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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GEORGE RILEY DREHER,

APPELLANT

APPELLATE CASE NO. 2021-000753

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	
COUNTY OF BERKELEY)	DOCKET NO. 2020-GS-08-2020
)	2020-GS-08-2022
)	
)	
STATE OF SOUTH CAROLINA)	
)	
)	
vs.)	
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)	
GEORGE RILEY DREHER)	
)	
Defendant)	
)	
)	
)	
_____)	TRANSCRIPT OF RECORD

February 18, 2021
Via: Virtual Courtroom

B E F O R E:

THE HONORABLE R. MARKLEY DENNIS, JR., JUDGE

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Certified Verbatim Reporter-Master
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[Certified Copy of Transcript Provided to: SCCID]

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PROCEEDINGS

THE COURT: Thank you so much.

MS. GAY: The next one on the list is actually
George Dreher.

THE COURT: Yes, I see that. All right and is that
a ---

MS. GAY: --- that's with Wilton.

THE COURT: Yes, Wilton was on but I don't --
hello, Wilton.

MR. McNEELY: Good afternoon, Your Honor. How are
you?

THE COURT: I'm fine.

MS. GAY: Judge, me one second. I'm going to turn
my computer around because his Mom's here. I just need
to mute you from -- you can't see me for one minute and
I'm just going to turn around ---

THE COURT: --- you don't -- I don't need to see
her if she can hear me; that's okay. She doesn't ---

MS. GAY: --- why don't you come and stand this way
and then ---

THE COURT: --- she doesn't need to ---

MS. GAY: --- she can hear.

THE COURT: And I can hear her if she speaks; that
will be fine.

MS. GAY: Yes.

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1 THE COURT: Okay. I found out today that sometimes
2 if we turn off the video the speaking stays pretty
3 consistent. So that may have something to do with the
4 buffering overload. I really don't -- it's beyond my pay
5 grade; I can tell you that. Are you Mr. Dreher?

6 MR. DREHER: [No response]

7 THE COURT: Mr. Dreher, I need for you to answer
8 me. Are you George Dreher? I didn't hear you.

9 [Technical difficulties -- background noise]

10 MR. DREHER: Yes, Your Honor.

11 THE COURT REPORTER: Judge, I'm sorry; there's some
12 really loud background noise.

13 [Off the record momentarily working on technical
14 issues]

15 THE COURT: Mr. Dreher, I have failure to stop.
16 Your lawyer has explained that charge to you, sir?

17 MR. DREHER: Yes sir, Your Honor.

18 THE COURT: It's great bodily injury and it carries
19 a potential ten year sentence. Do you understand that?

20 MR. DREHER: Yes sir, Your Honor.

21 THE COURT: What is your plea, guilty or not
22 guilty?

23 MR. DREHER: Guilty.

24 THE COURT: I also have indictment 2020-2022
25 charging you with attempted murder. And that carries a

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1 potential sentence -- well, you're pleading to a lesser
2 included offense of assault and battery of a high and
3 aggravated nature; you understand that?

4 MR. DREHER: Yes sir, Your Honor.

5 THE COURT: And your lawyer has explained the
6 difference between the two?

7 MR. DREHER: Yes sir, Your Honor.

8 THE COURT: And you understand that for that I
9 could sentence you up to 20 years in jail?

10 MR. DREHER: Yes sir, Your Honor.

11 THE COURT: You also understand it is considered a
12 serious offense?

13 MR. DREHER: Yes sir, Your Honor.

14 THE COURT: And your lawyer has explained what that
15 is?

16 MR. DREHER: Yes sir, Your Honor. That's correct.

17 THE COURT: That is correct. It's also a non-
18 paroleable offense; you understand that?

19 MR. DREHER: Yes sir, Your Honor.

20 THE COURT: Which means that any sentence that I
21 impose you would be required to serve 85 percent and then
22 once released you still would be required to complete a
23 two year community supervision program, which is a fancy
24 word for probation for two years. If you fail to
25 complete that a violation of that could result in your

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1 being incarcerated up to one year at a time until the
2 balance of your sentence is satisfied; do you understand
3 that?

4 MR. DREHER: Yes sir, Your Honor.

5 THE COURT: Understanding all of that what is your
6 plea, guilty or not guilty?

7 MR. DREHER: Guilty.

8 THE COURT: Are you satisfied with your lawyer?

9 MR. DREHER: Yes sir, Your Honor.

10 THE COURT: Solicitor, any agreement other than
11 allowing him to plead to the lesser included offense?

12 MR. McNEELY: No, Your Honor. This is without
13 recommendation. Each side will be requesting a separate
14 sentence at the appropriate time.

15 THE COURT: Very well. Ms. Gay, you can unmute
16 your mic and we'll mute the jail.

17 [Whereupon, Ms. Gay complies]

18 THE COURT: You've discussed this matter fully with
19 your client?

20 MS. GAY: I have, sir. Yes.

21 THE COURT: And he's been advised of his rights and
22 the consequences of his plea?

23 MS. GAY: Yes, sir.

24 THE COURT: Based on your investigation on his
25 behalf do you concur with his decision to enter the

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1 guilty pleas?

2 MS. GAY: Yes, sir.

3 THE COURT: Is all that correct, Mr. Dreher?

4 MR. DREHER: Yes sir, Your Honor.

5 THE COURT: You understand if I accept your plea
6 you will not have a jury trial, you will not confront the
7 witnesses against you and you're giving up the right to
8 remain silent?

9 MR. DREHER: Yes sir, Your Honor.

10 THE COURT: Have there been any threats or promises
11 made to you to get you to plead guilty?

12 MR. DREHER: No sir, Your Honor.

13 THE COURT: Are you under the influence of any
14 alcohol or any medication here today?

15 MR. DREHER: No sir, Your Honor.

16 THE COURT: Have you taken any type of medication
17 or consumed any alcohol in the last 24 hours?

18 MR. DREHER: No sir, Your Honor.

19 THE COURT: Have you ever been treated for any
20 emotional illness or mental illness?

21 MR. DREHER: Yes sir, Your Honor.

22 THE COURT: Tell me about it.

23 MR. DREHER: I've been in MUSC. There was a place
24 somewhere in Columbia, Trident; they said I got PTSD and
25 paranoid schizophrenia. I'm supposed to take medicine.

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1 But I lost my brother; I need to take the medicine. They
2 got me on Zoloft now.

3 THE COURT: So you're taking Zoloft now?

4 MR. DREHER: Yes sir, Your Honor.

5 THE COURT: Does that affect how you can think or
6 reason?

7 MR. DREHER: No sir, Your Honor.

8 THE COURT: Probably helps make it better.

9 MR. DREHER: Yes sir, Your Honor.

10 THE COURT: You understand what you're doing today?

11 MR. DREHER: Yes sir, Your Honor.

12 THE COURT: I've been provided with a report dated
13 October the 19th, 2020 from MUSC that outlines his
14 history of treatment for mental illness. I assume both
15 sides; Ms. Gay do you have that report for your file as
16 well?

17 MS. GAY: [No response]

18 THE COURT: Lisa?

19 MS. GAY: Hold on. I'm trying to get there, Your
20 Honor.

21 [Whereupon, Ms. Gay reviews documents]

22 MS. GAY: We've talked about this man for a long
23 time, Your Honor so if it's in something I have it in my
24 file, yes.

25 THE COURT: Solicitor, do you have it?

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1 MR. McNEELY: I do, Your Honor. I provided the
2 copy for the Court today and I'd ask that it be made a
3 Court's exhibit for purposes of the hearing.

4 THE COURT: That's precisely why I'm asking that
5 question. It will be Court's exhibit number 1 for
6 purposes of this hearing and will be retained with all
7 other pleadings in the Clerk's file. I've reviewed it
8 and ---

9 MR. McNEELY: --- there should be two.

10 THE COURT: Well, I've got one document. I don't
11 know that it might contain two different reports.

12 MR. McNEELY: There were two separate documents.
13 One was for competency to stand trial and the other one
14 was criminal responsibility.

15 [Whereupon, the Court reviews documents]

16 THE COURT: Well, what I have right here I haven't
17 read fully.

18 MS. GAY: Your Honor, at this time Mr. Dreher is
19 competent. There is no -- even though he was evaluated
20 they did not say that he was not competent. And he's
21 also not asserting a mental health defense.

22 THE COURT: That's fine. I don't have that he's
23 competent but I don't see anything or any indication that
24 he's not competent; he's answered my questions. But if
25 you have a report that has that you can file it with the

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1 Clerk; that's fine. The report that I have is submitted
2 by Allison Floyd. And it basically, and may even be
3 contained in there but the findings are and the doctors
4 that examined him were Tiffany Harrop and Emily Godfrey.
5 They also say he's competent. He meets the standard for
6 competency; it's all stated in this one form; so it's
7 there.

8 MR. McNEELY: Thank you.

9 THE COURT: Uh Huh. You understand and you know
10 fully what you're doing today, sir?

11 MR. DREHER: Yes sir, Your Honor.

12 THE COURT: Okay. Tell me the facts, please?

13 MR. McNEELY: Thank you, Your Honor. On April 10th,
14 2020 at approximately 10:40 p.m. Berkeley County deputies
15 responded to Fiddle Way and Old Whitesville Road in the
16 Moncks Corner area of Berkeley County due to a noise
17 complaint.

18 Upon arrival officers observed a white Chevrolet
19 Tahoe vehicle operating without a headlight leaving at a
20 high rate of speed almost striking the deputy's vehicle.
21 A stop was initiated by lights and sirens on Old
22 Whiteville Road. The driver of the Tahoe failed to stop
23 and accelerated away at a high rate of speed making a
24 right turn onto 17-A continuing to disregard signals to
25 stop and accelerating away towards Goose Creek. While on

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1 17-A the vehicle drove recklessly at excessive speeds
2 disregarding traffic control devices --

3 [Whereupon, technical issues with the video during
4 part of Mr. McNeely's remarks]

5 MR. McNEELY: -- he kept weaving in and out of
6 traffic ---

7 THE COURT REPORTER: --- Mr. McNeely, Mr. McNeely?
8 We lost you at some point so you need to back up a couple
9 of sentences.

10 MR. McNEELY: Okay. While on 17-A the vehicle
11 drove recklessly at excessive speeds, disregarded traffic
12 control devices, weaved in and out of traffic and failed
13 to maintain his lane of travel driving into the median.

14 Deputies attempted to stop stick the vehicle on 17-A
15 but he drove through the median and made a left hand turn
16 onto 176 continuing to speed and driving recklessly
17 weaving over the road.

18 Thereafter Deputy Quinn Hayden had positioned
19 himself in the median of 176 where he was attempting to
20 deploy stop sticks. At the time the defendant approached
21 he swerved from his lane of travel into the median where
22 he struck Deputy Hayden causing significant great bodily
23 injury to his leg. The vehicle then lost control,
24 crossed all oncoming lanes of traffic and wrecked out
25 striking a curved power box electrical pole and tree

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1 which caused significant damage to the vehicle. The
2 defendant was extracted and placed under arrest. The
3 front seat passenger Brandon Swain [phonetic] was
4 entrapped in the vehicle and had significant injuries as
5 well.

6 Deputy Hayden was taken to the hospital for
7 treatment of his injuries which have required multiple
8 surgeries and he is still experiencing significant
9 impairment and limited function. Deputy Hayden is on the
10 call today with his attorney Mason West and they will
11 address the Court at the appropriate time.

12 THE COURT: Okay. Are those facts correct, Mr.
13 Sanders [sic]? Excuse me. Mr. Sanders [sic] Mr. Dreher,
14 are those facts correct?

15 MR. DREHER: All besides intentionally swerving. I
16 would have never intentionally swerve and hit an officer.

17 THE COURT: Well sir, you're pleading guilty to
18 assault and battery of a high and aggravated nature which
19 requires an intentional act on your part.

20 MR. DREHER: I was driving the car, Your Honor, and
21 there was a passenger in the car. He snatched the wheel.
22 I would never intentionally -- I'm pleading guilty, Your
23 Honor. I'm not changing ---

24 THE COURT: --- no sir, you're not pleading guilty
25 without admitting your guilt. Right now you've now

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1 vacillated. You said no, I didn't intentionally do
2 anything; it was all an accident. So which is it?

3 MR. DREHER: I'm guilty, Your Honor.

4 THE COURT: No, you just told me you weren't. How
5 can you be guilty unless you did something else that you
6 haven't told me? I assume Solicitor that's the act of
7 swerving into the vehicle is the assault and battery of a
8 high and aggravated nature.

9 MR. McNEELY: That's correct, Your Honor.

10 THE COURT: From what I've heard there is no
11 question about the failure to stop; all that has been
12 established. But clearly the assault and battery of a
13 high and aggravated nature is the threat to the people as
14 a result of what happened after that. So, you're telling
15 me I didn't mean to swerve, I didn't intentionally do
16 that. I would never -- I think you said I would never do
17 that.

18 MR. DREHER: Correct, Your Honor.

19 MS. GAY: Your Honor, I just would like to
20 interject for just a second. The timeframe ---

21 THE COURT: --- Ms. Gay, you can interject all you
22 want. You're going to have to take this interjection
23 before somebody else. Your client just looked at me and
24 said no, I didn't do this.

25 MS. GAY: I understand. I heard that, Your Honor.

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1 There was about three seconds between the time that he;
2 we have video of everything, when the issue is.

3 And I think what happened when the man jumped out he
4 said his car did cross that area but I think it was you
5 know and he did hit the guy. There is no doubt that he
6 hit the guy. And so I've talked to him about this
7 extensively. We've been working on this one for a while.

8 THE COURT: Ms. Gay, you're not helping me at all.
9 You might be helping yourself but you're not helping me
10 at all. I'm the person that has to be convinced. And
11 the crime was when he swerved the car and the State is
12 alleging he intentionally did that.

13 MS. GAY: I understand what -- the elements of the
14 offense Your Honor and I've spoken to him about this.

15 THE COURT: Well that's fine but he doesn't agree
16 with you. You may but he doesn't agree with it.

17 MS. GAY: Well, my suggestion Your Honor is that we
18 stand down then.

19 THE COURT: You don't have to suggest; I'm not
20 going to take the plea. I assume you don't want me --
21 obviously his plea to one is already done but I don't, I
22 assume that's not the State's desire to get a conviction
23 on the failure to stop.

24 MR. McNEELY: It's all or nothing, Your Honor.

25 THE COURT: I figured it was. No sir, thank you

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1 very much Mr. Dreher.

2 MS. GAY: It didn't work; sorry. He won't say it.
3 He won't say what happened. I did not cause the accident
4 ---

5 THE COURT: --- he won't tell the truth, ma'am.
6 Whatever; but maybe he is. I don't know; that's up to a
7 jury.

8 MS. GAY: I understand, sir.

9 THE COURT: Thank you. Mason, I'm sorry. Thank
10 you for attending. Thank you, Will.

11 *****END OF TRANSCRIPT OF RECORD*****
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C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is, to the best of my ability, a complete Transcript of Record of the proceedings had, using WebEx videoconferencing, and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Berkeley County, South Carolina on the 18th day of February, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 22, 2021



Joyce C. Rueger, CVR-M
Court Reporter

 **COPY**

1 STATE OF SOUTH CAROLINA) IN THE COURT OF
) GENERAL SESSIONS
 2) OF THE NINTH
 COUNTY OF BERKELEY) JUDICIAL CIRCUIT
 3)
)
 4)
 THE STATE OF SOUTH CAROLINA,)
 5)
 Plaintiff,) TRANSCRIPT OF RECORD
 6) 2020-GS-08-02020
 vs.) 2020-GS-08-02022
 7)
 GEORGE RILEY DREHER,)
 8)
)
 9 Defendant.)
)

10

11

April 12, 2021

12

Moncks Corner, South Carolina

13

B E F O R E:

14

HONORABLE R. MARKLEY DENNIS, JR., Judge.

15

16

A P P E A R A N C E S

17

WILTON H. MCNEELY, ASSISTANT SOLICITOR

18

For The State

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MELISA WHITE GAY, ESQUIRE

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For Defendant

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Julie A. Cendroski,
 Transcribing for Denise Lauder
 Circuit Court Reporter III
 Seventh Judicial Circuit

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25

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EXHIBITS

MARKED

ENTERED

COURT'S EXHIBIT NO. 1,
Two Mental Health Letters

8

8

1 THE STATE VS. GEORGE RILEY DREHER

2 THE COURT: Hello everybody. Happy Monday
3 afternoon.

4 THE SOLICITOR: Good afternoon, Judge.

5 THE COURT: I hope you're good, sir. Hello,
6 Will.

7 MS. GAY: Good afternoon, Your Honor.

8 THE COURT: All right. Starting on the docket,
9 it looks like you and Melisa have Mr. Dreher?

10 THE SOLICITOR: That's correct.

11 MS. GAY: Yes, sir.

12 THE COURT: Okay. Mr. Dreher is incarcerated.
13 Are you Mr. Dreher?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Good afternoon, sir.

16 THE DEFENDANT: Good afternoon.

17 THE COURT: I've been handed several indictments.
18 Your lawyer's explained these charges to you, sir?

19 THE DEFENDANT: Yes, sir, Your Honor.

20 THE COURT: And the possible punishment in each
21 case, sir?

22 THE DEFENDANT: Yes, sir, Your Honor.

23 THE COURT: Indictment 2020-2022, charges you
24 with the offense of attempted murder. Do you understand
25 that?

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: Your lawyer's explained that I could
3 sentence you for the nature of that charge and the
4 lesser included offense of assault and battery of a high
5 and aggravated nature?

6 THE DEFENDANT: Yes, sir, Your Honor.

7 THE COURT: Do you understand that on that charge
8 I could sentence you to up to 20 years in jail?

9 THE DEFENDANT: Yes, sir, Your Honor.

10 THE COURT: She's explained to you that that's
11 also a serious offense?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: You understand the significance of
14 that term?

15 THE DEFENDANT: Yes, sir, Your Honor.

16 THE COURT: It also is a non-parole offense. Did
17 she explain that to you as well?

18 THE DEFENDANT: Yes, sir, Your Honor.

19 THE COURT: Which means that you have to serve 85
20 percent of any sentence I impose. Do you realize that?

21 THE DEFENDANT: Yes, sir, Your Honor.

22 THE COURT: And once being released, you would
23 still be required to complete a two-year community
24 supervision with the balance of the time remaining. Do
25 you understand that?

1 THE DEFENDANT: Yes, sir, Your Honor.

2 THE COURT: And if you violated that community
3 supervision, you could be returned up to one year at a
4 time until that sentence was satisfied either by
5 supervision or jail time. Do you understand that?

6 THE DEFENDANT: Yes, sir, Your Honor.

7 THE COURT: Understanding all of that, what is
8 your plea, guilty or not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: Indictment 2020-2020 charges you with
11 failure to stop for a blue light. Do you understand
12 that?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: And, apparently, they've alleged that
15 that failure resulted in an injury to a person, commit
16 bodily injury to a person. Do you understand?

17 THE DEFENDANT: Yes, sir, Your Honor.

18 THE COURT: And that carries a potential sentence
19 of up to ten years in jail. Do you realize that?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: What is your plea?

22 THE DEFENDANT: Guilty.

23 THE COURT: Are you satisfied with your lawyer?

24 THE DEFENDANT: Yes, sir, Your Honor.

25 THE COURT: Solicitor, it appears from the

1 sentencing sheet that this is marked, it's checked, this
2 is without any recommendation or negotiation other than
3 allowing him to the lesser included offense; is that
4 correct?

5 THE SOLICITOR: That's correct, Your Honor. Each
6 side will be requesting the sentence of their choosing
7 at the appropriate time.

8 THE COURT: Very well. Ms. Gay, is that your
9 understanding?

10 MS. GAY: Yes, sir.

11 THE COURT: He's been advised of his rights and
12 the consequences of his plea?

13 MS. GAY: Yes.

14 THE COURT: And based on your investigation do
15 you concur with his decision to enter a guilty plea?

16 MS. GAY: I do, Your Honor.

17 THE COURT: It also appears that I've been
18 presented with two reports from evaluations conducted by
19 the Department of Mental Health to determine his
20 competency. They each find that he is competent. Do
21 you concur with those findings?

22 MS. GAY: I do, Your Honor, yes.

23 THE COURT: And you've had no trouble
24 communicating with your client involved in developing
25 his decision to enter guilty pleas?

1 MS. GAY: Yes, sir.

2 THE COURT: Mr. Dreher, I'm gonna make these -- I
3 assume these are docket files. Any objection to my
4 making these a Court's exhibit collectively, make them a
5 part of the record?

6 MS. GAY: That's fine, Your Honor.

7 THE SOLICITOR: There's no objection from the
8 State, Your Honor.

9 THE COURT: Ms. Denise, I'm just gonna hand these
10 to the Clerk collectively as a Court's exhibit. They're
11 two reports signed by Ms. Floyd. Are there two? Yeah,
12 two separate ones, and the Court will be relying on her
13 tests thereof.

14 (Court's Exhibit No. 1, Two Mental Health
15 Reports, was marked for identification.)

16 (Court's Exhibit No. 1 was entered into the
17 record.)

18 Mr. Dreher, you realize and understand that if I
19 accept your guilty pleas you will not have a jury trial
20 in any of these matters and, therefore, you give up the
21 right to confront the witnesses against you? Do you
22 understand that?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: And if you went to trial, of course,
25 the State would have to prove you guilty beyond a

1 reasonable doubt. You don't have to prove anything. Do
2 you understand that?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: Now, because you're pleading guilty,
5 of course, the State would no longer be required to meet
6 that burden. And, also, another very important aspect
7 is with a trial, of course, you don't have to say a word
8 at any time and, of course, that can't be used against
9 you. But if I accept your guilty plea today, you will
10 have given up that right to remain silent by pleading
11 guilty. Do you understand that?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: Have there been any promise or
14 threats made to you, sir, to get you to plead guilty?

15 THE DEFENDANT: No, sir, Your Honor.

16 THE COURT: Are you under the influence of any
17 alcohol of medication here today?

18 THE DEFENDANT: No, sir, Your Honor.

19 THE COURT: Have you consumed any alcohol or any
20 type of medications with the last 24 hours?

21 THE DEFENDANT: No, sir, Your Honor.

22 THE COURT: Have you been treated with any mental
23 illness or personal problems in the past?

24 THE DEFENDANT: Yes, sir, Your Honor.

25 THE COURT: Tell me about it.

1 THE DEFENDANT: I was in inpatient at Dale
2 Patterson USC for paranoid schizophrenia. I don't
3 remember everything, but there were a couple different
4 diagnosis. I think it was back in 2012/2013.

5 THE COURT: Okay. But since that period of time
6 have you had any recurrence of your problem or
7 hospitalization because of that?

8 THE DEFENDANT: I was in the hospital in 2017 for
9 about a week at Trident, on the sixth floor at Trident.

10 THE COURT: Okay. Have you all been back since
11 2017?

12 THE DEFENDANT: No, sir.

13 THE COURT: And have you, have you participated
14 with your lawyer in discussions of this case and you
15 talking about possible defenses?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: And you want to do this? This is
18 your decision, sir?

19 THE DEFENDANT: Yes, sir, Your Honor.

20 THE COURT: And you're not -- you don't have any
21 problems that you previously experienced concerning your
22 paranoid schizophrenia?

23 THE DEFENDANT: No, sir, Your Honor.

24 THE COURT: Okay.

25 All right. Solicitor, tell me the facts, please.

1 THE SOLICITOR: Thank you, Your Honor. On April
2 10th, 2020, at approximately 10:40 p.m., Berkeley County
3 deputies responded to Fiddle Way and Old Blackville Road
4 in the Moncks Corner area in Berkeley County due to a
5 noise complaint. Upon arrival, officers observed a
6 white Chevrolet Tahoe vehicle operating without a
7 headlight and leaving at a high rate of speed, almost
8 striking a deputy's vehicle.

9 Deputies initiated a traffic stop by lights and
10 sirens on Old Blackville Road. The driver of the
11 vehicle failed to stop and accelerated away at a high
12 rate of speed, making a right-hand turn onto 17A,
13 continuing to disregard the signals to stop and
14 accelerating.

15 While on 17A, the vehicle drove recklessly at
16 excessive speeds, disregarding traffic control devices,
17 weaving in and out of traffic, and failing to maintain a
18 lane, driving into the median. Deputies attempted to
19 stop the vehicle, but the driver drove through the
20 median to avoid them, making a left-hand turn onto 176
21 and continued speeding excessively and driving through
22 traffic recklessly, weaving all over the road.

23 Thereafter, the defendant observed Deputy Hayden
24 in the median at 176 where he had stationed the point
25 stop sticks. At that time, the defendant swerved from

1 his lane into the median where he struck Deputy Hayden,
2 causing significant great bodily injury to his leg.

3 The vehicle then lost control, crossed all
4 oncoming lanes of traffic and wrecked out striking the
5 curb power box, electrical pole, and tree, causing
6 significant damage to the vehicle. The defendant was
7 extracted and placed under arrest.

8 The front passenger in the vehicle, Brandon
9 Swain, (phonetic) was entrapped and had significant
10 injuries as well. He was extracted and transported to
11 the hospital, as was Deputy Hayden, who had to undergo
12 multiple surgeries and is still experiencing significant
13 impairment and limited function to his leg as a result
14 of the incident.

15 THE COURT: All right. Are those facts correct,
16 sir?

17 THE DEFENDANT: Yes, sir, Your Honor.

18 THE COURT: Very well. I find there is
19 sufficient factual basis to support the plea. I find
20 that he's had the benefit of very competent counsel,
21 whom he's indicated he's totally satisfied. I find the
22 plea to be freely, voluntarily, knowingly, and
23 intelligently made.

24 And now I'll be happy to hear from you Ms. Gay,
25 thank you.

1 MS. GAY: Oh, Thank you, Your Honor. In the
2 courtroom today is his mother, Theresa Dreher, who is an
3 incredibly supportive mom. She's been an integral part
4 of his presentation, Your Honor.

5 He's a young man, Your Honor.

6 THE COURT: What was he doing for a living prior
7 to this?

8 MRS. THERESA DREHER: He does welding
9 pipefitting.

10 MS. GAY: He was employed, Your Honor, prior to
11 this. He's from this area. So you can see from the
12 evaluations he's done and what he says about some of the
13 history of his mental health issues.

14 But during the course of this case, Your Honor,
15 he made bond and he was sent to Solutions in Greenville.
16 And he had, basically, a panic attack there. But he was
17 -- he ended up being taken to the Greenville Memorial
18 Hospital.

19 When he was taken to Greenville Memorial
20 Hospital, it was acute stress from the panic attack and,
21 I guess, some type of paranoid situation. I received
22 his medical records and reviewed them. One of the
23 things that those medical records said is that they
24 thought that Brandon -- I mean, George, needed to have a
25 neurological evaluation; that they thought there may, in

1 fact, be something wrong with him neurologically.

2 Based on that and based on the fact that, you
3 know, all these different times that he's been in
4 hospitals I had him evaluated, and they did say he was
5 competent and, you know, and had the capacity to go
6 forward on that. But the truth of the matter is he
7 still has some stuff that he has to address throughout
8 his life about his mental health history.

9 He has been placed on medication at the jail.
10 When he said that he had not taken medicine today, it
11 was my understanding that they've been monitoring him
12 and that they have put him on some medicine, whether
13 he's on it right this minute or he was on it before.

14 I can tell you the person I'm talking to right
15 now, his mother and I are both agreeing, is not the same
16 person that entered in the jail and has been
17 incarcerated on this incident on the night it happened
18 or even after the situation and solution. He is so much
19 better about having clarity and about having some
20 understanding about the system and his life in the
21 future. He's definitely in a better place now, Your
22 Honor.

23 I know that you've heard me say over the past
24 20-something years, there are occasions in life where
25 people get arrested and better things come out of it

1 because of the fact that whatever they were involved in
2 at the time was not going in the right direction, Your
3 Honor.

4 This evening was the result of multiple bad
5 choices, Your Honor. When you talk to him and you ask
6 him why he failed at that blue light, unfortunately
7 there's not even anything that makes a whole lot of
8 sense, except I think that once something started, there
9 was just like, well, how do we get out of this
10 situation? Instead, he's in this car, in a high-speed
11 chase, things are happening, people are hurt.

12 What I'm asking you to consider, well, what I
13 know the Solicitor is gonna ask you to consider, Your
14 Honor, is an intensive prison sentence. I know that
15 that is -- he and his family know that that's a
16 possibility. But he was at Solutions because he had a
17 problem, a drug problem at some point. And that was
18 actually going well for him until he lost his mind that
19 day basically.

20 And we've spoken to Solutions and Solutions still
21 cares to take him back into their program. That is, as
22 you're aware, a long eight to ten-month program where
23 they are inpatient and they help them restructure their
24 life basically. That seems to be the best thing for the
25 Solutions program I can say is that they give them

1 structure enough where they come out of that program and
2 can make it a very high success rate.

3 And so, his family and he would ask you to
4 consider a suspended sentence. Alternatively, Your
5 Honor, if you believe that he needs to be incarcerated
6 because of the serious nature of the events and all the
7 things that go into punishment, Your Honor, we'd ask you
8 to consider a split sentence, as opposed to a straight
9 jail sentence of an extensive period of time.

10 I have worked with the Dreher family for many,
11 many months now and, as I said, this man we're talking
12 to today is so much more focused and ready to address
13 and be responsible for the actions he made that night.
14 I know his mom's talked to him extensively. I've talked
15 to him extensively. We're going to ask you to be as
16 compassionate as possible. This man does have mental
17 health problems. He's not incompetent. He is
18 criminally responsible, but he does have mental health
19 problems that need to be addressed and that need to be
20 taken, you know, he needs to have medication and
21 treatment for. And he may, in fact, have something
22 wrong with him that needs a neurological evaluation.
23 That's just not anything you could set up in the jail,
24 Your Honor.

25 THE COURT: All right. Thank you, ma'am.

1 MS. GAY: Would you like to hear from his mother
2 now, Your Honor, or after Milton speaks, Your Honor?

3 THE COURT: I'd be happy to hear from his mother.

4 MS. GAY: Okay, go ahead.

5 MRS. THERESA DREHER: Yes, sir. I'll be the
6 first to say that that night there was some bad
7 decisions made and it just kind of snowballed and had a
8 snowball effect. I can tell you that he not only is my
9 youngest child, he's my oldest child. I lost my oldest
10 son. And he has an amazing heart. He would in his
11 right mind would never do anything intentionally to hurt
12 anyone. And, you know, he has a little eight-year-old
13 daughter.

14 Me and his daughter miss him terribly and want
15 him home so that -- you know, she's eight years old, she
16 doesn't understand. She misses her dad. I miss my son.
17 And, like I said, he has, he truly has an amazing heart
18 and would never intentionally hurt someone.

19 THE COURT: All right. Thank you, ma'am.

20 Mr. Dreher, is there anything you want to tell
21 me?

22 MS. GAY: We can't hear him, Your Honor.

23 THE COURT: He's muted. Hold on just a second,
24 Mr. Dreher. Yes, sir, anything you want to tell me?

25 THE DEFENDANT: I'd just like to apologize to

1 Officer Hayden and everybody involved. I'm not a bad
2 person, I just made a bad decision, Your Honor.

3 THE COURT: Yeah, you did. It was a costly one.
4 How much time has he served thus far?

5 THE SOLICITOR: Your Honor, he's been in, he's
6 been in from the day of arrest on. I think at this
7 point, close to 11 months due to the time he was out on
8 bond and went to Solutions. Mr. Hayden, Your Honor,
9 would like to address the Court. He's at the office of
10 Mason West, his civil attorney. And I'll address the
11 Court as to sentencing after him, if that's okay?

12 THE COURT: All right, certainly. And then, Ms.
13 Gay, if you wish to respond to anything that I hear from
14 Mr. Hayden or the solicitor, I'll allow you to, okay?

15 MS. GAY: Okay.

16 THE COURT: I'll be happy to hear from Mr.
17 Hayden. Mr. Hayden, I can't hear you, you're muted.

18 MR. HAYDEN: Sorry, now can you hear me?

19 THE COURT: Yes, sir, I can.

20 MR. HAYDEN: Oh, thank you. Yes, sir. I'd like
21 for you to take into account that I've had three
22 surgeries so far. I'll probably have to have at least
23 one more. And I'll never walk -- I'll have a pretty bad
24 limp for the rest of my life and I am now relying on a
25 leg brace just to walk even somewhat normally. I'll

1 have that for the rest of my life as well.

2 THE COURT: Well, and I appreciate that, Mr.
3 Hayden. I know you have a very fine attorney
4 representing you in the civil matter and I'm glad to
5 know that. One of the things that I had to do early on
6 in my career on the bench is to remember that we have
7 two separate branches of the circuit court, one is the
8 Court of Common Pleas, the other is General Sessions.
9 And I have said so many times, but it bears repeating,
10 sentences imposed by the Court do not in any way
11 compensate the victim for what they've suffered. And
12 the fact that you've suffered greatly doesn't mean if
13 you didn't suffer greatly, the act itself is what we're
14 punishing. The beauty of it, the civil court deals with
15 what you just talked about, not my sentence, so I
16 appreciate that.

17 I'll give you a for instance, and I've had some
18 of these. If a homeless person is murdered that doesn't
19 have any family and you have a person that's murdered
20 that has grandchildren and children and a spouse that
21 was depending on them, there's a great difference in
22 financial loss, isn't it? But the punishment doesn't
23 have anything to do with that. Should a person who has
24 a great family be punished more than the person who
25 killed the homeless person? No. It's the act that

1 we're talking about, so I appreciate that.

2 And I'm glad that you're here, sir, to be candid
3 with you. And he better be glad too, because it would
4 be no question of what I'd do if he was pleading guilty
5 to murder, which he could well have been. I'm glad he's
6 not. I'd probably would have given him somewhere upward
7 to 15 and maybe go to life.

8 But what I've started doing is figuring out how
9 old a person would be so that we don't run a geriatrics
10 ward in the prison system, and allow him to be released
11 in his late '70's or something. But by and large you're
12 here and I'm grateful for that, but thank goodness you
13 are. And I hope this civil outcome will be somewhat
14 illuminative -- somewhat compensatory to you, not
15 illuminative because you're entitled to every dime you
16 get and more.

17 One of the things that I certainly have come to
18 grips with, you don't know how many times when
19 representing a person in a civil case, I've done it in
20 this very same courtroom, and telling the jury what
21 amount of money would compensate that person to put them
22 back? And there's no sum. Ma'am, how much money would
23 you -- what figure would you put on it to avoid what
24 you're having to deal with for the rest of your life? I
25 don't know what you say, but all the money in the world,

1 you'd rather have back what you lost than the money.
2 There's no question about that.

3 And I, I understand and I appreciate your service
4 to us, too. And as your service, I assume you can't
5 return to your work that you previously did; is that
6 correct.

7 MR. HAYDEN: Yes, sir, I'm trying. It's still
8 unsure if I'll be able to return to work.

9 THE COURT: And I understand that. And I'm sure,
10 my hat's off to anybody that makes that sacrifice and
11 serves in the capacity that you did. I hope you do and
12 I will certainly keep prayers for that to happen, but I
13 don't know. Whatever it is, it is, and you'll deal with
14 it somehow, but it'll be a loss to society for your lack
15 of service. But anyway, thank you, sir, I appreciate
16 it.

17 MR. HAYDEN: Thank you, sir.

18 THE COURT: Mr. McNeely, anything you want to
19 say?

20 THE SOLICITOR: Yes, Your Honor, thank you. The
21 State would just reiterate how unlawful and reckless his
22 conduct was. As you stated, we're very lucky we weren't
23 dealing with two murder charges, rather than two people
24 that were significantly injured by a reckless act.

25 The State believes that the conduct is worthy of

1 punishment in the form of a prison sentence and would
2 request upwards of the maximum of 20 years for this
3 defendant given what happened that night.

4 His prior record is a 2017 disorderly conduct and
5 trespassing; 2013, throwing bodily fluids, disorderly,
6 and assault and battery third; 2009, ABHAN and DUI;
7 2007, possession of controlled substance and petit
8 larceny.

9 The State would also state for the record that
10 while on bond at Solutions this summer, he had cut his
11 monitor off and was rearrested by the Greenville Police
12 for disorderly conduct. But given the facts of what
13 occurred on that night in April of 2020, the State
14 believes a substantial prison sentence.

15 THE COURT: And I agree totally with you that he
16 deserves to be punished. Also, I'm sure you would agree
17 with me that the challenge like much of what all this
18 conduct is attributed to his mental illness. And the
19 bottom line is, whether you agree or disagree, that
20 doesn't matter because that's what I think it is. I
21 don't think normal -- I don't think people just
22 generally like to do that sort of thing.

23 But the bottom line is, that doesn't excuse it
24 because he shouldn't have put himself -- and he did
25 before -- put himself and commit himself and get some

1 help, but he didn't. And then he responded typically to
2 people who had been having that experience. And we know
3 that he doesn't just suddenly get over that and get
4 well. That doesn't happen. So it's not -- we're not
5 talking about a person that just goes around and loves
6 to hurt people, Solicitor, I don't believe. Maybe
7 you've got something else that you could add that points
8 to that.

9 THE SOLICITOR: Not at this time in particular,
10 Your Honor, but I don't claim to understand his mental
11 health history. I will say this, in ---

12 THE COURT: Mr. McNeely, you're an advocate, Ms.
13 Gay's an advocate. I'm supposed to be the midpoint.
14 You don't have to agree with me. That's okay. I don't
15 care. You don't have to justify what you're doing. I
16 was a lawyer too. I understand what you're doing. I
17 get it. Just like Mr. West, I understand what he's
18 doing. I cut you off, but I wanted to just respond to
19 that. I don't expect you to. If you did, it would
20 shock me.

21 THE SOLICITOR: I understand that, Your Honor.
22 The only thing I was gonna add is that in the week
23 leading up to this, the defendant was posting on
24 Facebook about issues he had with the sheriff's office.
25 That's all I've got.

1 THE COURT: All right. Anything else, Ms. Gay,
2 in conclusion?

3 MS. GAY: When he said that the gentleman, that
4 he had cut the monitor off at Solutions, that's when he
5 was in jail. He could have not got out and had to be in
6 jail for up to this plea, Your Honor, and go back to
7 Solutions, but he sort of lost his mind that night and
8 that's why he ended up in Greenville Memorial Hospital.
9 And those records are actually the best records that I
10 have of what was going on with him around the time that
11 all of that was happening.

12 And, as I said, Your Honor, they're the ones who
13 advised he had to have a neurological, that there was
14 something else going on. We just haven't been able to
15 get to the bottom of all of that, Your Honor, because
16 he's incarcerated. And so he and his family just ask
17 you to be as lenient as possible. And, certainly, we
18 understand all of the possibilities here today, Your
19 Honor.

20 THE COURT: All right. Anything else, Mr.
21 Dreher, before I impose sentence?

22 THE DEFENDANT: No, sir, Your Honor.

23 THE COURT: All right. The sentence of the
24 Court, Mr. Dreher, is that you be committed on
25 indictment 2020-2022, in the Department of Corrections

1 for a term of 12 years. I give you credit for 11 months
2 of jail time toward that sentence.

3 The sentence of the Court on the failure to stop
4 for a blue light with bodily injury is that you be
5 committed to the Department of Corrections for a term
6 of ---

7 THE SOLICITOR: He can't hear us.

8 THE COURT: I've lost video. Are you back? Can
9 you hear me, sir? I'm gonna suspend that sentence in
10 its entirety and I'm gonna place you on probation for
11 five years.

12 The conditions of your probation are random drug
13 and alcohol testing; any counseling deemed necessary;
14 must take any medication. If you're ever prescribed
15 medication, you must take it as prescribed. No
16 tolerance of any non-condition financial condition
17 violation.

18 If you have a dirty drug screen or fail to report
19 as probation is tolled, because this sentence is
20 consecutive to 2020-2022, and it's tolled until you're
21 released and then you'll, of course you'll have to, I
22 would assume since I can't grant probation, the
23 probation would be tolled until he completes fully the
24 first one. That would be the two-year supervision
25 program as well. So I'm just gonna put tolled until

1 satisfies the sentence on this, on the consecutive
2 sentence, okay? They'll take care of that.

3 MS. GAY: Yes, sir.

4 THE COURT: All right, sir. Good luck to you,
5 sir.

6 MS. GAY: Thank you, Your Honor.

7 (Hearing ended at 2:01 p.m.)

8

9 --- THIS ENDS REQUESTED TRANSCRIPT ---

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1 COURT REPORTER CERTIFICATE

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3 I, the undersigned Julie A. Cendroski, Court Reporter
4 for the Seventh Judicial Circuit Court of the State of
5 South Carolina, do hereby certify that to the best of my
6 ability from the notes of another reporter, the
7 foregoing is a true, accurate, and complete transcript
8 of record of all the proceedings and evidence introduced
9 in the hearing and/or trial of the captioned case,
10 relative to appeal, in the Court of General Sessions for
11 Berkeley County, South Carolina, on the 12th day of
12 April, 2021.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto.

15
16
17
18
19 s/Julie A. Cendroski
20 Julie A. Cendroski
21 Circuit Court Reporter III
22 Seventh Judicial Circuit
23
24
25



Forensic Psychiatry Program
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October 19, 2020

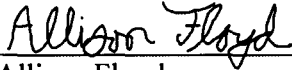
Melisa W. Gay, Esquire
222 W. Coleman Blvd, Suite 221
Mt. Pleasant, SC 29464

Re: The State of South Carolina v. George Dreher
Department of Mental Health #: [REDACTED]
Berkeley County, Court of General Sessions

Dear Attorney Gay:

In accordance with the court order issued by the Honorable Roger Young, a competency to stand trial evaluation was conducted by the South Carolina Department of Mental Health pursuant to S.C. Code Ann. §44-23-410 (1976).

This **twelve** page attached report is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410.



Allison Floyd
Forensic Administrative Assistant

cc: Wilton H. McNeely, Esquire
Tamika Daniels, DMH



SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
COMPETENCY TO STAND TRIAL EVALUATION

Examinee: George Dreher

DOB: [REDACTED] 1988

DMH#: [REDACTED]

Date of Evaluation: 10/12/2020

First Examiner: Tiffany Harrop, Ph.D.

Second Examiner: Emily Gottfried, Ph.D.

Others Present: Carlisle Hiott, 4th-year MUSC medical student

Report Date: 10/19/2020

Charges: Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder

IDENTIFYING DATA: Mr. George Dreher is a 32-year-old man, currently charged with Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder, for the alleged events occurring on 04/10/2020. The Honorable Roger Young, Judge of Berkeley County Court of General Sessions, ordered an evaluation of Mr. Dreher's competency to stand trial on 09/25/2020, pursuant to State v. Blair, 275 S.C. 529, 273 S.E.2d 536 (1981) and S.C. Code Ann. 44-23-410 (1976). The basis for the order reads: "All indicators are that the Defendant [*sic*] has failed to understand the seriousness of the offenses and has exhibited an inability to remember explanations from his Defense Attorney from visit to visit. The Defendant has a history of mental health treatment." Mr. Dreher is currently detained at the Hill-Finklea Detention Center in Berkeley County and presented for evaluation on 10/12/2020 to the Medical University of South Carolina (MUSC) Forensic Psychiatry Program.

OPINION/COMPETENCY TO STAND TRIAL: *Per S.C. Code Ann. 44-23-410 (1976), an individual "...is not fit to stand trial because the person lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of a lack of mental capacity..."*

Yes. It is our opinion Mr. Dreher currently has a factual and rational understanding of the proceedings against him and the capacity to rationally assist counsel in his own defense. Therefore, on the date of the evaluation, it is our opinion he is competent to stand trial.

SOURCES OF INFORMATION:

1. Clinical interview of Mr. Dreher on 10/12/2020 for approximately two hours and 10 minutes at the Medical University of South Carolina (MUSC) Forensic Psychiatry Program;
2. Fax correspondence from Columbia Area Mental Health Center, indicating there were no available records for Mr. Dreher, dated 10/08/2020;
3. Order for Competency to Stand Trial Evaluation, signed by the Honorable Roger Young of the Berkeley County Court of General Sessions, dated 09/25/2020;
4. Greenville County Detention Center records, dated 06/27/2020 to 07/06/2020;
5. Greenville Memorial Hospital records, dated 06/27/2020;
6. Trident Medical Center records, dated 06/04/2020;
7. 10 Year Driver Record for Mr. Dreher, dated 05/19/2020;
8. 3 Year Driver Record for Mr. Dreher, dated 04/23/2020;
9. Criminal History Report for Mr. Dreher, dated 04/20/2020;

Name: Dreher, George

DMH#: [REDACTED]

1

Medical University of South Carolina
Forensic Psychiatry Program

10. Affidavit and Arrest Warrants #2020A0810200389 and #2020A0810600014, dated 04/11/2020;
11. Berkeley County Sheriffs Office Incident Report and associated case documents for Case #202004003341, dated 04/10/2020 to 08/20/2020;
12. Berkeley County Emergency Communications CFS Report, dated; 04/10/2020;
13. South Carolina Highway Patrol Multi-Disciplinary Accident Investigation Team Report and associated documents for Case #CL-012-20, dated 04/10/2020;
14. Hill-Finklea Detention Center records, dated 04/10/2020 to 07/13/2020;
15. Roper St. Francis Healthcare records, dated 04/10/2020;
16. Berkeley Mental Health Center records, dated 11/20/2017 to 05/24/2020;
17. Morris Village Alcohol and Drug Addiction Treatment Center records, dated 09/05/2017 to 09/21/2017;
18. MUSC records, dated 08/15/2013 to 05/24/2020;
19. Colleton Medical Center records, dated 07/13/2012 to 07/20/2012.

RECORDS REQUESTED BUT NOT RECEIVED:

1. South Carolina Department of Corrections records;
2. Charleston County Detention Center records.

DISCLOSURE OF NON-CONFIDENTIALITY: Mr. Dreher was informed of the nature and purpose of the evaluation prior to the interview. Specifically, he was informed that the judge in his case had ordered a forensic evaluation regarding his competency to stand trial. It was explained that any observations and information he provided would not be held confidential, and would be included in a written report submitted to the court and disseminated to the judge and attorneys for both the defense and prosecution. Mr. Dreher was also informed that these evaluators may be asked to provide oral testimony. He was asked to read the notification form out loud and did not evidence problems with his reading ability. When asked to recall the purpose of the evaluation, Mr. Dreher responded, "To see if I'm competent to stand trial." He expressed an awareness of the limits to confidentiality, as he correctly indicated copies of the evaluation report would be provided to the judge, solicitor, and defense attorney in his case. Mr. Dreher indicated he did not have any questions about the evaluation, and he verbally agreed to proceed.

BACKGROUND HISTORY: *Unless otherwise noted, the following information has been synthesized from a clinical interview with Mr. Dreher on 10/12/2020.*

Mr. Dreher was born in North Charleston, South Carolina and resided in Goose Creek and Summerville, South Carolina during his youth. He was raised by his biological parents until age 7 or 8 when they separated. He subsequently resided with his mother, and at times, resided with his father or grandparents because "I was always in trouble." He has one older brother (deceased) and one younger half-sister. He endorsed a history of physical, sexual, and emotional abuse perpetrated by a family member beginning around age 4 or 5. Mr. Dreher stated his family had enough food, clothing, and other resources. He was never in foster care, a group home, or other non-family setting. Regarding youth conduct problems, Mr. Dreher endorsed a history of fighting, setting fires, and stealing, beginning in elementary school. He did not endorse a history of cruelty to animals, truancy, vandalism, or running away.

Mr. Dreher endorsed a family history of mental illness and indicated his mother was prescribed psychiatric medication for undisclosed reasons. He noted his mother and father abused alcohol and his brother died from a substance overdose. Prior to his arrest for the alleged charges, Mr. Dreher was living with his brother's former girlfriend and her son in Goose Creek, South Carolina. He has one 8-year-old daughter and has never been married.

Mr. Dreher reported he received his General Education Development (GED) certificate after discontinuing his education in 12th grade subsequent to "getting kicked out" for behavioral problems (e.g., drinking, fighting). He noted he received special education services due to "having problems with school work" beginning in elementary school. He indicated he repeated third grade and 12th grade after "I got in trouble for acting out." He further received suspensions and expulsions related to problematic behavior.

Regarding employment, Mr. Dreher stated he was engaged in electrical work prior to his arrest for the alleged offense. He also engaged in past welding and mechanic work. He estimated his employment had been terminated on five occasions for various reasons (e.g., fighting, arguing with a manager, failing to report to work). He has not received Social Security Disability Income (SSDI). He has no history of military service.

Medically, Mr. Dreher reported experiencing a loss of consciousness on several occasions, including when he hit a tree riding his motorcycle. He did not seek medical attention following the incidents. He endorsed experiencing seizure activity in April 2020 while at Solutions Recovery Center in Greenville, South Carolina and stated he went to a hospital "somewhere near there." He reported experiencing additional seizure activity prior to that incident but indicated he did receive medical attention. He underwent eye surgery once before the age of 3 and again at age 16. He additionally reported undergoing surgery for removal of a "bone spur" around age 12 and reconstructive jaw surgery for an "underbite" at age 17. He did not endorse a history of strokes or other chronic health conditions.

Regarding his legal history, Mr. Dreher estimated he was arrested approximately seven times as a juvenile but was never remanded to the Department of Juvenile Justice. He noted he had been arrested "more than 20 to 30 times" as an adult.

Mr. Dreher reported a significant history of substance use. He first consumed an alcoholic beverage at the age of 10 and last consumed alcohol prior to his most recent arrest. He stated he typically consumed one 24-ounce beer twice a week. Regarding negative consequences related to his alcohol use, he endorsed developing a tolerance; withdrawal symptoms (e.g., shaking); failed attempts at quitting; using more than intended; excessive time spent obtaining, using, or recovering from use; family concern about his use; cravings to use; and use in hazardous situations. Mr. Dreher first smoked cannabis when he was approximately 12 years old, and his reported last use was prior to his arrest. He reported daily use during his heaviest period of use and described his more recent use as "smoking a blunt [of cannabis]" approximately two times per week. He endorsed having developed a tolerance, using more than intended, family concern about his use, cravings to use, impairment at work, and use in hazardous situations.

Additionally, Mr. Dreher endorsed use of crack cocaine, beginning in eighth grade until 2017. When asked to describe his pattern of use, he stated, "A couple of grams a day." He endorsed developing a tolerance, withdrawal symptoms, using more than intended, excessive time spent recovering from use, family concern about his use, cravings to use, and use in hazardous situations. Mr. Dreher also endorsed misuse of sedative (benzodiazepine) medications (i.e., Xanax and Klonopin), beginning in eighth grade until he was in his 20s. He estimated using every other weekend during his period of heaviest use. He endorsed developing a tolerance, failed attempts at quitting, using more than intended, excessive time spent recovering from use, cravings to use, and use interfering with responsibilities. Mr. Dreher further endorsed past use of K2/Spice, Methamphetamine, LSD acid, psilocybin mushrooms, and ecstasy/MDMA. He stated he has obtained substance use treatment at the Kennedy Center and MUSC.

Psychiatrically, Mr. Dreher reported he was diagnosed with "PTSD [posttraumatic stress disorder], paranoia, ADHD [attention-deficit/hyperactivity disorder], and a list of stuff." He stated his symptoms involved concern his parents "won't love me" and paranoia regarding police harassment which he said was unrelated to his current charges. He noted he was psychiatrically hospitalized on four occasions at MUSC, Trident Medical Center, and facilities near Columbia and Sumpter, South Carolina around the time of his daughter's birth. At that time, he was experiencing disrupted sleep due to stress and "seeing stuff that wasn't there" (e.g., "shadow people"). He reported obtaining outpatient psychiatric services at the age of 13 or 14 because "I was acting out." Regarding medication trials, he reported prior treatment with Buspar (anxiolytic medication), Vistaril (antihistamine medication which may be prescribed to treat anxiety), and Depakote (anticonvulsant medication which may be used as a mood-stabilizer). He did not endorse a history of suicidal or homicidal thoughts or engagement in self-injurious behaviors.

COLLATERAL RECORDS: *The following information has been synthesized from a review of collateral records.*

Colleton Medical Center

On 07/13/2012, Mr. Dreher was committed to the inpatient facility secondary to "escalating bizarre behaviors and psychosis." He had reportedly been admitted to the Trident Medical Center emergency department on 07/11/2012 due to "severe agitation and psychosis" and was placed in restraints. Mr. Dreher endorsed using "methamphetamines and possibly Ambien [sedative medication] and some unclear medicines." Mr. Dreher's family reported "he was getting into some designer substances like bath salts." His affect (i.e., outward display of emotions) was described as "bazaar [*sic*], blunted and vacant." It was noted that he evidenced paranoia, delusional thoughts, and disorganized speech and did not report auditory or visual hallucinations (i.e., hearing or seeing something not based in reality). He was prescribed Haldol (antipsychotic medication), Cogentin (medication that may be prescribed to treat side effects of antipsychotic medications), Atarax (antihistamine medication that may be prescribed for anxiety), and Ativan (sedative medication). Mr. Dreher was compliant with treatment and attended group therapy. A discharge summary dated 07/20/2012 indicated Mr. Dreher displayed more clear and organized thinking over time. It was additionally reported, "the nature of his psychosis is unclear, although the fact that he [i.e., his symptoms] resolved rather quickly tends to speak more towards a drug-induced state." His diagnosis was listed as psychotic disorder, not otherwise specified. He was prescribed Haldol and Cogentin at discharge.

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DMH#: [REDACTED]

Medical University of South Carolina (MUSC)

Mr. Dreher was admitted to MUSC on 08/15/2013 due to concerns regarding “increasingly bizarre behavior” over a one- to two-week period. Records indicated Mr. Dreher’s mother “found the living room scattered with gun shells and sharp knives. The patient stated he did this to protect the house in case an intruder came in. Today [i.e., 08/15/2013], his father also found him wearing a dog collar and leash on his neck.” It was additionally reported, “He was found salt and peppering a dog with intention to eat it (patient states this was a joke), he ripped all of the electrical outlets out of home [sic] from father’s house, and he was found howling at the moon last week.” Records further indicated, “The patient was also observed by his girlfriend outside in the middle of the night shaking his head and looking at the sky and saying no. This afternoon he was at his dad’s house and he ripped apart his dad’s audio visual [sic] system. The patient’s mom states he also had a rope around his neck.” According to documentation, Mr. Dreher appeared paranoid, though he was not observed to be responding to internal stimuli. Mr. Dreher reported “social drinking” and noted he had “consumed 2 six packs of beer and several shots of liquor” during the previous week. He further endorsed previous use of cocaine, bath salts, and ecstasy. He endorsed depressed mood and anxiety. No suicidal or homicidal thoughts, auditory or visual hallucinations, or manic (i.e., a period of abnormally elevated or irritable mood and heightened goal-directed activity or energy) symptoms were reported. According to records, Mr. Dreher had been “admitted to an inpatient institution from Trident last June for 10 days due to bizarre behavior and diagnosed with psychosis NOS [not otherwise specified].” Mr. Dreher reported a prescription for Metadate (stimulant medication) for treatment of ADHD which he took “on and off.” He was diagnosed with “Psychosis NOS: Likely SIMD [substance-induced mood disorder], component, based upon history” as well as depression, not otherwise specified; alcohol dependence; and ADHD. He was prescribed Ativan, Risperdal (antipsychotic medication), and Cogentin. According to a discharge summary dated 08/26/2013, Mr. Dreher no longer exhibited bizarre behavior, though he continued “to minimize and rationalize his actions that led him coming into the hospital.” Discharge prescriptions included Zyprexa (antipsychotic medication) and Vistaril (antihistamine medication which can be prescribed as a sedative).

On 05/24/2020, Mr. Dreher was admitted to MUSC Hospital due to “agitated behavior toward mother [sic].” According to records, Mr. Dreher stated his mother was “claiming I am crazy” and wanted him to be “evaluated by psychiatry.” Mr. Dreher’s mother reported he had been “acting manic” and indicated he was experiencing delusions and paranoia and “doesn’t think rationally.” No suicidal or homicidal thoughts, auditory or visual hallucinations, or symptoms of mania were reported by Mr. Dreher and no observation of manic or psychotic symptoms was noted by medical providers. He reported consuming alcohol once per week and documentation noted, “He drank twelve 12 oz beers over the course of the day, but states this was atypical for him.” He did not report illicit substance use. Upon discharge on 05/24/2020, Mr. Dreher was not diagnosed with a psychiatric illness or prescribed medication.

Morris Village Alcohol and Drug Addiction Treatment Center

According to an admissions assessment dated 09/05/2017, Mr. Dreher was ordered to attend inpatient treatment by the Berkeley County Probate Court. He endorsed a history of using alcohol

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(12-pack daily), "Amphetamine Meth/Bath Salts" (.3 grams daily), "Marijuana/K2" (5 blunts daily), cocaine (7 grams weekly), crack cocaine (1 gram daily), and "Opioid Heroin/Suboxone" (heroin use, once). Mr. Dreher endorsed a history of paranoia and prior diagnosis of schizophrenia and ADHD. No suicidal or homicidal thoughts or symptoms of psychosis were reported. A family history of psychiatric illness and substance abuse was noted.

Mr. Dreher engaged in individual and group treatment and was compliant with medication. On 09/21/2017, Mr. Dreher was discharged due to "behavioral reasons [e.g., damaging a DVD player]." Diagnoses were documented as alcohol use disorder, moderate; cocaine use disorder, mild; cannabis use disorder, moderate; methamphetamine use disorder, moderate; attention-deficit/hyperactive disorder; and posttraumatic stress disorder.

Berkeley Mental Health Center

According to an initial clinical assessment dated 11/20/2017, Mr. Dreher was referred by the probate court for substance use treatment. Mr. Dreher reported, "I have been acting out since my brother died..." He reported prior prescriptions for Adderall (stimulant medication), Ritalin (stimulant medication), and "Paranoid Schizophrenia [sic] meds." He endorsed prior daily use of alcohol, cannabis, and methamphetamine and cocaine use once a month. Documentation noted, "Brother passed away in Jan. [January] after an OD [overdose]. for [sic] awhile he was convinced that he was murdered and that his mother was covering up the murder." His diagnoses were listed as persistent depressive disorder (dysthymia), unspecified trauma- and stressor-related disorder, and antisocial personality disorder. At the time of discharge on 08/28/2018, his status was documented as "improved mood, managing stressors, working." No diagnostic changes were noted.

Per a crisis intervention note dated 05/24/2020, a clinician from Berkeley Mental Health Center was contacted after law enforcement officials responded to Mr. Dreher's residence and noted he was displaying "bizarre behavior." According to documentation, Mr. Dreher's mother reported that "his psychosis and sleep deprivation had been going on since being in jail and presently." Mr. Dreher was transported to the Medical University of South Carolina (see summary above).

Roper St. Francis Healthcare

On 04/10/2020, Mr. Dreher was admitted to the emergency department following a motor vehicle accident. Documentation noted, "Patient is stable for outpatient management at this point in time," and he was discharged to Hill-Finklea Detention Center. His diagnoses at discharge on 04/10/2020 were listed as, "Fracture of rib of right side; Motor vehicle accident victim; Multiple abrasions; Right pulmonary contusion [bruised lung]."

COURSE OF CURRENT DETENTION:

Mr. Dreher entered detention for the current charges around 04/10/2020. A medical and mental health history assessment on 04/16/2020, documented a history of medication prescribed for treatment of "paranoid Schizophrenia [sic] and ADHD." Mr. Dreher reported he was last prescribed medication in 2017. A history of psychiatric hospitalizations, outpatient mental health treatment, and substance abuse treatment were documented. According to documentation from Trident Medical Center on 06/04/2020, Mr. Dreher presented to the emergency department for "complaints

of anxiety/chest pain.” He was diagnosed with “Chest Pain [*sic*] Noncardiac, Panic Attack.” On 06/05/2020, records indicated, “Client stated he wanted to kill himself. After speaking with QMHP [qualified mental health provider], client had no intent to hurt or kill self, but just felt he needed help with his anxiety.”

According to documentation from Greenville County Detention Center on 06/27/2020, Mr. Dreher was “placed in the restraint chair” due to “non-compliant” behavior when an officer “noted that he was ‘foaming’ at the mouth and his eyes were rolled back in his head.” He was transported to the Greenville Memorial Hospital emergency department where he was assessed and diagnosed with “seizure-like activity.”

On 07/02/2020, documentation from Hill-Finklea Detention Center indicated Mr. Dreher was referred for mental health services for “hearing voices.” Per a behavioral health progress note dated 07/06/2020, Mr. Dreher requested mental health services, but was uncertain whether he wanted treatment with medication. No suicidal or homicidal thoughts or symptoms of psychosis were reported. Mr. Dreher also received treatment for general medical concerns throughout his confinement at Hill-Finklea Detention Center. He is not currently prescribed psychiatric medication.

BEHAVIORAL OBSERVATIONS AND MENTAL STATUS EXAMINATION: A formal mental status exam was conducted with Mr. Dreher on 10/12/2020. Mr. Dreher is a 32-year-old man who was dressed in standard-issued detention center attire. He did not demonstrate any issues with hygiene or grooming. His eye contact ranged from appropriate to avoidant. His attitude was generally cooperative, and he appeared engaged in the task at hand. He displayed restless psychomotor activity (e.g., fidgeting with his handcuffs, shaking his leg, shifting in his chair). He spoke at a normal rate, rhythm, and volume. His affect initially appeared euthymic (i.e., normal, not euphoric or depressed); however, as the evaluation continued, he appeared frustrated by some of the evaluators’ inquiries. His thoughts were logical, coherent, and linear. He did not appear to be responding to internal stimuli. He appeared to be putting forth good effort for the duration of the evaluation.

Mr. Dreher described his current mood as, “It’s good.” He noted he generally sleeps between 4.5 and six hours per night and “feel[s] good” upon waking. He stated his energy level was “good” and described his appetite as “I can’t eat enough... [I am] always moving.” When assessed, he did not endorse currently experiencing suicidal or homicidal thoughts. Regarding anxiety, Mr. Dreher stated he was worried about his current legal case and psychosocial stressors (e.g., his daughter). His worries did not appear out of proportion to his current situation. He did not endorse additional symptoms of anxiety (e.g., physiological symptoms of anxiety).

Regarding potential manic symptoms, Mr. Dreher endorsed periods of decreased sleep and increased goal-directed activity. He noted some of the periods were associated with substance use, while others were associated with working on a project he was motivated to finish (e.g., “build[ing] hot rods”). He noted his energy during those periods was within normal limits. He did not endorse additional manic symptoms or present with observable symptoms of mania (e.g., pressured speech). Mr. Dreher did not endorse or present with observable symptoms of depression or trauma-related symptoms during the present evaluation.

Regarding psychotic symptoms, Mr. Dreher initially endorsed hearing voices that others do not (i.e., auditory hallucinations); however, he noted “I’m not the only one who heard them” and explained

other acquaintances reported hearing similar things at that time. He endorsed ideas of reference (i.e., a perception that everyday events have a special significance for oneself [e.g., believing a message in a television or radio broadcast is directed specifically at oneself]), stating, "I have felt the TV [television] was talking to me before," though when asked to elaborate, he responded, "It's hard to say" and "I don't know it was for me." Regarding paranoia, he stated, "I know for sure the police are [out to get me]" and explained that was related to a prior incident with law enforcement, but not associated with his current charges. Mr. Dreher did not endorse additional psychotic symptoms. During the current evaluation, Mr. Dreher did not present with observable symptoms of psychosis (e.g., internal preoccupation, disorganization).

Mr. Dreher was oriented to person, place, time, and situation as he was aware of whom he was, that he was currently in "West Ashley" (i.e., Charleston), South Carolina, the current day and date, and the reason for the evaluation. He correctly identified the current United States President and two recent predecessors. He solved simple addition, subtraction, multiplication and division problems without the use of paper or counting on his fingers. Mr. Dreher recalled three out of three words immediately after presentation. After a brief delay, he spontaneously recalled one of the three words. He recalled one of the remaining words when provided a categorical cue (i.e., "one of the words was a type of flower" for the word "rose") and the other word when provide multiple choice options. To assess his working memory (i.e., the ability to hold and manipulate things in one's mind), Mr. Dreher was asked to repeatedly subtract the number seven from the number 100. He provided one correct response before stating, "I'm not good at math." He was encouraged to continue, and he provided three out of six correct subtractions. He correctly spelled the word "world" forward and backward. To test Mr. Dreher's common-sense judgment to hypothetical situations, he was asked what he would do if he observed thick smoke and flames coming from the window of his neighbor's house. He said, "Try to get them out...call the fire department." His abstract reasoning abilities (i.e., ability to apply theoretical and complex concepts which are not directly tied to concrete objects) appeared intact. For example, he described a truck and a boat as similar because they are "vehicles." He correctly defined common proverbs.

DIAGNOSTIC FORMULATION: The following diagnoses are rendered on the bases of the above data and according to the *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* (DSM-5; 2013).

- Alcohol use disorder, severe, in early remission, in a controlled environment
- Cannabis use disorder, severe, in early remission, in a controlled environment
- Cocaine use disorder, severe, in sustained remission, in a controlled environment
- Sedative use disorder, severe, in sustained remission, in a controlled environment
- Antisocial personality disorder

According to the DSM-5 (2013), "The essential feature of a substance use disorder is a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems" (p. 483). During the present evaluation, Mr. Dreher endorsed a significant history of substance use. He endorsed developing a tolerance (alcohol, cannabis, crack cocaine, sedatives) withdrawal symptoms (alcohol, crack cocaine), failed attempts at quitting (alcohol, sedatives), using more than intended (alcohol, cannabis, crack cocaine,

sedatives), spending a great deal of time obtaining/using/recovering from use (alcohol, crack cocaine, sedatives), family concern about his use (alcohol, cannabis, crack cocaine), cravings to use (alcohol, cannabis, crack cocaine, sedative), use interfering with his responsibilities (cannabis, sedatives) and use in hazardous situations (alcohol, cannabis). He additionally endorsed attending various drug treatment programs. Across collateral records, documentation indicated prior endorsement of use of multiple substances and treatment for substance abuse. Records from Morris Village Alcohol and Drug Addiction Treatment Center are noteworthy for diagnoses of several substance use disorders. He is therefore assigned diagnoses of substance use disorders related to problems and symptoms associated with alcohol, cannabis, cocaine, and sedatives use. Given the number of symptoms and consequences he endorsed related to each substance, his disorders are all considered 'severe.' He reported continued abstinence from cocaine and sedatives, so these disorders are 'in full remission (i.e., the criteria for the substance use disorder have not been met for one year or longer).' Mr. Dreher reported use of alcohol and cannabis prior to his detainment for the current charges, so these disorders are 'in early remission (i.e., the criteria for the substance use disorder have not been met for at least three months but less than one year).' As Mr. Dreher is currently detained in the Hill-Finklea Detention Center, and it is presumed he has limited access to substances, the specifier of 'in a controlled environment' is appropriate. It is possible Mr. Dreher meets criteria for additional substance use disorders (e.g., K2/spice); however, his description of his use pattern was not indicative of meeting full diagnostic criteria. If further information becomes available, additional substance use disorders may be considered for Mr. Dreher.

Per the DSM-5 (2013), antisocial personality disorder is a "pervasive pattern of disregard for and violation of the rights of others, occurring since age 15" (p. 659). To be diagnosed with antisocial personality disorder, an individual must also demonstrate evidence of conduct disorder prior to the age of 15. During the current evaluation, Mr. Dreher endorsed a childhood history of fighting, fire setting, stealing, and suspensions and expulsions from school beginning prior to age 15. His history is notable for failure to conform to social norms (repeated arrests), consistent irresponsibility (fired multiple times from jobs for fighting and not attending work), and reckless disregard for safety (use of multiple illicit substances in dangerous situations). Further, his Criminal History Record is noteworthy for arrests associated with assaultive behavior. Berkeley Mental Health Center records are also notable for a previous diagnosis of ASPD. Taken together, Mr. Dreher meets diagnostic criteria for antisocial personality disorder.

Given Colleton Medical Center and MUSC records noting prior diagnoses of psychotic disorders, consideration was given as to whether Mr. Dreher meets criteria for a psychotic spectrum disorder. During the current evaluation, Mr. Dreher reported some paranoid thinking. He also endorsed ideas of reference; however, his description was vague, and he indicated some uncertainty as to whether the messages he heard were meant specifically for him. He did not endorse or display additional evidence of psychotic symptoms. Further, collateral records from Colleton Medical Center and MUSC documenting hospitalizations for potential psychotic behavior and diagnoses of psychotic spectrum diagnoses, noted that Mr. Dreher's symptoms may have been secondary to substance use. Thus, it is our opinion that Mr. Dreher does not currently meet criteria for a psychotic disorder.

Additionally, a diagnosis of ADHD was considered given Mr. Dreher has reported a history of being diagnosed with ADHD and prescribed medication to treat ADHD symptoms in the past. The DSM-5 (2013) defines ADHD as "a persistent pattern of inattention and or hyperactivity-

impulsivity that interferes with functioning or development” (p. 61). During the current evaluation, Mr. Dreher evidenced some hyperactivity (i.e., fidgeting); however, he demonstrated sustained attention and concentration as evidenced by his tracking the conversation and answering questions without requiring repeating of information. Further, Hill-Finklea Detention Center records indicated Mr. Dreher was not prescribed medication for ADHD when he was in the community. Taken together, it is our opinion Mr. Dreher does not meet diagnostic criteria for ADHD at this time. If further information is made available, such a diagnosis may be considered.

Consideration was also given to whether Mr. Dreher meets criteria for a bipolar illness. As outlined in the DSM-5 (2013), bipolar disorders are characterized by current or past manic or hypomanic episodes and/or major depressive episodes. During the current evaluation, Mr. Dreher endorsed decreased need for sleep and increased goal-directed activity; however, his description was not consistent with manic/hypomanic symptoms. He did not otherwise endorse nor was he observed to be experiencing symptoms associated with mania/hypomania (e.g., pressured speech, decreased need for sleep, racing thoughts). Additionally, evidence of manic symptoms has not been observed by treatment providers per collateral records. Thus, it is our opinion Mr. Dreher does not meet diagnostic criteria for a bipolar illness currently. If further information is made available, such a diagnosis may be considered.

Finally, consideration was given to whether Mr. Dreher meets diagnostic criteria for an anxiety disorder. Mr. Dreher endorsed some symptoms consistent with anxiety disorders (e.g., worry), though his reported symptoms were not sufficient to meet diagnostic criteria for an anxiety disorder and were not out of proportion to his stressor. Further, Mr. Dreher was not observed to display symptoms associated with an anxiety disorder during the current evaluation. As such, he is not diagnosed with an anxiety disorder at this time. If more information is made available, such diagnoses may be considered.

COMPETENCY TO STAND TRIAL: Mr. Dreher’s competency to stand trial was assessed using a semi-structured interview format on 10/12/2020.

Mr. Dreher’s factual understanding of the proceedings against him was assessed. He correctly identified the names of his current charges and accurately described the details of the allegations against him. He identified his charges as felonies, and he correctly indicated a felony is more serious than a misdemeanor. He stated people found guilty of similar charges could be sentenced to time in prison. Mr. Dreher described probation as, “They sentence you.” He was aware a term of probation is served in the community. Additionally, he identified some rules that must be followed while on probation (“have to report [to a probation officer],” “take drug tests,” “do what they tell you”). He was aware that in the event an individual violates the terms of their probation, “...they take you back to prison.”

Mr. Dreher was asked to identify the roles of essential courtroom personnel. He defined the role of the defense attorney as, “To help [the defendant] out in the court of law” and understood the attorney should be on the side of the defendant. He defined the role of the solicitor as, “[To] keep [the defendant] in jail.” He correctly indicated the solicitor is not on the side of the defendant and attempts to prove defendants are guilty. He defined the role of the judge as, “sentencing” and “[To decide] if [the defendant] committed the crime.” He was provided education that the judge is a

neutral party in court. He defined the role of the jury as, "Listens to both sides" and to determine "guilty or not [guilty]." He was aware 12 individuals serve on a jury and was provided education that all must agree when reaching their decision.

Mr. Dreher correctly identified himself as the defendant. He reported that witnesses "say what they witnessed; what they saw." He expressed awareness that witnesses can be for or against a defendant and discussed potential witnesses relevant to his case. He described evidence as, "Any proof that something happened" and identified evidence that could be used in a hypothetical case. Mr. Dreher defined testimony as, "Tell something, the truth, the whole truth and nothing but the truth." He was aware that both the solicitor and defense attorney can question witnesses. He evidenced awareness of the oath taken in court and was provided education regarding the potential charge of Perjury.

Regarding potential pleas, Mr. Dreher defined not guilty as "[the defendant] didn't do it," and guilty as "[the defendant] did it." He was aware that after a plea of not guilty is entered, "They ask you a bunch of questions" at "trial." He knew defendants who plead guilty are sentenced. Mr. Dreher required education regarding the mental health plea options available to him. He expressed uncertainty regarding the process of plea bargaining and was provided education. Post education, he expressed an awareness of the process of plea bargaining ("offering a lesser sentence") and knew that a defendant must enter a plea of guilty in exchange for a plea bargain. Mr. Dreher required education regarding the rights given up by a defendant who accepts a plea bargain; however, he knew he could consult with his attorney regarding additional questions on this topic.

Mr. Dreher's rational understanding of the proceedings against him was assessed. He was able to accurately describe the allegations against him, and he provided a logical explanation regarding his preferred outcome. He demonstrated the ability to make relevant and logical decisions regarding his case and expressed his intent to consult with his attorney when deciding how to proceed with his case. He also reasoned through hypothetical plea bargains and demonstrated an appreciation for the role of evidence in his decision-making. Post-education, he was aware of his right to abstain from testifying. Mr. Dreher expressed an appreciation of the adversarial nature of court, as he acknowledged the solicitor is "against me;" however, he indicated he would speak to the solicitor without his attorney present, stating "I don't see why I should be quiet for anyone." In the event a witness told lies about him in the courtroom, Mr. Dreher stated he would, "tell my lawyer." He also stated he would talk to his attorney if he did not understand something happening in court.

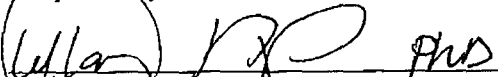
Mr. Dreher's ability to consult with his attorney with a reasonable degree of rational understanding was assessed. He was aware he was being represented by Attorney "Melissa Gay," and noted they have met and discussed his legal case. He also expressed a willingness to work with his attorney. For example, he indicated he could help his attorney by "tell[ing] her what happened." However, he expressed a desire to have more opportunities to meet with her. When asked what he would do if he had a disagreement with his attorney, he stated, "Just lay in my bunk..." because "I can't talk to her." With further questioning, he stated he would talk to his attorney but believes his attorney "...doesn't listen to me." When asked to define attorney-client privilege, he stated, "She's not supposed to [tell others what is discussed]." He indicated he needs an attorney to represent him in court. When asked how a defendant is supposed to behave in court, he stated, "On their best behavior." Regarding when a defendant may speak in court, Mr. Dreher stated "I was always taught

that I could do whatever;" however, he expressed awareness that if someone speaks out of turn in court, they "[could be held in] contempt."

CLINICAL IMPRESSIONS REGARDING COMPETENCY TO STAND TRIAL: Mr. Dreher currently meets diagnostic criteria for alcohol use disorder, severe, in early remission, in a controlled environment; cannabis use disorder, severe, in early remission, in a controlled environment; cocaine use disorder, severe, in sustained remission, in a controlled environment; sedative use disorder, severe, in sustained remission, in a controlled environment; and antisocial personality disorder. He has demonstrated numerous symptoms and problems associated with substance use (e.g., cravings, tolerance) and antisocial personality disorder traits (e.g., consistent irresponsibility, repeatedly performing acts that are grounds for arrest, reckless disregard for safety). He endorsed some paranoia, but he indicated these thoughts were unrelated to his current legal case. Therefore, it is our opinion Mr. Dreher is not currently experiencing symptoms that are negatively impacting his competency to stand trial. Regarding his factual understanding of the proceedings, Mr. Dreher demonstrated a sufficient understanding of important legal information, such as his charges, the roles and functions of courtroom personnel, and available plea options. Mr. Dreher evidenced the ability to rationally discuss his case, expressed an understanding of his legal options, and demonstrated the capacity to make rational and reality-based decisions regarding his case. Lastly, it is our opinion Mr. Dreher demonstrated the ability to consult with counsel with a reasonable degree of rational understanding, if he chooses to do so. He evidenced the capacity to communicate in a logical and coherent manner and expressed a willingness to work with his attorney.

SUMMARY: Mr. George Dreher is a 32-year-old man, currently charged with Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder, for the alleged events occurring on 04/10/2020. He is diagnosed with alcohol use disorder, severe, in early remission, in a controlled environment; cannabis use disorder, severe, in early remission, in a controlled environment; cocaine use disorder, severe, in sustained remission, in a controlled environment; sedative use disorder, severe, in sustained remission, in a controlled environment; and antisocial personality disorder. It is our opinion that Mr. Dreher is not currently experiencing symptoms negatively impacting his competency to stand trial. Mr. Dreher exhibited an adequate level of both factual and rational understanding of the proceedings against him and the capacity to rationally assist counsel in his own defense. Therefore, it is our opinion that Mr. Dreher is currently competent to stand trial.

Respectfully submitted,



Tiffany Hatrop, Ph.D.

Postdoctoral Fellow in Forensic Psychology



Emily Gottfried, Ph.D.

Licensed Clinical Psychologist

Clinical Instructor

Medical University of South Carolina

Name: Dreher, George

DMH#: [REDACTED]



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October 19, 2020

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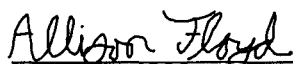
Re: The State of South Carolina v. George Dreher
Department of Mental Health #: [REDACTED]
Berkeley County, General Sessions Court

Dear Attorney Gay:

In accordance with the court order issued by the Honorable Roger Young, evaluations of criminal responsibility and capacity to conform were conducted by the South Carolina Department of Mental Health (SCDMH) pursuant to S.C. Code Ann. §17-24-10 (1976).

If the court order specifies either an "evaluation requested by either party after defendant's assertion of insanity defense" or an "evaluation requested by consent of both parties at any time," both the solicitor and the defense attorney will find a copy of the SCDMH report attached to this letter. However, if the court order specifies an "ex parte evaluation requested by defendant prior to assertion of insanity defense," only the defense attorney will find a copy of the SCDMH report attached to this letter.

This **twenty-three** page document is certified to be the original court-ordered evaluation report issued pursuant to S.C. Code Ann. §44-23-410 (1976).



Allison Floyd
Forensic Administrative Assistant

cc: Wilton H. McNeely, Esquire
Tamika Daniels, DMH

SOUTH CAROLINA DEPARTMENT OF MENTAL HEALTH
CRIMINAL RESPONSIBILITY EVALUATION

Examinee: George Dreher

DOB: [REDACTED] 1988

DMH#: [REDACTED]

Date of Evaluation: 10/12/2020

Examiner: Emily Gottfried, Ph.D.

Second Examiner: Tiffany Harrop, Ph.D.

Others Present: Carlisle Hiott, 4th-year MUSC medical student

Report Date: 10/19/2020

Charges: Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder

IDENTIFYING DATA: Mr. George Dreher is a 32-year-old man, currently charged with Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder, for the alleged events occurring on 04/10/2020. An evaluation of his criminal responsibility and capacity to conform was ordered on 9/23/2020 by the Honorable Roger Young of the Berkeley County Court of General Sessions pursuant to S.C. Code Ann. §17-24-10 (1976). The basis for the order reads: "All indications are the Defendant has failed to understand the seriousness of the offenses and has exhibited an inability to remember explanations [*sic*] from his Defense Attorney from visit to visit. The Defendant has a history of mental health treatment." Mr. Dreher is currently detained at the Hill-Finklea Detention Center in Berkeley County and presented for evaluation on 10/12/2020 to the Medical University of South Carolina (MUSC) Forensic Psychiatry Program.

CRIMINAL RESPONSIBILITY: *(According to the South Carolina Code of Laws, §17-24-10, not guilty by reason of insanity is an affirmative defense to a prosecution for a crime that, at the time of the commission of the act constituting the offense, the defendant, as a result of mental disease or defect, lacked the capacity to distinguish moral or legal right from moral or legal wrong or to recognize the particular act charged as morally or legally wrong).*

Yes. It is our opinion that Mr. Dreher would be criminally responsible pursuant to S.C. Code Ann. §17-24-10 if found guilty of his charges of Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder for the alleged events occurring on 04/10/2020.

CAPACITY TO CONFORM: *(According to the South Carolina Code of Laws, §17-24-10, the standard is, "...because of mental disease or defect, a defendant lacks sufficient capacity to conform his conduct to the requirements of the law").*

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Yes. It is our opinion that Mr. Dreher had the capacity to conform his behavior to the requirements of the law pursuant to S.C. Code Ann. §17-24-20 (1976) on the date in question (04/10/2020).

SOURCES OF INFORMATION:

1. Clinical interview of Mr. Dreher on 10/12/2020 for approximately two hours and 20 minutes at the Medical University of South Carolina (MUSC) Forensic Psychiatry Program;
2. Fax correspondence from Columbia Area Mental Health Center, indicating there were no available records for Mr. Dreher, dated 10/08/2020;
3. Order for Competency to Stand Trial Evaluation, signed by the Honorable Roger Young of the Berkeley County Court of General Sessions, dated 09/25/2020;
4. Greenville County Detention Center records, dated 06/27/2020 to 07/06/2020;
5. Greenville Memorial Hospital records, dated 06/27/2020;
6. Trident Medical Center records, dated 06/04/2020;
7. 10 Year Driver Record for Mr. Dreher, dated 05/19/2020;
8. 3 Year Driver Record for Mr. Dreher, dated 04/23/2020;
9. Criminal History Report for Mr. Dreher, dated 04/20/2020;
10. Affidavit and Arrest Warrants #2020A0810200389 and #2020A0810600014, dated 04/11/2020;
11. Berkeley County Sheriff's Office Incident Report, body camera and in-car camera footage, and associated case documents for Case #202004003341, dated 04/10/2020 to 08/20/2020;
12. Berkeley County Emergency Communications CFS Report, dated; 04/10/2020;
13. South Carolina Highway Patrol Multi-Disciplinary Accident Investigation Team Report and associated documents for Case #CL-012-20, dated 04/10/2020;
14. Hill-Finklea Detention Center records, dated 04/10/2020 to 07/13/2020;
15. Roper St. Francis Healthcare records, dated 04/10/2020;
16. Berkeley Mental Health Center records, dated 11/20/2017 to 05/24/2020;
17. Morris Village Alcohol and Drug Addiction Treatment Center records, dated 09/05/2017 to 09/21/2017;
18. MUSC records, dated 08/15/2013 to 05/24/2020;
19. Colleton Medical Center records, dated 07/13/2012 to 07/20/2012.

RECORDS REQUESTED BUT NOT RECEIVED:

1. South Carolina Department of Corrections records;
2. Charleston County Detention Center records.

DISCLOSURE OF NON-CONFIDENTIALITY: Mr. Dreher was informed of the nature and purpose of this forensic evaluation prior to the interview. Specifically, he was informed that the judge in his case had ordered a forensic evaluation regarding his criminal responsibility and capacity to conform. It was explained that any observations and information he provided would not

Name: Dreher, George
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be held confidential, as they would be included in a written report submitted to his attorney. He was notified the evaluation report may also be sent to the judge and solicitor in his case. The possibility of oral testimony in the matter was presented. Mr. Dreher read the notification form without difficulty. He was asked to reiterate the content of the notification form in his own words. He described the purpose of the evaluation was to discuss "My case in general and my mental health. How I was thinking and acting during my case." When asked if this information would be kept secret, Mr. Dreher stated, "Definitely not secret, it'll go to the judge, my lawyer, and the solicitor." He indicated that he did not have any questions and agreed to proceed with the evaluation.

BACKGROUND HISTORY: *Unless otherwise noted, the following information has been synthesized from a clinical interview with Mr. Dreher on 10/12/2020.*

Mr. Dreher was born in North Charleston, South Carolina and resided in Goose Creek and Summerville, South Carolina during his youth. He was raised by his biological parents until age 7 or 8 when they separated. He subsequently resided with his mother, and at times, resided with his father or grandparents because "I was always in trouble." He has one older brother (deceased) and one younger half-sister. He endorsed a history of physical, sexual, and emotional abuse perpetrated by a family member beginning around age 4 or 5. Mr. Dreher stated his family had enough food, clothing, and other resources. He was never in foster care, a group home, or other non-family setting. Regarding youth conduct problems, Mr. Dreher endorsed a history of fighting, setting fires, and stealing, beginning in elementary school. He did not endorse a history of cruelty to animals, truancy, vandalism, or running away.

Mr. Dreher endorsed a family history of mental illness and indicated his mother was prescribed psychiatric medication for undisclosed reasons. He noted his mother and father abused alcohol and his brother died from a substance overdose. Prior to his arrest for the alleged charges, Mr. Dreher was living with his brother's former girlfriend and her son in Goose Creek, South Carolina. He has one 8-year-old daughter and has never been married.

Mr. Dreher reported he received his General Education Development (GED) certificate after discontinuing his education in 12th grade subsequent to "getting kicked out" for behavioral problems (e.g., drinking, fighting). He noted he received special education services due to "having problems with school work" beginning in elementary school. He indicated he repeated third grade and 12th grade after "I got in trouble for acting out." He further received suspensions and expulsions related to problematic behavior.

Regarding employment, Mr. Dreher stated he was engaged in electrical work prior to his arrest for the alleged offense. He also engaged in past welding and mechanic work. He estimated his employment had been terminated on five occasions for various reasons (e.g., fighting, arguing with

a manager, failing to report to work). He has not received Social Security Disability Income (SSDI). He has no history of military service.

Medically, Mr. Dreher reported experiencing a loss of consciousness on several occasions, including when he hit a tree riding his motorcycle. He did not seek medical attention following the incidents. He endorsed experiencing seizure activity in April 2020 while at Solutions Recovery Center in Greenville, South Carolina and stated he went to a hospital "somewhere near there." He reported experiencing additional seizure activity prior to that incident but indicated he did receive medical attention. He underwent eye surgery once before the age of 3 and again at age 16. He additionally reported undergoing surgery for removal of a "bone spur" around age 12 and reconstructive jaw surgery for an "underbite" at age 17. He did not endorse a history of strokes or other chronic health conditions.

Regarding his legal history, Mr. Dreher estimated he was arrested approximately seven times as a juvenile but was never remanded to the Department of Juvenile Justice. He noted he had been arrested "more than 20 to 30 times" as an adult.

Mr. Dreher reported a significant history of substance use. He first consumed an alcoholic beverage at the age of 10 and last consumed alcohol prior to his most recent arrest. He stated he typically consumed one 24-ounce beer twice a week. Regarding negative consequences related to his alcohol use, he endorsed developing a tolerance; withdrawal symptoms (e.g., shaking); failed attempts at quitting; using more than intended; excessive time spent obtaining, using, or recovering from use; family concern about his use; cravings to use; and use in hazardous situations. Mr. Dreher first smoked cannabis when he was approximately 12 years old, and his reported last use was prior to his arrest. He reported daily use during his heaviest period of use and described his more recent use as "smoking a blunt [of cannabis]" approximately two times per week. He endorsed having developed a tolerance, using more than intended, family concern about his use, cravings to use, impairment at work, and use in hazardous situations.

Additionally, Mr. Dreher endorsed use of crack cocaine, beginning in eighth grade until 2017. When asked to describe his pattern of use, he stated, "A couple of grams a day." He endorsed developing a tolerance, withdrawal symptoms, using more than intended, excessive time spent recovering from use, family concern about his use, cravings to use, and use in hazardous situations. Mr. Dreher also endorsed misuse of sedative (benzodiazepine) medications (i.e., Xanax and Klonopin), beginning in eighth grade until he was in his 20s. He estimated using every other weekend during his period of heaviest use. He endorsed developing a tolerance, failed attempts at quitting, using more than intended, excessive time spent recovering from use, cravings to use, and use interfering with responsibilities. Mr. Dreher further endorsed past use of K2/Spice,

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Methamphetamine, LSD/acid, psilocybin mushrooms, and ecstasy/MDMA. He stated he has obtained substance use treatment at the Kennedy Center and MUSC.

Psychiatrically, Mr. Dreher reported he was diagnosed with “PTSD [posttraumatic stress disorder], paranoia, ADHD [attention-deficit/hyperactivity disorder], and a list of stuff.” He stated his symptoms involved concern his parents “won’t love me” and paranoia regarding police harassment which he said was unrelated to his current charges. He noted he was psychiatrically hospitalized on four occasions at MUSC, Trident Medical Center, and facilities near Columbia and Sumpter, South Carolina around the time of his daughter’s birth. At that time, he was experiencing disrupted sleep due to stress and “seeing stuff that wasn’t there” (e.g., “shadow people”). He reported obtaining outpatient psychiatric services at the age of 13 or 14 because “I was acting out.” Regarding medication trials, he reported prior treatment with Buspar (anxiolytic medication), Vistaril (antihistamine medication which may be prescribed to treat anxiety), and Depakote (anticonvulsant medication which may be used as a mood-stabilizer). He did not endorse a history of suicidal or homicidal thoughts or engagement in self-injurious behaviors.

COLLATERAL RECORDS: *The following information has been synthesized from a review of collateral records.*

Colleton Medical Center

On 07/13/2012, Mr. Dreher was committed to the inpatient facility secondary to “escalating bizarre behaviors and psychosis.” He had reportedly been admitted to the Trident Medical Center emergency department on 07/11/2012 due to “severe agitation and psychosis” and was placed in restraints. Mr. Dreher endorsed using “methamphetamines and possibly Ambien [sedative medication] and some unclear medicines.” Mr. Dreher’s family reported “he was getting into some designer substances like bath salts.” His affect (i.e., outward display of emotions) was described as “bazaar [*sic*], blunted and vacant.” It was noted that he evidenced paranoia, delusional thoughts, and disorganized speech and did not report auditory or visual hallucinations (i.e., hearing or seeing something not based in reality). He was prescribed Haldol (antipsychotic medication), Cogentin (medication that may be prescribed to treat side effects of antipsychotic medications), Atarax (antihistamine medication that may be prescribed for anxiety), and Ativan (sedative medication). Mr. Dreher was compliant with treatment and attended group therapy. A discharge summary dated 07/20/2012 indicated Mr. Dreher displayed more clear and organized thinking over time. It was additionally reported, “the nature of his psychosis is unclear, although the fact that he [i.e., his symptoms] resolved rather quickly tends to speak more towards a drug-induced state.” His diagnosis was listed as psychotic disorder, not otherwise specified. He was prescribed Haldol and Cogentin at discharge.

Medical University of South Carolina (MUSC)

Mr. Dreher was admitted to MUSC on 08/15/2013 due to concerns regarding “increasingly bizarre behavior” over a one- to two-week period. Records indicated Mr. Dreher’s mother “found the living room scattered with gun shells and sharp knives. The patient stated he did this to protect the house in case an intruder came in. Today [i.e., 08/15/2013], his father also found him wearing a dog collar and leash on his neck.” It was additionally reported, “He was found salt and peppering a dog with intention to eat it (patient states this was a joke), he ripped all of the electrical outlets out of home [sic] from father’s house, and he was found howling at the moon last week.” Records further indicated, “The patient was also observed by his girlfriend outside in the middle of the night shaking his head and looking at the sky and saying no. This afternoon he was at his dad’s house and he ripped apart his dad’s audio visual [sic] system. The patient’s mom states he also had a rope around his neck.” According to documentation, Mr. Dreher appeared paranoid, though he was not observed to be responding to internal stimuli. Mr. Dreher reported “social drinking” and noted he had “consumed 2 six packs of beer and several shots of liquor” during the previous week. He further endorsed previous use of cocaine, bath salts, and ecstasy. He endorsed depressed mood and anxiety. No suicidal or homicidal thoughts, auditory or visual hallucinations, or manic (i.e., a period of abnormally elevated or irritable mood and heightened goal-directed activity or energy) symptoms were reported. According to records, Mr. Dreher had been “admitted to an inpatient institution from Trident last June for 10 days due to bizarre behavior and diagnosed with psychosis NOS [not otherwise specified].” Mr. Dreher reported a prescription for Metadate (stimulant medication) for treatment of ADHD which he took “on and off.” He was diagnosed with “Psychosis NOS: Likely SIMD [substance-induced mood disorder], component, based upon history” as well as depression, not otherwise specified; alcohol dependence; and ADHD. He was prescribed Ativan, Risperdal (antipsychotic medication), and Cogentin. According to a discharge summary dated 08/26/2013, Mr. Dreher no longer exhibited bizarre behavior, though he continued “to minimize and rationalize his actions that led him coming into the hospital.” Discharge prescriptions included Zyprexa (antipsychotic medication) and Vistaril (antihistamine medication which can be prescribed as a sedative).

On 05/24/2020, Mr. Dreher was admitted to MUSC Hospital due to “agitated behavior toward mother [sic].” According to records, Mr. Dreher stated his mother was “claiming I am crazy” and wanted him to be “evaluated by psychiatry.” Mr. Dreher’s mother reported he had been “acting manic” and indicated he was experiencing delusions and paranoia and “doesn’t think rationally.” No suicidal or homicidal thoughts, auditory or visual hallucinations, or symptoms of mania were reported by Mr. Dreher and no observation of manic or psychotic symptoms was noted by medical providers. He reported consuming alcohol once per week and documentation noted, “He drank twelve 12 oz beers over the course of the day, but states this was atypical for him.” He did not report illicit substance use. Upon discharge on 05/24/2020, Mr. Dreher was not diagnosed with a psychiatric illness or prescribed medication.

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Morris Village Alcohol and Drug Addiction Treatment Center

According to an admissions assessment dated 09/05/2017, Mr. Dreher was ordered to attend inpatient treatment by the Berkeley County Probate Court. He endorsed a history of using alcohol (12-pack daily), "Amphetamine/Meth/Bath Salts" (.3 grams daily), "Marijuana/K2" (5 blunts daily), cocaine (7 grams weekly), crack cocaine (1 gram daily), and "Opioid/Heroin/Suboxone" (heroin use, once). Mr. Dreher endorsed a history of paranoia and prior diagnosis of schizophrenia and ADHD. No suicidal or homicidal thoughts or symptoms of psychosis were reported. A family history of psychiatric illness and substance abuse was noted.

Mr. Dreher engaged in individual and group treatment and was compliant with medication. On 09/21/2017, Mr. Dreher was discharged due to "behavioral reasons [e.g., damaging a DVD player]." Diagnoses were documented as alcohol use disorder, moderate; cocaine use disorder, mild; cannabis use disorder, moderate; methamphetamine use disorder, moderate; attention-deficit/hyperactive disorder; and posttraumatic stress disorder.

Berkeley Mental Health Center

According to an initial clinical assessment dated 11/20/2017, Mr. Dreher was referred by the probate court for substance use treatment. Mr. Dreher reported, "I have been acting out since my brother died..." He reported prior prescriptions for Adderall (stimulant medication), Ritalin (stimulant medication), and "Paranoid Schizophrenia [*sic*] meds." He endorsed prior daily use of alcohol, cannabis, and methamphetamine and cocaine use once a month. Documentation noted, "Brother passed away in Jan. [January] after an OD [overdose]. for [*sic*] awhile he was convinced that he was murdered and that his mother was covering up the murder." His diagnoses were listed as persistent depressive disorder (dysthymia), unspecified trauma- and stressor-related disorder, and antisocial personality disorder. At the time of discharge on 08/28/2018, his status was documented as "improved mood, managing stressors, working." No diagnostic changes were noted.

Per a crisis intervention note dated 05/24/2020, a clinician from Berkeley Mental Health Center was contacted after law enforcement officials responded to Mr. Dreher's residence and noted he was displaying "bizarre behavior." According to documentation, Mr. Dreher's mother reported that "his psychosis and sleep deprivation had been going on since being in jail and presently." Mr. Dreher was transported to the Medical University of South Carolina (see summary above).

Roper St. Francis Healthcare

On 04/10/2020, Mr. Dreher was admitted to the emergency department following a motor vehicle accident. Documentation noted, "Patient is stable for outpatient management at this point in time," and he was discharged to Hill-Finklea Detention Center. His diagnoses at discharge on 04/10/2020

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were listed as, "Fracture of rib of right side; Motor vehicle accident victim; Multiple abrasions; Right pulmonary contusion [bruised lung]."

COURSE OF CURRENT DETENTION:

Mr. Dreher entered detention for the current charges around 04/10/2020. A medical and mental health history assessment on 04/16/2020, documented a history of medication prescribed for treatment of "paranoid Schizophrenia [*sic*] and ADHD." Mr. Dreher reported he was last prescribed medication in 2017. A history of psychiatric hospitalizations, outpatient mental health treatment, and substance abuse treatment were documented. According to documentation from Trident Medical Center on 06/04/2020, Mr. Dreher presented to the emergency department for "complaints of anxiety/chest pain." He was diagnosed with "Chest Pain [*sic*] Noncardiac, Panic Attack." On 06/05/2020, records indicated, "Client stated he wanted to kill himself. After speaking with QMHP [qualified mental health provider], client had no intent to hurt or kill self, but just felt he needed help with his anxiety."

According to documentation from Greenville County Detention Center on 06/27/2020, Mr. Dreher was "placed in the restraint chair" due to "non-compliant" behavior when an officer "noted that he was 'foaming' at the mouth and his eyes were rolled back in his head." He was transported to the Greenville Memorial Hospital emergency department where he was assessed and diagnosed with "seizure-like activity."

On 07/02/2020, documentation from Hill-Finklea Detention Center indicated Mr. Dreher was referred for mental health services for "hearing voices." Per a behavioral health progress note dated 07/06/2020, Mr. Dreher requested mental health services, but was uncertain whether he wanted treatment with medication. No suicidal or homicidal thoughts or symptoms of psychosis were reported. Mr. Dreher also received treatment for general medical concerns throughout his confinement at Hill-Finklea Detention Center. He is not currently prescribed psychiatric medication.

BEHAVIORAL OBSERVATIONS AND MENTAL STATUS EXAMINATION: A formal mental status exam was conducted with Mr. Dreher on 10/12/2020. Mr. Dreher is a 32-year-old man who was dressed in standard-issued detention center attire. He did not demonstrate any issues with hygiene or grooming. His eye contact ranged from appropriate to avoidant. His attitude was generally cooperative, and he appeared engaged in the task at hand. He displayed restless psychomotor activity (e.g., fidgeting with his handcuffs, shaking his leg, shifting in his chair). He spoke at a normal rate, rhythm, and volume. His affect initially appeared euthymic (i.e., normal, not euphoric or depressed); however, as the evaluation continued, he appeared frustrated by some of the evaluators' inquiries. His thoughts were logical, coherent, and linear. He did not appear to be responding to internal stimuli. He appeared to be putting forth good effort for the duration of the evaluation.

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Mr. Dreher described his current mood as, "It's good." He noted he generally sleeps between 4.5 and six hours per night and "feel[s] good" upon waking. He stated his energy level was "good" and described his appetite as "I can't eat enough... [I am] always moving." When assessed, he did not endorse currently experiencing suicidal or homicidal thoughts. Regarding anxiety, Mr. Dreher stated he was worried about his current legal case and psychosocial stressors (e.g., his daughter). His worries did not appear out of proportion to his current situation. He did not endorse additional symptoms of anxiety (e.g., physiological symptoms of anxiety).

Regarding potential manic symptoms, Mr. Dreher endorsed periods of decreased sleep and increased goal-directed activity. He noted some of the periods were associated with substance use, while others were associated with working on a project he was motivated to finish (e.g., "build[ing] hot rods"). He noted his energy during those periods was within normal limits. He did not endorse additional manic symptoms or present with observable symptoms of mania (e.g., pressured speech). Mr. Dreher did not endorse or present with observable symptoms of depression or trauma-related symptoms during the present evaluation.

Regarding psychotic symptoms, Mr. Dreher initially endorsed hearing voices that others do not (i.e., auditory hallucinations); however, he noted "I'm not the only one who heard them" and explained other acquaintances reported hearing similar things at that time. He endorsed ideas of reference (i.e., a perception that everyday events have a special significance for oneself [e.g., believing a message in a television or radio broadcast is directed specifically at oneself]), stating, "I have felt the TV [television] was talking to me before," though when asked to elaborate, he responded, "It's hard to say" and "I don't know it was for me." Regarding paranoia, he stated, "I know for sure the police are [out to get me]" and explained that was related to a prior incident with law enforcement, but not associated with his current charges. Mr. Dreher did not endorse additional psychotic symptoms. During the current evaluation, Mr. Dreher did not present with observable symptoms of psychosis (e.g., internal preoccupation, disorganization).

Mr. Dreher was oriented to person, place, time, and situation as he was aware of whom he was, that he was currently in "West Ashley" (i.e., Charleston), South Carolina, the current day and date, and the reason for the evaluation. He correctly identified the current United States President and two recent predecessors. He solved simple addition, subtraction, multiplication and division problems without the use of paper or counting on his fingers. Mr. Dreher recalled three out of three words immediately after presentation. After a brief delay, he spontaneously recalled one of the three words. He recalled one of the remaining words when provided a categorical cue (i.e., "one of the words was a type of flower" for the word "rose") and the other word when provide multiple choice options. To assess his working memory (i.e., the ability to hold and manipulate things in one's mind), Mr. Dreher was asked to repeatedly subtract the number seven from the number 100. He

provided one correct response before stating, "I'm not good at math." He was encouraged to continue, and he provided three out of six correct subtractions. He correctly spelled the word "world" forward and backward. To test Mr. Dreher's common-sense judgment to hypothetical situations, he was asked what he would do if he observed thick smoke and flames coming from the window of his neighbor's house. He said, "Try to get them out...call the fire department." His abstract reasoning abilities (i.e., ability to apply theoretical and complex concepts which are not directly tied to concrete objects) appeared intact. For example, he described a truck and a boat as similar because they are "vehicles." He correctly defined common proverbs.

DIAGNOSTIC FORMULATION: The following diagnoses are rendered on the bases of the above data and according to the *Diagnostic and Statistical Manual of Mental Disorders, 5th Edition* (DSM-5; 2013).

- Alcohol use disorder, severe, in early remission, in a controlled environment
- Cannabis use disorder, severe, in early remission, in a controlled environment
- Cocaine use disorder, severe, in sustained remission, in a controlled environment
- Sedative use disorder, severe, in sustained remission, in a controlled environment
- Antisocial personality disorder

According to the DSM-5 (2013), "The essential feature of a substance use disorder is a cluster of cognitive, behavioral, and physiological symptoms indicating that the individual continues using the substance despite significant substance-related problems" (p. 483). During the present evaluation, Mr. Dreher endorsed a significant history of substance use. He endorsed developing a tolerance (alcohol, cannabis, crack cocaine, sedatives) withdrawal symptoms (alcohol, crack cocaine), failed attempts at quitting (alcohol, sedatives), using more than intended (alcohol, cannabis, crack cocaine, sedatives), spending a great deal of time obtaining/using/recovering from use (alcohol, crack cocaine, sedatives), family concern about his use (alcohol, cannabis, crack cocaine), cravings to use (alcohol, cannabis, crack cocaine, sedative), use interfering with his responsibilities (cannabis, sedatives) and use in hazardous situations (alcohol, cannabis). He additionally endorsed attending various drug treatment programs. Across collateral records, documentation indicated prior endorsement of use of multiple substances and treatment for substance abuse. Records from Morris Village Alcohol and Drug Addiction Treatment Center are noteworthy for diagnoses of several substance use disorders. He is therefore assigned diagnoses of substance use disorders related to problems and symptoms associated with alcohol, cannabis, cocaine, and sedatives use. Given the number of symptoms and consequences he endorsed related to each substance, his disorders are all considered 'severe.' He reported continued abstinence from cocaine and sedatives, so these disorders are 'in full remission (i.e., the criteria for the substance use disorder have not been met for one year or longer).' Mr. Dreher reported use of alcohol and cannabis prior to his detainment for the current charges, so these disorders are 'in early remission (i.e., the criteria for the substance use

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disorder have not been met for at least three months but less than one year).’ As Mr. Dreher is currently detained in the Hill-Finklea Detention Center, and it is presumed he has limited access to substances, the specifier of ‘in a controlled environment’ is appropriate. It is possible Mr. Dreher meets criteria for additional substance use disorders (e.g., K2/spice); however, his description of his use pattern was not indicative of meeting full diagnostic criteria. If further information becomes available, additional substance use disorders may be considered for Mr. Dreher.

Per the DSM-5 (2013), antisocial personality disorder is a “pervasive pattern of disregard for and violation of the rights of others, occurring since age 15” (p. 659). To be diagnosed with antisocial personality disorder, an individual must also demonstrate evidence of conduct disorder prior to the age of 15. During the current evaluation, Mr. Dreher endorsed a childhood history of fighting, fire setting, stealing, and suspensions and expulsions from school beginning prior to age 15. His history is notable for failure to conform to social norms (repeated arrests), consistent irresponsibility (fired multiple times from jobs for fighting and not attending work), and reckless disregard for safety (use of multiple illicit substances in dangerous situations). Further, his Criminal History Record is noteworthy for arrests associated with assaultive behavior. Berkeley Mental Health Center records are also notable for a previous diagnosis of ASPD. Taken together, Mr. Dreher meets diagnostic criteria for antisocial personality disorder.

Given Colleton Medical Center and MUSC records noting prior diagnoses of psychotic disorders, consideration was given as to whether Mr. Dreher meets criteria for a psychotic spectrum disorder. During the current evaluation, Mr. Dreher reported some paranoid thinking. He also endorsed ideas of reference; however, his description was vague, and he indicated some uncertainty as to whether the messages he heard were meant specifically for him. He did not endorse or display additional evidence of psychotic symptoms. Further, collateral records from Colleton Medical Center and MUSC documenting hospitalizations for potential psychotic behavior and diagnoses of psychotic spectrum diagnoses, noted that Mr. Dreher’s symptoms may have been secondary to substance use. Thus, it is our opinion that Mr. Dreher does not currently meet criteria for a psychotic disorder.

Additionally, a diagnosis of ADHD was considered given Mr. Dreher has reported a history of being diagnosed with ADHD and prescribed medication to treat ADHD symptoms in the past. The DSM-5 (2013) defines ADHD as “a persistent pattern of inattention and/or hyperactivity-impulsivity that interferes with functioning or development” (p. 61). During the current evaluation, Mr. Dreher evidenced some hyperactivity (i.e., fidgeting); however, he demonstrated sustained attention and concentration as evidenced by his tracking the conversation and answering questions without requiring repeating of information. Further, Hill-Finklea Detention Center records indicated Mr. Dreher was not prescribed medication for ADHD when he was in the community. Taken together, it is our opinion Mr. Dreher does not meet diagnostic criteria for ADHD at this time. If further information is made available, such a diagnosis may be considered.

Consideration was also given to whether Mr. Dreher meets criteria for a bipolar illness. As outlined in the DSM-5 (2013), bipolar disorders are characterized by current or past manic or hypomanic episodes and/or major depressive episodes. During the current evaluation, Mr. Dreher endorsed decreased need for sleep and increased goal-directed activity; however, his description was not consistent with manic/hypomanic symptoms. He did not otherwise endorse nor was he observed to be experiencing symptoms associated with mania/hypomania (e.g., pressured speech, decreased need for sleep, racing thoughts). Additionally, evidence of manic symptoms has not been observed by treatment providers per collateral records. Thus, it is our opinion Mr. Dreher does not meet diagnostic criteria for a bipolar illness currently. If further information is made available, such a diagnosis may be considered.

Finally, consideration was given to whether Mr. Dreher meets diagnostic criteria for an anxiety disorder. Mr. Dreher endorsed some symptoms consistent with anxiety disorders (e.g., worry), though his reported symptoms were not sufficient to meet diagnostic criteria for an anxiety disorder and were not out of proportion to his stressor. Further, Mr. Dreher was not observed to display symptoms associated with an anxiety disorder during the current evaluation. As such, he is not diagnosed with an anxiety disorder at this time. If more information is made available, such diagnoses may be considered.

CRIMINAL RESPONSIBILITY DATA:

Official Version of the Alleged Offense: *The following official description of the offenses has been synthesized from a review of the documents provided by the Berkeley County Sheriff's Office.*

On 4/10/2020, an officer responded to an address in reference to a noise complaint. It was noted that while the officer "was in the area, I [i.e., officer] observed a white Chevrolet Tahoe, leaving the area at a high rate of speed, almost striking my patrol vehicle head on." The officer "activated my emergency equipment and attempted to conduct a traffic stop. I observed the vehicle continue to [sic] at a high rate of speed and fail to stop for my blue lights and siren, which were activated." The driver of the Tahoe was observed to "disregard the traffic control device" and "run into the median on S. Live Oak Road to go around motorists on several occasions. Other deputies, who were responding to the area, were setting up stop sticks in an attempt to safely disable to [sic] fleeing vehicle and end the pursuit. I observed the vehicle avoid the first set of stop sticks" and made a turn "and continue at a high rate of speed." The vehicle was observed to "swerve away from another deputy, who had stop sticks set up." The vehicle "travel[ed] from the # 1 lane into the median, where Deputy [deputy's name] had set up to utilize stop sticks, and attempt to strike him intentionally. Due to the debris from traveling in the median, I was unable to see if Deputy [deputy's name] had been struck. I observed the vehicle then lose control and cross all oncoming lanes of traffic and careen off the roadway. I observed the vehicle strike several curbs, a large

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electric box, a power pole, and then come to a stop after the passenger side struck a large tree. I exited my patrol car and I observed two occupants inside of the vehicle. I observed that the passenger appeared to be entrapped in the vehicle, while the driver was moving around. Deputies attempted to open the driver's door, which would not open. I was able to break the driver's window to check the status of the driver and passenger. Deputies were able to cut away the curtain airbag. The driver was escorted out of the window and to the ground to be taken into custody, while the passenger was still entrapped. While waiting to be transported, Mr. Dreher made an exited utterance and advised that he had a shotgun in the vehicle. The fire department responded and was able to free the passenger from the vehicle. Both occupants were transported to the hospital. Deputy [deputy's name] was struck by the vehicle while he was attempting to utilize his stop sticks. Deputy [deputy's name] was transported to Trident Medical Center, where it was discovered that he had suffered several broken bones and had to have surgery. It is expected for Deputy [deputy's name] to have a lengthy recovery, which is a protracted loss." The officer discovered that Mr. Dreher's "license was suspended for failure to pay [a] traffic ticket."

Upon searching Mr. Dreher's vehicle, a "Remington 870 Express Magnum 20 gauge shotgun" was discovered and it was noted that "the handle was broken and trapped inside of the vehicle, in a gun bag on the back floorboard, which was within arm's reach of Mr. Dreher. Deputies also located a green mask and a cell phone inside of the vehicle."

The following summary is from a review of the available body camera and in-car camera footage from 4/10/2020. At 9:03 PM, an officer walked up to the vehicle that had just been involved in an accident and shouted, "Let me see your hands." The airbags of the vehicle had been deployed and were covering both the driver's side window and the rear passenger window on the driver's side. The officer said to another officer, "Hey, come bust this window, I don't have my baton on my right side." Another officer began to strike the window and the officer wearing the body camera said, "I got you, I got you," and began to strike the window with his baton, breaking the glass. From inside the vehicle, a male voice could be heard yelling something but the content was unintelligible. An officer noted the passenger was "not moving." The officer told the driver, "Lean to your right, I'm going to cut this [air]bag." The officer yelled, "Keep your hands up," and the driver said, "Yes, sir." The airbag was moved and Mr. Dreher could be seen in the driver's seat with his hands in the air. Mr. Dreher asked, "You want me to put my arm or my leg out first, sir?" and the officer said, "I want you to just relax." Mr. Dreher said, "Yes, sir." As the officer removed the rest of the airbag from the window, Mr. Dreher could be heard saying, "Oh, God; oh man, why?" The officer said, "I don't know, you tell me," and Mr. Dreher said, "I will, sir." After being told to, "Keep your hands where we can see them," Mr. Dreher said, "Yes, sir; I'm not going to speak no more until y'all tell me." He said, "I'm hurting, I'm hurting, sir."

At 9:04 AM, after telling Mr. Dreher to put his hands up, an officer noted that the passenger was “not moving” and another officer was cutting through the airbags that were hanging down from the driver’s side and rear passenger’s windows. Groaning could be heard from inside the vehicle and officers tell Mr. Dreher to “chill out” and “keep your hands where we can see them.” An officer points his gun at Mr. Dreher in the driver’s seat. As the officer put the baton in the window, Mr. Dreher said, “Please don’t, please don’t, I got a daughter, man.” Mr. Dreher put his hands in a praying, clasped position in front of him and said, “I’m scared, I’m scared.” As the officer continued to tap the remaining glass in the window with his baton, he said, “Watch your leg,” and Mr. Dreher said, “Yes, sir.” He said something unintelligible and then said, “Don’t shoot me. Please. Would somebody give me their word?” It appeared that Mr. Dreher was going to say something else but the officer trying to remove the glass of the window said, “Hey,” in a loud tone and Mr. Dreher said, “I’m going to shut the fuck up.” An officer said, “Thank you,” and Mr. Dreher said, “I apologize, sir.” He could also be heard stating, “I’m hurt.” An officer directs another officer to “clear that glass, let’s pull him out the window.”

Mr. Dreher asked, “Can I put my hands out first? I’m not doing nothing.” The rest of the glass was cleared from the window. Mr. Dreher asked, “Can I please tell my daughter, that I love her?” He was given instructions to put his hands on the steering wheel and said, “You can pull me out, I’m not going to resist or nothing.” He was told that they were giving him instructions to “put the steering wheel up first” and to “pay attention.” Mr. Dreher said, “Yes, sir. I’m just scared. You understand, I apologize, y’all.” He was told to put his “hands out first” and said, “Yes, sir.” He put his arms outside the window and asked, “Can somebody please give me a little bit of help?” An officer grabbed his wrist and said, “Come on.” Mr. Dreher said, “Yes, sir. I’m coming, I’m coming, I’m coming.” The officer assisted in pulling Mr. Dreher out of the window and onto the ground. Mr. Dreher could be heard yelling as he hit the ground. The officers remarked that they were not going to be able to get the passenger out of the car. Mr. Dreher could be heard saying, “His name’s [passenger’s first name].” From the ground, he said, “... he [i.e., passenger] tell you the truth. The cop just pulled up on me [unintelligible].”

At 9:06 PM, Mr. Dreher could be seen lying on the ground and he said something about a “shotgun” but the rest was not audible due to other officers talking. Officers that were observing the passenger in car noted he was bleeding from the head. They also noted they observed “shotgun shells” and one officer said, “He said there was a shotgun in here.” An officer approached Mr. Dreher on the ground and asked, “Hey, is there a shotgun in the truck?” Mr. Dreher said, “Yeah, I said that,” and the officer said, “I know.” Mr. Dreher said, “I just want to make sure.” At 9:09 PM, an officer walked over to where Mr. Dreher was lying on the ground and said, “Hey, hey, roll him over and let him sit up... he said his ribs were hurting real bad.” Another officer said, “He said he wanted to lay on his stomach.” Mr. Dreher said, “I’m not worried about me; make sure that man in the car,” and an officer interrupted to say, “We’re trying to get him out, buddy.” Mr. Dreher said something

unintelligible and the officer said, "He's alive," and Mr. Dreher said, "Thank God." Another officer said, "He's alert; he's probably hurt." Mr. Dreher could be heard saying, "Thank you Jesus." Mr. Dreher said something about, "Now, if you guys want to beat me up," and an officer said, "We don't want to beat you up." At 9:10 PM, another officer walked over to where Mr. Dreher was lying on the ground. Mr. Dreher said, "If he would've shut his fucking mouth, I would've never wrecked into [inaudible]... I apologize [inaudible]." Around the same time, other footage showed Mr. Dreher lying on his side on the ground and saying, "My leg is broken."

At 9:11 PM, Mr. Dreher was observed standing up with his hands handcuffed behind his back and surrounded by officers escorting him as he walked. He said to the officer, "Hey, this means a lot to me," and was told to "face the [police] truck." He turned towards the truck and said to a news camera, "Y'all are good officers. I need the world to know, all cops aren't bad. [Inaudible] respect your group." He then got into the back of the police vehicle. Another video showed that also around 9:11 PM, as Mr. Dreher was walking with officers, he said, "I'm just letting you know I'm a good human being."

At 9:28 PM, the door to a police vehicle opened and Mr. Dreher was escorted out of the vehicle from the backseat. He said, "Thank you, sir," to the officer. When asked, "What hurts on you?" he said, "My rib." As he was escorted into the hospital, he asked, "So nobody died, right?" As the officer was giving an account of events to medical staff and asked Mr. Dreher if he was wearing a seatbelt, Mr. Dreher said, "I folded my truck up." The medical provider asked, "Were you wearing your seatbelt?" and Mr. Dreher said, "No, ma'am. I tried to crawl out of the truck but I thought the boy next to me was dead...so I was trying to save him." He said, "My car was like an S because of my [inaudible due to others speaking]... it hurt bad." He provided his full name and date of birth. He indicated, "It's getting hard for me to breathe." He said, "It's my own dumbass fault but I do not want surgery. I refuse surgery... I just want it examined so I know what's wrong but I know it's broke." When informed medical providers needed to "take all your clothes off," Mr. Dreher said, "I understand, I'm not going to be rude or nothing. I should've never done that. [He gestured to his back and said], Yeah something's fucked up bad but I'll live through it. My mom [inaudible due to others talking] and I really need to talk to somebody." The officer told another medical provider an account of events and said, "He may have been on something." Mr. Dreher said, "No, no." What he said next was inaudible but the officer asked, "Just beer?"

When medical staff requested that Mr. Dreher's handcuffs be removed, the officer noted, "I'm the only one here." Mr. Dreher said, "Sir, I promise, I will not move. I will not move at all. I give you my word." The officer removed Mr. Dreher's handcuffs and handcuffed him to the bed. He pointed to an area on his back that was in pain. He reported having a needle phobia. The physician noted that he had tattoos and Mr. Dreher said, "If my dad can come hold my hand while you put a needle in me, or my daughter can..." and the officer said, "They ain't coming here." Mr. Dreher said he

did not remember the year of his last tetanus shot, noting, "I've had a lot of concussions; I rode dirt bikes, growing up." When asked if he was "allergic to anything," Mr. Dreher said, "Yes, ma'am, all medicines, that ain't reefer." He said, "Honestly, I got papers that say I'm crazy; I'm not that crazy." He said he had been in "20 accidents on motorcycles, before I even started riding a street bike." He said he did not "feel comfortable, ma'am," unless he could "have my dad here or my daughter here." He said he paid "cash money" to be tested for the coronavirus. He said he did not want pain medication. He was resistant to having an IV put in but consented after a discussion. He expressed concern that he was bleeding but was told by medical staff that there was an abrasion and it was not bleeding. Mr. Dreher was asked where he was tested for the coronavirus and he said, "I paid; all I can tell you, ma'am, is when I paid this man the money, I signed a contract. I can't tell you anything besides that but it was a large lump sum." Mr. Dreher motioned to his body and said, "This shit should've never happened."

When asked about current prescriptions, Mr. Dreher said he was "supposed to" take medication but did not take it. When asked what the medication was for, he said, "My mom can tell you better than I can." The provider asked, "Do you have bipolar?" and Mr. Dreher shook his head no and said, "That's part of it, I don't know everything they put on my paperwork but I would not take that medicine because I'm not right when I'm taking it." He said, "MUSC has my paperwork in their computer." He said he used "marijuana, and I want to be drug tested; if there's something else in my system, I want to know about it and I want Berkeley County, someone in here with some leverage, talk to me and hear me out. Just listen to my story and the facts." The provider started asking Mr. Dreher if anyone had power of attorney for him but his answer could not be heard due to the officer taking a phone call. When the providers told him they were going to draw blood, Mr. Dreher looked at the officer and said, "I'm not going to act up, sir. This is how my brother died; I'm living in his house." He noted, "This is how my brother died, with a needle in his arm." The footage ended after Mr. Dreher had his blood drawn.

Records from Roper St. Francis Hospital dated 4/10/2020 described Mr. Dreher as "Alert, no signs of toxicity, somewhat animated."

Discovery documentation also included screenshots of Facebook posts attributed to Mr. Dreher. On "Monday at 7:41 PM," the following was posted:

"Lewis you better get your boys in check! You osifer [sic] pulled me over, another osifer by the name of wade worly was harassing me, I'm tired of yalls [sic] bullshit and I'm demanding some answers and apologies!!! Who y'all think y'all playing with?"

On "Monday at 5:18 PM," the following was posted:

"Look here Worley/or however you say ur [sic] name, how about take ur costume off and give me my one on one, cause you n [sic] I both know last encounter we had on winding

road 3 of y'all had to jump on me!! Without that badge you a bitch and a half!!! [three emojis].”

On “March 23 at 11:55PM,” the following was posted:

“Don't know who that was try to pull/pull up on me in tht [*sic*] damn brand darker colored Dodge but you ain't fixin [*sic*] play tht in this coronavirus, not with me behind the wheel! Thank you come again.”

Mr. Dreher added the following comment to his post, “If you would've had blue lights I may have atleast [*sic*] given it a thought.”

According to the incident reports, on 4/24/2020, it was noted that Mr. Dreher “sent texts stating that ['B.S.,' passenger] had a gun to his head during the chase and stated he would shoot him if he stopped.”

On 4/24/2020, the passenger, “B.S.,” was interviewed by police at his residence. He was “asked directly if he had a gun to Dreher's head and if he threatened to shoot Dreher if he stopped. ‘B.S.’ denied making the statement. He did advise that when he was riding with Dreher he (Dreher) asked him to hold the shotgun. ‘B.S.’ advised that he didn't see the gun and did not pick it up.”

On 8/19/2020, Mr. Dreher's former cellmate, ‘M.S.’ at the detention center was interviewed by deputies along with his attorney. “M.S.” told police “that he wanted to provide information because it was wrong what happened to the Deputy and that law enforcement officers have families to go home to and he wanted to provide the information because it was the right thing to do. Mr. ‘M.S.’ advised that he was in the same pod with George Dreher at the Hill Finklea Detention Center for about three weeks. ‘M.S.’ advised that he had never met Dreher prior to being in jail together during the three-week period. He advised that he has had no communication with Dreher since he [i.e., ‘M.S.’] was moved to Charleston County Detention Center and after his release. ‘M.S.’ advised that he and Dreher would talk about how he was going to beat his case. ‘M.S.’ advised that Dreher told him that he was going to beat the case by pushing the weight to the passenger. ‘M.S.’ advised that Dreher stated that he would push the weight by saying that the passenger in the vehicle held a gun to him and made him run from the deputies because there were drugs in the vehicle. I [i.e., officer] asked ‘M.S.’ if what Dreher was saying was Dreher's account of what happened or if Dreher was making it up to beat the case. ‘M.S.’ advised that he is a convict and he knows when people are lying indicating that Dreher was lying. ‘M.S.’ advised that Dreher stated that he would beat the case by telling that the passenger did it. ‘M.S.’ advised that Dreher told him that there was a bookbag in the vehicle that contained drugs and the Sheriff's Office didn't find the drugs and his mother got the bookbag from the vehicle. ‘M.S.’ also advised that Dreher told him that the shotgun that was in the vehicle at the time belonged to his mother. Mr. ‘M.S.’ did not say anything about Dreher making any statements about intentionally hitting the Deputy with the vehicle. When asked directly if

Dreher made any statements about intentionally hitting the Deputy he advised that he never heard Dreher make that statement.”

Mr. Dreher’s Version of the Alleged Offenses as Reported during the Current Evaluation on 10/12/2020:

Mr. Dreher reported that in March and April of 2020, he was living in Goose Creek with his deceased brother’s ex-girlfriend and her son who was approximately 12 years old. He had been living there for “a few months.” He was in contact with his daughter “every day or every other day.” He was working “downtown at the science building and parking garage” installing new light fixtures and had worked there for approximately one year. In March of 2020, he left that job as “they don’t pay what I’m worth” and immediately obtained a job at an “electrical company” where he was “redoing new light fixtures” and reported he was working on a fulltime basis. He was not under the care of a doctor or prescribed any medications. He was consuming one 24-ounce beer once or twice per week and smoking cannabis “a little bit here and there.” He was not using any other substances. He was sleeping “like a baby.” When asked if he observed anything strange or unusual going on with him in the weeks preceding the alleged offenses, Mr. Dreher said, “Since my brother’s death [in 2017]. Berkeley County officers killed my brother. He overdosed at Walmart and the cops transported him to the house. Cops are after me because of my parole officer [i.e., he reported that he had his parole officer arrested in 2012 as the officer was ‘trying to extort’ him].” He noted, “Cops stopped me and stole my knife,” but did not recall when that occurred. He described his mood as, “Normal, being I had people out to kill me.” When asked if he had previously been pulled over by police, Mr. Dreher said, “I’ve had cops behind me with lights on and lights off in marked and unmarked cars.” When asked, he said that when an officer turned on their blue lights in a marked car, Mr. Dreher pulled over for the traffic stop.

Mr. Dreher was asked to describe a typical day for him in the weeks prior to his arrest for the alleged offenses. He reported he would “wake up quite early in the morning,” estimating that this occurred between 5:30 AM and 7:30 AM. After waking up, he would “use the bathroom, wash my ass, get dressed, eat breakfast somewhere; I might not eat breakfast. Go to work; no real routine.” He noted that he alternated between working “night shift” and “day shift” worked “at least 10 hours a day.” After work, he would “go home, probably see my daughter on the way, get something to eat, stop at a gas station and get a beer twice a week, drink it, shower, and pass out.” He reported he would “pass out” anywhere from 10:00 PM to 3:00 AM and would “sometimes sleep all afternoon,” noting his schedule “was never planned with this company [i.e., where he worked].”

Mr. Dreher said that he remembered sleeping the night prior to the alleged offenses but did not recall what time he woke up on 4/10/2020. During the day on 4/10/2020, he worked on “a hotrod [car] for somebody; I was helping a buddy out.” He did not work that day as he was helping his

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friend with the car and noted, "I work when I want to, really." Mr. Dreher went over to a man's house, whom he knew from working with him, to look for a car part. He said that the man and his son were arguing about the son using substances and Mr. Dreher told the son to "ride with me." In the car, Mr. Dreher was also telling him to stop using substances but denied they were arguing. They drove to a gas station. Mr. Dreher did not recall the approximate time that occurred, but noted it was "after the sun went down." At the gas station, Mr. Dreher was "getting something to drink and eat and this boy asked me what kind of [stereo] system I had [in the car] and I told him it was for sale. I was showing him the system and a cop walked by, getting in our business." When asked to elaborate, Mr. Dreher said, "I don't know what, I asked him what he was doing; I wasn't doing anything wrong. I don't recall what he said. I told the guy [who was looking at his stereo], 'I'm getting out of here;' I didn't want to have any run-ins with the police, I'm tired of them harassing me." He "got in the car, left, and went to my sister's house to get a grill I made to cook steak. Her momma wouldn't let me get it and I left. I stopped at my buddy's house; sometimes when I get upset, I talk to him and we smoked a couple cigarettes." When asked to describe why he was upset, Mr. Dreher said, "About the grill; I should've gone back there and grabbed it." He confirmed that his passenger was in the car with him when he made these stops.

Mr. Dreher said he was at his friend's house for approximately 15 minutes. After leaving, Mr. Dreher "put the car in reverse, backed out, and put it in drive. A cop pulled up with blue lights. I put the car in park, I was going to ask if he was there to speak to me. I went to get out and [passenger's name] started saying something and grabbed my mom's shotgun [that was in Mr. Dreher's car]. He had the shotgun in his hands. He said, 'If you don't get me away from the police,' he'll blow my brains out. I said, 'Really?' and he said, 'Really.' I put the car in drive and hit the gas. I was going towards the officer's car because there was a field in front of me and I hit the brakes and maneuvered around the officer. On [Highway] 17, I dodged spike strips. I turned and he [i.e., the passenger] dropped the gun. It's always in its [gun] case. I grabbed it from him and put it in the backseat. I'm coming down the road, past Walmart, looking to the right and thought [about how] my daughter's grandmother lives in that neighborhood. The next thing you know, [passenger's name] reaches over and snatches the [steering] wheel and the wreck happens. I got every right to be angry and aggravated. I don't run from police in cars."

When asked why he ran during the alleged offense, Mr. Dreher said, "I wanted to see my daughter again, I was being held at gunpoint. They [i.e., officers] snatched me out of the car, threw me out on the ground and I asked if I hit anyone. Two officers said no. I asked, 'Please tell me if he's [i.e., the passenger] okay; no one would answer. If he was hurt that bad, why did they take me to the hospital instead of him?'" When it was noted that an officer had reportedly been struck by his vehicle, Mr. Dreher said, "I would never intentionally strike anyone." When asked if he remembered the car striking an officer, he said, "I really don't. He [i.e., the officer] was throwing the spike strips. I was going to go around him and hop the curb. That's when [passenger's name] hit the wheel and caused

my car to strike the officer.” When asked how his passenger found the shotgun, Mr. Dreher said, “It was sitting in the front seat, it wasn’t the best neighborhood.” When asked if he was saying that he had the gun in the car for his protection in a neighborhood he perceived to be dangerous, Mr. Dreher said, “Yes.” Regarding his statement that the gun was in a case, Mr. Dreher said, “Yeah, he was not holding it to my head but it was a loaded shotgun off the safety [i.e., the safety of the gun was off]. It was in his hands, in the case. It was full of buckshot.”

When asked about running from officers attempting to conduct a traffic stop, Mr. Dreher said, “I wouldn’t... I was getting out to ask them [i.e., ask the officers why they were stopping him]. He [i.e., the passenger] said I needed to get away from the police or he’d blow my brains out. He was high on meth and I have a daughter.” When asked if it was wrong to run from the police when they are trying to conduct a traffic stop, Mr. Dreher said, “Yeah, look at my prior record; no evading [charges], I don’t run from the cops.” When asked if this was illegal, he said, “I would think it’s illegal.” When asked if he hit the officer because of the officers harassing him after he reportedly had his parole officer arrested in 2012, Mr. Dreher said, “I didn’t try to hit the officer. The only reason I hit the officer was because of [passenger’s name] snatching the wheel.” When asked if it was wrong to strike an officer with a vehicle, Mr. Dreher said, “Yeah, to hit anybody.” When asked if it was illegal, he said, “Yeah, to strike anybody.” When asked if any of his alleged actions occurred because of his prior relationship with police, he said, “No.” When asked if he was experiencing auditory hallucinations commanding him to commit the alleged offenses, Mr. Dreher said, “No, just [passenger’s name]’s voice.” He was asked if he was experiencing any strange or unusual beliefs that day and said, “If I didn’t do whatever [passenger’s name] said, he was going to try to kill me.” He reiterated, “[Passenger’s name] caused my car to strike the officer. I’ve pulled over before [for officers]. [Passenger’s name] ain’t got a place to live or anybody to live for. Why wasn’t he brought in for questioning?” When asked why he did not tell officers at the scene that the passenger had pointed a firearm at him and grabbed the steering wheel while he was driving, Mr. Dreher said, “The officers had guns; I was scared they’d shoot me.”

When asked if he had any substances in the vehicle during the alleged offenses, Mr. Dreher said, “To my knowledge, at the time, no. There was a bookbag in the car. It was [passenger’s name]’s and I was told it had a large amount of drugs in the bottom. His dad came to pick it up from my mom; I found that out afterwards.” Mr. Dreher said he was not consuming or under the influence of alcohol, cannabis, or any other substance during the alleged offenses.

Mr. Dreher was asked follow-up questions about items reviewed in collateral discovery documents. When asked about telling the news camera, “I need the world to know, all cops aren’t bad...” Mr. Dreher said, “I don’t have a problem with officers, [just] the ones that harass me.” When asked if any officers who had previously harassed him were on scene, he said, “I don’t know which officers were there.” When asked to explain what he meant by telling medical providers at the hospital that

he had paid a “large lump sum” for a coronavirus test, Mr. Dreher was evasive and indicated he could not speak on the matter as it was “part of the contract” he signed when he got the test.

Regarding the screenshots of posts from Facebook. Mr. Dreher said that he posted those on his own Facebook page. He said, “Lewis,” was the “sheriff,” and that he was taking his roommate’s son “to have a golf cart checked on with the [four-way/emergency] flashers on. A cop comes up behind us. Doesn’t tell us why he’s pulling us over. He had no respect; was yelling and cussing and I was yelling too and he pulled me out [of the car].” Regarding the post he made about “Worley,” Mr. Dreher said that was an officer and “every time he sees me, he says he beat me up.” Regarding the “March 23” post, Mr. Dreher said, “I might have been drunk. The black Dodge [he referred to in the post] is undercover [vehicle] for Berkeley County.” When asked about the added comment to that post that mentioned “blue lights,” Mr. Dreher said, “Like stop, pull over. We had been racing through Berkeley County.”

CLINICAL IMPRESSIONS REGARDING CRIMINAL RESPONSIBILITY:

Mr. Dreher’s capacities to appreciate the moral and legal wrongfulness in relation to the alleged offenses were assessed through a review of available records and clinical interview on 10/12/2020. According to the South Carolina Code of Laws, §17-24-10, not guilty by reason of insanity is an affirmative defense to a prosecution for a crime that, at the time of the commission of the act constituting the offense, the defendant, as a result of mental disease or defect, lacked the capacity to distinguish moral or legal right from moral or legal wrong or to recognize the particular act charged as morally or legally wrong. At the time of these alleged offenses, Mr. Dreher met diagnostic criteria for antisocial personality disorder and multiple substance use disorders related to alcohol, cannabis, cocaine, and sedative use. There are no data to suggest that he was experiencing symptoms causing him to lose contact with reality.

Mr. Dreher has previously been hospitalized with psychotic symptoms but there were no data from his self-report, body camera footage, police reports, or medical records from the night of the alleged offenses suggesting he was experiencing symptoms of a mental illness on 4/10/2020. Although Mr. Dreher endorsed some paranoia about police officers, he said that his alleged actions on 4/10/2020 were unrelated to these beliefs. To the contrary, Mr. Dreher reported that he wanted to stop for police when a traffic stop was initiated and was unable to do so because his passenger had a shotgun pointed at him and threatened to shoot him if he stopped.

In regard to his capacity to appreciate the moral and legal wrongfulness of his actions, there is evidence from a review of discovery documents and the evaluation of Mr. Dreher which suggested that he appreciated that committing the offenses of Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder are illegal and morally wrong. Specifically, Mr. Dreher

Name: Dreher, George

DMH#: [REDACTED]

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Medical University of South Carolina
Forensic Psychiatry Program

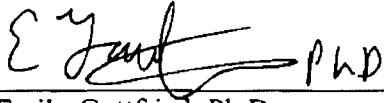
reported that he did not intentionally hit the officer or run from police but that his actions were the result of being threatened by his passenger. Indeed, after crashing his vehicle, Mr. Dreher readily complied with officers' commands, apologized to officers, and expressed to a nearby news camera, "I need the world to know, all cops aren't bad..." He also reported that he would not have engaged in these alleged actions if he did not have the passenger in his car as he knew they were illegal and morally wrong. Mr. Dreher also did not voice delusional beliefs related to the alleged offenses that would suggest he felt morally justified in committing them. Specifically, when directly asked about his paranoia about police, he indicated that this had no role in his alleged actions and his behaviors observed via body camera do not suggest that he ran from officers and struck one with his vehicle because he was in fear for his life. To the contrary, Mr. Dreher maintained that his actions were the direct result of his passenger's threats and not related to mental illness. Therefore, Mr. Dreher is not reporting that his alleged actions during these offenses were the result of a severe mental illness that caused him to lose touch with reality or impact his ability to discriminate right from wrong. Rather, he is saying that he did not purposefully commit the alleged offenses. There are no data to suggest that Mr. Dreher lacked the capacity to appreciate the moral and legal wrongfulness of his actions. Therefore, it is our opinion that Mr. Dreher had the capacity to appreciate the moral and legal wrongfulness of his actions.

Mr. Dreher's capacity to conform his conduct to the requirements of the law at the time of the alleged offenses was also assessed. According to the South Carolina Code of Laws, §17-24-10, the standard is, "...because of mental disease or defect, a defendant lacks sufficient capacity to conform his conduct to the requirements of the law." As stated above, it is our opinion that during the alleged offenses, he met diagnostic criteria for antisocial personality disorder and multiple substance use disorders related to alcohol, cannabis, cocaine, and sedative use. Despite these diagnoses, there are no data suggesting that he was experiencing symptoms preventing him from having the capacity to conform his conduct to the requirements of the law. Specifically, Mr. Dreher appeared to have made organized decisions leading up to the alleged offenses. He worked on a friend's car and made organized and logical decisions to leave the gas station when an officer asked him what he was doing and went to a friend's house to calm down after having a negative encounter with his sister's mother. He was compliant with officers' and medical staff directives and did not demonstrate that he was not in control of his actions on 4/10/2020. Thus, taken together, the data suggest Mr. Dreher had the capacity to conform his conduct to the requirements of the law at the time of the alleged offenses.

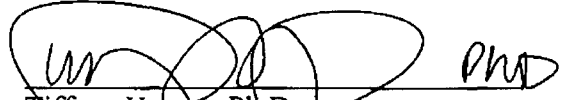
In sum, it is our opinion that on 4/10/2020, Mr. Dreher met diagnostic criteria for antisocial personality disorder and multiple substance use disorders related to alcohol, cannabis, cocaine, and sedative use. Despite these diagnoses, it is our opinion Mr. Dreher had the mental capacity to distinguish moral and legal right from moral and legal wrong and had the capacity to conform his conduct to the requirements of the law. Therefore, if the court determines Mr. Dreher committed the

alleged offenses, it is our opinion he would be criminally responsible for the offenses of Failure to Stop for a Blue Light, Great Bodily Harm Results and Attempted Murder for the alleged events occurring on 4/10/2020, pursuant to S.C. Code Ann. §17-24-10 (1976).

Respectfully submitted,



Emily Gottfried, Ph.D.
Licensed Clinical Psychologist
Assistant Professor
Medical University of South Carolina



Tiffany Harrop, Ph.D.
Postdoctoral Fellow in Forensic Psychology

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
COUNTY OF BERKELEY) NINTH JUDICIAL CIRCUIT

FILED
21 APR 16 PM 2:10
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

CASE NO: 2020GS0802021

STATE OF SOUTH CAROLINA)
Plaintiff)
VS.)
GEORGE RILEY DREHER,)
Defendant)

MOTION TO WITHDRAW GUILTY PLEA

RECEIVED

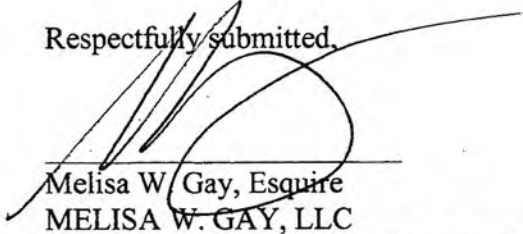
JUL 12 2021

SC Court of Appeals

COMES NOW THE DEFENDANT, who by and through his undersigned attorney, does hereby move to withdraw his guilty plea entered on April 12, 2021. The Defendant asserts that he was not fully mentally sound at the time of his plea, therefore the plea process was not voluntarily entered in to.

The Defendant moves this court to allow him to withdraw his guilty plea and pursue this charge at a trial.

Respectfully submitted,



Melisa W. Gay, Esquire
MELISA W. GAY, LLC
Attorney for the GEORGE RILEY DREHER
222 West Coleman Blvd., Suite 208
Mt. Pleasant, SC 29464
Ph: (843) 388-7907
Fax: (843) 416-8379

Moncks Corner, South Carolina
Dated: April 16, 2021

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BERKELEY)
)
 STATE OF SOUTH CAROLINA,)
)
 Plaintiff)
)
 VS.)
)
 GEORGE RILEY DREHER,)
)
 Defendant)

IN THE GENERAL SESSIONS COURT
 NINTH JUDICIAL CIRCUIT
 CASE NO: 2020GS0802021

**MOTION TO WITHDRAW GUILTY PLEA
 BASED ON AFTER DISCOVERED
 EVIDENCE**

JUL 12 2021

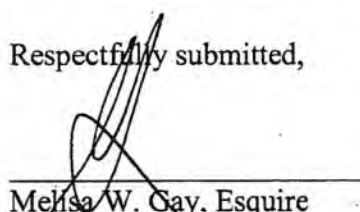
SC Court of Appeals

2021 APR 20 PM 2: 57
 LEAH GUERRY DUPREE
 CLERK OF COURT
 BERKELEY COUNTY, SC
 FILED
 DRH

COMES NOW THE DEFENDANT, who by and through his undersigned attorney, does hereby move to withdraw his guilty plea entered on April 12, 2021 based on the statement recently provided indicating that a third party is responsible for the injury to the victim in the Assault and Battery of a High and Aggravated Nature charge. The plea was not voluntarily made because it was entered into before this evidence was obtained in his case.

The Defendant moves this court to allow him to withdraw his guilty plea based on after-discovered evidence.

Respectfully submitted,



Melisa W. Gay, Esquire
 MELISA W. GAY, LLC
 Attorney for the GEORGE RILEY DREHER
 222 West Coleman Blvd., Suite 208
 Mt. Pleasant, SC 29464
 Ph: (843) 388-7907
 Fax: (843) 416-8379

Moncks Corner, South Carolina
 Dated: April 20, 2021

STATE OF SOUTH CAROLINA)

)

AFFIDAVIT OF BRANDON M. SWAIN

COUNTY OF BERKELEY)

)

Case Number: 2020A081600014

I, Brandon Swain, 22 years of age, resident of Berkeley County, South Carolina, do hereby swear that:

I was riding in the SUV driven by George (Lee) Dreher on Friday, April 10, 2020. Seconds before the accident I jerked the steering wheel while sitting in the passenger's seat.

DATED this 17 day of April, 2021.

Brandon M Swain

Brandon Swain

Address: [REDACTED], Goose Creek, SC 29445

SWORN to before me on this 17th

Day of April, 2021.

Rissa H. Henderson (SEAL)

Notary Public for South Carolina

My Commission Expires: 05/12/2021

LEAH GUERRY-DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC
2021 APR 20 PM 2:59

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JUL 12 2021

SC Court of Appeals

CRC

FILED

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

IN THE COURT OF GENERAL SESSIONS
NINTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA

**STATE'S RESPONSE AND MEMORANDUM
IN OPPOSITION TO DEFENDANT'S
MOTIONS TO WITHDRAW GUILTY PLEA**

vs.

GEORGE RILEY DREHER,

DEFENDANT.

Arrest Warrant #2020A0810200389
Arrest Warrant #2020A0810600014

Indictment #2020-GS-08-02020
Indictment #2020-GS-08-02022

TO: THE HONORABLE JUDGE, NINTH JUDICIAL CIRCUIT

I. INTRODUCTION

The Defendant in this case, George Riley "Lee" Dreher (Defendant) was arrested on April 10, 2020 and charged with Failure to Stop for Blue Lights Resulting in Great Bodily Injury and Attempted Murder. The Defendant was subsequently indicted for the above-referenced charges, as well as for a second count of Failure to Stop for Blue Lights Resulting in Great Bodily Injury. Thereafter, the State set forth a plea offer for the Defendant to his attorney. The Defendant accepted that offer and entered a plea of guilty to one count of Failure to Stop for Blue Lights Resulting in Great Bodily Injury and Assault and Battery of a High and Aggravated Nature on April 12, 2021, before the Honorable Judge Markley Dennis ("Judge Dennis"). The Defendant was sentenced at that time. Since entering his plea and being sentenced, the Defendant has filed two separate Motions to Withdraw Guilty Plea. For the many reasons set forth herein, the State asserts that the Defendant's motions are completely without merit and should be denied.

II. FACTS AND PROCEDURAL HISTORY

On April 10, 2020, at approximately 10:40 p.m., Berkeley County Sheriff's Deputies responded to Fiddle Way and Old Whitesville Road in the Moncks Corner area of Berkeley County

due to a noise complaint. Upon arrival, officers observed a white Chevrolet Tahoe vehicle operating without a head light, leaving at a high rate of speed, and almost striking a Deputy's vehicle. The Defendant George Riley Dreher, also known as "Lee", was the driver of the Tahoe vehicle.

Upon observing the multiple violations, Deputies initiated a traffic stop on the Defendant's vehicle by lights and sirens on Old Whitesville Road. The Defendant refused to stop at that time and accelerated away at a high rate of speed. The Defendant made a right turn onto 17A continuing to disregard the Deputies signals to stop and accelerating away. While on 17A, the Defendant drove recklessly at excessive speeds, disregarding traffic control devices, weaving in and out of traffic and failing to maintain a proper lane, including driving in the median. Deputies attempted to stop stick the Defendant's vehicle on 17A, but the Defendant drove through the median to avoid them.

The Defendant then made a left turn onto 176 and continued speeding excessively, driving through traffic recklessly, and weaving across the road. Thereafter, the Defendant observed Deputy Quinn Hayden ("Hayden") standing by his marked vehicle in the median of 176, where he had stationed to deploy stop sticks. At that time, the Defendant swerved from his lane of travel, into the median toward Hayden where he struck Hayden causing significant injury to his leg. The Defendant then lost control of his vehicle, crossed all oncoming lanes of traffic and wrecked out striking the curb, a power box, an electrical pole, and tree, causing significant damage to the vehicle.

The Defendant was thereafter extracted from the vehicle by Deputies and placed under arrest. The front passenger in the Defendant's vehicle, Brandon Swain ("Swain"), was entrapped and had significant injuries. Swain was extracted by responders and transported to the hospital for

treatment. Deputy Hayden was also taken to the hospital for treatment of his substantial injuries. Further Investigation also revealed that in the weeks leading up to this incident, the Defendant repeatedly made public comments and threats on Facebook regarding his disdain for the Berkeley County Sheriff's Office.

On April 11, 2020, law enforcement issued warrants and the Defendant was charged with the offenses of Failure to Stop for Blue Lights Resulting in Great Bodily Injury and Attempted Murder. The victim noted on those two charges was Hayden. On April 24, 2021, after being released from the hospital, Swain provided a formal recorded statement to law enforcement about the incident. Thereafter, a bond hearing was held for the Defendant on May 21, 2020 before Judge Dennis, and the Defendant was granted a \$125,000.00 surety bond on the charges, with specific conditions, including but not limited to, house arrest and GPS monitoring. The Defendant posted bond the following day. Thereafter, the Defendant encountered issues with his living arrangement, and an amended bond order was entered on June 19, 2020, permitting the Defendant to move to Solutions Recovery Center in Greenville, South Carolina, with all other conditions including house arrest and GPS monitoring remaining in place.

On June 28, 2020, while at Solutions Recovery Center, the Defendant cut off his GPS monitor and was thereafter arrested by the Greenville Police Department for Disorderly Conduct and Resisting Arrest. Following this incident, the Defendant was returned to Berkeley County by his Bondsman and placed in the Hill-Finklea Detention Center. A Motion for Bond Revocation was filed by the State, and the Defendant's bond was revoked on July 15, 2020. During the bond revocation hearing, based on statements from Defendant's counsel regarding the incident in Greenville, the presiding Judge also ordered the Defendant to undergo mental evaluations for both competency and criminal responsibility. Those evaluations were thereafter completed by MUSC,

and reports were issued on October 19, 2020, finding that the Defendant was competent to stand trial and would be criminally responsible for the incident if convicted.

Thereafter, the State indicted the Defendant for the original charges of Failure to Stop for Blue Lights Resulting in Great Bodily Injury and Attempted Murder, and also issued a Direct Indictment for a second count of Failure to Stop for Blue Lights Resulting in Great Bodily Injury, with the victim being Swain, the passenger in the Defendant's vehicle at the time of the incident. The State then set forth a formal plea offer for the Defendant to his attorney, Melissa Gay, via electronic mail on February 5, 2021. The plea offer was as follows:

Plea to one count of Failure to Stop for Blue Lights – Resulting in Great Bodily Injury and Assault and Battery of a High and Aggravated Nature (reduced from Attempted Murder); either without recommendation from the State, leaving each side free to request the sentence of their choosing, or alternatively the State will negotiate a straight sentence of 10 years. Following plea, the State will dismiss the remaining count of Failure to Stop for Blue Lights – Resulting in Great Bodily Injury.

Shortly thereafter, the State was notified by the Defendant's attorney that he wished to accept the offer and plea guilty. The plea was then set for the week of February 16, 2021 before Judge Dennis. On Wednesday, February 18, 2021, the matter was called for virtual plea. The majority of the plea colloquy was completed at that time, however, the matter was stepped down and not completed when the Defendant failed to allocute to the facts of the incident, specifically with regard to the charge of Assault and Battery of a High and Aggravated Nature. (A copy of the transcript of this proceeding is attached hereto as Exhibit 1).

On March 9, 2021, the Defendant's attorney contacted the Assistant Solicitor via electronic mail and requested that the matter be placed back on the docket for plea before Judge Dennis during the week of April 12, 2021. Within that email, the Defendant's attorney stated that she had spoken with the Defendant and "he would like to plead guilty and understands what will be

required of him during the guilty plea”, and specifically makes clear that the Defendant “says he’s aware that he will be required to admit to having intent to assault the officer and he is prepared to do that.” (A copy of said email is attached as Exhibit 2).

The case was recalled for a virtual plea before Judge Dennis on the afternoon of Monday, April 12, 2021. The Defendant appeared via video from the Hill-Finklea Detention Center, and his attorney and the Assistant Solicitor appeared via video as well. At that time, the Defendant freely, voluntarily, knowingly, and intelligently entered a plea of guilty to one count of Failure to Stop for Blue Lights Resulting in Great Bodily Injury and Assault and Battery of a High and Aggravated Nature.

During the plea proceeding, the Court, the Defendant, and his attorney all thoroughly addressed the Defendant’s mental health history and status, and confirmed that he was fully competent to enter the plea. Additionally, copies of the October 19, 2020 MUSC reports for the competency and criminal responsibility evaluations completed on the Defendant were entered as Court’s Exhibits, and specifically relied on by the Court. The defense did not object to these reports in any fashion and concurred with the Court’s reliance on their findings. Throughout the hearing, the Defendant clearly and repeatedly confirmed his full understanding of the process, his satisfaction with his attorney, and his desire to freely, voluntarily, knowingly, and intelligently enter the guilty plea. A full and complete colloquy was completed by the Court, and the Defendant clearly and without hesitation allocuted to the facts of the incident as read by the Assistant Solicitor, which fully established the elements of the offenses. Thereafter, the Court heard from respective counsel at length and handed down its sentence – 12 years on the charge of Assault and Battery of a High and Aggravated Nature, and 10 years, suspended to 5 years probation on the Failure to Stop for Blue Lights Resulting in Great Bodily Injury, running consecutively. (A

complete copy of the transcript of this proceeding is attached hereto as Exhibit 3). Following the completion of the guilty plea, the State dismissed the remaining count of Failure to Stop for Blue Lights Resulting in Great Bodily Injury, as part of the plea agreement.

On April 16, 2021, the Defendant's attorney filed the first of two Motions to Withdraw Guilty Plea on behalf of the Defendant. This motion baldly asserts that the Defendant "was not fully mentally sound at the time of his plea, therefore the plea process was not voluntarily entered into." Thereafter, on April 20, 2021, the Defendant's attorney filed a second Motion to Withdraw Guilty Plea. This Motion asserts that the Defendant should be permitted to withdraw his guilty plea on the basis of after-discovered evidence. This second motion specifically refers to an attached affidavit purporting to be from Swain, the victim passenger in the Defendant's vehicle at the time of the incident, which was dated April 17, 2021, five days following the Defendant's guilty plea. The Defendant then seeks to utilize this vague and questionable affidavit to assert that a third party, specifically Swain, is responsible for the injuries to Hayden giving rise to the Assault charge in this case.

The State now files this Response and respectfully asserts that the Defendant's Motions to Withdraw Guilty Plea are completely without merit and should be denied.

III. LEGAL STANDARD

In order to knowingly and voluntarily enter a guilty plea, all that is required of the Defendant is that the Defendant have a full understanding of the consequences of the plea and the charges against him. *State v. Rikard*, 371 S.C. 295, 300-301; 601 S.E.2d. 72, 75 (Ct. App. 2006). Further, the record of the proceeding must show that there was a factual basis for the guilty plea by the Defendant *Id.* at 301, 75. Stated succinctly, "All that is required before a plea can be accepted is that the defendant understand the nature and crucial elements of the charges, the

consequences of the plea, and the constitutional rights he is waiving, and that the record reflect a factual basis for the plea.” *Id.*, quoting *Rollison v. State*, 346 S.C. 506, 511, 552 S.E.2d. 290, 292 (2001). If all of the aforementioned requirements are covered, then the defendant is knowingly and voluntarily entering the plea, and the judge may accept the defendant’s guilty plea.

When a defendant seeks to withdraw his completed guilty plea, that matter is left to the sound discretion of the plea judge. *Id.* Absent a clear abuse of discretion, that decision will not be overturned by the appellate courts. *Id.* “An abuse of discretion occurs when a trial judge’s decision is unsupported by the evidence or controlled by an error of law.” *Id.*, citing *State v. Lopez*, 352 S.C. 373, 378, 574 S.E.2d. 210, 212 (Ct. App. 2002). When the judge accepting the plea determines that the guilty plea was knowingly and voluntarily entered by the defendant, that determination will typically show that the judge did not abuse his discretion. *Id.*, citing *State v. Riddle*, 278 S.C. 148, 149, 292 S.E.2d. 795, 796 (1982).

IV. ARGUMENT

A. Defendant’s Guilty Plea was Knowingly and Voluntarily Entered

Defendant’s claim that his guilty plea in this matter was not voluntarily entered because he was not fully of sound mind at the time of the plea is totally without merit and is directly refuted by the record in this case. Initially, the State notes that the Defendant’s motion makes this assertion without any supporting evidence or reference to the record of the plea proceeding. Stated simply, there is nothing at all to support this assertion by the Defendant.

On the contrary, the record of the plea proceeding in this matter makes clear that the Defendant was of sound mind and freely, voluntarily, knowingly, and intelligently entered his guilty plea on April 12, 2021. During the plea, the Defendant responded to the questions by the Court in a clear, logical, and sound manner throughout the entirety of the proceeding, and he

verbally confirmed that he fully understood everything that was occurring during the proceeding. *See* Exhibit 3. The Defendant and his attorney were questioned thoroughly by Judge Dennis with regard to his mental state and mental health history, and both repeatedly confirmed that the Defendant did not have any impairment which would prohibit him from fully understanding the proceeding and that he was freely and voluntarily entering the guilty plea. *Id.* Moreover, the Defendant was evaluated at MUSC regarding his competency and potential criminal responsibility during the pendency of the case and was confirmed by those medical professionals to be both competent to stand trial and criminally responsible, and copies of those reports were made Court's Exhibits during the plea proceeding and relied upon by the Court. *Id.* at 7-8. The Defense concurred both with the findings of these reports, and with their being made Court's exhibits to the plea. Accordingly, the record of the plea proceeding in this case makes abundantly clear that the Defendant was fully competent and of sound mind at the time he entered his guilty plea.

Further, the April 12, 2021 plea proceeding was not the first time the Defendant had heard the full plea colloquy, had been thoroughly advised of what occurs during a guilty plea and the rights he is waiving by pleading guilty, and had his mental health status reviewed by the Court. The Defendant first came before the Court for plea in this matter on February 18, 2021. *See* Exhibit 1. At that time, a majority of the plea colloquy was completed, including a thorough review of the Defendant's mental health status, which both the Defendant and his attorney confirmed to be sound and competent, as did the Court. *Id.* at 7-10. There was no issue of concern regarding his mental health status whatsoever. In fact, the only reason the plea was stepped down on that date was that the Defendant failed to allocute to the facts of the incident, specifically with regard to the charge of Assault and Battery of a High and Aggravated Nature. *Id.* at 10-15. The Defendant's refusal to allocute in the prior plea proceeding, and the discussion that followed on the record that day, only

serves to confirm that when the Defendant chose to return to Court and plea guilty on April 12, 2021, he had a full and complete understanding of the charges against him, the consequences of the plea, and the constitutional rights he was waiving by pleading guilty. *Id.*

Moreover, the Defendant's own statements made in text messages during the time of his incarceration at Hill-Finklea Detention Center leading up to plea on April 12, 2021 repeatedly make clear that he was of sound mind and fully understood the proceedings against him in the case, the plea hearings he had, and his decision to knowingly and voluntarily plead guilty. Specifically, in advance of the initial plea hearing on February 18, 2021, the Defendant sent messages to his mother, Teresa Dreher, asking her to speak with his attorney and make sure she is working with the State to resolve his charges, and also asking his mother to assist in preparing for the plea hearing by acquiring a letter from a recovery program to present in court on his behalf. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 01-22-2021 at 10:25 a.m. and 02-16-2021 at 1:11 p.m., attached as Exhibit 4.* Then, after the hearing was held on February 18, 2021, and the plea was not completed at that time, the Defendant very quickly started communicating with his mother requesting that his case be re-docketed. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 01-22-2021 at 12:29 p.m. and 6:56 p.m., attached as Exhibit 5.* Thereafter, the Defendant continued messaging his mother in regard to getting a recovery service to speak in court on his behalf. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 03-09-2021 at 3:12 p.m. and 03-10-2021 at 9:45 a.m., attached as Exhibit 6.*

Further evidence of the Defendant's sound mental state during this time period is a request on March 10, 2021, for his mother to check on the status of his tax return and stimulus check. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 03-10-2021 at 7:01*

p.m., attached as Exhibit 7. The Defendant corresponded with his mother again on March 24 and 25, 2021, regarding the re-scheduling of his plea. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 03-24-2021 at 4:12 p.m. and 03-25-2021 at 4:22 p.m.*, attached as Exhibit 8. Then on March 27, 2021, he messaged her regarding the status of his power of attorney paperwork. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 03-27-2021 at 1:14 p.m.*, attached as Exhibit 9. All of the foregoing makes clear that the Defendant was of sound mind during the entire time period leading up to his plea on April 12, 2021.

Additionally, the Defendant's statements made in text messages from the Hill-Finklea Detention Center after the plea was completed, also confirm that he was of sound mind on April 12, 2021. At 8:18 p.m. that same evening, after pleading guilty and being sentenced, the Defendant messaged his mother regarding appealing his guilty plea and post-conviction relief attorneys. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-12-2021 at 8:18 p.m.*, attached as Exhibit 10. Then on April 13, 2021, the Defendant messaged Lissa Henderson also discussing his appeal and PCR options, and the time limitations for filing an appeal. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-13-2021 at 10:35 p.m.*, attached as Exhibit 11. Numerous additional messages regarding his legal options following plea were sent by the Defendant during his remaining time at Hill-Finklea until his departure on April 20, 2021, however, they are not attached hereto due to their redundant nature. The Defendant's obvious understanding of the legal proceedings that occurred during the plea and his legal options following the plea, are certainly indicative of his competence and soundness of mind.

In light of the foregoing, the Defendant's motion asserting that "he was not fully mentally sound" at the time of plea is both frivolous and completely without merit. The record of the plea proceeding patently shows that the Defendant was competent and of sound mind at the time that

he freely, voluntarily, knowingly, and intelligently entered his guilty plea on April 12, 2021. Moreover, the prior record of the Court from February 18, 2021, and the Defendant's own statements throughout that entire time period confirm his mental competence and fitness. Accordingly, the Defendant's first Motion to Withdraw Guilty Plea should be summarily denied.

B. There is No After-Discovered Evidence in this Case Supporting Withdrawal of the Defendant's Guilty Plea

As an initial matter, the Defendant's request to withdraw his guilty plea on the basis of after-discovered evidence is not provided for in the Rules of Criminal Procedure. After-discovered evidence can be the basis of a Motion for New Trial pursuant to South Carolina Rule of Criminal Procedure 29 (b), but in the present case there was no trial and the Defendant chose to knowingly and voluntarily plea guilty, admit guilt, and waive his right to trial, rather than proceeding to trial where he could assert defenses and cross-examine witnesses. Nevertheless, in an effort to fully address this unsupported argument by the Defendant, the State will respond in accordance with Rule 29 (b).

"A motion for a new trial based on after-discovered evidence is addressed to the sound discretion of the trial judge." *State v. Harris*, 391 S.C. 539, 544-545, 706 S.E.2d. 526, 529 (Ct. App. 2011), quoting *State v. Irvin*, 270 S.C. 539, 545, 243 S.E.2d. 195, 197 (1978). "The granting of a new trial because of after-discovered evidence is not favored," and the appellate courts will affirm the trial court's denial of such a motion unless the trial court abused its discretion. *Id.* at 545, 197-98. "In order to warrant the granting of a new trial on the ground of after-discovered evidence, the movant must show the evidence (1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely

cumulative or impeaching.” *Id.*, citing *State v. Spann*, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

In this case, the Defendant asserts that he should be permitted to withdraw his guilty plea based upon a questionable affidavit purporting to be from Swain, the victim passenger in the Defendant’s vehicle at the time of the incident, which is alleged to have been executed five days after the plea on April 17, 2021. This purported affidavit from Swain asserts in pertinent part that while riding in the Defendant’s vehicle on April 10, 2020, “seconds before the accident I jerked the steering wheel while sitting in the passenger’s seat”. That is the entirety of the alleged after-discovered evidence presented by the Defendant in this case. The Defendant now seeks to use this vague and unclear statement to point blame for the incident at Swain, and asserts that it alone is grounds for him to withdraw his guilty plea. The onus is on the Defendant claiming entitlement to a new trial based on after-discovered evidence to prove all five of the requirements, and this motion by the Defendant and the alleged affidavit fall woefully short. Not only is this affidavit not after-discovered evidence, it is also highly questionable, and certainly could not qualify as sufficient to permit the Defendant to withdraw a knowing and voluntary guilty plea.

The incident that gave rise to the charges against this Defendant in this case occurred on April 10, 2020. At the time of this incident, Swain was riding in the passenger seat of the Defendant’s vehicle. Accordingly, the Defendant has been well aware of Swain’s presence at the scene and knowledge of the incident since the moment it occurred. On April 21, 2020, the Defendant sent a text message from the Hill-Finklea Detention Center to a Hope Dreher, asserting at that time, that during the incident Swain was in the passenger seat and he held a gun to the Defendant’s head and threatened to kill him if he did not get away from the police. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-21-2020 at 9:24 a.m.*, attached as

Exhibit 12. Then on April 23, 2020, the Defendant sends a message to a Vickie Taylor, shifting his story, and asserting that Swain told someone he refers to a “Bubba/pops”, that he, Swain, snatched the steering wheel from the Defendant during the incident, thus giving him a defense to the charges. *See* Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-23-2020 at 3:11 p.m., attached as Exhibit 13. **This message is definitive proof that the Defendant has known about this alleged statement of Swain, and was setting forth this defense theory that he now claims is after-discovered evidence, since April 23, 2020 at the absolute latest, almost a full calendar year prior to the plea.**

Thereafter, on April 24, 2020, law enforcement officers met with Swain at his home and took a formal recorded statement from him regarding the events of April 10, 2020 involving the Defendant. (a copy of this audio recorded statement was provided to the Defense in accordance with Rule 5 and can be provided to the Court at the Court’s request). Swain advised in that statement, in pertinent part to the Defendant’s claims and the subject of this motion, that he most certainly never had possession of a firearm during the incident, and specifically that during the time period shortly prior to the wreck he blacked out and does not specifically recall what happened immediately before, or during, the time that Hayden was struck and the wreck occurred. Swain did state that he smacked the steering wheel once earlier in the chase on Highway 17A to prevent the Defendant from hitting and killing a family in a vehicle, and that the Defendant stated that he wasn’t stopping the vehicle no matter what and would run through a road block if he had to. However, he never states anything at all that could be construed as saying he touched the steering wheel immediately prior to the wreck in this case. Further, Swain was specifically asked about the Defendant’s text message of April 23, 2020, asserting that Swain told someone that he snatched

the steering wheel from the Defendant immediately prior to the wreck, and Swain immediately denied this assertion by the Defendant.

On September 16, 2020, the Defendant received a text message from his mother, Teresa Dreher, stating that they were attempting to have an investigator speak with Swain. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 09-16-2020 at 4:11 p.m.*, attached as Exhibit 14. On October 5, 2020, the Defendant messages his mother again about pursuing Swain; and on October 8, 2020, the Defendant's mother tells the Defendant that he needs to be talking to people about having them tell investigators that Swain said he jerked the steering wheel. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 10-05-2020 at 2:05 p.m.*, and *10-08-2020 at 8:48 a.m.*, attached as Exhibit 15. On November 11, 2020, the Defendant messages his mother again asserting that Swain snatched the steering wheel. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 11-11-2020 at 6:37 p.m.*, attached as Exhibit 16. Several months later, On February 24, 2021, the Defendant's mother messages him stating specifically that she had gone and spoken with Swain about convincing him to help the Defendant. *See Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 02-24-2021 at 9:25 p.m.*, attached as Exhibit 17.

With full knowledge of all of the foregoing, the Defendant chose to go before the Court on April 12, 2021, and knowingly and voluntarily plea guilty to the charges, and waive his right to trial where he could assert defenses and cross-examine witnesses, including Swain. The Defendant was aware of Swain's presence in the vehicle and that he was a witness to the incident from day one. Further, less than 2 weeks after the incident, on April 23, 2020, the Defendant himself asserted that Swain admitted to a person the Defendant knows – "Bubba/pops" – that he snatched the steering wheel from the Defendant during the incident. This is the exact assertion contained in the

alleged after-discovered affidavit attached to the Defendant's motion. Regardless of its veracity, this alleged statement of Swain the Defendant now seeks to offer as after-discovered evidence has been known to the Defendant since April 23, 2020, almost a year prior to the plea. Throughout the entirety of the case, the Defendant and others are aware of this and discuss this repeatedly. Nevertheless, the Defendant chose to knowingly and voluntarily plea guilty to the charges on April 12, 2021. Accordingly, there is absolutely no after-discovered evidence in this case, and the Defendant's motion should be denied.

The State fully maintains, based on the arguments set forth above, that this alleged affidavit cannot in any way be considered after-discovered evidence. Further, this case was a guilty plea so there was not a trial in this case where testimony from witnesses was offered that can be subsequently recanted. Nevertheless, even if for arguments sake it were somehow viewed as an after-discovered recantation of Swain's prior statement to law enforcement, it still would not in any way justify permitting the Defendant to withdraw his guilty plea. "The credibility of newly-discovered evidence is for the trial court to determine." *Harris* at 545, 529, citing *State v. Porter*, 269 S.C. 618, 621, 239 S.E.2d 641, 643 (1977). "'Recantation of testimony ordinarily is unreliable and should be subjected to the closest scrutiny when offered as ground for a new trial.'" *Id.* citing *State v. Porter*, 269 S.C. at 621, 239 S.E.2d at 643 (quoting *State v. Mayfield*, 235 S.C. 11, 34-35, 109 S.E.2d 716, 729 (1959)). In this case, any modicum of scrutiny placed upon this alleged affidavit of Swain submitted by this Defendant demands that it be ignored in its entirety and the Defendant's motion be dismissed.

The alleged affidavit of Swain is highly questionable as to its contents and procurement. On April 14, 2021, two days after the guilty plea and sentencing, the Defendant messaged his mother about getting a new attorney, withdrawing his guilty plea, and trying to get an affidavit

from Swain admitting that he grabbed the wheel. *See* Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-14-2021 at 2:33 p.m., attached as Exhibit 18. Thereafter, between April 12, 2021 and April 17, 2021, the Defendant and Lissa Henderson (“Henderson”), the notary who signed the alleged affidavit of Swain submitted by the Defendant, exchanged some 32 text messages back and forth. Specifically, there are multiple statements by the Defendant and Henderson made between April 15-17, 2021, regarding repeated attempts to track Swain down to get an affidavit, his refusal and statement that he wants to consult an attorney, and the plan to convince him to sign. *See* Hill-Finklea Smart Jail Mail Messages for Defendant George Dreher from 04-15-2021 at 9:40 a.m. through 4-17-2021 at 5:19 p.m., attached as collective Exhibit 19. Notably, on April 17, 2021, the Defendant messages Henderson in reference to this effort and states that “you got to explain to him that he will not get into any trouble because they will not charge him with anything”. *See Id.* at message of 4-17-2021 at 9:39 a.m. Then later that day Henderson messaged the Defendant and stated as follows: “Brandon [Swain] met me at the hotel. He signed his initials on the paper. He doesn’t trust anyone. He is scared to get in trouble. I explained that he wouldn’t get in trouble.” *See Id.* at message of 4-17-2021 at 5:12 p.m. On April 20, 2021, the Defendant submitted his second motion to withdraw guilty plea attaching the alleged affidavit from Swain.

Assuming, *arguendo*, that Swain did initial this alleged affidavit, based on the above referenced messages between the Defendant and Henderson there is obvious concern regarding the means employed on Swain to acquire the affidavit, and the fact that the notary signing the affidavit was so deeply involved in the plotting of this process with the Defendant. Equally as questionable, however, is the document itself. The message sent by Henderson to the Defendant on April 17, 2021, at 5:12 p.m. specifically states that “he signed his initials on the paper”. *See Id.*

The document submitted to the Court, however, shows on the signature line both the initials “BMS” and then also written out beside it is “Swain”, which appears to be in different handwriting. Accordingly, the procurement and contents of this alleged affidavit are also questionable.

Further, the statement in the affidavit itself that is attributed to Swain is vague and unclear. The Defendant asserts that this somehow shows that Swain was responsible for the injuries to Hayden that were the basis of the Assault and Battery of a High and Aggravated Nature charge the Defendant pled to. A simple reading of the statement, however, makes clear that this absolutely is not the case. The statement is ambiguous at best and does not prove or disprove any material allegation. In light of all of the foregoing, this alleged affidavit simply could not satisfy a minimum level of scrutiny, let alone be sufficient to allow the Defendant to withdraw a knowing and voluntary guilty plea. Therefore, the Defendant’s motion should be denied.

V. CONCLUSION

The Defendant’s Motions to Withdraw Guilty Plea are completely without merit and should be denied. With regard to the first motion, there is not a single shred of evidence that the Defendant was not of sound mind at the time he entered his guilty plea in this case. On the contrary, there is an abundance of evidence that the Defendant was competent and of sound mind before, on, and after April 12, 2021, and the guilty plea was entered freely, voluntarily, knowingly, and intelligently. The Defendant clearly understood the charges against him, the consequences of the plea, the constitutional rights he was waiving, and the record reflects a factual basis for the plea.

As to the Defendant’s second motion, there is absolutely no after-discovered evidence in this case, and certainly none that could be considered grounds for permitting the Defendant to withdraw his knowing and voluntary guilty plea. The Defendant was well aware that Swain was the passenger in his car at the time he committed the offenses on April 10, 2020. Further, the

Defendant started discussing the alleged statement of Swain that he now seeks to set forth as after discovered evidence on April 23, 2020, 13 days after the incident. Almost a full year later, with full knowledge of this, the Defendant chose to knowingly and voluntarily plead guilty on April 12, 2021, and waive his rights to trial where he could assert defenses and cross-examine witnesses. Accordingly, this alleged affidavit from Swain put forth by the Defendant certainly does not qualify as after-discovered evidence. Moreover, even if the alleged affidavit was considered an after-discovered recantation of Swain's prior statement to law enforcement, it certainly does not satisfy the level of scrutiny required for granting the withdrawal of a knowing and voluntary guilty plea. Stated simply, the motions of the Defendant are completely without merit, and are nothing more than the Defendant making every attempt to withdraw his valid guilty plea because he is unhappy with the sentence handed down by the Court. For all of the many reasons set forth herein, this Honorable Court should deny the Defendant's Motions to Withdraw Guilty Plea.

Respectfully submitted,



Wilton H. McNeely
Senior Assistant Solicitor
Ninth Circuit Solicitor's Office

Wilton McNeely

From: Melisa Gay <mgaylaw@yahoo.com>
Sent: Tuesday, March 09, 2021 8:24 AM
To: Wilton McNeely
Subject: george dreher

CAUTION: This email originated outside of Charleston County. Do not click links or open attachments from unknown senders or suspicious emails. If you are not sure, please contact IT helpdesk.

Mr. Drew called me this morning and says that he would like to plead guilty and understands what will be required of him during the guilty plea to get through the process he would like to go in front of judge dennis the week of April 12 can we please add him to that docket he says that he's aware that he will be required to admit to having intent to assault the officer and he is prepared to do that can we please in this case

Sent from my iPhone



RE: Son

Reference #: 78,802,622
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 01/22/2021 10:25 AM
Status: Recipient Read

Good morning momma, there is some kinda problem with securis the phone company so I'm not able to add money on to my phoneaccount, I tried to contact you on home wave andnicole was posed to text you and tell u to get on home wave! I alsleft you a msg on home wave! And as for the letter I'm in the process momma, I'm jottindown on paper the incidents that transpired kinda like a roughdraft before I text it to you! But thank youfothmoney, its greatly appreciated! Please try to keepincontact with lisa, checkintsee if she is talking with solicitors to try and resolve this problem asap! Maybe see if taylor could put a few bucks on the homewave due to the problem with securis please and thanjk you! Thanks for being the worlds greatest mom as well love you most! Xoxoxo

RE: Son

Reference #: 78,804,069
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 01/22/2021 10:46 AM
Status: Recipient Read

Hey baby I put money on your messenger yesterday so we can text and I will put some more money on Home Wave today so we can see each other. Do you have money on your phone? I talked to Lesa yesterday and she's going to get in touch with me when she talks with the solicitor. You really need to plead no contest if they work out a decent deal. Lee if you go before a judge and jury you could get 10-155 years. **Minor** would be 18 or 23 before you got out. I couldn't handle that and bless her heart neither could she. I love you most!!! XOXOXOXO

RE: Son

Reference #: 78,805,872
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)

Good morning! I hope you are having a good morning. I was laying here readying my bible I want you to get yours and read Psalms 51 read that entire scripture all the way to 52. It touched my heart and I wanted you to read it to. Momma misses you and loves you most baby! Have a good day & call me later. XOXOXOXO

Hey

Reference #: 81,052,937
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/16/2021 1:11 PM
Status: Recipient Read

Please call Chris at solutions recovery in Greenville and ask him to fax my lawyer an acceptance letter into the program so she can present it to the Judge on Thursday so he knows I'm serious about my future. Please and thank you

RE: Bible

Reference #: 81,246,458
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/18/2021 4:38 PM
Status: Recipient Read

Tell me exactly what was said about what address I'm to use for probation! Like who said that to you?

RE: Bible

Reference #: 81,256,500
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/18/2021 6:34 PM
Status: Recipient Read

I love you most! XOXOXOXO

RE: Hey

Reference #: 81,580,978
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/22/2021 12:29 PM
Status: Recipient Read

Love you! Where do you hear I would go back to court in April? Melissa is saying she does not know what will happen yet! Love you

RE: Hey

Reference #: 81,594,837
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 02/22/2021 2:52 PM
Status: Recipient Read

Hey! Sorry I missed your call. I've been at Jennys since Saturday because my care broke down. It's in the shop now and she let me borrow her car to come home. When Melissa text me after court the other day she said Judge Dennis is not back on the docket until April. I ask could you go back in front of Dennis and she said she had to find out. I miss you and love you most! XOXOXOXO

RE: Hey

Reference #: 81,617,848
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/22/2021 6:56 PM
Status: Recipient Read

Ask if brooks can come backup here and show me the videos on a computer that actually works, not one that they pieced andparted together Thai only can watch 5seconds of video on the it freezes up! And please ask Lisa what's up wts going on/when I'm going back to court! Have you spoke with the people from off death row? I'm sure that's my

best bet! Love you

RE: Hey

Reference #: 81,632,919

From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 02/22/2021 9:13 PM
Status: Recipient Read

Hey respond to her message saying: Melissa please continue to try and work with the solicitor to get back in court. It was not in tension for court to go the way it did last week. Can you please come and see me so we can talk face to face or can Brooks come and see me again? Thank you Lee

RE: Hey

Reference #: 81,775,843

From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/24/2021 3:02 PM
Status: Recipient Read

I don't care to talk to anyone until i get some kind of news on my case! I am absolutely fucking miserable and it seems like everybody is just fine with me where I am! I always get letdown or upsetting news on the phone so I don't plan on talking to anyone for a while! Love you

RE: Hey

Reference #: 81,776,195

From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/24/2021 3:06 PM
Status: Recipient Read

It would be nice to have a magazine about the new dirtbikes and one about Allison crafts to help pass my time here! I have money out there so just use that to pay for the magazines! Please and tnk you! Love you

Hey sis send me a pic with you the baby and clutch in it please. Bubba loves you!
Xoxoxo! Also ask your momma to look up the bar association address so I can write
them about my lawyer, please and thank you love you to the moon and back

RE: Meds

Reference #: 82,927,814
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/09/2021 10:28 AM
Status: Recipient Read

Mom I want you to get me an acceptance letter to greenville solutions recovery
program! I'm not going to some mental program where you haft to take meds! That's all
I'm willing to take, im past tired of people telling me what to do, if greenville
wont get me an acceptance letter than ill just pray for probation! This is my life
anim choosing to life it the way I want to! Love you

Progrsm

Reference #: 82,952,959
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/09/2021 3:12 PM
Status: Recipient Read

This is the number to the program that i want to go to 854-222-5450 this place is in
Charleston its called "off death row" they will come to court and speak on
my behalf! Forget Greenville. They charge a \$250 intake fee I believe ! Please call
them and talk to them! Have a good day! Love you xoxo

RE: Progrsm

Reference #: 82,987,367
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/09/2021 8:48 PM
Status: Recipient Read

Hey! I already have your acceptance letter for Greenville. I had already talked to them today before you emailed me. I will call the other place tomorrow and see what they have to say. Greenville is better than the alternative it's 9-12 months. Call me tomorrow. I have a Dr apt from 10-11 and I have to be at the Apple store at 12:15. I love you most! Momma XOXOXOXO

RE: Progrsm

Reference #: 83,016,244

From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/10/2021 9:45 AM
Status: Recipient Read

Good morning! So I called the Off Death Row and did some checking. The Oxford house does not have a good success rate and judges are less likely to accept them as an option. I have contacted "The Turning Point of Greenville" which has a good success rate and they are highly recommend. You have to call and talk to them as soon as possible. The number is 864-201-5478 and the mans name is Rob Morgan. Call them and then give me a call. I love you! Momma XOXOXOXO

RE: Progrsm

Reference #: 83,017,260

From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/10/2021 10:00 AM
Status: Recipient Read

Hey I just called and spoke with Rob Morgan he said you have to be Persistent in calling because he is on the phone a lot. He said the have openings for the right person so it's something you have to really want to do. Natalie has looked into it and it's a better facility than Solutions Recovery and may be a better fit we just have to get an acceptance letter as soon as possible and pray the judge will accept it. I will get Melissa's fax number and send it back to you.

Fax

Reference #: 83,020,401

From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/10/2021 10:43 AM
Status: Pending C.O.D.

Melissa's fax number for an acceptance letter is. 843-416-8379. Natalie did some checking and this place seems to be better with better success rates than Solutions Recovery. They have rules and restrictions but it's better than 0-10

Please help me out with this

Reference #: 83,065,965
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/10/2021 7:01 PM
Status: Recipient Read

Can you please try to figure out what's up with my 2019 taxes and my first stimulus check? Reply to this msg so I know you got it, and you haft to send me somcredits so that i can read the message! Love you xoxoxo

Hey

Reference #: 83,399,688
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/14/2021 10:21 AM
Status: Recipient Read

Good morning! I just wanted to tell you I miss you and I love you most! I missed hearing your voice yesterday ??. XOXOXOXO

You

Reference #: 83,458,288
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/14/2021 8:26 PM
Status: Recipient Read

I just talked to them they are taking care of it this morning. I love ya.

Court

Reference #: 84,432,190
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/24/2021 4:12 PM
Status: Recipient Read

Have you found out the exact day I will be going to court? They finally released pops! Love you

RE: Court

Reference #: 84,444,205
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/24/2021 6:16 PM
Status: Recipient Read

Son I'm sorry I forgot to call today I've had a bad day I promise I will call in the morning I will set an alarm. Did your Dad get out? Love ya

RE: Court

Reference #: 84,532,500
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/25/2021 4:22 PM
Status: Recipient Read

Keep calling no answer! Yes dad got out of jail if you read my last message I told you he went home! What day do I go to court????!!!!!! Love you please find out what day i go to court and reply to me

RE: Court

Reference #: 84,541,221
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/25/2021 5:48 PM
Status: Recipient Read

Son I'm sorry I'm going tomorrow to see about changing phone service. I have been dealing with Verizon 4-5 times a week since November. They sent me a 5th new phone today. I'm done with them! I love you! XOXOXOXO

Hey

Reference #: 84,660,014
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/26/2021 8:39 PM
Status: Recipient Read

Hey babe I haven't heard from you and you know I get concerned so please just let me know your ok. I love you most! XOXOXOXO

RE: Hey

Reference #: 84,710,980
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 03/27/2021 1:14 PM
Status: Recipient Read

Hey can you tell me how much money I have left? And can you also leave it somewhere before you leave to go wherever with jenny, also leave my power of attorney paperwork with the money! Thanks love you

RE: Hey

Reference #: 84,714,045
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 03/27/2021 1:39 PM

Sent: 04/09/2021 10:31 AM
Status: Recipient Read

Hey I have **Minor** call so you can talk to her and it's Monday at 1:00. Love you most
Momma XOXOXOXO

hey

Reference #: 86,391,318
From: Hope Dreher (Public: Hdreher02)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/12/2021 6:46 PM
Status: Recipient Read

Hey bubba call me i'm with dad he wants to talk to you

RE: Daddy

Reference #: 86,403,520
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/12/2021 8:18 PM
Status: Recipient Read

Look up sc legislation section 17-27-10... Pcr defense lawyers=Thompson Defense Firm
843-444-6122. David Tar r 803-238-7967. Nathan shield 803-504-3411. Gross Law Firm
864-538-4466. North Charleston office 1495 Remount road suite b 843-417-0201, that's
something to do with pcr. I need you call these people tomorrow first thing in the am
a find out exactly what needs to be done first appeal or a pcr. My mental health
nurse Abbi Long 843-719-4551 she can better explain these things to you! This tablete
is about to die please look uthis stuff tonight when I get another tablete in about a
hour I'll send you some more information! Love you xoxoxo

Lawyer

Reference #: 86,420,911
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/12/2021 10:18 PM
Status: Recipient Read

Sent: 04/12/2021 10:33 PM
Status: Recipient Read

I'm sorry baby. I'm visiting your mom after work tomorrow. We'll work on something for you. I love you

Lawyer

Reference #: 86,450,496
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/13/2021 11:35 AM
Status: Recipient Read

Daniel A Selwa attorney at law for a pcr 843-492-5449! They are saying that I need to appeal it first and I only have 10 days to do so(appeal my guilty plea) then do a pcr, mom is supposed together a packet emailed to he from my mental health nurse here. Love you

RE: ?

Reference #: 86,451,008
From: Nicole Herzberger (Public: Nicole41481)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/13/2021 11:40 AM
Status: Recipient Read

Hey! I'm in hospital orientation that's why can't answer my phone. Sorry. Lee I can't believe they gave you 12 years. Like wtf! So fucked up...a petty thing what happened that day. I'm so sad about this and heartbroken. Are you going to try to get appeal? Or what is your plan? I'm not going anywhere and definitely not looking to date anyone I can barely juggle a job and parenting. I will definitely visit you! Are you ok?

Hardship

Reference #: 86,451,047
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/13/2021 11:40 AM

To: Dana Alford (Public: Danajayne)
 Sent: 04/21/2020 7:17 AM
 Status: Recipient Read

Thank you for gettin my sisters #! So how does this thing work,? Does it cost money everytimei send you a message, does it cost money every time u send mea message, if so how much,? Jw cause we can bring them in out rooms with us when they lock us down, soi was one of the first onesout today so I was able to get a tablet assigned to me, so I don't wanna get all crazy n be sending an ass of msgs if it cost money every time! I do kno one thing tho, having a brokeup rib cage in county jail ain't no fun at all, can't get comfortable and it hurtsto breathe! Well I'm fixing to lay back down till we come back out around 1:30, y'all be safe out there and stay away from them corona's if you gunnadrink drink dos-equies or something :)

Monday

Reference #: 58,891,862
 From: GEORGE DREHER (Inmate: 4057)
 To: Teresa Dreher (Public: TLD)
 Sent: 04/21/2020 7:20 AM
 Status: Recipient Read

Good morning momma, I got a tablet this morning! Well they assigned it to me for the day. So if you have any questions you can message me on here! I will b able to come out for deck around 1:30 so I'll call u then! Love you and hop u have good day

Monday

Reference #: 58,895,192
 From: GEORGE DREHER (Inmate: 4057)
 To: Hope Dreher (Public: Hdreher02)
 Sent: 04/21/2020 9:24 AM
 Status: Recipient Read

Hey sis, how you and babygirl doing? Tell ms Ruth I said hello! So if you haven't herd by now they are trying to charge me with attempted murder on a police officer! Which is deffinatly not true, the police was about to pull me over after I left your house, but the boy Brandon swainey in the passenger seat put a gun to my head and told me if I didn't get away from the police he was gunna blow my brains out, so I hauled ass. The chase started on old whiteville road in Monck's corner and I'm guessingnby now u seen where it ended since it was on live PD! Brandon was hurt

pretty bad in the wreck, broke his back, broke his hip and something else! The police never even asked me what happened that's the only reason I'm in jail, is be cause they didn't do proper investigation! Cause if they did proper investigation he would be in jail and not me! I want you and Ms Ruth to stay in contact with Vikki [REDACTED], her and cupcake are supposed to be working on me a lawyer, I have a court date may22nd at 2:30! I am about to lay back down but I will call you when I come out for deck around 1:30! Bubba loves y'all! Xoxoxo

Monday

Reference #: 58,896,263

From: GEORGE DREHER (Inmate: 4057)
To: William Murray (Public: Murray0815)
Sent: 04/21/2020 9:49 AM
Status: Pending C.O.D.

Yo, see if you can get tiffany number for me please bro! IMA call you when they let me out on deck around 1:30

Monday

Reference #: 58,902,089

From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/21/2020 11:48 AM
Status: Recipient Read

Momma you must not have done something right cause i haven't got a notification that you have sent me them pictures! Call you when I come out around 1:30

RE: Monday

Reference #: 58,903,314

From: Hope Dreher (Public: Hdreher02)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/21/2020 12:10 PM
Status: Recipient Read

Reference #: 59,028,629
From: Vickie Taylor (Public: Vickiebubb)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/23/2020 1:01 PM
Status: Recipient Read

I'm up and rolling just so you know love you

RE: What's up

Reference #: 59,037,794
From: GEORGE DREHER (Inmate: 4057)
To: Vickie Taylor (Public: Vickiebubb)
Sent: 04/23/2020 3:11 PM
Status: Recipient Read

Thank you! I just talked to Bubba/pops, he said this Brandon told him last thing he remembers was snatching the steering wheel out of my hand, then waking up in the hospital! So with that being said that proves that I did not intentionally swerve towards the police officer, Brandon did that when he snatched the wheel!!!! So yeah, I already let Teresa know, thank you again Vikki I owe you big time!!! IMA call you here in a few! Love y'all give cupcake a big hug n kiss n tell her I said thank you for everything!!!!

Hey

Reference #: 59,043,997
From: Nicole Herzberger (Public: Nicole41481)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/23/2020 4:44 PM
Status: Recipient Read

Hey...well I guess with all that's gone down it's time to kick the habit??Still pissed off tho! Hope your day is going ok. Leaving work shortly. Miss u

RE: Hey

Reference #: 59,044,362
From: GEORGE DREHER (Inmate: 4057)

This copy was exported from SmartJailMail on 5/17/2021 at 10:30 AM US/Eastern by Sergeant. D. Jones



Status: Recipient Read

Hey momma the phones are down and probably will be for a while, so when u get this please reply and let mknow what you herd back please and thank you, and I need you to do a favor for friend Mr Morton, IMA pass him the tablets so he can text it, love you and have a good day. Her name is heather and just ask her how shes doing and ask her to please answer the homewav cause she has me worried her new number is [REDACTED] and igf she don't answer then please text her please i really scared something is not right .thank you and god bless you. Danny

RE: Hey

Reference #: 68,831,874

From: GEORGE DREHER (Inmate: 4057)
To: Nicole Herzberger (Public: Nicole41481)
Sent: 09/16/2020 9:54 AM
Status: Recipient Read

No haterade drinking going on this way babe, you the only person I got to talk to back here so yeah I was feeling some type of way! I need you to please do me a Hughes favor my mom was posed to call and figure some stuff out for meso could you please call her for me and ask heto reply to me on thtablete asap because the phones are down in here and its got me stressing something serious! So anyways, hows that pussy of ours doing?

RE: Your Dad

Reference #: 68,858,884
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 09/16/2020 4:11 PM
Status: Recipient Read

Hey my sweet boy! I am still waiting to hear from the investigator. He reached out to the one they sent to talk to Brandon but he hasn't got back with him. Your Fad has the Cadillac at Matt's house now. I bought a toolbox/workbench for the garage to put your tools in so I'm going to start getting them from Vikki's. I came to get my toes done because my big toes are killing me. So I keep asking you how do you feel about me getting a roommate? With me being unemployed I really need the money. I want to make the old sim your room would that be ok? I tried to make the call for your friend but I didn't get an answer. I look forward to hearing from you! I'll e you and miss you! Momma XOXOXOXO

Hey

Reference #: 70,308,980
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 10/05/2020 2:05 PM
Status: Recipient Read

Hey momma can you please call TRIDENT HOSPITAL MAIN CAMPUS and ask them if they have a patient by the name of MELISSA GIACONA. Im asking you to do this for a friend because he received a call last night saying his wife was in a really bad car accident and was in the hospital. He does not have any money to be able to make calls or get in touch with anyone to figure out what is going on so please do this for me ASAP and write me back on here and let me know what you find out. So I found out that they aren't gonna let me out until these people pick up there feet and do something about brandons situation in this matter! So hopefully u can get everything done today the pin code is either [REDACTED]

You

Reference #: 70,344,679
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 10/05/2020 8:57 PM
Status: Recipient Read

Hey baby so you didn't have a card in your wallet. I took money off of my charge card to put on your account. Your Dad will have to step up and take care of next week because I know I won't have it. Call me when you can. I love you have a good night and I love you most!!!XOXOXOXO

Lee

Reference #: 70,513,864
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 10/08/2020 8:48 AM
Status: Recipient Read

Hey! I hope your doing ok. You know how much it upsets me when you hang up on me! I went and talked to Alan Taporek this week and he hopes you are doing any counseling or therapy that is offered at the jail. I also had lunch with Brian Adam's Brian is running for the state house senate he suggested the same thing. You need to be involved in anything positive you can do while in county. I have one more appointment I am going to try and make next week and see what advice I get from it. I'm leaving next Thursday going to Washington with Natalie and I will be back the following Monday. You need to be talking to your Dad and Matt about telling the investigators what Brandon told them that he remembered jerking the wheel! I'm going outside to stain the new fence I miss you and I love you most! Momma

RE: Lee

Reference #: 70,569,216

From: GEORGE DREHER (Inmate: 4057)

To: Teresa Dreher (Public: TLD)

Sent: 10/08/2020 9:24 PM

Status: Recipient Read

Why are yall going to washington? What is the status on my taxes and my stimulus? Please reply soon I'm bout to fire Lisa and take my chances I'm tired of her playing with my life likim a pawn in a chess game she doesn't care to win, tired others people just tired. Love ya

RE: Lee

Reference #: 70,571,584

From: Teresa Dreher (Public: TLD)

To: GEORGE DREHER (Inmate: 4057)

Sent: 10/08/2020 9:48 PM

Status: Recipient Read

Going with Natalie to see her Mom in Washington. Don't do anything with Melissa until you get this testing done this week coming. One check went to the hospital in Columbia and the stimulus check has to be tracked before they will cut a new one. Love you. Hope you picked up on my earlier message. Love you

RE: Lee

Reference #: 72,772,015
From: GEORGE DREHER (Inmate: 4057)
To: Gage Gundros (Public: ggundros1990)
Sent: 11/07/2020 11:10 AM
Status: Pending C.O.D.

Yeah you can buy the caddy, send me your number and I'll call and tell you where to go and give you my pops number a stuff. Write me back on here asap with your number, don't be fucking with that food bro! Tell your gal to hook me up with a friend so I got someone new to talk to, tell the friend I ain't no buster macaroni either, I got money and get money, I'm 5'7" 150 blue eyes salt and pepper hair and hung like a horse! Know you don't wanna hear all that but her friend is who its intended for!

Rule 5

Reference #: 73,096,973
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 11/11/2020 4:26 PM
Status: Recipient Read

Hey so I e messaged AJ but have not got a response. I will go by Williams tomorrow. Lee son I need you to understand this is your word against Brandon's and as far as the solicitor and the police are concerned you were driving and an officer was severely hurt. You would get further I believe if you accept some responsibility for what has happened. It is a damn shame that your Dad is living with Matt after listening to the interview. Also your friends that you were at the party said you pulled in did a 3 point turn and left that you didn't get out of the car. But Brandon talks about you being at the party and him moving your car so someone else could get out. I also talked to your lawyer about the car wreck and he said they talked to you yesterday and gave you an update. They hope to be in mediation in the next couple of weeks and hope to settle the case the. If not the case will go to court. I have to go take them the copy of my power of attorney tomorrow. I have a note to find out if this is state or federal charges what else do you want me to check on with the lawyer tomorrow? Love you most Momma

RE: Rule 5

Reference #: 73,106,333
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)

Sent: 11/11/2020 6:37 PM
Status: Recipient Read

Mom I haven't spoken with anastapoulo in weeks/ probably a monthly ago they said we were in mediation and I have a msg/messages to prove they are telling you whatever just to quiet you down or geyou away! I have accepted what I done wrong since day one momma, first off thespolice ain't shit and will not ever amount to shit, they way the do in Berkeley county is absolutely absurd, if they think I'm gunna tell them i did something that I did not do, they have lost there fuckinminds! Aint nobody gunna change my point of view, brandon did snactch the wheel causing all this so with that being said all i can say is i cant wait for my day in court to cuss all these son of a bitches out! I will not fold for no man or womanjudge solicitor none of them can scare me! People continue to let berkelecounty ruin their lives, well I'm not gunna just let them take mine away and be quite while they do it, ima fight till the put my ass in an incinerator of a coffin! Sorry you haft to read this momma but i was raised whats right is right and what's wrong is wrong, and to stand on my own two feet like a man, to lead not follow, so that's what idling! They only indicted me at astate level not a federal levelanthe! Love you xoxoxo call billy tell him i need some money please anybody

RE: Rule 5

Reference #: 73,117,736
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 11/11/2020 8:47 PM
Status: Recipient Read

Billy who

RE: Rule 5

Reference #: 73,149,571
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 11/12/2020 12:13 PM
Status: Recipient Read

RE: Hey

Reference #: 81,814,583
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 02/24/2021 9:25 PM
Status: Recipient Read

Lee I have ALWAYS done the best I can do for you! Come to think of it I have done everything that has been done! So some appreciation would be nice instead of just cutting me off! But anyway I did go talk to Matt and Brandon and explained the situation. Brandon was a little zoned out but listened Matt said he would talk to him tomorrow and make him understand he needs to help you. I told him I would come back tomorrow. Love you later! XOXOXOXO And I've never been ok with you being where you are.....

RE: Hey

Reference #: 82,049,559
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/27/2021 4:01 PM
Status: Recipient Read

You can go to a bar and hang out for hours drinking and conversating with friends, but you can't go sit in ur car at someone house for a few hours trying to free your son ROM jail, or possibly doing years in prison!

Magazines

Reference #: 82,049,835
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 02/27/2021 4:04 PM
Status: Recipient Read

What time can i caly you, or what time do u get off work?

RE: Good morning

Reference #: 86,574,195
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/14/2021 2:33 PM
Status: Recipient Read

Call this lawyer office Adams and bishoff ask to speak with alley 843-277-0090, talk with them about withdrawing my guilty plea, tell her about Brandon grabbing the wheel andd tell hey you can get him to sign that affidavit stating that he did see if i should go through with withdrawing this guilty plea or not! Love you

RE: Lawyer

Reference #: 86,574,256
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/14/2021 2:33 PM
Status: Recipient Read

Call between 4:30 and 5 or anytime after 5:30.

RE: ?

Reference #: 86,577,188
From: GEORGE DREHER (Inmate: 4057)
To: Nicole Herzberger (Public: Nicole41481)
Sent: 04/14/2021 2:59 PM
Status: Recipient Read

Ive tried calling you and cant get through, I left you a msg on the homewave. Im fucked man , this shit sucks!!!

RE: Lawyer

Hey....yes it's sucks. Gotta feel like an impending doom that won't end soon. I feel for you babe but you'll get threw it. Once I get my work schedule we should plan a time everyday that we can talk. I left you a message in HomeWAV. Tomorrow which is Thursday I get the hair follicle drug screen...then meet with the labor and licensing investigator to go over things. Kinda got me nervous...as if it could get worse. I sure hope nothing else gets added against me cuz this is a pain in my ass. It's gonna be dirty as fuck my drug screen. But fuck it I'm being straight up honest with them. That's all I can do.

RE: Lawyer

Reference #: 86,649,200

From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/15/2021 9:40 AM
Status: Recipient Read

Her reply: 85% it is a serious violent offense I'm going to work on Brandon and the affidavit. I love you

RE: Lawyer

Reference #: 86,652,293

From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/15/2021 10:18 AM
Status: Recipient Read

I believe he is back at Williams house [REDACTED], Williams number is [REDACTED]. Love you

RE: Lawyer

Reference #: 86,657,900

From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/15/2021 11:27 AM
Status: Recipient Read

I spoke with William last night. He said he ran Brandon off but he will be back because he has things there. I asked William to please try to get it signed. I'm printing a new copy today to take over there after work. Let's keep working on every angle. I love you

Yo

Reference #: 86,668,577
From: GEORGE DREHER (Inmate: 4057)
To: Aj Pellum (Public: Redbankjulio)
Sent: 04/15/2021 1:11 PM
Status: Recipient Read

Yo i was just reminding you to put \$5 on here if you can, make sure it come to me my mom had tried putting money on her a lil while back but it stayed on her side so i couldn't use it to watch movies, only she could use it to send msgs! I know my momma out a town right now but please keep an eye on here when she gets back, go by and check on her every now and then please bro. Love you bro

Hey

Reference #: 86,712,636
From: Nicole Herzberger (Public: Nicole41481)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/15/2021 8:06 PM
Status: Recipient Read

I hate this for you and me that we didn't get a chance really to explore our relationship. Today I met with the Labor and License Officer. This is so serious that they mentioned contacting DSS...I just can't risk that and it may already be too late. I dont know yet. Praying not. The detectives contacted my old job and showed my boss the video of me smoking meth on HomeWAV...that's why I was terminated. Has hair follicle today and I'm stopping meth as of recently. Going to do outpatient therapy. I'm required to be abstinent from all substances or I'm screwing myself of nursing and potentially loosing [REDACTED]. I dont know what to say or do. I know they are watching to see if I talk with you and could call DSS on me. I'm sorry Lee. Wish I could give you a hug because I know we both need one right now. Miss you

RE: Lawyer

Reference #: 86,758,178
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 11:26 AM
Status: Recipient Read

Hey they are moving me right now I'll call you when I can

Nevermind

Reference #: 86,759,005
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 11:36 AM
Status: Recipient Read

Man these stupid mofos here, they made me believe I was leaving, I just went and took my covid test! Can you please check with my lawyer and make sure she filled my paperwork for me please? Love you

RE: Nevermind

Reference #: 86,780,453
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 2:58 PM
Status: Recipient Read

I'm glad you didn't leave yet. Do you mean file your Intent to Appeal or something else? I left another Affidavit for Brandon to sign at William's house. I hope he shows up soon. I love you

RE: Nevermind

Reference #: 86,781,313
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 3:06 PM

Status: Recipient Read

I'm trying to get her to withdrawal my guilty plea, and file a intent to appeal.
Thank you love you

RE: Nevermind

Reference #: 86,781,734
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 3:10 PM
Status: Recipient Read

Ok. I will check with her now. Did you send that request to her in writing? If you didn't, please do it. Keep a paper trail. Love you

RE: Nevermind

Reference #: 86,786,311
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 3:53 PM
Status: Recipient Read

I sent it to her via the tablets , that should be good enough, correct? I'm trying to hire Alley with Adams and bishoff but its hard for me to do so in here my mom shoulbe home Sunday and then she can hire her

RE: Nevermind

Reference #: 86,789,224
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 4:20 PM
Status: Recipient Read

Your attorney sent a message saying that she did file a motion to withdraw your plea. You definitely need to get a different attorney for this portion of your case. I'm going to keep checking with William all weekend. I really want Brandon to show up and get that signed. I would track him down if I had any idea where he might be. But

where do homeless drug addicts hang out? I love you

RE: Nevermind

Reference #: 86,789,646
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 4:24 PM
Status: Recipient Read

Lawyer said a motion to withdrawal my guilty plea has been filed, so if that's granted I'm gunna fire Lisa gay and hire Alley with Adams and Bishoff it will cost probably 10grand but I already have 5/6 and my dad said he will get a loan to pay the rest I gave him your number to call you he is with my ant pat and her number is [REDACTED]. I'll y'all you around 530/600, love you

RE: Nevermind

Reference #: 86,792,383
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 4:50 PM
Status: Recipient Read

Can you please text my mom and let her know that I need her to hire Alley with Adams and bishoff, and let her know that my father is gunna take out a loan to add with the money that I got so they can take my case, please and thank you, love you

Hey

Reference #: 86,817,352
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/16/2021 8:35 PM
Status: Recipient Read

So momma lisa and aj just met with Brandon and got the papers signed, now monday morning i need you to take all my money and hire Alley at Adams and bishoff 843-277-0090, it will probly cost like 10grand but dad will take a loan out for the rest of the money. Please do this monday cause they will be coming soon to take me to

prison, the faster and harder yall work on things the better chance i got at this, so you and dad please work together! I need to be a part of my daughters life!!!! Love you xoxoxo

RE: Nevermind

Reference #: 86,817,961
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 8:40 PM
Status: Recipient Read

Im gunna hire Alley with Adams and bishoff on monday, well i will have my mom hire them! Can you make copies of the affidavit and take on to Lisa Gay so she can turn it in with my guilty ple withdraw paper work to thjudge, and then have my mom take the original to Alley. Please and thank you! I love you

RE: Nevermind

Reference #: 86,825,571
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 9:36 PM
Status: Recipient Read

Brandon didn't sign tonight. He told me to meet him tomorrow at 3 at the Econo Lodge. I'll be there. I don't think he'll show up. Good night. I love you

RE: Nevermind

Reference #: 86,826,258
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 9:41 PM
Status: Recipient Read

Why didnt he sign? What happend?

?

Reference #: 86,827,829
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/16/2021 9:54 PM
Status: Recipient Read

Now lisa just text me and said he didnt sign, man look yall gotta know how to talk explain to him that he is not gunna get in trouble , just anseer my call so i can explain to u over thephone how to talk to him! Please listen to me cause im tired of this shit no body wants to listen to me, now look at me listening to other people got me doin 12years!!!

RE:

Reference #: 86,829,064
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 10:05 PM
Status: Recipient Read

Lee I read the messages. Lissa is supposed to be contacting Melissa and meeting Brandon tomorrow at 3. I'm doing all I can from where I'm at. I'm coming home Sunday cutting my vacation short 3 days. I love you

RE: Nevermind

Reference #: 86,830,137
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/16/2021 10:13 PM
Status: Recipient Read

He wants to talk to an attorney. He asked "how do I know that I won't get 12 years". I messaged Melisa and she replied "you can ask him to sign a documents and notarize it i do not need to talk with him if he wants to consult an attorney it should not be me". He didn't say that he wouldn't sign but he isn't signing at this time. I'm meeting him at 3 tomorrow. I hope he shows up.

RE: Nevermind

Reference #: 86,833,476
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/16/2021 10:41 PM
Status: Recipient Read

K, i will call you tomorrow, ill call you tomorrow. Love you

RE:

Reference #: 86,834,325
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/16/2021 10:49 PM
Status: Recipient Read

Look i need you to hire Alley monday, cause if you dont im gunna be fucked!! Point blank period!!! Please andthank you, i might not be able to talk to you on monday, they may pick me up for prison, but i need you to understand that lisa gay will not do anything good for me! So whatever you do get with my father and hire Alley With Adams&Bishoff! Please n thank you,i love you, im nottrying to sound likean ass, but i know whats best and wht needs to be done, so please hear me out and take heed, as soon as Alley is hired fire Lisa, if that cant be done just put all my money on my account and pray ill make it home! Love you

RE: Nevermind

Reference #: 86,848,698
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/17/2021 9:33 AM
Status: Recipient Read

You got to explain to him that he will not get into any trouble because they will not charge him with anything, he was just scared andgrabed the wheel to try to end the chase! All its gunna do is be telling the truth to where they know i didn't intentially swerve to hit that cop, cause i would never do such a thing! Love you

•

Reference #: 86,849,075
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/17/2021 9:39 AM
Status: Recipient Read

I also need you to call my lawyer and make sure also files the paperwork to appeal my guilty plea, just in case the don't withdrawal my guilty plea, i can still appeal it!
Please and thank you, love you

•

Reference #: 86,854,288
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/17/2021 10:50 AM
Status: Recipient Read

Mom i wish i would have talked you out of going to Hawaii, i cant get Lisa to answer her phone, only replys to me via text, and these tablets are crap so hard to text on, half the time they don't have service and won't send msgs. I just feel like no body is fighting for me at 100% and I'm just gunna be shipped to prison where I'll be for a long time! So please whatever you do, just make sure you hire Alley Monday, because i only have ten days after court to file certain paper work, and i dont believe Lisa gay is going to do it because she is a liar/manipulative an just fucked me so bad! I need Alley to get a copy of all my text on this Tablets cause it shows where Lisa did not properly represent me! So ill call you later when I come out at 730, please have a paper and pen and take a few notes so you know what I need you to say and do Monday, please thank you, i love you and i hope and pray that when u get back you anddad can not argue and work together the get me out of this mess! Please please please take this very serious I love you xoxoxo

RE: .

Reference #: 86,881,027
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/17/2021 2:55 PM
Status: Recipient Read

Hey babe I know and agree with all your saying. Call Ms Lissa and give her the notes because I will be at the airport and possibly on a plane. I ask you if you wanted me to cancel my trip and trust me I have felt like shit most of my trip. Me and your Dad and are the same page and we will work together to get this done to the best of our ability. Lissa is being a huge help and is very knowledgeable about the law. Why do you think they are moving you on Monday? Ms Lissa AJ and your Dad were going to see Brandon today so let's pray he signs the paper and that will be a big help! I love you most please pray son God will help us through this I have to trust in him for all that's right and fair. XOXOXOXO

RE: .

Reference #: 86,882,421
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/17/2021 3:07 PM
Status: Recipient Read

Ive already told Ms Lisa everything, but I need answers, when I ask for someone to do something I expect some one to reply back to me stating that its been done they are trying to do it or its not been done, not just being in the dark with no answer! Like i will feel better if you text me back and say "son first thing Monday morning I will hire Alley with adams and bishoff and have her on your case" because that's what i need is a good lawyer you and Lisa can only do so much, please hire her for me!!!! I'll just call you sometime tomorrow, i left you a few msgs on homewave. I love you

RE: .

Reference #: 86,886,086
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/17/2021 3:40 PM
Status: Recipient Read

Son I plan on trying to hire her if she will take the case with the money you have. Does your Dad have the other \$1400 he owes you? When is he going to try to get a loan. Lissa went to pick your Dad up this morning and he wasn't at Aunt Pats. Lissa and Aj are out looking for Brandon now. I will update you with anything I find out. I love you.

RE: .

Reference #: 86,891,507
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/17/2021 4:28 PM
Status: Recipient Read

Dad put one thousand in my account maybe 900 so he only owes me 400/500. You take him to the bank Monday, and he will get a loan, just look at home wave message, and like i asked please answer my phone call later so i can talk to you, can u do that please? Mom 12 years of my life are on the line here, i need you to pay close attention and work every angle! I only have 10 days after my court dates last monday to get this paper work filed, i cant file it my lawyer has to, i have askwd Lisa to check with lawyer but get no answer, that's why im texting to talk to you i haft to hope anpray you do these thing and put pressure on these people, cause just sitting back and waiting on things to happen is not gunna work for this, this is serious mom please promise me you wilgive your undivided attention to this process! Love you

RE: .

Reference #: 86,893,622
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/17/2021 4:47 PM
Status: Recipient Read

Lee I promise I will continue giving all I can do. Lissa just sent me pictures Brandon signed the paper! Now we have something else to take to the lawyer! I have to be at the airport at 1:00 which is 7:00 your time. I love you. Try and call Ms Lissa

RE: .

Reference #: 86,896,380
From: Lissa Henderson (Public: Lissap112)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/17/2021 5:12 PM
Status: Recipient Read

Hey. AJ went to pick up your dad but he wasn't home. Brandon met me at the hotel. He signed his initials on the paper. He doesn't trust anyone. He is scared to get in trouble. I explained that he wouldn't get in trouble. I don't know what your dad is doing. I love you

RE: .

Reference #: 86,896,915
From: GEORGE DREHER (Inmate: 4057)
To: Teresa Dreher (Public: TLD)
Sent: 04/17/2021 5:18 PM
Status: Recipient Read

K they are taking the tablets, that letter needs to be copied one copy given to Lisa gay and the other need to go to Alley with Adams and bishoff! Dad probably got on his bike and went to goose creek to try and talk with brandon because lisa was supposed to pick him up last night but she didnt so he was kinda upset so heis probably just doing the best he can to help, that's all! Please help dad help me even if he needs a place to stay mom i need my parents back both of y'all, dad is doing better anhe will take a loan out come to hirthe new lawyer! I gotta go I love you, xoxoxo

RE: .

Reference #: 86,897,052
From: GEORGE DREHER (Inmate: 4057)
To: Lissa Henderson (Public: Lissap112)
Sent: 04/17/2021 5:19 PM
Status: Recipient Read

Can you make copiesand take a copy to Lisa gay for she can turn iit, i gotta give the tablete ck to the police, I will call you when i come out my room at 730, love you

RE: .

Reference #: 86,905,651
From: Teresa Dreher (Public: TLD)
To: GEORGE DREHER (Inmate: 4057)
Sent: 04/17/2021 6:41 PM
Status: Recipient Read

1 STATE OF SOUTH CAROLINA) **TRANSCRIPT OF RECORD**
 2 COUNTY OF BERKELEY)CASE NO.: 2020-GS-08-02022
 3 **WEBEX PROCEEDINGS ORIGINAL**

4 -----
 5 June 17, 2021

6 **BEFORE:** The Honorable R. Markley Dennis, Jr.

7 -----

8 THE STATE OF SOUTH CAROLINA,

9 Plaintiff,

10 vs.



11 GEORGE RILEY DREHER,

12 Defendant.

13 -----

14
 15 APPEARANCES:

16
 17 Wilton Hart McNeely, Esq.
 18 Appearing for the Plaintiff/State.

19 Melisa Gay, Esq.
 20 Appearing for the Defendant.

21 Official Court Reporter

22 Natalie Dahl, RPR

23

24

25

1 acknowledging that my motions are for the offense he
2 got time for.

3 THE COURT: That's fine. Then, the only thing
4 I'll be correcting, for some reason, I made the
5 mistake of -- I sentenced him -- I checked it in the
6 transcript, the sentence was 12 years, not 10 years.
7 The sentencing sheet has 10 years written on it. So
8 we have to do an amended sentencing sheet to comply
9 with the Court's order, which is 12 years and credit
10 for 11 months of jail time. It obviously will be
11 from -- starting on -- 11 months credited as of
12 4/12/21. So he'll get additional time as well, but we
13 can figure it out. That would be two months -- two
14 more months, for 13 months additional.

15 MS. GAY: Yes, sir.

16 THE COURT: Now, the other thing is your motion
17 says it was after discovered evidence, as I read it,
18 and I want to be sure of this, that he didn't actually
19 -- the passenger is the one that grabbed the wheel and
20 swerved and hit the officer; that is what the motion
21 is alleging, correct?

22 MS. GAY: Yes. There was discussion, but the
23 statement, actual document signed by him, is what we
24 obtained pursuant -- afterwards, after the plea, that
25 he acknowledged that this happened.

1 THE COURT: Well, let me ask you a question,
2 because we were together in February the 18th, 2021
3 before me for the same charge. We had gotten through
4 the plea to where the State had given me the facts,
5 and I am quoting from the transcript now, Page 12, if
6 you happen to have one. I asked him -- I said: "Are
7 those facts correct -- and I misstated and said "Mr.
8 Sanders" -- excuse me, Mr. Dreher, are those facts
9 correct?"

10 His response is what is important to me: "All
11 besides intentionally swerving. I would never
12 intentionally swerve and hit an officer."

13 I made a response, and he continued. I said:
14 "What did you do which requires an intentional act?"

15 "I was driving the car, Your Honor, and there was
16 a passenger in the car. He snatched the wheel. I
17 would never intentionally -- I'm pleading guilty, Your
18 Honor."

19 And that is when I said, Nope, not taking the
20 plea, and it went into discourse.

21 How are you claiming now that he didn't know
22 about it? He stated it to me and caused me to
23 withdraw the plea.

24 MS. GAY: I think, Your Honor, what I was stating
25 is the document that he signed. First of all, what

1 Mr. Dreher said was reality, and what this witness is
2 willing to say --

3 THE COURT: Ms. Gay. Ms. Gay. Ms. Gay, the
4 problem I have with it -- you made your motion. I'll
5 deny the motion, because he knew it. It wasn't after
6 discovered. He had to change his whole position when
7 he came back and pled before me in April when he
8 admitted he did, so I'm sorry.

9 MS. GAY: Your Honor, we've also made a dual
10 motion indicating that he should be able to withdraw
11 his guilty plea based on his mental situation.

12 THE COURT: No, ma'am. No, ma'am. He satisfied
13 that, and you did, too. No, ma'am. I'm not about to
14 do it on that. Your motion is denied on all bases.
15 Prepare the order.

16 MS. GAY: Wait. One second. I have a question,
17 and I've explained this to his mother, and I just
18 talked to Wilton about it. In order for him to ask
19 you whether or not the sentence could be reconsidered,
20 all of this had to be resolved. Because if you
21 granted it, it would be no question, and so he would
22 just ask --

23 THE COURT: Ms. Gay. Ms. Gay, you don't want me
24 to answer that question. Thank you.

25 MR. DREHER: May I have a chance to speak?

1 THE COURT: You can speak all you want,
2 absolutely, Mr. Dreher.

3 MR. DREHER: I just -- I pled guilty because I
4 was under the impression I was getting probation. I
5 don't think it is right I do 12 years when -- I
6 clearly was not intentionally swerving at the officer.
7 Dwayne Dewitt was my step-father growing up. It is
8 not like I have it out for the police or nothing like
9 that. I would never intentionally hurt another
10 person, especially not striking them with a vehicle.
11 I pled guilty because they were telling me I was
12 getting probation, and I'm fitting to do 17 years of
13 sentencing. Your Honor, this is not right. I'm not a
14 bad person. I admit that I was wrong, but I never
15 intentionally hit that officer.

16 THE COURT: You told me you did. You admitted
17 it, and I asked you the question: "Has anyone
18 promised you anything or threatened you in any way?"
19 Your answers was: "No, sir."

20 MR. DREHER: Because she didn't say "I promise
21 you probation." She said I'm going --

22 THE COURT: Mr. Dreher, this is not my first
23 rodeo. I appreciate your state, but I don't buy it.
24 Mr. Dreher, you know what, and I don't mean to be
25 sarcastic, but I bet you if you see the statistics, at

1 least 80 to 85 percent incarcerated are not guilty.

2 I'm sorry. No, sir. Good luck.

3 MR. McNEELY: Your Honor, can I request that
4 those two transcripts be made court exhibits?

5 THE COURT: It is already a part of the record.
6 Court's exhibits are always in the record. If there
7 is an appeal, they are a part of the record.

8 MR. McNEELY: That was our concern.

9 THE COURT: No question about it. I would say to
10 you, I'm relying on them. I'll -- you filed those.

11 MR. McNEELY: I did.

12 THE COURT: Then to cover both of you, all
13 filings submitted by either parties are incorporated
14 fully for purposes of review should that become
15 necessary, and that is in any stage, be it appellant
16 review or PCR; they are a part of the record.

17 MR. McNEELY: Thank you. And I'll prepare a
18 proposed order.

19 THE COURT: Thank you.

20 (Whereupon, the WebEx hearing concluded.)
21
22
23
24
25

1 CERTIFICATE OF REPORTER

2 State of South Carolina)

3 County of Horry)

4

5 I, Natalie Dahl, Official Court Reporter for the
6 State of South Carolina, do hereby certify that the
7 foregoing is a true, accurate and complete Transcript
8 of Record of the proceedings had and evidence
9 introduced in the hearing of the captioned case,
10 relative to appeal, in the Court of General Sessions
11 for Berkeley County, South Carolina, on the 17th day
12 of June, 2021.

13 I do further certify that I am neither of kin,
14 counsel, nor interest to any party hereto.

15

16 October 11, 2021

17

18

19

20

21

22

23

24

25



Natalie Dahl, RPR

Court Reporter

STATE OF SOUTH CAROLINA THE COURT OF GENERAL SESSIONS
COUNTY OF BERKELEY NINTH JUDICIAL CIRCUIT

JUN 22 2021

STATE OF SOUTH CAROLINA ORDER DENYING DEFENDANT'S
MOTIONS TO WITHDRAW GUILTY PLEA

vs.

GEORGE RILEY DREHER,
DEFENDANT.

Arrest Warrant #2020A0810200389
Arrest Warrant #2020A0810600014

Indictment #2020-GS-08-02020
Indictment #2020-GS-08-02022

RECEIVED
JUL 12 2021
SC Court of Appeals

THIS MATTER CAME BEFORE THE COURT on June 17, 2021, for hearing on the Defendant's two separately filed Motions to Withdraw Guilty Plea. After hearing from the attorney for the Defendant, as well as the Assistant Solicitor on behalf of the State, the Court has determined that the Defendant's two separately filed Motions to Withdraw Guilty Plea should be denied.

The Court has fully considered the facts of this case, the two Motions of the Defendant, and the Response and Memorandum in Opposition filed by the State. Further, the Court has fully considered the transcripts of the two prior plea hearings in this matter, the first on February 18, 2021 when the Defendant's guilty plea was not completed, and then on April 12, 2021 when the Defendant's guilty plea was completed, accepted by the Court, and the Defendant was sentenced. The Court has also considered the alleged after-discovered evidence submitted by the Defendant as attached to the second filed Motion to Withdraw Guilty Plea, specifically the affidavit of Brandon M. Swain. In doing so, the Court has specifically considered the factors relevant to a Rule 29(b) motion for new trial on the basis of after-discovered evidence, to wit: whether the movant has shown that the alleged after-discovered evidence "(1) is such as will probably change the result if a new trial is granted; (2) has been discovered since the trial; (3) could not have been discovered before the trial by the exercise of due diligence; (4) is material to the issue; and (5) is not merely cumulative or

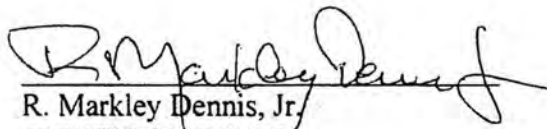
RMJ 1

impeaching.” *State v. Harris*, 391 S.C. 539, 544-545, 706 S.E.2d. 526, 529 (Ct. App. 2011), citing *State v. Spann*, 334 S.C. 618, 619–20, 513 S.E.2d 98, 99 (1999).

Having considered all of the forgoing, this Court hereby finds that the Defendant was fully competent and of sound mind when he entered his guilty plea on April 12, 2021, and that guilty plea was freely, voluntarily, knowingly, and intelligently entered and accepted by the Court. The Court further finds that the Defendant has failed to prove the above listed five factors required for granting a new trial on the basis of after-discovered evidence. Specifically, the evidence submitted is not after-discovered evidence, as it was clearly known to the Defendant prior to the guilty plea on April 12, 2021. The contents of the alleged after-discovered affidavit were expressly discussed by the Defendant with the Court on February 18, 2021. For the foregoing reasons, the Defendant’s Motions are denied.

THEREFORE, IT IS HEREBY ORDERED, that the Defendant’s two separately filed Motions to Withdraw Guilty Plea are hereby DENIED.

IT IS SO ORDERED.


R. Markley Dennis, Jr.
PRESIDING JUDGE
NINTH JUDICIAL CIRCUIT

Dated: June 22, 2021
Moncks Corner, South Carolina

146
COUNTY OF BERKELEY
STATE VS.

FILED

INDICTMENT/CASE#: 2020-GS-08-02020
A/W: 2020A0810200389
Date of Offense: 04/10/2020
S.C. Code §: 56-05-0750(C)(1)

GEORGE RILEY DREHER

AKA: George Dreher, George Riley Dreher

Race: White Non-Latino/Caucasian

Sex: APR 12 2021

M Age: 32

DOB: 1988 SS#: [REDACTED]

CASE NO. LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

CDR Code #: 2397

0-10y

City, State, Zip: Goose Creek, SC 29445-4427

DL# [REDACTED] SID# SC01683359

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Failure to Stop for Blue Lights - Resulting in Great Bodily Injury

In violation of § 56-05-0750(C)(1) of the S.C. Code of Laws, bearing CDR Code # 2397

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature] 101638
Wilton H. McNeely, Senior Assistant Solicitor SC Bar #

Defendant

[Signature] 63773
Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 90 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for 5
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 2020 GS-08-2022

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment
Payment Terms: _____ Obtain GED

Set by SCDPPPS _____

Recipient: _____

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

Attend Voc. Rehab. Or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

pmts. of \$ _____ Beginning _____

\$ _____ Paid to Public Defender Fund

Other: any counseling deemed

necessary; must take any

medication as prescribed

no tobacco for violation of non

financial condition

Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before any other fees.

Presiding Judge: [Signature]

Judge Code: 2060

Sentence Date: 4/12/21

probation is to be served until he
satisfies the sentence on 2020 GS-08-2022

Clerk of Court/Deputy Clerk: C. Sanchez
Court Reporter: Denise Lauder

WHM/0367269
WITNESSES

Berkeley County Sheriff's Office

B. Kuf 5779

AGENCY CASE NUMBER
2020-04003341

ARREST WARRANT NUMBER

2020A0810200389

DATE OF ARREST

04/11/2020

ACTION OF GRAND JURY

True Bill

Quinn W. Wiers 12/9/20
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2020-GS-08-02020

The State of South Carolina
County of Berkeley

COURT OF GENERAL SESSIONS

DECEMBER TERM 2020

THE STATE

VS.

GEORGE RILEY DREHER A.K.A.
George Dreher
W/M DOB: [REDACTED]-1988

Indictment for

**FAILURE TO STOP FOR BLUE LIGHTS,
RESULTING IN GREAT BODILY INJURY**

SC Code: § 56-05-0750(C)(1)
CDR Code: 2397

20 DEC -9 PM 1:38
LEAH GUERREY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

JH

STATE OF SOUTH CAROLINA
COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened December 2020, the Grand Jurors of Berkeley County present upon their oath:

Failure to Stop for Blue Lights, Resulting in Great Bodily Injury

That in Berkeley County, South Carolina, on or about April 10, 2020, the Defendant, George Riley Dreher, while driving a motor vehicle on a road, street, or highway of the State did, in the absence of mitigating circumstances, knowingly fail to stop after being signaled to do so by a law enforcement vehicle by means of flashing light and/or a siren, and performed an act forbidden by law or neglected a duty imposed by law in the driving of the vehicle, resulting in great bodily injury to Quinn Hayden, in violation of Section 56-5-750 of the South Carolina Code of Laws (1976) as amended.

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


WILTON H. MCNEELY
SENIOR ASSISTANT SOLICITOR

COUNTY OF BERKELEY
STATE VS.

FILED

INDICTMENT/CASE#: 2020-GS-08-02022
A/W: 2020A0810600014
Date of Offense: 04/10/2020
S.C. Code #: 16-03-0029

GEORGE RILEY DREHER
AKA: George Dreher, George Riley Dreher
Race: White Non-Latino/Caucasian
M Age: 32
DOB: /1988 SS#:
Address:
City, State, Zip: Goose Creek, SC 29445-4427
DL# SID# SC01683359

APR 12 2021
LEAH GUERRY DUFFREE
CLERK OF COURT
BERKELEY COUNTY, SC

O-20y

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Assault and Battery of a High and Aggravated Nature

In violation of § 16-03-0600(B)(1) of the S.C. Code of Laws, bearing CDR Code # 3411

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury, (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Wilton H. McNeely, Senior Assistant Solicitor SC Bar # 101638 Defendant
Attorney for Defendant 63773 SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of 10 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which
are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: _____

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections. 17 months

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

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms: _____ Obtain GED

Set by SCDPPPS _____ Attend Voc. Rehab. Or Job Corp. _____

Recipient: _____ May serve W/E beginning _____

*Fine: _____ \$ _____ Substance Abuse Counseling

§14-1-206 (Assessments 107.5%) \$ _____ Random Drug/Alcohol Testing

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal consecutive weekly/monthly

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ _____ prmts. of \$ _____ Beginning _____

§56-5-2995 (DUI Assessment) \$12 \$ _____ \$ _____ Paid to Public Defender Fund

§56-1-286 (DUI Breath Test) \$25 \$ _____ Other: _____

Proviso (Public Def/Probation) \$500 \$ _____

§14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§14-1-213 (Drug Court Surcharge) \$150 \$ _____

§50-21-114 (BUI Breath Test Fee) \$50 \$ _____

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

3% to County (if paid in installments) \$ \$ 3.75

TOTAL \$ 128.75

Appointed PD or appointed other counsel,
Proviso requires \$500 be paid to Clerk
during probation and shall be collected before any other fees.

Presiding Judge: [Signature]
Judge Code: 2020
Sentence Date: 4/12/21

Clerk of Court/Deputy Clerk: C. Sanchez
Court Reporter: Denise Lauder

WHM/0367270
WITNESSES

SC Highway Patrol

AGENCY CASE NUMBER

2020-CHTC20CAD035854

ARREST WARRANT NUMBER

2020A0810600014

DATE OF ARREST

04/11/2020

ACTION OF GRAND JURY

True Bill

Q. W. W. W. W. W. *11/14/20*
Foreperson of Grand Jury Date:

VERDICT

Foreperson of Petit Jury Date:

DOCKET NO. 2020-GS-08-02022

The State of South Carolina
County of Berkeley

COURT OF GENERAL SESSIONS
NOVEMBER TERM 2020

THE STATE

VS.

GEORGE RILEY DREHER A.K.A.
George Dreher
W/M DOB: [REDACTED]-1988

Indictment for

ATTEMPTED MURDER

SC Code: § 16-03-0029
CDR Code: 3410

20 NOV -4 PM 1:32
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

CLS

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

INDICTMENT

At a Court of General Sessions, convened November 2020, the Grand Jurors of Berkeley County present upon their oath:

Attempted Murder

That in Berkeley County, South Carolina, on or about April 10, 2020, the Defendant, George Riley Dreher, did, with intent to kill and malice aforethought, attempt to kill Quinn Hayden. This is in violation of Section 16-3-29 of the South Carolina Code of Laws (1976) as amended.

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



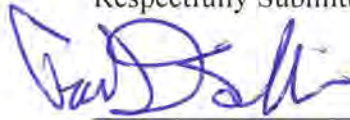
WILTON H. MCNEELY
SENIOR ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

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

RECEIVED
Mar 16 2022
SC Court of Appeals

Respectfully Submitted,



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 16th day of March, 2022.

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Mar 16 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Berkeley County

Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

GEORGE RILEY DREHER,

APPELLANT

APPELLATE CASE NO. 2021-000753

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon William M. Blicht, Jr., Esquire, at the primary email address listed in the Attorney Information System (AIS), this 16th day of March, 2022.



Taylor D. Gilliam
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT