

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,

RECEIVED
SEP 28 2016
SC Court of Appeals
Appellant.

MOTION TO DISMISS APPEAL AS MOOT

Respondent hereby moves to dismiss the above captioned appeal as moot. In support of this Motion, Respondent submits the following:

1. This appeal arises from an annual review proceeding under the S.C. Sexually Violent Predator Act, S.C. Code §44-48-10 (Supp. 2012), *et seq.* On April 23, 2013, Appellant served and filed his Notice of Appeal from a circuit court order finding no probable cause to believe Appellant's mental status had so changed he is safe to be at large and not likely to commit future acts of sexual violence if released.

2. While this appeal has been pending, Appellant's mental status was reviewed again in 2014 and 2015. On April 12, 2016, the Director of the Department of Mental Health authorized Appellant to petition for release from the Sexually Violent Predator Treatment Program (SVPTP). (Letter dated April 12, 2016, attached hereto as Exhibit A). Appellant filed a Petition for Release on or about April 20, 2016. (Petition for Release, attached hereto as Exhibit B). By Order filed September 21, 2016, the Honorable J. Mark Hayes, Circuit Court Judge,

granted Appellant's Petition, and Appellant was released from the Department of Mental Health's custody that day. (Order of Release filed September 21, 2016, attached hereto as Exhibit C). He now resides in North Charleston, SC, and is under no probation or community supervision.

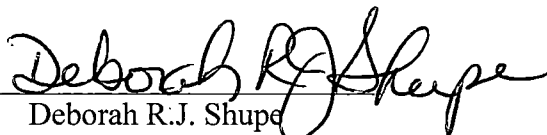
3. While this appeal involves Appellant's 2013 annual review, Appellant ultimately sought release from the SVPTP, and Respondent submits Appellant's recent release from the SVPTP renders the issues in the pending appeal moot because he has received all the relief he sought. *See Sloan v. Friends of Hunley, Inc.*, 369 S.C. 20, 630 S.E.2d 474, 477 (2006) ("A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court.")

Based on the foregoing, Respondent respectfully asks this Court to dismiss this appeal as moot.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

BY: 
Deborah R.J. Shupe
Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3797

ATTORNEYS FOR RESPONDENT

September 28, 2016

EXHIBIT A



State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:

Alison Y. Evans, PsyD, Chair
Joan Moore, Vice Chair
Beverly Cardwell
Bob Hiott, MEd
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson

April 12, 2016

2414 Bull Street • P.O. Box 485
Columbia, SC 29202
Information: (803) 898-8581

John H. Magill
State Director of Mental Health

Mr. Christopher Morrow
Assistant Attorney General
Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211-1549

Re: Deans, William 2002-CP-04-3343

Dear Mr. Morrow:

An Annual Review completed by the Department of Mental Health's evaluator assigned to the Sexually Violent Predator Treatment Program concludes that Mr. Deans' mental disorder 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. Accordingly, I have authorized him to petition the court for release pursuant to Section 44-48-120, *S.C. Code Ann.* A copy of such authorization is attached for your information.

No sexual offender treatment program can guarantee what any individual will do in the future. Nevertheless, Mr. Deans should have learned how to control his deviant sexual urges, and he should be able to apply what he has learned and function in society with nominal risk.

It is my understanding that you have agreed to make counsel for Mr. Deans aware of this determination and authorization.

Thank you for your assistance.

Sincerely,

John H. Magill
State Director

cc: Versie Bellamy, RN, MSN, Deputy Director, Division of Inpatient Services
R. Alan Powell, General Counsel

MISSION STATEMENT

To support the recovery of people with mental illnesses.





State of South Carolina
Department of Mental Health

MENTAL HEALTH COMMISSION:

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Bob Hiott, MEd
Everard Rutledge, PhD
J. Buxton Terry
Sharon L. Wilson

STATE DIRECTOR
John H. Magill

Division of Inpatient Services
Sexually Violent Predator Treatment Program
7901 Farrow Road, Building #3
Columbia, SC 29203
Information: (803) 935-5751

MEMORANDUM

TO: John Magill, State Director

THROUGH: Versie Bellamy, RN, MN, Deputy Director, Division of Inpatient Services

FROM: Holly Scaturro, RN, MSN, Director, Sexually Violent Predator Program

DATE: March 24, 2016

SUBJECT: William Deans, Resident, SVPP

Mr. William Deans has been approved by the Sexually Violent Predator Program, Discharge Review Board to petition for release from the SVPP. The Department believes that his mental disorder 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. We recommend that you authorize Mr. Deans to petition the Court for release.

Attached please find the report of the Psychiatric Examiner, Amy C. Swan, Psy.D., concerning Mr. Deans. As described, Mr. Deans is believed to be safe to be released. Mr. Deans understands that should he be released by the Court he will have to register with the Sheriff's Department in his county of residence, and thereafter follow the registration protocol in his state of residence. Mr. Deans will reside at Shield Ministries Men's Transitional Housing Program, 5519 Woodbine Ave., North Charleston, SC 29407.

Mr. Deans will comply with outpatient appointments, develop a comprehensive support network, maintain structure in his daily life and continue to practice appropriate interpersonal skills.

Please let us know if you have any questions or need any additional information.

c R. Alan Powell, General Counsel

Attachments: Discharge Review Board Report; Election to Waive or Exercise Rights; Annual Examination and Review Hearing Notice; Annual Review; Discharge Plan

MISSION STATEMENT

To support the recovery of people with mental illnesses.

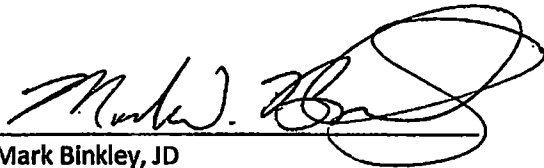


To be completed by the Sexually Violent Predator Review Board: William Deans

Discharge Approved: XX

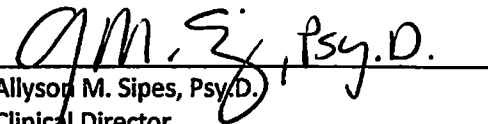
Discharge Denied: _____

If discharge denied, state reason:



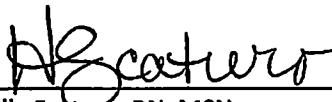
Mark Binkley, JD
Deputy Director, Administrative Services/
General Counsel

March 30, 2016
Date



Allyson M. Sipes, Psy.D.
Clinical Director
Bryan Psychiatric Hospital-Adult & Forensic

3/30/16
Date



Holly Scaturro, RN, MSN
Director, Sexually Violent Predator Program

3/30/16
Date

Algie W. Bryant, RN, MSN
Director, Performance Improvement

Date

EXHIBIT B

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
)
IN THE MATTER OF CARE)
AND TREATMENT OF)
)
WILLIAM DEANS,)
Petitioner.)
)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT
CASE NO:

Closed Case No: 2002-CP-04-3343

PETITIONERS MEMORANDUM IN SUPPORT OF PETITION
FOR RELEASE BASED UPON A PRESUMED UN-OPPOSED
RECOMMENDATION FOR RELEASE

1. On 10/22/2002 the State filed Petition for Civil Commitment.
2. On 10/31/02 a Order Dismissing the petition was filed. ie: Judge Nicholson.
3. On 11/12/2002 an Order With-drawing the Order of 10/31/2002 was filed.-JCM
4. On 6/28/2004 a trial was held and on 7/14/2004 His Honor Judge Maddox Ordered Petitioner civilly committed.
5. On 7/19/2004 Petitioner was transported to the SCDMH SVP Treatment facility whereby Petitioner has susessively completed 3 seperate SVP Treatment Models and over 200 SVP Treatment groups, which included advanced and one on one therapy. to which one treatment model and 80-90 groups was considered enough and has caused other clients release.
6. On about 1/21/2016 SCDMH SVP Director Mrs Holly Scaturo submitted the SCDMH SC Code of Law 44-48-110 required Notice of Annual Review and Notice of Respondants right to petition the court for release at a annual review hearing and, exhibit the Jan. 6, 2016 Dr Amy Swan Annual Treatment Review Summary / Examination, stating Dr. Swan finds Petitioner to no longer suffer any personality disorders or mental abnormality and is in her opinion safe to be released into sociaty.
7. See hereto Petitioners Exhibit 2, Dr. Swans Report and Recommendation, at pages 1-16, Dr. Swans explains Petitioners short comings and at pages 16-17, Dr. Swan states it is her opinion Petitioner should be released.
8. In order to receive SCDMH Director Mr. Magills authorization / Petitioner had submitted for SCDMH Release Treatment Review, release plans showing; petitioner has after release SVP treatment, funds, a place to live, and a after care support group.

a) These plans have been implimented and await Petitioners release being that Deans will recieve sufficant SS benifits, loans and prior investments and the ability to obtain gainful employment, after care SVP treatment via the SC University / Charleston, SC and a tenative agreement for treatment and as a active support group member, a Dr. K.L Halavonich and support members being two brothers and friend of over 20 years; and appropreate housing.

9. That due to as stated the barzare nature of court errors, and both this case ~~having been idexed as closed and dismissed ie His Honor Judge Stilwell as of~~ May 2015, it may take an order for either the SCDMH or the State Attorney Generals Office to file a petition for Petitioners actual release.

see hereto Petitioners Exhibit# 3. as shown by Clerk of Court, Richard Shirley Anderson County, Feb. 18, 2016 letter addressed to Petitioner.

10. Petitioner who has not heard exactly one way or the other, only that it is presumed the State does not oppose Petitions release, and reserve the right to amend this petition to conform to the events as they evolve.

see hereto Petitioners Purposed Order For A Hearing be Scheduled within 30 days on the filing of this Petition.

Respectfully submitted by,

4/20/2016

William Deans

William Deans

7901 Farrow Rd.

Bldg. 3 3d floor

Columbia, SC 29203

EXHIBIT C

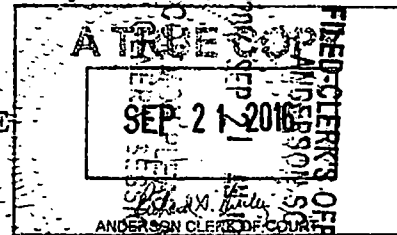
STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

) IN THE COURT OF COMMON PLEAS
) TENTH JUDICIAL CIRCUIT
) CASE NO. 2002-CP-04-3343

IN THE MATTER OF THE CARE AND
TREATMENT OF

WILLIAM DEANS,
Petitioner

) ORDER OF RELEASE



This matter comes before me upon the petition of William Deans (Petitioner) for his release from confinement pursuant to the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10 *et seq.* A hearing was held on September 21, 2016 in the Anderson County Court of Common Pleas. Petitioner is represented by Scarlet Moore, and has filed a Petition for release, pursuant to S.C. Code Ann. §44-28-120. The State is represented by Assistant Attorney General Christopher A. Morrow.

Introduced into evidence and reviewed by the court were the following exhibits (1) letter from the director of the Department of Mental Health, dated April 12, 2016, authorizing Petitioner to petition for release; (2) Memorandum from the Director of the Director of the Sexually Violent Predator Program dated March 24, 2016, stating William Deans had been approved for release including the Department's Discharge Review Board's unanimous vote in favor of his release; (3) Annual Review Report of Dr. Amy C. Swan, dated January 6, 2016 recommending Petitioner's release from the Sexually Violent Predator Program; (4) Petitioner's discharge plans as developed by the Department of Mental Health, and (5) Petitioner's Petition for Release. The Court received the testimony of Dr. Amy C. Swan, Psy. D., in which the doctor stated her expert opinion that Petitioner's mental abnormality or personality disorder had so changed that he was now safe to be at large and, if released, was not likely to commit acts of sexual violence. Dr. Amy C. Swan, Psy. D., recommended his release from the Department of Mental Health.

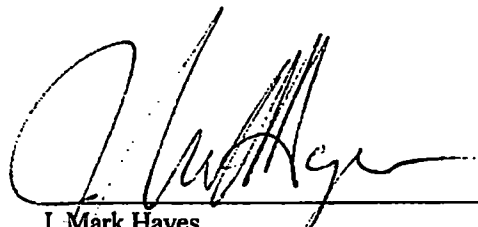
I have heard and considered the above information and hereby find and conclude as follows:

1. Petitioner was determined on or about July 13, 2004, to be a sexually violent predator and was committed to the Department of Mental Health for long-term control, care, and treatment, pursuant to S.C. Code Ann. § 44-48-10, *et seq.*
2. The Director of the Department of Mental Health states that Petitioner has successfully completed his treatment at the Sexually Violent Predator Treatment Program, and it is believed that his 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.
3. The Department of Mental Health has authorized Petitioner to petition for release pursuant to S.C. Code § 44-48-120.
4. Having met the statutory requirements pursuant to § 44-48-120, the Court hereby finds and concludes that Petitioner should be released from confinement in the secure facility of the South Carolina Department of Mental Health.
5. Upon his release Petitioner, if he remains in South Carolina, must comply with the requirements of South Carolina law regarding registration as a sex offender. He must comply with S.C. Code § 23-3-450 and 23-3-460, and must register as a Sexually Violent Predator pursuant to § 44-48-160.

Verification of registration at the sheriff's department in the county in which he resides, sending written notice of any change of address to such sheriff within ten days of establishing a new residence. This Order shall constitute actual notice of all these requirements, and failure to comply will subject the Petitioner to the appropriate statutory penalties.

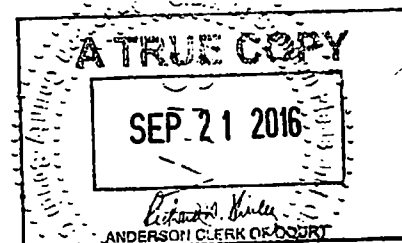
IT IS HEREBY ORDERED that Williams Deans, Petitioner herein, be released from confinement in the secure facility of the Department of Mental Health pursuant to S.C. Code Ann. § 44-48-120, and, if he remains in South Carolina, that he comply with the statutory requirements of registration as a Sex Offender and as a Sexually Violent Predator. If he elects to reside out of state he will be expected to comply with the appropriate registration requirements of that jurisdiction.

AND IT IS SO ORDERED.


J. Mark Hayes
Tenth Judicial Circuit
Court of Common Pleas

Sept. 21, 2016
Anderson, South Carolina

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2016 SEP 21 AM 10:07
COMMON PLEAS AND
GENERAL SESSIONS



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.


PROOF OF SERVICE

I, Sally B. Ellison, certify I served Respondent's Motion to Dismiss as Moot on Appellant by depositing a copy in the United States mail, postage prepaid, addressed to:

William Deans
5519I Woodbine Ave.
North Charleston, SC 29406

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

This 28th day of September, 2015.



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



ALAN WILSON
ATTORNEY GENERAL

September 28, 2016

RECEIVED
SEP 28 2016
SC Court of Appeals

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 seven (7) copies of a Motion to Dismiss as Moot, 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)