

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 DENYING MOTIONS
 FOR
 RECONSIDERATION**


2018A4210103245
 2018A4210103246
 2018A4210103247

This matter came before the court on cross motions for reconsideration of this Court's order dated November 26, 2024. The prior order was issued pursuant to S.C. Code Section 44-23-460 granting the SC Department of Mental Health (DMH) request made pursuant to code section 44-23-430 and 460 that allows DMH to continue treatment of the defendant on an outpatient basis at a community residential care facility where his mental treatment will continue in a structured/supervised living environment with specific criteria imposed on the defendant. The court was also presented a Motion to Stay Order of November 26, 2024, pending the reconsideration hearing.

This Court appreciates the arguments offered by the parties and appreciates the patience by the parties while the arguments and records were once again reviewed.

After considering the arguments and reviewing the information available, the order previously issued by the Court will stand without alterations or modifications.

Broadly, the DMH is critical of this Court's imposition of collateral or supportive requirements/services which this Court finds are reasonable to allow the defendant's mental health

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needs to be addressed in the least restrictive environment setting while also addressing the fears articulated by the state—providing mental health service to the defendant at the proposed community residential care facility may create a danger to others. As expressed during the hearing, these additional supportive requirements/services – such as the continued involvement of the certain present mental health service providers, and the gps monitoring device when he leaves the facility, are transitional—not permanent—services. They are not meant to interfere with the defendant’s mental health services but to assure the defendant’s placement and mental health needs are being properly addressed in the least restrictive environment, as determined by DMH, while also addressing the safety concerns articulated by the State. The additional supportive requirements/services are consistent with SC Code section 44-23-430(c). As stated in the prior Order, nothing in the Order is to be read as restricting or limiting DMH from administering whatever type of medication, treatment, supervision, or adding custodial restriction that may be found necessary to assure the defendant’s safety and the safety community.

Broadly, the State is critical because this Court did not accept the opinions of its witnesses, giving too much weight to the opinions of the DMH witnesses, and granting DMH’s request for the defendant’s transfer. As reflected in the prior order, this Court considered the testimony of all of the witnesses and, as the fact finder in the hearing, gave the testimony of the various witnesses the weight it deserved. Also, as expressed in the prior order, this Court, generally, agrees with DMH’s reading and position concerning the application of SC Code section 44-23-460 (1).

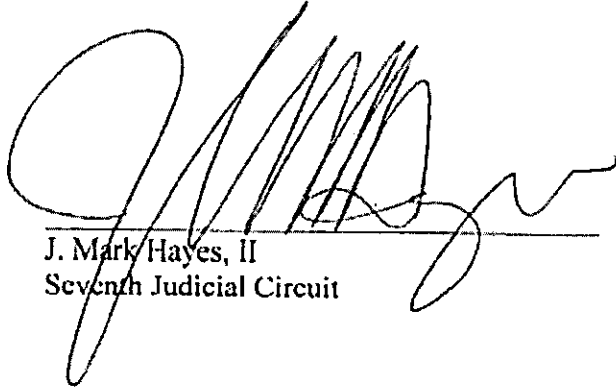
As stated above, the provision of the prior Order will remain unchanged

To the extent the Motion to Stay needs to be addressed, given the above ruling, the motion is denied.

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AND IT IS SO ORDERED this 2^d day of May, 2025 in Spartanburg, South Carolina.



J. Mark Hayes, II
Seventh Judicial Circuit

State v. Douglas

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