

THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

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JUN 16 2020

S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY  
COURT OF COMMON PLEAS

ANTONIO PATTERSON # 342594  
STATE OF SOUTH CAROLINA

APPELLANT  
RESPONDENT

NOTICE OF APPEAL

APPELLANT APPEAL THE COURT ORDER FOR  
EVALUATION PURSUANT TO THE SEXUALLY VIOLENT  
PREDATOR ACT DATED APRIL 30, 2020 AND  
SUPPLEMENTAL ORDER DATED MAY 14, 2020  
BOTH ORDER RECEIVED BY APPELLANT ON  
JUNE 8, 2020 SEE ATTACHMENT

THIS APPEAL FOLLOWS PROBABLE CAUSE HEARING  
APRIL 27, 2020 CONTESTED VIOLATION OF  
STATUTE 17-1-40 AND 17-22-950

ALL RECORDS WAS ORDER TO BE EXPUNGED AND  
DESTROYED BY JUDGE MAITE MURPHY JUNE 18, 2020  
AND SOLICITOR DAVID M. PASCOE ON JUNE 22, 2018

BENTLEY D. PRICE CIRCUIT COURT JUDGE  
CASE NO: 2020 CP 1000 680

20F3

Antonio D. Patterson  
ANTONIO D. PATTERSON  
MACDOUGALL CORRECTIONAL INST.  
1516 Old Gilliard Rd.  
Ridgeville S.C. 29472

B2 C14B

OTHER COUNSEL OF RECORD  
JAMES G. BOGLE JR.  
SENIOR ASSISTANT ATTORNEY GENERAL  
PREMBERT C. DENNIS BUILDING  
P.O. BOX 11549  
Columbia S.C. 29211-1549

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHARLESTON )  
 IN THE MATTER OF THE )  
 CARE AND TREATMENT OF )  
 ANTONIO DIEARGO PATTERSON, )  
 RESPONDENT. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE #: 2020-CP-10-00689

SUPPLEMENTAL ORDER

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 JULIE J. HESTRONG  
 CLERK OF COURT

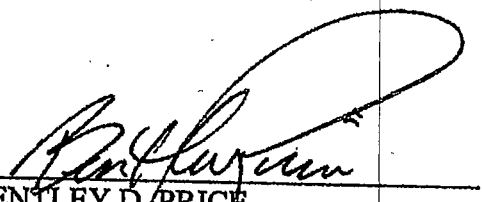
This matter came before me on petition of the State of South Carolina for an order requiring the Respondent, Antonio Dieargo Patterson, to submit to an examination and to be detained in appropriate secure facility pending a trial pursuant the Sexually Violent Predator Act (S. C. Code Ann. Sections 44-48-10, *et seq.*). A Probable Cause hearing was held on April 27, 2020 by video/audioconferencing; the State was represented by Senior Assistant Attorney General James G. Bogle, Jr., and the Respondent by James K. Falk, Esquire. An Order for Evaluation was filed April 30, 2020.

Exhibit D to the State's Petition was a court order from Dorchester County filed June 22, 2018, expunging certain criminal records, more specifically, Warrants H897877 and H897878. According to the order, the date of arrest was May 24, 2005 in Dorchester County, and the arrest was for Criminal Sexual Conduct with a minor, second degree.

Pursuant to S.C. Code Ann. Section 17-1-40, relating to expungements, the underlying details of the 2005 arrest are exempt from disclosure except by court order. At the April 27, 2020 hearing, Mr. Bogle indicated he would be seeking such an order because these are the types of records the Department of Mental Health would want to examine. Accordingly,

IT IS HEREBY ORDERED that (1) any and all law enforcement, investigative, or detention facilities in Dorchester County, and (2) SLED or the South Carolina Department of Corrections, who are in possession of records related to the arrest warrants addressed herein, shall disclose any and all such records to the Department of Mental Health for the purpose of the evaluation of Respondent, to the Attorney General's Office, and to Respondent's attorney.

AND IT IS SO ORDERED.

  
 BENTLEY D. PRICE  
 Presiding Judge  
 Ninth Judicial Circuit  
 Court of Common Pleas

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May 14, 2020  
 Charleston, South Carolina

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 IN THE MATTER OF THE )  
 CARE AND TREATMENT OF )  
 ANTONIO DIEARGO PATTERSON, )  
 )  
 RESPONDENT. )

IN THE COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
 CASE #: 2020-CP-10-00680

**ORDER FOR EVALUATION  
 PURSUANT TO THE  
 SEXUALLY VIOLENT PREDATOR ACT**

This matter comes before me on petition of the State of South Carolina for an order requiring the Respondent, Antonio Dieargo Patterson, to submit to an examination and to be detained in appropriate secure facility pending a trial pursuant the Sexually Violent Predator Act (S. C. Code Ann. Sections 44-48-10 *et seq.*). A Probable Cause hearing was held on April 27, 2020 by video/audioconferencing; the State was represented by Senior Assistant Attorney General James G. Bogle, Jr., and the Respondent by James K. Falk, Esquire.

The Respondent was present by video/audioconferencing from the facility at the Department of Corrections where he is currently incarcerated. The Court inquired of both Mr. Falk and Respondent whether they would agree to have this hearing conducted by video/audioconferencing, and both answered in the affirmative. The Court understands this to mean Respondent has been fully informed of his right to be personally present before the Court and, with that knowledge, has freely, knowingly and voluntarily waived that right. It is also understands that he has been given an adequate opportunity to confer with Mr. Falk on this decision.

I have considered the showing made in respect to this matter and am of the opinion that probable cause exists to find that the Respondent is a sexually violent predator as defined by S. C. Code Ann. Section 44-48-30.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

That the Respondent shall be:

- (a) Confined upon his max-out date from the South Carolina Department of Corrections in the Charleston County Detention Center until a final disposition of this action; and
- (b) Examined and observed at the appropriate facility of the South Carolina Department of Mental Health to determine whether the Respondent suffers from a mental abnormality or personality disorder that makes him likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.

The ordered examination shall be requested by the Office of the Attorney General of South Carolina and scheduled by the examining facility as soon as possible. The Respondent is

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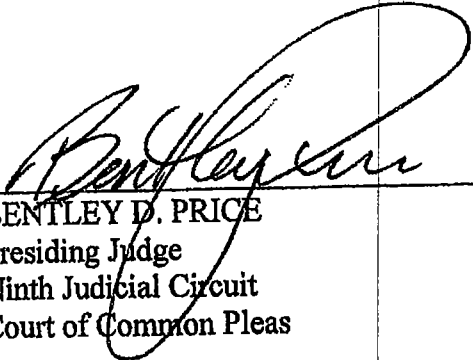
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to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. The Respondent continues under jurisdiction of this Court.

The Department of Mental Health will assign this matter, within five (5) days of receipt of this order, to one of the following qualified experts for sexually violent predator cases: Marie E. Gehle, Psy.D., Gordon E. Brown, Ph.D., Rozanna Tross, Psy.D., Kelly Gothard, Ph.D., Rachel Carter, Ph.D., Michelle A. Jones, J.D., Ph.D., or Christopher Gillen, Ph.D.

Within five days of the receipt of the written report of the examination by the Office of the Attorney General of South Carolina, said office shall make a copy of such examination available to the Respondent's attorney.

AND IT IS SO ORDERED.

  
BENTLEY D. PRICE  
Presiding Judge  
Ninth Judicial Circuit  
Court of Common Pleas

April 30<sup>th</sup>, 2020  
Charleston South Carolina