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April 11, 2014

South Carolina Court of Appeals
Attn: Jenny Abbott Kitchings, Clerk of court
State of South Carolina
P.O. Box 11629
Columbia, South Carolina 29211

RE: In the Matter of the Care and Treatment of
Richard Holbrook
Case No. 2009-CP-10-07168
Appellate Case No. 2014-000726


Dear Ms. Kitchings:

Enclosed herewith you will find another copy of the **Order Denying 2013 Petition for Release/Annual Review Pursuant to the Sexually Violent Predator Act** that was mistakenly omitted from the original filing of the Notice of Appeal. I apologize for any inconvenience.

If you have any questions or concerns, please contact my office at the number listed above.

With kindest regards, I remain,

Sincerely Yours,


Charles T. Brooks, III
CTB,III/srw

Enclosed as stated
cc: James G. Bogle, Jr., Asst. Attorney General
Office of Appellate Defense/Salley W. Elliott
Richard Holbrook

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APR 14 2014
SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 IN THE MATTER OF THE CARE)
 AND TREATMENT OF)
 RICHARD HOLBROOK,)
 PETITIONER.)
 _____)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT
 CASE NO. 2009-CP-10-07168

ORDER DENYING 2013 PETITION FOR
 RELEASE/ANNUAL REVIEW

2014 MAR 19 PM 4:40
 CLERK OF COURT

FILED

The Respondent State of South Carolina, by and through the South Carolina Attorney General's Office, moved pursuant to S. C. Code Ann. Section 44-48-130, for an Order denying the 2013 Annual Review/Petition for Release. The Court agrees, and makes the following findings:

1. The matter is before the court on an Annual Review/Petition for Release, under S. C. Code Ann. Section 44-48-110.
2. Petitioner was committed to the Department of Mental Health under the Sexually Violent Predator Act, S. C. Code Ann. Sections 44-48-10 *et seq.*, on or about September 8, 2010.
3. Petitioner petitioned for release in his 2012 Annual Review, without the approval of the Director of the Department of Mental Health. An annual review hearing was held on January 30, 2013, at which Dr. Marie E. Gehle testified for the State, and Dr. Thomas V. Martin, a psychiatrist who had performed an independent evaluation on Petitioner as permitted by S. C. Code Ann. Section 44-48-110, testified for the Petitioner. The petition was denied, by order filed February 5, 2013.
4. Pursuant to Petitioner's Annual Review and Notice of Right to Petition for Release, dated on or about December 16, 2013, Petitioner again sought an

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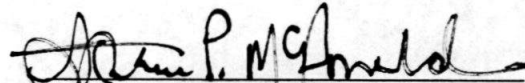
annual review hearing at which he would seek his release, without the approval of the Director of the Department of Mental Health. The accompanying Annual Review Treatment Report by psychiatrist Dr. Donna Schwartz-Watts of the Department of Mental Health has concluded that there is insufficient basis to conclude Petitioner's mental abnormality has so changed that he is safe to be at large and no longer likely to engage in acts of sexual violence.

5. S. C. Code Ann. Section 44-48-130 provides that if a person has previously filed a petition for release without the approval of the Director of the Department of Mental Health, and the Court determined following a hearing that the petitioner's condition had not changed so he was safe to be at large and, if released, was not likely to commit acts of sexual violence, then the Court must deny any subsequent petition for release as frivolous, without a hearing, unless the subsequent petition contains facts upon which a Court could find the condition had changed so that a hearing was warranted.

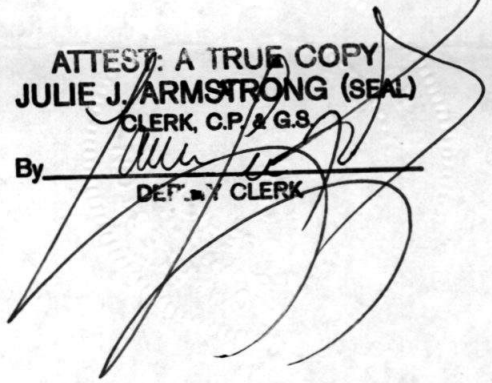
Given Petitioner's prior petition for release without the approval of the Director of the Department of Mental Health, the denial of that petition, and the lack of evidence of sufficient progress in treatment to show that his mental abnormality has so changed that he is safe to be at large, Petitioner's pending request for an annual review hearing at which he would seek his release is frivolous, and should be denied without a hearing on the matter. Accordingly,

IT IS HEREBY ORDERED that Petitioner's 2013 annual review/petition for release be and hereby is denied.

AND IT IS SO ORDERED.


Stephanie P. McDonald
Chief Administrative Judge
Ninth Judicial Circuit Court
of Common Pleas

March 7, 2014
Charleston, South Carolina

ATTEST: A TRUE COPY
JULIE J. ARMSTRONG (SEAL)
CLERK, C.P. & G.S.
By 
DEF. CLERK

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COLUMBIA SC 290

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