

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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JUL 21 2014

S.C. Supreme Court

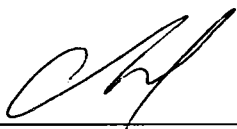
APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Honorable Diane S. Goodstein, Circuit Court Judge

Case No: 2008-CP-18-1800

In the Matter of the Care and Treatment of
Denny Bates

NOTICE OF APPEAL

Denny Bates, appeals his Order Denying Trial after Annual Review Hearing Pursuant to the Sexually Violent Predator Act for 2011 and 2012. The Order of Commitment was imposed and signed by the Honorable Diane S. Goodstein, on July 11, 2014, which I, Charles T. Brooks, III, received on July 16, 2014.



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July 18, 2014

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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Court of Common Pleas
Honorable Diane S. Goodstein, Circuit Court Judge

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Case No: 2008-CP-18-1800

In the Matter of the Care and Treatment of

Denny Bates

PROOF OF SERVICE

I, the undersigned, do hereby certify that on this 18th day of July, 2014, I served the foregoing **Notice of Appeal, Order Denying Trial after Annual Review Hearing Pursuant to the Sexually Violent Predator Act for 2011 and 2012**, as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, on July 18, 2014, addressed to the following as indicated below:

South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

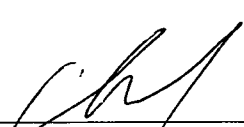
South Carolina Office of Appellate Defense
1330 Lady Street, Suite 401
PO Box 11589
Columbia, South Carolina, 29211

Office of Attorney's General
Attn: Nicole T. Wetherton, Esquire
Post Office Box 11549
Columbia, South Carolina 29211

Mr. Dennie Bates
S. C. Dept. of Mental Health
SVP Program
7901 Farrow Road
Columbia, South Carolina, 29203

South Carolina Court of Appeals
Attn: Jeanette F. Barber
Post Office Box 11629
Columbia, South Carolina, 29211

Dated: July 18, 2014


Charles T. Brooks, III
Attorney for the Appellant
309 Broad Street
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2013 annual review hearing as an exhibit. Based on the pleading, the State requested a finding of no probable cause based on the testimony of Dr. Domino and the arguments submitted by counsel.

Based on the State's Motion and the transcript of the September 25, 2013 hearing, this Court finds that Mr. Bates has not presented any evidence on his behalf to support a finding of probable cause in this matter. The State, in its motion and at the September 25, 2013 hearing, relies upon the testimony and report submitted by Dr. Marla L. Domino, Ph.D., a Chief Psychologist at the Department of Mental Health, who conducted the annual review for Mr. Bates pursuant to South Carolina Code Section 44-48-110 for both 2011 and 2012. Based on her evaluation of Mr. Bates, she found that "there is insufficient basis to opine that [Mr. Bates's] mental abnormality or personality disorder has so changed that he is safe to be at large and no longer likely to engage in acts of sexual violence."

Based on the testimony presented at the September 25, 2013 hearing, the reports and the arguments of counsel, and the Motion submitted by the State, the Court hereby finds and concludes that a reasonable person would not believe or conscientiously entertain Mr. Bates's mental abnormality or personality disorder has so changed that he is safe to be at large, and, if released, is not likely to commit acts of sexual violence; therefore, Mr. Bates has failed to meet his burden, and the Court does not find probable cause in this matter.

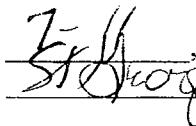
THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that Denny Bates shall continue to be confined in a secure facility of the Department of Mental Health for long-term control, care and treatment pursuant to the Sexually Violent Predator Act, Code of Laws of South Carolina, 1976, as amended, Sections 44-48-10 et seq.

Mr. Bates continues under the jurisdiction of this Court.

IT IS SO ORDERED.

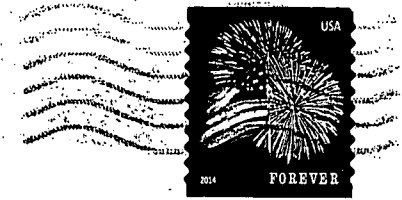


The Honorable Diane ~~Shafer~~ Goodstein,
Chief Administrative Judge for the First Judicial Circuit
Court of Common Pleas

 , 2014
Elizabeth George, South Carolina

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18 JUL 2014 PM 3 L



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PO Box 11330
Columbia, SC 29211**

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