

RICHLAND COUNTY
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JEANETTE W. MORRIS
C.C.P., S.S., & F.C.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
CHARLES SULLIVAN,)
RESPONDENT.)

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-40-0770
**ORDER DENYING TRIAL AFTER ANNUAL
REVIEW HEARING PURSUANT TO THE
SEXUALLY VIOLENT PREDATOR ACT**

This matter comes before the Court on annual review of Charles Sullivan's status as a Sexually Violent Predator pursuant to South Carolina Code Section 44-48-110. A hearing was held pursuant to Section 44-48-110 on July 8, 2014. Mr. Sullivan was represented by his appointed attorney James Falk. The State was represented by Assistant Attorney General, Emily M. Sordian.

Mr. Sullivan was committed to the Sexually Violent Predator Treatment Program on or about February 22, 2016. The Court received a letter from the Department of Mental Health dated November 9, 2018, indicating Mr. Sullivan was exercising his right to a hearing. The Department also sent an Annual Review Packet to the Court, including an Annual Review Treatment Summary dated November 7, 2018. Additionally, the Petitioner filed a Petition for Release with the Richland County Clerk of Court on or about May 27, 2019. The State filed a Reply to the Petitioner's Petition for Release with the Richland County Clerk of Court on or about August 22, 2019. Mr. Sullivan waived his right to his first annual review hearing for the period between July 28, 2016 and September 14, 2017. This matter is before the Court for annual review hearing for the period between October 2017 and October 2018.

The purpose of an annual review hearing held pursuant to South Carolina Code Section 44-48-110 is for the court to determine whether probable cause exists to believe that "the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence." S.C. Code Ann. Section 44-48-110 (Supp. 2008). At the hearing, the committed person bears the burden of showing that probable cause exists to believe his mental condition has so changed that he is safe to be released. *In re Care and Treatment of Tucker*, 353 S.C. 466, 578 S.E.2d 719 (2003). In the context of Sexually Violent Predator cases, a party establishes probable cause when he presents evidence that "would lead a reasonable person to believe and conscientiously entertain" the proposition set forth at the hearing. See *In re the Care and Treatment of Brown*, 372 S.C. 611, 643 S.E.2d 118 (Ct. App. 2007) (establishing this standard for hearings held pursuant to South Carolina Code Section 44-48-80).

At the hearing, Petitioner offered no witnesses but presented two exhibits to the Court, namely, Dr. Gehl's pre-commitment report and Dr. Tross's report dated November 7, 2018, and the State presented testimony of Dr. Rozanna Tross. Dr. Tross testified Mr. Sullivan suffers from other specified paraphilic disorder and narcissistic personality disorder. She opined that his condition has not substantially changed and he remains likely to commit acts of sexual violence if released.

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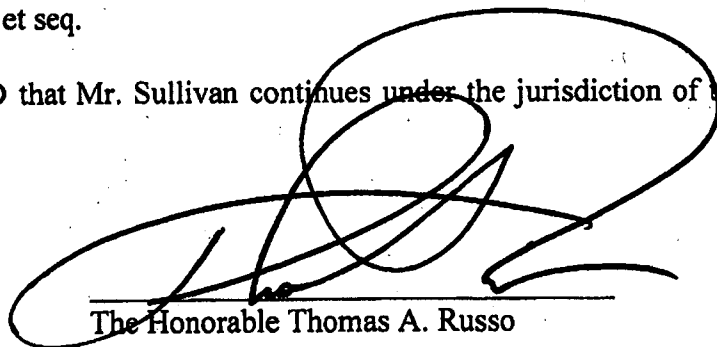
SC Court of Appeals

Based on the testimony offered at the hearing, the reports provided to the Court, and the arguments of counsel, the Court hereby finds and concludes that, at this time, Mr. Sullivan's mental abnormality or personality disorder has not so changed that he is safe to be at large, and, if released, not likely to commit acts of sexual violence. Therefore, Mr. Sullivan has failed to meet his burden, and the Court does not find probable cause in this matter.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that Charles Sullivan shall continue to be confined in a secure facility of the Department of Mental Health for long term control, care and treatment pursuant to the Sexually Violent Predator Act, Code of Laws of South Carolina, 1976, as amended, Sections 44-48-10 et seq.

IT IS FURTHER ORDERED that Mr. Sullivan continues under the jurisdiction of this Court.

AND IT IS SO ORDERED.



The Honorable Thomas A. Russo
Presiding Judge
Fifth Judicial Circuit Court of Common Pleas

November 8th
~~October~~ 2019

Florence, South Carolina