

STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
County of Richland	)	W-40-08-2228
	)	C-40-08-1889
	)	W-40-08-2441
	)	W-GPS-40-08-0008
	)	
THE STATE OF SOUTH CAROLINA,	)	
	)	
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
ZAIL GAVIN,	)	
	)	
PROBATIONER,	)	

February 9, 2009  
Winnsboro, South Carolina

BEFORE:

THE HONORABLE KENNETH G. GOODE, JUDGE.

APPEARANCES:

BRITTANY SIRMON, PROBATION AGENT

J. BENJAMIN APLIN, ASSISTANT CHIEF LEGAL COUNSEL  
Department of Probation, Parole and Pardon Services

GREGORY P. HARRIS, ESQ.  
Attorney for the Probationer

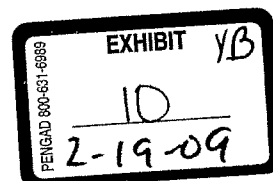
Also present:

C. Cantzon Foster

KAREN TRACY  
Official Court Reporter

C O N T E N T S

Page 1



State VS Zail Gavin.txt

INDEX OF EXHIBITS:

(There were no exhibits introduced.)

INDEX OF WITNESSES:

(There were no witnesses called.)

0

3

1 THE COURT: This is a sua sponte motion. That's  
2 Latin for -- I called it myself. It's not by the  
3 defendant or by the State, but after hearing last week's  
4 case, I made some comments -- or during the hearing of the  
5 case of what could, couldn't, and could not be considered  
6 in a probation revocation matter.

7           It bothered me to the extent that I pulled the cases  
8 and read them, and there is no question, in my eyes, that  
9 the courts, the appellate courts, and this seems to be a  
10 trend, are allowing things to be considered at a hearing  
11 that at one time might not have been appropriate to be  
12 heard.

13           As a result of that, I cut into Ms. Sirmon's  
14 presentation, made sure that matters that fell into that  
15 category were removed and proceeded with the hearing.

16           I find that that was error on my part. I'm human. I  
17 make errors, and I hope I'm always man enough and wise  
18 enough to recognize them and correct them. So I'm going  
19 to reconsider the actions that I took last week. I'm not  
20 certain what day it was that I heard this case.

21           Do you remember, Mr. Harris?

22           MR. HARRIS: I believe we came up on Tuesday.

23           PROBATION AGENT: It was February 2nd. It was  
24 Monday.

25           MR. HARRIS: Monday?

4

1           THE COURT: Monday?

2           PROBATION AGENT: Yes, Your Honor.

3           THE COURT: And you were here, and the only one  
4 speaking on Tuesday of last week, was Mr. Swerling. Is he  
5 not going to be here today?

6           MR. HARRIS: Judge, we would ask, if we're going to  
7 go forward with new findings, that we delay these  
8 proceedings.

9           Mr. Swerling, unfortunately, was in a federal trial  
10 starting this morning. They showed up for court. His  
11 client committed suicide, Your Honor. So he is no longer

12 going forward in that trial, obviously.

13 We need some time to get here to the courthouse. I  
14 am -- if the Court is not inclined to grant that  
15 continuance, I'm ready to go forward here today.

16 THE COURT: Well, I'm not going to -- to grant that.

17 MR. HARRIS: Okay.

18 THE COURT: And it's very unfortunate about -- it was  
19 his client, the person accused?

20 MR. HARRIS: Yes, sir. It was a law enforcement  
21 officer who had been charged with a fairly significant  
22 offense, just couldn't stand the trial, Your Honor.

23 THE COURT: This is completely off the subject, I  
24 hope that's okay. What -- what county? I mean...

25 MR. HARRIS: It was a federal trial in front of Judge

5

1 Curry, and the client committed -- had been nonresponsive  
2 for two weeks, wouldn't come to Jack's office. Jack spoke  
3 to him Friday.

4 He promised to come this week and didn't show up.  
5 When he didn't show up for court this morning, Jack  
6 approached the bench, explained some of the difficulties  
7 that he had had contacting the client. They sent the  
8 marshals there, and the client committed suicide as the  
9 marshals were knocking on the door.

10 THE COURT: What -- what county was that in?

11 MR. HARRIS: It was in -- I think he resides in  
12 Richland County.

13 THE COURT: Well, Mr. Gavin, things could be worse.

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I have your packet of information, Agent

16 Sirmon. Is there anything that you would like to add to  
17 it?

18 PROBATION AGENT: Not at this time, Your Honor.

19 THE COURT: If you could indulge me while I read it.  
20 I've reached that stage in life, my children call it the  
21 Geezer Stage, where I have to take off my glasses to read  
22 and have them repeat virtually everything that they say to  
23 me.

24 Agent Sirmon, not for this case but for my  
25 information, when one is sleeping, I assume that they

6

1 place their bracelet in a charger?

2 PROBATION AGENT: As far as what happens when they're  
3 sleeping? It's just he has his -- at the time he had the  
4 two-piece unit. The P.T.U. goes in the base, which is  
5 close to where he would be sleeping then.

6 THE COURT: Okay. All right. It's just one time you  
7 mentioned there was no movement, so you couldn't trace it.  
8 I just wondered does it have to stay in movement, in  
9 motion, or just in proximity?

10 PROBATION AGENT: What that is referring to is when  
11 he goes somewhere, he is supposed to have the P.T.U. on  
12 him. If he gets separated from it, then he cannot be  
13 tracked.

14 So it showed the P.T.U. that was not in motion, so  
15 that meant that it was set down somewhere and he had  
16 walked away from it, so we could not track him for that  
17 period of time.

18 THE COURT: Okay. And what I'm asking you, and it  
19 had nothing do with this case, I am just curious at night  
20 when he is sleeping and he puts it down in the charger, I

21 guess, just his close proximity to it is enough.

22 PROBATION AGENT: Yes, Your Honor.

23 THE COURT: To satisfy your ability to track?

24 PROBATION AGENT: Yes, Your Honor, because when it's  
25 put in the base, it will basically cover the residence.

7

1 So as long as he's there, it will show that the P.T.U. was  
2 inserted into the base. So that would satisfy it as far  
3 as his tracking points would basically all just be in that  
4 one area.

5 THE COURT: Okay. Thank you, ma'am. That would be  
6 pretty much for the interior of the house?

7 PROBATION AGENT: Usually, it's --

8 THE COURT: A normal sized house, and again, this is  
9 just for my education and edification.

10 PROBATION AGENT: Usually -- I don't believe he wants  
11 to go too far from it. Again, if he goes too far, then  
12 again, he would be losing the tracking points. Because  
13 like I said, if he wanted to move somewhere, the P.T.U.  
14 needed to be with him.

15 THE COURT: Thank you, ma'am.

16 PROBATION AGENT: You're welcome, sir.

17 THE COURT: Agent Sirmon, what are the present terms  
18 of his probation besides the electronic monitoring?

19 PROBATION AGENT: Just to abide by the standard  
20 conditions of supervision, as well as the sex offender  
21 conditions of supervision which deals with curfew, no  
22 contact with minors, sex offender counseling. I have a  
23 list of the conditions, if you would like to see those,  
24 Your Honor.

State VS Zail Gavin.txt  
THE COURT: I'm familiar with those. They're almost

8

1 a volume.

2 PROBATION AGENT: Yes, Your Honor.

3 THE COURT: I don't see how you folks are able to  
4 keep up with them.

5 I'll be happy to hear from you, Mr. Harris.

6 MR. HARRIS: May it please the Court, Your Honor.

7 THE COURT: Yes.

8 MR. HARRIS: I really don't believe that anything has  
9 changed from last week factually. I think this Court has  
10 been presented this morning, or this afternoon, with a  
11 report of an offense with which he was incarcerated. He  
12 was jailed. He was charged.

13 However, one of the things that we didn't have the  
14 opportunity to discuss with the Court last week was the  
15 absolute fact that that charge was not only -- not only  
16 was he found guilty, but it was dismissed as not having  
17 been a violation of the law at the preliminary hearing  
18 stage.

19 THE COURT: Well, they indicate that it was  
20 dismissed.

21 MR. HARRIS: Yes, sir, recognizing, Your Honor, that  
22 this court has in the past chosen to -- option  
23 discretionary G.P.S. monitoring.

24 we would just ask if the court is inclined to alter  
25 its sentence from last week that the Court allow him to

9

1 continue to work. That was our primary concern when we  
2 came to court last week, that he see his parents who are  
Page 7

3 infirm, who are elderly who live on five acres in  
4 Greenwood County; that he be allowed to work, allowed to  
5 visit with his children.

6 We would ask, Judge, if you are inclined to go back  
7 with a G.P.S. system, which by the way, we do not believe  
8 he has willfully violated. There are no willful  
9 violations, but if you are inclined to go back to G.P.S.,  
10 Your Honor, we would ask that he be allowed to work  
11 between the hours of seven and eight at night and maintain  
12 G.P.S. for the hours outside of that range of time. That  
13 would allow him to continue to work to support the family  
14 that he does have now and earn gainful employment, and  
15 quite frankly, to involve himself with his psychologist  
16 that he needs to meet with, to involve himself to meet  
17 some of the additional terms and conditions that  
18 Ms. Sirmon has just referred to, such as his alcohol  
19 treatment that he -- that he needs, such as meetings  
20 with -- with other managers and counselors that he seeks  
21 out and that he needs.

22 We would just ask that you -- if you are inclined to  
23 put him on G.P.S., that he be allowed to work during the  
24 daylight hours and be a productive citizen.

25 THE COURT: Well, he certainly needs sex offender

10

1 counseling.

2 MR. HARRIS: Yes, sir.

3 THE COURT: Period, the end. I mean, I don't know  
4 what else, and he needs to be monitored.

5 MR. HARRIS: Yes, sir.

6 THE COURT: Electronically, if nothing else.



State VS Zail Gavin.txt  
7 Agent Sirmon, would the proposal made by Mr. Gavin's  
8 attorney to return to the monitoring schedule that he was  
9 on and get such mental health and sex counseling as the  
10 Department of Probation and Parole deems appropriate,  
11 seven until eight, would you feel that that would be an  
12 appropriate resolution of this matter?

13 PROBATION AGENT: Well, I do believe that he does  
14 need to be on the -- the G.P.S. monitoring.

15 As far as the hours, what I do with anyone that I  
16 have on G.P.S. is as long as they can give me a schedule  
17 of -- as far as, you know, where they will be or whatnot.  
18 So I know -- I realize he's going to be tracked, but I  
19 usually ask for prior -- you know, knowledge of where he's  
20 going so he can see where he's going and everything, and  
21 we do adjust the hours as far as to his work schedule. So  
22 that's not a problem.

23 The one thing was last time he was allowed to go back  
24 up to his parents' house, and I do have some -- there are  
25 present today some members of the community that do have

11

1 concerns with this. If you would -- if you would like to  
2 hear from them, they are more than willing to speak.

3 THE COURT: All right. I'll be happy to hear from  
4 them.

5 PROBATION AGENT: Okay.

6 THE COURT: You are all dressed so nice. You make me  
7 feel underdressed.

8 VICTIM'S SERVICES DIRECTOR: Your Honor, I'm the  
9 Director of Victim's Services, and I apologize. My voice  
10 is fighting to try to talk.

11 THE COURT: Well, we can --  
Page 9

12 VICTIM'S SERVICES DIRECTOR: But I'm with the  
13 sheriff's office.

14 THE COURT: Do you want some Coke or water or ice?

15 VICTIM'S SERVICES DIRECTOR: No, I'm good. I'm good.  
16 Thank you.

17 THE COURT: I'm sipping on some right now.

18 VICTIM'S SERVICES DIRECTOR: I wish you could fix it  
19 with the water, but thank you anyway.

20 This is Stacy and Barry Crocker. They were the  
21 victims in our case back in 2000, 2001, and they would  
22 like to speak.

23 THE COURT: Thank you for taking the time to come,  
24 and I'll be happy to hear from you.

25 MR. CROCKER: I appreciate your hearing from us. My

12

1 main concern is -- is my family. My daughter was six  
2 years old when he happened -- she seen him looking in the  
3 window that night.

4 She told me just a few days ago that back then she  
5 didn't realize, did not realize exactly what he was  
6 looking in the window for but now she does.

7 She is honestly terrified to be in the house, and his  
8 parents' house is so close to ours and that he is allowed  
9 to go back there.

10 THE COURT: How close is that?

11 MR. CROCKER: I would say from door-to-door, it's  
12 less than 100 yards. From property line to my -- her back  
13 window is about 50 foot (sic), give or take, but you know,  
14 he -- she really is -- and I got a son also.

15 He was in the room that night the incident happened.

16 I don't really think he really understands. Even though  
17 he is 12 years old, he -- he really don't understand, but  
18 my daughter does.

19 I'd like to ask the Court to put some restrictions on  
20 him coming back there or just keep him from coming back  
21 there, because it's -- it's real uncomfortable with us,  
22 plus some other members in the community.

23 THE COURT: Let me please, sir, make certain that I  
24 understand. You're saying that your residence is close to  
25 his parents' residence, not his personal residence?

13

1 MR. CROCKER: I do have a G.I.S. printout. It can  
2 kind of show you close the houses and the property line is  
3 -- are, if you want to...

4 THE COURT: That would be --

5 MR. CROCKER: If you want to take a look at that.

6 THE COURT: I want to make sure I have clear in my  
7 mind. This is his parents that he visits and your home,  
8 not his -- not where he resides?

9 MR. CROCKER: No, sir, not where he resides. That's  
10 in Ninety Six in Greenwood County.

11 THE COURT: And where is this?

12 MR. CROCKER: Yes. We do -- we do share a driveway  
13 with Mr. and Mrs. Willner, who is his mother and  
14 stepfather.

15 THE COURT: Okay. Now, I've got one -- okay. I can  
16 read it.

17 (Pause).

18 Thank you. Anything additional?

19 MR. CROCKER: I'd just like to ask one question, if  
20 you don't mind.

21 THE COURT: Absolutely.

22 MR. CROCKER: I have been in law enforcement at one  
23 time, and I'd just like to ask one question: Is it normal  
24 for a judge to hold jurisdiction of a case of this nature?

25 THE COURT: well, it's within the discretion of the

14

1 judge. This case has gotten to the point, and the purpose  
2 is to make sure that there's continuity and consistency in  
3 the rulings.

4 MR. CROCKER: Okay.

5 THE COURT: And there could be other reasons, but  
6 that's the reason I maintain jurisdiction in this case.

7 MR. CROCKER: Okay.

8 THE COURT: After this hearing today, I'm going to  
9 relinquish jurisdiction.

10 MR. CROCKER: Okay.

11 THE COURT: Because these folks and the defendant,  
12 his attorneys, have kind of had to chase me around the  
13 state to locate me for hearings, as you did today.

14 I think my original plan of helping everyone, because  
15 that's what I feel that our job is, and Probation and  
16 Parole, and the Judiciary is to solve problems.

17 MR. CROCKER: Yes, sir.

18 THE COURT: It's apparent that I have not been  
19 successful in solving problems for Mr. Gavin, and so it's  
20 not unusual.

21 I probably -- I have been on the bench now for ten  
22 years. I probably have maintained jurisdiction, and this  
23 is strictly a guess, on 20.

24 MR. CROCKER: Yes, sir.

25

THE COURT: It's cases that, as I indicated, I felt

15

1 that, you know, keeping the same thumb on it would be  
2 helpful to folks involved, and that has not turned out to  
3 be the case.

4 MR. CROCKER: Yes, sir.

5 THE COURT: So after this hearing, I'm going to  
6 relinquish exclusive jurisdiction. I haven't announced  
7 that yet.

8 MR. CROCKER: Yes, that's...

9 THE COURT: You were the first to know.

10 MR. CROCKER: I appreciate for your taking the time,  
11 Your Honor.

12 VICTIM'S SERVICES DIRECTOR: Thank you.

13 THE COURT: That's my job.

14 what about you, ma'am? Is there anything you would  
15 like to share with the Court?

16 MRS. CROCKER: I don't -- I don't -- I think -- it's  
17 just...

18 (Crying).

19 MR. CROCKER: Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 I'll be happy to hear from anyone else that would  
22 like to address the Court.

23 (There was no response).

24 Am I missing anyone?

25 VICTIM'S SERVICES DIRECTOR: Your Honor, the other

16

1 members who are present with us today live in the  
2 neighborhood, have small children. They have concerns,  
Page 13

3 and they would like to support them.

4 This is Amy Hilly. She is the mother of two children  
5 in that neighborhood.

6 THE COURT: And the name again so the court reporter  
7 can get it?

8 MS. HILLY: Thank you for allowing me to address you,  
9 sir. My name is Amy Hilly.

10 THE COURT: Yes, ma'am.

11 MS. HILLY: And I also live out in Harbor Heights  
12 subdivision. I have two young children, one of them  
13 happens to have a neuro-disorder, otherwise known -- he's  
14 autistic.

15 He's very loving and caring in his sense, and he  
16 doesn't have a sense of fear, but as a mother, I have that  
17 double fear for him. That's what really concerns me.

18 THE COURT: He's fortune to have a mother that cares.

19 THE MOTHER: Especially, as any mother or father --  
20 but the thing I guess I was most concerned about was the  
21 fact that Mr. Gavin had with his history.

22 It's been -- I -- my understanding his probation  
23 sentence has been reduced, and that concerns me. Coming  
24 off of the G.P.S. monitoring, knowing that he had  
25 violations of his probation in the past, that just -- that

17

1 really concerned me, especially for the victims knowing  
2 that he was coming right by the victim's home.

3 I commend representative Brady for doing the Brady  
4 law in regards to residency restrictions for schools and  
5 things like that.

6 I would love to see something for the victims,

State VS Zail Gavin.txt  
7 especially in the situation where if he were to come out  
8 and visit, he would be coming right by their home, the  
9 victim's home so close, but I do thank you for letting me  
10 address my concerns.

11 THE COURT: Absolutely. Just, if I could respond  
12 briefly, the terms of the probation were not reduced.

13 MS. HILLY: Okay.

14 THE COURT: All, not all that I did, what I did was  
15 the electronic monitoring I feared it would interfere with  
16 his ability to provide and make money in the type of work  
17 that he did, but I've rethought that as a result of  
18 something that Agent Sirmon pointed out to me. So you can  
19 thank her for doing such a good job on that case.

20 MS. HILLY: Thank you.

21 THE COURT: Yes, sir.

22 MR. WARDLAW: Your Honor, my name is Kenny Wardlaw.  
23 I'm a heating and air conditioning contractor that has  
24 actually done work with Zail.

25 I never knew he had a monitor. I met him on the job

18

1 site, gave him prices and did work and received monies  
2 from him.

3 You know, he had a monitor on, and I never -- I never  
4 knew it at that time. I didn't know, you know, his  
5 history or anything, so I don't really think a monitor  
6 would prevent him from doing any work because you know, I  
7 guess, you know, he had one on last week in court, and you  
8 know, I never knew it was on other than hearing everybody  
9 talk about it.

10 THE COURT: Thank you, Mr. Wardlaw.

11 Anyone else or anything else?

12 (There was no response.)

13 THE COURT: well, I think the ruling of the Court, of  
14 course, is that he remain on supervised probation; that he  
15 be electronically monitored under the terms and conditions  
16 formerly in place with the exception that additionally he  
17 receive sex offender and mental health counseling if the  
18 Department deems that appropriate.

19 I am going to -- I regret that I have to take this  
20 step, Mr. Gavin, but you put yourself in this situation.  
21 You're not able to visit your parents anymore, too many  
22 young people there. That's with or without your  
23 monitoring device.

24 I know at one time that you indicated to me that you  
25 had a warehouse there, and with the -- and this is in

19

1 Greenwood County?

2 PROBATION AGENT: Yes, Your Honor.

3 THE COURT: I was trying to come up with a method  
4 that he could get it out, not drag it out, so to speak.  
5 In other words, that it will be removed.

6 How long do you think it will take you to get what  
7 you have got at your parents' house?

8 MR. HARRIS: Judge, if I could be briefly heard on  
9 this issue before you rule?

10 THE COURT: Sure.

11 MR. HARRIS: May I see the diagram?

12 (Pause).

13 with all due respect to the Crocker's --

14 THE COURT: Just to explain it to you, the lot that  
15 is highlighted in blue --



16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MR. HARRIS: Yes, sir.

THE COURT: -- that is Mr. Crocker's residence.

MR. HARRIS: Yes, sir.

THE COURT: I think his parents are actually next door.

MR. HARRIS: Your Honor, if I may, this is -- if I may -- if I may, Your Honor, briefly. I would like to address -- his father, again, is in a wheelchair, Your Honor. We brought that to the Court's attention last week.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

what hasn't been brought to your attention today is that Mr. Gavin's parents' house is a fenced in yard. It is accessed on one major part of that by a thoroughfare in Greenwood County.

we would just ask that -- that he be allowed -- we will do whatever it takes to abide by a 100-yard restriction away from the Crocker's family.

we will do whatever it takes to court order him to not stop anywhere in Greenwood County until he gets within the confines of that white fence that surrounds this entire five acre piece of property because that's what it is, Your Honor. It is a five-acre piece of property that is surrounded by a fence.

Part of that property is the Crocker property. However, we would take great steps, whatever those steps are, Your Honor, to have him go directly to that property, only onto the interior of his parents' property without moving around on the property itself.

Understanding, Your Honor, that the slightest violation of that court restriction would, in fact, be a

21 knowing, a willful, and an intentional violation of any  
22 court order.

23 Again, Your Honor, I cannot stress to you how  
24 important it is to us, and to Mr. Gavin, and to  
25 Mr. Gavin's parents, who are the true victims, along with

21

1 the Crocker's and the Crocker's family in this case, that  
2 he be allowed to see his parents, his dad, who is in a  
3 wheelchair, and to assist him on the chance that he needs  
4 to assist him, which is, in fact, a weekly -- a weekly  
5 chore that he would gladly take on.

6 Again, Your Honor, I show you the diagram that shows  
7 that wattsbridge Road is -- he can enter wattsbridge Road  
8 and go on the property without ever having to drive by the  
9 Crocker property, Your Honor.

10 So quite frankly, just a change in his direction to  
11 his parents' house, I think, would solve the problem of  
12 him being in the immediate vicinity.

13 Certainly, also a court order with a 100-yard  
14 restriction and a court order not allowing him out of the  
15 house itself when he went on the property would also solve  
16 that problem.

17 THE COURT: A couple of things: Does he have a  
18 warehouse with tools and other work?

19 THE DEFENDANT: Correct.

20 MR. HARRIS: Yes, sir, he does. It is on the --  
21 as -- as you look at the lake, face of the lake, Your  
22 Honor, it is on the southeast portion of the property.

23 THE COURT: How long would it take him to move that  
24 property?

25

1 property?

2 MR. HARRIS: Yes.

3 THE DEFENDANT: Two hours, I believe.

4 MR. HARRIS: Two hours, Your Honor.

5 THE COURT: It's no big deal?

6 THE DEFENDANT: No, sir.

7 THE COURT: And your father is in a wheelchair, and I  
8 regret that for you, but is he ambulatory in the  
9 wheelchair? I mean, does he have the wheelchair ramp that  
10 he can get in a van or a car?

11 THE DEFENDANT: My -- my stepdad was admitted to the  
12 hospital last week with pneumonia, and he almost died.  
13 He's 88 years old. He is in very bad health.

14 My mother cannot travel very good. She gets around  
15 Greenwood a little bit in her car. They have no one that  
16 really does their grocery shopping for them. He has a  
17 physical therapist come out three or four times a week to  
18 see him. He is incapable of taking care of the property  
19 as he did up until about six months ago.

20 I was hoping to be able to do all of the work on  
21 their eight acres. Their house sits in the middle of  
22 eight acres, and the back entrance to the property is a  
23 couple hundreds yards from the Crocker's house.

24 This was an incident that happened --

25 MR. HARRIS: Excuse me, Your Honor.

1 (Pause).

2 THE DEFENDANT: Okay.

State VS Zail Gavin.txt

3 MR. HARRIS: Your Honor, the only thing --

4 THE DEFENDANT: That's the only thing.

5 MR. HARRIS: -- that I'll mention about this offense,  
6 and again, it's in no disrespect. It's only by way of  
7 mitigation and explanation.

8 This was an offense that occurred in 1999, and he has  
9 been trying to get the treatment. That's why it's court  
10 ordered. That's why we accept this court order that  
11 you're handing down today on the sex offense registry. We  
12 are continuing to work towards that.

13 We would just ask that you allow him the ability  
14 under strict, strict guidelines to visit, continue to  
15 visit with his father -- stepfather and mother.

16 PROBATION AGENT: Your Honor.

17 THE COURT: well --

18 PROBATION AGENT: I'm sorry.

19 THE COURT: well, let me address that. What we've  
20 got to do, Mr. Harris, is protect those children, and that  
21 includes protecting their frame of mind as well as it does  
22 physically.

23 It sounds as if there's still difficulty dealing with  
24 it, but they seem to be dealing with it pretty good. I'm  
25 sure that comes from the knowledge that they won't see him

24

1 again, and I regret that he's in that situation. I regret  
2 it for his parents. I regret it for his painting  
3 business. I mean, it's unfortunate, but the unfortunate  
4 side of it comes from -- look in the mirror.

5 He's the one that did it, and I kept the case,  
6 thought I could help him, thought I could do some good,

7 and that hasn't worked. I'm not going to subject those  
8 children even to seeing him in the yard, even to seeing  
9 him in the yard.

10 You can have someone drive in and pick up your mom.  
11 You can have someone drive in to pick up your dad. Ninety  
12 six to Greenwood, from my travels around the state, is  
13 probably what, about 12 miles?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: I know the state pretty good, whether I  
16 want to or not, and I do want to. I just don't think that  
17 would be a heinous burden.

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Just remember who got yourself into this  
20 situation. I'm not, but I'm inclined to, maintain  
21 jurisdiction to make sure that you go to jail next time,  
22 but I haven't accomplished what I had hoped to accomplish.

23 Now, maybe another judge -- of course, I hope you're  
24 never before another judge.

25 THE DEFENDANT: Yes, sir.

25

1 THE COURT: I mean, it almost sounds like I wish you  
2 ill. I don't. If I wished you ill, I'd put you in jail  
3 today.

4 THE DEFENDANT: Yes, sir.

5 THE COURT: I want you to succeed.

6 THE DEFENDANT: And I will.

7 THE COURT: But you know, you continue to bump up  
8 against these barriers. So I'm not going to maintain  
9 jurisdiction.

10 what other things did I say, Agent Sirmon? Same  
11 terms of probation --

12 PROBATION AGENT: Yes, sir.

13 THE COURT: -- seven to eight. He's electronically  
14 monitored 24 hours but work seven until eight, and he can  
15 see a mental health counselor or a sexual predator  
16 counselor, whatever that might be properly called, with  
17 your permission, ahead of time.

18 Now, let me ask you, will a fax from him, because I  
19 know how busy you are, and I haven't read it as closely as  
20 I need to, the new D.U.I. laws, but is that going to put  
21 additional burdens on the Probation Department or will it  
22 not change directly?

23 PROBATION AGENT: As far as him faxing a schedule  
24 or -- I don't...

25 THE COURT: Just "I have an appointment with

26

1 Dr. Donna" --

2 PROBATION AGENT: Uh-huh.

3 THE COURT: -- so and so at such and such a time on  
4 such and such a date?

5 PROBATION AGENT: Yes, Your Honor. That would  
6 suffice.

7 THE COURT: That would suffice?

8 PROBATION AGENT: Yes, Your Honor.

9 THE COURT: And, of course, you could call her to  
10 confirm the appointment and the attendance?

11 PROBATION AGENT: Uh-huh.

12 THE COURT: That's okay with you?

13 PROBATION AGENT: Yes, Your Honor.

14 THE COURT: The electronic monitoring will be  
15 reinstalled. You are not to go to your parents' home, and

16 I think this is implicit, but in case it's not, I'll make  
17 it explicit, you are not to go around, about or anywhere  
18 near the victims in this case. That means if they're  
19 walking down the street toward you, you cross the street  
20 and walk on the other side of the street.

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Or the better thing would be to get in  
23 your car and drive someplace else, but they don't have a  
24 burden to stay away from you. You have got a burden to  
25 stay away from them.

27

1 Anything I am leaving out?

2 PROBATION AGENT: I have at least one question. As  
3 far as what happened last Monday, the time on his  
4 supervision, just his probation period, was reduced to a  
5 year with the -- his original end date was 2/6/11, and  
6 that was reduced last Monday to 2/6/10.

7 I didn't know if we were going back to the original  
8 end date or what was said last Monday when we were in  
9 court.

10 THE COURT: We're going to leave the end date the  
11 same.

12 PROBATION AGENT: As the original order or...

13 THE COURT: As the original.

14 PROBATION AGENT: Okay.

15 MR. HARRIS: Your Honor, if I may be heard on that.

16 THE COURT: Yes, sir.

17 MR. HARRIS: I think one of the things you would  
18 consider is the hope, with us working with probation, that  
19 it was reduced one year. Within that one year, we  
20 would -- we would be able to do all of the counseling that

21 had been previously required by the court and by Probation  
22 with the hope that once we were complete with all the  
23 counseling, that it should be terminated.

24 I think that was -- that was your thinking, and we  
25 would ask that you consider reinstating that portion of

28

1 the -- of the sentence as amended.

2 THE COURT: I will allow you to petition for that,  
3 but that was never intended to be in my order.

4 PROBATION AGENT: One more question, if I can, Your  
5 Honor, sorry.

6 THE COURT: Any and all questions. Yes, ma'am?

7 PROBATION AGENT: Thank you, Your Honor.

8 Do we go back to what you originally ordered back  
9 when we went to court as far as the discretionary G.P.S.  
10 two years, or is there a time limit, or are we just going  
11 back to that original order as far as time wise on his  
12 G.P.S.?

13 THE COURT: As long as he's on probation, I want him  
14 electronically monitored.

15 PROBATION AGENT: Yes, Your Honor.

16 MR. HARRIS: But understand the curfew, Your Honor,  
17 allows him to work.

18 THE COURT: Seven until eight.

19 MR. HARRIS: Thank you.

20 PROBATION AGENT: Is that Monday through Friday, or  
21 do you want that every day for his work hours?

22 THE COURT: Monday through Friday.

23 PROBATION AGENT: Thank you, Your Honor.

24 THE COURT: Again, with work being what it is or is



25 not right now, would it be agreeable with you for him to

29

1 be able to fax to you an address that he will physically  
2 be located and working in the hours on the weekend?

3 PROBATION AGENT: Yes, Your Honor. Is it also fair  
4 to say if there is a day that he's not working that he is  
5 expected to be at his residence?

6 THE COURT: Yes.

7 PROBATION AGENT: Or is it still -- okay.

8 MR. HARRIS: Well, Your Honor.

9 THE COURT: Now, let me back up on that. I think  
10 he's -- you own your company; is that right, Mr. Gavin?

11 MR. HARRIS: He's a contractor, Your Honor.

12 THE DEFENDANT: Yes, sir.

13 THE COURT: So he -- I think he's got to be out  
14 hustling his product, so to speak.

15 PROBATION AGENT: Yes, Your Honor.

16 THE COURT: And I think on those days, again, and you  
17 can buy fax machines for \$100 now. Just handwrite a fax  
18 and where you're going to try to secure work that day,  
19 that "I plan to go to this address, that address, this  
20 address" and put the initials of the individuals at that  
21 address, fax it to her on the days that you don't have a  
22 job. We don't want to put you out of business.

23 THE DEFENDANT: It's already done that.

24 MR. HARRIS: Hang on.

25 Your Honor, if I may address that issue. One of the

30

1 concerns that we have is that if probation is going to be  
2 following up with his people who are going to be hiring

3 him to do a contract, he is effectively out of business.

4 we would just ask for a curfew, Your Honor. Normally  
5 we don't come in here asking the Court for a curfew, but  
6 that's what we're asking for on this particular case, Your  
7 Honor, which allows him to do his business, to go out and  
8 make bids, to go out and meet with prospective people who  
9 are going to pay him so that he can support his family and  
10 himself so he can do the kind of job just like I do every  
11 day with the restrictions that he has to be in his house  
12 every night until eight and has to be in his house every  
13 morning until seven o'clock.

14 He just -- there is no way for him to do business  
15 when he is providing the names of his -- of his patrons,  
16 the names of the people who are going to be hiring him if  
17 he is going to provide those numbers to Ms. Sirmon where,  
18 you know, as soon as the person calls, they're going to  
19 say, "well, what are you calling about?"

20 She calls, and Ms. Sirmon, you know, quite frankly,  
21 as is her obligation, may say "I am following up on a  
22 person that I am supervising while on probation."

23 THE DEFENDANT: Your Honor, about 50 percent of the  
24 business that I can get now, without having my ad in the  
25 Yellow Pages, is from me going and physically looking and

31

1 seeing places that I might be able to do work at. I don't  
2 know that ahead of time.

3 THE COURT: Yes, sir.

4 THE DEFENDANT: It's been a problem with Probation.  
5 I don't know that. Until I can put an ad in the Yellow  
6 Pages next year to -- to get calls for my business, I need

7 State VS Zail Gavin.txt  
to go out and hustle business.

8 MR. HARRIS: It's part of -- his business is the bid  
9 process, Your Honor, all the way through the collection  
10 part of the process. I just don't know that's conducive  
11 to him knowing a week in advance what he's going to do.  
12 That's why we have asked.

13 THE COURT: Well, I was speaking more of a day in  
14 advance, but the seven until eight, did we have any  
15 problems with that?

16 PROBATION AGENT: If that's the order, that is --  
17 that is fine. We'll be able to track him. Like I said,  
18 like the day in advance, just to know whereabouts.

19 I don't necessarily -- if he gets a job, I don't  
20 necessarily try to contact those people because I don't  
21 want to ruin his business, but I do expect to be able to  
22 look and see that he's been at that address that he has  
23 provided for me and not just out and about everywhere.

24 THE COURT: No contact except under extraordinary  
25 conditions. In other words, just let her know.

32

1 Have we covered it all?

2 PROBATION AGENT: I believe so, Your Honor. It does  
3 appear that Mr. Foster does want to...

4 MR. FOSTER: Your Honor, Cantzon Foster. I appeared  
5 before you last week, as well, just for a brief moment. I  
6 feel like I have to bring this to the Court's attention.

7 The question you asked of Mr. Gavin, was he a  
8 contractor. He answered yes, and he told you about going  
9 out and taking Yellow Pages ads to secure business.

10 It's actually a fact that he is no longer licensed as  
11 a contractor in the State of South Carolina, and his

12 license has been revoked by the South Carolina Department  
13 of L.L.R. I have a notice of that, and I think that  
14 should be brought to your attention that he wouldn't be  
15 going out securing business. He is not a licensed  
16 contractor in the State of South Carolina. He may been  
17 working for a licensed contractor, but he wouldn't be  
18 doing it himself, and I wanted to --

19 MR. HARRIS: He contracts to paint, Your Honor, which  
20 does not require a license.

21 THE DEFENDANT: Correct, correct.

22 THE COURT: well, that would be -- I'm certain that  
23 they would appreciate that, but they would look and see if  
24 he is violating that.

25 Mr. Harris, I'd recommend that you look at it, and

33

1 maybe it's my ignorance. I live outside the city, and  
2 I've never asked for a license before they do paint on my  
3 house.

4 So it would have to be, I think, a willful violation.  
5 we'll see what the language is. I have not read that.

6 MR. FOSTER: I just wanted to bring it to the Court's  
7 attention --

8 THE COURT: Yes.

9 MR. FOSTER: -- to the extent he is a licensed  
10 contractor in the State of South Carolina.

11 THE COURT: If you could give it to Agent Sirmon for  
12 purposes of investigation.

13 (Complies).

14 MR. HARRIS: Judge, the other only matter I think was  
15 brought up last week was visitation, and obviously -- with

16 his daughter, and we will take that up with Probation at  
17 the appropriate time when he wants visitation and his --  
18 and his common law wife.

19 PROBATION AGENT: Can I say one thing? It -- the  
20 visitation with children, that still goes through our sex  
21 offender counselor. I just wanted to make sure that was  
22 still a part of the record as far as the sex offender  
23 counselor is more of a profession in that area to be able  
24 to say if that is granted.

25 so it still goes through Probation and the counselor.

34

1 He has already been referred to counseling as of this past  
2 Tuesday when he came in and saw me. He will be seeing his  
3 counselor, and they will be able to better organize the  
4 contact with children and grant that.

5 THE COURT: And D.S.S. is already involved in that,  
6 is that correct, or do they get involved?

7 MR. HARRIS: No, sir. Again, going back to last  
8 week's hearing, one of the problems is that this thing has  
9 been put off for eight months, not through any fault of  
10 Mr. Gavin's.

11 He would have completed that treatment had this  
12 matter not been postponed and postponed and postponed.  
13 The Court took all of those things into consideration.

14 As it stands under the current order they are now  
15 seeking to impose, reimpose on him, he will not see his  
16 daughter under any -- under any theory that Probation  
17 would allow for at least three to four months.

18 Your Honor, I think you considered that to be a  
19 burden that was inequitable and just was something that  
20 you didn't feel was fair to Mr. Gavin or quite frankly to

21 his family.

22 So we would ask that you -- at least to the extent  
23 that you can, reconsider that portion of an amendment of  
24 your sentence and allow him supervised visits or visits  
25 along with -- with the authority of Probation, which are

35

1 supervised by another adult, which would be his common law  
2 wife.

3 THE COURT: well, I feel that I need to leave --  
4 considering the type crime that we're dealing with, I  
5 think that that decision is not one that I'm prepared to  
6 make. I mean, I don't have enough information. I don't  
7 know the rules, totally, of the Special Sex Offender  
8 Victim's Assistance.

9 I do ask that you expedite Mr. Gavin's ability to  
10 visit with his -- is it a little girl or a little boy?

11 THE DEFENDANT: Little boy and my little girl, but  
12 the little girl I won't get to see until after Probation  
13 is over.

14 MR. HARRIS: His daughter, he won't see for two  
15 years. His son, however, he's not going to see him for  
16 four months, even if they expedite it.

17 You heard a lot of testimony last week, Your Honor,  
18 that I think you're now discounting. We ask that you not  
19 discount everything that you have heard about the timing  
20 of how this came before the Court, about the programs that  
21 Mr. Gavin was in, about the programs he was participating  
22 in that ended eight months ago when -- when all of this --  
23 what brought you -- what brought him here today occurred.

24 He would have been completed with all of those

State VS Zail Gavin.txt  
25 problems. Everything has been undone almost today. we

36

1 are just asking that, quite frankly, the most important  
2 part of the order to my client was the ability to see his  
3 child with his -- with his common law wife.

4 Now, it doesn't even look like -- it doesn't look  
5 like he's going to be able to see that child. We would  
6 just ask you reconsider that portion of your order, Your  
7 Honor, and allow, as you did last week, supervised  
8 visitation to be monitored with -- only with advance  
9 notice to Probation.

10 Quite frankly, Your Honor, I think they can allow you  
11 to -- they can do that. That's what they told the Court  
12 last week.

13 THE COURT: This is not my order. That is my  
14 suggestion.

15 PROBATION AGENT: Thank you, Your Honor.

16 THE COURT: And I am not maintaining jurisdiction in  
17 this case unless both sides agree that I should, and if  
18 you do, I will. If you don't, then, you know, whenever it  
19 comes up, it comes up.

20 MR. HARRIS: Yes, Your Honor.

21 Your Honor, you had suggested or you have -- you had  
22 on your order, that order today, authorizes or allows us  
23 to come before the Court in a year's time. We would ask  
24 that you, at a minimum, retain jurisdiction over that  
25 finding. It is your sentence.

37

1 THE COURT: I'll -- any problem with that?

2 PROBATION AGENT: Is that for...  
Page 31

3 MR. HARRIS: It's for early termination of Probation.

4 PROBATION AGENT: Well, you would have to do an  
5 admission for that.

6 MR. HARRIS: After he has finished treatment and some  
7 of the other requirements of your office.

8 PROBATION AGENT: If there is -- I mean, I don't --  
9 we can still take it in front of any judge, but that would  
10 be unduly up to you, Your Honor, as far as jurisdiction.

11 THE COURT: If he has completed, without violation,  
12 all terms of his probation for a year from today's date, I  
13 will hear it if both sides agree to that.

14 MR. HARRIS: Thank you, Your Honor.

15 THE COURT: Thank you.

16 PROBATION AGENT: Thank you, Your Honor.

17 THE COURT: Good luck, Mr. Gavin.

18 (whereupon, the proceedings were concluded.)  
19  
20  
21  
22  
23  
24  
25

38

1 CERTIFICATE OF REPORTER:  
2

3 STATE OF SOUTH CAROLINA )  
4 COUNTY OF RICHLAND )  
5  
6



7 State VS Zail Gavin.txt  
I, Karen Tracy, Official Court Reporter for the 5th  
8 Judicial Circuit of the State of South Carolina, do hereby  
9 certify that the foregoing is a true, accurate and  
10 complete Transcript of Record of the proceedings had and  
11 evidence introduced in the trial of the captioned case,  
12 relative to appeal, in the Court of General Sessions for  
13 Richland County, South Carolina, on the 9 day of February,  
14 2009.

15  
16  
17 February 10, 2009

18 \_\_\_\_\_  
19  
20 Karen Tracy, Court Reporter  
21 My Commission Expires: 04/01/14  
22  
23  
24  
25

U

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Greenville  
STATE South Carolina  
AKA: Fall Ray Garvin  
Race: White Sex: Male Age: \_\_\_\_\_  
DOB: 6/3/58 SS#: 374-34-0255  
Address: 2232 Quail Hollow Ct  
City, State, Zip: Wadesboro, NC 29169  
DL# 002408224 SID# \_\_\_\_\_

2005 -GS- 32 - 2184  
INDICTMENT/CASE#: \_\_\_\_\_  
AW#: H822755  
Date of Offense: March 22, 2005  
S.C. Code §: 16-17-470  
CDR Code #: 01120  
 CASE RESTORED  
SENTENCE  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS  
TO: Peeping Tom  
in violation of § 16-17-470 of the S.C. Code of Laws, bearing CDR Code # 01120  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.  
The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.

ATTEST: \_\_\_\_\_  
Solicitor \_\_\_\_\_  
Attorney for Defendant \_\_\_\_\_  
Attorney for Defendant \_\_\_\_\_

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center,  
for a determinate term of 3 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years  
and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 90 days/months/years and/or payment  
of \$ \_\_\_\_\_ plus costs and assessments as applicable\*; the balance is suspended with probation for 4  
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation,  
which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: 3-19-06  
 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.

SPECIAL CONDITIONS:

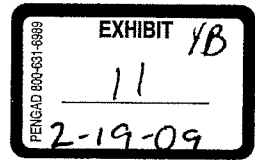
RESTITUTION:  Heard,  Waived,  Ordered  
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_  
Payment Terms: \_\_\_\_\_  
 set by SCDPPPS \_\_\_\_\_  
Recipient: \_\_\_\_\_  
\*Fine: \_\_\_\_\_  
§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_  
§14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100  
§14-1-211(A)(2) (DUI Surcharge) \$100 \$ \_\_\_\_\_  
§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_  
§ 35.13 (Public Def/Prob) \$500 \$ \_\_\_\_\_  
§73.3, 1B TP (Law Enforce. Funding) \$25 \$ \_\_\_\_\_  
§33.7, 1B TP (Drug Court Surcharge) \$100 \$ 75  
§50-21-114(BUI Breath Test Fee) \$50 \$ \_\_\_\_\_  
§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_  
3% to County (if paid in installments) \$ \_\_\_\_\_  
TOTAL \$ 175

PTUP \_\_\_\_\_ days/hours Public Service Employment  
Obtain GED \_\_\_\_\_  
Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly  
pmts. of \$ \_\_\_\_\_ beginning \_\_\_\_\_  
\$ \_\_\_\_\_ paid to Public Defender Fund  
Other: Not to be served on weekends  
Prob is return prohibited

Appointed PD or appointed other counsel, §35.13 TP  
Requires \$500 be paid to Clerk during probation.

Boeth A. Parnagy  
Clerk of Court Deputy Clerk  
Court Reporter: Christina

PRESIDING JUDGE A. L. Goble  
Judge Code: 0111210  
Sentence Date: 3-19-06



White - Clerk Green - Corrections Canary - Probation Pink - Defendant

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Richland  
STATE VS.

INDICTMENT/CASE#:  
2007 -GS- 40 - 8454

AKA: Zail Ray Gavin  
Race: W Sex: M Age: 49  
DOB: 3/5/58 SS#: 574-54-0253  
Address: 325 E 01019 ST  
City, State, Zip: Columbia SC 29201  
DL# \_\_\_\_\_ SID# \_\_\_\_\_

A/W#: 1898974  
Date of Offense: August 24 2007  
S.C. Code §: 16-15-130  
CDR Code #: 0101911  
 CASE RESTORED  
SENTENCE SHEET  
 PLEA  TRIAL

In disposition of the said indictment comes now the Defendant who was  CONVICTED OF or  PLEADS TO Incompetent Exposure in violation of § 16-15-130 of the S.C. Code of Laws, bearing CDR Code # 0101911  
 NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS (CSC w/minor 1<sup>st</sup> or Lewd Act)  §17-25-45

The charge is:  As Indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury. \_\_\_\_\_ (Defendant Initial)  
The plea is:  Without Negotiations or Recommendation  Negotiated Sentence,  Recommendation by the State.

ATTEST:

[Signature] Solicitor [Signature] Defendant [Signature] Attorney for Defendant

WHEREFORE, the Defendant is committed to the  State Department of Corrections,  County Detention Center, for a determinate term of 3 days/months/years or  under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of 6 days/months/years and/or payment of \$ \_\_\_\_\_ plus costs and assessments as applicable; the balance is suspended with probation for 3 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or  CONSECUTIVE to sentence on: November 8 2007  
 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.

SPECIAL CONDITIONS:

RESTITUTION  Heard  Waived  Ordered  
Total \$ \_\_\_\_\_ plus 30% fee \$ \_\_\_\_\_  
Payment Terms:  
 set by SCDPPPS

PTUP \_\_\_\_\_ days/hours Public Service Employment  
Obtain GED  
Attend Voc. Rehab. or Job Corp.  
May serve W/E beginning \_\_\_\_\_  
Substance Abuse Counseling \_\_\_\_\_  
Random Drug/Alcohol Testing \_\_\_\_\_  
Fine may be pd. in equal, consecutive weekly/monthly pmts of \$ \_\_\_\_\_ beginning \$ \_\_\_\_\_ paid to Public Defender Fund  
Other: \_\_\_\_\_  
Discretionary GPS 2yrs  
 Appointed PD or appointed other counsel: \$35 13 TP Requires \$500 be paid to Clerk during probation.

Recipient: \_\_\_\_\_  
Fine \_\_\_\_\_  
§14-1-205 (Assessments 107.5%) \_\_\_\_\_  
§14-1-210 (A+1) (Conv. Surcharge) \$100 \_\_\_\_\_  
§14-1-211 (A+2) (DUI Surcharge) \$100 \_\_\_\_\_  
§56-5-2895 (DUI Assessment) \$12 \_\_\_\_\_  
§56-3-10 (Public Def. Fee) \$50 \_\_\_\_\_  
§13-3-13 (TP - Law Enforce. Funding) \$25 \_\_\_\_\_  
§33-7-13 (TP - Drug Court Surcharge) \$100 \_\_\_\_\_  
§50-21-114 (BUI Breath Test Fee) \$50 \_\_\_\_\_  
§56-3-1040 (Lifetime Assessment) \$40 ea \_\_\_\_\_  
\$5 to County, paid in installments.

[Signature]  
Clerk of Court, Deputy Clerk  
Court Reporter [Signature]

PRESIDING JUDGE [Signature]  
Judge Code: \_\_\_\_\_  
Sentence Date November 8 2007

STATE OF SOUTH CAROLINA

Richland NJ

IN THE COURT OF GENERAL SESSIONS

County of Richland Fairfield  
STATE VS.

INDICTMENT#:  
07 -GS- 40 - 08454

Zail Ray Gavin  
AKA:  
Race: WHITE Sex: Male  
DOB: 03-05-1958  
SSN: 574-54-0255  
SID#: 00793006

Probation C/W#s: W-40-08-1848;  
W-40-08-0009; W-40-08-000  
Name of Original Offense: Indecent Exposure  
Original W/W#: I-898974  
Date of Original Offense: 08-24-07  
Conviction S.C. Code §: 16-15-130  
Conviction CDR Code #: 0701911  
Original Sentence: 3 yrs. SS upon service of 6m  
ORDER 128.75 and 3 yrs.  
Probation

The above named defendant has been charged with violating the conditions of probation ordered on 11/08/07 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 3-26-08, 4-18-08 as set forth in the attached warrant(s) or citation(s) dated 2-28-08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit)  
#10 #110 SEX OFFENDER Conditions; GPS RULES.

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_ thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).
- Additional Conditions ordered by the Court: - Additional GPS restrictions must be brought before Judge Goode.  
- maintain RESTRICTIONS of GPS.  
- Judge Goode retains jurisdiction.  
- pending Disorderly Conduct disposition is not to violate cas
- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 6 months/years on this sentence. ENTERED OIS 6-5-08  
(split sentence time and/or prior partial revocation time) BY [Signature]
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 27 day of May 2008  
Winnsboro, SC

[Signature]  
Presiding Judge Sh Goode  
10th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper; or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature]  
Signed this 27 day of May 2008 at Winnsboro, SC

ATTEST:  
Witnessed by [Signature]  
A TRUE COPY  
[Signature]

Created by the South Carolina Department of Probation, Parole and Pardon Services

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Richland  
STATE VS.

2007 GS- INDICTMENT#  
40-8454  
Probation CW#: W-40-08-2228 C-40-08-1889  
W-40-08-2441 W-GPS-40-08-003  
Name of Original Offense: Indecent Exposure  
Original A/W#: I 898974  
Date of Original Offense: 8-24-07  
Conviction S.C. Code §: 16-15-130  
Conviction CDR Code #: 0101911  
Original Sentence: 3yrs 90 days service of 6 months and 3yrs

Zail Gavin  
AKA:  
Race: W Sex: M  
DOB: 3-6-1968  
SSN: 574-54-0265  
SID#: 00793000

The above named defendant has been charged with violating the conditions of probation ordered on 11/8/07 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders (s) issued on 05-27-08, as set forth in the attached warrant(s) or citation(s) dated 7/23/08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 7, 9, 10, Special Conditions, GPS, Sex Offender Condition 4

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$\_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$\_\_\_\_\_ thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

Additional Conditions ordered by the Court:  
- Reduce time on supervision by 1 year with a new end date of 2/10/10 - Remove GPS/EM requirement - Can have supervised contact with his children as coordinated through Probation and supervision conditions. Judge Goode retains jurisdiction

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 6 months years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 2nd day of February 2009  
Columbus Winborne SC

M. J. Ladd  
Presiding Judge  
6th Judicial Circuit

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation, impose any lawful conditions it deems proper, or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed. This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature  
Zail Gavin  
Signed this 2nd day of February 2009 at Columbus Winborne SC

Witnessed by  
[Signature]  
Columbus Winborne SC

ATTENDED

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

County of Richland  
STATE VS.

INDICTMENT# 2007-GS-40-8454  
Probation CW#s: W-46-08-2228-C-40-08-188  
W-46-08-2941; W-GPS-40-08-0008  
Name of Original Offense: Indecent Exposure  
Original A/W#: I 898974  
Date of Original Offense: 8-24-07  
Conviction S.C. Code §: 16-15-130  
Conviction CDR Code #: 10101911  
Original Sentence: 3yrs ss upon the service of 6

Zail Gavin  
AKA:  
Race: W Sex: M  
DOB: 3-5-1958  
SSN: 574-54-0255  
SID#: 60793006

ORDER months and 3yrs Probation

The above named defendant has been charged with violating the conditions of probation ordered on 11/25/07 in the Court of General Sessions of Richland County, and/or the additional conditions ordered by the Court in probation continuation orders(s) issued on 5-2-08, as set forth in the attached warrant(s) or citation(s) dated 11/25/08, 10/11/08, 11/7/08. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special conditions as provided in the affidavit) 7, 9, 10, Special Conditions, GPS, Sex Offender Condition 4

Therefore, IT IS ORDERED that:

- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years, the remainder of the original sentence, and/or pay \$ \_\_\_\_\_.
- the suspended sentence be revoked and the above named defendant be required to serve \_\_\_\_\_ months/years of the original sentence and/or pay \$ \_\_\_\_\_; thereupon to be reinstated on probation, subject to the conditions set forth in the attached order and not inconsistent with this order.
- the above named defendant is continued on probation as provided for in the original sentence, subject to the conditions set forth therein and not inconsistent with this order.
- probation is reduced to time served under supervision and the defendant is discharged from supervision on this date.
- the above named defendant is placed on active electronic monitoring pursuant to §23-3-540 (mandatory if convicted of first degree criminal sexual conduct with a minor or lewd act, discretionary if convicted of any other applicable sex offense against a minor).

Additional Conditions ordered by the Court: Discretionary GPS for the duration of supervision. Sex Offender counseling and mental health counseling as deemed necessary by Probation. Probation ends as originally ordered on 11-8-07 with the end date of 2-6-08. Subject is not allowed to parents residence in Winety-Six, SC. Judge Grade relinquishes jurisdiction. GPS hours M-F from 7am - 3pm

- The defendant is given credit for pre-revocation hearing detention time on current probation violation to be calculated and applied by the SC Department of Corrections.
- The defendant has previously served 6 months/years on this sentence. (split sentence time and/or prior partial revocation time)
- The defendant was previously placed on active electronic monitoring pursuant to §23-3-540.

This 9th day of February, 2009  
Winnabow SC  
Presiding Judge [Signature]  
Judicial Circuit 10

You are hereby advised that under the law the Court may at any time revoke or modify any condition of this probation; impose any lawful conditions it deems proper or extend your period of probation not to exceed five (5) years. At any time within the period of your probation, the Court may require you to serve any part of the original sentence imposed.

This is to certify that I have read, or have had read to me, the order and the conditions set out therein. I agree to comply with such conditions and the conditions of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Offender's Signature [Signature] Witnessed by [Signature]  
Signed this 9th day of February, 2009 at Winnabow SC

**JUDICIAL MERIT SELECTION COMMISSION** )  
)

**In the Matter of:** Judge Kenneth G. Goode  
**Candidate for** )

At Large Seat Eight )

Circuit Court Judge, South Carolina )

**WITNESS AFFIDAVIT  
FORM**

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least two weeks prior to the date and time set for the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is

In regard to my intended testimony, I will offer information as to the following:

- (1) **Set forth your full name, age, address, and both home and work telephone numbers.**

Barry Judson Crocker- 41,

Stacy Aldrich Crocker - 37,

- (2) **Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.**

Probation officer for Mr. Gavin, Brittany Sirmon :

Harbor Heights Resident, Amy Hillev

Harbor Heights Resident, Diane Quinn

Harbor Heights Resident, Larry Reese

Greenwood County Victim Assistant Director Mary Ann Stroup

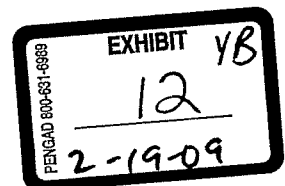
Executive Director of South Carolina Crime Victim's Council Laura Hudson

Contractor Kenny and Teresa Wardlaw

South Carolina Law Enforcement and the likes

Indiana State Law Enforcement and the likes

Alaska State Law Enforcement and the likes



- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
- (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;

We are private citizens and victims of Mr. Zail Ray Gavin. He has committed a sexual offender crime on our family and burglary crime near our home in Harbor Heights.

*Integrity is a consistency of actions, values, methods, measures and principles. Integrity may be seen as the quality of having a sense of honesty and truthfulness in regard to the motivations for one's actions - Why did Judge Goode agree to the Monday, February 09<sup>th</sup> hearing? Was it due to pressure from somewhere after his February 2<sup>nd</sup> hearing? Or, did he really believe he had made an error, as he said in the February 9<sup>th</sup> hearing, by not allowing the Probation Officer of Mr. Gavin, Ms. Sirmon, with the opportunity to present her information (letter)?*

*Judicial Temperament- To me, having a good judicial temperament is not a matter of personality but of a matter of commitment to be the embodiment of justice by showing respect to all one interacts with. Was Judge Goode respectful of Ms. Sirmon on February 2<sup>nd</sup>? If shown genuine respect by our judges, our citizens will continue to place their faith and trust in our judicial system. Did the citizens have faith and trust that our judicial system worked fairly that day? We will say no.*

*Diligence is a zealous and careful nature in one's actions and work. Was Judge Goode careful in his decisions of maintaining jurisdiction over Mr. Gavin's cases? Were the actions of his sentences really making an impact on Mr. Gavin?*

*We question whether or not there was a conflict of interest in Mr. Gavin being represented by a Law Firm that had a member, S. Jahue Moore, Jr. (Jake), that previously had been a law clerk for Judge Goode? Did Judge Goode perform judicial duties without bias or prejudice? Did Judge Goode inform all parties of his connection with the Law Firm representing Mr. Gavin and get consent to continue presiding over the hearings?*

*Given Mr. Gavin's history, why would Judge Goode only give probation knowing Mr. Gavin's repeat offenses?*

*During the February 02, 2009 hearing, why would Judge Goode remove Mr. Gavin from his electronic monitoring in addition to reducing his current probation sentence by one year? It was our understanding that he was before the Judge due to multiple probation violations. If Mr. Gavin had violated his probation, why was he not put in jail?*



(b) **specific dates, places, and times at which or during which such allegations took place;**

Monday, February 02<sup>nd</sup> and 09<sup>th</sup>, 2009 Fairfield County Court House

(c) **names of any persons present during such alleged actions or possessing evidence of such alleged actions; and**

Brittany Simon, Probation Officer for Mr. Gavin, 803-734-6327

One would need to pull the transcript from February 02<sup>nd</sup>, and 09<sup>th</sup>, 2009

(d) **how this information relates to the qualifications of the judicial candidate.**

**Ethical Fitness** – Has Judge Goode performed his adjudicative duties impartially in dealing with litigants, lawyers, witnesses, and other courtroom participants objectively and without bias?

**Professional and Academic Ability** – Has Judge Goode been able to communicate in a style that is both lucid and persuasive which has been supported by the established legal principles, to where he can clearly and logically communicate the reasoning leading up to his decisions?

**Character** – Has Judge Goode used proper judgment and recuse himself when a matter presented an actual conflict of interest or the appearance of impropriety?

**Judicial Temperament** – Has Judge Goode demonstrated a conduct that is disrespectful, arrogant, impatient, or arbitrary which has been an impediment to the administration of justice?

(4) **Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.**

Transcripts of court hearing dated February 2<sup>nd</sup> and 09<sup>th</sup>, 2009. We do not have.

Criminal history log of Zail Ray Gavin (Alaska, Indiana, and South Carolina).

Map showing our residence and the other victim's residence in relation to Mr. Gavin's parent's home.

Relationship between Judge Goode and the law firm that represented Mr. Gavin that has a former law clerk for Judge Goode. Attorney Jake Moore Jr.

(5) **State any other facts you feel are pertinent to the screening of this judicial candidate.**

Please review the Kendra Gaddie and the Zacharey Boley cases that Judge Goode presided over:

In the Gaddie case, it is our understanding that although Talisha Smith admitted in court to slapping Kendra Gaddie in her home day care, Judge Goode only sentenced Smith to 10 years in prison, suspended to 5 years probation.

In the Boley Case, it is our understanding that Zackery Aris Boley was arrested in an undercover sting conducted by the South Carolina Law Enforcement Division and Judge Goode sentenced 15 days time served and no sex offender registry. In addition, there may be a question in regards to the relationship between the law firm that represented Mr. Boley that has a former law clerk for Judge Goode. Attorney Paul Swainlinzen

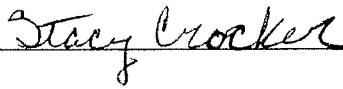
I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate and counsel.

**WAIVER**

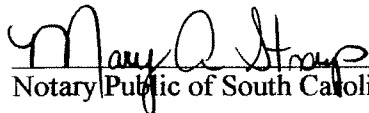
I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the commission to question other parties, including my attorney, concerning the facts and issues of my case.

  
\_\_\_\_\_  
Signature – Barry Crocker

  
\_\_\_\_\_  
Signature – Stacy Crocker

Sworn to me this 15<sup>th</sup> day of February, 2009

  
\_\_\_\_\_  
Notary Public of South Carolina L.S.

My commission expires: 08/11/2018

dDw yOTAw MTK

# South Carolina Sex Offenders

SOR Home



Check for electronic monitoring

Offender Information	
<b>Name:</b>	GAVIN, ZAIL RAY
<b>Sexual Predator:</b>	No
<b>Sex:</b>	Male
<b>Race:</b>	W
<b>DOB:</b>	1958-03-05
<b>Height:</b>	5' 11"
<b>Weight:</b>	224 lbs.
<b>Eye Color:</b>	Blue
<b>Hair Color:</b>	Brown
<b>Skin Tone:</b>	Light

Addresses	
<b>Address:</b>	
<b>County:</b>	<b>Status:</b>
<b>Start Date:</b> 2006-09-28	
<b>End Date:</b>	

Criminal Charges			
<b>Offense:</b>	<b>Statute:</b>	16-15-130	<b>Date of Conviction:</b> 2007-11-08
	<b>Literal:</b>	INDECENT EXPOSURE	<b>State of Conviction:</b> SC
	<b>Age Of Victim:</b>		<b>Sex Of Victim:</b>
	<b>Weapon:</b>		<b>Sentence Release Date:</b>
			<b>Probation Release Date:</b>

	<b>Count:</b> 3		
<b>Offense:</b>	<b>Statute:</b> 23-3-470(A)(B)(1) <b>Literal:</b> SEX OFFENDER REGISTRY VIOLATION 1ST OFFENSE <b>Age Of Victim:</b> <b>Weapon:</b> <b>Count:</b> 1	<b>Date of Conviction:</b> 2006-02-14 <b>State of Conviction:</b> SC <b>Sex Of Victim:</b> <b>Sentence Release Date:</b> 2006-05-14 <b>Probation Release Date:</b>	
<b>Offense:</b>	<b>Statute:</b> 16-17-470 <b>Literal:</b> PEEPING VOYEURISM OR AGGRAVATED VOYEURISM <b>Age Of Victim:</b> 50 <b>Weapon:</b> <b>Count:</b> 1	<b>Date of Conviction:</b> 2006-02-14 <b>State of Conviction:</b> SC <b>Sex Of Victim:</b> F <b>Sentence Release Date:</b> 2006-02-14 <b>Probation Release Date:</b>	
<b>Offense:</b>	<b>Statute:</b> 16-17-470 <b>Literal:</b> PEEPING VOYEURISM OR AGGRAVATED VOYEURISM <b>Age Of Victim:</b> <b>Weapon:</b> <b>Count:</b> 1	<b>Date of Conviction:</b> 2001-04-12 <b>State of Conviction:</b> SC <b>Sex Of Victim:</b> <b>Sentence Release Date:</b> 2002-03-07 <b>Probation Release Date:</b>	
<b>Offense:</b>	<b>Statute:</b> IC35-42-4-9 <b>Literal:</b> SEXUAL MISCONDUCT W/MINOR CLASS D <b>Age Of Victim:</b> <b>Weapon:</b> <b>Count:</b> 1	<b>Date of Conviction:</b> 2000-01-18 <b>State of Conviction:</b> IN <b>Sex Of Victim:</b> <b>Sentence Release Date:</b> 2000-01-18 <b>Probation Release Date:</b>	
<b>Offense:</b>	<b>Statute:</b> 16-15-130 <b>Literal:</b> INDECENT EXPOSURE <b>Age Of Victim:</b> 30 <b>Weapon:</b> <b>Count:</b> 1	<b>Date of Conviction:</b> 1996-03-25 <b>State of Conviction:</b> SC <b>Sex Of Victim:</b> F <b>Sentence Release Date:</b> 1997-03-25 <b>Probation Release Date:</b>	

Additional Identifiers	
<b>Name(s):</b>	GAVIN, ZAIL RAY

Registration Information	
<b>Type of Registering Agency:</b>	SO
<b>Last Scheduled Registration Date:</b>	2008-08-19
<b>Registration Due to Status Change:</b>	2008-02-08

<b>Date of Photograph:</b>	2008-08-12
<b>Date of Initial Registration:</b>	1997-10-03

---

DATA CURRENT AS OF: 02/01/2009

**Your request has returned the following information:**

SID# 00793006  
SCDC ID#  
NAME: ZAIL R GAVIN  
DOB: 03/05/1958  
GENDER: Male  
RACE: White  
MAIN OFFENSE: Indecent exposure (SR only if ordered so  
by judge)  
SUPERVISION TYPE: Split Probation  
COUNTY OFFICE : RICHLAND  
SUPERVISION BEGIN DATE: 02/07/2008  
SUPERVISION END DATE: 02/06/2011  
SEX OFFENDER REGISTRY: YES  
PHOTO:

---


Bottom of Form

PI Search - Microsoft Internet Explorer


File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address http://www.rcgov.us/PublicIndex/PISearch.aspx?CourtType=4



## Richland County Fifth Judicial Circuit Public Index Search





[New Search](#)      [County Home Page](#)      [South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zed	Defendant	W661862	12/21/2006	Transferred	12/21/2006	Criminal-Clerk		
Gavin, Zed	Defendant	W661863	12/21/2006	Transferred	12/21/2006	Criminal-Clerk		
Gavin, Zed	Defendant	2008CV40109C009	01/03/2008	Unable to Locate	01/12/2008	Civil	Summons & Complaint	2008CV40109C009
Gavin, Zed Ray	Defendant	1891493	08/14/2008	Disposed	08/14/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1891494	08/11/2008	Disposed	08/19/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1891498	08/11/2008	Disposed	08/19/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1891974	08/29/2007	Transferred	08/30/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1898975	09/29/2007	Transferred	09/30/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1938976	09/29/2007	Transferred	09/30/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W671135	08/30/2007	Transferred	08/30/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W671139	08/30/2007	Transferred	08/30/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W680902	07/29/2006	Transferred	07/29/2006	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W680903	04/18/2006	Transferred	04/19/2006	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W691099	11/07/2008	Transferred	11/07/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W681840	03/26/2008	Transferred	03/26/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W682225	07/28/2008	Transferred	07/29/2008	Criminal-Clerk		
Gavin, Zed Ray	Defendant	W682441	10/13/2006	Transferred	10/26/2006	Criminal-Clerk		
Gavin, Zed	Defendant	2007CV40309C137	03/03/2007	Disposed	03/03/2007	Civil	Summons & Complaint	2007CV40309C137

© 2005 South Carolina Judicial Department • All rights reserved



Done Items

 **Richland County  
 Fifth Judicial Circuit  
 Public Index Search** 

[New Search](#)      [County Home Page](#)      [South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zed	Defendant	2007CP4090379	10/13/2007	Pending		Common Pleas	Debt Collection 110	
Gavin, Zed Ray	Defendant	1099974	09/22/2007	Disposed	11/08/2007	Criminal-Clas		
Gavin, Zed Ray	Defendant	1099975	09/12/2007	Disposed	11/08/2007	Criminal-Clas		
Gavin, Zed Ray	Defendant	1099976	08/13/2007	Disposed	11/08/2007	Criminal-Clas		
Gavin, Zed	Defendant	2007CP4090486	07/02/2007	Judgment	07/02/2007	Common Pleas	Magistrate Judge 720	2007CP4090486

© 2005 South Carolina Judicial Department • All rights reserved


**Lexington County**  
**Eleventh Judicial Circuit**  
**Public Index Search**


[New Search](#)      [County Home Page](#)      [South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zail	Defendant	2006CP3201236	04/05/2006	Disposed	07/17/2006	Common Pleas	Foreclosure 429	2006CP3201236
Gavin, Zail	Defendant	2006CP3203977	10/06/2006	Judgment	02/03/2008	Common Pleas	Breach of Cont 546	2006CP3203977
Gavin, Zail	Defendant	2006CP3200408	04/05/2006	Pending	07/17/2006	Lis Pendens	Lis Pendens (\$10)	2006CP3201236
Gavin, Zail R	Defendant	2006CP3201236	04/05/2006	Dismissed	07/17/2006	Common Pleas	Foreclosure 430	2006CP3201236
Gavin, Zail R	Defendant	2006CP3200486	04/05/2006	Pending	07/17/2006	Lis Pendens	Lis Pendens (\$10)	2006CP3201236
Gavin, Zail R	Defendant	H622787	04/01/2006	Dismissed	02/03/2008	Criminal-Clerk		
Gavin, Zail Ray	Defendant	H622755	04/01/2006	Dismissed	02/14/2008	Criminal-Clerk		
Gavin, Zail Ray	Defendant	H62210	09/27/2005	Dismissed	02/14/2008	Criminal-Clerk		




PI Search - Microsoft Internet Explorer


File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address http://www.lex-co.com/applications/sjweb/publicindex/PISearch.aspx?CourtType=



## Lexington County Eleventh Judicial Circuit Public Index Search



[New Search](#)      [County Home Page](#)      [South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Kevin, Zed	Defendant	2908CV32106061268	10/03/2008	Disposed	12/23/2008	Civil	Summons & Complaint	
Kevin, Zed	Defendant	27970CR	07/23/2004	Disposed	08/28/2008	Criminal		
Kevin, Zed Ray	Plaintiff	2008CV321091273	10/16/2008	Perm Trial Request	10/02/2008	Civil	Summons & Complaint	2008CV321091273
Kevin, Zed Ray	Defendant	46561EP	04/05/2008	Disposed	08/15/2008	Traffic		
Kevin, Zed Ray	Defendant	46562EP	03/05/2008	Disposed	09/19/2008	Traffic		
Kevin, Zed Ray	Defendant	46563EP	07/06/2008	Disposed	09/02/2008	Traffic		
Kevin, Zed Ray	Defendant	46564EP	09/09/2008	Disposed	09/10/2008	Traffic		
Kevin, Zed Ray	Defendant	3693218	08/02/2005	Transferred	08/13/2008	Criminal		

© 2005 South Carolina Judicial Department • All rights reserved

Done Internet


PISearch - Microsoft Internet Explorer

File Edit View Favorites Tools Help


Back Forward Stop Search Favorites

Address http://publicindex.sccourts.org/laurens/publicindex/PISearch.aspx?CourtType=

Go Link



## Laurens County Eighth Judicial Circuit Public Index Search

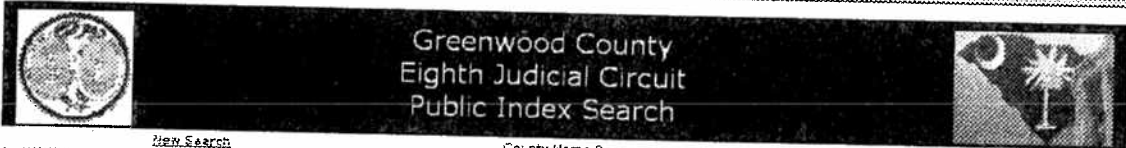


[New Search](#)
[County Home Page](#)
[South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Bavin, Zof R	Defendant	Y389082	6/20/2001	Disposed	07/19/2001	Traffic		

© 2005 South Carolina Judicial Department • All rights reserved

Done Internet



New Search		County Home Page		South Carolina Judicial Department Home Page				
Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
David, Zai Ray	Defendant	D259039	03/05/1996	Disposed	03/23/1996	Criminal-Clerk		
David, Zai Ray	Defendant	D718678	02/27/1996	Disposed	03/29/1996	Criminal-Clerk		
David, Zai Ray	Defendant	G475706	01/30/2001	Disposed	04/12/2001	Criminal-Clerk		
David, Zai Ray	Defendant	G475725	01/30/2001	Disposed	04/12/2001	Criminal-Clerk		
David, Zai Ray	Defendant	G582744	01/31/2001	Disposed	04/12/2001	Criminal-Clerk		
David, Zai Ray	Defendant	G529338	01/17/1996	Disposed	11/09/1999	Criminal-Clerk		

© 2005 South Carolina Judicial Department • All rights reserved


PI Search - Microsoft Internet Explorer

File Edit View Favorites Tools Help


Back Forward Stop Search Favorites

Address http://198.206.194.114/greenwood/pub/index/PISearch.aspx?CourtType=L

---



## Greenwood County Eighth Judicial Circuit Public Index Search



---

[New Search](#)
[County Home Page](#)
[South Carolina Judicial Department Home Page](#)

Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zed R	Defendant	0359035	02/26/1996	Dismissed	02/20/1996	Criminal		
Gavin, Zed R	Defendant	0359039	03/26/1996	Transferred	03/08/1998	Criminal		
Gavin, Zed R	Defendant	G475729	01/29/2001	Transferred	01/30/2001	Criminal		
Gavin, Zed R	Defendant	Y191306	04/11/2000	Dismissed	09/01/2000	Traffic		
Gavin, Zed R	Defendant	G475706	01/29/2001	Transferred	01/30/2001	Criminal		
Gavin, Zed R	Defendant	V186602	03/26/1996	Dismissed	02/10/1998	Traffic		

---

© 2005 South Carolina Judicial Department • All rights reserved

Done

Public Access - Case Summary - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address [http://www.courtrecords.alaska.gov/pa/pa.url/pamw2000.o\\_case\\_sum?2036554](http://www.courtrecords.alaska.gov/pa/pa.url/pamw2000.o_case_sum?2036554) Go Links

---

**Case Information**

State of Alaska      Gavin, Zaid R

---

**Defendant Information**

Full Name      Full Name      Covell, Kenneth L  
 Address      Address      712 8TH AVENUE

City/State/Zip      City/State/Zip      Fairbanks      AK      99701  
 Phone      Phone      (907)451-7802

---

**Charges**

Charge Desc	AS11.46.320(A)(1): CRIM TRESPASS-1ST	Degree of Offense	Misdemeanor Conversion
Charge Desc	AS11.41.460(a): Indecent Exposure	Degree of Offense	Misdemeanor Conversion
Charge Desc	AS12.30.060(2): VIOLATION CONDITIONS	Degree of Offense	Misdemeanor Conversion

---

**Case Status**

Assigned Judge      Funk, Raymond

---

**Case Attributes**

Number      4FA-98-02419CR  
 Status      Closed  
 Filed      08/07/1998

Done      Internet

Public Access Case Summary Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address [http://www.courtrecords.alaska.gov/pa/pa.urd/pamw2000.o\\_case\\_sum725209370](http://www.courtrecords.alaska.gov/pa/pa.urd/pamw2000.o_case_sum725209370) Go Links

**4FA-98-02605CR State of Alaska vs. Gavin, Zail R**

**Plaintiff**  
State of Alaska

**Defendant**  
Gavin, Zail R

---

**Attorney(s)**

<b>Full Name</b>	<b>Full Name</b>	Covell, Kenneth L
<b>Address</b>	<b>Address</b>	712 8TH AVENUE

<b>City/State/Zip</b>	<b>City/State/Zip</b>	Fairbanks	AK	99701
<b>Phone</b>	<b>Phone</b>	(907)451-7802		

---

**Charge(s)**

<b>Charge Desc</b>	AS11.41.460(a): Indecent Exposure	<b>Degree of Offense</b>	Misdemeanor Conversion
<b>Charge Desc</b>	AS12.30.060(2): VIOLATION CONDITIONS	<b>Degree of Offense</b>	Misdemeanor Conversion

---

**Assigned Judge** Funk, Raymond

---

**Case Attributes**

<b>Number</b>	4FA-98-02605CR
<b>Status</b>	Closed
<b>Filed</b>	08/21/1998

Done Internet

Public Access - Case Summary - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites

Address http://www.courtrecords.alaska.gov/pa/pa.urd/pamw2000.o\_case\_sum?26987643

Go Links

4FA-98-03381CR City of Fairbanks vs. Gavin, Zail R

**Parties**

City of Fairbanks	Gavin, Zail R
-------------------	---------------

**Attorneys**

Full Name	Full Name
Address	Address

**Charges**

Charge Descr	FGC7.15.104(B): LEAVE SCENE OF ACC.	Degree of Offense	Misdemeanor Conversion
--------------	-------------------------------------	-------------------	------------------------

**Case Judge**

Assigned Judge Hammers, Patrick S

**Case Attributes**

Number	4FA-98-03381CR
Status	Closed
Filed	10/26/1998

Done

Internet

Public Access - Case Summary - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Address http://www.courerecords.alaska.gov/pa/pa.urd/pamw2000.o\_case\_sun/83477454

4TO-92-00153CR State of Alaska vs. Gavin, Zail R

State of Alaska Gavin, Zail R

Full Name DA  
Address Address

City/State/Zip AK  
Phone Phone

Charge Descr AS28.35.030: DWI Degree of Offense

Assigned Judge Wells, Jennifer K

Number 4TO-92-00153CR  
States Closed  
Filed 09/03/1992

Done Internet



**Statute:** IC35-42-4-9  
**Literal:** SEXUAL MISCONDUCT W/MINOR CLASS D  
**Age Of Victim:**  
**Weapon:**  
**Count:** 1  
**Date of Conviction:** 2000-01-18  
**State of Conviction:** IN  
**Sex Of Victim:**  
**Sentence Release Date:** 2000-01-18  
**Probation Release Date:**

**IC 35-42-4-9 (P.L. 31, § 9)**

Increases the penalty for Sexual Misconduct With a Minor (intercourse with 14 or 15 year old) from a Class C Felony to a Class A Felony if it is facilitated by furnishing the victim a drug or controlled substance without the victim's knowledge.

Increases the penalty for Sexual Misconduct With a Minor (fondling or touching with 14 or 15 year old) from a Class D Felony to a Class B Felony if it is facilitated by furnishing the victim a drug or controlled substance without the victim's knowledge.

PLEASE NOTE - This is NOT an official document

## Chronological Case Summary

### HENDRICKS COUNTY SUPERIOR COURT III

Case: 32D03 99 06 CF 000063

STATE OF INDIANA v. ZAIL R GAVIN

Description SEXUAL MISCONDUCT WITH MINOR

Municipality HCS

Status DISMISSED WITH PREJUDICE

Findings State's Dismissal Granted

Offense 05/31/1999

Filed 06/04/1999

Status 08/18/1999

Findings 08/18/1999

Last Active 12/17/2002

Paid to Date \$0.0  
0

Case Balance \$0.0  
0

Bond Balance \$0.00

GAVIN, ZAIL R (0001) ARREST WARRANT

Status Served

Issued 06/07/1999

Served 06/30/1999

Generic Fields

**Protective** Y

**WarReqByPros** Y

**Microfilmed** R208/122.0

Judge

LOVE, KAREN MEREDITH  
SUPERIOR COURT III  
DANVILLE, IN 46122

Plaintiff

STATE OF INDIANA

Prosecutor

BALDWIN

Baldwin, Patricia  
Hendricks Co. Prosecutor  
1 Courthouse Square  
Danville IN 46122  
317-745-9283

Defendant

GAVIN, ZAIL R

C/O TIPPECANOE CO. JAIL

Physical Information

<b>Gender</b>	<b>Race</b>	<b>Height</b>	<b>Weight</b>
M	WHITE	511	190
<b>Date of Birth</b>		<b>Hair Color</b>	<b>Eye Color</b>
03/05/1958		BRO	BLU

Attorney

DEETS, NICHOLAS C (17293-53)

10585 N MERIDIAN ST

SUITE 205

INDIANAPOLIS, IN 46290

317-818-3100

317-818-3100 FAX

**Offenses**

⌘(expand all)

⌘Charge (1)	SEXUAL MISCONDUCT WITH MINOR	Offense Date 05/31/1999
Statute	35-42-4-9	
Degree	B	
Level	CF	
Disposition	D	Disposition Date 08/18/1999
⌘Charge (2)	FAIL. TO REGISTER SEX OFFENDER	Offense Date 05/31/1999
Statute	5-2-12-9, 5-2-12-9	
Degree	D	
Level	DF	

**Offenses**

Charge (1)	SEXUAL MISCONDUCT WITH MINOR	Offense Date 05/31/1999
------------	------------------------------	-------------------------

Statute 35-42-4-9  
Degree B  
Level CF  
Disposition D Disposition Date 08/18/1999

Charge (2) FAIL. TO REGISTER SEX OFFENDER Offense Date 05/31/1999  
Statute 5-2-12-9, 5-2-12-9  
Degree D  
Level DF

### **Actions**

Sequence	Date	Description
0002	06/07/1999	Information and Probable Cause Afdvt filed.  APPEARANCE FORM FILED BY PATRICIA BALDWIN.
0003	06/07/1999	Probable Cause Found. Clerk to issue Arrest Warrant. NO BOND. PROTECTIVE ORDER ISSUED.
0004	06/07/1999	Notice: PA, and Hendricks County Sheriff with warrant NOTICE: PA, PERSON RESTRAINED, PROTECTED PERSON, HCS AND PLAINFIELD POLICE DEPT W/PROTECTIVE ORDER.
0005	06/11/1999	Search Warrant issued.
0006	06/11/1999	NOTICE: PA W/SEARCH WARRANT
0007	06/28/1999	APPEARANCE FORM(CRIMINAL) FILED BY DEETS
0008	06/29/1999	MOTION TO SET BOND FILED.
0009	06/30/1999	Order of Conveyance issued. Deft. in Tippecanoe County. Initial hearing set 7-1-99 @ 11:00 a.m. in video court.

- 0010 06/30/1999 NOTICE: PA, DEETS, TIPPECANOE COUNTY JAIL AND HCS W/ORDERS
- 0011 07/01/1999 INITIAL HEARING. State appears by Sharon Stegemoller, deft. appears by video w/counsel Michael Lohorn standing in for Nicholas Deets. Mass Advisement. Probable Cause. Order, Discovery, Court Determination. Omnibus Date 8-30-99; Pre- trial 9-8-99 @ 1:00 p.m. and Jury trial 9-21-99 @ 8:00 a.m. Bond hearing set 7-19-99 @ 10:30 a.m. w/1 hour allotted. Defendant advises he has hired Nicholas Deets as counsel. Written appearance has been filed with the Court. Deft. remanded to Sheriff with NO BOND. Discovery Order issued.
- 0012 07/01/1999 HENDRICKS COUNTY SHERIFF RETURN ON ARREST WARRANT ISSUED JUNE 7, 1999 RETURNED - SERVED 6-30-99
- 0013 07/02/1999 HENDRICKS COUNTY SHERIFF RETURN ON PROTECTIVE ORDER AND NOTICE TO ZAIL R. GAVIN RETURNED - PERSONALLY SERVED 6-30-99
- 0014 07/09/1999 NOTICE; PA, DEETS AND HCS W/ORDER. DEETS W/CCS, PC AND CHARGING INFO.
- 0015 07/16/1999 MOTION FOR SEVERANCE OF OFFENSES FILED.
- 0016 07/19/1999 BOND HEARING. State by Brian Johnson. Defendant appears in custody with counsel, Nicholas Deets. Motion To Dismiss Information Of Failure To Register As A Sex Offender filed by defendant. State has no objection. COUNT 2 DISMISSED. Sworn testimony heard. Court sets bond in the amount of \$250,000.00 COMMERCIAL ONLY. Defendant's Motion For Speedy Trial filed. Mr. Deets to provide an Order to the Court setting speedy trial.
- 0017 07/21/1999 NOTICE: PA, DEETS AND HCS W/CCS ENTRIES
- 0018 07/22/1999 STATE'S RESPONSE TO COURT ORDERED DISCOVERY FILED.
- 0019 07/23/1999 Order on Deft.'s Motion for Speedy Trial issued. Jury trial 9-21-99.

0020 07/26/1999 NOTICE: PA, DEETS AND HCS W/ORDER.

0021 07/30/1999 STATE'S SUPPLEMENTAL RESPONSE TO COURT ORDERED  
DISCOVERY FILED.

0022 08/13/1999 DEFENDANT'S PRELIMINARY WITNESS AND EXHIBIT LIST  
FILED.

0023 08/17/1999 MOTION TO DISMISS FILED.

0024 08/18/1999 State moves for dismissal, Court grants, Case ordered Dismissed  
DISPOSED

0025 08/18/1999 NOTICE: PA, DEETS AND HCS W/ORDER TO DISMISS

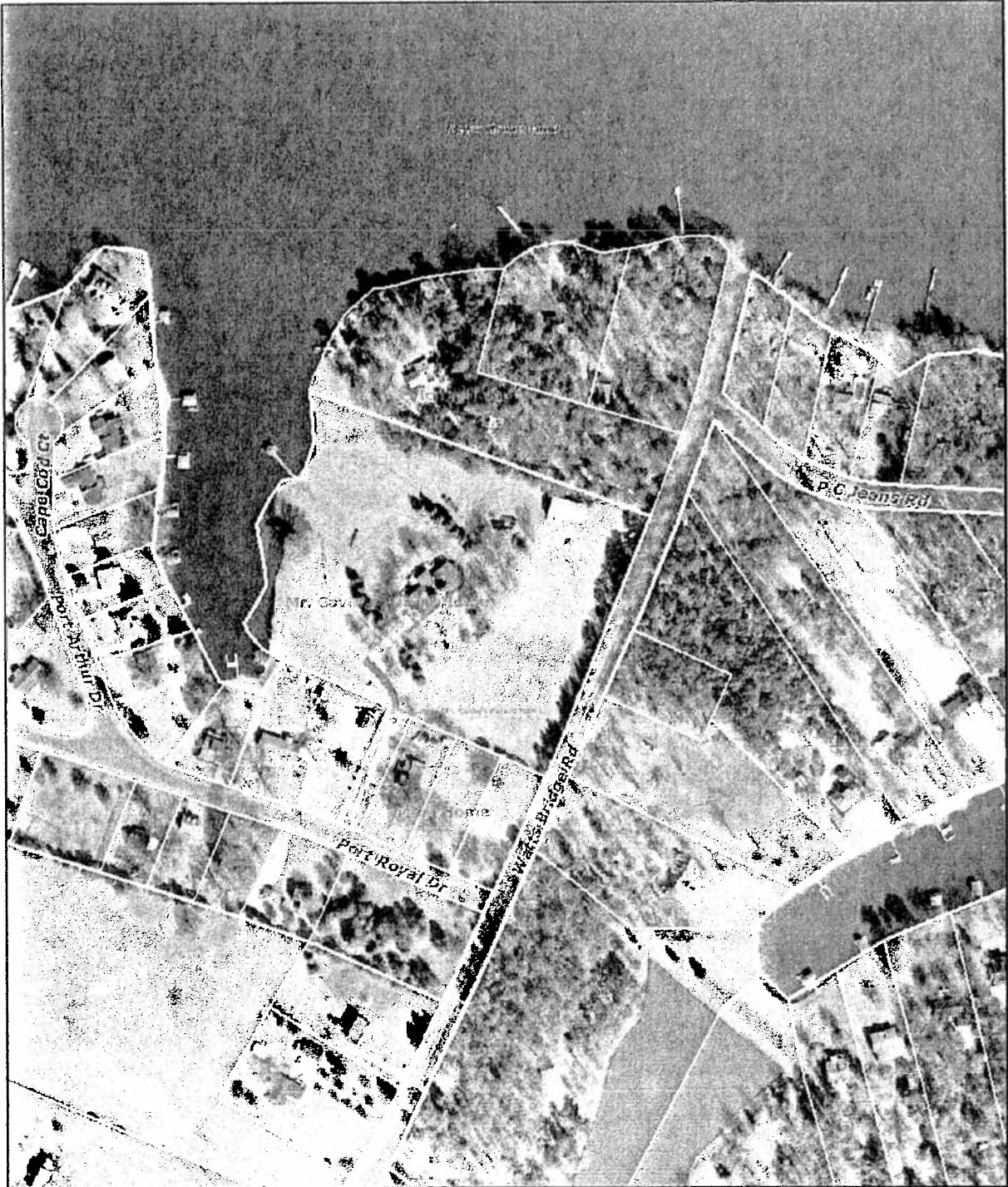
0026 02/08/2000 MOTION, ORDER AND NOTICE OF TERMINATION OF  
PROTECTIVE ORDER FILED.

0027 02/08/2000 Motion, Order and Notice of Termination of Protective Order issued.  
Reason for Termination: Dismissal of case.

0028 02/08/2000 NOTICE: PA, HCS, DEETS, PROTECTED PERSON AND  
PLAINFIELD POLICE DEPT W/DISMISSAL OF PROTECTIVE  
ORDER.

0029 12/17/2002 CASE MICROFILMED R208/122.0

Greenwood County, SC



*Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.*


**Map Scale**  
**1 inch = 288 feet**

2/6/2009

Welcome to Moore, Taylor & Thomas, Attorneys at Law, West Columbia, SC

Back X Search Favorites

Address: http://www.mtlaw.com/



**Moore, Taylor & Thomas, P.A.**  
1700 Sunset Boulevard ( Hwy. 378) - West Columbia, SC 29169

West Columbia Office: 803.798.9160  
Clemensville Office: 864.271.6371  
Saluda Office: 864.445.4594

Established in 1971

HOME


ABOUT US

SERVICES

ATTORNEYS

CONTACT

Welcome to Moore, Taylor & Thomas, P.A.



Internet



Jake Moore, Jr., Attorney at Law, West Columbia, SC - Microsoft Internet Explorer  
File Edit View Favorites Tools Help  
Back Forward Stop Search Favorites  
Address http://www.mtlaw.com/HTML%20files/jake\_moore\_jr.html

Associate

Office  
1700 Sunset Boulevard  
West Columbia, SC 29169


Contact Details  
Tel: 803.796.9160 • Fax: 803.791.8410  
jakejr@mtlaw.com

Areas of Law  
Criminal Defense • Family Law • Civil Litigation  
Workers' Compensation Law • Personal Injury • Local Government

Education  
University of South Carolina School of Law  
Presbyterian College

Mr. Moore has served as a law clerk for Circuit Court Judge Kenneth G. Goode and served in the Lexington County Solicitor's Office prior to joining Moore, Taylor & Thomas. He is a member of the South Carolina Trial Lawyers Association.

ABOUT US  
SERVICES  
ATTORNEYS  
CONTACT



S. Jake Moore, Jr. (Jake)

Done Internet


**Richland County  
 Fifth Judicial Circuit  
 Public Index Search**


[Back](#)      [New Search](#)      [County Home Page](#)

Case Number: 1091995	Court Agency: Preliminary Hearing Court	Filed Date: 08/11/2008
Case Type: Criminal-Clerk	Case Sub Type:	
Status: Disposed	Issuing Judge: Clerk Of Court,	Disposition Judge: Shealy, D Kirby
Disposition: Preliminary Hearing Dismissed	Finalized: No	
Disposition Date: 09/19/2008	Date Received:	Arrest Date: 07/24/2008
Law Enf. Cases	True Bill Date:	No Bill Date:
Prosecutor Cases	Attachment Number: 0000GS40	Waiver Date:
Probation Cases		

[Parties](#)    [Changes](#)    [Sentencing](#)    [Associated Cases](#)    [Alerts](#)

**Parties**

Name	Address	Race	Sex	Date of Birth	Party Type Description	Status
Abe Bonding Co Inc / Edith S White	1525 Taylor Street P O Box 11665 Columbia SC 29211				Bond Enbly	Active
Garvin, Zail Ray	525 Georgia Street Columbia SC 29201-4447	White	M	03/05/1958	Defendant	Active
Garvin, Zail Ray	525 Georgia Street Columbia SC 29201-4447	White	M	03/05/1958	Defendant	Active
Abe Bonding Co Inc / Edith S White	1525 Taylor Street P O Box 11665 Columbia SC 29211				Bond Enbly	Active
Moore, S Jahue	Moore Taylor & Thomas, P A P O Box 5709 W. Columbia SC 29171				Defendant Attorney	Active
Martin, R	Richland County Sheriff's Dept 5623 Two Hatch Road Columbia SC 29223-0000				Officer	Active
Moore, S Jahue	Moore Taylor & Thomas, P A P O Box 5709 W. Columbia SC 29171				Defendant Attorney	Active