

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal From Anderson County  
The Honorable J. C. Nicholson, Circuit Court Judge  
Appellate Case No. 2013-000879

RECEIVED

JUN 19 2013

SC Court of Appeals

IN THE MATTER OF THE CARE AND TREATMENT OF  
WILLIAM DEANS,

Appellant.

**MOTION TO HOLD APPEAL IN ABEYANCE**

Respondent hereby moves pursuant to Rule 207(a), and Rule 208(b), SCACR, to hold the above captioned appeal in abeyance pending receipt of the hearing transcript.

In support of this Motion, Respondent submits the following:

1. This appeal arises from an annual review proceeding under the S.C. Sexually Violent Predator Act, S.C. Code §44-48-10 (Supp. 2012), *et seq.* On April 23, 2013, Appellant served and filed his Notice of Appeal from a circuit court order finding no probable cause to believe Appellant's mental status had so changed he is safe to be at large and not likely to commit future acts of sexual violence if released. On May 20, 2013, Appellant served on Respondent the Initial Brief of Appellant and Designation of Matter to Be Included in the Record on Appeal.

2. Appellant's Initial Brief makes repeated references to factual matters that may not have been before the circuit court at the hearing on Appellant's petition for release from the Sexually Violent Predator Treatment Program. Respondent does not have a transcript of that hearing, and has no information indicating the transcript has been requested or prepared. Without the hearing transcript, Respondent cannot respond to the assertions in the Initial Brief of Appellant, or determine whether matter Appellant

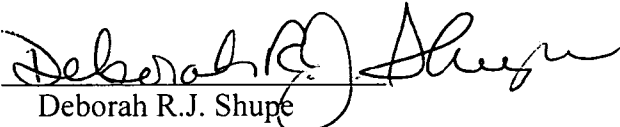
designated for the Record on Appeal were before the circuit court. On its face, Appellant's Designation appears to include documents that did not even exist at the time of the hearing. Rather than moving to strike portions of the Designation and Initial Brief at this time, however, Respondent submits the appeal should be held in abeyance pending receipt of the hearing transcript in order for counsel to determine whether the documents are properly designated and discussed in the Initial Brief.

Based on the foregoing, Respondent respectfully asks this Court hold the appeal and all time lines in abeyance pending a ruling on this motion and receipt of the hearing transcript. Finally, Respondent requests the Initial Brief of Respondent and Designation of Matter be due thirty days after receipt of the hearing transcript, and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General

BY:   
Deborah R.J. Shupe  
Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3797

ATTORNEYS FOR RESPONDENT

June 19, 2013

STATE OF SOUTH CAROLINA

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Appeal From Anderson County  
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IN THE MATTER OF THE CARE AND TREATMENT OF  
WILLIAM DEANS,

Appellant.

\_\_\_\_\_  
**PROOF OF SERVICE**  
\_\_\_\_\_

I, Sally B. Ellison, certify I served Respondent's Motion to Hold Appeal in Abeyance on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

William Deans  
SVPTP  
S.C. Dept. of Mental Health  
Bldg. 3, 3<sup>rd</sup> Floor  
7901 Farrow Road  
Columbia, South Carolina 29203

I further certify that all parties required by Rule to be served have been served.

This 19<sup>th</sup> day of June, 2013.

\_\_\_\_\_  
SALLY B. ELLISON  
Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-4156



ALAN WILSON  
ATTORNEY GENERAL

June 19, 2013

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SC Court of Appeals

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: In the Matter of the Care and Treatment of William Deans  
Appellate Case No. 2013-000879

Dear Ms. Kitchings:

Enclosed for filing are the original and seven (7) copies of a Motion to Hold Appeal in Abeyance, with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe  
Senior Assistant Deputy Attorney General

DRJS/sbe  
Enclosures

cc: William Deans (w/ enclosure)  
Victim Services (w/ enclosure)