
SC040015A
THIS INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR
RECORD REQUEST FOR FBI/756375AA9. INDIVIDUAL'S RECORD WILL BE
COMPLETE WHEN ALL RESPONSES ARE RECEIVED FROM THE FOLLOWING SOURCES:
 FBI              - FBI/756375AA9
 MARYLAND         - STATE ID/MD379175

AN ADDITIONAL RECORD MAY BE OBTAINED FROM FILES WITHIN YOUR STATE.
END


Top of page or Menu
```

Delete | Copy | Print

ICHR 003F16A2D2 from SCCH - December 23, 2014 at 11:27:06

```
ATTSC406
.ICHR.003F16A2D2.SCCH.20141223 11:27:06
  TO: ATTSC406-223        20141223 11:27:06  003F16A2D2
FROM:      SCCH-1483474   20141223 11:27:05


PAGE-02  DATE-12/23/2014  TIME-11:23:16
REQ ORI-SC040015A   ATT GENERAL
SID-SC00910827 FBI-756375AA9
------------------------------------------------------------------------
CONTRIBUTOR/SUBJECT            DOA/RCVD CHARGE/DISPOSITION/ETC
------------------------------------------------
CIT-16-15-130-MISDEMEANOR
                                          COURT CHARGE 02-INDECENT
                                             EXPOSURE
                                          COURT DISP-CONVICTED;2 CTS 3
                                             YRS EA SS 2 YRS 2 YRS
                                             COURT DATE-04/28/2005
                                 ----------
WRIGHT, KENNETH LEALLEN          04/12/2013
```

```
SC0040000 ANDERSON CNTY SO
CASE-201302298
ATN-04D000542928
WARR-2013A0410200725
CIT-16-15-130-MISDEMEANOR
                                        ARREST CHARGE 01-INDECENT
                                           EXPOSURE
                                           OFFENSE DATE-04/12/2013
                                           PHOTOGRAPH AVAILABLE
                                           PALM PRINTS AVAILABLE
                                  ------------------
SC0401B5C  KIRKLAND RECPT & EV  10/02/2014 CUSTODY STATUS-RECEIVED
CASE-002638                                START DATE-10/02/2014
CIT-16-15-130-MISDEMEANOR
                                        COURT CHARGE 01-INDECENT
                                           EXPOSURE
                                        COURT DISP-CONVICTED;3 YRS CC
                                        ATN-50D300015066


BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/756375AA9
REQUESTED FOR CRIMINAL JUSTICE PURPOSES
--------------------------------------------------------------------------------
                        >>>  ***  N O T I C E  ***  <<<
********************************************************************************
*  THE SUBJECT OF THIS RECORD IS A CONVICTED SEX OFFENDER. ADDITIONAL          *
*  INFORMATION MAY BE OBTAINED FROM THE SOUTH CAROLINA SEX OFFENDER            *
*  REGISTRY AT: > WWW.SLED.SC.GOV <                                            *
********************************************************************************
--------------------------------------------------------------------------------

SCLED CJIS RECORD INDICATES SUBJECT HAS OUT OF STATE ARREST INFORMATION
REQUEST FORWARDED TO NCIC FOR OUT-OF-STATE INFORMATION
INFORMATION FROM OTHER STATES TO FOLLOW THRU NLETS VIA YOUR TERMINAL

INQUIRY WILL BE FORWARDED TO:  N C I C  W A N T E D  P E R S O N S

--------------------------------------------------------------------------------
INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

** S C CJIS END OF RECORD **
```

Top of page or Menu

Delete | Copy | Print

ICHR 003F16A2D0 from SCCH - December 23, 2014 at 11:27:05

ATTSC406

```
.ICHR.003F16A2D0.SCCH.20141223 11:27:05
  TO: ATTSC406-222        20141223 11:27:05  003F16A2D0
FROM:      SCCH-1483472    20141223 11:27:04

ICHR REQUEST FOR RAP SHEET
ORI-SC040015A  FBI-756375AA9, PUR-C
ATN-DEB SHUPE

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01  DATE-12/23/2014  TIME-11:23:16
REQ ORI-SC040015A   ATT GENERAL
SID-SC00910827 FBI-756375AA9
NAME-WRIGHT, KENNETH LEALLEN        SEX-M RACE-W
HEIGHT-506 WEIGHT-165 EYES-HAZ HAIR-BRO SKIN-LGT BORN-IL
FPC-POCI14PO140412121111          HENRY-14 O 25 W    IOO 14
                                           S 17 U    OOI
PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

* DNA - TAKEN
DATE RECORD ENTERED--08/06/1993    DATE OF LAST UPDATE--10/02/2014
-------------------------------------------------------------------
ADDITIONAL IDENTIFIERS          BIRTH
NAME                            DATES  MARKS      SOC SEC    MISC NUM
                                [redacted]        [redacted]

WRIGHT, KENNETH LEALEN
WRIGHT, KENNY WILDMAN
WRIGHT, WILDMAN                                   [redacted]

WRIGHT, KENNETH LEALLAN
WRIGHT, KENNETH L
WRIGHT, KENNY
BENNETT, RUSSELL CLAY
FENTRESS, LEONARD
WRIGHT, KENNITH ALLEN
WRIGHT, TAZZ
-------------------------------------------------------------------
CONTRIBUTOR/SUBJECT          DOA/RCVD CHARGE/DISPOSITION/ETC
-----------------------------------------------
WRIGHT, KENNETH LEALLEN        07/18/1993
SC0040100 ANDERSON PD
CASE-9315263
WARR-04322UT
                                        ARREST CHARGE 01-DISORDERLY
                                           CONDUCT
                                           OFFENSE DATE-07/18/1993
WARR-04322UT                            COURT CHARGE 01-DISORDERLY
                                           CONDUCT
                                        COURT DISP-CONVICTED;20D
                                           CONFINE; $169 FINE;CONFINE
                                           MENT OR FINE
                                ----------

WRIGHT, KENNETH LEALLEN        02/14/1996
SC0040000 ANDERSON CNTY SO
CASE-960799
```

WARR-79154AH

ARREST CHARGE 01-DISORDERLY CONDUCT
OFFENSE DATE-02/14/1996
PHOTOGRAPH AVAILABLE

WRIGHT, KENNETH LEALLEN 05/14/1997
SC0040000 ANDERSON CNTY SO
CASE-972995
WARR-E736658

ARREST CHARGE 01-INDECENT EXPOSURE
OFFENSE DATE-05/14/1997
PHOTOGRAPH AVAILABLE

WARR-E736657

ARREST CHARGE 02-INDECENT EXPOSURE
OFFENSE DATE-05/14/1997

CIT-16-15-130 MISDEMEANOR
DOC-97GS0401519
WARR-E736657

COURT CHARGE 01-INDECENT EXPOSURE
COURT DISP-CONVICTED;1 YEAR
COURT DATE-06/24/1997

CIT-16-15-130 MISDEMEANOR
DOC-97GS0401518
WARR-E736658

COURT CHARGE 02-INDECENT EXPOSURE
COURT DISP-CONVICTED;ONE (1) YEAR
COURT DATE-06/24/1997

SC004015C PERRY RECPT & EVAL 06/26/1997 CUSTODY STATUS-RECEIVED
CASE-242173 START DATE-06/26/1997
CIT-16-15-130 MISDEMEANOR

COURT CHARGE 01-INDECENT EXPOSURE 2 COUNTS
COURT DISP-CONVICTED;1 YEAR EACH CONCURRENT

WRIGHT, KENNETH LEALLEN 04/09/1999
SC0040000 ANDERSON CNTY SO
CASE-992102
ATN-
WARR-G122214

ARREST CHARGE 01-UNLAWFUL USE OF TELEPHONE
OFFENSE DATE-04/09/1999
PHOTOGRAPH AVAILABLE

WARR-G122215

ARREST CHARGE 02-UNLAWFUL USE OF TELEPHONE
OFFENSE DATE-04/09/1999

CIT-16-17-430(A)(B) FELONY
DOC-99GS0401286
WARR-G122214

COURT CHARGE 01-OBSCENE CALLS, UNLAWFUL USE OF TELEPHONE
COURT DISP-CONVICTED;10 YEARS;SUSP. 3 YEARS AND 5 YRS. PROBATION. CREDIT FOR 8 MONTHS.

COURT DATE-01/19/2000
ATN-

CIT-16-17-430(A)(B) FELONY
DOC-99GS0401287
WARR-G122215
COURT CHARGE 02-OBSCENE CALLS , UNLAWFUL USE OF TELEPHON E
COURT DISP-CONVICTED;10 YEARS SUSP. DURING PROBATION. COURT DATE-01/19/2000

WRIGHT, KENNETH LEALLAN 04/14/1999
SC0040000 ANDERSON CNTY SO
CASE-992203
ATN-
WARR-F692452
ARREST CHARGE 01-COMMUNICATIN G OBSCENE MESSAGES
OFFENSE DATE-04/14/1999
PHOTOGRAPH AVAILABLE

WARR-F692453
ARREST CHARGE 02-COMMUNICATIN G OBSCENE MESSAGES
OFFENSE DATE-04/14/1999

CIT-16-15-250 MISDEMEANOR
DOC-99GS0401289
WARR-F692452
COURT CHARGE 01-COMM OBSCENE MESSAGES ANOTHER PERSON, NONTELE
COURT DISP-CONVICTED;3 YEARS. COURT DATE-01/19/2000
ATN-

CIT-16-15-250 MISDEMEANOR
DOC-99GS0401288
WARR-F692453
COURT CHARGE 02-COMM OBSCENE MESSAGES ANOTHER PERSON, NONTELE
COURT DISP-CONVICTED;3 YEARS. COURT DATE-01/19/2000

SC040055C R & E CENTER COLA 01/26/2000 CUSTODY STATUS-RECEIVED START DATE-01/26/2000
CASE-263813
CIT-16-17-430(A)(B)-FELONY
COURT CHARGE 01-OBSCENE CALLS , UNLAWFUL USE OF TELEPHON E
COURT DISP-CONVICTED;10YRS SUSP TO 3YRS AND 5YRS PROBATION CONCURRENT
ATN-

CIT-16-15-250-MISDEMEANOR
COURT CHARGE 02-COMM OBSCENE MESSAGES ANOTHER PERSON, NONTELE
COURT DISP-CONVICTED;2 COUNTS /3 YRS EACH CONCURRENT

WRIGHT, KENNETH LEALEN 06/08/2002
SC0040100 ANDERSON PD
CASE-02-012119
ATN-
WARR-90859BX

```
CIT-61-13-360-MISDEMEANOR
                                        ARREST CHARGE 01-PUBLIC DRUNK
                                           OFFENSE DATE-06/08/2002
                                           PHOTOGRAPH AVAILABLE
CIT-61-13-360-MISDEMEANOR
WARR-90859BX                            COURT CHARGE 01-PUBLIC DRUNK
                                        COURT DISP-CONVICTED;20DAYS
                                           $225
                                           COURT DATE-06/10/2002
                                        ATN-
                                ----------
SC040015C SC DEPT CORRECTIONS   01/28/2003 CUSTODY STATUS-RECEIVED
CASE-263813                                START DATE-01/28/2003
CIT-16-15-140-FELONY
                                        COURT CHARGE 01-COMMITTING
                                           LEWD ACT UPON CHILD UNDER
                                           16
                                        COURT DISP-CONVICTED;2 CTS 5
                                           YRS SUSP
                                        ATN-500200029552
CIT-16-17-430-MISDEMEANOR
                                        COURT CHARGE 02-UNLAWFUL USE
                                           OF TELEPHONE
                                        COURT DISP-CONVICTED;2 CTS 3
                                           YRS EA CC
                                ----------
WRIGHT, KENNETH LEALLEN         03/15/2005
SC0040000 ANDERSON CNTY SO
CASE-NA
ATN-990000040443
WARR-I852510
CIT-16-15-130-MISDEMEANOR
                                        ARREST CHARGE 01-INDECENT
                                           EXPOSURE
                                           OFFENSE DATE-03/15/2005
                                           PHOTOGRAPH AVAILABLE
CIT-16-15-130-MISDEMEANOR
DOC-05GS0401110                         COURT CHARGE 01-INDECENT
WARR-I852510                               EXPOSURE
                                        COURT DISP-CONVICTED;3 YRS;
                                           SUSP 2 YRS & 2 YRS PROBATI
                                           ON. CONCURRENT W/4/27/05
                                           PLEAS &
                                           COURT DATE-04/27/2005
                                        ATN-990000040443
                                ----------
SC040015C SC DEPT CORRECTIONS   04/28/2005 CUSTODY STATUS-RECEIVED
CASE-042820                                START DATE-04/28/2005
CIT-16-15-140-FELONY
                                        COURT CHARGE 01-COMMITTING
                                           LEWD ACT UPON CHILD UNDER
                                           16
                                        COURT DISP-CONVICTED;2 CTS 2
                                           YRS EA CC
                                           COURT DATE-04/28/2005
                                        ATN-500100009887
END OF PAGE          01 - PAGE 02 TO FOLLOW
```

Top of page or Menu

Delete | Copy | Print

ALAN WILSON
ATTORNEY GENERAL

March 5, 2015

The Honorable Richard A. Shirley
Anderson County Clerk of Court
P.O. Box 8002
Anderson, SC 29622-8002

Re: In the Matter of the Care and Treatment of Kenneth L. Wright
Case No. 2015-CP-04-_____

Dear Mr. Shirley:

Please find enclosed an original and two copies of the State's Petition Pursuant to the Sexually Violent Predator Act in the above captioned matter. Please file the original and return the two clocked copies using the enclosed self-addressed envelope.

If you have any questions, please do not hesitate to contact me at (803) 734-8446.

Very Truly Yours,

Christopher A. Morrow
Assistant Attorney General

CAM:mmc
Enclosures

FILED-CLERK'S OFFICE
ANDERSON SC
2015 MAR -6 PM 2:50
COMMON PLEAS AND
GENERAL SESSIONS

REMBERT C. DENNIS BUILDING • POST OFFICE BOX 11549 • COLUMBIA, SC 29211-1549 • TELEPHONE 803-734-3970 • FACSIMILE 803-253-6283

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	TENTH JUDICIAL CIRCUIT
COUNTY OF ANDERSON)	
)	
IN THE MATTER OF THE CARE)	CASE NO. 2015-CP-04-00555
AND TREATMENT OF)	
KENNETH WRIGHT)	**ORDER OF COMMITMENT**
RESPONDENT.)	

RECEIVED
FEB 11 2019
SC Court of Appeals

The trial of this case was held in the County of Anderson in the Court of Common Pleas the week of April 23, 2018. A jury of citizens from Anderson County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Christopher A. Morrow represented the State and Scarlet Moore, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent Kenneth Wright is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent is to continue to be detained at the Anderson County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.

A TRUE COPY
APR 24 2018
CLERK OF COURT

Presiding Judge
Tenth Judicial Circuit Court of Common Pleas

April 24, 2018
Anderson, South Carolina

FILED CLERK'S OFFICE
ANDERSON SC
COMMON PLEAS AND
GENERAL SESSIONS

STATE OF SOUTH CAROLINA **COUNTY OF ANDERSON** In the Matter of the Care and Treatment of Kenneth Leallen Wright,	**IN THE COURT OF COMMON PLEAS** **TENTH JUDICIAL CIRCUIT** **2015-CP-04-0555** **NOTICE OF MOTION AND MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT**

TO: **CAM MORROW, S.C. ATTORNEY GENERAL'S OFFICE:**

YOU WILL PLEASE TAKE NOTICE that the undersigned Attorney hereby moves pursuant to S.C. Code of Civil Procedure Rule 50(b) for a Judgment Notwithstanding the Verdict in this matter, for the following reasons to wit:

1. The evidence and testimony submitted at the trial of this matter was not sufficient for a jury to so find that the Respondent Kenneth Leallen Wright is a Sexually Violent Predator pursuant to S.C. Code Ann. § 44-48-10, et seq. Specifically, the evidence presented at trial established that Mr. Wright had successfully completed treatment with the SVP unit from 2006-2010, and was discharged. Subsequently, Mr. Wright did not engage in any violent sexual acts following his release from the program. He does not meet the criteria of being a violent offender under the statute, and case law. Therefore, this Honorable Court should enter a Judgment Notwithstanding the Verdict.

Respectfully Submitted,

Scarlet B. Moore

Scarlet B. Moore, Esq., #72534
Attorney for Respondent
P.O. Box 17615
Greenville, SC 29606
(864) 214-5805
(864) 752-0930 (FAX)

Greenville, South Carolina
5-4, 2018

FILED CLERK'S OFFICE
ANDERSON, SC
2018 MAY -4 PM 1:11
COMMON PLEAS AND

STATE OF SOUTH CAROLINA COUNTY OF ANDERSON	)	IN THE COURT OF COMMON PLEAS TENTH JUDICIAL CIRCUIT CASE NO. 2015-CP-04-0555
IN THE MATTER OF THE CARE AND TREATMENT OF	)	
KENNETH LEALLEN WRIGHT, Respondent	)	**RETURN TO RESPONDENT'S MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT**

TO: SCARLET MOORE, ATTORNEY FOR RESPONDENT

NOW COMES the State, by and through the undersigned counsel, who would make the following return to Respondent's Motion for Judgment Notwithstanding the Verdict:

1. The State filed its petition pursuant to the Sexually Violent Predator Act, S.C. Code Sections 44-49-10, *et. seq.* (hereafter, the Act).

2. The Act requires that the State prove, beyond a reasonable doubt, that the Respondent is a sexually violent predator. S.C. Code Ann. Section 44-48-100. The Act defines a sexually violent predator as a person who: (a) who has been convicted of a sexually violent offense; and (b) suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined for long-term control, care, and treatment. S.C. Code Ann. Section 44-48-40(1). Further, the Act does not require a person commitment under the Act to be presently confined for a sexually violent offense to be subject to the sexually violent predator. In re Manigo, 389 S.C. 96, 697 S.E. 2d 629 (2012).

FILED CLERK'S OFFICE
ANDERSON SC
2018 MAY 31 AM 10:48
COMMON PLEAS AND GENERAL SESSIONS

3. The evidence and testimony submitted at trial by the state demonstrated that the Respondent Kenneth Leallen Wright had been previously convicted of a sexually violent offense. That Respondent was treated in the Sexually Violent Predator Treatment Unit from 2006-2010, and was discharged. Following his discharge Mr. Wright was convicted of multiple counts of Indecent Exposure. Respondent went to prison for those new crimes which triggered review under the Act.

4. The State provided certified copies of Mr. Wright's sexually violent convictions and those were admitted into evidence.

5. The State further provided the testimony of Dr. Emily Gottfried who testified that Mr. Wright suffered from a mental abnormality that made him likely to commit acts of sexual violence if not confined to a secure facility for treatment.

6. Respondent alleges that because Mr. Wright was not currently incarcerated for a sexually violent offense that evidence did not exist that Mr. Wright was a violent

offender under the statute. However this argument has specifically been rejected by the South Carolina Supreme Court. The Court in *Manigo* held specifically that the Sexually Violent Predator Act does not require person to be currently serving a sentence for a sexually violent offense; the act defines a Sexually Violent Predator in past tense terms of a person who "has" been convicted of a sexually violent offense. In re Manigo, 389 S.C. 96, 697 S.E. 2d 629 (2012).

7. The Court in Manigo was dealing with a Respondent who's most recent conviction was for indecent exposure but had been previously convicted of a sexually violent crime. Id. In this case Respondent similarly had been previously convicted of a sexually violent offense and his current conviction was for multiple counts of indecent exposure.

Accordingly the State asks that the court deny Respondent's motion for judgment notwithstanding the verdict.

Respectfully Submitted,

ALAN WILSON
Attorney General

CHRISTOPHER A. MORROW
Assistant Attorney General

By: _____
Attorneys for Petitioner
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
Telephone: 803-734-8446
cmorrow@scag.gov

May 29, 2018
Columbia, South Carolina

FILED-CLERK'S OFFICE
ANDERSON S.C.
2018 MAY 31 AM 10:48
COMMON PLEAS AND
GENERAL SESSIONS

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015CP-040555

STATE OF SOUTH CAROLINA
PLAINTIFF(S)

KENNETH LEALLEN WRIGHT
DEFENDANT(S)

Submitted by:	Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** *(CHECK REASON)*: ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☒ Other

☐ **ACTION STRICKEN** *(CHECK REASON)*: ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **STAYED DUE TO BANKRUPTCY**

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** *(CHECK APPLICABLE BOX)*:
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order (formal order to follow) ☒ Statement of Judgment by the Court:

ORDER INFORMATION

RLW

MOTION FOR JUDGMENT NOTWITHSTANDING THE VERDICT IS DENIED WITHOUT NECESSITY FOR A FORMAL HEARING. NO FORMAL ORDER REQUESTED, unless requested by Counsel.

This order ☒ ends ☐ does not end the case.

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**
E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

440

Circuit Court Judge

2155
Judge Code

1-3-19
Date

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

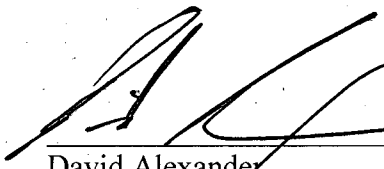
This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED
NOV 06 2019
SC Court of Appeals

Respectfully Submitted,



David Alexander
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 6th day of November, 2019.