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**Dec 13 2024**

**SC Court of Appeals**

NOTICE OF APPEAL/  
NOTICE OF REQUEST FOR APPELLATE REVIEW

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions

Honorable Frank R. Addy, Jr., General Sessions Judge

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Case Nos. 2022-A24-102-00386, 2022-A24-102-00411,  
2022-A24-102-00412, 2022-A24-102-00449

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The State, Respondent,

vs.

Stephen Mark Pressley, Respondent,

In re: Victims Jane Doe 1, Jane Doe 2, and Jane Doe 3, Appellants.

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NOTICE OF APPEAL/NOTICE OF REQUEST FOR APPELLATE REVIEW

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Appellants appeal and seek appellate review of the trial court's decision in a Second Order for Release of Counseling Records to release all mental health records of the three Victims. The appellants in this matter include Victim (hereinafter "Jane Doe 1") and her two minor children. The oldest minor child is hereinafter named Jane Doe 2, and the youngest minor child is hereinafter named Jane Doe 3. Jane Doe 1 is the victim of a pending Domestic Violence

case against Defendant Pressley. The minor children are the victims of Pressley in one (1) pending Criminal Sexual Conduct with minor or Attempt- victim under 11 years of age, 1st degree, and two (2) Criminal Sexual Conduct with minor, or Attempt- victim 11 to 14 years of age, 2nd degree cases. Pressley filed a Motion to Compel Disclosure of Records of Children's Advocacy Center and Counseling Records of Jane Doe 1. The motion referenced all pending charges and requested records of the Children's Advocacy Center, including videotape interviews, interview reports, medical records, counseling records, court advocacy records, and consultation records, as well as Jane Doe 1's counseling records.

The trial court addressed Defendant's motion in a hearing held on October 26, 2023. The State opposed the release of the records, in part, because the request included records of all three victims. Pressley's counsel informed the court that a few days prior, the State disclosed, pursuant to *Brady v. State of Maryland*, 373 U.S. 83 (1963), that Jane Doe 2 made a statement to the effect that if the defense obtained the requested records, that the case would be lost. Pressley's counsel asserted that the counseling records could contain exculpatory evidence and were subject to disclosure.

Victims, through counsel, opposed the motion to compel and release of records based upon the right to privacy and confidentiality under the South Carolina Constitution and S.C. Code 44-22-100, as well as protections under the Health Insurance Portability and Accountability Act. Victims' counsel also relied on the protocol for the release of mental health records to a party as set forth by the Supreme Court in *State vs. Blackwell*, 420 S.C. 127 (2017), in seeking an in camera review of the records by the trial court before release to the defense.

The trial court compelled the release of the mental health records of all three victims to Defendant, without an in camera review, and subject to a confidentiality order. Victims filed a

Notice of Appeal related to the release of the records, *The State vs. Stephen Pressley (In re: Victims Jane Doe 1, Jane Doe 2, and Jane Doe 3)*, Appellate Case No. 2023-001745. Victims also filed a Motion to Stay Order within the appeal.

This Court, by order dated February 9, 2024, held the appeal in abeyance and remanded to the circuit court to review the challenged records in camera, hear Appellant's motion for a stay on an expedited basis, and issue an order setting forth findings of fact and conclusions of law. The trial court conducted an in camera review of the counseling records for the three victims. On November 6, 2024, the court held a hearing on Appellant's Motion to Stay. The trial court again ruled that all of the counseling records of the three victims should be disclosed to the defense and State.

Victims herein appeal and seek appellate review of the court's Second Order for Release of Counseling Records. The summary release of all mental health records for three victims, without removal of records that do not fall within the Blackwell exception, are a violation of Appellants' due process rights, medical patient confidentiality, and privacy interests. The issues that are the subject of this Notice arose at the motion to stay hearing, but are closely intertwined with the facts and issues raised in pending Appellate Case No. 2023-00174.

Respectfully submitted,

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December 11, 2024

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**PROOF OF SERVICE**

I certify that I have served the Notice of Appeal by emailing a copy of it on December 13, 2024, to the South Carolina Court of Appeals to [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org), and by emailing a copy of it on December 13, 2024, to the attorney of record for the State of South Carolina, Caroline Avant Hughes, and by emailing to the attorney of record for Respondent Pressley, Charles E. Grose, Jr. The Notice was mailed by U.S. first class postage to the Clerk of the General Sessions Court of Greenwood County at 528 Monument Street #114, Greenwood, SC 29646, on December 13, 2024.



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