

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
CASE #: 2015-CP-08-02677

IN THE MATTER OF THE)
CARE AND TREATMENT OF)
CRAIG ALLEN CARROLL,)
)
RESPONDENT.)

ORDER DENYING ANNUAL REVIEW

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FILED
CLERK OF COURTS
BERKELEY COUNTY, SC

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 2019. Testimony was received from Mr. Carroll on his own behalf, his expert witness Dr. Yadira Baez-Lockard, and from Chief Psychologist Dr. Michelle A. Jones 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 April 20, 2017.

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.

Careful consideration was given to the testimony presented, to include the progress Respondent has made in treatment and his diagnosis. The determination by the Court in this matter was made more difficult because Respondent did present testimony from a psychologist recognized as an expert witness by the Court. The Court found itself in a position of having to weigh the credibility and the presentation of all witnesses. After the testimony, it would reasonably appear that there were distinct differences in the calculation of the Respondent's score on the actuarial assessments, to include the Static 99R.

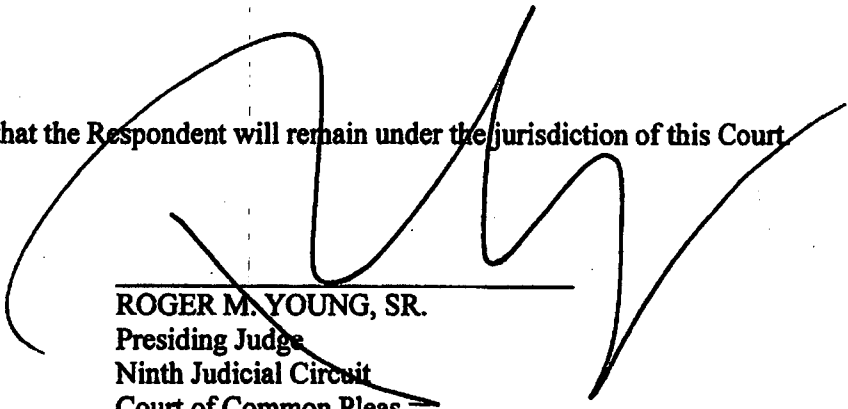
It would also appear that while he may not have a mental abnormality, as his witness contended, he could remain validly committed under a personality disorder. The diagnosis presented by the State at his commitment was Other Specified Paraphilic Disorder, Biastophilia, and Anti-Social Personality Disorder. His diagnosis in this annual review has evolved to Anti-Social Personality Disorder and certain substance abuse disorders in sustained remission.

Based on these findings, and having considered the credibility and presentations submitted, 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 committed at the Sexually Violent Predator Treatment Program in Columbia as administered and under the jurisdiction of the South Carolina Department of Mental Health.

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



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

January 22, 2020
Charleston, South Carolina

FILED
JAN 22 2020
CLERK OF COURT
NINTH JUDICIAL CIRCUIT
COURT OF COMMON PLEAS
CHARLESTON, SOUTH CAROLINA