

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )  
  
IN THE MATTER OF THE )  
CARE AND TREATMENT OF )  
MICHAEL HAMM, )  
 )  
RESPONDENT. )  
\_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
NINTH JUDICIAL CIRCUIT  
CASE #: 2010-CP-08-04436

**RECEIVED**  
FEB 26 2020  
SC Court of Appeals

**ORDER DENYING ANNUAL REVIEW**

This matter came before the Court for an Annual Review hearing, pursuant to S.C. Code Ann. Section 44-48-110 of the Sexually Violent Predator Act, on January 16, 2020. The Respondent was personally present along with his attorney, James K. Falk, of Charleston. The State was represented by Senior Assistant Attorney General James G. Bogle, Jr.

The hearing covered all pending annual reviews through 2018. Testimony was received from Mr. Hamm on his own behalf, and from Chief Psychologist Dr. Amy C. Swan of the South Carolina Department of Mental Health. The Respondent was committed to the Department of Mental Health, Sexually Violent Predator Treatment Program, on or about September 7, 2011.

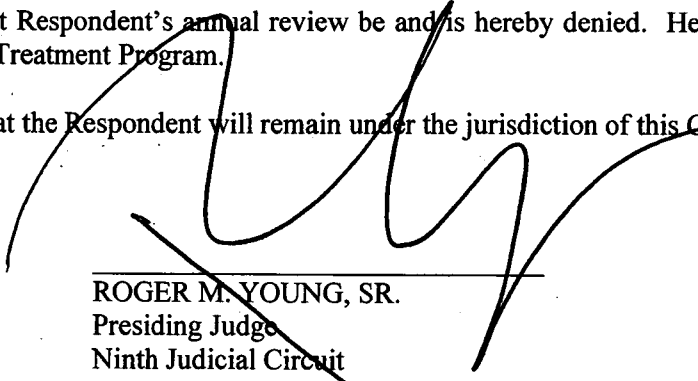
The issue at a hearing like this is whether or not Respondent's mental abnormality or personality disorder has so changed that he is safe to be at large and, if released, is not likely to commit acts of sexual violence. The burden is upon the Respondent to show probable cause that this has occurred.

Much of Respondent's testimony concerned medical issues he contends he is suffering from that could lead to dementia or an early end to his life. Careful consideration was given to the testimony presented to include the diagnoses and difficulties in treatment Respondent has been having, and that he is still enrolled in one of the early phases of a four-phase treatment program administered by WellPath Solutions, which operates the treatment program under the jurisdiction of the Department of Mental Health. Based on the review by Dr. Swan, Respondent's diagnoses are Pedophilic Disorder, Sexually Attracted to Females, Non-Exclusive Type, Exhibitionist Disorder, Alcohol, Cannabis and Stimulant (Cocaine) Use Disorders in a Controlled Environment, and Antisocial Personality Disorder. I find that Respondent has not met the probable cause burden under Section 44-48-110.

IT IS HEREBY ORDERED that Respondent's annual review be and is hereby denied. He is to remain at the Sexually Violent Predator Treatment Program.

IT IS FURTHER ORDERED that the Respondent will remain under the jurisdiction of this Court.

AND IT IS SO ORDERED.



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ROGER M. YOUNG, SR.  
Presiding Judge  
Ninth Judicial Circuit  
Court of Common Pleas

January 22, 2020  
Charleston, South Carolina