

The Defendant is a resident of Florence County and has been married to his wife for 40 years. Dr. Thomas V. Martin evaluated the Defendant and created a report dated February 11, 2015, indicating the Defendant posed a very low risk to sexually offend.

LEGAL AND PROCEDURAL BACKGROUND

In light of his conviction for Rape, the Defendant is a Tier III offender pursuant to S.C. Code § 23-3-430(C)(3). On November 8, 2022, the Defendant filed a Motion for Order of Removal from the SCSOR pursuant to S.C. Code § 23-3-463(A)(2). Under S.C. Code § 23-3-463(F), the Defendant submits this Court is now in a position to grant the motion if it determines "by clear and convincing evidence" the Defendant "is no longer a foreseeable risk to reoffend and that it is in the best interest of justice to grant the motion." The State disputes the timeliness of the Defendant's motion and submits it is premature. The Court took up this issue at the hearing on June 18, 2025.

ANALYSIS


An offender may file a motion with the general sessions court to request an order to be removed from the requirements of the sex offender registry act if: ... (2) He is a Tier III offender after thirty years from the date of discharge from incarceration without supervision, or the termination of active supervision of probation, parole, or any other active alternative to incarceration. S.C. Code § 23-3-463(A)(2). In addition, this Act is retroactive and shall apply to any resident of this State who currently is required as a sex offender pursuant to the provisions of Article 7, Chapter 3, Title 23, and who meets the requirements set forth in the act. *Id.*

The Defendant and State both agree, through the Defendant's filing of November 8, 2022 and through oral arguments at the hearing on June 18, 2025, the Defendant was released from incarceration in 1989 and was on supervision through the SCDPPP until 2002. Based on the plain language of S.C. Code § 23-3-463(A)(2), the Defendant is not eligible for consideration of removal

from the SCSOR until the year 2032. Therefore, the Defendant's motion filed November 8, 2022 is premature.

The Court hereby **DENIES** the motion to remove the defendant from the South Carolina Sex Offender Registry.

IT IS SO ORDERED.



The Honorable Thomas W. McGee, III
Circuit Court Judge

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This 8 day of August, 2025
Columbia, South Carolina