

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF NEWBERRY )  
 )  
IN THE MATTER OF THE CARE )  
AND TREATMENT OF )  
RONALD OWEN, )  
 )  
PETITIONER. )

IN THE COURT OF COMMON PLEAS  
EIGHTH JUDICIAL CIRCUIT  
CASE NO. 2009-CP-36-00319

ORDER DENYING 2012-2013 AND 2013-2015  
ANNUAL REVIEW TRIAL

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SC Court of Appeals

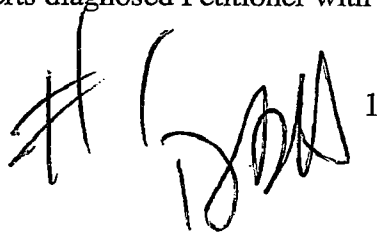
This matter came before the Court on petition of Ronald Owen for an order finding that there is probable cause to believe that Petitioner's mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence, and for an order requiring a trial on that issue pursuant to S. C. Code Ann. Section 44-48-110. An Annual Review hearing was held in the Newberry Court of Common Pleas pursuant to that statute on August 25, 2015. Petitioner was present along with his attorney Charles T. Brooks, III, of Sumter. The State of South Carolina was represented by Senior Assistant Attorney General James G. Bogle, Jr.

In this case Petitioner obtained an independent evaluation, and testimony on his behalf to that effect was received from Dr. Thomas V. Martin, psychiatrist, of Columbia. In response the State presented testimony from Dr. Amy C. Swan, psychologist, at the Department of Mental Health, who authored the Department's Annual Review Treatment Reports on Petitioner, dated October 4, 2013 and June 11, 2015.

Petitioner was committed to the Department of Mental Health, Sexually Violent Predator Treatment facility, on or about February 3, 2010. While his Annual Review for the period of November 26, 2012-September 24, 2013 was pending, he changed counsel and secured the independent evaluation from Dr. Martin. During that time he cycled through for another Annual Review, resulting in the report by Dr. Swan for the period September 24, 2013-May 11, 2015. As a result the hearing on August 25, 2015 was a combination of those two Annual Review periods.

Petitioner asserted that he has progressed in treatment to the extent that he can be released into the community, and be more appropriately treated as an outpatient without the necessity of the secure environment provided by the Sexually Violent Predator Treatment Program. Dr. Martin testified that Petitioner had progressed in the SVP program to that extent, finding that Petitioner was a low risk to reoffend, less likely to reoffend, and would require outpatient treatment.

Dr. Swan testified that while Petitioner had made good progress in many aspects of treatment, there were still issues remaining, and his mental abnormality and personality disorder had not so changed he was safe to be at large, and, if released, not likely to commit acts of sexual violence. Both experts diagnosed Petitioner with Pedophilic Disorder, Sexually Attracted to



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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."

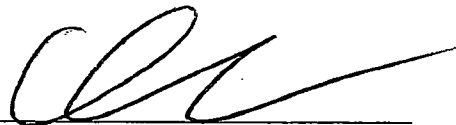
The statute does not recognize outpatient treatment on the likelihood (or lack thereof) to reoffend. This would lead to the logical assumption that when outpatient treatment does not take place, the odds of reoffending increase. Accordingly, the Court, after considering all of the testimony and the record 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.



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

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, 2015

Newberry, South Carolina

