

JAN 11 2022

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
APPEAL TO THE COURT OF APPEALS
The Honorable Shirley C. Robinson, ALJ

APPELLATE CASE NO: 2022-000444

RECEIVED
NOV 04 2022
SC Court of Appeals

Mr.Nathaniel Johnson,Jr., 211574,

Petitioner,

v.

South Carolina Department of Corrections,

Respondent,

MOTION FOR REHEARING EN BANC

Comes now, Mr.Nathaniel Johnson,Jr., 211574, the Petitioner, who hereby move with an pro-se Motion for Rehearing En Banc, to consider the material facts or principles of law that has been either overlooked or disregarded as the basis for granting a rehearing are as follows:

1. Whether the Court of Appeals had jurisdiction or authority to consider a facial challenge to the constitutionality of SCDC's policy OP-21.09, or the state's statute 23-3-670 of the South Carolina Code (Supp 2007),, authorizing SCDC to deduct from the inmate's account to pay the \$250.00 DNA processing fee depriving the Appellant of his protected property interest?
2. Did the S.C. Court of Appeals conclude in error when it stated that the ALC lacked jurisdiction to consider whether SCDC's policy OP-21.09 violates the South Carolina Constitution?
3. Did the S.C. Court of Appeals have proper jurisdiction to decide this issue of whether the constitutionality issue of SCDC's policy OP-21.09 violated the State's Constitution?

Petitioner asserts that on Monday October 31st, 2022, Petitioner received from the Supreme Court of South Carolina, an Order denying petition for a writ of certiorari signed by the Honorable Patricia A. Howard, Clerk of Court, dated October 26th, 2022.

Petitioner further argues that according to State law S.C. Law Enforcement Division Art 6 73-61 (B)(1)(C), of the State's DNA Database, where the jurisdictional agencies will incur all costs associated with sample collections and completion of information in the database collection kit;

(d). Sled will provide the database collection kit at no charge to the jurisdictional agencies;

(A)(3) states that the definition of jurisdiction agency is defined as a agency of the state or its political subdivisions having jurisdiction over a subject.

Lastly, Did the S.C. Court of Appeals lack jurisdiction to consider the constitutionality of the State's statute 23-3-670, depriving Appellant of his protected property interest?

CONCLUSION

Wherefore, the Petitioner, Mr. Nathaniel Johnson, Jr., 211574, prays for relief and respectfully asks that this Honorable Court, grant consideration of a Rehearing En Banc, as justice is so required, as a matter of law.

Dated: Nov 1st 2022

Respectfully submitted,
1st Mr. Nathaniel Johnson, Jr. # 211574
Mr. Nathaniel Johnson, Jr. 211574
ACI. Bamberg Unit F-4 B-35
P.O. Box 1151
Fairfax, S.C. 29827
Pro-Se Petitioner

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CERTIFICATE OF SERVICE

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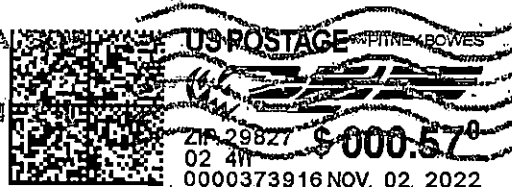
The undersigned hereby certify that on this 1st day of November, 2022, a true copy of the Petitioner's Motion for Rehearing En Banc has been served on the following parties: The Honorable Jenny A. Kitchings, Clerk of Court of Appeals, P.O. Box 11629, Columbia, S.C. 29211, Mrs. Christina Catoe Bigelow, Esquire, Office of General Counsel, South Carolina Department of Corrections, P.O. Box 21787, Columbia, S.C. 29221-1787, and The Honorable Patricia A. Howard, Clerk of Court for the Supreme Court of South Carolina, P.O. Box 11330, Columbia, S.C. 29211.

Dated: Nov. 1st 2022

Respectfully submitted,
1s/ Mr. Nathaniel Johnson, Jr. #211574
Mr. Nathaniel Johnson, Jr. 211574
ACI. Bamberg Unit F-4 B-35
P.O. Box 1151
Fairfax, S.C. 29827
Pro-Se Petitioner

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The Honorable Jenny A. Mitchings, Clerk
The Court of Appeals of South Carolina
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