

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Jan 09 2026

SC 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

SECOND MOTION FOR CLARIFICATION AND INSTRUCTION

Kindle K. Johnson, undersigned appointed counsel for Appellant Paul Shuler II, respectfully moves this Court for clarification and instruction regarding whether Appellant's January 2026 correspondence constitutes a knowing and timely request to withdraw his appeal under this Court's September 25, 2025 Order, and for further instruction regarding counsel's obligations going forward. This Motion is submitted to ensure accuracy of the record and to avoid future dispute as to Appellant's intent or counsel's compliance with this Court's directives.

BACKGROUND

1. On September 11, 2025, undersigned counsel filed a Motion for Dismissal Clarification and Instruction after Appellant verbally expressed a desire to dismiss his appeal, despite counsel's advice that doing so was not in his best interest. A copy of that Motion was also provided to Appellant via United States Postal Service first class mail.
2. By Order dated September 25, 2025, this Court warned Appellant of the dangers and permanent consequences of withdrawing his direct appeal and ordered Appellant to notify the Court within thirty (30) days whether he wished to dismiss his appeal. The Order expressly

provided that if Appellant failed to notify the Court within thirty days, the appeal would proceed. A copy of the Order was mailed to Appellant by undersigned counsel on September 27, 2025 via United States Postal Service first class mail.

3. Appellant did not file any notice, motion, or correspondence with this Court within the thirty-day period required by the Order stating that he wished to dismiss his appeal.
4. Because Appellant did not file any notice or correspondence within the thirty-day period specified in this Court's September 25, 2025 Order indicating that he wished to dismiss his appeal, undersigned counsel proceeded in accordance with the Order and continued preparing and submitting the final appellate filings in this matter.
5. The final appellate documents were mailed to Appellant on November 17, 2025, and were delivered to his mailing address on November 19, 2025. The documents were sent through an independent mailing service and delivery was confirmed via the United States Postal Service.
6. At no time did undersigned counsel advise Appellant that his appeal would be dismissed automatically or that it had been dismissed. Nonetheless, on January 8, 2026, undersigned counsel received notice of a letter submitted by Appellant to this Court in which Appellant stated that it was his "understanding" that the appeal would be dismissed and reiterated that he had previously requested to withdraw his appeal. (See Exhibit).
7. Appellant's January 2026 letter does not expressly state that he currently wishes to withdraw his appeal, nor does it address the September 25, 2025 Order or the thirty-day deadline imposed by that Order.
8. The January 2026 letter further inaccurately suggests that undersigned counsel told Appellant that his appeal could not be dismissed. In fact, counsel advised Appellant that dismissal was not in his best interest, informed him of the risks of withdrawal, and complied with his request by filing a Motion for Clarification and Instruction so that the Court could address the issue.

REQUEST FOR CLARIFICATION

10. This Court's September 25, 2025 Order required a knowing, intelligent, and timely notification from Appellant if he wished to dismiss his appeal and expressly provided that the appeal would proceed if no such notification was received within thirty days.

11. Appellant did not provide any notification within the time permitted by the Order.
12. Appellant's January 2026 letter was submitted well outside the thirty-day period and does not clearly state an unequivocal, present intent to dismiss the appeal after consideration of the Court's warnings.
13. Given Appellant's history of pro se filings, inconsistent positions, and inaccurate characterizations of counsel's advice, undersigned counsel seeks clarification to ensure that the record accurately reflects Appellant's intent and that counsel proceeds in strict compliance with this Court's instructions.

WHEREFORE, undersigned counsel respectfully requests that this Court:

1. Clarify whether Appellant's January 2026 letter constitutes a knowing, intelligent, and timely request to dismiss his appeal under the September 25, 2025 Order;
2. If the Court determines the letter is sufficient, enter an order as to whether the appeal should be dismissed;
3. If the Court determines the letter is insufficient or untimely, clarify that the appeal shall proceed pursuant to the September 25, 2025 Order; and
4. Provide such further instruction as the Court deems appropriate regarding counsel's obligations in this matter.

Respectfully Submitted,

s/Kindle K. Johnson

Kindle K. Johnson

S.C. Bar No. 72926

K. Johnson Law Firm

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ATTORNEY FOR APPELLANT

January 9, 2026

RECEIVED

JAN 07 2026

Honorable Clerk Patricia Howard

S.C. SUPREME COURT

RE: Appellate Case No: 2025-002546

It was to my understanding that this appeal was dismissed. I requested both, to the courts and to K. Johnson Esq. that this appeal be dismissed/dropped.

On 8-22-25 I notified the Clerk of Courts of Horry County of my notifying Attorney K. Johnson to "drop my appeal and remove herself from my case" request.

Attorney K. Johnson stated she couldn't do that, I would have to go through the courts. So I filed myself on that day in this same notification to drop the appeal.

January 4, 2026

Respectfully,

Paul J Shuler

Paul J Shuler

4546 Broad River rd

Columbia SC 29210

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PROOF OF SERVICE

The undersigned hereby asserts she has served a copy of the *Second Motion for 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 January 9, 2026, addressed as follows:

VIA EMAIL TO ATTORNEYS FOR RESPONDENT

Christopher Runyan
Senior Assistant Deputy Attorney General
S.C. Bar No. 104740
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Joseph Corrao
Assistant Attorney General
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Nicole Kohls
Legal Assistant
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VIA USPS MAIL TO APPELLANT

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

Respectfully Submitted,

s/Kindle K. Johnson

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ATTORNEY FOR APPELLANT

January 9, 2026