

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY

Appellate Case No. 2018-001442

Roger E. Henderson, Judge

Trial Case No. 2015CP1600788

RECEIVED

May 19 2020

SC Court of Appeals

In the Matter of the Care and Treatment of Larry James Tyler, Appellant.

Record on Appeal

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Attorneys for Respondent

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948

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTH JUDICIAL CIRCUIT
COUNTY OF DARLINGTON	)	CASE NO. 2015-CP-16-00788
	)	
IN THE MATTER OF THE CARE	)	
AND TREATMENT OF	)	
LARRY JAMES TYLER,	)	PROBABLE CAUSE ORDER
RESPONDENT.	)	
_____	)	

IT APPEARING FROM the petition filed by the State of South Carolina that there is probable cause to believe the Respondent meets the criteria to be a sexually violent predator pursuant to statute, and 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 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 Darlington County and shall be confined in the Darlington 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;

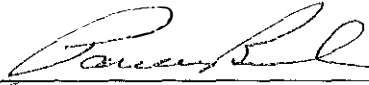
3. A hearing shall be held before the Court within 72 hours after Respondent has been taken into custody, if he is not already in custody, to allow Respondent to contest probable cause exists to Order that Respondent remain in custody and be evaluated by an appointed expert;

4. The Clerk of Court for Darlington County shall appoint the next available attorney for court appointed indigent cases in Darlington 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.

October 16, 2015
Pageland, South Carolina


PAUL M. BURCH
Chief Administrative Judge for the Fourth
Judicial Circuit Court of Common Pleas

2015 OCT 19 PM 3:47
 CLERK OF COURT
 DARLINGTON COUNTY, S.C.

FILED

gls

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON
South Carolina State Of,
Plaintiff(s),
-vs-
Larry James Tyler,
Defendant(s).

IN THE COURT OF COMMON PLEAS
Fourth JUDICIAL CIRCUIT
CASE NO.: 2015CP1600788
APPOINTMENT OF COUNSEL OR GAL
(Select one.)

☒ ORDER
☐ AMENDED ORDER

TYPE OF CASE/PROCEEDING: (Check one.)

☐ Post-Conviction Relief (PCR)/habeas case	☐ Adoption	☐ Juvenile
☒ SVP case	☐ Custody and/or Visitation	☐ Abuse and Neglect
☐ Minor Name Change	☐ Other: Sexual Predator 510	

It appears Larry James Tyler, who is a litigant in this case, is entitled to court-appointed counsel or a guardian ad litem.

It further appears that: (Select only one.)

- ☒ counsel/guardian ad litem has not yet been appointed by the court; therefore, an appointment for counsel/guardian ad litem is necessary.
- ☐ counsel or a guardian ad litem was previously appointed by the court but has indicated either a possible conflict of interest, an entitlement to exemption, or other good cause warranting the appointment of new counsel or guardian ad litem based on:
- ☐ counsel was previously appointed by the court but has not indicated that the litigant has retained private counsel and is no longer entitled to appointed counsel.
- ☐ court appointed counsel has obtained , Esquire as substitute counsel pursuant to Rule 608(h)(2); provided, however, only the member who originally received the appointment and who sought substitute counsel shall receive credit.
- ☐ Other: .

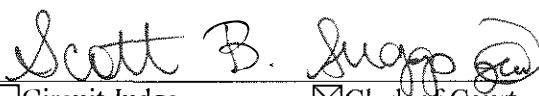
Therefore, it is ordered that James Falk hereby is appointed as (Select one.)

☒ counsel ☐ lead counsel (if capital PCR case) ☐ guardian ad litem
for the above-named person. Any counsel or GAL previously appointed is/are hereby relieved.

☐ (If Death Penalty PCR Case) It is further ordered that , Esquire, is hereby appointed as second counsel in this capital PCR case.

The clerk of court is directed to forward a copy of this order to all persons entitled to notice.

IT IS SO ORDERED
October 19, 2015


☐ Circuit Judge ☒ Clerk of Court

Plaintiff Attorney:

James G. Bogle Jr.	
PO Box 11549	
Columbia, SC 29211	

Defendant Attorney:

James Falk	
3 Broad Street, Suite 450	
Charleston, SC 29401	

NOTICE: SC Supreme Court Order of September 29, 2006, requires appointed counsel entitled to payment from the Office of Indigent Defense (OID) to register the case online with OID within fifteen (15) days of this appointment at www.sccid.sc.gov, and further directs that reimbursement vouchers be submitted directly to SCCID and not to the trial judge or clerk of court. See SCCID website for further details.

CP21 (08/08)
SCCA/267 (03/07)

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
)
Larry James Tyler,)
RESPONDENT)
_____)

IN THE COURT OF COMMON PLEAS

CASE NO: 2015-CP-16-00788

ORDER OF CONTINUANCE

This matter comes before the Court upon a Request for Extension pursuant to S.C. Code §44-48-80(D) (as amended May 12, 2010).

I hereby find and conclude that the qualified expert, Marie E. Gehle, Psy.D. appointed by this Court at the Probable Cause Hearing, has shown good cause for a continuance and that a continuance should be granted.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT:

This case shall be continued for good cause pursuant to S.C. Code §44-48-80(D) (as amended May 12, 2010) until the evaluation can be completed and until such time as the Court is asked to set a trial date, or soon thereafter as the case may be scheduled at the convenience of the Court and the parties.

IT IS SO ORDERED.



The Honorable Paul M. Burch
Chief Administrative Judge for the
Fourth Judicial Circuit

December 14, 2015
Christy J. Suggs
South Carolina

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FILED
2016 JAN 15 AM 11:44
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

9/28

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTH JUDICIAL CIRCUIT
COUNTY OF DARLINGTON	)	
	)	CASE NO. 2015-CP-16-00788
IN THE MATTER OF THE CARE	)	
AND TREATMENT OF	)	ORDER FOR EVALUATION
	)	PURSUANT TO THE SEXUALLY
	)	VIOLENT PREDATOR ACT
LARRY JAMES TYLER,	)	
RESPONDENT.	)	
	)	

This matter comes before me on petition of the State of South Carolina for an order requiring the Respondent, Larry James Tyler, to submit to an examination and to be detained in appropriate secure facility pending a trial pursuant the Sexually Violent Predator Act (S. C. Code Ann. Sections 44-48-10 *et seq.*). A Probable Cause hearing was held on October 26, 2015; the state was represented by Senior Assistant Attorney General James G. Bogle, Jr., and the Respondent by James K. Falk, Esquire.

I have considered the showing made in respect to this matter, and am of the opinion that probable cause exists to find that the Respondent is a sexually violent predator as defined by S. C. Code Ann. Section 44-48-30.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

That the Respondent shall be:

- (a) Confined upon his release or max-out date from the South Carolina Department of Corrections, whichever comes first, in the Darlington County Detention Center until a final disposition of this action; and
- (b) Transported to an appropriate facility of the South Carolina Department of Mental Health for an evaluation to determine whether the Respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

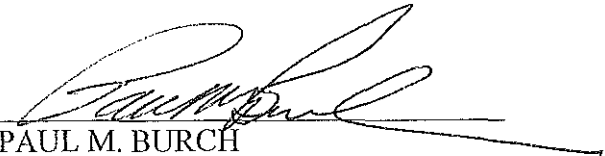
The ordered examination shall be requested by the Office of the Attorney General of South Carolina and scheduled by the examining facility as soon as possible. The Respondent is to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. The Respondent continues under jurisdiction of this Court.

The qualified expert appointed by the Court at this Probable Cause hearing is Marie E. Gehle, Psy.D., to examine the Respondent.

FILE

Within five days of the receipt of the written report of the examination by the Office of the Attorney General of South Carolina, said office shall make a copy of such examination available to the Respondent's attorney.

AND IT IS SO ORDERED.


PAUL M. BURCH
Chief Administrative Judge
Fourth Judicial Circuit
Court of Common Pleas

October 26, 2015
Darlington, South Carolina

FILED
2015 OCT 26 PM 2:34
SCOTT E. SUGGS
CLERK OF COURTS, D.D.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTH JUDICIAL CIRCUIT
COUNTY OF DARLINGTON	)	CASE NO. 2015-CP-16-00788
	)	
	)	
IN THE MATTER OF THE CARE	)	ORDER
AND TREATMENT OF	)	
LARRY JAMES TYLER,	)	
RESPONDENT.	)	
	)	

This matter is before the Court on petition of the State of South Carolina to declare the Respondent, Larry James Tyler, a sexually violent predator, pursuant the Sexually Violent Predator Act (hereafter, the Act), S. C. Code Ann. Sections 44-48-10 *et seq.* The purpose of this Order is to allow the examination and study of certain materials, in possession of the State, by (1) the court-appointed expert Dr. Marie E. Gehle, (2) James K. Falk, attorney for the Respondent, and (3) any other expert(s) either party may use in this case.

The posture of this case is as follows:

A Petition under the Act was filed on or about October 15, 2015. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.

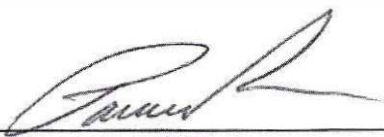
The Attorney General's Office has been provided materials from a law enforcement investigative report, that includes images retrieved from Respondent's computer. Contained in these materials are allegedly pornographic materials that could not be released outside the Attorney General's Office. *See* S.C. Code Ann. Section 16-15-410(D).

Accordingly,

IT IS HEREBY ORDERED that given the nature of Respondent's underlying convictions, and the nature of the materials in possession of the State, Dr. Gehle, Mr. Falk, or any other expert(s) involved in this case, shall as part of their evaluation or representation of Respondent, schedule an appointment with the Attorney General's Office to review those materials at the Attorney General's Office.

AND IT IS SO ORDERED.

11/23, 2015
Pageland, South Carolina



PAUL M. BURCH
Chief Administrative Judge
Fourth Judicial Circuit
Court of Common Pleas

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
In Re Care and Treatment of)
)
)
)
Larry James Tyler)
)
Respondent,)
_____)

IN THE COMMON PLEAS COURT
FOR THE 4th JUDICIAL CIRCUIT
CASE NO.: 2015-CP-16-00788

ORDER

This matter was before the court on March 29, 2016 on respondent's SECOND MOTION TO DISMISS, OR ALTERNATIVELY, MOTION TO SET DEADLINE FOR STATE'S COMPLETION OF FORENSIC EVALUATION. James Falk, Esq. was present representing Respondent and James Bogle, Jr. was present on behalf of the State of South Carolina. The State of South Carolina filed a Response to Respondent's motion.

Having read the pleadings and heard argument from counsel the court finds as follows:

1. On October 26, 2015 a probable cause hearing was held in this action at which time Dr. Marie E. Gehle was appointed to conduct an evaluation of respondent as required by SC Code Ann. §44-48-80.
2. At the request of Dr. Gehle and on December 14, 2015 this court granted Dr. Gehle an extension of time in which to complete her evaluation.
3. As of the date of this hearing 5 months have elapsed since Dr. Gehle was appointed to conduct this evaluation and 3 months have elapsed since this court granted Dr. Gehle an extension of time.

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DARLINGTON COUNTY, SC
TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

4. Respondent has completed his SCDC sentence and is housed in the Darlington County Detention center awaiting the conclusion of these proceedings.

5. Respondent's due process rights under the 5th and 14th Amendments to the United States Constitution and Article 1 § 3 of the South Carolina Constitution will be substantially prejudiced if Dr. Gehle does not complete this report in due time.

IT IS THEREFORE ORDERED AND ADJUDGED THAT

Dr. Gehle will have forty-five (45) days from the date of this order in which to complete the evaluation required by SC Code Ann. §44-48-80.

IT IS SO ORDERED!



Judge Paul Michael Burch
Presiding Judge
Darlington County Circuit Court


_____, SC
 3/15, 2016

3. A Request for a Jury Trial was filed by the State.
4. Dr. Gehle issued her report dated on or about May 16, 2016, concluding that Respondent did not meet the criteria to be considered a sexually violent predator. There is nothing to suggest Respondent did not cooperate with her evaluation.
5. Under the Sexually Violent Predator Act a jury trial must be held within 90 days of the date Dr. Gehle issued her evaluation, S.C. Code Ann. Section 44-48-90(B).
6. Under S.C. Code Ann. Section 44-48-90(C), upon receipt of the evaluation by the court-appointed expert the Attorney General may retain a qualified expert to perform a subsequent examination. The State notified Respondent's attorney this was being done, by Notice of Retention of Independent Expert, filed with the Court on or about May 16, 2016.
7. The Sexual Behavior Clinic and Laboratory (SBCL) at the Medical University of South Carolina was retained by the State to conduct the subsequent examination of Respondent as authorized by Section 44-48-90(C).
8. Psychologist Dr. Emily D. Gottfried of the SBCL was assigned. Dr. Gottfried has advised that Respondent was transported to SBCL for an evaluation on more than one occasion. At Dr. Gottfried's office, Respondent signed a valid Consent for Evaluation, attached as an exhibit to the State's Return. Dr. Gottfried submitted a letter, also attached to the State's Return, explaining that the PPG was a standard part of the SBCL evaluation protocol based on "the evidence base for assessing his likelihood in engaging in future acts of sexual violence." Dr. Gottfried also indicated that Respondent was "deceptive on certain psychological assessment measures and that his self-report was not viewed as being a valid indicator of his sexual arousal." Dr. Gottfried concluded for these reasons that physiological data from the PPG would be a critical component in answering questions regarding Respondent's risk of sexual recidivism and the presence of a mental abnormality that could lead to his engaging in acts of sexual violence.
9. Failure to cooperate with an evaluation was addressed in a Charleston case in 2004, *In the Matter of the Care and Treatment of Emory Michau*. By Order filed June 29, 2004, the court found *Michau* in contempt for failure

to cooperate with an evaluation, and directed that the he could purge himself of the contempt by cooperating.

10. Failure to cooperate with an evaluation was addressed in a Union case in 2014, *In the Matter of the Care and Treatment of Melvin Beam*. By Order filed January 15, 2014, the court found *Beam* in contempt for failure to cooperate with the evaluation sought by the Attorney General's Office, and directed that the he could purge himself of the contempt by cooperating.
11. This Court has jurisdiction over the subject matter of this litigation, as well as the Respondent himself. It is within the powers of the circuit court to enforce its orders, enforce a statute enacted by the General Assembly, and to punish for contempt.
12. When the General Assembly passed the Sexually Violent Predator Act it made a legislative finding that "a mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment...Section 44-48-20." For this goal to be met it is necessary that the Respondent cooperate with evaluations ordered by the Court or authorized by the statute. The subsequent evaluation be sought by the State is authorized by S.C. Code Ann. Section 44-48-90 (C).
13. S.C. Code Ann. Section 44-48-90 (C) confers upon the Attorney General the right to secure an independent evaluation, the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert concluded that he fit the criteria of a sexually violent predator. The Court in the *Beam* case held: "[R]easonable access" as contained in Section 44-48-90 (C) would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90 (C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associated of the examiner involved in any evaluation or testing...of Respondent. The Court finally held that, by refusing the PPG, Respondent has not allowed the Attorney General's expert reasonable access to him.

The Court would first note that much of the attack by Respondent on the PPG relates to its admissibility at trial, and the posture of these proceedings is that they are not yet at that point. In addition, many of Respondent's objections are cast in the light of a criminal proceeding, and this is

a civil action brought in the Court of Common Pleas. In addition, under the Rules of Civil Procedure it is necessary for an expert to gather information he or she might need to properly assess Respondent's likelihood to commit sexually violent offenses in the future.

Based upon the foregoing,

IT IS HEREBY ORDERED that the motion to dismiss is denied.

IT IS FURTHER ORDERED that the Court will hold in abeyance any ruling as to whether Respondent should be held in contempt, in order to give him time to cooperate with Dr. Gottfried's evaluation.

IT IS FURTHER ORDERED that if Respondent fails to cooperate with that evaluation, and an affidavit to that effect is provided to the Court, Respondent will then be held in contempt and continue to be detained at the Darlington County Detention Center until such time as he purges himself of that contempt by cooperating with the evaluation.

IT IS FURTHER ORDERED that all relevant statutory time limits are tolled until Respondent cooperates with the evaluation.

AND IT IS SO ORDERED.

September 16, 2016
Darlington, South Carolina



ROGER E. HENDERSON
Circuit Court Judge
Fourth Judicial Circuit
Court of Common Pleas

FILED
2016 SEP 23 AM 11:56
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT.)
)
)
)
)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-16-00788

ORDER

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AUG 03 2018

SC Court of Appeals

Respondent Larry James Tyler moved for the dismissal of this Sexually Violent Predator matter, specifically objecting to the administration of a penile plethysmograph (hereafter, PPG) examination on him, or to set a date for a jury trial. The State filed a Return opposing the dismissal of this case, and countered for an Order requiring Respondent to be held in contempt for not cooperating in the evaluation for the purposes of determining whether or not he is a sexually violent predator, and for other relief relating to the statutory time limits relating to cases of this nature. A hearing was held September 8, 2016 in the Darlington County Court of Common Pleas. Respondent was personally present and represented by James K. Falk, Esquire, and the State by Senior Assistant Attorney General James G. Bogle, Jr.

After careful consideration of the record in this matter, and the arguments made by counsel, the Court ordered that (1) the motion to dismiss was denied; (2) the Court would hold in abeyance any ruling as to whether Respondent should be held in contempt, in order to give him time to cooperate with Dr. Gottfried's evaluation; and (3) that if Respondent failed to cooperate with that evaluation, and an affidavit to that effect was provided to the Court, Respondent would then be held in contempt and continue to be detained at the Darlington County Detention Center until such time as he purged himself of that contempt by cooperating with the evaluation.

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DARLINGTON COUNTY, SC

2016 NOV 17 PM 1:10
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DARLINGTON COUNTY, S.C.

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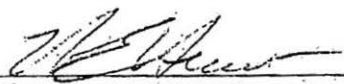
Such an Affidavit has been provided to the Court, and is attached hereto and incorporated herein. Accordingly,

IT IS HEREBY ORDERED that Respondent is held in contempt and shall continue to be detained at the Darlington County Detention Center until such time as he purges himself of that contempt by cooperating with the State's evaluation.

IT IS FURTHER ORDERED that all relevant statutory time limits are tolled until Respondent cooperates with the evaluation.

AND IT IS SO ORDERED.

October 31st, 2016
Darlington, South Carolina



ROGER E. HENDERSON
Circuit Court Judge
Fourth Judicial Circuit
Court of Common Pleas

STATE OF SOUTH CAROLINA
COUNTY OF DARLINGTON

In Re Care and Treatment of

Larry James Tyler,

Respondent,

) IN THE COURT OF COMMON PLEAS
) FOURTH JUDICIAL CIRCUIT

) Case No.: 2015-CP-16-0788

) ORDER

RECEIVED

AUG 03 2018

SC Court of Appeals

HEARING DATE:

July 13, 2018

PRESIDING JUDGE:

Roger E. Henderson

STATE'S ATTORNEY:

James G. Bogle, Jr.

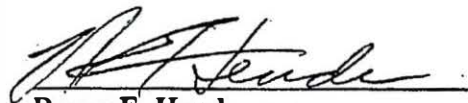
RESPONDENT'S ATTORNEY:

James K. Falk, Esquire

Having read and considered the Motion to Alter or Amend Judgement filed by the Respondent, after hearing argument of counsel for the State and Respondent, it is hereby

ORDERED that the Respondent Larry James Tyler's Motion to Alter or Amend Judgement in the case of In Re Care and Treatment of Larry James Tyler is respectfully denied.

AND, IT IS SO ORDERED.


Roger E. Henderson
Circuit Court Judge

Date: July 16, 2018
Chesterfield, South Carolina

RECEIVED

JUL 16 2018

CLERK OF COURT/R.M.C.

TRUE CERTIFIED COPY,



CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

SCOTT B. SUGGS
CLERK OF COURT/R.M.C.
DARLINGTON COUNTY, S.C.

2018 JUL 23 PM 12:52

FILED

STATE OF SOUTH CAROLINA

COUNTY OF DARLINGTON

IN THE MATTER OF THE CARE AND
TREATMENT OF LARRY JAMES TYLER

Plaintiff(s)

vs.

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2015-CP - 16-

15CP160788

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

SC Bar #: 755
Telephone #: 803-734-1173
Fax #: 803-734-6679
Other:
E-mail:

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

DOCKETING INFORMATION (Check all that apply)

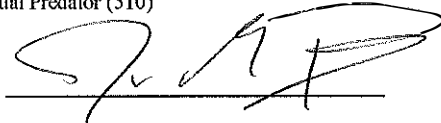
**If Action is Judgment/Settlement do not complete*

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

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ Employment (120) ☐ General (130) ☐ Breach of Contract (140) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 ____ -CP- ____ - ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Assault/Slander/Libel (300) ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☐ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999)
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☒ Sexual Predator (510)		

Submitting Party Signature:



Date: 10/13/2015

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCF, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

MANDATED ADR COUNTIES OF

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

IN THE MATTER OF THE CARE)
AND TREATMENT OF:)

CIVIL ACTION NO. 2014-CP-16-_____

LARRY JAMES TYLER,)
RESPONDENT.)
_____)

PETITION PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR
ACT

15CP160788

COMES NOW, Petitioner, State of South Carolina, by and through the undersigned, and for its cause of action herein alleges and states as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* (hereafter, the Act).
2. The South Carolina Department of Corrections (hereafter, SCDC), having determined that Respondent, Larry James Tyler (hereafter, Respondent), had been convicted of at least one Sexually Violent Offense, referred Respondent to the Multi-Disciplinary Team for assessment pursuant to S.C. Code Ann. Section 44-48-40. **Respondent's max out date is currently on or about May 15, 2016.** His Inmate No. is 354459, and he was born in 1953.
3. The Multi-Disciplinary Team (MDT) on August 27, 2015 determined after assessment that Respondent satisfied the definition of a Sexually Violent Predator as set forth in S.C. Code Ann. Section 44-48-30, and referred Respondent to the Prosecutor's Review Committee for a determination pursuant to S.C. Code Ann. Section 44-48-60 as to whether probable cause exists to believe Respondent is a Sexually Violent Predator (attached as **PETITIONER'S EXHIBIT A**). The assessment of the Multi-Disciplinary Team is based on a review of existing records, which may include, but are not limited to the following: description of the qualifying offense(s); history of other sexual assault(s); history of other criminal convictions or adjudications; documentation, if any, of mental disorder(s); community and institutional adjustment; and risk factors.
4. The Prosecutor's Review Committee (PRC) on September 24, 2015 determined that there is probable cause to believe that Respondent is a Sexually Violent Predator as defined by statute (**EXHIBIT B**). The Prosecutor's Review Committee bases its determination on the records and reports provided by the Multi-Disciplinary Team including any information provided by the agency that prosecuted the qualifying offense.
5. The Petitioner now alleges that Respondent is a Sexually Violent Predator

as defined by S.C. Code Ann. Section 44-48-30 (1), to wit:

QUALIFYING CONVICTIONS (EXHIBIT C):

- A. Types of Convictions: Sexual Exploitation of a Minor in the Second Degree, Criminal Solicitation of a Minor, Disseminating Harmful Material to a Minor, and Contributing to the Delinquency of a Minor.
- B. Date of Convictions: on or about February 27, 2013.
- C. Trial or Plea: guilty pleas in Darlington County.
- D. Sentences Received: Sexual Exploitation (8 years), Criminal Solicitation of a Minor (8 years), Disseminating Harmful Material to a Minor (8 years), and Contributing to Delinquency of Minor (3 years). Sentences to run concurrent.
- E. Original Charges: Sexual Exploitation of Minor (39 counts).¹
- F. Brief Facts:

Victim 1: 10-year-old Female (family friend):

On or about September 24, 2011, Victim 1's mother reported to authorities that Respondent, a family friend, had given Victim 1 a cell phone, which contained nude pictures of himself and sexual text messages to Victim 1.

Based on information provided by Victim 1's mother, law enforcement opened an investigation, and questioned Respondent about the allegations after he was arrested for a driving with a suspended license charge. Respondent stated that he was "infatuated" with Victim 1, or words to that effect, that the cell phone was old, and he had forgotten the pictures were still on it. But when asked about the messages, he stated he was expressing his feelings in writing.

Law enforcement conducted a video interview with Respondent, who admitted to having a computer at his residence, but denied using it for child pornography. A search of Respondent's residence revealed several types of computers, software, hardware, cell phones, pornographic photos of young girls, and multiple nude photos of Respondent.

A forensic investigator attempted to locate photos from the cell phone and Yahoo Email through the "LUST-TGP.NET" site. While that website states all persons were age 18 at the time of entry, there were highly questionable and disturbing images which would likely have very young children intermingled therein. The Secret Service was contacted to assist with completing the computer analysis. No information on the Secret Service computer analysis is available at this time.

¹ Most of the Sexual Exploitation of a Minor charges were *nolle pros'd* pursuant to a plea agreement, **EXHIBIT C**.

PRIOR CONVICTIONS OF A SEXUAL NATURE (EXHIBIT D):

- A. Type of Conviction: Indecency with a Child by Contact (Fondling).
- B. Date of Conviction: on or about December 3, 1993, in Travis County, Texas.
- C. Trial or Plea: guilty plea in Texas.
- D. Sentence Received: 10 Years
- E. Original Charge: Same.
- F. Max-Out Date: Unknown.
- G. Brief Facts:

Victim 2: 6-year-old Female:

On or about May 15, 1993, Victim 2's mother, and owner of the home where Victim 2 had spent the night when the incident had occurred, reported to law enforcement that Respondent had sexually assaulted Victim 2.

Victim 2 had been spending the night with a friend, at the friend's cousin's house. Respondent was housemate to the cousin. When Victim 2's mother heard sounds, she went to investigate. She looked down on the floor and saw Respondent next to Victim 2 under a blanket. Respondent got up and ran to his room when the woman turned on the light. The woman then questioned the girls, and Victim 2 reported that Respondent had kissed her and "touched me on my private," or words to that effect. Victim 2 also disclosed that Respondent had penetrated her vaginal area with his fingers.

And:

- A. Type of Offense: Failure to Register as Sexual Offender.
- B. Date of Arrest: on or about November 29, 2007, Lee County, Florida.
- C. Sentence Received: Unknown (NCIC Report stated Respondent arrived at Florida State Department of Corrections Reception Center on or about June 5, 2008).
- D. Brief Facts: Unknown.

OTHER OFFENSES AND CONVICTIONS, PER NCIC REPORT:

A. Type of Conviction	DUI 1 st Offense
B. Date of Conviction	11/30/2010
C. Sentence Received:	\$500 fine
D. Brief Facts:	Unknown
A. Type of Conviction	Driving Under Suspension
B. Date of Conviction	08/16/2012
C. Sentence Received:	Unknown
D. Brief Facts:	Unknown.

Respondent's full NCIC Report is available to the Court as a sealed Exhibit at a Probable Cause hearing, if necessary, and will be provided to his attorney and the court-appointed evaluator.

SCDC RECORDS: Three disciplinary convictions (**EXHIBIT E**) for

- Stealing,
- Threatening to inflict harm, and
- Use/Possession of Tattoo Paraphalia.

SEX OFFENDER TREATMENT WHILE AT SCDC:

None on file (**EXHIBIT F**).

GENERAL NOTES:

Risk factors common to cases of this nature include, but are not limited to:
(1) Not related to victim, (2) stranger to victim, (3) prior non-sexual convictions,
(4) prior sexual convictions, (5) offender under supervision when offense occurred,
(6) more than one victim, and (7) victim age eleven or younger.

(a) Sufficient evidence exists or will exist to determine that Respondent suffers from a mental abnormality or personality disorder which makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, and that the Respondent has serious difficulty in controlling his behavior, or sexual desire impulses.

(b) In support of the State's allegations that the Respondent has a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, the State, in addition to any other evidence which Petitioner may present to the Court hereafter, submits the following for consideration:

i. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Pedophilic Disorder** are:

A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13

years or younger).

B. The person has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.

C. The person is at least age 16 years and at least 5 years older than the child or children in Criterion A. **(EXHIBIT G).**

ii. According to the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, the diagnostic criteria for **Paraphilic Disorder** are:

A. Any intense and persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners **(EXHIBIT H).**

ii. “[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 2013 convictions for Sexual Exploitation of a Minor in the Second Degree, Criminal Solicitation of a Minor, Disseminating Harmful Material to a Minor, and Contributing to the Delinquency of a Minor **(EXHIBIT C, *supra*).**

B. The basis of his 1993 Texas conviction for Indecency with a Child by Contact (Fondling) **(EXHIBIT D).**

C. The basis of his 2008 conviction for Failure to Register as a Sex Offender in Florida..

D. The basis of his disciplinary convictions while incarcerated at SCDC **(EXHIBIT E).**

E. The basis of his lack of sex offender treatment while at SCDC **(EXHIBIT F).**

iii. The facts of the Respondent’s offenses indicate the existence

of a mental abnormality in that they could involve recurrent sexual urges, or behaviors involving an underage child occurring over a period of at least six months.

WHEREFORE, Petitioner requests that based on the above information the Court find there is probable cause to believe Respondent Larry James Tyler is a Sexually Violent Predator and order:

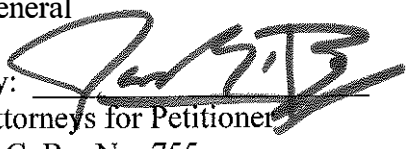
1. Respondent be taken into custody and confined in a secure facility, if he has not already been so confined;
2. Respondent be notified by the Court of the opportunity to appear in person at a hearing to contest probable cause as to whether he is a Sexually Violent Predator;
3. A hearing to contest probable cause be held within 72 hours after Respondent is taken into custody, but only if he is not already in custody;
4. Counsel be appointed for Respondent if necessary;
5. If probable cause is found at that hearing, that Respondent remain in custody and be transferred to an appropriate facility for an evaluation as to whether Respondent is a Sexually Violent Predator;
6. The Court appoint a qualified expert for such an evaluation if probable cause is found;
7. If probable cause is found a trial be held on all issues, and if Respondent is found to be a Sexually Violent Predator that he be committed to the custody of the South Carolina Department of Mental Health for long term control, care, and treatment, until such time as Respondent's mental abnormality or personality disorder has so changed that Respondent is safe to be at large and has been released pursuant to the requirements of S.C. Code Ann. Sections 44-48-10 *et seq.*, and
8. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

ALAN WILSON
Attorney General

(Signature continued on following page)

JAMES G. BOGLE, JR.
Senior Assistant Attorney
General

By: 
Attorneys for Petitioner

S. C. Bar No. 755
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
V: 803.734-1173
F: 803.734-6679
A.G. File No. 20155802
jbogle@scag.gov

October 12, 2015
Columbia, South Carolina

FILED
2015 OCT 15 AM 11:14
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

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

PETITIONER'S EXHIBIT

A

2015 OCT 15 AM 11:14
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

SEXUAL PREDATOR REFERRAL FORM

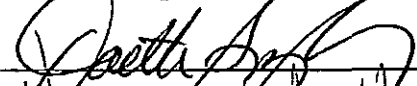
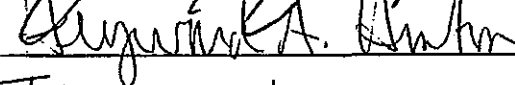
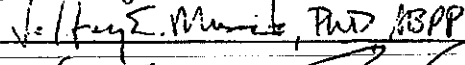
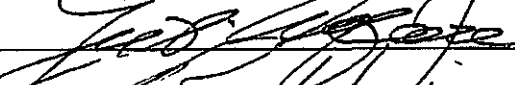
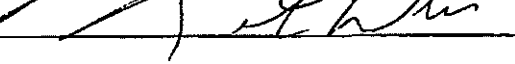
Offender Name: LARRY JAMES TYLER		Offender Number: 354459	Jurisdictional Agency: SCDC
Age: 62	County: DARLINGTON	Qualifying Offense(s): <u>Guilty Plea: _____ Trial: _____</u>	
Gender: Male	No. of Incarcerations: 5	Sexual Exploitation of Minor 2nd, Criminal Solicitation of a Minor, Disseminating Harmful Material & Contributing to the Delinquency of a	
Adult Sentence: 8 years	Parole Eligibility Date:	Max-Out Date: 05/15/2016	
Juvenile Guidelines:	Parole Release Date:	SFII 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
<u>4</u>	<u>1</u>	<u>0</u>

The following Sexual Predator Multi-Disciplinary Team Members participated in the review process:

	SCDC -- CHAIRPERSON
	SCDPPS
	DMH
	IDG
	ATTORNEY

MULTIDISCIPLINARY TEAM

The offender's records were assessed by the Multidisciplinary Team on August 27, 2015, and based upon that assessment, we find that:

- ☒ The offender satisfies the definition of a sexually violent predator and a review by the Prosecutor Review Committee is warranted.
- ☐ The offender does not satisfy the definition of a sexually violent predator and a review by the Prosecutor Review Committee is not warranted.

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

PETITIONER'S EXHIBIT

B

FILED
2015 OCT 15 AM 11:15
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

**PROSECUTOR'S REVIEW COMMITTEE
PROBABLE CAUSE DETERMINATION**

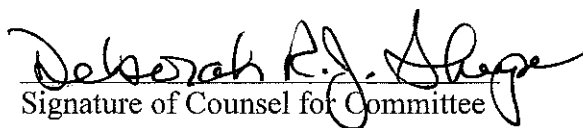
INMATE NAME:	INMATE NUMBER	PRC REVIEW DATE:
LARRY JAMES TYLER	354459	SEPTEMBER 24, 2015
		<u>MEMBERS PRESENT:</u> Barry Bernstein for Alan Wilson David M. Stumbo via telephone Beebe James via telephone

DATE RECEIVED FROM MULTIDISCIPLINARY TEAM: August 31, 2015

The Multi-Disciplinary Team referred this case to the Prosecutor's Review Committee pursuant to S.C. Code Ann. § 44-48-50, for review to determine whether probable cause exists to believe this person is a sexually violent predator. S.C. Code Ann. § 44-48-60. The Prosecutors Review Committee reviewed all information received from the Multi-Disciplinary Team, including without limitation: documentation of the qualifying offense as well as other sexual assault(s) or criminal convictions/adjudications; documentation of mental disorder(s); community and institutional adjustment; and risk factors.

PROBABLE CAUSE DETERMINATION:

By a vote of 3-0, the Prosecutor's Review Committee found probable cause to believe that this individual has been convicted of a sexually violent offense, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.


Signature of Counsel for Committee

PETITIONER'S EXHIBIT

C

FILED
2015 OCT 15 AM 11:15
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Darlington

VS.

Larry James Tyler

AKA:

Race: Black Sex: M Age: 60

DOB: 09-23-1953 SS#: 200000000

Address:

City, State, Zip:

DL#: 101478899 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Sex / Sexual exploitation of a minor, Second degree

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-16-0604

A/W#: DAR0938

Date of Offense: 7/1/2011

S.C. Code § : 16-15-0405(A)

CDR Code #: 0380

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

in violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Holt, John

77495 SC Bar#

Defendant

Attorney for Defendant

3192 SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 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 § 2-13-40 to be calculated and applied by the State Department of Corrections. 523 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP

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 week y/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Michelle Norton

Court Reporter:

Hattie Gordon

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

2048

2-27-13

No. 0337 P. 2

JUL 29, 2015 10:52 AM

WITNESSES	
Eric Hodges	
Darlington County Sheriff	
Line Enforcement Case #:	
493	
WAIVER OF PRESENTMENT	
After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.	
Defendant	
I hereby appear in my own proper person and plead guilty to the within indictment or to:	
Defendant	
ARREST WARRANT NUMBER DAR0938	
ARRESTED ON: Direct Presentment	
ACTION OF GRAND JURY	
Grand Jury Foreperson: <i>Scott B. Suggs</i>	
Date: FEB 01 2013	
VERDICT	
Petit Jury Foreperson:	
Date:	

DOCKET NUMBER: 2013-GS-16-0694
The State of South Carolina
County of Darlington
COURT OF GENERAL SESSIONS
Term: February 2013
THE STATE
vs.
Larry James Tyler
INDICTMENT FOR
Sex / Sexual exploitation of a minor, Second degree
§16-15-0405(A)
CDR Code: 0380
TRUE CERTIFIED COPY, <i>Scott B. Suggs</i> CLERK OF COURT/RMC DARLINGTON COUNTY, SC
William R. Rogers, Jr., Solicitor

INMATE RECORDS OFFICE

2015 JUL 29 AM 8:31

No. 0337-P.

JUL 29, 2015 10:52AM

INMATE RECORDS OFFICE
2015 JUL 29 AM 8:31

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON) INDICTMENT FOR
Sex / Sexual exploitation of a minor, Second degree
§16-15-0405(A)

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR, SECOND DEGREE

CDR: 0380 16-15-0405(D)

That Larry James Tyler did in Darlington County on or about July 1, 2011 to September 24, 2011, knowing the character or content of the material, did distribute, transport, exhibit, receive, sell, purchase, exchange, or solicit material that contains a visual representation of a minor engaged in sexual activity, or he did record, photograph, film, develop, duplicate, produce, or create digital electronic file material that contains a visual representation of a minor engaged in sexual activity, to include image number(s):

448595.jpg (Reshma WebSite); 549632_251Cmb4YQ; 25163mh4YO (Image file #2); weSYVY4N; weSYVY4N (Image 2); weSYVY4N_61_2205; #1-005.jpg; #2-006.jpg; #3-20.jpg; #4-21.jpg; #5-22.jpg; #6-23.jpg; #7-24.jpg; #8-25.jpg; #9-Copy-231.jpg; #12-47.jpg; #13-68.jpg; #14-82.jpg; #15-02.jpg; #16-03.jpg; #17-Charlie006.jpg; #18-cutie.jpg; #19-stella0012.jpg; #20-sugar.jpg; #21-sugar0013.jpg; #22-sugar0018.jpg; #26-032.jpg; #27-michael010.jpg; #28-underling0017.jpg; #29-underling0018.jpg; #30-michael007.jpg; #31-michael017.jpg; #32-michael0025.jpg; #33-michael0002.jpg; #34-michael003.jpg; #35-michael0017.jpg; #36-michael0028.jpg; #37-michael0016.jpg; #38-bucard0026.jpg; #39-michael0027.jpg; #40-michael0031.jpg; #11-41685285a.jpg; in violation of Section 16-15-0405, S. C. 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

TRUE CERTIFIED COPY,

Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Darlington

VS.

Larry James Tyler

AKA:

Race: Black Sex: M Age: 60

DOB: ~~01-02-1954~~ SS#: ~~011-92-8240~~

Address:

City, State, Zip:

DL#: 101478899 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Obscene / Criminal solitation of a minor

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-16-0603

A/W#: DAR0937

Date of Offense: 7/1/2011

S.C. Code § : 16-15-0342

CDR Code #: 3129

SENTENCE SHEET

☐ CONVICTED OF or ☐ PLEADS

in violation of § 16-15-0342 of the S.C. Code of Laws, bearing CDR Code # 3129

☒ 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's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTEST: *[Signature]*

Holt, John

SC Bar# 77445

Defendant

[Signature]

Attorney for Defendant

SC Bar# 3192

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 ~~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 a sessments as applicable*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 523 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)		\$3.90
TOTAL		\$133.90

PTUP days/hours Public Service EmploymentObtain 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 FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Michelle Martin

Court Reporter:

Hattie Gordon

SCCA/217 (03/2011)

Presiding Judge

Judge Code: 2098Sentence Date: 2-27-13

STATE OF SOUTH CAROLINA)
COUNTY OF DARLINGTON)
INDICTMENT FOR
Obscene / Criminal solicitation of a minor
§16-15-0342

INMATE RECORDS OFFICE
2015 JUL 29 AM 8:31

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

CRIMINAL SOLICITATION OF A MINOR

CDR: 3129 16-15-342(A)(B)

That Larry James Tyler, a person eighteen years of age or older, did in Darlington County, on or about July 1, 2011 to September 24, 2011, knowingly contact or communicate with or attempt to contact or communicate with ~~Jada McCallister~~, a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5), or with the intent to perform a sexual activity in the presence of that person, in violation of Section 16-15-342, S.C. Code of Laws, 1976, as amended.

TRUE COPY,
Scott B. Suggs
CLERK OF COURT/PMC
DARLINGTON COUNTY, SC

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


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Darlington
STATE VS.Larry James Tyler

AKA:

Race: Black Sex: M Age: 60DOB: 09-1953 SS#: 250-02-0000

Address:

City, State, Zip:

DL#: 101478899 SID#:*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Obscene / Disseminating harmful material or exhibiting harmful performance to minorsIn violation of § 16-15-0385(A)(B); 16-15-0 of the S.C. Code of Laws, bearing CDR Code # 0378☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the Stat.

ATTEST:

Holt, John77405
SC Bar#

Defendant

Attorney for Defendant3192
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 ~~days/months~~ years or ☐ under the Youthful Offender Act not to exceed 1 yearsand/or to pay a fine of \$ 100.00; provided that upon the service of 1 days/months/years and/or paymentof \$ 100.00; plus costs and assessments as applicable*; the balance is suspended with probation for 1

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. 523 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$ 100.00§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$ 25.00Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00§ 50-21-114 (BUI Breath Test Fee) \$50 \$ 50.00§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 40.00Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in instalments) \$ 3.90TOTAL \$ 133.90

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-16-0606A/W#: DAR0940Date of Offense: 7/1/2011S.C. Code § : 16-15-0385(A)(B); 16-15-0CDR Code #: 0378

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSThe charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the Stat.

ATTEST:

Holt, John77405
SC Bar#

Defendant

Attorney for Defendant3192
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 8 ~~days/months~~ years or ☐ under the Youthful Offender Act not to exceed 1 yearsand/or to pay a fine of \$ 100.00; provided that upon the service of 1 days/months/years and/or paymentof \$ 100.00; plus costs and assessments as applicable*; the balance is suspended with probation for 1

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. 523 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$ 100.00§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ 100.00§ 56-5-2995 (DUI Assessment) \$12 \$ 12.00§ 56-1-286 (DUI Breath Test) \$25 \$ 25.00Proviso 47.9 (Public Def/Prob) \$500 \$ 500.00§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00§ 14-1-213 (Drug Court Surcharge) \$150 \$ 150.00§ 50-21-114 (BUI Breath Test Fee) \$50 \$ 50.00§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ 40.00Proviso 90.5 (SCCA Surcharge) \$5 \$ 5.003% to County (if paid in instalments) \$ 3.90TOTAL \$ 133.90

PTUP

1 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. 1May serve W/E beginning 1Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive wks. y/monthly mts. of \$ 100.00 beginning 8/1/11\$ 100.00 paid to Public Defender FundOther: 1☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.Presiding Judge 2048Judge Code: 2048Sentence Date: 2-27-13

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Darlington

VS.

Larry James Tyler

AKA:

Race: Black Sex: M Age: 60

DOB: 01/19/53 SS#: 011-11-1111

Address:

City, State, Zip:

DL#: 101478899 SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Minor / Contributing to the delinquency of a minor

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-16-0605

A/W#: DAR0939

Date of Offense: 7/1/2011

S.C. Code §: 16-17-0490

CDR Code #: 0048

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS (CSC w/minor 1st or Lewd Act) ☐ § 17-25-45The charge is ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Holt, John

77495
SC Bar#

Defendant

Attorney for Defendant

3192
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 3 days/months/years or ☐ under the Youthful Offender Act not to exceed 1 years
and/or to pay a fine of \$ 100.00; provided that upon the service of 1 days/months/years and/or payment
of \$ 100.00; plus costs and assessments as applicable*; the balance is suspended with probation for 1months/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. 523 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
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§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP

1 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. 1May serve W/E beginning 1Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ 100.00 beginning 1\$ 100.00 paid to Public Defender FundOther: 1☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

INCIDENT REPORT
Darlington County Sheriff's Office

NCIC	
INO.	ENTD.

39

AGENCY I.D.
SC0160000

SUPPLEMENTAL INCIDENT REPORT
Darlington County Sheriff's Office

CASE NUMBER

201109-0597

NCIC

INO. ENTD.

☐ ORIGINAL REPORT	☐ SUPPLEMENTAL REPORT	☐ ADDITIONAL VICTIMS	☐ ADDITIONAL STOLEN PROPERTY	PAGE <u>2</u> of <u>9</u> PAGES
☐ MODIFIES ORIGINAL	☐ CASE STATUS CHANGE	☐ ADDITIONAL OFFENDERS	☐ ADDITIONAL RECOVERED PROPERTY	

VICT. SUBJ. I.D. OVERFLOW	☐ COMPLAINANT	NAME (LAST, FIRST, MIDDLE)		VICTIM RELATIONSHIP TO SUBJECT			RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
	☒ VICTIM # <u>2</u>	SOCIAL/ PUBLIC		#1	#2	#3	J	S	O	U		
	☐ SUBJECT #	HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.						
	☐ RUNAWAY	ADDRESS		CITY		STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE		
	☐ WANTED	VICTIM NO. <u>2</u> VISIBLE INJURY: ☐ NO ☐ YES		COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES		VICTIM USING ALCOHOL: ☐ NO ☐ YES		UNK		TWO-MAN VEHICLE		☐ DETECTIVE/PLASMT
	☐ WARRANT	EXPLAIN				DRUGS: ☐ NO ☐ YES		UNK		ONE-MAN VEHICLE		☐ OTHER
	☐ ARREST	SUBJECT NO. <u> </u> USING ALCOHOL: ☐ NO ☐ YES										☐ ASSISTED
	☐ JAIL	USING DRUGS: ☐ NO ☐ YES		TYPE:								☐ UNK
	☐ SUMMONS											
	☐ WITNESS											

ON IT AND WHEN JERRY (HODGES) TOLD HER GRANDMOTHER ABOUT THE PICTURES SHE TOLD HER TO GIVE THE PHONE BACK TO LARRY (TYLER). I THEN ASKED GEORGETTE BROWN OF SHE HAD THE CHARGER FOR THE PHONE AND SHE STATED THAT IT WAS AT TYQUAN'S HOUSE ALONG WITH THE BOX THAT THE PHONE CAME IN. GEORGETTE STATED THAT SHE WOULD GO AND GET THESE ITEMS FOR ME BECAUSE TYQUAN LIVED LESS THAT A BLOCK FROM WHERE WE WERE AT. GEORGETTE THEN WENT TO PICK UP THESE ITEMS AND WHEN SHE RETURNED SHE STATED THAT LARRY (TYLER) WAS AROUND THE CORNER IN HIS MOTHER'S VAN. I THEN WENT TO LOOK FOR LARRY (TYLER) AND OBSERVED THE VAN (2005 CHEVROLET SC TAG #FPE 522) THAT HE WAS DRIVING PULLING IN TO A RESIDENCE ON LUCAS STREET I THEN ACTIVATED MY BLUE LIGHTS TO INITIATE A TRAFFIC STOP ON LARRY TYLER. I THEN IDENTIFIED MYSELF AND ADVISED HIM THAT I NEEDED TO SPEAK WITH HIM CONCERNING MY

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY	JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH/GUN/VECT	STATUS	TYPE	VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.	
	☐ STOLEN	☒ VEHICLE	FPE 522		
	☐ RECOVERED	☐ OWN	SERIAL AND/OR OWNER APPLIED NO.	STATE SC	
	☐ FOUND	☐ BOAT	YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR
	☐ TOWED	☐ LICENSE PLATE	2006	MAKE	CHEVROLET
	☐ SUSPECT	☐ SECURITY/BOIDS, STOCKS	MODEL	STYLE	COLOR
	☐ VICTIM	☐ ARTICLE	LUMINA		
			NCNO.	DENOMINATION	ISSUER
					SECURITY DATE
			MISCELLANEOUS		

PROPERTY EST.	TYPE (GROUP)					TOTAL VALUE
	STOLEN					
	DAMAGED					
	BURNED					
	RECOVERED					
	SEIZED					
	COUNTERFEIT					

ADMINISTRATIVE	SUBJECT IDENTIFIED	SUBJECT LOCATED	☐ ACTIVE	☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
	☒ YES	☐ NO	☐ UNFOUNDED		☐ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
	REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM DECLINES COOPERATION 5. ☐ JUVENILE - NO CUSTODY					
	REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
	02098 - LT. ERIC A. HODGES	09/24/2011	02098	02098 - LT. ERIC A. HODGES	09/30/2011	

17914 - SGT. RUSSELL R. HARRELL			FOLLOWUP INVESTIGATION OFFICER		
			☒ YES ☐ NO 02098 - LT. ERICA. HODGES	09/24/2011	02098

AGENCY I.D.
SC0160000

SUPPLEMENTARY INCIDENT REPORT
Darlington County Sheriff's Office

CASE NUMBER

201109-0597

ICIG

INQ. ENTD.

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

PAGE 3 of 9 PAGES

NARRATIVE

INVESTIGATION. LARRY TYLER THEN PRESENTED ME WITH A FLORIDA DRIVER'S LICENSE AND WHEN I ASKED HIM ABOUT HIS SC DRIVER'S LICENSE, HE DENIED HAVING ONE. I THEN HAD DISPATCH DO A DRIVER'S LICENSE CHECK ON HIM FOR SOUTH CAROLINA. I WAS THEN NOTIFIED THAT LARRY TYLER HAD A SOUTH CAROLINA DRIVER'S LICENSE AND THAT IT WAS SUSPENDED. I ADVISED LARRY TYLER THAT I WAS GOING TO PLACE HIM UNDER ARREST FOR DRIVING UNDER SUSPENSION. I THEN ADVISED HIM OF HIS MIRANDA RIGHTS AND HE STATED THAT HE UNDERSTOOD HIS RIGHTS AND WOULD BE WILLING TO ANSWER SOME QUESTIONS. WHEN HE WAS QUESTIONED ABOUT THE CELL PHONE WITH THE DRAFT TEXT TO [REDACTED] (MCDANIEL) HE STATED THAT HE WAS INFATUATED WITH HER. LARRY TYLER STATED THAT THE PHONE WAS AN OLD PHONE AND HE HAD FORGOT THAT THE PICTURES WERE ON THE PHONE. WHEN ASKED ABOUT THE DRAFT TEXT, HE STATED THAT HE WAS EXPRESSING SOME INNER FEELINGS AND PUTTING THEM IN WRITING. LARRY TYLER WAS THEN ASKED IF HE HAD ANY PICTURES OF [REDACTED] (MCDANIEL), HE STATED THAT HE HAD SOME PICTURES OF HER THAT HE HAD PRINTED OFF OUT HIS COMPUTER WHERE HE HAD TAKEN THEM WITH HIS CELL PHONE. LARRY TYLER WAS THEN TRANSPORTED TO THE DARLINGTON COUNTY SHERIFF'S OFFICE BY DEPUTY M. SWARINGER. LARRY TYLER WAS THEN INTERVIEWD ON VIDEO BY SGT. CHASE MCDANIEL AND ME. PRIOR TO THE VIDEO INTERVIEW LARRY TYLER WAS AGAIN ADVISED OF HIS MIRANDA RIGHTS AND A DARLINGTON COUNTY SHERIFF'S OFFICE STATEMENT OF RIGHTS (MIRANDA WAIVER) FORM WAS COMPLETED AND SIGNED. A DARLINGTON COUNTY SHERIFF'S OFFICE INTRODUCTION OF VIDEO/AUDIO RECORDED STATEMENT FORM WAS ALSO COMPLETED AND LARRY TYLER STATED THAT HE DID NOT OBJECT TO THE INTERVIEW BEING VIDEO RECORDED. DURING THE VIDEO INTERVIEW LARRY TYLER ADMITTED TO HAVING A COMPUTER AT HIS RESIDENCE BUT DENIED OF USING IT FR CHILD PORNOGRAPHY. I ALSO ADVISED HIM THAT A SEARCH WARRANT WOULD BE OBTAINED FOR HIS RESIDENCE. *NOTE* SGT CHASE MCDANIEL, SGT LARRY STIVENDER, AND CRIME SCENE SGT RUSS HARRELL WOULD OBTAIN AND COMPLETE THE SEACH WARRANT TO ASSIST IN THIS INVESTIGATION. AFTER THE VIDEO INTERVIEW WAS COMPLETED LARRY TYLER WAS BOOKED INTO THE DARLINGTON COUNTY DETENTION CENTER. CITATION #85716EX (DRIVING UNDER SUSPENSION) WAS ISSUED TO LARRY TYLER. A WRRANT FOR DESEMINATING OBSCENE MATERIAL TO A MINOR WILL BE OBTAINED ON LARRY TYLER. UPON CHECKING LARRY TYLER CRIMINAL RECORD I DISCOVERED THAT HE IS A CONVICTED SEX OFFENDER AND HAD BEEN CONVICTED IN THE STATE OF TEXAS FOR INDECENCY WITH CHILD BY CONTACT.

I LATER SPOKE WITH DORIS BROWN, LARRY'S GRANDMOTHER WHO STATED THAT THIS INCIDENT WITH THE PHONE OCCURRED SOMETIME BETWEEN JULY AND AUGUST OF 2011 WHILE SHE WAS VISTING LARRY'S (TYLER) MOTHER. DORIS STATED THAT LARRY GAVE [REDACTED] A PHONE THAT HE SAID HE WASN'T USING ANYMORE. DORIS BROWN STATED THAT [REDACTED] LATER TOLD HER THAT THE PHONE HAD NAKED PICTURES ON IT. DORIS BROWN STATED WHEN [REDACTED] TOLD HER THIS SHE TOLD HER TO GIVE THE PHONE BACK TO HER.

ADMINISTRATIVE

SUBJECT IDENTIFIED ☒ YES ☐ NO		SUBJECT LOCATED ☒ YES ☐ NO		☐ ACTIVE ☐ ADM. CLOSED	☐ ARRESTED UNDER 18	☐ EX-CLEAR UNDER 18
				☐ UNFOUNDED	☒ ARRESTED 18 AND OVER	☐ EX-CLEAR 18 AND OVER
REASON FOR EXCEPTIONAL CLEARANCE: 1. ☐ OFFENDER DEATH 2. ☐ NO PROSECUTION 3. ☐ EXTRADITION DENIED 4. ☐ VICTIM/OCCASION COOPERATION 5. ☐ JUVENILE, NO CUSTODY						
REPORTING OFFICER(S)		DATE	UNIT NUMBER	APPROVING OFFICER		DATE
02098 - LT. ERICA A. HODGES		09/24/2011	02098	02098 - LT. ERICA A. HODGES		09/30/2011
17914 - SGT. RUSSELL R. HARRELL				FOLLOWUP INVESTIGATION OFFICER ☒ YES ☐ NO 02098 - LT. ERICA A. HODGES		09/24/2011
						02098

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE
SC0160000 Darlington County Sheriff's Office

CASE NUMBER

201109-0597

NCIC

INQ. ENTO.

SUPP#	INCIDENT DATE	INCIDENT TIME	CASE STATUS	PAGE	OF	PAGES
1	07/01/2011	0:01	A - Active	1	4	

SUPPLEMENT TYPE	SUPPLEMENT DATE	SUPPLEMENT TIME	SUPPLEMENTING OFFICER
CRIME SCENE/EVIDENCE COLLECTION/PHOTOS	09/26/2011	10:33	17914 - SGT. RUSSELL R. HARRELL

NARRATIVE	ON THE 24TH OF SEPTEMBER 2011, I WAS NOTIFIED BY LT. ERIC HODGES OF A CHILD DISSEMINATION CASE WHERE A SEARCH WARRANT HAD BEEN OBTAINED FOR DIGITAL EVIDENCE AND OTHER ITEMS. SGT. CHASE MCDANIEL, SGT. LARRY STIVENDER, AND I WENT TO THE LISTED RESIDENCE OF SUSPECT LARRY TYLER AT 1220 PINE FOREST LANE IN THE DARLINGTON AREA OF DARLINGTON COUNTY. UPON MY ARRIVAL AND EXECUTION OF THE SEARCH WARRANT I BEGAN TO TAKE PHOTOS OF THE EXTERIOR OF THE RESIDENCE. WE MET THE SUSPECT'S MOTHER, E. [REDACTED] WHO ALLOWED US INTO THE RESIDENCE FOR THE SEARCH WARRANT. I TOOK PHOTOS OF THE AREA LEADING TO THE SUSPECTS ROOM AND THE OVERALL AREA OF THE ROOM WHERE HE LIVED. I OBSERVED A COMPUTER PRESENT IN THE ROOM. THE COMPUTER WAS POWERED OFF AT THE TIME. I DID NOTICE THE PANEL SCREW ON THE COMPUTER TOWER CASING SEEMED TO BE LOOSE AND BACKED OUT PARTIALLY, AS IF IT HAD BEEN REMOVED. I DID OPEN THE CASING TO LOOK FOR THE PRESENCE OF A HARD DRIVE. THERE WAS A 500GB HARD DRIVE THAT WAS PRESENT IN THE MACHINE WHICH MATCHED THE SIZE ON THE VARIOUS PAPERWORK THAT WAS FOUND IN THE ROOM, TO INCLUDE THE COMPUTER BOX. I DISCONNECTED THE COMPUTER AND PHOTOGRAPHED THE BACK TO SHOW THE ITEMS THAT WERE HOOKED UP TO IT. I LOCATED A STACK OF DVD-R DISCS ON THE COMPUTER DESK.
	SGT. MCDANIEL SEARCHED THE CLOSET AREA AND LOCATED VARIOUS COMPUTER PARTS TO INCLUDE THREE HARD DRIVES, ASSORTED CELL PHONES, ROUTERS, AND OTHER PHONE/COMPUTER CONNECTIVITY WIRES. ON THE FLOOR OF THE CLOSET WAS A PAIR OF BLUE BAKINI BRIEFS THAT APPEARED TO BE SIMILAR TO THE DESCRIBED ONES THE SUSPECT WAS WEARING ON A PHONE LT. HODGES HAD OBTAINED FROM THE VICTIM, WHERE CONSENT WAS GIVEN TO SEARCH THROUGH IT.
	SGT. STIVENDER SEARCHED THE WORK DESK AREA AND LOCATED VARIOUS RECEIPTS, LEGAL DOCUMENTS, MONEY GRAMS TO FOREIGN COUNTRIES, LETTERS, ARTWORK, U.S. PASSPORT, DAY PLANNER WITH PASSWORDS AND ACCOUNT NUMBERS, AND OTHER PAPERS. I ASKED MS. WITHERSPOON ABOUT THE PASSPORT AND SHE STATED TO ME THAT "LARRY" WAS PLANNING A TRIP TO AFRICA SOON. PAPERS WERE FOUND WITH NIGERIAN CORRESPONDENCE VIA EMAIL AND GOOGLE MAPS/INFORMATION ABOUT THE COUNTRY. OTHER COUNTRIES WERE RESEARCHED, ALSO.
	THE FOLLOWING ITEMS WERE COLLECTED FROM THE RESIDENCE:
	FROM THE LARGE DESK AREA IN THE SUSPECT'S BEDROOM:
	1. ONE (1) COPY PAPER BOX WITH BLUE FOLDERS AND ASSORTED LOOSE PAPERWORK, DRAWINGS, LETTERS, RECEIPTS, FLYERS, AND PHOTOS
	2. ONE (1) 3D REACH WIRELESS USB CARD S/N F082A902F0LJ2773
	3. SEVEN (7) ASSORTED DRAWINGS
	4. NEW WORLD BIBLE
	5. PACK OF 35MM NEGATIVES AND ONE (1) PHOTO
6. ONE (1) SEX ARTICLE CLIPPING	
7. ONE (1) BLUE "CHEER" FOLDER WITH PICTURES AND ASSORTED PAPERS/MONEY GRAMS	
8. ONE (1) U.S. PASSPORT	
9. PRINTED INTERNET MAPS, WEBCAM PHOTOS OF SUSPECT, AND OTHER RELATED INFORMATION ABOUT FOREIGN COUNTRIES	
10. 2010 DAY PLANNER WITH PASSWORDS AND ACCOUNT NUMBERS	
FROM THE COMPUTER DESK AREA OF THE SUSPECT'S BEDROOM	

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE
SC0160000 Darlington County Sheriff's Office

CASE NUMBER

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SUPP# 1	INCIDENT DATE 07/01/2011	INCIDENT TIME 0:01	CASE STATUS A - Active	PAGE 2	of 4	PAGES

SUPPLEMENT TYPE CRIME SCENE/EVIDENCE COLLECTION/PHOTOS	SUPPLEMENT DATE 09/26/2011	SUPPLEMENT TIME 10:33	SUPPLEMENTING OFFICER 17914 - SGT. RUSSELL R. HARRELL

1. STACK OF NUMEROUS HANDWRITTEN NOTES ON NOTEBOOK PAPER

2. STACK OF SEMI PRINTED COPY PAPER

3. TWO (2) JBL COMPUTER SPEAKERS

4. NUMEROUS COMPUTER CD'S ON A SPINDLE

5. COMPAQ MOUSE

6. COMPAQ CQ5000 TOWER SN#3CR0310BW0

FROM THE CLOSET AREA OF THE SUSPECT'S BEDROOM

1. ONE (1) PAIR OF BLUE BAKINI UNDERWEAR

2. ONE (1) WESTERN DIGITAL WD PROTÉGÉ HARD DRIVE SN#WMA711733605

3. ONE (1) SEAGATE HARD DRIVE SN#VH709550

4. ONE (1) MAXTOR MODEL 33073H3 HARD DRIVE SN#L3H6ETVC

5. ONE (1) AT&T CISCO 3G MICROCELL ROUTER SN#445829-00026666045 WITH ETHERNET CORD AND POWER CORD

6. ONE (1) BLACK PLASTIC TRAY WITH CONNECTION CORDS

7. ONE (1) AT&T ROUTER SN#341019012510

8. ONE (1) AT&T ROUTER SN#34119024567

9. ONE (1) SILVER MOTOROLA AT&T CELL PHONE

10. ONE (1) GREY MOTOROLA CELL PHONE MSN:G296JC52K7

11. ONE (1) RED KYOCERA DOMINO METRO PCS CELL PHONE K33BIC-06

NARRATIVE

I CONDUCTED A SEARCH OF THE EXTERIOR OF THE RESIDENCE AND LOCATED A COMPUTER IN A STORAGE BOX OUTSIDE IN THE REAR OF THE RESIDENCE. THIS COMPUTER WAS FAIRLY DATED AND THE HARD DRIVE WAS REMOVED.

SGT. CHASE MCDANIEL OBTAINED A CONSENT TO SEARCH OF THE VEHICLE THAT SUSPECT TYLER WAS DRIVING WHEN HE WAS STOPPED FOR A TRAFFIC VIOLATION BY DEPUTY SWARINGER. THE VEHICLE IS REGISTERED TO MS. WITHERSPOON. GT. CHASE MCDANIEL, SGT. LARRY STIVENDER, AND I WENT TO LUCAS ST. IN DARLINGTON AND MET WITH THE OWNER OF AA TOWING WHO OBTAINED A KEY FOR US. I LOCATED AND COLLECTED THE FOLLOWING ITEMS FROM THE SIVER DODGE CARAVAN, TAG NUMBER SC FPE 522:

AT&T MOTOROLA BLUR MSN:K46ENY2B9W WITH SD CARD FROM A BASKET IN THE CENTER OF THE FRONT SEATS

AT&T NOKIA MODEL 6350-1B KRU:65057 FROM A BASKET IN THE CENTER OF THE FRONT SEATS

ROLL OF CAMERA FILM FROM A BLACK CAMERA BAG

RED SPIRAL NOTEBOOK WITH ACCOUNT NUMBERS FROM THE BACK SEAT

OLYMPUS 35mm CAMERA SN#1253183 WITH FILM IN IT

ROLL OF 35mm FILM

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE
SC0160000 Darlington County Sheriff's Office

CASE NUMBER

201109-0597

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SUPP # 1	INCIDENT DATE 07/01/2011	INCIDENT TIME 0:01	CASE STATUS A - Active	PAGE <u>3</u> of <u>4</u> PAGES

SUPPLEMENT TYPE CRIME SCENE/EVIDENCE COLLECTION/PHOTOS	SUPPLEMENT DATE 09/26/2011	SUPPLEMENT TIME 10:33	SUPPLEMENTING OFFICER 17914 - SGT. RUSSELL R. HARRELL

I WAS LIMITED IN THE NUMBER OF PHOTOS TAKEN AT THE VEHICLE BY HEAVY RAIN AND HIGH HUMIDITY. THE COMBINATION WAS CAUSING SOMEWHAT DISTORTED PHOTOS.

ON THE 25TH OF SEPTEMBER 2011, SGT. CHASE MCDANIEL, SGT. LARRY STIVENDER, AND I REVIEWED AND INVENTORIED THE EVIDENCE THAT WAS COLLECTED IN THIS CASE. IT WAS DISCOVERED THAT LARGE SUMS OF MONEY WERE OWED TO THE DEPARTMENT OF EDUCATION FOR STUDENT LOANS WHICH CONFLICTED WITH A RECENT RESUME OF THE SUSPECT. IT WAS ALSO DISCOVERED THAT A JOINT ACCOUNT WITH THE SUSPECT AND MS. ~~WENDY~~ WAS OVER SIX THOUSAND DOLLARS IN THE NEGATIVE. A CHECK COPY WAS LOCATED, DRAWN ON THAT ACCOUNT AS COUNTERFEIT, AND THEN MONEY WAS SENT TO NIGERIA VIA MONEY GRAM. OTHER COUNTIRES WERE RESEARCHED AND TRANSFERS WERE MADE. A SEARCH WARRANT VIA YAHOO WILL BE COMPLETED BY THIS DEPUTY TO CHECK FOR CHILD CONTACTS AND POTENTIAL WIRE FRAUD INFORMATION.

ON THE 26TH OF SEPTEMBER 2011, I CONTACTED SAIC JAMES RAMICONE OF THE SECRET SERVICE IN COLUMBIA. I PROVIDED INFORMATION ABOUT MY FINDINGS AND REQUESTED THEY TAKE POSSESSION OF ALL DIGITAL DEVICES (COMPUTER, HARD DRIVES, AND CELL PHONES) FOR ANALYSIS. THIS CASE, IF INFORMATION IS FOUND, MAY BE ADOPTED. I WAS ASSIGNED AGENT MCCLURE WHO WILL CONTACT ME ABOUT THIS CASE.

ON THE 29TH OF SEPTEMBER 2011, I COMPLETED TWO SEPARATE SEARCH WARRANTS. ONE SEARCH WARRANT WAS FOR ALL THE DIGITAL DEVICES, TO INCLUDE CELL PHONES THAT WERE OBTAINED. THE SECOND SEARCH WARRANT WAS FOR THE SUSPECT'S EMAIL ACCOUNT THROUGH YAHOO!. ALSO INCLUDED WAS THE ABILITY TO SEARCH WEBSITES THAT WERE LOGGED IN WITH PASSWORDS BY THE SUSPECT IN HIS DAY PLANNER THAT WAS OBTAINED BY THE INITIAL SEARCH WARRANT.

ON THE 30TH OF SEPTEMBER 2011, I CONDUCTED SEARCHES OF THE FOLLOWING LISTED WEBSITES ON MY DEPARTMENTAL LAPTOP. NOTABLY, ALL ARE PAID ADULT CONTACT SITES:

MATE1.COM @1335
MATCH.COM @1340
PHOTOBUCKET@1345
CHINALUV.COM@1350
ZOOST.COM@1352
HOTMAIL@1355
PASSION.COM@1357
ASIANKISSES.DE@1401

ALL SITES EXCEPT "ASIANKISSES" HAD NO COMPLETED ACTIVITY, FAILED DOMAIN, OR PHOTOS. ASIANKISSES.DE HAD CONTACT WITH ONE FEMALE WHO CLAIMED TO BE ADULT AND IN THE PHILLIPINES.

ON THE 5TH OF OCTOBER 2011, I MET WITH SGT. SHAWN TUNSTALL. SGT. TUNSTALL COMPLETED THE ANALYSIS OF FOUR CELL PHONES: A BLACK MOTOROLA WX445, A BLACK MOTO MB508, A RED MOTO VE440 (SUSPECT'S CLOSET), AND A RED NOKIA BLINK (VICTIM).

ON THE 17TH OF OCTOBER 2011, I RECEIVED A DISC FROM YAHOO WITH SUSPECT TYLER'S EMAIL. I CONDUCTED

NARRATIVE

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE
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CASENUMBER

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SUPP#	INCIDENT DATE	INCIDENT TIME	CASE STATUS	PAGE	of	PAGES
1	07/01/2011	0:01	A - Active	4	4	4

SUPPLEMENT TYPE	SUPPLEMENT DATE	SUPPLEMENT TIME	SUPPLEMENTARY OFFICER
CRIME SCENE/EVIDENCE COLLECTION/PHOTOS	09/26/2011	10:33	17914 - SGT. RUSSELL R. HARRELL

A SEARCH OF THE CONTENTS AND FOUND SOME QUESTIONABLE PORNOGRAPHIC PHOTOS OF YOUNG GIRLS. THERE WAS AN EMBEDDED WEBSITE IN THE PHOTOS OF "LUST-TGP.NET". SUSPECT TYLER HAD MULTIPLE NUDE PHOTOS OF HIMSELF THAT HAD BEEN SENT TO VARIOUS RECIPIENTS. I LOCATED A FOLDER WITH THE NAME "JADA" THIS FOLDER HAD TWO PHOTOS THAT SUSPECT TYLER HAD TAKEN. I ATTEMPTED TO GAIN A GPS COORDINATE ON THE PHOTOS. HOWEVER, THE TRANSFER POSSIBLY STRIPPED THE GPS DATA AND I WAS UNSUCCESSFUL.

ON THE 18TH OF OCTOBER 2011, I CONTACTED LT. HODGES AND HAD HIM PRESENT DURING THIS PART OF MY INVESTIGATION. I SEARCHED THE JPG FILE NUMBERS THROUGH GOOGLE AND LOCATED FOUR OF THEM. THEY WERE PRIMARILY FROM A LINKED TORRENT SITE OR A RUSSIAN BASED WEBSITE. WITH LT. HODGES PRESENT I WENT TO "LUST-TGP.NET" TO ATTEMPT TO LOCATE THE PHOTO FROM THE SUSPECT'S PHONE AND OTHERS FROM HIS YAHOO! EMAIL ON MY DEPARTMENTAL COMPUTER. THE SITE STATES ALL PERSONS ARE AGE 18 AT THE TIME OF ENTRY. HOWEVER, THERE IS NO VERIFICATION FROM THE UNITED STATES FOR THIS MATTER. THERE IS USUALLY A U.S. SECTION CODE OR WEBMASTER VERIFICATION OF SOME TYPE. THERE WERE APPARENT ADULTS PRESENT ON THIS ENTRY PAGE. HOWEVER, THERE WERE HIGHLY QUESTIONABLE IMAGES THAT WOULD BE MORE THAN LIKELY CHILDREN INTERMINGLED WITHIN. THE SITE HAS A "NEXT PAGE" LINK. THIS LINK TAKES THE INDIVIDUAL TO A DIFFERENT SITE EACH TIME. BOTH TIMES THERE WERE IMAGES THAT WERE DISURBING AND MOST LIKELY NOT 18 YEARS OF AGE. I CONTACTED SA MCCLURE OF THE SECRET SERVICE TO MAKE ARRANGEMENTS TO ASSIST WITH COMPLETING THE COMPUTER ANALYSIS IN COLUMBIA. THIS WILL BE COMPLETED WITHIN A WEEK OR SO.

NARRATIVE

AGENCY I.D. SUPPLEMENTARY INCIDENT REPORT NARRATIVE
 SC0160000 Darlington County Sheriff's Office

CASE NUMBER
 201109-0597

HCIC
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SUPP# 5	INCIDENT DATE 07/01/2011	INCIDENT TIME 0:01	CASE STATUS CA - Closed by Arrest	PAGE <u>1</u> of <u>1</u> PAGES

SUPPLEMENT TYPE FOLLOW UP	SUPPLEMENT DATE 01/24/2012	SUPPLEMENT TIME 8:19	SUPPLEMENTING OFFICER 02096 - LT. ERIC A. HODGES

ON JANUARY 24, 2012 I (LT E A HODGES) PLACED A COPY OF LARRY JAMES TYLER'S VIDEO STATEMENT INTO EVIDENCE.

NARRATIVE



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The State of South Carolina VS Larry James Tyler					
Case Number:	M820128	Court Agency:	General Sessions	Filed Date:	09/29/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	09/28/2011	Arrest Date:	09/26/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600473	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	3131-Obscene / Disseminating obscene material to a minor 12 Y or younger	3131-Obscene / Disseminating obscene material to a minor 12 Y or younger		02/27/2013		

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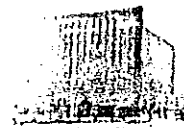
The State of South Carolina VS Larry James Tyler					
Case Number:	MB26291	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600474	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826292	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600475	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds				
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013

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Case Number:	M826293	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600476	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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Case Number:	M826294	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0253	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600477	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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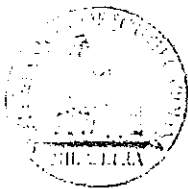
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The State of South Carolina VS Larry James Tyler					
Case Number:	M826295	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0253	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600478	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826296	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0253	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600479	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826297	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0253	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600480	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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Case Number:	M826298	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600481	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826299	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600482	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826300	Court Agency:	General Sessions	Filed Date:	11/19/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600483	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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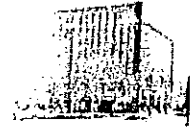
The State of South Carolina VS Larry James Tyler					
Case Number:	M826301	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600484	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826302	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clark Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600485	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013			

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The State of South Carolina VS Larry James Tyler

Case Number:	M826303	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600486	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	MB26304	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600487	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826305	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600488	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor; Second degree	0380-Sex / Sexual exploitation of a minor; Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826306	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600489	Waiver Date:	
Probation Case:					

Case Parties				Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description		Original Charge Code - Original Charge		Disposition Date				
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree		0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013				

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826307	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600490	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	MB26308	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600491	Waiver Date:	
Probation Case:					

Case Parties				Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description		Original Charge Code - Original Charge		Disposition Date				
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree		0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013				

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826309	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600492	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826310	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600493	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second-degree	0380-Sex / Sexual exploitation of a minor, Second-degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826311	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600494	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826312	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600495	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler

Case Number:	M826313	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600496	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826314	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600497	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826315	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600498	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler

Case Number:	M826316	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600499	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler

Case Number:	M826317	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600500	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826318	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600501	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826319	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600502	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826320	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600503	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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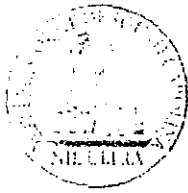
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The State of South Carolina VS Larry James Tyler					
Case Number:	M826321	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600504	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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Case Number:	M826322	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600505	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date			
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013			

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Switch View

The State of South Carolina VS Larry James Tyler					
Case Number:	M826323	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600506	Waiver Date:	
Probation Case:					

Case Parties				Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description		Original Charge Code - Original Charge		Disposition Date				
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree		0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013				

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Switch View |

The State of South Carolina VS Larry James Tyler					
Case Number:	M826324	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600507	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler

Case Number:	M826325	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600508	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826326	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600509	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826327	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600510	Waiver Date:	
Probation Case:					

Case Parties	Charges	Sentencing	Associated Cases	Actions	Financials	Bonds
Name	Charge Code - Charge Description	Original Charge Code - Original Charge		Disposition Date		
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree		02/27/2013		

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The State of South Carolina VS Larry James Tyler

Case Number:	M826328	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
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Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600511	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds

Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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The State of South Carolina VS Larry James Tyler					
Case Number:	M826329	Court Agency:	General Sessions	Filed Date:	11/18/2011
Case Type:	Criminal-Clerk	Case Sub Type:			
Status:	Disposed	Assigned Judge:	Clerk Of Court C P, G S, And Family Court	Disposition Judge:	Solicitor
Disposition:	Nolle Prosequi				
Disposition Date:	02/27/2013	Date Received:	11/16/2011	Arrest Date:	11/10/2011
Law Enf. Case:	201109-0597	True Bill Date:		No Bill Date:	
Prosecutor Case:		Indictment Number:	2012GS1600512	Waiver Date:	
Probation Case:					

Case Parties Charges Sentencing Associated Cases Actions Financials Bonds			
Name	Charge Code - Charge Description	Original Charge Code - Original Charge	Disposition Date
Tyler, Larry James	0380-Sex / Sexual exploitation of a minor, Second degree	0380-Sex / Sexual exploitation of a minor, Second degree	02/27/2013

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PETITIONER'S EXHIBIT

D

FILED
2015 OCT 15 AM 11:16
SCOTT B. SUGGS
CLERK OF COURT/R.D.
DARLINGTON COUNTY, S.C.

IN THE 167 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0934509

THE STATE OF TEXAS VS. LARRY TYLER

JUDGMENT ON PLEA OF GUILTY BEFORE COURT
WAIVER OF JURY TRIALJUDGE
PRESIDING: MIKE LYNCHDATE OF
JUDGMENT: DECEMBER 3, 1993ATTORNEY FOR STATE:
FRANK BRYANATTORNEY(S) FOR DEFENDANT:
ALLAN BENNETT

OFFENSE FOR WHICH CONVICTED:

INDECENCY WITH A CHILD BY CONTACT

DEGREE: SECOND

DATE OFFENSE
COMMITTED: MAY 15, 1993

CHARGING INSTRUMENT: INDICTMENT

PLEA: GUILTY

TERMS OF PLEA BARGAIN:

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

PLEA TO ENHANCEMENT PARAGRAPHS: NONE.

FINDINGS ON ENHANCEMENT: NONE.

FINDINGS ON USE OF A DEADLY WEAPON: NONE.

DATE SENTENCE IMPOSED: DECEMBER 3, 1993

COSTS: 122.50

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

DATE SENTENCE TO COMMENCE: DECEMBER 3, 1993

TIME CREDITED: FROM JUNE 12, 1993 TO DECEMBER 3, 1993

TOTAL AMOUNT OF RESTITUTION/REPARATION: NONE.

THIS SENTENCE IS TO RUN CONCURRENT UNLESS OTHERWISE SPECIFIED.

NOTICE OF APPEAL: NO.

FILED

SQ:11WV 02 03006 03 DEC 14 AM 10:43

TRAVIS COUNTY JAIL
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

IN THE 167 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0934509

THE STATE OF TEXAS VS. LARRY TYLER

JUDGMENT AND SENTENCE OF THE COURT

On DECEMBER 3, 1993, this cause was regularly reached and called for trial and the State appeared by her District Attorney and the defendant, LARRY TYLER, appeared in person, and defendant's counsel, ALLAN BENNETT, also being present, thereupon the District Attorney announced ready for trial, and it appearing to the Court that the defendant, defendant's counsel, and the State's attorney have agreed in writing in open court to waive a trial by jury in this cause and to submit this cause to the Court, and the Court having consented to the waiver of a trial by jury herein, the reading of the INDICTMENT was waived,

THEREUPON THE STATE ELECTED TO WAIVE COUNT I, AND

PARAGRAPH II OF COUNT II,

and the defendant, upon being asked by the Court as to how defendant pleaded, entered a plea of GUILTY to the charge in the INDICTMENT relied upon by the State; thereupon the defendant was admonished by the Court as to the range of punishment attached to the offense; that the recommendation of the prosecuting attorney as to punishment is not binding on the Court; that if the plea of GUILTY is the result of a plea bargaining agreement and the Court does not accept the agreement, that he could withdraw his plea of GUILTY and the fact that the defendant had entered a plea of GUILTY nor any statement made by him at the hearing on the plea of GUILTY may be used against him on the issue of guilt or punishment in any subsequent criminal proceedings and that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, the trial Court must give its permission to the defendant before he may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial, and it appearing to the Court that the said defendant is mentally competent to stand trial, that the said plea of GUILTY is freely and voluntarily made and that the defendant was aware of the consequences of said plea, the said plea of GUILTY is by the Court received and is here now entered of record in the minutes of the Court as the plea herein of said defendant, and after having heard all the evidence for the State and for the defendant, and having heard argument of counsel for both sides, is of the opinion that there is sufficient evidence to substantiate a finding of GUILTY beyond any reasonable doubt, and recesses this cause for a presentence investigation report by the Community Supervision and Corrections Department.

On DECEMBER 3, 1993, this cause again being called, the State appeared by her District Attorney and the defendant, LARRY TYLER, appeared in person with counsel, ALLAN BENNETT, also being present, the Court is of the opinion and so finds the said defendant guilty as confessed of the offense of

INDECENCY WITH A CHILD BY CONTACT,

said offense having been committed on MAY 19, 1993, and

the Court, after having heard all the evidence from the State and for the defendant presented for the purpose of determining the punishment to be assessed, and having heard argument of counsel for both sides, is of the opinion and so finds that the punishment of the defendant should be fixed at

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION.

It is therefore CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the said defendant, LARRY TYLER, is guilty of the offense of

INDECENCY WITH A CHILD BY CONTACT,

committed on MAY 15, 1993, as confessed in said plea of GUILTY herein made, and that punishment be, as determined by the Court, at

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION,

and said defendant being asked by the Court if sufficient reason existed why the sentence of the Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the the said defendant, to pronounce sentence as follows:

It is the ORDER of this Court that the said defendant, LARRY TYLER, who has been adjudged guilty of the offense of

INDECENCY WITH A CHILD BY CONTACT,

committed on MAY 15, 1993, be and is hereby sentenced to

TEN (10) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION,

said sentence is to be credited for back time served toward the satisfaction of the confinement period in the Institutional Division of the Texas Department of Criminal Justice as follows:

FROM JUNE 12, 1993 TO DECEMBER 3, 1993,

and that said defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Travis County, Texas, and by him safely conveyed and delivered to the Director of said Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid.

The Court further finds that the plea of GUILTY in this cause was the result of a plea bargaining agreement, and the punishment does not exceed the agreed recommendation of the State.

Signed this the 13 day of Dec., A.D., 1993.

APPROVED AS TO FORM

ON:

(Date)

Bruce D. McKeith
STATE'S ATTORNEY

Mike Lynch
JUDGE PRESIDING

STATE OF TEXAS
COUNTY OF TRAVIS

()
()
()

I, AMALIA RODRIGUEZ-MENDOZA, Clerk of the District Courts within and for the State and County aforesaid, do hereby certify that the within and foregoing is a true and correct copy of.

INDICTMENT
JUDGMENT AND SENTENCE

In Cause Number 0934509; styled:

THE STATE OF TEXAS Vs. LARRY TYLER

in the 167 Judicial District Court of Travis County, Texas, as the same appears on file and of record in this office.

I further certify that notice of appeal HAS NOT BEEN FILED in this cause and that an appeal HAS NOT BEEN PERFECTED.

Given under my hand and seal of office at Austin, Texas, on December 20, 1993

AMALIA RODRIGUEZ-MENDOZA
Clerk, District Courts
Travis County, Texas

By:

Deputy

AGENCY= 001
 INCIDENT NO= 93 3695074 00
 OCCURRED BETWEEN:
 DATE= MM/DD/YY TIME=
 DATE= MM/DD/YY TIME=
 REPORTED:
 DATE= 05/15/93 TIME= 1730
 OPERATOR= 495 BRYANT RODNEY
 DISPATCH= 495 BRYANT RODNEY
 LOCATION: PRE STREET/COMMON NAME TYPE SUP SEC-DI
 NUMBER= 7310 ./. STREET= .. CONGRESS AV S APT= A F -07
 INTERSECTING STREET= .. CT= 24.15
 CITY= 0210 AUSTIN
 LIGHTING (Y,N)
 STREET= . P.O.E.= . INTERIOR= .
 VISIBLE FROM STREET= .
 DISPOSITION= D .
 PREMISE=
 RESPONSE TIME: PRIMARY UNIT=
 OFFICER 1= OFFICER 2=
 DISPATCHED DATE= MM/DD/YY TIME= DISPATCHED DATE= MM/DD/YY TIME=
 ARRIVED DATE= MM/DD/YY TIME= ARRIVED DATE= MM/DD/YY TIME=
 CLEARED DATE= MM/DD/YY TIME= CLEARED DATE= MM/DD/YY TIME=
 ENTERED BY= 797 HERNANDEZ ROBERT DATE= 06/12/93 TIME= 1711
 ASSIGNED TO= 797 HERNANDEZ ROBERT DATE= 05/17/93

NAMES INVOLVED: 05/15/93 93 3695074 00
 1 NAME: LAST= WALTERS..... FIRST= MARCO..... MIDDLE= NICOLE.....
 INVOLVEMENT= VICTIM... R/S= W F DOB= 08/08/87 APD=
 ADDRESS= RT2 BOX239M.....
 CITY/ST= LIBERTY HILL, TX 512 HOME TEL= 259-4250
 EMPLOYER= GRANDMOTHER'S PHONE..512 BUS TEL= 259-4250 EXT=
 2 NAME: LAST= WALTERS..... FIRST= MARCO..... MIDDLE=
 INVOLVEMENT= REPORTER.. R/S= W F DOB= MM/DD/YY APD=
 ADDRESS= RT2 BOX239M.....
 CITY/ST= LIBERTY HILL, TX 512 HOME TEL= 259-4250
 EMPLOYER= VICTIM'S MOTHER 512 BUS TEL= 259-4250 EXT=
 3 NAME: LAST= CARRASCO..... FIRST= VICTOR..... MIDDLE=
 INVOLVEMENT= SUSPECT... R/S= W F DOB= MM/DD/YY APD=
 ADDRESS= 7310-A S. CONGRESS.....
 CITY/ST= AUSTIN, TX..... HOME TEL= 361-1010
 EMPLOYER= ELECTROLUX..... BUS TEL= 361-1010 EXT=
 4 NAME: LAST= TYLER..... FIRST= LARRY..... MIDDLE=
 INVOLVEMENT= ARRESTED.. R/S= B M DOB= 01/02/53 APD=
 ADDRESS= 7310-B S. CONGRESS.....
 CITY/ST= AUSTIN, TX..... HOME TEL= 326-2810
 EMPLOYER= SELF-EMPLOYED MECHANIC.. BUS TEL= EXT=
 5 NAME: LAST= MARRAS..... FIRST= ADAM..... MIDDLE=
 INVOLVEMENT= WITNESS... R/S= W F DOB= 01/01/86 APD=
 ADDRESS= 822 WILSON LANE.....
 CITY/ST= CEDAR PARK, TX..... HOME TEL= 259-4250
 EMPLOYER= BUS TEL= EXT=
 6 NAME: LAST= MARRAS..... FIRST= ADAM..... MIDDLE=
 INVOLVEMENT= WITNESS... R/S= . . DOB= MM/DD/YY APD=
 ADDRESS= 822 WILSON LANE.....
 CITY/ST= CEDAR PARK, TX..... HOME TEL= 259-4250
 EMPLOYER= BUS TEL= EXT=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 1711

NAMES INVOLVED: 05/15/93 93 3695074 00

7 NAME: LAST= CRUMLEY..... FIRST= MICHELLE.. MIDDLE=
 INVOLVEMENT= WITNESS... R/S= W F DOB= MM/DD/YY APD=
 ADDRESS= 823 MICAH LANE.....
 CITY/ST= CEDAR PARK, TX..... HOME TEL= 259-4250
 EMPLOYER= BUS TEL= EXT=

8 NAME: LAST= COLDING..... FIRST= MARK..... MIDDLE=
 INVOLVEMENT= WITNESS... R/S= W M DOB= MM/DD/YY APD=
 ADDRESS= 828 MICAH LANE.....
 CITY/ST= CEDAR PARK, TX..... HOME TEL= 259-4250
 EMPLOYER= BUS TEL= EXT=

NARRATIVE: 05/15/93 93 3695074 00
 ORIGINAL= X SUPPLEMENT= PAGE 001
 DONNA WALDEN CALLED THIS DATE TO REPORT AN AGGRAVATED SEXUAL ASSAULT OF
 A CHILD. SEE SUPPLEMENT FOR DETAILS. RB495.

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

NARRATIVE: 05/15/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 002
 MS WALDEN CALLED THE C.A.U. TO CHECK THE PROGRESS ON A CASE THAT WAS
 SUPPOSED TO HAVE BEEN REPORTED LAST NIGHT. SHE SAID ANOTHER REPORT WAS
 SUPPOSED TO HAVE BEEN MADE SOMETIME THIS AFTERNOON. I COULD NOT LOCATE
 A REPORT FOR LAST NIGHT. HOWEVER A REPORT WAS LOCATED IN C.A.D. BY
 SSGT. BIEHLE IN WHICH AN OFFICER WAS TO MEET A MS. CARL

REPORTING OFFICER=

APPROVED=

NARRATIVE: 05/15/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 003
 THIS IS A CONTINUATION OF THE PREVIOUS PAGE AFTER IT WAS MISTAKENLY
 ENTERED. UNABLE TO CORRECT THAT PAGE DUE TO IT NOT BEING ASSIGNED TO
 ME.

MS. ~~WALDEN~~ AT 620 AND 183 TO REFOR THIS INCIDENT. HOWEVER WHEN
 OFFICER MICHELETTI ARRIVED HE WAS NOT ABLE TO LOCATE THE CALLER.
 WE WERE ABLE TO CONFIRM THAT THE CALLER WAS SUPPOSED TO BE VICKI
 CARLISLE. THE INCIDENT OCCURRED AT HER RESIDENCE.

MS. WALDEN SAID THAT SHE HAD ALLOWED HER DAUGHTER, ~~ASHLEY~~
~~WALDEN~~, WHO SHE CALLS "~~ASHLEY~~", TO GO WITH HER FRIEND, ~~ASHLEY~~, TO
 SPEND THE NIGHT AT ~~ASHLEY~~'S COUSIN'S HOUSE. ~~ASHLEY~~'S COUSIN IS ~~VICKI~~
~~CARLISLE~~. WHILE THERE, ~~ASHLEY~~ WAS SEXUALLY ASSAULTED BY A BLACK MALE.
 MS. ~~WALDEN~~ WAS UNABLE TO GIVE ME ANY MORE INFORMATION BECAUSE SHE DID
 NOT KNOW ~~WALDEN~~'S LAST NAME OR WHERE SHE LIVED. SHE JUST KNEW SHE LIVED
 SOMEWHERE IN SOUTH AUSTIN. SHE SAID THAT SHE WAS CALLING FROM ASHLEY'S

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

AGENCY= 001
 NARRATIVE: 05/15/93

INCIDENT REPORT
 93 3695074 00

AS OF 06/12/93 171

ORIGINAL= SUPPLEMENT= X PAGE 004

HOUSE AND THAT ~~ARMY~~'S MOTHER, ~~PAT~~, WAS THERE WITH HER. WHEN I FIRST SPOKE TO MS WALDEN SHE HAD NO IDEA WHAT ~~ARMY~~'S LAST NAME WAS BUT WAS ABLE TO FIND OUT FROM PAT THAT IT WAS CARLISLE. MS. ~~ARMY~~ SAID THAT THERE WAS A COUPLE ON THEIR WAY HOME WHO HAD THE PHONE NUMBER ~~XXXX~~. I ASKED MS. WALDEN TO DESCRIBE WHAT HAPPENED.

MS. WALDEN TOLD ME THAT ~~ARMY~~ HAD BROUGHT ~~ARMY~~ AND ~~ARMY~~ HOME THIS MORNING AND THAT ~~ARMY~~ HAD TOLD HER A BLACK MAN HAD FRENCH KISSED HER AND TOUCHED HER PRIVATE PARTS. ~~ARMY~~ AND ~~ARMY~~ TOLD HER THAT ~~ARMY~~ HAD TOLD THEM NOT TO TELL ANYONE ABOUT IT. HOWEVER, ~~ARMY~~ HAD CALLED 9-1-1 FROM THERE (PAT'S HOUSE) AND MADE ARRANGEMENTS TO MEET AN OFFICER AT 620 AND 183.

WHILE I WAS STILL TALKING TO MS. WALDEN, THE COUPLE WITH THE PHONE NUMBER, ~~ARMY~~ AND MARK COLDING, ARRIVED. THEY GAVE MS. WALDEN THE PHONE NUMBER. SHE TOLD ME IT IS ~~XXXX~~.

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

NARRATIVE: 05/15/93

93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 005

THEY ALSO TOLD HER THAT ~~ARMY~~ HAD TOLD THEM IN THE PAST THAT LARRY IS A BLACK MALE, TALL AND SKINNY, AND "SHOOTS UP". HOWEVER, THEY HAVE NEVER MET HIM AND HAVE NO IDEA HOW OLD HE IS.

MS. WALDEN DID TELL ME THAT SHE HAD CONFRONTED ~~ARMY~~ WHO TOLD HER THAT SHE HAD BEEN ASLEEP IN HER ROOM AND THAT LARRY HAD COME IN TO GET A BLANKET. SHE LATER HEARD SLURPING SOUNDS AND LOOKED DOWN WHERE SHE SAW LARRY KISSING ~~ARMY~~.

AFTER HANGING UP WITH MS. WALDEN, I CALLED THE NUMBER GIVEN FOR LARRY. A MALE ANSWERED THE PHONE. I ASKED FOR VICKI. HE FIRST TOLD ME SHE WAS NOT THERE. I ASKED HIM WHEN HE EXPECTED HER. HE SAID HE HAD NO IDE . I ASKED HIM IF SHE LIVED THERE ALL THE TIME. HE TOLD ME SHE DID. HE SAID SHE'S PROBABLY AROUND SOMEWHERE. HE JUST DIDN'T KNOW WHERE AT THE MINUTE. I ASKED HIM WHO I WAS SPEAKING WITH. HE SAID "LARRY". AT THAT POINT, ~~ARMY~~ WALKED IN AND HE PUT HER ON THE PHONE.

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

AGENCY= 001

INCIDENT REPORT

AS OF 06/12/93 17

NAR ATIVE: 05/15/93

93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 006

I MADE NO MENTION OF HAVING SPOKEN WITH MS. ~~WARREN~~. I REMINDED HER THAT SHE HAD AGREED TO MEET WITH AN OFFICER AT 620 AND 183 TO MAKE A REPORT AND THAT SHE HAD NOT SHOWN SO I WAS CALLING HER TO FIND OUT WHAT SHE NEEDED TO REPORT. SHE TOLD ME SHE HAD WAITED FOR THE OFFICER FOR ABOUT 40 MINUTES AND HE NEVER SHOWED SO SHE LEFT.

I ASKED HER TO TELL ME WHAT HAPPENED. SHE TOLD ME THAT SHE HAD BROUGHT ~~ASHLEY~~ AND ~~WARREN~~ TO HER HOUSE TO SPEND THE NIGHT. SHE LIVES THERE WITH HER FIANCEE, CLAY RANDALL, AND A HOUSEMATE, LARRY TYLER. SHE TOLD ME THAT LARRY TYLER IS THE ONE WHO DID THIS. I ASKED HER IF LARRY WAS STILL BY THE PHONE. SHE SAID HE WAS. SHE CONTINUED TALKING AND TOLD ME THAT SHE AND THE GIRLS HAD BEEN SLEEPING IN HER ROOM. HER FIANCEE WAS NOT THERE. HE WAS VISITING HIS MOTHER IN SMITHVILLE, TX. SHE WAS SLEEPING IN THE BED AND THE GIRLS WERE SLEEPING ON COUCH CUSHIONS ON THE FLOOR BY HER BED. AT ABOUT 4:20 A.M. THIS MORNING ~~WARREN~~ WOKE UP WHEN SHE HEARD LARRY COME INTO HER ROOM. HE PUT A BLANKET ON THE GIRLS

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

NARRATIVE: 05/15/93

93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 007

AND LEFT THE ROOM. AT ABOUT 4:45 A.M. SHE HEARD WHAT SHE THOUGHT WERE SLURPING SOUNDS LIKE SOMEONE KISSING. SHE DIDN'T REALLY PAY MUCH ATTENTION TO IT UNTIL ~~WARREN~~ STARTED TALKING IN HER SLEEP RIGHT AFTER THAT. ~~ASHLEY~~ SAID "~~WARREN~~, I'M SCARED". VICKI SAID SHE LOOKED DOWN ON THE FLOOR WHERE SHE SAW LARRY LYING NEXT TO ~~WARREN~~, UNDER THE BLANKET. SHE IMMEDIATELY GOT UP TO TURN ON THE LIGHT AND LARRY JUMPED UP AND LEAPED OVER THE FAN THAT WAS IN THE DOOR OPENING AND RAN INTO HIS ROOM ACROSS THE HALL. SHE NOTICED THAT ~~WARREN~~ HAD SALIVA ON HER FACE. ~~WARREN~~ SAID SHE TOOK THE GIRLS OUTSIDE WHERE SHE ASKED ~~WARREN~~ "WHAT DID HE DO TO YOU"? ~~WARREN~~ SAID "~~WARREN~~, HE FRENCH KISSED ME". SHE ASKED "WHAT ELSE"? ~~WARREN~~ ANSWERED "HE TOUCHED ME DOWN THERE". VICKI ASKED "WHAT DO YOU MEAN"? ~~WARREN~~ SAID "HE PULLED UP MY PANTIES AND TOUCHED ME ON MY PRIVATES". AT THIS POINT, ~~ASHLEY~~ ASKED ~~WARREN~~ "DID HE PULL YOUR PANTIES DOWN"? AND ~~WARREN~~ TOLD HER "YES". ~~WARREN~~ ASKED HER "DID HE TOUCH YOU INSIDE"? ~~WARREN~~ ANSWERED "YES". VICKI ASKED "DID HE USE HIS FINGER"? ~~WARREN~~ TOLD HER "YES". SHE ASKED ~~WARREN~~ "DID HE MAKE YOU TOUCH HIM"?

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

NARRATIVE: 05/15/93

93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 008

~~WARREN~~ TOLD HER "NO".

VICKI SAID SHE THEN ASKED ASHLEY IF HE TOUCHED HER. ~~WARREN~~ SAID THAT HE DIDN'T DO ANYTHING AT ALL TO HER.

I ASKED ~~WARREN~~ IF LARRY WAS STILL STANDING BY THE PHONE. SHE SAID SHE WAS BUT THAT SHE DIDN'T HAVE ANYTHING TO HIDE. I ASKED HER TO ASK HIM FOR HIS DATE OF BIRTH. HE TOLD HER IT WAS ~~WARREN~~ 53. I ASKED HER TO GIVE ME A PHYSICAL DESCRIPTION OF HIM. SHE SAID HE WAS ABOUT 5' 6":

REPORTING OFFICER=

APPROVED=

AGENCY= 001 INCIDENT REPORT
 NARRATIVE: 05/15/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 009
 (CONTINUATION OF WHERE I LEFT OFF ON PAGE 10)

AS OF 06/12/93 17.

135LBS. I ASKED HER IF HE WAS EMPLOYED. SHE SAID HE IS A SELF-EMPLOYED MECHANIC AND THAT HE WORKS OUT OF HIS HOME.

NOTE: THE PHONE NUMBERS LISTED FOR THE VICTIM ARE NOT HER GRANDMOTHER'S PHONE NUMBERS. THE CORRECT NUMBER FOR HER GRANDMOTHER IS 513-640-640. THE PHONE NUMBER LISTED FOR NIKKI ARE ACTUALLY PHONE NUMBERS FOR MS. WALDEN'S SUPERVISORS, MRS. HODGES AND CHIP HASKELL, WHICH ARE 251-7991 AND 251-7997.

MS. ~~WALDEN~~ WAS VERY ANXIOUS TO HAVE TYLER ARRESTED IMMEDIATELY. I HAD TO EXPLAIN THE INTERVIEW PROCESS TO HER. SHE WAS RELUCTANT BUT UNDERSTOOD WHAT HAD TO BE DONE.

REPORTING OFFICER= 495 BRYANT RODNEY

APPROVED=

NARRATIVE: 05/20/93 93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 010

*DIRECT SERVICE*0230

ON MAY 17, 1993 SGT HERNANDEZ REQUESTED V KNOWLES OF CAC TO ASSIST IN THE CASE OF LINDA (WALDEN). NIKKI TOLD ME THAT WHILE SHE WAS SPENDING THE NIGHT WITH ~~WALDEN~~, A FRIEND, AT ~~WALDEN~~'S RELATIVE'S HOUSE. THE RELATIVE'S NAME WAS ~~WALDEN~~. NIKKI STATED THAT ~~WALDEN~~'S ROOMMATE, LARRY TYLER CAME INTO VICKI'S BEDROOM WHILE THEY WERE ASLEEP AND PUT A BLANKET ON SHE AND ~~WALDEN~~. ~~WALDEN~~ AND ~~WALDEN~~ WERE SLEEPING ON CUSHIONS ON THE FLOOR BY VICKI'S BED. HE THEN CAME BACK IN AND BEGAN "FRENCH KISSING HER ON HER MOUTH AND ON HER TITTIE". HE ALSO PUT TWO FINGERS INTO HER VAGINA AND MOVED THEM AROUND. DURING THIS TIME HE KEPT TELLING ~~WALDEN~~ THAT HE LOVED HER. NIKKI STATED THAT ~~WALDEN~~ WAS MOVING AROUND IN HER BED BUT THAT NIKKI DID NOT THINK THAT SHE WAS AWAKE. SHE THEN WOKE UP AFTER LARRY LEFT THEM ROOM AND BROUGHT BOTH GIRLS INTO THE OTHER ROOM AND ASKED THEM WHAT HAD HAPPENED. NIKKI TOLD HER. VICKI THEN ASKED HER IF SHE WANTED HER TO CALL THE POLICE. NIKKI DIDN'T KNOW AND TOLD HER SO. THE NEXT MORNING NIKKI TOLD HER MOTHER WHAT HAD HAPPENED WHEREUPON HER MOTHER, DONNA WALDEN, CALLED APD.

REPORTING OFFICER= 9977 KNOWLES, VICKI

APPROVED=

NARRATIVE: 05/20/93 93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 011

WE THEN DID A VIDEO IN WHICH NIKKI TOLD ME THE SAME INFORMATION. I SPOKE WITH HER MOTHER AND GRANDMOTHER AFTERWARDS AND GAVE THEM REFERRALS FOR COUNSELING. DURING THAT COUNSELING SESSION BOTH MOTHER AND GRANDMOTHER STATED THEY HAD ALSO BEEN SEXUALLY ABUSED BY THE GRANDMOTHER'S FATHER. WHILE THEY NO LONGER HAVE CONTACT WITH THE MOTHER FAMILY MEMBERS' YOUNG DAUGHTERS DO. I GOT THE NAMES INVOLVED AND WILL BE REPORTING POSSIBLE ABUSE TO THE CHILD ABUSE HOTLINE.

REPORTING OFFICER=

APPROVED=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 1715
 NARRATIVE: 06/07/93 93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 012

ON 5/16/93 I SPOKE TO THE MOTHER OF THE VICTIM, DONNA WADSWORTH. SHE WAS VERY ADAMANT ABOUT WANTING SOMETHING DONE. I WAS ABLE TO GET AN INTERVIEW SET UP FOR 5/17/93.

ON 5/17/93 DONNA ARRIVED WITH HER MOTHER AND HER DAUGHTER, NIKKI. I INTRODUCED VICKIE KNOWLES TO ALL OF THEM AND I INTERVIEWED DONNA. DONNA TOLD ME THAT NIKKI, WHO IS NICKNAMED ALLEY, WENT TO STAY OVERNIGHT WITH HER FRIEND LARRY WHO IS ALSO FIVE YEARS OLD. THEY STAYED WITH AN 18 YEAR OLD WHO IS NAMED VICKIE AND IS RELATED TO ALLEY. THEY STAYED AT 7310-A S. CONGRESS. THERE VICKIE'S ROOMMATE ALSO RESIDES AND HIS NAME IS LARRY TYLER.

THAT NIGHT LARRY CAME INTO THE WADSWORTH'S BEDROOM AND COVERED THE TWO GIRLS WHO WERE SLEEPING ON THE FLOOR. WHEN HE WAS IN THERE HE APPARENTLY KISSED NIKKI AND FONDLED HER.

I DISCOVERED THAT VICKIE WAS THE FIRST ADULT PERSON WHO WAS TOLD ABOUT THE SITUATION. I DID TAKE A STATEMENT FROM DONNA, BUT THERE WAS NO NOTARY PRESENT THEREFORE I DID NOT HAVE HER SIGN THE STATEMENT.

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

NARRATIVE: 05/08/93 93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 013

DONNA HAD TOLD ME THAT SHE ALSO BELIEVED THAT VICKIE ALSO KNEW WHAT HAD HAPPENED. FOLLOWING IS THE STATEMENT THAT DONNA WROTE OUT IN HER OWN HANDWRITING:

I DONNA WADSWORTH 22-30-69 LIVE AT RT. 2 CONGRESS, LIBERTY HILL, TX 78642. ON FRIDAY NIGHT, NIKKI STAYED WITH ALLEY COLDING AT VICKIE CARLYLE'S HOUSE 7310-A CONGRESS. WHILE STAYING THERE A MAN NAMED LARRY TYLER SEXUALLY MOLESTED HER. VICKIE CARLYLE HEARD KISSING AND SMACKING NOISES. SHE (VICKIE) LOOKED UP AND SAW HIM KISSING NIKKI AND TOUCHING HER PRIVATES. WHEN HE HEARD VICKIE SIT UP IN THE BED, HE RAN OUT OF THE ROOM BEFORE SHE COULD GET THE LIGHT ON. VICKIE CLAIMS THAT SHE CALLED THE POLICE THAT NIGHT, AND THEN WENT TO SMITHVILLE TO HER BOYFRIEND'S HOUSE. THE NEXT DAY SHE RETURNED TO LARRY'S HOUSE TO GET THE GIRLS STUFF AND THEN SHE RETURNED TO ALLEY'S HOUSE TO BRING THE GIRLS HOME. SHE TOLD NIKKI AND ASHLEY TO NOT TELL ANYBODY ABOUT THIS. WHEN I GOT OFF WORK AT 4:00 P.M. I WENT TO ASHLEY'S TO PICK UP NIKKI. WHEN I GOT THERE PATTY TOLD ME WHAT HAPPENED. NIKKI OPENED UP AND TOLD MICHELLE CRUMBLEY FIRST. AS SOON

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

AGENCY= 001. INCIDENT REPORT AS OF 06/12/93 171
NARRATIVE: 06/09/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 014
AS PAT MARSH TOLD ME I CALLED A.P.D. I DONNA WALDEN SWEAR TO THE BEST OF
MY ABILITY THAT THIS STATEMENT IS TRUE AND CORRECT.
END OF STATEMENT //////////////////////////////////////
////////////////////////////////////
THER WAS NO NOTARY AVAILABLE SO I DID NOT HAVE DONNA SIGN THE STATEMENT.
SHE SAID THAT SHE WOULD COME BY THE OFFICE WHERE WE HAVE NOTARIES AVAILABLE
AND THEN SIGN THE STATEMENT.

~~NAME~~ WAS THEN VIDEO TAPED WHILE ~~VICTIM~~ ~~WALDEN~~, CHILD COUNSELLOR AT THE
CHILDRENS ADVOCACY CENTER INTERVIEWED HER. FOLLOWING ARE MOST OF THE
CONTENTS OF THE INTERVIEW:
~~NAME~~ QUALIFIES ~~NAME~~ BY ASKING HER IF SHE KNOWS THE DIFFERENCE BETWEEN
THE TRUTH AND A LIE. SHE THEN ASK HER A SERIES OF QUESTIONS THAT SATIFIES
THAT ~~NAME~~ KNOWS THE DIFFERENCE AND THAT SHE WILL TELL HER THE TRUTH.
QUESTIONS WILL BE REFERED TO BY "Q" AND ANSWERS FROM ~~NAME~~ WILL BE
REFERRED TO BY "A".

REPORTING OFFICER= 797 HERNANDEZ ROBERT
APPROVED= 7 US
vid.

NARRATIVE: 06/09/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 015
Q-DO YOU REMEMBER WHAT YOU CAME HERE TO TALK TO ME ABOUT?
A-I FORGOT TO TELL YOU SOMETHING BECAUSE I WAS TOO SCARED TO TELL YOU
Q-WHAT WAS THAT
A-HE KISSED ME HERE, (POINTS TO HER LEFT BREAST)
Q-WHO IS HE
A-LARRY
Q-LARRY
A-LARRY TYLER
V-WHERE WERE YOU
A-AT VICKIE'S HOUSE
LARRY TYLER IS VICKIES'S ROOMATE
Q-WHAT WERE YOU DOING THERE
A-SPENDING THE NIGHT
Q-WHO WAS THERE AT THE HOUSE
A-JUST LARRY, VICKIE, ASHLEY, AND ME
Q-WHAT ROOM WERE YOU ALL IN

REPORTING OFFICER= 797 HERNANDEZ ROBERT
APPROVED=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 171
NARRATIVE: 06/09/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 016
A-I DON'T KNOW
Q-WAS EVERYONE SLEEPING IN THAT ROOM
A-NO
Q-WHO WAS
A-ME, ~~WILLIE~~, ~~ALBERT~~, AND LARRY WAS IN HIS ROOM
Q-LARRY CAME INTO HIS ROOM AND WHAT DID HE DO
A-HE CAME INTO THE ROOM AND HE PUT SOME COVERS ON US AND HE WENT INTO HIS ROOM, ~~WILLIE~~ SAW HIM PUT THE COVERS ON US
Q-DID HE COME BACK IN
A-YES, HE DID THAT STUFF TO ME
Q-WHAT KIND OF STUFF DID HE DO
A-HE FIRST FRENCHED KISSED ME, TOUCHED ME IN MY PRIVATE AND HE KISSED ME DOWN THERE (POINTS TO HER ~~VAGINA AREA~~ *breast area*)
VICKIE THEN ASKS NIKKI TO GET THE ANATOMICALLY CORRECT DOLLS AND SHOW HER WHAT HAPPENED
A-HE ~~KISSED ME DOWN THERE~~ (POINTS TO VAGINA) AND FRENCH KISS ME THERE
REPORTING OFFICER= 797 HERNANDEZ ROBERT
APPROVED=

NARRATIVE: 06/17/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 017
NIKKI POINTS TO THE MOUTH OF THE DOLL.
Q-LET ME ASK YOU, WHEN HE TOUCHED YOU DOWN THERE WHAT DID YOU CALL THAT
A-PRIVATE
Q-AND WHAT DID HE TOUCH YOU WITH
A-HIS TWO FINGERS
Q-CAN YOU SHOW ME WHERE YOUR TALKING ABOUT
A-SHE LIFTS THE DRESS UP AND PULLS THE PANTIES DOWN ON THE DOLL AND POINTS AND TOUCHES THE VAGINA
Q-WAS THAT ON TOP OF YOUR CLOTHES OR UNDER YOUR CLOTHES
A-UNDER MY CLOTHES
Q-WHAT ELSE DID HE DO
A-HE FRENCHED KISS ME THERE (POINTS TO THE BREASTS OF THE DOLL)
Q-WHEN YOU SAY FRENCH KISS WHAT DOES THAT MEAN
A-IT MEANS TO STICK YOUR TONGUE) *breast*
Q-HE FRENCHED KISS YOU THERE (VICKIE NOW POINTS AT THE ~~VAGINA~~)
A-YES AND THERE
REPORTING OFFICER= 797 HERNANDEZ ROBERT
APPROVED=

AGENCY= 001
NARRATIVE: 06/17/93

INCIDENT REPORT
93 3695074 00

AS OF 06/12/93 171

ORIGINAL= SUPPLEMENT= X PAGE 018

SHE POINTS TO THE MOUTH OF THE DOLL

Q-YOU SAID THAT HE FRENCHED KISSED YOU THERE

A-SHAKES HER HEAD YES

Q-AND WHAT IS THAT CALLED

A-BOOBIE

Q-WERE YOU ASLEEP WHEN HE CAME IN

A-YES

Q-AND DID HE SAY ANYTHING TO YOU

A-HE WHISPERED "I LOVE YOU"

Q-DID HE ASK YOU TO DO ANYTHING

A-NO

Q-WHEN HE PUT HIS FINGERS INSIDE OR OUTSIDE YOUR PRIVATE

A-INSIDE

Q-DID HE KEEP THEM STILL OR DID HE MOVE THEM AROUND

A-MOVED THEM

Q-HOW DID THAT FEEL

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

NARRATIVE: 06/17/93

93 3695074 00

ORIGINAL= SUPPLEMENT= X PAGE 019

A-IT HURT

Q-DID YOU SAY ANYTHING

A-I WAS TOO SCARED TO AND THEN VICKIE TOOK ME OUTSIDE AND ASKED ME WHAT HE DID

Q-AFTER HE DID THAT WAS VICKIE AWAKE WHEN HE DID THAT

A-SHE WAS MOVING AROUND IN THE BED AND WHEN SHE GOT UP HE WAS ALREADY IN HIS ROOM

Q-DID YOU TELL ANYBODY ABOUT THIS

A-YES I TOLD MY GRANDPA

Q-WHO DID YOU TELL FIRST

A-I DIDN'T WANT TO TELL MY GRANDMA, MARK TOLD ME, I TOLD MICHELLE I COULDN'T TELL HER SO I TOLD HER, SHE SAID I DON'T LIKE YOUR ATTITUDE, I COULDN'T TELL HER BECAUSE ~~VICKIE~~ SAID

Q-WAIT A MINUTE ~~VICKIE~~ SAID

A-SHE SAID I COULDN'T TELL ANYBODY

Q-AFTER THIS HAPPENED AND YOU GOT UP AND VICKIE GOT UP DID YOU TELL ANYBODY

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 17.
NARRATIVE: 06/17/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 020

Q-DID YOU TALK TO VICKIE

A-OUTSIDE

Q-AND WHAT DID SHE TELL YOU

A-SHE TOLD ME WE ARE GONNA GO, SHE TOLD ME SHE WANT, DO YOU ALL WANNA CALL THE COPS, AND I SAID I DON'T KNOW, WE WENT TO CLAYS HOUSE TO CALL THE COPS

VICKIE ASKS FOR ~~WALDEN~~ TO PICK OUT A DOLL THAT WILL BE LARRY, SHE PICKS OUT A BLACK DOLL

Q-WHENEVER LARRY WAS IN THE ROOM DID HE EVER HAVE YOU DO ANYTHING AT ALL

A-NO

Q-DID HE EVER MAKE YOU TOUCH HIM IN ANYWAY

A-NO

Q-OTHER THAN TOUCH YOU WITH HIS FINGER DID HE EVER TOUCH YOU WITH ANYTHING ELSE ON HIS BODY

A-NO

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

NARRATIVE: 06/17/93 93 3695074 00
ORIGINAL= SUPPLEMENT= X PAGE 021
VICKIE THEN CONCLUDES THE INTERVIEW AT 3:20 P.M.

I TAKE THE TAPE POSSESION OF THE TAPE AND MARK IT WITH THE OFFENSE NUMBER, THE NAMES OF ~~VICKIE~~ ~~WALDEN~~ AND ~~NI~~ ~~WALDEN~~ EN, AND MY MARK-RH797. IT WILL BE TURNED OVER TO THE D.A.'S OFFICE WHEN THIS INVESTIGATION IS CONCLUDED.

ON 5/27/93 I CALLED AND SCHEDULED AN APPOINTMENT WITH LARRY TYLER FOR 6/1/93. ~~DO~~ ~~WALDEN~~ CONTINUES TO CALL AND DEMANDS ANSWERS TO WHAT IS GOING ON. I DID EXPLAIN THE INVESTIGATION PROCESS TO HER AT THE FIRST INTERVIEW WITH HER. S/SGT BIEHLE IS AWARE OF WALDEN AND HER COMMUNICATIONS WITH ME AND THIS OFFICE.THEREFORE I DID CALL HER TO LET HER KNOW THAT I WOULD BE INTERVIEWING THE SUSUPECT BUT I GET NO ANSWER AT HER GRANDMOTHERS HOUSE. WALDEN HAS NO PHONE AND WILL GET A BEEPER LATER.

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 1715
 NARRATIVE: 06/17/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 022
 ON 6/1/93 LARRY TYLER CANCELS HIS APPOINTMENT AT THE LAST MOMENT, I ASK HIM TO COME IN THE 7TH OF JUNE AND HE AGREES.

ON 6/7/93 LARRY TYLER COMES TO MY OFFICE. HE IS ASKED IF HE WOULD LIKE SOME COFFEE AND HE DECLINES. I AM WEARING A SHIRT AND TIE AND I DO NOT HAVE A WEAPON ON. WE ARE AT MY OFFICE WHEN I START THE INTERVIEW. AFTER EXPLAINING WHAT MY PURPOSE IS I INFORM HIM THAT HE IS NOT UNDER ARREST AND THAT I WANTED TO LET HIM KNOW THAT HE HAS RIGHTS. I THEN TELL HIM THAT I'M GOING TO READ HIM HIS RIGHTS AND I DO USING AN APD BLUE CARD. AFTER WE READ IT TOGETHER I ASK HIM TO SIGN THE BACK OF THE CARD TO INDICATE THAT HE UNDERSTANDS HIS RIGHTS AND THAT HE IS WAIVING THEM AND SPEAK TO ME. HE DOES SO AND DATES AND TIMES IT. I ALSO SIGN THE CARD. THE INTERVIEW IS STARTED AND LARRY TELLS ME THAT HE DID NOT KNOW THE TWO GIRLS AND THAT THEY CAME WITH HIS ROOMMATE, ~~VILLALOBOS~~. THEY ENDED UP SLEEPING IN HER BEDROOM. DURING THE NIGHT HE CAME IN AND HE PUT COVERS ON THEM AND GAVE ONE OF THE GIRLS A KISS. AFTER SPEAKING TO HIM A WHILE HE THEN ADMITS

REPORTING OFFICER= 797 HERNANDEZ ROBERT
 APPROVED=

NARRATIVE: 06/17/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 023
 TO ME THAT HE DID TOUCH ONE OF THE GIRLS AND THAT HE DID HAVE AN ERECTION. FOLLOWING IS THE NON-CUSTODIAL STATEMENT THAT TYLER GAVE TO ME AND SIGNED: MY NAME IS LARRY TYLER, I AM 40 YEARS OF AGE. MY DATE OF BIRTH IS 07-05-53. I LIVE AT 7310-A S. CONGRESS AVE, AUSTIN, TX. MY PHONE IS 386-2220. I AM A MECHANIC BY TRADE. ON OR ABOUT 5/15/93 WHILE TWO GIRLS WERE OVER AT MY HOUSE VISITING MY ROOMMATE ~~VILLALOBOS~~ THEY WENT TO SLEEP IN HER BEDROOM. I DID NOT KNOW THE TWO GIRLS NAME. BOTH GIRLS WERE LOCATED ON THE FLOOR CLOSE TO THE DOOR. ~~VILLALOBOS~~ WAS ON THE BED. I WENT INTO THE BEDROOM AND PUT A COVER ON BOTH OF THE GIRLS. THE GIRL CLOSE TO THE DOOR THAT LEADS TO MY BEDROOM WAS WHO I KNELT DOWN TO. I THEN LOOKED AT HER FOR A LITTLE WHILE AND THEN I KISSED HER. THIS WENT ON FOR A LITTLE WHILE ABOUT A MINUTE AND SHE STARTED TO RESPOND. I KISSED HER IN A FRENCH KISS FASHION. I THEN LAID DOWN NEXT TO HER. I PULLED THE COVER DOWN JUST A LITTLE AND I PUT MY HAND ON HER VAGINA AREA ON TOP OF HER PANTIES.

REPORTING OFFICER= 797 HERNANDEZ ROBERT
 APPROVED=

NARRATIVE: 06/12/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 024
 ON CALL TO ASSIST CHILD ABUSE UNIT 15 ON A FELONY ARREST WARRANT. SUBJECT ARRESTED AT RESIDENCE WITHOUT INCIDENT.
 WARRANT #244411 DA #2106 \$5000.00 BOND
 2ND DEGREE FELONY/INDECENCY WITH A CHILD
 BY CONTACT.

THE SUBJECT WAS BOOKED INTO CITY JAIL. OFFICER T. LONG #1100 AND SGT. R. HERNANDEZ #797 WERE AT SCENE DURING ARREST.
 ER/689

REPORTING OFFICER= 754 VILLALOBOS LUIS
 APPROVED=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 17:
 NARRATIVE: 06/12/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 025
 I WAS A LITTLE SCARED AND EXCITED AT THE SAME TIME. I HAD AN ERECTION AND
 I WAS WEARING UNDERWEAR. I DID HAPPEN TO PRESS AGAINST HER AND MY
 ERECTION TOUCHED HER IN THE STOMACH AREA. THIS WAS ABOUT THREE IN THE
 MORNING. AFTER THIS I WENT BACK TO MY BEDROOM.
 I DID NOT HAVE SEXUAL INTERCOURSE WITH HER. I DID NOT USE MY MOUTH TO
 TOUCH ANY PART OTHER THAN HER LIPS. I DID NOT HAVE HER USE HER MOUTH, OR
 HANDS TO TOUCH ME ON ANY PART OF MY BODY.
 I HAVE NOT BEEN PROMISED OR THREATENED BY SGT. HERNANDEZ TO GIVE THIS
 STATEMENT.
 END OF STATEMENT////////////////////////////////////

I THEN HAD TWO WITNESS DONNA STEEN, ASST. D.A. SECRETARY AND P.E. DUBINO,
 A INTERN, OBSERVE ME READ TYLER THE STATEMENT BACK IN IT'S ENTIRETY. AFTER
 EACH RIGHT HE INITIALED IT AND I HAD HIM READ US BACK RIGHT NUMBER 2 SO WE
 ALL COULD SEE THAT HE COULD READ AND UNDERSTAND THE ENGLISH LANGUAGE. HE
 THEN SIGNED THE STATEMENT AND THEY BOTH ALSO SIGNED THE STATEMENT.

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

NARRATIVE: 06/12/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 026
 ON 6/11/93 I PRESENTED A PROBABLE CAUSE AFFIDAVIT TO JUDGE MCKEE OF THE
 CITY OF AUSTIN MUNICIPAL COURT. SHE READ AND APPROVED THE AFFIDAVIT AND
 FOUND THAT PROBABLE CAUSE EXISTED FOR THE ARREST OF :
 1. LARRY JAMES TYLER
 2. B/M1/2/53
 3. 7310 A S. CONGRESS AVE
 4. INDECENCY WITH A CHILD BY CONTACT
 5. SECOND DEGREE FELONY
 6. BOND \$5,000
 7. DA CONTROL NO. 93-2106
 8. CAUSE NO. 244411
 9. APD NO. 115370
 I KEPT THE ORIGINAL WARRANT DUE TO WANTING TO SERVE IT MYSELF THE NEXT
 DAY.

REPORTING OFFICER= 797 HERNANDEZ ROBERT

APPROVED=

NARRATIVE: 06/12/93 93 3695074 00
 ORIGINAL= SUPPLEMENT= X PAGE 027
 ON 6/12/93 MYSELF, OFFICER T. LONG #1100, AND OFFICER L. VILLALOBOS #754
 WENT TO LARRY TYLER'S RESIDENCE AND ARRESTED HIM WITHOUT INCIDENT.
 OFFICER VILLALOBOS TRANSPORTED LARRY TYLER TO CENTRAL BOOKING AND BOOKED
 HIM INTO JAIL. APPROX. 8:15 A.M.

THIS CASE WILL BE FORWARDED TO THE DISTRICT ATTORNEY.
 THIS CASE WILL BE CLOSED BY ARREST.

ALL THE ORIGINAL STATEMENTS AND FORMS, ECT. WILL REMAIN IN THE ORIGINAL
 CASE JACKET AT THE CPT OFFICE.

VIDEO TAPE WILL ALSO BE FORWRDED TO THE D.A.

CASE CLOSED: 06/12/93 REPORTING OFFICER= 797 HERNANDEZ ROBERT

UNFOUNDED= ADMINISTRATIVELY= APPROVED=
 ARREST= X FIELD RELEASE CITATION= SOLVABILITY CATEGORY=
 EXCEPTIONALLY= SUSPENDED (NOT CLEARED)=

AGENCY= 001 INCIDENT REPORT AS OF 06/12/93 171 .
STATISTICS 06/12/93 93 3695074 00
DISPOSITION BY POLICE: =CHARGED IN ANOTHER OFFENSE
- =FILED IN COUNTY COURT X =FILED IN DISTRICT COURT - =FILED IN MUNICIPAL COURT
- =FILED IN J.P. COURT - =FILED IN FEDERAL COURT - =RELEASED TO OTHER AGENCY

ROUTED FROM TERMINAL PDNT TO TERMINAL PDEN AP0797

OFFENSE NO. 93-3695074

AT 10080'CLOCK A.M., ON THE 7TH DAY OF JUNE, 1993,
AND BEFORE MAKING THE FOLLOWING STATEMENT, I, LARRY JAMES TYLER,
WHILE AT CHILD ABUSE DETAIL/APD WAS WARNED BY SGT. HERNANDEZ #797,
TO WHOM THIS STATEMENT IS GIVEN, OF MY RIGHTS AS FOLLOWS:

- LI (1) I have the right to remain silent and not make any statement
at all, and that any statement I do make may be used against
me at my trial;
LI (2) Any statement I make may be used against me in court;
LI (3) I have the right to have a lawyer present to advise me prior
to and during any questioning;
LI (4) If I am unable to employ a lawyer, I have the right to have a
lawyer appointed to advise me prior to and during any question-
ing; and
LI (5) I have the right to terminate the interview at any time. I
the undersigned, received the foregoing warnings. I fully
understand each and all of the rights contained in the warnings.
I do hereby knowingly, intentionally and voluntarily waive my
right to be silent and my right to have a lawyer present to
advise me. I make the following statement in writing without
any threats or promises of any kind having been made to me.

MY NAME IS LARRY TYLER, I AM 40 YEARS OF AGE. MY DATE OF BIRTH IS
1/2/53. I LIVE AT 7310-A S. CONGRESS AVE, AUSTIN, TX. MY PHONE IS
326-2810. I AM A MECHANIC BY TRADE.

ON OR ABOUT 5/15/93 WHILE TWO GIRLS WERE OVER AT MY HOUSE VISITING MY
ROOMMATE ~~XXXXXX~~ THEY WENT TO SLEEP IN HER BEDROOM. I DID NOT KNOW
THE TWO GIRLS NAME.
BOTH GIRLS WERE LOCATED ON THE FLOOR CLOSE TO THE DOOR. ~~XXXXXX~~ WAS ON
THE BED. I WENT INTO THE BEDROOM AND PUT A COVER ON BOTH OF THE GIRLS.
THE GIRL CLOSER TO THE DOOR THAT LEADS TO MY BEDROOM WAS WHO I KNEW
DOWN TO.
I THEN LOOKED AT HER FOR A LITTLE WHILE AND THEN I KISSED HER. THIS
WENT ON FOR A LITTLE WHILE ABOUT A MINUTE AND SHE STARTED TO RESPOND.
I KISSED HER IN A FRENCH KISS FASHION. I THEN LAID DOWN NEXT TO HER.
I PULLED THE COVER DOWN JUST A LITTLE AND I PUT MY HAND ON HER VAGINA
AREA ON TOP OF HER PANTIES.
I WAS A LITTLE SCARED AND EXCITED AT THE SAME TIME. I HAD AN ERECTION
AND I WAS WEARING UNDERWEAR. I DID HAPPEN TO PRESS AGAINST HER AND MY
ERECTION TOUCHED HER IN THE STOMACH AREA. THIS WAS ABOUT THREE IN THE
MORNING. AFTER THIS I WENT BACK TO MY BEDROOM.
I DID NOT HAVE SEXUAL INTERCOURSE WITH HER. I DID NOT USE MY MOUTH TO
TOUCH ANY PART OTHER THAN HER LIPS. I DID NOT HAVE HER USE HER MOUTH,
OR HANDS TO TOUCH ME ON ANY PART OF MY BODY.

I HAVE NOT BEEN PROMISED OR THREATENED BY SGT. HERNANDEZ TO GIVE THIS
STATEMENT.

PAGE 1 OF 1.

XXXXXXXXXX
Witness

LARRY TYLER
Signature

XXXXXXXXXX
Witness

6-7-93

11:20am

DA 93-2106/PID#0188770/NC244411

NO. 93-4509 The State of Texas vs. LARRY TYLER

Indictment COUNT I - AGGRAVATED SEXUAL ASSAULT OF A CHILD

COUNT II - INDECENCY WITH A CHILD BY CONTACT

Bond \$ 5,000

In the 299th Judicial District Court of Travis County, Texas

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas duly selected, empaneled, sworn, charged, and organized as such at the

July Term A.D. 1993 of the 299th Judicial District Court for said County, upon its oath presents in and to said court at said term

that Larry Tyler on or about the 15th day of May, A.D. 1993, and

before the presentment of this indictment, in the County of Travis,

and the State of Texas, did then and there knowingly and

intentionally cause the penetration of the female sexual organ of

~~Lyndee Ann~~, a child younger than 14 years of age and not his

spouse, by the finger of the said Larry Tyler,

COUNT II, PARAGRAPH I

And the Grand Jury further presents that on or about the 15th day of May, 1993, and before the presentment of this indictment in

the County of Travis, State of Texas, Larry Tyler did then and

there, with the intent to arouse and gratify his sexual desire,

knowingly and intentionally engage in sexual contact by touching

the genitals of ~~Lyndee Ann~~, a child younger than 17 years of

age and not his spouse,

COUNT II, PARAGRAPH II

And the Grand Jury further presents that on or about the 15th day of May, 1993, and before the presentment of this indictment in the county of Travis, State of Texas, Larry Tyler did then and there, with the intent to arouse and gratify his sexual desire, knowingly and intentionally engage in sexual contact by touching the breast of [REDACTED] a child younger than 17 years of age and not his spouse,

against the peace and dignity of the state.

Joe O. Guerrero
Joe O. Guerrero
Foreman of the Grand Jury

2015 AUG 26 AM 10:55

INITIAL RECORDS DEICE

FILED

93 SEP 15 PM 5:15

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

AFFIDAVIT

THE STATE OF TEXAS 3
COUNTY OF WALKER 3

BEFORE ME, the undersigned authority, on this day personally appeared **TINA BENEDETTO**, who, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed:

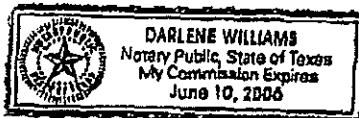
My name is **TINA BENEDETTO**, I am over twenty-one years of age, of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated.

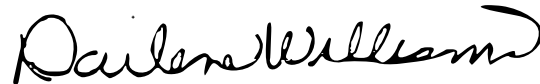
I am employed as Administrative Assistant to the State Classification Committee for the Texas Department of Criminal Justice Correctional Institutions Division, and the attached is a correct representation of the time calculations and classification status regarding offender **Larry James Tyler, TDCJ# 670354** now on file within the Classification and Records Office of the Texas Department of Criminal Justice Correctional Institutions Division.

In witness whereof, I have hereto set my hand this the 3rd day of May, 2006.


TINA BENEDETTO,
 Administrative Assistant To The
 State Classification Committee

SWORN TO AND SUBSCRIBED BEFORE ME, by the said **TINA BENEDETTO**, on this 3rd day of May, 2006, to certify which witnesses my hand and seal of office.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

2015 AUG 26 AM 8:35

INTIMATE RECORDS OFFICE

934569-D
NO. D-1-DC-203266-A

COPY

EX PARTE

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IN THE DISTRICT COURT

147TH JUDICIAL DISTRICT

LARRY JAMES TYLER

TRAVIS COUNTY, TEXAS

**ORDER DESIGNATING ISSUES AND
ORDER FOR FILING AFFIDAVITS**

Having considered the application for writ of habeas corpus in the above cause, the Court finds that the following issues need to be resolved:

1. Whether the above-referenced individual (TDCJ-ID # 670354) is currently being held for the offense of Indecency with a Child, sentenced for 10 years. Please indicate all time credits and the applicant's discharge date.

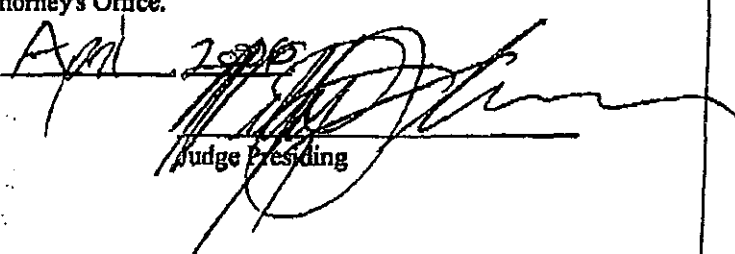
Therefore, pursuant to Article 11.07 §2(d), this Court will resolve the above issues and then enter findings of fact.

To assist the Court in resolving this factual issue, the Texas Department of Criminal Justice is ordered to submit to the clerk of the court an affidavit concerning the above-cited issue contained in the application for writ of habeas corpus. Said affidavit shall be submitted to the District Attorney's Office within 60 days of the date this Order is signed.

The clerk of the Court shall execute the following **ORDERS**:

1. The clerk of the Court is ordered to transmit a copy of this order designating issues and ordering affidavits to the Court of Criminal Appeals;
2. The clerk of the Court is ordered not to transmit any other documents in this case to the Court of Criminal Appeals until further order of this court.
3. The clerk of the Court is ordered to expeditiously transmit a copy of all submitted affidavits to the Travis County District Attorney's Office.

SIGNED this 13th day of April, 2006


Judge Presiding

Filed in The District Court
of Travis County, Texas

APR 21 2006

At 4:00 P. M.
Amalia Rodríguez-Mendoza, Clerk

INMATE RECORDS OFFICE
2015 AUG 26 AM 6:35

ATTACHMENT - SPECIAL CONDITION 'H'

NAME: TYLER LARRY
TDCJ NUMBER: 670354

The Texas Department of Criminal Justice Board of Pardons and Paroles Division ("Board") of the State of Texas hereby orders that the above named inmate be released, subject to all general and specific conditions enumerated in the original Release Certificate, and in addition the following Special Conditions:

- a. I shall go directly to and reside in a halfway house designated by the Board of Pardons and Paroles Division up to 180 days or until released by the Board.
- b. While residing in the halfway house, I shall abide by the rules of the residence and shall attend all required halfway house meetings.
- c. I shall not leave the physical confines of the halfway house and its property except for traveling to and from work and while working, or as authorized by halfway house rules.
- d. I shall pay 25% of my gross income to the halfway house during my stay in the facility and comply with the terms and conditions of my financial obligations as specified in my contractual agreement with the halfway house.
- e. If I have the use of a motor vehicle, I shall leave all keys to the motor vehicle with the halfway house staff when the motor vehicle is not in authorized use.

INMATE RECORDS OFFICE
2015 AUG 26 14 08:35

PRE-RELEASE NOTIFICATION
TEXAS SEX OFFENDER REGISTRATION PROGRAM

CR-32 (Rev. 10/03)

ARTICLE 62.03, Code of Criminal Procedure

Release or Discharge from a Penal Institution or Release to Community Supervision, Parole or Mandatory Supervision

(THIS IS NOT THE REGISTRATION FORM)

LAST		FIRST		MIDDLE	
FULL NAME		TYLER		LARRY	
DATE OF BIRTH	Sex	Race	Height	Weight	Eyes
01/19/53	M	B	503	128	BRO
DL NUMBER	ID NUMBER	SID NUMBER	FBI NUMBER	SOCIAL SECURITY NUMBER	
		02697546	784342V2	670354	
REGISTERING OFFENSE (PENAL CODE)	DISPOSITION DATE	SENTENCE RECEIVED	VICTIM(S) SEX / AGE		
021.110	12/03/1993	10	F/5		
Court Cause#		DISCHARGE DATE			
0934809		03/03/2008			

IF COURT ORDERED OR BOARD IMPOSED CONDITION TO REGISTER, MUST CHECK BOX ☒

DUTY TO REGISTER EXPIRES: ☒ Lifetime ☐ 10 Years After Discharge ☐ At Discharge
 VERIFICATION REQUIREMENT: ☒ Annual (on birthday) ☐ Every 90 Days ☐ Every 30 Days
 ASSIGNED RISK LEVEL: ☒ L ☐ If "C" for Civil Commitment, please provide date of judgment order.

ADDRESS WHERE PERSON NOTIFIED EXPECTS TO RESIDE UPON DISCHARGE, PAROLE, OR RELEASE (Full Street address, city, state, zip code)
 Del Valle, Tex. Comp 314 Bill Price Rd Del Valle, TX 78617

You are covered by this law and required, as of this date, MAY 06 2004, to register with the law enforcement authority.

(chief of police or sheriff) in the city or county where you live or intend to live for more than seven days. You are hereby required to verify and complete your registration at:

Primary Law Enforcement OR Name and/or Unit: T-RANS-CRS-10

Agency Address/City/State/Zip:

Notifying to Authority for Campus Security Agency

Agency Address/City/State/Zip

I have been notified of my duty to register as a sex offender in Texas pursuant to Chapter 62, Code of Criminal Procedure. I understand that:

- My responsibility to register as a sex offender is for the period of time as required by law.
- I must verify and complete registration within 7 days of the date indicated in this notice with the law enforcement agency identified above.
- If under supervision, not later than 7 days prior to any change of address, I must notify my supervising officer and the law enforcement agency of my new address.
- Within 7 days of establishing my new address, I must appear in person with the law enforcement agency having jurisdiction over my address and verify my new address. If not under supervision, not later than 7 days prior to any address change, I must notify the law enforcement agency of my intended move and within 7 days of establishing my new address, I must appear in person with the law enforcement agency having jurisdiction of my new address and verify my new address.
- If, on 3 or more occasions during any month, I spend more than 48 consecutive hours in a city or county that is not my residence, I shall report that fact to the appropriate law enforcement authority in the city or county that I am visiting.
- If I reside in Texas and work or attend school in another State, I must register with the local law enforcement within 10 days of beginning work or attending school.
- If I reside in another State and work or attend school in Texas, I must notify the local law enforcement within 7 days of beginning work or attending school.
- If I am employed, carry on a vocation or a student at a public or private institution of higher education in the State of Texas, I must notify the authority for campus security or local law enforcement if there is no authority for campus security within 7 days of becoming employed with, carrying on a vocation with, or enrolling as a student with the school.
- If I am employed, carry on a vocation or a student at a public or private institution of higher education in the State of Texas, I must notify the authority for campus security or local law enforcement if there is no authority for campus security within 7 days of becoming employed with, carrying on a vocation with, or enrolling as a student with the school.
- If I am employed or attending school at a public or private institution of higher education in another State, I must notify the authority for campus security or local law enforcement if there is no authority for campus security, within 10 days of employment or enrollment in the school.
- I must continue to verify my registration information with the appropriate law enforcement agency in the time frame indicated above.
- If required, I shall pay for all costs incurred by a law enforcement agency for providing community notification as required.
- If evaluated as a High Risk or Civil Commitment Offender, I shall pay to the DPS all costs incurred for the mailing of community post-card notices. This provision does not apply to individuals required to register due to a requirement for delinquent parole.
- As applicable, I shall present this notice within 90 days to the appropriate Texas Department of Public Safety, Driver License Office and obtain an accurately renewable Convicted Sex Offender Texas driver license and/or personal identification card for the duration of the period I am required to register as a sex offender. This form will not be accepted as proof of original identification when obtaining a DL or ID card.
- Within 10 days of moving out of Texas, I am required to register in any State in which I am located or residing and register with the appropriate law enforcement agency having jurisdiction over my residence location.
- I must notify the appropriate supervising agency and law enforcement agency of any change in my name, employment, or health status.

My failure to abide by the requirements of Chapter 62, C.C.P. is a felony offense. If I am under any community supervision, any failure to comply with the requirements of Chapter 62, C.C.P. may result in the revocation of community supervision.

SIGNATURE OF PERSON NOTIFIED
 [Signature]

04/30/2004
 DATE

I certify that I notified the individual described above of the duty to register as required under Chapter 62, C.C.P.

PRINTED NAME AND SIGNATURE OF NOTIFYING OFFICE
 DANA WILSON [Signature]

04/30/2004
 DATE OF NOTIFICATION

TDCL-OD
 NAME OF NOTIFYING AGENCY

(936)437-8588
 AGENCY TELEPHONE NUMBER

PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS. PLEASE PROVIDE REGISTRANT WITH A
 FAX COMPLETED FORM TO DPS - SEX OFFENDER COMPLIANCE UNIT - 312/424-5434
 MAIL ORIGINAL TO: TXDPS-CRS, POB 4143, AUSTIN, TX 78763-4143

2015 AUG 26 AM 9:35

INMATE RECORDS OFFICE

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SEX OFFENDER VERIFICATION		REGISTRATION DATE		SID #		LENGTH OF DUTY (CIRCLE ONE)	
		04/30/2004		02697546		POST 10 YEAR LIFETIME AT DISCHARGE	
TRN		RISK LEVEL (CIRCLE ONE) HIGH MODERATE LOW		SENTENCED AS: ADULT JUVENILE JUVENILE/NON-PUBLIC — ATTACH COURT DOCUMENTS		VERIFICATION REQUIRED: 30 DAY 90 DAY ANNUALLY	
FULL NAME OF REGISTRANT (LAST, FIRST, MIDDLE)		DATE OF BIRTH		PLACE OF BIRTH		REGISTERING AGENCY OR NAME	
Tyler Larry		01/22/1953		IND		TDCJ	
SEX	RACE	ETH.	HGT.	WGT.	EYES	HAIR	SHOE SIZE/WIDTH
M	B		503	126	BRN	BLK	8 1/2
REGISTRANT'S PHYSICAL ADDRESS		CITY		STATE		HOME TELEPHONE #	
Del Valle Corr. Comp. 3614 Bill Price Rd. Del Valle Tx. 78617		Del Valle		TX		512 473 4181	
ALIAS NAME(S)		SOCIAL SECURITY NUMBER		DRIVER'S LICENSE NUMBER		STATE TYPE (D NUMBER)	
670354		251928740					
OCCUPATION		NAME OF EMPLOYER		CITY/TOWN			
CAMPUS CODE	STUDENT WORKER	VEHICLE LICENSE PLATE #		STATE		EXPIRATION YEAR	
BLOOD TYPE	VEHICLE VIN#	YEAR		MAKE		MODEL	
NAME OF REGISTRANT'S NEAREST RELATIVE		ADDRESS		CITY		STATE ZIP	
LIST REGISTERING OFFENSE (8 DIGIT CODE)		ATTEMPT CONSPIRACY SOLICIT		VICTIM(S) - SEX/AGE		RELATIONSHIP TO VICTIM(S)	
36010001				F-5		RELATIVE FRIEND STRANGER	
COURT CAUSE NO.	DISPOSITION DATE	DISCHARGE DATE		AMT. OF CONFINEMENT		AMT. OF PROBATION	
0934509	12/31/993	03032006		10Y			
LIST REGISTERING OFFENSE (8 DIGIT CODE)		ATTEMPT CONSPIRACY SOLICIT		VICTIM(S) - SEX/AGE		RELATIONSHIP TO VICTIM(S)	
						RELATIVE FRIEND STRANGER	
COURT CAUSE NO.	DISPOSITION DATE	DISCHARGE DATE		AMT. OF CONFINEMENT		AMT. OF PROBATION	
LIST REGISTERING OFFENSE (8 DIGIT CODE)		ATTEMPT CONSPIRACY SOLICIT		VICTIM(S) - SEX/AGE		RELATIONSHIP TO VICTIM(S)	
						RELATIVE FRIEND STRANGER	
COURT CAUSE NO.	DISPOSITION DATE	DISCHARGE DATE		AMT. OF CONFINEMENT		AMT. OF PROBATION	
OUT OF STATE/COUNTRY CONVICTION		STATE/COUNTRY OF CONVICTION		MILITARY CONVICTION		FEDERAL CONVICTION	
YES NO				YES NO		YES NO	
THOROUGHLY REVIEW THE INFORMATION PROVIDED PRIOR TO SIGNING THIS FORM. TEXAS CRIMINAL LAW 37.10 PC DEFINES THE MAKING OF FALSE ENTRIES IN A GOVERNMENTAL RECORD AS A CLASS A MISDEMEANOR OR AS A THIRD DEGREE FELONY. ANYONE WHO GIVES FALSE INFORMATION ON THIS FORM COULD BE SUBJECT TO PROSECUTION.							
REGISTRANT VERIFICATION SIGNATURE							
LAW ENFORCEMENT OFFICER'S NAME/TELEPHONE NUMBER				VERIFICATION AGENCY OR NAME		DATE	
				Larry Tyler			
PROBATION/PAROLE OFFICER (PLEASE PRINT)				TELEPHONE NUMBER			
PREPARED BY: (PLEASE PRINT)				TELEPHONE NUMBER		PREPARED BY: (PLEASE PRINT)	
G.W. Woods				750431656			

VERIFICATION

CR-36 (Rev. 10/03)

WHEN COMPLETED BY VERIFICATION AGENCY, MAIL TO: CRIME RECORDS SERVICE, TEXAS DEPARTMENT OF PUBLIC SAFETY,
PO BOX 4143, AUSTIN TX 78765-4143

ATTACHMENT - SPECIAL CONDITION - 'O' - OTHER

NAME: TYLER LARRY
TDCJ NUMBER: 00670354

OFFENDER SHALL RESIDE IN THE TRAVIS CNTY JAIL WORK RELEASE PGM FOR A PERIOD OF UP TO 180 DAYS FOR THE
PURPOSE OF TEMP HSNG UNTIL EMPLOYMENT AND FINANCIAL RESOURCES HAVE BEEN OBTAINED FOR DEVELOPMENT OF
SUITABLE RESIDENCE PLAN

NAME
TDCJ

OFFER

REPT.

\$111

NAME
TDCJ

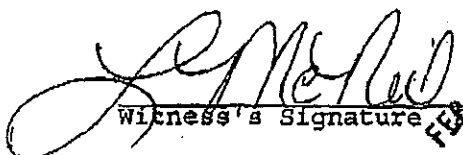
2015 AUG 26 AM 8:35

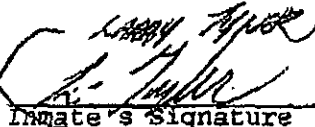
INMATE RECORDS OFFICE

ATTACHMENT - SPECIAL CONDITION - "X" - SEX OFFENDER PROGRAM

NAME: TYLER, LARRY
TDCJ #670354

1. Releasee shall enroll in and participate in a treatment program for sex offenders as directed by the supervising parole officer.
2. Releasee shall not operate, cause to operate, secure employment in, participate in, attend, nor go in, or on any sexually oriented business, including adult bookstores, massage parlors, adult video stores, or any business that provides adult entertainment, such as nude or partially-nude services, dancing, or exhibition.
3. Releasee shall not contact or cause to be contacted, in person, by telephone, correspondence, video or audio device, third person, media or by any electronic means, the victim or guardian of the victim of the instant offense.
4. Releasee shall not participate in any volunteer activities or volunteer any services without prior approval of the releasee's supervising officer. In the event any such volunteer activity or service is approved, releasee must notify the prospective recipient agency/person regarding his/her criminal history.
5. Releasee shall not possess, purchase or subscribe to, or cause to be purchased or subscribed to, any literature, magazine, books, or video tapes which depict sexually explicit images, nor communicate or cause to communicate with a person for sexually explicit purposes through telecommunications or any other electronic means, including 1-900 services.
6. Releasee shall abide by additional sex offender condition components to the extent directed in writing by the supervising parole officer.


Witness's Signature Date **FEB 12 2007**


Inmate's Signature Date **FEB 12 2007**

2015 AUG 26 AM 8:35
INMATE PROCESS OFFICE

RE-RELEASE NOTIFICATION FC A
TEXAS SEX OFFENDER REGISTRATION PROGRAM

ARTICLE 62.03, Code of Criminal Procedure

Release or Discharge from a Penal Institution or Release to Community Supervision, Parol or Mandatory Supervision

(THIS IS NOT THE REGISTRATION FORM)

LAST						FIRST			MIDDLE		
FULL NAME			TYLER			LARRY					
DATE OF BIRTH		Sex	Race	Height	Weight	Eyes	Hair	SOCIAL SECURITY NUMBER			
08/27/1953		M	B	504	132	BRO	BLK	2 [REDACTED]			
DL NUMBER		ID NUMBER		SID NUMBER		FBI NUMBER		TDCID NUMBER			
64B407				02697648		784342V2		870354			
REGISTERING OFFENSE (PENAL CODE)*				DISPOSITION DATE		SENTENCE RECEIVED		VICTIM(S) SEX / AGE			
21.110				12/03/1993		10 YEARS		F / 9			
								DISCHARGE DATE			
								08/22/2004			
*IF COURT ORDERED OR BOARD IMPOSED CONDITION TO REGISTER, MUST CHECK BOX ☒											

DUTY TO REGISTER EXPIRES: ☒ Lifetime ☐ 10 Years After Discharge ☐ At Discharge
VERIFICATION REQUIREMENT: ☒ Annual (on birthdate) ☐ Every 90 Days ☐ Every 30 Days

ASSIGNED RISK LEVEL

ADDRESS WHERE PERSON NOTIFIED EXPECTS TO RESIDE UPON DISCHARGE, PAROLE, OR RELEASE (Full street address, city, zip code)

DELVALLECORR 3814BILL PRICEROAD	DELVALLE	TX	78817

You are covered by this law and required as of this date, **FEB 18 2001**, to register with the law enforcement authority (chief of police or sheriff) in the city or county where you live or intend to live for more than seven days. You are hereby required to verify and complete your registration at:

Law Enforcement Agency Name and/or Unit: DEL VALLE POLICE DEPT

Agency Address/City/State/Zip:

I have been notified of my duty to register as a sex offender in Texas pursuant to Chapter 62, Code of Criminal Procedure. I understand that:

- My responsibility to register as a sex offender is for the period of time as indicated above.
- I must verify and complete registration within 7 days of the date indicated in this notice with the law enforcement agency identified above.
- If under supervision, not later than 7 days prior to any change of address, I must notify my supervising officer and the last registering law enforcement agency of my new address and within 7 days of establishing my new address, I must appear in person with the law enforcement agency having jurisdiction over my address and verify my new address. If not under supervision, not later than 7 days prior to a my address change, I must notify the last registering agency of my intended move and within 7 days of establishing my new address, I must appear in person with the law enforcement agency having jurisdiction of my new address and verify my new address.
- If, on 3 or more occasions during any month, I spend more than 48 consecutive hours in a city or county that is not my residence, I shall report that fact to the appropriate law enforcement authority in the city or county that I am visiting.
- I must continue to verify my registration information with the appropriate law enforcement agency in the time frame indicated above.
- I am required to pay for any costs incurred by a law enforcement agency for providing community notification as required under Chapter 62, C.C.P.
- I must obtain and maintain a yearly renewable Texas driver license or personal identification card issued by the Texas Department of Public Safety for the duration of the period I am required to register as a sex offender under Chapter 62, CCP.
- Within 10 days of moving out of Texas, I am required to register in any state in which I am located or residing and register with the appropriate law enforcement agency having jurisdiction over my residence location.
- My failure to abide by the requirements of Chapter 62, C.C.P. is a felony offense. If I am under any community supervision, any failure to comply with the requirements of Chapter 62, C.C.P. may result in the revocation of community supervision.

SIGNATURE OF PERSON NOTIFIED

02/12/2001
DATE

I certify that I notified the individual described above of the duty to register as required under Chapter 62, C.C.P.

PRINTED NAME AND SIGNATURE OF NOTIFYING OFFICE

02/12/2001
DATE OF NOTIFICATION

TOCLID

(836)437-8868

ΝοῦντοΑδαντ

Notifying Agency Phone

FAX COMPLETED FORM TO DPS- SEX OFFENDER COMPLIANCE UNIT - 512/424-5434
MAIL ORIGINAL TO : TXDPS-CRS, POB 4143, AUSTIN, TX 78765-4143

MS 02 12-01

USE FOR SEX OFFENDER REGISTRANT PURPOSES ONLY		SEX OFFENDER REGISTRATION		TEXAS DEPARTMENT OF PUBLIC SAFETY CRIME RECORDS SERVICE PO BOX 4143 AUSTIN TX 78765-4143	
TIN		SID 02697546		ENTER RISK LEVEL C. 1 OR 2 ☒ 2 SENTENCED AS: ☒ ADULT ☐ JUVENILE	
NAME (LAST, FIRST, MIDDLE) Tyler Larry		DATE OF BIRTH 11/13/53		PLACE OF BIRTH TX	
SEX	RACE	HT	WT	EYES	HAIR
M	B	5'11"	132	BRO	BLK
REGISTRANT'S PHYSICAL ADDRESS		CITY		STATE	
Del Valle Oak 3614 Bill Rice Rd Del Valle TX		78617		HOME TELEPHONE #	
ALIAS NAME(S) 670354		SOCIAL SECURITY NUMBER 251928740		DRIVER'S LICENSE NUMBER 648467	
REGISTRATION DATE 02/22/01		SIGNATURE OF REGISTRANT <i>[Signature]</i>		PRINTED NAME Tyler Larry	
REGISTERING AGENCY ORIGIN TDCJ ID		TELEPHONE NUMBER 936 437 6758		VERIFICATION REQUIRED ☐ 30 DAY ☐ 90 DAY ☒ ANNUALLY	
OCCUPATION		NAME OF EMPLOYER		CITY/TOWN	
BLOOD TYPE (CIRCLE ONE) A+ A- B+ B- AB+ AB- O+ O-		LICENSE PLATE NUMBER/STATE		VEHICLE MAKE/MODEL/YEAR/COLOR	
NAME OF REGISTRANT'S NEAREST RELATIVE		ADDRESS		CITY STATE ZIP	
OFFENSE INFORMATION	LIST REGISTERING OFFENSE(S) (9 DIGIT CODE) 36016001	ATTEMPT CONSPIRACY SOLICIT ☐	COC ☐	VICTIM(S) - SEX/AGE F/15	RELATIONSHIP TO VICTIM(S) ☐ RELATIVE ☐ FRIEND ☒ STRANGER
	DISPOSITION DATE 12/03/13	DISCHARGE DATE 06/22/04	AMT. OF CONFINEMENT 10y	AMT. OF PROBATION	STATUS ☐ PAR ☐ JPD ☐ CSCD ☐ DISCHARGE
	WEAPON USED ☐ YES ☒ NO	COUNTY WHERE OFFENSE OCCURRED Tarrant			
	ATTEMPT CONSPIRACY SOLICIT ☐	COC ☐	VICTIM(S) - SEX/AGE	RELATIONSHIP TO VICTIM(S) ☐ RELATIVE ☐ FRIEND ☒ STRANGER	WEAPON USED ☐ YES ☒ NO
	DISPOSITION DATE	DISCHARGE DATE	AMT. OF CONFINEMENT	AMT. OF PROBATION	STATUS ☐ PAR ☐ JPD ☐ CSCD ☐ DISCHARGE
WEAPON USED ☐ YES ☒ NO	COUNTY WHERE OFFENSE OCCURRED				
ATTEMPT CONSPIRACY SOLICIT ☐	COC ☐	VICTIM(S) - SEX/AGE	RELATIONSHIP TO VICTIM(S) ☐ RELATIVE ☐ FRIEND ☒ STRANGER	WEAPON USED ☐ YES ☒ NO	
DISPOSITION DATE	DISCHARGE DATE	AMT. OF CONFINEMENT	AMT. OF PROBATION	STATUS ☐ PAR ☐ JPD ☐ CSCD ☐ DISCHARGE	
WEAPON USED ☐ YES ☒ NO	COUNTY WHERE OFFENSE OCCURRED				
ATTEMPT CONSPIRACY SOLICIT ☐	COC ☐	VICTIM(S) - SEX/AGE	RELATIONSHIP TO VICTIM(S) ☐ RELATIVE ☐ FRIEND ☒ STRANGER	WEAPON USED ☐ YES ☒ NO	
DISPOSITION DATE	DISCHARGE DATE	AMT. OF CONFINEMENT	AMT. OF PROBATION	STATUS ☐ PAR ☐ JPD ☐ CSCD ☐ DISCHARGE	
WEAPON USED ☐ YES ☒ NO	COUNTY WHERE OFFENSE OCCURRED				
OUT OF STATE CONVICTION ☐ YES ☒ NO	STATE OF CONVICTION	MILITARY CONVICTION ☐ YES ☒ NO	FEDERAL CONVICTION ☐ YES ☒ NO		
THOROUGHLY REVIEW THE INFORMATION PROVIDED PRIOR TO SIGNING THIS FORM. TEXAS CRIMINAL LAW 37.10 PC DEFINES THE MAKING OF FALSE ENTRIES IN A GOVERNMENTAL RECORD AS A CLASS A MISDEMEANOR OR AS A THIRD DEGREE FELONY. ANYONE WHO GIVES FALSE INFORMATION ON THIS FORM COULD BE SUBJECT TO PROSECUTION.					
I HAVE BEEN NOTIFIED AND UNDERSTAND THE REQUIREMENTS OF MY DUTY TO REGISTER AS A SEX OFFENDER IN TEXAS PURSUANT TO THE PROVISIONS SET FORTH IN CHAPTER 62, CCP (INCLUDING ARTICLE 62.04 CCP). FAILURE TO ABIDE BY THESE REQUIREMENTS COULD SUBJECT ME TO CRIMINAL PROSECUTION PURSUANT TO CCP, ARTICLE 62.10.					
PROBATION/PAROLE OFFICER (PLEASE PRINT)		TELEPHONE NUMBER		SIGNATURE BY REGISTRANT OF NOTIFICATION <i>[Signature]</i>	
PREPARED BY: (PLEASE PRINT) <i>[Signature]</i>				DATE 12/22/01	

REGISTRANT

CR-35 (9/99)

MAIL TOP SHEET (ORIGINAL) TO: CRIME RECORDS SERVICE, TEXAS DEPARTMENT OF PUBLIC SAFETY, PO BOX 4143, AUSTIN TX 78765-4143
 FORWARD SECOND SHEET (COPY) TO: VERIFICATION AGENCY

- SEX OFFENDER REGISTRATION NOTIFICATION FORM -

Release From Confinement Facility Operated by or Under Contract to the

Texas Department of Criminal Justice

Forward Copy to: Texas Department of Public Safety
Criminal Intelligence Service

P. O. Box 4087

Austin, Texas 78773-0001

(THIS IS NOT A REGISTRATION FORM) (Revised 06-05-96)

DATE OF NOTIFICATION: 08/27/97

SID NO. 02697546

TDCJ-ID NO 570354

TDCJ-PIA NO.: _____

NOTIFYING AGENCY NAME: Texas Department of Criminal Justice-Institutional Division

AGENCY ADDRESS: P. O. Box 99, Huntsville, Texas 77342-0099

COUNTY: Walker TELEPHONE NUMBER: 409/294/6568

Name of Offender: TYLER, LARRY JAMES

Race: B Sex: M

DOB: 01/02/53

Texas DL/ID: TX 648407

SSN: 251/92/8740

Proposed Release Address: COMSTOCK CENTER 3320 S. FM 973

City: DRL VALLE

State: TEXAS

Zip: 78617

County: TRAVIS

Offense Description: INDUCING WITH A CHILD

Victim Age: 5

Sentence Received: 10 YRS

Date of Discharge: 06/12/2003

Personally appearing before me this date is, TYLER, LARRY JAMES, a sex offender who has a reportable conviction or adjudication, who has been duly notified of the responsibility to register or verify registration with the Sex Offender Registration Program, as defined in Article 6252.13c.1, Section 3.

PRERELEASE NOTIFICATION

The offender, as identified above, understands the obligations in the above statute, affirming so by the following signature:

OFFENDER: X Larry Tyler

Date: 08/27/97

TDCJ RELEASING OFFICER: [Signature]

Date: 08/27/97

In the event that the OFFENDER REFUSES TO SIGN the above statement, the TDCJ Releasing Officer is to certify the following statement:

On 8/27/97, as identified above, a sex offender who has a reportable conviction or adjudication, personally appeared before me and was duly informed of the responsibility to register with the Sex Offender Registration Program, as defined in Article 6252.13c.1. As provided therein, I, the below Releasing Officer, hereby certify that the above name and identified offender has been informed and has refused to sign this statement.

TDCJ RELEASING OFFICER: _____

Date: 8/27/97

*The original copy of this form is to be attached to the offender's releasing documents and placed in the offender's conviction file of the reporting agency. One (1) copy of the form is to be sent to the Texas Department of Public Safety (see above address); one (1) copy is to be forwarded with the offender's parole file to the assigned District Parole Office; one (1) copy is to be disseminated to the law enforcement agency nearest the residence address of the notified offender; and one (1) copy should be provided to the offender.

Sex Offender Registration Section

§ 3. 289 (Acts 1991, 72nd Leg., 1st Session, Ch. 572) creates the Sex Offender Registration Program. Codified as Art. §152.130.1, Title 1102, Government Code. Amended by the 1993, 73rd Leg., Session Amended. Amended by the 1995 Leg. Session.

This program applies to youth adjudicated and adults with a reportable conviction occurring:

- (A) On or after September 1, 1991 for:
 - Indecency with a child (Section 21.11), Penal Code
 - Sexual Assault (Section 22.011), Penal Code
 - Aggravated Sexual Assault (Section 22.021), Penal Code
 - Prohibited Sexual Conduct (Section 25.02), Penal Code
 - Indecent Exposure (Section 21.08), Penal Code) 4th or subsequent adjudication (prior to September 1, 1995)
- (B) On or after September 1, 1993 for:
 - Sexual Performance by a Child (Section 43.25), Penal Code
 - Possession or Promotion of Child Pornography (Section 43.26), Penal Code
 - Deferred adjudication for offenses in either (A) or (B)
- (C) On or after September 1, 1995 for:
 - Aggravated Kidnapping (Section 20.04(a) (4)), Penal Code
 - Burglary, (Section 30.02), Penal Code, if punishable under Subsection (d) of that Section
 - Attempt, Conspiracy, or Solicitation, as defined by Chapter 15, Penal Code
 - Indecent Exposure (Section 21.08) Penal Code, 2nd conviction or adjudication

You, TYLER, LARRY JAMES, DOB: 01/02/53 are covered

by this law and you are required as of this date 09/05/97 verify registration with the appropriate law enforcement authority in the municipality (incorporated town or city) or county where you reside or intend to reside for more than seven days.

The appropriate law enforcement authority is the chief of police, for offenders who reside or intend to reside in a municipality, or the sheriff for offenders who do not reside or intend to reside in a municipality. Is

TRAVIS county, you will verify registration at:

(Law Enforcement Unit/Division) _____

(Law Enforcement Agency Name) _____

(Law Enforcement Agency Address) _____

**TRAVIS COUNTY SHERIFFS DEPT.
P. O. BOX 1748
AUSTIN, TEXAS 78767-1748**

(Law Enforcement Agency City/State/Zip) _____

Verification of Registration must be made no later than the seventh day following your arrival in the municipality or county identified above.

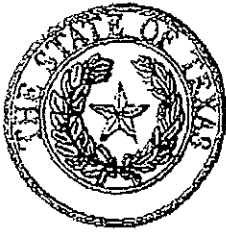
Verification of Registration is accomplished by you verifying the registration form provided to local authorities by a Notifying Agency. Information required on the form includes the offenders full name, date of birth, physical description, any aliases, social security number, driver's license number, home address, shoe size, offense date, age of victim and other required information. Information provided on the form is public information with exception to your numeric street address, drivers license number, social security number or home telephone number.

An offenders failure to verify registration or update their registration record is a Class A misdemeanor unless the offender has already been convicted for failing to register, in which case it is a third-degree felony.

As long as the offender (Adult and Juvenile) is under community supervision, the offender must report any change of address to the reporting law enforcement authority and to their supervising officer. For offenders dispositioned on or after 09-01-95, the duty to register ends on the 10th anniversary date the offender ceases to be under community supervision or the offender is discharged from a penal institution, whichever date is later. For Adult offenders dispositioned on or after 09-01-95 for offenses under Section 21.11 (a) (1); Section 22.021; and 43.25, the duty to register does not expire.

Failure to register will result in criminal penalties and may result in the revocation of community supervision.

NOTIFYING AGENCY 1705-ED		Texas Department of Public Safety SEX OFFENDER REGISTRATION		REGISTERING AGENCY ORI TX SID NO. 02697546	
POCKET NO. 1070354		DATE OF NOTIFICATION: 08.27.97		FBI NO. 784342V2	
CAUSE NO. 0934509		☐ JUVENILE		☐ FOR PUBLIC NOTIFICATION	
1. LAST NAME OF REGISTRANT LARRY		FULL MIDDLE James		2. REGISTRATION DATE 1 1	
3. DATE OF BIRTH 01/01/53		4. RACE B		5. SEX ☒ M ☐ F	
6. PLACE OF BIRTH Baltimore, MD		7. HT 5-5		8. WT 180	
9. HAIR BLK		10. EYE B+H		11. SHOE SIZE 11	
12. SHOE WIDTH D		13. SCARS, MARKS, TATTOOS: open scar lwr rt abd		14. OTHER NAMES USED (include nicknames):	
15. BLOOD TYPE (circle one) A+ A- B+ B- AB+ AB- O+ O- UNK		16. SOCIAL SECURITY NUMBER: 251-92-8740		17. DRIVER LIC/ID NO/ST TX 648407	
18. REGISTRANT'S HOME ADDRESS Comstock Center 3320 S. FM 973		CITY Del Valle		COUNTY Travis	
20. MAKE		21. MODEL		22. COLOR	
23. HOME TELEPHONE NO. 786171512 x 386 5174		24. ZIP 78617		25. INDICATE CHARGE(S) CONVICTED/ADJUDICATED	
☒ INDECENCY WITH A CHILD 21.11 PC		☐ M ☒ F		AGE 5	
☐ SEXUAL ASSAULT 22.011 PC		☐ M ☐ F		DATE CONVICTED/ADJUDICATED 12.3.93	
☐ AGGRAVATED SEXUAL ASSAULT 22.021 PC		☐ M ☐ F		PUNISHMENT RECEIVED 10 years	
☐ PROHIBITED SEXUAL CONDUCT 25.02 PC		☐ M ☐ F			
☐ INDECENT EXPOSURE (2nd conviction) 21.08 PC		☐ M ☐ F			
☐ SEXUAL PERFORMANCE/CHILD 43.25 PC		☐ M ☐ F			
☐ POSS/PROMOTE CHILD PORNOGRAPHY 43.26 PC		☐ M ☐ F			
☐ AGG KIDNAPPING/SEXUAL 20.04(a)(4) PC		☐ M ☐ F			
☐ BURGLARY/SEXUAL 30.02(d) PC		☐ M ☐ F			
☐ ATTEMPT/CONSPIRACY/SOLICIT ANY OF ABOVE 15 PC		☐ M ☐ F			
26. OCCUPATION:		27. NAME OF EMPLOYER		CITY/TOWN	
28. NAME OF NEAREST RELATIVE		ADDRESS		CITY	
				COUNTY OR STATE	
				ZIP	
29. THOROUGHLY REVIEW THE INFORMATION PROVIDED PRIOR TO SIGNING THIS FORM. TEXAS CRIMINAL LAW 37.10 PC DEFINES THE MAKING OF FALSE ENTRIES IN A GOVERNMENTAL RECORD AS A CLASS A MISDEMEANOR OR AS A 3RD DEGREE FELONY. ANYONE WHO GIVES FALSE INFORMATION ON THIS FORM COULD BE SUBJECT TO PROSECUTION.		30. ☐ PROBATION OFFICER ☐ PAROLE OFFICER		PRINTED NAME:	
SIGNATURE OF REGISTRANT		31. SIGNATURE OF CHIEF OF POLICE, SHERIFF OR DESIGNEE			
32. REGISTERING AGENCY'S COMMENTS		33. REGISTERING AGENCY		34. AGENCY TELEPHONE NUMBER	
WHITE COPY — OPS		CANARY COPY — REGISTERING AGENCY		PINK COPY — NOTIFYING AGENCY	



Texas Department of Criminal Justice

Brad Livingston
Executive Director

August 26, 2015

Audrey Gibson-White
South Carolina Dept. of Corrections
P.O. Box 21787
Columbia, SC. 29221

RE: Tyler, Larry

TDCJ#: 670354

Pursuant to your request I am providing you the following discharge certificate on the above listed offender. Please feel free to keep copies of this document for your records. Also if our office can be of further assistance please do not hesitate in contacting us on our website www.tdcj.state.tx.us

Sincerely,


Angelia Alexander
Administrative Assistant III
Classification & Records

AMA/ama
cc: file

Texas Department of Criminal Justice**Huntsville, Texas 77340****To whom it may concern:****The undersigned, Director of the Texas Department of Criminal Justice, certifies that****TYLER, LARRY****TDCJ number 00670354 was convicted of a felony to-wit by the District Courts of:****INDECENCY W/CHILD****TRAVIS****And sentenced on the 12TH day of JUNE, A.D. 93 to 10 years confinement in the penitentiary.**

Received in TDCJ custody	06-27-94
Release to mandatory supervision	04-30-04
Release to parole	
Date of discharge	03-03-06

Remarks: _____

Per Texas Government Code, Chapter 493.030, the Social Security Administration has been notified of all offenders released who were confined in a facility for a period of less than twelve consecutive months and were previously receiving Supplemental Security Income or Social Security Disability Insurance benefits.

Per Texas Family Code, Section 85.025 (c), if a person, who is the subject of a protective order, is confined or imprisoned on the date the protective order would expire, the order is to be extended and will expire on the first anniversary of the date the person is released from confinement or imprisonment.

Witness my hand and seal of office this the 26TH day of August, 2015.**WILLIAM STEPHENS, DIRECTOR**

BY
CHAIRMAN CLASSIFICATIONS AND RECORDS
KELLY ENLOE



**BASIC INFORMATION RELATING TO OFFENDER (INMATE) OF
TEXAS DEPARTMENT OF CRIMINAL JUSTICE**
Public Information Disclosure Sheet as stipulated by Section 552.029

Name: Tyler, LarryIdentification Number: 670354DOB: 06/02/1953Race/Gender: B/M**Controlling Offense:**Charge: Indecency with a Child Sentenced: 12/03/1993County/Court: HockleyMinimum Expiration of Sentence Date: 05/02/2004Maximum Expiration of Sentence Date: 03/03/2006Date received: 06/27/1994Sentence began Date: 06/12/1993Date Released: 08/27/1997(Mandatory Supervision, Ret'd 12/30/1998, Rel'd MS
02/12/2001, Ret'd 08/14/2003, Rel'd MS 04/30/2004)Date Discharged: 03/03/2006**Additional Sentences:**

Charge: _____

TDCJ: _____

County/Court: _____

Sentenced: _____

Minimum Expiration of Sentence Date: _____

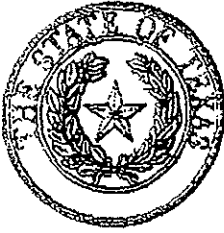
Maximum Expiration of Sentence Date: _____

Date received: _____

Sentence began Date: _____

Date Released: _____

Date Discharged: _____



**Texas Department of Criminal Justice
CORRECTIONAL INSTITUTIONS DIVISION**

Brad Livingston
Executive Director

August 26, 2015

Audrey Gibson-White
South Carolina Dept. of Corrections
P.O. Box 21787
Columbia, SC. 29221

RE: Tyler, Larry

TDCJ#: 670354

Pursuant to your request I am providing you the following basic information of the incarceration dates for the above listed offender.

The offender was received on 05/06/2005 and released on 09/22/2005.

Please feel free to keep copies of this document for your records. Also if our office can be of further assistance please do not hesitate in contacting us on our website www.tdcj.state.tx.us

Sincerely,


Angelia Alexander
Administrative Assistant III
Classification & Records

AMA/ama
cc: file

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

PETITIONER'S EXHIBIT

E

2015 OCT 15 AM 11:17
SCOTT B. SUGGS
CLERK OF COURT/R.O.
DARLINGTON COUNTY, S.C.

FILED

16:16:13 Friday, August 28, 2015

DISI100D

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM

08/28/15

BLANDWA

SCDC ID: 354459

DISPLAY INMATE OFFENSE HISTORY

TYLER, LARRY JAMES

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT

PURCHASED TV

CASE#	OFFENSE DESCRIPTION	TYPE	OFFENSE DATE	HEARING DATE	NET GT	DHO	OFF
00005	STEALING	ADMINIST	06/09/15	06/11/15	00000	CONVICTED	3
00004	THREATENING TO INFLIC	MAJOR DI	05/02/14	05/22/14	00060	CONVICTED	2
00003	POSSESSION OF CONTRAB	OTHER AC	11/30/13	12/03/13	00000	CLOSED	3
00002	USE/POSS OF TATTOO PA	ADMINIST	11/25/13	12/02/13	00000	CONVICTED	4
00001	POSSESSION OF CONTRAB	OTHER AC	11/01/13	11/08/13	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

16:16:20 Friday, August 28, 2015

DISI110D
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY

08/28/15
BLANDWA

SCDC#/CASE#: 354459 - 00005

TYLER, LARRY JAMES

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 819 STEALING

DATE: 06/09/15 TIME: 05:35 AM

OFFENSE LOCATION.: 0531 EVANS

OFFENSE CAT LVL.: 3

LOCATION IN INST.: 17 CAFETERIA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.: [REDACTED]

TYPE ACTION.....: 08 ADMINISTRATIVE RESOLUTION CHARG. OFF CHAR:

HEARING LOC.....: 0531 EVANS

ACTUAL HEARING DATE: 06/11/15

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.:

SCHD HEAR DATE: 06/11/15

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 819 STEALING

CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE: 06/26/15

GT RESTORED...: 00000

CREATED BY.....: TOP [REDACTED] SA

06/11/15

LAST UPDATED BY: TOP [REDACTED] SA

06/12/15

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

16:16:24 Friday, August 28, 2015

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/28/15
BLANDWA

NARRATIVE...>

THE ACCUSER OBSERVED THE INMATE FILLING A CONTAINER WITH MILK FROM THE DISSPENSER

CASE WAS HEARD BY CASE REVIEWERS 06/11/15
CELL RESTRICTION = 5 DAYS
FAILURE TO EARN GT = 3/20 DAYS

CREATED BY.....: [REDACTED] ISA
LAST UPDATED BY: [REDACTED] ISA

06/11/15
06/12/15

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

16:16:28 Friday, August 28, 2015

DISI110D
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY

08/28/15
BLANDWA

SCDC#/CASE#: 354459 - 00004

TYLER, LARRY JAMES

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 809 THREATENING TO INFLECT H DATE: 05/02/14 TIME: 01:00 PM

OFFENSE LOCATION.: 0531 EVANS

OFFENSE CAT LVL.: 2

LOCATION IN INST.: 17 CAFETERIA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.: B. EVANS

TYPE ACTION.....: 01 MAJOR DISC. HEARING

CHARG. OFF CHAR:

HEARING LOC.....: 0531 EVANS

ACTUAL HEARING DATE: 05/22/14

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE: 05/20/14

DHO HEARING DEC: C CONVICTED

PLEA.....: N NOT GUILTY

CONVICTED OFF...: 809 THREATENING TO INFLI CONVICT. OFF CHAR.:

DATE DROPPED...:

TOT GT LOST...: 00060 APPRV.:

APPEAL DEADLINE: 06/06/14

GT RESTORED...: 00000

CREATED BY.....: DAVID A. AGENCY

05/08/14

LAST UPDATED BY: DAVID A. AGENCY

05/23/14

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

16:16:31 Friday, August 28, 2015

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/28/15
BLANDWA

NARRATIVE...>

ACCUSSER RECEIVED A REQUEST FROM THE ACCUSED INMATE THROUGH THE KIOSK
SYSTEM THREATENING THE ACCUSSER.

HEARING RESULTS:

CASE HEARD BY DHO [REDACTED] ON 5/22/14.
CANTEEN, PHONE, VISIT - 180 DAYS + 69 DAYS = 249 DAYS
D/D TIME - 90 DAYS - 21 DAYS PHD = 69 DAYS
GOOD TIME LOST - 60 DAYS
OLD DISCIPLINARY CODE 1.04

CREATED BY.....: [REDACTED] CY
LAST UPDATED BY: [REDACTED] CY

05/08/14
05/23/14

(END)

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

16:16:39 Friday, August 28, 2015

DISI110D
OMDISCA

SCDC OFFENDER MANAGEMENT SYSTEM
DISCIPLINARY SYSTEM
OFFENSE INQUIRY

08/28/15
BLANDWA

SCDC#/CASE#: 354459 - 00002

TYLER, LARRY JAMES

CURR LOC: EVANS

OFFENDER TYPE: ADULT-STRAIGHT

OFFENSE

CHARGED OFFENSE...: 842 USE/POSS OF TATTOO PARAP DATE: 11/25/13 TIME: 01:10 AM

OFFENSE LOCATION.: 0531 EVANS

OFFENSE CAT LVL.: 4

LOCATION IN INST.: 05 BETA/GAMMA AREA

ASSLT WITH WEAPON:

ASSLT STAFF/INMATE:

ACCUSING OFFICIAL.: E

TYPE ACTION.....: 08 ADMINISTRATIVE RESOLUTION CHARG. OFF CHAR:

HEARING LOC.....: 0531 EVANS

ACTUAL HEARING DATE: 12/02/13

WITNESS/OFFICIAL REQUIRED: COUNCIL SUBST. REQ.: SCHD HEAR DATE: 12/02/13

DHO HEARING DEC: C CONVICTED

PLEA.....: G GUILTY

CONVICTED OFF...: 842 USE/POSS OF TATTOO P CONVICT. OFF CHAR.:

DATE DROPPED....:

TOT GT LOST...: 00000 APPRV.:

APPEAL DEADLINE: 12/17/13

GT RESTORED...: 00000

CREATED BY.....: M

12/02/13

LAST UPDATED BY: M

12/02/13

PF4-MODIFY DISC. PF5-NARRATIVE INQUIRY PF8-NEXT DISCIP

16:16:42 Friday, August 28, 2015

DISI150D
DISI150M

SCDC OFFENDER MANAGEMENT SYSTEMS
INMATE DISCIPLINARY SYSTEM
DISPLAY OFFENSE CODE TEXT

08/28/15
BLANDWA

NARRATIVE...>

ACCUSER CONDUCTED A RANDOM CELL SEARCH AND FOUND (7) RAZOR BLADES, (3) COLORED
PENCILS, (7) SMALL CONTAINERS W/COLOR RESIDUE INSIDE, AND (1) HOMEMADE NIGHT
LIGHT FROM THE DESK.

HEARING RESULTS

CASE HEARD BY CAPT. [REDACTED] ON 12/2/13; ADMIN

C/V: 30 DAYS

CREATED BY.....: MCO [REDACTED] ERLY

12/02/13

(END)

LAST UPDATED BY: MCO [REDACTED] ERLY

12/02/13

DISCIPLINARY TEXT DISPLAYED

PF4=MODIFY NARRATIVE PF7=PREV PG F8=NEXT PG

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

PETITIONER'S EXHIBIT

F

FILED
2015 OCT 15 AM 11:17
SCOTT B. SUGGS
CLERK OF COURT/R.O.
DARLINGTON COUNTY, S.C.

SP Multi-Disciplinary Team
Tyler Larry - 354459
Page 3

HEALTH INFORMATION AND HISTORY:

Physical Health/Condition: Seizure Disorder
Medications: Imitrex 100mg and Depakote Delayed Release 500mg
Other Information:

MENTAL HEALTH INFORMATION AND HISTORY:

Diagnosis: None
Medications:
Problems/Compliance: N/A
Treatment History:
Other Information:

SOCIAL HISTORY: N/A

Inmate's History of Sexual Abuse (age at time of abuse, age of perpetrator
Length of abuse, relationship to perpetrator, gender of perpetrator):

Juvenile History: N/A
Other Information:

SEX OFFENDER TREATMENT HISTORY:

	TYPE	DATES	STATUS
Phase I:			
SOTP			
Phase II:			
Phase III:	Education		
OTHER			
RTU:	Intensive Residential Treatment		

Admission of Sex Offense(s):
Other Information:

PETITIONER'S EXHIBIT

G

FILED
2015 OCT 15 AM 11:17
SCOTT B. SUGGS
CLERK OF COURT/R.G.D.
DARLINGTON COUNTY, S.C.

Development and Course

Individuals with sexual sadism in forensic samples are almost exclusively male, but a representative sample of the population in Australia reported that 2.2% of men and 1.3% of women said they had been involved in bondage and discipline, "somasochism," or dominance and submission in the previous year. Information on the development and course of sexual sadism disorder is extremely limited. One study reported that females became aware of their somasochistic orientation as young adults, and another reported that the mean age at onset of sadism in a group of males was 19.4 years. Whereas sexual sadism per se is probably a lifelong characteristic, sexual sadism disorder may fluctuate according to the individual's subjective distress or his or her propensity to harm nonconsenting others. Advancing age is likely to have the same reducing effect on this disorder as it has on other paraphilic or normophilic sexual behavior.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for sexual sadism disorder (e.g., antisocial personality disorder, sexual masochism disorder, hypersexuality, substance use disorders) sometimes occur also as comorbid diagnoses. Therefore, it is necessary to carefully evaluate the evidence for sexual sadism disorder, keeping the possibility of other paraphilias or mental disorders as part of the differential diagnosis. The majority of individuals who are active in community networks that practice sadistic and masochistic behaviors do not express any dissatisfaction with their sexual interests, and their behavior would not meet DSM-5 criteria for sexual sadism disorder. Sadistic interest, but not the disorder, may be considered in the differential diagnosis.

Comorbidity

Known comorbidities with sexual sadism disorder are largely based on individuals (almost all males) convicted for criminal acts involving sadistic acts against nonconsenting victims. Hence, these comorbidities might not apply to all individuals who never engaged in sadistic activity with a nonconsenting victim but who qualify for a diagnosis of sexual sadism disorder based on subjective distress over their sexual interest. Disorders that are commonly comorbid with sexual sadism disorder include other paraphilic disorders.

Pedophilic Disorder

Diagnostic Criteria

302.2 (F65.4)

- A. Over a period of at least 6 months, recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving sexual activity with a prepubescent child or children (generally age 13 years or younger).
- B. The individual has acted on these sexual urges, or the sexual urges or fantasies cause marked distress or interpersonal difficulty.
- C. The individual is at least age 16 years and at least 5 years older than the child or children in Criterion A.

Note: Do not include an individual in late adolescence involved in an ongoing sexual relationship with a 12- or 13-year-old.

Specify whether:

Exclusive type (attracted only to children)

Nonexclusive type

Specify if:

- Sexually attracted to males**
- Sexually attracted to females**
- Sexually attracted to both**

Specify if:

- Limited to incest**

Diagnostic Features

The diagnostic criteria for pedophilic disorder are intended to apply both to individuals who freely disclose this paraphilia and to individuals who deny any sexual attraction to prepubertal children (generally age 13 years or younger), despite substantial objective evidence to the contrary. Examples of disclosing this paraphilia include candidly acknowledging an intense sexual interest in children and indicating that sexual interest in children is greater than or equal to sexual interest in physically mature individuals. If individuals also complain that their sexual attractions or preferences for children are causing psychosocial difficulties, they may be diagnosed with pedophilic disorder. However, if they report an absence of feelings of guilt, shame, or anxiety about these impulses and are not functionally limited by their paraphilic impulses (according to self-report, objective assessment, or both), and their self-reported and legally recorded histories indicate that they have never acted on their impulses, then these individuals have a pedophilic sexual orientation but not pedophilic disorder.

Examples of individuals who deny attraction to children include individuals who are known to have sexually approached multiple children on separate occasions but who deny any urges or fantasies about sexual behavior involving children, and who may further claim that the known episodes of physical contact were all unintentional and nonsexual. Other individuals may acknowledge past episodes of sexual behavior involving children but deny any significant or sustained sexual interest in children. Since these individuals may deny experiences, impulses or fantasies involving children, they may also deny feeling subjectively distressed. Such individual may still be diagnosed with pedophilic disorder despite the absence of self-reported distress, provided that there is evidence of recurrent behaviors persisting for 6 months (Criterion A) and evidence that the individual has acted on sexual urges or experienced interpersonal difficulties as a consequence of the disorder (Criterion B).

Presence of multiple victims, as discussed above, is sufficient but not necessary for diagnosis; that is, the individual can still meet Criterion A by merely acknowledging intense or preferential sexual interest in children.

The Criterion A clause, indicating that the signs or symptoms of pedophilia have persisted for 6 months or longer, is intended to ensure that the sexual attraction to children is not merely transient. However, the diagnosis may be made if there is clinical evidence of sustained persistence of the sexual attraction to children even if the 6-month duration cannot be precisely determined.

Associated Features Supporting Diagnosis

The extensive use of pornography depicting prepubescent children is a useful diagnostic indicator of pedophilic disorder. This is a specific instance of the general case that individuals are likely to choose the kind of pornography that corresponds to their sexual interests.

Prevalence

The population prevalence of pedophilic disorder is unknown. The highest possible prevalence for pedophilic disorder in the male population is approximately 3%–5%. The population prevalence of pedophilic disorder in females is even more uncertain, but it is likely a small fraction of the prevalence in males.

Development and Course

Adult males with pedophilic disorder may indicate that they become aware of strong or preferential sexual interest in children around the time of puberty—the same time frame in which males who later prefer physically mature partners became aware of their sexual interest in women or men. Attempting to diagnose pedophilic disorder at the age at which it first manifests is problematic because of the difficulty during adolescent development in differentiating it from age-appropriate sexual interest in peers or from sexual curiosity. Hence, Criterion C requires for diagnosis a minimum age of 16 years and at least 5 years older than the child or children in Criterion A.

Pedophilia per se appears to be a lifelong condition. Pedophilic disorder, however, necessarily includes other elements that may change over time with or without treatment: subjective distress (e.g., guilt, shame, intense sexual frustration, or feelings of isolation) or psychosocial impairment, or the propensity to act out sexually with children, or both. Therefore, the course of pedophilic disorder may fluctuate, increase, or decrease with age.

Adults with pedophilic disorder may report an awareness of sexual interest in children that preceded engaging in sexual behavior involving children or self-identification as a pedophile. Advanced age is as likely to similarly diminish the frequency of sexual behavior involving children as it does other paraphilically motivated and normophilic sexual behavior.

Risk and Prognostic Factors

Temperamental. There appears to be an interaction between pedophilia and antisociality, such that males with both traits are more likely to act out sexually with children. Thus, antisocial personality disorder may be considered a risk factor for pedophilic disorder in males with pedophilia.

Environmental. Adult males with pedophilia often report that they were sexually abused as children. It is unclear, however, whether this correlation reflects a causal influence of childhood sexual abuse on adult pedophilia.

Genetic and physiological. Since pedophilia is a necessary condition for pedophilic disorder, any factor that increases the probability of pedophilia also increases the risk of pedophilic disorder. There is some evidence that neurodevelopmental perturbation in utero increases the probability of development of a pedophilic orientation.

Gender-Related Diagnostic Issues

Psychophysiological laboratory measures of sexual interest, which are sometimes useful in diagnosing pedophilic disorder in males, are not necessarily useful in diagnosing this disorder in females, even when an identical procedure (e.g., viewing time) or analogous procedures (e.g., penile plethysmography and vaginal photoplethysmography) are available.

Diagnostic Markers

Psychophysiological measures of sexual interest may sometimes be useful when an individual's history suggests the possible presence of pedophilic disorder but the individual denies strong or preferential attraction to children. The most thoroughly researched and longest used of such measures is *penile plethysmography*, although the sensitivity and specificity of diagnosis may vary from one site to another. *Viewing time*, using photographs of nude or minimally clothed persons as visual stimuli, is also used to diagnose pedophilic disorder, especially in combination with self-report measures. Mental health professionals in the United States, however, should be aware that possession of such visual stimuli, even for diagnostic purposes, may violate American law regarding possession of child pornography and leave the mental health professional susceptible to criminal prosecution.

Differential Diagnosis

Many of the conditions that could be differential diagnoses for pedophilic disorder also sometimes occur as comorbid diagnoses. It is therefore generally necessary to evaluate the evidence for pedophilic disorder and other possible conditions as separate questions.

Antisocial personality disorder. This disorder increases the likelihood that a person who is primarily attracted to the mature physique will approach a child, on one or a few occasions, on the basis of relative availability. The individual often shows other signs of this personality disorder, such as recurrent law-breaking.

Alcohol and substance use disorders. The disinhibiting effects of intoxication may also increase the likelihood that a person who is primarily attracted to the mature physique will sexually approach a child.

Obsessive-compulsive disorder. There are occasional individuals who complain about ego-dystonic thoughts and worries about possible attraction to children. Clinical interviewing usually reveals an absence of sexual thoughts about children during high states of sexual arousal (e.g., approaching orgasm during masturbation) and sometimes additional ego-dystonic, intrusive sexual ideas (e.g., concerns about homosexuality).

Comorbidity

Psychiatric comorbidity of pedophilic disorder includes substance use disorders; depressive, bipolar, and anxiety disorders; antisocial personality disorder; and other paraphilic disorders. However, findings on comorbid disorders are largely among individuals convicted for sexual offenses involving children (almost all males) and may not be generalizable to other individuals with pedophilic disorder (e.g., individuals who have never approached a child sexually but who qualify for the diagnosis of pedophilic disorder on the basis of subjective distress).

Fetishistic Disorder

Diagnostic Criteria

302.81 (F65.0)

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from either the use of nonliving objects or a highly specific focus on nongenital body part(s), as manifested by fantasies, urges, or behaviors.
- B. The fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The fetish objects are not limited to articles of clothing used in cross-dressing (as in transvestic disorder) or devices specifically designed for the purpose of tactile genital stimulation (e.g., vibrator).

Specify:

- Body part(s)
- Nonliving object(s)
- Other

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in fetishistic behaviors are restricted.

In full remission: There has been no distress or impairment in social, occupational, or other areas of functioning for at least 5 years while in an uncontrolled environment.

PETITIONER'S EXHIBIT

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SCOTT B. SUGGS
CLERK OF COURT / R.O.D.
DARLINGTON COUNTY, S.C.

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 *allographic 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 a interest in these activities that equals or exceeds the individual's interest in copulation or equivalent interaction with another person. Examples of the latter would include intense or preferential sexual interest in children, corpses, or amputees (as a class), as well as intense or preferential interest in nonhuman animals, such as horses or dogs, or in inanimate objects, such as shoes or articles made of rubber.

A *paraphilic disorder* is a paraphilia that is currently causing distress or impairment to the individual or a paraphilia whose satisfaction has entailed personal harm, or risk of harm, to

others. A paraphilia is a necessary but not a sufficient condition for having a paraphilic disorder, and a paraphilia by itself does not necessarily justify or require clinical intervention.

In the diagnostic criteria set for each of the listed paraphilic disorders, Criterion A specifies the qualitative nature of the paraphilia (e.g., an erotic focus on children or on exposing the genitals to strangers), and Criterion B specifies the negative consequences of the paraphilia (i.e., distress, impairment, or harm to others). In keeping with the distinction between paraphilias and paraphilic disorders, the term *diagnosis* should be reserved for individuals who meet both Criteria A and B (i.e., individuals who have a paraphilic disorder). If an individual meets Criterion A but not Criterion B for a particular paraphilia—a circumstance that might arise when a benign paraphilia is discovered during the clinical investigation of some other condition—then the individual may be said to have that paraphilia but not a paraphilic disorder.

It is not rare for an individual to manifest two or more paraphilias. In some cases, the paraphilic foci are closely related and the connection between the paraphilias is intuitively comprehensible (e.g., foot fetishism and shoe fetishism). In other cases, the connection between the paraphilias is not obvious, and the presence of multiple paraphilias may be coincidental or else related to some generalized vulnerability to anomalies of psychosexual development. In any event, comorbid diagnoses of separate paraphilic disorders may be warranted if more than one paraphilia is causing suffering to the individual or harm to others.

Because of the two-pronged nature of diagnosing paraphilic disorders, clinician-rated or self-rated measures and severity assessments could address either the strength of the paraphilia itself or the seriousness of its consequences. Although the distress and impairment stipulated in the Criterion B are special in being the immediate or ultimate result of the paraphilia and not primarily the result of some other factor, the phenomena of reactive depression, anxiety, guilt, poor work history, impaired social relations, and so on are not unique in themselves and may be quantified with multipurpose measures of psychosocial functioning or quality of life.

The most widely applicable framework for assessing the strength of a paraphilia itself is one in which examinees' paraphilic sexual fantasies, urges, or behaviors are evaluated in relation to their normophilic sexual interests and behaviors. In a clinical interview or on self-administered questionnaires, examinees can be asked whether their paraphilic sexual fantasies, urges, or behaviors are weaker than, approximately equal to, or stronger than their normophilic sexual interests and behaviors. This same type of comparison can be, and usually is, employed in psychophysiological measures of sexual interest, such as penile plethysmography in males or viewing time in males and females.

Voyeuristic Disorder

Diagnostic Criteria

302.82

- A. Over a period of at least 6 months, recurrent and intense sexual arousal from observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity, as manifested by fantasies, urges, or behaviors.
- B. The individual has acted on these sexual urges with a nonconsenting person, or the sexual urges or fantasies cause clinically significant distress or impairment in social, occupational, or other important areas of functioning.
- C. The individual experiencing the arousal and/or acting on the urges is at least 18 years of age.

Specify if:

In a controlled environment: This specifier is primarily applicable to individuals living in institutional or other settings where opportunities to engage in voyeuristic behavior are restricted.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
In Re Care and Treatment of)
)
)
)
LARRY JAMES TYLER)
Respondent,)
_____)

IN THE COMMON PLEAS COURT
FOR THE 4th JUDICIAL CIRCUIT
CASE NO.: 2015-CP-16-00788

MOTION TO DISMISS

To: James Bogle Jr., Esq. Office of S.C. Attorney General, PO Box 11549
Columbia, SC 29211

Respondent by and through undersigned counsel hereby respectfully moves
that these proceedings be dismissed with prejudice. In support of this Motion
Respondent states:

1. Pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 et. seq (the Act) the State of South Carolina filed a petition seeking to have respondent declared a sexually violent predator.
2. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.
3. The Honorable Paul M Burch entered his Probable Cause Order October 26, 2015.

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CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

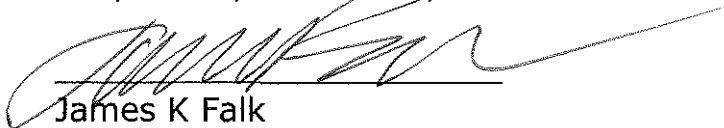
4. As of this date Dr. Gehle has not completed her evaluation of Respondent, and on information and belief, has not sought an Order from this Court granting her a continuance in which to complete this evaluation.
5. S.C. Code Ann § 44-48-80 (D) required Dr. Gehle to complete her evaluation by December 26, 2015. Specifically the Act provides: *The expert must complete the evaluation within sixty days after the completion of the probable cause hearing. The court may grant one extension upon request of the expert and a showing of good cause. Any further extensions only may be granted for extraordinary circumstances.*
6. Respondent has completed his criminal sentence and is currently held in the Darlington County Detention Center awaiting a resolution of this case. As such Respondent suffers extreme prejudice as a result of the State's failure to resolve these proceedings.
7. As noted by the South Carolina Supreme Court: *A civil proceeding to commit an individual, perhaps for life, following service of his criminal sentence, is an extraordinary remedy. Although this Court has repeatedly held the Act constitutional, we decline to construe it in a manner which would lessen the State's burden of proof. In Re Taft*, 413 S.C. 16, 23, 774 S.E.2d 462, 466 (2015). In Taft, the Respondent was initially evaluated and the State's expert opined that the Respondent

was not an SVP. The State then sought a second evaluation, however, the second expert was unable complete the evaluation within the sixty-day time statutory time limit. The State's motion for a continuance was denied and the trial proceeded without the testimony of the State's second expert. Taft's motion for summary judgement was denied, and the trial court's decision was reversed on appeal.

8. The State is solely responsible for the delay in these proceedings and any continued detention by the State under these circumstances amounts to a violation of Defendant's rights under the Fifth and Fourteenth Amendments to the United States Constitution as well as Article 1 Sections 3 and 9 of the Constitution of South Carolina.

THEREFORE, Respondent asks that this matter be dismissed, with prejudice, and that the court issue an order releasing him from custody.

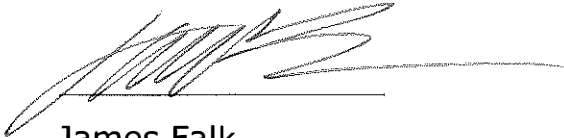
Respectfully Submitted,



James K Falk
Falk Law Firm
PO Box 38
Charleston, SC 29402
(843) 606-6007
(843) 972, 9005 Fax
jfalklaw@gmail.com

CERTIFICATE OF SERVICE

Undersigned certifies that a Copy of the above was served upon James Bogle, Jr by depositing a copy in the United States Mail to the address listed above on this January 7, 2016.

A handwritten signature in black ink, appearing to read 'J. Falk', is written over a horizontal line.

James Falk

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SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

2d Motion
dtd 2-23-16

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF DARLINGTON	)	FOR THE 4th JUDICIAL CIRCUIT
	)	
In Re Care and Treatment of	)	CASE NO.: 2015-CP-16-00788
	)	
	)	
Larry James Tyler	)	
	)	
Respondent,	)	
_____	)	

**RESPONDENT'S SECOND MOTION TO DISMISS, OR ALTERNATIVELY,
MOTION TO SET DEADLINE FOR STATE'S COMPLETION OF FORENSIC
EVALUATION**

To: James Bogle, Jr. Esq. Office of the Attorney General, PO Box 11549,
Columbia, SC 29211-1549

Respondent, by and through Counsel hereby moves for an order:

1. Dismissing this action with prejudice; or,
2. Setting a fixed deadline for the State's completion of the evaluation required under S.C. Code Ann. § 44-48-80 (D).

As grounds for this motion undersigned counsel states:

1. Pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 et. seq (the Act) the State of South Carolina filed a petition seeking to have respondent declared a sexually violent predator.
2. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.

3. The Honorable Paul M Burch entered his Probable Cause Order October 26, 2015.
4. On December 14, 2015 the Honorable Paul M. Burch signed an Order granting Dr. Gehle a continuance for completion of her court-order-evaluation. Judge Burch's order does not provide a deadline for the completion of Dr. Gehle's evaluation and instead continued this action until the evaluation can be completed and until such time as the Court is asked to set a trial date. This order was entered with the clerk of court on January 15, 2016.
5. S.C. Code Ann § 44-48-80 (D) provides that *the expert must complete the evaluation within sixty days after the completion of the probable cause hearing. The court may grant one extension upon request of the expert and a showing of good cause. Any further extensions only may be granted for extraordinary circumstances.*
6. Since the SVP Act requires that State's expert to complete its evaluation within 60 days, any further extension of time should be limited to an additional 60 days. Over 60 days have elapsed since the Court last granted Dr. Gehle an extension in this case. On information and belief, Dr. Gehle has yet to complete her evaluation.
7. Respondent's counsel recognizes that Dr. Gehle initially made a timely request for an extension in which to complete her evaluation. However, the granting of an indeterminate extension of time in which to complete

this evaluation is not within the spirit of the statutory scheme and violates Respondent's due process rights under the Fifth and Fourteenth Amendments to the United States Constitution as well as Article 1 § 3 of the South Carolina Constitution.

8. Respondent has completed his criminal sentence and is currently held in the Darlington County Detention Center awaiting a resolution of this case. As such Respondent suffers extreme prejudice as a result of the State's failure to resolve these proceedings.

THEREFORE, Respondent asks that this matter be dismissed or in the alternative that the Court issue an order directing that Dr. Gehle either finish her evaluation within ten days or provide sufficient proof that extraordinary circumstances exist to justify and further extension.

Respectfully Submitted,



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jfalklaw@gmail.com

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF DARLINGTON	)	FOR THE 4th JUDICIAL CIRCUIT
	)	
In Re Care and Treatment of	)	CASE NO.: 2015-CP-16-00788
	)	
	)	
Larry James Tyler	)	
	)	
Respondent,	)	
_____	)	

**RESPONDENT'S MOTION TO DISMISS, OR ALTERNATIVELY,
MOTION TO SET DATE CERTAIN TRIAL DATE**

To: James Bogle, Jr. Esq. Office of the Attorney General, PO Box 11549,
Columbia, SC 29211-1549

Respondent, by and through Counsel hereby moves for an order:

- I. Dismissing this action with prejudice; or,
- II. Setting a date certain trial date in this action.

As grounds for this motion undersigned counsel states:

1. Pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 et. seq (the Act) the State of South Carolina filed a petition seeking to have respondent declared a sexually violent predator.
2. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.

3. The Honorable Paul M Burch entered his Probable Cause Order October 26, 2015.
4. On or about May 12, 2016 Dr. Gehle completed her evaluation in which she opined that Respondent did not meet the criteria to be considered a sexually violent predator.
5. On or about May 16, 2016 the State filed notice pursuant to S.C. Code Ann. Sec 44-48-90(C) to retain an independent evaluation. On or about May 18, 2016 the State retained Dr. William Burke of MUSC's Community and Public Safety Psychiatry Division of Psychiatry and Behavioral Sciences (MUSC) to perform the evaluation.
6. S.C. Code Ann. Sec 44-48-90(B) provides that a trial date must be scheduled within 90 days from the date on which the Court appointed expert completes their evaluation. Respondent herein requests that a trial date be set at the parties' earliest availability.
7. Respondent anticipates that the State may assert that any delay in setting a trial date in the case is the result of Respondent's own actions. On information and belief, the Respondent participated and cooperated in all facets of Dr. Burke's evaluation with the sole exception of participating in the Penile Plethysmograph test (PPG). Respondent asserts that the State's action in compelling Respondent to participate in PPG testing amounts to:
 - a. A substantial deprivation of Respondent's liberty

- b. A substantial invasion of Respondent's right to privacy;
- c. A warrantless search of Respondent's innermost thoughts; and,
- d. State-sanctioned compulsory self-incrimination.

Therefore the State's action in seeking to compel Respondent to participate in PPG testing constitutes violations of Respondent's rights under the 4th 5th and 14th Amendments to the United States Constitution as well as Article 1 Sections 3, 10 and 12 of the South Carolina Constitution.

THEREFORE, Respondent asks that this matter be dismissed for lack of prosecution or in the alternative that the Court set a date certain trial date in this matter.

Respectfully Submitted,



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(843) 972, 9005 Fax
jfalklaw@gmail.com

CONTINUED ON NEXT PAGE

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
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IN THE MATTER OF THE CARE AND)
TREATMENT OF)
LARRY JAMES TYLER,)
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RESPONDENT.)
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IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CASE # 2015-CP-16-00788

RETURN TO MOTION TO DISMISS
AND FOR TRIAL; MOTION TO
COMPEL COOPERATION WITH
EVALUATION

TO: JAMES K. FALK, ESQUIRE.

YOU WILL PLEASE TAKE NOTICE that the State of South Carolina, through the undersigned, will make the following Return to the Motion to Dismiss and for a trial, and Move for (1) an Order continuing the matter and tolling or staying all statutory deadlines, and (2) for an Order holding Respondent in contempt for failing to cooperate with the State's evaluation, and requiring Respondent to cooperate in an evaluation for the purposes of determining whether or not he is a sexually violent predator. In support of these the following is offered:

MOTION FOR CONTINUANCE AND FOR STAY:

1. An action under the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.*, was commenced with filing of a Petition in October, 2015. The qualifying convictions were sexual exploitation of a minor in the second degree, criminal solicitation of a minor, and disseminating harmful material to a minor.
2. An Order for Evaluation was filed on or about October 26, 2015. The qualified expert appointed by the Court to examine the Respondent was Dr. Marie E. Gehle of the Department of Mental Health.
3. A Request for a Jury Trial was filed by the State.
4. Dr. Gehle issued her report dated on or about May 16, 2013, concluding that Respondent did not meet the criteria to be considered a sexually violent

predator. From the reading of Dr. Gehle's report it appears to be clear that Respondent cooperated with her evaluation.

5. Under S.C. Code Ann. Section 44-48-90 (C), upon receipt of the evaluation by the court-appointed expert the Attorney General may retain a qualified expert to perform a subsequent examination. The State notified Respondent's attorney this was being done, by Notice of Retention of Independent Expert, filed with the Court on or about May 16, 2016. The State retained the Sexual Behaviors Laboratory at the Medical University of South Carolina, which assigned Dr. Emily Gottfried to conduct the evaluation.
6. Under the Sexually Violent Predator Act a jury trial must be held within 90 days of the date Dr. Gehle issued her evaluation, S.C. Code Ann. Section 44-48-90(B).
7. The State would request a denial of the Motion to Dismiss based on the Respondent's failure to cooperate with the State's evaluation (*see infra*), and a stay of any required jury trial or the time limits relating to all further matters regarding this case because Respondent is not cooperating with the State's evaluation.

MOTION TO COMPEL COOPERATION WITH EVALUATION:

8. The contents of paragraphs 1-7 above are repeated.
9. Dr. Gottfried, of MUSC, has attempted to conduct an evaluation of Respondent as authorized by Section 44-48-90(C). Dr. Gottfried has advised the undersigned that Respondent was transported to her office for an evaluation. At Dr. Gottfried's office, Respondent signed a valid Consent for Evaluation, attached as Exhibit 1 that included the administration of a Penile Plethysmograph (PPG Examination) and a Polygraph Examination. As shown by the attached letter from Dr. Gottfried (Exhibit 2) these examinations are standard protocol based on "the evidence base for assessing his likelihood in engaging in future acts of sexual violence." Respondent was deceptive on certain psychological assessment measures, making physiological data from the PPG a critical component of this examination. He refused to take the PPG, and so the examination could not be completed.
10. Failure to cooperate with an evaluation was addressed in a Charleston case

in 2004, *In the Matter of the Care and Treatment of Emory Michau*. By Order filed June 29, 2004 (Exhibit 3) Circuit Court Judge Roger M. Young found *Michau* in contempt for failure to cooperate with an evaluation, and directed that the he could purge himself of the contempt by cooperating. (Upon information and belief, *Michau* remained confined at the Charleston County Detention Center for several years before finally cooperating with the evaluation, which led to his case being dismissed).

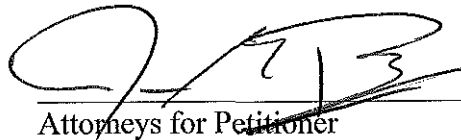
11. Failure to cooperate with an evaluation was addressed in a Union County case in 2014, *In the Matter of the Care and Treatment of Melvin Beam*. By Order filed November 19, 2013 (Exhibit 4), Circuit Court Judge Brian M. Gibbons found Beam in contempt for failure to cooperate with the evaluation sought by the Attorney General's Office, and directed that the he could purge himself of the contempt by cooperating.
12. This Court has jurisdiction over the subject matter of this litigation, as well as the Respondent himself. It is within the powers of the circuit court to enforce its orders, enforce a statute enacted by the General Assembly, and to punish for contempt.
13. When the General Assembly passed the Sexually Violent Predator Act it made a legislative finding that "a mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment...Section 44-48-20." For this goal to be met it is necessary that the Respondent cooperate with evaluations ordered by the Court or authorized by the statute. The subsequent evaluation be sought by the State is authorized by S.C. Code Ann. Section 44-48-90(C).
14. S.C. Code Ann. Section 44-48-90(C) confers upon the Attorney General the right to secure an independent evaluation, the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert concluded that he fit the criteria of a sexually violent predator. The Court in the *Beam* case held: "[R]easonable access" as contained in Section 44-48-90(C) would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90(C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associated of the examiner involved in any evaluation or testing...of Respondent. The Court finally held that, by refusing the PPG, Respondent has not allowed the Attorney General's expert reasonable access to him.

WHEREFORE, the State would move as follows: (1) for a denial of Respondent's motion to dismiss and motion for a trial date; (2) for the Respondent to be found in contempt of court, and ordered held at the Darlington County Detention Center until such time as he could purge himself of this contempt, by cooperating with the evaluation of the Attorney General's expert, Dr. Emily Gottfried at MUSC; (3) that all statutory time limits associated with the Sexually Violent Predator Act matter pending against Respondent are tolled, pending his cooperation with the evaluation as set forth herein; and (4) grant such other or further relief as is just and proper.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

A handwritten signature in black ink, appearing to read 'J. Bogle', is written over a horizontal line.

Attorneys for Petitioner
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-1173; JBogle@scag.gov

August 18, 2016
Columbia, South Carolina.

Sexual Behaviors Clinic and Lab
Department of Psychiatry & Behavioral Sciences
Medical University of South Carolina
29C Leinbach Drive
Charleston, SC 29407

**Consultation Evaluation Examinee Consent
and Authorization to Use/Disclose Information**

Examinee Name (print name): Larry Tyler
Date of Consent Form Review (mm/dd/yy): 2/2/16

You have been referred for a psychosexual evaluation by the Sexual Behaviors Clinic and Lab of the Department of Psychiatry and Behavioral Sciences at the Medical University of South Carolina, hereafter referred to as the Sexual Behaviors Clinic and Lab or by the abbreviation SBCL. This evaluation may involve all or only some of the tests and assessments described in the following paragraphs. These tests and assessments are used to evaluate your behaviors and symptoms. Please read every page of the consent form. If you have questions regarding this consent form or another aspect of your evaluation, please ask the evaluator.

Clinical Interview(s). You will be interviewed on one or more occasions regarding your education, employment, family, general medical, psychiatric, abuse, legal, and substance use histories; childhood development; sexual behaviors, knowledge and thoughts; symptoms and behaviors that led to this evaluation. You do not have to answer all the questions, but failure to answer questions may be noted for the record. In addition, failure to answer all the questions or to be less than honest or accurate may prevent completion of your evaluation or cause incorrect conclusions. The interview(s) may be audio and/or video recorded and the recording will become a part of your forensic file maintained by the SBCL.

Questionnaire(s). There are a number of questionnaires that may be included in the evaluation. There are questions about personal topics, such as your past and present sexual activities, your attitudes and personality. You may respond or not to those questions. If you choose to answer them, it is important that your responses are as honest and as accurate as possible. Failure to answer questions or to be less than honest or accurate may make the results invalid or prevent use of a given questionnaire as part of your evaluation.

Among the possible questionnaires, you may be administered the Multiphasic Sex Inventory II (MSI II). The MSI II is designed to help identify psychological/sexual problems, if any, that you may have. Specifically, the test data is used (1) to help develop hypotheses about psychological problems you may be experiencing; (2) to help develop hypotheses about sexual problems you may be experiencing such as sexual desires, obsessions, dysfunction, sex knowledge and deviant or atypical sexual behaviors; (3) for reporting treatment progress that you may have made; and (4) to provide ongoing research data which is used to better understand individuals who may have problems. The testing data you complete will be forwarded to Nichols & Molinder Assessments, Inc. in Washington State, where the data will be scored and interpreted. All material sent to Nichols & Molinder Assessments, Inc. will be identified by your initials or a code number only and neither your name nor other identifying information (address, social security number, etc.) will be divulged. You agree to put only your initials or a code number assigned by the SBCL on all test answer sheets and forms. However, your age, education level, usual occupation, marital status, race, sex and reason for taking the testing will be included on test materials. This information is needed in combination with the test results to more specifically address the objectives stated above. If you are a minor or have a legally assigned guardian empowered to give consent on your behalf, your parent(s) or guardian may review the testing materials before deciding on authorizing their use as part of your evaluation.

EXH. 1

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/7/16

The Abel Assessment for Sexual Interest-2™ or The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™. If one of these assessments is used, the other will not be used. The Abel Assessment for Sexual Interest-2™ is a computerized test that includes completing a questionnaire regarding your sexual attitudes, experiences and preferences. The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™ may be used with persons who have difficulty with understanding and/or applying instructions or who are illiterate (unable to read). It includes a questionnaire read aloud by a test administrator regarding your sexual attitudes, experiences and preferences. With both of these assessments your response to a series of images of clothed males and females of various ages will be measured, beyond your awareness. As you view the images, you will be asked to rate your level of sexual attraction to each image using the number keys on a computer keyboard. Information collected during these procedures will be incorporated using a special code into a database at Abel Screening, Inc of Atlanta, Georgia, which analyzes the data for the SBCL. The information will be used not only for assisting in your evaluation, but also for research regarding the understanding of sexual behaviors in general and the general development of behavioral psychological testing products for use by professionals. The information placed in the Abel Screening, Inc. database for research purposes will not have your name associated with it. You will not receive or be entitled to payment from Abel Screening, Inc or the SBCL for such research use or for products that are developed by Abel Screening, Inc through use of such information.

Males Only - Penile Plethysmography. This assessment involves measuring your sexual arousal while you listen to audiotapes and/or look at photographic images and/or video images. This part of the evaluation may take several hours, depending on which type of stimuli (video images, photographic images and/or audiotapes) is used. You will be sitting in a room by yourself during the assessment. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate and a pad in your seat to measure movement. The assessment administrator will assist with placement of these measurement devices. A video camera may monitor your upper body including your face, chest and arms to record your attention to visual stimuli and body movement. The video recording will become a part of your forensic file maintained by the SBCL. You will be given instruction on how you are to place an elastic band type sensor around your penis to measure sexual arousal. Your groin area will not be exposed during the assessment nor will it be visible to the camera monitoring your upper body. Some of the material you will be hearing and/or seeing is sexually explicit and some audio descriptions and photographic images may be of sexual coercion and/or violence. You may listen to audio that verbally describes sexual activity between adults and/or between adults and children. Visual images may include males and/or females, clothed children, nude and/or clothed adults, and sexually explicit behavior between adults. You will be asked to rate your level of sexual arousal to each visual image and/or audio description. A computer in the next room where the assessment administrator sits will record your sexual arousal to these stimuli.

~~**Females Only - Vaginal Photoplethysmography.** This assessment involves measuring your sexual arousal to sexually explicit stimuli. This part of the evaluation may take several hours, depending on which type of stimuli (video images, photographic images and/or audiotapes) is used. You will be sitting in a room by yourself during the assessment. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate and a pad in your seat to measure movement. The assessment administrator will assist with placement of these measurement devices. A video camera may monitor your upper body including your face, chest and arms to record your attention to visual stimuli and body movement. The video recording will become a part of your forensic file maintained by the SBCL. You will be given instruction on how you are to place a vaginal photoreceptor sensor to measure sexual arousal. Your groin area will not be exposed during the assessment nor will it be visible to the camera monitoring your upper body. Some of the material you~~

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (Print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/7/16

~~will be hearing and/or seeing is sexually explicit and some audio descriptions and/or photographic images may be of sexual coercion and/or violence. You may listen to audio that verbally describes sexual activity between adults and/or between adults and children. Visual images may include males and/or females, clothed children, clothed and/or nude adults, and sexually explicit behavior between adults. You will be asked to rate your level of sexual arousal to each visual image and/or audio description. A computer in the next room where the assessment administrator sits will record your sexual arousal to these stimuli.~~ *L.T.*

Polygraph Examination. You may be requested to undergo a psychophysiological verification examination utilizing polygraph instrumentation. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate, and a pad in your seat to measure movement. The polygraph examiner will assist with placement of these measurement devices. An audio and video recording of the examination will be made and the recording will become a part of your forensic file maintained by the SBCL. You may be asked questions about personal topics, such as your past and present sexual activities.

Blood and Urine Tests. You may be sent to a laboratory for the collection and testing of a blood sample and/or urine sample. The samples will be submitted for various biochemical, hormonal, substance use and other measurements as appropriate given your individual behaviors, symptoms and evaluation requirements.

Limits to Confidentiality of Evaluation Results. The results from the evaluation will become part of your forensic file maintained by the SBCL. However, the following exceptions to confidentiality apply. If you disclose that you have sexually or physically abused or neglected an identifiable child, the SBCL, in compliance with South Carolina law, must report the information to the South Carolina Department of Social Services or to a law enforcement agency, if a report has not already been made. In addition, if this evaluation is being conducted at the request or direction of a third party (someone other than you) such as a court of law, your attorney, health care professional providing services to you, or an agency responsible for your care, the SBCL will provide the results of the evaluation to that third party. Other exceptions may apply in keeping with applicable laws and regulations to include reporting if you reveal that you may harm yourself or that you have plans to harm someone else. When information from your evaluation is provided to a third party, confidentiality will no longer be in the control of or the responsibility of the SBCL.

Use of Evaluation Results for Research. The primary purpose of the tests and assessments described in this consent form is to evaluate your behaviors and symptoms. In addition, your evaluation results may be used for research to further understand and improve the diagnosis, assessment and the treatment of behaviors and symptoms like yours. Your name will be kept confidential as it relates to research. Specifically, your name will not be included in research presentations, reports or publications, nor will your name or other identifying information be disclosed to anyone not directly involved in research in the SBCL without written permission. Use of your evaluation results will only be used for research in accordance with appropriate Institutional Review Board approval and other applicable state and federal laws and regulations.

Termination of Consent to Evaluation Tests and/or Assessments. You may revoke your consent to one or more of these evaluation tests and/or assessments at any time prior to their completion by verbally advising the test or assessment administrator. Failure to complete a recommended test or assessment may prevent completion of part or the entire evaluation.

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): LARRY TYLER
Date of Consent Form Review (mm/dd/yy): 7/7/16

I, Dr. [Signature] Larry Tyler, hereby consent to have the evaluator, Dr. [Signature] and/or other persons designated by the evaluator to conduct such tests and/or assessments as may be required in the opinion of the evaluator to complete an evaluation of my sexual behaviors and symptoms. Specifically, I consent to the following as detailed in other sections of this consent form (initial each that apply and to which you agree):

LT **Clinical Interview(s).** I understand that I will be interviewed on one or more occasions about various aspects of my past, my sexual behaviors and thoughts, and about the behaviors and/or symptoms that led to this evaluation.

LT **Questionnaires.** I understand that many questions on the questionnaires are highly personal, and whether or not I answer them is my choice. If I do answer, my responses will be as honest and as accurate as possible.

LT **The Abel Assessment for Sexual Interest-2™ or The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™.** I understand that I may be administered one of these tests. I will be asked to complete a questionnaire or respond to one read to me and I will be asked to view and rate my sexual attraction to a series of computer images of clothed males and females of various ages.

LT **Males Only - Penile Plethysmography.** I understand that my sexual arousal and physical arousal may be measured while I listen to audiotapes, and/or look at photographic images and/or video images. My sexual arousal will be measured by using an elastic band type sensor around my penis. I understand that the material I may be seeing and/or hearing might be sexually explicit and that some audio (verbal) descriptions may be of sexual activity between adults and/or between adults and children, and that some audio descriptions and/or photographic images may be of sexual coercion and violence.

~~LT **Females Only - Vaginal Photoplethysmography.** I understand that my sexual arousal and physical arousal may be measured while I listen to audiotapes, and/or look at photographic images and/or video images. My sexual arousal will be measured by using a vaginal photoreceptor sensor. I understand that the material I may be seeing and/or hearing might be sexually explicit and that some audio (verbal) descriptions may be of sexual activity between adults and/or between adults and children, and that some audio descriptions and/or photographic images may be of sexual coercion and violence.~~ LT

LT **Polygraph Examination.** I understand that I may be administered a psychophysiological verification examination utilizing polygraph instrumentation. I understand that I may be asked questions about personal topics, such as my past and present sexual activities.

LT **Blood and Urine Tests.** I understand that the blood test(s) require(s) a sample of my blood and the urinalysis requires a sample of my urine.

LT **Use of Evaluation Results for Research.** I understand that my evaluation results may be used for research, but without my name and only in accordance with appropriate Institutional Review Board approval and other applicable state and federal laws and regulations.

LT **Limits to Confidentiality.** I understand that my evaluation has been requested by a third party and that the results of the evaluation will be released to that third party identified as:

SCAG

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/7/16

I consent to the following as detailed below (initial each that apply and to which you agree):

LT I agree to give up my rights to have kept secret what I tell Dr. Gottfried, the evaluator, and other persons designated by the evaluator and what is collected through tests and assessments.

This means that the evaluator has my permission to talk with people involved in my legal case and/or care about, to say and discuss out loud in court during a trial, to say and discuss during depositions (where lawyers ask the evaluator questions), and to prepare written reports about the following: what I tell and/or discuss with the evaluator; what I tell and/or discuss with other persons designated by the evaluator; content and results of tests and assessments; anything the evaluator thinks or decides about what I tell and/or discuss as just described and about the content and results of tests and assessments. I understand and agree that the evaluator's report(s) may be given to attorneys and/or judges or care providers connected with my case or care as the law allows. I understand that the evaluator's written report or out-loud statements for court may help my case, hurt my case, or have no effect on my case and I understand that no one can know which one it will be in advance. I hereby release the evaluator, and persons designated to assist the evaluator, from all claims or liability resulting from the releasing of the evaluator's report(s) as described above, and from the evaluator releasing information about me in a trial or deposition or to my care providers.

LT I understand that although the evaluator is a health care professional and may be a physician with a specialty in psychiatry or he/she may be a psychologist, he/she is not acting as my physician or psychologist in conducting this evaluation. I understand that I am not a patient of the evaluator in connection with or because of this evaluation and the evaluator will not give me treatment to include general medical or mental health treatment. In addition, other persons designated by the evaluator to conduct tests and/or assessments as part of my evaluation may be mental health or general health care providers, but such persons are not acting as my mental/general health care provider in conducting my evaluation, I am not a patient of those persons in connection with or because of this evaluation, and such persons will not give me treatment to include general medical or mental health treatment..

LT I agree to audio and/or video recording of some or all of my evaluation. I understand that such recordings are considered part of my forensic file. I understand that some or all of my evaluation may be observed by persons in training as part of their education and that they must follow the same confidentiality requirements as the evaluator and as described in this consent form.

LT I understand that revealing intimate details about one's life and behavior can produce temporary anxiety, depressive symptoms and/or emotional upset for some people. If I experience such a reaction, I will immediately advise the person conducting the evaluation if still in his/her presence and/or seek services from a health care provider. If I reveal during the evaluation that I have experienced such a reaction, that information may be provided to person(s) responsible for my care and I hereby grant permission for such a notification.

LT I understand that I can take breaks during the evaluation process, but if possible should coordinate breaks with the person conducting a particular test or assessment to avoid interfering with the evaluation process. I understand that I may at any time prior to completion of a given evaluation test or assessment withdraw my consent for that test or assessment or the entire evaluation.

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (Print name): Larry Tyler
Date of Consent Form Review (mm/dd/yy): 7/7/16

By signing below I agree that I have read and understood the contents of all six pages of this consent form, that I have had all my questions about the consent form answered to my satisfaction, and that I consent to every item contained in this consent form except ones lined through with a pen and initialed by me.

Signature of Examinee Larry J. Tyler

Printed Name of Examinee LARRY JAMES TYLER

Date 7-7-2016

~~Signature of Parent/Guardian (if applicable) _____~~

~~Printed Name of Parent/Guardian (if applicable) _____~~

~~Date _____~~

For parents/guardians: Initial at the end of this sentence to acknowledge your understanding of and agreement with being interviewed and completing questionnaires to provide information about the examinee. _____ *KT*

Signature of Witness Bonnie Dykstra

Printed Name of Witness Bonnie Dykstra

Date 7/7/16



Emily Gottfried, Ph.D.
Clinical Instructor
Licensed Clinical Psychologist

Sexual Behaviors Clinic & Lab

Community & Public Safety Psychiatry Division
Department of Psychiatry and Behavioral Sciences

29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

July 7, 2016

Re: Larry J. Tyler

JAMES G. BOGLE, JR.
Senior Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

Dear Mr. Bogle:

Personnel of the South Carolina Attorney General's Office requested a consultation evaluation from the MUSC Sexual Behaviors Clinic & Lab (SBCL) to determine if Mr. Larry Tyler has a mental abnormality and/or personality disorder that makes him likely to engage in acts of sexual violence. On advice of counsel, Mr. Tyler has refused to participate in the Penile Plethysmograph (PPG Examination). The PPG is a standard part of the SBCL evaluation protocol based on the evidence base for assessing his likelihood in engaging in future acts of sexual violence. Mr. Tyler consented to participate in other portions of the SBCL evaluation but he was deceptive on psychological assessment measures and his self-report was not viewed as being a valid indicator of his sexual arousal. Therefore, physiological data from the PPG becomes a critical component in answering the questions regarding Mr. Tyler's risk of sexual recidivism and the presence a has a mental abnormality such as a paraphilic disorder that could lead to his engaging in acts of sexual violence.

Thank you,

A handwritten signature in black ink, appearing to read "Emily D. Gottfried, Ph.D.", written in a cursive style.

Emily D. Gottfried, Ph.D.

EXH. 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TRJATMENT OF)
EMORY MICHAU,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER 2003-CP-10-0451

ORDER OF CONTEMPT

FILED
JUN 29 2004
COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT

This matter came before the Court by a Motion to Compel filed by the State.

The State presented to the Court that the Respondent was ordered to undergo a Psychiatric Evaluation by order of the Honorable Victor A. Rawl dated April 9, 2003. The Respondent has refused to cooperate with his court ordered Psychiatric Evaluation.

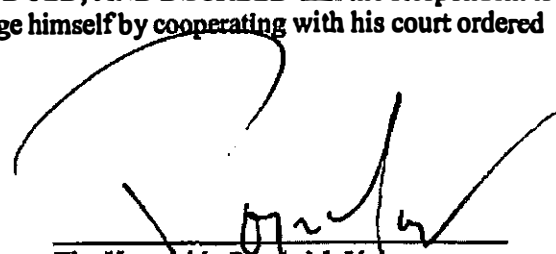
The Respondent read a statement to the Court complaining about the Sexually Violent Predator law, the Attorney General's Office, alleged violations of his rights, and problems with the Federal Court system.

I hereby find and conclude that matters raised by the Respondent are not properly before this Court, and this Court does not has the authority or jurisdiction to address them.

I hereby find the Respondent is in Contempt of Court of Court for refusing to cooperate with his court ordered Psychiatric Evaluation.

IT IS THEREFORE ORDERED, AD UDGED, AND DECREED that the Respondent is in Contempt of Court. The Respondent can purge himself by cooperating with his court ordered Psychiatric Evaluation.

AND IT IS SO ORDERED.



The Honorable Roger M. Young
Judge for the Ninth Judicial Circuit

Charleston, South Carolina
June 26, 2004

EXHIBIT 3

STATE OF SOUTH CAROLINA)
)
)
COUNTY OF UNION)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
MELVIN BEAM,)
RESPONDENT.)
)
)
_____)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT COURT
OF COMMON PLEAS
CASE NO. 2012-CP-44-00272

ORDER TO COMPEL

WILLIAM F. GAYNETT
CLERK OF COURT
UNION, SC

2013 NOV 19 AM 9 08

FILED FOR RECORD

The State of South Carolina through the Attorney General's Office moved for an Order requiring Respondent, Melvin Beam, to cooperate in an evaluation for the purposes of determining whether or not he is a sexually violent predator. A hearing was held in York County, with venue being waived by agreement, on October 1, 2013. Respondent was personally present along with his attorney, Elizabeth P. Wiygul and the State was represented by Senior Assistant Attorney General James G. Bogle, Jr.

Received into evidence were an incident report from the Union County Detention Center documenting Respondent's refusal to travel to the Medical University of South Carolina (MUSC) for an evaluation on or about May 15, 2013, and a copy of the report by Dr. Kimberly S. Harrison, Chief Psychologist at the Department of Mental Health. In addition into arguments by counsel, testimony was received from Respondent. Based upon the evidence presented, the Court makes the following findings of fact:

1. An action under the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.*, was commenced with filing of a Petition on or about June 21, 2012. The qualifying conviction was Criminal Sexual Conduct with a Minor in the First Degree, in 2009.
2. An Order for Evaluation was filed on or about November 28, 2012. The qualified expert appointed by the Court to examine the Respondent was Dr. Kimberly S. Harrison.
3. Dr. Harrison requested an extension of time within which to complete her evaluation of Respondent. That was granted by Order filed on or about January 24, 2013, which continued this case until such time as a trial could be scheduled at the convenience of the parties.
4. Dr. Harrison issued her report dated February 13, 2013, concluding that Respondent did not meet the criteria to be considered a sexually violent predator.
5. Under S.C. Code Ann. Section 44-48-90 (C), upon receipt of the evaluation by the court-appointed expert the Attorney General may retain a qualified expert to perform a subsequent examination. The



State notified Ms. Wiygul by letter, and a Notice of Retention of Independent Expert was filed on March 18, 2013.

6. Dr. William Mulbry, a forensic psychiatrist at MUSC, was retained by the Attorney General to conduct an evaluation of Respondent as authorized by Section 44-48-90 (C). Respondent was transported to Charleston on at two occasions, April 19 and 22, for testing and interviewing. A staff employee identified by Respondent as "Joe" was involved in the testing.
7. Thereafter, a subsequent date was scheduled for Dr. Mulbry and the personnel at his office to continue the evaluation of Respondent, on or about May 15, 2013. Respondent refused to be transported from the Union County jail. This was corroborated by the incident report received into evidence.
8. S.C. Code Ann. Section 44-48-90 (C) states that after the report of the evaluation is issued by the court-appointed expert, "the person or the Attorney General may retain a qualified expert to perform a subsequent examination. All examiners are permitted to have *reasonable access to the person* for the purpose of the examination, as well as access to all the relevant medical, psychological, criminal offense, and disciplinary records and reports." (emphasis added)

Whether or not the expert retained by the Attorney General is qualified would be a matter to be determined by the trial judge, if this case gets that far. Section 44-48-90 (C) confers upon the Attorney General the right to secure an independent evaluation. This is the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert, Dr. Harrison, determined that he fit the criteria of a sexually violent predator.

The central question would appear to be the scope of the language "reasonable access" as contained in Section 44-48-90 (C). This Court holds that reasonable access would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90 (C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associate of the examiner involved in any evaluation or testing, including the "Joe" employed by Dr. Mulbry who administered testing of Respondent. The Court holds that, by refusing to be transported to MUSC, Respondent has not allowed the Attorney General's expert reasonable access to him.

This Court does not find Respondent should be held in contempt at this time, as he did cooperate with some portion of the examination.

Accordingly,

IT IS THEREFORE that the Attorney General's Office is entitled to the evaluation by the Attorney General's expert as allowed by Section 44-48-90 (C); further, since that evaluation has not been completed, the Attorney General's expert is entitled to reasonable access to Respondent.

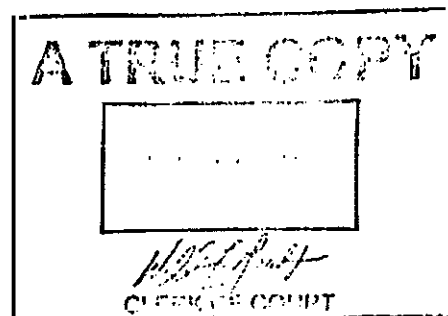
IT IS FURTHER ORDERED that the motion of the State to compel cooperation is granted. Respondent is directed to cooperate and complete the evaluation by the Attorney General's expert, Dr. Mulbry's office, or be subject to the contempt powers of this Court.

IT IS FURTHER ORDERED that since Respondent has been to the office at MUSC for at least one day's evaluation, the remaining time to evaluate him shall be limited to one more day. Time is of the essence since Respondent has completed his prison term and is currently housed at the Union County jail. If, in the opinion of the Attorney General's expert, more time is needed to complete the evaluation of Respondent, this Court, upon proper motion, may revisit that issue.

AND IT IS SO ORDERED.

11/13, 2013
York, South Carolina


BRIAN M. GIBBONS
Circuit Court Judge for the Sixteenth
Judicial Circuit Court of Common Pleas



STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
In Re Care and Treatment of)
)
)
)
Larry James Tyler)
Respondent,)
_____)

IN THE COMMON PLEAS COURT
FOR THE 4th JUDICIAL CIRCUIT
CASE NO.: 2015-CP-16-00788

**MOTION TO ALTER OR
AMEND JUDGMENT**

Respondent by counsel and pursuant to Rule 59(e) SCRPC moves this court to amend its October 31, 2016 Order that: Respondent be held in contempt until he cooperates with penile plethysmograph (PPG) testing; and, all relevant statutory time limitations applicable to these Sexually Violent Predator (SVP) Commitment proceedings be tolled. On November 7, 2016 Respondent's counsel received a copy of the Order that Judge Henderson signed on October 31, 2016, and counsel has not yet received written notice of the entry this order.

As grounds for this motion Respondent states:

1. Ordering Respondent to participate in compulsory PPG testing violates Respondent's rights protected by both the United States Constitution and South Carolina's Constitution. Particularly compulsory PPG testing:
 - a. violates Respondent's right to substantive due process;
 - b. constitutes an unreasonable search and seizure of Respondent's person;
 - c. violates Respondent's right to privacy;
 - d. violates Respondent's rights against self-incrimination.
2. The science underlying PPG testing is unreliable therefore the results from PPG testing would be inadmissible in Respondent's SVP commitment hearing.

FILED
2016 NOV 18 AM 8:54
CLERK OF COURT
DARLINGTON COUNTY, SC

3. Rule 35(a) SCRCP does not authorize this Court to order Respondent to submit to physical or mental testing performed by individuals other than physicians. On information and belief, Dr. Emily D. Gottfried, has a Ph.D. degree but does not have a medical degree.

LEGAL ARGUMENTS

I. The Compulsory Administration of PPG testing violates Respondent's rights under the 4th, 5th and 14th Amendments to the United States Constitution as well as Article 1 Sections 3, 10, and 12 of the South Carolina Constitution.

PPG testing is an unreasonable search of Respondent's mind and body and an unreasonable invasion of his privacy. Therefore compelling Respondent to subject himself to this intrusion upon this most intimate aspect of his body, constitutes a violation of his rights against unreasonable searches and seizures protected by the 4th Amendment to the United States Constitution and Article 1 Section 10 of the South Carolina Constitution. Moreover, compulsory PPG testing amounts to an unreasonable intrusion upon Respondent's right of privacy as protected by Article 1 Section 10 of the South Carolina Constitution. See State v Forrester, 343 S.C. 637, 341 S.E.2d 837 (S.C. 2001); State v Counts, 431 S.C. 153, 776 S.E.2d 59 (S.C. 2015).

A PPG test is by far the most intrusive procedure or test to which respondents in an SVP commitment proceeding could be subjected. Moreover, not all forensic psychologists and or psychologists include PPG testing as part a SVP pre-commitment evaluation. This court will note that Dr. Marie Gehle, the Chief Psychologist South Carolina Department of Mental Health, did not subject Respondent to PPG testing as part of her precommitment evaluation. Moreover counsel for Respondent is aware of no SVP pre-commitment evaluations performed by the South Carolina Department of Mental health in

which PPG testing was used. Therefore this Court should not consider that PPG testing as necessary or essential for the performance of an SVP pre-commitment evaluation.

PPG testing requires that a strain gauge be strapped to an individual's genitals and they are then shown visual and auditory stimuli to determine their level of sexual arousal. As noted by the Ninth Circuit Court of Appeals, *[PPG testing] is not a run-of-the-mill medical procedure. Plethysmograph testing not only encompasses a physical intrusion but a mental one, involving not only a measure of the subject's genitalia but a probing of his innermost thoughts as well.* U.S. v Weber, 451 F.3d 552, 569 (9th Cir 2006). PPG testing requires *the physical involvement of arguably the most private part of the inmate's body, for the purpose of recording and monitoring the physiological disclosure of sensitive and revealing information about the subject's sexual response.* Lile v. McKune, 24 F. Supp. 2d 1152, 1162 (D.C. Kan 1998) rev'd 536 U.S. 24 (2002).

Substantive due process prohibits the government from invading personal immunities that are "implicit in the concept of ordered liberty" and "so rooted in the traditions and conscience of our people as to be ranked as fundamental." Rochin v. California, 342 U.S. 165, 169, 172, 72 S.Ct. 205, 96 L.Ed. 183 (1952) Courts have addressed whether the non -consensual administration of PPG testing involves a substantive due process violation. See Harrington v. Almy, 977 F.2d 37 (1st Cir 1992) (finding that in a civil rights action a genuine issue of material fact exists whether an employer violates an employees' substantive due process rights by requiring him to submit to PPG testing as a condition of reemployment). U.S. v McLaurin, 731 F.3d 258 (2nd Cir 2013) (requiring a committed sex offender to submit to PPG testing as a condition of community supervision violates offender's due process guarantee); In re Marriage of Parker, 957 P.2d 256 (Wash App Div. 1 2004) (holding that court-ordered PPG testing violated husbands substantive due process rights and outweighed the tests value in protecting the child).

Respondent's status as a convicted sex offender does not strip him of his substantive due process rights. *A person, even if convicted of a crime, retains his humanity. He also retains his right to substantive due process, even if it is sharply diminished in many respects.* McLaurin 731 F.3d at 261. Although the right against government intrusion upon one's liberty interest is not absolute, any intrusion should be narrowly tailored so that it involves no greater deprivation of liberty than is reasonably necessary to serve the government's goals. See U.S. v Weber 451 F.3d 552, 569 (9th Cir 2006). (finding that before inmate defendant could be subjected to PPG testing as a condition of supervised release, there must be a showing specific to that particular defendant that PPG testing was reasonably necessary to promote the government's goals).

Subjecting Respondent to PPG testing would implicate his liberty interests. See Bailey v Pataki, 708 F.3d 391, 402 (2nd Cir 2013) (stating that there can be no serious doubt that the liberty interests implicated by mental health treatment involving PPG testing are of a high order). Weber 451 F.3d at 563 (holding that PPG testing implicates a significant liberty interest); Harrington 977 F.2d at 44 (stating that a reasonable fact finder could conclude that requiring PPG testing involves a substantive due process violation). Therefore this Court must consider whether the use of the PPG test is necessary in order to serve the State's interest in evaluating whether Respondent is a sexually violent predator.

Respondent is informed and believes that at a future commitment trial, the State's witness will disclose to the jury the Respondent's verbal and physiological responses to the evaluation. Although Respondent would have some volitional control over his verbal responses to the evaluation, Respondent would have no control over his physiological responses to the PPG testing. Therefore by subjecting Respondent to PPG testing this court is forcing him to provide testimony against himself. In the event a jury were to find that Respondent was a sexually violent predator, he would be confined to a secure facility for an indeterminate period of time for long term care, treatment and control. Since a direct consequence of the disclosure of Respondent's PPG results could result in Respondent's conviction and involuntary commitment as a sexually violent predator, a

non voluntary PPG violates Respondent's right to remain silent and as protected by the 5th Amendment to the United States Constitution and Article 1 Section 12 of the South Carolina Constitution.

II. The science underlying PPG testing is unreliable and results of PPG would be inadmissible

Respondent contends PPG tests are even less reliable than lie detector tests. Evidence regarding lie-detectors is routinely excluded, and evidence regarding the PPG should also be inadmissible. State v. Pressley, 290 S.C. 251, 349 S.E.2d 403 (1986). "Evidence regarding the results of a polygraph test or the defendant's willingness or refusal to submit to one is inadmissible." *Id.* at 252, 349 S.E.2d at 404. PPG testing does not satisfy South Carolina's requirements for the admission of scientific evidence and is inadmissible just like polygraph results. In re Robert R., 340 S.C. 242, 531 S.E.2d 301 (Ct. App. 2000). See also Rule 702, SCRE; State v. Council, 335 S.C. 1, 515 S.E.2d 508 (1999); State v. Jones, 273 S.C. 723, 259 S.E.2d 120 (1979). The science behind PPG testing fails on two grounds: 1) there is insufficient evidence of a correlation between whether an individual has a response to certain provocative stimuli and whether that individual is likely to commit a crime of sexual violence; and, 2) there is insufficient evidence that the actual stimulus sets the examiner proposes to use on Respondent have been subjected to peer reviewed validation studies.

Under Rule 702, Council, and Jones, the trial court must determine whether the "underlying science is reliable." Council at 20, 515 S.E.2d at 518. In making this determination, the court should examine "(1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures." *Id.*

"Courts generally have held [the PPG] inadmissible to show the presence or absence of pedophilia." David H. Kaye, David E. Bernstein, and Jennifer L. Mnookin, The New Wigmore: Expert Evidence, § 8.8.2 at n.21. The Fourth Circuit held the PPG

did not meet the scientific standards for admissibility in United States v. Powers, 59 F.3d 1460, 1470-71 (4th Cir 1995). The court noted the “extensive, unanswered evidence weighing against the scientific validity of the penile plethysmograph test.” Id. at 1471.

The Virginia Supreme Court held that an expert's report that relied on PPG testing was inadmissible, even at a sentencing hearing. Billips v. Commonwealth, 652 S.E.2d 99, 101-02 (2007). The Billips court approached PPG testing with a critical eye:

Advancements in the sciences continually outpace the education of laymen, a category that includes judges, jurors and lawyers not schooled in the particular field under consideration. Consequently, there is a risk that those essential components of the judicial system may gravitate toward uncritical acceptance of any pronouncement that appears to be “scientific,” **and the more esoteric the field, the more difficult it becomes for laymen to greet it with skepticism.** That tendency has given rise to frequent complaints of “junk science” in the courts. To guard against that risk, we continue to require a “threshold finding of fact with respect to reliability of the scientific method offered. . . .”

Id. at 101-02 (emphasis added). It is hard to imagine any field more “esoteric” than PPG testing. The court concluded that the PPG “evidence, lacking foundation, was inadmissible in the sentencing proceeding.” Id. at 102. See also United States v. Medina, 779 F.3d 55, 65 (1st Cir. 2015) (discussing the problems with the reliability of PPG testing where such testing was imposed as a condition of supervised release); Doe ex rel. Rudy-Glanzer v. Glanzer, 232 F.3d 1258, 1266 (9th Cir. 2000) (“In fact, courts are uniform in their assertion that the results of penile plethysmographs are inadmissible as evidence because there are no accepted standards for this test in the scientific community.”); United States v. White Horse, 177 F.Supp.2d 973, 975-76 (D.S.D. 2001) (citing the DSM-IV for the proposition that the PPG “is not accepted as a reliable or valid diagnostic tool”); State v. Spencer, 459 S.E.2d 812, 815 (N.C. Ct. App. 1995) (“We agree with the trial court that the evidence before it by no means established the reliability of the plethysmograph; there is a substantial difference of opinion within the scientific community regarding the plethysmograph’s reliability to measure sexual deviancy.”); Gentry v. State, 443 S.E.2d 667, 669 (Ga. Ct. App. 1994) (“Given the rejection of penile

plethysmograph evidence by other states and particularly the uncertainty within the scientific community of its reliability, we hold it inadmissible in Georgia.).

III. Rule 35(a) SCRCP only permits this Court to order Respondent to subject to testing performed by a physician.

Rule 35(a) SCRCP provides in part: **Order for Examination.** In any case in which the amount in controversy exceeds \$100,000 actual damages, and the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the court in which the action is pending may order the party to submit to a physical or mental examination by a *physician* or to produce for examination the person in his custody or legal control. *The words of Rule 35 SCRCP must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the rule. Green v. Lewis Truck Lines, Inc. 314 S.C. 303, 304, 443 S.E.2d 906, 907 (S.C. 1994).* The facts in Green are similar to those before this Court. In Green, the trial court ordered defendant to undergo a mental examination by a clinical psychologist. Green refused to submit to the examination and after a hearing, Green was held in contempt for his failure to comply with the Court's order. On appeal the South Carolina Supreme Court held that a clinical psychologist is not a physician, and Rule 35 SCRCP did not allow the trial judge to order Green to submit to that mental examination. Id. Therefore both the order compelling the examination and the order of contempt were reversed. Id. Like the clinical psychologist in Green, Dr. Gottfried is also not a physician and this Court cannot hold Respondent in contempt for failing to submit to a PPG test administered by Dr. Gottfried.

CONTINUED ON NEXT PAGE

CONCLUSION

For the reasons set forth above this Court should withdraw its October 31, 2016 order holding Respondent in contempt. Additionally this court should set an immediate trial date in this action.

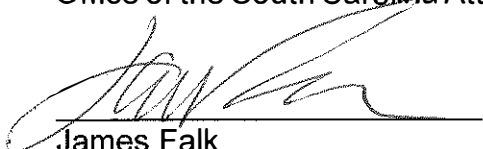
Respectfully Submitted,



James K Falk
Falk Law Firm
PO Box 1058
Charleston SC 20402
843 606 6007
jfalklaw@gmail.com

CERTIFICATE OF SERVICE

Undersigned certifies that on November 14, 2016 a copy of the above was deposited in the United States Mail addressed to addressed to James Bogle, Jr. Esq. Office of the South Carolina Attorney General, PO Box 11549, Columbia, SC 29211-1549.



James Falk
Counsel for Respondent

FILED
2016 NOV 18 AM 8:54
SCOTT B. SUGGS
CLERK OF COURT/R.O.J.
DARLINGTON COUNTY, S.C.



ALAN WILSON
ATTORNEY GENERAL

November 28, 2016

The Honorable Roger E. Henderson
Chief Administrative Judge
Post Office Box 311
Chesterfield, SC 29709-0311

Re: In the Matter of the Care and Treatment of Larry James Tyler
Case No. 2015-CP-16-0788

Dear Judge Henderson:

Please accept this letter as a Return to Mr. Falk's Motion to Alter or Amend Judgment, received by me on November 17, 2016.

This case is pending under the Sexually Violent Predator Act, and the State has sought an independent evaluation by the Sexual Behavior Clinic and Laboratory at MUSC. Mr. Tyler would not cooperate with that evaluation; more specifically he refused one of the tests, the PPG.

In the Court's initial order, filed September 23, 2016, it correctly held that the State had the right to secure an independent evaluation under Section 44-48-90(C), and that all examiners are permitted to have reasonable access to the person and the records. The Court correctly noted that much of the attack by Respondent on one of the tests being administered, the PPG, related to its admissibility at trial.

The Court held in abeyance whether or not Respondent would be in contempt, to give him a chance to cooperate with the MUSC evaluation.

He did not, and pursuant to the above order, the State presented to the Court the affidavit of Dr. Emily D. Gottfried at MUSC to that effect. This resulted in the Court's most recent order, filed November 17, 2016, holding Respondent in contempt and directing that he shall continue to be detained at the detention center until he cooperates with the State's evaluation.

The Honorable Roger E. Henderson
November 28, 2016
Page Two

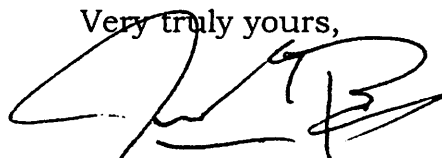
In response to the recent motion, the State would again contend that many of the attacks on the PPG should be reserved for a decision about its admissibility at trial. Further objections about the PPG as being an invasion of privacy are more applicable to a criminal case, which this is not.

Finally, Respondent asserts that since Dr. Gottfried is not a psychiatrist, she should not be allowed to examine Respondent at all, pursuant to Rule 35(a), SCRCP. Under the normal rules of statutory construction, a statute would prevail over a court rule; further, the sexually Violent Predator Act is a very particular statute, tailored toward a specific group of dangerous individuals, and it was passed after the enactment of Rule 35(a). Since the Act does not require a medical doctor/psychiatrist, Dr. Gottfried may properly evaluate Respondent.

The State would respectfully request that the Motion to Alter or Amend Judgment be denied.

If you have any questions or comments, please contact me at 803-734-1173.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JGB Jr', with a stylized flourish at the end.

James G. Bogle, Jr.
Senior Assistant Attorney General

JGBjr/dt

cc: The Honorable Scott B. Suggs
James K. Falk, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
)
Larry James Tyler,)
RESPONDENT)
_____)

IN THE COURT OF COMMON PLEAS

CASE NO: 2015-CP-16-00788

ORDER OF CONTINUANCE

This matter comes before the Court upon a Request for Extension pursuant to S.C. Code §44-48-80(D) (as amended May 12, 2010).

I hereby find and conclude that the qualified expert, Marie E. Gehle, Psy.D. appointed by this Court at the Probable Cause Hearing, has shown good cause for a continuance and that a continuance should be granted.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED THAT:

This case shall be continued for good cause pursuant to S.C. Code §44-48-80(D) (as amended May 12, 2010) until the evaluation can be completed and until such time as the Court is asked to set a trial date, or soon thereafter as the case may be scheduled at the convenience of the Court and the parties.

IT IS SO ORDERED.



The Honorable Paul M. Burch
Chief Administrative Judge for the
Fourth Judicial Circuit

December 14, 2015
Christy J. Suggs
South Carolina

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

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CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

2d Motion
dtd 2-23-16

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF DARLINGTON	)	FOR THE 4th JUDICIAL CIRCUIT
	)	
In Re Care and Treatment of	)	CASE NO.: 2015-CP-16-00788
	)	
	)	
Larry James Tyler	)	
	)	
Respondent,	)	
_____	)	

**RESPONDENT'S SECOND MOTION TO DISMISS, OR ALTERNATIVELY,
MOTION TO SET DEADLINE FOR STATE'S COMPLETION OF FORENSIC
EVALUATION**

To: James Bogle, Jr. Esq. Office of the Attorney General, PO Box 11549,
Columbia, SC 29211-1549

Respondent, by and through Counsel hereby moves for an order:

1. Dismissing this action with prejudice; or,
2. Setting a fixed deadline for the State's completion of the evaluation required under S.C. Code Ann. § 44-48-80 (D).

As grounds for this motion undersigned counsel states:

1. Pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 et. seq (the Act) the State of South Carolina filed a petition seeking to have respondent declared a sexually violent predator.
2. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.

3. The Honorable Paul M Burch entered his Probable Cause Order October 26, 2015.
4. On December 14, 2015 the Honorable Paul M. Burch signed an Order granting Dr. Gehle a continuance for completion of her court-order-evaluation. Judge Burch's order does not provide a deadline for the completion of Dr. Gehle's evaluation and instead continued this action until the evaluation can be completed and until such time as the Court is asked to set a trial date. This order was entered with the clerk of court on January 15, 2016.
5. S.C. Code Ann § 44-48-80 (D) provides that *the expert must complete the evaluation within sixty days after the completion of the probable cause hearing. The court may grant one extension upon request of the expert and a showing of good cause. Any further extensions only may be granted for extraordinary circumstances.*
6. Since the SVP Act requires that State's expert to complete its evaluation within 60 days, any further extension of time should be limited to an additional 60 days. Over 60 days have elapsed since the Court last granted Dr. Gehle an extension in this case. On information and belief, Dr. Gehle has yet to complete her evaluation.
7. Respondent's counsel recognizes that Dr. Gehle initially made a timely request for an extension in which to complete her evaluation. However, the granting of an indeterminate extension of time in which to complete

this evaluation is not within the spirit of the statutory scheme and violates Respondent's due process rights under the Fifth and Fourteenth Amendments to the United States Constitution as well as Article 1 § 3 of the South Carolina Constitution.

8. Respondent has completed his criminal sentence and is currently held in the Darlington County Detention Center awaiting a resolution of this case. As such Respondent suffers extreme prejudice as a result of the State's failure to resolve these proceedings.

THEREFORE, Respondent asks that this matter be dismissed or in the alternative that the Court issue an order directing that Dr. Gehle either finish her evaluation within ten days or provide sufficient proof that extraordinary circumstances exist to justify and further extension.

Respectfully Submitted,



James K Falk
Falk Law Firm
PO Box 38
Charleston, SC 29402
(843) 606-6007
(843) 972, 9005 Fax
jfalklaw@gmail.com

CERTIFICATE OF SERVICE

Undersigned certifies that a copy of the above was mailed to James Bogle, Jr Esq. at the above address this February 23, 2016.



James Falk
Counsel for Respondent

February 23, 2016

Charleston, SC

RECEIVED

MAR 02 2016

**ATTORNEY GENERALS
OFFICE**

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
In Re Care and Treatment of)
)
)
)
Larry James Tyler)
)
Respondent,)
_____)

IN THE COMMON PLEAS COURT
FOR THE 4th JUDICIAL CIRCUIT
CASE NO.: 2015-CP-16-00788

ORDER

This matter was before the court on March 29, 2016 on respondent's SECOND MOTION TO DISMISS, OR ALTERNATIVELY, MOTION TO SET DEADLINE FOR STATE'S COMPLETION OF FORENSIC EVALUATION. James Falk, Esq. was present representing Respondent and James Bogle, Jr. was present on behalf of the State of South Carolina. The State of South Carolina filed a Response to Respondent's motion.

Having read the pleadings and heard argument from counsel the court finds as follows:

1. On October 26, 2015 a probable cause hearing was held in this action at which time Dr. Marie E. Gehle was appointed to conduct an evaluation of respondent as required by SC Code Ann. §44-48-80.
2. At the request of Dr. Gehle and on December 14, 2015 this court granted Dr. Gehle an extension of time in which to complete her evaluation.
3. As of the date of this hearing 5 months have elapsed since Dr. Gehle was appointed to conduct this evaluation and 3 months have elapsed since this court granted Dr. Gehle an extension of time.

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2016 APR 9 AM 9:34
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DARLINGTON COUNTY, SC
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Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

4. Respondent has completed his SCDC sentence and is housed in the Darlington County Detention center awaiting the conclusion of these proceedings.

5. Respondent's due process rights under the 5th and 14th Amendments to the United States Constitution and Article 1 § 3 of the South Carolina Constitution will be substantially prejudiced if Dr. Gehle does not complete this report in due time.

IT IS THEREFORE ORDERED AND ADJUDGED THAT

Dr. Gehle will have forty-five (45) days from the date of this order in which to complete the evaluation required by SC Code Ann. §44-48-80.

IT IS SO ORDERED!



Judge Paul Michael Burch
Presiding Judge
Darlington County Circuit Court


_____, SC
 3/15, 2016

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**ATTORNEY GENERALS
OFFICE**

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

**FORENSIC PSYCHOLOGICAL EVALUATION
PURSUANT TO THE SOUTH CAROLINA SEXUALLY VIOLENT PREDATOR ACT**

Name: **LARRY JAMES TYLER**
Case Number: 2015-CP-16-0788
Date of Birth: January 2, 1953
Evaluator: Marie E. Gehle, Psy.D.
Date of Report: May 12, 2016

REFERRAL INFORMATION

Larry James Tyler is a 63-year-old African-American male who has been convicted of a sexually violent offense and is approaching release from total confinement. Related to his possible release, a petition was filed by the State of South Carolina alleging that he is a sexually violent predator (SVP) as defined by the *Sexually Violent Predator Act (SVP Act)*, which focuses on a "mentally abnormal and extremely dangerous group of sexually violent predators" who require involuntary commitment to a secure facility. Following a showing of probable cause for this allegation, the Darlington County Court of Common Pleas issued an order on October 26, 2015 ordering an evaluation of Mr. Tyler to help determine whether he "suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment." Pursuant to this order, Mr. Tyler was evaluated on an outpatient basis at the South Carolina Department of Mental Health (SCDMH) Crafts-Farrow campus in Columbia. Following the evaluation, he was returned to the Darlington County Detention Center.

NOTIFICATION

At the outset of the evaluation, Mr. Tyler said he did not want to participate in the evaluation because he had a pending post-conviction relief (PCR) case involving his sex offense convictions. He indicated that he hoped his qualifying sexual offenses would be overturned or otherwise dismissed. He agreed to listen to the disclosure. The general course of SVP proceedings was explained. He was informed of its

nature, purpose, and limits of confidentiality. He demonstrated understanding by paraphrasing the information and correctly answering questions. He said he had not received a copy of the petition filed against him nor had he read the statute. He said he did not believe his offenses qualified under the act. I provided him a copy of the SVP Act for his immediate review. I arranged for him to speak to his attorney; he spoke to his attorney privately at length. I also spoke to his attorney. Mr. Tyler again spoke to his attorney again and decided to participate in the interview.

SOURCES OF INFORMATION

1. Interview of Mr. Tyler on November 10, 2015 for 4 hours and 45 minutes;
2. Order for Evaluation from the Darlington County Court of Common Pleas dated October 26, 2015;
3. Order of Continuance from the Darlington County Court of Common Pleas dated December 14, 2015
4. Order (permission to view images) from the Darlington County Court of Common Pleas dated November 23, 2015;
5. Review of United States Secret Service Report by Special Agent Chris McClure dated October 27, 2011 at the South Carolina Attorney General's Office on December 18, 2015;
6. Probable Cause Order from the Darlington County Court of Common Pleas dated October 16, 2015;
7. Petition Pursuant to the Sexually Violent Predator Act dated October 13, 2015;
8. Prosecutor's Review Committee Probable Cause Determination dated September 24, 2015;
9. Sexual Predator Referral Form dated August 27, 2015;
10. Sexual Predator Synopsis Form undated;
11. Records from the South Carolina Department of Corrections (SCDC);
12. National Criminal Information Center (NCIC) criminal history report for Mr. Tyler;
13. Phone communication with Agent Mitch Tucker, South Carolina Department Probation, Parole, and Pardon Services (SCDPPPS) on May 2, 2016;
14. Letter from the respondent;
15. Darlington County Public Index Records;
16. Incident Report for case 93-3695074-00;
17. Judgment on Plea of Guilty before Court Waiver of Jury Trial in Cause Number 0934509;

18. Judgment and Sentence of the Court in Cause Number 0934509 dated December 13, 1993;
19. Various forms and records from Texas regarding Sex Offender Registry;
20. Warrant M-820128 issued and returned on September 25, 2011;
21. Indictment 2012-GS-16-0473;
22. Warrant M-826291 issued on November 7, 2011 and returned on November 9, 2011;
23. Indictment 2012-GS-16-0474;
24. Warrant M-826292 issued on November 7, 2011 and returned on November 9, 2011;
25. Indictment 2012-GS-16-0475;
26. Warrant M-826293 issued on November 7, 2011 and returned on November 9, 2011;
27. Indictment 2012-GS-16-0476;
28. Warrant M-826294 issued on November 7, 2011 and returned on November 9, 2011;
29. Indictment 2012-GS-16-0477;
30. Warrant M-826295 issued on November 7, 2011 and returned on November 9, 2011;
31. Indictment 2012-GS-16-0478;
32. Warrant M-826296 issued on November 7, 2011 and returned on November 9, 2011;
33. Indictment 2012-GS-16-0479;
34. Warrant M-826297 issued on November 7, 2011 and returned on November 9, 2011;
35. Indictment 2012-GS-16-0480;
36. Warrant M-826298 issued on November 8, 2011 and returned on November 9, 2011;
37. Indictment 2012-GS-16-0481;
38. Warrant M-826299 issued on November 8, 2011 and returned on November 9, 2011;
39. Indictment 2012-GS-16-0482;
40. Warrant M-826300 issued on November 8, 2011 and returned on November 9, 2011;
41. Indictment 2012-GS-16-0483;
42. Warrant M-826301 issued on November 8, 2011 and returned on November 9, 2011;
43. Indictment 2012-GS-16-0484;
44. Warrant M-826302 issued on November 8, 2011 and returned on November 9, 2011;
45. Indictment 2012-GS-16-0485;
46. Warrant M-826303 issued on November 8, 2011 and returned on November 9, 2011;
47. Indictment 2012-GS-16-0486;
48. Warrant M-826304 issued on November 8, 2011 and returned on November 9, 2011;
49. Indictment 2012-GS-16-0487;
50. Warrant M-826305 issued on November 8, 2011 and returned on November 9, 2011;

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

LARRY JAMES TYLER

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51. Indictment 2012-GS-16-0488;
52. Warrant M-826306 issued on November 8, 2011 and returned on November 9, 2011;
53. Indictment 2012-GS-16-0489;
54. Warrant M-826307 issued on November 8, 2011 and returned on November 9, 2011;
55. Indictment 2012-GS-16-0490;
56. Warrant M-826308 issued on November 8, 2011 and returned on November 9, 2011;
57. Indictment 2012-GS-16-0491;
58. Warrant M-826309 issued on November 8, 2011 and returned on November 9, 2011;
59. Indictment 2012-GS-16-0492;
60. Warrant M-826310 issued on November 8, 2011 and returned on November 9, 2011;
61. Indictment 2012-GS-16-0493;
62. Warrant M-826311 issued on November 8, 2011 and returned on November 9, 2011;
63. Indictment 2012-GS-16-0494;
64. Warrant M-826312 issued on November 8, 2011 and returned on November 9, 2011;
65. Indictment 2012-GS-16-0495;
66. Warrant M-826313 issued on November 8, 2011 and returned on November 9, 2011;
67. Indictment 2012-GS-16-0496;
68. Warrant M-826314 issued on November 8, 2011 and returned on November 9, 2011;
69. Indictment 2012-GS-16-0497;
70. Warrant M-826315 issued on November 8, 2011 and returned on November 9, 2011;
71. Indictment 2012-GS-16-0498;
72. Warrant M-826316 issued on November 8, 2011 and returned on November 9, 2011;
73. Indictment 2012-GS-16-0499;
74. Warrant M-826317 issued on November 8, 2011 and returned on November 9, 2011;
75. Indictment 2012-GS-16-0500;
76. Warrant M-826318 issued on November 8, 2011 and returned on November 9, 2011;
77. Indictment 2012-GS-16-0501;
78. Warrant M-826319 issued on November 8, 2011 and returned on November 9, 2011;
79. Indictment 2012-GS-16-0502;
80. Warrant M-826320 issued on November 8, 2011 and returned on November 9, 2011;
81. Indictment 2012-GS-16-0503;
82. Warrant M-826321 issued on November 8, 2011 and returned on November 9, 2011;
83. Sentence Sheet for indictment 2013-GS-16-0603 dated February 27, 2013;

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

LARRY JAMES TYLER

Page 4 of 24

84. Indictment 2013-GS-16-0603;
85. Sentence Sheet for indictment 2013-GS-16-0604 dated February 27, 2013;
86. Indictment 2013-GS-16-0604;
87. Sentence Sheet for indictment 2013-GS-16-0605 dated February 27, 2013;
88. Indictment 2013-GS-16-0605;
89. Sentence Sheet for indictment 2013-GS-16-0606 dated February 27, 2013;
90. Indictment 2013-GS-16-0606;
91. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0606;
92. Indictment 2013-GS-16-0607;
93. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0607;
94. Indictment 2013-GS-16-0608;
95. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0608;
96. Indictment 2013-GS-16-0609;
97. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0609;
98. Transcript of Record of Trial for Indictments 2013-GS-16-00603, 2013-GS-16-00604, 2013-GS-16-00605, 2013-GS-16-00606, 2013-GS-16-00608.

BACKGROUND INFORMATION

Unless otherwise noted, the following information is based on the Mr. Tyler's self-report; therefore, the veracity of the information is limited by his own credibility.

Family and Childhood History: Mr. Tyler was born in Baltimore, Maryland. His father was in the military and they moved frequently. He lived in Baltimore (from birth until age 6 or 7); in Fort Knox, Kentucky (ages 6 to 7 to 10); Germany (ages 10 to 12); Baltimore (ages 12 to 15); and Darlington, South Carolina (ages 15 to 20). Mr. Tyler moved to Texas when he was 20 years old; he lived in the Austin area for 30 years. He next lived in Florida. In 2008, he moved back to Darlington to care for his mother. Mr. Tyler is the second of three children born to his parents; he has two half-siblings, his mother's children. His parents divorced when he was in high school. He denied ever being removed or placed outside of the home. He denied any history of physical abuse, neglect, or sexual abuse.

When asked to describe himself as a child, Mr. Tyler said, "They called me 'Head' in school because they always thought I was intelligent, but I never did think I was smart. Everything they asked about in school, I knew a little bit about. That's because I was an adamant reader on all subjects."

Mr. Tyler denied any difficulty following rules as a child and adolescent. He denied ever being arrested or being involved with law enforcement as a minor. He denied skipping school, disregarding curfew, or running away from home prior to age 13. He denied symptoms indicative of Conduct Disorder. He said his behavior did not cause problems at home or school.

Educational History: Mr. Tyler said he graduated from Myrtle Beach High School. He went on to receive an associate's degree in electrical engineering in 1975. In regard to his school performance, he said, "I was like a B average student." He denied being involved in special education. He said he was never suspended or expelled from school.

Employment History: Mr. Tyler described a long career working with various electronics companies (i.e., Texas Instrument, IBM, Motorola) primarily providing technical drawings for research and development. He also worked as a car mechanic. He said he did this work "on the side" until he moved back to South Carolina; thereafter, it was his primary source of employment. His longest he worked for an employer was "maybe 4 or 5 years." He said he had one significant period of unemployment lasting "about 7 or 8 months." He denied any disciplinary problems at work. He said he was fired from Motorola subsequent to being caught smoking marijuana in the company parking lots. He said, "A few minutes later, they hired me back." He said he has quit three jobs without giving proper notice.

Medical History: Mr. Tyler said he has chronic migraines secondary to a bicycle accident in which he "cracked" his skull. He said he has migraines "maybe 15 times out of a month" if he does not take preventative medication. With the medication, "It may happen six times out of the month." Mr. Tyler explained that the accident was caused when he rode over an open man-hole cover in 2011. He said he has no memory of the accident or the two days following. He said he was hospitalized for "about a week." He indicated he had no significant medical treatment following his discharge. In addition to the headaches, after the accident, he noticed a change to his manual dexterity which affected his ability to write and draw. He reported no other medical problems. He is prescribed two medications for his migraines. He said that before the accident he was a very healthy vegetarian and long distance runner.

According to SCDC records, Mr. Tyler was prescribed Imitrex for "tension headache" and Depakote (the reason the medication was prescribed was not listed). According to information gathered as part of the SVP multidisciplinary review, Mr. Tyler was diagnosed with a seizure disorder and this is likely the basis for treatment with Depakote.

Mental Health History: Mr. Tyler denied a history of mental illness or mental health treatment. He has no mental health history with SCDC or SCDMH.

Substance Use History: Mr. Tyler reported a history of regular use of marijuana and alcohol. He indicated he had problems related to his use of marijuana. He said, "I would get up in the morning and smoke, smoke before I went to bed. I did that for about 10 years." He said, "I felt like I couldn't function without it, without getting high." He said he has been sober for "maybe 25 years." In regard to his use of marijuana, he said reported symptoms only related to spending a great deal of time in activities related to using; experiencing cravings; recurrent failure to fulfill major role obligations at home (he clarified, "I wasn't a very good husband," but said his use did not interfere with his duties as a father); giving up or reducing time spent in social, occupational, or recreational activities; and using in situations in which it was physically dangerous to use (i.e., "driving").

Relationship History: Mr. Tyler indicated he had many friends growing up. He said he had no difficulty making friends. He explained, "I'm pretty much of an introverted person. People warm up to me easily and everything, but I don't like to make close contacts...if they are not spiritually minded, I tend to not want to be close to them, but people in my church, my congregation, I'm close to them." Mr. Tyler has twice divorced. In addition, he lived with several other women with whom he was romantically involved. He fathered three children with his first wife.

Mr. Tyler married "Angela" in 1973. They separated in 1975 and divorced in 1980. They lived together between 1973 and 1975. They had three children together. He said they were sexually compatible. He denied problems in their marriage. When asked why they divorced, he said, "Mostly because I was unfaithful. I was not faithful to my wife." He said he had a "mistress" for 2 years and he had an affair with Angela's "best friend" for a year. When asked if there was any domestic violence between them, he said,

Once. It happened once and it was the only time and that was the day we separated. We never lived together since. I came home late one morning from a club in Houston high and drunk and she was telling me how disgusting I looked. She started hitting on me and I hit her and that was it. She was lying on the floor in the kitchen. That was when I knew I couldn't stay any longer.

He said the incident was never reported to law enforcement.

Mr. Tyler married "Elizabeth" in 1982; they divorced in 1985. Concerning problems in their marriage, he said, "At the end yeah, she was super possessive. I just got tired of it. I had to get away from it. She had low self-esteem. He said she had a four-year college degree; however, she couldn't cook and she didn't have a driver's license and "she didn't have the desire to do anything on her own." He said he helped her get her life "back together." They were sexually compatible; he engaged in no extra marital affairs during their marriage. They had no children together. He said there was no domestic violence on his part, though "she was always hitting" him.

Mr. Tyler reported that he currently has no relationship or communication with his children. He said he had a relationship with them for "maybe 4 or 5 years" after the divorce.

Sexual History: Mr. Tyler described his sexual orientation as heterosexual. He said he first masturbated when he was 16 years old. He masturbated two to three times a week thereafter. He said, "I always felt guilty afterwards. I grew up in a very devout family. My mother raised us in Godly principles and they always talked to us about sex and about how God feels about it." He had sex for the first time when he was 20 years old. Concerning his number of sexual partners, he said, "Probably about 12 in all." He said two of sexual partners were strangers at the time of first sexual encounter. He said he paid for sexual favors one time, though he did not receive the sexual favors in the end. He said he met a prostitute and paid her for sex; however, when she undressed he noticed that she was "covered in sores." He paid her and she left before they engaged in sexual acts. He said he has not frequented strip clubs. He denied ever having sex with another male. He said he contracted gonorrhea "probably around about 1980." He denied hiding his sexually transmitted disease from a sexual partner.

Mr. Tyler said he first viewed pornography when he was "about 12." He said the pornography was a book of women wearing lingerie. He indicated that he did not look at "much" pornography. He said

he masturbated to porn "maybe a couple times a month" and "then felt awful as usual afterwards." He denied ever making his own pornography. He said he looked at pornography online "Maybe a couple times a month." He said he "didn't look at it that long." He explained, "I used to look at it a lot when I was younger, but didn't want to get back into that routine. Then when you look at it a lot, it's all the same, nothing is new...Then I thought of it as being a tease. I didn't want to be teased."

When asked if he has any unusual sexual fantasies, Mr. Tyler said, "Yes... Being off on an island with several women. Having more than one wife. Being cut off from society and just living with my wives." He said he was involved in an "open relationship" with two women at one time and it was "no fun party." He said they all lived together for "about three months." He said they kept competing with each other for who would treat him the best and this created tension. He said he wanted one of them to leave after three month period.

Mr. Tyler denied having sex with anyone while incarcerated. When asked how he satisfied his sexual needs, he said he sometimes masturbated. When asked how often he masturbated, he replied, "I was trying to get back in control of masturbation and I have been under control until I got locked up, then I did it maybe a couple times a month and always felt really guilty after...I did it, I would have to pray and say I'm sorry and please forgive." Concerning what he meant by *control*, he said, "Having the self-will to control your actions. I don't want to do it at all." He said it was problematic to fantasize sexually. He explained, "That feeling is supposed to be shared. It's an intimate thing. You are actually having sex with yourself. To me, it is sort of selfish. In other words, I think sex should be a shared thing with someone and when you are masturbating, you are just having sex with yourself." When asked what he fantasized about when masturbating, he said, "Girls I've had in the past. Especially with Lila, my wife's best friend...I think that was the best intimate relationship I ever had." When asked what sex means to him, he said,

It means the ultimate intimacy. It means the greatest spiritual experience with somebody. The greatest contact you can have internally. And I think the greatest way of communication, the deepest communication. It kind of absolves a lot of the problems sometimes that you think are blown out of proportion sometimes.

He said he has sex "mostly for intimacy, for closeness, for attachment...for feeling loved." Concerning the reasons he believes others have sex, he said, "Some of these guys, I can't imagine. Most of them for

the gratification of the orgasm but don't have any emotion or intimacy attached to the person they are having sex with. I can't imagine that." When asked if he was sexually satisfied when living in the community, he said, "Not since my second marriage...I haven't really found anybody to be intimate with, yet." He said if it were up to him, he would have sex "every day...probably just once a day, maybe twice a day."

Mr. Tyler denied having any problems with his sexuality. He denied being preoccupied with sex currently; however, he said, "I think I was when I was younger. Now at this age, no." He said he was sexually preoccupied when he was "probably 30, 35" years old; he added, "I think I was preoccupied with it pretty much." He denied having any recent uncontrollable sexual thoughts. He denied any paraphilic sexual arousal, urges, or behaviors involving *voyeurism* (involving the act of observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity); *exhibitionism* (involving exposure of one's genitals to an unsuspecting stranger); *frotteurism* (involving touching and rubbing against a nonconsenting persons); *fetishism* (involving the use of nonliving objects); *partialism* (involving exclusive focus on part of the body); *transvestism* (involving cross-dressing by a heterosexual male); *masochism* (involving the act of being humiliated, beaten, bound, or otherwise made to suffer); *sadism* (involving acts in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting); *biastophilia* (involving sexual acts with nonconsenting individuals); *necrophilia* (involving acts with dead bodies); *zoophilia* (involving animals); *telephone scatologia* (involving obscene phone calls); *coprophilia* (involving feces); *klismaphilia* (involving enemas); and *urophilia* (involving urine).

Mr. Tyler provided contradictory responses regarding whether he experienced *pedophilic* arousal (involving sexual activity with a prepubescent child or children). When asked if he is sexually attracted to children, he said, "Not really, I think I once was when I was younger. I love the innocence, but sexually, no." He admitted that he was "attracted" to J.M., a 10-year-old female victim. He said he wrote about children. He wrote about their innocence. He said he thought things went awry when he was "severed" from his daughter and he began getting using marijuana. When asked if he has had fantasies about sexual contact with children, he said, "Yes." He explained, "When I was younger, probably in my early 20's, early 30's. Like I said that was the time when I was losing my daughter in the divorce...I would fantasize in my mind with other children." He said the children in his fantasies would "probably be about 12" years old. When confronted about this (because his victims were younger than 12), he remained adamant that he fantasized about female children around the age of 12.

He explained that in the past, he was attracted to "girls that were just developing." He said he liked girls with "protruding" breasts, but not pubic hair. When asked if masturbated to these sexual fantasies, he replied, "Yeah, I have in the past... not very often... That is something I haven't done in years."

When asked how many times he engaged in sexual acts with a minor, Mr. Tyler said, "Probably one time." When asked about the age of the minor, he said, "Think she was about, think she was 12. That was when I got arrested in Texas." He was informed that the victim was actually 5 years old. When asked how many children he forced into sexual activity, he replied, "I would say none, now the incident in Texas, they call that forced, they called that a rape. So I guess I would say one." He denied threatening a child to gain sexual favor. He denied ever grooming a child for sexual activity. He denied ever having sexual contact with a family member. He denied any sexual attraction towards male prepubescent children.

Mr. Tyler denied ever possessing, owning, looking at, or touching child pornography. When asked if he ever attempted to possess child pornography, he said, "In the past, yeah, but not today, no." He clarified, "I guess when I was in my late 20's, early 30's." He indicated he tried to access the materials online. I confronted him about the time discrepancy in regard to his age and the development of the internet. He then indicated that he could not remember the period of time in which he attempted to access the material. He denied ever showing pornography to a minor; he denied ever making pornography involving a minor.

LEGAL HISTORY

According to available records, Mr. Tyler has a criminal history in Texas, Florida, and South Carolina. He has been convicted of five sexually related offenses. He has been convicted for sexual offenses against a 5-year-old female stranger and a 10-year-old female acquaintance. The following is a summary of his criminal history in chronological order (known convictions are underlined).

Texas Criminal History: On or about February 11, 1980, Mr. Tyler was charged with Theft by Check. The disposition of the charge was not included on his NCIC. Mr. Tyler said he did not remember the charge.

In June 1989, Mr. Tyler was charged with Possession of Marijuana Less than 2 Ounces. He was convicted. The sentence was not included on his NCIC. Mr. Tyler said of the charge, "I think I was stopped by the police and they found some marijuana in the car." In September 1990, he was charged with a Probation Violation on the possession conviction.

On May 16th, 1993, law enforcement was contacted about a sexual assault committed by Larry Tyler. The offense occurred on May 15, 1993. The victim in the case was N.W., a 5-year-old female stranger. N.W. and her 5-year-old friend spent the night with Mr. Tyler's roommate, Vickie (an adult female). The girls slept on the floor in Vickie's bedroom, while Vickie slept in the bed. During the night, Mr. Tyler entered the room, laid on the floor with N.W., "French" kissed her mouth and her chest, and fondled her vagina with his fingers. N.W. indicated that Mr. Tyler put two fingers "inside" of her and moved them around. She said it "hurt." N.W. reported that Mr. Tyler told her he loved her while he was doing this. Vickie woke when she heard "slurping" sounds. When she turned on the light, Mr. Tyler quickly left the room. Vickie and the girls then left and went to a friend's house. The incident was reported the next day.

When investigators spoke to Mr. Tyler, he admitted that he touched one of the girls and that he had an erection while he did so. The following was noted in his statement,

I did not know the two girls name...I went into the bedroom and put a cover on both of the girls. The girl closer to the door that leads to my bedroom was who I knelt down to. I then looked at her for a little while and then I kissed her. This went on for a little while about a minute and she started to respond. I kissed her in a French kiss fashion. I then laid down next to her. I pulled the cover down just a little and I put my hand on her vagina area on top of her panties. I was a little scared and excited at the same time. I had an erection and I was wearing underwear. I did happen to press against her and my erection touched her in the stomach area...

For these incidents, Mr. Tyler was charged with Aggravated Sexual Assault of a Child and Indecency with a Child by Contact. On December 3, 1993, he pled guilty to Indecency with a Child by Contact. He was sentenced to 10 years of incarceration. Mr. Tyler entered a plea agreement in which "the State agreed to waive Count I¹, and Paragraph II of Count II¹¹." Essentially, he pled guilty to fondling N.W.'s genitals.

In the current evaluation, Mr. Tyler said of the offense,

I had several rooms in my house for rent and this girl's aunt was renting a room and she brought her niece over. We spent the day around the house doing things...the girls would come around and help me do some repairs on the car...So we had a day of activities today. Then that night, the aunt went to sleep and we stayed up playing and finally I put the girls to bed. They were sleeping on the floor because we didn't have another bed for them. I laid down on the floor with them awhile. As we all went to sleep later on that night, I woke up. I was looking at her and actually touched her in her private area with my hand...While I was down there, the aunt had woke up, she had caught me and next thing you know she called the police and it was reported.

When asked how touched the girl, Mr. Tyler replied, "I just put my hand down her underwear and touched her vagina." He denied digitally penetrating her vagina; he said, "I just rubbed the outside. I wasn't going to do any inserting, that would hurt." He added, "I wanted her to get aroused, but there was no possibility of any intrusion. I wouldn't have done anything like that. I just wanted her to love me and I thought, at the time, that if she would feel a sexual arousal, she would love me." He said he kissed her. Concerning whether he inserted his tongue in her mouth while kissing, he said, "I don't remember that." He denied fondling her chest. He said he was sexually aroused during the incident; however, he denied having an erection. When he was read portions of the incident report in which he told law enforcement that he had an erection during the incident, he said, "Yeah, I just don't remember that." When asked how long he thought about touching N.W. before he actually touched her, he said, "I don't remember how long I thought about it."

When asked if he believed he was in love with the N.W., Mr. Tyler said, "Uh, gosh, I can't remember, it's been so long. Let me see. Was I in love with her? Well, at the time, yeah, I thought I was." When asked what made him believe he was in love with her, he said, "I guess because I was looking for love,

looking for someone to love, looking for someone to love me." He said he did not know her before the offense date, meaning she was a stranger at the time. When asked if he believed the victim felt the same way about him, he said, "No, probably not." He said she did not appear to enjoy the sexual activity and he did not perceive her to reciprocate his affections. Mr. Tyler said he had no consensual adult sexual partner at the time of the offense. He added, "I had opportunities. Even my ex at the time, even if I wanted to go have relations with her, she would have been open even though we were divorced."

Mr. Tyler said he went to prison for 5 years and was then released on parole. He said he lived on his own in Austin, Texas. He said he attended sex offender treatment as mandated by probation. He could not remember details pertaining to where the treatment occurred or how long he was in treatment. He reported that he violated supervision, in part, because he failed out of the sex offender treatment program.

According to the records, Mr. Tyler entered prison to begin serving his sentence on June 27, 1994. He was released to mandatory supervision on or about August 27, 1999. He violated the terms of supervision and was returned to prison on or about December 30, 1998. He was again released on mandatory supervision on or about February 12, 2001. He violated the terms of supervision a second time and was sent back to prison on or about August 14, 2003. He was released on mandatory supervision on or about April 30, 2004. He was released from mandatory supervision on March 3, 2006. The reasons for the violations were not included in the available records. Mr. Tyler reported in the interview that he was sent back to prison for violating supervision. Concerning the violations, he said,

The first time I was involved with a lady in my church and she had two daughters and I shouldn't have been involved with a lady who had children. The second time, I can't remember what the second one was. Oh, I think it was because I was kicked out of the program, the sex offender's program I was supposed to be going to.

Florida Criminal History: In November 2007, Mr. Tyler was charged with Failure to Register as a Sex Offender. He was convicted and sent to prison. He was incarcerated in Florida between June 5, 2008 and March 20, 2010. Mr. Tyler said of the charge, "I think that happened in Florida. I think I had to have \$50 or \$100 and I didn't have it. I was out of work and didn't have any money."

South Carolina Criminal History: On or about November 16, 2010, Mr. Tyler was charged with Driving under the Influence and Open Container of Beer/Wine. He was convicted of both charges and ordered to pay a fine.

On September 24, 2011, law enforcement was contacted regarding a cell phone that Larry Tyler gave to Tyquan, an adult male acquaintance. On the phone, Tyquan found "draft text messages" to J.M., his 10-year-old female relative, and "naked pictures." Tyquan notified J.M.'s mother and turned over the cell phone to her. J.M.'s mother called law enforcement. She reported that sometime between July and August 2011, Mr. Tyler gave the same cell phone to J.M., and J.M. looked through the cell phone and immediately told her grandmother (her caregiver that day) that there were pictures of Mr. Tyler on the phone. Her grandmother took the phone and immediately returned it to Mr. Tyler.

At trial, J.M. testified that she had possession of the cell phone for "about ten minutes," which was corroborated by her grandmother's and sister's testimony. J.M. testified that she saw pictures on the cell phone of a girl in a bikini and one of Mr. Tyler wearing "blue underwear." When asked if Mr. Tyler was wearing a shirt in the picture, she answered, "I don't remember." She testified that she did not read or see any messages saved on the phone. J.M.'s younger sister testified that she and J.M. saw pictures of "Some girls in bathing suits on. One of them with him with some blue drawers on." Tyquan testified, "I know it was a picture with him in a blue Speedo. Some pictures of some women. I think I scene [sic] a picture of a kid, another kid, or something in there." It did not appear that these pictures were recovered and shown at trial, as Tyquan deleted them shortly after he received the phone.

In regard to the draft messages saved on the cell phone that Mr. Tyler gave J.M. and later to Tyquan, Russell Harrell, forensic investigator with the Darlington County Sheriff's Office, read these messages to the jury as noted in the redacted transcript as noted below,

Number One: It was in the status folder is sent. Folder is sent. Type is outgoing. Text reads as follows: "Victim [the type is blacked out and replaced with a black bar with the word "Victim" in white font] Two, to fall in love with a little girl as young as you are, but I can't stop my heart from loving you, girl. I wish I had another hour alone with you and nobody knew."

Number Two: Says it's unsent in the drafts folder. Type is outgoing. Reads J5, "Me in trouble. Please [Victim] especially don't tell Jazz. She will surely tell someone. This is just between you and me, my love."

Number Three: Unsent Status. Drafts folder. Type is outgoing. J4: "Never want to be apart from each other ever again. I love you, little angle. Wish I could make you my wife. If I could you -- if I could you would be in my bed tonight. Don't get me."

Number Four says it's unsent. Folder is draft. Type is outgoing. J3: "Where we were. I would show you how much I love you, Victim by holding you close to me and plant a kiss on your lovely lips so powerful that we both would never."

Number Five -- excuse me. It's unsent, drafts and also outgoing: "Victim you were so beautiful. Please don't tell anyone what I am telling you. First time I ever saw you, Victim I fell for you. I know a man should not suppose."

On the date that law enforcement was contacted about the contents of the cell phone, law enforcement located Mr. Tyler driving nearby. When they stopped him, he provided a Florida driver's license. He denied having a South Carolina license; however, the officer discovered that his South Carolina license had been suspended. He was immediately placed under arrest for Driving Under Suspension. Following his arrest, Mr. Tyler willingly answered questions following about the contents of the phone. It was noted in the incident report,

When he was questioned about the cell phone with the draft text to [J.M.] he stated that he was infatuated with her. Larry Tyler stated that the phone was an old phone and he had forgot that the pictures were on the phone. When asked about the draft text, he stated that he was expressing some inner feelings and putting them in writing.

Search warrants were executed for his home, vehicle, all the digital devices, his email account, and "websites that were logged in with passwords by the suspect in his day planner." Law enforcement found "some questionable pornographic photos of young girls" on Mr. Tyler's email account and he had "multiple nude photos of himself that had been sent to various recipients." In a search of "JPG file numbers through Google," the officer linked photos Mr. Tyler had to websites that had "highly

questionable images that would be more than likely children intermingled within" and "images that were disturbing and most likely not 18 years of age." Law enforcement asked the United States Secret Service in Columbia to take possession of and analyze all "digital devices."

The Secret Service issued their findings in a report dated October 27, 2011. With the permission of a court order, I viewed the report at the Attorney General's office in the presence of Mr. Bogle. The report contained images found on Mr. Tyler's digital devices. There were approximately 41 images of minor females posing for staged seemingly professional pictures (i.e., backdrops were used and the models were dressed similarly). They were provocatively posed; often with buttocks and clothed vaginal areas shown. The children were typically clothed in bralettes, tank tops, or crop tops, and thong underwear. Some of the girls wore no underwear; however, their vaginas were not exposed in the pictures. Faces were clearly visible in many of the pictures. I estimated the girls to be as young as 4 years old and as old as pubescent teens. Some of the girls were included in multiple images. There was one picture showing a sexual act involving unclothed male genitalia and female genitalia. The picture was of a penis penetrating a vagina in the vaginal rear entry position. The anus and vagina of the female were exposed and the penis of the male was partially visible. It appeared that the man took the picture from his vantage during the sex act. It was a close up photograph in which the only female body parts shown were the genitals making it nearly impossible to discern the age or level of sexual development of the female. The penis of the man appeared to be that of an adult. In addition, there were multiple pictures of Mr. Tyler dressed in bikini underwear and completely nude.

Mr. Tyler was initially charged with a single count of Disseminating Obscene Material to Minor under 12 Years Old and more than 35 counts of Sexual Exploitation of a Minor in the Second Degree. Although the Grand Jury returned true billed indictments for all these charges on May 12, 2012, Mr. Tyler was not convicted of these specific charges. All of the original charges were all dismissed on or about February 27, 2013 according to Darlington County Public Index records. By direct presentment to the Grand Jury on February 21, 2013, Mr. Tyler was charged with Criminal Solicitation of a Minor under indictment 2013-GS-16-0603 (DAR0937), Sexual Exploitation of a Minor in the Second Degree under indictment 2013-GS-16-0604 (DAR0938), Contributing to the Delinquency of a Minor under indictment 2013-GS-16-0605 (DAR0939), Disseminating Harmful Material or Exhibiting Harmful Performance to Minors under indictment 2013-GS-16-0606 (DAR0940), Disseminating Harmful Material or Exhibiting Harmful Performance to Minors under indictment 2013-GS-16-00607, Disseminating Obscene Material to a Minor 12 Years Old or Younger under indictment 2013-GS-16-

00608, and Disseminating Obscene Material to a Minor 12 Years Old or Younger under indictment 2013-GS-16-00609. A jury trial on five of these charges was held between February 25 and 27, 2013 and he was convicted of four charges (the underlined charges noted above). He was sentenced to concurrent terms of 8 years of incarceration for the solicitation, sexual exploitation, and disseminating harmful material charges and 3 years for the contributing to the delinquency charge.

Specifically, Mr. Tyler was charged with Criminal Solicitation of a Minor for communicating or attempting to communicate with J.M. for a sexual purpose on July 1, 2011. He was charged with Sexual Exploitation of a Minor in the Second Degree for having in his possession "visual representation of a minor engaged in sexual activity" in several photographs on July 1, 2011. He was charged with Contributing to the Delinquency of a Minor for knowingly and willfully encouraging, aiding, or causing or influencing J.M. "to so deport herself to willfully injure or endanger her morals or health or the morals or health of others" on July 1, 2011. He was charged with Disseminating Harmful Material or Exhibiting Harmful Performance to Minors (2013-GS-16-0606) for knowingly giving J.M. a cell phone "which contained nudity, particularly photographs of himself" on July 1, 2011. He was charged with Disseminating Harmful Material or Exhibiting Harmful Performance to Minors (2013-GS-16-00607) for knowingly giving J.M. a cell phone that contained "nudity, particularly photographs of other minor females" in multiple photographs on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*. He was charged with Disseminating Obscene Material to a Minor 12 Years Old or Younger (2013-GS-16-00608) for knowingly giving J.M. "a cell phone which contained obscene photographs of himself" on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*. He was charged with Disseminating Obscene Material to a Minor 12 Years Old or Younger (2013-GS-16-00609) for giving J.M. a cell phone that "contained obscene photographs of other minors" on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*.

In the current interview, Mr. Tyler said of the charges,

It was a cell phone that I had given my third cousin [J.M.]. She went home and told her mother that she had saw me in some pictures nude. A few weeks later, I had given that same phone to one of her cousins because she didn't have a phone. The phone that he had received from me, I had written a message about how she was beautiful and how I wanted to get her into the bed. He thought that was pretty troubling, so he called [J.M.'s] mom and told her.

And [J.M.] said that is the same phone that had the nude pictures...They called the police...The police come to arrest me and charge me with Distributing Indecent Material to a Minor and from that they felt they could get a search warrant and seizure warrant for my property and they went and got all my computers...In that search...they found a picture in a folder of a young girl bending over with a men behind her...they classified that as child pornography....even they when they traced that picture back, on the website, it said that everyone on this website is 18 and over.

When asked if he was attracted to J.M., Mr. Tyler replied, "Yes." Concerning what he found attractive about her, he said, "Pretty much her beauty. It was how beautiful she was." When asked if thought he was in love with J.M., he said, "No, I wasn't in love with her. I was just attracted to her." He said he was not planning on engaging in any sexual activity with her. Regarding how long he knew her, he said, "Probably no more than 3 months probably. We had just gotten to know each other." He said he had spent time with her "maybe four times."

PRISON DISCIPLINARY HISTORY

Mr. Tyler has been convicted of three disciplinary infractions during the current period of incarceration at SCDC. Specifically, he was convicted of Stealing (2015), Threatening to Inflict Harm (2014), and Use/Possession of Tattoo Paraphernalia (2013). He has not been accused or convicted of any sexually related disciplinary charges at SCDC.

SEX OFFENDER TREATMENT AND SELF-ESTIMATED RISK

According to SCDC records, Mr. Tyler has not participated in the sex offender treatment program which is consistent with his account. He said he did not participate in treatment because "they didn't have any programs." He said he attended sex offender treatment following his release from total confinement in Texas. He could not recall the location of the facility or practice in which he received treatment; he could not recall the name of the treatment provider. As such, treatment records could not be requested and no such records were included in the records in the petition.

Of his treatment in Texas, Mr. Tyler said, "The sessions used to help me understand about how that damaged children if you had any way of interfering with their normal sexual development and how that could affect them for the rest of their life. And I felt bad about being a part of destroying a child in that area." When asked what he learned in treatment, he replied, "I learned a lot mostly about the distorted thinking, and how to combat that, how to be able to avoid that kind of thinking. The thing I hated to do but I realized how beneficial it was, was the daily writings that we had to do...it helps you to assess your distortions and your thinking." When asked how he feels about his sexual offenses now, he said, "Terrible, especially the current one. That one little message I wrote, even though I had no intentions...I had no intentions of approaching her. I admired her from afar. I admired her from within, but she would have never known. I would have never told her." When asked how he has changed from the person who committed the sexual offenses, he said,

I've changed in a way that I see, especially sex, is nothing compared to the way it was when I was younger. I don't need to have it. I don't desire it as I did. And I'm looking for someone that's on my mental age level. Whereas before, I wasn't. Then it's the ambiance after sex that to me was the best part of sex...it's not the climax, it's the aura after that you have with someone who you were intimate with that makes sex enjoyable at this stage in my life.

When asked if he thinks he has a problem with his sexual behavior, Mr. Tyler said, "No." He said he does not need treatment. He denied having any deviant sexual thoughts or fantasies. He said he is not concerned that he might reoffend in the future. When asked to describe a situation in which he would be at increased risk to commit a sexual offense, he said, "I can't think of any right now. I don't think there is any. Especially with what I'm going through now." He rated his risk to reoffend a "1" on a scale of 1 to 10, with 1 being relatively no risk. When asked to explain this self-rating, he said, "Because what I meant to keep within myself, I accidentally wrote a note and that note has got me into some deep trouble. I would never risk losing my freedom over an attempt to do anything to a minor." In regard to how he will prevent himself from sexually offending in the future, he said, "Mostly stay away, as much as I can, from any underage child and stay close to my spiritual focus."

FUTURE PLANS

In regard to his plans if released, Mr. Tyler said, "Just get back to taking care of my mother. She really needs some help. I'm mostly concerned about her." When asked how he planned to satisfy his sexual needs, he said, "I'll just have to get married, find somebody to marry."

According to SCDPPPS Agent Mitch Tucker, Mr. Tyler was released from prison on Supervised Reentry on the disseminating harmful material conviction. His supervision will expire on May 15, 2016.

CURRENT CLINICAL PRESENTATION

Mr. Tyler is a 63-year-old African-American male whose hygiene and grooming appeared adequate. He was well oriented. His mental status was within normal limits. Of his mood, he said, "Well, it's kind of wishy washy. It's definitely not a good one because I know this is a very pinnacle point in my life. This could change the rest of my life. And sometimes I feel like it is out of my hands. I know I have to rely on my God to help me get through this." His affect was euthymic and congruent with the topic. His speech was normal in volume, rate, and tone. His short and long-term memory was intact. He denied recent or current suicidal or homicidal ideation; he denied a history of such.

DIAGNOSES

Given the purpose of the evaluation and based on his history and self-report, the primary disorder considered was Pedophilic Disorder, a paraphilia. Paraphilic Disorders are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving a set of behaviors, a specific class of victims, or nonhuman objects that occur over a period of at least 6 months. The person has either acted on these sexual urges or the sexual urges or fantasies cause marked distress. The focus in pedophilia is a prepubescent child or children.

Mr. Tyler reported in the interview that he was sexually attracted to individuals who were at the beginning stages of puberty, when they had initial breast development and no pubic hair. Despite his

report, he offended children who were likely prepubescent. In the first offense, he admitted to law enforcement that he had an erection when he kissed and touched the prepubescent female victim. He admitted to being sexually attracted to both girls. This attraction occurred over a period of decades. He indicated he was solely attracted to females. He reported engaging in satisfying sexual relationships with adult females. Meaning he is not exclusively aroused by prepubescent females. He sexually offended non-familial children. Images of numerous clothed prepubescent females posing provocatively were found in his possession. As such, Mr. Tyler criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Females.

Based on his self-report, Mr. Tyler meets criteria for Mild to Moderate Cannabis Use Disorder, In a Controlled Environment. He did not present with symptoms indicative of a major mood or thought disorder or for a personality disorder.

RISK ASSESSMENT

The Static-99R is an instrument designed to assist in the estimation of sexual and violent recidivism for sexual offenders. It is the most widely used measure of sexual recidivism. The recidivism estimates were derived from new charges and reconvictions of groups of individuals; as such, these estimates do not directly correspond to the recidivism risk of an individual offender. Mr. Tyler's score on the Static-99R (2) places him in the Low-Moderate risk category relative to other adult male sex offenders. Mr. Tyler's score on the Static-99R was compared to a reference group identified as "Routine." On average, 5.6% (range=4.8-6.5) of non-routine sex offenders with this score sexually recidivated within 5 years. In regard to relative risk ratios (the ratio of two recidivism rates), the expected recidivism rate for individuals who have the same score as Mr. Tyler is the same as the expected recidivism rate of the average sexual offender in routine samples. Meaning, his score is the average score in routine samples.

Psychologically meaningful risk factors (sometimes called dynamic risk factors or criminogenic needs) are psychological or behavioral features that are related to increased risk to reoffend and that are potentially changeable. It is unclear from the current research to what to degree, if any, additional factors impact risk estimates derived from the Static-99R. Empirically supported risk factors include sexual preoccupation, sexual preference for prepubescent or pubescent children, sexualized violence, multiple paraphilias, offense-supportive attitudes, emotional congruence with children, lack of

emotionally intimate relationships with adults, lifestyle impulsiveness, poor problem solving, resistance to rules and supervision, grievance/hostility, and negative social influences (Mann, Hanson, and Thornton, 2010^{iv}).

Mr. Tyler has several empirically-supported psychologically meaningful risk factors. He appears to have a history of sexual preoccupation as evidenced by his admission that he would like to have sex once or twice a day every day and his belief that he was sexually preoccupied when he was in his 30's. He has a sexual preference for prepubescent or pubescent children in that he kissed and fondled a prepubescent stranger and told her he loved her and he expressed feelings of love and sexual arousal for a 10-year-old female; he had provocative pictures of prepubescent and pubescent females. He holds offense-supportive attitudes in that he believed the prepubescent victims could reciprocate his love and affection. He has emotional congruence with children in that he believed he was in love with the victims and he believed at least one of the victims would love him if she experienced sexual arousal to sexual acts with him. He has resistance to rules and supervision in that he violated probation multiple times in the past.

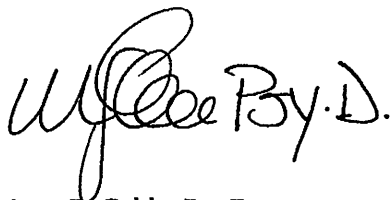
OPINION ON STATUS AS A SEXUALLY VIOLENT PREDATOR

Whether Mr. Tyler is a sexually violent predator is a legal decision to be made by the legal fact finder. As such, the following opinion is not intended to be dispositive on this issue, but to assist the fact finder in the decision-making process. It is noted that examiners' opinions are limited by several factors. For example, estimates of reoffense risk are based on group data that cannot be directly applied to an individual respondent. Furthermore, some terminology in the SVP statutes (such as "likely" to engage in acts of sexual violence) and in relevant Supreme Court decisions (such as "serious difficulty" in controlling sexual behavior in *Kansas v. Crane*) is not precisely defined.

The purpose of this evaluation is to inform the trier of fact regarding whether Mr. Tyler "suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment." He has been convicted of two statutorily defined sexually violent offenses. These offenses are Criminal Solicitation of a Minor and Disseminating Harmful Material or Exhibiting Harmful Performance to Minor. He meets criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Females.

For the prediction of sexual recidivism, the most accurate approach is to use an actuarial tool designed specifically for sexual recidivism, such as the Static-99R (Hanson and Morton-Bourgon, 2009^v). Research indicates that the sexual recidivism rate of sexual offenders is 10% to 15% after 5 years (Hanson and Bussière, 1998^{vi}; Harris and Hanson, 2004^{vii}). In large samples of sex offenders, 5.6% of individuals with the same score as Mr. Tyler on the Static-99R recidivated within 5 years. Thus, his estimated risk is lower than the base rate for sexual recidivism. Mr. Tyler has several risk factors not accounted for by the Static-99R (i.e., sexual preoccupation, sexual preference for prepubescent and pubescent minors, emotional congruence with children, offense supportive attitudes, and resistance to rules and supervision). It is unclear from the current research how these risk variables factor in to overall risk or if and how they add or subtract from actuarially measured risk estimates.

In consideration of all the information, it is my opinion that Mr. Tyler's "propensity to commit acts of sexual violence" is not "of the degree" to place him in the "limited subclass of dangerous persons" that require "confined in a secure facility for long-term control, care, and treatment." In other words, it is my opinion that Larry James Tyler does not meet criteria to be considered a sexually violent predator.



Marie E. Gehle, Psy.D.
Chief Psychologist

ⁱ "...Larry Tyler on or about the 15th day of May, A.D. 1993, and before the presentment of this indictment, in the County of Travis, and the State of Texas, did then and there knowingly and intentionally cause the penetration of the female sexual organ of [N.W.], a child younger than 14 years of age and not his spouse, by the finger of the said Larry Tyler."

ⁱⁱ "And the Grand Jury further present that on or about the 15th day of May, 1993, and before the presentment of this indictment, in the County of Travis, State of Texas, Larry Tyler did then and there, with the intent to arouse and gratify his sexual desire, knowingly and intentionally engage in sexual contact by touching the breast of [N.W.], a child younger than 17 years of age and not his spouse."

ⁱⁱⁱ This part of the statutory language was referenced as the basis of the charge by the prosecutor in the trial transcript; the entire definition of the offense was included in the indictment.

^{iv} Mann, R.E.; Hanson, R.K.; & Thornton, D. (2010). Assessing Risk for Sexual Recidivism: Some Proposals on the Nature of Psychologically Meaningful Risk Factors. *Sexual Abuse: A Journal of Research and Treatment*, 191-217.

^v Hanson, R.K., & Morton-Bourgon, K.E., (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, 21 (1), 1-21.

^{vi} Hanson, R. K., & Bussière, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66 (2), 348-362.

^{vii} Harris, A., & Hanson, R.K. (2004). *Sex offender recidivism: A simple question* (Corrections User Report No. 2004-03). Ottawa, Ontario, Canada: Public Safety Canada.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE)
CARE AND TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO: 2015-CP-16-00788

NOTICE OF RETENTION OF
INDEPENDENT EXPERT

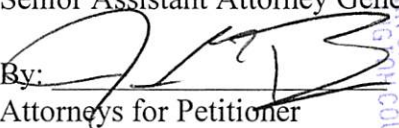
To: James K. Falk, Attorney for Respondent

YOU WILL PLEASE TAKE NOTICE that the Attorney General's Office is exercising its right pursuant to S.C. Code Ann. Section 44-48-90(C) to an independent evaluation of the above Respondent regarding whether he suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* The State will separately submit for filing as an attachment to this document the letter from the Attorney General's Office retaining its expert to conduct an evaluation.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

By: 
Attorneys for Petitioner
Office of the Attorney General
S.C. Bar No.: 755
Post Office Box 11549
Columbia, South Carolina 29211
V: (803) 734-1173
F: (803) 734-6679
jbogle@scag.gov

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

May 16, 2016
Columbia, South Carolina

RECEIVED

MAY 23 2016

ATTORNEY GENERAL
OFFICE

STATE OF SOUTH CAROLINA	)	IN THE COMMON PLEAS COURT
	)	
COUNTY OF DARLINGTON	)	FOR THE 4th JUDICIAL CIRCUIT
	)	
In Re Care and Treatment of	)	CASE NO.: 2015-CP-16-00788
	)	
	)	
Larry James Tyler	)	
Respondent,	)	
_____	)	

**RESPONDENT'S MOTION TO DISMISS, OR ALTERNATIVELY,
MOTION TO SET DATE CERTAIN TRIAL DATE**

To: James Bogle, Jr. Esq. Office of the Attorney General, PO Box 11549,
Columbia, SC 29211-1549

Respondent, by and through Counsel hereby moves for an order:

- I. Dismissing this action with prejudice; or,
- II. Setting a date certain trial date in this action.

As grounds for this motion undersigned counsel states:

- 1. Pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 et. seq (the Act) the State of South Carolina filed a petition seeking to have respondent declared a sexually violent predator.
- 2. A Probable Cause Hearing was held on October 26, 2015, probable cause was found, and the Court issued an Order requiring an evaluation of Respondent. Dr. Marie E. Gehle, Chief Psychologist at the South Carolina Department of Mental Health, was ordered to conduct the evaluation.

3. The Honorable Paul M Burch entered his Probable Cause Order October 26, 2015.
4. On or about May 12, 2016 Dr. Gehle completed her evaluation in which she opined that Respondent did not meet the criteria to be considered a sexually violent predator.
5. On or about May 16, 2016 the State filed notice pursuant to S.C. Code Ann. Sec 44-48-90(C) to retain an independent evaluation. On or about May 18, 2016 the State retained Dr. William Burke of MUSC's Community and Public Safety Psychiatry Division of Psychiatry and Behavioral Sciences (MUSC) to perform the evaluation.
6. S.C. Code Ann. Sec 44-48-90(B) provides that a trial date must be scheduled within 90 days from the date on which the Court appointed expert completes their evaluation. Respondent herein requests that a trial date be set at the parties' earliest availability.
7. Respondent anticipates that the State may assert that any delay in setting a trial date in the case is the result of Respondent's own actions. On information and belief, the Respondent participated and cooperated in all facets of Dr. Burke's evaluation with the sole exception of participating in the Penile Plethysmograph test (PPG). Respondent asserts that the State's action in compelling Respondent to participate in PPG testing amounts to:
 - a. A substantial deprivation of Respondent's liberty

- b. A substantial invasion of Respondent's right to privacy;
- c. A warrantless search of Respondent's innermost thoughts; and,
- d. State-sanctioned compulsory self-incrimination.

Therefore the State's action in seeking to compel Respondent to participate in PPG testing constitutes violations of Respondent's rights under the 4th 5th and 14th Amendments to the United States Constitution as well as Article 1 Sections 3, 10 and 12 of the South Carolina Constitution.

THEREFORE, Respondent asks that this matter be dismissed for lack of prosecution or in the alternative that the Court set a date certain trial date in this matter.

Respectfully Submitted,

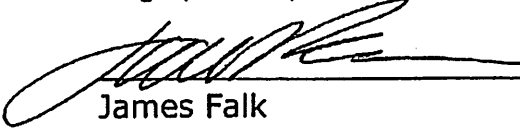


James K Falk
Falk Law Firm
PO Box 38
Charleston, SC 29402
(843) 606-6007
(843) 972, 9005 Fax
jfalklaw@gmail.com

CONTINUED ON NEXT PAGE

CERTIFICATE OF SERVICE

Undersigned certifies that a copy of the above was mailed to James Bogle, Jr Esq. at the above address this August 10, 2016.



James Falk
Counsel for Respondent

August 10, 2016

Charleston, SC

STATE OF SOUTH CAROLINA)

COUNTY OF DARLINGTON)

IN THE MATTER OF THE CARE AND)
TREATMENT OF)
LARRY JAMES TYLER,)

RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CASE # 2015-CP-16-00788

RETURN TO MOTION TO DISMISS
AND FOR TRIAL; MOTION TO
COMPEL COOPERATION WITH
EVALUATION

TO: JAMES K. FALK, ESQUIRE.

YOU WILL PLEASE TAKE NOTICE that the State of South Carolina, through the undersigned, will make the following Return to the Motion to Dismiss and for a trial, and Move for (1) an Order continuing the matter and tolling or staying all statutory deadlines, and (2) for an Order holding Respondent in contempt for failing to cooperate with the State's evaluation, and requiring Respondent to cooperate in an evaluation for the purposes of determining whether or not he is a sexually violent predator. In support of these the following is offered:

MOTION FOR CONTINUANCE AND FOR STAY:

1. An action under the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.*, was commenced with filing of a Petition in October, 2015. The qualifying convictions were sexual exploitation of a minor in the second degree, criminal solicitation of a minor, and disseminating harmful material to a minor.
2. An Order for Evaluation was filed on or about October 26, 2015. The qualified expert appointed by the Court to examine the Respondent was Dr. Marie E. Gehle of the Department of Mental Health.
3. A Request for a Jury Trial was filed by the State.
4. Dr. Gehle issued her report dated on or about May 16, 2015, concluding that Respondent did not meet the criteria to be considered a sexually violent

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DARLINGTON COUNTY, S.C.

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DARLINGTON COUNTY, SC

predator. From the reading of Dr. Gehle's report it appears to be clear that Respondent cooperated with her evaluation.

5. Under S.C. Code Ann. Section 44-48-90 (C), upon receipt of the evaluation by the court-appointed expert the Attorney General may retain a qualified expert to perform a subsequent examination. The State notified Respondent's attorney this was being done, by Notice of Retention of Independent Expert, filed with the Court on or about May 16, 2016. The State retained the Sexual Behaviors Laboratory at the Medical University of South Carolina, which assigned Dr. Emily Gottfried to conduct the evaluation.
6. Under the Sexually Violent Predator Act a jury trial must be held within 90 days of the date Dr. Gehle issued her evaluation, S.C. Code Ann. Section 44-48-90(B).
7. The State would request a denial of the Motion to Dismiss based on the Respondent's failure to cooperate with the State's evaluation (*see infra*), and a stay of any required jury trial or the time limits relating to all further matters regarding this case because Respondent is not cooperating with the State's evaluation.

MOTION TO COMPEL COOPERATION WITH EVALUATION:

8. The contents of paragraphs 1-7 above are repeated.
9. Dr. Gottfried, of MUSC, has attempted to conduct an evaluation of Respondent as authorized by Section 44-48-90(C). Dr. Gottfried has advised the undersigned that Respondent was transported to her office for an evaluation. At Dr. Gottfried's office, Respondent signed a valid Consent for Evaluation, attached as Exhibit 1 that included the administration of a Penile Plethysmograph (PPG Examination) and a Polygraph Examination. As shown by the attached letter from Dr. Gottfried (Exhibit 2) these examinations are standard protocol based on "the evidence base for assessing his likelihood in engaging in future acts of sexual violence." Respondent was deceptive on certain psychological assessment measures, making physiological data from the PPG a critical component of this examination. He refused to take the PPG, and so the examination could not be completed.
10. Failure to cooperate with an evaluation was addressed in a Charleston case

in 2004, *In the Matter of the Care and Treatment of Emory Michau*. By Order filed June 29, 2004 (Exhibit 3) Circuit Court Judge Roger M. Young found *Michau* in contempt for failure to cooperate with an evaluation, and directed that the he could purge himself of the contempt by cooperating. (Upon information and belief, *Michau* remained confined at the Charleston County Detention Center for several years before finally cooperating with the evaluation, which led to his case being dismissed).

11. Failure to cooperate with an evaluation was addressed in a Union County case in 2014, *In the Matter of the Care and Treatment of Melvin Beam*. By Order filed November 19, 2013 (Exhibit 4), Circuit Court Judge Brian M. Gibbons found *Beam* in contempt for failure to cooperate with the evaluation sought by the Attorney General's Office, and directed that the he could purge himself of the contempt by cooperating.
12. This Court has jurisdiction over the subject matter of this litigation, as well as the Respondent himself. It is within the powers of the circuit court to enforce its orders, enforce a statute enacted by the General Assembly, and to punish for contempt.
13. When the General Assembly passed the Sexually Violent Predator Act it made a legislative finding that "a mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment...Section 44-48-20." For this goal to be met it is necessary that the Respondent cooperate with evaluations ordered by the Court or authorized by the statute. The subsequent evaluation be sought by the State is authorized by S.C. Code Ann. Section 44-48-90(C).
14. S.C. Code Ann. Section 44-48-90(C) confers upon the Attorney General the right to secure an independent evaluation, the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert concluded that he fit the criteria of a sexually violent predator. The Court in the *Beam* case held: "[R]easonable access" as contained in Section 44-48-90(C) would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90(C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associated of the examiner involved in any evaluation or testing...of Respondent. The Court finally held that, by refusing the PPG, Respondent has not allowed the Attorney General's expert reasonable access to him.

WHEREFORE, the State would move as follows: (1) for a denial of Respondent's motion to dismiss and motion for a trial date; (2) for the Respondent to be found in contempt of court, and ordered held at the Darlington County Detention Center until such time as he could purge himself of this contempt, by cooperating with the evaluation of the Attorney General's expert, Dr. Emily Gottfried at MUSC; (3) that all statutory time limits associated with the Sexually Violent Predator Act matter pending against Respondent are tolled, pending his cooperation with the evaluation as set forth herein; and (4) grant such other or further relief as is just and proper.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

A handwritten signature in black ink, appearing to read 'J. Bogle', is written over a horizontal line.

Attorneys for Petitioner
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-1173; JBogle@scag.gov

August 18, 2016
Columbia, South Carolina.

Sexual Behaviors Clinic and Lab
Department of Psychiatry & Behavioral Sciences
Medical University of South Carolina
29C Leinbach Drive
Charleston, SC 29407

**Consultation Evaluation Examinee Consent
and Authorization to Use/Disclose Information**

Examinee Name (print name): Larry Tyler
Date of Consent Form Review (mm/dd/yy): 7/7/16

You have been referred for a psychosexual evaluation by the Sexual Behaviors Clinic and Lab of the Department of Psychiatry and Behavioral Sciences at the Medical University of South Carolina, hereafter referred to as the Sexual Behaviors Clinic and Lab or by the abbreviation SBCL. This evaluation may involve all or only some of the tests and assessments described in the following paragraphs. These tests and assessments are used to evaluate your behaviors and symptoms. Please read every page of the consent form. If you have questions regarding this consent form or another aspect of your evaluation, please ask the evaluator.

Clinical Interview(s). You will be interviewed on one or more occasions regarding your education, employment, family, general medical, psychiatric, abuse, legal, and substance use histories; childhood development; sexual behaviors, knowledge and thoughts; symptoms and behaviors that led to this evaluation. You do not have to answer all the questions, but failure to answer questions may be noted for the record. In addition, failure to answer all the questions or to be less than honest or accurate may prevent completion of your evaluation or cause incorrect conclusions. The interview(s) may be audio and/or video recorded and the recording will become a part of your forensic file maintained by the SBCL.

Questionnaire(s). There are a number of questionnaires that may be included in the evaluation. There are questions about personal topics, such as your past and present sexual activities, your attitudes and personality. You may respond or not to those questions. If you choose to answer them, it is important that your responses are as honest and as accurate as possible. Failure to answer questions or to be less than honest or accurate may make the results invalid or prevent use of a given questionnaire as part of your evaluation.

Among the possible questionnaires, you may be administered the Multiphasic Sex Inventory II (MSI II). The MSI II is designed to help identify psychological/sexual problems, if any, that you may have. Specifically, the test data is used (1) to help develop hypotheses about psychological problems you may be experiencing; (2) to help develop hypotheses about sexual problems you may be experiencing such as sexual desires, obsessions, dysfunction, sex knowledge and deviant or atypical sexual behaviors; (3) for reporting treatment progress that you may have made; and (4) to provide ongoing research data which is used to better understand individuals who may have problems. The testing data you complete will be forwarded to Nichols & Molinder Assessments, Inc. in Washington State, where the data will be scored and interpreted. All material sent to Nichols & Molinder Assessments, Inc. will be identified by your initials or a code number only and neither your name nor other identifying information (address, social security number, etc.) will be divulged. You agree to put only your initials or a code number assigned by the SBCL on all test answer sheets and forms. However, your age, education level, usual occupation, marital status, race, sex and reason for taking the testing will be included on test materials. This information is needed in combination with the test results to more specifically address the objectives stated above. If you are a minor or have a legally assigned guardian empowered to give consent on your behalf, your parent(s) or guardian may review the testing materials before deciding on authorizing their use as part of your evaluation.

EXH. 1

SBCL Consultation Evaluation Examinee Consent FormExaminee Name (print name): Liam TylerDate of Consent Form Review (mm/dd/yy): 7/2/16

The Abel Assessment for Sexual Interest-2™ or The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™. If one of these assessments is used, the other will not be used. The Abel Assessment for Sexual Interest-2™ is a computerized test that includes completing a questionnaire regarding your sexual attitudes, experiences and preferences. The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™ may be used with persons who have difficulty with understanding and/or applying instructions or who are illiterate (unable to read). It includes a questionnaire read aloud by a test administrator regarding your sexual attitudes, experiences and preferences. With both of these assessments your response to a series of images of clothed males and females of various ages will be measured, beyond your awareness. As you view the images, you will be asked to rate your level of sexual attraction to each image using the number keys on a computer keyboard. Information collected during these procedures will be incorporated using a special code into a database at Abel Screening, Inc of Atlanta, Georgia, which analyzes the data for the SBCL. The information will be used not only for assisting in your evaluation, but also for research regarding the understanding of sexual behaviors in general and the general development of behavioral psychological testing products for use by professionals. The information placed in the Abel Screening, Inc. database for research purposes will not have your name associated with it. You will not receive or be entitled to payment from Abel Screening, Inc or the SBCL for such research use or for products that are developed by Abel Screening, Inc through use of such information.

Males Only - Penile Plethysmography. This assessment involves measuring your sexual arousal while you listen to audiotapes and/or look at photographic images and/or video images. This part of the evaluation may take several hours, depending on which type of stimuli (video images, photographic images and/or audiotapes) is used. You will be sitting in a room by yourself during the assessment. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate and a pad in your seat to measure movement. The assessment administrator will assist with placement of these measurement devices. A video camera may monitor your upper body including your face, chest and arms to record your attention to visual stimuli and body movement. The video recording will become a part of your forensic file maintained by the SBCL. You will be given instruction on how you are to place an elastic band type sensor around your penis to measure sexual arousal. Your groin area will not be exposed during the assessment nor will it be visible to the camera monitoring your upper body. Some of the material you will be hearing and/or seeing is sexually explicit and some audio descriptions and photographic images may be of sexual coercion and/or violence. You may listen to audio that verbally describes sexual activity between adults and/or between adults and children. Visual images may include males and/or females, clothed children, nude and/or clothed adults, and sexually explicit behavior between adults. You will be asked to rate your level of sexual arousal to each visual image and/or audio description. A computer in the next room where the assessment administrator sits will record your sexual arousal to these stimuli.

~~**Females Only - Vaginal Photoplethysmography.** This assessment involves measuring your sexual arousal to sexually explicit stimuli. This part of the evaluation may take several hours, depending on which type of stimuli (video images, photographic images and/or audiotapes) is used. You will be sitting in a room by yourself during the assessment. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate and a pad in your seat to measure movement. The assessment administrator will assist with placement of these measurement devices. A video camera may monitor your upper body including your face, chest and arms to record your attention to visual stimuli and body movement. The video recording will become a part of your forensic file maintained by the SBCL. You will be given instruction on how you are to place a vaginal photoreceptor sensor to measure sexual arousal. Your groin area will not be exposed during the assessment nor will it be visible to the camera monitoring your upper body. Some of the material you~~

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/2/16

~~will be hearing and/or seeing is sexually explicit and some audio descriptions and/or photographic images may be of sexual coercion and/or violence. You may listen to audio that verbally describes sexual activity between adults and/or between adults and children. Visual images may include males and/or females, clothed children, clothed and/or nude adults, and sexually explicit behavior between adults. You will be asked to rate your level of sexual arousal to each visual image and/or audio description. A computer in the next room where the assessment administrator sits will record your sexual arousal to these stimuli.~~ *L.T.*

Polygraph Examination. You may be requested to undergo a psychophysiological verification examination utilizing polygraph instrumentation. One or more of the following may be used: a blood pressure measurement device on your arm or finger, tube(s) around your chest to measure respiration, small electrodes on your fingers and/or hands to measure skin resistance changes, a sensor to measure heart rate, and a pad in your seat to measure movement. The polygraph examiner will assist with placement of these measurement devices. An audio and video recording of the examination will be made and the recording will become a part of your forensic file maintained by the SBCL. You may be asked questions about personal topics, such as your past and present sexual activities.

Blood and Urine Tests. You may be sent to a laboratory for the collection and testing of a blood sample and/or urine sample. The samples will be submitted for various biochemical, hormonal, substance use and other measurements as appropriate given your individual behaviors, symptoms and evaluation requirements.

Limits to Confidentiality of Evaluation Results. The results from the evaluation will become part of your forensic file maintained by the SBCL. However, the following exceptions to confidentiality apply. If you disclose that you have sexually or physically abused or neglected an identifiable child, the SBCL, in compliance with South Carolina law, must report the information to the South Carolina Department of Social Services or to a law enforcement agency, if a report has not already been made. In addition, if this evaluation is being conducted at the request or direction of a third party (someone other than you) such as a court of law, your attorney, health care professional providing services to you, or an agency responsible for your care, the SBCL will provide the results of the evaluation to that third party. Other exceptions may apply in keeping with applicable laws and regulations to include reporting if you reveal that you may harm yourself or that you have plans to harm someone else. When information from your evaluation is provided to a third party, confidentiality will no longer be in the control of or the responsibility of the SBCL.

Use of Evaluation Results for Research. The primary purpose of the tests and assessments described in this consent form is to evaluate your behaviors and symptoms. In addition, your evaluation results may be used for research to further understand and improve the diagnosis, assessment and the treatment of behaviors and symptoms like yours. Your name will be kept confidential as it relates to research. Specifically, your name will not be included in research presentations, reports or publications, nor will your name or other identifying information be disclosed to anyone not directly involved in research in the SBCL without written permission. Use of your evaluation results will only be used for research in accordance with appropriate Institutional Review Board approval and other applicable state and federal laws and regulations.

Termination of Consent to Evaluation Tests and/or Assessments. You may revoke your consent to one or more of these evaluation tests and/or assessments at any time prior to their completion by verbally advising the test or assessment administrator. Failure to complete a recommended test or assessment may prevent completion of part or the entire evaluation.

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): LARRY TYLER

Date of Consent Form Review (mm/dd/yy): 7/7/16

I, Larry Tyler, hereby consent to have the evaluator, Dr. [Signature] and/or other persons designated by the evaluator to conduct such tests and/or assessments as may be required in the opinion of the evaluator to complete an evaluation of my sexual behaviors and symptoms. Specifically, I consent to the following as detailed in other sections of this consent form (initial each that apply and to which you agree):

LT **Clinical Interview(s).** I understand that I will be interviewed on one or more occasions about various aspects of my past, my sexual behaviors and thoughts, and about the behaviors and/or symptoms that led to this evaluation.

LT **Questionnaires.** I understand that many questions on the questionnaires are highly personal, and whether or not I answer them is my choice. If I do answer, my responses will be as honest and as accurate as possible.

LT **The Abel Assessment for Sexual Interest-2™ or The Abel-Blasingame Assessment System for Individuals with Intellectual Disabilities™.** I understand that I may be administered one of these tests. I will be asked to complete a questionnaire or respond to one read to me and I will be asked to view and rate my sexual attraction to a series of computer images of clothed males and females of various ages.

LT **Males Only - Penile Plethysmography.** I understand that my sexual arousal and physical arousal may be measured while I listen to audiotapes, and/or look at photographic images and/or video images. My sexual arousal will be measured by using an elastic band type sensor around my penis. I understand that the material I may be seeing and/or hearing might be sexually explicit and that some audio (verbal) descriptions may be of sexual activity between adults and/or between adults and children, and that some audio descriptions and/or photographic images may be of sexual coercion and violence.

~~LT **Females Only - Vaginal Photoplethysmography.** I understand that my sexual arousal and physical arousal may be measured while I listen to audiotapes, and/or look at photographic images and/or video images. My sexual arousal will be measured by using a vaginal photoreceptor sensor. I understand that the material I may be seeing and/or hearing might be sexually explicit and that some audio (verbal) descriptions may be of sexual activity between adults and/or between adults and children, and that some audio descriptions and/or photographic images may be of sexual coercion and violence.~~

LT **Polygraph Examination.** I understand that I may be administered a psychophysiological verification examination utilizing polygraph instrumentation. I understand that I may be asked questions about personal topics, such as my past and present sexual activities.

LT **Blood and Urine Tests.** I understand that the blood test(s) require(s) a sample of my blood and the urinalysis requires a sample of my urine.

LT **Use of Evaluation Results for Research.** I understand that my evaluation results may be used for research, but without my name and only in accordance with appropriate Institutional Review Board approval and other applicable state and federal laws and regulations.

LT **Limits to Confidentiality.** I understand that my evaluation has been requested by a third party and that the results of the evaluation will be released to that third party identified as:

SCAG

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/7/16

I consent to the following as detailed below (initial each that apply and to which you agree):

LT I agree to give up my rights to have kept secret what I tell Dr. Gottfried, the evaluator, and other persons designated by the evaluator and what is collected through tests and assessments.

This means that the evaluator has my permission to talk with people involved in my legal case and/or care about, to say and discuss out loud in court during a trial, to say and discuss during depositions (where lawyers ask the evaluator questions), and to prepare written reports about the following: what I tell and/or discuss with the evaluator; what I tell and/or discuss with other persons designated by the evaluator; content and results of tests and assessments; anything the evaluator thinks or decides about what I tell and/or discuss as just described and about the content and results of tests and assessments. I understand and agree that the evaluator's report(s) may be given to attorneys and/or judges or care providers connected with my case or care as the law allows. I understand that the evaluator's written report or out-loud statements for court may help my case, hurt my case, or have no effect on my case and I understand that no one can know which one it will be in advance. I hereby release the evaluator, and persons designated to assist the evaluator, from all claims or liability resulting from the releasing of the evaluator's report(s) as described above, and from the evaluator releasing information about me in a trial or deposition or to my care providers.

LT I understand that although the evaluator is a health care professional and may be a physician with a specialty in psychiatry or he/she may be a psychologist, he/she is not acting as my physician or psychologist in conducting this evaluation. I understand that I am not a patient of the evaluator in connection with or because of this evaluation and the evaluator will not give me treatment to include general medical or mental health treatment. In addition, other persons designated by the evaluator to conduct tests and/or assessments as part of my evaluation may be mental health or general health care providers, but such persons are not acting as my mental/general health care provider in conducting my evaluation, I am not a patient of those persons in connection with or because of this evaluation, and such persons will not give me treatment to include general medical or mental health treatment..

LT I agree to audio and/or video recording of some or all of my evaluation. I understand that such recordings are considered part of my forensic file. I understand that some or all of my evaluation may be observed by persons in training as part of their education and that they must follow the same confidentiality requirements as the evaluator and as described in this consent form.

LT I understand that revealing intimate details about one's life and behavior can produce temporary anxiety, depressive symptoms and/or emotional upset for some people. If I experience such a reaction, I will immediately advise the person conducting the evaluation if still in his/her presence and/or seek services from a health care provider. If I reveal during the evaluation that I have experienced such a reaction, that information may be provided to person(s) responsible for my care and I hereby grant permission for such a notification.

LT I understand that I can take breaks during the evaluation process, but if possible should coordinate breaks with the person conducting a particular test or assessment to avoid interfering with the evaluation process. I understand that I may at any time prior to completion of a given evaluation test or assessment withdraw my consent for that test or assessment or the entire evaluation.

SBCL Consultation Evaluation Examinee Consent Form

Examinee Name (print name): Larry Tyler

Date of Consent Form Review (mm/dd/yy): 7/7/16

By signing below I agree that I have read and understood the contents of all six pages of this consent form, that I have had all my questions about the consent form answered to my satisfaction, and that I consent to every item contained in this consent form except ones lined through with a pen and initialed by me.

Signature of Examinee Larry J. Tyler

Printed Name of Examinee LARRY JAMES TYLER

Date 7-7-2016

~~Signature of Parent/Guardian (if applicable) _____~~

~~Printed Name of Parent/Guardian (if applicable) _____~~

~~Date _____~~

For parents/guardians: Initial at the end of this sentence to acknowledge your understanding of and agreement with being interviewed and completing questionnaires to provide information about the examinee. _____ *AT*

Signature of Witness Bonnie Dykstra

Printed Name of Witness Bonnie Dykstra

Date 7/7/16



Emily Gottfried, Ph.D.
Clinical Instructor
Licensed Clinical Psychologist

Sexual Behaviors Clinic & Lab

Community & Public Safety Psychiatry Division
Department of Psychiatry and Behavioral Sciences

29C Leinbach Drive
Charleston, SC 29407
Tel 843.792.1461
Fax 843.792.2254
forensicpsychiatry@musc.edu

July 7, 2016

Re: Larry J. Tyler

JAMES G. BOGLE, JR.
Senior Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211

Dear Mr. Bogle:

Personnel of the South Carolina Attorney General's Office requested a consultation evaluation from the MUSC Sexual Behaviors Clinic & Lab (SBCL) to determine if Mr. Larry Tyler has a mental abnormality and/or personality disorder that makes him likely to engage in acts of sexual violence. On advice of counsel, Mr. Tyler has refused to participate in the Penile Plethysmograph (PPG Examination). The PPG is a standard part of the SBCL evaluation protocol based on the evidence base for assessing his likelihood in engaging in future acts of sexual violence. Mr. Tyler consented to participate in other portions of the SBCL evaluation but he was deceptive on psychological assessment measures and his self-report was not viewed as being a valid indicator of his sexual arousal. Therefore, physiological data from the PPG becomes a critical component in answering the questions regarding Mr. Tyler's risk of sexual recidivism and the presence a has a mental abnormality such as a paraphilic disorder that could lead to his engaging in acts of sexual violence.

Thank you,

A handwritten signature in cursive script, appearing to read "Emily D. Gottfried", followed by the letters "Ph.D." in a similar cursive style.

Emily D. Gottfried, Ph.D.

EXH. 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
EMORY MICHAU,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE NUMBER 2003-CP-10-0451

ORDER OF CONTEMPT

FILED
JUN 29 2004
CLERK OF COURT

This matter came before the Court by a Motion to Compel filed by the State.

The State presented to the Court that the Respondent was ordered to undergo a Psychiatric Evaluation by order of the Honorable Victor A. Rawl dated April 9, 2003. The Respondent has refused to cooperate with his court ordered Psychiatric Evaluation.

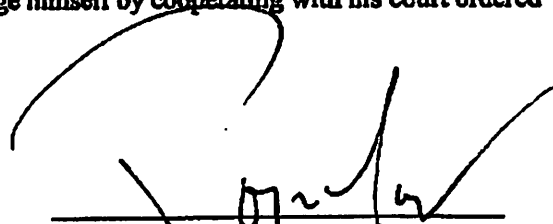
The Respondent read a statement to the Court complaining about the Sexually Violent Predator law, the Attorney General's Office, alleged violations of his rights, and problems with the Federal Court system.

I hereby find and conclude that matters raised by the Respondent are not properly before this Court, and this Court does not has the authority or jurisdiction to address them.

I hereby find the Respondent is in Contempt of Court of Court for refusing to cooperate with his court ordered Psychiatric Evaluation.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Respondent is in Contempt of Court. The Respondent can purge himself by cooperating with his court ordered Psychiatric Evaluation.

AND IT IS SO ORDERED.


The Honorable Roger M. Young
Judge for the Ninth Judicial Circuit

Charleston, South Carolina
June 26, 2004

EXHIBIT 3

State notified Ms. Wiygul by letter, and a Notice of Retention of Independent Expert was filed on March 18, 2013.

6. Dr. William Mulbry, a forensic psychiatrist at MUSC, was retained by the Attorney General to conduct an evaluation of Respondent as authorized by Section 44-48-90 (C). Respondent was transported to Charleston on at two occasions, April 19 and 22, for testing and interviewing. A staff employee identified by Respondent as "Joe" was involved in the testing.
7. Thereafter, a subsequent date was scheduled for Dr. Mulbry and the personnel at his office to continue the evaluation of Respondent, on or about May 15, 2013. Respondent refused to be transported from the Union County jail. This was corroborated by the incident report received into evidence.
8. S.C. Code Ann. Section 44-48-90 (C) states that after the report of the evaluation is issued by the court-appointed expert, "the person or the Attorney General may retain a qualified expert to perform a subsequent examination. All examiners are permitted to have *reasonable access to the person* for the purpose of the examination, as well as access to all the relevant medical, psychological, criminal offense, and disciplinary records and reports." (emphasis added)

Whether or not the expert retained by the Attorney General is qualified would be a matter to be determined by the trial judge, if this case gets that far. Section 44-48-90 (C) confers upon the Attorney General the right to secure an independent evaluation. This is the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert, Dr. Harrison, determined that he fit the criteria of a sexually violent predator.

The central question would appear to be the scope of the language "reasonable access" as contained in Section 44-48-90 (C). This Court holds that reasonable access would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90 (C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associate of the examiner involved in any evaluation or testing, including the "Joe" employed by Dr. Mulbry who administered testing of Respondent. The Court holds that, by refusing to be transported to MUSC, Respondent has not allowed the Attorney General's expert reasonable access to him.

This Court does not find Respondent should be held in contempt at this time, as he did cooperate with some portion of the examination.

Accordingly,

IT IS THEREFORE that the Attorney General's Office is entitled to the evaluation by the Attorney General's expert as allowed by Section 44-48-90 (C); further, since that evaluation has not been completed, the Attorney General's expert is entitled to reasonable access to Respondent.

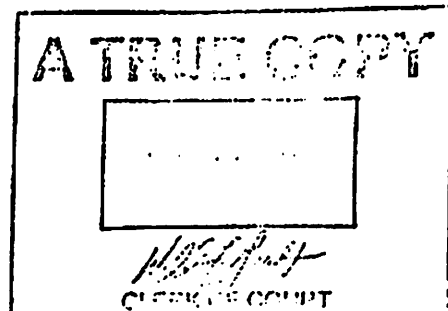
IT IS FURTHER ORDERED that the motion of the State to compel cooperation is granted. Respondent is directed to cooperate and complete the evaluation by the Attorney General's expert, Dr. Mulbry's office, or be subject to the contempt powers of this Court.

IT IS FURTHER ORDERED that since Respondent has been to the office at MUSC for at least one day's evaluation, the remaining time to evaluate him shall be limited to one more day. Time is of the essence since Respondent has completed his prison term and is currently housed at the Union County jail. If, in the opinion of the Attorney General's expert, more time is needed to complete the evaluation of Respondent, this Court, upon proper motion, may revisit that issue.

AND IT IS SO ORDERED.

11/13, 2013
York, South Carolina


BRIAN M. GIBBONS
Circuit Court Judge for the Sixteenth
Judicial Circuit Court of Common Pleas



RECEIVED

AUG 23 2016

ATTORNEY GENERALS
OFFICE

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT.)
)
)
)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-16-00788

ORDER

2016 SEP 23 AM 11:56
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

FILED

Respondent Larry James Tyler moved for the dismissal of this Sexually Violent Predator matter, specifically objecting to the administration of a penile plethysmograph (hereafter, PPG) examination on him, or to set a date for a jury trial. The State filed a Return opposing the dismissal of this case, and countered for an Order requiring Respondent to be held in contempt for not cooperating in the evaluation for the purposes of determining whether or not he is a sexually violent predator, and for other relief relating to the statutory time limits relating to cases of this nature. A hearing was held September 8, 2016 in the Darlington County Court of Common Pleas. Respondent was personally present and represented by James K. Falk, Esquire, and the State by Senior Assistant Attorney General James G. Bogle, Jr.

After careful consideration of the record in this matter, and the arguments made by counsel, the Court makes the following findings of fact:

1. An action under the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.*, was commenced with filing of a Petition on or about October 13, 2015. The qualifying sexually violent convictions were sexual exploitation of a minor in the second degree, criminal solicitation of a minor, and disseminating harmful material to a minor.
2. An Order for Evaluation was filed following a probable cause hearing on October 26, 2015. The qualified expert appointed by the Court to examine the Respondent was Dr. Marie E. Gehle.

TRUE CERTIFIED COPY,
SCOTT B. SUGGS
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

3. A Request for a Jury Trial was filed by the State.
4. Dr. Gehle issued her report dated on or about May 16, 2016, concluding that Respondent did not meet the criteria to be considered a sexually violent predator. There is nothing to suggest Respondent did not cooperate with her evaluation.
5. Under the Sexually Violent Predator Act a jury trial must be held within 90 days of the date Dr. Gehle issued her evaluation, S.C. Code Ann. Section 44-48-90(B).
6. Under S.C. Code Ann. Section 44-48-90(C), upon receipt of the evaluation by the court-appointed expert the Attorney General may retain a qualified expert to perform a subsequent examination. The State notified Respondent's attorney this was being done, by Notice of Retention of Independent Expert, filed with the Court on or about May 16, 2016.
7. The Sexual Behavior Clinic and Laboratory (SBCL) at the Medical University of South Carolina was retained by the State to conduct the subsequent examination of Respondent as authorized by Section 44-48-90(C).
8. Psychologist Dr. Emily D. Gottfried of the SBCL was assigned. Dr. Gottfried has advised that Respondent was transported to SBCL for an evaluation on more than one occasion. At Dr. Gottfried's office, Respondent signed a valid Consent for Evaluation, attached as an exhibit to the State's Return. Dr. Gottfried submitted a letter, also attached to the State's Return, explaining that the PPG was a standard part of the SBCL evaluation protocol based on "the evidence base for assessing his likelihood in engaging in future acts of sexual violence." Dr. Gottfried also indicated that Respondent was "deceptive on certain psychological assessment measures and that his self-report was not viewed as being a valid indicator of his sexual arousal." Dr. Gottfried concluded for these reasons that physiological data from the PPG would be a critical component in answering questions regarding Respondent's risk of sexual recidivism and the presence of a mental abnormality that could lead to his engaging in acts of sexual violence.
9. Failure to cooperate with an evaluation was addressed in a Charleston case in 2004, *In the Matter of the Care and Treatment of Emory Michau*. By Order filed June 29, 2004, the court found *Michau* in contempt for failure

to cooperate with an evaluation, and directed that the he could purge himself of the contempt by cooperating.

10. Failure to cooperate with an evaluation was addressed in a Union case in 2014, *In the Matter of the Care and Treatment of Melvin Beam*. By Order filed January 15, 2014, the court found *Beam* in contempt for failure to cooperate with the evaluation sought by the Attorney General's Office, and directed that the he could purge himself of the contempt by cooperating.
11. This Court has jurisdiction over the subject matter of this litigation, as well as the Respondent himself. It is within the powers of the circuit court to enforce its orders, enforce a statute enacted by the General Assembly, and to punish for contempt.
12. When the General Assembly passed the Sexually Violent Predator Act it made a legislative finding that "a mentally abnormal and extremely dangerous group of sexually violent predators exists who require involuntary civil commitment...Section 44-48-20." For this goal to be met it is necessary that the Respondent cooperate with evaluations ordered by the Court or authorized by the statute. The subsequent evaluation be sought by the State is authorized by S.C. Code Ann. Section 44-48-90 (C).
13. S.C. Code Ann. Section 44-48-90 (C) confers upon the Attorney General the right to secure an independent evaluation, the same as the right of the Respondent to have obtained a separate independent evaluation, had the court-appointed expert concluded that he fit the criteria of a sexually violent predator. The Court in the *Beam* case held: "[R]easonable access" as contained in Section 44-48-90 (C) would be best determined by the examiner, whether that person is appointed by the Court or retained by either side. Since Section 44-48-90 (C) requires that "[A]ll examiners are permitted to have reasonable access" to the person and the documentary records, such access would also apply to an employee or associated of the examiner involved in any evaluation or testing...of Respondent. The Court finally held that, by refusing the PPG, Respondent has not allowed the Attorney General's expert reasonable access to him.

The Court would first note that much of the attack by Respondent on the PPG relates to its admissibility at trial, and the posture of these proceedings is that they are not yet at that point. In addition, many of Respondent's objections are cast in the light of a criminal proceeding, and this is

a civil action brought in the Court of Common Pleas. In addition, under the Rules of Civil Procedure it is necessary for an expert to gather information he or she might need to properly assess Respondent's likelihood to commit sexually violent offenses in the future.

Based upon the foregoing,

IT IS HEREBY ORDERED that the motion to dismiss is denied.

IT IS FURTHER ORDERED that the Court will hold in abeyance any ruling as to whether Respondent should be held in contempt, in order to give him time to cooperate with Dr. Gottfried's evaluation.

IT IS FURTHER ORDERED that if Respondent fails to cooperate with that evaluation, and an affidavit to that effect is provided to the Court, Respondent will then be held in contempt and continue to be detained at the Darlington County Detention Center until such time as he purges himself of that contempt by cooperating with the evaluation.

IT IS FURTHER ORDERED that all relevant statutory time limits are tolled until Respondent cooperates with the evaluation.

AND IT IS SO ORDERED.

September 16, 2016
Darlington, South Carolina



ROGER E. HENDERSON
Circuit Court Judge
Fourth Judicial Circuit
Court of Common Pleas

TRUE CERTIFIED COPY,

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CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

2016 SEP 23 AM 11:56
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

FILED

RECEIVED

SEP 28 2016

ATTORNEY GENERALS
OFFICE



ALAN WILSON
ATTORNEY GENERAL

November 28, 2016

The Honorable Roger E. Henderson
Chief Administrative Judge
Post Office Box 311
Chesterfield, SC 29709-0311

Re: In the Matter of the Care and Treatment of Larry James Tyler
Case No. 2015-CP-16-0788

Dear Judge Henderson:

Please accept this letter as a Return to Mr. Falk's Motion to Alter or Amend Judgment, received by me on November 17, 2016.

This case is pending under the Sexually Violent Predator Act, and the State has sought an independent evaluation by the Sexual Behavior Clinic and Laboratory at MUSC. Mr. Tyler would not cooperate with that evaluation; more specifically he refused one of the tests, the PPG.

In the Court's initial order, filed September 23, 2016, it correctly held that the State had the right to secure an independent evaluation under Section 44-48-90(C), and that all examiners are permitted to have reasonable access to the person and the records. The Court correctly noted that much of the attack by Respondent on one of the tests being administered, the PPG, related to its admissibility at trial.

The Court held in abeyance whether or not Respondent would be in contempt, to give him a chance to cooperate with the MUSC evaluation.

He did not, and pursuant to the above order, the State presented to the Court the affidavit of Dr. Emily D. Gottfried at MUSC to that effect. This resulted in the Court's most recent order, filed November 17, 2016, holding Respondent in contempt and directing that he shall continue to be detained at the detention center until he cooperates with the State's evaluation.

The Honorable Roger E. Henderson
November 28, 2016
Page Two

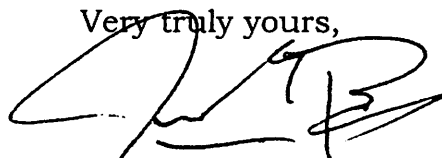
In response to the recent motion, the State would again contend that many of the attacks on the PPG should be reserved for a decision about its admissibility at trial. Further objections about the PPG as being an invasion of privacy are more applicable to a criminal case, which this is not.

Finally, Respondent asserts that since Dr. Gottfried is not a psychiatrist, she should not be allowed to examine Respondent at all, pursuant to Rule 35(a), SCRCP. Under the normal rules of statutory construction, a statute would prevail over a court rule; further, the sexually Violent Predator Act is a very particular statute, tailored toward a specific group of dangerous individuals, and it was passed after the enactment of Rule 35(a). Since the Act does not require a medical doctor/psychiatrist, Dr. Gottfried may properly evaluate Respondent.

The State would respectfully request that the Motion to Alter or Amend Judgment be denied.

If you have any questions or comments, please contact me at 803-734-1173.

Very truly yours,

A handwritten signature in black ink, appearing to read 'JGB Jr', with a stylized flourish at the end.

James G. Bogle, Jr.
Senior Assistant Attorney General

JGBjr/dt

cc: The Honorable Scott B. Suggs
James K. Falk, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE AND)
TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-16-00788

PETITIONER'S REQUEST FOR
JURY TRIAL

COMES NOW, Petitioner, the State of South Carolina, by and through the undersigned, and moves as follows:

1. This action is filed pursuant to the South Carolina Sexually Violent Predatory Act, S.C. Code Ann. Section(s) 44-48-10 *et seq.*
2. The State has a right pursuant to S.C. Code Ann. Section 44-48-90 to a trial by jury.
3. The State hereby requests a jury trial in the above-captioned case pursuant to S.C. Code Ann. Section 44-48-90.

WHEREFORE, Petitioner requests that the Court set this case for trial before a jury in an available term of Common Pleas Court as soon as is reasonably possible.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

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October 27, 2015
Columbia, South Carolina

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SCOTT A. SUESS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH

**FORENSIC PSYCHOLOGICAL EVALUATION
PURSUANT TO THE SOUTH CAROLINA SEXUALLY VIOLENT PREDATOR ACT**

Name: **LARRY JAMES TYLER**
Case Number: 2015-CP-16-0788
Date of Birth: January 2, 1953
Evaluator: Marie E. Gehle, Psy.D.
Date of Report: May 12, 2016

REFERRAL INFORMATION

Larry James Tyler is a 63-year-old African-American male who has been convicted of a sexually violent offense and is approaching release from total confinement. Related to his possible release, a petition was filed by the State of South Carolina alleging that he is a sexually violent predator (SVP) as defined by the *Sexually Violent Predator Act (SVP Act)*, which focuses on a "mentally abnormal and extremely dangerous group of sexually violent predators" who require involuntary commitment to a secure facility. Following a showing of probable cause for this allegation, the Darlington County Court of Common Pleas issued an order on October 26, 2015 ordering an evaluation of Mr. Tyler to help determine whether he "suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment." Pursuant to this order, Mr. Tyler was evaluated on an outpatient basis at the South Carolina Department of Mental Health (SCDMH) Crafts-Farrow campus in Columbia. Following the evaluation, he was returned to the Darlington County Detention Center.

NOTIFICATION

At the outset of the evaluation, Mr. Tyler said he did not want to participate in the evaluation because he had a pending post-conviction relief (PCR) case involving his sex offense convictions. He indicated that he hoped his qualifying sexual offenses would be overturned or otherwise dismissed. He agreed to listen to the disclosure. The general course of SVP proceedings was explained. He was informed of its

nature, purpose, and limits of confidentiality. He demonstrated understanding by paraphrasing the information and correctly answering questions. He said he had not received a copy of the petition filed against him nor had he read the statute. He said he did not believe his offenses qualified under the act. I provided him a copy of the SVP Act for his immediate review. I arranged for him to speak to his attorney; he spoke to his attorney privately at length. I also spoke to his attorney. Mr. Tyler again spoke to his attorney again and decided to participate in the interview.

SOURCES OF INFORMATION

1. Interview of Mr. Tyler on November 10, 2015 for 4 hours and 45 minutes;
2. Order for Evaluation from the Darlington County Court of Common Pleas dated October 26, 2015;
3. Order of Continuance from the Darlington County Court of Common Pleas dated December 14, 2015
4. Order (permission to view images) from the Darlington County Court of Common Pleas dated November 23, 2015;
5. Review of United States Secret Service Report by Special Agent Chris McClure dated October 27, 2011 at the South Carolina Attorney General's Office on December 18, 2015;
6. Probable Cause Order from the Darlington County Court of Common Pleas dated October 16, 2015;
7. Petition Pursuant to the Sexually Violent Predator Act dated October 13, 2015;
8. Prosecutor's Review Committee Probable Cause Determination dated September 24, 2015;
9. Sexual Predator Referral Form dated August 27, 2015;
10. Sexual Predator Synopsis Form undated;
11. Records from the South Carolina Department of Corrections (SCDC);
12. National Criminal Information Center (NCIC) criminal history report for Mr. Tyler;
13. Phone communication with Agent Mitch Tucker, South Carolina Department Probation, Parole, and Pardon Services (SCDPPPS) on May 2, 2016;
14. Letter from the respondent;
15. Darlington County Public Index Records;
16. Incident Report for case 93-3695074-00;
17. Judgment on Plea of Guilty before Court Waiver of Jury Trial in Cause Number 0934509;

18. Judgment and Sentence of the Court in Cause Number 0934509 dated December 13, 1993;
19. Various forms and records from Texas regarding Sex Offender Registry;
20. Warrant M-820128 issued and returned on September 25, 2011;
21. Indictment 2012-GS-16-0473;
22. Warrant M-826291 issued on November 7, 2011 and returned on November 9, 2011;
23. Indictment 2012-GS-16-0474;
24. Warrant M-826292 issued on November 7, 2011 and returned on November 9, 2011;
25. Indictment 2012-GS-16-0475;
26. Warrant M-826293 issued on November 7, 2011 and returned on November 9, 2011;
27. Indictment 2012-GS-16-0476;
28. Warrant M-826294 issued on November 7, 2011 and returned on November 9, 2011;
29. Indictment 2012-GS-16-0477;
30. Warrant M-826295 issued on November 7, 2011 and returned on November 9, 2011;
31. Indictment 2012-GS-16-0478;
32. Warrant M-826296 issued on November 7, 2011 and returned on November 9, 2011;
33. Indictment 2012-GS-16-0479;
34. Warrant M-826297 issued on November 7, 2011 and returned on November 9, 2011;
35. Indictment 2012-GS-16-0480;
36. Warrant M-826298 issued on November 8, 2011 and returned on November 9, 2011;
37. Indictment 2012-GS-16-0481;
38. Warrant M-826299 issued on November 8, 2011 and returned on November 9, 2011;
39. Indictment 2012-GS-16-0482;
40. Warrant M-826300 issued on November 8, 2011 and returned on November 9, 2011;
41. Indictment 2012-GS-16-0483;
42. Warrant M-826301 issued on November 8, 2011 and returned on November 9, 2011;
43. Indictment 2012-GS-16-0484;
44. Warrant M-826302 issued on November 8, 2011 and returned on November 9, 2011;
45. Indictment 2012-GS-16-0485;
46. Warrant M-826303 issued on November 8, 2011 and returned on November 9, 2011;
47. Indictment 2012-GS-16-0486;
48. Warrant M-826304 issued on November 8, 2011 and returned on November 9, 2011;
49. Indictment 2012-GS-16-0487;
50. Warrant M-826305 issued on November 8, 2011 and returned on November 9, 2011;

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51. Indictment 2012-GS-16-0488;
52. Warrant M-826306 issued on November 8, 2011 and returned on November 9, 2011;
53. Indictment 2012-GS-16-0489;
54. Warrant M-826307 issued on November 8, 2011 and returned on November 9, 2011;
55. Indictment 2012-GS-16-0490;
56. Warrant M-826308 issued on November 8, 2011 and returned on November 9, 2011;
57. Indictment 2012-GS-16-0491;
58. Warrant M-826309 issued on November 8, 2011 and returned on November 9, 2011;
59. Indictment 2012-GS-16-0492;
60. Warrant M-826310 issued on November 8, 2011 and returned on November 9, 2011;
61. Indictment 2012-GS-16-0493;
62. Warrant M-826311 issued on November 8, 2011 and returned on November 9, 2011;
63. Indictment 2012-GS-16-0494;
64. Warrant M-826312 issued on November 8, 2011 and returned on November 9, 2011;
65. Indictment 2012-GS-16-0495;
66. Warrant M-826313 issued on November 8, 2011 and returned on November 9, 2011;
67. Indictment 2012-GS-16-0496;
68. Warrant M-826314 issued on November 8, 2011 and returned on November 9, 2011;
69. Indictment 2012-GS-16-0497;
70. Warrant M-826315 issued on November 8, 2011 and returned on November 9, 2011;
71. Indictment 2012-GS-16-0498;
72. Warrant M-826316 issued on November 8, 2011 and returned on November 9, 2011;
73. Indictment 2012-GS-16-0499;
74. Warrant M-826317 issued on November 8, 2011 and returned on November 9, 2011;
75. Indictment 2012-GS-16-0500;
76. Warrant M-826318 issued on November 8, 2011 and returned on November 9, 2011;
77. Indictment 2012-GS-16-0501;
78. Warrant M-826319 issued on November 8, 2011 and returned on November 9, 2011;
79. Indictment 2012-GS-16-0502;
80. Warrant M-826320 issued on November 8, 2011 and returned on November 9, 2011;
81. Indictment 2012-GS-16-0503;
82. Warrant M-826321 issued on November 8, 2011 and returned on November 9, 2011;
83. Sentence Sheet for indictment 2013-GS-16-0603 dated February 27, 2013;

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84. Indictment 2013-GS-16-0603;
85. Sentence Sheet for indictment 2013-GS-16-0604 dated February 27, 2013;
86. Indictment 2013-GS-16-0604;
87. Sentence Sheet for indictment 2013-GS-16-0605 dated February 27, 2013;
88. Indictment 2013-GS-16-0605;
89. Sentence Sheet for indictment 2013-GS-16-0606 dated February 27, 2013;
90. Indictment 2013-GS-16-0606;
91. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0606;
92. Indictment 2013-GS-16-0607;
93. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0607;
94. Indictment 2013-GS-16-0608;
95. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0608;
96. Indictment 2013-GS-16-0609;
97. Darlington County General Sessions Court Disposition Sheet for 2013-GS-16-0609;
98. Transcript of Record of Trial for Indictments 2013-GS-16-00603, 2013-GS-16-00604, 2013-GS-16-00605, 2013-GS-16-00606, 2013-GS-16-00608.

BACKGROUND INFORMATION

Unless otherwise noted, the following information is based on the Mr. Tyler's self-report; therefore, the veracity of the information is limited by his own credibility.

Family and Childhood History: Mr. Tyler was born in Baltimore, Maryland. His father was in the military and they moved frequently. He lived in Baltimore (from birth until age 6 or 7); in Fort Knox, Kentucky (ages 6 to 7 to 10); Germany (ages 10 to 12); Baltimore (ages 12 to 15); and Darlington, South Carolina (ages 15 to 20). Mr. Tyler moved to Texas when he was 20 years old; he lived in the Austin area for 30 years. He next lived in Florida. In 2008, he moved back to Darlington to care for his mother. Mr. Tyler is the second of three children born to his parents; he has two half-siblings, his mother's children. His parents divorced when he was in high school. He denied ever being removed or placed outside of the home. He denied any history of physical abuse, neglect, or sexual abuse.

When asked to describe himself as a child, Mr. Tyler said, "They called me 'Head' in school because they always thought I was intelligent, but I never did think I was smart. Everything they asked about in school, I knew a little bit about. That's because I was an adamant reader on all subjects."

Mr. Tyler denied any difficulty following rules as a child and adolescent. He denied ever being arrested or being involved with law enforcement as a minor. He denied skipping school, disregarding curfew, or running away from home prior to age 13. He denied symptoms indicative of Conduct Disorder. He said his behavior did not cause problems at home or school.

Educational History: Mr. Tyler said he graduated from Myrtle Beach High School. He went on to receive an associate's degree in electrical engineering in 1975. In regard to his school performance, he said, "I was like a B average student." He denied being involved in special education. He said he was never suspended or expelled from school.

Employment History: Mr. Tyler described a long career working with various electronics companies (i.e., Texas Instrument, IBM, Motorola) primarily providing technical drawings for research and development. He also worked as a car mechanic. He said he did this work "on the side" until he moved back to South Carolina; thereafter, it was his primary source of employment. His longest he worked for an employer was "maybe 4 or 5 years." He said he had one significant period of unemployment lasting "about 7 or 8 months." He denied any disciplinary problems at work. He said he was fired from Motorola subsequent to being caught smoking marijuana in the company parking lots. He said, "A few minutes later, they hired me back." He said he has quit three jobs without giving proper notice.

Medical History: Mr. Tyler said he has chronic migraines secondary to a bicycle accident in which he "cracked" his skull. He said he has migraines "maybe 15 times out of a month" if he does not take preventative medication. With the medication, "It may happen six times out of the month." Mr. Tyler explained that the accident was caused when he rode over an open man-hole cover in 2011. He said he has no memory of the accident or the two days following. He said he was hospitalized for "about a week." He indicated he had no significant medical treatment following his discharge. In addition to the headaches, after the accident, he noticed a change to his manual dexterity which affected his ability to write and draw. He reported no other medical problems. He is prescribed two medications for his migraines. He said that before the accident he was a very healthy vegetarian and long distance runner.

According to SCDC records, Mr. Tyler was prescribed Imitrex for "tension headache" and Depakote (the reason the medication was prescribed was not listed). According to information gathered as part of the SVP multidisciplinary review, Mr. Tyler was diagnosed with a seizure disorder and this is likely the basis for treatment with Depakote.

Mental Health History: Mr. Tyler denied a history of mental illness or mental health treatment. He has no mental health history with SCDC or SCDMH.

Substance Use History: Mr. Tyler reported a history of regular use of marijuana and alcohol. He indicated he had problems related to his use of marijuana. He said, "I would get up in the morning and smoke, smoke before I went to bed. I did that for about 10 years." He said, "I felt like I couldn't function without it, without getting high." He said he has been sober for "maybe 25 years." In regard to his use of marijuana, he said reported symptoms only related to spending a great deal of time in activities related to using; experiencing cravings; recurrent failure to fulfill major role obligations at home (he clarified, "I wasn't a very good husband," but said his use did not interfere with his duties as a father); giving up or reducing time spent in social, occupational, or recreational activities; and using in situations in which it was physically dangerous to use (i.e., "driving").

Relationship History: Mr. Tyler indicated he had many friends growing up. He said he had no difficulty making friends. He explained, "I'm pretty much of an introverted person. People warm up to me easily and everything, but I don't like to make close contacts...if they are not spiritually minded, I tend to not want to be close to them, but people in my church, my congregation, I'm close to them." Mr. Tyler has twice divorced. In addition, he lived with several other women with whom he was romantically involved. He fathered three children with his first wife.

Mr. Tyler married "Angela" in 1973. They separated in 1975 and divorced in 1980. They lived together between 1973 and 1975. They had three children together. He said they were sexually compatible. He denied problems in their marriage. When asked why they divorced, he said, "Mostly because I was unfaithful. I was not faithful to my wife." He said he had a "mistress" for 2 years and he had an affair with Angela's "best friend" for a year. When asked if there was any domestic violence between them, he said,

Once. It happened once and it was the only time and that was the day we separated. We never lived together since. I came home late one morning from a club in Houston high and drunk and she was telling me how disgusting I looked. She started hitting on me and I hit her and that was it. She was lying on the floor in the kitchen. That was when I knew I couldn't stay any longer.

He said the incident was never reported to law enforcement.

Mr. Tyler married "Elizabeth" in 1982; they divorced in 1985. Concerning problems in their marriage, he said, "At the end yeah, she was super possessive. I just got tired of it. I had to get away from it. She had low self-esteem. He said she had a four-year college degree; however, she couldn't cook and she didn't have a driver's license and "she didn't have the desire to do anything on her own." He said he helped her get her life "back together." They were sexually compatible; he engaged in no extra marital affairs during their marriage. They had no children together. He said there was no domestic violence on his part, though "she was always hitting" him.

Mr. Tyler reported that he currently has no relationship or communication with his children. He said he had a relationship with them for "maybe 4 or 5 years" after the divorce.

Sexual History: Mr. Tyler described his sexual orientation as heterosexual. He said he first masturbated when he was 16 years old. He masturbated two to three times a week thereafter. He said, "I always felt guilty afterwards. I grew up in a very devout family. My mother raised us in Godly principles and they always talked to us about sex and about how God feels about it." He had sex for the first time when he was 20 years old. Concerning his number of sexual partners, he said, "Probably about 12 in all." He said two of sexual partners were strangers at the time of first sexual encounter. He said he paid for sexual favors one time, though he did not receive the sexual favors in the end. He said he met a prostitute and paid her for sex; however, when she undressed he noticed that she was "covered in sores." He paid her and she left before they engaged in sexual acts. He said he has not frequented strip clubs. He denied ever having sex with another male. He said he contracted gonorrhea "probably around about 1980." He denied hiding his sexually transmitted disease from a sexual partner.

Mr. Tyler said he first viewed pornography when he was "about 12." He said the pornography was a book of women wearing lingerie. He indicated that he did not look at "much" pornography. He said

he masturbated to porn "maybe a couple times a month" and "then felt awful as usual afterwards." He denied ever making his own pornography. He said he looked at pornography online "Maybe a couple times a month." He said he "didn't look at it that long." He explained, "I used to look at it a lot when I was younger, but didn't want to get back into that routine. Then when you look at it a lot, it's all the same, nothing is new...Then I thought of it as being a tease. I didn't want to be teased."

When asked if he has any unusual sexual fantasies, Mr. Tyler said, "Yes... Being off on an island with several women. Having more than one wife. Being cut off from society and just living with my wives." He said he was involved in an "open relationship" with two women at one time and it was "no fun party." He said they all lived together for "about three months." He said they kept competing with each other for who would treat him the best and this created tension. He said he wanted one of them to leave after three month period.

Mr. Tyler denied having sex with anyone while incarcerated. When asked how he satisfied his sexual needs, he said he sometimes masturbated. When asked how often he masturbated, he replied, "I was trying to get back in control of masturbation and I have been under control until I got locked up, then I did it maybe a couple times a month and always felt really guilty after...I did it, I would have to pray and say I'm sorry and please forgive." Concerning what he meant by *control*, he said, "Having the self-will to control your actions. I don't want to do it at all." He said it was problematic to fantasize sexually. He explained, "That feeling is supposed to be shared. It's an intimate thing. You are actually having sex with yourself. To me, it is sort of selfish. In other words, I think sex should be a shared thing with someone and when you are masturbating, you are just having sex with yourself." When asked what he fantasized about when masturbating, he said, "Girls I've had in the past. Especially with Lila, my wife's best friend...I think that was the best intimate relationship I ever had." When asked what sex means to him, he said,

It means the ultimate intimacy. It means the greatest spiritual experience with somebody. The greatest contact you can have internally. And I think the greatest way of communication, the deepest communication. It kind of absolves a lot of the problems sometimes that you think are blown out of proportion sometimes.

He said he has sex "mostly for intimacy, for closeness, for attachment...for feeling loved." Concerning the reasons he believes others have sex, he said, "Some of these guys, I can't imagine. Most of them for

the gratification of the orgasm but don't have any emotion or intimacy attached to the person they are having sex with. I can't imagine that." When asked if he was sexually satisfied when living in the community, he said, "Not since my second marriage...I haven't really found anybody to be intimate with, yet." He said if it were up to him, he would have sex "every day...probably just once a day, maybe twice a day."

Mr. Tyler denied having any problems with his sexuality. He denied being preoccupied with sex currently; however, he said, "I think I was when I was younger. Now at this age, no." He said he was sexually preoccupied when he was "probably 30, 35" years old; he added, "I think I was preoccupied with it pretty much." He denied having any recent uncontrollable sexual thoughts. He denied any paraphilic sexual arousal, urges, or behaviors involving *voyeurism* (involving the act of observing an unsuspecting person who is naked, in the process of disrobing, or engaging in sexual activity); *exhibitionism* (involving exposure of one's genitals to an unsuspecting stranger); *frotteurism* (involving touching and rubbing against a nonconsenting persons); *fetishism* (involving the use of nonliving objects); *partialism* (involving exclusive focus on part of the body); *transvestism* (involving cross-dressing by a heterosexual male); *masochism* (involving the act of being humiliated, beaten, bound, or otherwise made to suffer); *sadism* (involving acts in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting); *biastophilia* (involving sexual acts with nonconsenting individuals); *necrophilia* (involving acts with dead bodies); *zoophilia* (involving animals); *telephone scatologia* (involving obscene phone calls); *coprophilia* (involving feces); *klismaphilia* (involving enemas); and *urophilia* (involving urine).

Mr. Tyler provided contradictory responses regarding whether he experienced *pedophilic* arousal (involving sexual activity with a prepubescent child or children). When asked if he is sexually attracted to children, he said, "Not really, I think I once was when I was younger. I love the innocence, but sexually, no." He admitted that he was "attracted" to J.M., a 10-year-old female victim. He said he wrote about children. He wrote about their innocence. He said he thought things went awry when he was "severed" from his daughter and he began getting using marijuana. When asked if he has had fantasies about sexual contact with children, he said, "Yes." He explained, "When I was younger, probably in my early 20's, early 30's. Like I said that was the time when I was losing my daughter in the divorce...I would fantasize in my mind with other children." He said the children in his fantasies would "probably be about 12" years old. When confronted about this (because his victims were younger than 12), he remained adamant that he fantasized about female children around the age of 12.

He explained that in the past, he was attracted to "girls that were just developing." He said he liked girls with "protruding" breasts, but not pubic hair. When asked if masturbated to these sexual fantasies, he replied, "Yeah, I have in the past... not very often... That is something I haven't done in years."

When asked how many times he engaged in sexual acts with a minor, Mr. Tyler said, "Probably one time." When asked about the age of the minor, he said, "Think she was about, think she was 12. That was when I got arrested in Texas." He was informed that the victim was actually 5 years old. When asked how many children he forced into sexual activity, he replied, "I would say none, now the incident in Texas, they call that forced, they called that a rape. So I guess I would say one." He denied threatening a child to gain sexual favor. He denied ever grooming a child for sexual activity. He denied ever having sexual contact with a family member. He denied any sexual attraction towards male prepubescent children.

Mr. Tyler denied ever possessing, owning, looking at, or touching child pornography. When asked if he ever attempted to possess child pornography, he said, "In the past, yeah, but not today, no." He clarified, "I guess when I was in my late 20's, early 30's." He indicated he tried to access the materials online. I confronted him about the time discrepancy in regard to his age and the development of the internet. He then indicated that he could not remember the period of time in which he attempted to access the material. He denied ever showing pornography to a minor; he denied ever making pornography involving a minor.

LEGAL HISTORY

According to available records, Mr. Tyler has a criminal history in Texas, Florida, and South Carolina. He has been convicted of five sexually related offenses. He has been convicted for sexual offenses against a 5-year-old female stranger and a 10-year-old female acquaintance. The following is a summary of his criminal history in chronological order (known convictions are underlined).

Texas Criminal History: On or about February 11, 1980, Mr. Tyler was charged with Theft by Check. The disposition of the charge was not included on his NCIC. Mr. Tyler said he did not remember the charge.

In June 1989, Mr. Tyler was charged with Possession of Marijuana Less than 2 Ounces. He was convicted. The sentence was not included on his NCIC. Mr. Tyler said of the charge, "I think I was stopped by the police and they found some marijuana in the car." In September 1990, he was charged with a Probation Violation on the possession conviction.

On May 16th, 1993, law enforcement was contacted about a sexual assault committed by Larry Tyler. The offense occurred on May 15, 1993. The victim in the case was N.W., a 5-year-old female stranger. N.W. and her 5-year-old friend spent the night with Mr. Tyler's roommate, Vickie (an adult female). The girls slept on the floor in Vickie's bedroom, while Vickie slept in the bed. During the night, Mr. Tyler entered the room, laid on the floor with N.W., "French" kissed her mouth and her chest, and fondled her vagina with his fingers. N.W. indicated that Mr. Tyler put two fingers "inside" of her and moved them around. She said it "hurt." N.W. reported that Mr. Tyler told her he loved her while he was doing this. Vickie woke when she heard "slurping" sounds. When she turned on the light, Mr. Tyler quickly left the room. Vickie and the girls then left and went to a friend's house. The incident was reported the next day.

When investigators spoke to Mr. Tyler, he admitted that he touched one of the girls and that he had an erection while he did so. The following was noted in his statement,

I did not know the two girls name...I went into the bedroom and put a cover on both of the girls. The girl closer to the door that leads to my bedroom was who I knelt down to. I then looked at her for a little while and then I kissed her. This went on for a little while about a minute and she started to respond. I kissed her in a French kiss fashion. I then laid down next to her. I pulled the cover down just a little and I put my hand on her vagina area on top of her panties. I was a little scared and excited at the same time. I had an erection and I was wearing underwear. I did happen to press against her and my erection touched her in the stomach area...

For these incidents, Mr. Tyler was charged with Aggravated Sexual Assault of a Child and Indecency with a Child by Contact. On December 3, 1993, he pled guilty to Indecency with a Child by Contact. He was sentenced to 10 years of incarceration. Mr. Tyler entered a plea agreement in which "the State agreed to waive Count I¹, and Paragraph II of Count II¹¹." Essentially, he pled guilty to fondling N.W.'s genitals.

In the current evaluation, Mr. Tyler said of the offense,

I had several rooms in my house for rent and this girl's aunt was renting a room and she brought her niece over. We spent the day around the house doing things...the girls would come around and help me do some repairs on the car...So we had a day of activities today. Then that night, the aunt went to sleep and we stayed up playing and finally I put the girls to bed. They were sleeping on the floor because we didn't have another bed for them. I laid down on the floor with them awhile. As we all went to sleep later on that night, I woke up. I was looking at her and actually touched her in her private area with my hand...While I was down there, the aunt had woke up, she had caught me and next thing you know she called the police and it was reported.

When asked how touched the girl, Mr. Tyler replied, "I just put my hand down her underwear and touched her vagina." He denied digitally penetrating her vagina; he said, "I just rubbed the outside. I wasn't going to do any inserting, that would hurt." He added, "I wanted her to get aroused, but there was no possibility of any intrusion. I wouldn't have done anything like that. I just wanted her to love me and I thought, at the time, that if she would feel a sexual arousal, she would love me." He said he kissed her. Concerning whether he inserted his tongue in her mouth while kissing, he said, "I don't remember that." He denied fondling her chest. He said he was sexually aroused during the incident; however, he denied having an erection. When he was read portions of the incident report in which he told law enforcement that he had an erection during the incident, he said, "Yeah, I just don't remember that." When asked how long he thought about touching N.W. before he actually touched her, he said, "I don't remember how long I thought about it."

When asked if he believed he was in love with the N.W., Mr. Tyler said, "Uh, gosh, I can't remember, it's been so long. Let me see. Was I in love with her? Well, at the time, yeah, I thought I was." When asked what made him believe he was in love with her, he said, "I guess because I was looking for love,

looking for someone to love, looking for someone to love me." He said he did not know her before the offense date, meaning she was a stranger at the time. When asked if he believed the victim felt the same way about him, he said, "No, probably not." He said she did not appear to enjoy the sexual activity and he did not perceive her to reciprocate his affections. Mr. Tyler said he had no consensual adult sexual partner at the time of the offense. He added, "I had opportunities. Even my ex at the time, even if I wanted to go have relations with her, she would have been open even though we were divorced."

Mr. Tyler said he went to prison for 5 years and was then released on parole. He said he lived on his own in Austin, Texas. He said he attended sex offender treatment as mandated by probation. He could not remember details pertaining to where the treatment occurred or how long he was in treatment. He reported that he violated supervision, in part, because he failed out of the sex offender treatment program.

According to the records, Mr. Tyler entered prison to begin serving his sentence on June 27, 1994. He was released to mandatory supervision on or about August 27, 1999. He violated the terms of supervision and was returned to prison on or about December 30, 1998. He was again released on mandatory supervision on or about February 12, 2001. He violated the terms of supervision a second time and was sent back to prison on or about August 14, 2003. He was released on mandatory supervision on or about April 30, 2004. He was released from mandatory supervision on March 3, 2006. The reasons for the violations were not included in the available records. Mr. Tyler reported in the interview that he was sent back to prison for violating supervision. Concerning the violations, he said,

The first time I was involved with a lady in my church and she had two daughters and I shouldn't have been involved with a lady who had children. The second time, I can't remember what the second one was. Oh, I think it was because I was kicked out of the program, the sex offender's program I was supposed to be going to.

Florida Criminal History: In November 2007, Mr. Tyler was charged with Failure to Register as a Sex Offender. He was convicted and sent to prison. He was incarcerated in Florida between June 5, 2008 and March 20, 2010. Mr. Tyler said of the charge, "I think that happened in Florida. I think I had to have \$50 or \$100 and I didn't have it. I was out of work and didn't have any money."

South Carolina Criminal History: On or about November 16, 2010, Mr. Tyler was charged with Driving under the Influence and Open Container of Beer/Wine. He was convicted of both charges and ordered to pay a fine.

On September 24, 2011, law enforcement was contacted regarding a cell phone that Larry Tyler gave to Tyquan, an adult male acquaintance. On the phone, Tyquan found "draft text messages" to J.M., his 10-year-old female relative, and "naked pictures." Tyquan notified J.M.'s mother and turned over the cell phone to her. J.M.'s mother called law enforcement. She reported that sometime between July and August 2011, Mr. Tyler gave the same cell phone to J.M., and J.M. looked through the cell phone and immediately told her grandmother (her caregiver that day) that there were pictures of Mr. Tyler on the phone. Her grandmother took the phone and immediately returned it to Mr. Tyler.

At trial, J.M. testified that she had possession of the cell phone for "about ten minutes," which was corroborated by her grandmother's and sister's testimony. J.M. testified that she saw pictures on the cell phone of a girl in a bikini and one of Mr. Tyler wearing "blue underwear." When asked if Mr. Tyler was wearing a shirt in the picture, she answered, "I don't remember." She testified that she did not read or see any messages saved on the phone. J.M.'s younger sister testified that she and J.M. saw pictures of "Some girls in bathing suits on. One of them with him with some blue drawers on." Tyquan testified, "I know it was a picture with him in a blue Speedo. Some pictures of some women. I think I scene [sic] a picture of a kid, another kid, or something in there." It did not appear that these pictures were recovered and shown at trial, as Tyquan deleted them shortly after he received the phone.

In regard to the draft messages saved on the cell phone that Mr. Tyler gave J.M. and later to Tyquan, Russell Harrell, forensic investigator with the Darlington County Sheriff's Office, read these messages to the jury as noted in the redacted transcript as noted below,

Number One: It was in the status folder is sent. Folder is sent. Type is outgoing. Text reads as follows: "Victim [the type is blacked out and replaced with a black bar with the word "Victim" in white font] Two, to fall in love with a little girl as young as you are, but I can't stop my heart from loving you, girl. I wish I had another hour alone with you and nobody knew."

Number Two: Says it's unsent in the drafts folder. Type is outgoing. Reads J5, "Me in trouble. Please [Victim] especially don't tell Jazz. She will surely tell someone. This is just between you and me, my love."

Number Three: Unsent Status. Drafts folder. Type is outgoing. J4: "Never want to be apart from each other ever again. I love you, little angle. Wish I could make you my wife. If I could you -- if I could you would be in my bed tonight. Don't get me."

Number Four says it's unsent. Folder is draft. Type is outgoing. J3: "Where we were. I would show you how much I love you, Victim by holding you close to me and plant a kiss on your lovely lips so powerful that we both would never."

Number Five -- excuse me. It's unsent, drafts and also outgoing: "Victim you were so beautiful. Please don't tell anyone what I am telling you. First time I ever saw you, Victim I fell for you. I know a man should not suppose."

On the date that law enforcement was contacted about the contents of the cell phone, law enforcement located Mr. Tyler driving nearby. When they stopped him, he provided a Florida driver's license. He denied having a South Carolina license; however, the officer discovered that his South Carolina license had been suspended. He was immediately placed under arrest for Driving Under Suspension. Following his arrest, Mr. Tyler willingly answered questions following about the contents of the phone. It was noted in the incident report,

When he was questioned about the cell phone with the draft text to [J.M.] he stated that he was infatuated with her. Larry Tyler stated that the phone was an old phone and he had forgot that the pictures were on the phone. When asked about the draft text, he stated that he was expressing some inner feelings and putting them in writing.

Search warrants were executed for his home, vehicle, all the digital devices, his email account, and "websites that were logged in with passwords by the suspect in his day planner." Law enforcement found "some questionable pornographic photos of young girls" on Mr. Tyler's email account and he had "multiple nude photos of himself that had been sent to various recipients." In a search of "JPG file numbers through Google," the officer linked photos Mr. Tyler had to websites that had "highly

questionable images that would be more than likely children intermingled within" and "images that were disturbing and most likely not 18 years of age." Law enforcement asked the United States Secret Service in Columbia to take possession of and analyze all "digital devices."

The Secret Service issued their findings in a report dated October 27, 2011. With the permission of a court order, I viewed the report at the Attorney General's office in the presence of Mr. Bogle. The report contained images found on Mr. Tyler's digital devices. There were approximately 41 images of minor females posing for staged seemingly professional pictures (i.e., backdrops were used and the models were dressed similarly). They were provocatively posed; often with buttocks and clothed vaginal areas shown. The children were typically clothed in bralettes, tank tops, or crop tops, and thong underwear. Some of the girls wore no underwear; however, their vaginas were not exposed in the pictures. Faces were clearly visible in many of the pictures. I estimated the girls to be as young as 4 years old and as old as pubescent teens. Some of the girls were included in multiple images. There was one picture showing a sexual act involving unclothed male genitalia and female genitalia. The picture was of a penis penetrating a vagina in the vaginal rear entry position. The anus and vagina of the female were exposed and the penis of the male was partially visible. It appeared that the man took the picture from his vantage during the sex act. It was a close up photograph in which the only female body parts shown were the genitals making it nearly impossible to discern the age or level of sexual development of the female. The penis of the man appeared to be that of an adult. In addition, there were multiple pictures of Mr. Tyler dressed in bikini underwear and completely nude.

Mr. Tyler was initially charged with a single count of Disseminating Obscene Material to Minor under 12 Years Old and more than 35 counts of Sexual Exploitation of a Minor in the Second Degree. Although the Grand Jury returned true billed indictments for all these charges on May 12, 2012, Mr. Tyler was not convicted of these specific charges. All of the original charges were all dismissed on or about February 27, 2013 according to Darlington County Public Index records. By direct presentment to the Grand Jury on February 21, 2013, Mr. Tyler was charged with Criminal Solicitation of a Minor under indictment 2013-GS-16-0603 (DAR0937), Sexual Exploitation of a Minor in the Second Degree under indictment 2013-GS-16-0604 (DAR0938), Contributing to the Delinquency of a Minor under indictment 2013-GS-16-0605 (DAR0939), Disseminating Harmful Material or Exhibiting Harmful Performance to Minors under indictment 2013-GS-16-0606 (DAR0940), Disseminating Harmful Material or Exhibiting Harmful Performance to Minors under indictment 2013-GS-16-00607, Disseminating Obscene Material to a Minor 12 Years Old or Younger under indictment 2013-GS-16-

00608, and Disseminating Obscene Material to a Minor 12 Years Old or Younger under indictment 2013-GS-16-00609. A jury trial on five of these charges was held between February 25 and 27, 2013 and he was convicted of four charges (the underlined charges noted above). He was sentenced to concurrent terms of 8 years of incarceration for the solicitation, sexual exploitation, and disseminating harmful material charges and 3 years for the contributing to the delinquency charge.

Specifically, Mr. Tyler was charged with Criminal Solicitation of a Minor for communicating or attempting to communicate with J.M. for a sexual purpose on July 1, 2011. He was charged with Sexual Exploitation of a Minor in the Second Degree for having in his possession "visual representation of a minor engaged in sexual activity" in several photographs on July 1, 2011. He was charged with Contributing to the Delinquency of a Minor for knowingly and willfully encouraging, aiding, or causing or influencing J.M. "to so deport herself to willfully injure or endanger her morals or health or the morals or health of others" on July 1, 2011. He was charged with Disseminating Harmful Material or Exhibiting Harmful Performance to Minors (2013-GS-16-0606) for knowingly giving J.M. a cell phone "which contained nudity, particularly photographs of himself" on July 1, 2011. He was charged with Disseminating Harmful Material or Exhibiting Harmful Performance to Minors (2013-GS-16-00607) for knowingly giving J.M. a cell phone that contained "nudity, particularly photographs of other minor females" in multiple photographs on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*. He was charged with Disseminating Obscene Material to a Minor 12 Years Old or Younger (2013-GS-16-00608) for knowingly giving J.M. "a cell phone which contained obscene photographs of himself" on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*. He was charged with Disseminating Obscene Material to a Minor 12 Years Old or Younger (2013-GS-16-00609) for giving J.M. a cell phone that "contained obscene photographs of other minors" on or between July 1, 2011 and September 24, 2011. The charge was *nolle prossed*.

In the current interview, Mr. Tyler said of the charges,

It was a cell phone that I had given my third cousin [J.M.]. She went home and told her mother that she had saw me in some pictures nude. A few weeks later, I had given that same phone to one of her cousins because she didn't have a phone. The phone that he had received from me, I had written a message about how she was beautiful and how I wanted to get her into the bed. He thought that was pretty troubling, so he called [J.M.'s] mom and told her.

And [J.M.] said that is the same phone that had the nude pictures...They called the police...The police come to arrest me and charge me with Distributing Indecent Material to a Minor and from that they felt they could get a search warrant and seizure warrant for my property and they went and got all my computers...In that search...they found a picture in a folder of a young girl bending over with a men behind her...they classified that as child pornography....even they when they traced that picture back, on the website, it said that everyone on this website is 18 and over.

When asked if he was attracted to J.M., Mr. Tyler replied, "Yes." Concerning what he found attractive about her, he said, "Pretty much her beauty. It was how beautiful she was." When asked if thought he was in love with J.M., he said, "No, I wasn't in love with her. I was just attracted to her." He said he was not planning on engaging in any sexual activity with her. Regarding how long he knew her, he said, "Probably no more than 3 months probably. We had just gotten to know each other." He said he had spent time with her "maybe four times."

PRISON DISCIPLINARY HISTORY

Mr. Tyler has been convicted of three disciplinary infractions during the current period of incarceration at SCDC. Specifically, he was convicted of Stealing (2015), Threatening to Inflict Harm (2014), and Use/Possession of Tattoo Paraphernalia (2013). He has not been accused or convicted of any sexually related disciplinary charges at SCDC.

SEX OFFENDER TREATMENT AND SELF-ESTIMATED RISK

According to SCDC records, Mr. Tyler has not participated in the sex offender treatment program which is consistent with his account. He said he did not participate in treatment because "they didn't have any programs." He said he attended sex offender treatment following his release from total confinement in Texas. He could not recall the location of the facility or practice in which he received treatment; he could not recall the name of the treatment provider. As such, treatment records could not be requested and no such records were included in the records in the petition.

Of his treatment in Texas, Mr. Tyler said, "The sessions used to help me understand about how that damaged children if you had any way of interfering with their normal sexual development and how that could affect them for the rest of their life. And I felt bad about being a part of destroying a child in that area." When asked what he learned in treatment, he replied, "I learned a lot mostly about the distorted thinking, and how to combat that, how to be able to avoid that kind of thinking. The thing I hated to do but I realized how beneficial it was, was the daily writings that we had to do...it helps you to assess your distortions and your thinking." When asked how he feels about his sexual offenses now, he said, "Terrible, especially the current one. That one little message I wrote, even though I had no intentions...I had no intentions of approaching her. I admired her from afar. I admired her from within, but she would have never known. I would have never told her." When asked how he has changed from the person who committed the sexual offenses, he said,

I've changed in a way that I see, especially sex, is nothing compared to the way it was when I was younger. I don't need to have it. I don't desire it as I did. And I'm looking for someone that's on my mental age level. Whereas before, I wasn't. Then it's the ambiance after sex that to me was the best part of sex...it's not the climax, it's the aura after that you have with someone who you were intimate with that makes sex enjoyable at this stage in my life.

When asked if he thinks he has a problem with his sexual behavior, Mr. Tyler said, "No." He said he does not need treatment. He denied having any deviant sexual thoughts or fantasies. He said he is not concerned that he might reoffend in the future. When asked to describe a situation in which he would be at increased risk to commit a sexual offense, he said, "I can't think of any right now. I don't think there is any. Especially with what I'm going through now." He rated his risk to reoffend a "1" on a scale of 1 to 10, with 1 being relatively no risk. When asked to explain this self-rating, he said, "Because what I meant to keep within myself, I accidentally wrote a note and that note has got me into some deep trouble. I would never risk losing my freedom over an attempt to do anything to a minor." In regard to how he will prevent himself from sexually offending in the future, he said, "Mostly stay away, as much as I can, from any underage child and stay close to my spiritual focus."

FUTURE PLANS

In regard to his plans if released, Mr. Tyler said, "Just get back to taking care of my mother. She really needs some help. I'm mostly concerned about her." When asked how he planned to satisfy his sexual needs, he said, "I'll just have to get married, find somebody to marry."

According to SCDPPPS Agent Mitch Tucker, Mr. Tyler was released from prison on Supervised Reentry on the disseminating harmful material conviction. His supervision will expire on May 15, 2016.

CURRENT CLINICAL PRESENTATION

Mr. Tyler is a 63-year-old African-American male whose hygiene and grooming appeared adequate. He was well oriented. His mental status was within normal limits. Of his mood, he said, "Well, it's kind of wishy washy. It's definitely not a good one because I know this is a very pinnacle point in my life. This could change the rest of my life. And sometimes I feel like it is out of my hands. I know I have to rely on my God to help me get through this." His affect was euthymic and congruent with the topic. His speech was normal in volume, rate, and tone. His short and long-term memory was intact. He denied recent or current suicidal or homicidal ideation; he denied a history of such.

DIAGNOSES

Given the purpose of the evaluation and based on his history and self-report, the primary disorder considered was Pedophilic Disorder, a paraphilia. Paraphilic Disorders are recurrent, intense sexually arousing fantasies, sexual urges, or behaviors involving a set of behaviors, a specific class of victims, or nonhuman objects that occur over a period of at least 6 months. The person has either acted on these sexual urges or the sexual urges or fantasies cause marked distress. The focus in pedophilia is a prepubescent child or children.

Mr. Tyler reported in the interview that he was sexually attracted to individuals who were at the beginning stages of puberty, when they had initial breast development and no pubic hair. Despite his

report, he offended children who were likely prepubescent. In the first offense, he admitted to law enforcement that he had an erection when he kissed and touched the prepubescent female victim. He admitted to being sexually attracted to both girls. This attraction occurred over a period of decades. He indicated he was solely attracted to females. He reported engaging in satisfying sexual relationships with adult females. Meaning he is not exclusively aroused by prepubescent females. He sexually offended non-familial children. Images of numerous clothed prepubescent females posing provocatively were found in his possession. As such, Mr. Tyler criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Females.

Based on his self-report, Mr. Tyler meets criteria for Mild to Moderate Cannabis Use Disorder, In a Controlled Environment. He did not present with symptoms indicative of a major mood or thought disorder or for a personality disorder.

RISK ASSESSMENT

The Static-99R is an instrument designed to assist in the estimation of sexual and violent recidivism for sexual offenders. It is the most widely used measure of sexual recidivism. The recidivism estimates were derived from new charges and reconvictions of groups of individuals; as such, these estimates do not directly correspond to the recidivism risk of an individual offender. Mr. Tyler's score on the Static-99R (2) places him in the Low-Moderate risk category relative to other adult male sex offenders. Mr. Tyler's score on the Static-99R was compared to a reference group identified as "Routine." On average, 5.6% (range=4.8-6.5) of non-routine sex offenders with this score sexually recidivated within 5 years. In regard to relative risk ratios (the ratio of two recidivism rates), the expected recidivism rate for individuals who have the same score as Mr. Tyler is the same as the expected recidivism rate of the average sexual offender in routine samples. Meaning, his score is the average score in routine samples.

Psychologically meaningful risk factors (sometimes called dynamic risk factors or criminogenic needs) are psychological or behavioral features that are related to increased risk to reoffend and that are potentially changeable. It is unclear from the current research to what to degree, if any, additional factors impact risk estimates derived from the Static-99R. Empirically supported risk factors include sexual preoccupation, sexual preference for prepubescent or pubescent children, sexualized violence, multiple paraphilias, offense-supportive attitudes, emotional congruence with children, lack of

emotionally intimate relationships with adults, lifestyle impulsiveness, poor problem solving, resistance to rules and supervision, grievance/hostility, and negative social influences (Mann, Hanson, and Thornton, 2010^{iv}).

Mr. Tyler has several empirically-supported psychologically meaningful risk factors. He appears to have a history of sexual preoccupation as evidenced by his admission that he would like to have sex once or twice a day every day and his belief that he was sexually preoccupied when he was in his 30's. He has a sexual preference for prepubescent or pubescent children in that he kissed and fondled a prepubescent stranger and told her he loved her and he expressed feelings of love and sexual arousal for a 10-year-old female; he had provocative pictures of prepubescent and pubescent females. He holds offense-supportive attitudes in that he believed the prepubescent victims could reciprocate his love and affection. He has emotional congruence with children in that he believed he was in love with the victims and he believed at least one of the victims would love him if she experienced sexual arousal to sexual acts with him. He has resistance to rules and supervision in that he violated probation multiple times in the past.

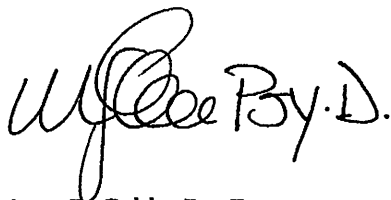
OPINION ON STATUS AS A SEXUALLY VIOLENT PREDATOR

Whether Mr. Tyler is a sexually violent predator is a legal decision to be made by the legal fact finder. As such, the following opinion is not intended to be dispositive on this issue, but to assist the fact finder in the decision-making process. It is noted that examiners' opinions are limited by several factors. For example, estimates of reoffense risk are based on group data that cannot be directly applied to an individual respondent. Furthermore, some terminology in the SVP statutes (such as "likely" to engage in acts of sexual violence) and in relevant Supreme Court decisions (such as "serious difficulty" in controlling sexual behavior in *Kansas v. Crane*) is not precisely defined.

The purpose of this evaluation is to inform the trier of fact regarding whether Mr. Tyler "suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment." He has been convicted of two statutorily defined sexually violent offenses. These offenses are Criminal Solicitation of a Minor and Disseminating Harmful Material or Exhibiting Harmful Performance to Minor. He meets criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Females.

For the prediction of sexual recidivism, the most accurate approach is to use an actuarial tool designed specifically for sexual recidivism, such as the Static-99R (Hanson and Morton-Bourgon, 2009^v). Research indicates that the sexual recidivism rate of sexual offenders is 10% to 15% after 5 years (Hanson and Bussière, 1998^{vi}; Harris and Hanson, 2004^{vii}). In large samples of sex offenders, 5.6% of individuals with the same score as Mr. Tyler on the Static-99R recidivated within 5 years. Thus, his estimated risk is lower than the base rate for sexual recidivism. Mr. Tyler has several risk factors not accounted for by the Static-99R (i.e., sexual preoccupation, sexual preference for prepubescent and pubescent minors, emotional congruence with children, offense supportive attitudes, and resistance to rules and supervision). It is unclear from the current research how these risk variables factor in to overall risk or if and how they add or subtract from actuarially measured risk estimates.

In consideration of all the information, it is my opinion that Mr. Tyler's "propensity to commit acts of sexual violence" is not "of the degree" to place him in the "limited subclass of dangerous persons" that require "confined in a secure facility for long-term control, care, and treatment." In other words, it is my opinion that Larry James Tyler does not meet criteria to be considered a sexually violent predator.



Marie E. Gehle, Psy.D.
Chief Psychologist

ⁱ "...Larry Tyler on or about the 15th day of May, A.D. 1993, and before the presentment of this indictment, in the County of Travis, and the State of Texas, did then and there knowingly and intentionally cause the penetration of the female sexual organ of [N.W.], a child younger than 14 years of age and not his spouse, by the finger of the said Larry Tyler."

ⁱⁱ "And the Grand Jury further present that on or about the 15th day of May, 1993, and before the presentment of this indictment, in the County of Travis, State of Texas, Larry Tyler did then and there, with the intent to arouse and gratify his sexual desire, knowingly and intentionally engage in sexual contact by touching the breast of [N.W.], a child younger than 17 years of age and not his spouse."

ⁱⁱⁱ This part of the statutory language was referenced as the basis of the charge by the prosecutor in the trial transcript; the entire definition of the offense was included in the indictment.

^{iv} Mann, R.E.; Hanson, R.K.; & Thornton, D. (2010). Assessing Risk for Sexual Recidivism: Some Proposals on the Nature of Psychologically Meaningful Risk Factors. *Sexual Abuse: A Journal of Research and Treatment*, 191-217.

^v Hanson, R.K., & Morton-Bourgon, K.E., (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, 21 (1), 1-21.

^{vi} Hanson, R. K., & Bussière, M. T. (1998). Predicting relapse: A meta-analysis of sexual offender recidivism studies. *Journal of Consulting and Clinical Psychology*, 66 (2), 348-362.

^{vii} Harris, A., & Hanson, R.K. (2004). *Sex offender recidivism: A simple question* (Corrections User Report No. 2004-03). Ottawa, Ontario, Canada: Public Safety Canada.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE)
CARE AND TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO: 2015-CP-16-00788

NOTICE OF RETENTION OF
INDEPENDENT EXPERT

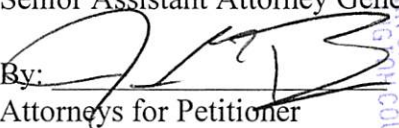
To: James K. Falk, Attorney for Respondent

YOU WILL PLEASE TAKE NOTICE that the Attorney General's Office is exercising its right pursuant to S.C. Code Ann. Section 44-48-90(C) to an independent evaluation of the above Respondent regarding whether he suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment, pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* The State will separately submit for filing as an attachment to this document the letter from the Attorney General's Office retaining its expert to conduct an evaluation.

Respectfully Submitted,

ALAN WILSON
Attorney General

JAMES G. BOGLE, JR.
Senior Assistant Attorney General

By: 
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F: (803) 734-6679
jbogle@scag.gov

TRUE CERTIFIED COPY,

CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

May 16, 2016
Columbia, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
IN THE MATTER OF THE CARE AND)
TREATMENT OF)
LARRY JAMES TYLER,)
)
RESPONDENT.)
)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT

CASE # 2015-CP-16-00788

AFFIDAVIT OF
EMILY D. GOTTFRIED, Ph.D.

PERSONALLY appeared before me Dr. Emily D. Gottfried, who, being duly sworn, deposes and makes the following affidavit:

1. My name is Emily D. Gottfried, Ph.D. and I make this affidavit of my own personal knowledge.
2. I am employed by the Sexual Behaviors Clinic and Lab (SBCL) at the Medical University of South Carolina in Charleston, South Carolina.
3. The SBCL has been retained by the South Carolina Attorney's General's office to conduct an evaluation of Larry James Tyler pursuant to the Sexually Violent Predator Act.
4. As part of that evaluation, one of the assessments administered to Mr. Tyler would be the Penile Plethysmograph (PPG). This test was scheduled for Mr. Tyler at 9:00 a.m. on September 29, 2016, and he was brought to the SBCL by deputies from the Darlington County Detention Center.
5. Mr. Tyler refused to take the PPG. He was allowed to speak with his attorney by telephone, and he did, but still refused to submit to the PPG.

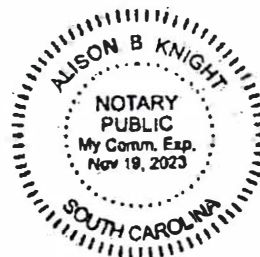
 Ph.D. (L.S.)
Emily D. Gottfried, Ph.D.

SWORN to before me this

4th day of October, 2016

 (L.S.)
Notary Public for South Carolina

My Commission Expires: Nov. 19, 2013



STATE OF SOUTH CAROLINA)
) COURT OF COMMON PLEAS
COUNTY OF DARLINGTON) 2015-CP-16-00788

IN THE MATTER OF THE CARE AND)
TREATMENT OF LARRY J. TYLER)
 APPELLANT)
) TRANSCRIPT OF RECORD
)
)

)

October 26 , 2015
Darlington, South Carolina

B E F O R E:

THE HONORABLE PAUL M. BURCH, JUDGE.

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

JAMES K. FALK, ESQUIRE
Attorney for the Appellant

JAMES E. BOGLE, JR., ASSISTANT SOLICITOR
Attorney for the State

HATTIE O. GORDON
Circuit Court Reporter

I N D E X

Colloquy	4
Certificate of Reporter	9

PLAINTIFF'S EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	COURT ORDER	4	4
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COLLOQUY

THE COURT: All right. What can I help you with?

MR. BOGLE: Thank you, Your Honor. May it please the Court. My name is Jim Bogle of the Attorney General's Office. This is a Sexually Violent Predator Probable Cause Hearing. The case is called in the Matter of the Care and Treatment of Larry James Tyler." Docket Number 2015-CP-16-788.

Your Honor, my understanding is that this would have been -- this is a General Sessions Non-Jury Week for you. I'd like to make a part of the record the order we got from Court Administration designating -- giving you jurisdiction to hear and dispose of a Non-Jury Common Pleas matter today issued by Court Administration on October 22, 2015. I don't know if you have a copy already, but make a copy for the record.

THE COURT: We will. Yeah, let's do that cause I've got one in Pageland in chambers. I don't have it on me.

(WHEREUPON, Plaintiff's Exhibit No. 1 was marked for identification and received into evidence.)

MR. BOGLE: Mr. Falk represents the Respondent, Your Honor. This is a -- would you like for me to go ahead and tell you what we've got here? It's a probable cause hearing. We're seeking to establish probable cause to you this person might be a sexually violent predator and needs

1 to be evaluated under the law. His max out date from
2 prison was supposed to be May of 2016. That was the week
3 after we filed our petition. We learned a week or two ago
4 that he had been cleared for early release one day next
5 week, November 2 or November 3 of next week. Hence, the
6 hearing today.

7 The Multi-Disciplinary Team met and reviewed the case
8 on August 27th 2015. The voted to send the case forward.
9 The prosecutor reviewed the material September 24th. Did
10 the same thing. The sexually qualifying sexually violent
11 crime is sexual exploitation of a minor in the second
12 degree, criminal solicitation of a minor and disseminating
13 harmful material to a minor which these are all sexually
14 violent crimes under the law.

15 The guilty pleas happened here in Darlington County
16 on February 27th, 2013, and there were, I think about,
17 originally, 39 counts of sexual exploitation. My
18 understanding is he returned for a pleas and the rest got
19 null prosed.

20 The victim here is a 10 year old girl we understand
21 was a family friend. The mother reported to the
22 authorities back in 2011 the Respondent had given the girl
23 a cell phone which contained sexual text messages to the
24 little girl and also nude photos of himself. This
25 investigation was opened. She was talked to. He had been

1 arrested for driving under suspension charge, and after
2 that arrest they talked to him about the cell phone. But
3 he made the comment he was infatuated with the little girl
4 or words to that effect.

5 They did an interview with him. He admitted having a
6 computer at his residence but denied any child pornography
7 on it. His residence did reveal several types of
8 computers including pornographic photos of young girls.
9 Ages unknown to me right now.

10 There was a forensic investigation into a Yahoo
11 e-mail to a Lust.net site. It was also Secret Service.
12 No information from the Secret Service was available by
13 the time he pled guilty. That's the qualify crime.

14 His prior crime of a sexual nature was a guilty plea
15 in Texas in 1993 for indecency with a child by contact.
16 The fact described the mother discovering him under a
17 blanket with a girl who was six years old. The little
18 girl later disclosed that he had been kissed by Mr. Tyler
19 and 'touched on my private' or words to that effect. So
20 we looked at that as the equivalent of a lewd act charge
21 here in South Carolina.

22 Other than that he's got a failure to register as a
23 sex offender, I think, in Florida. Prior convictions are
24 kind of thin. A D.U.I. and a D.U.S. His disciplinary act
25 while in prison were not sexual, but did happen.

1 Stealing, threatening to harm somebody and use or
2 possession of tattoo paraphernalia. And, finally, we have
3 information from S.C.D.C. that he got no sex offender
4 treatment during his stay there.

5 So that's what we've got. We think the fact that he
6 said he was infatuated with the little girl, the fact that
7 his two victims are ages ten and six is enough to require
8 that we take a second look at this and have him evaluated.

9 THE COURT: Counsel.

10 MR. FALK: Your Honor, the six year old victim.
11 Certainly, the incident where there was contact between
12 the two. That's an event that occurred in 1993, and my
13 client has serve prison time since that time. Without
14 diminishing too much the charge this is the second time,
15 this was an e-mail or a text message that was sent to the
16 girl. Certainly, he wasn't acting out on any kind of
17 urges that he had.

18 It would be our opinion that, certainly, although it
19 is under the statute certainly not the type of sexual
20 crime of violence like what his prior convictions were.
21 And we think that has been, certainly, a long period of
22 time since he did have some problems back in the 90s. And
23 we don't think that there is sufficient evidence today to
24 say that he is a sexually violent predator; that he
25 suffers from a mental disease or defect or personality

1 disorder. And there is no reason to think that he would
2 commit a crime if he was released.

3 THE COURT: Anything else.

4 MR. FALK: I'm just concerned that this is a pretty
5 thin index charge.

6 THE COURT: Anything else?

7 MR. FALK: Nothing more, Your Honor.

8 THE COURT: All right. Based on the file that I
9 reviewed this is not -- this is indeed not one of the
10 strongest cases I have reviewed over the year. But it
11 gives me a lot of concern. I want him checked out. How
12 old is he now?

13 MR. BOGLE: Born in 1953.

14 MR. FALK: He's 62.

15 THE COURT: I'm going to find probable cause. I want
16 him checked out, but counsel, at his age now and with what
17 the -- I've got before me and the time period I've got
18 some concerns. I can understand where you're coming from
19 on this, but ...

20 MR. BOGLE: I appreciate what you said.

21 THE COURT: Let's let them take a look.

22 MR. BOGLE: May I approach, Your Honor. I have a
23 proposed order.

24 END OF TRANSCRIPT OF RECORD

25

CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

I, HATTIE O. GORDON, Official Court Reporter for the
4th Judicial Circuit of the State of South Carolina, do
hereby certify that the foregoing is a true, accurate and
complete Transcript of Record of the proceedings had and
evidence introduced in the trial of the captioned case,
relative to appeal, in the Court of Common Pleas for
Darlington County, South Carolina, on the 26th day of
October, 2015.

I do further certify that I am neither of kin,
counsel nor interest to any party hereto.

November 5, 2018

A handwritten signature in blue ink, appearing to read 'Hattie O. Gordon', is written over a horizontal line.

HATTIE O. GORDON, Court Reporter

In The Court of Common Pleas
Fourth Judicial Circuit
2015-CP-16-00788

Transcript of Record

B E F O R E:

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

Lisa Carter
Circuit Court Reporter

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I N D E X

WITNESSES PAGE

(NO WITNESSES WERE CALLED TO TESTIFY DURING HEARING)

(NO EXHIBITS WERE INTRODUCED DURING HEARING)

P R O C E E D I N G S

THE COURT: All right. Mr. Falk, I believe you have a motion before the court ---

MR. FALK: This is my motion, yes, Your Honor. And, quite frankly, I filed a motion to dismiss and a motion to set a trial date, really, as a way to force the State to file their motion to compel. And here's where the situation is, is that this is a case where a probable cause was found early on with Dr. Marie Gayle with the Department of Mental Health evaluate my client said that he was not at risk. The State, under the authority of the statute, went and got a second opinion and that's where we're sitting in right now.

Now, my client has complied with every portion of the evaluation that MUSC wanted to do with the exception of the PPG test and he did not do that based on my advice and recommendation that he should not take that test. It is my opinion that, that the PPG can amount to warrant a search and seizure. This test is an extremely invasive test and there should be some type of finding of necessity that would justify whether or not he is required in this case.

First of all, the Department of Mental Health has not used the PPG test in a diagnostic method, in the first step as part of a commitment hearing. They do not re -- doesn't believe it's in compliance with the American, I think it's

1 ATSA, whatever the professional group that American
2 Association Treatment of Sex Offenders. And so I do not
3 think that this test is a necessity because I think that
4 you can make an evaluation without the test. And I could
5 appreciate the point of view that an evaluation might be
6 helpful that somehow get to the person's subconscious so
7 you're not relying on the person's verbal answers to
8 questions. And it does suggest that there are three
9 possible ways to do that. One would be just a plain
10 polygraph test where you can measures a person's responses
11 to the questions. Another one would be what's called a
12 able assessment test. It's where they would show images
13 where the person would be subjected to looking at images
14 and the able assessment test tracks how long your eyes stay
15 on the image and that's something that's believed to be
16 done, you know, not consciously. So that's a way to
17 measure somebody's sort of subconscious response. I have
18 not found any case law specifically on that point.
19 Although, in the First, Second, and Ninth Circuit this
20 issue does up with respect to under Walsh Act (sic) which,
21 again, is under the Federal framework that's similar to the
22 State's framework as far as monitoring sexually violent
23 predators and there's a point of whether or not when
24 somebody is out on parole. If somebody is out on parole
25 whether or not they can be subjected to PPG testing as a

1 condition of parole. And in the First, Second and Ninth
2 Circuit, and I can give you those cases, the court has said
3 that this is an extremely invasive test and that without
4 certain stronger showing of the necessity it is unwarranted
5 and uncon - it's unconstitutional invade of privacy. I can
6 give you the cites, I would suggest that the court look at,
7 Lile vs. McCune which is 24 F\$ 2nd 1152. They could look
8 at that as the, that's the District Court out of Kansas.
9 Then there's U.S. vs. Weber, which is 451 F. 3d 552. And
10 there's U.S. vs. McLaurin, 731 F. 3d 258. And just looking
11 at the Ninth Circuit opinion on the PPG test and I'm
12 quoting from the decision on page 562 of the decision where
13 it says, "PPG test is not a run-of-the-mill medical
14 procedure. Plethysmography, which is what we're talking
15 about PPG, testing not only encompasses a physical
16 intrusion but a mental one involving not only a measure of
17 the subjects genitalia but a probing of his innermost
18 thoughts as well." So, I mean, this is, as I said, this is
19 an invasive test. I believe that in a criminal setting, if
20 someone wanted to get a DNA test he would be entitled to a
21 Schmerber hearing to find out whether or not it would be
22 justifiable in a situation. I believe that South Carolina
23 has recognized it and certainly very recently since 2015 in
24 State vs. Counts. That the right to privacy found in the
25 South Carolina Constitution provides a more inclusive right

1 of privacy, great protection than a right of privacy.
2 That's found in the United States Constitution. I believe
3 that this is a, it is certainly a search and seizure and
4 it's our contention that this is unreasonable search and
5 seizure especially under the facts in this case. Keeping
6 in mind that the currents that triggered this incident was
7 whether or not my client's sent a photograph from his phone
8 to somebody who is under fourteen years of age and that is
9 the alleged criminal conduct now. So it would be our
10 contention and it was the contention of Dr. Gayle that the
11 photograph that was sent was by no means pornographic but
12 that's possibly a matter for another time. I'm just saying
13 this is not a case where somebody has committed a second
14 sexual assault where maybe they would be later need for
15 such an invasive test. You know, keeping in mind, that if
16 the court orders him to comply with the test, he's going to
17 be hooked up this machine for three and half hours. He's
18 going to have probes on his genitalia and he's going to be
19 subjected to watching pornographic images and there will be
20 measuring his response. As I said I think this constitutes
21 a violation of his rights under the Fourth Amendment of the
22 United States Constitution. Fifth Amendment and Fourteenth
23 Amendment of the United States Constitution and I believe
24 it's Sections 310 and 12 of the South Carolina
25 Constitution, Article 1, Section 310 and 12 of the South

1 Carolina Constitution. Again whether or not this is
2 unreasonable search and seizure. Whether it is in
3 violation of his right to privacy.

4 So I really -- I want to be in a position that he will
5 take the test if this is the court's order today because he
6 wants to get to the trial. But I want to then be able go
7 to trial and say the only reason why he submitted to this
8 test was in response to a court order because they wouldn't
9 want it to appear that he voluntarily waived his right to
10 this, to objecting to this test. And then I'll take this
11 up with the trial court.

12 THE COURT: Okay. All right. Thank you, Mr. Falk.
13 Mr. Bogle?

14 MR. BOGLE: Good morning, Your Honor. Thank you.
15 May it please, the Court? As far as, a little bit of
16 history of how we got here. Like counsel said, we had a
17 probable cause hearing in this case back in October, excuse
18 me, in October of 2015. Dr. Marie Gayle of the Department
19 of Mental Health was appointed by the court to conduct a
20 pre-commitment evaluation. And as part of that evaluation
21 in addition to whatever testing she did, it also included
22 viewing some pornographic images taken off of the
23 respondent's personal computer. The Darlington Sheriff's
24 Office sent that computer to the Secret Service. They had
25 the technology to take these images and find out what they

1 were. So part of the case is looking at those images as
2 well. We got a separate order to allow that since the
3 expert had to travel to Columbia to do it. So she did
4 that. She issued her report in May of this year in which
5 she found that there was insufficient information for her
6 to conclude that he was a sexually violent predator as
7 defined by the law. So the State now then has the option
8 at that point to get a second opinion and we did here. We
9 filed a notice of retention of an independent expert and
10 sent the case to the laboratory we deal with, the Sexual
11 Behavior Laboratory at the Medical University of South
12 Carolina and they assigned Dr. Emily Godfrey whose letter
13 is an Exhibit to our return and I motion to compel. As
14 part of -- now we -- we're not doctors and we're not
15 psychologist. We're lawyers. So we don't try to tell them
16 what they have to do. And they have a protocol at MUSC
17 just like Dr. Gayle has a protocol at the mental health.
18 It's the kind of test and examinations that they do
19 including a polygraph and a PPG which is an abbreviation of
20 penile for penile Plethysmograph. They have their list of
21 things to do. And it turned out in this case while Mr.
22 Tyler did sign a consent form at the beginning of that
23 evaluation to be examined by all these things including the
24 PPG, when they got to that point down the road on advice of
25 counsel, he refused to take it. That's kind of where we

1 are. We're stuck there.

2 Now, as a matter of background this would be the
3 fourth time we've come to court seeking an order to compel.
4 Attached to my motion is the Melvin Beam case out of Union
5 County where he was ordered to compel with the independent
6 evaluation or just sit in jail until he did. As it turned
7 out after a few months he agreed to cooperate and that case
8 is moving on. We also have the Shaun Jermid White case
9 which is out of Charleston County. That was also a PPG
10 issue. An order to compel was signed by the judge and I
11 got a file copy here which I would pass up if Your Honor
12 doesn't have that one. There's also been a Emory Bashaw
13 (sic) case, which predates my time, where he fell to
14 cooperate with the initial pre-commitment evaluation and
15 sat in jail in Charleston for five years. Finally
16 cooperated. They found he was not a predator. The case
17 got dismissed. So three times we've been to the well
18 seeking this type of relief and three times the judges have
19 agreed with us. I got the order in Melvin Beam, I think
20 and Bashaw (sic) are attached to my motion. I've got a copy
21 of the Shaun White case to pass up in addition.

22 So here's where we are. MUSC has it's protocol. Part
23 of it is the PPG. And the PPG is a valid way of measuring
24 things particularly when he appeared to be deceptive in so
25 many other psychological assessments they've done and that

1 he did. We need to use this test to try and see what it is
2 that gets this guy sexually aroused as part of the
3 diagnosis. One of the things that they are looking at, of
4 course, is whether or not there's a diagnosis of pedophilia
5 disorder because a number of the images on his computer
6 were of very young girls. So we're looking at that as
7 well.

8 Now, as far as, and this is kind of what court's have
9 held in other cases, a lot of -- the reasons Mr. Falk is
10 saying against the PPG more relate to more to its
11 admissibility at a trial down the road. We aren't there
12 yet. Right now we're doing an evaluation and that's all.
13 And we're trying to get these doctors to follow their
14 protocol. Another question is raised about DMH not doing
15 the PPG. What I found since I've been doing this kind of
16 law, judge, is every psychiatrist, every psychologist I've
17 dealt with there's a whole list of test and assessments you
18 can do of people. Some use all of them. Some use one or
19 two. Some use one. Some use a mix. You never know. As
20 far as the Department of Mental Health goes Donna Swartz
21 Watts now Donna Mattix, she's a big believer in the PPG.
22 It's something that she likes to use or has done. The
23 Department of Mental Health owns a PPG machine but no one
24 is qualified to use it. So when she wants one they send
25 the case down to Dr. William Burke in Summerville who is

1 the expert in this region on the topic. We've had other
2 doctors, Dr. Swan, in pre-commitment cases with the
3 Department of Mental Health, has started asking for PPG's
4 to be done. So again some use them. Some don't. Some
5 don't believe in the able. I mean, Dr. Gayle doesn't
6 believe the able in a valid assessment. Some have
7 disagreements with these types of test. But our guys in
8 Charleston think it's something they need to do and
9 particularly since he shows some deceptiveness in some
10 other psychological assessments. That's why they want a
11 rule on this.

12 Now, as far as being admissible at trial down the road
13 that's another matter. Another thing to consider is a lot
14 of reasons Mr. Falk has raised about invasion of privacy,
15 self-incrimination, warrant the search, if this was a
16 criminal case I think he would be on better ground but
17 we're not in criminal court. We're in Common Pleas. This
18 is a civil matter. It's non-punitive. It's not for
19 prison. It's for treatment and the courts in South
20 Carolina and at the National Level have held that for
21 years. So, again, we think it's an appropriate thing that
22 our doctors want done. We'd like to have him ordered to
23 comply and if he doesn't we like all the time limits that
24 relate to a case like this so as to when you have to have
25 the trial we'd like to put this on hold. Just told those

1 time limits until such time as he then cooperates. And the
2 only order you don't have, I believe, is the Shaun White
3 case. I can pass that up, if you'd like.

4 THE COURT: Yes, sir, if you would.

5 MR. BOGLE: Now, the part of the statute that the
6 judges looked at in these cases, the statute that deals
7 with the evaluations talks about the experts having
8 reasonable access. All examiners should have reasonable
9 access to the guy. And that's what the courts have held
10 because a main factor here and requirement, "a reasonable
11 access" and what the judge said in the Melvin Beam case was
12 "reasonable access is defined by 44-48-90 Section C, it's
13 best determined by the examiner whether that person is
14 appointed by the court or retained by either side." For
15 example, if Dr. Gayle had recommended he be committed, the
16 defense would have gone to an independent expert right now.
17 If there expert wanted a PPG, I doubt we'd be here. But
18 that's another matter. "Reasonable access," it says, "all
19 examiners are permitted to have reasonable access to the
20 person and the documentary records." And so by refusing to
21 cooperate with the State's evaluation the respondent is not
22 allowing our experts legal access to him. That's where we
23 are. We would like the court to deny the motion to
24 dismiss. We like to set up for a trial date. We can't get
25 a date until our eval is done. And, again, we don't know

1 which way this eval is going to go. It may come back
2 saying they agree with mental health and the guy is not a
3 predator. We just don't know. So what we would like the
4 court to do is to deny the motion to dismiss. Hold Mr.
5 Tyler in contempt. Freeze all -- freeze or toll all the
6 time limits for the case right now until he cooperates.
7 And order to cooperate with the evaluation being done by
8 MUSC. That's kind of what I've got. If you've got any
9 questions, I'll be happy to answer them. But that's pretty
10 much where we are.

11 THE COURT: Okay. Yes, sir, Mr. Falk?

12 MR. FALK: If I could just respond ---

13 THE COURT: Yes, sir.

14 MR. FALK: --- to a couple points?

15 THE COURT: Sure.

16 MR. FALK: One is, the Beam case was a case of
17 total non-cooperation. Now, my client has cooperated.
18 He's taken all the other tests. So, I mean, whether or not
19 he's -- this is limited to not taking part of one
20 particular test. And so now if you're going to say
21 reasonable access I think we have to consider whether or
22 not this is a reasonable test. You can't -- I don't think
23 the court and the Attorney General's office can delegate
24 all that authority over to the Department of Mental Health
25 or psychiatrist to determine what kind of test are

1 unreasonable. I mean, they could've, you know, they could
2 say, what we want to do, we want to hook him up to an
3 electric shock therapy and give him a couple runs of that.
4 I mean, there still is a point where this court has to
5 determine whether or not the testing that we're going to
6 subject this person to is reasonable under the
7 circumstances. And, grant it, I understand that I'm in
8 Common Pleas Court but if this case goes the wrong way, my
9 client is subjected to the substantial intrusion on his
10 liberty with interest. I mean, he's going to be gone to a
11 secure facility for indeterminate life and time. That is
12 certainly -- this case affects his substantial liberty
13 interest which I believe should then trigger some of the
14 constitutional protection that I'm trying to bootstrap on
15 to this, the search and seizure. I do not think this is
16 just another test. This is a substantially more invasive,
17 more intrusive test.

18 THE COURT: At the time that he refused during the
19 evaluation, what was his reason for refusing?

20 MR. FALK: Advice of counsel.

21 THE COURT: That's right. You mentioned that
22 earlier. Okay.

23 MR. FALK: Because I -- and I took the White case,
24 it's my case. So, I mean, I understand that, that was
25 another situation where it was he agreed to take everything

1 else but this one. And I don't think it necessarily, we
2 can all push this thing off on to the admissibility of
3 whether it's admissible in court. It still whether or not
4 the State can subject him to the type of embarrassment,
5 humiliation and intrusion onto his personal life, his
6 personal thoughts as would be hook up his genitals to this
7 machine for three and half hours. This is a quantum
8 difference from any other test that they want to impose.
9 That's why we're trying -- and also one other point, I do
10 believe that Dr. Burke uses this test a lot with some
11 success in a treatment setting where and this is a
12 different use of the test than what Dr. Burke is typically
13 doing. There's a difference about whether or not you are
14 applying treatment to somebody. You're using the PPG test
15 so then you got a baseline and then you can measure changes
16 and responses from an initial baseline as how it is
17 affecting treatment. But what they want to use this is as
18 a diagnostic tool to hook them up and see whether or not
19 based on this you can diagnose him as being a sexually
20 violent predator. I think this is a significant difference
21 in the use and I believe that American , the Academy of
22 Sexually Violent Offenders, or whatever, recognizes the
23 difference in the therapeutic use of the PPG versus a use
24 of PPG as a diagnostic tool.

25 THE COURT: Okay. Anything else, Mr. Bogle?

1 MR. BOGLE: No, Your Honor. I think we kind of
2 covered everything. We're just -- we're relying on our
3 experts. Whether it being a three and a half hour
4 straight, I know it takes a while to do it. I know there's
5 breaks along the way. My understanding is that the person
6 being examined puts the strap around himself. He puts it
7 on not them. They then show some visual things and some
8 auditory things. They played tapes of things. They also
9 show visual things to try and measure his level of arousal
10 through certain types of stimuli. And it's one part of a
11 number of examinations that are done and that's, they're
12 seeking his -- trying to see what his thoughts are. What
13 his interests are. Whether or not, and again, because of
14 the type of evidence on the computer it being the young
15 girls and all the photographs, pedophilia disorder is
16 something they're looking at. So that's -- other than
17 that, that's what we have, judge.

18 THE COURT: All right. Thank you, gentlemen. I
19 want to -- I want to review these cases that you've cited -
20 --

21 MR. FALK: Yes, Your Honor.

22 THE COURT: --- before I rule on this Mr. Falk.
23 And I'm going to go back and look at the cases that you've
24 handed up as well, Mr. Bogle. I'll let you hear from me in
25 a couple of days.

1 MR. FALK: Thank you, Your Honor.

2 THE COURT: Probably not -- I let you hear from me
3 probably by the first of the week so....

4 MR. FALK: Your Honor, can I send you an email
5 with the Cites when I get back to my office?

6 THE COURT: Well, I've wrote them down but if you
7 want to make sure I got them right you can ---

8 MR. BOGLE: Okay.

9 THE COURT: --- or we can go over them now.

10 MR. BOGLE: All right. The two ---

11 THE COURT: I've got 24 ---

12 MR. BOGLE: The two South Carolina cases regarding
13 expansive right of privacy would be Counts which is 776
14 S.E. 2nd 59 which follows ---

15 THE COURT: I'm sorry what was the page number?

16 MR. BOGLE: Fifty-nine.

17 THE COURT: Fifty-nine. Okay.

18 MR. BOGLE: 776, 59?

19 MR. FALK: 776, S.E. 2nd 59, that is Counts.

20 MR. BOGLE: Right.

21 MR. FALK: That was a knock and announce case
22 where they sort of showed a greater by the privacy than a
23 typical. And then followed on the decision of State vs.
24 Foster which was 341, S.E. 2nd 837, that's a 2001 case.

25 THE COURT: Okay.

1 MR. FALK: And then my cases where I was using
2 this context of mandatory subjected to the PPG test in
3 federal court. One was Lile vs. McCune, and that is, 24 F\$
4 2nd 1152. And then there's United States vs. Weber which
5 is 451 F. 3rd 552. And there is a U.S. vs. McLaurin which
6 is 731 F. 3rd, 258.

7 THE COURT: Okay. I've got those cites. Thank
8 you, then.

9 MR. FALK: Thank you.

10 MR. BOGLE: Thank you, Your Honor.

11 THE COURT: Thank you, gentlemen.

12 MR. FALK: Your Honor, I was -- there is going to be
13 some type of tolling of the statute depending on which way
14 you rule. We'd hope that your order would maybe direct
15 them to getting it scheduled as soon as possible to get the
16 case back ---

17 THE COURT: Certainly, yeah.

18 MR. FALK: Thank you.

19 THE COURT: Okay.

20 (CONCLUSION OF THE HEARING HELD ON SEPTEMBER 8, 2016)

CERTIFICATE

I, the undersigned, Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Darlington County, South Carolina, on the 8th day of September, 2016.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

October 15, 2018

In The Court of Common Pleas
Fourth Judicial Circuit
2015-CP-16-00788

Transcript of Record

B E F O R E:

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

Lisa Carter
Circuit Court Reporter

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I N D E X

WITNESSES PAGE

(NO WITNESSES WERE CALLED TO TESTIFY DURING HEARING)

(NO EXHIBITS WERE INTRODUCED DURING HEARING)

P R O C E E D I N G S

THE COURT: Mr. Falk?

MR. FALK: Yes, Your Honor. Thank you for accommodating and getting my client here and all the rest. Just to start off, I believe this is just a sort of a first impression case in South Carolina because the way I believe this issue is framed was whether or not, I'm not necessarily attacking the PPG testing as much as the non-consensual ordering somebody to comply with the PPG testing. And again PPG testing as it's set out in the documents is, penile Plethysmograph testing, and I believe the court is relatively aware, generally aware, of what's involved in this test. But this is the test where a string gauge is hooked up to a person genitalia and they are exposed to the scenarios is there term. Not, they're not exposed to audio, I mean, a visual pornography but they're exposed to images that are not pornographic and that hears scenarios related to the images. For example, it would be an image of a grade school girl in a bathing suit at the beach but then they would be a story going on in the background about somebody possibly assaulting this grade school girl. And it is my understanding, having never heard any of scenarios, that the audio part is rather intense but the visual part it's still something that's not pornographic. So that's what we're talking about here.

1 Then they measure changes in circumference relative to the
2 impressions of what they're seeing. And what's going on in
3 this case is that my client is not agreeing to the PPG
4 testing. But, sort of to get a posture of this case, that
5 on May 16, 2016, Dr. Gayle who was a court-appointed doctor
6 in this case. She's a PhD, doctor. She opined that Mr.
7 Tyler does not meet the qualifications of a sexual
8 predator. And that the next step in the case was that, as
9 the statute provides, either side has the opportunity to go
10 out and get a second opinion. And so the State requested
11 and got the authority to retain MUSC to provide the second
12 opinion and this is their Sexual Behavioral Lab at MUSC.
13 And Mr. Tyler went there, complied with all of the testing
14 except for the PPG testing. And he refused to take the PPG
15 test. And we came back up here and it was ordered that if
16 he does not comply with the testing he'd be held in
17 contempt. And I filed the motion to reconsider that ruling
18 because I'm trying to frame this issue. But again I think
19 it's important to understand that he's complied with
20 everything but this PPG test and that under these
21 circumstances this would be a compulsory PPG testing. And
22 it's my client's position that under the circumstances the
23 PPG test amounts to a warrantless search in violation of
24 the Fourth Amendment. Again we're asking for, this test is
25 really going to search what is in his mind. What is in his

1 heart. And, without any kind of showing of probable cause
2 that this is even necessary, we believe that this is a,
3 well, there has been no warrant, whether or not the warrant
4 is required, but there has been no warrant for this -- no
5 establishment of probable cause for this particular test on
6 this gentleman. So we would argue that this is a
7 warrantless search and seizure of his mind in effect. And
8 also really, probably, more important since we're sitting
9 in South Carolina, we believe that this test would amount
10 to a violation of his rights under Article 1, Section 10 of
11 the South Carolina Constitution and provision for South
12 Carolina has a separate right of privacy and we believe in
13 light of State vs. Foster and State vs. Counts, that my
14 client has a right to privacy and that this is invasion of
15 that right and any rights that he may have under the Fourth
16 Amendment, his right to privacy under the South Carolina
17 Constitution is probably more expansive. We believe that
18 this testing is a violation of his rights of self-
19 incrimination under the Fifth Amendment, in that he has no
20 ability to filter what his responses are in affect to the
21 questions. Scenarios that are presented to him are in
22 affect question. He has no ability not to answer those
23 questions. But any responses getting his compulsory so we
24 believe it's a Fifth Amendment violation. I believe that
25 this is a, you know, and we have to remember that although

1 this is a common pleas hearing, we have a substantial
2 liberty as to per se. My client has been in custody since
3 2015. So short of taking somebody's life, I think the fact
4 that he is being held at, you know, in a detention center
5 right now, certainly what's at stake here is a substantial
6 liberty interest. And also going forward there is a
7 substantial liberty interest in that he would be, if he is
8 found to be a sexually violent predator, he would be put
9 into a sexually violent predator treatment program and not
10 be released until, you know, they say so. So, I mean,
11 there is a liberty interest and because of that I think
12 that some of these other constitutional rights which are
13 probably more appropriate to be talking about had this been
14 a general session matter still should have some application
15 to my client.

16 And this is really another sort of practical question
17 and it might be putting the cart before the horse or
18 whatever, but I would contend that even if he's subjected
19 to this testing and if they found, and if we had a trial in
20 this matter, I would be successful at a counsel hearing and
21 having the results of the PPG test excluded. That is based
22 on the last three or four times going when we've gone down
23 this road. Twice in Florence, I mean, most recently twice
24 in Florence and once in Beaufort County. And the primary
25 common of the PPG test, although, this testing goes back to

1 Czechoslovakia back in 1954, I mean, it has a long history.
2 But what we have to remember is the testing that they're
3 going to use is a stimulus set. I talked about the
4 stimulus set before. The stimulus set were developed by
5 Dr. Burke who is pretty well respected in, you know,
6 certainly in the low country or even for this type of, you
7 know, treatment and he does treat sex offenders. However,
8 there is no peer review study to validate the results of
9 any testing done using Burke's stimulus sets. What they're
10 going to use is something called the Burke real child
11 voices model and it's Burke and another gentleman, but
12 together they're working with company Limestone. Limestone
13 is a manufacturer of the PPG machine. They have developed
14 this and they are trying to, I think, standardize this set.
15 But I am not aware, and certainly as of Mr. Powell's trial
16 at Beaufort, three, four, months, it maybe six months ago,
17 that there's still no peer review study validating that
18 test. So although there may be peer reviews studies out
19 there generally talking about the efficacy in using the PPG
20 machine, that is irrelevant unless you know that the actual
21 stimulus set whether or not these images that were being
22 shown to him and these audio scenarios that he was
23 listening to, whether or not there's a correlation to the
24 results of these, you know, whether or not it does, in
25 fact, do what it's supposed to do. There's no peer review

1 study. So I would think under any type of counsel, type
2 argument, absent peer review study for the science it's not
3 -- it's not precise enough, it's too speculative to be
4 admissible. So I think we could go through this whole
5 fight and still be back in, I guess, and Darlington County
6 Courthouse and be having another argument about whether or
7 not these results would even be admissible. And if this
8 test were, I mean, as easy as taking a blood draw to do a
9 DNA test, there would be less of, probably, less of a fight.
10 But he's gonna be put in a room for possibly up to three
11 hours or longer with the string gauge hooked up to his
12 genitalia, he's, you know, naked from the waist down, he's
13 covered, I mean, I'm not saying people can see anything,
14 but this is just not another test. This is rather a
15 significant test. So before we decide to put someone
16 through this test I think, Your Honor, makes sure that it's
17 necessary. That it's lawful. And that it would even
18 result in anything that would be helpful to the State in a
19 trial.

20 I also contend that under South Carolina Rules of
21 Civil Procedure 35(A) that this is a medical testing and,
22 if so, it needs to be conducted by a physician. There is
23 case law it's, I believe, Green vs. Trucking, I can give
24 you the cite, I think I put it in my brief. That this is
25 the type of testing that would need to be done by a

1 physician. It is my understanding that whoever's going to
2 be doing this is a PhD but not a physician and the case law
3 says, that the position needs a medical doctor. So if
4 you're going to subject my client to some type of
5 psychological testing that this would be required to be
6 done by a doctor, a Ph, I mean, an MD, not a PhD. Again, I
7 probably, of what I talked about before -- it's sort of
8 some of what we've talked about before but we think this is
9 a substantive due process issue. It's a Fourteenth
10 Amendment Constitutional violation. We're in a -- and I'm
11 not even sure if you can't frame this as a First Amendment
12 issue of Freedom of Speech, I mean, you're trying to find
13 out what he's thinking. I think we're all entitled to our
14 thoughts. We're all entitled to keep our thoughts private.
15 But we're poking this test up there to try and read his
16 mind and I think that, that's, however we want to frame it,
17 that's First Amendment, Fifth Amendment, Fourteenth
18 Amendment or whatever but it's somewhere, for a lack of a
19 better term.

20 And also I don't think we can gloss over the fact that
21 most of the people who performed this kind of testing, who
22 work in this area, I know Dr. Swann is an expert. A lot of
23 the people in this are all members of the Association for
24 the Treatment of Sexual Offender, um Sexual, it's ATSA, A-
25 T-S-A it's Association for the Treatment of -- whatever,

1 sexual of, or whatever it is ---

2 MR. BOGLE: Sexual abuser.

3 MR. FALK: Sexual abuser, I'm sorry. Thank you.

4 Guideline 7.01 talks about the use of phallometric testing,
5 polygraph testing, viewing time testing. The very first
6 guidelines under their heading is that, members obtains
7 specific informed consent from client prior to using
8 pallometric, viewing time for PPG testing. So even if this
9 doctor does this, this is not going to be done with conform
10 consent. Because my client is not going to consent. And I
11 do believe if I can make an argument that there's a less
12 restrictive alterative. The reason why we're doing this
13 testing is because, obviously, whenever you're trying to
14 find -- the only -- I can appreciate the fact that the
15 State's only tool or any doctor, there's only two appear
16 that ask my client a question and for him to give an
17 answer. And, you know, a lot of this testings have ways of
18 to tell whether or not people are being disingenuous, but
19 they're still relying on his verbal responses to questions.
20 So maybe some type of testing is necessary in order to get
21 beyond that which you are voluntarily agreeing divulge.
22 However, I believe there are two significantly less
23 intrusive methods in order to do that. Besides, first of
24 all, they could just give him a polygraph test which we
25 believe would be certainly less intrusive. They could

1 fashion questions that would be significant that they could
2 ask it. And you could still get the type of physiological
3 response to galvanism -- I think it's galvanism -- or
4 galvanism in responses, you know, changes in body
5 temperature or whatever the polygraph test measures, is
6 affect the same type of measurements that they're getting,
7 similar type measurements that they're getting from
8 phallometric. So they can get this from polygraph test
9 which certainly is less invasive. There's also another
10 type of testing which is called viewing time testing where
11 they would and it's an Abel, there's a doctor in this field
12 name Abel, who does a lot of this, it's called the Abel
13 VRT, visual reaction type testing. And what that would be
14 is the person would sit in a room and they would be shown
15 images and what they would do is track how long the person
16 eyes stay on one particular image or another. And again
17 that's a way to sort of get at his sort of subconscious
18 response of the image that you're going to be, that you're
19 going to look at something for long period of time that
20 you're interested in. So if you need to sort of get past
21 the barrier of what the person is gonna verbally give up on
22 himself. There's two less interest way of doing that and
23 that's where I am, Your Honor.

24 I, again, what we're doing here is we're going to ask
25 for, you are asking for him to be compelled to submit to

1 this test. And I believe that is constitution deformation
2 under the state and local -- under the State of the United
3 State's Constitution and I believe that it is not against
4 the best practices of the industry to force somebody to
5 submit to this testing. Thank you.

6 THE COURT: Thank you, Mr. Falk. Mr. Bogle?

7 MR. BOGLE: Thank you, Your Honor, May it please
8 the court? I think we need to back up. First let's see
9 where we are right now, okay. So in 2015 this case was
10 filed. There was a probable cause hearing held before the
11 court where the court found probable cause to go forward
12 and order that Dr. Marie Gayle of the Department of Mental
13 Health conduct the evaluation of Mr. Tyler. At that time -
14 - Dr. Gayle is a forensic psychologist. At that time,
15 there was no objection from either side about her being a
16 psychologist and not an MD. The sexually violent predator
17 law just says, "the court should appoint a qualified
18 expert." And there's a lot of case law in South Carolina
19 about how a specific statute overcomes a general statute or a
20 court rule and that's what we have right here. So the
21 issue of whether or not it has to be an MD or a
22 psychologist has been decided and since this is a specific
23 statute, back 1998, for a specific reason they would prevail
24 over a court rule or a general statute. There is also some
25 case law for at least one of the jurisdictions the Michael

1 Bohannon from the Supreme Court of Texas. And one of the
2 issues there was whether or not this should be a -- and
3 because their statute read like ours "appoint a qualified
4 expert" the Texas Supreme Court concluded that the General
5 Assembly of Texas did not require under the constitution
6 that the person be a doctor. And I've got a copy in my
7 hand I pulled last night and I can hand it up if you'd like
8 to see it.

9 THE COURT: Yes, sir.

10 MR. BOGLE: No, let's also -- so anyway, like Mr.
11 Falk said Dr. Gayle came out with a report sometime back in
12 2016 and she concluded that he was not a predator. And,
13 judge, one thing I've noticed about psychologist, there's
14 kind of a reason why you, and Mr. Falk and me went to law
15 school instead of psychology school because we practice law
16 and we leave the psychologist what they want to do. I
17 found that the PPG or the penile Plethysmograph, either the
18 one administered by Dr. Burke down in Summerville or the
19 one administered by the Sexual Behavioral Lab at MUSC which
20 is who we retained. Some of these court-appointed experts
21 use it and like it. Dr. Donna Schwartz Maddox, for
22 example, she says that she gets PPG as part of her rapport
23 and the Department of Mental Health pays for the guy to go
24 down to see Burke and get run on the PPG. That's when Dr.
25 Maddox appointed to do a pre-, a pre-commitment evaluation

1 like the one here. Dr. Amy Swan likes the PPG. Sometimes
2 she uses it and sometimes she doesn't. But Dr. Marie Gayle
3 does not. She doesn't think it's -- she doesn't believe in
4 the scientific applicability of it and that's just a
5 difference in the way these people do it. But, in any
6 event, what happened was when the report came out from Dr.
7 Gayle saying the guy wasn't a predator, we exercised our
8 option which is in the statute to get a second opinion. We
9 retained the Medical University of South Carolina, Sexual
10 Behavioral Lab run by Dr. Gregg Dwyer. He appointed Dr.
11 Emily Godfrey on his staff to evaluate Mr. Tyler. And
12 things were going fine. He signed the consent form to be
13 evaluated down there but he drew the line to the PPG. So
14 now we came back before you and this is important to look
15 where we are right now. We're here today not to re-
16 litigate everything all over again, but to argue whether or
17 not you should set aside the order you issued before.
18 Because we pretty much argued all of this back in September
19 of '16. At that time, Mr. Falk filed a motion to dismiss
20 the case. We countered the motion to make the guy
21 cooperate with the evaluation. And your order was attached
22 to that file I gave you. You filed an order in November of
23 '16, excuse me, September of '16. You did not find him in
24 contempt. You ordered him to cooperate with the evaluation
25 and you also told all the statutory time constraints that

1 operate these kind of cases. So the clock got frozen on
2 that. We then sent him back down to him USC. He wouldn't
3 cooperate. So I submitted to the court an affidavit from
4 Dr. Emily Godfrey saying that he did not cooperate and you
5 issued your order we're here on today. That order was
6 filed in November of 17. This time you found him in
7 contempt. And you directed him that he could purge himself
8 of contempt by cooperating with the evaluation. Now, as
9 far as stuff they do at these evaluations and again, judge,
10 this why didn't want a psychologist group, when I send the
11 guy down there they have their protocol they do. And, by
12 the way, their protocol includes the Abel test and the
13 polygraph test which Mr. Falk mentioned earlier. But it
14 also includes the PPG. At the prior hearing I believe I
15 sent a memorandum in support of the PPG and like Mr. Falk
16 said, no appellate court in South Carolina has reached yet.
17 The PPG has been mentioned in the opinions of the court
18 when it was summarizing why the guy was found to be a
19 sexually violent predator, in two cases, the Kennedy case
20 in 2003 and Tucker case in 2003 where the court in talking
21 about the evidence mentioned how both guys have been
22 administer the PPG and show a certain response. It has
23 been challenged in court. Mr. Falk is right. There's been
24 two times where he's prevailed and we have not. There's
25 another time where we did prevail and that's on appeal with

1 the Supreme Court right now. The PPG was submitted into
2 evidence. So it's going both ways. But the point is, I'm
3 the lawyer, they're the psychologist, they set the
4 protocol. And like I said, we gotta think what we're here
5 for today. We're here today to convince or Mr. Falk is
6 here today to convince you to change your mind. You've
7 already issued two orders. The last one was held him in
8 contempt and directed him to purged by a cooperating is
9 what's being challenged today. So a lot of the argument
10 you're hearing today about admissibility and reliability
11 was raised before and you dealt with in your first order
12 file back in September of '16. I mean, I would submit
13 again that these are things we argued regarding
14 admissibility at the trial, if there ever is a trial, in
15 this case and depending on what the PPG says. It may be in
16 Mr. Tyler's favor. In which case, I'm sure they'll be no
17 objection to it. One thing I did point out in the middle
18 of about the PPG that we found significant. Now there are
19 other -- it's not in your pile, I can pass a copy up. I
20 forgot to include it in my email. One thing that we notice
21 is very significant the diagnostic and statistical manual
22 that is the Bible put together by the psychiatric and
23 psychological profession on mental illness. It's a big
24 book. It has all the criteria for the diagnostic of mental
25 illnesses. In other words, if the guy is a pedophile what

1 you look for? What does he have to have to be a pedophile?
2 For example. Or if the guy has some other kind of mental
3 abnormality, what is the criteria you have to develop?
4 It's in that book.

5 Now, the addition for 2004 do not mention the
6 applicability of the PPG. The addition for 2005 which came
7 out later talked about the PPG, it did mention it. It
8 talked about the most widely applicable framework for
9 assessing the strength of paraphilia. And a "paraphilia is
10 a deviant sexual behavior is one in which the person's
11 paraphilia sexual fantasies, urges, or behaviors are
12 evaluated." It goes on to say, "this can be done one of
13 the" this type of comparison finding out what his urges
14 are, "can be and usually is employed in psychophysiology
15 majors of sexual interest such as penile plethysmograph."
16 So it was mentioned for the first time in the DSM -- it
17 goes on to say, and I'll pass this up, "that the most
18 thoroughly research and longest use of such measures is the
19 PPG." So the profession is adopted in their book. And I'll
20 pass this up.

21 THE COURT: Yes, sir.

22 MR. BOGLE: I provided it to you at the last
23 hearing but I forgot to email it to you this time. So,
24 again -- now, as far as invasion of privacy and all the
25 other things talked about, that would be really good if

1 this was a criminal case but it's not. It's a civil case.
2 So those measures don't really apply here. And, again, the
3 issue before you today is whether you should change your
4 mind based on the last order you issued. And a lot of
5 things I'm hearing, were argued the first time back in
6 September of '16, and we've kind of been there. And you
7 rejected them then. I don't see why you shouldn't reject
8 them again now.

9 Let me look and see if I left anything out. So
10 privacy issue, again, civil case, not a criminal case. And
11 as far as the admissibility at trial that's to be dealt
12 with by the trial judge later on. Like I said, if he
13 passes the PPG in a favorable response I'm sure we won't
14 hear an objection to it. One thing I have noticed, there
15 is a -- you can ask the guy all you want to, but in rather
16 plain words, his body is not going to lie. And so if he is
17 set up with this thing and they shown him these images and
18 he gives a response to it, they know what turns him on
19 sexually. And if it's small children, like the diagnosis
20 has been previously, that could be a big factor on whether
21 or not he's got a deviant sexual interest and whether or
22 not he can control it. So that's -- again, these are
23 issues -- admissibility is at trial. You've already held
24 that and I don't, haven't heard anything today that should
25 change your mind on your previous order. Again, regarding

1 being medical doctors opposed to psychologist I've
2 addressed that already. Um, 44-48-90 Subparagraph C, which
3 sets up the appointment of a qualified expert and sets up
4 our right for an independent evaluation. Again, it talks
5 about whoever the expert is has to have reasonable access
6 to the guy. And in my prior -- in the prior argument, I
7 pointed out previous cases where we done this. The Melvin
8 Beam case out of Union County. I believe that's where it
9 was. Again, he wouldn't take the PPG. The judge ordered
10 it and he eventually did and we went to trial on the case.
11 So that's kind of where we are.

12 To narrow the issue I don't think there's been
13 sufficient new information submitted to you to make your
14 change your mind from the last order. I'll be happy to
15 answer any questions but that's kind of my argument.

16 THE COURT: Okay. Thank you, sir. Anything else,
17 Mr. Falk.

18 MR. FALK: Sort of three comments in rebuttal.
19 First of all, we didn't have no problem with Dr. Gayle
20 performing her evaluation. And as I said she's a PhD.
21 She's not an MD. And certainly when he went to him MUSC
22 and did all the questioning and answered all those kind of
23 studies they were performed by a PhD, we had no objection
24 to that. We think that we've gotten to sort of a stopping
25 point that the PPG test is something a little bit different

1 than sort of the questions that are being asked by the
2 psychologist and that's why it's not so much the evaluation
3 process as required by the statute, but whether or not
4 administration of the PPG test does not fall, then, back
5 under Rule 35(A) as far as it being, required to be done by
6 a physician.

7 Second, I agree with Mr. Bogle that we all went to law
8 school and we didn't go to psychology school. However, we
9 all went to law school and the issue is whether or not this
10 protocol that the State is using is violating his rights.
11 And we're the ones to be able to determine as the lawyers,
12 are the ones to determine whether or not a doctor's
13 protocol violate some of these rights. I don't care that
14 the doctor say this is good medicine, if that good medicine
15 violates somebody's rights that's when the court and some
16 lawyers step in. So the fact that, you know, let's leave
17 the PhD to do their thing and we'll do our legal thing.
18 This is clearly the intersection in where they want to do
19 is going to violate my client's rights. And also when
20 you're talking about the protocol and, if I have it in my
21 initial ones I will certainly provide you the ATSA
22 guidelines, their protocol is that you can't force somebody
23 to take this PPG test because there guidelines 7.01 says,
24 "you have to have informed consent before administrating
25 this test." So if he wants to argue we're going to let the

1 doctor, we're going to let the PhD use their protocol,
2 their protocol provides that you can't force somebody to
3 take this test. So that's my comment.

4 THE COURT: All right. Thank you, gentlemen. All
5 right gentlemen, I'll think about this. I'll let you hear
6 from me in the next day or two.

7 MR. BOGLE: Thank you, Your Honor.

8 THE COURT: Thank you.

9 (Whereupon, the defendant wanted to address the court)

10 MR. FALK: I've obviously have been with this
11 client quite some time. He has an issue he would like to
12 address to the court and I just asked the court to beg his
13 indulgence if he could just make a comment.

14 THE COURT: Yes, sir, Mr. Tyler?

15 MR. TYLER: Yes, sir. Judge, I just want to say to
16 you real quick I appreciate what attorney Falk is doing and
17 -- but my point is the reason I believe that you should
18 change your mind on this is because the state had a
19 adversarial hearing before I went to the SVP hearing. And
20 that hearing that is what I want to address. That is what
21 I need an attorney to defend me against. I don't qualify to
22 be under the SVP. Whatever they presented at the hearing
23 was illegal because the sexual convictions that I was
24 convicted with, the four of them, are not sexually violent
25 crimes. They're non-violent crimes. I'm not a career

1 criminal. I've never had a sex violent crime prior to
2 this. So I don't qualify to be under the SVP in the first
3 place. Nobody wants to defend me on that. I have been
4 trying to get a suit in court and the appeals court, um,
5 appeals court in Darlington. But even the Darlington
6 courthouse will not recognize my submission. I want to sue
7 the State because they've got me under this SVP and I don't
8 qualify. That's the reason I don't need to go to take the
9 PP, ah, L(sic) test. That's the reason I shouldn't be
10 under it in the first place. I don't qualify. None of my
11 conviction are sexually violent crimes.

12 THE COURT: Okay. I'll look into that. Okay.
13 Anything else?

14 MR. BOGLE: Thank you, Your Honor.

15 MR. FALK: Thank you.

16 THE COURT: Thank you.

17 (CONCLUSION OF THE HEARING HELD ON JULY 13, 2018)
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CERTIFICATE

I, the undersigned, Lisa S. Carter, Official Court Reporter for the Fourth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete excerpt of transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Fourth Circuit Court for Marlboro County, South Carolina, on the 13th day of July, 2018.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.

Lisa S. Carter

Lisa S. Carter

Circuit Court Reporter

October 21, 2018

Certificate of Counsel

I certify this designation contains no matter irrelevant to this appeal.

RECEIVED
May 19 2020
SC Court of Appeals

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