

News Release

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Contact: Naomi Nation
naomi@scsolicitor9.org
(843) 958-1945

Man Sentenced to 12 Years for Committing Lewd Act Upon Three-Year-Old Girl

Solicitor Scarlett A. Wilson announced that Kenneth Gahagan, age 24, d/o/b 6/29/85, was convicted on Friday of committing a Lewd Act Upon a Minor. After 2 days of testimony, the jury deliberated for approximately 5 hours before returning the guilty verdict. Judge Stephanie McDonald sentenced Gahagan to 12 years in prison. The defendant will be eligible for parole after serving approximately one-third of his sentence. The defendant was represented by Mary Ford of the Charleston County Public Defender's Office.

A conviction for Lewd Act Upon a Minor Child carries a maximum sentence of 15 years. Under South Carolina Law, a "Lewd Act" is often described as the sexually inappropriate touching of a child that does not result in intercourse. At the time Mr. Gahagan committed this offense, "Lewd Acts" were not considered "violent" under the criminal laws. Since that time, the law has changed and "Lewd Acts" are considered violent offenses and convicted defendants must serve more of their prison sentences.

Assistant Solicitor Elizabeth Gordon prosecuted the case against Gahagan whose victim was the three-year-old daughter of his then girlfriend. In April of 2010, the young girl disclosed the sexual abuse to her father, who in turn, contacted the police. The child, now five years old, testified to the sexual abuse in the courtroom.

Gordon was very thankful for the outcome. "This was a team effort. Everyone involved in the case from the child's family, the police, the medical and forensic team did a great job at protecting this child. The little girl was very brave to tell her father, and she did an excellent job on the witness stand. It was obvious this little girl was telling the truth, and I am very pleased that the jury could see that."

Solicitor Wilson stated, "I know these facts were difficult for the jury to hear but I am glad they were able to get through it and give the defendant a verdict he deserved." Mr. Gahagan has a previous conviction from 2009 for Unlawful Conduct Towards a Child from an incident in Dorchester County. Wilson went on to say, "The previous conviction stemmed from a vaginal injury to another three-year-old child though the child did not have the developmental ability to testify as to how her injury occurred. We will now submit our entire file, as well as information from Dorchester County, in an effort to have Mr. Gahagan deemed a 'Sexually Violent Predator' in hopes that he will be civilly committed until it is determined that he may be safely maintained in the community."

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