

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Case No. 2013-CP-02-01005
Appellate Case No. 2018-000527

In the Matter of the Care and Treatment of:

Richard D. Ridley..... Appellant

REPLY BRIEF OF APPELLANT

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TABLE OF AUTHORITIES

CASES

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ARGUMENT

The principal South Carolina case relied on by the government, In re Snow, 425 S.C. 544, 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 (Bisexual/Non-Consent). As instructed by the Court in In re Snow, 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 (r. 382-466), 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, (Bisexual/Non-Consent) excluded from evidence in the new trial.

Respectfully Submitted,

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CERTIFICATE RULE 211(b) SCACR

The undersigned counsel for the Appellant certifies that the within Brief of Appellant complies with Rule 211(b) SCACR .

Respectfully Submitted,



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