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May 13 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from York County
Daniel D. Hall, Circuit Court Judge

In The Matter of the Care and Treatment of
TYRELL JERMAINE NEELY,

APPELLANT

APPELLATE CASE NO. 2025-001916

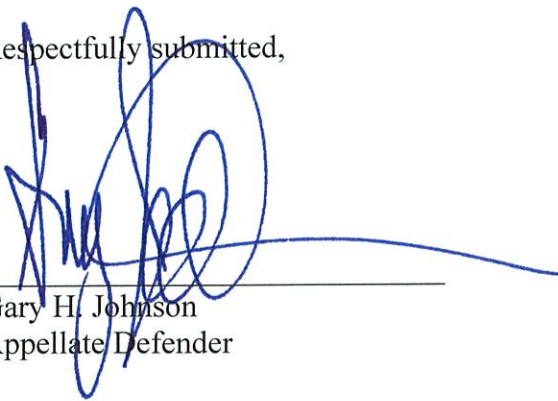
MOTION TO DISMISS APPEAL

Appellant Tyrell Neely is currently detained in the York County Jail under the Sexually Violent Predator Act after a probable cause finding by the Honorable William A. McKinnon dated September 29, 2021. The action under the SVPA against Mr. Neely is still pending resolution due to problems obtaining a second opinion under S.C. Code Ann §44-48-90(C), which is the subject of this appeal. Counsel for Mr. Neely and the State have reached an agreement resolving the present appeal. This agreement returns the matter to the York County Court of Common Pleas to resume the proceedings, with Mr. Neely to be evaluated, for a second opinion regarding his status as a potentially sexually violent predator, by a different evaluator than originally ordered (an evaluator other than Dr. Emily Gottfried, with the Medical University of South Carolina).

Both appellant and his guardian ad litem have consented to the above resolution. Exhibit A (consent to dismissals).

WHEREFORE, counsel for Tyrell Neely asks this Court to dismiss the present appeal and remand this matter to the Court of Common Pleas so the action may proceed forward. It is below signed counsel's belief that counsel for Respondent consents to this dismissal under the terms outlined herein.

Respectfully submitted,



A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right, positioned above a horizontal line.

Gary H. Johnson
Appellate Defender

This 13th day of May, 2026.

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EXHIBIT

A

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County
The Honorable Daniel Dewitt Hall, Circuit Court Judge
The Honorable William A. McKinnon, Chief Administrative Judge

Appellate Case No. 2025-001916

In The Matter of the Care and Treatment of
TYRELL JERMAINE NEELY,

APPELLANT

CONSENT TO DISMISS APPEAL AND REMAND


Appellant Tyrell Neely is currently detained in the York County Jail under the Sexually Violent Predator Act after a probable cause finding by the Honorable William A. McKinnon dated September 29, 2021. The action under the SVPA against Mr. Neely is still pending resolution due to problems obtaining a second opinion under S.C. Code Ann §44-48-90(C), which is the subject of this appeal.¹ Counsel for Mr. Neely and the State have reached an agreement that would resolve the matter on appeal, but because Mr. Neely's competence has been an issue throughout the

¹ The present appeal does not involve the merits of the SVP action against Appellant. The second evaluation requested by the State was not completed because of Mr. Neely's behavior and/or refusal to comply with certain aspects of the testing. The State sought and was granted by Judge Hall an Order compelling cooperation with the evaluation. After further motion practice in the lower court, it is essentially that Order compelling compliance that is the substance of the appeal currently before this Court.

underlying proceedings, the below signed was appointed as Guardian ad Litem to determine whether it is in Mr. Neely's best interest to accept the resolution offered by the State and dismiss this appeal. The State, through counsel Christopher Runyan, has now offered to allow Neely to proceed with an evaluation by a different evaluator not connected with the Medical University of South Carolina, who will evaluate Mr. Neely at the York County Detention Center, to mitigate the safety issues present by Mr. Neely to himself, law enforcement transportation officials.

WHEREFORE, as Guardian ad Litem for Tyrell Neely, I hereby consent to the proposed settlement resolving the present appeal and remanding the matter to the Circuit Court for York County for additional proceedings.

May 2, 2026



Don Thompson
Guardian ad Litem for Tyrell Neely
107 Smithwood Court
Simpsonville, SC 29681

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

TYRELL NEELY,)
)
Petitioner,)
)
v.)
)
THE STATE)
)
Respondent.)
_____)

IN THE SOUTH CAROLINA SUPREME COURT
CASE No. 2025-001916

ACKNOWLEDGEMENT

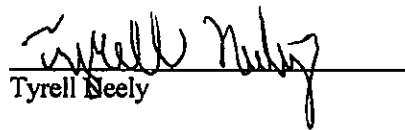
PERSONALLY appeared before me, Tyrell Neely, who being duly sworn, deposes and says:

1. I am the petitioner in the above captioned case.
2. The state initiated proceedings against me under the Sexually Violent Predator Act.
3. As part of those proceedings, I was ordered to submit an examination through the Medical University of South Carolina to be administered by Dr. Emily Gottfried. I was initially evaluated by Dr. Gottfried but refused to cooperate during a second evaluation.
4. The lower court ordered my compliance with the evaluation, including submission to any tests ordered by Dr. Gehle including penile plethysmograph (PPG). This second evaluation never took place and I have been held in the York County Detention Center pending final resolution of my SVPA action. My attorney, Kindle Johnosn, sought a reconsideration of the order compelling compliance. That motion was denied. The present appeal stems from solely that issue: whether the lower court erred in ordering my force compliance.
5. I understand that I am entitled to the appeal of this order and, because I am indigent, I am entitled to the assistance of an attorney from the South Carolina Office of Appellate Defense.
6. In meeting with the attorneys representing me in connection with this appeal, a proposed resolution that would resolve the basis for the appeal was presented. The appeal would be dismissed and the matter remanded to the York County Court of Common Pleas to proceed with an evaluation through an new

examiner. I would not be forced to submit to further evaluation by Dr. Gehle or be required to submit to a penile plethysmograph (PPG). This would allow the SVP action to move forward and avoid the delay caused by continuing the appeal process which, even if successful, would result in a remand and the SVP action moving forward.

7. I have made this decision on my own, with a full understanding of all the possible consequences of this action. Rather than delay my SVA action further, it is my desire the consent to the state's proposed resolution and have the matter remanded. I assert that I am competent to make this determination and have understood and consulted with my attorneys concerning this matter before signing this form.

8. I do not wish to appeal to continue and authorize my attorneys to resolve the matter and have the case remanded to York County to proceed as outlined herein.


Tyrell Neely

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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Daniel D. Hall, Circuit Court Judge

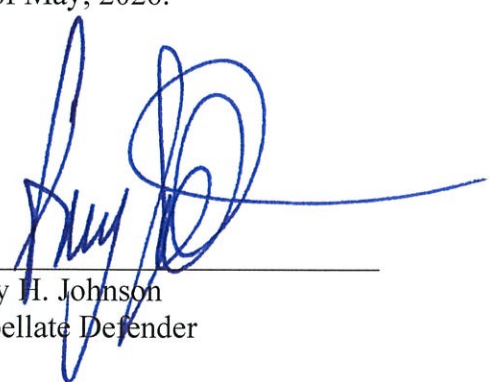
In The Matter of the Care and Treatment of
TYRELL JERMAINE NEELY,

APPELLANT

APPELLATE CASE NO. 2025-001916

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Motion to Dismiss Appeal in the above-referenced case has been served upon Christopher Runyan, Esquire, and Joseph Carrao, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), this 13th day of May, 2026.



Gary H. Johnson
Appellate Defender

ATTORNEY FOR APPELLANT

RECEIVED

May 13 2026

Leverett, Scott

SC Court of Appeals

From: Leverett, Scott
Sent: Wednesday, May 13, 2026 3:26 PM
To: Chris Runyan; josephcorrao@scag.gov
Cc: Alexander, David; Johnson, Gary; Bast, Daniel; Abigail Hawley-Browder
Subject: 2025-001916 - In the Matter of the Care and Treatment of Tyrell Jermaine Neely - Motion to Dismiss Appeal
Attachments: 2025-001916 - In the Matter of the Care and Treatment of Tyrell Jermaine Neely - Motion to Dismiss Appeal.pdf

Dear Mr. Runyan,

Attached please find a copy of the Motion to Dismiss Appeal in the above referenced case that is being filed today with the Court of Appeals.

-Scott Leverett
Admin. Asst. for Gary Johnson
Appellate Defense