

RECEIVED

Sep 11 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE HORRY COUNTY
COURT OF COMMON PLEAS

THE HONORABLE WILLIAM SEALS, CIRCUIT COURT JUDGE

DOCKET NO. 2024-002044

In the Matter of the Care and Treatment of Paul Shuler II,

Appellant

MOTION FOR DISMISSAL CLARIFICATION AND INSTRUCTION

Kindle K. Johnson, the undersigned appointed counsel for the Appellant Paul Shuler II, respectfully moves this Court for clarification and instruction regarding the status of this appeal and counsel's duties therein. She submits the following to the best of her knowledge.

1. Appellant's Initial Brief and Designation of Matter was filed on July 4, 2025.
2. On or about July 8, 2025, Appellant, acting *pro se*, filed in the Horry County Clerk of Court a document entitled "Petitioner's Rebuttal." Undersigned counsel subsequently received notice of this filing by email from the Horry County Clerk on July 16, 2025. A copy of both the *pro se* filing and the Clerk's email notification are attached as ***Exhibit 1***.
3. On August 22, 2025, undersigned counsel met with Appellant. During that meeting, Appellant verbally expressed his desire to dismiss his direct appeal. Undersigned counsel advised that

she disagreed with Appellant's reasoning for doing so and cautioned that dismissal could negatively affect his rights.

4. On August 29, 2025, undersigned counsel received notice from the South Carolina Attorney General's Office that Appellant had moved to dismiss his appeal. A copy of both the pro se filing and the South Carolina Attorney General's Office email notification are attached as *Exhibit 2*.
5. On September 4, 2025, undersigned counsel received this Court's letter declining to rule on Appellant's September 2, 2025 *pro se* correspondence to withdraw his appeal.
6. On September 10, 2025, undersigned counsel received notice of a letter from Appellant, dated August 22, 2025 and filed with the Horry County Clerk on September 2, 2025, in which Appellant requests that counsel be removed from the case and that his appeal be dropped.¹ The letter also requests a ruling on Appellant's previously filed pro se motion for less restrictive accommodations. A copy of both Appellant's letter and the and the Clerk's email notification are attached as *Exhibit 3*.
7. Undersigned counsel continues to believe this appeal should proceed. Prior to this Motion, she had already begun working on Appellant's Final Brief and ordered preparation of the Record on Appeal in this case. However, out of respect for Appellant's expressed wishes and the procedural posture of this matter, undersigned counsel requests the Court clarify whether counsel should proceed with the preparation and filing of the Final Brief and the Record on Appeal or whether the appeal will be dismissed upon Appellant's request.

¹ In the letter, Appellant inaccurately states that counsel informed him withdrawal was not possible; in fact, counsel only expressed disagreement with Appellant's decision to appeal and advised him that any request for her to be removed as his attorney should be directed to the Court.

8. In the event this Court directs that the appeal shall proceed, undersigned counsel further seeks instruction on whether Appellant's *pro se* "Petitioner's Rebuttal" should be included in the Record on Appeal.

Undersigned counsel respectfully submits that she believes continuation of this appeal serves Appellant's best interests and preserves his constitutional rights, despite his request and intention to terminate his appeal. Nevertheless, undersigned counsel recognizes the Court's ultimate authority to determine whether Appellant may unilaterally withdraw his appeal at this stage and under these circumstances.

WHEREFORE, undersigned counsel prays this Court will (1) clarify whether Appellant's desire to dismiss his appeal controls; (2) instruct undersigned counsel whether to proceed with the appeal; and (3) if the appeal is to proceed, instruct counsel as to whether to include Appellant's *pro se* "Petitioner's Rebuttal" in the Record on Appeal and amend the Designation of Matter accordingly.

Respectfully Submitted,

s/Kindle K. Johnson

Kindle K. Johnson

S.C. Bar No. 72926

K. Johnson Law Firm

Mailing Address

223 E Main St, Suite 500

Rock Hill, SC 29730

803.329.1900

kjohnson@kjohnsonlawfirm.com

ATTORNEY FOR APPELLANT

September 11, 2025

EXHIBIT 1

Appellant's *pro se* "Petitioner's Rebuttal" (filed July 8, 2025) and
Horry County Clerk email notification (July 16, 2025)

Kindle Johnson

From: Williamson, Bridgett <WilliamB@horrycountysc.gov>
Sent: Wednesday, July 16, 2025 10:11 AM
To: Kindle Johnson; jimfisher@scag.gov; nicolekohls@scag.gov
Subject: 23-4874 Shuler
Attachments: 23-4874 Rebuttal.pdf

Importance: High

Good morning!

The attached document was submitted by Mr. Shuler on July 8, 2025.

Thanks!
Bridgett

Bridgett Williamson | Supervisor
Horry County Government
Clerk of Court – Common Pleas
1301 2nd Avenue, Conway, SC 29526
(843) 915-6747 | Fax: (843) 915-6081
williamb@horrycountysc.gov
www.horrycountysc.gov

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\*\*\*\*

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STATE OF SOUTH CAROLINA

CASE NUMBER

COUNTY OF HORRY

2023-CP-260-4874

IN THE MATTER OF THE

CONTROL, CARE AND

TREATMENT OF

PAUL SHULER II

PETITIONER'S REBUTTAL

to DEFENDANTS MOTION

to DISMISS

FILED  
HORRY COUNTY  
2025 JUL -8 P 3:07  
RENEE N. ELYS  
CLERK OF COURT  
HORRY COUNTY, SC

Petitioner brings before the courts for review the following : PETITIONER'S REBUTTAL

to DEFENDANTS MOTION to DISMISS. Petitioner will not file a memorandum as is it included below.

Petitioner will rebut in order of Respondents Motion to Dismiss :

**BACKGROUND :**

- 1) On 10, Feb. 2025 Petitioner filed a "Petition for Consideration of Less Restrictive Setting" with the Horry County Clerk of Court.
- 2) On 4, June 2025 Respondents filed as Motion to Dismiss citing (a) insufficient service process 12(b)(5) ; failure to state a claim 12(B)(6) ; (c) improper or late filing :

3) **Respondents First Grounds** Page two Insufficient Service 12(B)(5) :

**PETITIONERS ARGUMENT :**

- a) The Respondents motion to dismiss under (1) Procedural history #3 "..... received notice and copy of petition through the Horry county clerk of courts office" on or about 10, Feb. 2025. See further under (II motion to dismiss) ".....under Rule 12(b)(5) S.C.R.C.P. failed to properly serve.... Instead received notice and copy by E-Mail from the Horry County Clerk of Court. Petitioner argues if the Horry County Clerk of Court E-Mails a copy of the Petition this does not affect the Petitioner mailing the petition to the respondents. Further under the "Deadline for service and filing proof of service".... Must serve both respondent(s) and Attorney General's Office and file proof of service with the appropriate courts within four (4) months and fifteen (15) days after receiving. Petitioner further states that not being a member of the B.A.R. nor learned in the law or the process of the courts and this process of service it is stated that the timeline discussed above has not expired and the Petitioner has mailed the paperwork to the Respondents at their respected address and if needs be will re-send this paperwork to the Respondents at the petitioners earliest convince.

4) **Respondents Second Grounds Page 2 / 3 : Failure to state facts sufficient cause of action :**

**PETITIONERS ARGUMENT :**

- b) (Carcertaive Skipper v SOUTH CAROLINA 476 U.S. 1, 106 S. Ct, 1669 90 L. Ed. 2d (1986)) there is nothing in the Constitution or Federal Juris prudence that forbids the consideration of anything which might serve as a mitigating circumstance. 'Sex offenders in Oregon T.K Martin & J. L. Hutzlew' The Furby Study was quoted as stating "There is as yet no such evidence that clinical treatment reduces the rate of sexual offenses". Also, under 'Retraining Adult Sex Offenders Irwin S Dreiblatt PhD. Of Pacific Psychological Service of Seattle Washington' quoted 'Fay Honey Knopp' "I have become concerned that we get carried away with the notion of treatment as the only response to sex offenders. ....rather than a selected approach to appropriate individuals". Petitioner further states Respondent failed to take into account under 44-48-130. **Grounds for**

**44-48-130. Grounds for denial of petition for release.** Nothing in this chapter prohibits a resident from filing a petition for release pursuant to this chapter the court must deny the subsequent petition unless the petition contains facts upon which a court could find the condition of the resident had so changed that a hearing was warranted. Upon receipt of a first or subsequent petition from a resident without the director's approval, the court must, whenever possible, review the petition and determine if the petition is based upon frivolous grounds and, if so, must deny the petition without a hearing.

Nothing in this chapter prohibits a person from filing a petition for release. Under the S.V.R. – S.O. description over a ten (10) year to life – time recidivism rate of 51.7% along with as established support team, (see exhibit) as under (*Law & Ward 2010*) general desistance's factors to include aging, state of employment, sobriety, strong internal beliefs about self-worth (see exhibits of Certificates of Completion ), feelings of meaningful purpose and cognitive restructuring (Good Lives Model) may lower offending recidivism in a group of individuals with tools to live more fulfilling with a sense of belonging, (Petitioners family), Achievements (see Certifications of Completions), employments, support from case managers, therapist, social networks. Lastly in (*Co Chron, Wood & Arnekler 1994*) that external factors such as religion can be regarded as an important socializing interest (see Petitioners Associate Degrees in Biblical Theology 2021, Bachelors of Biblical Studies 2023, Doctor of Ministerial Studies 2024). Lastly in cases such as (*Skipper v SOUTH CAROLINA 476 U.S. 1, 106 S. Ct. 1669 90 L. Ed. 2d (1986)*) there is nothing in the Constitution or Federal Juris Prudence that forbids the consideration of anything which might serve as a mitigating circumstance. See further such case(s) as :

( *In the Matter of the Care And Treatment of Billy Ray Tucker, Appellant. SUPREME COURT OF SOUTH CAROLINA 353 S.C. 466; 578 S.E.2d 719; 2003 S.C. LEXIS 59 Opinion No. 25608 February 19, 2003*))

Dr. Carey Washington, a licensed counseling psychologist, concluded that appellant's "return to the community, if such is achieved, would be favorable with restrictions." Dr. Washington {353 S.C. 470} stated appellant presents "some concern and remorse about his behavior that possibly, over a period of time, could be resolved and worked more favorably towards him." ....or releasing appellant to an outpatient setting and reasons for continuing to confine appellant for treatment. Dr. Martin found appellant was capable of and motivated towards continuing sex offender treatment in the outpatient setting. He stated the outpatient treatment would have to be long-term and meet at least weekly. Dr. Martin also recommended that appellant would need to take Zoloft, an antidepressant used to decrease an inappropriate sex drive Dr. Washington reported appellant could be released from commitment but the release would have to include restrictions

**5) Respondents Second Grounds Page 3 / 4 Improper late filings :**

**PETITIONERS ARGUMENT :**

c) It is the Petitioners belief that after sentencing via the S.C. s.v.p.t.a. any and all case(s) filed or pertaining are to be filed under the case number of the original case number. Further the Petitioners asked for 'less restrictive setting' not an alter or amendment to the original judgement.

**CONCLUSION :**

On the above stated grounds, the Petitioners request the courts to review all available information in the exhibits of the original filing along with the presumption of less dangerousness in the S.V.R. – S.O. calculation, computation and showing of low recidivism rate(s) as found in the Static – 99 calculation and computation, all included information of support, Certificates of Completion, support of family, friends. Respectfully request this be taken under consideration.

Further the petitioner sayth not

Verification, Certificate of Service and Signature page to follow

**VERIFICATION :**

By Plaintiffs signature below it is declared to the best of the Plaintiffs knowledge, information, and belief that this is true and (1) not being presented for improper purposes such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation, (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law, (3) the factual content(s) have evidentiary support or if specifically identified will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.

Further the Plaintiff sayth not

SI Paul J Shuler II

Paul J Shuler II

C/o WELLPATH

4546 Broad River Road

Columbia, SOUTH CAROLINA

29210

CERTIFICATE OF SERVICE :

The Plaintiff declares by his signature below that he has caused to be served on the Defendants Counsel the following paperwork :

Petitioner's rebuttal to Defendants motion to Dismiss  
\_\_\_\_\_  
\_\_\_\_\_

At the defendant's counsel address as follows :

Horry County Clerk of Courts  
Honorable Renee Elvis  
P.O. Box 677  
Conway SC, 29528  
Deposited in the facility mailbox : 7-2-25

This done by the UNITED STATES postal Service and First – Class Postage paid by the vulnerable adult / resident or the facility. This is declared under penalty of Perjury and is correct see (28 U.S.C. § 1746 ; 18 U.S.C. § 1621)).

Further Plaintiff sayth not.

Sincerely ;



Paul J Shuler JD

C/o WELLPATH  
4546 Broad River Road  
Columbia, SOUTH CAROLINA

[29210]

FILED  
HORRY COUNTY  
2025 JUL - 8 P 3:01  
RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DECLARATION of VULNERABLE ADULT / RESIDENT FILING

I Paul J Shuler II declare by my signature below that on the following date: July 2<sup>nd</sup> 2025 I deposited into the facility mail system the following paperwork: Petitioners rebuttal to defendants motion to dismiss

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

It is further declared that as Vulnerable Adult / Resident confined in a facility the above-named document(s) were mailed to the following:

Harry County Clerk of Courts  
Honorable Renee Elvis  
P.O. Box 677  
Conway SC 29528

James Fisher  
Attorney General - SVP unit  
P.O. Box 11549  
Columbia SC 29211

This done by the UNITED STATES Postal Service and First - Class Postage paid by the Vulnerable adult / Resident or the Facility. This is declared under Penalty of Perjury and is correct see (28 U.S.C. § 1746 ; 18 U.S.C. § 1621)).

s/ 

Paul J Shuler II

C/o WELLPATH  
4546 Broad River Road  
Columbia, SOUTH CAROLINA

[29210]

FILED  
HORRY COUNTY  
2025 JUL -8 P 3:01  
RENEE H. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

Paul Shuler  
Well-Path 1180  
1546 Broad River rd  
Columbia SC 29210

COLUMBIA SC 290

3 JUL 2025 PM 4 L



FOREVER / USA

Horry County Clerk of Courts  
Honorable Renee Elvis  
P.O. Box 677  
Conway SC 29528

29528-067777



**EXHIBIT 2**

Appellant's *pro se* "Motion to Dismiss" and S.C. Attorney General's Office email notification

(August 29, 2025)

## Kindle Johnson

---

**From:** Abigail Hawley-Browder <abigailhawley@scag.gov>  
**Sent:** Friday, August 29, 2025 10:28 AM  
**To:** Kindle Johnson  
**Cc:** Chris Runyan  
**Subject:** Client Mail  
**Attachments:** Shuler Mail.pdf

Good morning Kindle,

We received this from your client today regarding his appeal. We have our Initial Brief ready that we will be filing with the court later today. Would you like us to send this to the Court of Appeals?

Thank you,

*Abigail Hawley-Browder*, Legal Assistant  
South Carolina Attorney General's Office  
Sexually Violent Predator's Unit | Office 803-734-4156  
P.O. Box 11549 | Columbia, SC 29211  
scag.gov



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State of South Carolina

Court of Appeals

Horry County

Honorable Judge

William Seals

Circuit Court Judge

Appellate Case No. 2024-002044

In the Matter of the Care and Treatment of Paul Shuler <sup>II</sup> Appellant

### MOTION TO DISMISS APPEAL

Appellant at this time wishes to Dismiss/withdraw the appeal filed with the courts. ~~at~~

Respectfully

PS

Paul Shuler

4546 Broad River rd

Columbia SC 29210

Paul Shuler  
Well Path 1180  
4546 Broad River rd  
Columbia SC 29210

COLUMBIA SC 290

27 AUG 2025PM 2 L

Deborah RJ Shupe  
Attorney General SVP unit  
P.O. Box 11549  
Columbia SC 29211

29211-154949



**EXHIBIT 3**

Appellant's *pro se* Letter (filed September 2, 2025) and  
Horry County Clerk email notification (September 10, 2025)

## Kindle Johnson

---

**From:** Williamson, Bridgett <WilliamB@horrycountysc.gov>  
**Sent:** Wednesday, September 10, 2025 4:47 PM  
**To:** Kindle Johnson; jimfisher@scag.gov; nicolekohls@scag.gov  
**Subject:** 23-4874 Paul Shuler  
**Attachments:** 23-4874 Letter.pdf

**Importance:** High

Good afternoon!  
Please see the attached letter submitted by Paul Shuler in this case.  
Thanks!  
Bridgett

Bridgett Williamson | Supervisor  
**Horry County Government**  
Clerk of Court – Common Pleas  
1301 2nd Avenue, Conway, SC 29526  
(843) 915-6747 | Fax: (843) 915-6081  
[williamb@horrycountysc.gov](mailto:williamb@horrycountysc.gov)  
[www.horrycountysc.gov](http://www.horrycountysc.gov)

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8-22-25

FILED
Horry County
2025 SEP - 2 P 1:02
RENEE M. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

RE: CASE 2023-CP-26-04874

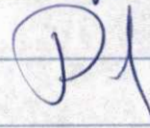
Appeal Case # 2024-002044

Your Honorable Renee Elvis

I'd like to notify the Courts that I have communicated with Attorney Kindk Johnson, Rock Hill to drop my appeal and remove herself from my case. Both in which she states she could not do, therefore I am personally filing an Appeal dismissal and have already filed a complaint with the Disciplinary Counsel.

I would also like to know the status on the "Less restrictive Alternative" motion time stamped Feb-10-2025. Thank you so much!

Respectfully



Paul J Shuler

Well Path - Recovery Solutions

4546 Broad River rd

Columbia SC 29210

RECEIVED

Sep 11 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE Horry COUNTY COURT OF COMMON PLEAS

THE HONORABLE WILLIAM SEALS, CIRCUIT COURT JUDGE

DOCKET NO. 2024-002044

In the Matter of the Care and Treatment of Paul Shuler II,

Appellant

PROOF OF SERVICE

The undersigned hereby asserts she has served a copy of the *Motion for Dismissal Clarification and Instruction* on the below listed parties at their stated email addresses (or postal addresses if specifically indicated below), by attaching a copy of the same on September 11, 2025, addressed as follows:

VIA EMAIL TO ATTORNEYS FOR RESPONDENT

Christopher Runyan
Senior Assistant Deputy Attorney General
S.C. Bar No. 104740
crunyan@scag.gov

Joseph Corrao
Assistant Attorney General
S.C. Bar No. 106300
josephcorrao@scag.gov

Abigail Hawley-Browder
Legal Assistant
South Carolina Attorney General's Office
abigailhawley@scag.gov

VIA USPS MAIL TO APPELLANT

Paul Shuler II
4546 Broad River Rd.
Columbia, SC 29210

| | | |
|--------------------|--|---|
| | | Respectfully Submitted, |
| | | s/Kindle K. Johnson |
| | | Kindle K. Johnson
S.C. Bar No. 72926
K. JOHNSON LAW FIRM
223 E Main St, Suite 500
Rock Hill, SC 29730
803.329.1900
kjohnson@kjohnsonlawfirm.com |
| September 11, 2025 | | ATTORNEY FOR APPELLANT |