

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal from Anderson County

J.C. Nicholson, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

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

APPELLANT

Appellate Case No. 2013-000879

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RETURN TO MOTION TO ARRANGE  
FOR PAYMENT OF TRANSCRIPT

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Undersigned counsel, making this return to the motion to arrange for payment of transcript, respectfully shows this Court that:

(1) Upon information and belief, Appellant William Deans was adjudicated a Sexually Violent Predator (SVP) following a jury trial in August, 2005. James Cox represented appellant on appeal. The Office of Appellate Defense was not involved in the appeal.

(2) Upon information and belief Appellant Deans is now appealing a subsequent annual review of his SVP conviction. The Office of Appellate Defense (hereinafter Appellate Division)

does not handle appeals from an annual review. It only handles an appeal from the initial finding that a defendant is a sexually violent predator. Consequently, the Appellate Division would not order a transcript of an annual review proceeding, and appellant is respectfully incorrect in alleging the Appellate Division would normally pay for the transcript in a SVP annual review case.

(3) Appellant has moved this Court, as the undersigned attorneys would therefore construe it more correctly, for an order mandating that the South Carolina Commission on Indigent Defense (hereinafter "Commission") pay the court reporter for a copy of his transcript since he apparently allèges he is indigent.

(4) The Commission can only pay for a transcript of record with an appropriate court order authorizing the expense, prior to the expense being incurred.

(5) The Commission therefore leaves it to the discretion of this Court whether an order should be issued authorizing the payment of a transcript for appellant's annual review appeal, assuming, of course, that he is indigent.

(6) Should this Court issue an order authorizing the payment of the costs of a transcript for appellant in this case the Commission will pay the invoice from the court reporter directly to the court reporter as authorized by law.

WHEREFORE, undersigned counsel leaves the matter of whether the Commission should be ordered to pay the costs of a transcript in this SVP annual review case, as appellant petitions, to the discretion of this Court.

Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender



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Hugh Ryan, III.  
General Counsel  
Commission on Indigent Defense

August 16, 2013

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Anderson County  
J.C. Nicholson, Circuit Court Judge

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STATE OF SOUTH CAROLINA,

RESPONDENT,

V.

IN THE MATTER OF THE CARE  
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APPELLANT

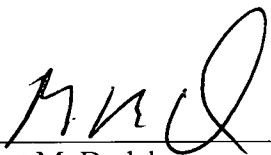
Appellate Case No. 2013-000879

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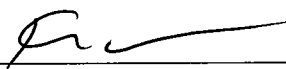
CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that a true copy of the return to the motion to arrange for payment of transcript in the above-referenced case has been served upon opposing counsel, Deborah R.J. Shupe, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and upon William Deans, at 7901 Farrow Road, Columbia, SC 29203, this 16th day of August, 2013.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

SUBSCRIBED AND SWORN TO before me  
this 16th day of August, 2013.

  
\_\_\_\_\_  
(L.S.)  
Notary Public for South Carolina  
My Commission Expires: October 2, 2013.



# SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Division of Appellate Defense  
1330 Lady Street, Suite 401  
Columbia, South Carolina 29201-3332  
Post Office Box 11589  
Columbia, South Carolina 29211-1589  
Telephone: (803) 734-1330  
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Robert M. Dudek, Chief Appellate Defender  
Wanda H. Carter, Deputy Chief Appellate Defender

August 16, 2013

The Honorable Jenny Abbott Kitchings  
Clerk, S.C. Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RECEIVED

AUG 16 2013

SC Court of Appeals

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

Dear Ms. Kitchings:

Enclosed please find an original and six copies of the return to the motion to arrange for payment of transcript along with a certificate of service.

Sincerely,

Robert M. Dudek  
Chief Appellate Defender

RMD/kam

Enclosure

cc: Deborah R.J. Shupe, Esquire  
William Deans