



ALAN WILSON
ATTORNEY GENERAL

June 23, 2020

RECEIVED
Jun 23 2020
SC Court of Appeals

The Honorable Jenny A. Kitchings
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Antonio Patterson, Appellant v. State of South Carolina, Respondent
Lower Court Case No. 2020-CP-10-00-680
Appellate Case No. 2020-000886

Dear Ms. Kitchings:

I represent the State in the above matter. This appeal arises from two interlocutory orders that are not immediately appealable. Accordingly, the appeal is not properly before this Appellate Court and should be dismissed.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/se

cc: Victim Advocacy Division
James K. Falk, Esquire

Antonio Patterson SCDC No. 00342514
MacDougall Correctional Institute
1516 Old Gillard Road
Ridgeville, SC 29472

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

BENTLEY D. PRICE CIRCUIT COURT JUDGE
CASE NO: 2020 CP 10-00680

ANTONIO PATTERSON # 342594 APPELLANT
STATE OF SOUTH CAROLINA 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 14TH 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, 2018 AND SOLICITOR DAVID M.
PASCOE ON JUNE 22, 2018 SEE: ATTACH

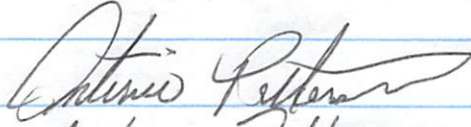
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JUN 18 2020

ATTORNEY GENERALS
OFFICE

SEE: MATHIS V. S.C. STATE HIGHWAY DEPT.
260 S.C. 344, 346, 195 S.E. 2d 713, 714-715
(1973) A CASE BECOMES MOOT WHEN
JUDGMENT WOULD HAVE NO PRACTICAL LEGAL
EFFECT ON THE CONTROVERSY.

CAN NOT BE PRIOR BAD ACT.


ANTONIO PATTERSON
MACDONOGALL CORR. INST.
1516 Old Gilliard Rd.
RIDGEVILLE S.C. 29472.

OTHER COUNSEL OF RECORD
JAMES G. BOGLE JR.
SENIOR ASSISTANT ATTORNEY GENERAL
THEMBERT 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

FILED
 2020 MAY 15 AM 8:32
 BY CLERK J. ARMSTRONG
 CLERK OF COURT

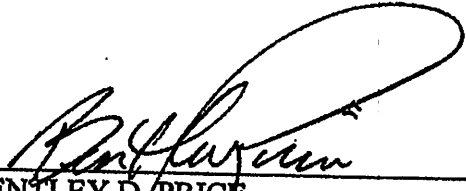
This matter came before me on petition of the State of South Carolina for an order requiring the Respondent, Antonio Dieargo Patterson, to submit to an examination and to be detained in appropriate secure facility pending a trial pursuant the Sexually Violent Predator Act (S. C. Code Ann. Sections 44-48-10, *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

RECEIVED
 JUN 08 2020
 Mailroom
 MacDougall Correctional Inst.

May 14th 2020
 Charleston, South Carolina

MacDougall Correctional Inst.
 Mailroom
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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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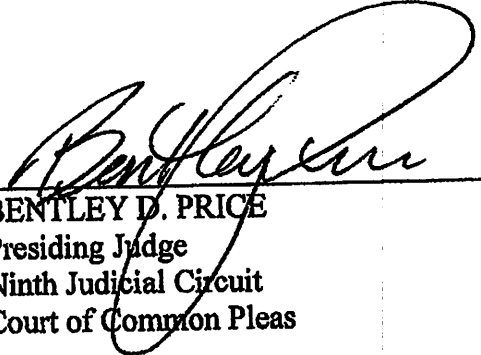
BY _____
 CLERK OF COURT
 2020 APR 30 PM 1:42
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to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility. The Respondent continues under jurisdiction of this Court.

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. Geble, 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 30th, 2020
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

BENTLEY D. PRICE Circuit Court Judge
CASE NO: 2020 CP 10-00680

PROOF OF SERVICE

I, CERTIFY THAT I HAVE SERVED APPELLANT'S
NOTICE OF APPEAL BY MAIL ON THE 11TH DAY
OF JUNE 2020 ON THE FOLLOWING

JAMES G. BOGLE JR
SENIOR ASSISTANT ATTORNEY GENERAL
S.C. OFFICE OF ATTORNEY GENERAL
P.O. BOX 11549 COLUMBIA S.C. 29201

HONORABLE JULIE J. ARM STRONG
CLERK OF COURT 100 BROAD ST

CHAS. S.C. 29401

TO FORWARD: HONORABLE

BENTLEY D. PRICE
9TH CIRCUIT COURT

ROBERT M. DUDKES ESQUIRE
OFFICE OF APPELLATE DEFENSE
P.O. BOX 11433
COLUMBIA S.C. 29211-1433

Sally Ellison

From: Sally Ellison
Sent: Tuesday, June 23, 2020 1:16 PM
To: 'jfalklaw@gmail.com'
Cc: Deborah Shupe
Subject: Emailing: Letter to COA regarding Notice of Appeal filed by Appellant Patterson (02308730xD2C78).PDF
Attachments: Letter to COA regarding Notice of Appeal filed by Appellant Patterson (02308730xD2C78).pdf

Dear Mr. Falk:

Attached is correspondence that will be filed with the Court through the AIS System in regard to Mr. Patterson's Notice of Appeal.

Sally Ellison
Legal Assistant
Criminal Appeals
Office of the SC Attorney General
803-734-4156

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Jun 23 2020
SC Court of Appeals