

August 12, 2014

The Honorable Jenny A. Kitchings
Clerk, South Carolina Court Of Appeals
PO Box 11629
Columbia, SC 29211

Re: In The Matter Of Care And
Treatment of William Deans
Case No: 2013-00879

Dear, Mrs. J. A. Kitchings,

Please, find enclosed for filing in this above captioned case, "APPELLANT'S SECOND APPLICATION FOR AN ORDER LIFTING SUPERSEDES", which has been properly served upon the named party's,

Respectfully submitted by,

Wm Deans

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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 SECOND APPLICATION FOR AN ORDER LIFTING SUPERSEDES

**William Deans
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**Other Counsel of Record
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TIME LINE OF CASE

On approximately May 23, 2013 Appellant, who is granted leave to proceed Pro-se, gave Notice of Intent To Appeal, SCC 44-48-10/170 at 110 presumed Annual Review Hearing held of Jan. 13, 2013.

On May 23, 2013, Appellant's filed Appellant's Initial Brief in this Court of appeals.

On Aug. 8, 2013, Appellant attempted two good faith affords to file an application for lift of supersedes pursuant to SCRCp, Rule 5 (e), to his Honor Judge J.C. Nicholson, Chief Administrative Judge for the tenth Circuit, for Anderson, SC., who refused to made a reply or ruling.

On 12/16/2013, Appellant filed in this SC Court of Appeals Application For Order Lifting Supersedes,

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

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

12/27/2013, the SC Court of Appeals orders the denial of Application To Lift Supersedes.

12/30/2013, Petitioner received by reference herein, the courts order of denial of 12/27/13.

Appellant receives the SC Court Of Appeals Denial of Rule 221 to Lift Supersedes, of Oct 2013

STATEMENT OF CASE FOR SECOND APPLICATION TO LIFT SUPERSEDES

This matter arose when the lower Court and this South Carolina Court of Appeals denied motion and Application to lift Supersedes, These denials in turn have prejudiced and denied Appellant to defend his case on matters separate from issues on appeal (for 2013 SCC Ann. 44-48-110 Annual Review)

Argument:

Specifically, The State, with out leave of Supersedes has initiated the 2014 SCC Ann. 44-48-110 Annual Review process by having Appellant examined according to statute and the 2014 Annual Examination Report has been completed and presented to the lower court, and presumably the State is presently moving to schedule a Annual Review Hearing. ie:

Examination given on 6/13/14 and 7/1/14

Date of the complied report, 7/30/2014.

8/1/2014 States Gives Notice to Appellant of of Annual Review.

It would appear the supersedes in place for 2013 is totally separate from this 2014 proceedings, which in turn would not require Appellant to petition this court to lift the supersedes.

If this is the situation, this court should simply state it is (not) necessary for Appellant to have filed this entitled "Second Application to lift Supersedes".

Or, if the supersedes is in place / this Court is asked to decide to either lift the Supersedes or to order the States 2014, SCC Ann. 44-48-110 proceedings to be put in Abeyance.

Appellant is being unduly prejudiced by not being able to proceed with the mechanics of the case, specifically,

1. not being able to prepare for pending 2014 SCC Ann. 44-48-10/170 at 110 Annual Review Hearing.

a) not being able to defend the case in between SCC 44-48-10/170 at 110 Annual Review Hearings.

- b) not being able to obtain documented exculpatory evidence being withheld by the State..
- c) not being able to pursue perjury and contempt of Court allegations against the State agents.
- d) not being able to pursue SVP treatment for which Appellant has been civilly committed.

Conclusion:

The major prejudice aspect of the Supersedes is Appellant has been prevented from defending against the SC Dept. Mental Health refusing to provide meaningful SVP treatment since January 2013, due to the State / SCDMH being enjoined from further interrogating Appellant about dismissed out of State charges.

The SC Dept. Mental Health Legal counsel testified that this case is arguably moot if the Injunction were not lifted.

The lower Court did not lift the injunction and like wise, the SCDMH is only holding Appellant for preventive detention since SCDMH can not interrogate Appellant in the jest of treatment.

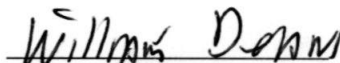
Appellant is being denied Due process and Equal Protection, which is a ex-post facto life sentence in and of itself because of supersedes prevents Appellant from defending himself.

It can be argued the State waived Supersedes by requiring Appellant to be examined and having filed a 44-48-110 Annual Review Report to the Court.

Appellant moves this Court to either lift the supersedes or order Appellant released for it is unconstitutional to deny Respondant to defend himself

Respectfully submitted by,

August 12, 2014


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PROOF OF SERVICE

I, William Deans, certify that I have served a "APPELLANT'S SECOND APPLICATION FOR AN ORDER LIFTING SUPERSEDEAS', on Alan Wilson / Assist. AG Shupes, PO Box 11549, Columbia, SC 29211, by depositing a copy thereof into the United States Mail, with postage prepaid by Appellant, as addressed on,

August 12, 2014

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