

**JUDICIAL MERIT SELECTION COMMISSION** )  
)

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

At Large Seat Eight )

Circuit Court Judge, South Carolina )

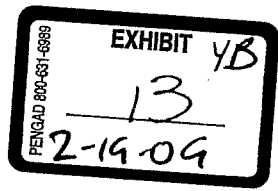
**WITNESS AFFIDAVIT  
FORM**

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.  
Amy Elizabeth Hilley, 43.
  
- (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  
Victim of Mr. Gavin, Barry and Stacy Crocker  
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;

I am a private citizen and concerned resident of the Harbor Heights subdivision where I live with my husband and two children 9 and 11 in age. Mr. Zail Ray Gavin has committed a sexual offense and burglary crime in and around our neighborhood. I have maintained an interest in Mr. Gavin due to his mother and step-father having a residence between two of his victims in the same Harbor Heights subdivision.

January 22, 1998 the General Assembly of the State of South Carolina enacted the Victim's Bill of Rights. Among other things, in this act victims are told that they have the right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment, or abuse. I question whether Judge Goode really consider the victim's rights when he thought he could help Zail Ray Gavin and took over the jurisdiction of him.

*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? I for one can 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?*

*I question whether or not there was a conflict of interest in Mr. Gavin being represented by a law firm that had a member, S. Jabue Moore, Jr. (Jabe), who 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 my 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? When I asked Judge Goode at the February 9<sup>th</sup> hearing why he would had reduce the probation by one year, he said he had not. However, when Ms. Sirmon spoke to him, after me, about the year reduction in probation he had given him on February 2nd, he said that that had not been his intent and put the year back on at the February 9<sup>th</sup> hearing.*

*It was my understanding; Judge Goode felt it necessary to honor Mr. Gavin's attorney request to remove Mr. Gavin from electronic monitoring at the February 2<sup>nd</sup> hearing because Mr. Gavin is a painting contractor and needed to be able to go out and hustle work and bid on projects. When it was brought to Judge Goode's attention at the February 9<sup>th</sup> hearing that Mr. Gavin had his contractor license revoked by the SC Residential Builders Commission on August 13, 2008 for failing to disclose his criminal history, Judge Goode was not aware that Mr. Gavin's license had been revoked. Please note, at the SC Residential Builders Commission Administrative Hearing Mr. Gavin was represented by Mr. Jake Moore, a member of the same law firm representing him on February 9<sup>th</sup>.*

- (b) specific dates, places, and times at which or during which such allegations took place;**  
Monday, February 02<sup>nd</sup> and 9<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 Sirmon, 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. I do not have.  
Criminal history log of Zail Ray Gavin (Alaska, Indiana, and South Carolina).  
Map showing the victims residences and Mr. Gavin's parent's home.  
Relationship between Judge Goode and the Moore, Taylor & Thomas, P.A law firm that represented Mr. Gavin that has a member, Attorney Jake Moore Jr., that was a former law clerk for Judge Goode. In addition, relationship between Judge Goode and the Koon & Cook law firm that represented Mr. Boley that has a member, Attorney Paul Swearingen, that was a former law clerk for Judge Goode.  
Verbiage from the SC Residential Builders Commission Board Meeting Minutes

- (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 my 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.*

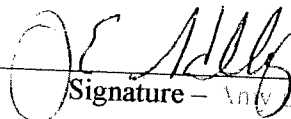
*In the Boley Case, it is my understanding that Zackery Arts Boley was arrested on in an undercover sting conducted by the South Carolina Law Enforcement Division and Judge Goode sentenced 15 days time served and no sex offender registry. In addition, there may be a question in regards to the relationship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

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.

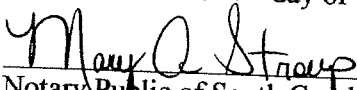
#### WAIVER

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 - Andy E. Hilley

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

# 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

**Address:** 525 GEORGIA ST  
COLUMBIA SC  
29201

**County:** Richland      **Status:** Residence

**Start Date:** 2006-09-28

**End Date:**

## 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>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>Count:</b> 1
<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>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>Count:</b> 1
<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>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>Count:</b> 1
<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>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>Count:</b> 1
<b>Offense:</b>	<b>Statute:</b> 16-15-130 <b>Literal:</b> INDECENT EXPOSURE <b>Age Of Victim:</b> 30 <b>Weapon:</b>	<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>	<b>Count:</b> 1

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

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

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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:

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## Richland County Fifth Judicial Circuit Public Index Search



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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Galvin, Zail	Defendant	W061082	12/21/2006	Transferred	12/21/2006	Criminal-Clerk		
Galvin, Zail	Defendant	W063003	12/21/2006	Transferred	12/21/2006	Criminal-Clerk		
Galvin, Zail	Defendant	2008CV401060009	01/03/2008	Unable to Locate		Civil	Summons & Complaint	2008CV401060009
Galvin, Zail Ray	Defendant	1891693	08/11/2008	Disposed	09/19/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1891694	08/11/2008	Disposed	09/19/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1891696	08/11/2008	Disposed	09/19/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1891697	08/11/2008	Disposed	09/19/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1898975	08/29/2007	Transferred	08/30/2007	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1898976	08/29/2007	Transferred	08/30/2007	Criminal-Clerk		
Galvin, Zail Ray	Defendant	1898977	08/29/2007	Transferred	08/30/2007	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W071235	08/30/2007	Transferred	08/30/2007	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W071239	08/30/2007	Transferred	08/30/2007	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W080602	08/29/2008	Transferred	08/29/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W080603	08/18/2008	Transferred	08/19/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W080609	11/02/2008	Transferred	11/03/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W081848	03/26/2008	Transferred	03/26/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W081228	07/29/2008	Transferred	07/29/2008	Criminal-Clerk		
Galvin, Zail Ray	Defendant	W082441	10/23/2008	Transferred	10/24/2008	Criminal-Clerk		
Galvin, Zail	Defendant	2007CV401080137	03/08/2007	Disposed	03/08/2007	Civil	Summons & Complaint	2007CV401080137

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Done

Internet







## Richland County Fifth Judicial Circuit Public Index Search



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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zed	Defendant	2007CP408379	12/17/2007	Pending		Common Pleas	Debt Collections 110	
Gavin, Zed Ray	Defendant	1909974	08/12/2007	Disposed	11/08/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1909975	08/12/2007	Disposed	11/08/2007	Criminal-Clerk		
Gavin, Zed Ray	Defendant	1909976	08/12/2007	Disposed	11/08/2007	Criminal-Clerk		
Gavin, Zed	Defendant	2007CP408406	07/03/2007	Judgment	07/03/2007	Common Pleas	Magistrate Judg 720	2007CP408406

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

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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zal	Defendant	2006CP3201256	04/05/2006	Disposed	07/17/2006	Common Pleas	Foreclosure 420	2006CP3201256
Gavin, Zal	Defendant	2006CP3203577	10/20/2006	Judgment	02/02/2009	Common Pleas	Breach of Cont 340	2006CP3203577
Gavin, Zal R	Defendant	2006CP3200406	04/05/2006	Pending	07/17/2006	Us Pendens	Us Pendens (\$10)	2006CP3201256
Gavin, Zal R	Defendant	2006CP3201236	04/05/2006	Disposed	07/17/2006	Common Pleas	Foreclosure 420	2006CP3201236
Gavin, Zal R	Defendant	2006CP3200486	04/05/2006	Pending	07/17/2006	Us Pendens	Us Pendens (\$10)	2006CP3201236
Gavin, Zal R	Defendant	H822787	04/05/2006	Disposed	02/14/2006	Criminal - Misd		
Gavin, Zal Ray	Defendant	H622755	04/01/2006	Disposed	02/14/2006	Criminal - Misd		
ONLI, Zal Ray	Defendant	3019219	06/27/2005	Disposed	02/14/2006	Criminal - Misd		

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# Lexington County Eleventh Judicial Circuit Public Index Search



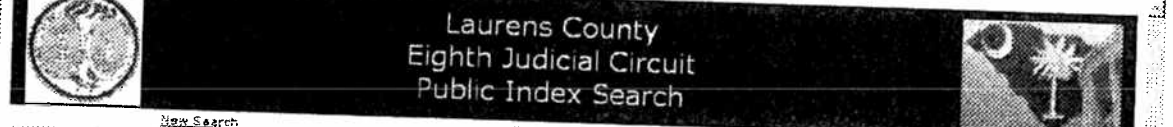
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South Carolina Judicial Department Home Page


Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zed	Defendant	2006CV32166061206	10/25/2006	Dismissed	12/29/2006	Civil		
Gavin, Zed	Defendant	8757006	07/23/2004	Dismissed	08/25/2004	Criminal	Summons & Complaint	
Gavin, Zed Ray	Plaintiff	2005CV321091273	10/16/2005	Jury Trial Request	10/03/2005	Civil	Summons & Complaint	2005CV321091273
Gavin, Zed Ray	Defendant	4656169	06/05/2008	Dismissed	08/15/2008	Traffic		
Gavin, Zed Ray	Defendant	46562EP	07/01/2008	Dismissed	08/15/2008	Traffic		
Gavin, Zed Ray	Defendant	46563EP	08/26/2008	Dismissed	08/15/2008	Traffic		
Gavin, Zed Ray	Defendant	46564EP	09/09/2008	Dismissed	09/10/2008	Traffic		
Gavin, Zed Ray	Defendant	2005218	08/09/2005	Dismissed	08/10/2005	Criminal		

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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Revco, Inc. &	Defendant	Y33082	6/2/01/2001	Disposed	31/19/2001	Traffic		

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## Greenwood County Eighth Judicial Circuit Public Index Search




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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zail Ray	Defendant	0259039	03/02/1996	Disposed	03/25/1996	Criminal-Clerk		
Gavin, Zail Ray	Defendant	0718678	02/27/1998	Disposed	02/28/1998	Criminal-Clerk		
Gavin, Zail Ray	Defendant	0476796	01/30/2001	Disposed	04/12/2001	Criminal-Clerk		
Gavin, Zail Ray	Defendant	0476729	01/30/2001	Disposed	04/12/2001	Criminal-Clerk		
Gavin, Zail Ray	Defendant	0582744	01/31/2001	Disposed	04/12/2001	Criminal-Clerk		
Gavin, Zail Ray	Defendant	0252908	03/17/1996	Disposed	03/22/1996	Criminal-Clerk		

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## Greenwood County Eighth Judicial Circuit Public Index Search



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Name	Party Type	Case Number	Filed Date	Case Status	Disp Date	Case Type	Case Subtype	Judgment #
Gavin, Zail R	Defendant	D159025	02/26/1996	Disposed	02/26/1996	Criminal		
Gavin, Zail R	Defendant	D159028	02/26/1996	Transferred	03/08/1996	Criminal		
Gavin, Zail R	Defendant	G475729	01/29/2001	Transferred	01/30/2001	Criminal		
Gavin, Zail R	Defendant	Y191006	09/21/2000	Disposed	09/21/2000	Traffic		
Gavin, Zail R	Defendant	G475706	01/29/2001	Transferred	01/30/2001	Criminal		
Gavin, Zail R	Defendant	Y185697	01/26/1996	Disposed	02/03/1998	Traffic		

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**Case Information**  
State of Alaska Gavin, Zail R

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

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

**Charges**  
Charge Descr AS11.46.320(A)(1): CRIM TRESPASS-1ST Degree of Offense Misdemeanor Conversion  
Charge Descr AS11.41.460(a): Indecent Exposure Degree of Offense Misdemeanor Conversion  
Charge Descr 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

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Address http://www.courerecords.alaska.gov/pa/pa.urd/pamw2000.o case\_sum?25209370

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

**Defendant**  
 State of Alaska  
 Gavin, Zail R

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

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

**Charge**

Charge Descr	AS11.41.460(a): Indecent Exposure	Degree of Offense	Misdemeanor Conversion
Charge Descr	AS12.30.060(2): VIOLATION OF CONDITIONS	Degree of Offense	Misdemeanor Conversion

**Case Info**

Assigned Judge Funk, Raymond

**Case Attributes**

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

Done

Internet



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

City of Fairbanks

Gavin, Zail R

Full Name

Full Name

Address

Address

City/State/Zip  
Phone

City/State/Zip  
Phone

Charge Descr

FGC7.15.104(B): LEAVE SCENE  
OF ACC.

Degree of Offense Misdemeanor Conversion

Assigned Judge

Hammers, Patrick S

Case Attributes

Number

4FA-98-03381CR

Status

Closed

Filed

10/26/1998

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Address http://www.courtrecords.alaska.gov/pa/pa.urd/pamw2000.o\_case\_sum/783477454

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

Case Statistics

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

Done Internet

**Statute:** IC35-42-4-9  
**Literal:** SEXUAL MISCONDUCT W/MINOR CLASS D  
**Age Of Victim:**  
**Weapon:**

**Date of Conviction:** 2000-01-18  
**State of Conviction:** IN  
**Sex Of Victim:**  
**Sentence Release Date:** 2000-01-18  
**Probation Release Date:**

**Count:** 1

**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 Misdemeanor** 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 Misdemeanor** 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  
Statute 5-2-12-9, 5-2-12-9  
Degree D  
Level DF

Offense Date 05/31/1999

### **Actions**

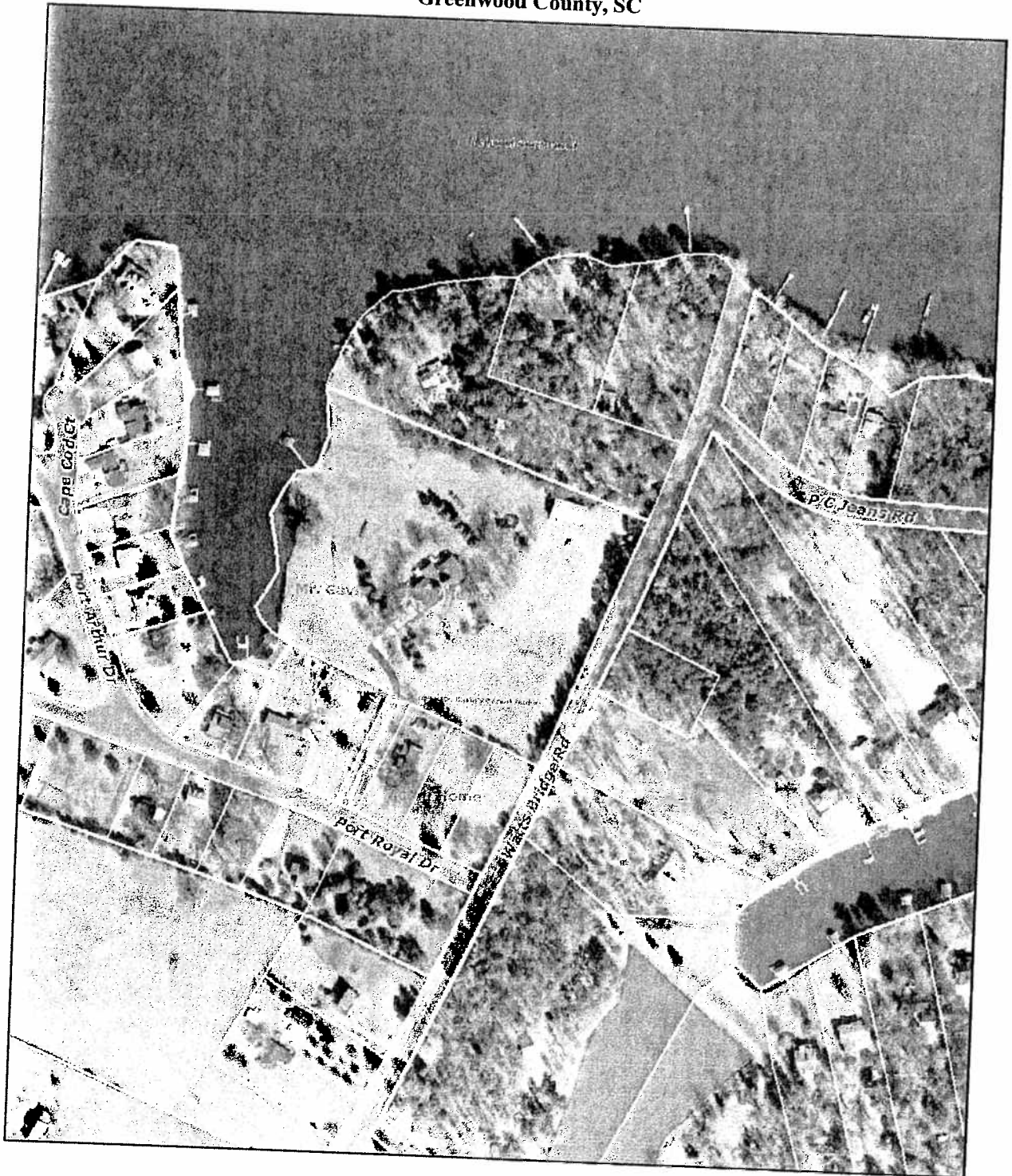
Sequence	Date	Description
0002	06/07/1999	Information and Probable Cause Afdvt filed.  APPEARANCE FORM FILED BY PATRICIA BALDWIN.
0003	06/07/1999	Probable Cause Found. Clerk to issue Arrest Warrant. NO BOND. PROTECTIVE ORDER ISSUED.
0004	06/07/1999	Notice: PA, and Hendricks County Sheriff with warrant 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



Established in 1971

## Moore, Taylor & Thomas, P.A.

1786 Sunset Boulevard ( Hwy. 378 ) -- West Columbia, SC 29169

West Columbia Office: 803.796.9160

Greenville Office: 864.271.6171

Spartanburg Office: 803.448.4534

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



Associate

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ATTORNEYS

CONTACT

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.



S. Jake Moore, Jr. (Jake)

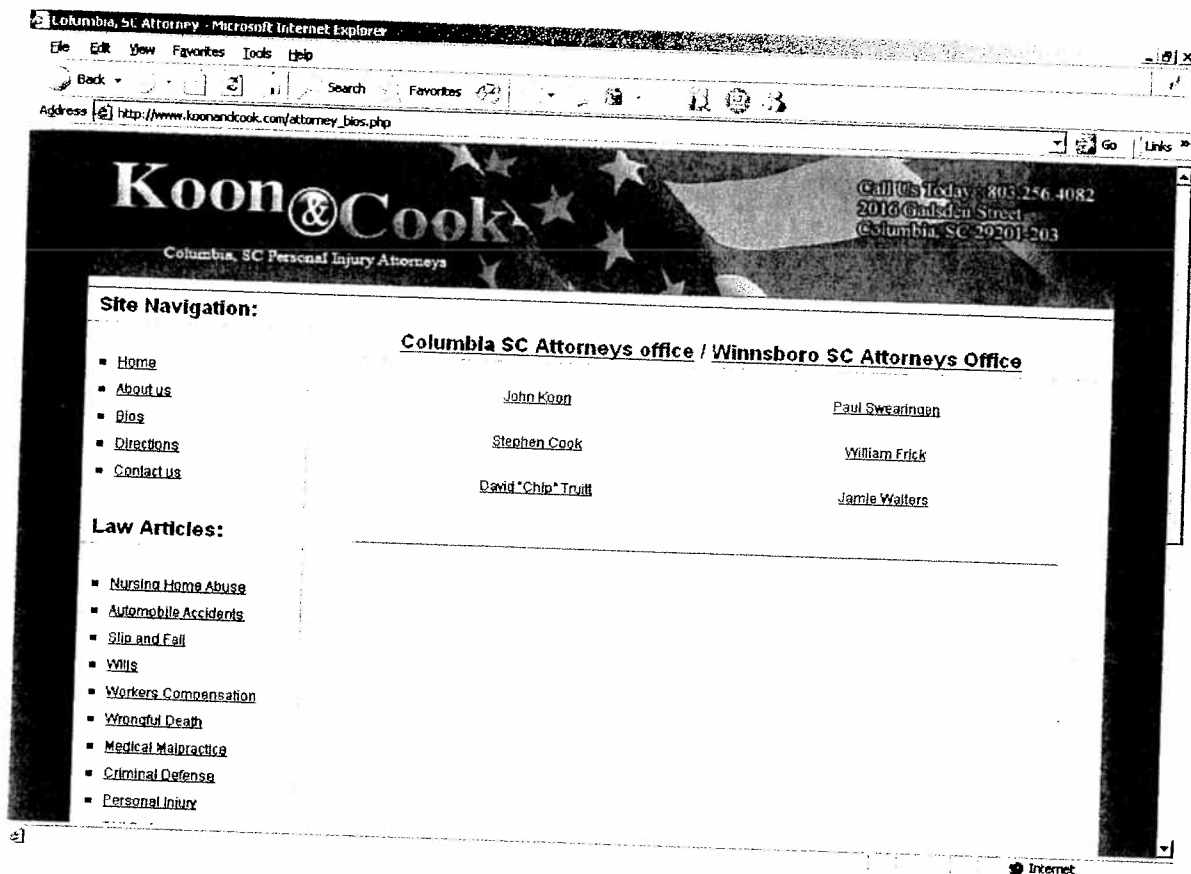


Case Number: 1891995  
Case Type: Criminal-Clerk  
Status: Disposed  
Disposition: Preliminary Hearing Dismissed  
Disposition Date: 09/19/2008  
Law Off. Cases:  
Prosecutor Cases:  
Petitioner Cases:  
Court Agency: Preliminary Hearing Court  
Case Sub Type:  
Issuing Judge: Clerk Of Court,  
Finalized: No  
Date Received:  
Filing Date:  
Indictment Number: 0000GS40  
Filed Date: 08/11/2008  
Disposition Judge: Shealy, D Kirby  
Arrest Date: 07/24/2008  
No Bill Date:  
Waiver Date:

[Parties](#) | [Charges](#) | [Sentencing](#) | [Associated Cases](#) | [Actions](#)

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 11605 Columbia SC 29211				Bond Entity	Active
Gavin, Zail Ray	525 Georgia Street Columbia SC 29201-4447	White	M	03/05/1958	Defendant	Active
Gavin, 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 11605 Columbia SC 29211				Bond Entity	Active
Moore, S Jahue	Near Taylor & Thomas, P & P.O. Box 5705 W. Columbia SC 29173				Defendant Attorney	Active
Martin, R	Richland County Sheriff's Dept 5623 Two Notch Road Columbia SC 29223-9800				Officer	Active
Moore, S Jahue	Moore Taylor & Thomas, P & P.O. Box 5705 W. Columbia SC 29173				Defendant Attorney	Active



## Winnsboro SC, Attorneys Office

### Paul Swearingen



#### Name:

Michael Paul Swearingen; [mpswearingen@truvista.net](mailto:mpswearingen@truvista.net)

#### Family / From

Winnsboro, SC  
 Married, Wife: Michelle Swearingen, one child, Ethan Swearingen

#### Education

*University of South Carolina School of Law Columbia, SC*

Juris Doctor May 1998

*Newberry College Newberry, SC*

Bachelor of Arts in Political Science May 1995

*Spartanburg Methodist College Spartanburg, SC*

Associate in Arts May 1993

*Fairfield Center High School May 1991*

## **Admitted to Practice**

South Carolina State Courts

## **Legal Experience**

*Koon & Cook, P.A. Winnsboro, SC*

Associate Attorney July 1999-Present

*Kenneth G. Goode and Associates Winnsboro, SC*

Associate Attorney November 1998- June 1999

Paul practices in the areas of Real Estate and Probate, including loan closings, deeds, wills, estates, foreclosures, and title actions.

ANOTHER possible CONFLICT!!!!!!

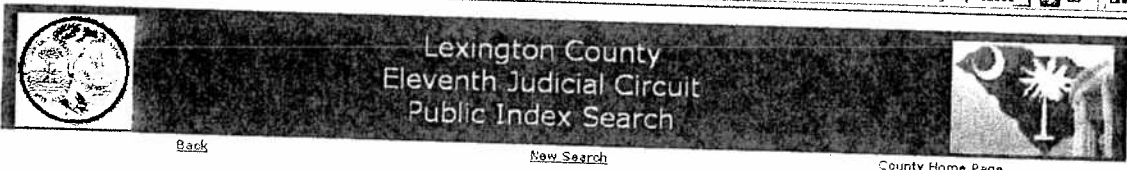
Public Index Case Details - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Search Favorites

Address http://www.lex-co.com/applications/scjdweb/publicindex/PICaseDetails.aspx?County=32+6&Casenum=3051805&CourtType=6&CaseType=Criminal&CourtAgency=32001

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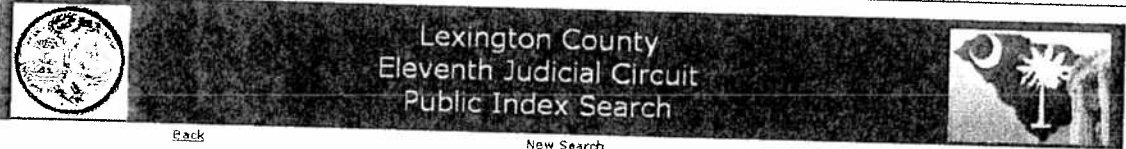
<p><b>Case Number:</b> 3051805  <b>Case Type:</b> Criminal-Clerk  <b>Status:</b> Disposed  <b>Disposition:</b> Pled Guilty  <b>Disposition Date:</b> 07/18/2007  <b>Law Enf. Case:</b>  <b>Prosecutor Case:</b>  <b>Probation Case:</b></p>	<p><b>Court Agency:</b> General Sessions  <b>Case Sub Type:</b>  <b>Issuing Judge:</b> Jeffcoat, W. Brian  <b>Finalized:</b> No  <b>Date Received:</b> 08/24/2006  <b>True Bill Date:</b>  <b>Indictment Number:</b> 2006GS3203392</p>	<p><b>Filed Date:</b> 08/24/2006  <b>Disposition Judge:</b> Goode, G. Kenneth  <b>Arrest Date:</b> 08/16/2006  <b>No Bill Date:</b>  <b>Waiver Date:</b></p>
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[Parties](#) | [Charges](#) | [Sentencing](#) | [Associated Cases](#)

### Parties

Name	Address	Race	Sex	Date of Birth	Party Type Description	Status
Boley, Zackery A Koon/cook	188 WEST CREEK RD BATESBURG SC 29006	White	M	05/04/1985	Defendant	Active
Darlene Amick Koon/cook	188 WEST CREEK RD BATESBURG SC 29006				Defendant Attorney	Active
Boley, Zackery A	188 WEST CREEK RD BATESBURG SC 29006	White	M	05/04/1985	Sond Entity	Active
					Defendant Attorney	Active
					Defendant	Active

Internet



[Back](#)      [New Search](#)      [County Home Page](#)  
**Case Number:** J051805      **Court Agency:** General Sessions      **Filed Date:** 08/24/2006  
**Case Type:** Criminal-Clerk      **Case Sub Type:**      **Status:** Disposed  
**Disposition:** Pled Guilty      **Issuing Judge:** Jeffcoat, W. Brian      **Disposition Judge:** Goode, G. Kenneth  
**Disposition Date:** 07/18/2007      **Finalized:** No  
**Law Enf. Case:**      **Date Received:** 08/24/2006      **Arrest Date:** 08/16/2006  
**Prosecutor Case:**      **True Bill Date:**      **No Bill Date:**  
**Probation Case:**      **Indictment Number:** 2006GS3203392      **Waiver Date:**

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**Sentencing**

And/OR	Description	Amount	Units	Begin Date	End Date	Completion Date	Consecutive or Concurrent
--------	-------------	--------	-------	------------	----------	-----------------	---------------------------

	15 DAYS TIME SERVED NO SEX OFFENDER REGISTRY;						
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**South Carolina Residential Builders Commission Board Meeting Minutes, Wednesday, June 11, 2008 Columbia, South Carolina Page 3 & 4 of 7**

Mr. Zail Gavin - The Commission reviewed Mr. Gavin's Residential Specialty Contractor's Application. Mr. Bowen informed the Commission that Mr. Gavin was notified by certified and regular mail and was not present to give testimony. Staff received a call from Mr. Gavin requesting a continuous.

Mr. Bowen informed the Commission that Mr. Gavin answered "no" that he had never been convicted of pled guilty or nolo contendere to a criminal offense. Mr. Gavin answered "no" on his original residential specialty contractor's registration application issued on April 29, 2004, the 2004-2005 renewal registration received on September 28, 2004, and the 2005-2006 renewal registration received on January 25, 2006 and the 2007-2009 renewal registration received on March 25, 2008.

Mr. Clark made a motion, to go into executive session. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried. Mr. Clark made a motion to come out of executive session. The motion was seconded by Mr. Davis to come out of executive session and with all members present voting favorably, the motion carried. Chairman Williams stated no action was taken in executive session.

**Motion:** Mr. Clark made a motion, to grant Mr. Gavin's request for a continuous until such time the Commission would issue a Cease and Desist and send notification to local jurisdictions of this action. The motion was seconded by Mr. Dowd and with all members present voting favorably, the motion carried.

*Wednesday, August 13, 2008 SC Residential Builders Commission Page 7 of 9*

**Administrative Hearing:**

*Mr. Zail Gavin*

Mrs. Christal Bell briefed the Commission regarding the complaint against Mr. Zail Gavin for misconduct.

Mr. Gavin was present but had to leave. Mr. Gavin was represented by Mr. Jake Moore, Esquire.

Mr. Moore informed the Commission that Mr. Gavin failed to disclose his criminal history at anytime during his period of registration with the Commission. He asked the Commission give Mr. Gavin a chance by not revoking his license.

*(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)*

JUDICIAL MERIT SELECTION COMMISSION )  
)

In the Matter of: JUDGE KENNETH GOODE )  
Candidate for )  
3C CIRCUIT COURT JUDGE )

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.

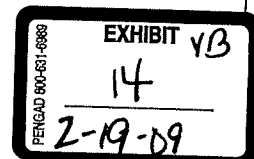
I understand that this written statement must be completed and returned to the Judicial Merit Selection Commission at least two weeks prior to the date and time set for the hearing at which I wish to testify in order for the commission to hear my testimony and that the deadline for complaints is 12 p.m. Feb 17, 2009

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.  
INGRID CAROL LEE - AGE 38

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

D Tonya Graves -  
D Kenny Fresa Wardlaw  
E Rachel Muckenfiss



**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 2-16-09

Sworn to me this 16 day of February, ~~2008~~ 2009

 L.S.  
Notary Public of South Carolina

My commission expires: March 10, 2013

Attachment for Question # 3/A

My knowledge of Judge Goode began in April of 2006. He was to hear a case concerning Zail Gavin, a repeat sex offender. The day before the case was to be heard I spoke with Gavin who told me he was planning to plead guilty, that his attorney, who was good friends with Judge Goode (that they hunted and fished together), had lunch with the judge, and that everything had been worked out.... and that he was not going to get any prison time. I did not believe him. Much to my surprise it was true. The next day in court Judge Goode sentenced him to 90 days in the Lexington County jail. The days could be served at Gavin's leisure, either on weekends or during the week if his employment allowed. Judge Goode told Gavin at that hearing that he would be retaining jurisdiction over his case and that if he saw Gavin in his courtroom again he would regret it.

Since that hearing Gavin has violated his probation multiple times in Lexington and Richland county. Numerous times before this past year, Judge Goode has terminated these violations and Gavin has had no repercussions.

In November of 2007 Gavin was again in front of Judge Goode in Richland County. He was found guilty of 3 counts of Indecent Exposure and one count Peeping Tom/Voyeurism. He also had multiple probations violations at that time. Judge Goode sentenced him to only 6 months. Gavin served a total of 85 days for all of these charges. He was released in Feb. 2008.

Since being released Gavin has 7 probation violations. I was present in May 2008 in Fairfield County when Gavin went to court for 3 violations. I was absolutely disgusted with the outcome. Judge Goode chastised the probation officer, Agent Van Dyke. He told her she needed to "let up" on Gavin and that it seemed the probation department was out to get him. I would like to point out who represented Gavin at this hearing. It was Jake Moore Jr., Judge Goode's former law clerk. I was present in September 2008 at a City of Columbia court hearing where Jake Moore Jr. referred to "his good friend Judge Kenneth Goode from Fairfield County".

In December of 2008 I was present in a Richland County courtroom where Gavin once again faced probation violations. The hearing was scheduled for 9 am. Judge Goode did not enter the courtroom until almost 10:30am. He heard a few probation violation cases and something seemed to be wrong with him. He requested that one attorney needed to "beg for her client". During another case he asked the defendant what kind of marijuana he had...he asked, "was it sticky weed, mexi weed, kind bud?" There were several times when the judge's actions seemed very inappropriate. After being on the bench for less than an hour Judge Goode took a recess. He came back and held court for a brief period, then abruptly got up and said he was needed in the Supreme Court and that court was over for the day. He left....Gavin's case was not heard.

On February 2, 2009 Gavin's case was finally heard in Fairfield County. I was present. Court was scheduled for 9:30 am. At about 10:30 Judge Goode finally appeared. He heard several cases and then told those present that we were all waiting on Jack Swerling

to arrive from Columbia. He was to be one of Gavin's attorneys. Jake Moore Jr. was already present...and kept entering the courtroom from behind the bench where the judge's chambers are located. Jack Swerling finally arrived at about 2 pm and the hearing began. Once again Judge Goode chastised the probation officer, Agent Brittany Sirmon. He even went so far as to tell her he would be sanctioning her for her actions if at all possible. I cannot even begin to express how incredibly disrespectful Judge Goode was to this agent who was only doing her job. The judge then cut Gavin's probation by a year...took him off all GPS monitoring...said he could see his children...and told him he could go to his parent's house in Ninety-Six, SC. Many of Gavin's past victims live in this community!

I received a call that same week on February 6, 2009 notifying me that Judge Goode had reconsidered his ruling and that court would again be held on February 9, 2009 at 2 pm in Fairfield County. I was not present at this hearing but several of my friends attended as well as my attorney Cantzon Foster. Also in attendance were several people from Ninety-Six, SC who were victims of Gavin's. These people and their children are terrified of Gavin. They were in disbelief that Judge Goode had not only not revoked Gavin's probation but had allowed him back into their community. Judge Goode rescinded all of his rulings from the week before. He placed the GPS monitoring back on Gavin, said he is not allowed in Ninety-Six, SC, that he could not see his children unless he completed all required therapy or classes for sex offenders and that he still had 2 more years of probation. I would like to point out that Judge Goode said that he had never cut a year off of Gavin's probation...that it was a misunderstanding. That is not true. I heard him very plainly state, On Feb. 2, 2009, that he was reducing Gavin's probation by a year!

So, the outcome of all this once again was that Gavin suffered no repercussions for his probation violations. Although Judge Goode changed his initial ruling from Feb. 2...there was still absolutely no punishment. The probation officer on more than one occasion has asked that Gavin's probation be revoked. The probation department has done its job time and time again only to have Judge Goode continually let Gavin off.

At the February 9<sup>th</sup> hearing Judge Goode said something to the effect that he had been trying to rehabilitate Gavin. Since when is it a judge's job to rehabilitate anyone, much less a serial sex offender? It seems Judge Goode should have been more worried about protecting Gavin's victims and the public as a whole? I am attaching some documents that Judge Goode received from my attorney as well as the affidavit I wrote for him. That Judge Goode could have seen this outline of Gavin's past criminal history and thought he could rehabilitate him is ridiculous.

It is my belief that Judge Goode is not at all times competent. That his character and ethics are questionable when looking at the facts of this case and his relationships with the defense attorneys involved. I believe that there is obvious wrongdoing and misconduct. Judge Goode has abused his power time and time again.

STATE OF SOUTH CAROLINA )

COUNTY OF RICHLAND )

AFFIDAVIT OF INGRID LEE

PERSONALLY APPEARED BEFORE ME, Ingrid Lee, who first being duly sworn, deposes and states that:

1. My name is Ingrid Carol Lee. and am employed at Carolina Home Mortgage Group as a loan consultant.
2. I have a 5-year-old daughter named Kylee Lee. Her father is Zail Gavin.
3. I am writing this affidavit to state why it is imperative that Kylee not be allowed to be in her father's presence.
4. Zail Gavin has not seen Kylee at all in over a year, and he has not had overnight visitation with Kylee in over 2 ½ years.
5. In November of 2007, Zail was convicted and incarcerated for three counts of Indecent Exposure and one count of Peeping Voyeurism/Aggravated Voyeurism. During that time, Zail wrote a letter to me from prison on Jan. 21, 2008 admitting to drug use. He was released from prison in Feb. 2008.
6. Since being released from prison, Zail has been arrested for six probation violations and for three more counts of indecent exposure.
7. Zail Gavin has a very long criminal history dating back more than twenty years and has been incarcerated many times over this time period.
8. I met Zail in 2002. He had recently been released from prison. He told me that he had been to prison because of a drug problem but that he had been clean for more than a year. We dated for a brief period, and I got pregnant.
9. Kylee was born on March 25, 2003. About one week after she was born Zail disappeared. His mother, Doris Wilner, called me in a panic because she could not get Zail on the phone. She asked if I would please meet her at his house. I met her there, and we could not find Zail. There was evidence of drug use. After about 30 minutes, Zail suddenly appeared in the bathroom. He had been hiding in the closet smoking crack. His mouth was black and lips blistered....he was out of his mind. Both of his vehicles were gone. I later went with a friend Bob Bacon, to recover his truck in a "not-so-good" part of town. Kylee was less than two weeks old.

10. A few months after she was born I received a call from a friend asking me if I knew that Zail was a sex offender. I confronted Zail, and he told me that all his offenses were drug related due to the fact that he was high every time he got in trouble.
11. In March of 2005, Zail came to my residence to pick up Kylee, and I let him do so. Kylee was sick and not feeling well, so I called first thing the next morning to check on her, but I could not reach Zail on the phone.
12. I went by his house and Kylee and Zail were nowhere to be found. I called his girlfriend Lucy McCravy. She told me that Zail was at the hospital with kidney stones.
13. I went to the emergency room but he was not there. I was panicked, and for over two hours I had no idea where my daughter was. I called Zail's mother Doris Wilner. She told me that Zail was in jail and that she had Kylee. Apparently, Zail had picked Kylee up the day before and taken her straight to his mother's house in Greenwood. I immediately went and met Doris Wilner to get Kylee.
14. Kylee was sick, dirty and did not even have the antibiotic she was supposed to be receiving. Zail had been arrested the night before. He was charged with and convicted of one count of Peeping Voyeurism/Aggravated Voyeurism and one count Sex Offender Registry Violation. At that point, I stopped all of his contact with Kylee.
15. Zail and I went to family court in October 2005. Zail was granted supervised visitation. Doris Wilner, his mother, was to be the supervisor. She agreed to stay within eyesight and earshot of Zail and Kylee at all times. In April 2006, Zail and Ms. Wilner violated the court order by leaving Zail alone with Kylee. He has not had overnight visitation since.
16. We did go back to family court in October 2006. The court granted supervised visitation, but Zail has never used his visitation. **Zail has not asked to exercise his overnight visitation with Kylee since April of 2006.**
17. Before I met Zail, he had many more arrests and convictions that I am now aware of.
18. One of his most disturbing convictions was in Indiana in 1999. He was convicted and incarcerated for one count of "Sexual Misconduct with a Minor". At the time he was 41 years old, and the child was 15. See the documents attached hereto marked **Exhibit A.**
19. Zail was the child's manager at a Golden Corral Restaurant. The child stated that Zail saw her age when he scheduled her at work, and he had asked her when she would be getting her driver's license.

20. In the court documents it states that at the time of this case there were pending Indecent Exposure charges against Zail in Alaska.
21. In Greenwood County South Carolina in March, 1996 Zail was convicted and incarcerated for one count Disturbing Schools and one count Indecent Exposure. See the documents attached hereto marked Exhibit B.
22. In Greenwood County South Carolina in April, 2001 Zail was convicted and incarcerated for one count Peeping Voyeurism/Aggravated Voyeurism, one count Burglary, and one count Possession of Crack Cocaine. These were all separate incidents. In November of 2000 Zail was arrested for Burglary. He was found naked in the victim's bed "lying in wait".
23. On January 22, 2001 Zail was arrested for Peeping Tom. He was standing at a 6 year old girl's window shining a light in her room wearing only his underwear. See the documents attached hereto marked Exhibit C. The victim's statements are disturbing to say the least.
24. Only a few days later, on January 27, 2001 Zail was arrested for Crack Cocaine Possession.
25. These are just the convictions he has relating to sex offenses. I have attached Zail's SLED arrest record and attached the same as Exhibit D. He also was convicted or arrested for the following:
  - a. March 1993 (Greenwood County SC) – Driving Under the Influence – More than the first. – Convicted
  - b. October 1993 (Greenwood County SC) – Public Drunk – Convicted
  - c. December 1993 (Greenwood County SC) – Driving Under Suspension – Convicted
  - d.
  - e. October 1994 – (Pierce County, Washington) – Drugs-Manufacturing, Delivery, Possession – Convicted
  - f. July 2000 (Greenville County SC) – Driving Under the Influence – More than the first – Convicted
  - g. January 2001 (Greenwood County SC) – Public Drunk – Convicted
  - h. January 1994 (Anderson County SC) - Arrested Possession of Crack Cocaine & Possession of Drug Paraphernalia
  - i. February 1996 – (Greenwood County SC) – Arrested for Shoplifting

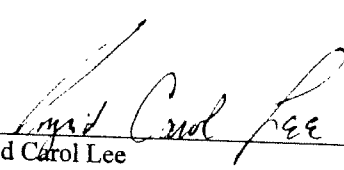


j. State of Alaska – Arrested two times in August of 1998 for Indecent Exposure and another time in September of 1992 for Driving Under the Influence.

26. It should be obvious to anyone that Zail Gavin is neither fit to be a parent nor fit to be around any children. I certainly do not want him around Kylee. He has lied to me repeatedly in the past about his situation. He is not a trustworthy or responsible person. He has put Kylee in dangerous situations before and I am certain he would again. It is clear that it is in Kylee's best interest to have a serial sex offender kept away from her.

27. I ask this Court to consider what is in the best interest of Kylee, and to that end, I respectfully request that Zail Gavin be kept away from my five-year-old daughter, Kylee Lee.

**FURTHER AFFIANT SAYETH NOT.**

  
Ingrid Carol Lee

12-3/2009

Sworn to and subscribed before me:

\_\_\_\_\_  
NOTARY PUBLIC FOR THE STATE  
OF SOUTH CAROLINA

My Commission Expires: \_\_\_\_\_



# SLED CATCH

Citizen's Access to Criminal Histories

## Results

Name **ZAIL GAVIN**  
 Date of Birth **1958 03 05**  
 Maiden Name  
 Gender **Male**



Transaction **003234077**  
 Date of Check **September 24, 2008 at 10:28**

This record is based on a search using Last name, First Initial, Date of Birth, Gender, and Social Security Number. Compare all identifying data given for record subject with screening subject. Fingerprint comparison is recommended as the most reliable means to identify a record subject.

INTERNET RAP SHEET REQUEST  
~~00000000000000000000~~ ~~000000000000~~ PUR-E  
 ATN-WEB, ACCOUNT

AUTHORIZED USE ONLY. \*\*\*\*\* CONTACT CONTRIBUTING  
 AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.  
 BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY  
 SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-09/24/2008 TIME-10:25:13  
 REQ ~~0000000000~~ S C LAW ENF DIV  
 SID-~~0000000000~~ FBI- 23299NA6  
 NAME-GAVIN, ZAIL RAY SEX-M RACE-W BORN-AK  
 HEIGHT-511 WEIGHT-175 EYES-BLU HAIR-BRO SKIN- HENRY-13 M 1 R OII 7  
 FPC-13650812071010121610 --- S. I. U. 000

PHOTOGRAPH AVAILABLE AUTHORIZED USE ONLY  
 PALM PRINTS AVAILABLE AUTHORIZED USE ONLY  
 1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

\* DNA - TAKEN.  
 DATE RECORD ENTERED--05/17/1991 DATE OF LAST UPDATE--08/05/2008

ADDITIONAL IDENTIFIERS		BIRTH		
NAME		DATES	MARKS	SOC SEC MISC NUM
GAVIN, ZAIL R		03051958		
GAVIN, GAIL RAY				

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
---------------------	---------------------------------

GAVIN, ZAIL RAY	04/12/1991
SC0240100 GREENWOOD PD	
CASE-0604B	
WARR-02529QB	

ARREST CHARGE 01-DRIVING  
 UNDER INFLUENCE MORE THAN  
 1ST  
 OFFENSE DATE-04/12/1991  
 PHOTOGRAPH AVAILABLE  
 COURT CHARGE 01-DUI, 2ND

DOC-91GS2400706 WARR-02529QB

SLED State Criminal Records Check - DB Check & Display

GAVIN, ZAIL RAY  
SC0240100 GREENWOOD PD  
CASE-0604B  
WARR-01038RJ

OFFENSE  
COURT DISP-CONVICTED;\$1000 &  
10 DY CS  
COURT DATE-03/23/1993

10/19/1993

WARR-01038RJ

ARREST CHARGE 01-PUBLIC DRUNK  
OFFENSE DATE-10/19/1993  
PHOTOGRAPH AVAILABLE  
COURT CHARGE 01-PUBLIC DRUNK  
COURT DISP-CONVICTED;\$55  
COURT DATE-10/19/1993

GAVIN, GAIL RAY  
/09/1993  
SC0240000 GREENWOOD CNTY SO  
CASE-16690  
WARR-04619VM

12

WARR-04619VM

ARREST CHARGE 01-DRIVING  
UNDER SUSENSION  
OFFENSE DATE-12/09/1993  
PHOTOGRAPH AVAILABLE  
PALM PRINTS AVAILABLE  
COURT CHARGE 01-DRIVING UNDER  
SUSPENSION  
COURT DISP-CONVICTED;\$279 OR  
30 DAYS

GAVIN, ZAIL RAY  
SC0040100 ANDERSON PD  
CASE-9401544  
WARR-D919290

01/24/1994

ARREST CHARGE 01-POSSESSION  
CRACK COCAINE  
OFFENSE DATE-01/24/1994  
ARREST CHARGE 02-POSSESSION  
DRUG PARAPHERNALIA  
OFFENSE DATE-01/24/1994

NC

GAVIN, ZAIL RAY  
SC0240000 GREENWOOD CNTY SO  
CASE-16690  
WARR-D259035

02/08/1996

WARR-D259039

ARREST CHARGE 01-SHOPLIFTING  
PHOTOGRAPH AVAILABLE

NC

CIT-16-17-420 MISDEMEANOR  
DOC-96GS2400345 WARR-D716678

ARREST CHARGE 02-INDECENT  
EXPOSURE

CIT-16-15-130 MISDEMEANOR  
DOC-96GS2400377 WARR-D259039

COURT CHARGE 01-DISTURBING  
SCHOOLS  
COURT DISP-CONVICTED;3 YRS  
COURT DATE-03/25/1996

GAVIN, ZAIL RAY  
SC0240400 NINETY SIX PD

02/09/1996

COURT CHARGE 02-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;1 YR  
COURT DATE-03/25/1996

ARREST CHARGE 01-DISTURBING  
SCHOOLS  
PHOTOGRAPH AVAILABLE

SLED State Criminal Records Check - DB Check & Display

SC004015C PERRY RECPT & EVAL  
CASE-233242  
CIT-16-15-130 MISDEMEANOR

COURT CHARGE 01-DISTURBING  
SCHOOLS  
COURT DISP-CONVICTED;3Y  
COURT DATE-03/25/1996  
-----  
03/26/1996 CUSTODY STATUS-RECEIVED  
START DATE-03/26/1996

COURT CHARGE 01-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;1Y  
COURT CHARGE 02-DISTURBING  
SCHOOL  
COURT DISP-CONVICTED;3Y CONCU  
RRENT

GAVIN, ZAIL RAY  
SC0230000 GREENVILLE CNTY SO  
CASE-177062  
ATN-WARR-27298BA

07/01/2000

CIT-56-5-2940(2) MISDEMEANOR  
DOC-00GS2308871 WARR-27298BA

ARREST CHARGE 01-DRIVING  
UNDER INFLUENCE 2ND  
PHOTOGRAPH AVAILABLE

COURT CHARGE 01-DRIVING UNDER  
THE INFLUENCE - 2ND OFFEN  
SE  
COURT DISP-CONVICTED;1 YR &  
\$2000 SUS 1 YR & \$1000  
COURT DATE-07/10/2001  
ATN-

-----  
GAVIN, ZAIL RAY  
SC0240000 GREENWOOD CNTY SO  
CASE-16690  
ATN-WARR-G475706

01/26/2001

WARR-G475729

CIT-16-17-470 MISDEMEANOR  
DOC-01GS2400228 WARR-G475706

ARREST CHARGE 01-PEEPING TOM  
ARREST CHARGE 02-BURGLARY

COURT CHARGE 01-PEEPING,  
VOYEURISM, OR AGGRAVATED  
VOYEURISM  
COURT DISP-CONVICTED;3 YRS  
SUSP 2 YRS & PROB 5YRS  
CONC

DOC-01GS2400227 WARR-G475729

COURT DATE-04/12/2001  
ATN-CIT-16-11-313-FELONY  
COURT CHARGE 02-BURGLARY-3RD  
DEGREE 1ST OFFENSE  
COURT DISP-CONVICTED;5 YRS  
SUSP 2 YRS & PROB 5YRS  
CONC  
COURT DATE-04/12/2001

GAVIN, ZAIL RAY  
SC0240100 GREENWOOD PD  
CASE-01001709  
ATN-WARR-85694BN

01/27/2001

WARR-G582744

ARREST CHARGE 01-PUBLIC DRUNK  
OFFENSE DATE-01/27/2001  
PHOTOGRAPH AVAILABLE

ARREST CHARGE 02-POSSESSION  
OF CRACK COCAINE OTHER  
THAN 1ST  
OFFENSE DATE-01/27/2001

SLED State Criminal Records Check - DB Check & Display

DOC-R84 WARR-85694EN

COURT CHARGE 01-PUBLIC DRUNK  
COURT DISP-CONVICTED;\$125 OR  
2DYS TIME SERVED  
COURT DATE-02/23/2001  
ATN-CIT-44-53-375(A) FELONY  
COURT CHARGE 02-POSS LESS  
THAN ONE GRAM ICE/CRACK  
COCAINE 2ND  
COURT DISP-CONVICTED;5 YRS  
SUSP 2 YRS & PROB 5YRS &  
CCC CONC  
COURT DATE-04/12/2001

DOC-01GS2400279 WARR-G582744

04/17/2001 CUSTODY STATUS-RECEIVED  
START DATE-04/17/2001

SC040055C R & E CENTER COLA  
CASE-274285  
CIT-16-17-470-MISDEMEANOR

COURT CHARGE 01-PEEPING,  
VOYEURISM, OR AGGRAVATED  
VOYEURISM  
COURT DISP-CONVICTED;3 YRS  
SS 2 YRS AND 5 YRS PROBATI  
ON  
ATN-CIT-16-11-311-FELONY  
COURT CHARGE 02-BURGLARY  
(AFTER JUNE 20, 1985) -  
FIRST DEGREE  
COURT DISP-CONVICTED;5 YRS  
SS 2 YRS AND 5 YRS PROBATI  
ON

CIT-44-53-375(A)-FELONY

COURT CHARGE 03-POSS LESS  
THAN ONE GRAM ICE/CRACK  
COCAINE 1ST  
COURT DISP-CONVICTED;5 YRS  
SS 2 YRS AND 5 YRS PROBATI  
ON

SC040055C R & E CENTER COLA  
CIT-56-5-2940(2)-MISDEMEANOR  
DOC-00GS23-08871 WARR-27298 BA

COURT CHARGE 04-DRIVING UNDER  
THE INFLUENCE - 2ND OFFEN  
SE  
COURT DISP-CONVICTED;1 YRS 0  
MTHS 0 DAYS  
COURT DATE-07/10/2001

GAVIN, ZAIL RAY  
SC0320000 LEXINGTON CNTY SO  
CASE-05021799  
ATN-990000040893  
WARR-H822755  
CIT-16-17-470-MISDEMEANOR

03/23/2005

ARREST CHARGE 01-PEEPING,  
VOYEURISM, OR AGGRAVATED  
VOYEURISM  
OFFENSE DATE-03/23/2005  
PHOTOGRAPH AVAILABLE

CIT-23-3-470(A)(B)(1)-MISDEMEANOR  
DOC-05GS3202185 WARR-H822787

COURT CHARGE 01-SEX OFFENDER  
REGISTRY VIOLATION 1ST  
OFFENSE  
COURT DISP-CONVICTED;90 DAYS  
C/C  
COURT DATE-02/14/2006  
ATN-990000040893

CIT-16-17-470-MISDEMEANOR  
DOC-05GS3202184 WARR-H822755

COURT CHARGE 02-PEEPING,  
VOYEURISM, OR AGGRAVATED

SLED State Criminal Records Check - DB Check & Display

GAVIN, ZAIL RAY  
SC0320000 LEXINGTON CNTY SO  
CASE-NA  
ATN-990000100404  
WARR-NA  
CIT-23-3-470(A) (B) (1)-MISDEMEANO

08/11/2005

VOYEURISM  
COURT DISP-CONVICTED;3 YRS  
UPON 90 DAYS BAL SUSP  
UPON 4 YRS PROB C/C CTS  
CAN SERVE WEEKENDS  
COURT DATE-02/14/2006

SC040015G CENTRAL PPP  
CASE-320000  
CIT-16-17-470-MISDEMEANOR

02/14/2006 CUSTODY STATUS-PROBATION  
START DATE-02/14/2006

ARREST CHARGE 01-SEX OFFENDER  
REGISTRY VIOLATION 1ST  
OFFENSE  
OFFENSE DATE-08/11/2005  
PHOTOGRAPH AVAILABLE

CIT-23-3-470(A) (B) (1)-MISDEMEAN

COURT CHARGE 01-PEEPING,  
VOYEURISM, OR AGGRAVATED  
VOYEURISM  
COURT DISP-CONVICTED;3 YEARS  
SS. 90 DAYS PLUS 4 YEARS  
PROBATION  
ATN-990000165281

GAVIN, ZAIL RAY  
SC0321000 SOUTH CONGAREE PD  
CASE-24491210  
ATN-032024491210  
WARR-84901DX  
CIT-56-10-270(A) -MISDEMEANOR

12/18/2006

COURT CHARGE 02-SEX OFFENDER  
REGISTRY VIOLATION 1ST  
OFFENSE  
COURT DISP-CONVICTED;90 DAYS

WARR-84909DX  
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 01-OPERATING  
UNINSURED MOTOR VEHICLE -  
1ST OFF  
OFFENSE DATE-12/18/2006  
PALM PRINTS AVAILABLE

WARR-84697DX  
CIT-56-5-6190-MISDEMEANOR

ARREST CHARGE 02-DRIVING  
UNDER SUSPENSION  
OFFENSE DATE-12/18/2006

WARR-84700DX  
CIT-56-5-6190-MISDEMEANOR

ARREST CHARGE 03-UNIFORM  
TRAFFIC LAW CHAPTER  
OFFENSE DATE-12/18/2006

CIT-56-01-480-MISDEMEANOR  
DOC-R84 WARR-84697DX

ARREST CHARGE 04-UNIFORM  
TRAFFIC LAW CHAPTER  
OFFENSE DATE-12/18/2006

COURT CHARGE 01-TRAFFIC/PERMI  
T UNAUTHORIZED PERSON TO  
DRIVE  
COURT DISP-CONVICTED;bond  
forfeiture \$232

SLED State Criminal Records Check - DB Check & Display

CIT-N/A-MISDEMEANOR  
DOC-R84 WARR-84700DX

COURT DATE-01/10/2007  
ATN-032024491210

CIT-56-10-270 (A)-MISDEMEANOR  
DOC-R84 WARR-84901DX

COURT CHARGE 02-FAIL TO COMPLY  
COURT DISP-CONVICTED;bond  
forfeiture \$465  
COURT DATE-01/10/2007

CIT-56-1-460-MISDEMEANOR  
WARR-84909DX

COURT CHARGE 03-OPERATING  
UNINSURED MOTOR VEHICLE -  
1ST OFF  
COURT DISP-CONVICTED;\$490  
BOND FORFEITURE  
COURT DATE-01/10/2007

CIT-N/A-MISDEMEANOR  
WARR-85065DX

COURT CHARGE 04-DRIVING UNDER  
SUSPENSION  
COURT DISP-NON-CONVICTION;  
NOLLE PROSSE  
COURT DATE-01/10/2007

GAVIN, ZAIL RAY  
SC0400000 RICHLAND CNTY SO  
CASE-W  
ATN-990000333994  
WARR-I898974  
CIT-16-15-130-MISDEMEANOR

08/29/2007

COURT CHARGE 05-CARELESS  
OPERATION OF MOTOR VEHICLE  
COURT DISP-CONVICTED;\$647  
BOND FORFEITURE

WARR-I898975  
CIT-16-15-130-MISDEMEANOR

ARREST CHARGE 01-INDECENT  
EXPOSURE  
OFFENSE DATE-08/29/2007  
PHOTOGRAPH AVAILABLE  
PALM PRINTS AVAILABLE

WARR-I898976  
CIT-16-15-130-MISDEMEANOR

ARREST CHARGE 02-INDECENT  
EXPOSURE  
OFFENSE DATE-08/29/2007

CIT-16-15-130-MISDEMEANOR  
DOC-07GS4008454 WARR-I898974

ARREST CHARGE 03-INDECENT  
EXPOSURE  
OFFENSE DATE-08/29/2007

CIT-16-15-130-MISDEMEANOR  
DOC-07GS4008452 WARR-I898975

COURT CHARGE 01-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;3 years.  
on service 6 months -  
suspended with 3 yea  
COURT DATE-11/08/2007  
ATN-990000333994

CIT-16-15-130-MISDEMEANOR  
DOC-07GS4008451 WARR-I898976

COURT CHARGE 02-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;3 years  
on service 6 months -  
suspended with 3 mon  
COURT DATE-11/08/2007

COURT CHARGE 03-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;3 years

SLED State Criminal Records Check - DB Check & Display

on service 6 months -  
suspended awith 3 ye  
COURT DATE-11/08/2007

GAVIN, ZAIL RAY  
SC0360000 NEWBERRY CNTY SO  
CASE-SO-0007052  
ATN-36C300008718  
WARR-43931EC  
CIT-56-1-460-MISDEMEANOR

10/03/2007

ARREST CHARGE 01-DRIVING  
UNDER SUSPENSION  
OFFENSE DATE-10/03/2007  
PHOTOGRAPH AVAILABLE  
PALM PRINTS AVAILABLE

WARR-43930EC  
CIT-56-5-1520 (D) (1)-MISDEMEANOR

ARREST CHARGE 02-SPEEDING  
OFFENSE DATE-10/03/2007

WARR-43932EC  
CIT-N/A-MISDEMEANOR

ARREST CHARGE 03-MISCELLANEOU  
S TRAFFIC OFFENSE  
OFFENSE DATE-10/03/2007

CIT--MISDEMEANOR  
DOC-36 WARR-43931EC

COURT CHARGE 01-DRIVING UNDER  
SUSPENSION  
COURT DISP-NON-CONVICTION;  
NOT GUILTY/BENCH TRIAL  
COURT DATE-06/11/2008  
ATN-36C300008718

CIT--MISDEMEANOR  
DOC-36 WARR-43932EC

COURT CHARGE 02-FAIL TO SURRE  
NDER DRIVERS LIC WHEN  
REQUIRED  
COURT DISP-NON-CONVICTION;  
NOT GUILTY/BENCH TRIAL  
COURT DATE-06/11/2008

SC040015C SC DEPT CORRECTIONS  
CASE-111320  
CIT-16-15-130-MISDEMEANOR

11/13/2007 CUSTODY STATUS-RECEIVED  
START DATE-11/13/2007

COURT CHARGE 01-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;3 CTS 3  
YRS SS 6 MOS 3 YRS PR  
COURT DATE-11/13/2007  
ATN-500100020742

CIT-16-17-470-MISDEMEANOR

COURT CHARGE 02-PEEPING,  
VOYEURISM, OR AGGRAVATED  
VOYEURISM  
COURT DISP-CONVICTED;6 MOS  
COURT DATE-11/13/2007

SC040035G RICHLAND PPP  
CASE-SC0400  
CIT-16-15-130-MISDEMEANOR

02/07/2008 CUSTODY STATUS-PROBATION  
START DATE-02/07/2008

COURT CHARGE 01-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED;3 YRS  
SS UPON THE SEVICE OF 6  
MOS AND 3 YRS PROBAT  
ATN-40P000500589

CIT-16-15-130-MISDEMEANOR

COURT CHARGE 02-INDECENT  
EXPOSURE



SLED State Criminal Records Check - DB Check & Display

CIT-16-15-130-MISDEMEANOR

COURT DISP-CONVICTED; 3 YRS  
SS UPON THE SEVICE OF 6  
MOS AND 3 YRS PROBAT

COURT CHARGE 03-INDECENT  
EXPOSURE  
COURT DISP-CONVICTED; 3 YRS  
SS UPON THE SEVICE OF 6  
MOS AND 3 YRS PROBAT

07/24/2008

GAVIN, ZAIL RAY  
SC0400000 RICHLAND CNTY SO  
CASE-0807036804  
ATN-990000412293  
WARR-I891993  
CIT-16-15-130-MISDEMEANOR

ARREST CHARGE 01-INDECENT  
EXPOSURE  
OFFENSE DATE-07/24/2008  
PHOTOGRAPH AVAILABLE

WARR-I891994  
CIT-16-15-130-MISDEMEANOR

ARREST CHARGE 02-INDECENT  
EXPOSURE  
OFFENSE DATE-07/24/2008

WARR-I891995  
CIT-16-15-130-MISDEMEANOR

ARREST CHARGE 03-INDECENT  
EXPOSURE  
OFFENSE DATE-07/24/2008

9 - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING SID/SC00793006  
THIS CRIMINAL HISTORY RECORD IS FOR SOUTH CAROLINA ARRESTS AND  
CONVICTIONS ONLY AND IS BASED ON THE INFORMATION PROVIDED. SINCE  
CHANGES MAY OCCUR DAILY A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT  
USE OF THIS RECORD IS ALLOWED.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING HANDGUN IN  
SOUTH CAROLINA

INFORMATION SUBMITTED TO SLED CCH PURSUANT TO 16-23-10 (C) AND 23-31-110  
(C) OF THE SOUTH CAROLINA CODE OF LAWS INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A CRIME OF VIOLENCE AND IS NOT PERMITTED TO POSSESS OR  
ACQUIRE A HANDGUN.

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION  
PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN  
CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.  
THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY  
FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS  
DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

\*\* S C CJIS END OF RECORD \*\*

Return  Another Check

STATE OF INDIANA )  
COUNTY OF JOHNSON ) SS:

IN THE JOHNSON SUPERIOR COURT NO. 3  
CASE NO. 41D03-9908-CF-00166

STATE OF INDIANA )  
v. )  
ZAIL GAVIN )

**FILED**  
DEC - 8 1999  
*Robert J. Hoffman*  
JOHNSON SUPERIOR CT. #3

**ORDER ON SENTENCING AFTER GUILTY PLEA AND JUDGMENT ENTRY**

State appears by Deputy Prosecuting Attorney, George Hoffman, III. Defendant appears in person, by agreement entered and FINDS as follows:

1. That Defendant is satisfied with attorney representation.
2. That Defendant has read the Pre-Sentence Report, and corrections, if any, have been made by the Court directly on said report.
3. That Defendant, State, and victim have been given an opportunity to present evidence or make statements. The Court now sustains Defendant's objection to State's Exhibit 2 in that it does not qualify as a voluntary statement offered to the Court at sentencing pursuant to 35-38-1-8.5 and on the basis that it contains no information relevant to the sentencing considerations to be considered by the Court.
4. That the Court has considered the mandatory sentencing factors set out in Indiana Code 35-38-1-7-1(a).
  - a. That, in addition to the mandatory sentencing factors to be considered by the Court, the Court finds the following to be aggravating circumstances in this case:
    - i. The person has recently violated the conditions of any probation, parole, or pardon granted to the person. The instant offense was committed while Defendant was on probation for Operating While Intoxicated.
    - ii. The person has a history of criminal or delinquent activity including a variety of offense types. Mr. Gavin has at least one conviction for Indecency. He also has a pending Indecency charge in Alaska.
  - b. That, in addition to the mandatory sentencing factors to be considered by the Court, the Court finds the following to be mitigating circumstances in this case:
    - i. Counsel submitted a suggestion of sentencing considerations as Exhibit A. The Court finds no evidence sufficient to justify mitigation of the sentence.
  - c. Based upon the above, the Court finds that the aggravating factors outweigh the mitigating factors in this case.

**THEREFORE, IT IS ORDERED BY THE COURT that Defendant,**

**THIS IS A COPY**  
**ORIGINAL MAY BE FOUND IN**  
Order Book # 16 Page # 38

IT IS FURTHER ORDERED that said sentence shall be on:

(X) 3 years

(X) 2 years executed

(X) suspended for 1 year, with active probation and Defendant is placed on

probation for that period, conditioned on Defendant agreeing to abide by the rules of probation. Defendant is to have conditions of probation read by videotape today.

IT IS FURTHER ORDERED that the defendant receive the following Special Conditions of Probation:

1. Protective Order, no-contact, for Britney Wolven & her family.
2. Sex Offender Evaluation and Treatment.
3. Defendant to submit to AIDS test and provide victim with results pursuant to I.C. 35-38-1-10.6.
4. No unsupervised contact with any minor children.

IT IS FURTHER ORDERED that costs of \$125.00 shall be paid by the Defendant within period of probation and to be entered of record as a JUDGMENT against the Defendant.

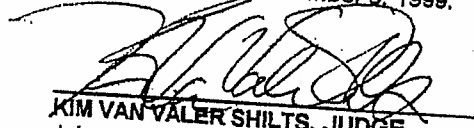
IT IS FURTHER ORDERED that Defendant is given 178 actual days credit toward the sentence of imprisonment for time spent in confinement as a result of this charge.

IT IS FURTHER ORDERED that any protective orders issued as a condition of bond are hereby terminated.

IT IS FURTHER ORDERED that any bail in this case is hereby released.

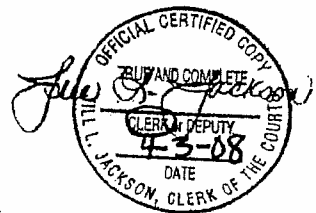
IT IS FURTHER ORDERED that the Clerk place the original of this order in the Record of Judgments and Orders (RJO).

SO ORDERED this December 8, 1999.

  
KIM VAN VALER SHILTS, JUDGE  
Johnson Superior Court No. 3

Distribution:  
Deputy Prosecuting Attorney  
Counsel for Defendant, George Hoffman, III  
Probation  
Community Connections  
Johnson County Jail

MPRATSCONNALVZABRCPKX HJLHJHJH



ARREST WARRANT AFFIDAVIT FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF JOHNSON, SS;

Detective Patti S. Cummings of the Greenwood Police Department swears or affirms that she believes and has good cause to believe that on about or between May 24, 1999 to May 31, 1999, Zail R. Gavin, a white male, DOB: 3/5/58, did commit the crime of Sexual Misconduct with a Minor, a class "B" felony.

In support of your affiant's assertion of Probable Cause your affiant bases her belief on the following attending facts and circumstances that:

On June 6, 1999, I received a telephone call from Detective Susan Autin, Hendricks County Sheriff's Department. Detective Austin stated she had interviewed Britany Wolven, DOB: 10/12/83, a 15-year-old female who said she had sexual intercourse with Zail Gavin, DOB: 3/5/58, a 41-year-old male in Gavin's apartment located at 785 Clearview Drive, Apt. "H". Detective Austin further stated this act occurred on May 25, 1999. Detective Austin said she was notified of the incident during an investigation involving Wolven and Gavin in Hendrick's County.

On June 8, 1999, I spoke with Wolven by telephone. Wolven stated she had sexual intercourse with Gavin on his bed in his apartment in Greenwood the last week of May 1999. Wolven stated Gavin is her manager at her place of employment, Golden Corral Restaurant, Plainfield, Indiana. During this conversation, Wolven described Gavin's apartment, including the bed linens. On June 9, 1999, I submitted a probable cause affidavit to obtain a search warrant for Gavin's apartment. I received and executed the search warrant on June 9, 1999. Items seized as evidence were bed linens described by Wolven.

On June 9, 1999, I interviewed Wolven at the Greenwood Police Department. In this interview, Wolven stated she met Gavin while working at the Golden Corral Restaurant. Wolven said she began speaking to Gavin after work hours by telephone. Wolven said Gavin told her he wanted to see her outside of work. Wolven said during the last week of May 1999, Gavin picked her up from her home in Plainfield, and drove her to his apartment in Greenwood. Once inside they watched a video on Gavin's bed, then Gavin began kissing her. Gavin then removed Wolven's clothing, and she removed his. Wolven said they had sexual intercourse on his bed. Wolven said they left his apartment around 3:00 a.m. to return her to her home in Plainfield. Wolven said afterwards Gavin told her he wanted to date her and he knew there was an age difference. Wolven said Gavin knew she was 15-years-old because of his management position. Wolven said when Gavin looks to schedule her, her age is right beside her name in the restaurant's computer. Gavin had also asked when she would be getting her driver's license. Wolven further stated on June 2, 1999, Gavin was going to pick her up from her home that night. Wolven said Gavin was confronted by her mother, Deborah Wolven, who had become suspicious of her relationship with Gavin.

After speaking with Wolven, I spoke with Deborah Wolven. Deborah Wolven said she had been audio taping her daughter's telephone conversations with Gavin. On June 2, 1999 she heard that Gavin was to pick her daughter up at midnight. Deborah said she confronted Gavin when he arrived at her home at midnight. Gavin denied any wrong doing. Gavin told Deborah he was only friends with Britany and there to comfort her.

Based on the above facts and circumstances your affiant asks that a warrant be issued for the arrest of Zail R. Gavin, a white male, DOB: 3/5/58, SS# 574-54-0255, on the charges of Sexual Misconduct with a Minor, a class "B" Felony.

All these events occurred in Johnson County, Indiana.

I swear, under penalty of perjury, as specified by IC 35-44-2-1, that the foregoing representations are true. (IC 35-34-1-2.4).

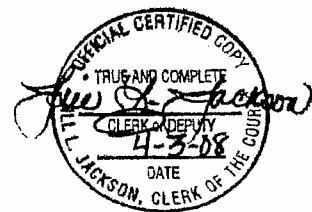
X Pacin S. Cummings  
Signed

Reviewed by:

Kelly Tota Arkey  
Deputy Prosecuting Attorney  
8th Judicial Circuit Court

Probable cause found.

Judge of  
Court of Johnson County





INDIANA STATE POLICE  
**LIMITED CRIMINAL HISTORY**

*accessIndiana*  
www.IN.gov

The following is an edited transcript of the criminal history record contained in the files of the Central Repository, Indiana State Police. All entries are based on information supported by fingerprints in this agency.

**Information Released To:**

Name: Ingrid C Lee

Date: 12/19/2008

Page: 1

Receipt: 8561871

Operator:

*accessIndiana*

This request is in accordance with IC 10-13-3-27 and may not be used for any other purposes.

**Subject of Record**

<u>Name</u>	<u>Race</u>	<u>Sex</u>	<u>Birth Date</u>
Gavin, Zail	W	M	03-05-1958

Offender Name  
GAVIN, ZAIL

SID#  
0001103475

Sex	Race	Birth Date	Hgt	Wgt	Eyes	Hair	Plc of Birth
M	W	03/05/1958	511	185	BLU	BRO	AK

Arrest 001 08/19/1999

Arrest Detail:

Agency: GREENWOOD POLICE DEPT (IN0410300)  
Original Charge: SEXUAL MISCONDUCT WITH A MINOR  
Class/Level: B FELONY

Prosecutor/Court Detail:  
Cause# 41D039908CF166

Filed Charge: SEXUAL MISCONDUCT WITH A MINOR  
Class/Level: D FELONY

Amended Charge:  
Class/Level:

Counts: 001

Disposition: GUILTY

Sentence: 3 YEARS

Suspended: 1 YEAR

Arrest 002 06/30/1999

Arrest Detail:

Agency: HENDRICKS CO SHERIFF DEPT - (IN0320000)  
Original Charge: SEXUAL MISCONDUCT WITH MINOR  
Class/Level:

Original Charge: FAILURE TO REGISTER AS SEX OFFENDER  
Class/Level:

Prosecutor/Court Detail:  
Cause# 32D039906CF63

Filed Charge: SEXUAL MISCONDUCT W/MINOR  
Class/Level:  
Amended Charge:  
Class/Level:  
Counts: 001  
Disposition: DISMISSED

\*\* End of known record \*\*

Results based solely on information provided.

**Search Indiana**  
**access Indiana**  
www.IN.gov



**Caution:** Do not assume that a defendant was convicted of a felony based on the case type listed on this screen. The case type only reflects the charges that appeared in the original charging document. If the original charging document included any felony charges, the case will be listed as a felony (either "Criminal District Court Felony" or "Criminal Superior Court"), even if all the charges were eventually reduced to misdemeanors or dismissed. To see what a defendant was convicted of, go to Parties tab, click on defendant's name and go to Charges tab.



[New Search..](#)

- Summary**
- Parties
- Events
- Dockets
- Disposition
- Costs

**Crim Dist Ct Misd (4FA) - Summary**

4FA-98-02419CR State of Alaska vs. Gavin, Zail R

**Plaintiff**

State of Alaska

**Defendant**

Gavin, Zail R

**Attorney(s)**

Full Name  
Address

**Attorney(s)**

Full Name      Covell, Kenneth L  
Address          712 8TH AVENUE

City/State/Zip  
Phone

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

**Charges**

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

**Case Judge**

Assigned Judge      Funk, Raymond

**Case Attributes**

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





**Caution:** Do not assume that a defendant was convicted of a felony based on the case type listed on this screen. The case type only reflects the charges that appeared in the original charging document. If the original charging document included any felony charges, the case will be listed as a felony (either "Criminal District Court Felony" or "Criminal Superior Court"), even if all the charges were eventually reduced to misdemeanors or dismissed. To see what a defendant was convicted of, go to Parties tab, click on defendant's name and go to Charges tab.



New Search..

- Summary
- Parties
- Events
- Dockets
- Disposition
- Costs

### Crim Dist Ct Misd (4FA) - Summary

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

**Plaintiff**

State of Alaska

**Defendant**

Gavin, Zail R

**Attorney(s)**

Full Name  
Address

**Attorney(s)**

Full Name      Covell, Kenneth L  
Address         712 8TH AVENUE

City/State/Zip  
Phone

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

**Charges**

Charge Dscr	AS11.41.460(a): Indecent Exposure	Degree of Offense	Misdemeanor Conversion
Charge Dscr	AS12.30.060(2): VIOLATION CONDITIONS	Degree of Offense	Misdemeanor Conversion

**Case Judge**

Assigned Judge    Funk, Raymond

**Case Attributes**

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



**Caution:** Do not assume that a defendant was convicted of a felony based on the case type listed on this screen. The case type only reflects the charges that appeared in the original charging document. If the original charging document included any felony charges, the case will be listed as a felony (either "Criminal District Court Felony" or "Criminal Superior Court"), even if all the charges were eventually reduced to misdemeanors or dismissed. To see what a defendant was convicted of, go to Parties tab, click on defendant's name and go to Charges tab.

New Search..

Summary
  Parties
  Events
  Dockets
  Disposition
  Costs

**Crim Dist Ct Misd (4FA) - Summary**

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

<b>Plaintiff</b>	<b>Defendant</b>
City of Fairbanks	Gavin, Zail R

<b>Attorney(s)</b>	<b>Attorney(s)</b>
Full Name	Full Name
Address	Address

<b>City/State/Zip</b>	<b>City/State/Zip</b>
Phone	Phone

**Charges**

<b>Charge Dscr</b>	FGC7.15.104(B): LEAVE SCENE OF ACC.	<b>Degree of Offense</b>	Misdemeanor Conversion
--------------------	-------------------------------------	--------------------------	------------------------

**Case Judge**

Assigned Judge Hammers, Patrick S

**Case Attributes**

Number 4FA-98-03381CR

Status Closed



Caution: Do not assume that a defendant was convicted of a felony based on the case type listed on this screen. The case type only reflects the charges that appeared in the original charging document. If the original charging document included any felony charges, the case will be listed as a felony (either "Criminal District Court Felony" or "Criminal Superior Court"), even if all the charges were eventually reduced to misdemeanors or dismissed. To see what a defendant was convicted of, go to Parties tab, click on defendant's name and go to Charges tab.



New Search..

Summary

Parties

Events

Dockets

Disposition

Costs

### Crim Dist Ct Misd (4TO) - Summary

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

#### Plaintiff

State of Alaska

#### Defendant

Gavin, Zail R

#### Attorney(s)

Full Name

Address

#### Attorney(s)

Full Name DA

Address

City/State/Zip

Phone

City/State/Zip

Phone

AK

#### Charges

Charge Dscr AS28.35.030: DWI

Degree of Offense

#### Case Judge

Assigned Judge Wells, Jennifer K

#### Case Attributes

Number 4TO-92-00153CR

Status Closed

Filed 09/03/1992

STATE OF SOUTH CAROLINA

AFFIDAVIT

County of Richland

Personally appeared before me, Jesse Rosier, who first being duly sworn, deposes and says that Zail Gavin did within this County and State on the 27<sup>th</sup> day of February, 2007, violate certain conditions of release in the following particulars:

DESCRIPTION OF VIOLATION

*Zail Gavin has violated condition 6 and special conditions as ordered in Cause Numbers 00-GS-24-227, 01-GS-24-228, and 01-GS-24-279 by the Greenwood County Court of General Sessions on 04-12-01.*

The Affiant states that there is probable cause to believe the defendant named committed the violations set forth and that such probable cause is based on the following facts:

*Zail Gavin has willfully failed to follow the advice and instructions of his agent, and the special conditions for Sex Offenders in that he failed to abide by his curfew of 8pm as evidenced on 02-12-07 when a home visit was conducted after his curfew time and the offender was not home. He returned home approximately 15 minutes after agent arrived at his residence. Further, Zail Gavin has failed to notify his agent of Law Enforcement as instructed in that he received traffic tickets on 01-27-07 for Speeding (87 in 70) and No Driver's License in Possession. Zail was instructed that he must immediately report any contact whatsoever with Law Enforcement to his agent. The agent discovered the tickets when a search was conducted of the vehicle this offender was driving.*

Sworn to and subscribed

before me this 27<sup>th</sup> day of February, 2007

[Signature]  
Signature of Notary Public

[Signature]  
Affiant

My Commission Expires: 4/28/2004

STATE OF SOUTH CAROLINA

County of Fairfield  
STATE VS.

Zail Gavin

AKA: \_\_\_\_\_

Race: W Sex: M

DOB: 03-05-58

SSN: 574-54-0255

SID#: 793006

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

01 -GS- 24 - 228

CW#: W-46-06-1082/C40-07-003

Name of Original Offense: Peeping Tom

Conviction S.C. Code §: 16-17-470

Conviction CDR Code #: 01120

Date of Original Offense: 01-22-01

Original Sentence: 3 yrs suspended w/ a 2 yrs

**ORDER** and 5 yrs Prob.

The above named defendant has been charged with violating the conditions of probation ordered on 04/21/01 in the Court of General Sessions of Greenwood County as set forth in the attached warrant or citation dated 12/20/06. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 6, 7, 9, 10 and special conditions

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.
- Additional Conditions ordered by the Court:  
Terminate this case

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 2 months/years on this sentence. (split sentence time and/or prior partial revocation time)

This 1<sup>st</sup> day of March, 2007  
Winnabow SC.

M. J. [Signature]  
Presiding Judge 6<sup>th</sup> Goode  
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.

Defendant's Signature  
[Signature]

Witnessed by  
[Signature]

Signed this 1<sup>st</sup> day of March, 2007, at Winnabow, SC

by  
General

Indictment Number: 01-GS-24-  
00279/00228/00227

### PROBATION CITATION

No. C-40-07-0103

SOUTH CAROLINA  V.  Zail Gavin	COUNTY: Richland	
	SCDC #	SID #
		793006

TO: Zail Gavin

YOU ARE HEREBY NOTIFIED to appear in the above named case at the time, date and place specified below.

Place TBA	Room
	Date and Time

YOU ARE HEREBY NOTIFIED that you are charged with violating the conditions of your supervision as stated below.

Violations Charged

*Zail Gavin has violated condition 6 and special conditions as ordered in Cause Numbers 00-GS-24-227, 01-GS-24-228, and 01-GS-24-279 by the Greenwood County Court of General Sessions on 04-12-01.*

YOU ARE HEREBY NOTIFIED that you have the rights listed below.

List of Rights:

You have the right at the hearing to question any person who appears as a witness against you and to have witnesses appear in your behalf. You may present evidence on your behalf. You may have an attorney represent you. If you cannot afford an attorney, an attorney will be appointed for you. You must advise the agent or the court in writing of your desire for an attorney. It is your responsibility to make arrangements for your witnesses and your attorney to appear at the hearing.

IF YOU FAIL TO APPEAR AT THE TIME, DATE AND PLACE SHOWN ABOVE, THE HEARING WILL BE HELD IN YOUR ABSENCE AND YOU MAY BE INCARCERATED.

Columbia, South Carolina	Probation and Parole Agent
Date	<i>Jesse Rosier</i> Jesse Rosier Agent # 0435

A copy of the citation was served by the undersigned and given to the individual named therein at the time, date, and place indicated below.

Place Columbia, SC 29201	Date and Time 02-27-07 @ 6:30 Serving Officer's Signature <i>[Signature]</i>
-----------------------------	--

Sworn to and subscribed before me this 27<sup>th</sup> day of February, 2007

*[Signature]*  
Signature of Notary Public

My Commission Expires 4/28/2004

STATE OF SOUTH CAROLINA

County of Fairfield  
STATE VS.

Zail Gavin

AKA: \_\_\_\_\_

Race: W Sex: M

DOB: 03-05-58

SSN: 574-54-0255

SID#: 793006

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

01-GS-24-0227  
CW#: W-40-06-1082/04007-0103

Name of Original Offense: Burglary 3rd

Conviction S.C. Code §: 16-71-311

Conviction CDR Code #: 0, 0, 7, 9

Date of Original Offense: 11-03-00

Original Sentence: 5 yrs suspended on 2 yrs

**ORDER** and 5 yrs Prob.

The above named defendant has been charged with violating the conditions of probation ordered on 04/22/07 in the Court of General Sessions of Greenwood County as set forth in the attached warrant or citation dated 12/20/06. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 6, 7, 9, 10 and special conditions

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.
- Additional Conditions ordered by the Court:

Terminate this case

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 2 months years on this sentence.  
(split sentence time and/or prior partial revocation time)

This 1<sup>st</sup> day of March, 2007.

Winnabore, SC.

Presiding Judge

[Signature]  
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 an 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 condition of my attached probation order during the period of my probation. I have received a copy of this Court's order and all attachments.

Defendant's Signature

[Signature]

Witnessed by

[Signature]

Signed this 1<sup>st</sup> day of March, 2007, at Winnabore, SC

[Initials]

Arrest Warrant  
Approved by  
Attorney General  
Section 17-13-160  
March 15, 1978

STATE OF SOUTH CAROLINA  
COUNTY OF Richland

Probation  
ARREST WARRANT

Indictment Number 00-GS-24-227/01-GS-24-228/279  
Warrant Number W-40-06-1082  
State Identification No. (SID) 793006

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF Columbia, AND ANY CONSTABLE OF THIS MAGISTERIAL DISTRICT:  
It appearing from the attached affidavit that there are reasonable grounds to believe that Zail Gavin, did on the 20<sup>th</sup> day of December, 2006, violate the criminal laws of the State of South Carolina as set forth below:

DESCRIPTION OF OFFENSE:

Zail Gavin has violated conditions 6, 7, 9, 10, and Special Sex Offender Conditions as ordered in Cause Numbers 00-GS-24-227, 01-GS-24-228, and 01-GS-24-279 by the Greenwood County Court of General Sessions on 04-12-01.

Now, therefore, you are empowered and directed to arrest the said defendant and bring Zail Gavin before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable. Done at Columbia, S. C. this 20<sup>th</sup> day of December, 2006.

*Jesse Rosier*  
Signature of Probation and Parole Agent (L.S.)

County of Richland  
STATE OF SOUTH CAROLINA

AFFIDAVIT

Personally appeared before me, one Jesse Rosier, who, first being duly sworn, deposes and says that Zail Gavin did within this County and State on the 20<sup>th</sup> day of December, 2006, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE:

Zail Gavin has violated conditions 6, 7, 9, 10, and Special Sex Offender Conditions as ordered in Cause Numbers 00-GS-24-227, 01-GS-24-228, and 01-GS-24-279 by the Greenwood County Court of General Sessions on 04-12-01.

The affiant states that there is probable cause to believe that the defendant named above did commit the crime(s) set forth, and that such probable cause is based on the following facts:

Zail Gavin has willfully failed to refrain from violating state law in that he illegally drove to South Congaree on 12-18-06 with a suspended driver's license. Further, Zail Gavin has failed to inform his agent that he had contact with Law Enforcement and received a ticket on 10-17-06. Zail Gavin has failed to pay supervision fees as instructed by being \$20.00 in arrears with a balance of \$3,320.00. Zail Gavin has failed to follow the advice and instructions of his agent in that he has never provided proper documentation from the Carolina Center for Behavioral Health as instructed on several occasions by his agent. Zail Gavin has failed to attend Sex Offender Counseling in that he did not show up to scheduled appointments on 12-12-06 or at anytime thereafter. The State considers these violations to be a risk to community safety.

Sworn to and Subscribed before me  
this 20<sup>th</sup> day of December, 2006.

*Henry Beutner*  
Signature of Notary Public (L.S.)

*Jesse Rosier*  
Affiant

Address: 1221 Gregg Street  
Columbia, SC 29201  
803-734-6320

4/28/2014  
My Commission Expires

(Form Continues on Back)



STATE OF SOUTH CAROLINA

County of Farfield  
STATE VS.

Zail Gavin

AKA: \_\_\_\_\_

Race: W Sex: M

DOB: 03-05-58

SSN: 574-54-0255

SID#: 793006

IN THE COURT OF GENERAL SESSIONS

INDICTMENT#:

01 -GS- 24 - 279

C/W#: W-40-06-1082/c-40-07-0103

Name of Original Offense: Poss Crack 2nd

Conviction S.C. Code §: 44-53-375

Conviction CDR Code #: 01-27-01-0101

Date of Original Offense: 01-27-01

Original Sentence: 5yr suspended on 2 yrs and

**ORDER 5 yrs Probation**

The above named defendant has been charged with violating the conditions of probation ordered on 04/12/01 in the Court of General Sessions of Greenwood County as set forth in the attached warrant or citation dated 12/20/06. After hearing the evidence and being duly advised, in the (presence/absence) of the defendant, I find that the above named defendant has violated the following condition(s) of probation: (List by number or indicate special condition as provided in the affidavit) 6, 7, 9, 10 and special conditions

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.
- Additional Conditions ordered by the Court:

Terminate this case

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 2 months/years on this sentence. (split sentence time and/or prior partial revocation time)

This 1<sup>st</sup> day of March 2007

Winnaboro, SC.

J. A. [Signature]  
Presiding Judge  
6<sup>th</sup> 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.

Defendant's Signature  
[Signature]

Witnessed by  
[Signature]

Signed this 1<sup>st</sup> day of March, 2007 at Winnaboro, SC

G-475729 01-227  
STATE OF SOUTH CAROLINA  
GREENWOOD COUNTY  
JAN 30 2001

County/ Municipality of  
GREENWOOD COUNTY

THE STATE  
against

ZAILL R GAVIN

Address: 108 PORT ROYAL DRIVE  
NINETY SIX SC 29666 - 0000  
Phone: 803 543-2724 SN: 574-54-0255  
Sex: M Race: W Height: 5 11 Weight: 185  
DL State: SC DL #: 003108226  
DOB: 3/05/58 Agency ORI #: \_\_\_\_\_  
Prosecuting Agency: SHERIFF DEPT  
Prosecuting Officer: GARY STRATTON  
Offense: BURGLARY  
Code/Ordinance Sec. 16-11-0311 Offense Code: 0179

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

Signature of Judge \_\_\_\_\_ (L.S.)  
Date: \_\_\_\_\_

RETURN  
A copy of this arrest warrant was delivered to defendant ZAILL R GAVIN on 27 JANUARY 2001  
Signature of Constable/Law Enforcement Officer \_\_\_\_\_

RETURN WARRANT TO:

County/ Municipality of  
GREENWOOD COUNTY

AFFIDAVIT

Personally appeared before me the affiant GARY STRATTON being duly sworn deposes and says that defendant ZAILL R GAVIN did within this county and state on 11/03/00 State of South Carolina (or ordinance of GREENWOOD) in the following particulars:  
DESCRIPTION OF OFFENSE: BURGLARY

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

IN THAT THE DEFENDANT DID ON NOVEMBER 3, 2000, BETWEEN 9:00 P.M. AND 9:30 P.M., UNLAWFULLY BREAK AND ENTER INTO A RESIDENCE BELONGING TO NORA AND HARRIS BRIDGES, BY ENTERING THROUGH AN UNLOCKED DOOR, IN ORDER TO COMMIT A CRIME. THE INCIDENT OCCURRED AT 1215 WATTS BRIDGE ROAD, NINETY SIX, COUNTY OF GREENWOOD, STATE OF SOUTH CAROLINA. INVESTIGATION BY: LT. GARY STRATTON OF THE GREENWOOD COUNTY SHERIFF'S DEPARTMENT.

Sworn to and subscribed before me on 1/26/01  
Signature of Issuing Judge \_\_\_\_\_ (L.S.)

Signature of Affiant Gary M Stratton  
Affiant's Address GREENWOOD LAW ENFORCEMENT CEN GREENWOOD SC 29649 - 000C  
Affiant's Telephone \_\_\_\_\_

STATE OF SOUTH CAROLINA  
 County/ Municipality of  
GREENWOOD COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
It appearing from the above affidavit that there are reasonable grounds to believe that on 11/03/00 defendant ZAILL R GAVIN did violate the criminal laws of the State of South Carolina (or ordinance of GREENWOOD) as set forth below:  
DESCRIPTION OF OFFENSE: BURGLARY

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge \_\_\_\_\_ (L.S.)  
Judge's Address ROOM 100 GREENWOOD COUNTY GREENWOOD SC 29646 - 000C  
Judge's Telephone 864 942-8655  
Judge Code: 361  
Issuing Court:  Magistrate  Municipal  Circuit

ORIGINAL

AGENCY I.D.  
SC0240000

INCIDENT REPORT

01-363

INO.

EVENT	INCIDENT TYPE					COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM																			
	1. Burglary					<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	residence	1	<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Business <input type="checkbox"/> Financial Inst. <input type="checkbox"/> Government <input type="checkbox"/> Relig. Orgn. <input type="checkbox"/> Soc. Public <input type="checkbox"/> Other <input type="checkbox"/> Unknown <input type="checkbox"/> Police Off.																			
	2.					<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO																						
VICTIM NO. 1	INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER)					INCIDENT DATE		24 HR. CLOCK		TO DATE	24 HR. CLOCK	DISP. DATE	DISPATCH DATE/TIME	24 HR. CLOCK	TIME ARRIVED	DEPART. TIME	WEAPON TYPE												
	1215 Watts Bridge Rd, Ninety Six					11/3/00		2100		11/3/00	2130																		
	COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)					RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE															
VICTIM NO. 2	Bridges, Nora							<input checked="" type="checkbox"/> O	U	W	F	47		229-5211	223-1646														
	ADDRESS					CITY		STATE		ZIP CODE		LOCATION NO.																	
	2109 Briarwood Rd.					Greenwood SC		29646																					
VICTIM NO. 1	VICTIM NAME (LAST, FIRST, MIDDLE)					RELATIONSHIP TO SUBJECT		RESIDENT	RACE	SEX	AGE	ETH.	DAYTIME PHONE	EVENING PHONE															
	Bridges, Nora							<input checked="" type="checkbox"/> O	U	W	F	47		229-5211	223-1646														
	ADDRESS					CITY		STATE		ZIP CODE		LOCATION NO.																	
T.N.O. 1	2109 Briarwood Rd.					Greenwood SC		29646																					
	VISIBLE INJURY (VICT. 1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> EXPLAIN																												
	VICTIM (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE					COMPLAINT OF ANY NON-VISIBLE INJURIES <input type="checkbox"/> YES <input type="checkbox"/> NO																							
SU	TWO-MAN VEH. <input type="checkbox"/> ONE-MAN VEH. <input type="checkbox"/> DETECTIVE/SPL. ABMT. <input type="checkbox"/> OTHER <input type="checkbox"/> ALONE <input type="checkbox"/> ASSISTED <input type="checkbox"/>					*J - This Jurisdiction. S - State. O - Out of State. U - Unknown																							
	<input checked="" type="checkbox"/> SUSPECT					NAME, (LAST, FIRST, MIDDLE)					RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES										
	Gravin Zail										W	M	40					dark											
MARRATIVE	FACIAL HAIR, SCARS, TATOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ETC.																												
	ADDRESS					CITY		STATE		ZIP CODE		LOCATION NO.																	
	108 Port Royal Dr.					Ninety Six SC		29666																					
PROPERTY EST.	SUSJECT (NO. 1) USING: ALCOHOL <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> DRUGS: <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/> TYPE					APPREHENDED NEAR OFFENSE SCENE <input type="checkbox"/> YES <input type="checkbox"/> NO					DATE/TIME OF OFFENSE					DATE/TIME OF ARREST													
	TOTAL # ARRESTED																												
	Complainant states between the above times the subject did break and enter into his guest house off Watts Bridge Rd. Subject was laying-in-wait in the bedroom area, wearing no clothes, when the victim entered the building and turned on the lights. Victim #2 confronted the subject in the bed and asked who he was. Subject identified himself as "Zail" and refused to leave the bed, as he was nude and had no clothes with him. Victim #1 + 2 left the guesthouse to call (cont.)					JURISDICTION OF TRAFFIC LAW ENFORCEMENT AGENCY					JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY																		
ADMINISTRATIVE	TYPE (GROUP)																												
	STOLEN					TOTAL VALUE																							
	DAMAGED																												
BURNED																													
RECOVERED																													
SEIZED																													
SUBJECT IDENTIFIED					SUBJECT LOCATED					<input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> ADM. CLOSED <input type="checkbox"/> UNFOUNDED					<input type="checkbox"/> APPREHENDED UNDER 16 <input type="checkbox"/> APPREHENDED 18 AND OVER <input type="checkbox"/> EX-CLEAR UNDER 16 <input type="checkbox"/> EX-CLEAR 18 AND OVER														
REASON FOR EXCEPTIONAL CLEARANCE 1. <input type="checkbox"/> OFFENDER DEATH 2. <input type="checkbox"/> NO PROSECUTION 3. <input type="checkbox"/> EXTRADITION DENIED. 4. <input type="checkbox"/> VICTIM DECLINES COOPERATION 5. <input type="checkbox"/> AVOIDANCE - NO CUSTODY																													
REPORTING OFFICER(S)					DATE					UNIT NUMBER					APPROVING OFFICER					DATE					UNIT NUMBER				
G.M. Sitallan					1/25/01					311																			
FOLLOW-UP INVESTIGATION <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>					OFFICER																								

February 25, 2001

RE: STATE vs GAVIN, ZAIL  
Charge: Burglary, dwelling/night - 1<sup>st</sup>

Dear Judge:

Our first instinct on the night of the November 3<sup>rd</sup> incident, was to just send Zail home where he belonged and get him off our property. His parents had been very good friends of the elderly Bridges, now deceased. Our knowledge on this date was only that he belonged next door and hear say knowledge of a drug/alcohol problem.

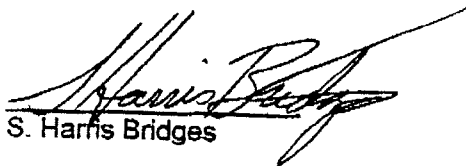
However, only after the fact, did we learn of his past convictions as a sex offender. It was then that in reviewing this event that had occurred, that we realized that the situation was not as we first believed it to be. His claim to be confused was not substantiated by the fact that he went directly back to his own house upon leaving our property. It is believed by us that he had seen Nora going back & forth that evening, and was laying in wait for her. The situation changed when Harris accompanied Nora on her last trip to the guest house and found him hiding nude in the guest house.

When the peeping tom incident occurred, it became obvious that he needed to be apprehended for three reasons:

1. This involved a child and no child should have to feel unsafe in their own home and neighborhood.
2. Zail apparently needs help
3. The neighbor fired a weapon, which endangers the entire neighborhood. If Zail is allowed to do this around the neighborhood, it is likely someone innocent could be hurt.

We do not know what type of help Zail has been given in the past. But our recommendation for disposition is that Zail should be given some kind of psychiatric help. If he cannot be helped, he should be given punishment, i.e., jail time.

  
Nora T. Bridges

  
S. Harris Bridges

## SOUTH CAROLINA VICTIM IMPACT STATEMENT

This form is designed to help protect the rights of crime victims in South Carolina's criminal justice system. It will become part of the Court record, and will follow the defendant through the criminal justice system. It is very important that victims fill out one form for each defendant as completely and neatly as possible in ink and return it within two weeks. Assistance in completing this form is available upon request.

### OFFENDER INFORMATION

(FOR OFFICE USE ONLY)

Offender's Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
 Social Security No. \_\_\_\_\_ County of Conviction \_\_\_\_\_  
 Sentence \_\_\_\_\_  
 Indictment No(s) \_\_\_\_\_  
 Victim Compensation Claim Filed \_\_\_\_\_ Date \_\_\_\_\_

Upon sentencing, the agency must forward a copy of this form to the SC Department of Corrections, SC Department of Probation, Parole, and Pardon Services, SC Attorney General's Office or to the SC Juvenile Parole Board.

### PLEASE PRINT

STATE OF SOUTH CAROLINA vs. GAVIN ZAIL  
 CHARGE(S) Burglary, dwelling/night WARRANT NO(S) \_\_\_\_\_  
 NAME OF THE VICTIM HARRIS BRIDGES

*NOTE: If the victim is deceased, is a minor child, or is a business, please list the name of a responsible party below.*

NAME OF RESPONSIBLE PARTY \_\_\_\_\_  
 Relationship to Victim \_\_\_\_\_  
 (i.e., parent, sibling, or in case of business crime, manager, clerk, etc)

Home Address \_\_\_\_\_ Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Other Phone \_\_\_\_\_

Victim's Date of Birth 7/7 Race White Sex Male

The above line may be used for additional information requested by the Victim Advocate.

### PLEASE CHECK ONE OF THE FOLLOWING THREE STATEMENTS:

- I absolutely want to be present for a guilty plea or other proceeding concerning this case.  
 I would like to be present if it is convenient, but this is not absolutely necessary.  
 I will come if I am needed, but do not care to be present otherwise.

### PLEASE CHECK ONE OF THE FOLLOWING TWO STATEMENTS:

- I want to be notified by the appropriate agencies for all post conviction sentencing events including appeals, probation, parole, release, or escape from prison.  
 I do not want to be notified.

*Please turn over to the next page.*

This portion of the Victim Impact Statement requests information about the effects this crime has had on you. Please consider the following questions and respond to any that may apply to you or your family. This information will help the Judge understand more about what happened. Putting it in written form makes sure that you won't be "forgotten" by the criminal justice system. Since the space below is extremely limited, most people find it easier to use another piece of paper (or more) for their answers.

1. Describe any physical injuries you suffered and medical treatment for these injuries.

NONE

2. Have these injuries caused any permanent or long-lasting disabilities or disfigurements? Please describe them.

No

3. Have you noticed any change in yourself since this happened? These might include personal habits, the way you deal with other people, the amount of tension or nervousness you feel, or other similar things. *The incident took place at my lakehouse. My wife is now very uncomfortable about going out there.*

4. Have your family situations, close relationships or life style changed as a result of this? How? Have you had to move because of this? Explain:

*My wife + I have only stayed in the house once since the incident. My son is staying in the house + my wife + I find ourselves overly concerned for his safety.*

5. Has this crime affected your credit, your job or your ability to work? How?

No

6. Have you received any counseling or psychological services because of this? If so, how has it helped you? If you have not received counseling, why? *No. We feel that with correct disposition of this case, our life will resume it's normal routine.*

Please summarize the costs and financial losses this crime has caused. This may include medical and/or counseling costs, lost wages, funeral bills, lost or damaged property, etc. Copies of receipts, estimates, bills, and other documentation should be attached.

Medical Expenses	\$ _____
Counseling	\$ _____
Lost Wages	\$ _____
Funeral	\$ _____
Property Loss	\$ _____
Other	\$ _____
Recovery amount from:	
Insurance	\$ _____
Victim Compensation	\$ _____
TOTAL	\$ _____

Thank you for completing this South Carolina Victim Impact Statement. This will guarantee that your voice will be heard by the criminal justice system.

With your signature, you submit that the above statements are true.

*[Signature]*  
Victim or Responsible Party

*2/25/01*  
Date

PLEASE RETURN THIS FORM TO THE PROVIDING AGENCY.

It is your responsibility to inform the Solicitor's Office, SC Department of Corrections, and SC Department of Probation, Parole and Pardon Service, SC Attorney General's Office or, in juvenile cases, the SC Juvenile Parole Board of any change in your address and telephone number. Contact them at:

S.C. Department of Corrections  
4444 Broad River Road  
P.O. Box 21787  
Columbia, S.C. 29221-1787  
1-800-835-0304

S.C. Department of Probation,  
Parole & Pardon Services  
P.O. Box 50666  
Columbia, S.C. 29205  
1-888-551-4118

S.C. Office of Attorney General  
1000 Assembly Street  
P.O. Box 11549  
Columbia, S.C. 29211  
1-800-213-5652

S.C. Board of Juvenile Parole  
110 Centerview Drive  
Suite 300  
Columbia, S.C. 29221  
1-800-763-0068

DO NOT RETURN THIS FORM TO THE AGENCIES LISTED ABOVE

## SOUTH CAROLINA VICTIM IMPACT STATEMENT

This form is designed to help protect the rights of crime victims in South Carolina's criminal justice system. It will become part of the Court record, and will follow the defendant through the criminal justice system. It is very important that victims fill out one form for each defendant as completely and neatly as possible in ink and return it within two weeks. Assistance in completing this form is available upon request.

### OFFENDER INFORMATION

(FOR OFFICE USE ONLY)

Offender's Name Zail GAVIN Date of Birth \_\_\_\_\_  
 Social Security No. \_\_\_\_\_ County of Conviction GREENWOOD  
 Sentence \_\_\_\_\_  
 Indictment No(s) 01G524-227  
 Victim Compensation Claim Filed \_\_\_\_\_ Date \_\_\_\_\_

Upon sentencing, the agency must forward a copy of this form to the SC Department of Corrections, SC Department of Probation, Parole, and Pardon Services, SC Attorney General's Office or to the SC Juvenile Parole Board.

### PLEASE PRINT

STATE OF SOUTH CAROLINA vs. Gavin, Zail  
 CHARGE(s) Burglary WARRANT NO(s) \_\_\_\_\_  
 NAME OF THE VICTIM Nora Bridges

*NOTE: If the victim is deceased, is a minor child, or is a business, please list the name of a responsible party below.*

NAME OF RESPONSIBLE PARTY \_\_\_\_\_

Relationship to Victim \_\_\_\_\_  
 (i.e., parent, sibling, or in case of business crime, manager, clerk, etc)

Home Address \_\_\_\_\_ Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Other Phone \_\_\_\_\_

Victim's Date of Birth \_\_\_\_\_ Race White Sex Female

The above line may be used for additional information requested by the Victim Advocate.

### PLEASE CHECK ONE OF THE FOLLOWING THREE STATEMENTS:

- I absolutely want to be present for a guilty plea or other proceeding concerning this case.  
 I would like to be present if it is convenient, but this is not absolutely necessary.  
 I will come if I am needed, but do not care to be present otherwise.

### PLEASE CHECK ONE OF THE FOLLOWING TWO STATEMENTS:

- I want to be notified by the appropriate agencies for all post conviction sentencing events including appeals, probation, parole, release, or escape from prison.  
 I do not want to be notified.

*Please turn over to the next page.*

This portion of the Victim Impact Statement requests information about the effects this crime has had on you. Please consider the following questions and respond to any that may apply to you or your family. This information will help the Judge understand more about what happened. Putting it in written form makes sure that you won't be "forgotten" by the criminal justice system. Since the space below is extremely limited, most people find it easier to use another piece of paper (or more) for their answers.

1. Describe any physical injuries you suffered and medical treatment for these injuries.

NONE

2. Have these injuries caused any permanent or long-lasting disabilities or disfigurements? Please describe them.

3. Have you noticed any change in yourself since this happened? These might include personal habits, the way you deal with other people, the amount of tension or nervousness you feel, or other similar things.

The incident took place at our lakehouse. I am still not comfortable going out there alone. And I think I was more nervous about our son moving out there than I would have been had this not happened.

4. Have your family situations, close relationships or life style changed as a result of this? How? Have you had to move because of this? "Explain: NO

5. Has this crime affected your credit, your job or your ability to work? How?

NO

6. Have you received any counseling or psychological services because of this? If so, how has it helped you? If you have not received counseling, why? No.

Please summarize the costs and financial losses this crime has caused. This may include medical and/or counseling costs, lost wages, funeral bills, lost or damaged property, etc. Copies of receipts, estimates, bills, and other documentation should be attached.

Medical Expenses	\$ _____
Counseling	\$ _____
Lost Wages	\$ _____
Funeral	\$ _____
Property Loss	\$ _____
Other	\$ _____
Recovery amount from:	
Insurance	\$ _____
Victim Compensation	\$ _____
TOTAL	\$ _____

Thank you for completing this South Carolina Victim Impact Statement. This will guarantee that your voice will be heard by the criminal justice system.

With your signature, you submit that the above statements are true.

Nora T. Bridges  
Victim or Responsible Party

2-25-01  
Date

PLEASE RETURN THIS FORM TO THE PROVIDING AGENCY.

It is your responsibility to inform the Solicitor's Office, SC Department of Corrections, and SC Department of Probation, Parole and Pardon Service, SC Attorney General's Office or, in juvenile cases, the SC Juvenile Parole Board of any change in your address and telephone number. Contact them at:

S.C. Department of Corrections  
4444 Broad River Road  
P.O. Box 21787  
Columbia, S.C. 29221-1787  
1-800-835-0304

S.C. Department of Probation,  
Parole & Pardon Services  
P.O. Box 50666  
Columbia, S.C. 29205  
1-888-551-4118

S.C. Office of Attorney General  
1000 Assembly Street  
P.O. Box 11549  
Columbia, S.C. 29211  
1-300-213-5652

S.C. Board of Juvenile Parole  
110 Centerview Drive  
Suite 300  
Columbia, S.C. 29221  
1-800-763-0068

DO NOT RETURN THIS FORM TO THE AGENCIES LISTED ABOVE



ARREST WARRANT

G-475706 01-228

STATE OF SOUTH CAROLINA  
County/ Municipality of GREENWOOD COUNTY

JAN 30 2001

THE STATE  
against

ZAIL RAY GAVIN

Address: 108 PORT ROYAL DRIVE  
NINETY SIX SC 29666 - 0000

Sex: M Race: W Height: 5 1 Weight: 175  
DL State: DL #: 3/05/58 Agency ORI #: 175  
Prosecuting Agency: SHERIFF DEPT  
Prosecuting Officer: ANY LAWFUL OFFICER  
Offense: PEEPING TOM

Code/Ordinance Sec. 17.0 Offense Code: 120  
16-17-0470

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

Signature of Judge \_\_\_\_\_ (L.S.)  
Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to  
defendant ZAIL RAY GAVIN  
on 31 JANUARY 2001  
Signature of Constable/Law Enforcement Officer  
C. B. Miller

RETURN WARRANT TO:

STATE OF SOUTH CAROLINA  
County/ Municipality of GREENWOOD COUNTY

AFFIDAVIT

BARRY CROCKER

ZAIL RAY GAVIN

Personally appeared before me the affiant  
being duly sworn deposes and says that defendant  
did within this county and state on 1/22/01  
State of South Carolina (or ordinance of County/ Municipality of Greenville)  
in the following particulars:  
DESCRIPTION OF OFFENSE: PEEPING TOM

I further state that there is probable cause to believe that the defendant named above did comm  
the crime set forth and that probable cause is based on the following facts:  
IN THAT THE DEFENDANT DID ON JANUARY 22, 2001, AT APPROXIMATELY  
9:20 P.M., COMMIT THE OFFENSE OF PEEPING TOM, WHEREIN HE DID GO  
ON THE PREMISES BELONGING TO A NEIGHBOR, BARRY CROCKER, FLASHING  
A LIGHT IN THE BEDROOM WINDOW OF HIS SIX (6) YEAR OLD DAUGHTER,  
WHILE DRESSED IN ONLY HIS UNDERWEAR.  
THE INCIDENT OCCURRED AT 106 PORT ROYAL DR., COUNTY OF GREENWOOD,  
STATE OF SOUTH CAROLINA.  
INVESTIGATION BY: CPL. K. DOWNING AND CPL. S. RUSS OF THE  
GREENWOOD COUNTY SHERIFF'S DEPT.

Sworn to and subscribed before me  
on 1/23/01  
Signature of Issuing Judge  
Barry Crocker (L.S.)  
Affiant's Address 106 PORT ROYAL DRIVE  
NINETY SIX SC 29666 - 0000  
Affiant's Telephone \_\_\_\_\_

STATE OF SOUTH CAROLINA  
County/ Municipality of GREENWOOD COUNTY

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:  
It appearing from the above affidavit that there are reasonable grounds to believe that  
on 1/22/01 defendant ZAIL RAY GAVIN  
did violate the criminal laws of the State of South Carolina (or ordinance of  
County/ Municipality of Greenville) as set forth below:

DESCRIPTION OF OFFENSE: PEEPING TOM

Now, therefore, you are empowered and directed to arrest the said defendant and bring him or her before  
me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the  
defendant at the time of his execution, or as soon thereafter as is practicable.

Signature of Issuing Judge  
Barry Crocker (L.S.)  
Judge's Address ROOM 100 GREENWOOD COUNTY  
GREENWOOD SC 29646 - 0000  
Judge's Telephone 864 942-8655  
Judge Code: 361

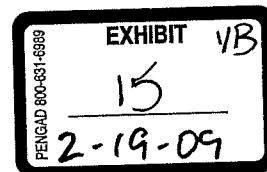
ORIC

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF LEXINGTON    )

AFFIDAVIT OF HEATH P. TAYLOR

AFTER FIRST BEING DULY SWORN, THE AFFIANT DEPOSES AND SAYS AS  
FOLLOWS:

1. My name is Heath P. Taylor. I am an attorney and member in good standing of the South Carolina Bar and the Lexington County Bar. I have been practicing law in South Carolina since November of 1998. My office is located in West Columbia, South Carolina. The primary focus of my practice is defending persons accused of criminal offenses in all South Carolina courts.
2. I am submitting this affidavit in order to explain my involvement in the case of the *State of South Carolina v. Zail R. Gavin, 2005-GS-32-2185, et al.* and to address questions or concerns the Judicial Merit Selection Commission may have concerning the decision of the Honorable Kenneth G. Goode in the case.
3. I was retained to represent Mr. Gavin on July 25, 2005. Mr. Gavin was charged with Peeping Tom, Warrant No. H-822755, two counts of Failure to Register as a Sex Offender, Warrant Nos. H-822787 and J-055218 and a probation violation, Warrant No. W-32-05-0125.
4. At the time I was retained, Mr. Gavin was on probation following a period of incarceration. On April 12, 2001, Mr. Gavin pled guilty to Peeping Tom, Possession of Crack, 2d Offense and Burglary, 3d Degree in Greenwood



County, South Carolina. Mr. Gavin received a concurrent two year active sentence on each charge with five years probation upon his release. His probationary sentence commenced on February 20, 2002, and was scheduled to end on February 19, 2007. As a result of his plea to the Peeping Tom charge, Mr. Gavin was required to register as a sex offender.

5. On the Peeping Tom charge, Warrant No. H-822755, Mr. Gavin was alleged to have looked into the window of his neighbor's home on March 22, 2005. The window he allegedly looked into was a large window in the front of the home with no curtains or blinds. The window exposed the living room of the home and not a bathroom, bedroom or other similar room where one has a greater expectation of privacy. The alleged victims were fully clothed and apparently hosting a social function among friends and family. Witness statements alleged Mr. Gavin was standing in the front yard when he was seen. He was never seen close to the window or attempting to hide at the time of the alleged offense. Mr. Gavin fled when confronted by the alleged victims. He contended that he was looking for his dog and fled in panic due to his past criminal history. The facts surrounding this charge were not consistent with the typical Peeping Tom case. But for Mr. Gavin's past criminal history, the case probably would have gone to trial.
6. On the two counts of Failure to Register as a Sex Offender, Warrant Nos. H-822787 and J-055218, Mr. Gavin was alleged to have failed to notify the

Lexington County Sheriff's Department of his change of address within ten days of his move to a new residence. Mr. Gavin had recently purchased a home and was in the process of performing significant renovations. He had not formally moved into the home but often spent nights at the home after working on the home in the evenings after work. Upon being interviewed by a member of the Lexington County Sheriff's Department, he stated that he believed he had thirty days to notify authorities of his change of address. He had not been spending the night at the residence for more than thirty days and had properly maintained contact with his probation agent. Warrant No. J-055218 for Failure to Register as a Sex Offender was erroneously issued on July 5, 2005 and was dismissed when proof was shown that Mr. Gavin had properly registered on March 24, 2005.

7. On March 30, 2005, Mr. Gavin's probation agent issued Warrant No. W-32-05-0125 for violation of the terms of his probation based upon the charges referenced above.
8. After reviewing the evidence and upon my advice, Mr. Gavin made the decision to plead guilty to the Peeping Tom charge under *North Carolina v. Alford*, 400 U.S. 25 (1970). Pursuant to *Alford*, a defendant may plead guilty without admitting guilt but agrees that if the matter proceeded to trial, the State could produce evidence sufficient to support a conviction. Mr. Gavin decided to plead guilty to the Failure to Register

charge and have the sentencing judge address the probation violation as well.

9. The assistant solicitor handling the case on behalf of the State called the case before the Honorable Kenneth G. Goode on February 14, 2006, during a Lexington County General Sessions term of court. Judge Goode sentenced Mr. Gavin to 90 days to be served on weekends on the Failure to Register charge and three years suspended on the service of 90 days and four additional years of probation on the Peeping Tom charge.
10. The sentence handed down by Judge Goode was justified by the following significant and compelling reasons presented at the hearing:
  - (a) As noted above, the Peeping Tom charge was not a strong case for the State. The State could present no evidence indicating Mr. Gavin did anything other than look through a large window on the front of the alleged victims' home from somewhere in the alleged victims' yard. Anything seen by Mr. Gavin on the evening in question was readily observable by someone passing by on the street.
  - (b) Mr. Gavin's prior criminal problems were always associated with drugs and alcohol. The system had worked for Mr. Gavin. He had been completely drug and alcohol free for just over four years at the time of the plea. Mr. Gavin had not violated any terms of his probation, which included intensive supervision as well as drug and alcohol testing. He had successfully completed sex offender

counseling and had been released from the counseling program by his counselor and probation agent. Most importantly, his probation agent, who had the greatest knowledge of his progress, only recommended a 90 day partial revocation of his sentence to run concurrent with the sentence on the Peeping Tom and Failure to Register charges and then to continue Mr. Gavin on probation as opposed to a full revocation of the entire sentence.

- (c) Following his release from prison, Mr. Gavin began working for a painting contractor. He saved his earnings and opened his own painting company. By all accounts, his company was successful and at the time of his plea, he had ten employees working for him.
- (d) Mr. Gavin had two children. He was active in their lives and provided financial support.
- (d) My former partner represented Mr. Gavin in his child custody and visitation case. Based upon Mr. Gavin's history, during the pendency of the family court case, Mr. Gavin was evaluated by two doctors who concluded he was not a threat to his child or any other children. The *Guardian ad Litem* in the case ultimately concluded Mr. Gavin was fit to have visitation and limited custody of his child. The case was resolved by consent of all parties and approved by a family court judge. The reports of both doctors were presented to Judge Goode.

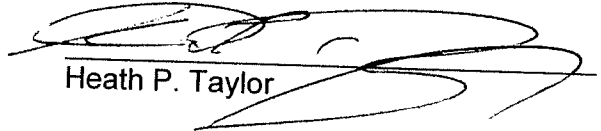
- (e) Judge Goode also heard the testimony of Dr. Tom Martin, a psychiatrist with an excellent reputation among members of our judiciary. Dr. Martin has extensive experience performing risk assessments on sex offenders. Dr. Martin tested Mr. Gavin and concluded that he was a low risk to reoffend. He opined that Mr. Gavin did not suffer from a major mental illness. He agreed to continue treating Mr. Gavin and report his progress to anyone Judge Goode deemed necessary.
- (f) During the plea colloquy, at the urging of the alleged victims, the assistant solicitor requested the maximum sentence on all charges of three years and ninety days. However, on Mr. Gavin's sentencing sheet, Form SCCA/217, the assistant solicitor indicated that the plea was without negotiations or recommendation. This form is provided to the sentencing judge prior to the commencement of the plea. Had the assistant solicitor had a strong desire to have Mr. Gavin receive a harsh sentence, she could have indicated so on the sentencing sheet.
11. Judge Goode's decision in Mr. Gavin's case was entirely appropriate and consistent with the recommendation of his probation agent who had by far the greatest knowledge of the situation. Mr. Gavin had an exemplary record while on probation and by all accounts, had done a commendable job of turning his life around.

12. The principal purpose of our criminal justice system is rehabilitation. I am confident Judge Goode viewed Mr. Gavin as a troubled soul who deserved the opportunity to continue his impressive progress while on probation.
13. Other than limited contact with Mr. Gavin immediately following his sentencing hearing, I have had no further involvement in Mr. Gavin's case.
14. Judge Goode is a jurist of remarkable compassion, mercy and humility. He is valuable asset to our judicial system. Aside from being a fine judge, he is an even better person. He has never forgotten what it's like to be a real lawyer with real clients who have real problems. Cases on his dockets are not numbers that must be moved at any cost and are just as important to him as they are to the parties who appear before him.
15. The respect that Judge Goode has for his job as well as our judicial system cannot be questioned by anyone who has ever appeared before him. It is an honor and privilege to appear before him. His demeanor and temperament on the bench evidence his dedication to the fair administration of justice and all who appear before him feel comfortable.
16. The members of our judiciary are often put in unenviable positions requiring them to make tremendously difficult decisions that inevitably disappoint one side of the controversy. I urge this Commission not to allow a minute portion of an impressive judicial career, upon which reasonable minds may disagree, to deprive our judicial system of one of its finest members. I can state without hesitation or equivocation that not

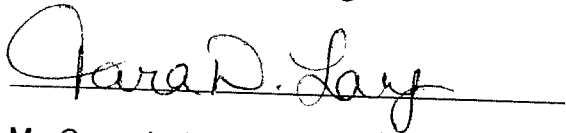


only would a failure to find Judge Goode qualified to continue serving on the bench be a disservice to a fine and dedicated public servant but more importantly, a disservice to the citizens of the State of South Carolina.

FURTHER AFFIANT SAYETH NOT!

  
Heath P. Taylor

SWORN to and subscribed this 17<sup>th</sup>  
day of February, 2009.



My Commission Expires: 3-21-2015