

The South Carolina Court of Appeals

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

Appellate Case No. 2024-002044

ORDER

On September 2, 2024, Appellant moved this court to dismiss his appeal. Because Appellant is represented by counsel, this court took no action on his motion. On September 11, 2025, Appellant's counsel filed a "motion for dismissal clarification and instruction," in which she stated Appellant voiced his wish to dismiss his appeal to her as well. Counsel further stated she disagreed with Appellant's wish to dismiss his appeal. On September 25, 2025, this court issued an order warning Appellant of the dangers and disadvantages of withdrawing his appeal. That order requested Appellant notify this court within thirty days if he wished to withdraw his appeal despite the dangers and disadvantages of doing so. Appellant did not respond to this court's order.

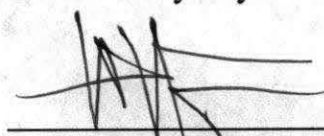
On January 7, 2026, the supreme court received a letter from Appellant stating it was his understanding that "this appeal was dismissed" and referring to an appellate case number for a case he filed in the supreme court.

On January 9, 2026, Appellant's counsel filed a motion for clarification and instruction, asking whether Appellant's January 2026 correspondence constitutes a knowing, intelligent, and voluntary withdrawal of his appeal in this court. Appellant's counsel explained she mailed this court's September 25, 2025 order to Appellant on September 27, 2025.

In light of Appellant not responding to this court's September 25, 2025 order and his letter to the supreme court referring to a different case, we again warn Appellant of the dangers of withdrawing his appeal. Appellant may dismiss his appeal only after knowingly and intelligently waiving his right to appeal. *Cf. Simuel v. State*, 390 S.C. 267, 271, 701 S.E.2d 738, 740-41 (2010) (explaining that in order to waive direct appeal, a defendant must make a knowing and intelligent

decision not to pursue an appeal). We take this opportunity to warn Appellant of the dangers of withdrawing his appeal. Appellant has a right to a direct appeal of his commitment as a sexually violent predator. If Appellant waives his right to a direct appeal, he will forever waive his right to a direct appeal of his commitment as a sexually violent predator. After considering this information, Appellant shall notify this court whether he wishes to dismiss his appeal within thirty days of the date of this order. If Appellant notifies this court that he wishes to dismiss his appeal despite the dangers and disadvantages of doing so, this court will then determine if it dismiss the appeal. If Appellant fails to notify this court within thirty days, the appeal will proceed.

This appeal will be held in abeyance for thirty days.



FOR THE COURT J.

Columbia, South Carolina

cc:

Kindle Kay Johnson, Esquire
Alan McCrory Wilson, Esquire
Christopher Runyan, Esquire
Paul Shuler, II

FILED
Jan 15 2026