

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Thomas A Russo, Circuit Court Judge

Appellate Case No. 2019-2020

In the Matter of the Care and Treatment of Charles Sullivan, Appellant

RECORD ON APPEAL

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INDEX

INDEX.....	i
HEARING TRANSCRIPT, October 14, 2019.....	1
EXAMINATION OF ROZANNA TROSS Psy, D	
Direct Examination.....	20
Cross Examination.....	38
Redirect.....	47
ANNUAL NOTICE OR RIGHT TO PETITION, November 8, 2018.....	51
ANNUAL REVIEW AND REVIEW HEARING NOTICE, November 8, 2018.....	52
PETITION FOR RELEASE, May 27, 2019.....	54
RESPONDENT’S REPLY TO PETITION FOR RELEASE, August 22, 2019.....	57
<u>Exhibit A</u> . Order of Commitment.....	65
<u>Exhibit B</u> . SVP Annual Review, Donna Maddox, October 1, 2017.....	66
<u>Exhibit C</u> . SVP Annual Review, Rozanna Tross, November 11, 2018.....	74
FORENSIC PSYCHOLOGICAL EVALUATION, DR MARIE GEHLE, August 18, 2015.....	89
ORDER DENYING TRIAL AFTER ANNUAL REVIEW HEARING, November 8, 2019....	148
CERTIFICATE OF COUNSEL.....	150

1 STATE OF SOUTH CAROLINA) GENERAL SESSION
 2 COUNTY OF RICHLAND) 2015-CP-40-0770
 3 STATE OF SOUTH CAROLINA)
 4 VS.)
 5 CHARLES T. SULLIVAN)
 6 DEFENDANT .)

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OCTOBER 14, 2019

COLUMBIA, SOUTH CAROLINA

B-E-F-O-R-E:

HONORABLE THOMAS A. RUSSO, JUDGE

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

FOR THE PLAINTIFF:

EMILY SORDIAN, ESQ.

FOR THE DEFENDANT:

JAMES FALK, ESQ.

I-N-D-E-X

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Page No.

EXAMINATION OF THE WITNESSES:

ROZANNE TROSS

BY MS. SORDIAN DIRECT & REDIRECT

20 & 47

BY MR. FALK CROSS

38

ORDER OF THE COURT:

49

CERTIFICATE OF REPORTER:

50

1 THE COURT: Okay. The next matter on the docket
2 is State of South Carolina vs. Leonard Perry --

3 MS. SORDIAN: Good Morning.

4 THE COURT: Good morning.

5 MS. SORDIAN: Your Honor, I, also, have three
6 cases before you, today.

7 THE COURT: Okay. Let's see -- is it the case
8 involving Mr. Perry? The case involving Mr. Gist, is that
9 correct?

10 MS. SORDIAN: Yes, as well as Charles Sullivan.
11 And I'm Emily Sordian on behalf of the State. I
12 think, it has a different attorney listed.

13 THE COURT: So, you're not Nicole Wetherton?

14 MS. SORDIAN: No. I'm Emily Sordian.

15 I'm here on the behalf of the State with the
16 Attorney's General Office. And Perry and Gist, we scheduled
17 those for Annual Review Hearings, today.

18 However, opposing counsel, Aimee Zmroczek, she is
19 in a trial downstairs for another Sexually Violent Predator
20 Case. So, she is unable to attend this hearing. So, we're
21 going to have to continue these matters. So that, she can
22 be here for that.

23 THE COURT: Okay. Um --

24 MS. SORDIAN: But, we are ready to move forward on
25 Charles Sullivan.

1 And Mr. Falk represents Mr. Sullivan.

2 THE COURT: Okay.

3 MS. SORDIAN: And we do have, additionally, an
4 expert witness, here. If you need her to testify, Dr.
5 Rozanna Tross. She stepped outside to feed the meter.

6 THE COURT: Okay.

7 MS. SORDIAN: She'll be back in just a few
8 minutes.

9 THE COURT: If we can get back to matter of Ms.
10 Zmroczek. Do you need to continue this beyond this week --
11 or what?

12 MS. SORDIAN: So, their trial may or may not last
13 all week.

14 THE COURT: Okay.

15 MS. SORDIAN: But, I think, it would, probably,
16 just be best to continue it until another time.

17 THE COURT: Okay.

18 MS. SORDIAN: Because, rightfully, it's gonna --

19 THE COURT: All right. We'll continue number five
20 and seven, until the next Common Pleas, Nonjury Term.

21 And Mr. Falk, are you ready to proceed on Mr.
22 Charles Sullivan's case?

23 MR. FALK: I am, Your Honor.

24 THE COURT: All right, then --

25 MS. SORDIAN: And Your Honor, if I could just --

1 um -- before, we get started, just give a little bit of
2 background information on this matter?

3 THE COURT: Yes, please. Thank you.

4 MR. FALK: And Your Honor, this is my Motion.

5 THE COURT: Okay.

6 MR. FALK: Your Honor, this is my Motion for a --
7 um -- all I'm asking the Court to do under the statute is to
8 allow him another jury trial in this case.

9 In other words, to show whether or not he still
10 meets the definition of a Sexually Violent Predator.

11 In 2016, there was a jury trial in this case. And
12 the Court found that Mr. Sullivan was a Sexually Violent
13 Predator. He went through the Sexually Violent Predator
14 Treatment Program.

15 In 2017, he was evaluated by Dr. Maddox(sic).

16 And in 2018, he was evaluated by Dr. Tross.

17 I believe, at this point, that there is a
18 substantial reason to believe that his second mental status
19 is changed such, that there is -- that the State cannot
20 prove beyond a reasonable doubt -- I mean, they have the
21 burden, right here, to prove beyond a reasonable doubt, that
22 there's not probable cause, at this moment, that my client's
23 mental condition hasn't changed, or that his risk to
24 reoffend hasn't changed.

25 And really what I'm basing this on is that, at

1 this trial, I represented Mr. Sullivan, at the trial.

2 And, at that time, Dr. Gayle opined that part of
3 her diagnosis that he was a Pedophile.

4 This was a pretty notorious case here in Richland
5 County with -- you know, one of those views where you kind
6 of linger cases -- lots of middle age -- I mean, middle
7 school boys, okay.

8 But anyways, Dr. Gayle opined that he was a
9 Pedophile.

10 And that he, also, had a -- another Non-specified
11 Paraphilic Disorder called Non-consent, sort of -- he likes
12 to -- not consent to sexual conduct -- contact.

13 Um -- and, at that time, she opined that based on
14 his static review, that his risk assessment was 15.9
15 percent, the chance to reoffend over the next five years.
16 That's what the jury heard.

17 In 2018, when Dr. Tross evaluated Mr. Sullivan,
18 she no longer says, That he is a Pedophile.

19 I mean, she believes, that he still meets the
20 definition as a Sexually Violent Predator.

21 But, there's two differences.

22 One, he's got a different Paraphilic Disorder,
23 sort of this Unspecified Paraphilic Disorder, which is sort
24 of this catch all provision, which they hate me when I use.
25 But, it's sort of what it looks like. When you look at his

1 DSM-5.

2 And his risk to reoffend is now 7.9 percent. So,
3 the risk to reoffend is half.

4 And he's no longer a Pedophile.

5 I believe, that there's going to be such a
6 substantial change in his diagnosis.

7 This jury heard that he was a Pedophile.

8 Now, this jury -- if there was another trial --
9 they are not going to hear, That he is a Pedophile.

10 They're going to hear he's got this other
11 Non-Specified Paraphilic Disorder.

12 I couldn't see jury's purview to determine whether
13 or not that situation has changed.

14 I think, it is -- Your Honor, this is the first
15 time I've now been placed to try this, okay.

16 So, we're really climbing new ground, here. I'm
17 really trying to make a record.

18 And what I'd like to do, this case is going to be
19 under a seal.

20 And I'd submit Dr. Tross's evaluation and Dr.
21 Gayle's evaluation, if you want to see it.

22 THE COURT: Okay.

23 MR. FALK: So, these will be our Exhibit's One and
24 Two. And I can bring them up.

25 But, it's very clear that if you look at Dr.

1 Gayle's diagnosis on Page 42 of her 59 page report.

2 He(sic)says, That he is a Pedophile.

3 And if you look at Page 45 of the report his risk
4 to reoffend is 15.2.

5 If you look at Dr. Tross's diagnosis -- and I'm
6 looking at Page 12 of her report.

7 Mr. Sullivan meets the diagnostic criteria for
8 Other Specified Pedophilic Disorder And Other Narcissistic
9 Pedophilic Disorder -- excuse me, Narcissistic Personality
10 Disorder.

11 And, then, she goes onto provide what a Paraphilia
12 is.

13 And, then, Paraphilic Disorder is a paraphilia
14 that is, currently, causing distress or impairment to the
15 individual -- or a paraphilic whose satisfaction entails
16 personal harm or risk of harm to others.

17 Your Honor, I just -- I believe, that once -- I,
18 firmly, believe that he was convicted, because this jury
19 heard nothing about that he was a Pedophile.

20 And I think, it is pretty easy to assume that
21 jurors are going to have pretty strong opinions about
22 somebody who's diagnosed as a Pedophile.

23 It's a different question when you got one of
24 these other diagnoses -- that sort of this Narcissistic
25 Paraphilia.

1 I mean, I think, we're at a point, where he's
2 entitled -- now, that his diagnosis has changed. And, now,
3 that his risk is cut in half.

4 I think, the State cannot prove beyond a
5 reasonable doubt, that his risk cannot show beyond a
6 reasonable doubt, that my client's mental abnormality or
7 personality disorder remains such that he is likely to
8 reoffend, in the least. Personality Disorder has changed.
9 He's no longer a Para -- Pedophile.

10 And that's what, I believe, juries are concerned
11 about.

12 I have no doubt, that if Dr. Tross says, He still
13 pretty early in his treatments. He hasn't gone there
14 enough. That's fine.

15 But, I don't think it's Dr. Tross's call, right
16 now, whether or not he still needs to be in that program.

17 I mean, that is a factual question for the jury to
18 determine. And this is just sort of a slight change. A lot
19 of times, you will have people have been in this program for
20 a while, you know, the DSM-- Diagnostic and Statistical
21 Manual who has gone through different iterations over the
22 years.

23 And sometimes, they have new names for the sake of
24 that -- like at one time, something was called, you know, a
25 Nonconsent Disorder -- sometimes, it's given the name,

1 Biastophilia. And that's not what we have. This is a new
2 name for the same thing.

3 This is a very significant Personality Disorder,
4 Mental Abnormality, which now Dr. Tross says, He no longer
5 has.

6 And for that point, we are entitled to another
7 jury trial.

8 THE COURT: Thank you, sir.

9 Ms. Sordian?

10 MS. SORDIAN: Thank you, Your Honor.

11 I would just draw the Court's attention to the
12 Respondent's Reply to the Petitioner's -- Petition for
13 Release, that we did file with the Court. It was filed on
14 August 22, 2019.

15 We're here, before, the Court today, pursuant to
16 44-48-110, which is an Annual Review Release Hearing.

17 It is as noted, earlier, the petitioner's burden
18 of proof to show, today, that his condition has so
19 substantially changed, that he should be allowed to be
20 released.

21 I don't think that this is the appropriate form --
22 to come back behind the commitment trial which was held in
23 2016.

24 Since that time, he did have an Annual Review
25 Report that was submitted to the Court for 2016 to 2017.

1 Where the doctor, at that time, did find that his condition
2 has not changed, that he would be safe to be released at
3 large. He did waive his right to that Annual Review
4 Hearing.

5 Since that time, it is my understanding that they
6 did seek an independent evaluation --

7 MR. FALK: Your Honor, whether or not I sought an
8 independent evaluation, it's certainly not a matter that the
9 jury is entitled to hear.

10 Whether or not I sought an independent evaluation,
11 I believe, under the case -- I believe, the case is Gomez v.
12 Gonzalez -- there are many reasons why an independent
13 evaluator may or may not be here, today, to testify on his
14 behalf. And I don't think that's an area that this Court
15 can consider.

16 MS. SORDIAN: I would argue that it is relevant to
17 this hearing. Because, we are here. It is his burden of
18 proof to show that mental condition has so changed.

19 And, in order, to do that, we're going to need a
20 doctor of some sort to testify as to his condition.

21 I know, Dr. Tross, here, on the state's behalf to
22 testify as to his condition, that it had to have changed.

23 So, there is a Court Order, I believe, that was
24 signed for an independent evaluation.

25 Clearly, he doesn't have that doctor to present,

1 today.

2 It's his burden of proof. We are ready to move
3 forward with our expert.

4 But, again, he's talking about three days back to
5 the commitment trial.

6 We're not here, before, the Court for that issue.

7 THE COURT: That's what I wanted to ask, Is -- and
8 I apologize. Is there another Order -- I don't have
9 anything.

10 But, here's the thing -- Mr. Falk, you mentioned
11 this -- this is your Motion.

12 Is this a Motion for a new trial?

13 MR. FALK: Yes.

14 THE COURT: Is that what this is?

15 MR. FALK: Yes, Your Honor.

16 THE COURT: Cause, I thought that this would be
17 the best thing to be dealt with at an Annual Review Hearing?

18 MR. FALK: Well -- I mean, at the Annual Review
19 Hearing, the Court is to determine whether or not there's
20 cause for this person to get another trial.

21 MS. SORDIAN: It would be an Annual Review Trial.
22 It wouldn't date back to his commitment as to whether or not
23 he should be committed. It's -- an Annual Review Trial is
24 going to be on an issue as to whether or not --

25 THE COURT: Whether he remains there.

1 MS. SORDIAN: Right. Not whether or not -- the way
2 he's kind of --

3 THE COURT: And that's kind of different --

4 MR. FALK: Yes. It is. But the issue is whether
5 or not his situation is such, that there is --

6 THE COURT: But, wouldn't you agree, then, that
7 it's your Motion. So, it's your burden of proof?

8 MR. FALK: Yes, Your Honor. But -- it's my burden
9 --

10 THE COURT: You're not presenting anything other
11 than your argument? You're not presenting any proof.

12 MR. FALK: Your Honor, I'm presenting two --

13 THE COURT: Two affidavits. Excuse me, reports.

14 MR. FALK: All I had. All I had, Your Honor.

15 Two reports --

16 THE COURT: Right.

17 MR. FALK: And by their own words -- whether or
18 not they want to say, It's an substantial change. Which
19 they can no longer -- suffers from Pedophilia.

20 They are saying, His risk to reoffend is, now,
21 half of what it was at the commitment trial, okay?

22 That he has --

23 THE COURT: It says that in the report?

24 MR. FALK: Yes.

25 MS. SORDIAN: Your Honor, that's not accurate.

1 MR. FALK: It was 15.9. So, it's 7.9. It's
2 closer to half.

3 THE COURT: And I'm not -- obviously, I don't have
4 -- I'm not privy to what --

5 MS. SORDIAN: Would you like me --

6 THE COURT: On the trial?

7 MS. SORDIAN: Right.

8 THE COURT: But, again, it might be that was the
9 whole trial -- the whole issue.

10 But, if you're assuming that the jury hung their
11 entire decision on the fact that he was alleged to have been
12 a Pedophile.

13 But, I'm sure there was other evidence. And that
14 wasn't their only concern when they entered their verdict.
15 I don't know how you can present -- unless the whole purpose
16 of the state's case was he should be found to be a Sexually
17 Violent Predator. Because, he's a Pedophile.

18 MR. FALK: And on nothing else.

19 MS. SORDIAN: And, Your Honor, we do have Case Law
20 that we presented in Our Reply at His Petition for Release
21 as well that, regardless, of what the diagnosis is, even if
22 it's, substantially, changed, but we would argued that it
23 has not, substantially, changed.

24 But, even if it is a different diagnosis. The
25 diagnosis is not the issue. The issue is whether or not the

1 diagnosis makes him a Sexually Violent Predator, that's
2 likely to reoffend if allowed to be released into society.

3 So, even, a different diagnosis doesn't necessary
4 mean that, you know, with -- like -- what he's arguing is
5 that the diagnosis is different. And the jury would have
6 reached a different verdict. That's not even what we're
7 looking at. When we're looking at whether these guys were
8 being committed. It's whether they, actually, meet criteria
9 for a Personality Disorder or another diagnosis, a Mental
10 Disorder.

11 But, we do have -- I know you said, You didn't
12 have anything on file.

13 THE COURT: I'm sure the file is full of stuff.

14 MS. SORDIAN: But, again, Your Honor, we would
15 just -- we are before the Court --

16 THE COURT: Mr. Falk, you filed these reports?

17 MR. FALK: I have them here.

18 THE COURT: Okay. So, they're not necessarily --

19 MR. FALK: Your Honor, I have them.

20 THE COURT: Okay. Yeah. Let's make sure --

21 MR. FALK: And obviously, these are to remain
22 under seal.

23 THE COURT: Correct, correct.

24 (Whereupon, the reports were
25 handed to the Court.)

1 MS. SORDIAN: And, Your Honor, I have attached to
2 My Reply -- there is -- there are two Annual Review Reports
3 attached to My Reply.

4 THE COURT: Okay.

5 MS. SORDIAN: So -- and then, I think, he has the
6 Original Commitment Report, that he just passed up to you.
7 There's been two reports, since the original reports.

8 THE COURT: Okay.

9 MR. FALK: Your Honor, I guess, at the end of the
10 day -- I mean, DMH is now making the decision whether or not
11 he is entitled to remain in the program.

12 I think, that is fundamentally unfair. When
13 somebody is remaining in a program, where there has been a
14 substantial differences in his diagnosis, that is something
15 that the original jury would have to find without a
16 reasonable doubt, that he is a Sexually Violent Predator.

17 And -- I mean, so, these guys can win. He's no
18 longer a Pedophile. Maybe that's what the jury needs to
19 target. I mean, I get that I'm here. And I don't have my
20 own expert. But, this is not just a subtle change. It is
21 diagnostic to a significant change to his diagnosis, and his
22 risk -- five year risk, Static 99, went from a 15.9 percent
23 over five years to a 7.9 percent. That is close to half.

24 MS. SORDIAN: And Your Honor, then, I would just
25 argue that would be an issue that should have been taken up

1 on Appeal, then. We're talking about an 8-year-old Review
2 Hearing.

3 So, I don't think that is appropriate before the
4 Court, today.

5 MR. FALK: And I don't, Your Honor.

6 MS. SORDIAN: He's arguing that back to the
7 original --

8 MR. FALK: No. No. That's not my point.

9 We're saying, Whether or not he's still needs to
10 be there. Whether or not -- there's not a change in his
11 mental personality --

12 THE COURT: Wasn't that the whole purpose of these
13 review to determine whether or not --

14 MS. SORDIAN: Yes, Your Honor.

15 So, the Annual Review Hearing is to show whether
16 or not his condition has, so substantially, changed that
17 he's not to be released.

18 THE COURT: Right. Why they're listed --

19 MS. SORDIAN: Right. So, what the State is asking
20 for, is that the decision be dismissed as frivolous.
21 Because there's no evidence that is going to be presented by
22 him, that his condition has so changed, that he should even
23 be granted an Annual Review Trial.

24 THE COURT: All other than he is submitted as
25 evidence these two reports?

1 MS. SORDIAN: Right.

2 THE COURT: That shows in the Court's record --
3 that shows that there's been a -- I hate to use the term,
4 Reduction -- but, the status has changed from a score of 15
5 point something under 7 point something. So, there is
6 evidence based on what he's submitted?

7 MS. SORDIAN: Right. And we're not arguing that
8 there hasn't been a changed in the diagnosis.

9 But he saying, That he's no longer a Pedophile.
10 And we're going to present that -- that's not the case.

11 THE COURT: Okay.

12 MS. SORDIAN: But for clinical purposes his
13 diagnosis has changed.

14 And static factors which Dr. Tross, clearly,
15 testified to, Those have changed because of his age. Those
16 are consistent. The things that are really important that
17 they're looking at to determine whether or not he can be
18 released.

19 Because, again, that's the issue, now, as to
20 whether he's safe to be released. And that's going to come
21 in for dynamic risk factors. So, there's just a lot that
22 goes into that. It's not just a matter of numbers.

23 THE COURT: Sure. I understand.

24 Mr. Falk, other than the two reports, that you've
25 submitted into evidence, here, in support of your position.

1 Is there any other evidence, that you will be presenting?

2 MR. FALK: No, Your Honor.

3 THE COURT: All right.

4 Well, then, Ma'am, I'm going to let the State --
5 you call your witness to address the issues as to whether or
6 not his risk is to stay, or whether he is subjected to being
7 release. Because, he's no longer recognized as a Pedophile.

8 MS. SORDIAN: Yes, Your Honor.

9 THE COURT: Or whatever, the standard is.

10 MS. SORDIAN: Okay. We're ready.

11 At this time, I would like to call Dr. Rozanna
12 Tross to the stand.

13 THE COURT: All right. Dr. Tross, if you would
14 please come around to be sworn.

15 Would you place your left hand on the Bible, right
16 there? Do you swear or affirm, the testimony you give
17 during this hearing, will be the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 THEREUPON,

20 ROZANNA TROSS

21 after having been duly sworn, testified as follows:

22 DR. TROSS: I do.

23 THE COURT: Thank you, ma'am.

24 And if you would, please take the stand. State
25 your full name. And spell your last name.

1 DR. TROSS: My name is Rozanna Tross. T-r-o-s-s.

2 MS. SORDIAN: Thank you, Your Honor.

3 DIRECT EXAMINATION

4 BY MS. SORDIAN:

5 Q Dr. Tross, where are you employed?

6 A I work for the South Carolina Department of Mental
7 Health.

8 Q And how long you've been employed there?

9 A Since January 2014.

10 Q And what is your position there?

11 A I'm a Chief Psychologist with the department. And,
12 also, the Training Director of Forensic Psychology
13 Postdoctoral Fellowship Program.

14 Q Okay. And do you have experience of working with
15 Sexually Violent Predators?

16 A I do.

17 Q And how long have you been working in this area?

18 A I, specifically, work with Sexually Violent Predators,
19 since 2004.

20 Q Okay. And, in what regards, do you work with the
21 Sexually Violent Predators?

22 A Currently, my position is to evaluate them for both
23 determination as to whether or not they meet original
24 criteria to be committed to the program.

25 And I do annual reviews to determine whether or

1 not they are ready to be released from the program.

2 Q Okay. And do you know, approximately, how many
3 evaluations you've done at precommitment? Do you know,
4 approximately how many guys that you've evaluated for
5 precommitment?

6 A Yes. In the State of South Carolina, approximately,
7 evaluated 80 for precommitment.

8 Q Okay. And what about, as far as, evaluating them for
9 Annual Review Hearing.

10 A Two hundred and twenty in South Carolina.

11 Q Okay. And you've testified, before, as it relates to
12 the evaluations of the sexual non-predators?

13 A Yes.

14 Q And have you been qualified as an expert before in
15 Forensic Psychology in South Carolina?

16 A Yes.

17 Q And have you, also, been qualified as an expert in the
18 Sexually Violent Predator cases?

19 A Yes.

20 Q At this time, Your Honor, I would just move to have Dr.
21 Tross be recognized as an expert in Forensic
22 Psychology.

23 MR. FALK: No objection.

24 THE COURT: Without objection.

25 MS. SORDIAN: Thank you, Your Honor.

1 Q Dr. Tross, did you conduct an Annual Review Evaluation
2 on Mr. Sullivan?

3 A Yes.

4 Q And when was that?

5 A It started in October of 2018.

6 Q Okay. And what was the Review Hearing for? What was
7 the period of time for review?

8 A From October 2017 to October 2018.

9 Q Okay. And when was Mr. Sullivan committed to the SCT
10 Program?

11 A He was committed in July of 2016.

12 Q Okay. And as part of your diagnosis, did you meet with
13 Mr. Sullivan?

14 A Yes.

15 Q Okay. Approximately, how long did you meet with him?

16 A I think his interview was, approximately, two hours.

17 Q And, in addition, to meeting with Mr. Sullivan, did you
18 review any documentation as part of your evaluation?

19 A Yes.

20 Q And that would have been made forth in your report,
21 that's been submitted to the Court, correct?

22 A That's correct.

23 Q And where did you receive that documentation from?

24 A We receive a legal file, which contains all their
25 pertinent information prior to coming to the program,

1 which would be the SCDC records, as far as previous
2 psychological evaluations, and all the police reports,
3 and victims's statement related to all the allegations,
4 as well as, convictions in the sexual abuse, and
5 treatment file from the Department of Mental Health, as
6 well as, recovered treatments, that provides his
7 treatment, that dictates placement of proof, behavioral
8 and summary of his progress.

9 Q Okay. And part of the documentation you would have
10 reviewed would you, also, have to review the prior
11 Annual Review Report?

12 A Yes.

13 Q Okay. Because, there was an Annual Review Report From
14 2016 to 2017, correct?

15 A Yes.

16 Q And when doing the set of evaluation what are you
17 looking for?

18 A In general we're looking at a review of how he comes to
19 the table. And that's how we're looking at what makes
20 him offend? What his motivation behind offending?
21 What contributes to why he's making the choice that
22 he's making? Because, we're looking at not only what
23 abnormality -- or I'm sorry, previous position might be
24 there to engage in this type of behavior. But what
25 type of factors could he address in treatment, in fact,

1 that mitigate his risk to engage, again, if he were to
2 be released?

3 Q Okay. And so, as part of the thing you're looking from
4 this evaluation is you're measuring risk to reoffend?

5 A Yes.

6 Q And Mr. Sullivan is he, currently, participating in
7 treatment?

8 A He is.

9 Q And do you what phase of treatment he's in?

10 A According to his Rookie 10, actually he sent me of this
11 year, he is in phase 2.1.

12 Q Okay. Can you describe what part of treatment that is?

13 A Sure. So, they have -- the program is divided into
14 four phases. And, then, there's two parts to Phase II,
15 2.1 and 2.2. And they combine groups and treatment
16 task, that they have to complete, that allow them to
17 progress forward in most cases. And, then, based on
18 his treatment records he's been allowed to progress.

19 Last year, he moved up to a Phase 2.1. And he's,
20 still, in that phase of August of 2019.

21 Q Okay. And as part of his treatment agencies -- has he
22 had any difficulties completing any assignments?

23 A Well, he's still working on the basic ones for that
24 phase. But, it's my understanding he hasn't had
25 difficulties. But, he's, still considered in the early

1 phases of treatment. In that, his understanding is
2 still coming along.

3 Q Okay. Is there any way to measure when he might
4 progress to the next stage of treatment?

5 A It's not based on the time. It based on a completion
6 of a certain amount of task, as well, as other
7 accomplishments, that the program can speak more
8 directly to. But, they don't have it on a timeframe,
9 if you will.

10 So, it's not like in 12 months he'll have an idea
11 mark. Because some guys can stay in that phase for a
12 longer period of time. It's just based on his ability
13 to progress within those task. And what's maintain in
14 his behavior has already been met.

15 Q Okay. Have there been any issues he's had difficulties
16 in addressing in the stage of treatments?

17 A He alluded to still minimize his role in offending. He
18 externalizes blame for his actions. And he,
19 demonstrates basic insight as to why he offended.

20 For instance, he talks about not having intimacy
21 being met inside a heterosexual relationship. When for
22 over 20 years, he's engaging in sexual abuse with
23 minors. So, that he's not acknowledging a sexual
24 deviant component or attraction to minors, beyond
25 acknowledging that some offenses took place.

1 He, also, minimizing his role that the minors
2 wanted to be abused. They liked to be abused, without
3 taking into account his role over these minors, and the
4 authority, and the likelihood that kids don't often
5 disclose abuse for variety of reasons. The same that
6 permission wasn't given. So, he's still in the early
7 stages of acknowledging and understanding his own
8 interactions.

9 But, he's not having difficulties, today, with him
10 doing an assignment, or completing that task I've asked
11 him to do. He's just having to provide and continue to
12 work on. Because, he's still at the patient's levels.

13 Q Okay. And is taking responsibility of the special
14 emphasis is that part of the treatment program?

15 A It is.

16 Q And has he been able to do that?

17 A He's acknowledge that he's offended over 40 different
18 minor, just by his convictions being on 17 minors. He
19 acknowledges of having offending them. It's just he
20 continues to sort of rationalize as to why he did that.
21 And not take ownership to the fact, that he's sexually
22 attracted to minors, and has no motivation for why he
23 offended.

24 Q Okay. And has he had any disrupted behavior or
25 disciplinary, since he's been on the internet?

1 A He has not.

2 Q And as part of your evaluation, did you diagnose Mr.
3 Sullivan with any mental abnormality or personality
4 disorder?

5 A Yes.

6 Q And what were those?

7 A His offending encounter, themselves. And his own
8 account of being sexually attracted to children between
9 the ages of 11 and 16. And that correspondence with
10 the majority of his offending patterns, which suggests
11 there's a primary sexual attraction to minors between
12 -- they're somewhat more adolescents in nature.

13 So, the diagnosis I gave him better encompasses
14 his Paraphilic Disorder, dealing with unspecified --
15 I'm sorry, other specified Paraphilia Disorder, in
16 addition, to Narcissistic Personality Disorder.

17 So, he has a Paraphilia and he has a Personality
18 Disorder, and a combination of those two things, in my
19 opinion, is his mental abnormality. And he needs to
20 address both of those equally to be able to mitigate
21 his risk to not reoffend, given that they both play a
22 strong role in why he offended.

23 Q Okay. And could you describe what the characteristics
24 of the other specified Paraphilia Disorder are?

25 A Yes. So, Paraphilia itself -- it's important to

1 understand that it's describe an intense sexual
2 interest, other sexual interest in normal age
3 appropriate consenting partners of a heterosexual male,
4 that would be an adult female.

5 A homosexual male that would be an adult male.

6 So, a Paraphilia sexual interest could be equal to
7 or greater than that interest in some thing, that is
8 not consensual, not age appropriate. In some
9 instances, it could be an object. So, it's not a
10 partner. It's an object such as in a fetish type
11 situation. It reaches the level of disorder, when
12 those sexual interest impact their ability to function,
13 impact their ability to engage in healthy interactions
14 with others. And, obviously, cross the line into
15 criminal behavior. So, that's the criteria, as far as,
16 Paraphilia, or Paraphilia Disorder.

17 There are numerous type of Paraphilia Disorders.
18 One of which can be a sexual attraction to a specific
19 age group. There are a couple of different ones that
20 describe his age groups. Paraphilic describes
21 prepubescent children. And while there are criteria to
22 describe the age ranges. What that really refers to is
23 the absence of secondary sexual characteristics.
24 Meaning there's no sign of puberty, whatsoever. There
25 are some people who are parental pedophile. They only

1 like that age group, and that type of body type, or
2 those who have had a lighter paraphilia relationships
3 where they like that body types, as well as others.

4 Other Specified Paraphilic people can encompass a
5 wide range paraphilia of interest. In this case, his
6 predominant sexual interest by his own account is
7 children that span lack of secondary sexual
8 characteristics, all the way up to adolescents. But,
9 it stops at adolescents. And the defending encounters
10 offends from 9-year-old boys all the way to 16-year-old
11 boys.

12 And he described, How he had preference for that
13 age group.

14 So, Other Specified Paraphilic Disorder, in my
15 opinion, best encompasses for wide range of interest
16 Mr. Sullivan has.

17 Q So according to your testimony, the Other Specified
18 Paraphilic Disorder is a Paraphilic Disorder much like
19 Pedophilia, correct?

20 A Yes.

21 Q And the difference you testified to between Pedophilia
22 and Other Specified Paraphilia Disorder has to do with
23 the age group?

24 A Correct.

25 Q And, then, you're saying, Other Specified Paraphilia

1 Disorder it encompasses a larger age group, correct?

2 A Correct.

3 Q And in your expert opinion would that make him more
4 dangerous if allowed to be released in society?

5 A It's truer in the sense that he is attracted to
6 children. His predominant sexual interest, and
7 predominant sexual behavior throughout his life has
8 been with that age group, children.

9 Despite his saying, He only like the older
10 children, he has chosen to go outside of that
11 paraphilic or that description and abused the children
12 outside that age range. Which could suggest, again,
13 that he has a more wide range interest in children of a
14 variety of ages.

15 So, it really puts him at risk for all male
16 children, not a specific age group.

17 Q Okay. And, then, you mentioned too that he has
18 Narcissistic Personality Disorder. Could you describe
19 the characteristics of that disorder?

20 A Yes. So, the first time I spoke with him he made --
21 how typical people would experience -- have inner
22 personal relationship, how they think, how they
23 process, and how they feel. Each day over time, these
24 things start to manifest into early adulthood.

25 Narcissistic Personality, specifically, talks

1 about a empowering grandiosity, a need for admiration,
2 a lack empathy. He exhibits -- he has two types of
3 fantasies of success, power. They believe they are
4 special or unique, above others. They feel they can
5 only congregate or be understood by others of their
6 intellectual level. They feel a sense of entitlement
7 and they are personally exploited, and demonstrate
8 haughty behaviors.

9 Q Okay. And how did Mr. Sullivan meet the criteria for
10 that disorder?

11 A Well he -- throughout his life he has displayed sense
12 grandiosity and entitlement. He has, actively, sought
13 position of power, and use that to manipulate the
14 people around him. So, that he could have access to
15 those children. And, then, he would sexually assault
16 those children. Even the ones detected and actively
17 investigated for crimes against children. He has sent
18 letters to the victims parents, trying to display -- to
19 kind of move away from his actions, to allow to
20 continue to have access to the victims, while he is
21 actively being investigated for similar behavior. He
22 hides behind with his intent to try to minimize the
23 likelihood that, you know, that he could be perceived
24 as a type of person who would engage in this type of
25 behavior.

1 So, he used his relationship, workplace, as well
2 as romantic to sort of hide the fact that he's sexually
3 attractive to children, and to cover up his offending.

4 Q And can you describe where he's at with treatment as it
5 relates to understanding how his diagnoses affect his
6 ability to reoffend?

7 A He has a very limited understanding. He speaks -- he
8 crosses over things. He tends to externalize and
9 minimize things.

10 When ask specifically about his traits -- last
11 year he said, That he was now aware of his narcissistic
12 -- excuse me -- narcissistic traits. And was remedying
13 them. I'm not sure what that means. And he wasn't
14 able to elaborate on what that mean.

15 But, he said, He's trying to balance out the good
16 and the bad, and address them. But when interviewing
17 he can't tell me what the traits are. He can't tell me
18 the underline traits of the diagnoses. And he has a
19 hard time recognizing how any of the traits manifested
20 themselves in him.

21 I think, even after receiving this he couldn't
22 understand why people saw him as trying to engage in
23 impression management. And we had numerous feedback
24 talked about this on previous occasions.

25 So, again, he was trying to find way other ways to

1 control how other people sought -- see him. He,
2 himself, always talked in positive aspects rather than
3 to acknowledging his poor decision making and harming
4 people. So his impact is very limited. And that's
5 part of narcissism, they have a hard time looking at
6 the negative aspect of themselves. And really come to
7 terms with they are, in fact, capable of harming
8 people, which leads to try to distance himself from
9 them.

10 Q Okay. And, then, we're just going to get in the risk
11 factors that Mr. Falk addressed a little bit earlier.
12 Are there multiple type of risk factors?

13 A Yes.

14 Q Okay. And what are risk factors?

15 A So, in general risk factors can increase the likelihood
16 of something else happening.

17 Q Okay. And are there static verses dynamic risk
18 factors?

19 A Right. So, clinically when were looking at risk for
20 sexual recidivism we do divide it into two categories.
21 One being Static. Static mean you can't change. And
22 the other one being Dynamic. Dynamic can change. And
23 those are the factors for treatment. And are, then,
24 the focus in treatment. Since, they cannot change the
25 static factors.

1 Q Okay. And why is it important for a sex offender to
2 know and understand his risk factors?

3 A Because, they'll continue to have direct control over.
4 Static factors are things like the gender of the
5 victim, how many victims, the age ranges of the
6 victims. Where those things aren't going to change.

7 Whereas, dynamic factors set as how to support
8 attitude or lack of emotional intimacy with adults.
9 These are things we can learn about to actively
10 addressed in treatment. And the ability to do so has a
11 direct impact of the likelihood of returning to harmful
12 behaviors or acting on deviant behaviors. Where as in
13 theoretical behavior for purpose of today, in treatment
14 if you learn those skills you understand them. And
15 results of increasing his pro-sexual appropriate
16 skills, it decreases the likelihood of deviant behavior
17 to likely to reoffend.

18 Q And so, the static risk factors you stated that, These
19 are numbers that generally don't change?

20 So, they are actuarial numbers, correct?

21 A Well, there's two parts to that. Static factors in
22 general don't change. That Static 99 is an actuarial
23 tool used to measure some of the static factors. And
24 correct, none of the items on that measure can change
25 aside from each, they can typically get older. And

1 research, typically, support that their ages -- risk or
2 recidivism decline with age in some circumstances.

3 Q Okay. So, an in this case as it relates to the static
4 risk factor -- the 99R, did Mr. Sullivan rate change on
5 that?

6 A It did. When he was, originally, evaluated in 2015, he
7 score was a five. But, he has since aged from age 50
8 to now 63. So the score is a three. Because, the
9 moment he turns 60 it goes down by three,
10 automatically.

11 So, in my report what I highlighted is the fact,
12 that is the only factor that keeps him in static risk
13 is the fact that he has continued to age. That has no
14 bearing on his ability to internalize treatment. Its
15 has no bearing on his ability to work on his risk
16 factors. And that has no bearing on determining his
17 diagnosis. They are separate parts. It, collectively,
18 takes all of these to determine risk. So, changes on
19 Static 99 does not change risk. It one piece of that
20 puzzle.

21 Q Okay, now when you talk about the Static 2002R, you
22 describe what that measures?

23 A Correct. It's, also, looking at Static Factors. It
24 looks at persistent of sexual offending, sexual
25 interest, as well as general personality, and

1 antisocial disposition. So, it's slightly different
2 static factors, lower than the Static 99. It's a one.
3 It's in the below average risk category. Primarily,
4 because he wasn't criminal for his prior behavior,
5 Despite his acknowledgment offending for 20 years.

6 Q Okay. So if you could just describe what his score of
7 three on a Static 99R, as well as, the score of a one
8 on the 2002R?

9 A So the Static 99, the scores come from looking at
10 1000's of sex offenders. And all of those that had
11 similar scores reoffended at that particular rate. So,
12 it takes a group score to compare Mr. Sullivan to other
13 groups of offenders, that has the same score and rate
14 of recidivism.

15 So, it's not an individual, but it's an estimate
16 based on other sexual offenders who have the same
17 static factors in their background, reoffended at such
18 rate. So, his is an average category. So, of all the
19 sex offenders he falls into the average range, typical
20 offender, at the rate of which he was submitted. Those
21 estimates are about -- within 70 or 80 percent.

22 Q Okay. And when addressing, so, now moving onto the
23 dynamic risk factors, what are the dynamic risk
24 factors?

25 A So, ultimately, they are changeable factors. But, they

1 are materially supported in the research. So, again,
2 they studied 1000's of sex offenders in looking at the
3 different motivations for offending in the different
4 factors socially, emotionally, to impact some of
5 likelihood of reoffending. These sixteen factors have
6 been found to directly relate to increase of sexual
7 recidivism versus sexual criminal behavior. And so
8 based on the targets and treatment, all the his goals
9 and objectives underline the need to address his
10 particular attitude.

11 So, if you look at the individual history and
12 offense patterns, and their ownself collectively and
13 these presence factors are relevant to this individual.
14 And of those sixteen Mr. Sullivan have six of those
15 identified them.

16 Q Okay, would you inform the Court know what the dynamic
17 risk factors are?

18 A So, the first one, is sexual predator for children.
19 Another one, is how he thinks and feels towards
20 attitudes and that support sexual abuse towards
21 children. He has emotional influence with children.
22 He refers to how well he feels he connects with
23 children when compared to adults. He has a lack of
24 emotions intimate relationships with adults. And how
25 his lack of concern for others in coping which is

1 described how he deals with stress, negative emotions,
2 strong emotions. He externalize coping as well as
3 sexualize coping. He's used sex as an outlet to deal
4 with emotions and strong feelings that he has. He uses
5 sex whether it be through pornography, masturbation,
6 and sexual behavior.

7 Q And in your opinion, to a reasonable degree of
8 psychological certainty has Mr. Sullivan's mental
9 abnormality or personality disorder so changed that he
10 would be safe to released at large, and not likely
11 commit further acts of sexual violence?

12 A No.

13 Q So, it's your position, today, that he's still in need
14 of continued treatment, and should remained confined,
15 until such time in the future, until such time as he's
16 reviewed, again?

17 A Yes.

18 MS. SORDIAN: Your Honor, I have no further
19 questions for this witness.

20 THE COURT: Okay. Mr. Falk?

21 CROSS-EXAMINATION

22 BY MR. FALK:

23 Q Somebody doesn't need to complete treatment, in order,
24 for them to no longer meet the definition of a Sexually
25 Violent Predator, is that correct?

1 A That's correct.

2 Q So, the fact that he has not completed treatment -- he
3 don't, necessarily, have to complete treatment, in
4 order, to no longer walk in that program, is that
5 correct?

6 A Yes.

7 Q Okay. And is fair to say -- you're the expert? I'm
8 not.

9 Is it fair to say, That Pedophilia or sexual
10 attraction to prepubescent children is really a
11 different type of disease as sexual attraction to
12 pubescent or minor, in your terms?

13 A Yes and no. So, again, somebody turns out to be in a
14 clinical sense, prepubescent, typically means the
15 absence of secondary sexual characteristics, no puberty
16 whatsoever.

17 However, somebody can be a pedophile and prefer
18 young children, and budding puberty children, and
19 adolescents. Somebody could prefer the wide range of
20 childhood development. And still be considered as a
21 pedophile. So, one is not inter-exclusive of the
22 other. Sometimes, we have criteria that would allow
23 us, typically, based on the evidence that they do have
24 an exclusive background, that can be identified in the
25 diagnoses. But, often time pedophilia is, although,

1 there are other accidents of sexual interest that are
2 quite prevalent.

3 Q There's no biological explanation for somebody to be
4 sexually attracted to a child, is that correct? I
5 mean, a prepubescent child?

6 A Are you asking me, If there's a genetic implant that
7 they are born that way?

8 Q No. I guess, what I'm trying to get at -- I mean, is
9 go back to nature. If a man was sexually attracted to
10 a 6-year-old girl that is unnatural? Because, it's
11 nothing about that attraction that is from an
12 evolutionary statement for most species -- you can't
13 get a 6-year-old girl pregnant, is that correct?

14 A Correct.

15 Q So, there's no -- that's what I mean by biological
16 explanation? I mean -- there's no -- that doesn't make
17 any sense, is that correct?

18 A Well, it's a lot more to it. Based on your
19 description, ethically, it doesn't make sense. It's a
20 lot more to it ideology. Everybody has a sexual
21 interest in general. It doesn't come as a biological
22 component.

23 Q But, you're talking about a 9 and 10-year-old. A man
24 attracted to a 12-year-old girl who has some secondary
25 sexual characteristics. It still could be a biological

1 explanation, could it not?

2 A I'm not sure I understand the question?

3 Q Well, sometimes in our history, I think, 12-year-old
4 girls are probably very developed, right? A man can be
5 attracted to a 12-year-old girl who looks like an
6 18-year-old girl, is that correct?

7 A Sure.

8 Q Okay. So, there is some -- and clearly, that conduct
9 is criminal, having acting on a sexual impulse of being
10 attracted to a 12-year-old is criminal. But, there is
11 certain situations where it is not. You can't explain
12 it for any type of biological needs.

13 A Well, there are different biological theories that
14 subscribe to be ideology of sexual interest in general.
15 Some theories are that it is to the environments and
16 attraction that develop over a time given the exposure,
17 and environment of which they are in. I mean, and over
18 time, when it's an environment when they are only
19 around young children.

20 Then, biology could suggest that they would
21 develop some attraction to some, because that's their
22 option. And, you know, they are theories that are
23 biological based where a man sexual behavior itself is
24 solely for appropriation. And so, the theory behind
25 that is the man is only thinking about spreading his

1 DNA for evolutionary standpoint. So, the behavior
2 theory and what the dynamic theory is suggests a lot
3 more goes into his development of a sexual interest
4 aside from biology.

5 Q Well, that's what I'm saying -- I mean, you know that
6 point man spreading his seed, that biological -- that
7 makes no sense when we are talking about prepubescent,
8 is that correct?

9 A That particular theory, yes.

10 Q Okay. Essentially, what I'm saying is that, Is a
11 pedophilia sort of a different type of -- sort of
12 different, separate type of category than an attraction
13 to 14-year-olds, 12-year-olds?

14 A Not necessarily. When you are talking about one
15 particular biological period, perhaps the answer could
16 be yes. But, you're asking to generalized that
17 pedophilia marketed different from somebody who is
18 exclusively interested in minor male -- teenage minor
19 males. The answer could be no.

20 You're talking about sexual interest that has
21 developed and it predominates their thinking. It
22 predominates their functioning. And in a case like Mr.
23 Sullivan's, he has spent the time, money and energy
24 thinking about planning to engaging in sexual abuse of
25 children, to the exclusion of developing healthy sexual

1 relationship with adults. As he aged and maintain his
2 focus on very well, easy manipulated vulnerable
3 population of minors. That interest has never changed
4 for him. So, in that regards, there is a difference
5 whether or not that child is lacking secondary sexual
6 characteristics or not. And he wants to start
7 offending. These are very childlike behavior that he
8 needs them. He express with them in a cuddling type
9 position. He fondle their genitals while they are
10 sleeping. When they woke up. He would turned over in
11 bashful or shy. And when the victim turned over. He
12 wouldn't say anything. That's a very childlike
13 behavior versus two adults engaged in a sexual behavior
14 of a consenting nature. It's a lot more internal and a
15 lot more involved.

16 So, he didn't necessarily regret intercourse which
17 one would assume, if you are engaged and attracted to
18 something as an adult, and developing as an adult. He
19 stayed at a very childlike presentation.

20 Again, supporting the idea, that it was a very
21 predominate sexual interest is with minors, children
22 not only by choice of his age group to engage in.

23 But the roles he played to be able to have access
24 to the victims. That he taught as a basketball coach.
25 He taught at a high school all with the idea to have

1 access to that age group. And, then, to defend the
2 abuse, to support the idea childlike in that active
3 preference the vulnerable vulnerableness, the
4 immaturity, all that collectively support the idea that
5 he has a very strong sexual deviancy, here that is
6 driving to his behavior. So, putting him in a category
7 he, only, pedophilic is not accurate.

8 Q To be attracted to males, that's not a sexual -- that's
9 not a DSM category? Homosexuality is not a --

10 A Correct. If there is an adult male, correct.

11 Q And just to clarify -- children are not really a
12 clinical term is it?

13 A What do you mean?

14 Q Well, you're talking about his attraction to children.

15 Now, again, when I'm talking about a 16-year-old
16 girl that's a child under the law. A 15-year-old girl
17 is a child under the law, but maybe not necessarily --
18 not contact as criminal. But, it's not necessarily any
19 type of sexual disorder.

20 A Well, it could be. It's clinical in the sense that the
21 legal determination when a child versus an adult, it
22 consequential often times when looking at sexual
23 deviancy and sexual preference, with the consent of 18.
24 So, if someone only targets 16 and 17-year-olds, does
25 that somehow make them nonsexual deviant? When that is

1 the broad span of what they engaged in throughout their
2 entire life. The age of consent becomes an legal
3 aspect at 16.

4 Again, if somebody only targets 15, 16,
5 17-year-old children, and they're are a 63-year-old
6 man, or a 59-year-old man living in the community,
7 still targeting that age range. They have significant
8 differences in their own intellectual development. And
9 the rules of social behavior that are acceptable. That
10 could be very clinically relevant, in terms, of
11 understanding the motivation and the nature of sexual
12 deviancy, and the nature of the risk.

13 Q One of the problems that -- in your report, didn't you
14 know that he was called out by the treatment providers,
15 because he was trying to move to fastly to get more
16 information -- more treatment information, did you not
17 refer to that in your report?

18 A Yes. There is a section in my report where in talking
19 with his treatment providers -- specifically, talking
20 about him addressing his narcissism. They found that
21 it's difficult to get him to stay engaged in treatment
22 at the level he was at. He was trying to move faster
23 than it was appropriate for him. He was trying to
24 actually work outside his treatment plan. It was
25 similar to what he did when he was in SCDC. He was

1 trying to start and run his own sex offender treatment
2 plan, which is problematic for multiple reasons.

3 Q When you look at Static 99 there is a decrease at the
4 age of 60, is that correct?

5 A Yes.

6 Q And that is looking at certain broad spectrum of the
7 population, is that right?

8 A Yes.

9 Q So the fact alone, that he is older than he was --
10 alone could be a protective factor in that -- you know,
11 it goes in his favor, is that correct?

12 A It can. Research tends to support by adding more goals
13 for active child offenders as in the rates for which
14 they tend to increase, and then they tend to decrease.
15 Child offender is different. There an increase. And
16 then a significant decrease. That is not significant
17 like it is for adult offenders. So, collectively the
18 research support the idea regardless to the victim type
19 there is some decline within them -- recidivism based
20 simply among age. They get tired of them being
21 criminal --

22 There is a difference in research between adult
23 offenders and child offenders. In Mr. Sullivan's case
24 he does fall under the category as a child offender.
25 And it is possible that there is a static risk based on

1 age alone. But considering his static risk in
2 conjunction with dynamic risk, collectively, that in
3 itself is not enough to mitigate a risk.

4 MR. FALK: Your Honor, I have no further
5 questions.

6 THE COURT: Anything else further from you, Ms.
7 Sordian?

8 MS. SORDIAN: I just have a couple follow up
9 questions, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. SORDIAN:

12 Q So, your testimony, today, based on his diagnosis, it's
13 your position, that he still meets the criteria to be
14 deemed a sexually violent predator, correct?

15 A Yes.

16 Q Okay. And just to clarify, you're not
17 undiagnosing(sic)him as a pedophilia?

18 A That's correct.

19 MS. SORDIAN: No further questions, Your Honor.

20 THE COURT: Thank you very much, ma'am.

21 MS. SORDIAN: Your Honor, I have no further
22 witness.

23 THE COURT: Mr. Falk?

24 MR. FALK: I have no witness, Your Honor.

25 To summarize my argument, I'm here to show that

1 there's probable cause. I believe there is a change.

2 I'm not trying to say that, I have proven beyond a
3 reasonable doubt that there's a change, or even by the
4 preponderance of the evidence. The standard here is
5 probable cause.

6 I believe the change in two reports, from his
7 precommitment evaluation, Dr. Tross's most recent
8 evaluation, his probable cause that there is a change.
9 Pedophilic Disorder and his risk has gone from 15 to 19.

10 All the other testimony we've heard from Dr. Tross
11 as far as dynamic risk factors, that's all the information
12 that a jury should be able to concern. You know those
13 things aren't factual. If you look at the actuarial tool
14 that they all use Static 99 was cut in half. And if you
15 look at the DMS file, the terminology that they use not
16 diagnosing him as a pedophile. All the other stuff is
17 testimony that the jury is entitled to concern.

18 MS. SORDIAN: And Your Honor, what we requesting,
19 today, is that the Court make a finding that the petitioner
20 did not prove there is probable cause to believe that his
21 condition is so changed. That he should be released -- so
22 we would ask for a dismissal for the petition.

23 We don't believe that this warrants a annual
24 review trial in this matter, based on the testimony that has
25 been given, today. The diagnoses should be determined by a

1 medical professional. We presented that, today. There is
2 no refuting arguments from another professional other than
3 that of the petitioner.

4 So, again, we would just argue that his petition
5 should be dismissed with the finding no probable cause.

6 THE COURT: All right. I am going to dismiss the
7 petition. There has been sufficient evidence presented that
8 based on the risk offender that Mr. Sullivan has met the
9 criteria requirement of confinement, continued treatment.
10 And any release at this time would cause -- create a risk of
11 reoffending. I will dismiss the petition. And at this
12 time, he is to remain in treatment.

13 The two reports that Mr. Falk had submitted are
14 part of the record and needs to be sealed, all right.

15 MR. FALK: Your Honor, are you going to issue a
16 Court Order?

17 THE COURT: I'm going to ask Ms. Sordian.

18 MS. SORDIAN: I'll get it submitted and served to
19 the Court. Thank you, Your Honor.

20 THE COURT: Thank you.
21
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1 STATE OF SOUTH CAROLINA)

2 COUNTY OF RICHLAND)

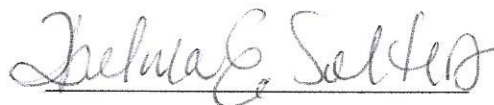
3 CERTIFICATE OF REPORTER

4 I, Thelma Salters, hereby certify that I
5 reported the preceding case entitled State of South
6 Carolina vs. Charles T. Sullivan Docket No.
7 2019-CP-40-00770 the Richland County Courthouse,
8 October 14, 2019.

9 I FURTHER CERTIFY that the foregoing pages
10 03 through 50 constitute a true, accurate and full
11 transcript of said trial.

12 I FURTHER CERTIFY that I am not employed
13 by any of the parties hereto and I have no financial
14 interest in the outcome of said case.

15 IN WITNESS WHEREOF, I have heretofore set
16 my hand and seal at Richland County on this day of
17 February 17, 2019.

18 

19 Thelma Salters, Court
20 Reporter and Notary
21 Public for the
22 State of South
23 Carolina my
24 Commission Expires:
25

ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE
ELECTIONS TO WAIVE OR EXERCISE RIGHTS

TO: Charles T. Sullivan
Name of Resident

DATE: November 8, 2018

II. ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE

Pursuant to Section 44-48-110 and 130, South Carolina Code of Laws,

A. You have the right to petition the Court for release at any time, with or without the approval of the Department of Mental Health. However, it is important that you understand that if you do petition the Court for release without the approval of the Director of the Department of Mental Health, and the Court finds that either: (1) the petition was frivolous or (2) your condition has not changed so that you (the petitioner) are now safe to be at large, then the Court may deny any subsequent petitions without a hearing unless the petition contains facts upon which a Court could find your condition has so changed as to warrant a hearing.

Please initial and check the box below:

CTS I am aware of the fact that I have the right to petition the Court for release at any time and I am aware that this document does not constitute a "Petition for Release."

III. ACKNOWLEDGMENT

I have received and reviewed the foregoing ANNUAL NOTICE OF RIGHT TO PETITION FOR RELEASE form.

CHARLES SULLIVAN
Resident: PRINT Name

Charles T. Sullivan 11-8-18
Resident: SIGN Name Date

Chardra Gordon 11/8/18
Witness Date

Or, resident refused to sign.

Witness Date

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
SEXUALLY VIOLENT PREDATOR PROGRAM

ANNUAL EXAMINATION AND REVIEW HEARING NOTICE

TO: Charles T. Sullivan
Name of Resident

DATE: November 8, 2018

I. ANNUAL EXAMINATION AND REVIEW HEARING

Pursuant to Section 44-48-110, South Carolina Code of Laws,

A. You are entitled to an annual re-examination of your condition. A report of such examination is attached and will be furnished to the Court which committed you, the Attorney General, the Solicitor in the Circuit you were convicted of the qualifying offense(s), your attorney (unless you do not have one), and the multi-disciplinary team.

B. The Court conducts an annual hearing to review your status.

Please initial and check one (1) box below:

I am aware that I have the right to an annual hearing to review the status of my case.

- I choose to waive my right to an annual hearing. **Do NOT complete I. C. or D.**
CS I do not waive my right to an annual hearing.

C. You have the right to have an attorney represent you at the hearing, but you are not entitled to be present at the hearing. If you do not have an attorney and are indigent, you may request the Court to appoint an attorney to represent you at the review hearing.

Please initial and check one (1) box below:

I am aware that I have the right to be represented by an attorney at the annual hearing to review the status of my case.

- I choose to waive my right to representation by an attorney.
 I will exercise my right to counsel by hiring an attorney to represent me.
CS I want to exercise that right, do not have an attorney, I am indigent, and request the Court to appoint an attorney for me.

Aimee J. Zmroczek was my last Court appointed attorney.

*James Falk represented me at trial
and said he would accept appointment
I've never had Aimee Zmroczek*

- D. You may retain or, if you are indigent and so request, the Court may appoint a qualified expert to examine you, and the expert shall have access to all your medical, psychological, criminal offense and disciplinary records and reports.

Please initial and check one (1) box below:

I am aware that I have the right to have a qualified expert examine me and that I may present the results of that examination to the Court at the annual review hearing.

I choose not to exercise that right at this time.

I choose to exercise that right and will hire a qualified expert to examine me.

CBS I am indigent and I wish to have the Court appoint a qualified expert to examine me. I understand that the appointment of an expert is discretionary with the Court.

III. ACKNOWLEDGMENT

I have received and reviewed the foregoing ANNUAL EXAMINATION AND REVIEW HEARING form.

CHARLES SULLIVAN
Resident: PRINT Name

[Signature] 11-8-18
Resident: SIGN Name Date

[Signature] 11/8/18
Witness Date

Or, resident refused to sign.

Witness Date

STATE OF SOUTH CAROLINA)	IN THE COMMON PLEAS COURT
)	
COUNTY OF RICHLAND)	FOR THE 5TH JUDICIAL CIRCUIT
)	
In Re Care and Treatment of)	CASE NO.: 2015-CP-40-00770
)	
Charles Sullivan)	
)	<u>PETITION FOR RELEASE</u>
Petitioner,)	
_____)	

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

Petitioner, by and through undersigned counsel and pursuant to S.C. Code Ann. § 44-48-130 petitions this Court for release from commitment from the Department of Mental Health. As grounds for this petition, Petitioner states;

1. S.C. Code Ann. § 44-48-130 provides that nothing in this chapter prohibits a person from filing a petition for release pursuant to this chapter.
2. On July 28, 2016 following a jury trial in Richland Circuit Court, the Honorable Tanya A. Gee entered an Order of Commitment for Petitioner to be confined to the Department of Mental Health for his long-term control, care, and treatment.
3. At the trial the State presented the testimony of Dr. Marie Gehle Chief Psychologist for the South Carolina Department of Mental Health. At trial Dr. Gehle's testimony was consistent with her August 18, 2015 report in which she opined that Petitioner suffered from three qualifying diagnoses, namely, Pedophilic Disorder, Non-exclusive Type, Sexually Attracted to Males; Other Specified Paraphilic Disorder (nonconsent); and, Narcissistic Personality Disorder. Additionally Dr Gehle opined that based upon his Static-99R score of 5, Petitioner

was in the Moderate-High risk category relative to other adult male sex offenders. Dr Gehle stated that his five year recidivism rate was 15.2%.

4. On November 1, 2017 Dr Donna Maddox issued her report from Petitioner's first annual evaluation. Dr Maddox opined that Petitioner's condition had not so changed to a degree where he is safe to be at large. Dr Maddox diagnosed Petitioner as suffering from the following: Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Males; Unspecified paraphilic disorder (nonconsent); Narcissistic Personality Disorder; Hypertension; and, Diabetes. Additionally Dr Maddox opined that Petitioner's score on the Static 99R was a 3 and that he was therefore a Low-Moderate Risk category relative to other adult male sex offenders.
5. On November 7, 2018 Dr. Rozanna Tross issued her report from Petitioner's second annual evaluation. Dr Tross opined that Petitioner's mental abnormalities have not yet changed and he remains likely to commit acts of sexual violence if released. However, in her report Dr Tross did not opine that Petitioner suffered from Pedophilic Disorder, Non-exclusive Type, Sexually Attracted to Males. Dr Tross diagnosed Petitioner as suffering from Other Paraphilic Disorder and Narcissistic Personality Disorder. Additionally Dr Tross opined that based upon Petitioner's Static 99R score of 3, he was in the Average Risk category of being charged or convicted of another sexual offense relative to other adult male sex offenders. Dr Tross stated that Petitioner's five-year sexual recidivism rate was 7.9%.
6. At trial in 2016 the jury was presented with evidence that Petitioner suffered from pedophilia along with another unspecified paraphilic disorder and his 5 year recidivism rate was 15.2%. In 2018 Dr Tross opined that he no longer suffered from pedophilia and that his recidivism rate was almost cut in half. Petitioner is informed and believes that if his jury was not presented

with a pedophilia diagnosis and was presented with a recidivism risk was only 7.9% the State may not have proven beyond a reasonable that petitioner meets the criteria for classification of a sexually violent predator as defined in S.C. Code Ann. 44-48-30 (1). Therefore petitioner is informed and believes that probable cause exists that Petitioner's condition has so changed that, if released, he is no longer likely to crimes of sexual violence.

Respectfully Submitted,



James Falk
The Falk Law Firm
PO Box 1058
Charleston, SC 29402
(843) 606 6007
jfalklaw@gmail.com

May 27, 2019

Charleston SC

CERTIFICATE OF SERVICE

A copy of the above was mailed to the Office of the South Carolina Attorney General addressed to James Bogle Jr., Esquire this May 27, 2019



James Falk

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
)
CHARLES SULLIVAN,)
 PETITIONER.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 CASE NO. 2015-CP-40-00770

**RESPONDENT'S REPLY TO
 PETITIONER'S PETITION
 FOR RELEASE**

RICHLAND COUNTY
 FILED
 2019 AUG 22 AM 9:19
 JEANETTE W. MURPHY
 CLERK, C.S., F.C.

To: James K. Falk, Attorney for Petitioner.

PLEASE TAKE NOTICE that the Respondent State of South Carolina, by and through the South Carolina Attorney General's Office, respectfully requests that this Court deny the Petition for Release because probable cause does not exist to believe that the Petitioner's mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence, and order that Petitioner remain confined to the Department of Mental Health for long-term control, care, and treatment pursuant to the Sexually Violent Predator Act. The following is offered in support of this motion:

1. The matter is before the court on as a Petition for Release, under S. C. Code Ann. Section 44-48-130.
2. Petitioner was properly committed to the Department of Mental Health under the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*, on or about July 28, 2016, following a jury trial in Richland County, where based on evidence and testimony, the state proved beyond a reasonable doubt that Petitioner is a sexually violent predator. See **EXHIBIT A**.
3. Pursuant to S.C. Code Ann. Section 44-48-110, Petitioner's first Annual Examination was completed on or about September 14, 2017, by Dr. Donna

Maddox, which concluded the Respondent's condition had not changed to a degree that it would be safe for him to be released back into society. Dr. Maddox diagnosed Mr. Sullivan with pedophilic disorder, nonexclusive type, unspecified paraphilic disorder, and narcissistic personality disorder. See **EXHIBIT B**.

4. Pursuant to S.C. Code Ann. Section 44-48-110, Petitioner's second Annual Examination was completed on or about November 7, 2018, by Dr. Rozanna Tross. Petitioner is now seeking release, without the approval of the Director of the Department of Mental Health.

While Mr. Sullivan has participated in treatment, he does not appear to have a clear understanding of his role in the offenses. As noted by Dr. Tross in the 2018 report, "records and consultation with treatment staff reflect Mr. Sullivan tends to exaggerate his achievements, expects to be recognized as superior, has unreasonable expectations of favorable treatment, and is interpersonally exploitative." His treatment providers have noted that he is in the beginning phase of treatment, and has "yet to fully explore" his dynamic risk factors. Specifically, Dr. Tross notes, "A review of his group notes reflect Mr. Sullivan tends to minimize or rationalize his behavior, present himself as a passive participant in his offending, and externalize blame for his actions by suggesting poor intimacy in his relationships or a lack of accountability from others led to his offending."

Mr. Sullivan, during his interview, reports that if released back into society, he would rely upon his fiancé to keep him from reoffending. However, notably, he was offending while he was reportedly in a relationship with her.

Dr. Tross' 2018 Annual Evaluation diagnosed Mr. Sullivan with other specified paraphilic disorder and narcissistic personality disorder, and concluded that his "mental abnormalities have not yet changed and he remains likely to commit acts of sexual violence if released." See **EXHIBIT C**.

5. While the Petitioner argues the difference in diagnoses from the 2017 annual review and the 2018 annual review could have produced a different result at trial, the Respondent argues pursuant to Section 44-48-30, the state must establish a person is a sexually violent predator, which requires proving: (1) the person has been convicted of a sexually violent offense; and (2) the person suffers from a mental abnormality OR personality disorder; and (3) that the mental abnormality or personality disorder that make the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment. *See In re Thomas S.*, 402 S.C. 373, 375–76, 741 S.E.2d 27, 28 (2013). The statutory test is not dependent on the specific diagnoses, but rather, whether the person suffers from a mental abnormality or personality disorder. In this case, both in the 2017 annual review and in the 2018 annual review, the psychiatrists opined that Mr. Sullivan does in fact suffer from a mental abnormality or personality disorder. Additionally, both psychiatrists opined that Mr. Sullivan's condition has not so changed to a degree

at which it is safe to release him back into society. In this case, the jury found, beyond a reasonable doubt, that Mr. Sullivan is a sexually violent predator.

In the case of *Snow*, the Petitioner argued that the diagnosis of “other specified personality disorder” is legally insufficient to meet the constitutional and statutory requirements for commitment under the act, and therefore, the trial court erred. The Court in this case found that “[t]he act does not define personality disorder, nor limit the State by restricting which personality disorders it may use to satisfy the second element. The obvious intent in not defining the term was to leave to medical professionals the task of determining what is- and what is not- a personality disorder.” *In the Matter of the Care and Treatment of Daryl T. Snow*, Op. No. 27858 (S.C. Ct. App. Filed Jan. 16, 2019). Much like the case of *Snow*, where Dr. Gehle testified “she was certain Snow’s OSPD makes him likely to commit acts of sexual violence, Dr. Maddox testified at trial, she was certain Mr. Sullivan’s diagnosis makes him likely to commit acts of sexual violence. Furthermore, the diagnoses noted by Dr. Maddox are recognized diagnoses in the *Diagnostic and Statistical Manual of Mental Disorders*, commonly referred to as the DSM-5.

Additionally, even if the jury had not considered the pedophilia disorder, the unspecified paraphilic disorder or narcissistic personality disorder testified to at the trial, would be evidence of a mental abnormality or personality disorder, independently. The Washington Supreme Court noted, “there is no talismanic significance to a particular diagnosis of mental illness” in SVP civil commitment cases. *In re Det. of Thorell*, 149 Wash. 2d 724, 762, 72 P.3d 708, 728 (2003). As noted in the case of *Woodlyn*, where the jury is instructed that the charged crime

can be committed in multiple ways, i.e., by alternative means, jury unanimity is not required as to a particular means of committing the crime in order to affirm a general guilty verdict, so long as each alternative means is supported by sufficient evidence. *See State v. Woodlyn*, 188 Wash. 2d 157, 392 P.3d 1062 (2017).

While SVP cases are civil in nature, the Court in *Halgren*, held that “mental abnormality” and “personality disorder” constitute alternative means of meeting the definition of a sexually violent predator. *See In re Detention of Halgren*, 156 Wash. 2d 795, 132 P.3d 714 (2006). A jury need not be unanimous as to a specific diagnosis when more than one diagnosis supports an alternative means in an SVP case. *See In re Detention of Sease*, 149 Wash. App. 66, 76-79, 201 P.3d 1078, review denied, 166 Wash. 2d 1029 (2009).

Even if this case were challenged on appeal, and the Court of Appeals were to conclude that the trial court erred, any such error is harmless. When an expert in an SVP case would have reached the same conclusions without considering the evidence that is challenged on appeal, any error in admitting that evidence is harmless. *In re Det. of Coe*, 160 Wash. App. 809, 836–37, 250 P.3d 1056, 1069–70 (2011), *aff'd* on other grounds, 175 Wash. 2d 482, 286 P.3d 29 (2012). Such is the case here, as Dr. Maddox was clear that both unspecified paraphilic disorder and narcissistic personality disorder, both independently, supported her opinion that Mr. Sullivan is a sexually violent predator. Notably, Mr. Sullivan did not contest the independent diagnoses of paraphilic disorder and narcissistic personality disorder, by way of appeal or by way of motion.

Furthermore, the Petitioner argues, Dr. Tross opined that Mr. Sullivan no longer suffers from pedophilia; however, the Respondent finds Dr. Tross does not make that specific finding. While pedophilic disorder and other specified paraphilic disorder carry different diagnostic criteria, both are paraphilic disorders. In Dr. Tross's opinion, other specified paraphilic disorder is the more appropriate clinical diagnosis for purposes of treatment. Dr. Tross is evaluating Mr. Sullivan for the purpose of determining whether his condition has substantially changed so as to make it safe for him to be released. Dr. Maddox evaluated Mr. Sullivan for commitment purposes, to determine whether he was a sexually violent predator with a mental abnormality or personality disorder that would make him likely to engage in acts of sexual violence if not confined for purposes of treatment. In Dr. Tross's opinion, Mr. Sullivan is likely to commit acts of sexual violence against the public at large, and not a specific age group, as specified by pedophilic disorder.

The Sexually Violent Predator Act states that "nothing in this chapter prohibits a person from filing a petition for release pursuant to this chapter." S.C. Code Ann. § 44-48-130. "A person committed under the Act must have an annual examination of his mental conditions. The court must conduct an annual hearing to review the committed person's status, and the committed person may petition the court for release at this hearing." *In re Care & Treatment of Corley*, 365 S.C. 252, 255, 616 S.E.2d 441, 442 (Ct. App. 2005). In order to schedule an annual review trial, the Court must determine that "probable cause exists to believe that the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence" S.C. Code Ann. § 44-48-110; *see also In re Care & Treatment of Tucker*, 353 S.C. 466, 470, 578 S.E.2d 719, 721 (2003) (holding that sex offender failed to

establish probable cause to believe his mental abnormality or personality disorder had so changed that he was safe to be released from his commitment as a sexually violent predator). Furthermore, in a probable cause hearing, the burden of proof is on the Petitioner to show that probable cause exists to believe that his mental condition has so changed that he is safe to be released.” *Tucker*, 353 S.C. at 470, 578 S.E.2d at 722.


The State submits that a change in diagnosis of mental abnormality and personality disorder pursuant to an annual review is insufficient evidence to support a finding that probable cause exists to believe that Petitioner’s mental abnormalities and personality disorders have so changed that Petitioner is safe to be at large and, if released is not likely to commit acts of sexual violence. In fact, both annual reviews by Dr. Maddox and Dr. Tross unambiguously conclude that the Petitioner’s mental abnormalities have not changed to the degree necessary for Petitioner to be released and, if released, Petitioner remains likely to commit acts of sexual violence.

WHEREFORE, based on the foregoing, the State respectfully requests that this Court deny the Petition for Release, and order that Petitioner remain confined to the Department of Mental Health for long-term control, care, and treatment.

Respectfully Submitted,

ALAN WILSON
Attorney General

EMILY M. SORDIAN
Assistant Attorney General
S. C. Bar No. 100993
Post Office Box 11549
Columbia, South Carolina 29211
V: 803.734-8446
F: 803.734-6679
emilysordian@scag.gov

BY: 
EMILY M. SORDIAN
ATTORNEY FOR
RESPONDENT STATE OF
SOUTH CAROLINA

August 20, 2019
Columbia, South Carolina

EXHIBIT A

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND

IN THE MATTER OF THE CARE AND
 TREATMENT OF

CHARLES T. SULLIVAN,
 Respondent

) IN THE COURT OF COMMON PLEAS
) FIFTH JUDICIAL CIRCUIT
) CASE NO. 2015-CP-40-0770

) ORDER OF COMMITMENT

FILED
 JANETTE W. RICHMOND
 C.C.P. & G.S.

2016 JUL 29 AM 11:32

RICHLAND COUNTY
 FILED

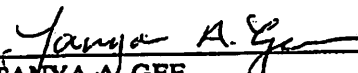
The trial of this case was held in the County of Richland in the Court of Common Pleas the week of July 25, 2016. A jury of citizens from Richland County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Christopher A. Morrow represented the State and James K. Falk, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to S. C. Code Ann. Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent Charles T. Sullivan is a sexually violent predator as that term is defined in S. C. Code Ann. Section 44-48-30.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

- (a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;
- (b) Respondent is to continue to be detained at the Richland County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.


 TANYA A. GEE
 Fifth Judicial Circuit
 Court of Common Pleas

July 28, 2016
 Columbia, South Carolina

EXHIBIT B

**South Carolina Department of Mental Health
Sexually Violent Predator Program**

**South Carolina Department of Mental Health
Sexually Violent Predator Program
Annual Review
Pursuant to §44-48-110**

Name: Charles Sullivan

SCDMH#: 1033-8426

Date of Birth: [REDACTED]

Date of Commitment: 7/28/16

County : Richland

Review Period: 7/28/16-9/14/17

Date of Evaluation: 9/14/17

Date of Report: 10/1/17

Evaluator: Donna Maddox, M.D.

Referral Information: Mr. Sullivan is a 61-year-old male committed to the Sexually Violent Predator Program (SVPP) of the South Carolina Department of Mental Health after being adjudicated a Sexually Violent Predator.

According to §44-48-110, the purpose of the evaluation is to determine if his mental abnormality or personality disorder has so changed that he is "safe to be at large and if released, not likely to commit an act of sexual violence." Mental abnormality is defined as a mental condition affecting a person's emotional or volitional capacity that predisposes the person to commit sexually violent offenses. 'Likely to commit acts of sexual violence' is the person's propensity to commit acts of sexual violence to such a degree as to pose a menace to the health and safety of others.

Notification:

Mr. Sullivan understood a written report of this evaluation would be provided to his attorney, a representative of the Attorney General's office, the presiding judge and his treatment team. He understood his communication was not confidential.

Sources of Information:

Order of Commitment 7/28/16

Sexually Violent Predator Health Information Checklist 7/29/16

Correct Care Solutions Mental Health assessment

Correct Care Solutions Medical records

Correct Care Solutions laboratory results

Probable Cause order 1/19/15

Precommitment Psychological Evaluation Marie E. Gehle, Psy. D. 8/18/15

Annual Integrated Care Plan 9/4/17, 3/4/17

Brief Relevant History:

Mr. Sullivan was born and raised in Columbia. He lived in Columbia most of his life except for a period when he worked in London. Mr. Sullivan is a college graduate.

He worked in public service and state government. His mother had been a support but is elderly and lived in an assisted living facility until she died in December 2016. He has a girlfriend and had a girlfriend at the time of his original charges. He has never been married and does not have children.

He had a brother die in a car wreck at age 48. He still has five siblings out of eight. Two of his sisters died, one from complications of diabetes. He reports he talks to a number of his siblings monthly by cell phone. He also reports he has video visit every other week. His support system includes siblings, his girlfriend and a friend John Boudreaux.

Legal History:

Sexual Offenses:

Prior to the 1997/98 charges, Mr. Sullivan had been investigated for two offenses in England allegedly occurring in 1990. One of the allegations was founded for abuse, but Mr. Sullivan had left the area. He was accused of abusing a male on a shrimping trip in Beaufort in 1993. These charges were pursued after the 1997 and 1978 charges. The male noted he was given alcohol and marijuana by Mr. Sullivan.

The Catholic Diocese of Charleston received a complaint in 1996/97. The confidential complaint from a parent indicated Mr. Sullivan had prior allegations and was told to leave the country. He returned to South Carolina and was coaching the Cardinal Newman Junior High basketball team. He was investigated by SLED in 1997 after two brothers accused him of molesting them, providing pornography and providing alcohol. He was charged with 54 offenses, Mr. Sullivan pleaded guilty to 32 offenses in 1998. The convictions involved 19 victims. Two charges were nolle prossed, and 20 charges were dismissed.

He pleaded guilty to 4 counts of Lewd Act for a child under 14, 6 counts of Lewd Act for a child under 16, 5 counts of Exhibiting Harmful Performance to a minor, 12 counts of Contributing to the Delinquency of a minor, 2 counts of Assault and battery of a High and Aggravated nature, and 3 counts of Exploitation of a Minor, third degree, He was sentenced to 35 years' incarceration.

He pleaded guilty to three offenses against a five-year-old male.

He pleaded guilty to five sexual offenses against a 14-year-old male.

He pleaded guilty to one offense against a 10-year-old male while he was a student at St. Joseph's Elementary School.

He pleaded guilty to one offense involving a 15-year-old male.

He pleaded guilty to one offense involving a 16-year-old male from Carolina Children's Home.

He pleaded guilty to four sexual offenses against a 12-year-old male.

He pleaded guilty to one offense against a 15-year-old male.

He pleaded guilty to one offense against the 14-year-old male who reported he had been molested while on a shrimping boat in 1993.

He pleaded guilty to three charges of Possession of Child Pornography. He also pleaded guilty to disseminating pornography and contributing to the Delinquency of the Minors.

Nonsexual Offenses:

He does not have any convictions for nonsexual offenses.

Institutional Infractions:

He had on disciplinary in 2007 for possessing contraband. He has not had any write-ups since his admission into treatment.

Medical History:

Mr. Sullivan entered the SVPTP with poorly controlled diabetes. He also reports a history of hypertension. He was prescribed metformin 1000mg twice daily, HCTZ 25mg, Lisinopril 20mg daily and Glipizide ER 10mg twice daily. He was also prescribed an insulin sliding scale for his diabetes.

He is aware of the severity of his diabetes. He reported he has lowered his Hemoglobin A1C from 9.8 to 7.4, which is still mildly elevated. He reports he has been riding a stationary bike to improve his health.

He does not report having a testosterone level drawn. There are no levels in the included laboratory results.

Psychiatric History:

He does not have any prior history of inpatient or outpatient psychiatric treatment. He did report some brief depressive symptoms after his initial commitment. He was prescribed sertraline by Dr. Harold Morgan prior to his original trial as treatment for his sexual disorder.

Substance Use History:

He did report a history of alcohol misuse and reported to Dr. Gehle that alcohol use played a role in his offending.

Previous Sex Offender Treatment:

He participated in C-Star Phase 1 in 2001. He began SOTP treatment in February 2015. He had some psychotherapy while confined in the Department of Corrections by an SCDC contracted psychiatrist.

Previous Evaluations:

Dr. Gehle diagnosed him with Pedophilic Disorder, Nonexclusive Type, Sexually attracted to males, Other Specified Paraphilic Disorder (nonconsent) and Narcissistic Personality Disorder.

Treatment Progress and Overall Behavior:

Mr. Sullivan is reported to be actively engaged in his treatment. He is noted to be motivated to learn more about his offending. He is participating in two Phase one groups and holds employment in the canteen.

He is noted to need to work on his numerous Dynamic Risk Factors. He is seen as demanding at times, asking for additional assignments and more counseling than is offered by the program.

He needs to complete Trying For Change and Treatment Readiness for you programs within the next twelve months. He reports he is "three quarters through the Trying For Change program.

He reports a low sexual drive. He reports he masturbates once or twice per month. He reports continued difficulty maintaining an erection.

He reported if he were to be released, he would eventually reside with his sister Mary Jane in Saluda. He stated she has a home with four bedrooms. He reports he would like to marry his fiancé, Chrissy. He reported they own a consulting company together.

He reported he is a Level 5, which is the highest level of privilege. He reports he does not have a curfew. He reports he is able to order items from Wal-Mart at this level.

He reported that he would continue treatment if released. "I never felt like I didn't need treatment. I just disagree that I need to be locked up." He reported he would seek treatment at Jump Start in Spartanburg upon his immediate release.

He reported that he has 10 on the record victims and 12 "off the record" victims. He reported he offended between 1980-1997. He reports he spends time working on his own.

Mental Status Examination:

Mr. Sullivan was cooperative and pleasant. He maintained good eye contact throughout the evaluation. His speech was normal in rate and tone. His thinking is goal directed. He was not psychotic. He was not suicidal or homicidal. His affect was bright. He was cognitively intact. His judgment is good and he has some insight.

Risk Assessment:

The key factors empirically supported through the research as contributing to sexual offense recidivism are divided into static and dynamic factors.

Static factors are fixed aspects of the offender or his history and do not change with interventions. Dynamic factors are changeable and amenable to treatment or environmental manipulation.

Static Risk Factors:

The Static-99R is an instrument designed to estimate the risk of sexual and violent recidivism for sexual offenders. The recidivism estimates were derived from new charges and reconvictions of groups of individuals, not an individual offender. Mr. Sullivan's score of 3 on the Static 99-R places him in the Low-Moderate Risk category relative to other adult male sex offenders. His age is a protective factor. He remained fixated on mistakes he perceived were made by Dr. Gehle as she scored his Static -99R for his pre-trial hearing. He reported that she incorrectly scored him as never having lived with a lover for more than two years.

Dynamic Risk Factors:

The following items have been empirically supported as contributing to sexual recidivism: sexual preoccupation, sexual preference for pre-pubescent or pubescent children, sexualized violence, multiple paraphilias, offense supported attitudes, emotional congruence with children, lack of emotionally intimate relationships with adults, lifestyle impulsiveness, poor problems solving, resistance to rules and supervision, grievance/hostility and negative social influences (Mann, Hanson, & Thornton, 2010). There are several other factors found to have significant predictive value for sexual recidivism but less empirical support to date including: hostility toward women, and Machiavellianism.

Mr. Sullivan has a long history of sexual preoccupation and sexual preference for pubescent males.

He has multiple paraphilias, including pedophilia and nonconsensual touching.

he has had longstanding offense supported attitudes as evidenced by the letters he wrote various officials including his victim's parents and the Catholic Diocese.

He has had emotional congruence with children.

He has had intimacy issues with women. He is presently involved with the same woman he was seeing while he offended.

When asked about Dynamic factors, Mr. Sullivan reported his risk factor is Erectile Dysfunction (E.D.). "I couldn't talk about it." He reported he suffered ED while involved in his consensual relationship. He denied offending behaviors while involved with Chrissy, yet he had charges in London. He reported he was using Viagra in the community.

Diagnoses:

Pedophilic disorder, nonexclusive type, sexually attracted to males.

Unspecified paraphilic disorder (nonconsent).

Narcissistic Personality Disorder.

Hypertension.

Diabetes.

Conclusions:

Mr. Sullivan's condition has not changed to a degree where he is safe to be at large. He is in the early stages of his treatment. He has numerous dynamic risk factors which he has yet to address. He has made some progress in treatment. He tends to intellectualize what he is learned but still lacks insight into the role his narcissism plays in his offending and his treatment progress. He continues to present himself in the most favorable light. He continues to externalize the consequences of his offending behavior.

Donna Maddox, M.D.

Consulting Forensic Psychiatrist

EXHIBIT C

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
FORENSIC EVALUATION SERVICES

SEXUALLY VIOLENT PREDATOR ANNUAL REVIEW REPORT
Pursuant to §44-48-110

Name: Sullivan, Charles Tricot
Date of Birth: [REDACTED] (age 62)
Date of Commitment: 7/28/16
County: Richland
Review Period: October 2017 to October 2018
Date of Report: 11/7/18
Evaluator: Rozanna Tross, Psy.D.
Observers: Jeffrey Washelesky, Psy.D.
Kelsey Laxton, Ph.D.

IDENTIFYING INFORMATION

Mr. Charles T. Sullivan is a 62-year-old male who is committed to the South Carolina Sexually Violent Predator Treatment Program (SVPTP) facilitated by Wellpath under the South Carolina Department of Mental Health (SCDMH). A hearing was held on 7/28/16, wherein a Jury concluded Mr. Sullivan "is a sexually violent predator." He was subsequently committed to the SVPTP with SCDMH for "long-term control, care, and treatment." He was admitted to the program on 8/2/16.

REASON FOR EVALUATION

Pursuant to South Carolina Code §44-48-110, residents committed as SVPs receive a current "examination of [their] mental condition" once every year. This annual review report was requested to assist the Court in determining whether there is "probable cause to believe the resident's mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence."

South Carolina Statute §44-48-30 defines mental abnormality as *a mental condition affecting a person's emotional or volitional capacity that predisposes the person to commit sexually violent offenses*. "Likely to commit acts of sexual violence" is statutorily defined as *the person's propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others*.

NOTIFICATION

The nature and purpose of the evaluation were explained to Mr. Sullivan at the beginning of the interview. He was advised he did not have to participate in an interview for the evaluation if he did not wish to, as it is a voluntary aspect of the annual review process. He was advised a report would be written and submitted to the court regardless of his participation. He was advised a review of available records and discussions with relevant collateral informants would be had as needed and that any or all information gleaned from these sources could be used in the report submitted to the court. He was advised this information would also become part of

courtroom testimony as well as his record and may be viewable to members of his treatment team and those affiliated with his legal case. Mr. Sullivan was advised any statements he made in the context of this evaluation were not confidential and could also be made part of the report and/or become part of courtroom testimony and related records. He advised he did not have any questions related to this information and wished to participate in the interview.

SOURCES OF INFORMATION

Information for this report was gathered from the following sources as well as a clinical interview with Mr. Sullivan.

- Prior Annual Review Report by Donna Maddox, M.D., dated 10/1/17.
- Wellpath (Formerly Correct Care Recovery Solutions) Treatment Records.
 - Integrated Care Plan.
 - Treatment Plan.
 - Annual Treatment Summary Report.
 - Progress and Weekly Group Notes.
 - Resident Written Treatment Work.
- Original Commitment Documents to include:
 - Richland County Order of Commitment dated 7/28/16.
 - Forensic Psychological Report by Marie E. Gehle, Psy.D., dated 8/18/15.
 - Petition Pursuant to the Sexually Violent Predator Act dated 32/2/15.
 - Prosecutor's Review Committee Probable Cause Determination dated 1/20/15.
 - Sexual Predator Referral Form dated 12/18/14.
 - County of Richland Court of General Sessions Transcript of Record (Guilty Pleas) dated 7/27/98.
 - Records from Thames Valley Police in England, dated 12/23/97.
 - Sexual Predator Synopsis Form (no date).
 - Institutional Abuse Investigation from Carolina Children's Home with the Department of Social Services.
 - Richland County Indictments, Affidavits, Arrest Warrants, and Sentencing Sheets.
 - Columbia Police Department Incident Reports.
 - Beaufort County Indictments, Affidavits, Arrest Warrants, and Sentencing Sheets.
 - County of Richland Court of Common Pleas Application for Post-Conviction Relief.
 - Records from South Carolina Law Enforcement Division (SLED).
 - Records from the South Carolina Department of Corrections (DOC).
 - Records from Buckinghamshire County Council Social Service Department.
 - Letters written from Mr. Sullivan to the Buckinghamshire Department of Social Services.
 - Letters to Mr. Sullivan from victim's parents.
 - Records from Cardinal Newman High School.
 - South Carolina Criminal History Record.

BRIEF RELEVANT HISTORY

Records reflected Mr. Sullivan was born and raised in Columbia, South Carolina the seventh of nine children. He has lived in South Carolina all his life, with the exception of the years he lived in a High Wycombe, a suburb of London, England. Mr. Sullivan denied a history of physical abuse or neglect but reported some sexual abuse. He stated his overall behavior did not result in problems at home or school. He denied a history of juvenile arrests. He denied conduct problems prior to age 15 apart from telling "little white lies" to get money for things he wanted, secretly stealing from his mother's purse ("not a lot"), and shoplifting "a bit."

Mr. Sullivan graduated from Cardinal Newman High School in 1974. He said he had a 3.5 GPA throughout school. He denied any problems with learning or his school behavior. He denied ever being suspended or expelled. He also reported earning a Bachelor of Arts degree in Journalism from the University of South Carolina in 1978.

Mr. Sullivan described a long and variable work history that included positions in public service and in the South Carolina state government. At the age of 15, he began coaching his church league intermural basketball team. He "really enjoyed" coaching and he often coached minor males throughout his adult years. He volunteered with organizations and held positions that gave him wide and varied access to minor males. Mr. Sullivan reported his first job out of college was at the Richland County Solicitor's office where he "headed" the Pretrial Intervention Program from 1978 to 1980. He said by his own initiative he took the program "statewide" and he "ran" the program out of the Attorney General's Office. He said he always wanted to run for office so he resigned as the State Director and ran for the State House of Representative. He said he won the democratic nomination, but lost the general election in 1982. He then owned a public relations and advertising business and ran the business for the next year.

In 1983, he was asked by the board of the Carolina Children's Home to be the superintendent. Mr. Sullivan served in this capacity between 1983 and 1985. He indicated he resigned his position as he felt he served his duty to the facility. However, a SLED investigative report indicated Mr. Sullivan was "terminated" from his position for drinking and allowing some of the residents to drink beer.

Between 1985 and 1986, Mr. Sullivan "ran" the Ernest Hollings campaign for the United States Senate. He then took a job selling and marketing computers. In 1988, he relocated to High Wycombe, a suburb of London, England but returned to Columbia in 1992. He then worked in sales for a computer training company. Along with a partner, Mr. Sullivan began Lion Technologies, a company focused on "being a consultant for computer systems integrations for law firms." He began "Charles, Tricot, and Sullivan Consulting" and was doing this work at the time of his arrest. Mr. Sullivan denies any history of disciplinary problems at work. He denied a history of unemployment. In prison, he worked as a coordinator in the Character Housing Unit and as a tutor in the GED program.

Mr. Sullivan has reported a history of high blood pressure and diabetes. His symptoms appear controlled with medications. He has also reported "some arthritis" and joint pain.

Mr. Sullivan reported a history of mental health treatment limited to the legal proceedings in his criminal case. He said he met with a psychiatrist a "handful" of times between his arrest and conviction. He believed he was diagnosed with pedophilia or another paraphilia. He said the medication prescribed to him was to decrease his sexual arousal in order to make his case "look better" in court. He said he was not necessarily depressed at the time.

Mr. Sullivan reported a past use of alcohol and to a limited degree, cannabis. He reported he had problems with his use of alcohol and that his alcohol use played a role in his sexual offending.

Mr. Sullivan reported having many friends and no difficulty making friends as a child, adolescent, or adult. He has never married or fathered any children. He reported several long-term romantic relationships. His first relationship involved a girl he met in high school and remained involved with during college. He reported they were sexually compatible but that the relationship ended after she became "dependent and clingy." Mr. Sullivan next dated a woman named Debbie whom he stated he did not have a sexual relationship with. He indicated the relationship ended due to his not being "ready to make a commitment." Mr. Sullivan reported he then dated Betsy, whom he described as someone he would "not normally be attracted." He indicated he experienced "sexual dysfunction" during the relationship as he felt "guilt" about the "sex offenses." He indicated they were "able to talk about his dysfunction and have a good sex life." He added they were "better friends than lovers." Mr. Sullivan reported he met Chrissy when he moved to England and lived with her for 2.5 years. However, official records reflect they lived together less than two years (1988 at the earliest to 1990 at the latest). He stated they dated "long distance" after he returned to the United States and "eventually drifted apart." In 1997, she came to visit him and they decided to "get serious" about their relationship and became engaged to be married.

When asked about his sexual preference during the interview with Dr. Gehle, Mr. Sullivan replied, "Phew, that's a good question. I have always considered myself heterosexual, but I do understand that I have committed homosexual acts, bisexual maybe." He stated he was confused about why he engaged in homosexual acts with the victims. He speculated it had to do with his early sexual experiences - engaging in sexual activity with his older brother and his friend when he was 11 and his having sex with a 30-year-old female when he was 15. He stated he did not consider these acts to be abuse. Mr. Sullivan reported having approximately 15 to 20 sexual partners, one of whom was a male. He indicated his sexual fantasies typically consisted of acts with males, revolving around oral sex. He acknowledged a history of sexual preoccupation. Mr. Sullivan told Dr. Gehle he thinks his offenses, which he considered "mutual masturbation," were a way to avoid intimacy with heterosexual sexual partners.

ORIGINAL COMMITMENT FINDINGS

Offense History

Records reflect Mr. Sullivan has multiple allegations and charges for sexual offenses against minor males. Prior to the 1997/1998 charges that led to his first criminal conviction, there were several allegations of sexual abuse including allegations from when he lived in England. From the available records, it appears Mr. Sullivan was investigated, but not formally charged, in

relation to two of those incidents. He was questioned in both cases and arrested in one. In 1997, allegations of sexual abuse were disclosed by two minor males. This launched a South Carolina Law Enforcement Division (SLED) investigation, which resulted in multiple sexual and sexually related charges, against multiple minor males. In 1998, Mr. Sullivan pled guilty to 32 charges encompassing 17 minors and three counts Sexual Exploitation of a Minor Third Degree related to his possession of child pornography. Mr. Sullivan reported to Dr. Gehle he offended minor males "50 different times" and that this included approximately "40" different minors. Records reflect Mr. Sullivan gained access to the victims largely through social service organizations, civic organizations, and sports coaching.

1976

A 13-year-old male reported that while spending the night at Mr. Sullivan's house, along with other boys, he awoke to find Mr. Sullivan "masturbating him." He confronted Mr. Sullivan the next morning and told him it better not happen again. He continued to have contact with Mr. Sullivan believing the behavior was an isolated incident.

1978

Between September 1978 and January 1979, Mr. Sullivan sexually abused a 10-year-old male of a woman he had befriended. The victim initially disclosed the abuse to his mother but was not believed. Later, she discovered letters written between Mr. Sullivan and the victim and realized her son had been telling the truth. They did not pursue criminal charges at that time.

1982

A 15-year-old male reported he was invited to spend the night at Mr. Sullivan's home. He awoke to find Mr. Sullivan's hand on his [the victims'] penis. The victim thought it was an accident and rolled over. Mr. Sullivan reached over and grabbed his penis again. The victim then got up and left the residence. He told his parents but they decided not to pursue charges at that time.

1987

In December 1987 it was alleged Mr. Sullivan sexually abused two male residents of the Carolina Children's Home. Mr. Sullivan had previously been a director of the facility, but at the time of the allegations, was a volunteer. The South Carolina Department of Social Services initiated an investigation into the allegations and concluded they were founded. They then referred the case to SLED in compliance with state law.

- One victim reported Mr. Sullivan was his sponsor and that he began spending weekends at Mr. Sullivan's home. While there, he was provided alcohol. He stated the offense occurred in September 1987. He stated Mr. Sullivan fondled or attempted to fondle his penis while he was sleeping on two separate occasions.
- The second victim reported in October or November 1987 he and two other minors spent the night at Mr. Sullivan's home. During the night, he awoke twice to find Mr. Sullivan's hand on his penis over his shorts.

1989

Mr. Sullivan began a sexual relationship with a 12-year-old minor that lasted until 1995. He befriended the victim's mother while working at the Carolina Children's Home. He paid for the victim and his mother to visit him while he lived in England. During this first visit, the first sexual encounter occurred and continued for "six years until the victim refused to have any further contact with the subject." He subsequently disclosed the abuse to his mother but it was not reported until the 1997 investigation. No charges were filed in relation to this victim.

1990

Mr. Sullivan moved to High Wycombe, Buckinghamshire, England in 1988. According to a Thames Valley Police report to SLED, Mr. Sullivan approached the Social Services Department there in respect to "befriending young persons who apparently had behavioral problems and were placed into the care of social services." It was noted he, "gained the trust of the department by stating that he was a devout Christian and that he was seeking to establish a business aimed at Counseling Young Offenders in particular young males." He became "quite involved" with a facility that housed minors placed into care of the local authority. He "was allowed to befriend" two 14-year-old males, one of whom he later became the foster parent of in August 1990.

- Within days of the foster care placement, the victim alleged Mr. Sullivan sexually abused him. An investigation into the matter resulted in allegations that "could not be substantiated." Mr. Sullivan was allowed to continue with his counseling of this victim. A second complaint from the victim was eventually made and social workers were "becoming concerned about the practices of Sullivan." Another investigation was commenced and "found that Sullivan had committed an indecent act upon the boy, but it was not possible to prove the matter beyond a reasonable doubt, and Sullivan had by now left the area was not traceable." It was later found that Mr. Sullivan had returned to America.

1993

Allegations were made that Mr. Sullivan sexually abused a 14-year-old male while on a shrimping boat in Beaufort County South Carolina. According to the victim's statement, he met Mr. Sullivan in the Junior Achievement program at Cardinal Newman Middle School. He met him again while Mr. Sullivan chaperoned a basketball trip where he distributed alcohol to several boys and "viewed pornography with us." Mr. Sullivan subsequently "invited me to go shrimping with him" and while on this trip, gave the victim beer and "encouraged me to drink." The victim stated he was also provided marijuana. He stated he was "quite intoxicated" and was helped into bed by Mr. Sullivan when the trip ended. The victim stated he "awoke to find my clothes off and Chuck curled around me grasping my penis."

The victim reported the incident to his parents a week or two after it happened. They wrote Mr. Sullivan a letter confronting him about the abuse and indicate they would discuss the matter with the authorities. They also suggested Mr. Sullivan refrain from "all activities that bring you in contact with children..." and that he obtain psychological "help." Mr. Sullivan subsequently met with the parents, provided them a letter denying the allegations against him, and the two parties began exchanging letters; Mr. Sullivan denying any improper action and the

parents demanding he get professional help. Charges against Mr. Sullivan were pursued when Mr. Sullivan was investigated in 1996/1998.

1996

In November 1996, the Catholic Diocese of Charleston received information (via a letter from "a concerned parent") alleging Mr. Sullivan had sexually abused young males at the Carolina Children's Home in the past. The letter indicated the prior incidents "would be dropped if he were to leave the country" but it was discovered Mr. Sullivan was "coaching the junior high boys basketball team at Cardinal Newman. This allegation launched an investigation, eventually placing Mr. Sullivan on "paid administrative leave." Mr. Sullivan asked the Diocese, in a letter, to allow him to "continue to the contract to coach the B-Team into which I entered at Cardinal Newman" while the "internal investigation" proceeded. He suggested they provide him an "assistant" who would "be present at all practices and games." The Diocese agreed to allow Mr. Sullivan to continue coaching "with supervision during the investigation." The investigation continued through at least February 1997.

1997

- In the Spring of 1997 an 11/12 year old reported that on two separate occasions Mr. Sullivan provided him alcohol, fondled his penis, and masturbated in front of him. In June 1997, he reported he was shown pornography, given alcohol and witnessed Mr. Sullivan perform oral sex on another minor male and had that minor perform oral sex on him. Mr. Sullivan also masturbated in front of them.
- In the Spring of 1997, two males (15 and 16-years old) reported they were provided alcohol by Mr. Sullivan while at his residence.
- In May of 1997, a 14-year-old male reported Mr. Sullivan provided him alcohol, masturbated him and masturbated himself in his presence.
- In May of 1997, a 15-year-old reported Mr. Sullivan provided him alcohol while at his residence.
- In June 1997, a 12-year-old male reported Mr. Sullivan performed oral sex on him, had him perform oral sex on Mr. Sullivan, and masturbated in his presence. This was reportedly witnessed by other males.
- In October 1997, a 13-year-old male, three 15-year-old males and a 16-year-old male reported that while at Mr. Sullivan's residence, they were allowed to drink alcohol and smoke marijuana. One of the 15-year-olds reported waking up to find Mr. Sullivan fondling his penis.
- In November 1997, a minor male (age unknown) reported Mr. Sullivan provided him alcohol while at his residence.

1998

Two brothers (11/12 and 15 years old) reported Mr. Sullivan provided them alcohol and had them watch pornography.

At the time of his arrest, a search of Mr. Sullivan's residence was conducted by investigators wherein they found "Numerous photographs" depicting "children between the ages of nine and 15 years of age. These images showed young boys engaged in oral and anal penetration."

Mr. Sullivan pleaded guilty to 11 counts Lewd Act Upon a Minor/Child; 12 counts Contributing to the Delinquency of a Minor; 5 counts Exhibiting a Harmful Performance to a Minor; 2 counts Assault and Battery of a High and Aggravated Nature; and 3 counts Sexual Exploitation of a Minor Third Degree. He was sentenced to a total of 35 years of incarceration, which began on 7/28/98.

Original Evaluator Conclusions

Mr. Sullivan was evaluated for possible commitment to the Sexually Violent Predator Program in 2015 by Dr. Marie E. Gehle. In her report, dated 10/1/15, she opined he met criteria for Pedophilic Disorder, Nonexclusive Type, Sexually Attracted to Males; Unspecified Paraphilic Disorder Nonconsent; and Narcissistic Personality Disorder. Dr. Gehle stated that while Narcissistic Personality Disorder

Does not necessarily predispose him to commit future acts of sexual violence, it converges with his paraphilias to make him more likely to act on his deviant sexual arousal. Especially, it is his narcissism that underlies his audacity and boldness in his offending, that allowed him to push for continued access to victims and offend following allegations and while under investigation, and made him think he would continue to get away with it.

Dr. Gehle opined there was "ample evidence" Mr. Sullivan lacked volitional or emotional control. She stated he "continued to offend despite being accused and investigated several times... continued to offend while under investigation by the Catholic Diocese of Charleston... [and] continued to seek access to minor males despite being threatened with exposure if he did so." He also "engaged in goal-directed behavior in that he sought positions of power and authority with continued access to his preferred victim class over the course of most of his adult life. He anticipated accusations and engaged in behavior, such as sending himself a letter of denial, in order to maintain his continued ability to sexually offend... [and] pushed to continue to have access to minors while under investigation for sexual abuse. None of these things did anything to stop his behavior." Dr. Gehle opined Mr. Sullivan had several "other considerations" pertaining to his risk to reoffend which included,

His repeated history of sexual abuse allegations and subsequent reoffenses. It seems nothing deterred his sexual acting out. Even when he was being investigated by the Catholic Diocese of Charleston, he continued to sexually abuse minor males. He was alleged to have allowed children to drink alcohol when he was the director of the Carolina Children's Home and he was convicted of providing alcohol and pornography to many minor males whom he coached and worked with through volunteer programs. This evidence is a pattern [of] poor judgment and abuse of power. He found ways to sublimate all the allegations made against him until 1997/1998. He contacted investigators, lawyers, and others in charge in relation to these allegations in a manner suggesting he fully expected them to believe he would not act in this manner. He convinced people to allow him continued access to children and to the victims while being investigated.

TREATMENT PROGRESS

Prior Annual Review Conclusions

Mr. Sullivan's first annual review report was completed on 10/1/17. That report concluded, "He tends to intellectualize what he is [sic] learned but still lacks insight into the role his narcissism plays in his offending and his treatment progress. He continues to present himself in the most favorable light. He continues to externalize the consequences of his offending behavior."

Current Treatment Progress

Mr. Sullivan is a regular and active member of his treatment group and other treatment related responsibilities (e.g., therapeutic study hour, case management sessions, etc.). He appears to be appropriately involved and is equally as active with his residential unit. Mr. Sullivan is described as polite in his interactions with others and is reported to provide relevant and helpful feedback to his peers. As of August 2018, he has advanced to Phase 2.1 and is addressing his treatment goals. However, records and consultation with treatment staff reflect Mr. Sullivan tends to exaggerate his achievements, expects to be recognized as superior, has unreasonable expectations of favorable treatment, and is interpersonally exploitative. For example, he attempts to "direct his own treatment" and "constantly" asks for additional work in an attempt "to move faster than is appropriate" for him. His case manager stated he has described himself as "slightly more intelligent than most residents" when discussing being in Phase I of treatment. He has been noted to try and "dominate" conversations with treatment staff and has "attempted to be manipulative" by asking for information from different case managers when not receiving the responses he liked from a particular case manager. Staff reported Mr. Sullivan "continues" to ask for materials outside of those outlined for him on his treatment plan, despite having been redirected on this issue in the past. When asked for his perception of his progress, Mr. Sullivan has reported he has a "clear understanding" of his dynamic risk factors, "fully understands" his choices and how they brought him to the SVPTP, and has "tied together an awareness of my issues behind my sexual offending." However, his treatment providers only describe him as having "some insight into his deviant sexual behaviors and the distorted thinking patterns leading up to his offenses." They noted he is in "the early stages of treatment" and has "yet to fully explore" his dynamic risk factors. While Mr. Sullivan is consistently described as friendly and respectful in his interactions with others, "at times he tends to come across as disingenuous. For example, he presents himself as someone who is perfect, has no issues, and does not need treatment."

A review of his group notes reflect Mr. Sullivan tends to minimize or rationalize his behavior, present himself as a passive participant in his offending, and externalize blame for his actions by suggesting poor intimacy in his relationships or a lack of accountability from others led to his offending. For example, Mr. Sullivan noted feeling his offending was a result of his being "selfish" and "focused too much on what he wanted" rather than consciously acting on his deviant sexual interests and engaging in criminal behavior. He often describes his offending as "relationships" wherein he somehow crossed a boundary rather than acknowledging these were crafted situations in which he deliberately made choices to prepare his victims for future abuse. Mr. Sullivan has also reported feeling his victims may have "liked" the abuse he perpetrated against them because *he liked* his early sexual experiences (e.g., engaging in sexual

activity with his older brother and friend when he was 11 and his having sex with a 30-year-old female when he was 15) and because they did not necessarily say "no" to his behavior. He focuses on the "lack" of action from his victims rather than on his actions of offending when his victims were asleep and after supplying them with alcohol or offending victims with whom he was in positions of power and control over.

Mr. Sullivan also reports feeling his "lack of spirituality in his past contributed to his offending." This in spite of his attending a diocesan, Roman Catholic high school, and coaching his church's league intermural basketball team beginning at the age of 15. Mr. Sullivan also notes feeling he had no "accountability" when offending despite the fact he worked in political positions, state government offices, held positions of trust and accountability in the community, and was in relationships at the time of his offenses. Mr. Sullivan notes not being "fully committed" to his relationships as a catalyst for offending and suggests his "intimacy and sexual needs were not being met" in these relationships "which led me to offend young boys." He seems to focus on what these heterosexual relationships were not giving him rather than address his homosexual and paraphilic sexual preferences and his deliberate deception and manipulation of his partners so he could hide his sexual offending behaviors/interests.

When discussing preventative measures in anticipation of release, Mr. Sullivan focuses on his having "accountability" in place and suggests this will "ensure no more victims." However, as indicated above, he had extensive accountability measures in place throughout his years of offending and intentionally chose to circumvent those measures in order to continue his offending. It is unclear how having accountability will assist him going forward and he has not discussed this further in his treatment groups. Mr. Sullivan also seems to focus on his reported "fiancé" and how this relationship will help him avoid reoffense; though he fails to address the allegations he offended during their relationship when they were together in England or how this relationship will help him when it did not previously.

Mr. Sullivan's interactions with his peers and during group appear appropriate until he does not like something. For example, he volunteered himself for the Resident Review Board but when he was not initially elected approached his case manager and "wanted to process the recent resident election" as he "felt the election process had been unfair." When role-playing a similar scenario in his group, wherein he was not picked for a basketball team after tryouts, he congratulated the person who was picked "in a low tone and disappointed way" and was noted to "not handle rejection or getting his desired position well." Mr. Sullivan had a roommate but noted continual difficulties causing them to be "incompatible." He was eventually given a single cell as a result.

INTERVIEW

This writer, along with two postdoctoral fellows, met with Mr. Sullivan on 10/4/18 for approximately two hours. He presented as appropriately dressed and adequately groomed. He knew what month and year it was, who he was, and why he was meeting with this writer. His speech was goal-directed and organized and he was easily understood. His attention and concentration were good and he made appropriate eye contact. He displayed an appropriate range of emotional expression. His short-term memory was adequate and he demonstrated

appropriate expressive and receptive language abilities. Mr. Sullivan did not demonstrate any tics, compulsions, or unusual behaviors, and he did not appear to be responding to internal stimuli during the interview. He denied any current suicidal or homicidal ideation.

Mr. Sullivan was cordial and engaged throughout the interview process but gave little in the way of substantive answers. He spoke in generalities and glossed over salient treatment components. When suggestions were made there may be more of a deviant component (e.g., sexual attraction/interest) than he is recognizing, he was willing to acknowledge this possibility but did not make reference to it on his own. Consistent with his treatment record noted above, Mr. Sullivan tended to externalize blame and minimize his actions. He focused on his having a relationship as a way to prevent reoffense and seemed focused on release rather than on his need to address critical treatment components. Additionally, his discussion of relapse prevention strategies continued to put the onus on others to help him avoid reoffense rather than proactive approaches suggesting a recognition and appreciation of his own risk.

Mr. Sullivan reported he is adjusting to being at the SVPTP and is going "good." He indicated he gets along well with others and referenced having known several of the residents prior to his arrival from his time in SCDC. He stated he had a roommate when he first arrived (from November to January) but indicated it was "constant stress" as they "knocked heads." Mr. Sullivan reported he spends his time, when not in treatment programming, "staying active on the unit" and tries to "get along with everyone."

When asked what he has been working on in treatment, Mr. Sullivan stated "coping skills" but stated it is "hard to practice these on the unit" and that he needs to "practice in real life." He stated he is addressing his treatment goals and is now "aware" of his narcissistic traits and is "addressing that." He stated his prior annual review highlighted his need to address this issue. Mr. Sullivan stated he "used to have an issue with that label (Narcissism)" and stated, "I'm not better than anyone I just may know more than them on a particular issue." He said he has now "set aside the label" and has taken the "traits and rated them." He added, "It's helping to balance good and bad. I'm processing it. If you look at the notes, I'm balancing good and bad and addressing those traits." Mr. Sullivan reported he has "asked for extra work" that "wasn't on my treatment plan at the time" because he "wanted to work on it and apply it to my offending."

Mr. Sullivan volunteered he did not pursue treatment in the past as he was "scared" he would get in trouble. He stated he "spoke to a friend about possible treatment" (after the launch of the 1997 SLED investigation) and "he said he may have to report something" which precluded him from engaging in treatment at that time. Mr. Sullivan stated he did "try" treatment while in SCDC but that "it's just education. Without disclosure and support components, it's just talk." He stated he takes treatment seriously and will take it to his "grave."

When asked about his offending, Mr. Sullivan readily acknowledged having offended against multiple male minors, beginning when he was 20 or 21. He suggested his own sexual behavior at the age of 11 or 12 created a "sexual awakening to that type of behavior." When asked what led up to his first offense, Mr. Sullivan was unsure. He stated he had known the victim for

approximately two years prior to offending and indicated on the night of the offense he felt "curious" though was unable to explain this further. He added that much of his offending was "testing waters" to see what he "could get away with," based on how the victims responded. When asked if he was sexually attracted to minor males, Mr. Sullivan acknowledged attraction to a particular age group (e.g., 11 to 16) but suggested his offending was more attributable to other circumstances (e.g., his relationships). He stated the longest he went without offending was "around 2 years" and stated this was due to "working a lot of jobs" and having more "structured time." He stated the most he offended was "two or three" separate victims at a time. When asked about fantasies, Mr. Sullivan stated he continued to have sexual fantasies of his victims for the "first five years" while in SCDC. Since that time, he stated his thoughts have decreased to "maybe once a quarter." He denies masturbating to these thoughts or fantasies as he is "a diabetic" and "62" years old. He also stated he is "just not tempted or preoccupied [with sex]" as he was in the past. Mr. Sullivan stated he has also "increased awareness of offending and parallel offending" which have decreased his focus on sexual thoughts. He stated his last thought of a minor was while residing in the county jail prior to his admission to the SVPTP.

Mr. Sullivan stated he has now "accepted that what I was doing was wrong" but previously did not see himself "as a child molester" because his victims said "okay" to the abuse and his offending behaviors "weren't violent." Mr. Sullivan acknowledged he "wouldn't have stopped" offending without law enforcement intervention. When asked how he would avoid reoffense when released, he stated he would use "avoidance" and "awareness." As an example, he stated if he was at a friend's house that had children and was "asked to babysit" he "wouldn't do that without Chrissy being there." Mr. Sullivan also noted "Not being alone with boys in my that age range" and not being in a "situation" were important ways to avoid reoffense. He stated he now knows how to deal with "internal triggers like boredom and stress" and has "accountability." He added, "I'm going to marry Chrissy. That's accountability. She knows everything." Mr. Sullivan stated, "Others can look me up on the internet" and "know all they want to know." He also stated, "Chrissy will tell them." When asked, he acknowledged having manipulated others in the past so they did not know about or suspect him of offending. When asked what he thought his biggest risk factor would be he stated, "Healthy relationships, communication, mutual respect... Being in a relationship." He indicated that if his relationship "didn't work out" he would "need a backup plan." Mr. Sullivan stated he needed to have "Proper structure of my time" going forward and be "constantly aware of the potential."

DIAGNOSTIC FORMULATION

Mr. Sullivan meets diagnostic criteria for Other Specified Paraphilic Disorder and Narcissistic Personality Disorder.

A paraphilia, per the DSM 5 "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" (pg. 685). A paraphilia may be defined as any sexual interest greater than or equal to normophilic sexual interests. 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" (pg. 686). Other

Specified Paraphilic Disorder “applies to presentations in which symptoms characteristic of a paraphilic disorder” (e.g., distress or impairment, or whose satisfaction has entailed personal harm, or risk of harm to others) “do not meet full criteria for any of the disorders in the paraphilic diagnostic class” (pg. 705). Given Mr. Sullivan’s reported sexual interest in and behavior with adolescent males, along with his extensive detected sexual behavior with pubescent males, he meets criteria for Other Specified Paraphilic Disorder.

Mr. Sullivan also meets diagnostic criteria for Narcissistic Personality Disorder. Personality disorders are defined as “enduring pattern[s] of inner experience and behaviors that deviates markedly from the expectations of the individual’s culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment” (pg. 645). Additionally, personality disorders manifest themselves in at least two of the following categories: cognition, affectivity, interpersonal relationships, and impulse control (pg. 646). Mr. Sullivan has demonstrated marked difficulty in cognition and in impulse control. Narcissistic Personality Disorder (NPD) is a pervasive pattern of grandiosity, need for admiration, and lack of empathy. Mr. Sullivan has exhibited a grandiose sense of self-importance, is preoccupied with fantasies of success, power, or brilliance, believes he is special or unique and can only be understood by other special/unique people, has a sense of entitlement, is interpersonally exploitative, lacks empathy, and shows arrogant, haughty behaviors/attitudes.

RISK ASSESSMENT

The key factors empirically supported through the research as contributing to sexual offense recidivism are typically divided into static and dynamic factors. Static factors (e.g., offense and victim characteristics) are relatively fixed aspects of an offender’s history and therefore do not change with treatment interventions, environmental changes, or in terms of relationship to risk. Dynamic or sometimes referred to as psychologically meaningful factors (e.g., relationship status, deviant sexual interests, and compliance with supervision), are changeable and amenable to treatment and/or environmental manipulations and can help mitigate risk if adequately managed or intervened upon. Assessment of both static and dynamic factors is involved in determining risk for sexual reoffense.

Static Risk Factors

The following items have been empirically supported in the literature as contributing to sexual recidivism: having prior sexual offenses, having deviant sexual interests, psychopathy, being young at the time of offending, having stranger and/or unrelated victims, having male victims, never having been married or in a committed relationship, and violating the conditions of release and/or treatment (Witt & Conroy, 2009). Mr. Sullivan has multiple prior sexual offenses, has deviant sexual interests, and has unrelated and male victims.

The Static-99R and Static-2002R are actuarial risk assessments designed to assess risk of sexual recidivism for adult males who have already been charged with or convicted of at least one sex offense against a child or non-consenting adult. They are intended to position offenders in terms of their relative degree of risk for sexual recidivism based on commonly available demographic and criminal history information that has been found to correlate with sexual

recidivism in adult male sex offenders. The scores characterize the individual's relative risk for sexual recidivism in terms of how unusual it is and in terms of how it compares to risk presented by the typical offender. 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. The Static-2002R differs from the Static-99R in that it addresses persistence of sexual offending, deviant sexual interests and general criminality. When used together, these two instruments add incremental validity to risk prediction. Authors of the Static-99R and Static-2002R now suggest using both instruments when assessing risk prediction in high stakes evaluations, to include Sexually Violent Predator evaluations.

Mr. Sullivan's score of 3 on the Static-99R places him in the Level III or Average Risk category of being charged with or convicted of another sexual offense relative to other adult male sex offenders. This level is described as those "typical offenders in the middle of the risk distribution." In routine samples with the same score as Mr. Sullivan, the five-year sexual recidivism rate was 7.9%. The confidence intervals for this estimate are between 7% and 8.8%.

Mr. Sullivan's score on the Static-2002R (1) places him in the Below Average risk category and places his five-year sexual recidivism rate at 3.2% (with confidence intervals of 2.3% and 4.4%). Collectively, Mr. Sullivan's static risk falls in the below average and average range.

The only factor decreasing Mr. Sullivan's static risk is his age. Research (e.g., Barbaree & Blanchard 2008; Barbaree, Blanchard, Langton 2003; Hanson 2002) is relatively consistent in concluding recidivism declines with age. Although there is some variation in how researchers define "older" offenders and how offenders are age-categorized with regard to statistical analysis, the general findings suggest there is a relatively stable, *albeit gradual*, decline in recidivism in middle adulthood. This decline reportedly becomes more rapid after the age of 60 and at age 70, recidivism rates approach zero. However, with child offenders, some research (e.g., Prentky & Lee 2007) suggests offending patterns actually increase in the 4th decade of life and do not begin to decline until the 6th. They describe crime patterns for child molesters as "quadratic" meaning they begin low, increase sharply, plateau, and then decline after the age of 60. As such, Mr. Sullivan's risk may not be mitigated by mere age.

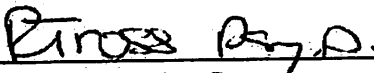
Dynamic Risk Factors

The following items have been empirically supported as contributing to sexual recidivism: having a sexual preoccupation, a sexual preference for prepubescent or pubescent children, sexualized violence, multiple paraphilias, offense-supportive attitudes, emotional congruence with children, a lack of emotionally intimate relationships with adults, lifestyle impulsiveness, exhibiting poor problem solving, demonstrating resistance to rules and supervision, grievance/hostility, and having negative social influences (Mann, Hanson, & Thornton, 2010). Additionally, there are several factors found to have significant predictive value for sexual recidivism but which have less empirical support to date. These are: hostility toward women, Machiavellianism, possessing a callousness/lack of concern for others, and displaying dysfunctional coping.

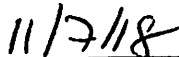
Mr. Sullivan appears to have a Sexual Preference for Pubescent Children, Offense Supported Attitudes, An Emotional Congruence with Children, a Lack of Emotionally Intimate Relationships with Adults, Callousness/Lack of Concern for Others, and Dysfunctional Coping. He is in the nascent stages of treatment and has not yet developed an understanding of how these factors played a role in his lifestyle choices or offending patterns, which precludes his ability to mitigate their risk at this time.

CONCLUSION

It is my opinion Mr. Sullivan's mental abnormalities have not yet changed and he remains likely to commit acts of sexual violence if released. His offending patterns extend throughout the majority of his life. His patterns are multifaceted and require extensive analysis for him to be able to develop and implement relapse prevention measures. He is at the beginning stages of this process. His personality disorder is an integral part of his offending and needs to be addressed as assiduously as his sexual preference for children. Given Mr. Sullivan's ability to intellectualize treatment concepts and be socially adept, it will be important for him to demonstrate his ability to manage his deviancy and relevant characterological components through nonconcrete tasks rather than the mere submission of treatment assignments.



Rozanna Tross, Psy.D.
Chief Psychologist



Date

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH**FORENSIC PSYCHOLOGICAL EVALUATION
PURSUANT TO THE SOUTH CAROLINA SEXUALLY VIOLENT PREDATOR ACT**

Name: **CHARLES T. SULLIVAN**
Case Number: 2015-CP-40-0770
Date of Birth: June 6, 1956
Evaluator: Marie E. Gehle, Psy.D.
Date of Report: August 18, 2015

REFERRAL INFORMATION

Charles T. Sullivan is a 59-year-old Caucasian male who has been convicted of a multiple sexually violent offenses 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 Richland County Court of Common Pleas issued an order on May 28, 2015 ordering an evaluation of Mr. Sullivan 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. Sullivan 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 Broad River Correctional Institution.

NOTIFICATION

At the outset of the evaluation, Mr. Sullivan was informed of its nature, purpose, and limits of confidentiality. The general course of SVP proceedings was explained. He understood the information as demonstrated by his paraphrasing and the questions he asked. He was concerned that either side

could request a jury trial and related this to his belief that a jury trial would make the proceedings “overly political.” He agreed to participate in the evaluation.

SOURCES OF INFORMATION

1. Interview of Mr. Sullivan on June 25, 2015 for 6 hours;
2. Order for Continuance from the Richland County Court of Common Pleas dated July 28, 2015;
3. Order for Evaluation from the Richland County Court of Common Pleas dated May 28, 2015;
4. Probable Cause Order from the Richland County Court of Common Pleas dated February 18, 2015;
5. Petition Pursuant to the Sexually Violent Predator Act dated February 2, 2015;
6. Prosecutor’s Review Committee Probable Cause Determination dated January 20, 2015;
7. Sexual Predator Referral Form dated December 18, 2014;
8. Sexual Predator Synopsis Form undated;
9. Records from the South Carolina Department of Corrections (SCDC);
10. National Criminal Information Center (NCIC) criminal history report for Mr. Sullivan;
11. Consultation with David Thornton, Ph.D., Sand Ridge Secure Treatment Center, Wisconsin;
12. Telephone call to Mitch Tucker, South Carolina Department of Probation, Parole, and Pardon Services (SCDPPPS), on August 4, 2015;
13. South Carolina Law Enforcement Division (SLED) interview summary of John Doe 1 in case number 32970198, dated January 7, 1998;
14. South Carolina Law Enforcement Division (SLED) interview summary of John Doe 2 in case 32970198, dated January 8, 1998;
15. Columbia Police Department Incident Report for case 97-43945;
16. Columbia Police Department Investigative Report for case 97-43945;
17. Columbia Police Department Incident Report for case 97-43946;
18. Columbia Police Department Investigative Report for case 97-43946;
19. Columbia Police Department Incident Report for case 97-43947;
20. Columbia Police Department Investigative Report for case 97-43947;
21. Columbia Police Department Incident Report for case 97-43948;
22. Columbia Police Department Investigative Report for case 97-43948;

23. Letter from James L. Solomon, Jr., South Carolina Department of Social Services (SCDSS), to Chief Robert M. Stewart, SLED, dated March 28, 1988;
24. Letter from Chief Robert M. Stewart, SLED, to James L. Solomon, Jr., SCDSS, dated April 1, 1988;
25. Letter from Chief Robert M. Stewart, SLED, to James L. Solomon, Jr., SCDSS, dated November 7, 1988;
26. Institutional Abuse Investigation report (victim K.E.) by Elaine Eskew, Child Protective and Preventive Services, SCDSS (indicated for sexual abuse on February 5, 1988);
27. Institutional Abuse Investigation report and observations (victim John Doe 5) by Elaine Eskew, Child Protective and Preventive Services, SCDSS (indicated for sexual abuse on February 12, 1988);
28. SCDSS interview of Beverly Clarke, Houseparent, Carolina Children's Home, on December 11, 1987;
29. SCDSS interview of B.E. (K.E.'s brother) on December 11, 1987;
30. SCDSS interview of Paul G.;
31. SCDSS interview of Jennifer Johnson, Unit Supervisor, Carolina Children's Home;
32. SCDSS interview of Mr. Sullivan on December 10, 1987;
33. SCDSS interview of Mr. Sullivan on December 11, 1987;
34. SCDSS interview of K.E.;
35. SCDSS interview of John Doe 5 on December 15, 1987;
36. Brief narrative of SCDSS interview of Mr. Sullivan, along with his attorney Jack Swerling, on December 17, 1987;
37. Email correspondence between Nigel Welham, Executive Support Manager, Chief Constable's Office, Thames Valley Police Headquarters, and Christopher Morrow, in August 2015;
38. Letter from Jesse W. Strickland, Investigator, Office of the Solicitor for the Fifteenth Judicial Circuit, to Elaine Eskew, SCDSS, dated February 23, 1988;
39. Handwritten letter to K.E. from Mr. Sullivan, undated (1987);
40. Memorandum regarding "John Doe" Index from Jonathan S. Gasser, Deputy Solicitor for the Fifth Judicial Circuit, dated January 15, 1988;
41. SLED report for case S88-1036*P dated September 30, 1988;
42. Statement (incomplete) of K.E. dated May 14, 1988;
43. Statement (incomplete) of John Doe 5 dated May 16, 1988;

44. Letter from Jesse W. Strickland, Office of the Solicitor for the Fifteenth Judicial Circuit, to Ben Thomas, SLED, regarding Mr. Sullivan's polygraph results, dated April 15, 1988;
45. Letter from Jesse W. Strickland, Office of the Solicitor for the Fifteenth Judicial Circuit, to Elaine Eskew, SCDSS, regarding Mr. Sullivan's polygraph results, dated February 23, 1988;
46. Letter from Jack B. Swerling, Swerling and Harpootlian Attorneys at Law, to Robert Stuart, SLED, dated March 16, 1988;
47. Letter from Ben Thomas, SLED, to James C. Anders, Solicitor for the Fifth Judicial Circuit, dated December 1, 1988;
48. SLED Investigative Notes Forms for case 588-1036*P;
49. Bail Record, Aylesbury Police Station, England, dated August 20, 1990;
50. Report from Paul Watson, Police Constable, Operational Support Services, Thames Valley Police, dated December 22, 1997;
51. Letter from Mr. Sullivan to Buckinghamshire Department of Social Services, Aylesbury, England dated October 15, 1990;
52. Letter from Mr. Sullivan to Ms. Dot Metcalfe, Buckinghamshire Department of Social Services dated October 17, 1990;
53. Handwritten instructions related to emergency placement of A.E.;
54. Record of proceeding against A.E. in the Juvenile Court, Aylesbury, Buckinghamshire County, England, on August 14, 1990;
55. Documents from the Buckinghamshire County Council Social Services Department related to foster care system;
56. Assessment summary of A.E., undated;
57. Handwritten Foster Care Placement records for A.E.;
58. Buckinghamshire County Council Form of Undertaking to be signed by Foster Parents signed by Mr. Sullivan on August 16, 1990;
59. Letter from "A concerned parent" to "To whom it may concern," undated;
60. Report of Reverend Monsignor Charles H. Rowland, Pastor (St. Joseph's Catholic Church) dated November 9, 1996;
61. Letter from Mr. Sullivan regarding allegations of abuse at Cardinal Newman, undated (November 1996);
62. Letter from Harold J. Bayerl, Principal, Cardinal Newman High School, to Mr. Sullivan dated November 20, 1996;
63. Letter from Mr. Sullivan to Mr. Bayerl dated November 22, 1996;

64. Letter from James C. Geoly, attorney at Mayer, Brown & Platt, Chicago, Illinois, to Mr. Sullivan dated December 2, 1996;
65. Copy of page 3 of the letter noted above signed by Mr. Sullivan and dated December 2, 1996;
66. Letter from Mr. Sullivan to Jim Geoly dated December 2, 1996;
67. Letter from Gay G. Rowzie, Ph.D., Secretary of Education and Evangelization, Diocese of Charleston, to Harold Bayerl, Principal, Cardinal Newman High School, dated December 3, 1996;
68. Letter from Harold Bayerl to Jim Geoly dated January 6, 1997;
69. Letter from James C. Geoly to Harold Bayerl dated January 15, 1997;
70. Letter from Mr. Sullivan to Patrick Greenwood, Athletic Director, Cardinal Newman High School, dated February 4, 1997;
71. Search Warrant S9722 and affidavit dated December 11, 1997;
72. Search Warrant Return dated December 15, 1997;
73. SLED Laboratory Forensic Services Request and Evidence Inventory Sheets dated December 18, 1997;
74. Letter from Mark W. Pitto, Information Technology Director, Jumpstart, to the undersigned, dated July 15, 2015;
75. Letter from Vincent P. Ward, Ph.D., LSPC, LSMFT, AAMFT, Columbia Family Guidance Center, dated May 2, 1994;
76. Handwritten letter to John Doe 19's father from W. Jones Andrews dated April 5, 1994;
77. Handwritten letter from John Doe 19's parents to Mr. Sullivan dated March 23, 1994;
78. Letter from John Doe 19's parents to Mr. Sullivan dated October 25, 1993;
79. Handwritten letter from Mr. Sullivan to John Doe 19 and his parents dated October 3, 1993 with copy of envelope addressed to the parents care of Mr. Sullivan postmarked Columbia, SC, October 4, 1994;
80. Letter from John Doe 19's parents to Mr. Sullivan dated November 16, 1993;
81. Letter from Mr. Sullivan to John Doe 19's parents dated December 1, 1993;
82. Subpoena for records for Time Warner Cable dated January 6, 1998;
83. Documents related to newsgroups and index of pornography for
 - a. alt.teens.gay
 - b. alt.binaries.pictures.erotica.teen.male
 - c. alt.binaries.pictures.child.erotica.male
 - d. alt.binaries.pictures.erotica.child.male

- e. Easy News Members Server
 - f. Alt.sex.pedophilia.boys
84. List of file names and date/time modified (17 pages);
 85. SLED Technical Services report of Mr. Sullivan's computer and 5 floppy disks;
 86. Letter from Laurie V. Caldwell, SLED, to Seattle Film works dated January 21, 1998;
 87. Interview of Brandon Butcher in case 32970198 on December 23, 1997;
 88. Interview of Brian Hodgeson in case 32970198 on January 3, 1998;
 89. St. Julian's Place Middleborough visitor – employee log for August 5, 1997; August 7, 1997; August 21-22, 1997; August 28, 1997; September 7, 1997; October 18, 1997; and November 11, 1997;
 90. Statement of John Doe 19 on April 22, 1998;
 91. SLED investigative report for case 32970198 dated May 13, 1998;
 92. Letter from John R. Cusack, D.O., Medical University of South Carolina, to Johnathan S. Chaplin, Esquire, Columbia dated January 24, 2007;
 93. Letter from John R. Cusack, D.O. to Johnathan S. Chaplin dated February 7, 2006;
 94. Letter from John R. Cusack, D.O. to Mr. Sullivan dated November 23, 2004;
 95. Letter from Jonathan S. Gasser, Harris & Gasser, Columbia to Larry Mitchell, SCDC, dated December 18, 2014;
 96. Email from Ann Marie Rossi, Columbia, to Larry Mitchell, SCDC, dated December 10, 2014;
 97. Email from Terry Rossi Boyle, Columbia, to Larry Mitchell, SCDC, dated December 10, 2014;
 98. Letter from Terry Rossi Boyle, Columbia, to Larry Mitchell, SCDC, dated December 10, 2014;
 99. Email from the father of John Doe 1 and John Doe 2 to Larry Mitchell dated December 16, 2014;
 100. Letter from the father of John Doe 1 and John Doe 2 dated December 16, 2014;
 101. Email from the mother of John Doe 1 and John Doe 2 to Larry Mitchell dated December 16, 2014;
 102. Letter from the mother of John Doe 1 and John Doe 2 dated December 16, 2014;
 103. Handwritten letter from mother of F.B. (unknown victim) dated December 12, 2014;
 104. Application for Post-Conviction Relief (99-CP-40-2650) in the Richland Court of Common Pleas;
 105. Memorandum regarding the treatment status for Mr. Sullivan for South Carolina Parole Board from Stephen E. Williams, LPC/I, MA CAC III, Clinical Correction Counselor, SCDC, undated (after 2007);

106. The State Newspaper article entitled, "Molester receives 35 years," dated July 28, 1998;
107. Transcript of Record (Guilty Pleas) in case 98-GS-40-28138, et. al., Richland County Court of General Sessions dated July 27, 1998;
108. Warrant F-324654 issued on March 17, 1998;
109. Indictment 98-GS-07-0911;
110. Sentence Sheet for 98-GS-07-0911 dated July 27, 1998;
111. Warrant F-324655 issued on March 17, 1998;
112. Indictment 98-GS-07-0910;
113. Warrant F-732388 issued December 11, 1997;
114. Indictment 98-GS-40-28120;
115. Sentence Sheet for 98-GS-40-28120 dated July 27, 1998;
116. Warrant F-732389 issued December 11, 1997;
117. Indictment 98-GS-40-28122;
118. Sentence Sheet for 98-GS-40-28122 dated July 27, 1998;
119. Warrant F-732390 issued on December 11, 1997;
120. Warrant F-732392 issued on December 11, 1997;
121. Warrant F-732393 issued on December 11, 1997;
122. Indictment 98-GS-40-28128;
123. Sentence Sheet for 98-GS-40-28128 dated July 27, 1998;
124. Warrant F-732395 issued on December 11, 1997;
125. Warrant F-732396 issued on December 11, 1997;
126. Indictment 98-GS-40-28130;
127. Sentence Sheet for 98-GS-40-28130 dated July 27, 1998;
128. Warrant F-732397 issued on December 11, 1997;
129. Indictment 98-GS-40-28131;
130. Sentence Sheet for 98-GS-40-28131 dated July 27, 1998;
131. Warrant F-732398 issued on December 11, 1997;
132. Indictment 98-GS-40-28132;
133. Warrant F-732399 issued on December 11, 1997;
134. Indictment 98-GS-40-28133;
135. Sentence Sheet for 98-GS-40-28133 dated July 27, 1998;
136. Warrant F-732400 issued on December 11, 1997;
137. Indictment 98-GS-40-28134;

138. Sentence Sheet for 98-GS-40-28134 dated July 27, 1998;
139. Warrant F-732401 issued on December 11, 1997;
140. Warrant F-732402 issued on December 11, 1997;
141. Warrant F-733061 issued on January 13, 1998;
142. Warrant F-733062 issued on January 13, 1998;
143. Indictment 98-GS-40-28928 (associated warrant F-733064 is missing);
144. Warrant F-733065 issued on January 13, 1998;
145. Warrant F-733066 issued on January 13, 1998;
146. Warrant F-733067 issued on January 13, 1998;
147. Warrant F-733068 issued on January 13, 1998;
148. Warrant F-733069 issued on January 13, 1998;
149. Indictment 98-GS-40-28934 (associated warrant F-733070 is missing);
150. Sentence Sheet for 98-GS-40-28934 dated July 27, 1998;
151. Indictment 98-GS-40-28935 (associated warrant F-733071 is missing);
152. Sentence Sheet for 98-GS-40-28934 dated July 27, 1998;
153. Warrant F-733072 issued on January 13, 1998;
154. Warrant F-733073 issued on January 13, 1998;
155. Indictment 98-GS-40-28937;
156. Sentence Sheet for 98-GS-40-28937 dated July 27, 1998;
157. Warrant F-733074 issued on January 13, 1998;
158. Warrant F-733075 issued on January 13, 1998;
159. Indictment 98-GS-40-28939;
160. Sentence Sheet for 98-GS-40-28939 dated July 27, 1998;
161. Warrant F-733076 issued on January 13, 1998;
162. Warrant F-733077 issued on January 13, 1998;
163. Indictment 98-GS-40-28941;
164. Sentence Sheet for 98-GS-40-28941 dated July 27, 1998;
165. Warrant F-733078 issued on January 13, 1998;
166. Indictment 98-GS-40-28942;
167. Sentence Sheet for 98-GS-40-28942 dated July 27, 1998;
168. Warrant F-733079 issued on January 13, 1998;
169. Indictment 98-GS-40-28943;
170. Sentence Sheet for 98-GS-40-28943 dated July 27, 1998;

171. Warrant F-733080 issued on January 13, 1998;
172. Indictment 98-GS-40-28944;
173. Sentence Sheet for 98-GS-40-28944 dated July 27, 1998;
174. Warrant F-733081 issued on January 13, 1998;
175. Warrant F-733082 issued on January 13, 1998;
176. Indictment 98-GS-40-28945;
177. Sentence Sheet for 98-GS-40-28945 dated July 27, 1998;
178. Warrant F-733083 issued on January 13, 1998;
179. Warrant F-733084 issued on January 13, 1998;
180. Indictment 98-GS-40-28947;
181. Sentence Sheet for 98-GS-40-28947 dated July 27, 1998;
182. Warrant F-733085 issued on January 13, 1998;
183. Warrant F-733086 issued on January 13, 1998;
184. Warrant F-733087 issued on January 13, 1998;
185. Indictment 98-GS-40-28950;
186. Sentence Sheet for 98-GS-40-28950 dated July 27, 1998;
187. Warrant F-733088 issued on January 13, 1998;
188. Warrant F-733089 issued on January 13, 1998;
189. Indictment 98-GS-40-28952;
190. Sentence Sheet for 98-GS-40-28952 dated July 27, 1998;
191. Warrant F-733090 issued on January 13, 1998;
192. Warrant F-733091 issued on January 13, 1998;
193. Indictment 98-GS-40-32002;
194. Sentence Sheet for 98-GS-40-32002 dated July 27, 1998;
195. Warrant F-733092 issued on January 13, 1998;
196. Indictment 98-GS-40-28954;
197. Sentence Sheet for 98-GS-40-28954 dated July 27, 1998;
198. Warrant F-733094 issued on January 13, 1998;
199. Indictment 98-GS-40-28955;
200. Sentence Sheet for 98-GS-40-28955 dated July 27, 1998;
201. Warrant F-733095 issued on January 13, 1998;
202. Indictment 98-GS-40-28956;
203. Sentence Sheet for 98-GS-40-28956 dated July 27, 1998;

- 204. Indictment 98-GS-40-32854 (DP98370);
- 205. Sentence Sheet for 98-GS-40-32854 dated July 27, 1998;
- 206. Indictment 98-GS-40-32853 (DP98371);
- 207. Sentence Sheet for 98-GS-40-32853 dated July 27, 1998;
- 208. Indictment 98-GS-40-32855 (DP98372);
- 209. Sentence Sheet for 98-GS-40-32855 dated July 27, 1998;
- 210. Indictment 98-GS-40-33737 (DP98440);
- 211. Sentence Sheet for 98-GS-40-33737 dated July 27, 1998;
- 212. Indictment 98-GS-40-33736 (DP98441);
- 213. Sentence Sheet for 98-GS-40-33736 dated July 27, 1998;
- 214. Indictment 98-GS-40-33738 (DP98442);
- 215. Sentence Sheet for 98-GS-40-33738 dated July 27, 1998.

BACKGROUND INFORMATION

Unless otherwise noted, the following information is based on the Mr. Sullivan's self-report; therefore, the veracity of the information is limited by his own credibility.

Family and Childhood History: Mr. Sullivan was born and raised in Columbia, South Carolina. He was raised in a two parent home, the seventh of nine children in the family. He has lived in South Carolina all his life, with the exception of the years he lived in a High Wycombe, a suburb of London, England. At the time of the current evaluation, Mr. Sullivan reported that his mother was 92 years old and living in an assisted care facility. His father died in 1997 (at age 79) secondary to complications of Alzheimer's dementia. Two of his siblings are also deceased.

Mr. Sullivan denied a history of physical abuse or neglect. He was never removed from or placed to live outside of the home. He reported a limited history of sexual abuse, which is described in the Sexual History section of this report.

Mr. Sullivan said he had no problems following rules and directions as a child and adolescent. He said his behavior did not result in problems at home or school. He denied a history of juvenile arrest. He denied skipping school, disregarding curfew, or running away from home prior to age 13. He denied conduct problems prior to age 15 apart from telling "little white lies" to get money for things he

wanted, secretly stealing money from his mother's purse ("not a lot"), and shoplifting "a bit." When asked to describe himself as a child, Mr. Sullivan said, "I was a good kid. I made good grades. I played sports. I was involved in a lot of extracurricular activities like student council president. I ran track. I played football, drama club. I shoplifted a little bit. I never got caught doing anything that kids do. I wasn't a saint, but I was a pretty good kid."

Educational History: Mr. Sullivan earned a Bachelor of Arts degree in Journalism from the University of South Carolina in 1978. He graduated from Cardinal Newman High School in 1974. He said he had a 3.5 GPA throughout school. He denied any problems with learning or his school behavior. He denied ever being suspended or expelled. In regard to school, he said,

It was a good time. In high school, I was involved in a lot of things, social, played sports. I was elected student council president my junior year for my senior year. I was picked to go to a leadership conference...Back then they had a fashion board representative...they had a boy and a girl from each high school...I did some commercials for Belk...

Employment History: Mr. Sullivan described a long and variable work history that included positions in public service and in state government. He said his first job out of college was at the Richland County Solicitor's office; he "headed" the Pretrial Intervention Program from 1978 to 1980. He said by his own initiative, he took the Pretrial Intervention Program "statewide" and he "ran" the program out of the Attorney General's office. He said he was named the "State Director" of the Pretrial Intervention Program. He said, "I always wanted to run for office," so he resigned his position and ran for the State House of Representative. He said he won the democratic nomination, but lost the general election in 1982. He said running for political office "opened a lot of doors for me." He then started his own public relations and advertising business and ran the business for the next year.

Mr. Sullivan said that in 1983 he was asked by the board of the Carolina Children's Home to be the superintendent. He served in this capacity between 1983 and 1985. He said that during his tenure, he took the facility "out of the red and into the black." He indicated that he resigned his position as he felt he served his duty to the facility. In contrast, it was noted in a SLED investigative report that Mr. Sullivan was "terminated" from his position. The following was noted in that report,

John Thorne, Chairperson of CCH Board when Charles Sullivan was terminated as the Director. Thorne stated that Sullivan was asked to leave due to poor job performance. Thorne stated that things never “felt right” with Sullivan. The final decision to terminate Sullivan occurred after a weekend outing with the residents. It had been reported to Thorne that Sullivan drank beer in front of the residents. The information was confirmed by other adults on the trip. It was also reported that Sullivan allowed some of the residents to drink beer; however, it was not confirmed...

Mr. Sullivan said that between 1985 and 1986 he “ran” the “[Ernest] Hollings campaign” for the United States Senate. He then took a job selling and marketing computers. In 1988, he relocated to High Wycombe, a suburb of London, England. He said he returned to Columbia in 1992¹. He worked in sales for a computer training company. Along with a partner, he began Lion Technologies, a company focused on “being a consultant for computer systems integrations for law firms.” He began “Charles, Tricot, and Sullivan Consulting” and was doing this work at the time of his arrest.

Mr. Sullivan denied any history of disciplinary problems at work. He denied a history of unemployment. In prison, he worked as a coordinator in the Character Housing Unit and as a tutor in the GED program. He elaborated, “[I was a] law library clerk, TA for the GED for most of my bid, clerk for the coach in the recreational department. I miss Allendale because I had a nice laptop issued to me. I kept it in my locker and I could do my work. Dorm worker now.”

Mr. Sullivan reported that when he was age 15, he began coaching his church league intermural basketball team. He “really enjoy[ed]” coaching and he often coached minor males throughout his adult years. He volunteered with organizations and held positions that gave him wide and varied access to minor males.

Medical History: Consistent with SCDC records, Mr. Sullivan reported a history of high blood pressure and diabetes. His symptoms are well controlled with oral medications. He said he has “some arthritis” and joint pain. He has no history of hospitalization. He has no history of traumatic brain injury apart from sports-related concussions without loss of consciousness. He has no history of seizure.

¹ Thames Valley Police records indicate he returned to the United States in 1990.

Mental Health History: Mr. Sullivan reported a history of mental health treatment limited to the legal proceedings in his criminal case. He said he met with “Dr. Morgan,” a psychiatrist, a “handful” of times between his arrest and conviction. He believed he was diagnosed with pedophilia or another paraphilia. He said that he was prescribed Zoloft (an antidepressant medication). He believed the medication was prescribed to decrease his sexual arousal in order to make his case “look better” in court. He said he was not necessarily depressed at the time. He has no mental health history with the South Carolina Department of Mental Health.

Substance Abuse History: Mr. Sullivan reported past use of alcohol and to a limited degree, cannabis. He reported that he had problems with his use of alcohol. He said he sometimes drank more than he intended. He said he drank and drove a motor vehicle on a “few” occasions. He said he continued to use alcohol despite it causing social or interpersonal problems; he said, “I can remember having these conversations when I was drinking and I was being a real ass and it would cause problems, but I wouldn’t stop drinking.” He said these problems did not occur repeatedly, nor did they occur in each of his primary relationships. He denied that alcohol interfered in his life in other ways. He denied that alcohol caused him psychological or physical problems. He denied a history of unsuccessful efforts to cut back his use of alcohol; he said, “I made successful efforts to cut back...Sometimes I would just stop to see if I could.” He denied experiencing craving or a strong desire or urge to drink; he said, “It was more of a social thing and I enjoyed the taste of beer and I like that it chilled me out, you know.” He said he had developed “probably some” tolerance to the effects of alcohol; he added, “Not hugely. It all depended on what I had eaten.” He denied any withdrawal symptoms upon cessation. When asked why he thought he had a problem with alcohol, he said, “It definitely lowers my inhibitions and the problem I had with it was I used it in situations in which I needed to be in control.” He indicated his alcohol played a role in his sexual offenses.

Relationship History: Mr. Sullivan reported that he had many friends and no difficulty making friends as a child, adolescent, or adult. He explained, “I was actually blessed with being outgoing and being able to make friends. My dad was a salesman.” He has never married or fathered any children. He reported several long-term romantic relationships. He denied any domestic violence history with his romantic partners. He has lived with only one romantic partner (Chrissy). He said he met Chrissy when he moved to England in 1988. He rented office space from her, they became friends, and eventually started dating. He said they lived together for more than 2.5 years; however, this does not correspond to the time parameters outlined in the available records. Those records indicate they lived

together for less than 2 years (1988 at the earliest to 1990 at the latest). He said they dated long distance for a period of time and eventually drifted apart. She came to the United States to visit him at Easter time in 1997. They decided to “get serious” about their relationship and they became engaged to be married. She returned to England to get her affairs in order before planning to relocate to the United States. While she was in this process, Mr. Sullivan was arrested and charged with multiple sexual offenses. She returned to the United States and “supported” him through the legal proceedings. They drifted apart when he received a long prison sentence. They began communicating via letter in “probably 2008.” She came to visit him in prison in 2011. He said they plan to get married upon his release.

Mr. Sullivan said he was involved with “Gina” in high school and after college. He said he was attracted to “independent women” and “she became very dependent and clingy and that is a turn off for me. He denied any other problems in their relationship. He said they were sexually compatible. He said he was next involved with “Debbie.” He said they were sexually compatible, although he explained that they never had sex. He was not ready to make a commitment to her and said, “We just kind of drifted apart, still stayed friends.” He said he was next involved with “Betsy.” He said, “Betsey and I were probably more sexually compatible than anyone I had been with up to that point. Betsey was very overweight and I wouldn’t normally be attracted to her.” He explained that when he dated her, he experienced erectile dysfunction related to the guilt he felt about his sex offenses and they were able to talk about his dysfunction and have a “good sex life.” He said they “were better friend than lovers” and they parted ways.

Sexual History: When asked about his sexual preference, Mr. Sullivan replied, “Phew, that’s a good question. I have always considered myself heterosexual, but I do understand that I have committed homosexual acts, bisexual maybe.” He indicated that he was confused about why he engaged in homosexual acts with the victims. He speculated it had to do with his early sexual experiences (described in the next paragraph). He indicated that he thinks the offenses – which he considered to be “mutual masturbation” – were a way to avoid intimacy with his heterosexual sexual partners.

When asked if he had ever been sexually abused, Mr. Sullivan said, “It took me a long time to call it that. When I was 11, we were playing this game. Strip poker turned into suck poker. At the time it felt good, but I had a lot of guilt... I never liked to look at them as abuse, but they did have an effect on choices I made later.” He explained that he and his older brother played the game with another male

(age 14 or 15) and the male's younger brother. He recalled that he lost the game and the older boy took him into another room and performed oral sex on him. He said he "liked it" but felt guilty "from like a religious, sinful" point of view. He said this happened only one time. At age 15, he had sex with a 30-year-old woman, a friend of the family. He said, "Her husband was like a second dad" to him. He babysat for their kids. The woman often drove him home after babysitting. On these drives home, they sometimes stopped to talk and that led to "heavy petting and kissing." He said one time she invited him to babysit when her husband was out of town; she arranged for her kids to stay with a relative. He said they began to have intercourse and he ejaculated "before [he] was halfway in." Mr. Sullivan added that the woman's husband physically abused her and was unfaithful to her. He believed the woman was attracted to him (Mr. Sullivan) because she wanted to feel younger.

Mr. Sullivan said his earliest sexual experience was the incident at age 11 noted above. He said, "After that, I can remember being more sexually aware." In regard to when he first masturbated, he said, "It was shortly after that, 11 or 12 somewhere in there." He said he began puberty at age 12 and finished when he was around age 14. He said he masturbated "maybe three or four times a week" as juvenile and adult. He said that recently his frequency of masturbation has decreased due to his age and because his awareness of the underlying basis of his offenses decreased his sex drive and level of sexual arousal. He noticed a decrease in his sex drive "about 6 years ago."

Mr. Sullivan said he has had between 15 and 20 sexual partners. He denied ever paying for sex. He denied ever having sex with a stranger. He denied ever having sex with another man. He said at age 19, a man performed oral sex on him. He added, "I think we did that a few times." He frequented strip clubs "here and there, never consistently or frequently." He denied ever having a sexually transmitted disease. When asked if he had any unusual sexual fantasies, he said, "No, aside from when I used to have those fantasies about teenage guys, I really don't." When asked to clarify these fantasies, he said, "Basically the kinds of things that I had already done, oral sex. That would pretty much be it."

Mr. Sullivan was questioned about his general attitudes towards sex. When asked what sex means to him, he said, "Sex is usually defined to me as intercourse." In regard to the reasons he has sex, he said, "Feels good." When asked if there are other reasons, he said, "There is a closeness or an intimacy with somebody. I didn't just have sex with my girlfriend or dates because of the pleasure. It was a little bit more than that, but there is no question of the pleasure, it felt good." He said other people have sex because "It feels good. They love each other. It's an ultimate sharing of yourself." He said he was

“sometimes” sexually satisfied when he lived in the community; when asked if he was sexually satisfied before his arrest, he said, “Probably not, no.” He explained, “I had developed a lot of intimacy issues, erectile dysfunction, performance issues...it caused me to avoid it, to fulfill that need I turned to other places...Like I said I viewed it as mutual masturbation. They were okay with it. I was okay with it...I know better now.” When asked how frequently he would like to have sex if it were solely up to him, he replied, “Couple times a week. If the circumstances are right...it’s not an agenda to have sex. It’s an agenda to have the closeness and sex would be the reward for that.”

When asked if was sexually preoccupied, Mr. Sullivan said, “Not anymore.” He said in the past he was sexually preoccupied with thoughts of having sex with adult females and with teenage boys. He explained, “Right before I got locked up. I mean I was just thinking about it too much. It involved surfing the net and looking for pornography. That just fed the fire, you know.” He said the first couple years in prison, he continued to think about sex a lot and he frequently masturbated to fantasies of past sexual encounters with consensual sexual partners and the victims. Mr. Sullivan said he has no problems with his sexuality.

In regard to whether he had sex while incarcerated, Mr. Sullivan said, “Not have sex, mess around, but not have sex. I haven’t really done anything in a long time, but I have. Just oral sex.” He said he gave and received oral sex from other inmates. He said, “There was not a whole lot of it. It was some way to vary and you might masturbate to something you did, you know.” He said he masturbates to sexual fantasies that involved, “Something that happened in prison mostly or something I might have seen on TV or a past date. Depends on whatever the mood is that gets you erected. Sexual encounters on the street.”

Mr. Sullivan said he saw pornography for the first time when he was “probably 12” years old. He said he looked at “Playboy magazine or something like that.” He said he did not view pornography “all that often” until pornography became readily available online. He said, thereafter, he looked at pornography “a few nights a week...might be for an hour, sometimes it was not that long.” He said “most of the time” he masturbated to the pornography he found online. He explained, “I would surf on the web and see what was out there.” When asked what he looked for, he replied, “I think the thing that got my attention was teenage guys because I didn’t realize that there was so much out there. I looked at regular porno sites. I had the Playboy channel on my TV and I could order Spice [a pornographic cable channel]...I just got kind of bored with the regular stuff.” He said he was attracted

to teenage boys who were age “14, 15, 16 somewhere in there.” He said, “There was not a lot of hair...I don’t know how to describe it, it’s just a youthful look. Like a small bush of hair instead of hair everywhere.” He indicated that he did not prefer a boyish look or a fully developed man; he liked males who were in between with some chest development and an “athletic body.”

When asked how many times he engaged in sexual acts with minors, Mr. Sullivan said, “It obviously happened a lot...I would say 50...50 different times.” He said he engaged in sexual acts with “probably 40” different minor males. He said he has groomed between 45 and 50 minors for sexual activity. He said he touched prepubescent males “maybe five or six times.” He said those minors were around age 11. He indicated that there was a marked difference between an 11-year-old and a 15-year-old as they had no pubic hair and “they had obviously smaller genitalia.” He said he engaged in sexual acts three times with a minor female and the rest of the victims were minor males. He said, “In my mind it was safer...I was more afraid of getting in trouble if I touched a girl, than if I touched a guy.” He said the females were sexually developed. He explained that those incidents occurred when he was in his early 20’s. He said the girls were between 13 and 14 years old and they showed some interest in him. He denied having sex with them. He said he touched them and they touched him. He said, “I would have to say that I was more attracted to guys.” He explained that when he was looking for “mutual masturbation,” he sought a male. He believed if he sought a female minor, it would be for intercourse. He said he sought minor males, but never minor females. He denied having any sexual contact with a family member. When asked if he has fantasies involving minors, he said, “No, not anymore.” He said in the past he has had sexual fantasies involving teenage males and he masturbated to these fantasies.

Mr. Sullivan said he showed pornography to a minor “maybe a dozen times.” He explained, “They would come over to my house and it would be on TV. It was the Spice channel or the Playboy channel.” When asked if that would facilitate the sexual acts, he replied, “Not directly. It was never like, now let’s go do that...a lot of times it opened the discussion up.”

When asked if he has ever looked at child pornography, he said “Yes, I’ve looked at it on the internet.” He said it was “just pictures and poses of guys in my age range (14 to 16).” When asked to describe the pictures he preferred, he said, “Full erections. Sometimes they might have been doing someone else (oral sex)...provocative poses or something like that.” Concerning the first time he viewed child pornography, he said, “It was probably about 1994, when I saw it on the computer. I heard about it,

but I'd never seen it." He said the last time was in "mid 1997." He denied ever making child pornography.

He denied forcing any minor into sexual activity. He denied ever using a weapon to gain compliance from a child. He denied ever threatening a minor in order to gain sexual favor. He indicated he would tell them that he would get in trouble if they told; he denied telling the victims that they would also get in trouble if someone found out, as was noted in a police report.

When asked how many times he engaged in sexual acts with someone who was intoxicated, Mr. Sullivan said, "We both were and I would say. Alcohol was involved on both sides in at least a dozen times... When I've seen somebody really out of it, like can't communicate, I would never...I couldn't live with myself." He said he has never had sex with someone who was passed out or incoherent from as a result of intoxication. He indicated he and the other person would have a similar level of intoxication. He said this applied to consensual sexual acts with adults and sexual acts with minors. He added,

I think the difference in with the women who I might have been in that situation, we were heading in the right direction because we could talk, we could communicate. With the guys it would be more of a like a check. If my hand didn't get moved, it would be a signal that I could move on, that sort of thing.

Mr. Sullivan said he has had sexual contact with people who were sleeping. When asked how many times he engaged in this behavior, he said, "I don't know. That was one of the things that started this pattern with teenage guys." He said he put his hand on the minor males when he thought they were sleeping and sometimes they put their hand on him. He said he would start on the stomach and if they did not move their body or move his hand, he would proceed to touch their genitals. He said, "Just ease down and if they didn't move my hand...that is the distorted mind, they didn't stop it, it must be okay...On some occasions, they would reciprocate. In my distorted mind, I thought well, they all like to do that."

He denied ever having sex with someone after they said no. He denied ever hurting or wanting to cause pain to a person during sex. He denied every beating or humiliating anyone during sex. He denied ever placing a weapon in sight of a sexual partner. When asked how many times he made an

implied or explicit threat in order to gain compliance in relation to sex, he paused and said, "We talked about this in class. I would say never. Things like please don't tell anybody, that wasn't a threat. It was an honest request. So, I would say never. I have said, 'Please don't tell anybody.'" He denied masturbating to thoughts or fantasies involving holding someone captive, torture, choking or strangling, or killing.

When asked if he thought his victims enjoyed the sexual acts, Mr. Sullivan said, "I think some did, but many did not. And I think it was only in the moment. I think a few who liked it in the moment didn't like it later on." In regard to whether the victims initiated the sexual acts, he said, "Maybe six (victims), initiated is not the right word. I initiated and they reciprocated." He said the victims were harmed by the sexual acts; he explained, "First, I betrayed their trust...I was their friend. I think that they were harmed by the publicity that came out. It was probably as harmful as the act itself. The intrusion into their lives... The intimacy issues, the lack of trust."

Mr. Sullivan denied 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).

LEGAL HISTORY

According to available records, Mr. Sullivan's criminal history began when he was an adult. His criminal history is confined to sexual or sexually-related offenses involving minor males. Prior to the 1997/1998 charges that led to Mr. Sullivan's first criminal conviction, there were several allegations of sexual abuse, including allegations from England. From the available records, it appears that he was

investigated, but not formally charged, in relation to two of the incidents. He was questioned in both cases and arrested in one. In 1997, allegations of sexual abuse were disclosed by two minor males. This launched a SLED investigation. The investigation culminated in 54 sexual and sexually-related offenses, both recent and historical. In 1998, Mr. Sullivan pled guilty to 32 offenses. These convictions involved 19 separate victims, all minor male acquaintances; these victims are identified as John Doe 1-19. In cases where he was alleged to have sexually abused a minor but was not charged in the 1997/1998 case, the victim is referred to by his initials. Hence, offenses involving a numbered John Doe victim was part of the 1997/1998 case. Mr. Sullivan gained access to the victims largely through social service organizations, civic organization, and sports coaching. In the current evaluation, Mr. Sullivan admitted to engaging in sexual acts with “probably 40” different minor males. The following is a summary of his legal history in chronological order (convictions are underlined). His charges and convictions are also detailed in a table located at the end of this report.

Allegations of Sexual Abuse of K.E. and John Doe 5, 1987: In December of 1987, it was alleged that Mr. Sullivan sexually abused two male residents (K.E. and John Doe 5) of the Carolina Children’s Home. At the time, Mr. Sullivan was a volunteer at the home; he had previously served as the director of the facility. The South Carolina Department of Social Services (SCDSS) initiated an investigation into the allegations. Their investigation concluded that the allegations were founded and they referred the case to the South Carolina Law Enforcement Division (SLED) in compliance with State law.

In a statement² dated April 18, 1988, K.E., told SLED investigators that in August of 1987, Mr. Sullivan became his “sponsor” and he began spending weekends at Mr. Sullivan’s home. He reported that Mr. Sullivan provided alcohol to him and other minors who visited the home. K.E. reported that the following occurred in September 1987,

I fell asleep on the couch and was awakened about two o’clock in the morning after I felt what I thought was a hand inside my pants – my pants were unbuttoned and unzipped. Chuck was sitting on the end of the couch, starring [sic] at me in the dark...I got up off the couch and went upstairs to a private bedroom for the rest of the night...

² The copy of the victim statement is incomplete.

K.E. reported that Mr. Sullivan fondled or attempted to fondle his penis while he was sleeping at Mr. Sullivan's residence a second time (per the Institutional Abuse Investigation).

In a statement³ dated April 17, 1988, John Doe 5 told SLED investigators that in October or November of 1987, he and two other minors spent the night at Mr. Sullivan's home. He reported that the following occurred,

...I slept on a waterbed with Chuck [Mr. Sullivan] in his bedroom – I was wearing underwear and a pair of jogging shorts. Sometime during the night, I woke up and Chuck's hand was on the outside of my pants, in the area of my penis. I was laying on my back and I think Chuck was on his side. I removed his hand and went back to sleep. Later, I woke up again and found Chuck's hand in the same place on my pants. I again removed his hand...

According to the Institutional Abuse Investigation, Mr. Sullivan "acknowledged during the investigation that during [K.E.]'s visit his (Sullivan) show of affection towards [K.E.] may have been misunderstood by [K.E.]" and "[b]y his own admission on several occasions, he hugged, kissed and told [K.E.] that he loved him in a parental way." K.E. agreed that Mr. Sullivan did these things in addition to the sexual assaults. It was noted, "Mr. Sullivan contend [sic] that he never fondled [K.E.] while he was awake, but he couldn't give an account for his actions while asleep" and "Mr. Sullivan never denied inappropriate touching but stated that if it did happen it was while he was asleep."

In regard to John Doe 5, it was noted in the Institutional Abuse Investigation that "Mr. Sullivan contended that he never fondled [John Doe 5] , but he couldn't give an account for his actions while asleep." It was also noted, "Witnesses supported [John Doe 5]'s statement that inappropriate touching occurred whiled [sic] he appeared to be asleep."

According to a letter from the Office of the Solicitor for the Fifteenth Judicial Circuit, Mr. Sullivan was polygraphed on February 12, 1988. Specifically, he was questioned about the allegations made by K.E. and John Doe 5 and "no deception was indicated." In a document entitled "Observations," it was noted that Mr. Sullivan "failed the supporting questions," (i.e., Before you were 31 years old did you ever sexually molest a boy?; Since adolescence have you ever desired to have sex with a young boy?). It was

³The copy of the statement is incomplete.

said that Mr. Sullivan “appeared to be confused on his role as sponsor,” “appeared that he had expectation of a long lasting relationship based on them both being able to give equally to that relationship,” and “[h]e never could clearly explain the relationship he was looking for...” It was noted, “It is the opinion of the investigator that Mr. Sullivan should not be allowed to work with young males under any circumstances.”

The following are excerpts of the statements of Mr. Sullivan on December 10, 1987 and December 17, 1987,

The relationship seem to be me giving to [K.E.] and he wasn't putting anything back into relationship [sic]. I was the entertainer and I was hoping he would respond to me. I began to see [K.E.] smoking as a lack of refusing to compromise.

...I was up front with him, I told him I am interested in being a sponsor but not a sugar daddy, I am not going to buy you a bunch of things and not an entertainer for him, after about seven [sic] this [sic] what I started to feel like.

[K.E.] has honestly misread my legitimate show of affection. I have put my arms around him, I've kissed him on the cheeks told him I care about him, I have explained to him a lot of times I [sic] in this (relationship) for the long turn and I have told him I loved him. I tried to show him that it's okay for guys to hug and show affection [sic]. Maybe a little hard for a fifteen (15) year old to understand. I hugged and kissed him in a paternal way.

If [K.E.] go [sic] beyond what I stated, it [sic] totally untrue, he may have been abused in the past.

I am confident that if this case went to court I would be exonerated, I have character witnesses, there is no one who can collaborate these allegations, I am not a child molester or homosexual, but I am a dedicated person who has worked with a lot of kids, also a professional.

Mr. Sullivan retained a criminal defense attorney; subsequently, SLED agents were not permitted to question him in regard to the allegations. By letter dated December 1, 1988, SLED provided their investigative report to the Solicitor for the Fifth Judicial Circuit. According to the 1997 SLED investigation interview of Elaine Eskew, a South Carolina Child Protective Services Investigator,

“Solicitor Anders declined prosecution...” There is no disposition or articulated resolution in relation to the allegations in the available records; there is no record that charges were filed at that time.

In 1997, SLED investigators interviewed Roger Olson, a former Carolina Children’s Home resident and employee from 1979 to 1985. The following was noted in relation to the interview, “Olsen observed the younger male residents between the ages of eight and twelve spending the weekends at Sullivan’s cottage. It appeared that Sullivan had very little contact with the girls. Sullivan and a male friend of his often took the boys on overnight weekend trips...”

Allegations of Sexual Abuse of A.E., Aylesbury, England, 1990: Mr. Sullivan moved to High Wycombe, Buckinghamshire, England in 1988 per his report. According a December 22, 1997 Thames Valley Police⁴ report to SLED, Mr. Sullivan approached the Social Services Department there “in respect of be-friending young persons who apparently had behavioural problems and were placed into the care of Social Services.” It was noted, “He gained the trust of the Department by stating that he was a devout Christian and that he was seeking to establish a business aimed at Counseling Young Offenders in particular Young Males.” He was thought to be “a very likeable guy” and he became “quite involved” with a facility in Aylesbury that housed minors placed into care of the local authority. He “was allowed to be-friend” a 14-year-old male (S.H.) “who had very extreme behaviour problems.” The minor eventually returned to the custody of his family. It was noted that Mr. Sullivan approached the boy’s family “to seek continuance of the counselling stating that he had commenced a course of therapy to which the boy was responding and would be of great advantage to the well being and future stability of the boy.” The parents allowed him to continue the relationship with S.H.

The Social Services Department allowed Mr. Sullivan to “befriend” another minor male (A.E.); he briefly became a foster parent to this teen on August 16, 1990. Within days of the placement⁵, A.E. alleged that Mr. Sullivan sexually abused him. It was noted, “An investigation into the matter was commenced but as a result of certain allegations made by the boy could not be substantiated, it was agreed that the complaint was not valid and SULLIVAN was allowed to continue with his counseling.” He continued to work with A.E. until “[a]nother complaint was received from the boy and Social Workers were now becoming concerned about the practices of SULLIVAN and another investigation

⁴ The Thames Valley Police is a territorial force covering several counties including Buckinghamshire.

⁵ Mr. Sullivan indicated the first allegation came the day after the initial placement.

was commenced.” Mr. Sullivan was suspended and not allowed to contact any person in the care of Social Services during the investigation, including S.H. It was noted, “As a result of the investigation it was found that SULLIVAN had committed an indecent act upon the boy, but it was not possible to prove the matter beyond reasonable doubt, and SULLIVAN had by now left the area and was not traceable. In view of these circumstances the Police were not made aware and no legal action was taken, it was later found that SULLIVAN had returned to his native America.” It was further noted, “All accusations made against SULLIVAN have been in connection with indecency and of a sexual nature.”

Despite the report by the Thames Valley Police in 1997, a “BAIL RECORD (*Criminal Cases*)” document appears to show that Mr. Sullivan was detained by the Aylesbury Police on August 20, 1990. On this document, under “CHARGE(S):”, the following was typed, “Released on bail under the provisions of Section 47(3) Police and Criminal Act 1984, whilst further enquiries are conducted into the allegation.” Also typed on the document, “I Charles Tricot SULLIVAN acknowledge that I am under a duty to surrender to custody...at Aylesbury Police station On 25 September 1990 at 2pm in connection with the offense(s) shown hereon.” Mr. Sullivan signed the document. It is unclear whether this document reflects charges in relation to the alleged sexual abuse of A.E.; however, it corresponds to the time he fostered A.E. (August 16, 1990) and he has no other known criminal history in the United Kingdom. To clarify whether this document indicates that Mr. Sullivan was *arrested* on the allegations of sexual abuse, Assistant Attorney General Christopher Morrow contacted the Thames Valley Police Department in England. He received an email from Nigel Welham on August 5, 2015, which stated, “In terms of the bail enquiry from 1990: Following arrest, suspects were and still are bailed without charge to return to a police station to allow further investigation of the crime.”

There were no allegations of sexual abuse or inappropriate behavior involving the other minor male (S.H.) he counselled per Mr. Sullivan; however, according to the 1997 SLED investigation, when Mr. Sullivan’s home was searched they “found 1990 documentation from England in reference to allegations against Sullivan involving a boy named [S.H.]” It was noted that he was not charged. Any such records were not included in documents reports for the current evaluation.

Following the allegations of sexual abuse involving A.E., Mr. Sullivan was barred from having contact with S.H. or any other children in their care. Mr. Sullivan wrote a letter to Buckinghamshire Department of Social Services (dated October 15, 1990) outlining his feelings over the matter involving

A.E.'s accusations and the decision that he not be allowed any contact with S.H. He told them that he was sending references and his SLED criminal history (which he said was clean at that time) to them to show them he has not molested children. He also asked that he be allowed to continue to work with [S.H.]. The following passages are quoted from the letter,

[S.H.] has had a chance to speak to the Police without my being able to discuss any of the allegations with him. If anything had happened, I trust that Social Services is aware that it would have been clear to you at that point. [S.H.] does not hide his feelings well. If something had been improper, he would have told. Quite the opposite is the case. He has expressed anger at not being able to maintain contact in the manner in which he has been able to in the past. [S.H.] clearly wants to be able to go off with me.

In order to really continue to communicate with [S.H.], I need times when things are not structured or supervised by a Social Services staff member. He needs times when he can just talk without inhibitions or anxiety. I cannot provide that during planned, supervised visits or outings.

I decided some time ago that I have been blessed with a talent to reach young people, and that I should contribute this whenever a situation presents itself. That situation occurred for me in England last year when [S.H.] was at 1-A. Time has proven it beneficial. I decided not to allow my decisions of whether or not to become involved to be governed by anyone else's fears or insecurities. I decided to act rather than react. I invite you to do the same.

Thank you for your concern for the children in your care, and in particular for your objectivity and compassion for [S.H.'s] needs and wishes. I know you are trying to take each one's best interest to heart. But whilst you contemplate that, I hope you will count me in as a concerned person for children's well being, and for [S.H.'s] in particular. Two months ago I was regarded as that kind of person, and I cannot believe that you honestly and deeply think that anything has changed with me.

The following passages are quoted from another letter Mr. Sullivan wrote to the Buckinghamshire Department of Social Services dated October 17, 1990,

From your letter of October 11, I understand you and "others" with whom you have spoken, can allow my contact with [S.H.] to continue but only with strictly supervised visitation at the Old Barn and only through Sandra Pritchard. Being that this decision was made prior to the group's next meeting, I can only assume that it does not reflect the fact that the Aylesbury Police have dismissed the allegations by [A.E.] as unsubstantiated. I do honestly hope that you and the group will then consider the other references, and will understand that I am pursuing this because I know that I can contribute if allowed.

I must readdress with you personally, that if you think we have a problem working together, to please let me know so that those differences can be worked out. I am disappointed that you think that my influence has been less than desirable on [S.H.] when I have heard quite the opposite from members of Social Services staff and from others concerned with [S.H.] including his parents...

Allegations of Sexual Abuse of John Doe 19 in Beaufort County, South Carolina, 1993: In 1993, Mr. Sullivan was alleged to have sexually abused John Doe 19 on a shrimping trip in Beaufort County. The boy's parents confronted Mr. Sullivan. They reported the incident to a Richland County Sheriff's Department Criminal Investigator and to an Assistant Solicitor in the Fifth Judicial Circuit Solicitor's Office⁶, but they declined to pursue legal charges at the time. Charges were pursued when Mr. Sullivan was investigated in 1997 and 1998. According to John Doe 19's April 22, 1998 statement, he met Mr. Sullivan in the Junior Achievement program at Cardinal Newman Middle School. He stated,

My next experience was with Chuck chaperoning a Basketball trip where he distributed alcohol to several boys & viewed pornography with us.

...he invited me to go Shrimping with him in Bluffton, S.C. On the trip he gave me many beers & encouraged me to drink. We came home late & I was quite intoxicated. We smoked

⁶ It was noted in the SLED investigation that the family was informed that the matter had to be pursued in Beaufort County, where the incident took place, and at the time John Doe 19 did not wish to pursue prosecution.

some pot together & I got sick. Chuck was nice enough to help me to bed. However several hours later I awoke to find my clothes off & Chuck curled around me grasping my penis. I was very afraid & feared physical violence if I said anything. After what seemed an eternity I mustered up the courage to get up & crawl over him explaining I needed to go to the bathroom...The next day as Chuck drove me home I told him I knew what he had done & he totally denied it...

John Doe 19 disclosed the incident to his parents a week or two after it happened. His parents wrote a letter to Mr. Sullivan dated October 25, 1993. In that letter they confronted Mr. Sullivan regarding the allegations of sexual abuse. They informed him that they discussed the matter with an investigator and a solicitor. They suggested the following course of action in their letter to Mr. Sullivan,

1. This letter to let you know that you are exposed as a child molester.
2. We want you to agree to disassociate yourself from all activities that bring you in contact with children at school, church, sports, Jr. Achievement, etc. (PEDOPHILIES are like alcohol they are not cured, it is a constant struggle and PEDOPHILES must also remove the temptation.)
3. We want you to agree to obtain psychological help.
4. We want to be granted access to the psychologist.

They concluded, "Further, it is our intention to make your violation of [John Doe 19] known to people we trust can protect not only [John Doe 19] but also other young children from falling prey to your devious seduction."

According to various records, John Doe 19's parents met with Mr. Sullivan on or about October 25, 1993. At that meeting, Mr. Sullivan gave them a handwritten letter dated "Sunday Oct 3" attached to "an envelope postmarked October 4, 1993, Columbia, SC. It was hand addressed to the [REDACTED], c/o Chuck Sullivan, P.O. Box 50228, Columbia, SC 29250. The return address was the same as the mailing

address." The letter was signed "Chuck Sullivan 8 PM Sunday Oct 3, 9". The following passages are quoted from that letter,

I am writing this letter today and postmarking it today just to record my thoughts and recollection while still fresh in my mind.

I was awakened in the night when [John Doe 19] touched my hand & gently moved it from around his waist. Though I was startled at what he may have thought, I did not say anything and turned away to very edge of the bed, turned, face away. I knew how it might appear, but rather than make issue at 3 or 4 am, I chose a cowardly silence. I went back to sleep.

The next morning, [John Doe 19] was very withdrawn...

...I told him about me wakening when he moved my hand. I explained that I was surprised that I had stretched out that much and frightened at how it would appear. I apologized and told him that I hoped he had not gotten the wrong impression. To my surprise, his reaction was that my comments were "bullshit" and he didn't believe me. He said my hand was on his penis and he thought I meant for it to be there. He told me that something like that happened to him before & I could just be covering up. I told him that I truly understand how he may believe that, but I did not agree. I cannot make him (or you) believe me. Trust is earned. My main concern is that I have done nothing to suggest otherwise and I am hurt that he doesn't believe me. I regret not dealing with the thought "on the spot." Perhaps it would have spared his fear & anger and mine, too. I decided to bring it up because it bothered me. I was not even sure he felt the way he did, but I was concerned that his attitude had changed so drastically.

The fact I have given you this letter is because by now [John Doe 19] has brought this to your attention. He wasn't certain what he wanted to do, I asked him to think and if he wanted to discuss it with you I would, too. At the time he was not going to so I thought the right thing to do was let him tell you first.

I saw [John Doe 19's mother] when I dropped him off & wanted to tell her that there is something you should know. I instead have allowed [John Doe 19] the chance to decide that. If he didn't want to discuss it with you, I felt I owed it to him to make that choice on his own.

I understand the appearance of the circumstances. I have a lot of "why" questions, too. The fact is I cannot replay any of them to reduce the chance of this happening. I really wish I could – for all of us...I only ask you to please accept my word with God as my witness – all three of you. This is not what it appears and that (this as it seems to [John Doe 19]) is not my lifestyle.

John Doe 19's parents mailed Mr. Sullivan a letter on or about November 23, 1993 (dated November 16, 1993), which noted that Mr. Sullivan agreed to follow their suggested course of action and that they were amenable to the psychologist he chose to see for treatment. They asked that he schedule an appointment for them to meet privately with his psychologist and that John Doe 19's psychologist also be granted access to Mr. Sullivan's chosen psychologist. Mr. Sullivan replied to their letter on or about December 1, 1993. He wrote the following, in part,

I explained to you that I did not take any action against [John Doe 19] as he perceived, and in a genuine interest to be objective, I agreed to an evaluation and to share the findings after the evaluation. This is in context of whether or not a professional thinks that, as you suggest, that I need help. If "treatment" is in order, I am open to it and willing to participate. If it is not, then I would trust that we could both put this behind us. I am willing to let you and your own psychologist have access to the results of this evaluation in order that you are confident that it is an objective procedure in which both sides are heard. Based on the results of the evaluation, we can decide to what extent continued mutual access is in the best interest of all concerned.

...I am completing my commitment to Junior Achievement because there are only 6 weeks left and I see no reason to punish the students who have been working hard, in a situation

supervised by their economics teacher, on a project I assist in once a week, because of an issue between us.

I would like for you to really understand that this experience has taught me to never place myself in those circumstances again.

I ask for your forgiveness for whatever you think I have done wrong, and I offer mine in return.

...I know there is nothing I can say to change the way you feel. I want you to know that I value my experiences in the past in working with young people and the parents with whom I have worked. I value my reputation in the community with them and other, which I believed has been earned from living a Christian life and example. I will always strive to live up to those ideals.

John Doe 19's parents wrote a letter to Mr. Sullivan on or about March 23, 1994. They wrote that they had not heard from him since the letter noted above; they had not received results of his psychological evaluation, if it had been performed; and they "learned" that he was "again" coaching a team of young males. The copy of the letter in the records appeared incomplete.

John Doe 19's father was informed that Mr. Sullivan had asked a third party to serve as mediator between himself and the family by letter dated April 5, 1994. By letter dated May 2, 1994, Mr. Sullivan's therapist, Vincent P. Ward, Ph.D., LSPC, LSMFT, AAMFT of Columbia Family Guidance Center, indicated that he met with Mr. Sullivan for one hour on April 27, 1994. It was noted in the letter,

...Mr. Sullivan has asked me to review his previous work in therapy with me, and to consider accepting him again in therapy should he deem it necessary...

I previously saw Mr. Sullivan, at his initiative, in May of 1984, and again in the spring of 1985, for a total of seven hours of psychotherapy. Presenting issues focussed [sic] on his family of origin and on his relationship with a woman he was then dating. This clinical work generated no interpretations which supported diagnoses of pedophilia or other sexual deviance. Reviewing my notes from that work, I conclude that it still does not support such diagnoses.

Mr. Sullivan's therapist concluded his letter by declining the request to meet with John Doe 19's family as he deemed it inappropriate in the context of psychotherapy.

Catholic Diocese of Charleston Investigation, 1996/1997: In November 1996, the Catholic Diocese of Charleston received information alleging that Mr. Sullivan had sexually abused young males at the Carolina Children's Home in the past. The letter from "A concerned parent" read,

Chuck Sullivan was accused of sexually molesting young boys while employed by Carolina Children's Home a few years ago. A deal was worked out so that charges would be dropped if he were to leave the country. He apparently spent time abroad only to return to the Columbia area. It now appears that he is coaching the junior high boys basketball team at Cardinal Newman. I thought someone should know about Mr. Sullivan's past.

The allegation was received on or about November 5, 1996. This allegation launched an investigation that began on or about November 9, 1996. When the confidential allegation was brought to Mr. Sullivan's attention, he disclosed the 1993 accusation of sexual abuse of John Doe 19 in speculation that this was the anonymous informant. His disclosure was patently different from that of the confidential allegations. By letter dated November 20, 1996, Mr. Sullivan was placed on "paid administrative leave."

Mr. Sullivan wrote a letter to the Diocese (undated) after he was asked to step down from his basketball coach position. The following passages are quoted from that letter,

I believe that your counsel, as would anyone's counsel has taken the safe route by recommending that I step down voluntarily, in the hopes that if they can drag this out long enough, it will become a moot point. I will aggressively work to preserve my good name and

my reputation as a coach, and while I certainly prefer a mutual resolution between us, I will retain counsel to accomplish this. I want one simple thing: *to be able to continue the contract to coach the B-Team into which I entered with Cardinal Newman*. The easiest thing to do here would be to back off and not coach. However, this would be denying something which I enjoy, something which contributes to the overall welfare of the students who play for me, something which I am good at, and something for which I have enjoyed a good reputation for over 20 years. To allow one person's anonymous call to bring that to a halt would be as wrong as the person's method for initiating this anonymous allegation.

...Our family goes back a long way in this parish, and I have given many hours of time to it, too. I would hope that this would encourage some compromise on the Diocese's part by allowing me to continue to coach with some restrictions. For example (as we have discussed), I would be amenable to having a named assistant present at all practices and games, and I would agree to refrain from any one-on-one contact which may lend itself to any compromising situations. These are reasonable requests to impose while an internal investigation is being conducted.

The Diocese's attorney agreed to allow Mr. Sullivan to coach with supervision during the investigation if he agreed to provide documentation pertaining to the 1993 incident involving John Doe 19 and other conditions. Mr. Sullivan agreed and he resumed his coaching duties with supervision. According to the available documents, the investigation continued into at least January 1997; it is unknown when the investigation concluded. By letter dated February 4, 1997, Mr. Sullivan thanked the athletic director at Cardinal Newman High School for his "support this past season." He wrote that he would not be available to coach the team in the next season due to "time constraints" related to work.

Criminal Convictions for Sexual and Other Offenses, 1997/1998: In 1997, two brothers alleged that Mr. Sullivan sexually abused them and provided them alcohol and pornography. This launched an investigation of Mr. Sullivan that resulted in 54 charges involving 19 separate victims. He pled guilty to 32 charges, 2 were *nolle prossed*, and 20 were dismissed. Specifically, he pled guilty to 4 counts of Lewd Act upon a Minor under 14; 6 counts of Lewd Act upon a Minor under 16; 5 counts of Exhibiting Harmful Performance to a Minor; 12 counts of Contributing to the Delinquency of a Minor; 2 counts of Assault and Battery of a High and Aggravated Nature; and 3 counts of Sexual

Exploitation of a Minor in the Third Degree. He was sentenced to a total of 35 years of incarceration. Mr. Sullivan was convicted of fondling, masturbating in front of, having minors manually stimulate him until he ejaculated, and providing alcohol and pornography to minor males whom he knew through coaching or involvement in civic organizations. The nature of the charges and other details are included in a table at the end of this report. It should be noted that several of the victims were sleeping and/or intoxicated when the sexual assaults occurred. In addition, child pornography was found on his computer.

According to John Doe 1, who was 11 years old at the time, he spent the night at Mr. Sullivan's home many times. Sometimes he was the only minor who spent the night, while other times other minor males were also present. He reported that Mr. Sullivan gave him alcohol, which he drank until he "swayed from side to side," and let him smoke. He said on the first night he spent the night, Mr. Sullivan gave him a massage. They were both dressed in their underwear. On the second night he spent the night, Mr. Sullivan fondled his genitals and he convinced John Doe 1 to reciprocate (fondle Mr. Sullivan's penis). He reported that he saw Mr. Sullivan masturbate in bed at night on more than one occasion. He saw Mr. Sullivan and John Doe 6 fondle each other and perform oral sex on each other. John Doe 1 reported that Mr. Sullivan also performed oral sex on him (John Doe 1). He witnessed Mr. Sullivan and John Doe 6 engage in sexual acts together until they ejaculated. It was noted that John Doe 1 reported that he could not "sperm," meaning ejaculate, because he had not reached "puberty."

According to the SLED investigative report, Chauncey Jordan, a long-time acquaintance and fellow coach with Mr. Sullivan, relayed the following information, "Mr. Jordan stated that he had noticed that Sullivan spent a lot of time with [John Doe 1] last baseball season (spring, 1997). After baseball tryouts when the league coaches were selecting players, Sullivan "insisted" on [John Doe 1] as one of the first choices for the team. There were five or six boys that were more skilled and would have a better selection for their team..." Mr. Sullivan pled guilty to three sexual offenses against John Doe 1.

John Doe 2, a 14-year-old male, reported that he spent the night at Mr. Sullivan's home on several occasions, alone and with other minor males. He reported that Mr. Sullivan allowed him to drink alcohol, smoke, and watch pornography. He said the first time that Mr. Sullivan sexually touched him was when his legs were sore from soccer camp and Mr. Sullivan offered to rub them. Mr. Sullivan rubbed his legs, then began massaging his genitals while also fondling himself. He "alternated" between rubbing John Doe 2's genitals and his own until they both ejaculated. John Doe 2 also reported that Mr. Sullivan had him (John Doe 2) manually stimulate him (Mr. Sullivan). It was noted that this occurred "five or six times on different nights." John Doe 2 said that Mr. Sullivan performed oral sex on him, but John Doe 2 made him stop. Mr. Sullivan pled guilty to five sexual offenses against John Doe 2.

John Doe 3, a 10-year-old male at the time, reported historical offenses against Mr. Sullivan. He reported that Mr. Sullivan had been his coach at St. Joseph's Catholic Church between 1978 and 1979. Mr. Sullivan reportedly "befriended" the boy and his recently divorced mother. The boy's mother reported that she thought Mr. Sullivan was interested in dating her, as well as being interested in John Doe 3's academics. John Doe 3 reported that on several occasions Mr. Sullivan fondled his buttocks and penis. John Doe 3 reported the incidents to his mother. She indicated that she thought John Doe 3 had misinterpreted Mr. Sullivan's behavior. Nonetheless, she made him quit the team. She reported that they moved out of the area. She stated that Mr. Sullivan wrote several letters to John Doe 3 about how he missed him. These letters convinced John Doe 3's mother that John Doe 3 was telling the truth about Mr. Sullivan's inappropriate touching. Mr. Sullivan pled guilty to one sexual offense against John Doe 3.

John Doe 4, a then 15-year-old male, reported that Mr. Sullivan fondled his genitals when he stayed the night at Mr. Sullivan's home. He reported the incident to his mother and step-father. They decided not to pursue legal action at the time. Mr. Sullivan pled guilty to one offense against John Doe 4.

John Doe 5, a then 16-year-old male resident at the Carolina Children's Home, confirmed the allegations he made in 1987/1988. He reported that in November, 1987, he spent the night, along with two other minor males, at Mr. Sullivan's home. As previously noted, he stated that he woke to find Mr. Sullivan's hand on his penis. He removed his hand and went back to sleep. When he next woke, Mr. Sullivan again had his hand on the boy's penis. Mr. Sullivan pled guilty to one offense against John Doe 5.

John Doe 6, a 12-year-old male, reported that Mr. Sullivan fondled his genitals on several occasions. He stated that Mr. Sullivan sat around naked in front of him and other minor males. He masturbated in front of them. Mr. Sullivan allowed him to drink alcohol and watch pornography. It was reported by other victims that Mr. Sullivan performed oral sex on John Doe 6 and that he had John Doe 6 perform oral sex on him. Mr. Sullivan pled guilty to four sexual offense against John Doe 6.

John Doe 13, a 15-year-old male, reported that Mr. Sullivan fondled his genitals one night when he spent the night at his home (Mr. Sullivan's). He disclosed the incident to an adult; he was encouraged to tell his parents, though he refused to do so. Mr. Sullivan pled guilty to one sexual offense against John Doe 13.

As previously noted, John Doe 19, a 14-year-old male, reported that while on a shrimping trip in Beaufort County, Mr. Sullivan gave him alcohol until he was intoxicated and then fondled his genitals while he was asleep. He confronted Mr. Sullivan the next day and Mr. Sullivan denied any untoward behavior. John Doe 19 reported the incident to his parents, who negotiated with Mr. Sullivan to cease all activities in which he had contact with minor males and that he seek counseling; he did not comply. Mr. Sullivan pled guilty to one sexual offense against John Doe 19.

Mr. Sullivan pled guilty to three offenses related to possession of child pornography. According to the legal records, he possessed materials showing minor males in various states of arousal (including penile erection), engaged in masturbation, stimulated touching, oral sex, and anal sex. The remaining convictions are related to Mr. Sullivan giving alcohol and pornography to minor males. The remaining charges related to Mr. Sullivan providing alcohol and pornography to minor males.

Mr. Sullivan's account in the current evaluation: Mr. Sullivan reported that in relation to his criminal case, he engaged in sexual acts with 10 on-the-record victims and 15 off-the-record victims "that could have come forward, but didn't." He said nothing sexual occurred with more than 20 other minor males; he only provided or allowed them to drink alcohol and look at pornography at his home or in his presence. When asked how he accessed the kids, Mr. Sullivan said, "Growing up in Columbia and I had coached...these kids would stay friends after they had left my team. For the most part that is how I met all of them."

When asked if was guilty of everything he pled guilty to, Mr. Sullivan said, "Everything but that one...the one that said he was 10...Like I said, I talked to my lawyer about it and he said that is not what is driving sentencing and the fact of the matter is I did plenty that was terrible and I pled guilty to it."

Mr. Sullivan described his sexual offenses as "mutual masturbation." He said he never forced any victim to engage in sexual acts. He said he never did anything against their will. He said oral sex was the "farthest" he ever "went" with a minor male. He said, "I don't require them to do me. Some of them asked to do it." He denied engaging in any digital penetration. When asked what was the most extensive sexual act he engaged in with a sleeping boy, he said, "Manually stimulate them until they ejaculated." He said he did this "about 8 or 10 times." When asked to relay the first and last time he engaged in this type of sexual activity, he replied, "Seems like they were in the 80's, maybe mid 80's till 87, something like that. It happened spotty. It probably occurred over the course of a year, it happened." He said he would stop touching a boy immediately if he got "a real bad reaction, like if they rolled over real quick..." He said he was afraid that the boy would tell and it would come out. Mr. Sullivan denied ever sexually abusing a stranger. He said he never gave a boy "drugs or pills, even prescription." Never a stranger. At one point in the questioning, he said that he was "full of crap" and explained, "I was making decisions for the victims that I shouldn't have been making. I was make assumptions that I shouldn't have been making."

Mr. Sullivan said the first time he engaged in sexual acts with a minor was when he was 22 years old (1978). He went on vacation with a friend and the friend's younger brother, who was 12 or 13 years old. He said the boy was "physically mature." He said the minor male wanted to sleep in the same bed with him and he allowed it. Mr. Sullivan said that during the night, he put his hand on the boy's stomach and "inched down." He said the boy grabbed his [Mr. Sullivan's] penis and they "touched" each other until they ejaculated. They never talked about what happened. He said, "We talked and stayed friends." Mr. Sullivan concluded, "This is how it started."

Mr. Sullivan stated that when he moved to England, he approached Buckingham County Children's Services and offered to help them raise money. They paired him with a minor male (S.H.) and he worked with the child in an ongoing manner. He denied that there were ever any allegations that he sexually abused S.H. He said Children's Services then asked him to take an emergency placement (A.E.). The boy accused him of sexual abuse. Mr. Sullivan explained that his sister was visiting at the

time of the placement and suggested that there was no way he could have engaged in any sexual acts with this boy. He clarified that A.E. was upset about the emergency placement. He said A.E. made allegations against him after he left the next day.

In regard to John Doe 3, a 10-year-old male, Mr. Sullivan said, "I don't believe he was 10 because they had to be 11 to play on my team." He said he did not remember sexually touching the boy, though he recalled being attracted to him. He added, "He was attractive; he never aroused me."

In regard to allegations that he had an ongoing sexual relationship with another minor male between 1989 and 1995, when the boy was 12 years old, Mr. Sullivan said in the current interview. In the current interview, Mr. Sullivan said he had a sexual relationship with this male beginning when the minor was age 17 or 18; however, he said they first had sexual contact when the boy and his mother came to visit him in England (1988 to 1990, when the boy was approximately 12). He indicated the sexual contact was consensual. He said, "[The boy] was gay. I'm not blaming him...it was hard for me to say no." He was not charged with sexual offenses against this victim.

When asked if he targeted certain boys to sleep with him in his bed, Mr. Sullivan said, "I would not target, but I would encourage. They did it because they wanted to. I had a big waterbed, but the effect was the same." He then said, "Yeah, that would be somebody who I would feel like would be willing or that I was attracted to or whatever."

Mr. Sullivan said he never tried to stop himself from engaging in sexual acts with minor males. When asked why, he said, "I had myself convinced." He said he knew it was against the law, but he had himself convinced that it was "okay" because he did not force anyone and because the kids kept coming back to his house. When asked if he ever told himself that he needed to stop the sexual activity with minors, he said, "Yeah, I think I told myself that a couple times." When asked why he did not stop, he said, "I think I convinced myself it wasn't that bad and I didn't need to stop. I didn't know what to do to be honest."

When asked why he spent so much of his time with young boys, he said, "I had fun for lack of a better explanation. When I was hanging around them, I had fun. They looked up to me...they learned how to play [sports], they learned sportsmanship. Kids respected me. Parents respected me. I just kind of fed off that like adrenaline." When asked if it made him feel like a kid himself, he said, "In some respects,

it allowed me to feel free...I gravitated towards that because it was a fun zone” in contrast to the responsibility of work.

Mr. Sullivan repeatedly stated that his case was “very public” and it was reported in media “for weeks at a time.” He said, “It came in two waves, the original arrest and then they had a second hearing and another arrest, which kept it in the paper.” He said the press was “brutal” in their coverage. He said the press has reported each time he came up for parole.

PRISON DISCIPLINARY HISTORY

Mr. Sullivan has been convicted of one disciplinary infraction during the current period of incarceration at SCDC. Specifically, he was convicted of Possession of Contraband in 2007.

SEX OFFENDER TREATMENT AND SELF-ESTIMATED RISK

According to SCDC records, Mr. Sullivan participated in sex offender treatment (C-STAR, Phase-I) between October 6, 2000 and March 2, 2001. He completed with excellent participation. Mr. Sullivan reported that he began treatment in the Sex Offender Treatment Program (SOTP) at SCDC in February 2015. According to Sylvia Roberts, LMSW, he is “excelling” in the program after overcoming his initial resistance. She noted that he “continues to be manipulative with staff” by convincing another therapist to hold sex offender groups without her knowledge and by planning to facilitate and supervise sex offender treatment groups himself at Allendale Correctional Institution. Ms. Roberts reported that she dismantled the program and subsequently Mr. Sullivan came to Broad River for sex offender treatment services.

Mr. Sullivan said he began sex offender treatment at SCDC in 1999. According to a memo to the parole board by SCDC Clinical Counselor Stephen E. Williams, LPC/I, MA, CAC III, Mr. Sullivan “received voluntary Sex Offender Treatment Phase I in 1999 and repeated the class in 2006-2007 [this was not noted elsewhere in the SCDC records]. He is currently not indicated for Phase II.” It was noted,

He is incarcerated for crimes involving lewd acts with teenaged minors. He meets criteria for paraphelia [sic] per the Diagnostic and Statistical Manual of Mental Disorder, Fourth Edition. Because of the category of offenses and the post-pubescent age of the victims, I would not categorize him as a pedophile. His prognosis for treatment is fair to good. It is recommended that this Inmate be allowed entry into an Outpatient sex offender treatment program upon release. Inmate Sullivan is not indicated for further treatment at this time.

Inmate Sullivan is fully responsible for his behaviors and has been held accountable for his actions. He has taken steps to address his issues over the past 11 years. In addition to Phase I SOTP, he applied for Phase II and was denied access. He also initiated a sex offender faith-based support group through the institutional chaplain at Leiber and assisted the clinical social worker there as a facilitator for Phase I classes. He is currently involved in counseling at Ridgeland and continues to address his issues.

According to letters from John R. Cusack, D.O., Medical University of South Carolina, Mr. Sullivan sought psychotherapy with Dr. Cusack in 2004. He also participated in group sessions conducted by the Chaplain and other sex offender treatment classes. He was diagnosed with Paraphilia, Not Otherwise Specified (ephebophile). Dr. Cusack noted that Mr. Sullivan had no homosexual attraction to males outside the teen age range.

Concerning what he has learned in treatment, Mr. Sullivan said,

I learned about the cycle of abuse. I learned about cognitive distortions and the tie between that and the pattern of denial and the victim empathy deficits...And you know the aha moment for me was the grooming, target selection, the honeymoon period, the secrets and all that stuff. When I saw that, I saw me.

When I talk about what happened now, it's with a different set of eyes...I had myself convinced that because I had dealt with it when I was 12 to 15, they could deal with it too. And I was wrong. One, I had not dealt with it, I only thought I had. And therefore, I thought they would deal with theirs, but that was so wrong and...I just had myself so convinced that I'm alright and I've been through the same stuff and to see them not alright like in court...maybe in the moment they were okay with it but in the long term they were not okay

with it...the truth is, they kept coming back because I did such a good job of grooming. They liked the stuff, the things.

When asked how he has changed from the person who committed the sexual offenses to now, he said,

I don't have...the urges to fulfill my sexual desires with teenage boys...My priorities in life...are not that base...I have a different perspective on my purpose in life and that does not include this kind of crap...there is no part that I look back and that was okay...it was a waste, the potential of these victims and of my gifts...so much hurt that I didn't see before...I see their side of it now. When I was going through this trial, everything they said I was like that was bullshit, that wasn't me, that wasn't me, but yeah it was. It took me this long to get there.

In regard to how he feels about his offenses now, Mr. Sullivan said,

They were awful. The betrayal, it isn't just what I did to the young people, it is to their parents, the community, to the institutions I represented. I caused a lot of doubt, shame, social development...here I was repeating it and putting it on them. I was arrogant. I was selfish. And it hurts because these were people that I cared about and I betrayed them because I couldn't get past me, my needs and what I wanted. I made the decision to these people what the level of harm was going to be, what the outcome of was going to be, and I did it to satisfy my selfish desire.

When asked if he thinks he has a problem with his sexual behavior, he said, "Not anymore." He stated the problem went away "probably about 5 years ago." He explained, "Jumpstart... and I became involved in the character initiative...started looking at myself....I can't be having these kinds of thoughts." He said he created "The Sex Offender Awareness Program" at SCDC. He said, "It allowed me a voice... you teach what you most need to learn." He added, "Ms. Roberts' class has tied so much of this stuff together." When asked if he thinks he needs sex offender treatment, he said, "I think it's a wise idea to have professional accountability as part of my plan, which is seeing a counselor." When asked to describe a situation in which he would be at increased risk for committing another sexual offense, he said, "If I was living alone. If I was not in a good relationship. If I was drinking too much. And I had developed relationships with young people that allowed them to stay at my house." He said he is not concerned that he might sexually reoffend. He elaborated, "That is a capability inside me. I

am not going to do it.” He rated his risk to sexually recidivate a “2” on a scale of 1 to 10, with 10 being high risk. When asked to explain his self-rating, he said, “Because I have a good understanding of what it takes to avoid it. I have a plan in place. I will be accountable to family, friends, and church. And my age. This is a first offense. This is the first time I’ve ever been in trouble with the law and I get it.” He said he was “confident” that he would not reoffend because he has not been fantasizing or “really dealing with this” for the last 5 years.

FUTURE PLANS

In regard to his plans if released, Mr. Sullivan said, “Immediately, I am going to Jumpstart housing...then Chrissy and I will get married and that is personal accountability because she already knows all my stuff...got to the mental health center...Celebrate Recovery...and my family, they are still supportive and close....” According to a letter to the undersigned from Mark W. Pitto with Jumpstart (a faith-based prison rehabilitation program), if Mr. Sullivan is released to the community, Jumpstart “will assist [him] with his transition back into society by providing him with the environment and accountability he will need.” It was also noted, “We have quote [sic] a few sex offenders in our program and have a strong relationship with Spartanburg County SCDPPPS and the local sex offender treatment provider...We will offer Charles housing at one of our houses and employment with the ministry in the Spartanburg area.” According to the Mitch Tucker with the South Carolina Department of Probation, Parole, and Pardon Services, Mr. Sullivan will not be under any supervision or monitoring if he is released to the community. He will be required to register as a sex offender.

CURRENT CLINICAL PRESENTATION

Mr. Sullivan is a 59-year-old Caucasian male whose hygiene and grooming appeared adequate. He was well oriented. His mental status was well within normal limits. Of his mood, he said, “Calm, a little anxious... It’s never pleasant to unpack this stuff. The anxiety is about that.” His affect was euthymic and congruent with the topic. He was calm, cooperative, and pleasant throughout the interview. He appeared insightful in explaining his thoughts and emotions. 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

In light of Mr. Sullivan's history and current presentation, Paraphilic Disorder and Personality Disorders were considered. Specifically, Pedophilic Disorder, Other Specified Paraphilic Disorder, and Narcissistic Personality Disorder are reviewed below. He does not appear to meet criteria for disorders related to mood, thought, or substance use.

Paraphilias 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. Pedophilic Disorder involves a pattern of arousal towards prepubescent children. Other Specified Paraphilic Disorder is a general diagnostic category that is used when a person's symptoms are consistent with a Paraphilic Disorder but do not meet the full criteria of any of the disorders listed in the Paraphilic Disorder diagnostic class. Essentially, this diagnosis is made when someone meets criteria for a less common paraphilia. In this case, the less common paraphilia is an arousal pattern involving sexual acts with nonconsenting individuals. Personality Disorders are enduring, inflexible, and stable pattern of abnormal internal experience and behavior. Narcissistic Personality Disorder "is a pattern of grandiosity, need for admiration, and lack of empathy."

Mr. Sullivan was convicted of engaging in sexual acts with eight minor male acquaintances aged 10 to 16. In the current interview, he disclosed offending many more victims. Mr. Sullivan was convicted of offenses against a 10-year-old male over a period of more than 3 months between 1978 and 1979. Given the victim's age, he is considered to be a prepubescent victim. Mr. Sullivan was convicted of offending an 11-year-old male over the course of more than 6 months in 1997. This victim reported he was unable to ejaculate because he was prepubertal. In conjunction with his age, he is considered a prepubescent victim. He said he engaged in sexual acts with prepubescent males "maybe five or six times." Given that Mr. Sullivan engaged in sexual acts with prepubescent males over the span of many years, he meets criteria for Pedophilic Disorder. Mr. Sullivan reported a history of sexual attraction to pubescent males and to adult females. He also reported a sexual attraction to pubescent females. Therefore, he is diagnosed with Pedophilic Disorder, Non-exclusive Type, Sexually Attracted to Males.

Mr. Sullivan was convicted of offending several victims while they were asleep and/or intoxicated. He admitted that he offended many victims while they slept. In addition to his criminal convictions, Mr. Sullivan reported that he engaged in this type of conduct 8 to 10 times over the course of a year (in the 1980's). The victims were essentially unconscious, nonresponsive, and unaware of the sexual activity. This suggests a pattern of arousal focused on sexual acts with nonconsenting persons. Mr. Sullivan engaged in these acts over the course of many years. As such, he meets criteria for Other Specified Paraphilic Disorder (nonconsent).

Mr. Sullivan reported a sexual preference for adolescent males, ages 14 to 16, who were in the intermediate states of muscular development. He said he preferred a "youthful look" and "like a small bush of hair instead of hair everywhere." Diagnosing a Paraphilic Disorder based on a pattern of sexual arousal towards pubescent children is especially controversial. There are ongoing debates and research as to whether such a disorder exists and if it exists, what stages of sexual development constitutes the disorder. There has been no agreed upon definition of a sexual disorder focused on sexual acts with adolescent victims. In the latter stages of development and given the wide variety of body types found in the human population, adolescents and adults are often indistinguishable. Until further research exists, a diagnosis based on this type of arousal pattern cannot be determined.

Mr. Sullivan presented with a grandiose and superior view of himself. He believed he would never get caught sexually abusing minor despite numerous allegations against him over the years. He continued to act while under investigation. He presented himself as special and unique and deserving of blind trust. He spoke of feeding off the "adrenaline" he experienced from the respect he had from minors and their parents. He repeatedly stated he has a "gift" to reach young people, all the while sexually abusing them and allowing them access to alcohol and pornography. He showed considerable arrogance in writing the letters to others who were investigating him and monitoring his involvement with minor males. He asked these people for special consideration so that he could continue to have access to minor, including the victims, which indicates a strong sense of entitlement. His history suggests he is exploitive in his relationships and that he lacks empathy for others. As a result, Mr. Sullivan meets criteria for Narcissistic 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.

Given Mr. Sullivan's legal history and international allegations of sexual abuse, scoring the Static-99R was especially complex. Specifically, a determination had to be made concerning whether the 1987/1988 and 1990 allegations constitute prior sex offenses under the scoring rules. It was determined that the 1987/1988 allegations are not priors based on the following scoring rules:

p. 15, "The following offences would not normally be considered sexual offences...Reports to child protection services (without charges)."

p. 16, "Simple questioning by the police not leading to an arrest or charge is insufficient to count as a sexual offence."

In the 1987/1988 case, Mr. Sullivan was investigated and questioned by the Department of Social Service, sexual abuse was indicated, and the case was referred to the SLED. They completed an investigation and sent their findings to the Solicitor's Office. There is no evidence that Mr. Sullivan was arrested or that charges were filed.

Concerning the 1990 allegation, it was determined that it was a prior sex offense based on the following scoring rules:

p. 13, Arrests are considered a criminal justice intervention and therefore considered to be a charge for scoring purposes.

p. 37, "In some instances, the offender has been arrested for a sexual offense, questioning takes place but no formal charges are filed. If the offender is arrested for a sexual offense and no formal charges are filed, a "1" is coded under charges, and a "0" is coded under convictions. If

the offender is arrested and one or more formal charges are filed, the total number of charges is coded, even when no conviction ensues.”

According to the available records and information, Mr. Sullivan was arrested, but not charged, for the 1990 allegations in the United Kingdom. This finding is supported by information from Nigel Welham from the Thames Valley Police, as noted, “In terms of the bail enquiry from 1990: Following arrest, suspects were and still are bailed without charge to return to a police station to allow further investigation of the crime.” Moreover, I consulted with David Thornton, a colleague who practiced for many years in the United Kingdom and co-authored the Static-99. Dr. Thornton reviewed deidentified documents related to the 1990 incident and concluded that the documents were sufficient evidence that Mr. Sullivan was arrested in regard to the sexual abuse allegation. Meaning, the 1990 incident is counted as one prior charge for scoring purposes.

Mr. Sullivan’s score on the Static-99R (5) places him in the Moderate-High risk category relative to other adult male sex offenders. Mr. Sullivan’s score on the Static-99R was compared to a reference group identified as “Routine.” On average, 15.2% (range = 13.8-16.6) 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. Sullivan is 2.70 times higher than the expected recidivism rate of the average sexual offender 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, 2010⁷).

⁷ 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.

Mr. Sullivan has several empirically-supported psychologically meaningful risk factors for sexual recidivism. He has a self-reported history of sexual preoccupation involving having sex with adult females and teenage boys. He said, "Right before I got locked up. I mean I was just thinking about it too much. It involved surfing the net and looking for pornography. That just fed the fire, you know." He said the first couple years in prison, he continued to think about sex a lot and he frequently masturbated to fantasies of past sexual encounters with consensual sexual partners and the victims. Mr. Sullivan has a clear sexual preference for prepubescent and pubescent males as evidenced by his criminal history and self-reported history of undisclosed victims and sexual fantasies. He has an emotional congruence with children. He described spending time with minors as "fun" and said he "fed off that like adrenaline." He indicated he felt like a kid himself; In that regard, he explained, "In some respects, it allowed me to feel free...I gravitated towards that because it was a fun zone." He holds offense supportive attitudes in that he believes minors enjoyed and often initiated the sexual acts with him. In the current evaluation, he indicated the offenses were "mutual masturbation" despite pleading guilty to and admitting to a variety of sexual acts. His self-described relationship history with adult females indicates he lacks emotionally intimate relationships with adults. To that end, he indicated he had intimacy issues with women and was motivated to sexually act out with minor males as a result. The manner in which he offended intoxicated and/or sleeping victims suggests an interest in coercive nonconsensual sexual activity (sexualized violence). He meets criteria for multiple paraphilias.

Other considerations pertaining Mr. Sullivan's risk to sexually reoffend include his repeated history of sexual abuse allegations and subsequent reoffense. It seems nothing deterred his sexual acting out. Even when he was being investigated by the Catholic Diocese of Charleston, he continued to sexually abuse minor males. He was alleged to have allowed children to drink alcohol when he was the director of the Carolina Children's Home and he was convicted of providing alcohol and pornography to many minor males whom he coached and worked with through volunteer programs. This evidences a pattern poor judgment and abuse of power. He found ways to sublimate all the allegations made against him until 1997/1998. He contacted investigators, lawyers, and others in charge in relation to these allegations in a manner suggesting he fully expected them to believe he would not act in this manner. He convinced people to allow him continued access to children and to the victims while being investigated.

OPINION ON STATUS AS A SEXUALLY VIOLENT PREDATOR

Whether Mr. Sullivan 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. Sullivan "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." Mr. Sullivan pled guilty to 18 offenses that are considered sexually violent offenses under the SVP Act. Specifically, he pled to four counts of Lewd Act upon a Minor under 14, six counts of Lewd Act upon a Minor under 16, five counts of Exhibiting Harmful Performance to a Minor, and three counts of Sexual Exploitation of a Minor in the Third Degree.

Mr. Sullivan meets diagnostic criteria for Pedophilic Disorder, Non-exclusive Type, Sexually Attracted to Males and Other Specified Paraphilic Disorder (nonconsent). Both of these disorders are directly related to his history of sexually violent offending. These disorders predispose him to commit future acts of sexual violence. In addition, he meets criteria for Narcissistic Personality Disorder. While this disorder does not necessarily predispose him to commit future acts of sexual violence, it converges with his paraphilias to make him more likely to act on his deviant sexual arousal. Essentially, it is his narcissism that underlies his audacity and boldness in his offending, that allowed him to push for continued access to victims and offend following allegations and while under investigation, and made him think he would continue to get away with it.

In regard to whether Mr. Sullivan is likely to engage in future acts of sexual violence if not confined for long term control, care, and treatment, a risk assessment was performed. 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, 2009⁸). On this instrument, Mr. Sullivan is considered Moderate-High risk. In large samples of sex offenders, 15.2% of individuals with the same score as Mr. Sullivan recidivated within 5 years. Research indicates that the sexual recidivism rate of sexual offenders is 10% to 15% after 5 years (Hanson and Bussière, 1998⁹; Harris and Hanson, 2004¹⁰). In regard to relative risk, he is 2.70 times to sexually recidivate than the average sex offender in research samples. Mr. Sullivan does have multiple risk factors that are not included in the Static-99R (i.e., sexual preoccupation, sexual preference for prepubescent and pubescent children, sexualized violence, multiple paraphilias, offense-supportive attitudes, emotional congruence with children, and lack of emotionally intimate relationships with adults). There is limited research regarding how these additional risk factors influence overall risk. Currently, actuarial risk assessment is the most accurate way to measure risk of sexual recidivism. Nonetheless, he has many risk factors that have been empirically shown to be related to an increased risk of sexual recidivism.

There is ample evidence that Mr. Sullivan lacked volitional or emotional control. He continued to offend despite being accused and investigated several times. He continued to offend while under investigation by the Catholic Diocese of Charleston. He continued to seek access to minor males despite being threatened with exposure if he did so. He engaged in goal directed behavior in that he sought positions of power and authority with continued access to his preferred victim class over the course of most of his adult life. He anticipated accusations and engaged in behavior, such as sending himself a letter of denial, in order to maintain his continued ability to sexually offend. He pushed to continue to have access to minors while under investigation for sexual abuse. None of these things did anything to stop his behavior. In the current evaluation, Mr. Sullivan said he never tried to stop because he was “convinced” he was not harming anyone, despite being confronted by angry victims and despite being subject to allegations, investigations, and threats of criminal prosecution multiple times. He said he told himself he should stop “a couple times,” and said, “I think I convinced myself it wasn’t that bad and I didn’t need to stop. I didn’t know what to do to be honest.” With a few exceptions, he portrayed his offenses as consensual sexual acts. Mr. Sullivan indicated it would be

⁸ 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.

⁹ 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.

¹⁰ Harris, A., & Hanson, R.K. (2004). *Sex offender recidivism: A simple question* (Corrections User Report No. 2004-03). Ottawa, Ontario, Canada: Public Safety Canada.

“wise” for him “to have professional accountability” if returned to the community. When asked to describe a situation in which he would be at increased risk for committing another sexual offense, he said, “If I was living alone. If I was not in a good relationship. If I was drinking too much. And I had developed relationships with young people that allowed them to stay at my house.” Mr. Sullivan will be under no supervision upon his return to the community.

In summary, Charles T. Sullivan has been convicted of 18 sexually violent offenses. He meets criteria for two mental abnormalities and one personality disorder. These disorders affect his emotional and volitional capacity and predispose him to commit sexually violent offenses. It is my opinion that his propensity to commit acts of sexual violence is of such a degree as to pose a menace to the health and safety of others. As such, it is my determination that Charles T. Sullivan is a sexually violent predator as defined by the Sexually Violent Predator Act.

A handwritten signature in black ink, appearing to read "Marie E. Gehle, Psy.D.", with a stylized, cursive script.

Marie E. Gehle, Psy.D.
Chief Psychologist

Victim List

Victim	Birthdate
K.E.	04/XX/1972
A.E.	unknown
John Doe 1	08/XX/1985
John Doe 2	05/XX/1983
John Doe 3	9/XX/1968
John Doe 4	05/XX/1967
John Doe 5	07/XX/1971
John Doe 6	11/XX/1984
John Doe 7	07/XX/1982
John Doe 8	12/XX/1981
John Doe 9	01/XX/1985
John Doe 10	11/XX/1981
John Doe 11	05/XX/1983
John Doe 12	03/XX/1985
John Doe 13	09/XX/1981
John Doe 14	12/XX/1981
John Doe 15	11/XX/1980
John Doe 16	05/XX/1983
John Doe 17	11/XX/1980
John Doe 18	04/XX/1981
John Doe 19	03/XX/1979

All Charges

Warrant	Indictment	Offense	Dates	Disposition
F-324654	98-GS-07-0911	Lewd Act upon a Minor under 16	10/3/1993	Pled guilty; 10y
		Touched the genitals of John Doe 19, a 14-year-old male		
F-324655	98-GS-07-0910	Contributing to the Delinquency of a Minor	10/3/1993	Nolle prossed
		Provided beer to John Doe 19, a 14-year-old male		
F732388	98-GS-40-28120	Lewd Act upon a Minor under 16	6/16/1997-6/20/1997	Pled guilty; 15y
		Touched the genitals of John Doe 2, a 14-year-old male		
F-732389	98-GS-40-28122	Contributing to the Delinquency of a Minor	6/16/1997-8/20/1997	Pled guilty; 3y
		Provided vodka, tequila, and beer to John Doe 1, an 11-year-old male		
F-732390		Contributing to the Delinquency of a Minor	5/30/1997	Dismissed
		Provided vodka, tequila, and beer to John Doe 1, an 11-year-old male		
F-732392		Contributing to the Delinquency of a Minor	5/31/1997	Dismissed
		Provided vodka and beer to John Doe 2, an 14-year-old male		
F-732393	98-GS-40-28128	Exhibiting Harmful Performance to a Minor	6/16/1997-6/20/1997	Pled guilty; 5y
		Masturbated in front of John Doe 2, a 14-year-old male		
F-732395		Contributing to the Delinquency of a Minor	6/16/1997-6/20/1997	Dismissed
		Provided vodka and beer to John Doe 2, an 14-year-old male		
F-732396	98-GS-40-28130	Lewd Act upon a Minor under 16	11/26/1997	Pled guilty; 15y
		Touched the genitals of John Doe 2, a 14-year-old male		
F-732397	98-GS-40-28131	Exhibiting Harmful Performance to a Minor	2/2/1997-8/20/1997	Pled guilty; 5y*
		Masturbated in front of John Doe 1, an 11-year-old male		

Warrant	Indictment	Offense	Dates	Disposition
F-732398	98-GS-40-28132	Exhibiting Harmful Performance to a Minor	11/28/1997	Pled guilty; 5y
		Masturbated in front of John Doe 2, a 14-year-old male		
F-732399	98-GS-40-28133	Contributing to the Delinquency of a Minor	11/26/1997	Pled guilty; 3y
		Provided vodka to John Doe 2, a 14-year-old male		
F-732400	98-GS-40-28134	Lewd Act upon a Minor under 16	2/3/1997-8/20/1997	Pled guilty; 15y*
		Fondled the genitals of John Doe 1, an 11-year-old male		
F-732401		Criminal Sexual Conduct with a Minor-2 nd	6/16/1997-8/20/1997	Dismissed
		Penile penetration of John Doe 1's mouth, an 11-year-old male		
F-732402		Criminal Sexual Conduct with a Minor-2 nd	6/16/1997-6/20/1997	Dismissed
		Performed oral sex on John Doe 2 and had John Doe 2 perform oral sex on him; John Doe, a 14-year-old male		
F-733061		Child Exploitation-3 rd	12/12/1997	Dismissed
		Possessed materials showing minor males in various stages of sexual arousal, to include an erection		
F-733062		Child Exploitation-3 rd	12/12/1997	Dismissed
		Possessed materials showing minor males engaged in masturbation and stimulated touching		
F-733064	98-GS-40-28928	Lewd Act upon a Minor under 14	9/21/1978-1/1/1979	Pled guilty; 10y
		Missing warrant; Lewd and lascivious act upon John Doe 3 per indictment; John Doe 3, a 10-year-old male		
F-733065		Child Exploitation-3 rd	12/12/1997	Dismissed
		Possessed materials depicting minor males engaged in oral copulation and/or anal intercourse.		
F-733066		Contributing to the Delinquency of a Minor	1/1/1997-5/28/1997	Dismissed
		Provided beer and pornography to John Doe 7, 14-year-old male; other minors were present		

Warrant	Indictment	Offense	Dates	Disposition
F-733067		Contributing to the Delinquency of a Minor	10/18/1997	Dismissed
	Provided beer to John Doe 7, 15-year-old male, other minor children present			
F-733068		Distribution of Marijuana	10/18/1997	Dismissed
	Distributed marijuana to John Doe 7, 15-year-old male; two other minors were present			
F-733069		Contributing to the Delinquency of a Minor	10/18/1997	Dismissed
	Provided beer to John Doe 8, a 15-year-old male; other minors were present			
F-733070	98-GS-40-28934	Assault and Battery of a High and Aggravated Nature	5/23/1982-11/2/1982	Pled guilty; 10y
	Missing warrant; assault and battery of John Doe 4 by aggravating circumstances, to wit: great disparity in age and/or size and/or indecent liberties per indictment; John Doe 4, a 15-year-old male			
F-733071	98-GS-40-28935	Assault and Battery of a High and Aggravated Nature	10/23/1987	Pled guilty; 10y*
	Missing warrant; assault and battery of John Doe 5 by aggravating circumstances, to wit: great disparity in age and/or size and/or indecent liberties per indictment; John Doe 5, a 16-year-old male			
F-733072		Distribution of Marijuana	10/18/1997	Dismissed
	Distributed marijuana to John Doe 8, a 15-year-old male; two other minors were present			
F-733073	98-GS-40-28937	Contributing to the Delinquency of a Minor	2/3/1997-5/28/1997	Pled guilty; 3y
	Provided alcohol and pornography to John Doe 9, a 12-year-old male; another minor was present			
F-733074	98-GS-40-29838	Contributing to the Delinquency of a Minor	2/3/1997-6/16/1997	Nolle prossed
	Missing indictment; provided liquor, beer, and pornography to John Doe 6, a 12-year-old male; other minors were present			
F-733075	98-GS-40-28939	Contributing to the Delinquency of a Minor	2/3/1997-6/16/1997	Pled guilty; 3y
	Provided pornography to John Doe 6, a 12-year-old male; another minor was present			

Warrant	Indictment	Offense	Dates	Disposition
F-733076		Contributing to the Delinquency of a Minor	2/3/1997-5/28/1997	Dismissed
		Provided alcohol and pornography to John Doe 10, 15-year-old male; another minor was present		
F-733077	98-GS-40-28941	Contributing to the Delinquency of a Minor	9/6/1997-10/17/1997	Pled guilty; 3y
		Provided tequila and beer to John Doe 11, a 14-year-old male; another minor was present		
F-733078	98-GS-40-28942	Exhibiting Harmful Performance to a Minor	2/3/1997-6/16/1997	Pled guilty; 5y
		Masturbated in front of John Doe 6, a 12-year-old male; another minor was present		
F-733079	98-GS-40-28943	Lewd Act upon a Minor under 16	2/3/1997-6/16/1997	Pled guilty; 15y
		Touched the genitals of John Doe 6, a 12-year-old male		
F-733080	98-GS-40-28944	Contributing to the Delinquency of a Minor	2/3/1997-5/28/1997	Pled guilty; 3y
		Provided pornography to John Doe 12, an 11- to 12-year-old male; other minors were present		
F-733081		Contributing to the Delinquency of a Minor	2/1/1997-2/28/1997	Dismissed
		Provided beer to John Doe 13, a 15-year-old male; other minors were present		
F-733082	98-GS-40-28945	Exhibiting Harmful Performance to a Minor	6/16/1997-6/20/1997	Pled guilty; 5y
		Masturbated in front of John Doe 6, 12-year-old male; another minor was present		
F-733083		Criminal Sexual Conduct with a Minor-2 nd	6/16/1997-6/20/1997	Dismissed
		penile penetration of John Doe 6's mouth; on time; John Doe 6, a 12-year-old male; another minor was present		
F-733084	98-GS-40-28947	Lewd Act upon a Minor under 16	1/6/1997-5/30/1997	Pled guilty; 15y
		Touched John Doe 13's genitals, a 15-year-old male		
F-733085		Contributing to the Delinquency of a Minor	1/6/1997-5/30/1997	Dismissed
		Provided vodka and beer to John Doe 13, a 15-year-old male; other minors were present		

Warrant	Indictment	Offense	Dates	Disposition
F-733086		Contributing to the Delinquency of a Minor	6/16/1997-6/20/1997	Dismissed
		Provided porn to John Doe 6, a 12-year-old male; two other minors were present		
F-733087	98-GS-40-28950	Contributing to the Delinquency of a Minor	10/18/1997	Pled guilty; 3y
		Provided beer to John Doe 13, a 16-year-old male; other minors were present		
F-733088		Distribution of Marijuana	10/18/1997	Dismissed
		Distributed marijuana to John Doe 13, a 16-year-old male; two other minors were present		
F-733089	98-GS-40-28952	Contributing to the Delinquency of a Minor	2/3/1997-5/28/1997	Pled guilty;
		Provided beer to John Doe 15, a 16-year-old male, several times; other minors were present		
F-733090		Contributing to the Delinquency of a Minor	2/3/1997-5/28/1997	Dismissed
		Provided beer to John Doe 16, a 13- to 14-year-old male, several times; other minors were present		
F-733091	98-GS-40-32002	Contributing to the Delinquency of a Minor	12/1/1997-12/11/1997	Pled guilty; 3y
		Provided beer to John Doe 13, a 16-year-old male; another minor was present		
F-733092	98-GS-40-28954	Contributing to the Delinquency of a Minor	5/30/1997	Pled guilty; 3y
		Provided beer to John Doe 14, a 15-year-old male, several times; another minor was present		
F-733094	98-GS-40-28955	Contributing to the Delinquency of a Minor	1/1/1997-6/6/1997	Pled guilty; 3y
		Provided beer to John Doe 18, 16-year-old male, several times; other minors were present		
F-733095	98-GS-40-28956	Contributing to the Delinquency of a Minor	6/6/1997-8/25/1997	Pled guilty; 3y
		Provided beer to John Doe 17, a 16-year-old male, several times; with and without other minors present		
DP98440	98-GS-40-33737	Lewd Act upon a Minor under 14	6/16/1997-8/20/1997	Pled guilty; 15y
		Lewd and lascivious act on John Doe 1, a 12-year-old male		

Warrant	Indictment	Offense	Dates	Disposition
DP98441	98-GS-40-33736	Lewd Act upon a Minor under 14	6/16/1997-8/20/1997	Pled guilty; 15y
	Lewd and lascivious act on John Doe 2, a 14-year-old male			
DP98442	98-GS-40-33738	Lewd Act upon a Minor under 14	6/16/1997-6/20/1997	Pled guilty; 15y
	Lewd and lascivious act on John Doe 6, a 12-year-old male			
DP98370	98-GS-40-32854	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y*
	Possessed materials showing minor males engaged in masturbation and stimulated touching			
DP98371	98-GS-40-32853	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y
	Possessed materials showing minor males engaged in oral copulation and/or anal intercourse.			
DP98372	98-GS-40-32855	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y
	Possessed materials showing minor males in various stages of sexual arousal, including an erection			

*Consecutive sentence structure; total of 35 years of incarceration.

Convictions for Sexual Offenses

Warrant	Indictment	Offense	Dates	Disposition
F-324654	98-GS-07-0911	Lewd Act upon a Minor under 16	10/3/1993	Pled guilty; 10y
	Touched the genitals of John Doe 19, a 14-year-old male			
F732388	98-GS-40-28120	Lewd Act upon a Minor under 16	6/16/1997-6/20/1997	Pled guilty; 15y
	Touched the genitals of John Doe 2, a 14-year-old male			
F-732393	98-GS-40-28128	Exhibiting Harmful Performance to a Minor	6/16/1997-6/20/1997	Pled guilty; 5y
	Masturbated in front of John Doe 2, a 14-year-old male			
F-732396	98-GS-40-28130	Lewd Act upon a Minor under 16	11/26/1997	Pled guilty; 15y
	Touched the genitals of John Doe 2, a 14-year-old male			
F-732397	98-GS-40-28131	Exhibiting Harmful Performance to a Minor	2/2/1997-8/20/1997	Pled guilty; 5y*
	Masturbated in front of John Doe 1, an 11-year-old male			
F-732398	98-GS-40-28132	Exhibiting Harmful Performance to a Minor	11/28/1997	Pled guilty; 5y
	Masturbated in front of John Doe 2, a 14-year-old male			
F-732400	98-GS-40-28134	Lewd Act upon a Minor under 16	2/3/1997-8/20/1997	Pled guilty; 15y*
	Fondled the genitals of John Doe 1, an 11-year-old male			
F-733064	98-GS-40-28928	Lewd Act upon a Minor under 14	9/21/1978-1/1/1979	Pled guilty; 10y
	Missing warrant; Lewd and lascivious act upon John Doe 3 per indictment; John Doe 3, a 10-year-old male			
F-733070	98-GS-40-28934	Assault and Battery of a High and Aggravated Nature	5/23/1982-11/2/1982	Pled guilty; 10y
	Missing warrant; assault and battery of John Doe 4 by aggravating circumstances, to wit: great disparity in age and/or size and/or indecent liberties per indictment; John Doe 4, a 15-year-old male			

Warrant	Indictment	Offense	Dates	Disposition
F-733071	98-GS-40-28935	Assault and Battery of a High and Aggravated Nature	10/23/1987	Pled guilty; 10y*
	Missing warrant; assault and battery of John Doe 5 by aggravating circumstances, to wit: great disparity in age and/or size and/or indecent liberties per indictment; John Doe 5, a 16-year-old male			
F-733078	98-GS-40-28942	Exhibiting Harmful Performance to a Minor	2/3/1997-6/16/1997	Pled guilty; 5y
	Masturbated in front of John Doe 6, a 12-year-old male; another minor was present			
F-733079	98-GS-40-28943	Lewd Act upon a Minor under 16	2/3/1997-6/16/1997	Pled guilty; 15y
	Touched the genitals of John Doe 6, a 12-year-old male			
F-733082	98-GS-40-28945	Exhibiting Harmful Performance to a Minor	6/16/1997-6/20/1997	Pled guilty; 5y
	Masturbated in front of John Doe 6, 12-year-old male; another minor was present			
F-733084	98-GS-40-28947	Lewd Act upon a Minor under 16	1/6/1997-5/30/1997	Pled guilty; 15y
	Touched John Doe 13's genitals, a 15-year-old male			
DP98440	98-GS-40-33737	Lewd Act upon a Minor under 14	6/16/1997-8/20/1997	Pled guilty; 15y
	Lewd and lascivious act on John Doe 1, a 12-year-old male			
DP98441	98-GS-40-33736	Lewd Act upon a Minor under 14	6/16/1997-8/20/1997	Pled guilty; 15y
	Lewd and lascivious act on John Doe 2, a 14-year-old male			
DP98442	98-GS-40-33738	Lewd Act upon a Minor under 14	6/16/1997-6/20/1997	Pled guilty; 15y
	Lewd and lascivious act on John Doe 6, a 12-year-old male			
DP98370	98-GS-40-32854	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y*
	Possessed materials showing minor males engaged in masturbation and stimulated touching			

Warrant	Indictment	Offense	Dates	Disposition
DP98371	98-GS-40-32853	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y
	Possessed materials showing minor males engaged in oral copulation and/or anal intercourse.			
DP98372	98-GS-40-32855	Sexual Exploitation of a Minor in the Third Degree	8/17/1997-12/12/1997	Pled guilty; 5y
	Possessed materials showing minor males in various stages of sexual arousal, including an erection			

RICHLAND COUNTY
FILED

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JANETTE W. MOORE
C.C.P., S.S., & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
CHARLES SULLIVAN,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-40-0770

**ORDER DENYING TRIAL AFTER ANNUAL
REVIEW HEARING PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR ACT**

This matter comes before the Court on annual review of Charles Sullivan’s status as a Sexually Violent Predator pursuant to South Carolina Code Section 44-48-110. A hearing was held pursuant to Section 44-48-110 on July 8, 2014. Mr. Sullivan was represented by his appointed attorney James Falk. The State was represented by Assistant Attorney General, Emily M. Sordian.

Mr. Sullivan was committed to the Sexually Violent Predator Treatment Program on or about February 22, 2016. The Court received a letter from the Department of Mental Health dated November 9, 2018, indicating Mr. Sullivan was exercising his right to a hearing. The Department also sent an Annual Review Packet to the Court, including an Annual Review Treatment Summary dated November 7, 2018. Additionally, the Petitioner filed a Petition for Release with the Richland County Clerk of Court on or about May 27, 2019. The State filed a Reply to the Petitioner’s Petition for Release with the Richland County Clerk of Court on or about August 22, 2019. Mr. Sullivan waived his right to his first annual review hearing for the period between July 28, 2016 and September 14, 2017. This matter is before the Court for annual review hearing for the period between October 2017 and October 2018.

The purpose of an annual review hearing held pursuant to South Carolina Code Section 44-48-110 is for the court to determine whether probable cause exists to believe that “the person’s mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence.” S.C. Code Ann. Section 44-48-110 (Supp. 2008). At the hearing, the committed person bears the burden of showing that probable cause exists to believe his mental condition has so changed that he is safe to be released. *In re Care and Treatment of Tucker*, 353 S.C. 466, 578 S.E.2d 719 (2003). In the context of Sexually Violent Predator cases, a party establishes probable cause when he presents evidence that “would lead a reasonable person to believe and conscientiously entertain” the proposition set forth at the hearing. See *In re the Care and Treatment of Brown*, 372 S.C. 611, 643 S.E.2d 118 (Ct. App. 2007) (establishing this standard for hearings held pursuant to South Carolina Code Section 44-48-80).

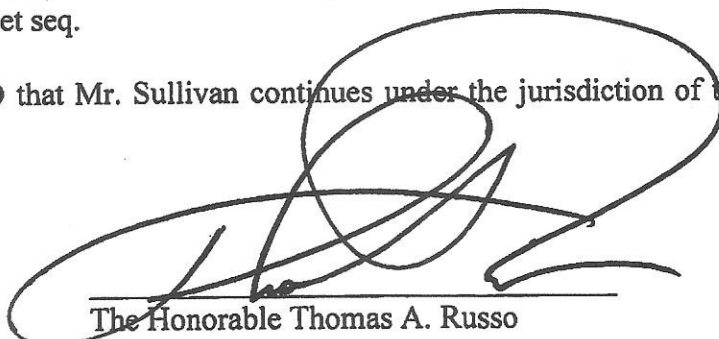
At the hearing, Petitioner offered no witnesses but presented two exhibits to the Court, namely, Dr. Gehl’s pre-commitment report and Dr. Tross’s report dated November 7, 2018, and the State presented testimony of Dr. Rozanna Tross. Dr. Tross testified Mr. Sullivan suffers from other specified paraphilic disorder and narcissistic personality disorder. She opined that his condition has not substantially changed and he remains likely to commit acts of sexual violence if released.

Based on the testimony offered at the hearing, the reports provided to the Court, and the arguments of counsel, the Court hereby finds and concludes that, at this time, Mr. Sullivan's mental abnormality or personality disorder has not so changed that he is safe to be at large, and, if released, not likely to commit acts of sexual violence. Therefore, Mr. Sullivan has failed to meet his burden, and the Court does not find probable cause in this matter.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that Charles Sullivan shall continue to be confined in a secure facility of the Department of Mental Health for long term control, care and treatment pursuant to the Sexually Violent Predator Act, Code of Laws of South Carolina, 1976, as amended, Sections 44-48-10 et seq.

IT IS FURTHER ORDERED that Mr. Sullivan continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.



The Honorable Thomas A. Russo
Presiding Judge
Fifth Judicial Circuit Court of Common Pleas

November 8th 2019
~~October~~

Florence, South Carolina

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that the Record on Appeal contains all material proposed to be included by the parties and not any other material and that this Record on Appeal complies to the best of my abilities with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

November 14, 2020

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Nov 16 2020
SC Court of Appeals

s/ *James Falk*

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