

The South Carolina Court of Appeals

In the Matter of the Care and Treatment of William
Deans, Appellant.

Appellate Case No. 2013-000879

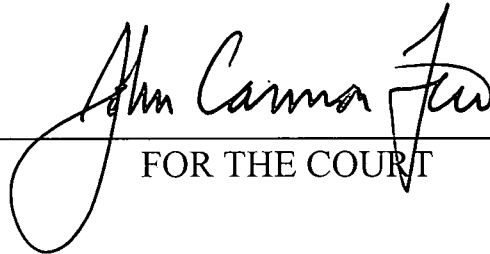
ORDER

Appellant has filed a motion to proceed *in forma pauperis* and a motion asking this Court to order the Office of Appellate Defense to pay for the transcript from his February 13, 2013 annual review hearing, held pursuant to section 44-48-110 of the South Carolina Code (Supp. 2012). Counsel for the Office of Appellate Defense and counsel for the Commission on Indigent Defense filed a return to Appellant's motion asking this Court to order the Office of Appellate Defense to pay for the transcript. The Office of Appellate Defense asserts its office "does not handle appeals from an annual review hearing" and construes Appellant's motion as a request to have the Commission on Indigent Defense pay for the transcript. The Commission on Indigent Defense asserts it will pay for the transcript if ordered by this Court.

The Office of Appellate Defense is incorrect in asserting its office "does not handle appeals from an annual review hearing." Section 44-48-90(B) of the South Carolina Code (Supp. 2012) states, "At *all stages* of the proceedings under [the Sexually Violent Predator Act], a person subject to [the Act] is entitled to the assistance of counsel, and if the person is indigent, the court must appoint counsel to assist the person." (emphasis added). Moreover, section 17-3-360(C)(1) of the South Carolina Code (Supp. 2012) requires the Office of Appellate Defense to "represent a person who the office determines, subject to court review, falls within the guidelines promulgated pursuant to [s]ection 17-3-310(G)(2) who files Notice of Intention to Appeal a . . . decision of a proceeding in civil commitment . . . in a state, county, or municipal facility." (emphasis added).

Therefore, Appellant's motions are granted, and this appeal shall proceed without costs. Furthermore, unless the Office of Appellate Defense convinces this Court,

within ten days, that Appellant does not fall within the guidelines promulgated pursuant to section 17-3-310(G)(2) of the South Carolina Code (Supp. 2012), the Office of Appellate Defense shall represent Appellant on appeal. This Court will set the time for the serving and filing of initial briefs upon receipt of a response from the Office of Appellate Defense or the expiration of ten days.


FOR THE COURT

Columbia, South Carolina

cc: William Deans
Robert Michael Dudek
Alan McCrory Wilson
Deborah R.J. Shupe

FILED
10/10/13 CS