STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr.

Case No.: 2019-000957

State of South Carolina,

Respondent,

vs.

Louis Neal "Skip" ReVille,

Appellant.

APPELLANT'S REPLY TO RESPONDENT'S INITIAL BRIEF

TOMMY A. THOMAS
Bar No.: 005536
Post Office Box 88
Irmo, SC 29063
(803) 732-5507

ATTORNEY FOR APPELLANT

MARK R. FARTHING
Senior Assistant Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEY FOR RESPONDENT

STATEMENT OF ISSUE ON APPEAL

The circuit court abused its discretion by improperly sentencing Appellant and then denying Appellant's motion for reconsideration of sentencing, thus denying Appellant an effective opportunity to enter the Sexually Violent Predator Program.

RESPONDENT'S COUNTER-STATEMENT OF ISSUE ON APPEAL

Did the plea judge abuse his discretion or otherwise err by sentencing Appellant to an aggregate term of imprisonment that fell well below the maximum potential sentence authorized by law after Appellant was convicted of numerous sexual offenses – including first-degree criminal sexual conduct with a minor – involving twenty-two separate and distinct juvenile victims when the aggregate sentence imposed fell within the permissible sentencing limits for Appellant's many terrible crimes and nothing was presented suggesting it was unconstitutional in any manner or resulted from any partiality, prejudice, oppression, or corrupt motive?

ARGUMENT

The circuit court abused its discretion by improperly sentencing Appellant and then denying Appellant's motion for reconsideration of sentencing, thus denying Appellant an effective opportunity to enter the Sexually Violent Predator Program.

In its brief, Respondent has attempted to direct the court's attention away from the issue at hand. Respondent uses an attack on character and elaboration on Appellant's offenses rather than a straightforward discussion of the fundamental issues of sentencing itself. From very early on in the criminal process, Appellant acknowledged his pleas and convictions and did not contest them. He has cooperated with law enforcement, civil suits brought by victims, and everyone involved in the processes he has faced. He retained his plea counsel after asking if Mr. Jones would tell him to quit cooperating with the investigations because all other attorneys had. (R. p.103, lines 9-16) He pleaded guilty in order to prevent putting his victims and their families through the trauma of a trial – a fact which is recognized in nationwide jurisprudence as worth of consideration in sentencing. Similarly, it is recognized that "[a] defendant who enters a guilty plea has extended a substantial benefit to the State and deserves to have a substantial benefit extended to him in return." State v. Brouwer, 346 S.C. 375, 390, 550 S.E.2d 915, 923 (Ct. App. 2001) (citing Gajdos v. State, 462 N.E.2d 1017 (Ind. 1984).)

While incarcerated, Appellant has participated in every possible program available to him so he may better his position and those of his fellow inmates. He has worked on improving his mental health and recognizing his diagnoses and proclivities. Despite these efforts, Appellant is still obviously mentally disturbed, as evidenced by the evaluations performed by Dr. William Burke and Dr. Selman Watson. Nothing presented by Appellant is designed to dispute that fact. In fact, it was this fact that led Appellant to request a reconsideration of his sentence and file this

appeal. These doctors both opined that he would benefit from the help of the Sexually Violent Predator program ("SVP"), as well as a closely supervised community.[3]

While it is arguable that the plea court did not abuse its discretion, insofar as it could have issued a much longer sentence, Appellant argues that the plea court abused its discretion in denying Appellant's motion to reconsider his sentence. He understands that his controlling sentence is fifty years, of which he must serve 85% and is not eligible for parole. However, the mandatory minimum for this charge is twenty-five years, 85% of which is 21.25 years. This would require service of thirteen more years. In order to reduce this sentence, Appellant respectfully requests that this court consider the other functions of punishment, namely rehabilitation, and allow the possibility of him receiving the treatment he so clearly requires by increasing the chances of an earlier entry into SVP.

Nowhere in the initial brief or this reply does Appellant allege that he should be considered to have served his complete sentence at this point in time, despite Respondent's repeated arguments to the contrary. (IBOR, p. 11, 17[4]) Similarly, *nowhere* does Appellant labor under the

---

[3] Dr. Burke at plea hearing: "So, in short, if he were at some point in the future released from prison, I believe that the Sexually-Violent Predator Act would kick in immediately and I believe that he would meet the criteria and go into the program. But at some point in the future after that if he were released from that program, I think he could be controlled in the community in certain settings." (R. P.101, lines 15-23)
Dr. Watson in his report: "Mr. Reville, who is in need of long-term treatment for his sex offending, is reportedly pursuing a reduction in his sentence, and if granted, should immediately enter the SVP program. Such a move would not only give him exposure to a model of rehabilitation, but also make better use of his time in the absence of similar programming within the South Carolina Department of Corrections. In this examiner's opinion, this respondent is highly motivated to change his behavior and it goes without saying that he is extremely remorseful over his past actions. The wealth of information at his disposal would also serve to help other offenders who also struggle to control their urges." (R. p.171)

[4] It is Appellant's right to provide his own analysis of penological goals which, by their very nature, are self-serving as these briefs are arguments on behalf in an effort to change the course of his future. To characterize Appellant's efforts to better his predicament as something negative is inappropriate and inflammatory.

delusion that he may choose his own sentence, nor does he suggest that it should be lower than the mandatory minimum, as Respondent alleges. (IBOR, p. 19[5]) It is understandable that Respondent believes Appellant is out of line or incorrect – such is the nature of an adversarial system. However, Respondent loses sight of "the goals of sentencing," which "are to reflect the seriousness of the offense, promote respect for the law, provide appropriate punishment, deter criminal conduct, protect the public from the defendant's criminal conduct, and provide the defendant with needed care or treatment. Brouwer, 346 S.C. at 389, 390, 550 S.E.2d at 922 (see United States v. Gomez-Villa, 59 F.3d 1199 (11th Cir. 1995) (citing 18 U.S.C.A. § 3553(a)(2), the Federal Sentencing Guidelines).

Appellant's plea, as stated in the initial brief, is to merely be able to have his controlling sentenced reduced so that he may enter SVP at an earlier date. This request is made with the understandings of the mandatory minimum of 25 years under S.C. Code Ann. §16-3-655(A)(1) and (D)(1), no parole eligibility, 85% service, and the other sentences, suspended or otherwise, by which Appellant is bound. Appellant understands that, due to the nature of his issues and afflictions, it is unlikely that he will ever be released from commitment, whether it be criminal or civil. His only desire is to have his sentence reduced in compliance with the above-stated goals of sentencing so that, if possible in 2033 or so, he may begin a more meaningful therapeutic process through SVP.

[5] Appellant recognizes that the phrase "This time has passed for Appellant" on page 11 of his initial brief may have been confusing. This was intended only to mean that the time has passed for Appellant to receive the benefits of all courses and programs available for him through the department of corrections. Any other rehabilitative or therapeutic benefit would only be available through SVP.

CONCLUSION

For the above-stated reasons, Appellant respectfully requests that this Court reduce his sentences.

Respectfully submitted,

TOMMY A. THOMAS
Bar No.: 005536
Post Office Box 88
Irmo, SC 29063
(803) 732-5507

By: s/
Attorney for Appellant

7588 Woodrow Street
Irmo, South Carolina 29063

STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of General Sessions
The Honorable R. Markley Dennis, Jr.

Case No.: 2019-000957

State of South Carolina,

Respondent,

vs.

Louis Neal "Skip" ReVille,

Appellant.

CERTIFICATE OF COUNSEL

The undersigned certified that this Final Brief complies with Rule 211(b), SCACR.

September 24, 2020

TOMMY A. THOMAS
Bar No.: 005536
Post Office Box 88
Irmo, SC 29063
(803) 732-5507

ATTORNEY FOR APPELLANT