



# The South Carolina Court of Appeals

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February 04, 2021

The Honorable David Hamilton  
PO Box 649  
York SC 29745-0649

## **REMITTITUR**

Re: In the Matter of Franklin Mosier  
Lower Court Case No. 2016CP4600296  
Appellate Case No. 2017-001345

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

*V. Claire Allen*

CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire  
Deborah R.J. Shupe, Esquire  
LaNelle Cantey DuRant, Esquire  
Victor R Seeger, Esquire  
The Honorable Daniel Dewitt Hall

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

In the Matter of the Care and Treatment of Franklin  
Mosier, Appellant.

Appellate Case No. 2017-001345

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Appeal From York County  
Daniel Dewitt Hall, Circuit Court Judge

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Unpublished Opinion No. 2020-UP-286  
Submitted May 8, 2020 – Filed October 14, 2020

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**REVERSED AND REMANDED**

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Appellate Defender LaNelle Cantey DuRant and  
Appellate Defender Victor R. Seeger, both of Columbia,  
for Appellant.

Attorney General Alan McCrory Wilson and Senior  
Assistant Deputy Attorney General Deborah R.J. Shupe,  
both of Columbia, for Respondent.

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**HEWITT, J.:** This is an appeal from a circuit court order finding Franklin Mosier met the criteria for civil commitment as a sexually violent predator pursuant to the Sexually Violent Predator Act, S.C. Code Ann. § 44-48-10 through § 44-48-170 (2015). Mosier argues the circuit court erred in allowing an expert witness—a

forensic psychologist—to testify regarding a controversial test performed on Mosier that the expert neither administered nor observed.

We dealt with this same issue in *In the Matter of Micah A. Bilton*, issued today. *In the Matter of Micah A. Bilton*, Op. No. 5775 (S.C. Ct. App. filed October 14, 2020). Though the facts here are different in some respects, the differences are not meaningful, and the reasoning in *Bilton* controls. As we stated in that opinion, due process does not allow a testifying expert to be a pipeline for someone else's scientific work to be admitted into evidence without a baseline demonstration of reliability. Thus, for the reasons we gave in *Bilton*, we reverse the circuit court's judgment and remand for a new trial.

**REVERSED AND REMANDED.**<sup>1</sup>

**LOCKEMY, C.J., and GEATHERS, J., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.