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SEP 18 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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

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

Appellant.

**MOTION TO REQUIRE APPELLANT TO AMEND/SUPPLEMENT THE
RECORD ON APPEAL TO INCLUDE ITEMS DESIGNATED BY RESPONDENT**

Respondent State of South Carolina hereby moves for an order requiring Appellant to amend or supplement the Record on Appeal served on September 11, 2014. Rule 210(c), SCACR, expressly provides “[t]he Record on Appeal shall include all matter designated to be included by any party.” The Record on Appeal Appellant served contains only the items designated by Appellant. The specific designated items Appellant failed to include in the Record on Appeal are (as number in Respondent’s Designation of Matter):

2. Petition dated October 22, 2002, **with Exhibits** (the Petition is included, but the Exhibits are not in the served Record on Appeal)
3. Order of Commitment filed July 14, 2004
4. Appellant Pro-Se Brief with Exhibits, dated April 17, 2006
5. Petition for Writ of Supersedeas dated June 28, 2007
6. Order Denying Petition for Writ of Certiorari dated September 19, 2007
9. Order filed April 3, 2013.

The omitted items are relevant to certain assertions by Appellant that were raised and decided in previous court proceedings involving Appellant’s commitment under the Sexually Violent Predator Act. Respondent contends the assertions are barred by the *res*

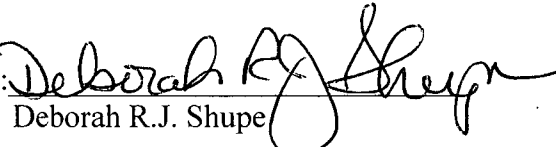
judicata doctrine. In partially denying Respondent's motion to strike portions of Appellant's Initial Brief and Designation of Matter, this Court expressly ruled Respondent could argue *res judicata* in its Initial Brief, and the doctrine and related documents are central parts of Respondent's Initial Brief. Appellant did not move to strike any portion of Respondent's Initial Brief or Designation of Matter.

Based on the foregoing, Respondent requests the Court order Appellant to serve and file an amended or supplemented Record on Appeal. Respondent further requests that the deadline to serve and file the Final Brief of Respondent be held in abeyance pending resolution of this motion and receipt of a complete Record on Appeal.

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

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3797

ATTORNEYS FOR RESPONDENT

September 18, 2014

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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IN THE MATTER OF THE CARE AND TREATMENT OF
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Appellant.

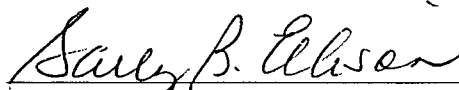
PROOF OF SERVICE

I, Sally B. Ellison, certify I served Respondent's Motion to Require Appellant to Amend/Supplement the Record On Appeal to Include Items Designated by Respondent 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, 3rd Floor
7901 Farrow Road
Columbia, South Carolina 29203

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

This 18th day of September, 2014.



SALLY B. ELLISON

Legal Assistant

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



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SC Court of Appeals

ALAN WILSON
ATTORNEY GENERAL

September 18, 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 Respondent's Motion to Require Appellant to Amend/Supplement the Record On Appeal to Include Items Designated by Respondent, 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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