

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 The State of South Carolina, )  
 )  
 vs. )  
 )  
 Casey Douglas )  
 )  
 \_\_\_\_\_ Defendant. )

IN THE COURT OF GENERAL SESSIONS  
 SEVENTH JUDICIAL CIRCUIT

**ORDER PURSUANT TO  
 §44-23-460**

2018A4210103245  
 2018A4210103246  
 2018A4210103247

This matter came before the Court by a motion of the Defendant seeking to be released from inpatient hospitalization by the South Carolina Department of Mental Health (DMH) pursuant to S.C. Code Sections 44-23-430 and 44-23-460 to continue treatment on an outpatient basis at a community residential care facility where his mental health treatment will continue in a structured/supervised living environment with specific criteria imposed on him.<sup>1</sup>

Mr. Casey Douglas was evaluated pursuant to State v. Blair for competency to stand trial on the charges of Murder (2 counts) and Possession of a Weapon During a Violent Crime on November 5, 2019. On January 7, 2020, he was found to not be competent to stand trial and unlikely to become competent in the foreseeable future. Mr. Douglas was admitted to the G. Werber Bryan Psychiatric Hospital's forensic unit on November 20, 2020. Mr. Douglas has been continually treated by Bryan Psychiatric Hospital since then. Mr. Douglas was reevaluated for his competency to stand

<sup>1</sup> The motion follows notification from the South Carolina Department of Mental Health (DMH) pursuant to SC Code Section 44-23-460 that Mr. Douglas was no longer in need of hospitalization at his present location at Bryan Psychiatric Hospital Forensic Services (BPH-Forensic). This Court had the benefit of conducting two (2) hearings related to the motion. The first, an In-person hearing, on August 18, 2023, and the second a remote hearing utilizing the Court's virtual sealed courtroom, on November 22, 2024. The Court also had the benefit of receiving DMH reports and evaluations dating back to May of 2019, which detail Mr. Douglas' mental health issues, his schizophrenia diagnosis, his delusional thinking, and the progress DMH has made with Mr. Douglas that led to the present treatment and placement recommendations.

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trial on January 7, 2022 and October 9, 2024. He was opined to be not competent to stand trial and not likely to restore after both evaluations.<sup>2</sup>

Again, officials at the Department have notified the Court pursuant to S.C. Code Ann. Section 44-23-460 that the Defendant no longer requires inpatient hospitalization and could be treated on an outpatient basis at Generations of Monetta Community Residential Care Facility in Monetta, SC. He will receive treatment from the Aiken-Barnwell Mental Health Center.

With the Department of Mental Health having established that Mr. Douglas is unfit to stand trial, the second issue to be addressed is the request that Mr. Douglas' be released from his present inpatient hospitalization and transferred to Monetta Community Residential Care Facility.

DMH asserts that subsection (1) of Section 44-23-460 requires the person found unfit to stand trial must be released from the hospital if DMH believes he no longer requires hospitalization. Generally, this Court agrees with DMH's assertion to the extent that the wording in the statute requires this Court to follow the legislative mandate reflected in the terminology "shall order his release from the hospital". Additionally, this Court notes that it only possesses jurisdiction over Mr. Douglas at this time, based upon DMH's invoking its request pursuant to 44-23-460. See, Wilson v. State, 315 S.C. 158, 432 S.E.2d. 477 (1993). This Court's second

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<sup>2</sup> During both hearings, the Court received testimony from and reviewed multiple evaluation reports prepared by Dr. Matthew Gaskins. Dr. Gaskins was qualified without objection as an expert in the area of Forensic Psychiatry. Dr. Gaskins competency evaluations, reports, and opinions were that Mr. Douglas lacked the capacity to stand trial. This Court notes that Dr. Gaskins' opinion came after restorative efforts were completed, but did not resolve Mr. Douglas' capacity to stand trial issues. At the November 22, 2024 hearing, in addition to Dr. Gaskins, the Court had the benefit of hearing from Dr. Robert Nelson. Dr. Nelson was qualified, without objection, as a Forensic Psychologist. Dr. Nelson could not offer an opinion different from Dr. Gaskins on the issue of capacity to stand trial because Dr. Nelson had not met, evaluated or tested Mr. Douglas. Nevertheless, he expressed some concerns about Mr. Douglas' evaluations. His concerns were limited to the possibility of maligning had not been tested, his opinions between bizarre and non-bizarre delusions, and his concern if Mr. Douglas failed to comply with his medication requirements. After receiving this testimony and prior to the hearing reviewing the reports and evaluations dating back to May 2019, this Court concluded, Mr. Douglas lacks the ability to stand trial - unfit to

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issue is to determine if there is a likelihood of serious harm to Mr. Douglas or others with the placement recommendation offered by DMH. In other words, whether a patient charged with a violent crime can be released to the recommended placement with terms and conditions appropriate for the safety of the community and the well-being of the patient. See, Section 44-23-430(c).

Having considered the reports, evaluations, and testimony, which included, but was not limited to, the insight of the Defendant and the threat of harm from the Defendant, this Court finds that Mr. Casey Douglas should be released from hospitalization as recommended by DMH with the following special conditions. The special conditions should be strictly complied with until further order is issued by a general session judge.<sup>3</sup>

Note, however, nothing in this Order is to be read as to restrict or limit DMH from administering whatever type of medication, treatment, supervision, or adding custodial restrictions that may be found necessary to assure Mr. Douglas' safety and the safety of the

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stand trial—and is not competent to stand trial.

<sup>3</sup> To address the second issue, the Court had the detailed reports and information dating back to 2019. The reports and evaluations offered for by DMH and the evaluation performed by Dr. Maddox are incorporated into this Order by reference. The additional witnesses called were Dr. Jennifer Alleyne, (Douglas' treating doctor), Dr. Richard Frierson (Forensic Psychiatrist), Dr. Donna Maddox (Forensic Psychiatrist), Mike Prodan (Threat Assessment Expert) and Dr. James Cawood (Threat Assessment Expert). All of these witnesses were of value in deciding the issues before this Court. Great weight was given to Dr. Alleyne because of her regular contact with Mr. Douglas as one of his treating physicians. The records support Mr. Frierson's opinion that Mr. Douglas has complied with treatment, and as a result has experienced only minimal psychotic symptoms. He noted Mr. Douglas has been described as a model patient. He noted that there is no further indication for further hospitalization. The risk assessment recommendation offered by him will be incorporated in this Order. Dr. Maddox was complimentary of Mr. Douglas' cooperation and compliance with his treatment. While Dr. Maddox felt his release was premature by approximately six months, her suggestions of exploring additional medication and the appointment of a Guardian Ad Litem should be explored by DMH and implemented if his treating doctors agree. The risk assessment experts—Prodan and Cawood—focus their analysis on the allegation of the crime. Neither of these experts interviewed Mr. Douglas or any of his care providers. The factual allegations are very serious. Nothing was presented to this Court that DMH does not also share a similar view of the criminal factual allegation when their recommendations were offered. The opinions from the risk assessment experts and the opinions from the mental health and medical experts have all been considered in complying with the legislative directives of 44-23-60 that requires release and 44-25-430(c) that the release be accomplished with appropriate measures for the safety of the community and well-being of the patient.

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community. Likewise, Mr. Douglas shall not read the terms of this Order as a basis for refusing any medications, treatments, supervision, or additional custodial restrictions that may be prescribed or ordered by DMH.

IT IS THEREFORE ORDERED THAT Mr. Douglas be released from inpatient hospitalization from the Department of Mental Health on the condition that he reside at Generations of Monetta Community Residential Care Facility located in Monetta, SC and subject to the following conditions:

1. to comply with the program of care and treatment developed by the Aiken-Barnwell Mental Health Center and monitoring by the DMH Forensic Outreach Clinic, including the keeping of scheduled appointments, participation in scheduled activities and the taking of all prescribed medications, meeting with his mental health case manager, attending all required treatment programs/groups, and complying with all urine/blood drug and alcohol screens;
2. to execute any and all consents and authorizations required to enable the Aiken-Barnwell Mental Health Center, the Forensic Outreach Clinic, the Seventh Circuit Chief Administrative Judge, Seventh Circuit Solicitor's Office and the Seventh Circuit Public Defender's Office to exchange information concerning his treatment, and his compliance with treatment and the other provisions of this order;
3. to remain abstinent from alcohol and illicit drug use and to comply with random or scheduled drug screens to ensure sobriety and medication compliance and attend local meetings as recommended by the treatment team;
4. to refrain from possessing any weapons, including but not limited to knives;

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5. to follow any Probate Court Order for treatment;
6. to refrain from associating with known felons outside of therapeutic groups;
7. to live in a residence approved by his treatment staff; any change in residence shall require an updated PR Bond Order that notes the new residence;
8. to accept periodic contact from his present treating physician, Dr. Jennifer Alleyne to assure his safety and the safety of others, of at least twice weekly for the first four weeks--after his transfer--and at least once weekly for the next six weeks for at least the first six months of placement or longer as may be determined by DMH;
9. allow continued use of his present prescribed two dose mental health medication (one injectable and one oral);
10. make himself accessible for reexamination by DMH staff for consideration of additional medications injectable and/or oral and comply with all future medication adjustments or modifications;
11. shall not leave the assigned mental health facility unless accompanied by appropriate mental health staff;
12. at any time leaving the facility, shall wear the DMH provided electronic ankle monitor;
13. shall participate in appropriate job training skill programs that will be determined by DMH;
14. shall cooperate with the appointment of a Guardian Ad Litem.

IT IS FURTHER ORDERED that the Department is authorized to disclose information about the defendant's cooperation and compliance with the Aiken-Barnwell Mental Health Center's

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treatment recommendations, including the taking of medication, keeping of appointments, participation in recommended treatment activities and cooperation and compliance in residing in a residence recommended by the Center, including his compliance with the policies and rules of the residence provider to the Seventh Circuit Chief Administrative Judge, the Seventh Circuit Solicitor's Office and the Seventh Circuit Public Defender's Office.

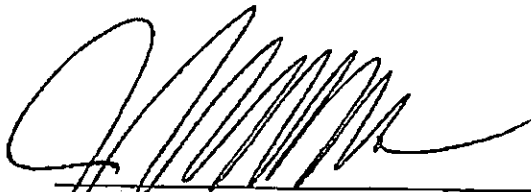
IT IS FURTHER ORDERED that in the event Mr. Douglas does not comply with the provisions of this Order requiring him to comply with the program of treatment developed by the Aiken-Barnwell Mental Health Center or monitoring by the Forensic Outreach Clinic, or in the event that Mr. Douglas is unable to reside at Generations of Monetta CRCF, it will be a violation of this Order and upon written certification of such noncompliance by the Aiken-Barnwell Mental Health Center or Forensic Outreach Clinic stating that Mr. Douglas is in apparent violation of the conditions of this Order, the Sheriff of Aiken County, or other Sheriff if Mr. Douglas is present in a different county than Aiken, is hereby required to immediately transport Mr. Douglas to the Spartanburg County Detention Center pending a hearing. In such event, the Department of Mental Health will notify the Seventh Circuit Chief Administrative Judge, the Seventh Circuit Solicitor and the Seventh Circuit Public Defender.

IT IS FURTHER ORDERED that the Spartanburg County Detention Center must remove all detainees to allow for outpatient treatment.

AND IT IS SO ORDERED this 26<sup>th</sup> day of November, 2024 in Spartanburg, South Carolina.

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J. Mark Hayes, II  
Seventh Judicial Circuit

State v. Douglas

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