

# The Brooks Law Office, LLC

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**RECEIVED**

September 15, 2015

SEP 17 2015

South Carolina Supreme Court  
PO Box 11330  
Columbia, SC 29211

**S.C. SUPREME COURT**

RE: In the Matter of the Care and Treatment Of Ronald Owen  
Case No. 2009-CP-36-00319

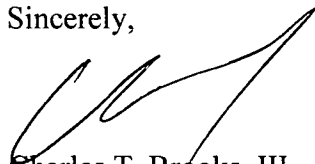
Dear Sir or Madam:

Enclosed herewith you will find the **Notice of Appeal, Order Denying 2012-2013 and 2013-2015 Annual Review**, along with a **Proof of Service** in reference to the above named matter.

If you have any questions or concerns, please contact my office at the number stated above.

With kind regards, I am

Sincerely,



Charles T. Brooks, III

CTB/srw

Enclosed as stated

cc: Jim Bogle, Office of Attorney's General  
South Carolina Court of Appeals  
Ronald Owen

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

Honorable Donald B. Hocker, Circuit Court Judge

**RECEIVED**

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Case No: 2009-CP-36-00319

SEP 17 2015

In the Matter of the Care and Treatment of


**S.C. SUPREME COURT**

RONALD OWEN

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NOTICE OF APPEAL

Ronald Owen, appeals his Order Denying 2012-2013 and 2013-2015 Annual Review Trial. The Order was imposed and signed by the Honorable Donald B. Hocker on September 9, 2015, which I, Charles T. Brooks, III, received on September 14, 2015.



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Charles T. Brooks, III  
309 Broad Street  
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Sumter, South Carolina 29151  
(803) 418-5708  
Attorney for Appellant

Other Counsel on Record:  
Jim Bogle, Esquire  
Assistant Attorney General  
Post Office Box 11549  
Columbia, SC 29211-1549  
(803) 734-3970

September 15, 2015

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM NEWBERRY COUNTY  
Court of Common Pleas

**RECEIVED**

Honorable Donald B. Hocker, Circuit Court Judge

SEP 17 2015

Case No: 2009-CP-36-00319

**S.C. SUPREME COURT**

In the Matter of the Care and Treatment of

RONALD OWEN

**PROOF OF SERVICE**


I, the undersigned, do hereby certify that on this 15th day of September, 2015, I served the foregoing **Notice of Appeal, Order Denying 2012-2013 and 2013-2015 Annual Review**, as well as **Proof of Service** in this matter by depositing a true copy of it in the United States Mail, postage prepaid, addressed to the following:

South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

South Carolina Court of Appeals  
Attn: Jeanette F. Barber  
Post Office Box 11629  
Columbia, South Carolina, 29211

Office of Attorney's General  
Attn: Jim Bogle, Esquire  
Post Office Box 11549  
Columbia, South Carolina 29211

Ronald Owen  
S. C. Dept. of Mental Health  
SVP Program  
7901 Farrow Road  
Columbia, South Carolina, 29203

  
Charles T. Brooks, III  
Attorney for the Appellant  
309 Broad Street  
Sumter, South Carolina 29150  
(803) 418-5708

Dated: September 15, 2015



Both, Nonexclusive Type. Dr. Swan also diagnosed Petitioner with Narcissistic Personality Disorder.

The burden here is upon Petitioner to show probable cause that his mental abnormality and personality disorder has so changed that he is likely to be at large, and is not likely to commit acts of sexual violence, S.C. Code Ann. Section 44-48-110. The probable cause standard is by definition low, somewhere between "suspicion" and "more likely than not." It is a flexible, common sense standard, requiring that the evidence presented would lead a reasonable person to believe than conscientiously entertain suspicion that the person meets the definition of a sexually violent predator, *Matter of Brown*, 372 SC 611, 643 SE2d 118 (2007). This Court recognizes that "less likely to reoffend" and "low risk to reoffend" are very close to the "not likely to reoffend" language in Section 44-48-110. However, the Court interprets Dr. Martin's testimony to mean, in other words, that outpatient treatment would be necessary for Petitioner to be at the level of "less likely" and "low risk."

The statute does not recognize outpatient treatment on the likelihood (or lack thereof) to reoffend. This would lead to the logical assumption that when outpatient treatment does not take place, the odds of reoffending increase. Accordingly, the Court, after considering all of the testimony and the record before it, finds that Petitioner has not met the burden of showing probable cause as set forth in Section 44-48-110.

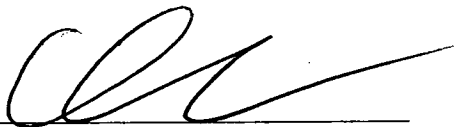
Accordingly,

IT IS THEREFORE ORDERED that the Petitioner, Ronald Owen, 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 Petitioner continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.

9-9, 2015  
Newberry, South Carolina

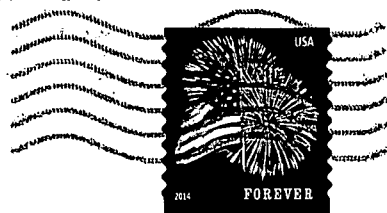
  
\_\_\_\_\_  
DONALD B. HOCKER  
Chief Administrative Judge  
Eighth Judicial Circuit Court of Common Pleas



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South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

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