

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM AIKEN COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

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Case No. 2013-CP-02-01005

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In the Matter of the Care and Treatment of:

Richard D. Ridley..... Appellant

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INITIAL REPLY BRIEF OF APPELLANT

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**RECEIVED**  
APR 17 2019  
SC Court of Appeals

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**ATTORNEYS FOR APPELLANT**

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**TABLE OF AUTHORITIES**

**CASES**

In re Snow, \_\_\_ S.C. \_\_\_, 823 S.E.2d 467 (2019).....1

## ARGUMENT

The principal South Carolina case relied on by the government, In re Snow, \_\_\_ S.C. \_\_\_, 823 S.E.2d 467 (2019), actually supports the Appellant's position. In In re Snow, the South Carolina Supreme Court held that the legislature left the definition of personality disorder in the SVPA to the medical professionals. Presumably the Court would take the same position on the definition of mental abnormality in the SVPA.

The Appellant was diagnosed with the mental abnormality of Other Specified Paraphilic Disorder (Bastophilia/Non-Consent). As instructed by the Court in In re Crane, we have to look to the medical professionals to determine whether this is the diagnosis of a mental abnormality or the description of criminal, coercive sex. As shown in the peer reviewed literature in the record for this case (Appendix to Motion in Limine), the generally accepted view is that this diagnosis does not exist.


## CONCLUSION

For the foregoing reasons this Court should reverse and remand for a new trial with all evidence of Other Specified Paraphilic Disorder, (Bastophilia/Non-Consent) excluded from evidence in the new trial.

Respectfully Submitted,

**AIKEN & HIGHTOWER, PA**

BY: 

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Columbia, SC  
April 15, 2019

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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In the Matter of the Care and Treatment of:

Richard D. Ridley.....Appellant

PROOF OF SERVICE

I certify that, on April 15, 2019, I served Appellant's Initial Reply Brief in the above appeal by mailing copies of those filings to:

Office of the Attorney General for South Carolina  
Senior Assistant Deputy Attorney General Deborah R. J. Shupe  
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April 15, 2019

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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APR 17 2019  
SC Court of Appeals

Re: In the Matter of the Care and Treatment of Richard D. Ridley  
Case No. 2013-CP-02-01005  
Appellate Case No. 2018-000527

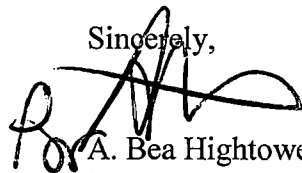
Dear Ms. Kitchings:

I have enclosed the original and one (1) copy of the Initial Reply Brief of the Appellant in the above appeal. Please file the original and return the file-stamped copy to us in the enclosed SASE.

By copy of this letter with the above filings enclosed, I have served them on opposing counsel, Senior Assistant Deputy Attorney General Deborah R. J. Shupe. I invite you and Ms. Shupe to call me if you have any questions about the enclosed.

Thank you for your help.

Sincerely,



A. Bea Hightower

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Enclosure as stated

cc: Senior Deputy Assistant Attorney General Deborah R. J. Shupe (w/enclosure)  
Richard Ridley (w/enclosure and copy of Initial Brief of Respondent)

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