

May 2 , 2013

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court Of Appeals  
PO Box 11629  
Columbia, SC 29211

COVER LETTER

Re: In The Matter Of Care And  
Treatment of William Deans  
Appellate Case No. 2013-000879

Dear, Mrs. J. A. Kitchings

I was instructed by your office (Clerk, V. Claire Allen, Deputy,  
letter of April 29, 2013) to make corrections in the caption of my  
Notice Of Appeal.

Please, find enclosed what should be close to what your asking for me  
to correct.

I applied the original date of service and used the CP case number  
since this is a corrected copy of the original, with my having re-  
mailed corrected copies to all party's.

Should you find this incorrect please inform me as to exactly what  
you are wanting.

I apologize for any inconvenience.

Respectfully,

*William Deans*

Pro-Se

RECEIVED  
MAY 06 2013  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

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APPEAL FROM ANDERSON COUNTY  
Court Of Common Pleas, 04th Judicial Circuit

J.C. Nicholson, Circuit Court Judge

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Appellate Case No. 2013-000879

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State Of South  
Carolina.....Respondent,

v.

William  
Deans.....Appellant.

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PROOF OF SERVICE

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I, William Deans, certify that I have served a ( Corrected copy containing proper captions ) of Notice Of Appeal on Alan Wilson by depositing a copy of it in the United States, postage prepaid by Appeal, on, May 2, 2013 addressed to Alan Wilson / Nicole T. Wetherton, PO Box 11549, Columbia, C 29211, at his office on May 2, 2013

May 2, 2013

William Deans  
William Deans  
Bldg. 3, 3d floor  
7901 Farrow Rd.  
Columbia, C 29203  
803-889-2922  
Appealant, Prose

RECEIVED  
MAY 06 2013  
SC Court of Appeals

April 23, 2013

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court Of Appeals  
PO Box 11629  
Columbia, SC 29211

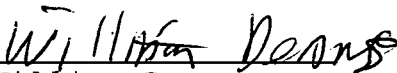
Re: In The Matter Of Care And  
Treatment of William Deans  
Case No: 2002-CP-04-3343

Dear, Mrs. J. A. Kitchings

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following,

- (1) Proof Of Service of the notice of appeal on the respondent.
- (2) A copy of the final order which is to be challenged on appeal.
- (3) A Motion Proceed Indigent.
- (4) A Motion For Court Order Payment Of Transcript Of Record.

Sincerely,

  
William Deans  
Bldg. 3, 3d floor  
7901 Farrow Rd.  
Columbia, C 29203

803-889-2922

cc/  
Other Counsel of Record  
Alan Wilson / Nicole T. Wetherton  
SC Attorney General  
PO Box 11549  
Columbia, SC 29211  
803-734-3970

cc: corrected copy

April 23, 2013

Clerk Of Court,  
Anderson County Courthouse  
PO Box 8001  
Anderson, SC 29622

RECEIVED  
MAY 06 2013  
SC Court of Appeals

Re: In The Matter Of Care And  
Treatment of William Deans  
Case No: 2002-CP-04-3343

Dear, Clerk of Court,

Enclosed for filing is a notice of appeal in the above case.

Sincerely,

William Deans

William Deans  
Bldg. 3, 3d floor  
7901 Farrow Rd.  
Columbia, C 29203  
803-889-2922

cc/  
Other Counsel of Record  
Alan Wilson / Nicole T. Wetherton  
SC Attorney General  
PO Box 11549  
Columbia, SC 29211  
803-734-3970

The Honorable Jenny A. Kitchings  
Clerk, South Carolina Court Of Appeals  
PO Box 11629  
Columbia, SC 29211

Complimentary Copy  
His Honorable J.C. Nicholson  
100 Broad St. ste.  
Charleston, SC 29241

cc: corrected copy

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

RECEIVED  
MAY 06 2013  
SC Court of Appeals

APPEAL FROM ANDERSON COUNTY  
Court Of Common Pleas, 04th Judicial Circuit

J.C. Nicholson, Circuit Court Judge

Case No: 2002-CP-04-3343

State Of South  
Carolina.....Respondent,

v.

William  
Deans.....Appellant.

NOTICE OF APPEAL

William Deans appeals the final order of the Honorable J.C Nicholson dated Feb. 20, 2013. Appellant received written notice of entry of this order on Mar. 3, 2013.

William Deans appeals the denial of Honorable J.C.Nicholson of Appellants timely filed SCRCPP, Rule 59 served upon the named party's on Mar. 11, 2013, and received Denial Of Rule 59 Motion on / about April 12, 2013.

see hereto: copy of Feb. 20, 2013 Order, and April 3, 12 Order denying Respondants SCRCPP, Rule 59 Motion For Rehearing.

April 23, 2013

William Deans  
William Deans  
Bldg. 3, 3d floor  
7901 Farrow Rd.  
Columbia, C 29203  
803-889-2922

Other Counsel of Record  
SC Attorney General, Alan Wilson  
Asst. Nicole T. Wetherton  
PO Box 11549  
Columbia, SC 29211  
803-734-3970

cc: corrected copy



CLERK OF COURT  
**FEB 26 2013**  
 Richard X. Bailey  
 CLERK OF COURT

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
 COUNTY OF ANDERSON ) CASE NO. 2002-CP-04-3343

IN THE MATTER OF THE CARE ) **ORDER**  
 AND TREATMENT OF )  
 WILLIAM DEANS, )  
 RESPONDENT. )

RECEIVED  
 MAY 02 2013  
 SC Court of Appeals  
 DEPT. OF CORRECTIONS  
 04

This matter comes before the Court on annual review of William Deans's status as a Sexually Violent Predator pursuant to South Carolina Code Section 44-48-110. A hearing was held pursuant to Section 44-48-110 on February 13, 2013. Mr. Deans represented himself with Mr. Gordon A. Senerius, Esquire, acting as an advisor to Mr. Deans by prior Order of the Court. The State was represented by Assistant Attorney General Lloyd V. Flores, Jr.

Mr. Deans was committed to the Sexually Violent Predator Treatment Program on or about July 13, 2004. The Court received a letter from the Department of Mental Health dated January 3, 2013, indicating Mr. Deans was exercising his right to a hearing. The Department also sent an Annual Review Packet to the Court, including an Annual Review Treatment Summary dated December 18, 2012.

*JM*

The purpose of an annual review hearing held pursuant to South Carolina Code Section 44-48-110 is for the court to determine whether probable cause exists to believe that "the person's mental abnormality or personality disorder has so changed that the person is safe to be at large and, if released, is not likely to commit acts of sexual violence." S.C. Code Ann. § 44-48-110 (Supp. 2008). At the hearing, the committed person bears the burden of showing that probable cause exists to believe his mental condition has so changed that he is safe to be released. In re Care and Treatment of Tucker, 353 S.C. 466, 578 S.E.2d 719 (2003). In the context of Sexually Violent Predator cases, a party establishes probable cause when he presents evidence that "would lead a reasonable person to believe and conscientiously entertain" the proposition set forth at the hearing. See In re the Care and Treatment of Brown, 372 S.C. 611, 643 S.E.2d 118 (Ct. App. 2007) (establishing this standard for hearings held pursuant to South Carolina Code Section 44-48-80).

Documentation accompanying Mr. Deans's Annual Review Treatment Summary indicated he desired the appointment of an independent expert to conduct an evaluation concerning whether his mental abnormality had so changed that he is safe to be at large. After reviewing the treatment summary and based on Mr. Deans's admissions concerning treatment at the hearing, the Court denies Mr. Deans's request to an independent expert.

During the hearing, Mr. Deans did not present any evidence on his behalf to support a finding of probable cause in this matter. Moreover, Mr. Deans indicated he was still in the beginning stages of treatment and was only admitting "legal" guilt as opposed to "actual" guilt to his underlying sexually violent offenses to which he pled guilty in Anderson County. Because he bears the burden of showing probable cause exists to believe his mental condition has so changed that he is safe to be

released and he has failed to produce any evidence that would lead a reasonable person to believe and conscientiously entertain his mental condition has so changed, the Court must find and conclude Mr. Deans has failed to meet his burden, and must find no probable cause in this matter.

During the course of the hearing, Mr. Deans indicated to the Court part of his failure to attend treatment has been the Sexually Violent Predator Treatment Program's (SVPTP's) insistence that he accept guilt for charges that were dismissed in North Carolina involving improper acts against his former step-daughter. Mr. Deans has never admitted guilt to this conduct. Mr. Senerius also expressed dismay concerning this topic, and informed the Court Mr. Deans had been prevented from participating in treatment based on his failure to accept guilt for these charges.

Based on the prior filings in this case, the Court is aware of these charges and aware they were dismissed by authorities in North Carolina. The Court is further aware that Mr. Deans's former step-daughter testified concerning these allegations at his commitment trial. However, the Court takes issue with the SVPTP's insistence he accept guilt for these charges before he can enter in or continue in treatment on Constitutional grounds. Specifically, the Court believes Mr. Deans's right to be free from self-incrimination as guaranteed by the United States Constitution is being encroached by the SVPTP with regard to the dismissed North Carolina charges. See U.S. Const. amend. V ("No person . . . shall be compelled in any criminal case to be a witness against himself . . ."). By requiring Mr. Deans to admit to these charges before he can continue treatment, the SVPTP is potentially subjecting Mr. Deans to criminal liability and infringing on his right to be free from self-incrimination.

jen  
Moreover, based on Mr. Deans's assertions at the hearing, this insistence has placed a firm barrier in the way of his treatment. The Court is mindful that Mr. Deans's current participation in treatment and position concerning the charges he pled guilty to in Anderson County also place a firm barrier against his successful completion of treatment at this time. However, the Court believes Mr. Deans has a better opportunity to successfully complete treatment if he were not also being penalized for exercising his right to be free from self-incrimination.

Assistant Attorney General Flores raised the issue of whether the Department of Mental Health could be properly enjoined since they were not a party to the instant action. Mr. Flores argues that while the State of South Carolina is the Petitioner in the original action, he asserts the Department of Mental Health is a separate State agency not a party to the commitment or annual review actions. The Court disagrees with Mr. Flores's argument and finds that since the Department of Mental Health is an agency of the State and intimately involved in the sexually violent predator process, the Court can enjoin the SVPTP through the annual review process.

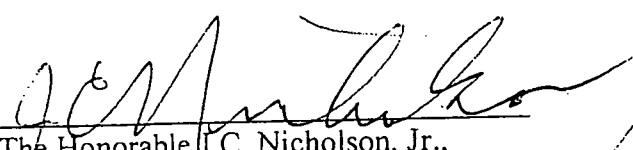
As a result, this Court sua sponte enjoins the SVPTP staff and personnel as well as any evaluator who has or may conduct an evaluation in this case and Mr. Deans to refrain from discussing or inquiring about charges and acts alleged to have taken place in North Carolina involving Mr. Deans's former step-daughter.

THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that



1. William Deans shall continue to be confined in a secure facility of the Department of Mental Health for long-term control, care and treatment pursuant to the Sexually Violent Predator Act, Code of Laws of South Carolina, 1976, as amended, Sections 44-48-10 et seq.;
2. Mr. Deans continues under the jurisdiction of this Court; and
3. The Department of Mental Health and Mr. Deans are enjoined from discussing or requiring Mr. Deans to admit any allegations or prior conduct concerning dismissed criminal charges against his former step-daughter in North Carolina.

IT IS SO ORDERED.

  
 The Honorable J.C. Nicholson, Jr.,  
 Presiding Judge for the Tenth Judicial Circuit  
 Court of Common Pleas

2/20, 2013  
~~ANDERSON~~ South Carolina

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 COMMON PLEAS AND  
 GENERAL SESSIONS

LCB

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF ANDERSON )  
 )  
IN THE MATTER OF THE CARE )  
AND TREATMENT OF )  
WILLIAM DEANS, )  
RESPONDENT )

IN THE COURT OF COMMON PLEAS  
CASE NO. 2002-CP-04-3343  
ORDER DENYING RESPONDENT'S  
RULE 59 MOTION FOR REHEARING

This matter comes before me on Mr. Dean's motion for rehearing pursuant to Rule 59, SCRPC, on the order of this Court dated February 26, 2013. After fully considering the position of the parties, the Court remains satisfied with the legal correctness and essential justice of its order. Therefore, the motion is denied without a hearing.

IT IS SO ORDERED.

*J.C. Nicholson, Jr.*  
The Honorable J.C. Nicholson, Jr.  
Presiding Judge  
for the Tenth Judicial Circuit  
Court of Common Pleas

4/3, 2013  
Anderson, South Carolina

A TRUE COPY  
APR 23 2013  
*Richard R. Kinley*  
CLERK OF COURT

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COMMON PLEAS AND  
GENERAL SESSIONS