

The Brooks Law Offices, LLC

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IRMA R. BROOKS
Attorney

July 14, 2014

South Carolina Court Of Appeals
Attn: Jenny Abbott Kitchings
Post Office Box 11629
Columbia, South Carolina, 29211

RE: In the Matter of Richard Holbrook
Appellate Case No. 2014-000726

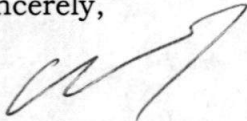
Dear Ms. Kitchings:

Enclosed you shall find a copy of an original request along with our updated requests in reference to the Transcript on the above matter.

We had previously requested Transcript from the wrong Court Reporter. Also, a hearing was conducted on January 30, 2013.

With kind regards, I am,

Sincerely,



Charles T. Brooks, III
CTB, III/jlb

cc: S. C. Court Administration
Deborah Shupe, Asst. Attorney General

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JUL 16 2014

SC Court of Appeals

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July 14, 2014

Ms. Amanda Haffenden
Post Office Box 424
Summerville, S. C. 29484

RE: In the Matter of the Care and Treatment of
Richard Holbrook, Case No. 20009-CP-10-07168
Appellate Case No. 2014-000726

Dear Ms. Haffenden:

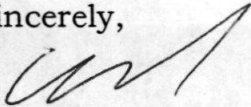
Please be advised that I represent Mr. Holbrook in this matter. An Annual Review Hearing was held on January 30, 2013, in Charleston County before Judge Krista Harrington. Mr. Stephen A. Butaitis represented Mr. Holbrook at the time.

By way of this letter, and on behalf of our client, we are requesting a copy of the Transcript of Record for this hearing. Also please be advised this is a Court appointed matter.

Thank you for your assistance. If you have any questions or concerns, please contact me at the number listed above.

With Kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/jlb

cc: South Carolina Court of Appeals
Deborah Shupe, Asst. Attorney General
South Carolina Court Administration
Richard Holbrook

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April 4, 2014

Ms. Anne Myer
Clark & Associates, Inc.
2133 Dorchester Road
N. Charleston, SC 29405

RE: In the Matter of the Care and Treatment of
Richard Holbrook, Case No. 20009-CP-10-07168
Appellate Case No. 2014-

Dear Ms. Myer:

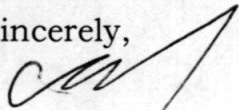
Please be advised that I represent Mr. Holbrook in this matter. An Annual Review Hearing was held on January 30, 2013, in Lexington County before Judge Stephanie P. McDonald. Mr. Stephen A. Butaitis represented Mr. Holbrook at the time.

By way of this letter, and on behalf of our client, we are requesting a copy of the Transcript of Record for this hearing. Please advise when we would be able to receive a transcribed copy. Please also advise what the costs associated with this request will be to obtain a copy.

Thank you for your assistance. If you have any questions or concerns, please contact me at the number listed above.

With Kind regards, I am

Sincerely,



Charles T. Brooks, III
CTB/srw

cc: James G. Bogle, Jr., Assistant Attorney General
South Carolina Court of Appeals
South Carolina Court Administration
Richard Holbrook

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JUL 16 2014

SC Court of Appeals

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

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

**ORDER DENYING
ANNUAL REVIEW TRIAL**

BY _____
JULIE J. ARMSTRONG
CLERK OF COURT

2013 FEB -5 AM 9:58

FILED

This matter came before the Court on petition of the Respondent, Richard Holbrook, an order finding that there is probable cause to believe that his 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, and for an order requiring a trial on the issue pursuant to S. C. Code Ann. Section 44-48-110. An Annual Review hearing was held in the Charleston County Court of Common Pleas, pursuant to that statute, on January 30, 2013. Respondent was present along with his attorney Stephen A. Butaitis of Charleston. The State of South Carolina was represented by Senior Assistant Attorney General James G. Bogle, Jr.

Respondent exercised his right to obtain an independent evaluation from Dr. Thomas V. Martin. Testimony was received from Dr. Martin on Respondent's behalf at the January 30 hearing. Testimony on behalf of the State was received from Dr. Marie E. Gehle, Chief Psychologist at the Department of Mental Health. Introduced into evidence were the letter from the Department to the Chief Administrative Judge of this Circuit concerning this Annual Review, the Election to Exercise Rights signed by the Respondent, and the Annual Review Report prepared by Dr. Gehle.

Respondent was convicted in 2009 of Criminal Solicitation of a Minor and Sexual Exploitation of a Minor in the Second Degree. These convictions flowed out of chats Respondent had had online with who he believed to be an adult female and her 12-year-old daughter; unknown to Respondent these persons were an undercover law enforcement officer. When Respondent traveled to South Carolina to meet with and engage in sexual relations with the mother and daughter he was arrested at the Charleston International Airport. Found in Respondent's possession was a laptop containing an extensive collection of pornographic materials, many including very young children. It was established that he collected and traded such materials online.

The original diagnosis that resulted in Respondent's commitment to the Sexually Violent Predator Treatment Program on or about September 13, 2010 was pedophilia, sexually attracted to females, non-exclusive.

Dr. Martin testified that Respondent still had the same diagnosis, but he characterized it as being "in recovery." Dr. Martin further testified that based upon his review of the relevant documents, treatment records of Respondent, and his interview with Respondent, Respondent's mental abnormality had so changed that he was safe to be at large, and not likely to commit acts of sexual violence, provided Respondent entered outpatient treatment.



Dr. Gehle testified that Respondent's diagnosis was the same as when he was committed; however, she testified that the qualifier "in recovery" or "in remission" was not allowed by the Diagnostic and Statistical Manual IV-TR, also the "DSM." Both doctors testified that a diagnosis of pedophilia is chronic.

The leading case in this State on annual reviews conducted pursuant to Section 44-48-110 is *In The Matter of The Care and Treatment of Tucker*, 353 S.C. 466, 578, S.E.2d 719 (2003). In a Section 44-48-110 probable cause hearing the Court noted that the committed person has the burden of showing the court that probable cause exists to believe that his mental condition has so changed that he is safe to be released. *Tucker*, 578 S.E.2d at 722. There is no qualifying language in the Statute, such as to provide that a committed person would be safe to be at large if he was in some kind of treatment. The Statute's burden on the committed person is that he is safe to be at large, and no more.

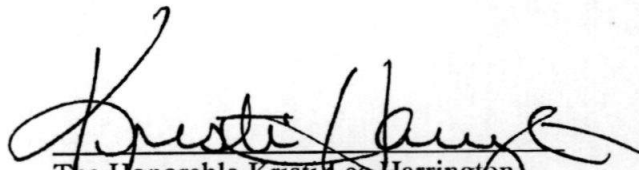
The Court has considered the showing made in respect to this matter and finds and concludes that the Respondent has failed to show probable cause that his mental abnormality or personality disorder has so changed such that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. His petition is denied and no order requiring a trial shall be ordered on that issue.

Accordingly,

IT IS HEREBY ORDERED that the Respondent 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, S. C. Code Ann. Sections 44-48-10 *et seq.*

IT IS FURTHER ORDERED that the Respondent continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.


The Honorable Kristi Lea Harrington
Circuit Court Judge for the Ninth Judicial
Circuit

February 4, 2013
Charleston, South Carolina

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

By 
CLERK

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JUL 16 2014

SC Court of Appeals

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