Appellate
Michael Lawyer Case NO. 2024-001439
V.
State of South Carolina Dept. of Mental Health

Attention: Catherine S. Harrison
Chief Deputy Clerk

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MAR 14 2025
SC Court of Appeals

RE: In the matter of Michael Lawyer
Pro se Brief

Honorable Clerk,

I submit this pro se brief for the Court's Consideration to this appeal Under grounds I felt were over looked.

To begin; The Doctrine of Res Judicata - a final judgement on the merits in a prior action will bar the parties from initiating a second action based on the same issues. Therefore my trial for Commitment hearing focused mainly on my 1998 and 2005 Convictions along with my 2008 evaluation from Dr. Nettles. I was released 2016 and no longer met the Criteria for commitment.

Subsequently, I was charged 2019 with CSC 3rd - a non violent offense. I took a plea of Convenience and given 10 months, was scheduled for release Nov. 1st 2022 - upon review for Commitment, I did not meet the Criteria, However, second opinion suggested so. A trial ensued, the facts from my prior Commitment was used to show I met the Criteria - The enclosed Case sheet were facts that was omitted from trial. My Presently state of Mind and Volitional was not shown.

Submitted, Michael

I would like another evaluation!

The arguerment suggested that although I was free I was still Considered a Sexual Violent Predator although I was released and no longer meet the Criteria.
the State argued that when the offense occurred I was a Sexual Violent Predator.
I thought that was for the Jury To decide.

Best Regard

Michael Lawyer
0459 Recovery Solutions
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IN RE MATTHEWS

345 S.C. 638 (2001)

- Directed Verdict (No Evidence)
- Mandatory Language (Must/Shall) for SVP Act Timelines & Actions
- Motion to Dismiss is proper motion to file if state does not comply with SVP Act/Timelines
- Statutory Construction
- S.C. SVP Act and Kansas SVP Act same

IN RE MCCRACKEN

346 S.C. 87 (2001)

- S.C. SVP Act and Kansas SVP Act same
- Lack of Volitional Control/ Propensity to commits Acts of sexual violence must be determined
- Directed Verdict (No Evidence)

State V. Gaster

349 S.C. 545 (2002)

- Current Mental Illness
- Lack of Volitional Control/ Propensity to commits Acts of sexual violence must be determined
- S.C. SVP Act and Kansas SVP Act same

IN RE LUCKABAUGH

351 S.C. 122 (2002)

- Motion to Dismiss is proper motion to file if state does not comply with SVP Act/Timelines
- Lack of Volitional Control/ Propensity to commits Acts of sexual violence must be determined
- Statutory Construction
- Substantive Due Process

IN RE HARVEY

355 S.C. 53 (2003)

- Lack of Volitional Control/ Propensity to commits Acts of sexual violence must be determined
- Annual Review Trial (Proof on the State)
- Sole Issue at Annual Review Trial is (whether a person remains a sexually violent predator)

IN RE CORLEY

365 S.C. 252 (2005)

- Annual Reviews **must** be conducted
- Annual Reviews (Are in the Nature of a Trial)
- Probable Cause findings (Annual Review)
- Trial Court must make detailed findings during Annual Review Hearings (pursuant to Rule 52-A)

IN RE TAFT

413 S.C. 16 (2015)

- ~~Directed Verdict (No Evidence)~~
- Current Evidence that you are a Sexually Violent Predator/Have a Mental Illness
- Must prove beyond a reasonable doubt that person is presently likely to reoffend S.C. Code Ann. 44-48-100(A) requires that a determination of whether one is a sexually violent predator be made only upon proof beyond a reasonable doubt

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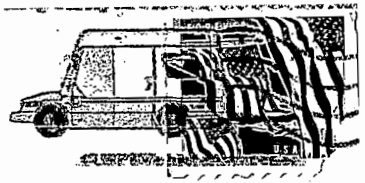

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