

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY

Appellate Case No. 2018-001442

Roger E. Henderson, Judge

Trial Case No. 2015CP1600788

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Jun 17 2020

SC Court of Appeals

In the Matter of the Care and Treatment of Larry James Tyler,

Appellant.

Appendix to the Record on Appeal

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STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
)
)
IN THE MATTER OF THE CARE)
AND TREATMENT OF)
LARRY JAMES TYLER,)
RESPONDENT.)
_____)

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE NO. 2015-CP-16-00788

ORDER

This is a matter brought under the Sexually Violent Predator Act, S.C. Code Ann. Sections 44-48-10, *et seq.* An Order for Evaluation was filed October 26, 2015, and an order granting the qualified expert, Dr. Marie E. Gehle an extension to complete her evaluation, was signed by the Court December 14, 2015, but filed January 15, 2016.

A Motion to Dismiss was filed by Respondent, and a hearing held February 2, 2016 in Darlington County. The Respondent was present with his attorney James K. Falk, and the State was represented by James G. Bogle, Jr., of the Attorney General's Office.

The Motion before the Court was to dismiss this Sexually Violent Predator matter, because Dr. Gehle had not completed her evaluation within sixty (60) days of the probable cause hearing, as required by S.C. Code Ann. Section 44-48-80 (D). The record shows that Dr. Gehle's report would have been due on or about December 26, 2015. She sought from this Court, in its capacity as Chief Administrative Judge at the time, an extension of time within which to complete that report, by letter dated December 8, 2015. The Court granted that extension by signing an Order on December 14, 2015. However, by the time the sixty (60) day deadline had arrived, on or about December 26, 2015, the Order Granting that extension had not been filed, and Mr. Falk properly filed a Motion to Dismiss.

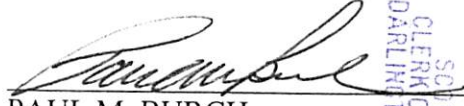
Counsel for the Respondent argued that a court order under South Carolina is not final until it is filed, citing numerous authorities to that effect. While that is true, I find that, based upon the record upon the Court, it was this Court's intention to grant the extension to Dr. Gehle, and due to circumstances not exactly clear, the order was inadvertently not filed until sometime later. But the date of filing does not affect the decision of the Court to grant Dr. Gehle her extension.

Accordingly,

IT IS HEREBY ORDERED that to Motion to Dismiss is denied.

AND IT IS SO ORDERED.

February 5, 2016
Pageland, South Carolina


PAUL M. BURCH
Judge, Fourth Judicial Circuit
Court of Common Pleas

TRUE CERTIFIED COPY,
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, SC

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FILED
SCOTT B. SUGGS
CLERK OF COURT/R.O.D.
DARLINGTON COUNTY, S.C.

CERTIFICATE OF COUNSEL

I certify this designation contains no matter irrelevant to this appeal.

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June 15, 2020

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