

The South Carolina Court of Appeals

The State, Respondent,


v.

Douglas R. Clark, Appellant.

Appellate Case No. 2014-000814

ORDER

In this appeal from the circuit court's order denying Appellant's motion to clarify his sentence on his kidnapping conviction and to remove Appellant's name from the sex offender registry, Appellant has filed a motion to appoint counsel. Because the issue of whether Appellant is required to register as a sex offender involves the application of section 23-3-430 of the South Carolina Code, as it existed at the time of Appellant's release from prison, this is not a criminal appeal from Appellant's conviction and sentence. Instead, this appeal is civil in nature. *See Hazel v. State*, 377 S.C. 60, 659 S.E.2d 137 (2008) (holding the court of common pleas "properly determined the respondent's status as affected by § 23-3-430, a civil statute," and finding the court of common pleas "has the power to make the determination that a prior kidnapping offense did not involve sexual misconduct such that the one convicted is required to register as a sex offender"). Accordingly, we deny Appellant's motion to appoint counsel. *See State v. Policao*, 402 S.C. 547, 558, 741 S.E.2d 774, 779 - 780 (Ct. App. 2013) ("A right to counsel under the federal constitution arises under the Sixth Amendment or under the due process guarantee of the Fourteenth Amendment. When a civil proceeding involves the deprivation of a liberty interest, a litigant shall be afforded a due process right to counsel." (citations omitted)); *In re Ronnie A.*, 355 S.C. 407, 409, 585 S.E.2d 311, 312 (2003) (holding sex offender registration, regardless of the length of time, is non-punitive and therefore no liberty interest is implicated).



John Cannon Jr.
FOR THE COURT

FILED

8/28/14

Columbia, South Carolina

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