

2/11

RECEIVED

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF BERKELEY ) FOR THE NINTH JUDICIAL CIRCUIT APR 23 2020  
2020 MAR 24 AM 10:21

IN THE MATTER OF THE CARE )  
AND TREATMENT OF CRAIG )  
ALLEN CARROLL, )  
RESPONDENT. )  
CASE NUMBER: 2015-CP-08-26 SC Court of Appeals  
ORDER DENYING MOTION TO RECONSIDER

FILED  
2020 MAR 24 PM 12:14  
CLERK OF COURT  
BERKELEY COUNTY, SC

This matter came before the Court for an Annual Review hearing, pursuant to Code Ann. Section 44-48-110 of the Sexually Violent Predator Act, on January 16, 2020. Testimony was received from Mr. Carroll on his own behalf, his expert witness Psychologist Dr. Yadira Baez-Lockard, and from Chief Psychologist Dr. Michelle A. Jones of the South Carolina Department of Mental Health. The Court thereby denied Mr. Carroll's annual review. Mr. Falk filed a Motion to Reconsider the Order denying Mr. Carroll's annual review, and the State filed a Return.

In a Section 44-48-110 probable cause hearing, the committed person has the burden of showing the hearing court that probable cause exists to believe that his mental condition has so changed that he is safe to be released. See *People v. Hardacre*, 109 Cal. Rptr. 2d 667 (Cal. App. 2 Dist. 2001) (at showing cause hearing, committed person must establish probable cause to believe his mental condition has changed so that he is no longer a danger to others). See also *Matter of Care and Treatment of Tucker*, 353 S.C. 466, 578 S.E.2d 719 (2003).

At the hearing, Respondent presented testimony from a psychologist recognized as an expert witness by the Court, leaving the court to weigh the credibility and presentation of two qualified expert witnesses. There were distinct differences between the two psychologists in their calculations of the Respondent's score on the actuarial assessments, the Static 99R and Static 2002R, which produced numbers that gauged his likelihood to reoffend in a sexual manner. There

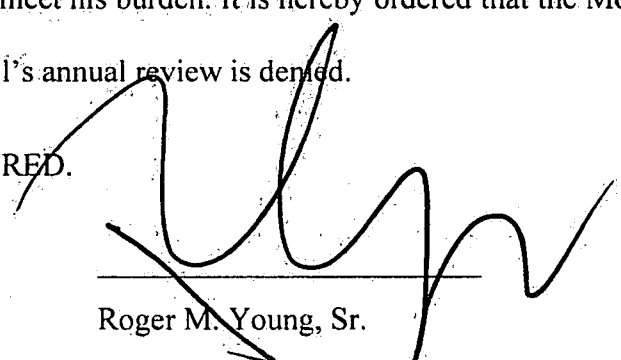
R

was a distinct difference between the numbers produced by Dr. Jones and those by Dr. Baez-Lockhard, with Dr. Jones' scores being higher, suggesting a greater probability to reoffend sexually. Testimony about the manual's instructions on how to compute those scores was crucial in the Court's evaluation of the testimony.

Further, while it could appear that Respondent may not presently have a mental abnormality, as his witness contended, he could remain validly committed under a personality disorder. *See* Section 44-48-30(1) ("Sexually violent predator" means a person who: (a) has been convicted of a sexually violent offense; and (b) 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). The diagnosis presented by the State at his commitment was Other Specified Paraphilic Disorder, Biastophilia, and Anti-Social Personality Disorder. His diagnosis by the State at this annual review had evolved to Anti-Social Personality Disorder and certain substance abuse disorders.

Based on these findings, and the credibility and presentations submitted, the Court finds that Respondent has failed to meet his burden. It is hereby ordered that the Motion to Reconsider the Order Denying Mr. Carroll's annual review is denied.

AND IT IS SO ORDERED.



\_\_\_\_\_  
Roger M. Young, Sr.  
Circuit Court Judge

3/21/2020

Moncks Corner, South Carolina