

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Newberry County  
Honorable Frank R. Addy, Jr., Circuit Court Judge  
Appellate Case No. 2013-000217

IN THE MATTER OF THE CARE AND TREATMENT OF  
RONALD OWEN,

Appellant.

RECEIVED

SEP 06 2013

SC Court of Appeals

**MOTION TO FILE AMENDED INITIAL  
BRIEF OF RESPONDENT**

The Respondent State of South Carolina hereby moves to submit an Amended Initial Brief of Respondent. This Motion is based on the following:

1. This appeal arises from the denial of Appellant's 2012 petition for release from the Sexually Violent Predator Treatment Program ("SVPTP"). Respondent filed and served its Initial Brief and Designation in this matter on July 3, 2013. At that time, Appellant had another pending appeal arising from the denial of his 2011 petition for release from the SVPTP (Appellate Case No. 2012-211977). Respondent's Initial Brief references that pending appeal, specifically in Footnote 1 on page 3 (Statement of Facts), and on page 8 (Argument).

2. Thereafter, on July 28, 2013, Appellant petitioned to withdraw the appeal relating to his 2011 petition for release (Appellate Case No. 2012-211977). By Order

filed August 12, 2013, the Court granted Appellant's Petition for Withdrawal and the remittitur was issued on August 30, 2013.

3. Withdrawal of the previous appeal directly impacts the contents of Respondent's Initial Brief, and requires more than the superficial changes allowed in a final brief. See Rule 211(b)(2), SCACR (only typographical errors and misspellings in the initial brief may be corrected in a final brief). The circuit court Order in the 2011 case is now the law of the case, and its findings and conclusions are unassailable, which constitutes a substantive change in the posture of this appeal.

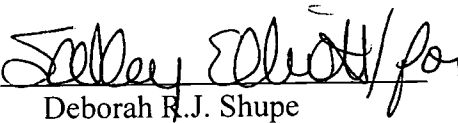
4. A copy of the proposed Amended Initial Brief of Respondent is attached hereto. There are no changes to Respondent's Designation of Matter, filed July 3, 2013.

Based on the foregoing, Respondent requests an order allowing it to submit an Amended Initial Brief of Respondent as reflected in the attached document.

Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 5098

BY:   
Deborah R.J. Shupe

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3797

ATTORNEYS FOR RESPONDENT

September 6, 2013, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

---

Appeal from Newberry County  
Honorable Frank R. Addy, Jr., Circuit Court Judge  
Appellate Case No. 2013-000217

---

IN THE MATTER OF THE CARE AND TREATMENT OF  
RONALD OWEN,

Appellant.

---

**PROOF OF SERVICE**

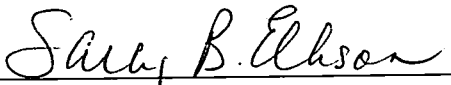
---

I, Sally B. Ellison, certify I served the Motion to File Amended Initial Brief of Respondent on Appellant by depositing two copies in the United States mail, postage prepaid, addressed to:

Tommy A. Thomas, Esquire  
PO Box 88  
Irmo, SC 2063

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

This 6th day of September, 2013.

  
Sally B. Ellison  
Legal Assistant

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-4156

**RECEIVED**

SEP 06 2013

**SC Court of Appeals**



ALAN WILSON  
ATTORNEY GENERAL

September 6, 2013

The Honorable Jenny A. Kitchings  
Clerk of the Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: In the Matter of the Care and Treatment of Ronald Owen  
Appellate Case No. 2013-000217

Dear Ms. Kitchings:

Enclosed for filing are an original and one copy of the Respondent's Motion to File Amended Initial Brief and a copy of the Respondent's proposed Amended Initial Brief in the above-referenced appeal.

By copy of this letter, I am serving, Appellant's counsel, Tommy A. Thomas, with a copy of the Respondent's Motion and proposed Amended Brief of the Respondent.

Sincerely,

Deborah R.J. Shupe  
Senior Assistant Deputy Attorney General

DRJS/sbe  
Enclosures

cc: Tommy A. Thomas, Esquire

RECEIVED

SEP 06 2013

SC Court of Appeals