

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County

Patrick Cleburne Fant, III, Circuit Court Judge

RECEIVED
Jun 16 2026
SC Court of Appeals

THE STATE,

RESPONDENT,

V.

DEMETRIUS DAVID JOHN,

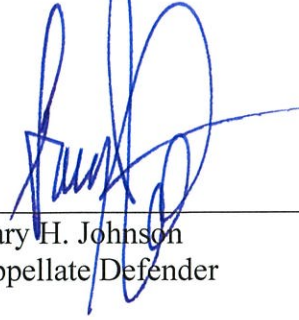
APPELLANT.

APPELLATE CASE NO. 2024-002008

MOTION TO DISMISS APPEAL

Appellant Demetrius David John has elected to dismiss the current appeal in order to seek a ruling pursuant to the Uniform Post-Conviction Procedure Act. The below signed counsel has met with Mr. John and discussed with him the issues surrounding the validity of the lifetime monitoring requirement imposed and the problems associated with his counsel's failure to contest that aspect of the lower court's ruling as outlined in the Anders brief filed with this Court. As shown by the attached statement of Mr. John (Exhibit A), it is his decision to dismiss the appeal and proceed directly to PCR.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Gary H. Johnson', is written over a horizontal line.

Gary H. Johnson
Appellate Defender

This 16th day of June, 2026.

RECEIVED

Jun 16 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Anderson County

Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

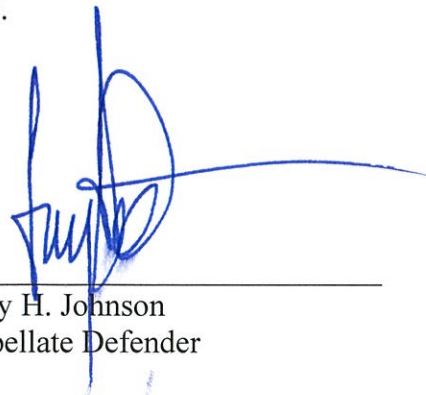
DEMETRIUS DAVID JOHN,

APPELLANT.

APPELLATE CASE NO. 2024-002008

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 Matthew Buchanan, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS), and on Demetrius David John, 388461, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472, this 16th day of June, 2026.



Gary H. Johnson
Appellate Defender

ATTORNEY FOR APPELLANT

EXHIBIT

A

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Anderson County

Honorable Patrick Cleburne Fant, III, Circuit Court Judge

THE STATE,

RESPONDENT

v.

DEMETRIUS JOHN,

APPELLANT

APPELLATE CASE NO. 2024-002008

Client Statement

PERSONALLY appeared before me, Demetrius John, who says:

1. I am the appellant in the above captioned case.
2. As a result of probation revocation hearing referenced above and currently on appeal, I am currently incarcerated and subject to additional conditions and restrictions following my eventual release from custody particularly related to electronic monitoring and sex offender registration requirements.
3. Appellate Defender Gary H. Johnson was assigned to represent me in my case.
5. On March 31, 2026, Mr. Johnson filed a brief on my behalf pursuant to Anders v. California, 386 U.S. 738 (1967), asserting error in ordering "lifetime" electronic monitoring. This issue was briefed under Anders because my attorney did not argued against or contested the monitoring requirement at the probation revocation hearing.
6. On April 23, 2026, Appellate Defender Gary H. Johnson met with me at Leiber Correctional Institution to discuss the advantages and disadvantages of moving forward

with my direct appeal or withdrawing my appeal and filing an action through post-conviction relief.

7. In discussing the legal merits of my direct appeal, my attorney discussed the problems caused in arguing against the electronic monitoring requirement on direct appeal since it was not contested at the probation revocation hearing. I understand that by dropping my direct appeal, I may be deemed to have waived any issue that was properly preserved that could be addressed on direct appeal.

8. In light of the failure of my counsel to object to the electronic monitoring portion of the probation revocation decision, it is my desire that the South Carolina Office of Appellate Defense drop the appeal formerly filed on my behalf so I may proceed immediately to seek relief from this requirement through post-conviction relief.

9. I have made this decision on my own, with a full understanding of all the possible consequences of this action, after meeting with and discussing my current appeal with Mr. Johnson. I do not wish to continue the direct appeal seeking relief on an argument that was not presented to or ruled upon by the trial court at my probation revocation hearing.

April 23, 2026

Witness:

Gary H. Johnson

Demetrius John
Demetrius John

Leverett, Scott

From: Leverett, Scott
Sent: Tuesday, June 16, 2026 3:30 PM
To: SC - BUCHANAN MATTHEW
Cc: SC - NICHOLS DAWN; Johnson, Gary
Subject: 2024-002008 - State v. Demetrius David John - Motion to Dismiss Appeal
Attachments: 2024-002008 - State v. Demetrius David John - Motion to Dismiss Appeal.pdf

Dear Mr. Buchanan,

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

RECEIVED
Jun 16 2026
SC Court of Appeals