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August 13, 2025

South Carolina Court of Appeals
Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

Aug 27 2025

SC Court of Appeals

RE: The State of South Carolina vs. Melvin T. Robert
75-1007

To Whom It May Concern:

Enclosed herewith please find the Notice of Appeal for Melvin T. Roberts, and Proof of Service in the above titled matter. Additionally, I have enclosed a copy of the request for Transcripts in this matter and the relative Orders as appropriate.

I request that you return the additional copies provided to my attention in the enclosed return envelope. If there are any questions, please feel free to give me a call.

With kind regards,

Sincerely,



Charles T. Brooks, III
CTB,III/jlm

Enclosures as stated

cc:

Richland County Solicitor's Offices
Post Office Box 192
Columbia, South Carolina 29201

Office of the Clerk of Court
Richland County
Post Office Box 192
Columbia, South Carolina 29201

Court Administration
Calhoun Building
1220 Senate Street, Suite 200
Columbia, South Carolina 29201

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Aug 27 2025

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of General Sessions
Honorable Thomas W. McGree, III

Case No: 75-1007

The State of South Carolina.....Respondent

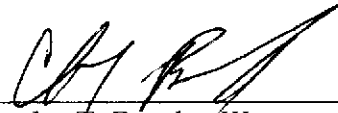
v.

Melvin T. Roberts.,Appellant

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this August 13, 2025, I served the foregoing **Notice of Appeal** as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on August 13, 2025, addressed to the following Solicitor's Offices of Richland County, Post Office Box 192, Columbia, South Carolina 29201, and the Richland County Clerk of Court at Post Office Box 192, Columbia, South Carolina 29201.

Dated: August 13, 2025



Charles T. Brooks, III
Attorney for the Appellant
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Aug 27 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

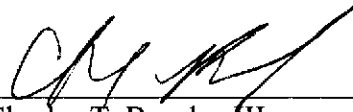
APPEAL FROM RICHLAND COUNTY
Court of General Sessions
Honorable Thomas W. McGee, III

Case No: 75-1007

The State of South Carolina..... Respondent
v.
Melvin T. Roberts., Appellant

NOTICE OF APPEAL

Melvin T. Roberts, Appeals the Order Denying Request for Removal in this matter. The Order was imposed and signed by the Honorable Thomas W. McGee, III, on August 8, 2025.



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Attorney for Appellant

August 13, 2025

Other Counsel on Record:

Richland County Solicitor's Offices
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Aug 27 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA

) IN THE COURT OF GENERAL SESSIONS

COUNTY OF RICHLAND

) IN THE 5th JUDICIAL CIRCUIT

) Indictment No.: 75-1007

The State of South Carolina,

)

vs.

)

)

)

)

)

Melvin T. Roberts,

)

)

)

Defendant.

)

)

FILED
2025 AUG -8 PM 3:41
RICHLAND COUNTY
CLERK OF COURT
S.C. P. 63-11

**ORDER DENYING REQUEST FOR
REMOVAL FROM SEX OFFENDER
REGISTRY UNDER S.C. CODE § 23-3-463**

This matter is before the Court on Defendant Melvin T. Roberts' Application for Removal from the S.C. Sex Offender Registry ("SCSOR") filed on November 8, 2022, by and through his attorney Charles T. Brooks, III. On June 18, 2025, the Court held a hearing on this matter. The State was represented by Deputy Solicitor Anna Browder, and the Defendant was present, represented by his attorney Charles T. Brooks, III. Having considered the briefings and argument at the hearing by both attorneys, the Court denies the motion for removal from the requirement of the sex offender registration. Accordingly, for the reasons set forth below, Defendant Roberts' motion is **DENIED**.

FACTUAL BACKGROUND

The Defendant Melvin T. Roberts was convicted of Rape in 1975 in Richland County and sentenced to forty (40) years of incarceration. He was released from incarceration on or about February 8, 1989 and placed on parole supervised by the South Carolina Department of Probation, Parole, and Pardon (SCDPPP) beginning immediately upon his release and continuing until 2022. In 2002, the Defendant was also advised by SCPPP to register as a sex offender on the SCSOR. Since his 1975 conviction for Rape, the Defendant has not been arrested for or convicted of any other criminal offense.

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

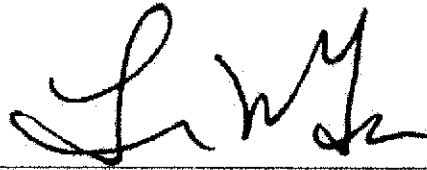
An offender may file a motion with the general sessions court to request an order to be removed from the requirements of the sex offender registry act if: ... (2) He is a Tier III offender after thirty years from the date of discharge from incarceration without supervision, or the termination of active 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

2786

This 8 day of August, 2025

Columbia, South Carolina