

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County

Honorable R. Ferrell Cothran, Circuit Court Judge

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SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF ANTONIO D. YOUNG,

APPELLANT.

APPELLATE CASE NO 2019-000823

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA)
2 COUNTY OF CHARLESTON) Court of Common Pleas
3 _____) Case No. 2017-CP-10-03932
4 IN THE MATTER OF THE)
5 CARE AND TREATMENT OF)
6 ANTONIO YOUNG) Transcript of Record
7 _____) DATE: April 17-18, 2019
8

9 B E F O R E:

10 THE HONORABLE R. FERRELL COTHRAN, JR.

11
12 A P P E A R A N C E:

13 JAMES G. BOGLE, JR.
14 Attorney for the State of South Carolina
15 JAMES KRISTIAN FALK
16 Attorney for Antonio Young
17

18
19 Original transcript ordered by:
20 Commission on Indigent Defense

21 Karen V. Andersen, RMR, CRR
22 Circuit Court Reporter
23
24
25

1 THE COURT: Are you ready?

2 MR. BOGLE: May it please the Court. For the
3 record, my name is Jim Bogle. I'm with the Attorney
4 General's Office representing the State. The case before you
5 is In the Matter of the Care and Treatment of Antonio Young,
6 Case No. 2017-CP-10-3932.

7 Your Honor, the State has two motions in limine.
8 The first motion in limine has to do with the location. We
9 are seeking the civil commitment of Mr. Young as a sexually
10 violent predator. Under the law, we have to prove two
11 elements. Number one, has he been convicted of a sexual
12 sexually violent? And he has, criminal sexual conduct in the
13 third-degree.

14 And next, does he suffer from a mental abnormality
15 or a personality disorder that makes him likely to commit
16 acts of sexual violence unless confined to a secure facility
17 for long-term control, care and treatment. Those are the two
18 elements in the statute.

19 Now, any reference to the type of place he would go
20 to, it being at a prison, it being indeterminate, it being
21 for life, it being forever, it being at the Department of
22 Corrections, would be improper because -- and it would
23 distract the jurors. It's not something we have to prove.
24 It would distract the jury and it would not be what the law
25 is. The law is quite clear that this is a civil commitment,

1 something that we have to prove to commit Mr. Young.

2 So that's our first motion in limine.

3 THE COURT: Okay. You want to respond?

4 MR. FALK: Yes, Your Honor. I think I'm entitled to
5 talk about the fact that it is an indeterminate term, that I
6 did not think -- I agree that I don't have the right to say
7 it's a life term, because it's not really a sentence. But I
8 think all these juries always want to know how long will he
9 have to be there. And nobody can tell them. And he won't
10 know when he goes there. And I think they are entitled to
11 know it's an indeterminate term.

12 I also think that I'm entitled to say that it is a
13 secure facility and it is someplace other than one of the
14 state-run mental health hospitals, because it is not a
15 hospital.

16 MR. BOGLE: We have no problem with it being called
17 a secure facility, because that's in the statute. That's
18 what it is. As far as indeterminate time, as Your Honor
19 knows, the statute provides that a person can be released at
20 such time as their mental abnormality is changed enough to
21 make them safe to be at large. And we don't know how long
22 that will be. I've seen guys get out after two, some after
23 10. Some don't cooperate in treatment.

24 THE COURT: I understand, but it is an indeterminate
25 period of time. And it depends on his treatment and his

1 treatment we don't have to prove. It's not one of the
2 elements to prove. In fact, we don't know what the treatment
3 will be until the guy gets there. Any testimony, any
4 questions to the doctor about the type of treatment, it's
5 outside her realm of expertise. She's been qualified to
6 evaluate the guy to see if he meets the criteria for
7 treatment, not to see how well he will do in treatment.

8 Plus, any reference to treatment would be
9 speculative at best, because no one knows what type of
10 treatment Mr. Young might need until he get there. He's
11 assessed by the treatment team, which is not the same thing
12 as the pre-commitment evaluator. It's a different creature.

13 MR. FALK: First of all, I think the statute makes
14 it confusing. And the State has to prove that he needs
15 treatment in a long-term -- in a secure facility. So I think
16 I can ask if he could get treatment at an outpatient
17 facility, to the extent that that Dr. Maddox would know,
18 would that be different --

19 THE COURT: You asked that last time. I think
20 that's appropriate.

21 MR. BOGLE: We don't have a problem with us going
22 outpatient versus inpatient. That's okay.

23 THE COURT: All right.

24 MR. BOGLE: Those are the motions in limine for the
25 State, Your Honor.

1 about. And sometimes I like to use that language in front of
2 the jury.

3 THE COURT: Okay. And I think you can.

4 MR. BOGLE: Thank you.

5 THE COURT: Just like you did last time.

6 MR. FALK: But we didn't use the "mental
7 abnormality", "extremely dangerous" language.

8 THE COURT: He used what --

9 MR. BOGLE: I didn't read it verbatim.

10 THE COURT: And you are not going to do what you did
11 last time.

12 MR. BOGLE: Well, last time, you ruled that I
13 couldn't read it verbatim.

14 THE COURT: Right. Well, that first sentence in the
15 history is what I ruled you can't read, because that's not
16 what you have to prove.

17 Here it is. That first sentence, this finding is
18 what I said wasn't necessarily relevant.

19 MR. BOGLE: I will do what I did. So your ruling
20 now is like it was last time?

21 THE COURT: Right. That first sentence about the
22 history and what they perceive about a group of people in a
23 society, you need to deal with what you did last time about
24 what you've got to prove on this case.

25 MR. BOGLE: I will, Your Honor. Thank you.

1 go into it unless he admitted. She adapted what he admitted.
2 And that's going to be a situation here. If he admits to any
3 facts that she used in her evaluation, it's probably going to
4 be admitted. If not, it's not going to be unless she has
5 some outside source.

6 MR. BOGLE: Well, at the same time, Your Honor, and
7 of course, this testimony all came in at the last trial, this
8 case was tried before, and each one is different, but at the
9 same time, one of her diagnoses was anti-social personality
10 disorder. And to get there -- I'm reading from the DSM-V
11 right now, page 655, where it defines anti-social personality
12 disorder. And the diagnostic criteria includes: Failure to
13 conform to social norms with respect to lawful behaviors as
14 indicated by repeatedly performing acts that are grounds for
15 an arrest.

16 So it doesn't matter if you are arrested or not.
17 That is the basis for a diagnosis. That's the book. That's
18 what it says.

19 THE COURT: All right. But the question, though, is
20 the actions that were grounds for arrest, the doctor needs to
21 know at least what actions were grounds for that arrest. The
22 fact that he was just arrested, unless she has some
23 background -- I understand. If all the doctor has is an NCIC
24 record that he was arrested and it was dismissed and nolle
25 pros'd, she doesn't understand his behavior. If she had an

1 MR. BOGLE: Well, we will deal with it as it comes
2 up.

3 THE COURT: If it gets outside, you make a motion
4 and we'll deal with it. I don't think it will be an issue.

5 MR. FALK: Will do, Your Honor.

6 THE COURT: Now all we need is a jury.

7 MR. FALK: I made the same argument about
8 disciplinary infractions. And I'm assuming it's going to be
9 the same ruling, that it's just like everything else.

10 THE COURT: All right. Okay.

11 (Whereupon, an off-the-record discussion takes
12 place.)

13 MR. BOGLE: In the case of *In the Matter of Care and*
14 *Treatment of Beaver*, and there was a probable cause hearing,
15 just didn't find probable cause. And one of the reasons he
16 didn't find probable cause is the fact that the guy got a
17 plea bargain and pled to a lesser-included offense, or didn't
18 get much time. So the Supreme Court reversed that. And they
19 said that the nature of plea bargain is a totally separate
20 creature as to why it happens and the reasons for it than the
21 determination of whether or not a person is a sexually
22 violent predator, that it was an error for the judge to
23 consider all those things in deciding whether or not to find
24 probable cause and order an evaluation.

25 I guess my concern is, I think the rationale is the

1 THE COURT: I understand the plea negotiations
2 aren't at that level, but the fact that he was indicted for
3 this and pled down to this, you don't think that's
4 admissible?

5 MR. BOGLE: That's admissible. No question about
6 that. And Dr. Maddox, in her testimony, like last time,
7 she's going to walk through his criminal convictions. He has
8 been charged with CSC of various types and then allowed to
9 plead to ABHAN on more than one occasions. Then we have the
10 equaling conviction, which is the CSC in the third-degree,
11 which he also pled *Alford* to. That's the qualifying
12 exception. I will be introducing one exhibit, the CSC third.
13 We can talk about an offer, but they are all relevant to a
14 pattern of behavior here that's been going on for 22 years.
15 The victims were from 14 to 61 years of age. So she will
16 talk about that.

17 I want to go ahead and mark the CSC. It's same one
18 as last time. We got redacted.

19 (State's Exh. 1, CSC conviction, was marked for
20 identification.)

21 THE COURT: So if you call Pat Kennedy, the purpose
22 of calling Pat Kennedy is to prove that he's not a sexually
23 violently predator, or that he's not fit the criteria, or to
24 prove that plea disqualifies him for that?

25 MR. FALK: Here's what I expect Dr. Maddox to

1 if a guy has been convicted, he's been convicted. It's not
2 the psychologist's or psychiatrist's job to reinvestigate the
3 criminal case, to call the solicitor and say, why did it
4 happen this way. That's not their job.

5 THE COURT: But if he's convicted of ABHAN, she
6 can't get on the stand and convict him of CSC first.

7 MR. BOGLE: No, she's not. But she can talk about
8 the underlying crime, what he did to the girl. But the
9 question, I'm --

10 THE COURT: But he hasn't been convicted of ABHAN --

11 MR. BOGLE: The problem I'm having is where the
12 question then turns from Mr. Falk or any other defense
13 attorney and asked, did you talk to the victim, did you talk
14 to the prosecutor, did you talk to the defense attorney, did
15 you reinvestigate this criminal case? And that's not her
16 job. He's been convicted. *Alford* or not, he's still a
17 convicted person. It's not her job to reinvestigate the
18 criminal case.

19 THE COURT: Okay. And I agree on that. She's just
20 got to determine whether he has an abnormal personality
21 disorder and whether that would cause him likely to reoffend.

22 MR. FALK: I still think I can ask those
23 questions.

24 THE COURT: Ask what questions?

25 MR. FALK: What he just said that I shouldn't be

1 and this is the reasons I got there, then he's entitled to
2 question her on those reasons. And if she made assumptions
3 in that, then I think he can question her on how she reached
4 those assumptions.

5 MR. BOGLE: And that would just go to the weight of
6 her testimony. But as far as asking her, placing upon her, a
7 psychiatrist, the responsibility to reinvestigate a criminal
8 case, I think that's --

9 THE COURT: If she bases it on -- what did you base
10 it on? And I based it on boom, boom, boom, and she got
11 there, then I think he can ask her what assumptions she's
12 made. The fact that he pled guilty is over with. But if she
13 used, you know -- if her substance is, he admitted to me, or
14 if she did investigate and talked to the victim, I don't know
15 what she's done -- and y'all made notes, you tried it and
16 went before, did you get passed her before?

17 MR. BOGLE: All the details --

18 THE COURT: Hung jury before?

19 MR. BOGLE: Hung jury before.

20 THE COURT: Y'all have transcripts of the prior
21 record?

22 MR. BOGLE: I have a transcript of her testimony and
23 of Mr. Young's testimony. That's what I ordered. But I
24 don't have the entire thing, just her and Mr. Young.

25 THE COURT: So is there anything in the old trial,

1 remember who.

2 THE COURT: They are not going to testify this time?

3 MR. FALK: Right.

4 THE COURT: All right.

5 MR. BOGLE: That was the playing field in the last
6 propaganda. We had Dr. Maddox. His doctor couldn't help, so
7 we went to trial. And he's been -- because of the nature of
8 this law, he's been in the detention center since last
9 trial.

10 THE COURT: Okay.

11 MR. BOGLE: When did you max out?

12 THE DEFENDANT: Maxed out the 1st of November,
13 2017.

14 MR. BOGLE: So you've been in County since November
15 '17?

16 THE DEFENDANT: I've been in County since '15, but I
17 went up the road and came straight back to the County.

18 MR. FALK: Yeah, he had 797 days.

19 THE DEFENDANT: 771.

20 MR. BOGLE: Yeah, because he was awaiting trial on
21 CSC, went up the road. And once you entered CSC, even for
22 one day, because of the time served and time awaiting trial
23 and the sentence, he literally was at SCDC for one day until
24 they sent him back down. Because you've got to be convicted
25 of the right kind of crime. And you've got to go to SCDC.

1 introduced, Fred Stevens, Pat Kennedy, Virginia McWhite. Any
2 members of the jury panel connected by blood or marriage,
3 close personal friends, or social relations with any of those
4 potential witnesses? If so, please stand.

5 JUROR 55: Jay Davis, 55. I know Dr. Maddox.
6 Personally I know her and professionally I worked with her
7 too.

8 THE COURT: And the fact that she's a potential
9 witness in this case, would that affect your ability to be
10 fair and impartial?

11 JUROR 55: I think it would.

12 THE COURT: Okay. I will excuse you then.

13 Anybody else?

14 (No response from the jury.)

15 THE COURT: The attorneys in this case, representing
16 the Attorney General is James Bogle. The defendant is being
17 represented or the respondent is being represented by James
18 Falk. Any members of the jury panel connected by blood or
19 marriage, close personal friends, social relations, or have
20 been represented by either two of these attorneys? If so,
21 please stand.

22 (No response from the jury.)

23 THE COURT: Thank you. Any member of the jury panel
24 know anything about any of the crimes that this defendant,
25 Mr. Young, has ever been convicted of? Do you know anything

1 degree as well.

2 JUROR 55: Juror 55, I'm an attorney.

3 THE COURT: Right.

4 JUROR 284: 284, and I'm a lawyer as well.

5 THE COURT: Thank you.

6 Any member of the jury panel who's not necessarily
7 trained in psychiatry or psychology or the law, work in an
8 office that does any of those professions? If so, please
9 stand.

10 (No response from the jury.)

11 THE COURT: Any member of the jury panel ever been
12 involved in prison ministry or prison outreach programs or
13 anything that you come in contact with incarcerated people?
14 If so, please stand.

15 JUROR 72: Debby Epstein, 72. I worked at Lieber
16 Correctional Institute.

17 THE COURT: Thank you. I guess I need to ask you,
18 would that affect your ability to be fair and impartial?

19 JUROR 72: No.

20 JUROR 55: Jay Davis, Juror 55. I represent the
21 detention center medical staff in cases.

22 THE COURT: Okay. Well, I've already excused you
23 anyway. So, thank you.

24 JUROR 284: Phillip Ward, 284. I was previously
25 employed by 15th Circuit Solicitor's Office.

1 too lenient? If so, please stand.

2 (No response from the jury.)

3 THE COURT: Any member of the jury panel ever search
4 the Internet for sexual -- sex offender registry? If so,
5 please stand.

6 JUROR 72: 72, Debby Epstein. I don't search the
7 Internet, but I do get a listing of sex offenders in my area.

8 JUROR 2: No. 2, Denise Adams. It's just when we
9 were looking to buy a house, where they were and the
10 subdivision that we were at.

11 JUROR 284: 284, as part of my employment.

12 THE COURT: Thank you, sir.

13 Any member of the jury panel or member of your
14 immediate family ever been the subject of a medical inquest
15 or any other civil commitment for any mental health reasons
16 at all? If so, please stand.

17 (No response from the jury.)

18 THE COURT: Any member of the jury panel ever been
19 connected with a court-appointed advocacy program at the
20 Department of Social Services, guardian ad litem program,
21 foster care program, or any other private or governmental
22 investigative dealing with rape or counseling of sexual
23 assault? If so, please stand.

24 JUROR 284: 284, Your Honor, guardian ad litem.

25 THE COURT: Okay. Thank you.

1 THE COURT: Any member of the jury panel a member or
2 financial contributor to Citizens Against Violent Crimes,
3 People Against Rape, Rape Crisis Hotline, or any other
4 organization dealing with victims or victims of rape? If so,
5 please stand.

6 (No response from the jury.)

7 THE COURT: Anybody on the jury panel have recent
8 communications with the Charleston County Solicitor's Office?
9 If so, please stand.

10 A JUROR: Commute by telephone?

11 THE COURT: Anyway.

12 A JUROR: I called in last night.

13 THE COURT: You called the solicitor's office?

14 A JUROR: Whatever that phone number is they give
15 you.

16 THE COURT: I'm talking about solicitor. That was
17 the clerk of court. Thank you, though.

18 Anybody talk with the Attorney General's Office
19 recently?

20 JUROR 284: 284, as part of my job.

21 THE COURT: Thank you. Any member of the jury panel
22 aware of any bias or prejudices either for the State or this
23 respondent? If so, please stand.

24 (No response from the jury.)

25 THE COURT: Any member of the jury panel know any

1 oftentimes, jurors serve on more than one jury during a term
2 of court. And at issue, all jurors have just been examined
3 pursuant to the voir dire process and stated that they could
4 be fair and impartial in this case. Finally, the explicit
5 details of the Antonio Young are very different, separate and
6 apart, as opposed to the Timothy Brown case tried early this
7 week. So we request that any motion to exclude the jurors
8 that served in the Brown case from serving in the Young case
9 be denied.

10 (Whereupon, the bench conference ends.)

11 THE COURT: Okay. We will be in recess at 5 minutes
12 to 12 to give the lawyers a chance to look at the jurors.

13 MR. BOGLE: One alternate?

14 THE COURT: Yeah. All right. I will see you back 5
15 minutes to 12.

16 (Whereupon, recess transpired.)

17 THE COURT: Both sides ready?

18 MR. BOGLE: Yes, sir.

19 MR. FALK: Yes, Your Honor.

20 THE CLERK: Use the numbers on the far left. You
21 will each have four strikes. The State will strike first.

22 MR. BOGLE: Thank you. The State will strike No.
23 1.

24 THE CLERK: State strikes No. 1.

25 MR. FALK: Respondent strikes 13.

1 If you would please follow along with me to make
2 sure we have the same remaining. Using the far numbers to
3 the left, it's going to be no. 3 ... excuse me, No. 2, No. 3,
4 No. 4, No. 7, No. 8, No. 10, No. 12, No. 14, No. 15, No. 16,
5 No. 18, No. 19. And then the alternate will be No. 21.

6 MR. BOGLE: Correct.

7 MR. FALK: Correct.

8 THE CLERK: Your Honor, may I seat the jury?

9 THE COURT: Yes.

10 THE CLERK: Whenever I call your juror number, if
11 you would, please stand up, gather your belongings and come
12 and have a seat in the jury box.

13 Juror No. 141, Juror No. 155, Juror No. 174, Juror
14 No. 93, Juror No. 124, Juror No. --

15 THE COURT: No. Wait a minute. Not 124.

16 THE CLERK: Oh, my apologies. My apologies. Thank
17 you. Thank you, Your Honor.

18 THE CLERK: Juror No. 148, Juror No. 281, Juror No.
19 281, Juror No. 254, Juror No. 34, Juror No. 237, Juror No.
20 193, Juror No. 9.

21 THE COURT: There was 79.

22 THE CLERK: And then No. 79. And then for the
23 alternate, Your Honor?

24 THE COURT: Yes.

25 THE CLERK: Juror No. 282.

1 the last jury, Clint Anderson; and Juror No. 32, which was
2 Denise Campbell. I believe that my client is prejudiced by
3 my having to use all of those, because there were other
4 jurors who I would have typically excluded, especially Juror
5 No. 281, who was a former prison guard. And I think any
6 situation like this, it's very difficult when you've got
7 somebody who spent time at SCDC, and then wind up seeing a
8 prison guard on there.

9 We have Juror No. 174, whose mother was a victim of
10 domestic violence. And we have Juror No. -- I hope I got the
11 right numbers, 174, whose mother was a victim of domestic
12 violence. And I had to seat Juror No. 141, who was a
13 preschool teacher, who I typically always excuse. I used my
14 strikes on these sexually violent predator cases.

15 MR. BOGLE: What number?

16 MR. FALK: 141. And I'm going by the original jury
17 numbers.

18 THE COURT: Ana Jones. You want to respond?

19 MR. BOGLE: First off, it is not uncommon in
20 criminal cases, civil cases and mix of the two, as well as
21 SCDC cases, to have the same people serve on a different jury
22 a different week. But more importantly, Your Honor, asked
23 all these jurors questions on the voir dire proposed by the
24 State and by the defense. They all answered. Some of the
25 answers led to some jurors be struck, such as the attorney

1 jury.

2 MR. FALK: I had to strike them all.

3 THE COURT: I'm sorry. You are right. Well, I can
4 bring the panel in and ask them if they could not be fair.

5 MR. FALK: Okay.

6 THE COURT: And we will deal with them then. Bring
7 the panel. I will ask that specific question about this
8 panel.

9 (Venire enters.)

10 THE COURT: Ladies and gentlemen, the case that we
11 are about to try falls under the sexually violent predator
12 statute in South Carolina. Is there any member of this panel
13 that feels the fact that this is a sexually violent predator
14 case, falls under that statute, feel that you could not be
15 fair to both the respondent and the State in this case? If
16 that is so, please stand.

17 (No response from the jury.)

18 THE COURT: Okay. Any further questions?

19 MR. BOGLE: Nothing from the State, Your Honor.

20 MR. FALK: Nothing from the respondent, Your Honor.

21 THE COURT: Okay. Then I will overrule your motion
22 based on the response I got and the fact that many times in a
23 term of court I will have jurors who have served on more than
24 one case in criminal or civil. And the fact that they served
25 on another case doesn't mean they can't be fair in any

1 then with Dr. Maddox or anybody else, out of abundance of
2 caution, I've taken my books with me. I'm going to ride all
3 the way back. So you call me and let me know. Otherwise, I
4 will be here at 9:30 in the morning.

5 MR. BOGLE: If something comes up --

6 THE COURT: If she's in an emergency, if you just
7 let me know.

8 MR. BOGLE: That's why I gave you my e-mail to you
9 and your law clerk.

10 THE COURT: You want me to give you my cell phone
11 number?

12 MR. BOGLE: If you want to.

13 THE COURT: Yeah, I want to. Because I might not
14 check my e-mail. Okay. Bring me the jury.

15 (Whereupon, the jury returns to open court at 12:10
16 p.m.)

17 THE COURT: Ladies and gentlemen, we are not going
18 to be able to actually start this trial until in the morning
19 at 9:30. So I'm going to send you home for the day and ask
20 you to be back in the jury room at 9:30 in the morning. If
21 you have an emergency tonight or any time between now and
22 then, you need to call the clerk's office or somebody and let
23 us know that you have an emergency. Short of that, I need to
24 see you here at 9:30. I can't get started until all 13 of
25 you show up. So if one of you is missing and hasn't called

1 (Whereupon, the proceedings continue on April 18,
2 2019.)

3 (Whereupon, the trial continues on April
4 18, 2019.)

5 THE COURT: Do we need to do anything before we
6 bring the jury in?

7 All right. Bring in the jury, please.

8 (Whereupon, the jury returns to open court at 9:38
9 a.m.)

10 THE COURT: Good morning, ladies and gentlemen. The
11 clerk will now swear you in and we will get started.

12 (Whereupon, the jury is sworn.)

13 THE COURT: Ladies and gentlemen, the case that we
14 are about to begin or you are about to hear, the State of
15 South Carolina has brought an action involving Antonio Young.
16 They are seeking to have him committed in a long-term control
17 care and treatment facility. This is not a criminal
18 proceeding. This is a civil proceeding to determine whether
19 or not he, in fact, needs to be committed for care and
20 treatment.

21 Your job is to listen to the evidence that comes
22 into this case and reach a conclusion based on the facts.
23 That evidence will come to you in basically three forms,
24 first of all, through sworn testimony. Witnesses will come
25 before you under oath and testify about things they know or

1 you can. You can't do any research. You can't get on the
2 Internet. You know, I understand sometimes, it doesn't make
3 any sense, but we've heard from one witness, we take a break
4 and go back in the jury room, why can't we talk about what
5 that witness said? And the reason I don't want you to do
6 that, because if you do that, at the end of the case, you
7 want to defend that opinion you had at the beginning of the
8 case to your fellow juror. And it's not right for you to
9 form an opinion and share them with each other until you've
10 heard everything. Once you've heard all of the evidence in
11 this case, as well as the law that I'm going to charge you,
12 then and only then will it be proper for you all to discuss
13 it and come up with a verdict in this case. So if you do it
14 that way, the system works.

15 And we should finish this case today. Sometimes,
16 you never know, it may go into tomorrow. But I think we will
17 be able to finish it today. But if we do go into tomorrow, I
18 will give you further instructions. But if you pay close
19 attentions, the attorney will get up and make an opening
20 statement, and we will get started.

21 Mr. Bogle.

22 MR. BOGLE: Thank you, Your Honor. May it please
23 the Court, Mr. Falk.

24 We met a couple of days ago, yesterday I think, when
25 we were selecting you. My name is Jim Bogle. Again, I'm

1 that means later on. I would suggest to you the general
2 terms, if you are firmly convinced of something, that's
3 beyond a reasonable doubt. On the other hand, if you have a
4 doubt that makes sense about our case, you've got to render a
5 verdict on behalf of Mr. Young.

6 But here's what the case is about. There's things
7 we have to prove to you. First off, we have to prove to you
8 that he has been convicted of a sexually violent crime..
9 There's 16 different types of crimes listed in the law that
10 are called sexually violent. And the one he has is called
11 criminal sexual conduct in the third-degree. We will
12 introduce into evidence a copy of the sentencing sheet and
13 the indictment. You will have that in the jury room.

14 Next thing is, does he have a mental abnormality or
15 a personality disorder that makes him likely to commit these
16 acts again unless he is confined after prison, after jail, at
17 a secure place for treatment for what they call long-term
18 control, care and treatment. It's a secure place in Columbia
19 run by the Department of Mental Health.

20 So, basically, this is a civil commitment case. The
21 State is saying he's got the mental abnormality. He's also
22 got a personality disorder. And he can't control this to the
23 extent that he needs to be civilly committed for treatment to
24 protect the public.

25 Now, I think you will hear as the case goes on a

1 knife, things like that. They can't give opinions. But, if
2 a witness has the type of education and training and
3 experience that will help you, the jurors, decide for the
4 facts you are going to hear from the witness stand, that
5 person can be qualified by the judge to be an expert witness
6 and give an opinion.

7 At a previous hearing in this case, Dr. Donna
8 Maddox, sitting over there, was appointed by a judge to
9 evaluate Mr. Young. So she sat down with him. And she
10 looked at all the documentary stuff we have on him as far as
11 prison records, conviction records, witness statements,
12 police reports, all the stuff about that over his entire
13 history. And she issued a report. And she will testify
14 that, basically, in her psychiatric opinion, to a reasonable
15 degree of medical certainty, because she's a psychiatrist, he
16 fits the criteria.

17 So that's what the case is about. Again, your job
18 is to work for the State, work for the County and work for
19 Mr. Young today. So listen to all the facts, everything you
20 hear, and then reach a verdict. I will submit to you, when
21 the case is done and everything is over, the verdict should
22 be, will be, that he fits the criteria, that he is a sexually
23 violent predator and should be committed for long-term
24 control, care and treatment.

25 Your Honor.

1 secure facility, take him out of the community, don't let him
2 go home, don't let him be with his family, don't let him eat
3 home-cooked meals, put him away in a secure facility. You
4 have to decide if that's the right thing to do in this case.

5 And I'm glad Mr. Bogle talked about plea deals,
6 because there's a lot about plea deals. I do have the
7 opportunity to represent people in criminal cases. And let
8 me tell you, *Alford* plea really makes sense in he said/she
9 said kind of case. Now, the case that he's pleading guilty
10 to under *Alford*, mostly the issue was whether or not the
11 sexual conduct was consensual or not. Okay?

12 So you've got -- there's really no -- especially for
13 the one in 2014, there's no forensic evidence to show that
14 the conduct was anything -- we don't believe that there was
15 any forensic evidence to show -- let me say it this way. The
16 State's case would be basically based upon the testimony of
17 the alleged victim in the case. There wasn't a lot of other
18 stuff. So if you can picture yourself in a trial and you
19 have the witness, and she tells her story, then Mr. Young
20 would go up there and he would tell his story. And y'all
21 would have to decide. But there's a huge risk. If you
22 believed her story, it's 20 years. He takes a plea, deal for
23 three years.

24 And I don't really think *Alford* says that there's
25 sufficient evidence that the State would convict you. It's

1 MR. BOGLE: Yes, Your Honor. May it please the
2 Court. The State would call Dr. Donna Maddox.

3
4 DONNA MADDOX,
5 having been duly sworn, testifies as follows:

6 THE CLERK: For the record, will you please state
7 your full name and spell your last name?

8 THE WITNESS: First name is Donna, middle name
9 Schwartz, S-c-h-w-a-r-t-z, M-a-d-d-o-x.

10 DIRECT EXAMINATION

11 BY MR. BOGLE:

12 Q. Good morning, Dr. Maddox.

13 A. Good morning.

14 Q. Now, you stated your name. Will you please tell the
15 jury what you do for a living?

16 A. Yes. I'm a forensic psychiatrist.

17 Q. Okay. Where did you get your education to be a
18 forensic psychiatrist?

19 A. I went to college and undergraduate at Furman
20 University in Greenville, South Carolina. And I majored in
21 psychology. I went to medical school at the University of
22 South Carolina School of Medicine in Columbia. And I
23 graduated from there in 1989, awhile ago. And I completed a
24 residency, a four-year residency in general psychiatry. And
25 at that time, back in the early '90s, it was sponsored by the

1 there for 17 years. And while I was there, the university
2 had a contract with the Department of Mental Health. And
3 since I had had some training in Canada, I was one of the
4 doctors that the Department of Mental Health contracted with.
5 And I performed the evaluation similar to those that I do
6 today.

7 And I have been involved since 1999 at various
8 levels where there's legal issues and psychiatric issues.

9 Q. Now, a few minutes ago, you described yourself as a
10 forensic psychiatrist. What is the study of psychiatry?

11 A. Psychiatry is the study of the way we think, feel
12 and act. It's any kind of condition that affects your
13 behavior, how you feel, your emotions, your thoughts.

14 Q. Okay. And when I use the term "forensic" along with
15 psychiatry, what am I saying?

16 A. Forensic psychiatry, it's a subspecialty of
17 psychiatry. Just like cardiology is a subspecialty of
18 internal medicine. It means that there's particular
19 expertise and extra training.

20 And forensic psychiatry is anywhere where there's
21 some kind of legal issue where somebody's mental state is
22 involved. So any kind of legal situation where there's a
23 question about somebody's mental health or their mental
24 state, that would be an area that I consult in.

25 Q. Now, have you previously been recognized as an

1 THE COURT: Court so finds.

2 BY MR. BOGLE:

3 Q. Now, Dr. Maddox, how did you get involved in this
4 case involving Antonio Young?

5 A. At the time, the Department of Mental Health, I was
6 an independent contractor with them. And they -- there was a
7 court order directing me to perform the evaluation.

8 Q. Okay. And what type of evaluation were you asked to
9 do?

10 A. I was asked to evaluate Mr. Young and determine if
11 he had a mental abnormality or personality disorder that
12 makes him likely to re-offend in the future if he's not
13 confined for treatment.

14 Q. Okay. Could you please describe for the jury your
15 protocol, your step-by-step method you use in doing the case
16 like this?

17 A. Yes. Prior to evaluating Mr. Young, I did have
18 sources of information. The things that we typically look
19 at, and I had all of them in this case, I had his legal
20 history. Any time that he had had some legal charges and
21 some incident reports related to those things, I had specific
22 records that were especially related to prior sexual
23 offenses.

24 I also had a history of some of his other charges in
25 the past. I may not have had all of the incident reports for

1 Q. Would you point him out for the record?

2 A. Yes, he's sitting next to Mr. Falk in the striped
3 shirt.

4 Q. Let the record reflect she identified the
5 respondent.

6 Now, did you explain the purpose of the evaluation
7 to Mr. Young?

8 A. I did.

9 Q. Did he agree to go along with it; any resistance?

10 A. No, not at all. He was very agreeable.

11 Q. Now, the type of documentary information that you
12 listed a minute ago that you looked at, is this the type of
13 stuff that is typically and reasonably relied upon by other
14 experts in your field?

15 A. Yes.

16 Q. And did you consider, rely upon, all that written
17 information along with your interview of Mr. Young and
18 whatever testing or scoring you did of him in rendering or
19 reaching an opinion about this matter?

20 A. I did.

21 Q. Now, can you explain to the jury how a person's past
22 sexual offense behavior relates to their future sexual
23 offense behavior?

24 A. Yes. These cases are difficult. They are very
25 similar to what we deal with in medicine all the time. Many

1 A. I have.

2 Q. What are we looking at here? What type of documents
3 are these?

4 A. The first page of this is a sentencing document.
5 And it is dated February 26th, 1986. And it's a sentence of
6 six years for criminal sexual conduct, third-degree
7 nonviolent. And it says Alford plea, North Carolina.

8 Q. Okay. And the indictment is attached to it?

9 A. It is.

10 Q. Now, did you review these documents as part of your
11 evaluation?

12 A. I did.

13 Q. And are they part of the basis for your opinion
14 about Mr. Young?

15 A. Yes, they are.

16 Q. And are these the kinds of things that are typically
17 looked at by experts in your field?

18 A. Yes. We need to know what the nature of the charges
19 are, what the allegations are in the indictments, and that's
20 very important.

21 Q. Okay. We will come back to do that in a minute. Is
22 criminal sexual conduct in the third-degree a sexually
23 violent crime under our law?

24 A. Yes.

25 MR. BOGLE: At this time, I move to introduce into

1 whether there's been a pattern behavior over his lifetime
2 that would constitute a personality disorder.

3 Q. Okay. Let me approach you right now. And I'm
4 showing you you an certified copy from the clerk's office
5 downstairs, Indictment No. 2016-GS-10-3532, a conviction for
6 assault and battery of a high and aggravated nature. Are
7 these documents you reviewed as part of your report?

8 A. Yes.

9 Q. Is that the sentencing sheet where he got sentenced,
10 as well as the indictment?

11 A. Yes.

12 Q. What was the original charge in that case?

13 A. The original charge was criminal sexual conduct
14 first-degree.

15 Q. Okay. And then the document -- the crime he -- did
16 he plead guilty in that case?

17 A. He did.

18 Q. Was that also under this *North Carolina vs. Alford*
19 we are talking about today?

20 A. Yes, it was.

21 Q. Okay. And what did he plead guilty to?

22 A. He pleaded guilty to assault and battery of a high
23 and aggravated nature.

24 Q. Okay. Now, is assault and battery of a high and
25 aggravated nature a sexually violent crime?

1 her apartment and raped her. He also stated he asked for a
2 washcloth and left when the victim did not give him money.

3 The victim did admit that she had sex with him on
4 two prior occasions. Initially, with me and in the
5 evaluation, he denied having sex with her and stated that was
6 his cousin that lived next-door. But later, he did admit to
7 having sex with the victim two times in 2014. She went to
8 M.U.S.C. A rape kit was collected. And the DNA matched
9 Mr. Young's.

10 When I evaluated him, he stated that he and the
11 victim were "messaging around". He stated, I went to her house
12 and we did what we did. We had a little argument. I was
13 living with my girlfriend and she wanted more than I was
14 willing to give, and stated that, in his opinion, the sex was
15 consensual.

16 Q. Okay. But he pleaded guilty to the assault and
17 battery of a high and aggravated nature? On what date did he
18 plead guilty to that?

19 A. April 21st, 2017.

20 Q. What was the sentence? Was it a recommended
21 sentence or a negotiated plea from the sentencing sheet,
22 could you tell?

23 A. It was recommended and negotiated.

24 Q. Okay.

25 A. And he was sentenced to three years, given credit

1 diagnosis to look at the underlying facts, like what happened
2 here?

3 A. Yes.

4 Q. What did you found out?

5 A. In this case, he pleaded guilty. He was in a hotel
6 room with a 33-year-old female. She was sleeping and awoke
7 to find him ejaculating in her mouth. The incident report
8 reported she was crying hysterically and he fled the scene.
9 The victim stated he pulled the telephone cord from the wall.
10 He was on probation at the time. And his probation was
11 revoked for five years.

12 Q. Let's talk about that for a second. When a person
13 is -- when a person is on probation and commits an offense
14 that is sexual, and probation gets revoked because of that,
15 the fact they are already on probation, is that a risk factor
16 you look at?

17 A. Yes. And that risk factor is very honest.
18 Basically, what I'm doing in these cases, and these charges
19 that we are talking about, they are important because not
20 only do they have a sexual connotation, but we also know that
21 when there's a history of violence, there's physical assaults
22 of people, that's a separate risk factor. There's an
23 additional risk factor here. If you are on supervision for a
24 sexual offense, and you commit another sexual offense, that's
25 an indication that you have difficulty controlling your

1 Q. Okay. And is that a sexually violent crime,
2 criminal sexual conduct in the third-degree?

3 A. Yes.

4 Q. That's documents you've looked at as part of your
5 review?

6 A. Yes.

7 Q. Are these the type of documents that are typically
8 and reasonably relied upon by experts in your field?

9 A. Yes.

10 Q. What are the underlying details of this crime that
11 you found significant?

12 A. In this case, he entered an Alford plea. He was
13 originally charged with criminal sexual conduct first degree,
14 kidnapping of a minor. And he was sentenced to six years.
15 The incident occurred on December 17th, 1994. He approached
16 the victim with a four-inch wooden-handled kitchen knife,
17 held the knife to her neck, forced her into the bathroom,
18 ordered her to take off her clothes. He then had intercourse
19 with her and threatened her if she told anyone. And, again,
20 he was on probation at this time for a sexually related
21 offense.

22 The supplemental report that was in this case
23 indicated the victim did not know him. He was a friend of
24 her mother's. And he was allegedly at their house helping
25 them move. And while the mother was upstairs, he assaulted

1 second.

2 A. He pleaded guilty to assault and battery of a high
3 and aggravated nature.

4 Q. I would like to show you a copy of Indictment
5 1994-GS-10-5078, are these documents you would have looking
6 at as part of your report?

7 A. Yes.

8 Q. Okay.

9 A. And he was originally charged with criminal sexual
10 conduct first-degree.

11 Q. And the conviction was for what, assault and battery
12 of a high and aggravated nature again?

13 A. That's correct.

14 Q. Again, that's not a sexually violent crime, right?

15 A. That's correct.

16 Q. Why is it important again to look at this type of
17 conduct?

18 A. Again, it's another incidence of a crime against a
19 female that involved violence and had sexual connotation to
20 it.

21 Q. What was the underlying details you found relevant?

22 A. In this case, the victim was stopped at a stop sign.
23 He jumped into her car. He forced her into backseat. Drove
24 her to a deserted location, choked her and beat her and
25 threatened to kill her. He then forced her to report to --

1 those were both strangers. Those were people he did not
2 know, which is a separate risk factor. If you don't know
3 your victim, that's another risk factor you consider. The
4 other that's important is look at his history. He was under
5 supervision when these sex crimes showed up. So he's kind of
6 got a pattern, at least for under 24 years, of forcing sex or
7 doing things without his partner's consent.

8 And the other thing that's significant, they are
9 strangers. They are females, but the age range as well.
10 They range from young age 14 to an older age of 61. So
11 there's a variety of nonconsenting sexual behaviors over his
12 adult life.

13 Q. Now, you also mentioned I believe, to recap, during
14 this sequence of events, on two occasions, it was on two
15 occasions he was on probation for another sexually related
16 offense and then probation got revoked?

17 A. Correct.

18 Q. How is that a risk factor again?

19 A. Again, there's been research that shows if you take
20 people that have sexual disorders, when they are under
21 supervision their sex drive is very low. They are less
22 likely to get in trouble while under supervision. Now, after
23 supervision ends, unfortunately, their drive eventually
24 increases again over time. But the fact that he offended
25 while under supervision indicates that he has trouble

1 that something you would have looking at as part of your
2 review?

3 A. Yes.

4 Q. And is that another conviction for failure to
5 register as a sex offender?

6 A. Yes, 2002.

7 Q. What's the date he was sentenced, the bottom of the
8 sentencing sheet?

9 A. December 18th, 2002.

10 Q. Okay. Now, I would like to hand you a certified
11 copy of Indictment 2001-GS-10-4049. Would this be something
12 you would have looked at as part of your review?

13 A. Yes.

14 Q. And what is that a conviction for?

15 A. This is another conviction for failure to register
16 as a sex offender. This was his first offense. And he was
17 sentenced on June 20th, 2001. So he had one in 2001 and one
18 in 2002 and one in 2006.

19 Q. Well, let's back up a bit. I would like to hand you
20 a copy of 1999-GS-10-917. That's the indictment number. Is
21 that something you would have looked at as part of your
22 records?

23 A. Yes.

24 Q. Is that another conviction for failure to register
25 is a sex offender?

1 convictions. So that's important if you've had other charges
2 that involve offenses against people. That raises your
3 risk.

4 Q. Okay. Looking on page 5 of your report, what other
5 criminal activity or criminal -- let me ask you this. Is one
6 of the diagnoses you got on this guy -- well, let me ask you
7 this. What are -- did you diagnose Mr. Young with a
8 personality disorder?

9 A. I did.

10 Q. What was it?

11 A. It's called anti-social personality disorder. What
12 that means, that he's had a pattern, beginning in childhood.
13 When he was a child, he just had difficulties in school. He
14 had some problems in school, childhood-wise. But as an
15 adult, he's had a long-standing pattern of repeated criminal
16 convictions or charges and alleged illegal conduct.

17 Q. To diagnose anti-social personality disorder, does
18 that include conduct which would have been grounds for
19 arrest?

20 A. Yes, absolutely.

21 Q. As well as his criminal -- things you know he got
22 arrested for?

23 A. Correct.

24 Q. Looking on page 5, is this part of the basis of your
25 diagnosis to look at these criminal conduct?

1 Q. Could you start at the top and tell me what it was
2 and what his response was?

3 A. Yes. He had a charge of lynching, which was second
4 degree, which was nolle pros'd in 1990.

5 Q. Nolle pros'd means dismissed by the prosecutor; is
6 that correct?

7 A. Correct.

8 Q. What did he say about that?

9 A. He stated it was -- he was younger then. I believe
10 he was about 18. But he said it was an Eastside/Westside
11 kind of a rival with just some people in the community that
12 involved a fight.

13 Q. Okay. Now, when you find something like that where
14 the case gets dismissed by the prosecutor, what kind of
15 weight do you attach to it?

16 A. It's going to depend on the specific charge. To me,
17 it's just a data point. He wasn't convicted, but he was
18 charged with it. So it's just something that I keep in mind.
19 The ones significant to me are the ones where there's
20 convictions and also where there may be a crime that's
21 violence against a person.

22 Q. Let's go down the list then. What did you find and
23 what did he say about it?

24 A. He had a charge of a threat that was dismissed in
25 1990. He pleaded guilty to possession of cocaine in 19 --

1 (Whereupon, a bench conference takes place off the
2 record.)

3 BY MR. BOGLE:

4 Q. Dr. Maddox, as we go through this list of crimes,
5 what I would like you to do is tell me about the ones on the
6 list that you found and where he responded to you about them
7 and had some kind of recollection about what happened. Okay?

8 A. Certainly.

9 Q. Okay. So I will let you go to the next one where
10 that kind of thing happened. You found it, you asked him
11 about it and he responded.

12 A. Yes.

13 Q. If he didn't respond or didn't remember and it was
14 dismissed, don't worry about that. But go through the ones
15 where he responded to you about what happened.

16 A. I will be glad to. The cocaine possession in 2009
17 we discussed. He stated that he was in a Star Program in the
18 Department of Corrections, which was a treatment program.
19 There was a possession with intent to distribute cocaine
20 charge that he said was dropped in 2010. He stated a man
21 gave him a car in exchange for drugs. And the police
22 believed him and dropped the charges.

23 2011, he said he was charged with possessing drugs
24 and possession of painkillers.

25 And the burglary first, he said that was dismissed

1 little bit about somebody's personality functioning when they
2 are under supervision and continue to have a pattern of
3 getting into trouble. And there's also, in the Department of
4 Corrections, sometimes you can also have write-up for any
5 kind of sexual misconduct. So that was important to look at
6 as well.

7 Q. Looking at page 5 of your report, what did you find
8 that you found relevant to your opinion about Mr. Young
9 relating to his prison disciplinary history?

10 A. The important thing is that he had a continued
11 pattern of anti-social acts, acts that are against the rules
12 and also some sexual acts.

13 In 2006 and in 1997, he was convicted of fighting
14 without a weapon.

15 In 2004, he had a conviction for being out of place.
16 He was convicted of --

17 Q. Being out of place, back up with me here. What does
18 that mean?

19 A. Just means you are -- the prison may control your
20 movement. So if you are out of place, you are somewhere you
21 are not supposed to be at a certain time.

22 Q. Okay.

23 A. 2005, he was convicted of masturbation. And in the
24 prison it's called sexual misconduct. The report said two
25 females were inspecting the dorms. And he was observed

1 at from the Department of Corrections of ever having any kind
2 of sex offender treatment?

3 A. No.

4 Q. Does he think he needs it? Did you ask him about
5 that?

6 A. I don't recall if I specifically asked him, but I
7 know that he has minimized all of his offenses. He minimized
8 his behavior in all of these offenses. And every one of the
9 offenses, there is underlying hostility towards women that
10 has not been treated.

11 Q. In these types of cases, before the case can get to
12 you or me in court, is it reviewed by something called the
13 multi-disciplinary team?

14 A. It is.

15 Q. Are you aware of how that's composed, what it's
16 composed of?

17 A. Basically, yes.

18 Q. What's it composed of?

19 A. It's a group of individuals that have different
20 areas of expertise. One has legal training. One has
21 psychological or psychiatric training. One is usually, I
22 believe, a judge. And one is a victim's advocate. But they
23 are designated by the the legislation. And different people
24 are appointed, but you have to meet that criteria.

25 Q. So if a guy has been convicted of a sexually

1 would have looking at prior to today?

2 A. Yes.

3 Q. Is that an example of where he came before a court
4 to see if he should be evaluated?

5 A. Yes.

6 Q. And the Court said no, correct?

7 A. That's correct.

8 Q. So he went back to prison to finish out his term?

9 A. Correct.

10 Q. And then in 2006, during another one of his
11 imprisonments, did he also come before for a court for such a
12 hearing? And I show you an order dated November 8th, 2006.

13 A. Yes.

14 Q. And in that time, the evaluation was not ordered by
15 the Court, correct?

16 A. That's correct.

17 Q. But later on, he goes back to prison, then an
18 evaluation is ordered, and it's you?

19 A. Yes.

20 Q. Dr. Maddox, what diagnoses did you get after
21 evaluating Mr. Young, all the stuff you looked at, what
22 diagnosis did you get for Antonio Young?

23 A. I opined that he had five different diagnoses.

24 Q. What are they?

25 A. Sure. The first one is a technical term. And I

1 that's been a pattern for him.

2 Q. What else?

3 A. I also diagnosed him with three forms of substance
4 abuse. He's had some substance abuse issues in the past,
5 alcohol abuse. Alcohol was probably the main drug that's
6 persisted with him over time. He could drink up to a pint of
7 gin at periods of time. So he's had some heavy alcohol abuse
8 in the past. He also had some marijuana use in the past.

9 And, finally, he reports that he's not been using
10 cocaine, but in the past, he had used cocaine. But he was
11 able to stop using that by his report to me when I evaluated
12 him.

13 Q. Okay. So to sum up, we've got other specified
14 paraphilic disorder, sexually deviancy part, anti-social
15 personality disorder based on the patterns of crimes?

16 A. Yes.

17 Q. And the others are related to different types of
18 substance abuse?

19 A. Correct.

20 Q. Okay. And were all of these mental abnormalities
21 and personality disorders, were they all established by you
22 to a reasonable degree of medical certainty?

23 A. They were.

24 Q. Now, let's talk about risk assessment. When doing
25 these type evaluations, is there a method by which you use to

1 A. It is. Basically, what it did, it's a test that you
2 can give and it looks at things that don't change about him,
3 other than his age, which I will talk about. But, basically,
4 what it does is compares him to a group of sex offenders who
5 we know got in trouble again. And you are looking at what
6 things he has in common with them. And then based on the
7 score, we will place you in a risk group, whether you are
8 below average, low average, high average, high risk. So it
9 gives you -- assigns you a risk category.

10 Q. Could you give the jury an example of something they
11 might run into in their ordinary lives where risk factors are
12 evaluated that's similar to how this is done here?

13 A. Certainly. If you go into your doctors, if you see
14 your internist and you have high blood pressure, that's a
15 risk factor for heart attack. If you have high cholesterol,
16 that's a risk factor for a heart attack. If you have
17 diabetes, that's a risk factor. If you are male, that's a
18 risk factor. If you have a family history of heart disease,
19 that's a risk factor. So what the doctors do is they look at
20 all your risk factors and they can say, okay, you are at high
21 risk to have a heart attack. So we use that in medicine. We
22 do that all the time.

23 Q. Using that type of thing on him for the Static-99R,
24 what was the score that he got?

25 A. I scored him a 4.

1 A. That's correct.

2 Q. And he's a 4?

3 A. Yes.

4 Q. That's twice as high?

5 A. That's one way to look at it, yes. I think what's
6 important is we look at what causes the score. What are the
7 things about him compared to other sex offenders that are
8 getting into trouble. What are the things unique about him?
9 And that's what this test looks at. The fact that some of
10 his victims have been strangers, that raises his risk
11 greatly. The number of charges and offenses and convictions
12 he's had, that significantly raises his risk when compared to
13 other offenders.

14 What lowers his risk, he does have some protective
15 things. He's getting older. His age is still -- it's still
16 a risk for him, but compared to other sex offenders, he's
17 getting older now. As you get older, your risk lowers. Your
18 sex drive lowers. So that's a protective factor for him.
19 But the fact that he's had prior criminal charges, some of
20 the victims have been strangers, and just the sheer number of
21 convictions he's had over that 22-year period of time, that's
22 what differentiates him from the average sex offender.

23 Q. Does the Static-99R underestimate the risk to
24 re-offend?

25 A. It does.

1 with people. And if they didn't get consent, if you look at
2 his record, he has convictions for doing those things without
3 consent.

4 The other factor that's important for him is called
5 hostility towards women. That's a dynamic risk factor that's
6 been shown to increase one's risk. So he's had risk crimes.
7 He's not only had some crimes against women, but he's also
8 had some of his relationship problems. The relationship
9 history, there was one of his partners that he was unfaithful
10 to. He had two children with his first love. And he loved
11 her. But he then had an affair with his third child's mom
12 while he was with her. So there's been some infidelity.
13 There's been some issues that he's had with woman during his
14 development.

15 The other thing is his substance abuse history.
16 That's a separate factor, a dynamic factor that can be
17 treated. But that's been an issue for him. He's had some
18 criminal convictions for drug-related charges in the past,
19 which have caused him problems.

20 And then, finally, if you just kind of look at the
21 recklessness of his life style, and that's a separate factor,
22 that he's not reporting, he's re-offending when he's under
23 supervision. So he's got a lot of impulsivity. And there's
24 recklessness to his behavior over the years. Those are the
25 things you can treat. Those are things that can change.

1 A. Right, not personality disorders, but three other
2 disorders.

3 Q. And these were all established by you to a
4 reasonable degree of medical certainty; is that correct?

5 A. Yes.

6 Q. Okay. Do you also have an opinion to reasonable
7 degree of medical certainty as to whether or not these
8 diagnoses affect Mr. Young's emotional or volitional control
9 or capacity so that he is predisposed to commit future
10 sexually violent offenses?

11 A. In my opinion, they do.

12 Q. Do you also have an opinion, again to a reasonable
13 degree of medical certainty, does this propensity, this
14 predisposition, is it of such a degree to be dangerous and
15 pose a menace to the health and safety of others?

16 A. In my opinion, it is.

17 Q. And do you also have an opinion, again to a
18 reasonable degree of medical certainty, does the diagnoses of
19 Mr. Young, things that you diagnosed with him, the fact that
20 we talked about, do these make him likely to engage in acts
21 of sexual violence unless he's confined in a secure facility
22 for long-term control, care and treatment?

23 A. In my opinion, they do.

24 Q. Okay. And is he able to control these propensities
25 to such a degree that he won't -- he shouldn't be confined in

1 a.m.)

2 THE COURT: Mr. Falk.

3 MR. FALK: May it please the Court.

4 CROSS-EXAMINATION

5 BY MR. FALK:

6 Q. Dr. Maddox, just to clear one thing up, lynching
7 charge, that's now -- when I first saw that, I thought that
8 meant hanging. But that's assault and battery by mob; is
9 that correct?

10 A. That's correct. I think it's just a group of people
11 fighting.

12 Q. And regarding the sexual misconduct charge in
13 prison, did you look at the incident report or any of the
14 write-up on that?

15 A. I believe I had one, but I did not have the one in
16 1998. Let me double check that for you. I talked with him
17 about them.

18 Q. I just wanted to know if there's evidence that he
19 exposed himself or --

20 A. I don't have -- I would have just talked to him
21 about them. I would have had the charges. Sometimes I have
22 the summary of what happened. But my understanding was that
23 they actually did not see him masturbating, that they saw him
24 looking through a window and alleged that he was
25 masturbating.

1 A. Yes.

2 Q. And also -- let me maybe jump, go farther back in
3 time. 1998, one of these actions also --

4 A. Yes.

5 Q. And the Judge Rawls dismissed that case; is that
6 correct?

7 A. That's right.

8 Q. When Judge Rawls had an opportunity to look at this
9 case, and the attorney general's office was involved and
10 everything, at that time, he had already -- my client had
11 already been charged with the act regarding the victim who
12 was a stranger?

13 A. Yes, the victim in the car.

14 Q. And you considered that a significant risk factor,
15 did you not?

16 A. Was it the victim in the car or was it the girl?

17 Q. The victim in the car.

18 A. Yes.

19 Q. Because you had said one of the risk factors was
20 whether or not he was a stranger, person known to him?

21 A. That's correct.

22 Q. And that happened in -- that was a 1994 charge; is
23 that correct?

24 A. Correct.

25 Q. And the 1996 charge was the one where you discussed

1 Q. Now, let me show you -- most of the time when you
2 get a case, the MDT has already recommended that this case go
3 forward; is that correct?

4 A. Yes, that's always the case.

5 Q. Because there's really no way for you to get
6 involved?

7 A. That's correct.

8 Q. What is your understanding of the composition of the
9 MDT?

10 A. Don't hold me to the gold standard, but I know that
11 there's a victim representative. I believe there's a legal
12 representative. That usually can be a retired judge or
13 retired attorney. I believe that there is a mental health
14 representative. And I can't remember the other at-large
15 members. But it's a team of people with various experiences
16 and that are supposed to represent different aspects of the
17 community.

18 Q. Is it your understanding they have the person's full
19 file?

20 A. Yes. They usually have the same file I do. It
21 would be a file that's got their prison records, any of the
22 write-ups, they will have had the indictments, the sentencing
23 sheets, what the person -- what the alleged conduct was.
24 They usually have all of that information.

25 MR. FALK: May I approach the witness?

1 MR. BOGLE: Objection. Calls for speculation, Your
2 Honor. Let's also remember, no evaluation was ever done
3 prior to her.

4 MR. FALK: I think she's an expert. She can give
5 her opinion. I mean, she's speculating whether or not
6 he's --

7 MR. BOGLE: She wasn't called upon to look at an
8 entire file on the guy, do all the testing, that sort of
9 thing. You can't just make an evaluation with two sheets of
10 paper.

11 MR. FALK: She looked at everything --

12 MR. BOGLE: Maybe we should do this outside their
13 presence.

14 THE COURT: I will allow the question if she can
15 answer it.

16 THE WITNESS: I can answer it. I would have had the
17 same opinion I do today. I think what happened, in my
18 opinion, they were looking at just this anti-social acts.
19 When we look at these cases, if he just had anti-social
20 personality disorder alone, he would not qualify for this
21 statute, because that's something he can control. This
22 statute requires that you have some kind of illness that you
23 can't control or that you have difficulty controlling it.
24 And persons that looked at the file and did not evaluate him
25 probably just saw the anti-social personality disorder, which

1 There's been a DSM-III. There's been a DSM-III. There's
2 been a DSM-TR and DSM-V. So in my 30 years, there's been
3 five different versions.

4 Q. Could you practice your profession without referring
5 to this?

6 A. No.

7 Q. Is this an authoritative source?

8 A. It is. And what it is, it's very similar to if you
9 go to your doctor's office and you see them write a little
10 code, it's a diagnostic code, if you look at your bill, you
11 usually see some numbers and letters. It's a diagnostic
12 manual for us. So it's useful for billing. But it's also
13 useful to make sure that, for example, if I'm talking to a
14 psychiatrist in California and we talk about an illness, we
15 are referring to the same criteria. So it's very
16 important.

17 Q. Thank you. Do you have yours up there?

18 A. I don't.

19 MR. FALK: May I approach?

20 THE COURT: Yes.

21 MR. FALK: I've got it dog-eared along the way.

22 BY MR. FALK:

23 Q. Now, you have diagnosed him with anti-social
24 personality disorder; is that correct?

25 A. Yes.

1 A. Correct.

2 Q. And, again, are there some sort of specific things?
3 Can you just read a couple of them?

4 A. Certainly. Would you like me to read the ones that
5 I think apply to him?

6 Q. Perfect, perfect.

7 A. Sure. Alcohol, taking larger amounts over a longer
8 period of time than intended; a great deal of time spent in
9 activities necessary to use alcohol; recurrent alcohol use
10 resulting in a failure to fulfill roles; continued -- this is
11 the main one, continued alcohol use despite having problems
12 caused by prior abuse; important social, occupational or
13 recreational activities are given up because of alcohol use;
14 recurrent alcohol use in situations where it is physically
15 hazardous.

16 Q. So that goes farther than just saying he has a
17 problem with alcohol? He had some specific examples?

18 A. Yes. And for him specifically, he's just able to
19 drink much larger amounts. He's developed some tolerance
20 over the years. I will be glad to give you a little bit of
21 the specifics. He told me that he could drink three pints of
22 gin and two 24-ounce Ice Houses in one setting, which is a
23 pretty demonstrable tolerance. Most people, if they drank
24 that much, not having tolerance, they would probably be in an
25 alcohol coma.

1 A. Yes, yes.

2 Q. Did you find the specific diagnostic criteria for
3 other specified paraphilic disorder?

4 A. Yes.

5 Q. I think I had written the page down.

6 MR. BOGLE: 705.

7 THE WITNESS: Thank you.

8 BY MR. FALK:

9 Q. Does that have a list?

10 A. No.

11 Q. Why not?

12 A. The DSM is complicated. There's nine different
13 paraphilic disorders. And then there's a group -- and this
14 goes for all mental disorders. There's a group, say, for
15 example, if you had a depression, if you had schizophrenia.
16 And each one of the categories that the DSM -- there's two
17 extra categories. One is called "other specified" and then
18 there's one called "unspecified". What "other specified"
19 means is maybe it meets a criteria for one of the other more
20 specific disorders, but maybe you lack one criteria, or maybe
21 there's a reason that somebody doesn't fit the more specific
22 criteria.

23 And "unspecified" means that you just don't have
24 enough information to render a more specific diagnosis. So
25 every category -- you are correct, it's a very broad

1 A. That's correct, sex with animals, yes.

2 Q. And there's the urine sex. There's the feces thing.
3 Right?

4 A. That's correct.

5 Q. But there's nowhere on there that says sex with
6 nonconsenting adults?

7 A. Correct. That's correct.

8 Q. Being in this field for so long, and you said you
9 started with version II or maybe III, do you know why? Do
10 you know why that's not a suggested specifier?

11 A. Sure. That's a great question. There's a problem
12 with nonconsenting sex. There's two groups of people that
13 can engage in nonconsenting sex. If you take a group of sex
14 offenders, some of them just may be anti-social personality
15 disorder. There's many theories that rapes or crimes
16 against -- they are crimes of violence. They are not
17 necessarily crimes of sex.

18 But then there's another group of disordered
19 individuals who they are sexually aroused around. They are
20 sexually aroused to nonconsenting sex. But they may not be
21 anti-social. There may be people that maybe have never
22 broken the law in any other circumstance except by having
23 nonconsenting sex with people. And so because there's such
24 an overlay of those two categories, there's always been some
25 controversy. How do you take one nonconsenting sexual act

1 Q. Is one of the diagnostic criteria for that having
2 some type of conduct disorder prior to the age of 15?

3 A. Yes.

4 Q. And is that a necessary -- I mean, you don't -- is
5 it true that you can't really diagnose somebody with
6 anti-social personality disorder unless you have this conduct
7 disorder prior to age 15?

8 A. That's correct.

9 Q. Why do you think that is?

10 A. Because you are looking for life-long patterns.
11 Sometimes children will do illegal things, but for different
12 reasons. And so it's important -- you know, some people have
13 anti-social acts all through their adulthood, but it's more
14 to determine if there's pre-existing conditions or looking
15 for factor that can contribute to that kind of behavior.

16 Q. Ingrained conduct?

17 A. That's correct.

18 Q. What did you find in Mr. Young's case?

19 A. Based on what he told me, he had some trouble in
20 school. He had some trouble. He had some suspensions for
21 fighting and those sorts of things. He had no juvenile
22 convictions that I know of. There's no evidence on the first
23 time that he got in trouble, he would have been over the age
24 of 15. But it was just based on his history of some trouble
25 in school. He was expelled.

1 Q. I would like to come back around to that one too.
2 But, I mean, he had to repeat the 6th grade; is that correct?

3 A. That's correct.

4 Q. So he had some academic issues?

5 A. That's right. He was in resource classes as well
6 for reading.

7 Q. Did you happen to notice -- I mean, SCDC usually --
8 they usually sort of give him a scoring on a reading level.
9 Did you happen to notice one on this one?

10 A. Yes. I didn't recall.

11 Q. You said that he had some trouble when he was a
12 child. What are you referring to?

13 A. He saw his father die. He had a rough childhood.
14 He had a very large family. He had 11 brothers and sisters.
15 When he was 10 years old, his father had a heart attack. And
16 he told me he was right there with him when this happened.
17 His father was in his 60s at the time. His mother died in
18 2004. So he denied any abuse. He denied being exposed to
19 abuse.

20 But also, when he was younger, he saw people shot.
21 He lived in a pretty bad environment. And he actually was
22 shot. So he's been exposed to a lot of violence in
23 childhood. And that's the problem with anti-social
24 diagnosis. The conduct disorder in childhood, sometimes
25 children are doing things because that's the environment. It

1 A. And, certainly, the women in the hotel room, he was
2 in a hotel room --

3 Q. He was in a hotel room with her, right?

4 A. Correct. So I would assume they have some
5 knowledge. But the 14-year-old girl and the woman -- now, he
6 says the woman in the car, which would have been one of his
7 earlier offenses, he said that they had done drugs together
8 and that she just panicked. She was intoxicated with the
9 cocaine. She just panicked and ran.

10 But so he may have had some familiarity with her,
11 based on what he says. But it looked like based on the
12 indictments that there was not a prior relationship. So I
13 would classify two as stranger and two as nonstranger.

14 Q. When we are talking about the age of victims, one of
15 them was 14; is that correct?

16 A. Correct.

17 Q. How old was he, about 23?

18 A. He was born in 1971. This occurred in 1994. So
19 23.

20 Q. Okay. And the 61-year-old --

21 A. He would have been in his 40s, late 40s.

22 Q. Obviously, the range of victims means one thing
23 if -- I mean, but he's aging too along this period?

24 A. That's fair to say.

25 Q. I mean, it's not like a 60-year-old man that's

1 his sex offenses, then gets himself into another compromising
2 situation. That's poor judgement. It's not judgment on his
3 character, it's poor judgment. And part of the treatment and
4 education is you don't put yourself in those situations. You
5 have to be very careful. And you have to understand what the
6 risks are. So for me, it's more -- it's not necessarily the
7 nature, but just another bad decision, another act where he
8 used very poor judgment.

9 Q. Is it possible she consented?

10 A. Sure, sure.

11 Q. Is there any evidence here that she had changed her
12 story, that she initially consented to this?

13 A. Based on what he told me, he had spent a lot of
14 times while he was incarcerated and looked and he told me
15 that there was, I think, some -- she gave three different
16 statements. And there was some evidence that she may have
17 had sex with three other people around that same period of
18 time. So there certainly was information there that would
19 have been helpful in this case.

20 Q. And did you have a chance to look at any of the
21 police reports or incident reports for this?

22 A. Yes.

23 Q. Was it part of the incident report where she
24 actually used the washcloth and wiped him up?

25 A. Yes..

1 risk compared to someone else.

2 Q. But you are saying that even the average sex
3 offender, his likelihood to re-offend is around 5 percent?

4 A. Well, his --

5 Q. No, I'm saying if he were average.

6 A. Yes. Yes. Yes. So he's above average. And you
7 combine that with the fact that he's not had treatment, I
8 think that 7.1 percent is an underestimate of his risk.
9 That's by I don't like assigning numbers. Those aren't very
10 helpful in medicine because that would indicate we can
11 predict something.

12 Q. Because you cannot sit here today and say with any
13 certainty his absolute risk to re-offend?

14 A. That's exactly right. You can have all the risk
15 factors for a heart attack. You might have hypertension,
16 diabetes, cigarette smoking, so you should be at the highest
17 risk at all, that doesn't mean you are going to be the one to
18 have a heart attack. And we all know in medicine, sometimes
19 there are people that are very low risk for things and they
20 end up getting it. That's correct. I cannot predict that at
21 all.

22 Q. When you talk about the heart disease thing and
23 people can have risk factors, but you being a medical doctor,
24 there are also tests that a medical doctor can run, are there
25 not?

1 believe have sexual disorders. If I look at the length of
2 time I've been doing this, I probably diagnosed five or six
3 people with anti-social personality disorder traits or
4 disorder with an additional sexual disorder. That's not
5 common. And it's been people very similar. They just --
6 they continue to use poor judgment. They continue to be in
7 those situations. They continue to re-offend even when they
8 are under supervision. So it's obvious they are lacking
9 insight. They don't understand what is going on with their
10 sexuality. And they continue to get in trouble.

11 And it's caused him a great deal of his life. He
12 spent a lot of time in jail or in prison because of these
13 allegations or convictions against him. It's impaired his
14 functioning. You usually have to have some impairment
15 because of what you are doing. And he spent a lot of his
16 adulthood confined.

17 Q. It's pretty clear you think he needs treatment; is
18 that correct?

19 A. Yes.

20 Q. Why does the treatment have to be in a secure
21 facility?

22 A. That's the way they wrote the statute. It doesn't
23 give me an option. It just says they require treatment. The
24 issue is, does he have a mental abnormality? Yes. Does he
25 have a personality disorder? Yes. Is there a propensity to

1 MR. BOGLE: Your Honor, at this time, the State
2 would rest.

3 THE COURT: Are you ready to proceed?

4 MR. FALK: I can put up a witness.

5 THE COURT: Okay. I call Mr. Stevens to the stand.

6 FRED STEVENS,

7 having been duly sworn, testifies as follows:

8 THE CLERK: For the record, will you please state
9 your full name and spell your last name?

10 THE WITNESS: My name is Fred Allen Stevens,
11 S-t-e-v-e-n-s.

12 DIRECT EXAMINATION

13 BY MR. FALK:

14 Q. Mr. Stevens, how do you know Antonio Young?

15 A. I know Antonio Young, sir, from my time serving as a
16 correctional officer.

17 Q. Let me back up a little bit. What is your current
18 occupation?

19 A. My current occupation, I'm the owner and manager of
20 a landscaping business. I'm a 1980 graduate of The Citadel,
21 the Corps of Cadets. I'm retired from the United States
22 Army, commissioned officer, captain in the field artillery
23 branch. While in the Army, I was a platoon leader, battery
24 commander, and leader of hundreds of men at certain times.

25 Q. Your current landscaping job, how many employees do

1 He saw me. He spoke to me. He remembered me more than I
2 sort of remembered him at the time. He came to my
3 neighborhood because his neighborhood that he lived in at the
4 time called The Waylyn, which was next to mine, we talked
5 some. From there, I had the occasion to see him daily as he
6 came through the neighborhood. He saw me working in the
7 yard. He wanted to help. He expressed that he needed money,
8 that the job that he was working on wasn't paying much. I
9 believe at the time he was working at Cactus Car Wash. And I
10 did not offer him employment at the time, but we sort of
11 talked.

12 I will say I saw him several times during that year,
13 I think it was 2015, on my time coming in and out of my
14 trucks or working in the yard. But we did talk at some times
15 then.

16 Q. Have you discussed with him employment if he were
17 released?

18 A. Yes, sir, I have. I never wanted the role of being
19 a mentor in his life, but I will say that the individual that
20 I saw at the county jail initially back in 1995 was a cocky,
21 young man. The individual I saw 20 years later was a
22 different individual, humble, I would say almost broken by
23 the circumstances that he had now gone through, that he
24 realized that the consequences have caught up with him,
25 consequences of the decisions that he made for survival, how

1 business.

2 MR. FALK: I have no further questions. Answer any
3 questions Mr. Falk has.

4 CROSS-EXAMINATION

5 BY MR. BOGLE:

6 Q. Mr. Stevens, retired Army, you said field artillery?

7 A. Field artillery.

8 Q. Fort Sill?

9 A. Fort Sill, Oklahoma, officer basic course and
10 advanced officer course.

11 Q. Now, so you first encountered Mr. Young, after the
12 Army, you became employed at the Charleston County Detention
13 Center, correct?

14 A. That's correct.

15 Q. And he was in jail there for one of his many crimes?

16 A. That's correct.

17 Q. And then 20 years later, you saw him in the
18 neighborhood around 2015. And in that time, he was
19 working -- you later learned he was working at a local car
20 wash?

21 A. Yes.

22 Q. As far as -- and you are aware, of course, based on
23 what you heard, that after you saw him in 2015, he later was
24 convicted of assault and battery of a high and aggravated
25 nature involving conduct against a woman, and went to prison

1 Q. Okay. Because he got convicted in April Of 2017 of
2 that other assault and battery charge. So you saw him up to
3 that point?

4 A. I won't say -- yes, sir. I don't know about his
5 conviction of April 2017. But I think I saw him as late as
6 the summer of 2017.

7 MR. BOGLE: Okay. Nothing further, Judge.

8 THE COURT: Anything further?

9 MR. FALK: No redirect.

10 THE COURT: You can step down. Thank you, sir.

11 MR. FALK: This might be a good spot..

12 THE COURT: Okay. Ladies and gentlemen, we are
13 going to break for lunch. Can you make it back, have lunch
14 by 1:15? Give you an hour and a half? Okay. Don't discuss
15 the case. Don't allow anyone to discuss it with you. If you
16 have an emergency, please call us. If not, I will see y'all
17 back at 1:15.

18 (Whereupon, the jury leaves open court at 11:47
19 a.m.)

20 THE COURT: Anything before we go to lunch?

21 MR. FALK: I can put the motion on when I come
22 back.

23 THE COURT: Do whatever you want to do.

24 MR. FALK: How about when I renew it, I do it then?

25 THE COURT: All right. I will see y'all 1:15.

1 MR. FALK: I will call Virginia McWhite as to the
2 stand.

3 VIRGINIA MCWHITE,
4 having been duly sworn, testifies as follows:

5 THE CLERK: For the record, will you please state
6 your full name and spell your last name.

7 THE WITNESS: Virginia Young McWhite, M-c-W-h-i-t-e.

8 DIRECT EXAMINATION

9 BY MR. FALK:

10 Q. Ms. McWhite, where do you live now?

11 A. 2347 Sorenttrue Avenue, North Charleston, South
12 Carolina.

13 Q. How are you related to Antonio Young?

14 A. I'm his second oldest sister.

15 Q. So there's an age difference between the two of you
16 y'all?

17 A. Yes, sir.

18 Q. And were you living in Charleston when he was
19 born?

20 A. No, I wasn't.

21 Q. When did you move back to Charleston?

22 A. I came back to Charleston in -- I think it was in
23 '75 when I had my first child.

24 Q. Okay. When did you sort of reconnect with Antonio?

25 A. I rekindled with my brother back in 2004, just

1 MR. BOGLE: That's Miss Kennedy?

2 MR. FALK: Yes.

3 (Whereupon, a recess takes place.)

4 MR. FALK: At this time, we will call Pat Kennedy.

5 PATRICIA KENNEDY,

6 having been duly sworn, testifies as follows:

7 THE CLERK: For the record, will you please state
8 your full name and spell your last name.

9 THE WITNESS: Patricia Ann Kennedy, K-e-n-n-e-d-y.

10 DIRECT EXAMINATION

11 By MR. FALK:

12 Q. Ms. Kennedy, what's your current occupation?

13 A. Senior assistant public defender at the Charleston
14 County Public Defender's Office.

15 Q. And how long have you been at the public defender's
16 office?

17 A. In Charleston, five years.

18 Q. How about in the Ninth Circuit?

19 A. 15 years, 16 years.

20 Q. Okay. And did you represent Mr. Young on any
21 charges?

22 A. I did.

23 Q. Did you represent him on his most recent charge?

24 A. I did.

25 Q. Can you tell us what an *Alford* plea is?

1 A. Yes.

2 Q. Is it fair to say this would have been a he said/she
3 said-type case?

4 A. Absolutely.

5 Q. Because you weren't really contesting that there was
6 sexual -- that the individuals had sex. The issue was
7 whether or not it was consensual or not; is that correct?

8 A. Yes.

9 Q. And do you recall whether or not there was a lot of
10 forensic evidence that supported that it was nonconsensual
11 sex?

12 A. No.

13 Q. Maybe I said that the wrong way.

14 A. Okay.

15 Q. Do you recall whether there was a lot of forensic
16 evidence in this case?

17 A. There was DNA evidence.

18 Q. But did you see any evidence -- was there a lot of
19 bruising or something like that?

20 A. No.

21 Q. So as far as some type of evidence from a hospital
22 or whatever showing that the victim was bruised --

23 A. No.

24 Q. -- that wasn't an issue? At one point while you
25 were going through an Alford plea, the judge kind of usually

1 Well, there was the issue of some discovery
2 materials. She related that she had suffered some traumatic
3 brain injuries, but she would go in and out in terms of what
4 they were, when they happened, how they would relate to her
5 explanation of what happened that night.

6 Q. If I handed you some of the discovery material,
7 would that help refresh your memory?

8 A. Sure.

9 Q. So that is a typical type of document that you would
10 get, right, as part of the --

11 A. Yes.

12 Q. Rule 5 is South Carolina discovery rule; is that
13 correct?

14 A. Right, submission of evidence from the State, what
15 they intend to use to prosecute the case.

16 Q. So at first, is it true that at first she said that
17 she didn't know the victim and then she did know the victim?

18 A. Yes.

19 Q. And did she also talk about having multiple sex
20 partners, but couldn't remember their names?

21 A. Yes. Well, she remembered two, one that she alleged
22 or stated that she had had after the incident with Mr. Young,
23 one -- this is like a week later. She indicated that she had
24 had sex with gentleman named Robert Britt, I believe. And
25 then she had another sexual encounter with someone named

1 BY MR. FALK:

2 Q. What would have happened if you pulled a jury like
3 this and she took the stand and the jury believed her?

4 A. If the jury believed her, Mr. Antonio Young was
5 looking at a substantial amount of time in jail, 30 years.

6 Q. So even though you knew that there was some
7 vulnerability there, if the jury believed her, he could get
8 20 years; is that right?

9 A. Right.

10 Q. So he got a plea offer for three years?

11 A. Yes.

12 Q. How long -- you said you have been in the public
13 defender's office for 15 years?

14 A. Yes. I've been practicing law for 32.

15 Q. Is it fair to say that's on the low end of a plea
16 offer that's made?

17 A. Yes.

18 Q. For this serious crime?

19 A. Yes.

20 Q. And what's your recollection, how long was he at the
21 detention center prior to that?

22 A. 771 days.

23 Q. So that's a little over two years, right?

24 A. Yes.

25 Q. And he got a three-year sentence?

1 Q. At some point during the discussion with Judge
2 Dennis, was it -- did you also sort of make the Court -- when
3 you were looking at some of the risks that he would face, was
4 there a risk that the jury was going to hear about some of
5 his prior charges?

6 A. Yes.

7 Q. So the jury would have heard that he had prior
8 convictions; is that correct?

9 A. Yes.

10 Q. For criminal sexual conduct?

11 A. Yes.

12 Q. And --

13 A. Which, if I may, if he had been convicted, would
14 have put him on most probably the highest part of the
15 sentencing level.

16 Q. And so as far as risk for the jury, the jury -- in
17 your experience, are juries sometimes persuaded in criminal
18 cases if somebody already had a conviction for the same --

19 MR. BOGLE: Objection. Calls for speculation, Your
20 Honor.

21 THE COURT: What's the question again.

22 MR. FALK: I was asking in her experience, she's
23 been practicing law 15 years, whether or not she thinks
24 juries are persuaded when they have a criminal defendant who
25 has been convicted for one crime --

1 Q. Whatever he did was enough to --

2 A. Whatever he is alleged to have done.

3 Q. Whatever he is alleged to have done was presented to
4 a magistrate, and the magistrate found probable cause and
5 issued an arrest warrant for criminal sexual conduct,
6 correct?

7 A. Yes, fair to say.

8 Q. And then the case then went to the grand jury, which
9 indictment was taken to the grand jury, and the grand jury
10 true billed or found probable cause to believe the crime had
11 happened and that he had done it. And he was indicted by the
12 grand jury for criminal sexual conduct in the first-degree,
13 right?

14 A. Yes. But in our grand jury system, I think usually
15 the grand jury here considers maybe 600 or so indictments a
16 month. And we are lucky if maybe one or two get no billed.
17 So, again, in our trade, as you know, the saying is that the
18 grand jury would indict a ham sandwich.

19 MR. BOGLE: Your Honor, could the witness be
20 instructed to answer the question and not editorially advise
21 about the criminal justice system in Charleston County.

22 THE COURT: Yes.

23 Q. Let me ask you again. According to this indictment,
24 the case of criminal sexual conduct in the first-degree was
25 presented to the grand jury. And they voted to true bill it,

1 THE WITNESS: Thank you, Your Honor.

2 (Whereupon the witness is excused.)

3 MR. FALK: At this time, I call Antonio Young to the
4 stand.

5 ANTONIO YOUNG,

6 having been duly sworn, testifies as follows:?

7 THE CLERK: For the record, please state your full
8 name and spell your last name.

9 THE WITNESS: Antonio Young, Y-o-u-n-g.

10 DIRECT EXAMINATION

11 BY MR. FALK:

12 Q. Mr. Young, can you tell us, where did you grow up?

13 A. In South Carolina, Charleston, South Carolina.

14 Q. And what part of Charleston?

15 A. Downtown Charleston.

16 Q. East side of town?

17 A. Yes, sir.

18 Q. And where did you go to high school?

19 A. Burke High School in Charleston.

20 Q. How far did you go?

21 A. 11th.

22 Q. After the 11th grade, what did you do?

23 A. I left school and went to Job Corps.

24 Q. And can you explain, because I'm not sure I know
25 exactly, what is Job Corps?

1 Q. So have you worked as a stone mason?

2 A. Yes, sir.

3 Q. And who have you worked for?

4 A. I worked for a company out of Florida twice doing
5 Gaillard Auditorium. And we revoed the Buist Academy School.

6 Q. On Calhoun?

7 A. Calhoun Street.

8 Q. So how much family do you have here in Charleston?

9 A. All of my family are here. I have cousins on my
10 mother's side in New York. I have cousins on my father's
11 side in Georgia.

12 Q. How many brothers and sisters do you have in town?

13 A. All except for one. I have a brother, which is my
14 second oldest brother, he lives in Atlanta, Georgia.

15 Q. So how many brothers and sisters do you have?

16 A. Altogether, it is 17 of us. I'm the baby of the 17.
17 And it is about 14 of us live here.

18 Q. You heard Dr. Maddox talk about some difficulties
19 you had as a child. Did you witness your father die?

20 A. Well, as a child, I mean, well, I guess you can say
21 witness, because I lived with my parents. I was a baby. I'm
22 there and we in the same house. So, yeah, I witnessed him
23 die.

24 Q. Did he die of a traumatic incident?

25 A. Died -- I would call it a heart attack, you know,

1 A. Well, my plan was to get back with her, go back to
2 work, get myself established and get into another apartment,
3 because I had my own apartment before I got locked up.

4 Q. Okay. Well, let's talk about you getting locked up
5 in 2015. So you knew the person who accused you of rape?

6 A. Yes, sir.

7 Q. And what was your relationship with that lady?

8 A. Me and her, we wasn't on a day-to-day base
9 relationship. It was, more or less, I go around, we get
10 together, we do what we do, and I leave.

11 Q. So you never -- you had sex with her on that day; is
12 that correct?

13 A. Yes, sir.

14 Q. And that was something that y'all both thought was a
15 good idea?

16 A. Yes, sir.

17 Q. So how long after that was it when you were
18 arrested?

19 A. I got arrested a whole year later.

20 Q. And they picked you up at the --

21 A. Cactus Car Wash.

22 Q. Do you know why it took so long ago for the arrest?

23 A. Because the investigating officer --

24 MR. BOGLE: Objection, Your Honor. Calls for
25 hearsay or speculation.

1 Q. And did you eventually tell them that y'all had sex?

2 A. Yes, I did.

3 Q. And then they did not arrest you at that time; is
4 that correct?

5 A. No, they didn't.

6 Q. So then there was a period of time that lapsed and
7 then the police came and arrested you; is that correct?

8 A. Yes, sir.

9 Q. Without telling me what was said, was any
10 explanation given to you as to why it took so long ago?

11 A. They said that DNA -- DNA testing.

12 Q. All right. So you were in jail for a good bit of
13 time after the arrest; is that correct?

14 A. Yes, sir.

15 Q. In fact, how long have you been in custody?

16 A. Altogether right now, four years.

17 Q. So what day did you get arrested?

18 A. I got arrested 10th of June, 2015.

19 Q. And so for the 10th of June, 2015, to today, you've
20 either been at the Department of Corrections or here in
21 Charleston County Detention Center; is that correct?

22 A. That's correct.

23 Q. Do you recall conversations that you had with Pat
24 Kennedy about your case?

25 A. Yes, I did.

1 be going home soon.

2 Q. That you would be going home soon?

3 A. Yes.

4 Q. And what -- do you recall, did the Court -- let me
5 withdraw that. What's your understanding of an *Alford* plea?

6 A. The same thing that she explained to me that I would
7 be pleading guilty, but not really saying I'm guilty.

8 Q. Okay. Well, why would you agree to plead guilty to
9 something if you weren't guilty?

10 A. Number one, I was already on the registry. And me
11 knowing a little bit about the system, I don't feel that
12 going to trial would have been the smarter thing, because I
13 was on already on the registry and I was already accused of
14 this before. So if I had gone to court and lost, I knew what
15 I was facing. And to me, taking the three years was the
16 better way out.

17 Q. But as you are sitting here today, did you force
18 yourself on your accuser?

19 A. No, I did not.

20 Q. That was -- so it's your testimony that that was
21 consensual sex with your accuser?

22 A. It was.

23 Q. And that was somebody who you had had a prior
24 relationship with; is that correct?

25 A. Correct.

1 A. This was -- correction. This was 2002. And she
2 came to get me from my area where I was living at the time,
3 downtown Charleston. She knew me. I knew her, because we
4 were both associating around the same people.

5 Q. Okay. And so y'all went to a hotel room?

6 A. Yes.

7 Q. The night before, did you all have sex the night
8 before?

9 A. There was no sex, period, between me and this
10 woman.

11 Q. Okay. Why did you plead guilty in that case?

12 A. I pled guilty in that case, they came at me 60 days
13 later, after it was already -- because my lawyer sent his
14 investigator out. So after they found out everything they
15 found out, again, the public defender who I had -- you know,
16 you got public defenders who work for you and you got public
17 defenders who work for the State. And in this case, the
18 public defender who I had, I felt like he was working for the
19 State, because he couldn't get me off knowing I was not
20 guilty. But then at the time he got me pled, I didn't know
21 nothing about *Alford* plea. I figured, okay, you said time
22 served, that means I can go free. But all the time *Alford*
23 plea with a time served, meaning you got a sentence behind
24 that time served, I never knew that until after the fact.

25 Q. So you thought that you were going to --

1 choose to use drugs like that.

2 Q. Okay. And did you at one point participate in the
3 C-Star Program?

4 A. Yes, I did.

5 Q. What did you learn there?

6 A. That's a program that teach you how to communicate
7 with others, how to get trades, jobs. I mean, it's -- it's
8 got a variety of all types of things that it teaches you.

9 Q. Do you have a preference for having nonconsensual
10 sex with people?

11 A. No.

12 Q. Do you have -- when you were out on the street, do
13 you have lots of different sexual partners?

14 A. No.

15 Q. Have you had sex -- but you've had -- how many
16 children do you have?

17 A. I have four kids.

18 Q. And how many mothers?

19 A. Three different mothers.

20 Q. Three different mothers?

21 A. Yes.

22 Q. Have you had other girlfriends out there?

23 A. About three other girlfriends.

24 Q. And is that in addition to Ms. Waters from 2013?

25 A. Yes.

1 sister?

2 A. That is my brother Frederick.

3 Q. And does he have a business?

4 A. Frederick, he's the one who gets me into the masonry
5 with the people inside Florida.

6 Q. So --

7 A. The reason why he don't do it no more, because he
8 has acidosis, which is a breathing problem he came out of the
9 Army with. He fall back. I took his place.

10 Q. Do you have a sexual partner? Is there somebody
11 waiting for you when you get out?

12 A. I still have my baby mother. She's never going to
13 leave me. She said that herself. Sex, that's not something
14 I need, you know. The way Dr. Maddox put this, she make me
15 look as though I'm such an animal. And I am not.

16 If I may go into it, these partners that her and
17 State Attorney General so gave to the jury concerning me and
18 these partners, they only given their half of the story.
19 They are not giving the whole story. And the whole story is,
20 had they given it, they would have see that what's being said
21 is lies. Because it was proven that I didn't do what was
22 said I did. This is why they gave me a lesser plea for my
23 crime, because it was proven that I did not force myself nor
24 rape none of these womens (sic). This is why it was pled
25 down to a lesser crime. They didn't given all of that. They

1 Q. Let me bring you back around to something I forgot
2 to ask you before. Dr. Maddox said that she didn't look at
3 your school records. And that you told her about problems in
4 school. What did you tell her?

5 A. I told her -- she asked me concerning how did I
6 conduct myself in school and what some of the things that
7 happened when I was in school. And she asked me why was I
8 expelled from school. And I explained that to her.

9 Q. How many times were you expelled from school?

10 A. Once.

11 Q. And what was the reason for it?

12 A. I got into a fight with another brother on the
13 playground.

14 Q. And the person you got into a fight with, what did
15 the --

16 A. He was also expelled.

17 Q. Were you both expelled for the same amount of
18 time?

19 A. Yes. We both were expelled for three days.

20 Q. Were you ever expelled for any other reason?

21 A. No, I wasn't.

22 Q. Have you had any -- have you ever been in contact
23 with Department of Juvenile Justice?

24 A. Never.

25 Q. So the only problems you had prior to age 15 was,

1 Q. Your lawyer explained it to you like she told us a
2 few minutes ago, that that's part of the plea, is you are not
3 admitting guilt, but at the same time, you are acknowledging
4 that if you went to trial, the State could probably convict
5 you?

6 A. Because of my background, yeah.

7 Q. Well, also because of what you did to her, right?

8 A. I didn't do nothing to her.

9 Q. I know that's what you are saying, but she said
10 something totally different. That's he said/she said. She
11 accused you.

12 A. That's he said/she said.

13 Q. She accused you of criminal sexual contact against
14 her will?

15 A. He said/she said.

16 Q. She accused you of that?

17 A. He said/she said.

18 Q. Okay. Then we have another assault and battery of a
19 high and aggravated nature back in 2002. And this was a
20 guilty plea, not an *Alford* plea, correct?

21 A. Go ahead.

22 Q. I will show you. It's a guilty plea. And that's
23 the one you are saying that the public defender represented
24 you. You said he was working for the State somehow; is that
25 right?

1 Q. So that kind of makes her hard to believe, in your
2 opinion, right, and maybe in the police opinion? Isn't that
3 what you are thinking?

4 A. That would be so.

5 Q. Kind of makes her a perfect victim, does it not?
6 You could commit a crime on someone like that, they are going
7 to be hard to believe?

8 A. It goes two ways though.

9 Q. And then while all of this was happening, you are on
10 probation for some of these things. Get in trouble again.
11 Your probation is revoked at least twice?

12 A. Correction, correction. Because I told my lawyer, I
13 was never on probation when none of those happened.

14 Q. Well, we have your probation revoked two times.

15 A. After the -- after I caught the probation, it was
16 for those cases. So I wasn't on probation when I caught
17 those cases.

18 Q. That's what you are saying? Okay.

19 A. Paperwork right there.

20 Q. Probation gets revoked because you got indicted for
21 a new charge. That's what happened twice. You are saying
22 that's not the case?

23 A. No, sir.

24 Q. And then we have you being required, because of what
25 you have done, to register as a sex offender and you've been

1 THE COURT: Any reply?

2 MR. BOGLE: No, Your Honor. Thank you.

3 THE COURT: Okay. Ladies and gentlemen, you've
4 heard all of the evidence that you are going to hear in this
5 case. Next is the closing arguments of the attorneys and I'm
6 going to charge you on the law and give you this to decide.
7 Before we start closing arguments, I'm going to take a quick
8 break. And during the break, I need you to select a
9 foreperson. I don't know any of you. So it needs to be out
10 of the original 12, not the alternate. But when you go back
11 to the jury room, elect a foreperson.

12 That person has no greater vote than anyone else.
13 They will simply preside over deliberation and sign the
14 verdict form. When you do that, if you are ready, tell the
15 bailiffs and we will come back and do closing arguments. So
16 you can go to jury room now.

17 A JUROR: We already got one.

18 THE COURT: Y'all need a break, though?

19 MR. BOGLE: Can we take up a matter of law with the
20 Court?

21 THE COURT: We'll take a break.

22 (Whereupon, the jury returns to open court at 2:06
23 p.m.)

24 MR. FALK: If I could put on the record my motion
25 for directed verdict in this case.

1 Her only option was long-term treatment in a secure facility.
2 So I think you can argue to the jury what the sentences mean.
3 She didn't like the sentences either, but in her opinion, he
4 needed this treatment. And only option she had was secure
5 facility. So I will deny your motion.

6 MR. FALK: Thank you, Your Honor.

7 MR. BOGLE: Thank you, Your Honor.

8 THE COURT: Anything else?

9 MR. BOGLE: Five-minute break.

10 THE COURT: Sure. All right. I will take a quick
11 one just in case. I'm basically going to charge the same
12 thing.

13 MR. FALK: Well, I did craft that charge on plea
14 agreements.

15 THE COURT: I haven't seen the charge.

16 MR. BOGLE: There's a new charge. His proposed
17 charge for Mr. Young is essentially the same thing as it was
18 for Mr. Brown. And we had the same concerns about the
19 definition. He know you read the *Snow* case and all that.

20 I guess, then the definition of mental disorder, he
21 has -- we think you should define it mental abnormality as
22 defined in the statute. Do you have a copy of his in front
23 of you?

24 THE COURT: On this case, no. I got the *Brown* one,
25 but I don't have a copy on this one.

1 beginning with "you must therefore limit your consideration",
2 again, that's not in the definition of Snow. And I would
3 suggest that's a comment on the facts.

4 Paragraph 4, he defines "mental disorder". We would
5 ask that Your Honor go with the "mental abnormality"
6 definition contained in the State's charge, which is word for
7 word out of the statute.

8 On the final page, page 3, his paragraph 5 at the
9 top of the page, that kind of seems like dicta from a case
10 more than it does like a comment on the facts about the type
11 of crime it was. So we would object to that.

12 And, finally, paragraph 6 describing what a plea
13 bargain is, and the person pleading guilty when they are not
14 guilty, we could write pages on that instead of containing
15 six lines. To really explain would take pages and pages.
16 And that's not what we are here about today. We are not here
17 about how a plea bargain works. We are here about the mental
18 abnormality and sexually violent conviction. So I would
19 object to paragraph 6 as being not relatable to what we are
20 doing, a very short summary of a very lengthy matter.

21 THE COURT: My only problem with that is that is a
22 direct comment on the facts, because that's the exact facts
23 in this case.

24 MR. FALK: That's why I said --

25 MR. BOGLE: It is.

1 charge, was marked for identification.),

2 (Whereupon, a recess transpired.)

3 THE COURT: If the jury is ready, we are ready.

4 (Whereupon, the jury returns to open court at 2:22
5 p.m.)

6 THE COURT REPORTER: Can I have your juror number?

7 THE FOREPERSON: 281.

8 THE COURT: Mr. Bogle.

9 MR. BOGLE: Thank you, Your Honor. May it please
10 the Court, Mr. Falk.

11 The way this thing works right now is, you heard all
12 of the testimony. You got the evidence right here, State's
13 Exhibit 1, the conviction for a sexually violent crime. We
14 talked about a lot of crimes and only one classified as
15 sexually violent. And I will talk more about that in a
16 second. So you've heard all of the testimony. Got
17 everything you're supposed to have. The judge will explain
18 the law in a few minutes. And then we go back and deliberate
19 and reach a verdict.

20 If anything I say as I talk about where we are right
21 now runs against what the judge redefines the law, please,
22 the judge is the expert on the law. And he gives you the law
23 to apply to the facts we heard from that witness stand.

24 Let's dispose of two things right away. Remember
25 when Dr. Maddox was on the stand. I talked to her about the

1 plea negotiation, for whatever reasons, pleads guilty to a
2 lesser crime of assault and battery of a high and aggravated
3 nature.

4 We have four crimes in this case. We have the most
5 recent assault and battery of a high and aggravated nature
6 involving a 61-year-old woman. He pleaded guilty in 2017
7 under this *Alford* case, where he's not saying, I did it, but
8 he's admitting the State has a strong enough case if he went
9 to trial, he would likely be convicted. He said it's a he
10 said/she said. But, nevertheless, whatever she said was
11 enough to get him arrested, get him indicted, and have to
12 face those charges.

13 Now, the next thing we have, we have 2002, this is a
14 guilty plea where he admits guilt, not an *Alford* plea. And
15 again, starts out as criminal sexual conduct. This was the
16 sleeping woman in the hotel. He pleads guilty to assault and
17 battery of a high and aggravated nature.

18 Then we have the sexually violent crime over here.
19 Okay? In 1996, again, this is under *Alford*, but still counts
20 as a conviction. It's a sexually violent crime.

21 And, finally, we have another guilty plea, not an
22 *Alford* plea, to assault and battery of a high and aggravated
23 nature. That was a criminal sexual conduct when it started.

24 So whatever is happening with this guy, he's getting
25 in the kind of trouble over and over again, four times over a

1 Maddox. She's been doing this for some 25 or 30 years.
2 She's a forensic psychiatrist, a medical doctor. And that
3 was her diagnosis. She also diagnosed him with a personality
4 disorder called anti-social, which is a pattern of criminal
5 conduct, not just these assaults and sexual crimes, but other
6 criminal conduct, even going back to suspensions for fighting
7 and things like that prior to age 15. So that's the criteria
8 for an anti-social personality disorder.

9 The next question is, do these things cause him not
10 to have enough control where he will be likely to commit it
11 again? And that's what you've got to find. He's been
12 convicted of the right kind of crime. He's got the mental
13 abnormality. He's got the personality disorder. Do these
14 things make him likely to commit future acts of sexual
15 violence unless he's confined for long-term control, care and
16 treatment.

17 Let's not mince words, locked up. He would be in a
18 secure facility. It's got a fence around it. Couldn't get
19 out until such time as his mental condition changed enough
20 through treatment where he's safe to be at large. Let's not
21 mince words what we are doing here. It's a civil commitment
22 process. And what the State is telling you is, based on the
23 proof from this witness stand is, there's a pattern of
24 conduct here, coupled with the failure to register
25 convictions and the probation revocations, which suggests to

1 about his dynamic risk factors, things that were wrong with
2 him that could be changed in treatment and changed in
3 treatment. And he had multiple ones of those. So we have
4 those.

5 This talks about, like I said, the prior reviews by
6 the court, and I would suggest to you, yes, they have to
7 review the guy because he goes to prison with a sexually
8 violent conviction in his history. He got three passes.
9 He's done with that. This is the fourth time. And we are
10 here today asking you to make the ultimate decision.

11 So he's got the types of crimes. The burden of
12 proof, again, type of crime, at least one sexually violent
13 conviction. The mental abnormality, no question about that.
14 The personality disorder, we have that, no question. And the
15 lack of control over his behavior evidenced over 22 years of
16 committing crimes against women, resulting in the convictions
17 you heard about.

18 Mr. Stevens is a fine guy, military veteran, has a
19 landscaping company. And I would suggest to you that I'm
20 glad he's got a place for Mr. Young. But how well does he
21 know him? He saw him once in 1995, once again 20 years
22 later. How well does he know this guy? And this is a
23 landscaping business to work at people's homes, not
24 commercial businesses.

25 Ms. Kennedy testified about the criminal conviction,

1 it's an important difference. And that's the only reason we
2 are here.

3 I don't know if I used this analogy in my opening
4 argument or not, but there are times when somebody goes into
5 at a grocery store, steals a chocolate bar and runs out the
6 door. Now, somebody who steals a chocolate bar because they
7 don't have money and they want chocolate right then. They
8 are committing a crime. And that's criminal. Okay? And
9 that's the kind of conduct that gets taken care of in courts.
10 That's the criminal courts. They take care of that kind of
11 conduct. My client has been in that kind of situation.

12 But then there's that other type of person who likes
13 to steal chocolate bars because they like to steal anything.
14 They just enjoy stealing. And that's the difference. That's
15 a mental disease. That's kleptomania or something like that.

16 And that's the difference what we are talking about
17 here, is whether or not somebody is going to have sex with
18 people, maybe with their consent or maybe not, and some
19 people are somehow driven that the only way they like to have
20 sex is they are forcing themselves to have sex with people.
21 That's what Dr. Maddox is trying to fashion this, what she
22 says is her diagnosis here, that he likes coercive sex. And
23 that's what the mental disease is. Because you can't send
24 him into this program just because he's committed crimes in
25 the past.

1 guilty plea. He pled guilty. But unless you believe that
2 that was nonconsensual sex, then there's nothing new that has
3 happened since 2006. You have to believe that was
4 nonconsensual sex. And you have to believe that the reason
5 he went there is because he was looking nonconsensual sex.
6 That's hard to get your arms around, but that's what we are
7 talking about here.

8 You heard Pat Kennedy tried these cases for a long
9 time. She knows the risk of going into court in a he
10 said/she said case where somebody can be facing a significant
11 amount of time. If the jury believes her, he gets convicted.
12 And he could have gotten a lot more time, because assault and
13 battery of a high and aggravated nature is a reduced offense.
14 Criminal sexual conduct carries a much higher penalty. If
15 convicted, he could be facing much more time.

16 So he's already spent over two years in jail. And
17 he's told that if he pleads guilty, he will get three years,
18 and you remove the risk. That's what Pat Kennedy was talking
19 about. Clients want to say, I don't want to risk going into
20 court, running the risk that a jury is going to believe her
21 and not me, and I could get a sentence 10 times worse than
22 what they are offering me right now.

23 Some people may never take that deal. They may say,
24 look, I am not going to plead to something I didn't do. He's
25 more pragmatic about it. Says, look, if I've got that, if I

1 conduct disorder prior to the age of 15. I mean, that's the
2 criteria. To fit in this thing, you have to have conduct
3 disorder prior to the age of 15. She didn't look at his
4 school records. She just went on the fact that he told her
5 that he got into a fight and got suspended from school,
6 playground fight, both boys get suspended. I don't think
7 that's conduct that justifies showing a great pattern of
8 anti-social personality disorder.

9 But even so, she said that alone is not enough. You
10 have to accept her diagnosis of other specified paraphilic
11 disorder. And I asked her. And she went through the book.
12 And, you know, she gave the -- she said he had the
13 anti-social personality disorder. And she looked to the page
14 in the book and she could see the list of diagnostic
15 criteria, so she could call a doctor we were sort of talking
16 about in California and say, he has this, he has A, B and C,
17 and that's why I think he has anti-social personality
18 disorder.

19 And she also said that he has three other disorders
20 related to substance abuse, cannabis disorder, alcohol use
21 disorder and stimulants disorder. And, again, she could look
22 at 11 different criteria and specify. And that's how
23 everybody can get on the same page. But she could not tell
24 you what the diagnostic criteria were for this disorder that
25 she says -- saying that he likes coercive sex. And I think

1 married down at the Marion Square. And it's going to be an
2 outside wedding and big thing like that. And all the guests
3 are coming. And you set up the venue. And you read in the
4 newspaper there's a 7 percent chance of rain that Saturday.
5 Are you going to cancel the wedding? That's not the kind of
6 likelihood we are talking about.

7 They always talk -- she made the comment about, you
8 know, comparing it to heart disease or what's your risk of
9 having a heart attack? You have these risk factors, and she
10 believes he has these risk factors. But the one difference
11 in most other fields of medicine, not like psychiatry, is
12 there's no other test that she can get to sort of corroborate
13 her diagnosis. You know, that's why you have this comfort
14 level with diagnoses that you get from cardiologists, because
15 he could say, you have these risk factors and I give you this
16 blood test and stress test and you can look at it yourself
17 and we can call a doctor over here and he can look at it and
18 he can agree with me because he can see the same test
19 results. Only test results she talks about, only test
20 results is this Static 99. And it says he has a 7 percent
21 chance to commit another crime.

22 I don't think it's fair for you all to take the
23 attitude, well, let's just be better safe than sorry, better
24 off putting him away than running the risk of putting him out
25 on the street. That's not what you should be talking about

1 And then start thinking about the strength of the State's
2 case. And as you start thinking about the strength of the
3 State's case, you can start erasing some of those words.

4 Unless in your mind and in your heart and with your
5 conscience, you can believe that you've erased every letter
6 in "reasonable doubt", unless you can erase, then there's
7 still reasonable doubt left. And I will tell you where I
8 think the reasonable doubt is in this case. I think the
9 reasonable doubt in the case is, one, with this diagnosis,
10 which it's her opinion, but it's not really in the DSM-V
11 book. And it's not like the other kind of diagnosis where
12 it's really clear as to how to make this diagnosis. There's
13 no diagnostic criteria like there were for the other ones.
14 You had this diagnosis. So I think -- again, it's not the
15 anti-social personality disorder. It's the sexual disorder
16 that she talks about. That's the diagnosis.

17 And, two, I think there's doubt in the fact that
18 there's a likelihood that he's going to re-offend. I guess
19 there's a likelihood anything could happen. But at some
20 point, that number gets so low that it does not justify
21 taking away his freedom.

22 I think at the end of the day, when you look up at
23 that blackboard back there, you are going to see plenty of
24 reasonable doubt still left on the blackboard. And you are
25 going to have to come back and say that he's not a sexually

1 violent predator, then you should so find.

2 Now, I want you to understand that he's not accused
3 of committing a crime in this proceeding. You heard
4 testimony that he has previous charges and was sentenced by
5 the court of those charges. He's completed that sentence of
6 those charges. And now the State is alleging that Mr. Young
7 is a sexually violent predator. And as I told you, the State
8 has the burden of proving that beyond a reasonable doubt.

9 Now, in every case tried in this state, I have
10 certain responsibilities and you have certain
11 responsibilities. My responsibility is to rule upon the
12 admissibility of the evidence that comes before you and to
13 charge you on the law that you will apply in this case. If
14 you have an opinion about what you think the law is and what
15 the law should be and it differs from what I now tell you the
16 law is, it is your duty under your oath to accept the law
17 exactly as I give it to you.

18 And that same law, that same constitution that makes
19 me the exclusive judge of the law, makes you the exclusive
20 judge of the facts in this case. If I've said anything or
21 done anything throughout this case that you think I have an
22 opinion about the facts, you are to disregard that, because
23 you and only you are to determine what the facts are in this
24 case. The law simply does not allow me to do that. And you
25 determine the affect, the value and the weight and accuracy

1 you must return a verdict for the State. If, on the other
2 hand, you think there's a real possibility he's not a
3 sexually violent predator, you must give to him the benefit
4 of that doubt and return a verdict for the respondent.

5 Reasonable doubt may arise from the evidence that is
6 presented in this case or the lack of evidence in this case.
7 And it is up to you, the jury, to determine whether or not
8 reasonable doubt exists in this case.

9 Now, there are basically two kinds of evidence to
10 present in a case. There's direct evidence and
11 circumstantial evidence. Direct evidence is the testimony of
12 a witness about which the witness personally saw, heard or
13 did.

14 Circumstantial evidence is indirect evidence. It is
15 proof of one or more facts which one can find another fact or
16 may infer another fact. You are to consider both direct
17 evidence and circumstantial evidence. And the law makes no
18 distinction between the weight you give to either direct or
19 circumstantial evidence in this case. And you can decide
20 this case on either one or a combination thereof.

21 Now, in determining the facts in this case, you must
22 necessarily pass upon the credibility, which simply means the
23 believability of the witnesses, and the weight and value to
24 be given their testimony. You alone must decide the force
25 and effect, the truth of that testimony.

1 expert opinion received in evidence in this case like any
2 other evidence. You give it the weight you think it
3 deserves.

4 If you decide that the opinion of the expert is not
5 based on sufficient education and experience, or if you
6 conclude that the reasons given in support of the opinion are
7 not sound, or that the opinion is outweighed by other
8 evidence, you may disregard the opinion in its entirety. An
9 expert witness's testimony is to be given no greater weight
10 than that of any other witness simply because the witness is
11 an expert. And, further, you are not required to accept an
12 expert's opinion even though it is not contradicted.

13 Now, the elements which the State must prove to you
14 beyond a reasonable doubt is that the respondent has been
15 convicted of a sexually violent offense. And I tell you the
16 criminal sexual conduct in the third-degree is a sexually
17 violent offense in South Carolina.

18 Next thing, they must prove that the respondent
19 suffers from a mental abnormality or a personal disorder.

20 And next, they must prove that this mental
21 abnormality or personality disorder makes the person likely
22 to engage in acts of sexual violence if not committed -- that
23 the respondent is not -- I'm sorry, if not confined, and that
24 such violent propensities to commit these acts of sexual
25 violence is of such a degree as to pose a menace to the

1 doubt.

2 And that the defendant has been convicted of a
3 sexually violent offense, as I instructed you. And he
4 also -- they must prove he also suffers a mental abnormality
5 of personality disorder that makes him likely to engage in
6 acts of sexual violence if he's not confined in a secure
7 long-term facility for care, control and treatment.

8 Now, Mr. Foreman, ladies and gentlemen, you are not
9 advocates for the State of South Carolina or this defendant.
10 You are not here to reward your friends or punish your
11 enemies. You are simply here to listen to the evidence in
12 this case and reach a verdict in this case based on the
13 evidence that has been presented to you today.

14 Now, I have had my law clerk type up a possible
15 verdict form in this case and it's simply the caption of the
16 case. And it's simply reads, has the petition, the State of
17 South Carolina, proved beyond a reasonable doubt that Antonio
18 Young is a sexually violent predator under the South Carolina
19 Sexually Violent Predator Act. And we, the jury, unanimously
20 answer this question as follows: Yes, Antonio Young is a
21 sexually violent predator; or, no, Antonio Young is not a
22 sexually violent predator.

23 If you find that the State has proven you this
24 beyond a reasonable doubt, your answer should be yes. If the
25 State failed to prove this to you beyond a reasonable doubt,

1 paper and give it to the bailiff, I will bring you back out
2 and answer that question. Okay?

3 (Whereupon, the jury leaves open court at 3:01 p.m.)

4 THE COURT: All right. Any exceptions on behalf of
5 the State?

6 MR. BOGLE: Only thing you didn't tell them to do is
7 when you reach a verdict, check the box, sign and date it.
8 But I think they will figure that out. Other than that, I
9 don't have any objection.

10 THE COURT: I think if he can't figure it out, we
11 are going to be here a long time.

12 That's the only piece of evidence we got?

13 MR. BOGLE: That's correct, Your Honor.

14 THE COURT: Somebody carry that to the jury and tell
15 them to begin and knock on the door.

16 (Whereupon, the jury deliberates at 3:02 p.m.)

17 (Whereupon, the alternate enters the courtroom.)

18 THE COURT: I only needed you unless somebody got
19 sick. It looks like they're all going to make it. You don't
20 have to do this is again for three years. I appreciate your
21 service. Now, you can talk to anybody you want to. You have
22 a nice weekend.

23 (Alternate released.)

24 (Whereupon, a recess transpired.)

25 (Whereupon, the jury returns to open court at 4:53

1 weekend.

2 (Whereupon, the jury leaves open court at 4:55 p.m.)

3 (Whereupon, proceedings are adjourned.)

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STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

GENERAL SESSIONS COURT

SENTENCE
STARTED
JAN. 7, 1995.

CSC 3rd NonVident
ALF000 v NC 16-3-254
(0162)

RECOMMENDED

CASE NO. 95 GS-10-1651
TICKET/WARRANT NO. E291958
TICKET WARRANT NO.

The defendant, ANTONIO DEMITRIUS YOUNG, is committed to the State Dept. of Corrections / County Detention Center / under Youthful Offender Act for a term of SIX (6) days/months/years and/or to pay a fine of \$ provided the sentence be suspended upon the service of days/months/years and/or payment of \$ plus pay/waive costs and assessment as applicable, the balance suspended with probation for months/years.

Special conditions:

Restitution (YES/NO) YES Total \$
Weekly/Monthly \$

to Clerk for

Public Defender Funds

Date: 2/26/96

S. L. Hightower
Resident/Presiding Judge, Ninth Judicial Circuit

Upon being advised that I do not have to consent to be sentenced as a youthful offender, I have however consented to be sentenced to an indeterminate sentence under the youthful offender act.

Signature: Date:

Fine \$
Cost & Assessment (62%) \$
Total \$
3% County \$
Grand Total \$

INFORMATION ON DEFENDANT
Age: 24 S.S. No.
M F Married Single
Date of Birth:
Attorney: L. Proctor

ALL PAYMENTS MUST BE MADE BY CASH, MONEY ORDER OR CASHIER CHECK. WE CANNOT ACCEPT PERSONAL CHECKS.

Clerk of County/Deputy Clerk
White copy to Clerk
Canary to Detention Center
Pink to Probation
Goldenrod to Defendant
Green to Solicitor

ATTEST A TRUE AND CORRECT COPY
JULIE J. ARMSTRONG (SEAL)

CLERK, C.P., C.S. & F.C.
Randal Evers
DEPUTY CLERK

CLERK OF COURT
2144 MELBOURNE AVE.
CHARLESTON, SC 29405
740-5700

5 STATES EXHIBIT RD
4/7/9

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHARLESTON)

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

At a Court of General Sessions, convened on MARCH 6, 1995the Grand Jurors of CHARLESTON County present upon their oath:

THAT ANTONIO DEMITRIUS YOUNG DID IN CHARLESTON COUNTY ON OR ABOUT THE 10TH DAY OF DECEMBER, 1994, wilfully, unlawfully and feloniously commit sexual battery upon MINOR to wit: the defendant, Antonio Demitrius Young, with the use of aggravated force, engage in sexual intercourse with the victim, Latoya Noikette. This is in violation of Section 16-3-652 of the South Carolina Code of Laws (1976) as amended.

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT

BY Randal Evers
DEPUTY CLERK

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

M. K. Thompson
ASSISTANT SOLICITOR

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK OF COURT

PERSONALITY DISORDER MUST BE SUFFICIENT TO DISTINGUISH HIM FROM RECIDIVISTS CONVICTED IN ORDINARY CRIMINAL CASES.

Kansas v. Hendricks, 521 U.S. 346 (1997) and *Kansas v. Crane*, 534 U.S. 407, 122 S.Ct. 867 (2002); *In Re Thomas* 402 S.C. 373, 741 S.E.2d 27, (SC 2013)

3. THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT RESPONDENT HAS A "MENTAL ABNORMALITY" AFFECTING HIS EMOTIONAL OR VOLITIONAL CAPACITY WHICH CAUSES SPECIAL AND SERIOUS DIFFICULTY IN CONTROLLING BEHAVIOR THAT IS LIKELY TO CAUSE RESPONDENT TO COMMIT A SEXUALLY VIOLENT OFFENSE IN THE FUTURE. YOU MUST THEREFORE LIMIT YOUR CONSIDERATION TO RESPONDENT'S LIKELIHOOD OF COMMITTING A SEXUALLY VIOLENT OFFENSE AND NOT CONSIDER THE LIKELIHOOD THAT HE MAY COMMIT AN ORDINARY CRIMINAL OFFENSE.

Kansas v. Hendricks, 521 U.S. 346 (1997) and *Kansas v. Crane*, 534 U.S. 407, 122 S.Ct. 867 (2002); *In Re Thomas* 402 S.C. 373, 741 S.E.2d 27, (SC 2013)

4. MENTAL DISORDER MEANS A CONDITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY THAT PREDISPOSES A PERSON TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND CAUSES SERIOUS DIFFICULTY IN CONTROLLING BEHAVIOR. MENTAL DISORDERS DO NOT INCLUDE MERELY DEVIANT BEHAVIORS THAT CONFLICT WITH PREVAILING SOCIETAL STANDARDS. NOT ALL PERSONS WHO COMMIT SEXUALLY VIOLENT OFFENSES CAN BE DIAGNOSED AS SUFFERING FROM A MENTAL DISORDER. NOT ALL PERSONS WITH A MENTAL DISORDER ARE PREDISPOSED TO COMMIT SEXUALLY VIOLENT OFFENSES OR HAVE SERIOUS DIFFICULTY IN CONTROLLING BEHAVIOR.

Kansas v. Hendricks, 521 U.S. 346 (1997) and *Kansas v. Crane*, 534 U.S. 407, 122 S.Ct. 867 (2002)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

IN THE MATTER OF THE CARE AND
TREATMENT OF ANTONIO D. YOUNG,

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Plaintiff(s)

vs.

Defendant(s)

2017-CP - 10-

3932

Submitted By: James G. Bogle, Jr.
Address: Office of the Attorney General
PO Box 11549
Columbia, SC 29211-1549

SC Bar #: 755
Telephone #: 803-734-1173
Fax #: 803-734-6679
Other:
E-mail: jbogle@scag.gov

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- Contracts**
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199)

- Torts - Professional Malpractice**
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
☐ Previous Notice of Intent Case #
 20 -CP-
☐ Notice/ File Med 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)

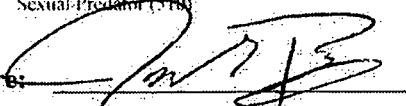
- Administrative Law/Relief**
☐ Reinstate Drv. License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899)

- 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)

- 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)

- 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 (316)

- ☐ Confession of Judgment (770)
☐ Petition for Workers' Compensation Settlement Approval (780)
☐ Other (799)

Submitting Party Signature: 

Date: 08/02/2017

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.

5. SCDC records show no indication of military service that would require a separate court order to obtain.
6. The Petitioner now alleges that Respondent is a Sexually Violent Predator as defined by S.C. Code Ann. Section 44-48-30, to wit:

QUALIFYING SEXUALLY VIOLENT CONVICTION:

- A. Type of Conviction: Criminal Sexual Conduct in the Third Degree (EXHIBIT C).
- B. Date of Conviction: on or about February 26, 1996.
- C. Trial or Plea: guilty plea in Charleston County under *North Carolina v. Alford*.
- D. Sentence Received: six years (completed).
- E. Original Charges: Criminal Sexual Conduct in the First Degree, Kidnapping of a Minor, both of which were *nolle pros'd*.
- F. Max-Out Date: on or about September 17, 2006.
- G. Brief Facts:

Victim 1: 14-year-old Female (acquaintance).

On or about December 17, 1994, Respondent sexually assaulted Victim 1. Respondent approached Victim 1 with a kitchen knife, held the knife to her neck, forced her into the bathroom, and ordered her to take off her clothes. Respondent continued to hold the knife to Victim 1's neck while she undressed. Respondent then proceeded to have sexual intercourse with Victim 1 against her will.

When Respondent finished, he told Victim 1 that he would "come after her," or words to that effect, if she told anyone. He left the residence and was later arrested on or about January 18, 1995. Respondent was on probation for a sexually related offense at the time he committed this crime.

Respondent was released from SCDC on or about July 7, 1998. He has returned to SCDC on numerous occasions for non-sexually violent offenses.

OTHER SEXUALLY RELATED CONVICTIONS (Current Incarceration is first):

- A. Type of Conviction: ABHAN (EXHIBIT D).
- B. Date of Conviction: on or about April 21, 2017.
- C. Trial or Plea: guilty plea.
- D. Sentence Received: three years (given credit for 771 days).

- B. Date of Conviction: on or about December 15, 1994.
- C. Trial or Plea: guilty plea.
- D. Sentence Received: three years, suspended to time served with four years probation.
- E. Original Charges: Criminal Sexual Conduct in the First Degree, Kidnapping.
- F. Brief Facts:

Victim 4: adult female, age unknown.

Around July 1994, Respondent sexually assaulted Victim 4. Victim 4 had been driving, alone and at night, when Respondent jumped into her vehicle. Respondent forced Victim 4 into the back seat, and he drove her to a deserted location. Respondent proceeded to choke and beat Victim 4 and threatened to kill her. Respondent forced Victim 4 to repeatedly perform oral sex on him.

PRIOR SVP REVIEWS AND COURT ACTION:

Respondent was previously reviewed by the MDT on or about June 5, 2006, and he was referred to the PRC by a 4-0 vote. The PRC referred the case, but the State's Petition was dismissed by the court at the Probable Cause hearing, by order filed November 8, 2006 (**EXHIBIT H**). Respondent completed his sentence.

On or about September 17, 1998 the MDT had also voted to refer Respondent's case to the PRC, by a 5-0 vote. A Petition was filed by the State on November 18, 1998, and dismissed by order filed April 27, 1999 (**EXHIBIT I**).

On or about August 20, 2009 the MDT had also reviewed Respondent's case, but it did not refer the matter to the PRC (**EXHIBIT J**).

PRIOR/OTHER OFFENSES (OTHER THAN SEXUAL) (If Known):

Within **EXHIBIT K** are several sentencing sheets from the Circuit Court, and law enforcement incident reports on several of the listed offenses below.

- | | |
|---------------------|-------------------------------|
| A. Type of Offense: | Second Degree Lynching. |
| B. Date of Offense: | 5/4/89. |
| C. Disposition: | <i>Nolle Pros'd</i> 12/13/90. |
| D. Brief Facts: | Unknown. |

A. Type of Conviction: Possession of Crack Cocaine.
 B. Date of Conviction: 8/20/92.
 C. Trial or Plea: Plea.
 D. Sentence Received: Indeterminate YOA 1 – 6 yrs.
 E. Original Charge(s): Possession of Crack Cocaine,
 Possession of Cocaine.
 F. Brief Facts: Unknown.

A. Type of Offense: Assault & Battery w/ Intent to
 Kill, Attempted Armed Robbery.
 B. Date of Offense: 2/17/93.
 C. Disposition: *Nolle Pros'd* 9/10/93.
 D. Brief Facts: Unknown.

A. Type of Conviction: Possession of Drug Paraphernalia.
 B. Date of Conviction: 2/22/93.
 C. Trial or Plea: Plea.
 D. Sentence Received: 20 days or \$200 fine.
 E. Original Charge(s): Same.
 F. Brief Facts: Unknown.

A. Type of Conviction: Unlawfully Pointing a Firearm.
 B. Date of Conviction: 7/23/93.
 C. Trial or Plea: Plea.
 D. Sentence Received: Indeterminate YOA 1 – 6 yrs.
 E. Original Charge(s): Same.
 F. Brief Facts: Unknown.

A. Type of Conviction: Failure to Register as a Sex
 Offender.
 B. Date of Conviction: 02/29/2000.
 C. Sentence Received: 90 days.
 D. Brief Facts: Unknown.

A. Type of Conviction: Possession of Drug Paraphalia.
 B. Date of Conviction: 05/10/2000.
 C. Sentence Received: \$383 Fine or 15 days.
 D. Brief Facts: Unknown.

A. Type of Offense: Open Container.
 B. Date of Offense: 10/06/2000.
 C. Disposition: Unknown.
 D. Brief Facts: Unknown.

B. Date of Offense: 08/26/2005.
 C. Disposition: Dismissed.
 D. Brief Facts: Unknown.

A. Type of Conviction: Possession of 28 grams or less
 of marijuana or
 hashish first offense,
 possession of Drug
 Paraphernalia.

B. Date of Conviction: 12/07/2005.
 C. Sentence Received: Sentence Unknown.
 D. Brief Facts: Unknown.

A. Type of Conviction: Sex Offender violation,
 Second Offense.

B. Date of Conviction: 04/25/2006.
 C. Sentence Received: One Year.
 D. Brief Facts: Unknown.

A. Type of Offense: Burglary First Degree.
 B. Date of Offense: 09/13/2006.
 C. Disposition: Dismissed.
 D. Brief Facts: Unknown.

A. Type of Offense: Drugs: Manufacture,
 Cocaine Base,
 First Offense,
 dist. Sell, Etc.
 Crack Cocaine
 or Possession
 with Intent to Distribute.

B. Date of Offense: 01/30/2008.
 C. Disposition: Dismissed.
 D. Brief Facts: Unknown.

SCDC RECORDS:

A. Disciplinary convictions (EXHIBIT L):

1. Fighting with a Weapon
2. Out of Place
3. Sexual Misconduct (Masturbation, 2005): On 1/7/05, two females and an officer were conducting a dorm inspection where Respondent was being housed. The females noticed Respondent looking at them from a bathroom and observed him masturbating

distress or impairment in social, occupational, or other important areas of functioning predominate but do not meet the full criteria for any of the disorders in the paraphilic disorders diagnostic class (**EXHIBIT O**).

iii. "[P]revious instances of violent behavior are an important indicator of future violent tendencies." *Kansas v. Hendricks*, 521 U.S. 346, 358, 117 S. Ct. 2072, 2080 (1997). The Respondent's instances of violent and non-violent behavior are:

- A. The basis of his 1996 conviction for Criminal Sexual Conduct in the Third Degree, and the level of his original charges (**EXHIBIT C, supra**).
- B. The basis of his sexually related ABHAN conviction of 2017 (**EXHIBIT D**).
- C. The basis of his sexually related ABHAN conviction of 2002 (**EXHIBIT E**).
- D. The basis of his probation revocation (**EXHIBIT F**).
- E. The basis of his sexually related ABHAN conviction of 1994 (**EXHIBIT G**).
- F. The basis of his extensive criminal record (**EXHIBIT K**).
- G. The basis of his disciplinary infractions while confined at SCDC (**EXHIBIT L**).
- H. The basis of his lack of sex offender treatment while at SCDC (**EXHIBIT M**).

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent Antonio D. Young is a Sexually Violent Predator and order:

1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined, such as at SCDC or in a county detention center;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

A

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

B

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

C

95-01-KC-00271

WITNESSES

JOHN BURNETT AND/OR BOB BALCERZAK

BROWN, CPD

OCA#: 9500293

ARREST WARRANT NO.

ACTION OF GRAND JURY

True bill

MAR 07 1995
Foreman of Grand Jury

VERDICT

Foreman of Petit Jury

Date:

DOCKET NO. 95-GS-10- 1651

The State of South Carolina,

County of CHARLESTON

COURT OF GENERAL SESSIONS

MARCH

TERM 1995

THE STATE

vs.

ANTONIO DEMITRIUS YOUNG

DOA: JANUARY 19, 1995

AW#: E 291958

Indictment for

CRIMINAL SEXUAL CONDUCT FIRST DEGREE

Name

Address

Charleston SC

Zip

Race

Black

Sex

Male

Date of Birth

7/1

Age

24

SSN

Attorney

I/WE APPEAR IN PERSON AND PLEAD GUILTY
TO THE WITHIN INDICTMENT. CSE 3

Adopted w. NC

non-
violent

WITNESS

DATE

2/24/96

MAX SENTENCE

0-10

ARREST WARRANT
E- 291958
STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of
CHARLESTON

THE STATE
 against

ANTONIO D. YOUNG
 Address: **640 SEQUOIA ST.**
CHARLESTON, S.C.

Phone: **UNK**
 Sex: **Male** Race: **C** Height: **5'11"** Weight: **175**
 DL State: **SC** DL #: **71** Agency ORI #: **16-3-652**
 Prosecuting Agency: **CPD**
 Prosecuting Officer: **B. BROWN**
 Offense: **CRIMINAL SEXUAL CONDUCT**
 Offense Code: **16-3-652**
 Code/Ordinance Sec: **16-3-652**

This warrant is **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of **CHARLESTON**. The accused
 is to be arrested and brought before me to be
 dealt with according to law.

Signature of Judge _____ (L.S.)
 Date: _____

RETURN
 A copy of this arrest warrant was delivered to
 defendant **Antonio D. Young**
 on **12-19-94**
 Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:
PRELIMINARY HEARING COURT
THE RUSSELL BUILDING
2144 WELBOURNE STREET, ROOM 201
NORTH CHARLESTON, S. C. 29405
(803) 740-5873

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of
CHARLESTON

AFFIDAVIT

Form Approved by
 S.C. Attorney General
 July 28, 1990
 SCSA 618

Personally appeared before me the affiant **INV. BARBARA A. BROWN** who
 being duly sworn deposes and says that defendant **ANTONIO D. YOUNG**
 did within this county and state on **12-18-94** violate the criminal laws of the
 State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of **CHARLESTON**)
 in the following particulars:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 16-3-652

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:

SEE ATTACHED AFFIDAVIT

Sworn to and subscribed before me, _____
 on **1-17-95** Signature of Affiant
 Affiant's Address **180 LOCKWOOD BLVD.**
CHARLESTON, SC 29403
 Signature of Issuing Judge _____ (L.S.) Affiant's Telephone **577-7434**

STATE OF SOUTH CAROLINA
☐ County/ ☐ Municipality of
CHARLESTON

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 It appears from the above affidavit that there are reasonable grounds to believe that
 on **12-18-94** defendant **ANTONIO D. YOUNG**
 did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of **CHARLESTON**) as set forth below:
DESCRIPTION OF OFFENSE: CRIMINAL SEXUAL CONDUCT 16-3-652

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's Address _____
 Judge Code: _____ Judge's Telephone _____
 Issuing Court: ☐ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

FORM 32 (12/87)

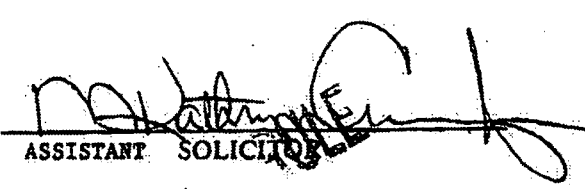
STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

INDICTMENT FOR
KIDNAPPING

At a Court of General Sessions, convened on MARCH 6, 1995,
the Grand Jurors of CHARLESTON County present upon their oath:

THAT ANTONIO DEMITRIUS YOUNG DID IN CHARLESTON COUNTY ON OR ABOUT THE 10TH DAY
OF DECEMBER, 1994, through threats of harm, and use of force, seize, kidnap,
abduct or carry away MINOR without the authority of law and against
MINOR will and consent. This is in violation of Section 16-3-910
of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and
provided.


ASSISTANT SOLICITOR

ARREST WARRANT

E- 291959

STATE OF SOUTH CAROLINA

☐ County/ ☐ Municipality of
CHARLESTON

THE STATE
against

ANTONIO D. YOUNG
Address: **640 SEQUOIA ST.**
CHARLESTON, S.C.
Phone: **SSN: LINK - 9647**
Sex: **B** Race: **B** Height: **5'11"** Weight: **170**
DL State: **SC** DL #: **1A-12345678**
DOB: **07-11-1971** Agency ORI #: **0000000000**
Prosecuting Agency: **CPD**
Prosecuting Officer: **B. BROWN**
Offense: **KIDNAPPING**
Offense Code: **16-3-910**
Code/Ordinance Sec: **16-3-910**

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of **CHARLESTON**. The accused
is to be arrested and brought before me to be
dealt with according to law.

Signature of Judge (L.S.)
Date:

RETURN
A copy of this arrest warrant was delivered to
defendant **Antonio D. Young**
on **1-19-95**
Signature of Constable/Law Enforcement Officer

RETURN TO JUDICIAL HEARING COURT
THE RUSSELL BUILDING
2144 MELBOURNE STREET, ROOM 201
NORTH CHARLESTON, S. C. 29408
(803) 740-5973

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)
CHARLESTON)

AFFIDAVIT

Form Approved by
S.C. Attorney General
July 28, 1980
SCA 618

Personally appeared before me the affiant **INV. BARBARA A. BROWN** who
being duly sworn deposes and says that defendant **ANTONIO D. YOUNG**
did within this county and state on **12-10-94** violate the criminal laws of the
State of South Carolina (or ordinance of ☐ County/ ☐ Municipality of **CHARLESTON**)
in the following particulars:

DESCRIPTION OF OFFENSE: **KIDNAPPING**
16-3-910

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:

SEE ATTACHED AFFIDAVIT

Sworn to and subscribed before me)
on **1-17-95**) Signature of Affiant
Signature of Issuing Judge (L.S.)) Affiant's Address **180 LOCKWOOD BLVD.**
CHARLESTON, SC 29403
Affiant's Telephone **577-7434**

STATE OF SOUTH CAROLINA)
☐ County/ ☐ Municipality of)
CHARLESTON)

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 **12-10-94** defendant **ANTONIO D. YOUNG**
did violate the criminal laws of the State of South Carolina (or ordinance of
☐ County/ ☐ Municipality of **CHARLESTON**) as set forth below:

DESCRIPTION OF OFFENSE: **KIDNAPPING**
16-3-910

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's Address
Judge Code: **16-3-910**) Judge's Telephone
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

JUN-12-2005 08:50

SOLICITORS OFFICE

843581905

P.06

235

INCIDENT REPORT
CHARLESTON POLICE DEPARTMENT

9500293

552

[illegible]

76523

JUN-12-2006 08:51

SOLICITORS OFFICE

8439581905

P. 11

AGENCY I.D. 21-2 SUPPLEMENTARY REPORT

CO 100100

OCA
ARR

9.5100293

IND. ENTG.

☐ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL☒ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 1 2 PAGES

Incident: Criminal Sexual Conduct

Victim: MINOR

Subject: Young, Antonio

NARRATIVE

On 1-13-95 at approx 1400hrs P/O Cpl Harper and B.A. Brown received information from the victim, she stated that the subject is a friend of her mother. She was downstairs folding the clothes while her mother was upstairs with her boyfriend. The subject was sitting in the kitchen watching her fold up the clothes, at that time the subject walked over to the victim and held a long blade kitchen knife to her neck, and demanded her to go in the bathroom with him, while in the bathroom the subject told the victim to pull her pants down, at which time she refused, he then placed the knife to her neck and demanded that she lie down on the floor. While on the floor the subject forced the victim's pants down and proceeded in removing his pants. The subject then placed his penis in the victim's vagina penetrating her several times, he also threatened the victim by saying if she told anybody about what happened, he would come back and kill her. The victim then ran out of the bathroom and went upstairs to her room and sat down on the bed in shock thinking about what just happened to her. Shortly after the victim took a shower and threw away the undergarment she was wearing. The victim further states that she does not know the subject, and that was the first time she saw him. The victim later found the same knife in the kitchen on the counter. The day after the incident the victim told her cousin Gloria what had happened to her. Gloria then told her mother, at which time Ms. informed the victim's mother.

P/O also received information from Ms. she stated that the subject was a friend that she knew for approx one year. She told the subject that she needed some help moving out there apartment. Ms. invited the subject over to the residence, for him to help them move out. They went into the kitchen area whereas she offered the subject something to drink. At the sometime her daughter/victim was in the living room with there grandchild, which she was doing the

SUBJECT IDENTIFIED		SUBJECT LOCATED		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER		☐ EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER			
REASON FOR EXCEPTIONAL CLEARANCE		OFFENDER DEATH		NO PROSECUTION		EXTRADITION DENIED		VICTIM DECLINES COOPERATION		JUVENILE-NO CUSTODY	
REPORTING OFFICER(S)		DATE		UNIT NUMBER		APPROVING OFFICER		DATE		UNIT NUMBER	
Boulton A Brown		1-13-95		0567		S. R. L. [Signature]				V-278	
FOLLOWUP		INVESTIGATION		☐ YES ☒ NO							

ADMINISTRATIVE

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

D

TSW/0305793 WITNESSES	
North Charleston Police Department	
AGENCY CASE NUMBER 2014-010758	
ARREST WARRANT NUMBER 2015A1021000456	
DATE OF ARREST 06/10/2015	
ACTION OF GRAND JURY TRUE BILL Foreperson of Grand Jury Date: JUNE 4 2016	
VERDICT	
Foreperson of Petit Jury Date:	

DOCKET NO. 2016-GS-10-03532

The State of South Carolina
County of Charleston

COURT OF GENERAL SESSIONS
JUNE TERM

THE STATE

VS.

ANTONIO D YOUNG
B/M DOB: 1971

Indictment for
CRIMINAL SEXUAL CONDUCT FIRST
DEGREE

SC Code: § 16-03-0652
CDR Code: 0160

FILED

6/30/2016 12:32:27 PM
JULIE J. ARMSTRONG
CLERK OF COURT

STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of
 North Charleston

Previously appeared before me the affiant Rebecca Bailey #211 being duly sworn deposes and says that defendant Antonio D Young did within this county and state on 04/01/2014 State of South Carolina for evidence of ☐ County ☒ Municipality of North Charleston in the following pursuant to the following offense:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct First Degree

I further state that there is probable cause to believe that the defendant named the crime set forth and that probable cause is based on the following facts:

OCA: 2014010758

CHARLESTON COUNTY

DETECTIVE
 JUN 03 2015

By: [Signature]
 Signature of Affiant

STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of
 North Charleston

Alibi's Address: 2500 City Hall Lane
 North Charleston, SC 29405
 Alibi's Telephone: (843) 534-5700

SCC IN 0815
 OPR 844
 NCIC 6-12-76
 OPR 813
 NCIC #1203479127

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

is appearing from the above affidavit that there are reasonable grounds to believe that

on 04/01/2014 defendant Antonio D Young

did violate the criminal laws of the State of South Carolina for evidence of

☐ County ☒ Municipality of North Charleston) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Sexual Conduct First Degree

Having found probable cause and the above affiant making sworn before me, you are empowered and directed to arrest and detain the defendant and to return 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.

Sworn to and subscribed before me

on 06/03/2015 at [Signature]

Judge's Name

Signature of Affiant

Judge's Telephone

Judge Code

Issuing Court ☐ Magistrate ☒ Municipal ☐ Clerk

ORIGINAL

ARREST WARRANT
 2015A1021000456

STATE OF SOUTH CAROLINA
☐ County ☒ Municipality of
 North Charleston

THE STATE
 agent
 Antonio D Young

Address: 2826 Raintree Dr
 North Charleston, SC 29405

Phone: (843) 609-2934 SSN: 2617
 Sex: M Race: B Height: 5'4 Weight: 150
 DL State: SC DL #: [Redacted]
 DOB: 1/19/71 Agency OUI #: [Redacted]

Prosecuting Agency: North Charleston Police Department
 Prosecuting Officer: Robert Bailey #188
 Offense: Criminal Sexual Conduct First Degree
 Offense Code: 16-3-652(1)
 Code/Offense Sec: 16-3-652(1)

This warrant is CERTIFIED FOR SERVICE in the
☐ County ☐ Municipality of

is to be arrested and brought before me to be dealt with according to the law. The accused

Signature of Judge (L.S.)

RETURN

A copy of this arrest warrant was served to defendant on Antonio D Young 06/03/2015 at 1610 hr

C. J. [Signature]
 I, [Signature], a Constable Law Enforcement Officer

RETURN WARRANT TO:
 North Charleston Municipal Court
 2500 City Hall Lane
 North Charleston, SC 29406

643 745 1056		City of N. Charleston Police R		01:36:05 p.m. 06-13-2017		2/4	
SC0100200		INCIDENT REPORT		2014010758		INQ. ENTD. No	
INCIDENT TYPE				COMPLETED	FORCED ENTRY	PREMISE TYPE	TYPE VICTIM
1. FORCIBLE RAPE FORCIBLE RAPE				☒ YES ☐ NO	☐ YES ☒ NO	RESIDENCE/HOME	☒ Individual ☐ Business ☐ Financial Inst. ☐ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Ctl.
2.				☐ YES ☐ NO	☐ YES ☐ NO		
3.				☐ YES ☐ NO	☐ YES ☐ NO		
INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)						ZIP CODE	WEAPON TYPE
NORTH CHARLESTON, SC						29405	PERSONAL WEAPON
INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	REPORT DATE	REPORT TIME	LOCATION NO.
04/01/2014	18:45		04/01/2014	17:30	04/01/2014	17:34	001
COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE/SEX	AGE
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.
VICTIM'S NAME (LAST, FIRST, MIDDLE)				RELATIONSHIP TO SUBJECT	RESIDENT	RACE/SEX	AGE
L. SUBAN, L.							
HEIGHT				WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.
505				220	BLN	BLU	
ADDRESS				CITY	STATE	ZIP CODE	LOCATION NO.
AVENUE, APT.				NORTH CHARLESTON	SC	29405	
VISIBLE INJURY (MCL)				YES ☐ NO ☐ EXPLAIN	COMPLAINANT'S SIGNATURE		
VICTIM'S SUBSTANCE				YES ☐ NO ☐ UNCL	DRUGS	YES ☐ NO ☐ UNCL	TYPE
ALCOHOL							
THOUGHTS				YES ☐ NO ☐ UNCL	DETECTIVE PLANT	OTHER	ALONE
SUSPECT				NAME (LAST, FIRST, MIDDLE)	RACE/SEX	AGE	ETH
☒ SUSPECT				YOUNG, ANTONIO, DEMITRIUS	B M	42	N
☐ RUNAWAY							
☐ WANTED							
☐ WARRANT							
☐ ARREST							
☐ JAIL							
SUBSOURCES				ORIGIN	YES ☐ NO ☐ UNCL	TYPE	
DAY OF THE WEEK				HOW REPORTED	DATE/TIME OF OFFENSE	DATE/TIME OF ARREST	
S M T W T F S U					4/1/2014 4:43:08 PM	4/1/2014 4:30:00 PM	
SUSPECT IDENTIFIED				SUBJECT LOCATED	S.F.	ACTIVE	ADM. CLOSED
☐ YES ☒ NO				☐ YES ☒ NO		☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
REASON FOR DETENTION				1. OFFENSE/DEATH	2. NO PROSECUTION	3. EXPROSECUTION	4. VICTIM'S COOPERATION
REPORTING OFFICER(S)				DATE	UNIT NUMBER	APPROVING OFFICER	DATE
ROTHHAUS, CHRISTIAN L.				4/1/2014 6:32:43 PM	310	DILONE, SHANNON	62
FOLLOWUP INVESTIGATION				YES ☐ NO ☒			

On 04/01/2014, (L.P.B. Rothhaus) was dispatched to Ave. in reference to a possible rape. Upon arrival I made contact with the victim who stated at approximately 1700 hrs of today's date. The suspect, Tony (unknown last name) forcibly raped her. The victim stated a few minutes before 1700 hrs, she heard someone knocking on her neighbors door at apt. 2. The victim stepped outside her apt. to let the individual know her neighbor was not home. The victim observed the suspect, Tony wearing white baseball hat, red & white baseball jersey, blue jeans w/ red insignias on the pocket, and white sneakers standing by apt. 2.

The suspect approached the victim and tried to enter her apartment. The victim blocked the doorway with her body and stated I don't know you. The suspect reminded the victim that they had met in July of 2013 and that he had been locked up since then. The victim

843 745 1056

City of N. Charleston Police R

01:36:37 p.m. 06-13-2017

4 / 4

ADDITIONAL NARRATIVE

Agency Name: NORTH CHARLESTON POLICE DEPARTMENT	ORI # SC01C0800	Report Date/Time: 06/01/2014 18:45	OCA #: 2014010758
--	--------------------	---------------------------------------	----------------------

Retraux Supplement

On 06/10/2015, I.L.P. Unit responded to 2826 Ranger in reference to a CSC 1st degree arrest warrant. Upon arrival officers made contact with the suspect, Antonio Young in the front yard. The suspect was placed into handcuffs, which were checked for tightness, and double locked for safety. Officers transported the suspect to City Hall to pick up his warrant. Officers then transported the the suspect to ACOC, where he was served and lodged with his warrant. I attempted to make contact with the victim but the phone was disconnected. Nothing further.

b/ STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON
 STATE VS.
ANTONIO DEMETRIUS YOUNG
 AKA:
 Race: B Sex: M Age: 30
 DOB 7/1 SS# [REDACTED]
 Address: _____

DL# _____ SID# 690050

IN THE COURT OF GENERAL SESSIONS
 INDICTMENT/CASE#:

02-GS-10-2632
 A/W#: 4098584
 Date of Offense: 3/4/02
 S.C. Code § 16-3-654
 CDR Code #: 0111612

☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIAL

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS

TO: ABHATN

in violation of § common law of the S.C. Code of Laws, bearing CDR Code # 0101113

☒ 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.

ATTEST:

[Signature]
 Solicitor

[Signature]
 Defendant

[Signature]
 Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 10 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 30 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 135 days/months jail time.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§14-1-206 (Assessments 100%) _____ \$

§14-1-211(A)(1) (Surcharge) _____ \$ 100.00

§14-1-211(A)(2) (Surcharge) _____ \$

§56-5-2995 (DUI Assessment) _____ \$

3% to County (if paid in installments) _____ \$ 3.00

TOTAL _____ \$ 103.00

[Signature]
 Clerk of Court/Deputy Clerk

Court Reporter: [Signature]

White - Clerk

Green - Corrections

Canary - Probation

Pink - Defendant

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: _____

PRESIDING JUDGE _____

Judge Code: _____

Sentence Date: 7-17-02

DBD-2002-03-01106

WITNESSES

JOHN BURNETT AND/OR

KEITH HAIR

HARRIS, CPD

0204626

ARREST WARRANT NUMBER

H098584

MARCH 6, 2002

ACTION OF GRAND JURY

TRUE BILL

MAY 13 2002

Judge Caravaggio
Foreperson of Grand Jury

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2002-GS-10-2632

The State of South Carolina

County of Charleston

COURT OF GENERAL SESSIONS

MAY TERM 2002

THE STATE

VS.

ANTONIO DEMITRIUS YOUNG

Indictment for

CRIMINAL SEXUAL CONDUCT THIRD DEGREE

Charleston Police Department

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

AFFIDAVIT

Personally appeared before me, a magistrate of this county one Det. Stan,
 who first being duly sworn deposes and says that ANTONIO D. YOUNG
 did within this county and state on the 4 March 2002 violate the criminal laws of the State of
 South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

CRIMINAL SEXUAL CONDUCT 3rd DEGREE 16-3-652

The affiant states there is probable cause to believe that the defendant named did commit the crime set forth
 and that such probable cause is based on the following facts:

ON MARCH 4th BETWEEN THE HOURS OF 2330 AND 2340 WHILE AT THE HOWARD JOHNSON,
ROOM , AT STREET IN THE CITY CHARLESTON THE DEFENDANT DID
KNOWINGLY AND WILLINGLY COMMIT THE OFFENSE OF CRIMINAL SEXUAL CONDUCT IN THE
FIRST DEGREE IN THAT HE FORCIBLY PLACED HIS PENIS IN THE MOUTH OF SHERRY
WITHOUT HER CONSENT WHILE SHE WAS ASLEEP AND THE DEFENDANT EJACULATED IN THE
VICTIMS MOUTH BEFORE SHE WAS ABLE TO WAKE UP AND STOP HIM.

THESE FACTS ARE TRUE AND BELIEVABLE BASED ON STATEMENTS MADE BY THE VICTIM
AND THE DEFENDANT, EVIDENCE RECOVERED FROM THE DEFENDANT INCLUDING CLOTHING
AND THE VICTIMS CELL PHONE AS WELL AS INVESTIGATION AND OBSERVATION BY OFFICERS
H. HARRIS AND S. LaFROMBOISE CPD.

SWORN TO AND SUBSCRIBED BEFORE ME
 THIS DAY OF MAR. 05 2002, 2001

[Signature] (L.S.)
 SIGNATURE OF JUDGE

COMPLAINT # _____

CPD Form OT3

[Signature]
 AFFIANT
 CHARLESTON POLICE DEPT
 180 LOCKWOOD BLVD
 CHARLESTON, SC 29403
 (843) 577-7434

AGENCY I.D.
SCO 100100

SUPPLEMENTARY REPORT

OCA 01210141612161
ARRNCIC
NO ENTG☒ ORIGINAL
REPORT
☐ MODIFIED
ORIGINAL☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIM
☐ ADDITIONAL
OFFENSES☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

subject pulling the phone card from the wall. The Comp (Lamona Brown AIF 21 yrs) who is the night auditor for the Howard Johnson, states she observed the subject leave the motel. A witness statement was taken from the Comp. At approx. 0000 hrs. PVT. Harris located the subject at Caring Street / Bogard Street. Central Investigation (Gardner) escorted the victim to the subject which she positively identified. Crime Scene (Miller) was notified and responded to process the crime scene. The victim was transported to HUSC by Central Inv. for additional testing.

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☒ ACTIVE ☐ ADM CLOSED ☐ UNFOUNDED		☐ ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		☐ ES-CLEAR UNDER 18 ☐ ES-CLEAR 18 AND OVER	
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH		2. ☐ NO PROSECUTION		3. ☐ EXTRADITION DENIED		4. ☐ VICTIM DECLINES COOPERATION		5. ☐ JAMES/MS OUTSTANDING	
REPORTING OFFICER PVT S. LaFrance		DATE 3-4-02		UNIT NUMBER 1074		APPROVING OFFICER Cpl. [Signature]		DATE 3-4-02	
				INVESTIGATION ☐ YES ☐ NO				UNIT NUMBER 0387	

P-273A

ORIGINAL

Created by the South Carolina Department of Probation, Parole and P. Services

STATE OF SOUTH CAROLINA

County of Charleston
STATE VS.Antonio Young

AKA: _____

Race: B Sex: MDOB: 7-71SSN: [REDACTED]SID#: 690050IN THE COURT OF GENERAL SESSIONS
INDICTMENT#:2002 -GS- 10 - 2632
CWW#: W-10-01-0794 135442 841-01 50100 8/21Name of Original Offense: ABHONConviction S.C. Code §: Common LawConviction CDR Code #: 0, 0, 1, 3Date of Original Offense: 3-4-01Original Sentence: 10 yrs 55 36 month probat on

ORDER

The above named defendant has been charged with violating the conditions of probation ordered on 2/17/02 in the Court of General Sessions of Charleston County as set forth in the attached warrant of citation dated 8/11/02. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 1, 5, 6, 10

Therefore, IT IS ORDERED that:

- ☒ the suspended sentence be revoked and the above named defendant be required to serve 5 months/years, the remainder of the original sentence, and/or pay \$ _____
- ☐ the suspended sentence be revoked and the above named defendant be required to serve _____ months/years of the original sentence and/or pay \$ _____ thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- ☐ the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- ☐ probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.

☒ Additional Conditions ordered by the Court:

2002 - GS-10-7447 Concurrent to Invt
Credit for 114 days

Terminate probation☒ Credit for pre-trial detention time on current probation violation: 114 days☒ The defendant has previously served 135 months/years on this sentence.
(split sentence time and/or prior partial revocation time)This 18 day of December 2002Chas SC.

Presiding Judge

nuth

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature

Witnessed by

Signed this 18 day of December 2002 at Chas SC.

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

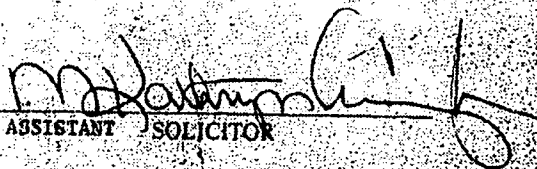
G

FORM 32 (12/87)

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT FIRST DEGREEAt a Court of General Sessions, convened on OCTOBER 10, 1994
the Grand Jurors of CHARLESTON County present upon their oath:

THAT ANTONIO DEMITRIUS YOUNG DID IN CHARLESTON COUNTY ON OR ABOUT THE 17TH DAY OF JULY, 1994, wilfully, unlawfully and feloniously, without just cause and against Colleen's will and consent, and with the use of physical force, force the victim, Brenda, to engage in sexual battery, to wit: fellatio. This is in violation of Section 16-3-652 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


ASSISTANT SOLICITOR

ARREST WARRANT
E-163907

STATE OF SOUTH CAROLINA
 County of ☒ Municipality of
CHARLESTON

THE STATE
 against

ANTONIO D. YOUNG
 Address: **640 SEQUOIA**
CHARLESTON, S.C.

Phone: **SSA**
 Sex: **M** Race: **B** Height: **5'10"** Weight: **170**
 DOB: **01/01/61** Agency Code: **CPD**
 Prosecuting Agency: **S. HEYWARD**
 Prosecuting Officer: **CRIM SEXUAL CONDUCT 1ST DEGREE**
 Code/Ordinance Sec: **16-3-652**

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of _____
 is to be returned and brought before me to its
 death with according to law.

Signature of Judge _____ (L.S.)
 Date: _____

RETURN
 A copy of the arrest warrant was delivered to
 defendant: **ANTONIO D. YOUNG**
 on: **7-17-94**

Signature of Constable/Law Enforcement Officer _____

RETURN WARRANT TO:
PRELIMINARY EXAMINER COURT
THE JEWELL BUILDING
2144 MELBOURNE STREET, ROOM 201
NORTH CHARLESTON, S.C. 29405
(803) 753-6875

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
CHARLESTON

AFFIDAVIT

Personally appeared before me the undersigned **SGT. R. BETTERTON** who
 being duly sworn deposes and says that defendant **ANTONIO D. YOUNG**
 did within this county and state on **7-17-94** violate the criminal laws of the
 State of South Carolina for ordinance of ☐ County/ ☒ Municipality of **CHARLESTON**
 in the following particulars:
DESCRIPTION OF OFFENSE: CRIM SEXUAL CONDUCT 1ST DEGREE
16-3-652

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:

SEE ATTACHED AFFIDAVIT

Sworn to and subscribed before me
 on **7-19-94** Signature of Affiant **[Signature]**
 Affiant's Address **180 LOCKWOOD BLVD.**
CHARLESTON, SC 29403
 Signature of Issuing Judge _____ (L.S.) Affiant's Telephone **577-7434**

STATE OF SOUTH CAROLINA
☐ County/ ☒ Municipality of
CHARLESTON

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:
 If appearing from the above affidavit that there are reasonable grounds to believe that
 on **7-17-94** defendant **ANTONIO D. YOUNG**
 did violate the criminal laws of the State of South Carolina for ordinance of
☐ County/ ☒ Municipality of **CHARLESTON** as set forth below:
DESCRIPTION OF OFFENSE: CRIM SEXUAL CONDUCT 1ST DEGREE
16-3-652

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's Address _____
 Judge Code _____ Judge's Telephone _____
 Issuing Court ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

H

FILED 6/15/06

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
)
 COUNTY OF CHARLESTON) CASE NO. 06-CP-10-3458
) (NON-JURY) 3159
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 ANTONIO DEMETRIUS YOUNG,) PROBABLE CAUSE ORDER
)
 RESPONDENT.)

2006 AUG 21 AM 10:23

IT APPEARING FROM the petition filed by the State of South Carolina that there is probable cause to believe that the Respondent meets the criteria of sexually violent predator pursuant to statute, and that the State of South Carolina has established sufficient evidence to require that the Respondent be taken into custody and confined in a secure facility, and that a hearing be held to allow Respondent to contest probable cause as to whether Respondent is a sexually violent predator;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

1. If Respondent is not in custody in a secure facility, Respondent shall be taken into custody by the Sheriff of any county in which the Respondent may be found and shall be transferred to the custody of the Sheriff of Charleston County and shall be confined in the Charleston County Detention Center pending the probable cause hearing;

2. Respondent shall be personally served by the agency having custody of the Respondent with copies of the Petition filed in this action and this Order, as notice to the Respondent of this proceeding and of his opportunity to be heard;

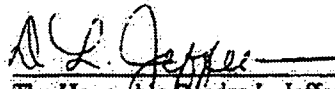
3. A hearing shall be held before the Court within 72 hours after Respondent has been taken into custody, if he is not already in custody, to allow Respondent to contest probable cause exists to Order that Respondent remain in custody and be evaluated by an appointed expert.

4. The Clerk of Court for Charleston County shall appoint the next-available attorney qualified to accept court-appointed indigent cases in Charleston County, to represent the Respondent at the aforementioned hearing and until further Order of the Court. The Clerk of Court shall notify said attorney of the appointment promptly.

5. Counsel for the State shall ensure that Respondent is transported to Court for the hearing on the date and time of the hearing as will be set by the Court.

AND IT IS SO ORDERED.

August 24, 2006
 Charleston, South Carolina


 The Honorable Debra L. Jefferson,
 Chief Administrative Judge for the Ninth
 Judicial Circuit Court of Common Pleas

2006 JAN 18 PM 11:24
 INMATE ROOM 103 OFFICE

5. At the time of the hearing, Respondent was being held in the Charleston County Detention Center awaiting trial on the charges of Burglary 1st degree. The purported victim in the pending case is an elderly male, and no allegations of a sexual assault have been made as part of the case;

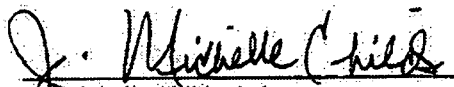
The purpose of the Sexually Violent Predator Act is to ensure that involuntary commitment procedures under the Act are only used to control a limited subclass of dangerous persons and not to broadly subject any dangerous person to what may be indefinite terms. In Re: Care and Treatment of Harvey, 355 S.C. 53, 584 S.E. 2nd 893 (2003).

I find that Respondent is not among the 'limited subclass' of dangerous persons for whom this act is narrowly tailored.

THEREFORE IT IS ORDERED that there exists no probable case to order the Respondent, Antonio Demetrius Young, to remain in custody and be transferred for an evaluation. The Court finds that no trial on these issues is warranted or necessary.

FURTHER IT IS ORDERED that for the aforementioned reasons the Petition of the State of South Carolina is dismissed.

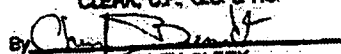
IT IS SO ORDERED.


J. Michelle Childs, Judge

IMMEDIATE CLERK'S OFFICE
2008 JAN 18 PM 12:46

This 7th day of November, 2006

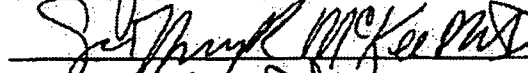
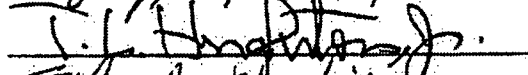
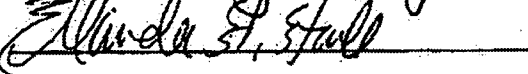
Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P., G.S. & F.C.
By  DEPUTY CLERK

SEXUAL PREDATOR REFERRAL FORM

Offender Name: Antonio D. Young		Offender No.: 187961	Jurisdictional Agency: SCDC
Age: 26 Gender: M	County: Charleston No. of Incarcerations: 2	Qualifying Offense(s): CSC 3rd.	Guilty Plea: _____ Trial: <u>Nolocontendere</u>
Adult Sentence: 6 years		Parole Eligibility Date:	Max Out Date: 7-7-98
Juvenile Guidelines:		Parole Release Date:	Max Out Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

		Refer to PRC?		
		YES	NO	ABSTAIN
	SCDC -- CHAIRPERSON	☒	☐	☐
	SCDPPS	☒	☐	☐
	DMH	☒	☐	☐
	JDG	☒	☐	☐
	OAD	☒	☐	☐

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on 9/17/98 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.

(b) That the conviction in Paragraph (a) hereinabove resulted from Respondent's conduct wherein he forced his way into a woman's car while she was driving alone at night, and Respondent then took the victim to a remote location and forced her to perform oral sex with Respondent. During the episode the Respondent also choked and beat the victim severely and threatened to kill her.

(c) That Respondent has been convicted of the following other offenses in Charleston County, South Carolina:

- (1) Possession of Cocaine, 1990
- (2) Simple Assault, 1991
- (3) Assault and Battery of a High and Aggravated Nature, 1994.

(d) That while Respondent was incarcerated pursuant to Paragraph (a) hereinabove, he has been convicted of the following administrative offenses:

- (1) Sexual Misconduct in April, 1998
- (2) Refusing to Obey Orders in April, 1998
- (3) Fighting in September, 1997
- (4) Refusing to Obey Orders in April, 1997

(e) That based upon the nature of and specific circumstances of the above-referenced conduct by Respondent, as well as the repetitive criminal behaviors exhibited, there is probable cause to believe that the Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care and treatment.

7. That upon information and belief, Respondent has been released from the Department of Corrections and is not in the custody of any state agency at the time this action is filed.

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent is a sexually violent predator and Order:

1. that Respondent be taken into custody and confined in a secure facility;
2. that the Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a sexually violent predator;
3. that a hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, if he is not already in custody;
4. that counsel be appointed for Respondent if necessary;

*2004
P. 2004
1997-99*

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
CASE NO. 98-CP-10-4529

IN THE MATTER OF THE CARE)
AND TREATMENT OF)
ANTONIO YOUNG,)
RESPONDENT.)

ORDER OF DISMISSAL

99 APR 27 AM 11:03
CLERK OF COURT

THIS IS AN ACTION under the Sexually Violent Predator Act (44-48-10 et. seq.). The Court has reviewed the petition filed in this case and other documentation submitted to the Court by the State, and the Court finds that there is not probable cause to believe that the Respondent, Antonio Young, meets the criteria of sexually violent predator pursuant to statute. It is noted that the burden of proof at trial in this cause of action is the criminal standard of beyond a reasonable doubt.

In order for the Court to base a finding of probable cause the State must present evidence, in order to satisfy the burden of proof of more likely than not, that the Defendant 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 in a secure facility for long-term control, care, and treatment. The State of South Carolina has not presented sufficient evidence to require that the Respondent be taken into custody and confined in a secure facility for further proceedings under the statute.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT this action shall be and is hereby dismissed. AND IT IS SO ORDERED.

A. Victor Rawl

Honorable A. Victor Rawl
Chief Administrative Judge
Ninth Judicial Circuit

April 19, 1999
Charleston, South Carolina

SEXUAL PREDATOR REFERRAL FORM

Offender Name: ANTONIO DEMETRIUS YOUNG Offender Number: 289735 Jurisdictional Agency: SCDC
 Age: 38 County: CHARLESTON Qualifying Offense(s): _____ Guilty Plea: _____ Trial: _____
 Gender: Male No. of Incarcerations: 7 Criminal Sexual Conduct, 3rd

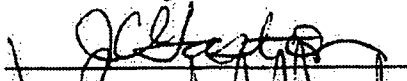
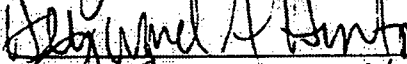
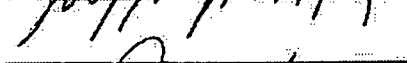
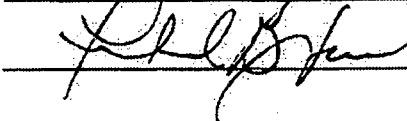
Adult 6 years / completed Parole Eligibility Max-Out
 Sentence: Date: Date: 03/01/2010
 Juvenile Parole SFH
 Guidelines: Release Date: Date:

The review of this case is based on the offender's records which include, but are not limited to, the following information: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors. Findings are strictly based on the legal criteria set forth in Section 44-48-30 of the Sexually Violent Predator Act, and are not to be interpreted as a clinical assessment.

VOTES TO REFER/NOT REFER TO PROSECUTOR'S REVIEW COMMITTEE:

YES	NO	ABSTAIN
0	4	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 August 20, 2009, 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.

08/11/2009 15:48 8963237

RIDGE LAND COR INST.

PAGE 05

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE VS.Anthony Demetrius Young

AKA:

Race: B Sex: M Age: 31DOB: [REDACTED] SS#: [REDACTED]Address: 21 Line St.Charleston, SC 29403DL# [REDACTED] SID# [REDACTED]IN THE COURT OF GENERAL SESSIONS
INDICTMENT/CASE#:2002 GS-10-7448A/W#: H194409Date of Offense: 8-27-02S.C. Code §: 23-3-470(B)(3)CDR Code #: 2141315☐ CASE RESTORED

SENTENCE

☒ PLEA ☐ TRIALIn disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Failure to Register for the Sex Offender Registry - Secondin violation of § 23-3-470(B)(2) of the S.C. Code of Laws, bearing CDR Code # 2161017☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ 17-25-45The 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.

ATTEST:

[Signature]
Solicitor[Signature]
Defendant[Signature]
Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 1 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 114 days/months jail time.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: W/ Prob. Revocation

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Heard, ☐ Waived, ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine: \$ §14-1-206 (Assessments 100%) \$ §14-1-211(A)(1) (Surcharge) \$ 100.00§14-1-211(A)(2) (Surcharge) \$ §56-5-2995 (DUI Assessment) \$ 3% to County (if paid in installments) \$ 3.00TOTAL \$ 103.00PTUP days/hours Public Service EmploymentObtain 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: PRESIDING JUDGE Judge Code: Sentence Date: 12/18/02Court Reporter: [Signature]

White - Clerk

Green - Corrections

Candy - Probation

Pink - Defendant

ATTEST: TRUE COPY
JULIE J. ARMSTRONG
CLERK, C. & G.
[Signature]
DEPUTY CLERK

08/11/2009 15:48 9963237

RIDGELAND CORR INST

PAGE 04

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS1014542W

A/W#: DI0913

Date of Offense:

S.C. Code § 16-11-0313

CDR Code #: 0427

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS TO: Burglary, 3rd degree, 1st Offense

in violation of § 16-11-0313 of the S.C. Code of Laws, bearing CDR Code # 0427

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45 w/minor 1st or Lewd Act)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. (Defendant initial)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

DeWasy, Michael

Defendant

Attorney for Defendant

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 454 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 § 24-13-41 to be calculated and applied by the State Department of Corrections. Credit 454 days jail.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 35-13 (Public Def/Prob)

§ 73-3, 1B TP (Law Enforce. Funding)

§ 33-7, 1B TP (Drug Court Surcharge)

§ 50-21-114(BUI Breath Test Fee)

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea

3% to County (if paid in installments)

TOTAL

\$

\$100

\$100

\$12

\$500

\$25

\$100

\$50

\$

\$

\$ 128.75

_____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

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:

☐ Appointed PD or appointed other counsel \$35.13 TP Requires \$500 be paid to Clerk during probation.

PRESIDING JUDGE

Judge Code:

Sentence Date:

12/11/07
SCCA/217 (10/2007)

Court Reporter:

Clerk of Court/Deputy Clerk

B. Cooley

STATE OF SOUTH CAROLINA

COUNTY OF Charleston
STATE

VS:

ANTONIO YOUNG

AKA:

Race: B Sex: M Age: 36DOB: 1971 SS#: [REDACTED]Address: 573 MEETING ST
CHARLESTON, SC 294030000DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2008GS104212A/W#: K298631Date of Offense: 12/20/2007S.C. Code §: 23-03-0470(B)(1)CDR Code #: 2606

SENTENCE SHEET

3-5

In disposition of the said indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADS
TO: Sex / Sex Offender Registry Violation, fail to register - 3rin violation of § 23-03-0470(B)(3) of the S.C. Code of Laws, bearing CDR Code # 2435☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (Defendant initial)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Whitaker, Tyler S.
5 YEARS DefendantMr. D. C. [REDACTED]
Attorney for DefendantWHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 5 years or ☐ under the Youthful Offender Act not to exceed 4 years
and/or to pay a fine of \$ [REDACTED]; provided that upon the service of 4 days/months/years and/or payment
of \$ [REDACTED]; plus costs and assessments as applicable*; the balance is suspended with probation for [REDACTED]
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. STARTED JAN. 30, 2008.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ [REDACTED] plus 20% fee: \$ [REDACTED]

Payment Terms:

☐ set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ <u>100.00</u>
§ 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	\$ <u>25.00</u>
§ 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% to County (if paid in installments)	\$	\$ <u>3.75</u>
TOTAL		\$ <u>128.75</u>

[REDACTED] days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [REDACTED] beginning\$ [REDACTED] paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, §35.13 TP
Requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

PRESIDING JUDGE

Judge Code:

Sentence Date:

6/24/08
SCCA/217 (10/2007)

PCY I.D.
0100400

SUPPLEMENTARY REPORT

CCA 0008399
ARRNCIC
ING ENTG☒ ORIGINAL
REPORT
☐ ADDRESS
ORIGINAL☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 of 2 PAGES

The second party was released due to the fact that he did not have anything on him.

There were two pieces of crack cocaine that were found on the sidewalk near the two parties but it could not be determined which party it belonged to, so it was tagged as found narcotics which tested positive.

All evidence were tagged and stored at C.P.D.

NARRATIVE

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☒ NON-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. ☐ EXTRACTION DENIED		4. ☐ VICTIM DECLINIS COOPERATION
REPORTING OFFICER(S)		DATE	DAY NUMBER	APPROVING OFFICER		DATE
Wesley B. B.		4-19-00	0447			
				FOLLOW UP INVESTIGATION		YES NO

ORIGINAL

96/02/2006 14:13 7224085

CRAS PD

SCO 100100

SUPPLEMENTARY REPORT

OCA 0 0 115 9 9 9
ARR

INC

☒ ORIGINAL
☐ MODIFIED
☐ CRIMINAL

☐ SUPPLEMENTAL
REPORT
☐ CASE STATUS
CHANGE

☐ ADDITIONAL
VICTIMS
☐ ADDITIONAL
OFFENDERS

☐ ADDITIONAL
STOLEN PROPERTY
☐ ADDITIONAL
RECOVERED PROPERTY

PAGE 2 OF 2 PAGES

NARRATIVE

VIOLATION OF MUNICIPAL CODE 21-127 ARRESTED OF DANA PARAGHARALIS AND
TRANSPORTED TO C.P.D. THE ALLEGED VICTIMS' LIGHT AND LIGHT CASES WERE TAKEN
TO C.P.D. ALONG WITH THE TWO CRACK PIPE AND PLACED INTO PROPERTY.
THE INTERVIEW WAS CONDUCTED THROUGH A/C. THE SUBJECT WAS ADVISED HE
TO CLAIM THE OTHER ITEMS.

1. CASE IDENTIFIED ☒ YES ☐ NO		2. CASE RESOLVED ☒ YES ☐ NO		3. ACTIVE ☐ NOW CLOSED ☐ ☐ UNFOUNDED		4. ARRESTED UNDER 18 ☒ ARRESTED 18 AND OVER		5. EX-CLEAR UNDER 18 ☐ EX-CLEAR 18 AND OVER	
6. REASON FOR EXCEPTIONAL CLEARANCE: 1. 0 CRIMINAL DEATH 2. 0 NO PROSECUTION 3. 0 EXTRADITION DENIED 4. 0 VICTIM DECLINES COOPERATION 5. 0 JUVENILE AND CUSTODY									
REPORTING OFFICER: M. HORTON		DATE: 07-28-06		SUT NUMBER: 0012		APPROVING OFFICER: [Signature]		DATE: 7-28-06	
						OFFICER			

ORIGINAL

ORIGINAL

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

L

11:13:30 Friday, June 16, 2017

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM06/16/17
WHITEAU

SCDC ID: 289735

DISPLAY INMATE OFFENSE HISTORY

YOUNG, ANTONIO DEMETRIUS

CURR LOC: KIRKLAND

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CASE#	OFFENSE DESCRIPTION	TYPE ACTION	OFFENSE DATE	HEARING DATE	NET GT LOST	DHO DECISION	OFF LVL
00005	FIGHTING WITHOUT A WE	ADMINIST	05/15/06	/ /	00000	CONVICTED	3
00004	SEXUAL MISCONDUCT	ADMINIST	01/07/05	/ /	00000	CONVICTED	2
00003	INTERFERING WITH COUN	OTHER AC	10/29/04	/ /	00000	CLOSED	3
00002	OUT OF PLACE	ADMINIST	09/29/04	/ /	00000	CONVICTED	3
00001	POSSESSION OF CONTRAB	OTHER AC	08/13/04	/ /	00000	CLOSED	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

11:13:39 Friday, June 16, 2017

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

06/16/17
WHITEAU

NARRATIVE...>

ON THE ABOVE DATE AND TIME, I SGT B PARKER OBSERVED I/M YOUNG 289735 AND I/M HOWARD 258266 IN A PHYSICAL ALTERCATION. A DIRECT ORDER WAS GIVEN TO BREAK UP THE FIGHT BY I SGT PARKER. FIRST RESPONDERS WAS CALLED.

05/21/06: 7 DAYS DISCIPLINARY DETENTION

CREATED BY.....

LAST UPDATED BY:

05/22/06

(END)

05/22/06

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

11:13:49 Friday, June 16, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT06/16/17
WHITEAU

NARRATIVE...>

ON JANUARY 7, 2005, APPROX 11:30 A.M., MRS. HUNTER AND MRS. CRANFORD CONDUCTED A DORM INSPECTION, IN CYPRESS II, AND WERE STANDING ALONG SIDE OFC BEALES IN THE OFFICE. AT THIS TIME, MRS. CRANFORD NOTICED INMATE ANTONIO YOUNG, #289735, LOOKING AT THEM FROM INSIDE THE BATHROOM. INMATE YOUNG HAD HIS HAND INSIDE HIS CLOTHING AND WAS MOVING IT IN A BACK AND FORTH MOTION. HE MOVED TOWARD THE URINAL WHEN HE NOTICED MRS. CRANFORD LOOKING AT HIM. SHE BANGED ON THE WINDOW AND WENT TO THE BATHROOM. INMATE YOUNG CAME TO THE OFFICE AND DENIED ANY WRONG DOING. HE HAD AN ERECTION WHEN HE EMERGED FROM THE BATHROOM. BASED ON THE ABOVE, INMATE YOUNG IS CHARGED WITH 922 - SEXUAL MISCONDUCT.

01/11/05 - INMATE YOUNG ACCEPTED AN ADMINISTRATIVE RESOLUTION FROM THE MAJOR. GIVEN 40 HOURS EXTRA DUTY, 90 DAYS CANTEEN RESTRICTION, 365 DAYS VISITATION, 90 DAYS TV AND RADIO RESTRICTION, AND 60 DAYS CUBE CONFINEMENT.

CREATED BY.....:

01/11/05

(END)

LAST UPDATED BY:

00/00/00

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

11:13:58 Friday, June 16, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT06/16/17
WHITEAU

NARRATIVE...>

ON OCTOBER 29, 2004, APPROX 10:05 P.M., SGT CRAGG WAS ASSISTING OFC REYNOLDS WITH HIS OUTSIDE COUNT, DURING A FIRE DRILL, OUTSIDE OF CYPRESS II. DURING THE COUNT, INMATE ANTONIO YOUNG, #289735, STARTED YELLING RACIAL REMARKS, LIKE "KKK" IN OFC CRAGG'S DIRECTION. SGT CRAGG WAS DIRECTLY IN FRONT OF INMATE YOUNG AND HE WAS LOOKING AT SGT CRAGG AS HE MADE THESE STATEMENTS. INMATE YOUNG IS CHARGED WITH 836 - DISRESPECT.

INMATE YOUNG WAS GIVEN 4 HOURS EXTRA DUTY AND HIS RADIO WAS CONFISCATED FOR THE REMAINDER OF THE WEEKEND, FOR PLAYING IT DURING COUNT.

CREATED BY.....:
LAST UPDATED BY:11/01/04
00/00/00

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

11:14:07 Friday, June 16, 2017

DISI1500
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT06/16/17
WHITEAU

NARRATIVE...>

ON SEPTEMBER 29, 2004, APPROX 6:35 P.M., OFC DUKES OSERVED INMATE ANTONIO YOUNG, #289735, ON THE D-SIDE OF THE MAGNOLIA II UNIT, USING THE TELEPHONE. INMATE YOUNG STATED HE WAS USING THE PHONE OVER THERE, BECAUSE HE WAS VISITING HIS "HOMEBOY." INMATE YOU LIVES IN THE CYPRESS II UNIT AND IS CHARGED WITH 828 - OUT OF PLACE.

10/06/04 - INMATE ACCEPTED AN ADMINISTRATIVE RESOLUTION FROM THE MAJOR. HE WAS GIVEN A VERBAL REPRIMAND, 15 HOURS EXTRA DUTY AND FAILURE TO EARN 5 DAYS GOOD TIME.

CREATED BY.....

10/06/04

(END)

LAST UPDATED BY:

00/00/00

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

11:14:17 Friday, June 16, 2017

DISI150D
DISI150MSCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT06/16/17
WHITEAU

NARRATIVE...>

ON AUGUST 13, 2004, APPROX 9:30 P.M., OFC LORETO DELA CRUZ, CYPRESS II OFFICER CONDUCTED A VERIFICATION COUNT IN THE UNIT. AFTER COUNT, HE INSTRUCTED INMATE DEMETRIUS YOUNG, #289735, ASSIGNED TO CUBE C6A, TO UNLOCK HIS LOCKER FOR INSPECTION. DURING THE SEARCH, OFC DELA CRUZ FOUND A SILVER WATCH WITH A BROKEN FRAME. HE ALSO FOUND ONE RAZOR BLADE, APPROXIMATELY 2 INCHES LONG, AND ONE BLACK UNAUTHORIZED INK PEN. THE ITEMS WERE CONFISCATED AND PLACED IN THE CONTRABAND DROP BOX. INMATE YOUNG WAS GIVEN THREE HOURS EXTRA DUTY, BY SGT OTIS HOPKINS.

OLD DISCIPLINARY CODE 2.04

CREATED BY.....:

08/16/04

(END)

LAST UPDATED BY:

00/00/00

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

SP Multi-Disciplinary Team
 Young Antonio - 289735
 Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: None
 Medications:
 Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis:
 Medications:
 Problems/Compliance: N/A
 Treatment History:
 Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
 Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
 Other Information:

SEX OFFENDER TREATMENT HISTORY: None in the file

	TYPE	DATES	STATUS
Phase I:			
SOTP			
Phase II:			
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
 Other Information:

Paraphilic Disorders

Paraphilic disorders included in this manual are voyeuristic disorder (spying on others in private activities), exhibitionistic disorder (exposing the genitals), frotteuristic disorder (touching or rubbing against a nonconsenting individual), sexual masochism disorder (undergoing humiliation, bondage, or suffering), sexual sadism disorder (inflicting humiliation, bondage, or suffering), pedophilic disorder (sexual focus on children), fetishistic disorder (using nonliving objects or having a highly specific focus on nongenital body parts), and transvestic disorder (engaging in sexually arousing cross-dressing). These disorders have traditionally been selected for specific listing and assignment of explicit diagnostic criteria in DSM for two main reasons: they are relatively common, in relation to other paraphilic disorders, and some of them entail actions for their satisfaction that, because of their noxiousness or potential harm to others, are classed as criminal offenses. The eight listed disorders do not exhaust the list of possible paraphilic disorders. Many dozens of distinct paraphilias have been identified and named, and almost any of them could, by virtue of its negative consequences for the individual or for others, rise to the level of a paraphilic disorder. The diagnoses of the other specified and unspecified paraphilic disorders are therefore indispensable and will be required in many cases.

In this chapter, the order of presentation of the listed paraphilic disorders generally corresponds to common classification schemes for these conditions. The first group of disorders is based on *anomalous activity preferences*. These disorders are subdivided into *courtship disorders*, which resemble distorted components of human courtship behavior (voyeuristic disorder, exhibitionistic disorder, and frotteuristic disorder), and *algolagnic disorders*, which involve pain and suffering (sexual masochism disorder and sexual sadism disorder). The second group of disorders is based on *anomalous target preferences*. These disorders include one directed at other humans (pedophilic disorder) and two directed elsewhere (fetishistic disorder and transvestic disorder).

The term *paraphilia* denotes any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners. In some circumstances, the criteria "intense and persistent" may be difficult to apply, such as in the assessment of persons who are very old or medically ill and who may not have "intense" sexual interests of any kind. In such circumstances, the term *paraphilia* may be defined as any sexual interest greater than or equal to normophilic sexual interests. There are also specific paraphilias that are generally better described as *preferential* sexual interests than as intense sexual interests.

Some paraphilias primarily concern the individual's erotic activities, and others primarily concern the individual's erotic targets. Examples of the former would include intense and persistent interests in spanking, whipping, cutting, binding, or strangulating another person, or an interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*

PETITIONER'S EXHIBIT

O

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 ANTONIO D. YOUNG,)
 RESPONDENT.)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

CASE NO. 2017-CP-10-03932

ORDER OF COMMITMENT

2019 APR 18 PM 4:58
 CLERK OF COURT

The trial of this case was held in the Charleston County Court of Common Pleas the week of April 15, 2019. A jury of citizens from Charleston County heard this case pursuant to a request for a jury trial filed by the State. Senior Assistant Attorney General James G. Bogle, Jr. represented the State and James K. Falk, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Antonio Young, is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

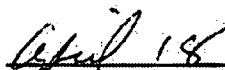
NOW, THEREFORE, IT IS ORDERED THAT:

(a) Respondent Antonio Young is committed to the Department of Mental Health for his long-term control, care and treatment;

(b) Respondent Antonio Young is to continue to be detained at the Charleston County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.


 R. FERRELL COTHAN, JR.
 Ninth Judicial Circuit
 Court of Common Pleas

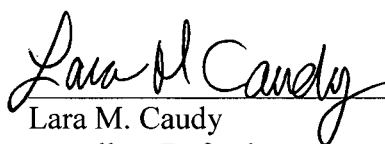
 April 18, 2019
 Charleston, South Carolina

RECEIVED
 MAY 16 2019
 SC Court of Appeals

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 31st day of December, 2019.

RECEIVED
DEC 31 2019
SC Court of Appeals

