

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal From Anderson County  
The Honorable J. C. Nicholson, Circuit Court Judge  
Appellate Case No. 2013-000879

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IN THE MATTER OF THE CARE AND TREATMENT OF  
WILLIAM DEANS,

Appellant.

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**RETURN TO APPELLANT'S SECOND APPLICATION  
FOR AN ORDER LIFTING SUPERSEDES (SIC)**

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Appellant again seeks “supersedes” (sic) in connection with his pending appeal from the finding of no probable cause on his 2013 annual review because he recently received his recent 2014 annual review evaluation.<sup>1</sup> The only thing stayed by the pending appeal is the order issued in connection with the 2013 annual review. The statutory requirement of annual reviews remains in effect, and the Department of Mental Health acted in accordance with the statutory requirement by conducting a 2014 annual review. The Department also complied with the injunction included in the 2013 Order by not asking Appellant any questions regarding out-of-state allegations involving his step-daughter.

Appellant asks this Court to put the 2014 annual review “in abeyance.” That matter is pending before the circuit court, no order has been issued, and nothing is pending on appeal. Therefore, this Court has no jurisdiction to order the circuit court to hold the

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<sup>1</sup>The State assumes Appellant is referencing the automatic stay pursuant to Rule 241(a), SCACR.

pending 2014 annual review in abeyance. *See* Rule 205, SCACR (lower court retains jurisdiction on matters not affected by the appeal).

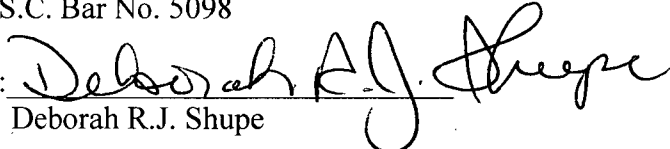
Appellant's request makes it abundantly clear he remains focused on the same legal issues he has raised at every stage of the SVP proceedings. His perceived prejudice arises from his own conduct, including his refusal to admit guilt even on the charges he pled guilty to in South Carolina, rather than any misconduct by the State. There is no basis for lifting the automatic stay, and Appellant's request for relief should be denied in its entirety.

Respectfully submitted,

ALAN WILSON  
Attorney General

DEBORAH R.J. SHUPE  
Senior Assistant Deputy Attorney General  
S.C. Bar No. 5098

BY:

  
Deborah R.J. Shupe

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Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3797

ATTORNEYS FOR RESPONDENT

August 20, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Appeal From Anderson County  
The Honorable J. C. Nicholson, Circuit Court Judge  
Appellate Case No. 2013-000879

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IN THE MATTER OF THE CARE AND TREATMENT OF  
WILLIAM DEANS,

Appellant.

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**PROOF OF SERVICE**

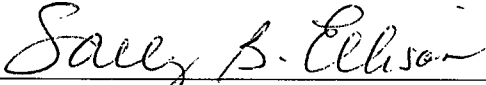
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I, Sally B. Ellison, certify I served Respondent's Return to Appellant's Second Application for an Order Lifting Supersedes (sic) on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

William Deans  
SVPTP  
S.C. Dept. of Mental Health  
Bldg. 3, 3<sup>rd</sup> Floor  
7901 Farrow Road  
Columbia, South Carolina 29203

I further certify that all parties required by Rule to be served have been served.

This 20<sup>th</sup> day of August, 2014.

  
\_\_\_\_\_  
SALLY B. ELLISON  
Legal Assistant

Office of Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-4156

**RECEIVED**

AUG 20 2014

**SC Court of Appeals**



ALAN WILSON  
ATTORNEY GENERAL

August 20, 2014

**VIA HAND DELIVERY**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, South Carolina 29201

Re: In the Matter of the Care and Treatment of William Deans  
Appellate Case No. 2013-000879

Dear Ms. Kitchings:

Enclosed for filing are the original and two (2) copies of the Return to Appellant's Second Application for an Order Lifting Supersedes (sic), with proof of service, in the above-referenced appeal.

Sincerely,

Deborah R.J. Shupe  
Senior Assistant Deputy Attorney General

DRJS/sbe  
Enclosures

cc: William Deans (w/ enclosure)  
Victim Services (w/ enclosure)

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AUG 20 2014

**SC Court of Appeals**  
**RECEIVED**

AUG 20 2014