



charge was nolle prossed; and the jury acquitted Respondent of a Kidnapping charge under indictment 2012-GS-07-1632.

2. That this time, Respondent's criminal conviction was before the South Carolina Supreme Court (Appellate Case No. 2013-002158).
3. SC Code Ann § 44-48-30 (1) (a) defines a sexually violent predator is one who has been convicted of a sexually violent offense.
4. Because Respondent's criminal conviction is currently on appeal before the South Carolina Supreme Court and there is possibility that the underlying criminal conviction may be remanded for further proceedings, it is not ripe for a determination of whether Respondent has been convicted of a sexually violent offense.
5. SC Code Ann § 44-48-30 (1)(b) further defines a Sexually violent predator as a person who suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control care and treatment.
6. In its Petition the State alleges that Respondent suffers from a Pedophilic Disorder. The State alleges that a pedophilic disorder involves sexual activity with a prepubescent child or children (generally age 13 years or younger). The only alleged prepubescent victim in this matter was the alleged victim in nolle prossed indictment 2012-GS-07-1631. Therefore the State has offered no evidence that Respondent suffers from a pedophilic disorder.
7. In its Petition the State also alleges that Respondent suffers from a Paraphilic disorder. The Petition describes a paraphilic disorder as "*any intense and*

*persistent sexual interest other than sexual interest in genital stimulation or preparatory fondling with phenotypically normal, physically mature, consenting human partners."*

8. The State has offered no evidence that Respondent engaged in a pattern of paraphilic conduct. Therefore the State has offered insufficient evidence for "a reasonable person to believe and conscientiously entertain suspicion" that Respondent suffers from any mental abnormality or personality disorder. *See, In re Care and Treatment of Chandler*, 382 S.C. 250, 676 S.E.2d 676, 680 (S.C. 2009) citing, *In Re Care and Treatment of Brown*, 372 S.C. 611, 643 S.E.2d 118, 122-23 (S.C. Ct. App. 2007).

**THEREFORE IT IS ORDERED AND ADJUDGED,**

1. The State has offered insufficient evidence to believe Respondent is a sexually violent predator.
2. This matter is dismissed with prejudice.

**IT IS SO ORDERED!**



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Hon Carmen T Mullen  
Beaufort Circuit Court

*Jan*  
November 4, 2017  
Beaufort, SC

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF BEAUFORT  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2016CP0702140

South Carolina State Of		Gerald Barrett Jr	
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PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order;  Statement of Judgment by the Court:

Order of Dismissal

**RECEIVED**

ORDER INFORMATION

JAN 13 2017

This order  ends  does not end the case.  
 Additional Information for the Clerk: \_\_\_\_\_

SC Court of Appeals

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.

Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

s/ C. T. Mullen  
 Circuit Court Judge

2142  
 Judge Code

1/4/2017  
 Date **RECEIVED**

JAN 13 2017  
 SC Court of Appeals

**For Clerk of Court Office Use Only**

This judgment was entered on **January 9, 2017**, and a copy mailed first class or placed in the appropriate attorney's box on **January 9, 2017**, to attorneys of record or to parties (when appearing pro se) as follows:

**James G. Bogle Jr.** PO Box 11549 Columbia, SC 29211

**James Kristian Falk** PO Box 1058 Charleston, SC 29402

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**ATTORNEY(S) FOR THE PLAINTIFF(S)**

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**ATTORNEY(S) FOR THE DEFENDANT(S)**

**Melissa Kilby**

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**Court Reporter**

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**Jerri Ann Roseneau - Clerk of Court**

**Court Reporter:**

**E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.**

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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