

Cover

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
PO Box 11629

Colum Bm, SC 29211

1-9-13

RE: In the Matter of Case and Treatment of
William Deans
Case NO 2013-000879

William Deans
7901 PARROW RD
Bldg 3 3rd Floor
Colum Bm, SC 29203

TO: Mrs Kitchings

Please check stamp and file the enclosed

Thompson

W Deans

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JAN 13 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM ANDERSON COUNTY
Court Of Common Pleas, 04th Judicial Circuit

J.C. Nicholson, Circuit Court Judge

Appellant Case No: 2013-000879

State Of South
Carolina.....Respondent,

v.

William
Deans.....Appellant.

APPELLANT'S SCRAP, RULE 221 PETITION FOR REHEARING OF THE DENIAL
OF APPELLANT'S APPLICATION FOR AN ORDER LIFTING SUPERSEDES

William Deans
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803-889-2922

Other Counsel of Record
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SC Attorney General
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Deborah R.J. Shupe
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JAN 13 2014

SC Court of Appeals

APPELLANT'S PETITION FOR REHEARING OF THE DENIAL OF
APPELLANT'S APPLICATION FOR AN ORDER LIFTING SUPERSEDES

Petitioner moves this Court pursuant to SCRAC, Rule 221, for rehearing of the denial of Appellant's Application To Lift Supersedes, dated 12/27/13, signed Jasper M. Curtum, Administrative Judge, South Carolina Court Of Appeals.

12/16/2013, Appellant filed Application For Order Lifting Supersedes, (by mistake Appellant lift out exhibits).

12/23/2013 the State made a Return to Application.

12/27/2013 Appellant rceived the States Return To Appellation.

12/27/2013, the Court orders the denial of Apple cation To Lift Supersedes.

12/30/2013, Petitioner received by reference herein, the courts order of denial of 12/30/13

This matter arose when Appellant a SCC Ann. 44-48-10/70 civilly committed person, moving pro-se attempted to file motion in the lower court to find an SC Assistant Attorney General in contempt of court for ordering the confiscation of a taped SCC Ann. 44-48-110 Annual Review examination, that the lower court had ordered that this Appellant be allow to electronically record.

Appellant also had filed for contempt of court against a key actor in conducting the tape confiscation, a SCDMH PSO Captain Abney, and an application for Subpoena against the States SCC Ann. 44-48-110 states expert, a Dr. Domino, who had conducted the examination. Hereto Appelants Exhibit AA *Court Order*

At the 2/13/13 SCC Ann. 44-48-10 Annual Review Hearing, the lower court refused to hear motions for contempt of court upon Appellants SCC Ann. 44-48-110 Motion For A Status hearing prior to Hearing of Annual Review, (ie: a separate issue on appeal)

Appellant gave Notice of Intent To Appeal, and accordingly, clerk for the lower court denied the filing of subsequent motion to find these persons in contempt.

Appellant who is Dislactic failed to file his October dated Application To Lift Supersedes, and subsequently making a filing of 12/16, 2013.

A. Petitioner argues this court denied Appellant the fundamental fairness filing of a SCRAP, n Rule 224, reply to the States Return which contains misleading / false statements.

B. The denial of a grant of lifting the Supersedes denied Appellant access to a recording for transcription of the SCC Ann. 44-48-110 Annual Review examination being contested on appeal.

C. The ability to pursue and obtain discovery in preparing for the 2013-2014 next / pending SCC Ann. 44-48-110 hearing.

Included herein as if full reproduced are Appellants prior arguments contained in Appellants Appellation To Lift Supersedes.

d^o Appellant access to a recording for transcription of the SCC Ann. 44-48-110 Annual Review examination being contested on appeal.

e^o C. The ability to pursue and obtain discovery in preparing for the 2013-2014 next / pending SCC Ann. 44-48-110 hearing.

Included herein as if full reproduced are Appellants prior arguments contained in Appellants Appellation To Lift Supersedes.

1. In support of Appellants assertion the state is twisting the facts / see States letter in opposition to grant Application in which to lift supersedes / automatic stay / dated Dec. 23, 2013, filed Dec. 27, 2013.

At paragraph 2, Ln 1-5, the state claims "His repeated allegations of perjury, withholding of evidence, and conspiracy by State agents have been rejected by the circuit court on multiple occasions."

Appellants argues: The court did make a ruling on a prior challenge to subject matter jurisdiction, of the States violation of SCC Ann. 44-48-90. ie: Order of Civilly Commitment of July 18, 2004.

The Court has refused to hear Appellants present challenge of the Courts lack of subject matter jurisdiction and lack of jurisdiction over the person based upon documented violation of SCRCF, Rule 58 (a) (2) and SCRCF, Rule 59 (d).

Appellant did not have the opportunity ^rTo present this present challenge until being granted leave to proceed pro-se in 2012,

This in turn makes the States assertions that this motion to dismiss had been heard is not true, to which, Appellant would demand the State to produce evidence in support of their false statement or with draw it.

The State alleges Appellants repeated allegations of perjury, with holding of evidence by State agents have been rejected by the circuit court on multiple occasions is again not true,

On 2/23/13, Appellant requested the court to hear the filed motions, especially concerning the last-est contempt of court order, the Court refused to hear the motions, which is on reason Appellant is seeking this Court to lift the auto stay / Supersedes so that Appellant can pursue the contempt of a court order.

2. This issue goes hand in hand with the States 2nd assertion see the States Dec. 23, 2013 Objection letter at paragraph 3, Ln 4-5, "He is not being denied treatment: he simply refuses to participate in it unless it comports with his demands.

Appellants demand is not to be interrogated in the false pretense of treatment.

See Appellants Exhibit AA, Order of Dec. 2, 2011, Judge McIntosh, orders that Appellant be allowed to record SCC Ann. 44-48-~~110~~ Annual Review examinations by the States expert.

The State then ordered it's SCDMH SVP Public Safety Officers to confiscate Appellant personal cassette tapes and tape player that could not record. (note: cassette tapes and player are not contraband and are still in use today by a number of SVP Edisto unit residents.

Then on immediate after a SCC Ann. 44-48-110 Annual Review States expert examination of Appellant, SCDMH SVP PSO Capt. Abney ordered and caused that tape recording to be confiscated.

Appellant filed Notice of Contempt Of Court allegations against the States, and Capt. Abney and a subpoena against the States expert Dr. Domino.

~~see Appellants Exhibit AA~~ ^m

The lower Court ignored this filing, which was raised at the claimed 2/23/2013 annual review hearing, Appellant had motioned for a SCC Ann. 44-48-110 Status Review hearing prior to the annual review of treatment hearing.

At the 2/23/2013 Judge Nickolson refuse to hear the motion to find Capt. Abney In Contempt of Court: making this motion as never being heard as claimed in the States objection to granting to lift automatic supersedes.

3. See Appellant's Exhibit ^{AA} ~~BB~~ Order by the lower court of 2/20/2013 the court issued an order enjoining the State or any employee of the SCDMH and Appellant from discussed dismissed allegations from another State.

The State is in violation of this order which continues to prejudice Appellant from proceeding in treatment for the States agents have been since the day of the Ordered injunction and are still demanding Appellant address / admit guilt to these same dismissed allegation subject of the injunction.

The State claims this is not so,

see hereto Appellants Exhibit ^{BB} ~~CC~~, DMH SVPTP Master Plan as received by Appellant on 12/16/13 at page 2, Clinical Goals, History & Assessment Ln 1-11.

This clearly shows the State has not restrained itself by continuously attempting to interrogate n\by requiring Appellant to discuss and admit guilt to these issues of the injunction.

see Appellants Exhibit ^{BB} ~~CC~~, DMH SVPTP Master Plan as received by Appellant on 12/16/13 at page n2, Clinical Goals, History & Assessment Ln 4-5.

it states: "Records however allege that Mr. Deans has offended against 3-7 children".

a) Argument:

On Nov. 2 1993, Appellant admitted legal guilt and was convicted upon being indicted for 2 claimed victims in South Carolina.

The 3-7 claimed victims / that being above the 2 in South Carolina all derive from out of State, / these allegations have been found to be not creditable, and dismissed back in 2000 by the out of state courts, to which the SC States records are so contrived / the SCDMH treatment team actually think the out of State allegations occurred in South Carolina,

This matter is so prejudicial to Appellant that the 2012-13 SCC Ann. 44-48-110 Annual Review States expert reported that these (out of state) allegations have not been reported to (police) authorities in South Carolina as if the allegations occurred in South Carolina.

The prejudicial part is the States expert appear-ant has idea the dismissed / not creditable allegations have been deposed of in 1993 and of 2000.

Conclusion.

It is ironic for ^{This} ~~the~~ court to deny Appellant to pursue contempt of court allegations against the very persons who submitted the States objection of Dec. 23, 2013, and this court granted a denial of Appellant Appellation to Lift Supersedes (automatic stay).

Senior Assistant Deputy Attorney General Deborah R.J. Shupe heads the SC Attorney General's office SVP prosecution unit, which enferes this unit ordered the SCDMH PSO Capt. Abney to confiscate the court ordered / Appellants / recording of SCC Ann. 44-48-110 Annual Review examination,

in turn Appellant can not defend the case at the hearings and can not reference the examinations on appeal that is now before this court.

Secondly, as documented herein, the State is still denying Appellant to advance in the SVP program because as the major point of their treatment plan is to have Appellant admit guilt to the convictions and discuss and accept responsibility to any (non-convictions / allegation), no matter its source, its assertiveness.

The State still refuses to produce discoverable materials that have been withheld since their first filing for civil commitment of appellant in 2002.

It is not up to the State to decide how or when discoverable material can be denied to the Appellant nor on how these materials can be used by Appellant, their applicability can only be decided by the lower court, to which Appellant needs to be able to compel the State to produce in order to defend appellants case.

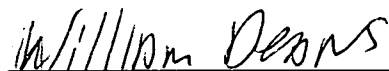
The State has made a great effort to deny producing the requested materials to which this would infer the State has some reason to hide.

Prayer For Relief

For the foregoing reasons Appellant again moves this Court to issue an order lifting automatic stay (Supersedes) so that Appellant can defend himself, otherwise Appellant can not prepare for up coming SCC Ann. 44-48-110 Annual Review Hearing, which is mandated by Statute, irrespective of whether an appeal is in progress.

Respectfully submitted by

Jan. 9, 2014



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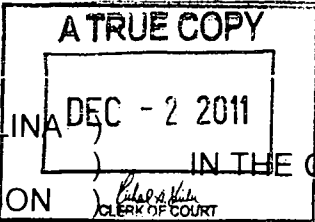
Appellants

Exhibits

AA

&

BB



STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF ANDERSON)

In the Matter of Care and Treatment of)
)
William Deans,)
)
Respondent.)

ORDER
2002-CP-04-3343

CLERK OF COURT
ANDERSON, SC
2011 DEC - 2 P 2:56
GENERAL SESSIONS

THIS MATTER is before the Court pursuant to Respondent's Motion to, inter alia, require the Department of Mental Health to electronically record any and all examinations of Respondent; and for an exact copy of the transcript of such recording to be provided to Respondent within two (2) days of the examination, as well as access for examination of the equipment and means of recording, inter alia.

Pursuant to the South Carolina Sexually Violent Predators Act, Respondent's Motion is denied in part and granted in part.

Accordingly, IT IS ORDERED as follows:

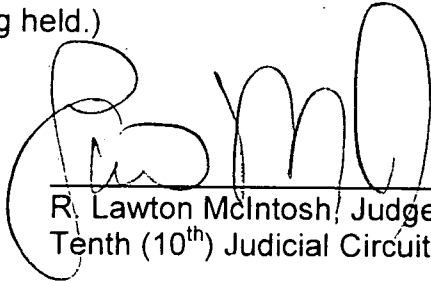
1. The Respondent, at his own cost and expense, shall be allowed to electronically record all mental examinations of Respondent.
2. The Department of Mental Health shall be under no duty to provide Respondent with recording equipment, but shall facilitate transporting any equipment for this purpose to the Respondent in the event Respondent is able to independently procure the use of appropriate recording equipment.
3. Further, the Department of Mental Health shall provide Respondent with written copies of the reports from any and all mental examinations of Respondent within ten (10) days of the receipt of said written reports. In any event, the Department shall

Handwritten signature: M. J. ... Ex AA

provide Respondent with copies of all mental examination reports no later than forty eight (48) hours prior to the hearing in this matter.

IT IS SO ORDERED This 2 day of ^{December}~~November~~, 2011.

(No oral argument requested and no hearing held.)



R. Lawton McIntosh, Judge
Tenth (10th) Judicial Circuit

Anderson, South Carolina.

FILED-CLERK'S OFFICE
ANDERSON SC
2011 DEC - 2 P 2:56
COMMON PLEAS AND
GENERAL SESSIONS



South Carolina
Department of
Mental Health

*Received 12/16/13
Reply from Goodwin on*

**Sexually Violent Predator Program
Master Treatment Plan**

Resident's Name: William Deans	Date of Plan: 10-15-13
SCDMH #: 2125028	SCDC#: 204228

Current Diagnosis	
Axis I	Pedophilia, Sexually Attracted to Both, Nonexclusive
Axis II	Personality Disorder, Not Otherwise Specified, With Antisocial and Narcissistic Traits
Axis III	Hypertension, Coronary Heart Disease, Gastroesophageal Reflux Disease (GERD)
Axis IV (list stressors)	Civil Commitment to SVPTP

Purpose and Goal of Treatment Plan: The purpose of this treatment plan is to inform and empower you regarding areas that will support your recovery. The plan will allow you to build upon strengths, develop skills, understand your offense history and risk factors, demonstrate responsibility, and prepare for your return to the community. This plan will focus on several areas, though this list may change as you progress in treatment. Satisfactorily completing a goal does not equal completion of treatment, but instead highlights progress and readiness to move to a different aspect in treatment.

Resident Strengths: Good verbalization skills, artistic
Resident Liabilities: Has a history of being focused on legal matters, rather than treatment focus, denial/minimization of sexual offenses.
Cultural Factors: None

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Treatment Need List: The list below will outline areas to be addressed in treatment. **SC Court of Appeals** covered at one time; as you progress in treatment, you will address different tasks. Additionally, this is not a complete list; at any time as your treatment needs emerge, a task may be added when therapeutically appropriate. Please consult your treatment team to address this further.

Treatment Need Category and Number	Specific Treatment Need	Evaluated By	Status
C = Clinical M = Medical/Nursing A = Activity Therapy W = Work Pay Program			A = Addressing R = Resolved D = Deferred C = Referred to Outside Consultant
C1	Acknowledge and Accept Responsibility for Sexually Inappropriate Behaviors	Treatment Team and Annual Review	A

Appellant EX BB

C2	Identify and Understand Risk Factors	Treatment Team and Annual Review	A
M1	Stabilize Blood Pressure	Medical/Nursing	A
M2	Decrease Reflux Discomfort	Medical/Nursing	A
M3	Will have soft formed stools	Medical/Nursing	A
M4	Lab values will be within a normal range	Medical/Nursing	A
A1	Increase Socialization Skills	Activity Therapy	A
W1	Maintain Employment	Work Pay Program	A

Clinical Goals

Clinical 1:	Acknowledge and Accept Responsibility for Sexually Inappropriate Behaviors
History & Assessment	Upon reviewing Mr. Deans 2012 Annual Review Evaluation, it is noted that he stated that he was "innocent in all charges" that he was accused and convicted of. Records however allege that Mr. Deans has offended against <u>3 to 7 children</u> . Mr. Deans reported to his previous Case Manager that he was ready to present his disclosure, but due to group dynamics and being reassigned to another Group on July 8, 2013, the resident did not have the opportunity to present. Mr. Deans needs to present a Disclosure that will not only detail his offenses with clarity but that will also demonstrate his understanding and acceptance of responsibility for his role in any inappropriate behaviors regarding children.
Staff Interventions, Activities or Resources	Process Group, Interdisciplinary Treatment Team will provide additional activities as needed, brief therapeutic individual interventions when appropriate
Measurable Treatment Objective(s)	<ol style="list-style-type: none"> 1. Identify beliefs, perceptions and make connections of these and how they connect to his offenses. 2. Identify and discuss issues of responsibility. 3. Demonstrate a self-awareness of his involvements in his offenses. 4. Submit and present Disclosure within group that will detail his version of events regarding his offenses.
Target Date	4-15-14

Clinical 2:	Identify and Understand Risk Factors
History & Assessment	Upon review of Mr. Deans' medical record and assignments, there is no evidence of him identifying Risk Factors that lead to his offending behavior. It is recommended that Mr. Deans identify his

William Deans
SCDMH # 2012058

	personal risk factors/triggers related to his sexual offending behaviors.
Staff Interventions, Activities or Resources	Process Group, Interdisciplinary Treatment Team will provide additional activities as needed, brief therapeutic individual interventions when appropriate
Measurable Treatment Objective(s)	<ol style="list-style-type: none"> 1. Resident will identify and discuss with group members factors which led to him offending. 2. Resident will prepare and present all Risk Factor assignments given by therapist.
Target Date	4-15-14

Medical/Nursing Goals

Medical 1:	Stabilize Blood Pressure
History & Assessment	Alteration in Circulatory System: R/T= Poor Cardiac Perfusion AEB= Elevated blood pressure readings
Staff Interventions, Activities or Resources	<ul style="list-style-type: none"> • Nursing will monitor lab work. • Give medications as ordered by LPP and monitor effectiveness.
Measurable Treatment Objective(s)	<ul style="list-style-type: none"> • Resident's blood pressure will be stabilized and monitored.
Target Date	Ongoing

Medical 2:	Decrease Reflux Discomfort
History & Assessment	Alteration in Comfort: R/T= Pain AEB= Reports of gastric pain/discomfort
Staff Interventions, Activities or Resources	<ul style="list-style-type: none"> • Nursing will give medications as ordered by LPP and monitor effectiveness.
Measurable Treatment Objective(s)	<ul style="list-style-type: none"> • Resident will report a decrease in reports of reflux discomfort.
Target Date	Ongoing

Medical 3:	Will have soft formed stools
History & Assessment	Alteration in Bowel Elimination: Constipation R/T=Irregular Evacuation Pattern AEB=C/O hard formed stool.
Staff Interventions, Activities or Resources	<u>Nurse will:</u> <ul style="list-style-type: none"> • Instruct resident on the importance of following a balanced diet • Encourage increase in water intake. • Encourage regular exercise. • Administer scheduled and as needed medications.
Measurable Treatment	<u>Resident will:</u>

3 year old info

Objective(s)	<ul style="list-style-type: none"> • Comply with taking medications as prescribed. • Drink 8-10 glasses of water a day. • Create an exercise regimen 3-4 times a week. • Make every attempt to follow LPP's instructions on dietary intake.
Target Date	Ongoing

Medical 4:	Lab values will be within a normal range
History & Assessment	Alteration in Health: R/T= Abnormal lab values AEB= Decreased levels of Vitamin C&D, increased Cholesterol and Triglyceride levels.
Staff Interventions, Activities or Resources	<u>Nursing will:</u> <ul style="list-style-type: none"> • Draw blood to monitor levels as ordered by LPP. • Nursing will give and encourage resident to follow medication regimen per LPP order. • Encourage a healthy balanced diet as advised by LPP such as increase in fiber. • Encourage exercise, especially cardiovascular exercise.
Measurable Treatment Objective(s)	<u>Resident will:</u> <ul style="list-style-type: none"> • Comply with having blood work drawn. • Give good effort to adhere to diet advice from LPP. • Develop an exercise regimen of 3-4 times a week.
Target Date	Ongoing

Activity Therapy Goals

Activity 1:	Increase Socialization Skills
History & Assessment	Resident does not participate in hardly any Activity Therapy events. Resident is observed socializing on the milieu with peers and watching TV. Activity Therapists will encourage resident to participate in 1-2 activities of his choice 1-2 times a week.
Staff Interventions, Activities or Resources	Activity Therapist and Interdisciplinary Treatment Team will provide additional activities as needed.
Measurable Treatment Objective(s)	<ol style="list-style-type: none"> 1. Activity Therapists will encourage resident to participate in 1-2 activities of his choice 1-2 times a week. 2. Resident will increase positive interactions with peers.
Target Date	Ongoing

Work Pay Program Goals

Work 1:	Maintain Employment
History & Assessment	Mr. Deans lost his job in June after going before BMC and losing his level. He is currently on the waiting list to receive another job.
Staff Interventions, Activities or Resources	Work Pay Coordinator and Interdisciplinary Treatment Team will

William Deans
SCDMH # 2012058

Resources	provide additional support as needed.
Measurable Treatment Objective(s)	<ol style="list-style-type: none"> 1. Resident will retain employment and attend work as scheduled. 2. Resident will use coping skills to manage frustration. Resident will develop a savings plan for discharge.
Target Date	Ongoing

Resident Input:

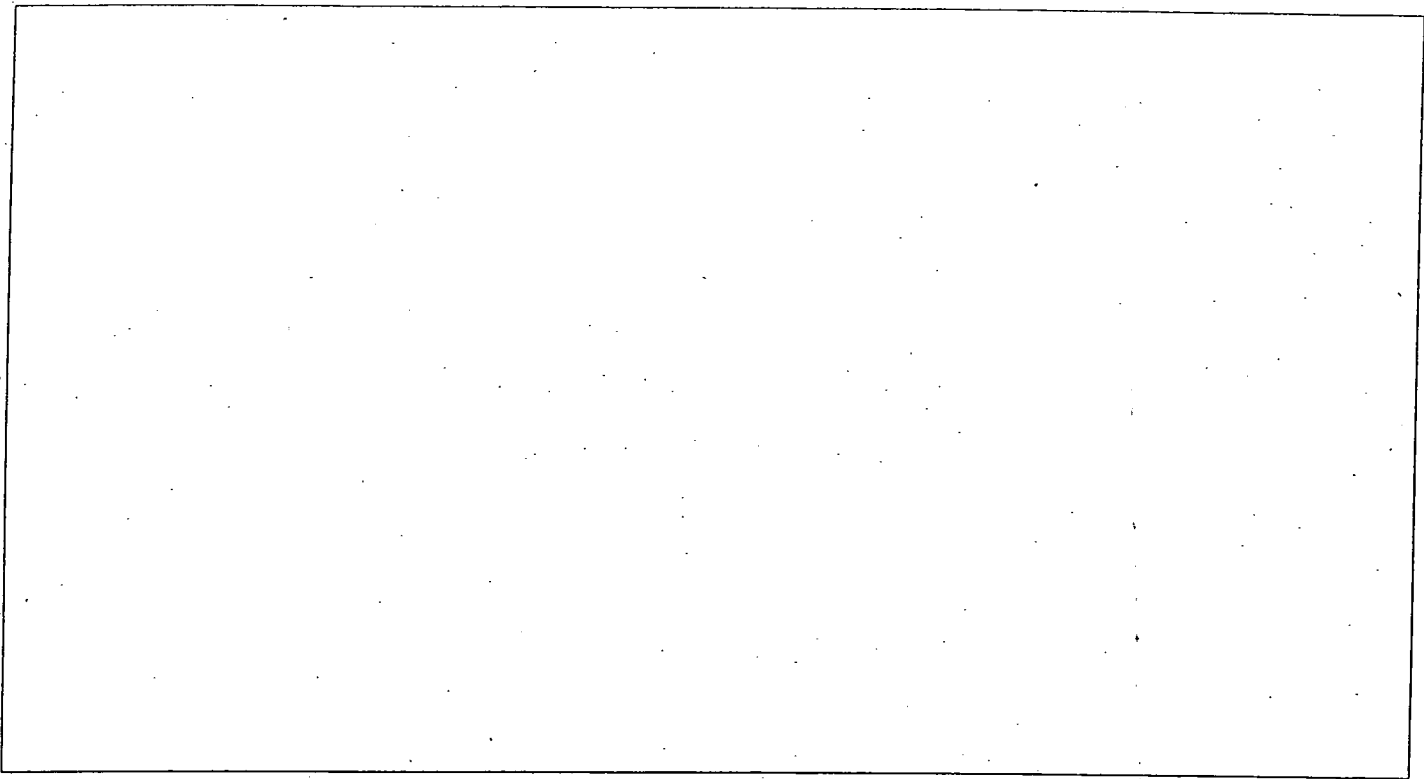
Focus on Legal matters / which is a un-qualified presumption / statement should be focused on Legal and Treatment matters.

Clinical Goals, History: Clarify what Acknowledge & Accept Responsibility I am expected to state/present concerning what 3-9 claimed victims that is below the 2 of the conviction

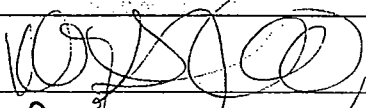
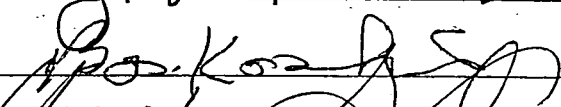
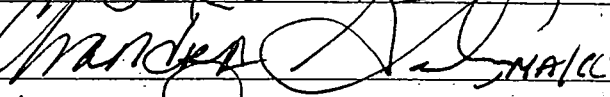

Activity therapy: is asking me to play games / I promised my family I would not play games because I did not come to prison or here to play games / I will not more so with the art community of the Edisto unit

William Deans 12-2-13

Treatment Team Response/ Overall Summary:



Treatment Team Signatures:

Name (Print)	Signature / Date
1. Kelly Githord	1.  M.D. 11/13/13
2. Bryant Morton	2. Bryant Morton B.S. 12/3/13
3. B. J. Kosari	3. 
4. Chandra Gordon	4.  M.A./C.
5. Walker, J. A. D. M. D.	5.  12/12/13
6.	6.
7.	7.
8.	8.

Check Resident response to plan:

- Participated in plan formulation
- Understands but did not participate in formulation
- Does not appear to understand
- Resident given a copy
- If not given a copy, provide reason in the comment section located below.

Comments: _____

THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM ANDERSON COUNTY
Court Of Common Pleas, 04th Judicial Circuit

J.C. Nicholson, Circuit Court Judge

Case No: 2013-00879

State Of South
Carolina.....Respondent,

v.

William
Deans.....Appellant.

PROOF OF SERVICE

I, William Deans, certify that I have served a "APPELLANT'S SCRAP, RULE 221 PETITION FOR REHEARING OF THE Denial OF APPELLANT'S APPLICATION FOR AN ORDER LIFTING SUPERSEDES', on Alan Wilson / Nicole T. Wetherton, PO Box 11549, Columbia, SC 29211, and Clerk, by depositing na copy thereof into the United States Mail, with postage prepaid by Appellant, as addressed on

Jan. 9, 2014

William Deans

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Columbia, C 29203
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Appellant, pro-se

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SC Court of Appeals