

ORIGINAL

RECEIVED

APR 21 2016

SC SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Robin B. Stilwell, Circuit Court Judge

IN THE MATTER OF THE CARE AND TREATMENT OF
JEFFREY ALLEN CHAPMAN,

APPELLANT

APPELLATE CASE NO. 2014-001181

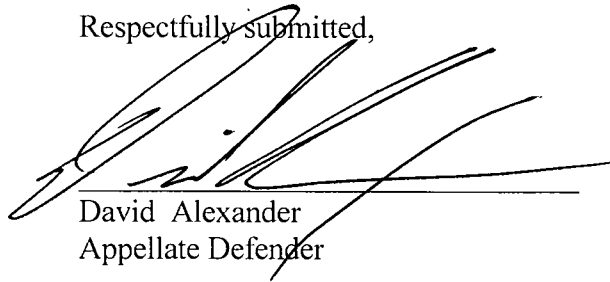
MOTION TO ARGUE AGAINST PRECEDENT

The undersigned respectfully shows the Court:

1. The Court has scheduled oral argument in this matter for May 17, 2016, at 10:00 a.m.
2. The State asserts that In re McCoy, 360 S.C. 425, 602 S.E.2d 58 (2004) and In re McCracken, 346 S.C. 87, 551 S.E.2d 235 (2001) are controlling precedent on the questions regarding appellant's right to the effective assistance of counsel. Brief of Resp. at 11-12.
3. Appellant, for the reasons stated in his brief on page 9, footnote 3, disagrees that McCoy is controlling precedent. Appellant also disagrees that McCracken is controlling precedent because it only dealt with the Sixth Amendment right to counsel, which is not the source of Appellant's claims.

4. However, out of an abundance of caution and to the extent necessary to respond to the State's arguments or the Court's questions at oral argument, appellant requests permission to argue against precedent when this case is argued.
5. Finally, in recognition of the procedural posture of appellant's claims of ineffective assistance of counsel regarding Issue 6 (S.C. Code Ann. § 44-48-50), appellant abandons Issue 6.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'David Alexander', is written over a horizontal line. The signature is stylized and extends to the right of the line.

David Alexander
Appellate Defender

Attorney for Appellant

This 21st day of April, 2016

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Greenville County

Robin B. Stilwell, Circuit Court Judge

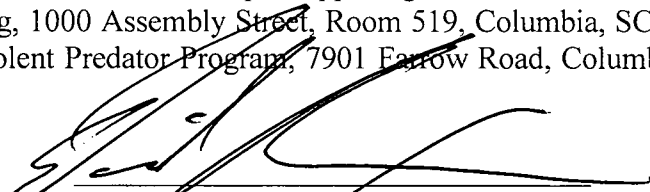
IN THE MATTER OF THE CARE AND TREATMENT OF
JEFFREY ALLEN CHAPMAN,

APPELLANT

APPELLATE CASE NO. 2014-001181

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Motion to Argue Against Precedent in the above referenced case has been served upon opposing counsel, Deborah Shupe, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, and Jeffrey Chapman, at the Sexual Violent Predator Program, 7901 Farrow Road, Columbia, SC, 29203, this 21st day of April, 2016.



David Alexander
Appellate Defender

Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 21st day of April, 2016.

Christian Ford (L.S.)
Notary Public for South Carolina
My Commission Expires: March 1, 2026.