SOUTH CAROLINA COURT of APPEALS

Anthony – Shane : Martin

v.

CORRECT CARE

RECOVERY SOLUTIONS

CASE NUMBER

2023 - 001426

RECEIVED
SEP 29 2023
SC Court of Appeals

Mrs. Catherine Harrison ;

Ma'am Please find enclosed all the paperwork to meet the requirements set forth by the courts in the letter dated the 14, Sept. 2023 received by me from your office on the 18, Sept. 2023. To include the following :

- Accompanied order and / or judgement challenged on Appeal
- Copy of Notice of Entry of Judgement for which Appeal is taken
- Copy of proof filing a copy of Notice of Appeal
- Indigent statues and MOTION and AFFIDAVIT to PROCEED in FORMA PAUPERIS

I would like to thank you for you for your anticipated help in this matter and I look forward to hearing from you or your office in the near future

Sincerely

Anthony – Shane : Martin

Anthony – Shane : Martin

C/o WELLPATH

4546 Broad River Road

Columbia, SOUTH CAROLINA

[29210]

Appeal Documents

4:22-cv-02042-HMH Martin v. Wellpath/Correct Care et al
CASE CLOSED on 08/14/2023

APPEAL,CLOSED,TER-Inmate

RECEIVED
SEP 29 2023
SC Court of Appeals

U.S. District Court

District of South Carolina

Notice of Electronic Filing

The following transaction was entered on 8/30/2023 at 12:30 PM EDT and filed on 8/30/2023
Case Name: Martin v. Wellpath/Correct Care et al
Case Number: 4:22-cv-02042-HMH
Filer:
WARNING: CASE CLOSED on 08/14/2023
Document Number: 64

Docket Text:
Transmittal Sheet for Notice of Appeal to USCA re [63] Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (dsto,)

4:22-cv-02042-HMH Notice has been electronically mailed to:

Mark V Gende mvg@swblaw.com, ajs@swblaw.com

Daniel Quintin Atkinson dqa@swblaw.com, tnn@swblaw.com

4:22-cv-02042-HMH Notice will not be electronically mailed to:

Anthony-Shane Martin
#10292169
Broad River Correctional Institution
4546 Broad River Road
Columbia, SC 29210

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: n/a
Electronic document Stamp:
[STAMP dcecfStamp_ID=1091130295 [Date=8/30/2023] [FileNumber=11424219-0] [16d3436b382a71766a02df934060286ca053b97cf99f5af0a42ef265ea7fa7699fd95a771dada14ec3c2e836d3e6b3d1aaf5cc92475c688a234773f2a42ea184]]

It is the Plaintiffs belief the courts erred in Summary Judgement for the Defense. As the belief the following information was over looked by the courts by err of the Plaintiff not understanding and knowing the need of re-submitting all arguments with exhibits. Thus, the Plaintiff submits the following memorandum with exhibits t the courts for review in the above name case.

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MEMORANDUM of LAW with EXHIBITS :

- Under **(Bradford v. Meade Lexis 13582))** ... have to show a Quid Pro Quo arrangement or exchange of items or created a security disturbance and **U.S. Appx. Lexis 24 (2013))** Inmate to inmate correspondence was institution to institution. Despite defendant's argument on page 3-8 and pg. 15 – 18 confiscated news letters on multiple units (report and recommendation pg. -3 / subsection – A)) there is no proof the plaintiff gave the newsletter to anyone see (exhibit – B).

- Under **(City of Laude v. Gilleo 512 U.S. 43, 54 (1994))** foreclosing one avenue of speech an alternative way must be left open . See (exhibit – D) the programs buildings are set up to strangle communication as plaintiff is isolated to a single dorm, Not allowed to move with other individuals, or limited in the time with other individuals. Not all individuals in the program.

- Under **(Gitlow v. New York 268 U.S. 652, 45 S. Ct. 625, 69 L. Ed. 1138 (1925**)) the 1st. amendment to the UNITED STAES Constitution is that the speaker has autonomy to choose the content of his message. The Breath Doctrine requires the courts to assume and evaluate purely hypothetical fact patterns to vindicate 1st Amendment interest of parties not even before the courts yet.

- Under the **UNITED STATES Constitution Amended** 1st Amendment prevents laws "abridging freedom of speech or freedom of the press". It further goes to state : two (2) Common Law Rules "a prohibition on ....restraint" and "a privilege of speaking in good faith on matters of public concern. See also **(Daywitt Et. Al. v. Harpstead Et. Al.))** an internet case .... 'expert witness' from highest executive's claim "Supposed adverse effects on sex offender's treatment" falls short as under **(UNITED STATES v. Virginia 518 U.S. 515 @ 533 (1996))** justification must be genuine not hypothesized or invented ad hoc in response to [preconceived notions] . Further under (Dennis Doren Evaluating Sex Offenders and Beyond (Sage Publ'ns 2002) (@ pg. 167 – 168)) as among matters backing in scientific confirmation "unconventional attitudes, criminal attitudes, beyond a causative or indictive connection between sex offenders 'attitudes and latter offending whether cognitive, emotional are protected by the Freedom of Thought and the consciences inherently implied in the 1st. Amendment of the Constitution.

- Under **(Stanley v. Georgia 394 U.S. 557, 565, 89 S. Ct. 1243, 22 L. Ed 2d 542 (1969))** our whole constitution rebels at the thought of giving the government control over men's minds.

- Under R. Lawrenz's affidavit stating "newsletter cited protest, a "them against us" mind set. the **(UNITED STATE Constitution Article 1** "gives the 'right to people to peacefully protest" Under the **SOUTH CAROLINA Constitution Article 1 §2** "make no law or abridge the right of people to peaceful protest". Further to the regards of counter therapeutic and re-enforce negative beliefs. Under **(Clark v. Community of Creative non-violence 468 U.S. 288 (1984))** discussing intermediate review applicable to content, material, time, place, or manner. Further see (regulations under **1st. Amendment Free Speech Doctrine** "restriction as of any kind are valid provided they are justified without reference to the content. Further under **(Hill v. Colorado 530 U.S. 703, 719 – 725 (2000))** citing **(Ward v. Rock against Racism 491 U.S. 781, 791 (1984))** "principal inquiry" in whether the regulation was because of message conveyed. Numerous times Dr. Dube and R. Lawrenze reference the content of the newsletter and the articles confiscated. Further under (Town of Gilbert Arizona v Reed 1345 S. Ct. 2218, 2237 (Kagan, J. joined by Ginsburg and Breyer JJ. Concurring in judgement)) "this court's decision articulates how important and related reasons for subjecting content-based regulations to the most exacting standards of review". Further under (McCullen v. Coakley 134 S. Ct. 2518, 2529 (2014)) ... is to ensure that government has not regulated speech based on hostility or favoritism towards the underlying message expressed. Further see ((Alm Dean Turner, Thornburg an inmate right to read the Chelsea Manning Case and possible solutions to the Bure of Prison and U.S.D.B. regulation language 41 Vermont law Review635 (Spring 2017)) (text excerpts) under B.O.P. §540.71 1979 and U.S.D.B. rules were amended to include language in 2009 "rejections are not permitted.... Based on religion, social or sexual content, or because the content is unpopular". (Id. @540, 71 (b)). In the (7th Central District of Illinois judgement in (Brown v. Phillips)) [Id @ 854] requires .... Some data... to connect the goal of reducing recidivism of sex offenders with a ban. As a common-sense approach could go either way. Records to contain a basis for limiting the ban not resting on therapeutic or treatment goals. See (Tanya Ressler legal Commentator)) seeking to take refuge behind the mantra of "professional and therapeutic judgement is nothing more than a stance to try and defeat **ALL** challenges.... impacting prohibition of conceptual censorships.

Under (exhibit - C) shows intention to restart news letter not asking for permission to publish one. Also, the exhibit shows asking for policy / procedure that states the plaintiff can not publish a newsletter that shows opposition to the Civil Commitment Scheme. Under **(F.S. Royster Guano Co. V. Virginia 253 U.S. 412, 415 (1920))** Similarly circumstanced to be treated alike by ..... entities the state of Minnesota has an individual run newsletter named "The Legal Pad", the state of Texas has a newsletter named "Texas Tea", the state of Florida has a newsletter named "Duck Soup". All based on bringing information to the individuals that question the practices of the involuntary civil commitment scheme, and the alternative views of learned scholars on the bases and information of involuntary civil commitments. Lastly under **(Pesci v. Budz & the Geo Group Inc. 730 F. 3d 1291, (11th Cir. Fla. 2013))** were summary judgement for the defendants Budz & CORRECT CARE was reversed and remanded for further proceedings **(Pesci 730 F. 3d @ 1300)).**

- As shown in (exhibit – E) (highlighted areas) the statement made by Dr. Dubie and Mr. Lawrenze runs contrary to the statements made in their Affidavits submitted in the Summary Judgement pleading where they state "individuals are housed in a maxim security facility" and goes further to say that "they know what is best for all inmates in the prison setting". This does not correlate with the statements made later to the courts "WELLPATH provides residents of the S.C.S.V.P.T.P. with treatment.... Authorized by statue. It is not a detention center". Under **(Common Wealth v. Robinson 444 mass 102, 105, 825 N.E. 2d 1021 (2005)) quoting (Common Wealth v. Zone Book Inc. 372 Mass. 366, 369 N.E. 2d 1239 (1977))** In interpreting "prisoner" of the.... Legislator has described that "[W]ords and phrases shall be constructed according to the common and approved usage language the word "prisoner" in the "common" and "approved usage" refers to an individual who is either serving a criminal sentence or awaiting trial. See **(Webster 3rd. New Int'l. Dictionary (1993))**

- Under the **S.V.P.A (44 – 48 – 10 Seq. Al.))** ... is designed for the control, care, and treatment of individuals with violent sex crimes. Be they are amendable to treatment or not. In **(Re. Luckabauge, Supra.))** As the act has an alternative to protect the public from those individuals that suffer from a "mental abnormality that predisposes them to continued sexual violence" **(paraphrasing by author of Appeal).** It is the plaintiff belief this could constitute perjury on the side of the expert witness affidavits and therefore exclude that expert witness testimony from the summary judgement and any subsequent trial. Also, under **(Kumho Tire Co. v. Carmicheal 143 L. Ed. 2d 469 (1993))** in **Daubert** the courts charged... judges with responsibility as gate keepers to exclude unreliable expert testimony. Further in **(Heller v. Shaw Industries Inc. 167 F. 3d 146, 155 (3rd. Cir 1999))** not only must each stage of expert testimony be reliable.... Lastly in **(Re.**

Paoli R. R. Yard PCD Litig. 35 F. 3d 717, 745 (3rd. Cir. 1994)) any step that renders the .... unreliable.... Renders the expert testimony undiscussable.

- Under the **Turner Test** and **(Illinois v. Gates 462 U.S. 213 (1989))** sufficient information must be presented to allow probable cause and action. Can not be mere ratification of bare conclusions of others. See also **(Doe v. Nebraska 898 F. Supp. 2d 1086, 1111 (D. Neb. 2012))** communication has nothing what so ever to do with "sexual crimes" or "nefarious actions". Also, under **(New York Times v. Sullivan 376 U.S. 254 (1964))** even false statements about an official were entitled to protection under the 1st. Amendment... unless actual malice could be demonstrated.

- Under **2nd Turner Test** see (Exhibit – D)) the plaintiff's belief the facility layout is set up to strangle interpersonal interaction. Movement inside the compound is by one unit only then yard MUST CLEAR before next unit is released. Plaintiff is housed in a forty (40) man unit out of two hundred (200), (+ / -). There is separation in recreational times on the "large rec. field", "indoor rec. gym" (See Exhibit – D). Lastly as shown in (exhibit – E) plaintiff belief by asking for "alternative avenues" to sharing information all came to no avail from staff members. Lastly in (exhibit – E) plaintiff has submitted numerous articles to be published in the "facility newsletter" and all have been rejected in the plaintiff's belief because of the legal and non-confirmative nature of the information provided in those articles in spite of the peer reviewed procedures followed and the providing of case law.

- Under **3rd Turner Test** as can be seen in (exhibit – G) most if not all information provided in facility newsletter is provided by individuals. This in the plaintiff's belief can be assumed to be a sharing of personal items as drawings, poems, etc. are done by the individuals then submitted and is there fore in plaintiff beliefs this runs afoul of the WELLPATH policy and procedure. Further the newsletter is then itself provided to residents by residents on the units. Further under the **(Caldwell v. Miller 790 F. 2d 589.609 – 610 (7th Cir. 1986))** an agency must conform its actions to the procedures that it has adopted.

- Under **4th Turner Test** in **(Miller v. California 413 U.S. 15 (1973))** courts have held that when statues regulate... material the law must be specifically designed to describe regulated speech. This in the plaintiff's belief runs afoul of the statement(s) made by Dr. Dube and Mr. Lawrenze "there is no readily apparent or available alternative to outright preventing residents from having or sharing documents. See under (Turner Test 3rd.) available alternative.

- Under **(Pesci v. Budz and CORRECT CARE 2015 U.S.Dist. Lexis 376922015 (25, March 2015))** .... There was no reason to place.... In wing restriction prior to his hearing because....

Was not a physical threat to himself or others? Further under **(State v. Henderson 271 G.A. 264, 267 (1999))** and **(Youngberg v. Romeo 457 U. S. 307, 321 – 322 (1982))** civilly committed persons "can not be punished at all" **(Id. @ 315 – 316).** It is the plaintiff belief prisoner cases such **Turner v. Safely** and **Thornburg v. Abbot** have no true application to Involuntary Civil Commitment facilities.

- As can be seen in (exhibit – F) **28 U.S. § 1442 (a) and 1 U.S.C.S. §1** the word person in federal Statue corporations and companies, etc. are considered a "person" as filling an office. Also, under **(Harris v. Schriro 652 f. Supp. 2d 1024, 1034 (D. Arizona 2009))** superior liable for subordinates, it is the plaintiff's belief that the signature of the administration on memo(s) make them liable for the action(s) that those memo(s) cause later by the inacting of those memo(s) by subordinates.

- Under **(Wright v. Newsome 795 F. 2d 964, 968 (11th cir. 1986))** courts within the 11th circuit have held that [s]uing.... Is a form of petitioning the government for a redress of grievance thus protected by the 1st. Amendment?

- Under **(Burke v. Haynes 2:09-CV-635-FtM-29-SPC 2012 Lexis 134468 (M.D. Fla. 20 Sept. 2012))** to determine whether an action is punitive the courts must evaluate whether the action caused an "atypical significant deprivation". It is the plaintiff's belief that being placed on wing restriction and in lock up when plaintiff did not demonstrate a physical threat to himself or to others, restricting plaintiffs' movements on the compound meets this requirement.

- Under **(Wolf v. McDonnell 418 U.S. 539, 556, 94 S. Ct. 2963 (1974))** a .... Is entitled to three (3) minimal precaudal protections **(Id @ 564 – 566).** 1) advanced written notice of charges against him. Further **(Rogers v. State 783 SO 2d 980 (Fal. 2001))** and **(State v. Henderson 271 G.A. 264, 267 (1999))** search of cell for purposes of gathering evidence instead of legitimate penological objective.

- As seen in (exhibit – H) (highlighted subsection – D) it is to be ruled by the judge not to have internet access. Under (Doe v. Jindal 853 F. Supp. 2d 596 (M.D. La. 2012)) courts and Federal Appellant circuits agree that sweeping internet restrictions and total bans from the internet trigger Constitutional Protections. Further under (United States v. Albertson 645 F. 3d 191, 198 (3rd. Cir. 2011)) ban on the internet use to broad unless individual has used the internet as an instrument of harm. Under (People v. Morger 2019 Il. 123643 _____ Ne. 3d _____ (21, Nov. 2019)) without any specific nexus between criminal offense and the internet Sheer general 'High Risk' cannot Constitutionally be used as a basis for internet restrictions much less total ban. Lastly in (United States v. Becerra 977 F. 3d 373 (5th Cir. 2020)) that access to computers and the internet are essential to being able to function in society.... See (Exhibit – H) were plaintiff has requested with no definite answer from administration of a computer literacy class to help those that are leaving a TREATMENT FACILITY to re-integrate back into society and have the help to be productive citizens in society.

- In regards to movies in original complaint plaintiff showed a connection between the American Movie Rating System and that used by Local and National / International television stations (I.e. : American Movie Rating :General (G), Parental Guidance (PG), Restricted (R), or X – rated, also National / International television ratings : General (G), Strong Violence (SV), Nudity (N), Sexual Content (SC), Mature (M), As the ratings of the television system **DO NOT** seem to be an issue as can and do watch television show rated (G, SV, M, N,) on a daily basis. Lastly it is the plaintiffs understanding that there has been no empirical evidence to show a connection between watching certain movies, television shows and later violence (sexual or otherwise). Citing (Tanya Kessler Legal Commentator) also (Doe v. Nebraska 898 F. Supp. 2d 1086, 111 (D. Neb 2012)0 communication has nothing what so ever to do with 'Sexual Crimes' or other nefarious activities. As alluded to in Dr. Dube's affidavit (2043 Am. Complaint (ECF No. 1 – 1) #24 Subsection (b). Further under the (Daywitt Et. Al. v Harpstead Et. Al. discovery procedures have shown that defendants know of no evidence that at any level of emotional or metal disturbance, sexual or otherwise would be aggravated by internet access. Nor any danger within the confinement facility. It is the plaintiff's belief this is nothing more than a small step to the movie situation named in this segment.

- To the point of Tablets, Computers, Electronic Devices. The SOUTH CAROLINA Department of Corrections and a number of other prison systems throughout the country (Texas, North Dakota, California, Etc.) allow the use of tablets, computer systems with a faux or Intranet system in place for the individuals to send and receive emails, instant messages, etc. This being in a more restrictive setting designed for punishment of the individuals involved. Further in the (HIQ LABS, INC. v. LINKEDIN CORPORATION, UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA273 F. Supp. 3d 1099; 2017 U.S. Dist. LEXIS 129088 Case No. 17-

cv-03301-EMC August 14, 2017)) citing (Packingham v. North Carolina, 137 S. Ct. 1730, 198 L. Ed. 2d 273 (2017)), the Court struck down a North Carolina law making it a felony for a registered sex offender to access social media {273 F. Supp. 3d 1112} websites like Facebook and Twitter. The Court explained that at present, social media sites are for many people "the principal sources for knowing current events, checking ads for employment, speaking and listening in the modern public square, and otherwise exploring the vast realms of human thought and knowledge."{2017 U.S. Dist. LEXIS 24} Id. at 1737. The Court's analogy of the Internet in general, and social networking sites in particular, to the "modern public square," id., embraces the social norm that assumes the openness and accessibility of that forum to all comers. Further citing (Cf. Ampex Corp. v. Cargle, 128 Cal. App. 4th 1569, 1576, 27 Cal. Rptr. 3d 863 (2005)) ("Web sites that are accessible free of charge to any member of the public where members of the public may read the views and information posted, and post their own opinions, meet the definition of a public forum for purposes of section 425.16 [the California anti-SLAPP statute]."). Further under the (Daywitt Et. Al. v Harpstead Et. Al. discovery procedures have shown that defendants know of no evidence that at any level of emotional or metal disturbance, sexual or otherwise would be aggravated by internet access. Nor any danger within the confinement facility.

- To the point of 800 numbers as showing (Exhibit – I) plaintiffs' belief once again an over reaching exclusion with no proof of deviant behavior. As all number(s) used by plaintiff MUST be approved by the staff of the SOUTH CAROLINA Sexual Violate Predator Treatment Program Hence forth S.C.S.V.P.T.P.) as plaintiff cannot pick up the phone and dial any number of his choice.

- To the point of lost personal items (televisions, jobs, activities) as stated in Dr Dube's sworn affidavit "residents are allowed privileges as deemed by their behaviors and they're by their Care Levels". This is a miss statement as plaintiffs' belief there has been and continues to be individuals in the S.C.S.V.P.T.P. that have and still hold televisions, jobs, other privileges that are deemed to have to be 'EARNED BY BEHAVIOR' as stated by Dr. Dubie. This is in plaintiff's belief grounds for dismissal of the expert witness affidavit as conduct unbecoming of an expert witness to falsify affidavits and paperwork to be submitted to the courts. Neither Daubert nor Fed. R. Evid. 702 requires a trial judge to admit opinion evidence that is connected to existing data only by the ipse dixit of the expert. Instead, the judge is free to conclude that there is simply too great an analytical gap between the data and the opinion proffered. The district judge has the task of ensuring that an expert's testimony both rests on a reliable foundation... As gatekeeper for the expert evidence presented to the jury, the judge must do a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid... can be applied to the facts in issue. It is proper and necessary for the trial judge to focus on the reliability of a proffered expert's sources and methods. Under Daubert, the district judge asked to admit scientific

evidence must determine whether the evidence is genuinely scientific, as distinct from being unscientific speculation offered by a genuine scientist.

- Lastly in regards to monetary value the plaintiff is not asking for monetary value from the cases instead the plaintiff asked for injunction relief from the harm caused by the named / un-named defendants also a hand-written letter on company letterhead stating the defendants violated the plaintiff's rights (constitutional and statutory) and this behavior will not be done or allowed to continue to happen at any future date. See (Amended complaint). This being Contrary to the defendant's counsel statement "plaintiff asked for relief of an apology letter and monetary compensation.

Further the Plaintiff sayth not.

Signature and Notary page to follow.

Anthony – Shane : Martin

Secured Party Creditor

U.C.C. – 1- 308

Anthony - Shane : Martin
Secured Party Creditor
UCC-1-308

Anthony – Shane : Martin

C/o 4546 Broad River Road

Columbia, SOUTH CAROLINA

[29210]

Exhibit – A

Dictionary Act, 1 USCS 1, speaks of corporations and individuals as distinct terms, and Ninth Circuit must therefore presume those terms have different meanings. Bowoto v. Chevron Corp., 621 F.3d 1116 (9th Cir. 2010), cert. denied, 566 U.S. 961, 132 S. Ct. 1968, 182 L. Ed. 2d 818 (2012).

15.Other particular cases

Drug store was person within meaning of 18 USCS 2118(b) since 1 USCS 1 provides that person includes corporations, companies, associations, firms, partnerships, societies, joint stock companies as well as individuals, and legislative history of 2118 reflects that person is intended to include enterprises which dispense controlled substances. United States v. Martin, 866 F.2d 972, 27 Fed. R. Evid. Serv. (CBC) 618 (8th Cir. 1989).

While 1 USCS 1 defined person to include corporations, there was difference between person and personal; as petitioner Federal Communications Commission correctly argued, Freedom of Information Act Exemption 7(C)s protection against disclosure of law enforcement information on ground that it would constitute unwarranted invasion of personal privacy, under 5 USCS 552(b)(7)(C), did not extend to respondent corporation, as personal ordinarily referred to individuals, and dictionaries also suggested that personal did not ordinarily relate to artificial persons. FCC v. AT&T Inc., 562 U.S. 397, 131 S. Ct. 1177, 179 L. Ed. 2d 132, 22 Fla. L. Weekly Fed. S 825, 39 Media L. Rep. (BNA) 1368 (2011).

11-43-130. Definitions.

As used in this chapter unless the context clearly indicates otherwise:

(13) Private entity means a private person or entity that has entered into a contract with a government unit to design, finance, construct, and operate a highway, bridge, tunnel, or approach that is within the jurisdiction of the government unit that is responsible for complying with applicable federal requirements.

1442. Federal officers or agencies sued or prosecuted

(a) A civil action or criminal prosecution that is commenced in a State court and that is against or directed to any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, in an official or individual capacity, for or relating to any act under color of such office or on account of any right, title or authority claimed under any Act of Congress for the apprehension or punishment of criminals or the collection of the revenue.

Given presumption under 1 USCS 1 that word person in federal statute included corporations, corporation that acted as Medicare carrier was person for purposes of federal officer removal statute, 28 USCS 1442(a)(1). Reg'l Med. Transp., Inc. v. Highmark, Inc., 541 F. Supp. 2d 718 (E.D. Pa. 2008).

I.IN GENERAL

1.Statutory construction, generally

9.Corporation as person

Corporation is person within meaning of act requiring certain dealers to keep records, and providing for punishment for any person who violates such act, although another provision applies in express terms to corporations. United States v. Union Supply Co., 215 U.S. 50, 30 S. Ct. 15, 54 L. Ed. 87, T.D. 1564 (1909).

Exhibit – B

wellpath
RECOVERY SOLUTIONS

SOUTH CAROLINA SVPTP

NOTICE OF VIOLATION AND BEHAVIOR MANAGEMENT

RESIDENT NAME: Anthony Martin SVPTP# 10292169

CURRENT RESTRICTION STATUS: __SECURE MANAGEMENT X WING RESTRICTION __NONE

You have been placed on the above mentioned status due to a behavior report written on 11/05/21 at 07:00 HRS. This report indicated you behaved in the following manner:

I.R. STATEMENT: On the above date and time R/S Anthony Martin was found to be in possession of a 12-page document containing excerpts from several sources (legal and academic) combined with musing from R/S.

This is to notify you that you are being charged with Facility Rule Violation: (G-13) Violation of facility rules. This type of behavior constitutes a __MAJOR X MINOR rule violation and jeopardizes the normal operations and safety of the facility. The Behavior Management and CARE program policy warrant sanctions related to this behavior.

Staff will be reviewing this incident. Your cooperation in the process and your willingness to moderate your behavior appropriately is necessary for any change to be made to your restriction/management status.

A behavior management conference will be held regarding the above mentioned incident and will be scheduled more than 24hrs after service of this notice to allow you sufficient time to prepare. The following questions relate to your due process rights.

_____Do you wish to waive your due process right to 24 hour notice. ( ) yes ( ) no

_____ Do you wish to appear at your hearing. Failure to appear will result in a plea of no contest, therefore admitting guilt. ( ) yes ( ) no

_____Are you requesting staff assistance. ( ) yes ( ) no Why? _____

_____ Do you have any witnesses. ( ) yes ( ) no How many? ____Name three credible witnesses: _____

_____Do you have any documentary evidence? ( ) yes ( ) no

If you are currently on Secure Management Status, a Risk Assessment/review of your behavior will be conducted no later than 72hrs after placement. If it is determined that you continue to pose an imminent risk/danger, you will remain on secure management until you behavior has improved.

A Behavior Management Conference will be held as soon as practical but no earlier than 24hrs after the service notice, unless you have specifically waived that right.

At the Behavior Management Conference, you and the Behavior Management Committee will review and discuss all reports, witness statements, and evidence regarding the incident(s). You will be afforded the opportunity to make a statement and provide any other information that would assist the committee members in understanding the incident and determining an outcome.

I_____SVPTP#_____have read or had its contents read to me in a language I comprehend and I fully understand the contents of this notice.

By signing this notice I am not admitting guilt. Failure to sign notice will result in a waiver of the behavior management due process rights.

_____ Date 9 Nov 2021 Hrs_____ _____Refused to Sign
Resident Signature

_____ Date 11·9·2021 HRS_____ _____
Staff Signature Witness to Refusal

wellpath
RECOVERY SOLUTIONS

SOUTH CAROLINA SEXUALLY VIOLENT PREDATOR TREATMENT PROGRAM
INCIDENT REPORT

☐ INCIDENT

☐ DISCIPLINARY REPORT

INCIDENT #_____

PAGE_____ OF_____

Person Completing the Report: [redacted]

Date/Time of Report: 11/08/2021 0700

Type of Incident (Check All That Apply)

☐ Assault / Battery	☐ Fire	☐ Resident Injury	☐ Use of Force	☑ Other
☐ Contraband	☐ Medical Emergency	☐ Staff Injury	☐ Violation of Rules - Res.	
☐ Equipment Failure/Dmg.	☐ Resident Fall	☐ Unscheduled PRN	☐ Violation of Rules - Staff	

Location of Incident: Coastal Housing Unit

Date/Time of Incident: 11/5/2021

Primary Resident Involved: Martin, Anthony

SVPTP#: 10292169

STAFF PRESENT	RESIDENT(S) PRESENT	RESIDENT SVPTP#:

DETAILS-WHAT HAPPENED? (Remember to answer who, what, when, where, why, and how):

On the above date, R/S Anthony Martin was found to be in possession of a 12-page document containing excerpts cited from several sources (legal and academic) combined with musing from R/S. The document's contents include predominately subject matter focused on the invalidity of sexually violent predator treatment programs. The document has been found on multiple housing units and is fashioned as a newsletter. No approval has been granted for the production of a resident-directed newsletter. The document was confiscated as contraband and an incident report completed.

[redacted]

Signature of Reporting Person: [redacted]

Number of Pages: 1

Actions Taken:

☐ Administration Notified	☐ PRN Administered	☐ Sending Agency Notified
☐ Physician Notified	☐ Secure Management	☐ Suicide Precautions
☐ Placed on Observation	☐ Seclusion / Restraint	☐ Transported to Outside Medical

Exhibit – C

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name : Antonyo Martin Coastal-213 Date: 14, May 2021

Area of Concern or Interest: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [x] Security chief Davidson
- [ ] Programs / Activities
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [ ] Other (specify an area of concern not a specific person): _____

Brief description of concern or Issue to be communicated:

Enclosed please find Blue print of proposed news letter Minus name as yet to do poll to get resident input from program for name changing news you need to know info a vertical page instead of Horizontal for space

Resident Signature: Antonyo Martin

Staff Response:

Under consideration / review

Staff Name: Chief Davidson, Sr

Staff Signature: _____ Date: 5-28-21

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

B12

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name : Antony : Martin Blue Ridge 102 Date: 22, Feb. 2022

Area of Concern or Interest: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activities
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specify an area of concern not a specific person): security Director

Brief description of concern or Issue to be communicated:

I would like to recieve the policy, the rule or the law that states I can not publish a newsletter & then post that newsletter on the units. I would like to recieve this in writing, dated & signed by person sending me the information (printed & signed signature).

Thank you

Resident Signature: Antony : Martin

Staff Response:

Mr. Martin,

Your request to publish a newsletter has been recieved and is currently under review. I'm sure you are aware this has been previously litigated. Once a final determination is made you will be notified.

Staff Name: Ron Lawrenz

Staff Signature: Ron Lawrenz Date: 03/09/2022

**All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

as my request on 27, Feb. 2022 answered [illegible] [illegible] on 9, March 2022
returned to me on 14, March 2022
did not ask for permission to publish a newsletter
instead I asked for the policy rule that states I can
not publish a newsletter. Can this be answered as
I do retain 1st Amendment rights to free speech,
freedom of association, freedom to advise the status
quo, ~~freedom~~
conflicts

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony : Martin Blue Ridge 102 Date: 4 March 2022

Area of Concern or Interest: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activities
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specify an area of concern not a specific person): Newsletter.

Brief description of concern or Issue to be communicated:

writing to inform Amidinistration in progress of restarting newsletter in program. You writing me up & removing newsletter from my room violate my 1st Admendment right to free speech, freedom of press, freed of Association, freedom to voice my opion, in public forum. I wrote and tried to get amidinistration involved with newsletter before I started it to no avale.. This is not sent to threaten, argue, intimidate it's to inform only

Resident Signature: Antony : Martin

Staff Response:

Staff Name: _____

Staff Signature: _____ Date: _____

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12/2018

Exhibit – D

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RECOVERY SOLUTIONS

Exhibit – E

> Production of staff training materials, policies, and procedures as requested by the Plaintiff would pose a security risk within the facility. Residents of the SVPTP are housed at the maximum security prison pursuant to the terms of the SVP Act which resulted in an Interagency Agreement between SCDMH and SCDC. Because SVPTP residents are housed in a maximum security setting, and due to the fact that the General Assembly determined residents of the SVPTP are dangerous, the residents of the SVPTP are subject to various living restrictions, which are necessary to maintain order and safety within the facility. Production of staff policies, procedures, and training materials (especially of security personnel and unit managers) would compromise security by providing residents with a window into how the facility is managed and run, how security threats are responded to, what countermeasures exist, and et cetera. Production of such training materials, policies, and procedures may increase the likelihood of violence within the facility, including the risk of riots and insurrection, as such documents could give residents the framework to violate facility rules.

Affidavit of Ron Lawrenz at ¶10. As to therapeutic concerns the Affidavit explains that

> Production of staff training materials, policies, and procedures as requested by the Plaintiff would also pose therapeutic concerns within the program. As mentioned above, residents of the SVPTP are provided with psychiatric and psychological treatment with the goal that residents can be discharged to lead a productive and meaningful lives within their communities when they are determined to be safe to be at large and not likely to sexually re-offend. These therapeutic goals for the Plaintiff and for other residents within the program could be compromised by production of the materials sought by the Plaintiff. Residents at this facility have in the past taken treatment documents and used them in counter-therapeutic ways, such as engaging in fantasy behavior and sexually acting out. Allowing staff policies, procedures, and training materials (especially of clinician personnel) compromises treatment because residents use such materials to focus on events that do not concern them, rather than focusing on treatment. This distraction allows residents to fixate on and amplify discrete and indiscriminate events to the detriment of treatment goals. Thus, the circulation of staff policies, procedures, and training materials is disruptive, dangerous, and a distraction to the treatment each resident is receiving.

Affidavit of Ron Lawrenz at ¶11. Because of the security risks and therapeutic concerns thus posed by the materials sought by the Plaintiff, and because these materials are not relevant to Plaintiff's claims, Defendants respectfully request that Plaintiff's Motion to Compel be denied.

Signature Page Follows.

The operation of the SC SVPTP was transferred via a management contract to Wellpath, which provides licensed medical staff, nursing services, sex offender treatment services, and access to physicians. Though private actors, the Wellpath employees are entitled to qualified immunity for the reasons set forth below.

The purpose of qualified immunity is to "protect [the] government's ability to perform its traditional functions." *Filarksy*, 132 S. Ct. at 1665 (quoting *Wyatt v. Cole*, 504 U.S. 158, 167 (1992)). Qualified immunity does this by preventing "unwarranted timidity" of private actors in performance of public duties, avoiding top candidates from automatically precluding public service for fear of liability, and preventing government distractions that arise from having to defend against a lawsuit. *Id.* (citing *Richardson*, 521 at 409-11). The biggest or "most important" concern of government immunity is the avoidance of "unwarranted timidity." *Richardson*, 521 U.S. at 1665. Individuals who serve the government are required to act decisively and swiftly for the public good and it is essential for part-time government employees to have this discretion also. *Filarsky*, 132 S.Ct. at 1656. Employees working at a facility operating under the SVP Act must have discretion and ability to act decisively to do what is best for each prisoner and the entire prison population without fear that their professional judgment will be second-guessed.

Furthermore, qualified immunity is warranted because the SCDMH operates this facility pursuant to state statute. *See* S.C. Code Ann. § 44-48-20 ("Because the existing civil commitment process is inadequate to address the special needs of sexually violent predators and the risks that they present to society . . . and because of the nature of the mental conditions from which sexually violent predators suffer and the dangers they present, it is necessary to house involuntarily-committed sexually violent predators in secure facilities separate from persons

Social Security Administration
Retirement, Survivors and Disability Insurance

SOCIAL SECURITY
11FL STHURMOND FED BLD
1835 ASSEMBLY ST
COLUMBIA, SC 29201-9886
Date: May 09, 2023
BNC#: [redacted]
583

[redacted]
C/O WELLPATH
4546 BROAD RIVER RD
COLUMBIA , SC 29210

Dear [redacted]

You do not need to file a new application for Social Security benefits. Your benefits are in suspension due to your incarceration and confinement in a correctional institution. WELLPATH is considered a correctional facility in SC. In order to reinstate your Social Security benefits, we need release papers that state your name, SSN, inmate number, date of birth, address, father's surname or mother's maiden name or other descriptive information to establish that your identity is the same as the incarcerated individual.

We need the releasing correctional institution's name, and the document to be on letterhead from them, including your release date and the date you were originally confined. You are not eligible for payments until you have been released for an entire whole month, example you are released February 14th. You would not be eligible until the month of March, which is paid in April.

Social Security Administration

81 - 3/6/1942 B-day

Parkinson Disease 2021/2022 - Diagnosted by D.M.H.

Sumter, S.C. Release plan to clean slate re-entry

McCormick 5 years non-violent 2009/2009 Release

mental abnormality - pedophillic Disorder, Narcissistic

compassionate Release".

Jim

Exhibit – F

Garner

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

MT

Resident Name : Antony Martin Bluehidge 102 Date: 15, Jan. 2023

Area of Concern or Interest: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activities
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specify an area of concern not a specific person): clinical Administration

Brief description of concern or Issue to be communicated:

As last page of Aspire states "not a avenue to spread legal or personal ..." other avenues are available to accomplish these things can it be told to me what those avenues are?

Resident Signature: [signature]

Staff Response:

You can make this request to the grievance coordinator. Clinical does not have anything to do with legal.

Staff Name: M. Thompson, LMSW

Staff Signature: [signature], LMSW Date: 01/20/2023

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South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony & Martin BlueRidge 102 Date: 8 Feb. 2023

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specifiy an area of concern not a specific person): Newsletter Disclaimer

Brief description of concern or Issue to be communicated:

As disclaimer states there is a way to share personel & legal information with others in program without using the Program Newsletter. I am writing to request what that avenue is? can this be explained to me.

Thank you

Resident Signature: Antony & Martin

Staff Response:

The disclaimer you are referring to was included by the residents that write the newsletter. I am unable to answer your question.

Staff Name: Ken Lawrenz

Staff Signature: [signature] Date: 02/15/2023

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12/2018

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antonio Martin Blue Ridge

Date: 21. Feb. 2023

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specifiy an area of concern not a specific person): Newsletter.

Brief description of concern or Issue to be communicated:

As was stated on request recieved on 15. Feb. 2023. That the disclaimer put in Programs newsletter "Aspire" was put there by "resident writing newsletter" ~~that~~ I to believe/ understand that the newsletter is written/published with no staff oversight/decision on what is put in the newsletter? that a resident is making the decisions?

Resident Signature: Antonio S Martin

Staff Response:

Mr. Martin - Why dont you talk to the residents involved in the newsletter? If you have questions or complaints, you should try talking to them to gain a better understanding of the process. Interpersonal communication is an important part of treatment.

Staff Name: Dr. Dubz

Staff Signature: [signature]

Date: 2/22/23

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

Big News and Fake News

Fake news : Residency notifications and employment restrictions protect the public.

Big News : Residence, employment restrictions actually increase offenders risk by undermining stability and being able to obtain work, housing, transit and family support (2016 U.S. Department of Justice Brief)

Fake news : Only **facts** are used in commitment trials.

Big News : In spite of a constitutional protections the thoughts, statements, and beliefs have been used against offenders in trials, and evaluations (Wisconsin V. Mitchell 508 U.S. 476, 485-486 Wis. 1993)

Fake news : Primary goal of intense offender treatment is therapeutic recovery.

Big News : Settings for confinement programs are often correctional in nature were facilities, personnel and practices have a primary goal of community safety and security rather than the wellbeing of those housed there. (Weinberger and Sreenivason 1994 Journal of American Academy of Psychiatric and Law 31 471 – 485).

Fake news : Assessing systems are true, factual and reliable.

Big News : Research showing violence predictions error rates ranging from 45% - 94%. (Thomas Campbell Assessing Sex Offenders Problems and Pitfalls 94 – 97 2000).

Fake news : Assessing systems can predict sex offender dangerousness and separate **"ordinary"** criminals from others.

Big News : Recidivism rates by criminals in "ordinary" cases are higher than 50% to separate them would require recidivism predictions approaching 100% the tools currently being used do not meet these standards.

Fake news : Involuntary civil commitment for long term control, care and treatment reduces sexual recidivism.

Big News : The available evidence does not show this. In fact the trend is in the other direction. (Florida's released s.v.p's are not high risk (George Deluce and Amanda Rice Open Access Journal of Forensic Psychology 22, 51 Fourteen year study)

Fake news : Sex offense have declined after enactment of the involuntary civil commitment.

Big News : Sexual abuse is up 17% from this time last year (ABC News report 14, July 2021)

Fake news : All victims of serious crimes (rape, murder of love ones) support legal sentencing practices.

Big News : Survivors widely support reducing incarceration and to invest in prevention and rehabilitation (2016 survey by the Alliance of Safety and Justice).

To be continued.

submitted to program newsletter Aspire on: Given to Powell on 10, Oct. 2022
not placed in News Letter 1. Nov. 2022

FURTHER PUNISMENT

Harm is prevented by punishing the I individuals that have harmed or by threat of punishment to deter (id) (Wayne Lafave Criminal Law @ 12 (5th Edition 2010))

Difference between civil and criminal actions is moral condemnation and that (it's the expression of the communities hatred, fear, or contempt for the convict which alone characterizes physical hardship as punishment (Henery Hart Jr. "the aims of the criminal law 23 L. and contempt probs 401,405 (1958))

The imposition of "unpleasant physical consequences" constitute punishment if there is community condemnation of [the] antisocial conduct (id) S.V.P. commitment inn a prison setting, institution, mental hospital, or other similar facility restricts an individual's liberty.

With respect to retribution locking up S.V.P.s indefitianaly would certainly be an "expression of societies moral outrage at a particular offensive conduct" (Gregg V. Georgia 428 U.S. 153, 183 (1976)

S.V.P. statues have an alternative purpose of treatment of offenders and protection of society. The Courts have stated that treatment is not required in Civil Commitments as state has interest in protecting society from individuals with treatable as well untreatable conditions. (Hendrix 521 U.S. @ 366)

Courts has said statue would be criminal is sufficiently punitive in "either in purpose or effect (Seling 531 U.S. @269)).

In United States V. Melendez- Carrion 2nd Circuit Court of Appeals determined a statue permitting preventable detention constituted punishment because detention was not limited and could last up to one year and could not be charterized as mild (790 F. 2d 984,999 (2nd Cir. 1986))

G.P.S. Monitoring and Registration following a 2005 Wisconsin Act 431 virtually all S.V.P.s in Wisconsin are subject to lifetime registration and G.P.S. monitoring. Studying the timing of sexual offenses suggest the enduring nature of such restrictions are unnecessary (Ambrosiak G. et al. "Are civilly committed S.V.P.s released after 60 low risk (Criminal Justice and Behavior))

While governments have substantial interest in protecting society thissintrest does not make preventive detention any less punitive. One of the reasons society imprisons those convicted of crimes is to keep them from inflicting further harm but that does not make imprisonment any the less punishment (United States V. Brown 381 U.S. 437, 458 (1965))

Social polices like the prevention of harm and the punishing of offensive conduct support the results but the means by which these goals are met blur the lines between mental health laws and the criminal justice system. If a competent individual commits a sex crime the state uses its primary police power to confine the individual through the Justice System. This Primary police power may only be invoked if the individual has the capacity to be held morally responsible for his or her actions. (shcopp, supra) If a person cannot be held morally responsible for his or her conduct the state may civilly commit the individual using its secondary police power as alternatives to the criminal justice system. (id). By first punishing an offender, then committing him or her theses powers are not being used alternatively; they are being used consecutively. This use is insupportable because the justification for the secondary police power commitment is necessarily absent when an individual has already been adjudicated for the conduct in the criminal justice system.

14). An official American Psychiatric Association Task Force has further stated, "...**psychiatry must vigorously oppose these statutes, in order to preserve the moral authority of the profession** and to ensure societal confidence in the Medical Model of Civil Commitment [because]...***Legislators have used psychiatric commitment to effect...societal ends that cannot be openly avowed.***".....T / F

15). In the October 1995 issue of the local OPP Newsletter, Dr. Gordon W. Gritter, Director of Atascadero State Hospital, stated: **"In our attempts to control crime we are devising a system for what is actually preventive detention — which is illegal — by clothing the detention in the garb of treatment..."**.....T / F

16), California's general prison-population recidivism rate (in line with past and current national re-offense statistics as well) averages **60%** to **70%** annually for non-sexual crimes.....T / F

17). California can point to **no significant drop in sex offenses compared with thirty other states having no such SVP laws.** Yet, the U. S. Justice Department quietly sits on myth-busting statistics: sex offenders have far lower re-offense rates **(5-13%)** than any other crime category (including all crimes of violence) except murder. .....T / F

18). Dr. Melvin Hunter, as Director of Atascadero State Hospital—where SVP patients were first confined—was quoted as saying, **"Whoever came up with the term 'SVP' must have been a public relations genius!....We've been fighting for funding for forensic hospitals for years and suddenly we are given $300 million to build a new facility.**

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....When the term SVP is used, what Legislator will take the risk of voting against it?".....T / F

19). **Tom Voss,** first Director of this new mental hospital in Coalinga (established by Legislators to *treat and release* sex offenders) stated, **"Ninety percent of the men who come here will die here."**.....T / F

20. Nations of the **European Union** view SVP Civil Commitment schemes in the U.S. to be a violation of human rights. They hold such "preventive detention" **(lock up for what the state believes persons *may do in the future*) to be cruel and inhumane.** Several notable cases have brought European Union nations to reject the extradition of sex offenders back to the U.S. without written assurances first that SVP Civil Commitment would not be utilized. .....T / F

This is information the Legislators and the Department of State Hospitals don't want the public asking, but–
ALL OF THE ABOVE ARE VERIFIABLY TRUE.

Even so, most attorneys as well as civil and human rights advocates would not be able to pass this Quiz.

Ultimately, what is crucial now is not just to highlight the gross mismanagement, abject financial incompetence, neglect, abuse and inhumane treatment — and even less to apportion blame — but to try to repair them without delay. You, your family and friends, associates and every right-thinking individual should immediately contact your California Assemblyperson and Senate member to challenge the injustice of the so-called "sexually violent predator" laws.

Injustice is injustice — regardless of who is at the receiving end.

(Rev. 11/2022) Compiled & Edited by—
CHRIS 'IRISH' WILLIAMS & ROBERT S. TURNER
Information /Voicemail: 559/528-8220

ⓓⓐⓒⓔ

JOHN CUMMINGS, J.D., Founder Emeritus
== DETAINEE-AMERICANS FOR CIVIC EQUALITY ==

CAN YOU PASS THE MISINFORMATION QUIZ?

TRUE OR FALSE:

A Task Force report of the American Psychiatric Association declared, "...*Legislators have used psychiatric commitment to effect...societal ends that cannot be openly avowed.*"

TRUE OR FALSE:

The California Psychiatric Association, in evaluating the SVP Act, declared, "...*It appears this law is simply a means to create a legal process for keeping convicted individuals incarcerated.*" And the CPA further admonished California Legislators that, "...*mental health facilities cannot be used as a gulag.*"

TRUE OR FALSE:

Benjamin Franklin said— "*They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.*"

WHAT IS JUSTICE?
JUSTICE IS THE LAW— WITHOUT PASSION OR PREJUDICE.

LET'S SEE IF YOU CAN PASS THE MISINFORMATION QUIZZ

1). About a thousand so-called "sexually violent predator" patients (SVPs) held in psychiatric detention in California state hospitals have cost taxpayers ***over three billion dollars*** since a new law was passed in 1996.....T / F

2). By 2022 over 100,000 *high risk* sex offenders—perhaps as dangerous as these SVPs now under indefinite detention—have been released into communities statewide.....T / F

3). About 45,000 of these sex offenders released from prison cannot be located for monitoring by authorities—due to lack of funding.....T / F

4). Of over a 1,000 of these patients now detained at Coalinga State Hospital (DSH-Coalinga), as many as 70% have refused the meager three-hour weekly therapy sessions year after year. Why? Because so few have ever been released. During the two decades since the law's inception, of those patients who *have participated in full treatment* and graduated—

less than 160 have gained their release from the hospital .....T / F

5). **John Cummings** has said that although their crimes have been reprehensible, it's a vicious rhetoric that marks any human a "sexually violent predator." **Such labeling of mental health patients—by healthcare and legislative professionals**—cannot be condoned as civilized, much less as conducive to a purported healing of the mind or spirit. .....T / F

6). The majority of these patients have never been convicted of weapons use, assault, kidnapping, torture, mayhem, mutilation, or murder against a victim. Prior to their maximum-security hospitalization, most transferred from ***low security prisons*** only to be placed in a maximum security mental health facility, yet still, given risk levels rarely above "low" by hospital staff. .....T / F

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7). SVPs held in the **"Hosprison"** (as the patients call it) have been diagnosed with mental disorders based *primarily on the original criminal behavior*, but could *not* use that mental disorder as a mitigating factor in sentencing, were offered *no sex offense treatment* during extensive prison terms, and should they reoffend in the future (even the very same offense) *cannot claim that disorder as a defense* at trial. In short, **the SVP statutes allow the state to consider them 'disordered' only when *not* sexually offending, *not* under criminal prosecution, and *not* under conviction or imprisonment.** Thus, the diagnosis kicks in solely when the state opts to file for "civil commitment" to get the prisoner hospitalized before parole. .....T / F

8). The **SVP Act**—unlike any other known in civil law—disallows anyone meeting the **Welfare & Institutions statutory criteria from obtaining court release even if it's later proved the detention was illegal or they were held as the prison term ends for psychiatric evaluation under false pretenses** (to ensure their hold). Such **"good faith"** measures by officials have been deemed **"harmless error"** by the courts.....T / F

9). **The California Psychiatric Association**, in evaluating the SVP Act, declared, "....It appears this law is simply a means to create a legal process for keeping convicted individuals incarcerated," and the CPA further admonished California Legislators that, ***"...mental health facilities cannot be used as a gulag."***.....T / F

10). Psychologists and psychiatrists hired to evaluate individuals for SVP lock-up can base their diagnoses on any of the following: hearsay, unverified accusations and uncorroborated police records, old dismissed charges, and claims by second and third parties made in probation reports, as well as uncharged acts committed as juveniles (in any state or foreign country); and, **none require independent confirmation that such records or information are verifiably true or accurate**.....T / F

11). These same evaluators, hired by the California Dept. of State Hospitals as panel members, have earned hundreds of thousands of dollars in this cottage industry outside the public view; **some earning as much as a million dollars or more annually** doing nothing but SVP evaluations.....T / F

12). **The SVP law does not require that these state evaluator doctors meet or interview prospective SVP patients**; so that the diagnoses of various disorders are often based entirely on *document review*. **Nor does the law require that there be either evidence or observation of a recent overt act.** Qualifying sex offenses can, and often do, date back *decades*, with no current or attempted offense or behavior required to either diagnose a disorder or to recommend a current patient continues to meet the criteria for *indefinite psychiatric detention*. **All these evaluators need do is declare to the court year after year: "The patient has not changed." This status denies them all hope of ever being released**.....T / F

13). In an amicus curiae brief filed by the **American Psychiatric Association** with the U.S. Supreme Court in the case of just such a patient, they declared that, **"...psychiatrists have no expertise in predicting long-term dangerousness, and that two out of three predictions are wrong."**.....T / F

See: ReformSexOffenderLaws.org & narsol.org

95% of new sex offenses are committed by someone NOT on a sex offender registry.

—*Bureau of Justice Statistics, 2006*

Treatment Works...

Available research indicates that quality treatment can reduce recidivism by more than one-third.

There is no downside to treatment.

—*National Center on Institutions and Alternatives, Inc., 2006*

-33%

Registered sex offenders have the **lowest recidivism rates** when compared to assault, DUI, robbery, theft, drug offenses, battery, and domestic violence. The only crime with a lower recidivism rate is murder.

—*Bureau of Justice Statistics, 2006*

Lower Than...

- Domestic Violence
- Battery
- Drug Offenses
- Theft
- Robbery
- DUI
- Assault

In **93%** of child sexual abuse cases, the child **knows the person** who commits the abuse. Only **7%** are **strangers** and as many as **47%** are **family** or extended family.

—*National Sex Offender Public Website, US Department of Justice*

5 The number of states that provide enough information on online registries for the public to be able to interpret the charge and the age of both the registrant and the victim.

—*Justice Policy Institute*

25% increase in the likelihood a sex offender will re-offend each time they are forced to move.

—*CA Board of Parolees, 2003*

There is **no evidence** that restricting where sex offenders **live will prevent** repeat sexual offending against children. In fact, **residence restrictions could not have prevented the murder** of Chelsea King.

—*California Sex Offenders Management Board*

Adam Walsh Act Fact

Reclassification of sex offenders is based solely on the offense of conviction. One's likelihood to re-offend will no longer be considered. In Ohio, highest-risk offenders went from **18%** to **54%**, increasing the Sheriff's workload by **60%**.

—*Ohio Public Defender's Office*

Residency Restriction Laws for 37 States:

8 have **no restrictions** as to where RSOs can live.

9 have **no statewide laws** but allow for local ordinances.

17 have **restrictions** that apply only to **offenders on parole, probation, supervision**, those who have committed certain types of crimes or are deemed **high risk**, or have been court ordered.

Of the states with residency restrictions, **3** do not force offenders to **move** if a school, daycare, park, etc. opens after establishing residence.

Sex Offender Solutions & Education Network

PO box 235, Dixon, IL 61021

(800) 773-4319

www.sosen.org

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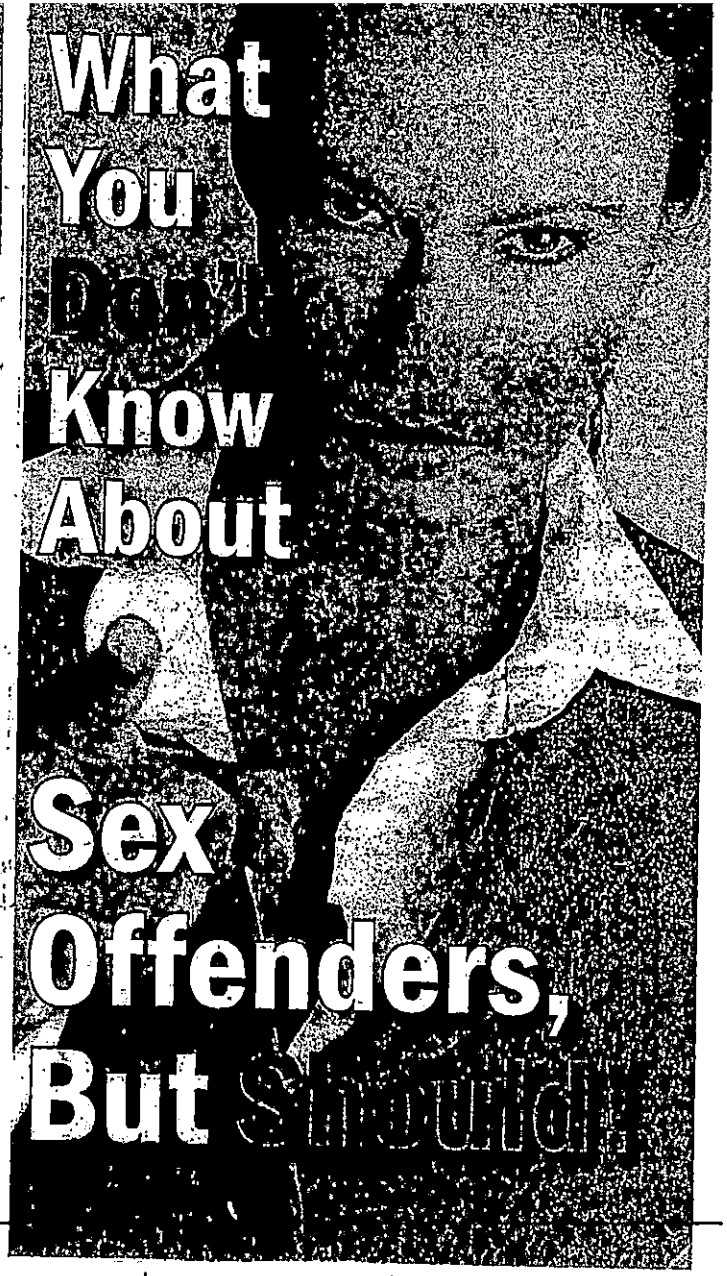
What You Don't Know About Sex Offenders, But Should



SOSEN

Sex Offender Solutions & Education Network

SOSEN EDUCATIONAL SERIES

Research shows the best way to change antisocial behavior is to **normalize life**. Offender websites and community notification, coupled with requirements to report their every move to the police, do the opposite. You ban somebody from the community. He has no friends, he feels bad about himself, and **you reinforce the very problems** that contribute to the sex abuse behavior in the first place. You make him a better sex offender.

—Eric Lotke, former research and policy director of the Justice Policy Institute

I'm worried that we're **focusing** so much energy in **naming and shaming** convicted sex offenders that we're **not doing as much as we should** to **protect our children** from other real threats."

—Patty Wetterling, mother of Jacob Wetterling

"Sex offenders **need to have a place to live**, they need to be able to **get jobs**. They need to be able to **support themselves and their families**. And without those things, they're going to be more likely to resume a life of crime. That's not a debate, that's a fact."

—Dr. Jill S. Levenson, Lynn University

The system is broken. It's overwhelmed and I think the public is starting to realize that. You **can't paint sex offenders** with a **broad brush**.

—John Walsh, father of Adam Walsh

Rethinking Sex Offender Laws:

Many states have realized that the current trend in sex offender **laws do nothing to protect society**, increase the risk of recidivism, and **violate** both the US and State **Constitutions**. Many states have taken measures to address these difficult issues by adopting a more-sensible approach, based on research, to their laws, registries, and residency restrictions.

Collateral Damage to the Children of Registered Sex Offenders:

The majority of sex offenders date, get married, and have families who depend on them. Every law that is passed also impacts those families, especially their children, as found in this study by Dr. Jill Leveson and Dr. Richard Tewksbury. Children of sex offenders reported that they have experienced the following due to a parent being on a public database:

Are we concerned about all children? What about these children?

Harassed by others	47%	Depression	77%
Ridiculed by others	59%	Anxiety	73%
Teased by others	52%	Fear	63%
Fighting instigated by others	22%	Anger	80%
Left out with other children	65%	Suicidal tendencies	13%

Who Poses the Greatest Danger to Our Children?

Sex offender laws that are passed each year in response to the horrific stories we hear on the news and in the media, are supposed to keep our children safer, but **are they doing their job?** These laws are said to be designed to keep our children safe by limiting the actions and making public the residences of registered sex offenders. **Do these costly laws protect children from the greatest threat to their safety?**

In a report by the U.S. Department of Justice, National Incidence Studies of Missing, Abducted, Runway, and Throwaway Children, an estimated **1,325,600 children went missing in 2002**. Of those children, **115** were **stereotypically kidnapped** and **41 were killed or were still missing** at the time of the study.

What are the chances a child will die by means other than being abducted and killed by a sex offender?

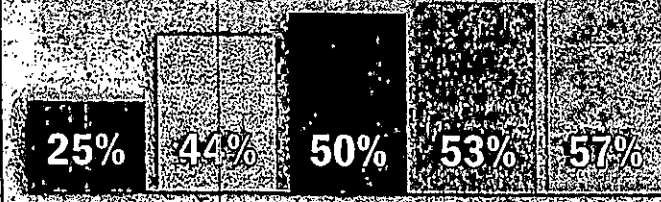
- 400% more likely to hang themselves
- 500% more likely to shoot themselves
- 3200% more likely to be murdered by a firearm
- 4000% more likely to be stabbed, strangled, burned alive, or poisoned
- 15,300% more likely to be killed in an auto accident* than to be abducted and killed by a sex offender!

* Of the children killed in auto accidents, 68% were riding in a vehicle driven by a drunk driver. Over 50% of those drunk drivers were a parent of the child.

- More likely to be struck by lightning!

Collateral Damage of Residency Restrictions

—The Impact of Sex Offender Residency Restrictions, 2005



Do sex offenders really pose the greatest danger to our children? Isn't it time lawmakers consider the statistics and listen to the experts?

Exhibit – G

ASPIRE

NEWSLETTER

WHAT ARE YOU THINKING?

(On December 31st)

At 11:59pm the whole world braced themselves to shout the traditional howl of "Happy New Year"! To some the key word "happy" means simply to have arrived at a place, or level, in life where we are living in the achievement of our thoughts, hopes, dreams, and aspirations; however, with all the news of war, body counts, natural disasters, and unpredictable weather patterns one can only think to himself, "What will happen next?" In our little corner of the world here at Wellpath, 2023 is warmly welcomed, eagerly noted the extent to which we residents strive for the initial emphases upon community, new goals, and learning new tools that are vital to changing our consciousness from who we were to who we really are.

So, where do we start? Well, that's a great question, and not one that should be taken lightly when trying to come up with an answer. So, allow me to tread very carefully here. Here's my take on charting a new direction for 2023....

> ALL IT TAKES FOR EVIL TO TRIUMPH, IS FOR GOOD TO DO NOTHING.

My first question is this: "What are you thinking?" If you don't believe in yourself it may be because you're surrounding yourself around negative social influences who will make you "think" that you can never change, or get anything out of this treatment program; however, I want you to know that **that's a flat out lie**. Be your own person, and **don't be ashamed to admit what you did wrong in the past.** It's the only way to start the healing, and recovery, process.

Next, let me encourage you, and myself, for a moment. **Don't be afraid of the unknown, to give new thoughts, and thinking, a chance in your already complex learned behavior.** Listen, don't rob the world of what you're thinking. Don't rob the world of your ideas, and plans. Get this!! Are you ready? Everything in your life, every material, every physical thing, every building, and every piece of furniture, every technology, everything you see was someone's thoughts! Right now this newsletter has materialized from someone's thoughts, and the design of your favorite car or truck is someone's thoughts. Even the architecture of this Wellpath building was first a schematic, blueprint, which is the product of someone's thoughts. I was born, and raised, in New York. I would look up at the Empire State building like, "Wow!" How beautiful it is, and yet I'm looking at what started out as someone's thoughts.

> FEAR HAS TWO MEANING FORGET EVERYTHING AND RUN,
> OR
> FACE EVERYTHING AND RISE.
> THE CHOICE IS YOURS...
> SUBMITTED BY:
> RTA HANTON

We don't have to be brainiacs. Be creative. Just go for it!! I want you to experience what you're thinking. **You deserve to be heard, and acknowledged. Everyone makes mistakes, or poor choices in life. Strive to be your best self.** It's not selfish to focus on who "you" want to be; so, this New Year seek to be a new "you"- the world is anxious to get acquainted with the new, and improved version of you.

Submitted By: Michael. L

The Scene

(New Releases)

Welcome back everyone and continue to take care of yourself. Also, be safe while doing so.

This is our second COVID outbreak era at Wellpath, the first we didn't fare well; however, this one we came through with Blessing on our side.

The COVID has force us into lockdown status for approximately two week, and kept staff at full capacity trying to keep up with the duties that we was unable to perform- plus their job. So, I would like to take this moment to recognize those staff who went above and beyond their job duties to ensure our safety, and return this population back to regular schedule. Thank You.

We, were Blessed to come through this situation minus any causalities here at the facility; however, we did experience a high count of contamination in the population. Sandhill unfortunately was hit the hardest, leading in those high double digit numbers and came out stronger then possible. Good job Sandhill.

I want to say to both the residents and staff who became sick because of COVID, it is wonderful to see you in great health and back on your feet. As a reminder to those of us, resident and staff, if you feeling sick don't try to second guess the situation. Take action to prevent anyone else from becoming sick with you.

Take care to follow proper protocol of handwashing, reporting if you're not feeling well, and especially keeping a safe distance when speaking with others that are not wearing a mask. Our safety, and yours, should be number one priority without a doubt.

Submitted By: Aspire Newsletter Team

(New Policies & Memos)

It's time for NCAA March Madness beginning March 14th , can be viewed on TBS, CBS, TNT, ESPN, ESPN2, and TRUtv. The viewing of the March Madness Basketball games has been approve to watch in its entirety.

Wal-Mart computers has been set up in the Law Library, as soon as the policy comes out we will be up and running.

(Upcoming Special Events & SVPTP News)

The A.T. Department is organizing another round of battles for all Units, to see who can claim the Championship. So every dorm bring the best and they will do the rest.

Also, we want to wish case managers, Mrs. Maylath and Mrs. Lewis, the best as they continue on their journey in life. You will be missed. Thank you for everything you've done for us.

Battle of the Doors, St Patrick's Edition

Who's feeling Lucky?

Piedmont/Coastal, Blue Ridge, Midland, Sandhill, Infirmary

Judging will be March 17, 2023

The Black History Program has been rescheduled for 1:30 P.M. on March 24th. This was postponed during the month of February, because of the COVID outbreak.

As a remainder to the population, The A.T. Department are currently having night-time recreation which is a **HIT!** In the form of Bowling, Spade, Pool, Dominoes, Pinochle, Cribbage etc. for levels 3,4,5. If you miss the first round of events , then you have miss something wonderful. However, if you are interested keep your eyes out for the next round of sign-up times, and join in on the fun.

POEMS

When I think I can, I can!
When I think I'm strong, I am!
I become what I think! I do! I do!
When I think I can, I become what I think I can!

Submitted By: Manuel A.

"By the inch, it's a cinch."
"By the yard, it's hard."
"By the mile, it's a while"

Submitted By: Manuel A.

Being Positive

Being positive in life is a must, so don't be a bust, get on the bus but don't cuss. Stay strong and you can't go wrong while living long, singing a happy song. Positive is a plus without fuss can't no one mess with us. However sometimes being positive is hard when you're dealt negative cards by the people who supposed to treat you but really don't care. Is this life really fair we say as we stare. But when we're being positive good things happen for the most part so it's a start. Only I can control myself and be positive each day and stay away from the negative crap. Being positive is a wonderful thing you get trust, respect, friends, family, and you keep your pride while you take this positive ride.

Never loss hope always look for a ways to cope in a positive way and the awards will pay. If you believe pray cause God is here to stay and say, being positive is the only way.

Submitted By: Dusty C.

Pain

My words in pain, strike like a storm's rain. Whipping sand across lands stringing the skin just to be heard, to be felt, to be known. The wind blows. Felt but yet you don't see me. Through my travels comes blues and gray. Whipping winds or gentle sways happy, sad, laugher and pain. Like the wind that's who I am and yet you don't see me. Lost, lonely, pain and hurt. The winds come strong, not a spurt. Showing pain through wind and rain. Destruction along the path, my pain, and like the wind I'm the one you blame for this pain.

Submitted By; Dusty C.

Positive Uplifting

Brother, We can do whatever we put our minds to. We just need to prepare and apply ourselves. **Success is not free and it doesn't come easy. It takes careful planning and implementation, but it can be accomplished.**

My message to all of you is this. **"Don't waste this precious opportunity, you will never get quality time to work on yourself like you have in this program".** Use your time wisely, prepare for success, then live.

Submitted By; John B.G.

BIRTHDAYS

The Birthdays social for January, February and March will be celebrated during the Month of March for all three months. This will be scheduled on March 17th @ 8:30 am.

St. Patrick Day, Green Punch & Cookies will be served by A.T. Department on March 17th @ 12:30 pm.

WORDS OF WISDOM

"A glutton eventually chokes on their own greed."

Submitted By: Jimmy F.

"Just because you can, doesn't mean you should!"

Submitted By: Kenneth W. (Tazz)

"It's not true that life is one damn thing after another. It's one damn thing over, and over.

Poet Edna St. Vincent Millay

Submitted By: John B.G.

"The human imagination cannot be programmed by a computer. Our imagination is our greatest hope for survival."

Artist Keith Haring

Submitted By: John B.G.

"LEADERSHIP"

Leadership requires steadfastness and the ability to tolerate the unfaithful, misinformed, and the ignorant.

Submitted By: John B.G.

"I would rather a person waste my money, than waste my time, cause I can replace that money, but I can't replace that wasted time."

Submitted By: Ronald G.

Life

Life is like an onion with many different layers. The layers are the things we deal with and go through each day. Meaning different people, place, and things . You never know what you're going to get when you peel off a layer. Some are good, some are bad, but that's life. If everything was good then life wouldn't be normal. In life we have to have good and bad days, good and bad people, and places and things or else the world wouldn't be right. There would be no reason for a lot of different things, like the police, Military, jails, prison, programs, and homeless shelters. So to me life is how we make it, we can only control ourselves and do what is right but no matter what we do there will always be good and bad things in life.

Submitted By; Dusty C.

Exhibit – H

23-3-555. Internet account, access provider, identifiers reporting requirements; notification of change; failure to comply; punishment; information provided to interactive computer services; judicial limitations on Internet usage by certain registered sex offenders.

(A) As used in this section:

(1) Interactive computer service means an information service, system, or access software provider that offers users the capability of generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via an Internet access provider, including a service or system that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(2) Internet access provider means a business, organization, or other entity providing directly to consumers a computer and communications facility through which a person may obtain access to the Internet. An Internet access provider does not include a business, organization, or other entity that provides only telecommunications services, cable services, or video services, or any system operated or services offered by a library or educational institution.

(3) Internet identifier means an electronic mail address, user name, screen name, or similar identifier used for the purpose of Internet forum discussions, Internet chat room discussions, instant messaging, social networking, or similar Internet communication.

(D) If a person commits a sexual offense in which the victim is under the age of eighteen at the time of the offense or the person reasonably believes is under the age of eighteen at the time of the offense, and the offender is required to register with the sex offender registry for the offense, then, upon conviction, adjudication of delinquency, guilty plea, or plea of nolo contendere, the judge must order as a condition of probation or parole that **the person is prohibited from using the Internet to access social networking websites, communicate with other persons or groups for the purpose of promoting sexual relations with persons under the age of eighteen, and communicate with a person under the age of eighteen when the person is over the age of eighteen.** The judge may permit a person to use the Internet to communicate with a person under the age of eighteen when such a person is the parent or guardian of a child under the age of eighteen, or the grandparent of a grandchild under the age of eighteen, and the person is not otherwise prohibited from communicating with the child or grandchild.

HISTORY:
2010 Act No. 212, 2, eff June 7, 2010.

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony J. Martin Coastal-213 Date: 07, Feb 2021

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specifiy an area of concern not a specific person): Facility Administration

Brief description of concern or Issue to be communicated:

would like to at your convience talk to you about the benifit of having a computer literacy program to help residents upon release. As you may know alot of the present world is digitized & alot of the guys getting out of the program have been set outside society for alot of years. This I believe will help support these guys sexual offending control/support & give them one more way to reintergrate into the world

Resident Signature: Antony J. Martin

Staff Response:

Received - sent to Dr. Dube for review

Staff Name: L.A.

Staff Signature: L.A. Date: 2/9/21

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony E. Martin Coastal-213 Date: 05, August 2021

Area of Concern or Interest: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activities
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specify an area of concern not a specific person): Facility Admin.

Brief description of concern or Issue to be communicated:

sent request on 9th July asking if it could be explained why I can not have/use a personal laptop/tablet with Internet/Intranet access. These things are allowed in prisons (to included level III yards) & the program is suppose to be less restrictive

Resident Signature: Antony E. Martin

Staff Response:

Please address with your case manager

Staff Name:

Staff Signature: Date: 8-9-21

Chief's secretary

**All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.

12/2018

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony J Martin Coastal-213 Date: 07 Sept. 2021

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [a] Other (specifiy an area of concern not a specific person): Facility Admin.

Brief description of concern or issue to be communicated:

As per requested on Grievance form below is place to recieve Information & also service & support on Hardware, Programs, etc. Probation & Parole use & have been using for past few years to ensure Internet conformance.

State support Services Division / Internet Probation & Parole Inc. in King of Prussia PA..

Resident Signature: Antony J Martin

Staff Response:

The information you provided was researched however does not contain any information you describe.

Staff Name:

Staff Signature: Date: 9/16/21

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

23-7-555

Exhibit – I

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony J Martin @ Blue Ridge Corr Date: 1, March 2023

BK

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specifiy an area of concern not a specific person): Phone Number / mrs Gardner

Brief description of concern or Issue to be communicated:

Enclosed find the request sent to mr Lawrenz or at least signed by him, of adding the Blair phone number to the resident phone list as Haban has joined with Blair Inc. and therefore changed their number. Can this be add to the phone

Resident Signature: Antony J Martin

Staff Response:

NUMBER WAS ADDED TO THE SYSTEM ON 2/6/2023.

Staff Name:

Staff Signature: [signature] Date: 3/6/2023

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

South Carolina SVPTP
Resident Communication Form

wellpath
RECOVERY SOLUTIONS

Resident Name: Antony Martin Blue Bridge 102 Date: 30 Jan 2023

BL

Area of Concern or Interst: (Please select one per form)

- [ ] Property (i.e. package request)
- [ ] Treatment
- [ ] Security
- [ ] Programs / Activites
- [ ] Medical Care (requests for care must be submitted on sick call form)
- [ ] Food Service
- [ ] Maintenance
- [x] Other (specifiy an area of concern not a specific person): Phone # Approval

Brief description of concern or Issue to be communicated:

As Habanel is changing to Blair Inc. the number would also need to be changed to the new company # of

Blair Inc. or 800 458 2000

800-458-6057

can this number be added to approval # for residents

Resident Signature: Antony Martin

Staff Response:

Done

Staff Name: Ron Lawrenz

Staff Signature: Ron Lawrenz Date: 02/03/2023

***All Resident Communication Forms will be placed in the appropriate communication box. Staff will not accept Communication Forms in person.*

12/2018

put things on the sheets to have R.A.B bring.
something to the administration don't be Nauge
~~ay~~ in Blue Ridge guy puts got security out of
treatment. I have a perfectly good idea what
he's trying to say. Though I need to
be told as first thing I dried in going to
ask in what do you mean

---

when tallets up & running there will be
a training provided per Mr. Lawrence.

Exhibit – J

STATE OF SOUTH CAROLINA COUNTY OF RICHLAND	))	IN THE COURT OF COMMON PLEAS FIFTH JUDICIAL CIRCUIT
Anthony Shane Martin, Plaintiff, v. Wellpath/Correct Care R.S., Defendants.	))))	 CASE # **2020-CP-40-2434** **DECLARATION OF LARRY HENDRICKS**

I do hereby declare the following:

It is my belief that being deprived access to the use of the Internet via computer, laptop, or tablet, is a violation of my First Amendment Right as declared by the U.S. Supreme Court. It held in Packingham v. North Carolina, 582 U. S. ___, 137 S. Ct. 1730, 198 L. Ed. 2d 273 (2017), that a North Carolina statute prohibiting registered sex offenders from accessing certain commonplace social media websites violated the First Amendment right to freedom of speech. In reaching this conclusion, it was noted that the First Amendment's Free Speech Clause was "applicable to the States under the Due Process Clause of the Fourteenth Amendment." Id., at ___, 137 S. Ct. 1730, 198 L. Ed. 2d 273, 278. My being in a sexually violent predator program, not prison, should not exclude me from this right or from this protection under the Constitution. The Packingham case cites technology that is available to limit access to unwanted and improper sites through companies like, Internet Probation and Parole Inc., State Support Services in King of Prussia, Pennsylvania. Stopping me from receiving the legitimate benefits that could be ascertained through access to the world of Ideas, is unconstitutional. Particularly when I am seeking to reform myself through treatment and pursue a lawful and rewarding life. The internet can only be a positive through its online education, support groups, and job programming for the future.

FURTHER THE AFFIANT SAYTH NOT.

Larry Edward Hendricks
Affiant
Columbia, SC

Thursday, September 30, 2021

2021 OCT 14 AM 9:30

STATE of SOUTH CAROLINA

COUNTY of RICHLAND

CASE NUMBER

2020CP4002434

Anthony – Shane : Martin

v.

Declaration of

John Michael Solou #7401070

WELLPATH / CORRECT CARE

RECOVERY SOLUTIONS

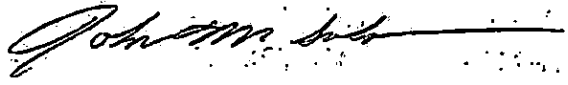
The above mentioned petioner hereby declare the fore going is true and correct.

It is the belief that being deprived of the use of the internet via computer, laptop, tablet is a violation of the first amendment right of the Freedom of Speech of the afore mention. As the internet was introduced to the constitution in Reno V. American Civil Liberties Union. My being in a sexually violent predator program does not exclude me from this right, nor from this protection. Nor access from the internet as in the United States V. ox the Packingham case was cited as stating ".....sex offenders have Free Speech Rights...." I also believe that being denied access to the internet in spite of technology being available to limit access to unwanted, improper sites through companies like Internet Probation and Parole Inc. State Support Services Division in King of Prussia Pennsylvania. Stops me from receiving the legitimate benefit from these means for access to the world of ideas. Particularly when I am seeking to reform myself through treatment and pursue a lawful and rewarding life through further online education, support groups, and programing.

Further the Plaintiff sayth not.

Date: 10/06/21

At COLUMBIA, SOUTH CAROLINA



Respectfully Submitted,

2021 OCT 14 AM 9:30

STATE of SOUTH CAROLINA

COUNTY of RICHLAND

Anthony-Shane : Martin

V.

Erin Gaffney Facility Administrator ET. Al.

Lisa Young Major of Security ET. Al.

Leonka Gavin Psychologist ET. Al.

Ray Walker Captain of Security ET. Al.

Hodiyah Lewis Clinician ET. Al.

DECLERATION of:

James Gregory Yonger
Inmate # 10457347

I James Yonger # 7347 (hereby individual making declaration) declare I have been and continue to be housed at the SOUTH CAROLINA sexually violate predator treatment program (S.C.S.V.P.T.P.). Run by the for profit company WELLPATH / CORRECT CARE and that is overseen by the SOUTH CAROLINA Department of Mental Health the program is located on the SOUTH CAROLINA Department of Corrections Compound at the Broad River location in Columbia SOUTH CAROLINA.

I believe the ongoing violation of Constitutional rights of the individual making the declaration by employees of WELLPATH / CORRECT CARE to include though not limited to First Amendment rights to Freedom of Speech, Freedom of Association, Freedom of Press, Freedom to voice opinion in public forum, etc. continues to create a irreparable harm as defendant act under the color of law (Williams V. UNITED STATES 341 U.S. 97, 100, 71 S. Ct. 95 L. ED. 774 (11th Circuit 2013)) as a punitive machinery arm of the government agent (company), in order to punish the individual making the declaration. (Garcia 348 F3d. @ 729). That the defendants did not show or cannot show a penological interest in the violations of the individual making the declaration's rights. (Barker V. Wilkins No. 2:09 – CV – 795 – FTM 36 2011 U.S. Dist. Lexis 82202 (2011)).

I further state that defendants violated due process rights of the individual making the declaration by acting under the color of law (Williams V. UNITED STATES 341 U.S. 97, 100, 71 S. Ct. 95 L. ED. 774 (11th Circuit 2013)) to punish the individual making the declaration on wing restriction (confined to the living unit), (.... Determination if the restriction is for punishment or incidental to some other government purpose Burke 2012 U.S. Dist. Lexis 134468) this being a departure from the ordinary conditions of confinement as individual making declaration was restricted from movement around the compound, restricted from the use of law library, restricted from the use of large recreation yard or the recreation buildings, restriction of treatment as this is a fundamental of the S.C.S.V.P.T.P. and statues set by the Supreme Court of The UNITED STATES.

The individual making the declaration further states that a violation of Constitutional Rights is never De Minimis A phrase meaning so small or trifling that the law takes no account of it (Lewis V. Woods 848 F. 2d 649, 651 (5th Circuit 1988)).

Further the individual making the declaration sayth not :

Sincerely : Mr. James Gregory Langer 9-1-2022

STATE of SOUTH CAROLINA

COUNTY of RICHLAND

Anthony-Shane : Martin

V.

Erin Gaffney Facility Administrator ET. Al.

Lisa Young Major of Security ET. Al.

Leonka Gavin Psychologist ET. Al.

Ray Walker Captain of Security ET. Al.

Hodiyah Lewis Clinician ET. Al.

DECLERATION of

Richard Capps®, Agent

I, Richard Capps® (hereby individual making declaration) declare I have been and continue to be housed at the SOUTH CAROLINA sexually violate predator treatment program (S.C.S.V.P.T.P.). Run by the for profit company WELLPATH / CORRECT CARE and that is overseen by the SOUTH CAROLINA Department of Mental Health the program is located on the SOUTH CAROLINA Department of Corrections Compound at the Broad River location in Columbia SOUTH CAROLINA.

I believe the ongoing violation of Constitutional rights of the individual making the declaration by employees of WELLPATH / CORRECT CARE to include though not limited to First Amendment rights to Freedom of Speech, Freedom of Association, Freedom of Press, Freedom to voice opinion in public forum, etc. continues to create a *irreparable harm as defendant act* under the color of law (Williams V. UNITED STATES 341 U.S. 97, 100, 71 S. Ct. 95 L. ED. 774 (11th Circuit 2013)) as a punitive machinery arm of the government agent (company), in order to punish the individual making the declaration. (Garcia 348 F3d. @ 729). That the defendants did not show or cannot show a penological interest in the violations of the individual making the declaration's rights. (Barker V. Wilkins No. 2:09 – CV – 795 – FTM 36 2011 U.S. Dist. Lexis 82202 (2011)).

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The individual making the declaration further states that a violation of Constitutional Rights is never De Minimis A phrase meaning so small or trifling that the law takes no account of it (Lewis V. Woods 848 F. 2d 649, 651 (5th Circuit 1988)).

Further the individual making the declaration sayth not :

Sincerely :

By: Richard Capps, Agent

Richard Capps

All Rights Reserved

RECEIVED
SEP 29 2023
SC Court of Appeals

STATE of SOUTH CAROLINA

COUNTY of RICHLAND

CASE NUMBER

4:22-02042-HMH-TER

Anthony – Shane : Martin

v.

ERIN GAFFNEY, JARED ANDERSON, GINA BRISSON

AFFIDAVIT of DECLARANT

Mitchell Shane Matthews

I Mitchell Shane Matthews do hereby declare by my notarized signature below that the following is true to best of the declarant's knowledge :

That I the declarant did receive copies of the following Sexual Arousal Management (S.A.M.) to include coping strategies, Fleeting thought, Thought, Definitions, Etc. Staff member Ms. Allen + Ms Thompson then did return personally originals. This being a group setting on the date of 17, July 2023.

That the above-mentioned paperwork was copied by the stated staff members named above. The named staff did return the original copies to the plaintiff Anthony – Shane : Martin, during the group session.

Further declarant sayth not.

s/ Mitchell Shane Matthews

Declare that above named individual signed document before me this 14 day of August 2023.

Signature of Notary: Janie Hough

Commission ends: 12/09/2031

Seal placed here

JANIE HOUGH
Notary Public-State of South Carolina
My Commission Expires
December 09, 2031

RECEIVED
SEP 29 2023
SC Court of Appeals

STATE of SOUTH CAROLINA

COUNTY of RICHLAND

CASE NUMBER

4:22-02042-HMH-TER

Anthony – Shane : Martin

v.

ERIN GAFFNEY, JARED

ANDERSON, GINA BRISSON

AFFIDAVIT of DECLARANT

Christopher ~~Whalie~~ whaley

I Christopher ~~Whalie~~ whaley do hereby declare by my notarized signature below that the following is true to best of the declarant's knowledge :

That the declarant did receive copies of Dynamic Risk Factor Assignments, Relapse Prevention Questioner, Relapse Prevention Plan paperwork from staff member Mr. White and ~~Mrs~~ Ms. Clee personally.

That the above-mentioned paperwork was copied by the stated staff members named and the originals were returned to plaintiff Anthony – Shane : Martin personally by Mr. White and ~~Mrs. Clee~~ Ms Clea on the unit recreation field.

Further declarant sayth not.

s/ Chris Whaley

Declare that above named individual signed document before me this 16 day of August 2023.

Signature of Notary: Janie Hough

Commission ends: 12/09/2031

Seal placed here :

JANIE HOUGH
Notary Public-State of South Carolina
My Commission Expires
December 09, 2031

Antony - S : Martin sui-juris
(in some cases – with Power of Attorney) Secured Party Creditor, Authorized Representative
FOR; DEBTOR; NAME IN CAPS, Ens legis

ACKNOWLEDGEMENT

State of South Carolina
County of Richland) Scilicet
_____.)

SUBCRIBED TO AND SWORN before me this 16 day of August, A.D. 2023 a Notary, that Antony Martin, personally appeared and known to me to be the man whose name subscribed to the within instrument and acknowledged to be the same.

Janie Hough Seal;
Notary Public in and for said State
My Commission expires; 12/09/2031

JANIE HOUGH
Notary Public-State of South Carolina
My Commission Expires
December 09, 2031

RECEIVED
SEP 29 2023
SC Court of Appeals

STATE OF SOUTH CAROLINA
County of Richland

Anthony-Shane: Martin
v.
ERIN GAFFNEY, JARED
ANDERSON GINA BRISSON

CASE NUMBER
4-22-02042-HNNH-TER

AFFIDAVIT OF DECLARANT
Richard Dean Capps©

I, Richard Dean Capps, do hereby state, claim, and declary by my signature below that the following is true and correct to the best of my Knowledge and belief.

THAT, I the Undersigned did receive on the 17th day of June, 2023 AD copies of Sexual Arousal Management (S.A.M.) including coping strategies, Fleeting Thought, Thought Definitions, Ect. from staff members Ms. Thompson and Ms. Allen who then personally returned originals to Anthony Shane Martin during group on the above date.

Futher Declarant sayth not.

By: Richard Dean Capps

The above named individual sworen and signed the above document/instrument before me this 24 day of August, 2023 AD.

Signature of Notary Janie Hough

My Commission expires 12/09/2031

JANIE HOUGH
Notary Public-State of South Carolina
My Commission Expires
December 09, 2031

STATE OF SOUTH CAROLINA,)
COUNTY OF Richland)

Petitioner)

Anthony-Shane: Martin
vs.

Correct Care Recovery solutions
Respondent.)

MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

RECEIVED
SEP 29 2023
SC Court of Appeals

I, Anthony-Shane: Martin, being duly sworn, state that I am the Petitioner, I am currently incarcerated in the Sexually Violent Predator program, and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request that the complaint be filed and service made without costs.

Sworn to and Subscribed before me
this ____ day of _____ , 2___.

Notary Public for South Carolina

My Commission expires

Anthony-Shane: Martin
Signature of Petitioner

ORDER

☐ Leave is *granted* to proceed in forma pauperis without payment of the filing fee.

☐ Leave is granted to proceed in forma pauperis without payment of the service cost.

☐ Leave is *denied* to proceed in forma pauperis.

Date_____ , 2

_____
JUDGE/CLERK OF COURT

_____, South Carolina

NOTICE TO PETITIONER: The Court may assess costs against either party at hearing.

FINANCIAL CERTIFICATE
FOR THE
SUPREME COURT OF SOUTH CAROLINA

I request that an authorized officer of the institution in which I am confined , or other person designated to review financial information in relation to inmate trust funds , complete this Certificate. If I have insufficient funds in my account that prohibit me from paying the full filing fee required by this Court , the Court may assess costs against me at hearing.

Anthony Shane Martin
PETITIONER'S NAME(PRINTED)

1029469
PETITIONER'S NUMBER

PETITIONER'S SIGNATURE

South Carolina Sexually Violent Predator Treatment Program
PLACE OF CONFINEMENT

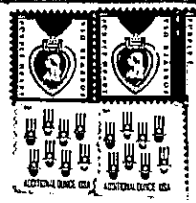
- (1) Average monthly deposits to the inmate's account..... $ 73.83
- (2) Average monthly balance in the inmate's account calculated for the prior six months period..... $ 25.18
- (3) Current balance..... $ 95.84
- (4) Initial Installment Payment (Take 20 percent of the greater of lines 1 or 2) ..... $ 14.77

I hereby certify that as of this date, the above financial information is accurate for the above named inmate.

B Perry
Authorized Officer's Signature

6/8/23
Date

Gina Gresham, Business Mgr
Authorized Officer's Name and Title



Anthony-Shane Martin
#10292169
Broad River Correctional Institution
4546 Broad River Road
Columbia, SC 29210

RECEIVED
SEP 29 2023
SC Court of Appeals

south carolina court of Appeals
1220 senate street
columbia, south carolina
29201