


THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

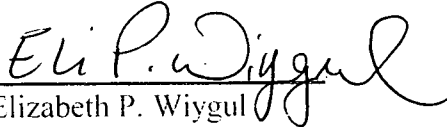
Case No. 2012-CP-23-4204


In The Matter Of The Care And Treatment Of
Richard Dean Capps.....Appellant.

NOTICE OF APPEAL

Richard Dean Capps appeals the order of the Honorable G. Edward Welmaker dated May 29, 2013. Appellant received written notice of entry of this order on May 29, 2013.

May 29, 2013


Elizabeth P. Wiygul
101 Whitsett Street
Greenville, SC 29601
(864) 608-1059
Attorney for Appellant

Other Counsel of Record:
Nicole T. Wetherton
Assistant Attorney General
The State of South Carolina
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
Attorney for Respondent State of South Carolina

FILED CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER
2013 MAY 29 P 2:27

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JUN 03 2013

SC Court of Appeals

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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

G. Edward Welmaker, Circuit Court Judge

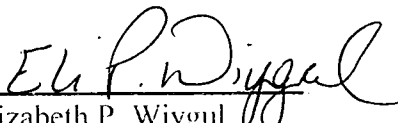
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Richard Dean Capps.....Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of same in the United States Mail, postage prepaid, on May 29, 2013 addressed to the attorney of record:

Nicole T. Wetherton
Assistant Attorney General
The State of South Carolina
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211-1549
Attorney for Respondent State of South Carolina


Elizabeth P. Wiygul
101 Whitsett Street
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Attorney for Appellant

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JUN 03 2013

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
RICHARD CAPPS,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

FILED-CLERK OF COURT
GREENVILLE CO. S.C.
PAUL B. WICKENSIMER

2013 MAY 29 A 11:37

CASE NO. 2012-CP-23-4204

ORDER OF COMMITMENT

The trial of this case was held in the County of Greenville in the Court of Common Pleas the week of May 28, 2013. A jury of citizens from Greenville County heard this case pursuant to a request for a jury trial filed by the State. Assistant Attorney General Nicole T. Wetherton represented the State. Elizabeth Wiygul, Esquire, represented the Respondent. The jury having heard the presentation of the evidence made the following findings of fact pursuant to South Carolina Code Sections 44-48-90 and 44-48-100:

The State has proven beyond a reasonable doubt that Respondent, Richard Capps, is a sexually violent predator as that term is defined in South Carolina Code Section 44-48-30.

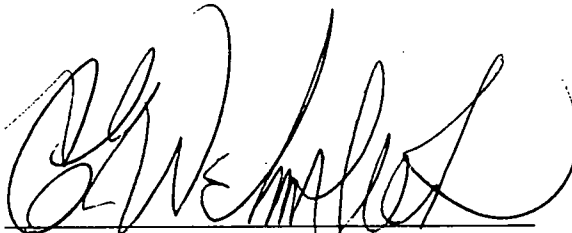
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT

(a) Respondent is committed to the Department of Mental Health for his long-term control, care and treatment;

Greenville

(b) Respondent is to continue to be detained at the ~~Atvin S. Glenn~~ County Detention Center, and then transported to the secure facility of the South Carolina Department of Mental Health, at 4460 Broad River Road, Columbia, SC 29210. The Detention Center is to transport Respondent on such scheduled date as it coordinates with the Department of Mental Health.

AND IT IS SO ORDERED.



Presiding Judge
for the Thirteenth Judicial Circuit
Court of Common Pleas

5/29, 2013
Greenville, South Carolina

RECORDED

JUN 03 2013

SC Court of Appeals

Elizabeth P. Wiygul
Attorney at Law

101 Whitsett Street
Greenville, SC 29601

May 29, 2013

The Honorable Jenny Abbot Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: In the Matter of the Care and Treatment of Richard Dean Capps.....Appellant
Case No. 2012 CP 234204

Dear Ms. Kitchings:

Enclosed for filing is the original of the Notice of Appeal in the above case. Also enclosed are the following:

- (1) Original Proof of service; and
- (2) A copy of the Order which is to be challenged on appeal.

I was appointed under Rule 608 to represent Mr. Capps on this case (an initial commitment to the SVP Program) and am therefore sending a copy of this information to the Office of Appellate Defense in the anticipation that they will be representing him relative to this appeal.

Please feel free to contact me if you should require any further information.

Yours truly,

Elizabeth P. Wiygul, Esquire


Enclosures/EPW

cc: Assistant Attorney General Nicole Wetherton
LaNelle C. DuRant, Office of Appellate Defense

eli.wiygul@gmail.com

(864) 608-1059 cell/office
(864) 235-0200 fax

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JUN 03 2013

SC Court of Appeals

Elizabeth P. Wrygul

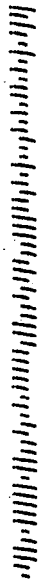
Attorney at Law
101 Whitaker Street
Greenville, SC 29601

The Honorable Jenny Abbot Kitchings
Clerk, SC Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

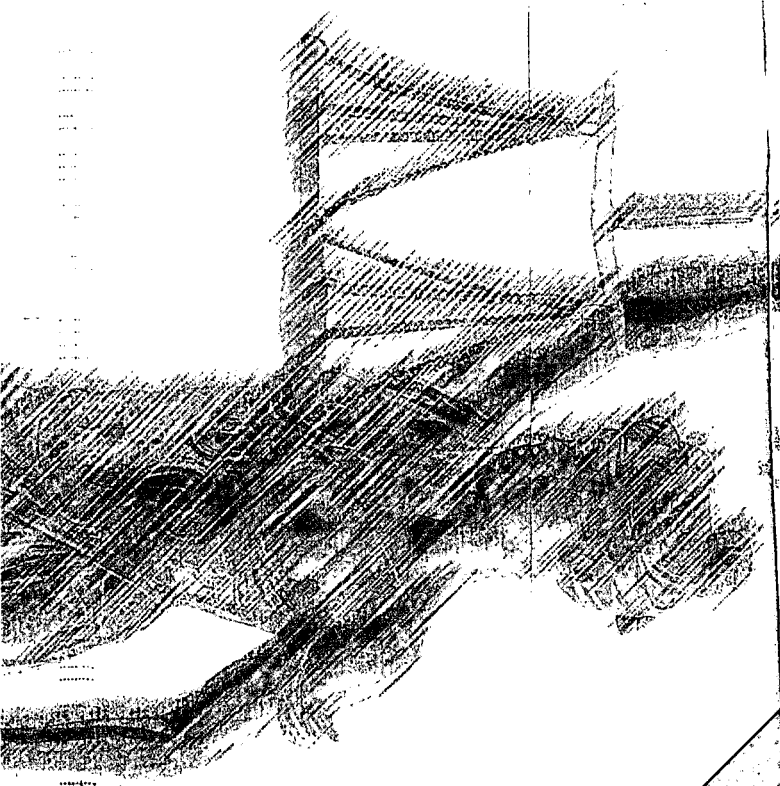
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SC Court of Appeals



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