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March 30, 2022

Mr. John Campbell

Marlboro County Detention Center

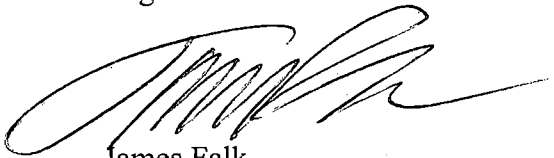
253 Throop St,

Bennettsville, SC 29512

Dear Mr Campbell:

I enclosed a copy of the State's Response to your 59e Motion, Judge Russo's order denying your request for relief under SCRCP 59e, and the State's Motion for Contempt.

Regards



James Falk

MR. CAMPBELL

I neglected to include this COVER LETTER WITH THE
DOCUMENTS I JUST MAILED TO YOU

JKF

RECEIVED

APR 26 2022

EXHIBIT
C

STATE OF SOUTH CAROLINA)
COUNTY OF MARLBORO)
IN THE MATTER OF THE)
CARE AND TREATMENT OF)
JOHN BERNARD CAMPBELL,)
RESPONDENT.)

SC Court of Appeals

IN THE COURT OF COMMON PLEAS
FOURTH JUDICIAL CIRCUIT
CASE #: 2021-CP-34-00004

ORDER DENYING RESPONDENT'S
MOTION TO ALTER OR AMEND
JUDGMENT PURSUANT TO
RULE 59(e), SCRCP

This matter came before the Court, upon the motion of Respondent pursuant to Rule 59(e), SCRCP. Respondent is requesting the Court alter or amend its Order for Evaluation filed June 1, 2021 finding probable cause exist to believe the Respondent is a sexually violent predator, as defined by S.C. Ann. Section 44-48-30(1). The Respondent is represented by James K. Falk, Esq., and the State is represented by Assistant Attorney General, Christopher S. Runyan. The Court makes the following findings of fact and conclusion of law:

A probable cause hearing was held virtually on March 11, 2021. At this hearing, after discussions with his attorney, Respondent requested a continuance so he could further review the SVP documents. The State did not oppose the continuance, and the Court granted the continuance.

On June 1, 2021, a probable cause hearing was held in person in Marlboro County. At this hearing, based on the State's presentation of the Petition, the arguments of counsel, and testimony of the Respondent, the Court found probable cause exists to believe Respondent is a sexually violent predator, and ordered an evaluation. On or about June 10, 2021, Respondent filed a "pro se" Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRCP. On August 30, 2021, following a status conference with counsel, the Court requested the State file a Return in opposition to the Respondent's Motion to Alter or Amend Judgment to address the issues raised by Respondent.

The purpose of Rule 59(e), SCRCP, is to request the trial judge to "... reconsider matters properly encompassed in a decision on the merits." *Arnold v. State*, 420 S.E.2d 834 (1992). A party cannot use a motion to reconsider, alter or amend a judgment to present an issue that could have been raised prior to the judgment, but was not. *See Johnson v. Sonoco Products Co.*, 672 S.E.2d 567 (2009); *Poch v. Bayshore Concrete Products/South Carolina, Inc.*, 686 S.E.2d 689 (Ct. App. 2009).

In SVPA cases, probable cause is a reasonableness standard. *See Care and Treatment of Brown v. State*, 643 S.E.2d 118 (S.C.App. 2007) (finding the State must show facts to lead a reasonable person to believe and conscientiously entertain suspicion that the person meets the definition of a sexually violent predator; probable cause does not demand anything that such a belief be correct or more likely true than false.).

The Respondent's concerns primarily stem around procedural items related to the SVPA. The Court finds the Respondent was properly and timely reviewed by the Multi-Disciplinary Team ("MDT") and the Prosecutor's Review Committee ("PRC"). Further, the Court finds the Attorney

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MARLBORO COUNTY
SOUTH CAROLINA
JAMES M. WILSON
CLERK OF COURT

General's Office properly and timely filed its Petition, as required by S.C. Code Ann. Section 44-48-70, and provided all documentation to Respondent's counsel. During the June 1, 2021 probable cause hearing, the State relied on the facts and allegations supported by the record that presented sufficient evidence from which the Court determined probable cause exists to believe the Respondent is a sexually violent predator.

Respondent is represented by competent counsel who is highly qualified in SVPA matters, and Respondent had ample time to review the documentation and discuss his case with counsel, including a continuance of the probable cause hearing to afford him additional time to do so. Moreover, at the probable cause hearing on June 1, 2021, Respondent was allowed to testify and ask questions of the Court. Any of Respondent's issues could have been raised during the first probable cause hearing on March 11, 2021, after the continuance was granted, or during the probable cause hearing held on June 1, 2021.

This Court has considered the issues, reviewed the arguments, documents, and pleadings submitted by all Parties, including Respondent's Motion to Alter or Amend Judgment, and the State's filed Return to Respondent's Motion. The Court reaffirms the findings in its June 1, 2021 Order for Evaluation. Further, the Court finds no basis for alteration or amendment of the ruling in the prior Order. Therefore,

IT IS ORDERED that Respondent's Motion to Alter or Amend Judgment pursuant to Rule 59(e), SCRCP is denied.

AND IT IS SO ORDERED.



PAUL M. BURCH
Chief Administrative Judge
Fourth Judicial Circuit
Court of Common Pleas

September 9th, 2021
Pageland, South Carolina

FILED
2021 SEP 14 A 11:14
ANITA M. WILLIAMS
CLERK OF COURT
MARLBORO COUNTY, S.C.