

SUPREME COURT OF SOUTH CAROLINA

State v. Gaster, 349 S.C. 545

564 S.E.2d 87 (2002) · No. No. 25469 · Decided May 20, 2002

SUMMARY

The South Carolina Supreme Court affirmed Frank M. Gaster’s commitment under the South Carolina Sexually Violent Predator Act. The court held that the Act did not violate ex post facto or double jeopardy protections, declined to reach an unpreserved due process claim, and found sufficient evidence supporting the jury’s sexually violent predator determination. The court also upheld admission of Gaster’s motion concerning the legal age of sexual consent as relevant evidence regarding his need for treatment.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Moore; Chief Justice Toal; Justice Waller; Justice Burnett; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	May 20, 2002
DOCKET	No. 25469
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury determination and resulting civil commitment under the South Carolina Sexually Violent Predator Act.
STANDARD OF REVIEW	Constitutional challenges to statutes are reviewed under a presumption of validity. Denial of a directed verdict is reversible only when there is no evidence to support the ruling; a JNOV may be granted only if no reasonable jury could have reached the challenged verdict. Admission of evidence is reviewed for abuse of discretion. Unpreserved constitutional issues are not reviewed.
PRECEDENTIAL VALUE	Published, precedential opinion of the Supreme Court of South Carolina.
PARTIES	Frank M. Gaster v. The State

TOPICS

constitutional law

due process

evidence

standard of review

appellate procedure

PRACTICE AREAS

constitutional law

civil commitment

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the South Carolina Sexually Violent Predator Act violates the federal or South Carolina constitutional prohibitions against ex post facto laws or double jeopardy.
2. Whether Gaster's due process challenge to the Act was preserved for appellate review.
3. Whether the evidence was sufficient to establish that Gaster was a sexually violent predator and to support denial of his directed-verdict and JNOV motions.
4. Whether the trial court violated due process by admitting Gaster's motion challenging the legal age of sexual consent as evidence relevant to his need for treatment.

HOLDINGS

1. The Act does not violate the federal or South Carolina Ex Post Facto Clauses because it establishes a civil, nonpunitive commitment scheme rather than criminal punishment, and its application does not retroactively alter the definition or punishment of a crime.
2. The Act does not violate the federal or South Carolina Double Jeopardy Clauses.
3. The court declined to review Gaster's due process challenge because it was not raised to or ruled upon by the trial court.
4. The evidence supported the jury's finding that Gaster was a sexually violent predator and supported denial of his directed-verdict and JNOV motions.
5. The trial court did not abuse its discretion by admitting the motion because it was relevant to Gaster's need for and probability of success in treatment, and its probative value was not substantially outweighed by unfair prejudice.

KEY QUOTATIONS

“The Hendricks Court held the application of the Kansas Act did not raise ex post facto concerns because the Kansas Act does not impose punishment.” (at 550-551)

“The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” (at 557)

FACTUAL BACKGROUND

Gaster was convicted in 1988 of second-degree criminal sexual conduct with a minor and served the statutory requirements of his twenty-year sentence. Before his scheduled release in 1999, the State sought his designation and commitment as a sexually violent predator. At trial, evidence included his prior sexual conduct, videotaped sexual fantasies, expert testimony diagnosing sadism and paraphilia, and a motion he had filed challenging the

legal age of sexual consent. The jury found that he had a qualifying mental abnormality or personality disorder making him likely to engage in sexually violent acts if not confined for treatment.

PROCEDURAL HISTORY

Gaster was convicted of second-degree criminal sexual conduct with a minor and sentenced to twenty years' imprisonment. After he became eligible for release, the State petitioned under the Sexually Violent Predator Act, and a jury found him to be a sexually violent predator requiring secure treatment. The Supreme Court of South Carolina affirmed the commitment, rejecting or declining to reach his constitutional challenges, upholding the evidentiary sufficiency of the predator determination, and affirming admission of his motion concerning the legal age of sexual consent.

DISPOSITION

affirmed

CASES CITED

- State v. Jones, 344 S.C. 48, 543 S.E.2d 541 (2001)
- Jernigan v. State, 340 S.C. 256, 531 S.E.2d 507 (2000)
- State v. Huiett, 302 S.C. 169, 394 S.E.2d 486 (1990)
- Flemming v. Nestor, 363 U.S. 603, 80 S. Ct. 1367, 4 L. Ed. 2d 1435 (1960)
- In re Matthews, 345 S.C. 638, 550 S.E.2d 311 (2001)
- Seling v. Young, 531 U.S. 250, 121 S. Ct. 727, 148 L. Ed. 2d 734 (2001)
- Kansas v. Hendricks, 521 U.S. 346, 117 S. Ct. 2072, 138 L. Ed. 2d 501 (1997)
- In re McCracken, 346 S.C. 87, 551 S.E.2d 235 (2001)
- Gastineau v. Murphy, 331 S.C. 565, 503 S.E.2d 712 (1998)
- State v. McDonald, 343 S.C. 319, 540 S.E.2d 464 (2000)
- Strother v. Lexington County Recreation Commission, 332 S.C. 54, 504 S.E.2d 117 (1998)