

**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 John Shelby
Wells, Appellant.

Appellate Case No. 2021-000679

Appeal From Lexington County
Edgar W. Dickson, Circuit Court Judge

Unpublished Opinion No. 2023-UP-138
Submitted March 1, 2023 – Filed April 5, 2023

AFFIRMED

Appellate Defender David Alexander, of Columbia, for
Appellant.

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

PER CURIAM: John Shelby Wells appeals his commitment to the Department of Mental Health pursuant to the Sexually Violent Predator (SVP) Act (the Act).¹ On appeal Wells argues the circuit court erred by conducting an SVP commitment hearing while he was incompetent. We affirm pursuant to Rule 220(b), SCACR.

¹ S.C. Code Ann. §§ 44-48-10 to -170 (2018).

We hold the circuit court did not err in proceeding with the commitment hearing notwithstanding Wells's argument that he was incompetent. *See In the Matter of Griffin*, 434 S.C. 338, 341, 863 S.E.2d 346, 348 (Ct. App. 2021) (holding "a prisoner is not entitled to be competent to stand trial under the Act"), *petition for cert. filed* (S.C. Sup. Ct. Oct. 27, 2021); *id.* ("In construing the Act in its entirety, we can find no statutory requirement of competence for proceedings arising under the Act. Rather, it appears the General Assembly contemplated the likelihood of a potential SVP to be incompetent to adequately assist in his or her own defense.").

AFFIRMED.²

THOMAS, MCDONALD, and HEWITT, JJ., concur.

² We decide this case without oral argument pursuant to Rule 215, SCACR.