

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Charleston County
The Honorable Bentley D. Price
Appellate Case No. 2019-000124

RECEIVED
Jul 06 2020
SC Court of Appeals

IN THE MATTER OF THE CARE AND
TREATMENT OF ANTONIO D. PATTERSON,

APPELLANT.

APPELLANT CASE No. 2020-000886

MOTION TO DISMISS

Respondent, State of South Carolina, hereby moves to dismiss Appellant's Appeal based on the following:

1. A Probable Cause Hearing was held on April 27, 2020. By Order dated April 30, 2020, the court found probable cause existed to believe Appellant was a sexually violent predator as defined by S.C. Code Ann. § 44-48-30, and ordered the Appellant be examined and observed at the appropriate facility of the South Carolina Department of Mental Health to determine whether the Appellant 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. In addition, a Supplemental Order was filed on May 14, 2020, ordering any and all law enforcement,

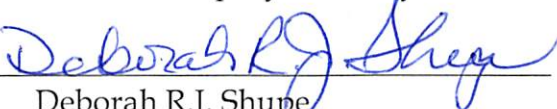
investigative, or detention facilities, SLED, or the South Carolina Department of Corrections who are in possession of records related to the Appellant, be disclosed and provided to the Department of Mental Health, the Attorney General's Office, and to Appellant's attorney for the purpose of evaluation of Appellant.

2. Appellant's appeal arises from the above referenced Orders which are interlocutory Orders that are not immediately appealable pursuant to Rule 201(a), SCACR (right to appeal from final order). Accordingly, this appeal is not properly before the appellate court and should be dismissed.

Respectfully submitted,

ALAN WILSON
Attorney General

DEBORAH R.J. SHUPE
Senior Assistant Deputy Attorney General

By: 
Deborah R.J. Shupe

July 6, 2020

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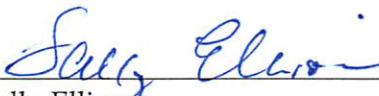
APPELLANT CASE No. 2020-000886

PROOF OF SERVICE

I, Sally Ellison, certify that I have served the within Motion to Dismiss on counsel for the Appellant by email to the address listed in AIS and with a copy of same to follow in the United States Mail, postage prepaid addressed to:

James K. Falk, Esquire
Counsel for Appellant
Post Office Box 1058
Charleston, SC 29402

Antonio Patterson, SCDC # 00342515
Appellant
McDougall Correctional Institute
1516 Old Gilliard Road
Ridgeville, SC 29472


Sally Ellison
Legal Assistant
Office of the Attorney General
Columbia, SC 29211
(803) 734-3727

July 6, 2020

Sally Ellison

From: Sally Ellison
Sent: Monday, July 6, 2020 12:14 PM
To: 'jfalklaw@gmail.com'
Cc: Deborah Shupe; Sally Ellison
Subject: In the Matter of the Care and Treatment of Antonio D. Patterson Appellate Case No. 2020-000886
Attachments: Patterson, Antonio D. Cover Letter to Motion to Dismiss Appellate Case No. 2020-000886 (02318591xD2C78).pdf; Patterson, Antonio D. Motion to Dismiss Appellate Case No. 2020-000886 (02318586xD2C78).pdf

Dear Mr. Falk:

Attached is a copy of the State's cover letter and Motion to Dismiss in the above appeal. A copy of the Motion will be filed today with the Court of Appeals through the AIS system. As set forth in the Proof of Service, a copy of the Motion to Dismiss has been placed in the United States Mail to you and to the Appellant, Antonio Patterson, to the addresses set forth in the Proof of Service.

Please acknowledge receipt of this email.

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

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ALAN WILSON
ATTORNEY GENERAL

July 6, 2020

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SC Court of Appeals

The Honorable Jenny A. Kitchings
Post Office Box 11549
Columbia, South Carolina 29211-1549

Re: In the Matter of the Care and Treatment of Antonio D. Patterson
Appellate Case No. 2020-000886

Dear Ms. Kitchings:

Enclosed is the State's Motion to Dismiss pursuant to Rule 240, SCACR in regard to the above matter. A copy of the motion will be served on counsel of record, James K. Falk, Esquire, by electronic mail and through the AIS One Drive. A copy of the motion will also be served on the Appellant, Antonio D. Patterson, by U.S. Mail at the address indicated below.

Sincerely,

Deborah R.J. Shupe
Senior Assistant Deputy Attorney General

DRJS/te
Enclosures

cc: James K. Falk, Esquire
Victim Advocacy Division

Antonio D. Patterson
SCDC# 00342514
1516 Old Gilliard Road
Ridgeland, South Carolina 29472