

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appeal from Kershaw County

Honorable Daniel McLeod Coble, Circuit Court Judge

IN THE MATTER OF THE CARE AND
TREATMENT OF JEREMIAH JAMES POUGH,


APPELLANT

APPELLATE CASE NO. 2023-001950

APPELLANT'S RESPONSE TO MOTION TO CERTIFY

Respondent has moved to certify this matter from the Court of Appeals pursuant to Rule 204(b), SCACR. Appellant concedes the matter raised in its initial brief before the Court of Appeals concerns the admissibility of penile plethysmograph (PPG) evidence in cases brought under the Sexually Violent Predator Acts (SVPA). Appellant also concedes that the South Carolina Court of Appeals has currently ruled against the admission of such evidence in several cases raising the same issue for which a petition for certiorari has been granted by this Court. *See* In re Care and Treatment of Daily, Supreme Court Appellate Case No. 2024-001707; In re Care and Treatment of Williford, Supreme Court Case No. 2024-001782; In re Care and Treatment of Hyman, Supreme Court Case No. 2024-001781.

Based upon the foregoing, appellant does not contest Respondent's motion to Certify and leaves disposition of same to the sound discretion of this Court.



GARY H JOHNSON
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
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ATTORNEY FOR APPELLANT

April 1, 2025.

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Apr 02 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Kershaw County

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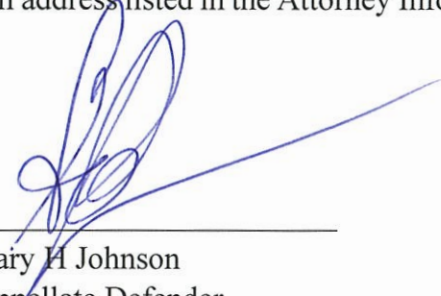
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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Response to Motion to Certify in the above-referenced case has been served upon Deborah R.J. Shupe, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 1st day of April, 2025.



Gary H Johnson
Appellate Defender

ATTORNEY FOR APPELLANT

RECEIVED

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SC Court of Appeals



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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

April 2, 2025

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

Re: In the Matter of Jeremiah J. Pough
Appellate Case No. 2023-001950

Dear Ms. Kitchings:

Attached is the response of Appellant to Respondent's Motion to Certify this matter to the Supreme Court. It is my understanding that the deadlines associated with filing the Record on Appeal (due on April 4, 2025) would be held in abeyance pending resolution of Respondent's motion by the Supreme Court. If that is incorrect and a formal motion for abeyance is required, please let me know and I will file the appropriate motion on behalf of Appellant.

Sincerely,

Gary H. Johnson
Appellate Defender

GHJ/sl

cc: Deborah R.J. Shupe, Esquire