

Exhibit #1

DATED: Mon. April 10th 2023

MRS. JANA E. SHEALY
CLERK, FOR ADMINISTRATIVE LAW COURT
EDGAR A. BROWN BUILDING
1205 PENDLETON STREET, SUITE #224
COLUMBIA, S.C. 29201

COPY

RE: MR. NATHANIEL JOHNSON, JR. #211574, -vs- SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS.

DOCKET NO: #22-ALJ-04-0326-AP, GRIEVANCE NO: ACI.-166-22
THE HON. JUDGE MILTON G. KIMPSON, ALJ

RECEIVED

OCT 04 2023

SC Court of Appeals

DEAR MRS. SHEALY:

ENCLOSED YOU WILL FIND THE APPELLANT'S ORIGINAL BRIEF, TO BE FILED
WITH THE S.C. ADMINISTRATIVE LAW COURT. PLEASE FILE AND SEND BACK A DATE
STAMPED COPY FOR MY RECORD.

SINCERELY

1st Mr. Nathaniel Johnson Jr. #211574

MR. NATHANIEL JOHNSON, JR. #211574
KCI. HICKORY C-#119
4848 GOLDMINE HWY.
KERSHAW, S.C. 29067
PRO-SE APPELLANT

cc:
CHERON HESS, ADMINISTRATIVE COORDINATOR
OFFICE OF GENERAL COUNSEL

The State of South Carolina
FILED
APR 12 2023
Administrative Law Court

LEGAL

JOHNSON-211574

STATEMENT OF ISSUES ON APPEAL

1. WHETHER SCDC IS INFRINGING UPON THE RIGHTS OF THE APPELLANT BY DEPRIVING HIM OF HIS "LIBERTY INTEREST", BY CLASSIFYING HIM UNDER STATUS PENDING AS A "SEXUALLY VIOLENT PREDATOR"?

STATEMENT OF THE CASE

ON 9/27/22, APPELLANT PLACED A REQUEST TO STAFF MEMBER MRS. KREBS, OF SCDC'S CLASSIFICATION, WANTING TO KNOW WHY HE IS LISTED IN THE OFFENDER MANAGEMENT SYSTEM, AS A "SEXUALLY VIOLENT PREDATOR"? APPELLANT RECEIVED A RESPONSE BACK ON 9/28/22, BY AUTHOR#c067259, NOTING A RESPONSE OF "YES". AS A RESPONSE. ON 9/29/22, APPELLANT STARTED HIS STEP#1 GRIEVANCE, NOTING THAT HE WAS DISSATISFIED WITH THE RESPONSE, AND REQUESTED THE ACTIONS OF REMOVAL FROM THE OFFENDER MANAGEMENT SYSTEM THE PENDING STATUS OF A "SEXUALLY VIOLENT PREDATOR", AND CORRECTION OF THIS ERROR ASAP. ON 10/10/22, APPELLANT RECEIVED A RESPONSE FROM THE WARDEN LANGDON, DENYING HIS GRIEVANCE, AND STATING THAT THIS PAPERWORK IS BEING FORWARDED TO SCDC DIVISION OF CLASSIFICATION AND INMATE'S RECORDS TO BE PROCESSED. ON 10/10/22, APPELLANT STARTED HIS STEP#2 GRIEVANCE PROCESS, NOTING THAT HE WAS DISSATISFIED WITH THE WARDEN'S RESPONSE. ON 11/2/22, APPELLANT RECEIVED A REPOSENSE FROM THE RESPONSIBLE OFFICIAL AND IT'S DECISION TO DENY APPELLANT'S STEP#2 GRIEVANCE. APPELLANT STATED THAT HE WAS ADVISED TO BE PATIENT WHILE THIS MATTER IS BEING REVIEWED. YOU HAVE NOT SHOWN THAT SCDC'S STAFF HAVE FAILED TO PERFORM THEIR JOB DUTIES PROPERLY. APPELLANT FOLLOWED UP WITH HIS NOTICE OF APPEAL TO THE S.C. ADMINISTRATIVE LAW COURT. THIS MATTER HAS BEEN ASSIGNED TO THE HONORABLE JUDGE MILTON G. KIMPSON, ALJ, CASE NO: #22C0326-AP, GRIEVANCE NO: ACI.-166-22 , APPEALS AS FOLLOW:

ARGUMENTS

1. SCDC DID INFRINGE UPON THE RIGHTS OF THE APPELLANT BY DEPRIVING HIM OF HIS "LIBERTY INTEREST" PROTECTION BY CLASSIFYING HIM UNDER THE STATUS PENDING AS A " SEXUALLY VIOLENT PREDATOR WITHOUT ANY JUSTIFICATION OR EXPLANATION.

DISCUSSION

THE APPELLANT ARGUES THE DEFENSE OF "COLLATERAL ESTOPPEL" TO PREVENT ANY FURTHER HARM BY THE STATE FROM RELITIGATING THIS MATTER IN ANY FURTHER PROCEEDINGS. THE APPEELANT PROCEEDED TO TRIAL ON MARCH OF 2007, BY JURY AND JUDGE HOWARD P. KING, CIRCUIT COURT JUDGE. APPELLANT WAS SENTENCED TO (30) THIRTY YEARS FOR 1ST DEGREE CRIMINAL SEXUAL CONDUCT, AND (30) THIRTY YEARS FOR KIDNAPPING WITH BOTH SENTENCES RUNNING CONCURRENT, ALONG WITH A CIVIL COMMITMENT TO REGISTRY AS A SEX OFFENDER UPON RELEASE. APPELLANT FURTHER ARGUES THAT THIS PENDING ISSUE OF "SEXUALLY VIOLENT PREDATOR" WOULD BE A SECOND CIVIL COMMITMENT WHICH IS UNCONSTITUTIONAL, AND SHOULD BE BARRED BY THE DEFENSE OF "COLLATERAL ESTOPPEL".

THE APPELLANT IS PROTECTED THROUGH THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT SECTION#1 OF THE UNITED STATES CONSTITUTION, AND THE STATE'S CONSTITUTION ART#1 SECTIONS #3 & #12, TO PREVENT AGAINST A SECOND PUNISHMENT UNDER THE DOUBLE JEOPARDY CLAUSE. SEE * IN THE MATTER OF THE TREATMENT AND CARE OF CLAIR LUCKABAUGH; 351 S.C. 122 (2002) JULY 22ND, 2002. WHERE THE STATE BROUGHT COMMITMENT PROCEEDINGS AGAINST PRISONER PURSUANT TO THE SEXUALLY VIOLENT PREDATOR ACT. THE RESPONDENT LUCKABAUGH FILED A MOTION TO DISMISS. THE CIRCUIT COURT OF CHARLESTON COUNTY, DANIEL E. MARTIN SR. JUDGE DISMISSED AND RELEASED PRISONER AFTER FINDING THAT THE ACT WAS UNCONSTITUTIONAL. ALSO, SEE * IN THE MATTER OF THE CARE AND TREATMENT OF ELLIOTT D. CHANDLER; RESPONDENT; v. STATE; DECIDED APRIL 27TH, 2009, WHERE THE STATE FILED PETITION SEEKING OFFENDER'S COMMITMENT AS A SEXUALLY VIOLENT PREDATOR (SVP). THE CIRCUIT COURT OF CHARLESTON COUNTY, R. MARKLEY DENNIS JR. DISMISSED PETITION.

LEGAL

ARGUMENTS

DISCUSSION

APPELLANT ARGUES THAT THIS ISSUE OF "RESTRAINT", COMPLIMENT; AND DETENTION. CONSTITUTIONAL LAW, STATES THAT A PERSON'S INTEREST IN FREEDOM FROM BODILY RESTRAINT IS AT THE CORE OF THE "LIBERTY INTEREST", protected by THE DUE PROCESS CLAUSE FROM ANY ARBITRARY GOVERNMENTAL ACTIONS ARE COVERED UNDER THE U.S.C.A. CONST. AMEND 14 SECTION 1, AND THE STATE'S CONST. ART#1 SECTIONS 3 & 12. THE PROPER PROCEDURE IS TO FILE A MOTION TO DISMISS. THE EQUAL PROTECTION CLAUSE ALSO FORBIDS IRRATIONAL AND UNJUSTIFIED CLASSIFICATIONS.

LEGAL

CONCLUSION

WHEREFORE, MR. NATHANIEL JOHNSON, JR. #211574, THE APPELLANT,
PRAYS FOR RELIEF, AS HE SEEKS AN "PERMANENT INJUNCTION" AND "EXPUNGEMENT"
OF THE RECORD FROM SCDC'S OFFENDER MANAGEMENT SYSTEM RELEASE DATE SCREEN",
APPELLANT RESPECTFULLY ASKS THIS HONORABLE COURT TO GRANT HIS REQUEST, AS
JUSTICE IS SO REQUIRED, AS A MATTER OF LAW.

DATED: Mon April

Respectfully submitted,

1st Mr. Nathaniel Johnson, Jr. #211574

MR. NATHANIEL JOHNSON, JR. #211574

KCI. HICKORY C-#119

4848 GOLDMINE HWY.

KERSHAW, S.C. 29067

PRO-SE APPELLANT

LEGAL

Dated: May 18th, 2023

Exhibit #2

The Hon. Milton H. Kimpson, ALJ
S.C. Administrative Law Court
Edgar A. Brown Building Suite 224
1205 Pendleton Street
Columbia, SC. 29201

COPY

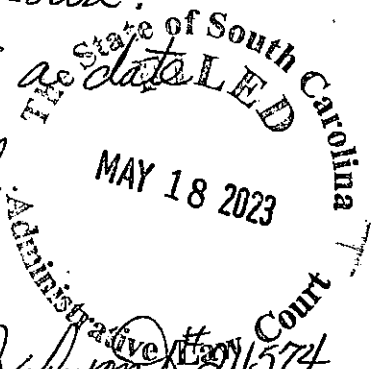
Re: Mr. Nathaniel Johnson Jr. #211574
-vs- South Carolina Department of Corrections,

To file Appellant's Reply Brief
Docket No: 22-ALJ-24-0326-AP Grievance No: ACI-166-22

Dear Judge Kimpson, ALJ.

Enclosed you find the original and one copy to
be filed with the SC. Administrative Law Court.

Please file the original and send back a date
stamped copy of the other, for my record.



Sincerely,
Mr. Nathaniel Johnson Jr. #211574
Mr. Nathaniel Johnson Jr. #211574
KCI. Hickory C-#119
4848 Goldmine Hwy.
Kershaw, SC. 29067
Pro-Se Appellant

cc:
Cheron Hess, Admin. Coord.
Office of General Counsel

LEGAL

JOHNSON-211574

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

MR. NATHANIEL JOHNSON, JR. #211574,) DOCKET NO: 22-ALJ-04-0326-AP
APPELLANT,) GRIEVANCE NO: ACI-166-22
)
-vs-) THE HON. MILTON G. KIMPSON, ALJ
)
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS) APPELLANT'S REPLY BRIEF IN
RESPONDENT) OPPOSITION TO RESPONDENT'S

COPY

REPLY BRIEF

COMES NOW, MR. NATHANIEL JOHNSON, JR. #211754, A PRO-SE APPELLANT WHO HEREBY MOVES WITH REPLY BRIEF IN OPPOSITION TO THE RESPONDENT'S BRIEF, DATED APRIL 28TH, 2023, AND RECEIVED BY THE APPELLANT ON MAY 17TH, 2023. IT WAS ALLEGED BY THE MAILROOM CLERK MRS. AMAZON, SAID THE REASON WHY IT TOOK ME SO LONG TO RECEIVE WAS DUE TO SHORT OF STAFF. APPELLANT ALLEGES THAT HE IS BEING DENIED ACCESS TO THE COURTS, DENIED ACCESS TO THE LAW LIBRARY FOR THE PURPOSE OF PREPARING LEGAL DOCUMENTS OR MAKING COPIES. AFTER, REVIEW OF THE RESPONDENT'S ARGUMENTS, APPELLANT MAKES HIS GOOD FAITH EFFORT TO REPLY, IN OPPOSITION AS FOLLOWS:



LEGAL

ARGUMENTS

DISCUSSION:

RESPONDENT'S ARGUES THAT ON MARCH 14TH, 2004, APPELLANT WAS CONVICTED OF CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE IN VIOLATION OF § 16-3-652, AND SENTENCED TO THIRTY (30) YEARS. APPELLANT ARGUES THAT THIS STATEMENT IS INCORRECT AND FALSE. APPELLANT ARGUES THAT THE STATE VIOLATED HIS FIFTH AMENDMENT RIGHTS UNDER THE DOUBLE JEOPARDY CLAUSE, BY GAINING TWO CONVICTIONS ARISING OUT OF THE SAME EVENT IN MARCH 14TH, 2007. THERE IS AN ONGOING LITIGATION PENDING IN STATE COURTS, IN REGARDS TO THIS MATTER. THIS CONVICTION AND SENTENCE SHOULD BE TREATED AS ONE CONVICTION, INSTEAD OF MULTIPLE CONVICTIONS. APPELLANT WAS ALSO CONVICTED OF KIDNAPPING TO RUN CONCURRENT WITH CSC 1ST DEGREE.

DISCUSSION:

RESPONDENT ARGUES THAT PURSUANT TO S.C. CODE SECTION ANN. § 44-48-40, IF A PERSON HAS BEEN CONVICTED OF A SEXUALLY VIOLENT OFFENSE, THE AGENCY MUST GIVE WRITTEN NOTICE TO THE MULTIDISCIPLINARY TEAM, VICTIM, AND ATTORNEY GENERAL AT LEAST 270 DAYS BEFORE APPELLANT'S RELEASE FROM PRISON UNDER THE DEFINITIONS, THE CODES DEFINES " SEXUALLY VIOLENT OFFENSE."

APPELLANT DISAGREES WITH THE RESPONDENT'S VIEW AND DEFINITION OF A " SEXUALLY VIOLENT PREDATOR" § 44-48-30, (1). SEXUALLY VIOLENT PREDATOR-- MEANS A PERSON WHO (a) HAS BEEN CONVICTED OF MULTIPLE SEXUALLY VIOLENT OFFENSES: (b). suffers from a mental abnormalities OR PERSONALITY DISORDER THAT MAKES THE PERSON LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE, IF NOT CONFINED IN A SECURED FACILITY FOR LONG-TERM CONTROL, CARE, AND TREATMENT. (2) " MENTAL ABNORMALITIES" MEANS A MENTAL CONDITION AFFECTING A PERSON'S EMOTIONAL OR VOLITIONAL CAPACITY THAT PREDISPOSES THE PERSON TO COMMIT SEXUALLY VIOLENT OFFENSES, MORE THAN ONCE. (3). " SEXUALLY MOTIVATED" MEANS THAT ONE OF THE PURPOSES FOR WHICH THE PERSON COMMITTED THE CRIME WAS FOR THE PURPOSE OF THE PERSON'S SEXUAL GRATIFICATION. (4). " LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" MEANS THE PERSON'S PROPENSITY TO COMMIT ACTS OF SEXUAL VIOLENCE IS OF SUCH DEGREE AS TO POSE A MENACE TO SOCIETY, TO THE WELLBEING OF THEIR OWN HEALTH AND SAFETY OF OTHERS.

LEGAL

ARGUMENT

DISCUSSION:

APPELLANT ARGUES THAT HE HAS INCARCERATED FOR (17) SEVENTEEN YEARS NOW, AND THERE IS NO PROOF IN THE DEPARTMENT'S RECORD OF ANY SEXUAL OFFENSES, NO DISCIPLINARY ACTIONS IN REFERENCE TO SEXUAL OFFENSES, HE DOES NOT RECEIVE ANY TREATMENT FROM MENTAL HEALTH, NO DIAGNOSES OF ANY MENTAL ABNORMALITIES, NOTHING IN SCDC'S RECORDS TO SUPPORT THEIR CLAIM UPON THE APPELLANT AS SUCH FOR THEIR FINDINGS. APPELLANT ARGUES FURTHER THAT SCDC'S THEORY IS NOT SUPPORTED, BUT STATES THAT THEIR REVIEW IS NOT COMPLETE. APPELLANT ARGUES THAT HE IS BEING DEPRIVED OF HIS DUE PROCESS RIGHTS TO BE FREE FROM UNWARRANTED RESTRAINTS. SEE * ~~XXXXXXXX~~ BROWN v. MONTAYA, 669 F.3d 1152, 1168 (10TH CIR 2011) (WHERE A PERSON'S "LIBERTY INTEREST" IS AT STAKE, AND IS ENTITLED TO NOT BEING CLASSIFIED AS A "SEXUALLY VIOLENT PREDATOR" WHEN HE HAS NOT PREVIOUSLY BEEN CONVICTED FOR SEX CRIMES.

RESPONDENT STATED THAT ONCE THE MULTIDISCIPLINARY TEAM REVIEWS THE RECORD , THEY MAKE A DETERMINATION AS TO WHETHER OR NOT THE OFFENDER SATISFIES THE DEFINITION OF A "SEXUALLY VIOLENT PREDATOR".

APPELLANT ARGUES THAT SCDC'S CLASSIFICATION STATUS PLACED UPON HIM IS UNJUSTIFIED AND IRRATIONAL AND VIOLATES HIS "LIBERTY INTEREST" AND SHOULD BE BARRED BY THE DEFENSE OF " COLLATERAL ESTOPPEL". RESTRAINT, COMMITMENT, AND DETENTION, CONSTITUTIONAL LAW STATES THAT A PERSON'S INTEREST IN FREEDOM FROM BODILY RESTRAINT IS AT THE CORE OF THE "LIBERTY INTEREST" PROTECTED BY THE DUE PROCESS CLAUSE FROM ARBITRARY GOVERNMENTAL ACTIONS ARE COVERED UNDER THE U.S.C.A. CONST. AMEND 14 SECTION 1, AND THE STATE'S CONST. ART 1 SECTION 3. THE EQUAL PROTECTION CLAUSE ONLY FORBIDS IRRATIONAL AND UNJUSTIFIED CLASSIFICATIONS. THE SOUTH CAROLINA SUPREME COURT HAS ALREADY DEEMED THAT LIFETIME SEXUAL REGISTRATION HELD UNCONSTITUTIONAL ON JUNE 9TH, 2021. SCDC'S SUBSTANTIAL EVIDENCE IS NOT SUPPORTED BY THE RECORD, AND THEREFORE, FOR GOOD CAUSE SHOWN, THIS HONORABLE COURT SHOULD DECLINE TO AFFIRM THE AGENCY'S DECISION.

LEGAL

CONCLUSION

WHEREFORE, APPELLANT RESPECTFULLY REQUESTS THAT THIS HONORABLE COURT DELINE TO AFFIRM THE FINAL AGENCY'S DECISION AS THEY STATED THAT REVIEW IS NOT COMPLETE, APPELLANT SEEKS AN PERMANENT INJUNSTION AND EXPUNGEMENT OF RECORD FROM SCDC'S OFFENDER'S MANAGEMENT RELEASE DATA SCREEN, AS JUSTICE SO REQUIRE AS A MATTER OF LAW.

DATED: 5/18/23

RESPECTFULLY SUBMITTED,
/s/ *Mr. Nathaniel Johnson, Jr. #211574*
MR. NATHANIEL JOHNSON, Jr. #211574
KCI. HICKORY C-#119
4848 GOLDMINE HWY.
KERSHAW, S.C. 29067
PRO-SE APPELLANT

LEGAL

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

MR. NATHANIEL JOHNSON, Jr. #211574,) DOCKET NO: 22-ALJ-04-0326-AP
APPELLANT,) GRIEVANCE NO: ACI-166-22
)
-VS-) THE HON. MILTON G. KIMPSON, ALJ
)
SOUTH CAROLINA DEPARTMENT OF) CERTIFICATE OF SERVICE
CORRECTIONS,)
RESPONDENT,)

CERTIFICATE OF SERVICE

THE UNDERSIGNED APPELLANT, HEREBY CERTIFY THAT ON THIS 18th
DAY OF May, 2023, A TRUE COPY OF THE FOREGOING APPELLANT'S
REPLY BRIEF IN OPPOSITION TO THE RESPONDENT'S BRIEF, WAS SERVED UPON THE
FOLLOWING BY PLACING INTO THE U.S. MAIL: THE HONORABLE MILTON G. KIMPSON, ALJ,
S.C. ADMINISTRATIVE LAW COURT, EDGAR A. BROWN BUILDING, SUITE 224, 1205
PENDLETON STREET, COLUMBIA, S.C. 29201, and Cheron Hess, admin. coord., OFFICE
OF GENERAL COUNSEL, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, P.O. BOX 21787,
COLUMBIA, S.C. 29221-1787.

DATED: 5/18/23

RESPECTFULLY SUBMITTED:
1st Mr. Nathaniel Johnson #211574
MR. NATHANIEL JOHNSON, JR. #211574
KCI. HICKORY C-#119
4848 GOLDMINE HWY.
KERSHAW, S.C. 29067
PRO-SE APPELLANT



Exhibit #3

STATE OF SOUTH CAROLINA
IN THE ADMINISTRATIVE LAW COURT

| | | |
|--|---|------------------------------|
| MR. NATHANIEL JOHNSON, JR. #211574, |) | DOCKET NO: 22-ALJ-04-0326-AP |
| APPELLANT, |) | GRIEVANCE NO: ACI. 166-22 |
| |) | |
| -vs- |) | HON. MILTON G. KIMPSON, ALJ |
| |) | |
| SOUTH CAROLINA DEPARTMENT OF CORRECTIONS |) | NOTICE OF MOTION FOR A |
| RESPONDENT; |) | SUMMARY JUDGMENT |

MOTION FOR A SUMMARY JUDGMENT

COMES NOW, MR. NATHANIEL JOHNSON, JR. #211574, AN PRO-SE APPELLANT, WHO HEREBY MOVE THIS HONORABLE ADMINISTRATIVE LAW COURT, WITH HIS " NOTICE OF MOTION FOR A SUMMARY JUDGMENT" IN HIS FAVOR AS THERE ARE NO MATERIAL ISSUE OF CONTROVERSY AGAINST THE FACTS OF THIS CASE. APPELLANT IS ENTITLED TO A JUDGMENT AS A MATTER OF LAW. SCDC, THE RESPONDENT, HAS INDEED INFRINGED UPON THE "LIBERTY INTEREST" RIGHTS OF THE APPELLANT, THEREFORE, THE COURT MUST INTERVENE. SEE *SKIPPER v. S.C. DEPT. OF CORR. 370 S.C. 267 272-74, 633 S.E. 910-14 (2006), (Courts traditionally have ADOPTED A " HANDS OFF" DOCTRINE REGARDING JUDICIAL INVOLVEMENT IN PRISON DISCIPLINARY PROCEDURES AND OTHER INTERNAL PRISON MATTERS, ALTHOUGH THEY MUST INTERCEDE WHEN INFRINGEMENT COMPLAINED OF BY AN INMATE REACH CONSTITUTIONAL DIMENSIONS.)

CONCLUSION

WHEREFORE, FOR GOOD CAUSE SHOWN, THE APPELLANT RESPECTFULLY ASKS THIS HONORABLE ADMINISTRATIVE LAW COURT, TO RENDER A SUMMARY JUDGMENT, IN HIS FAVOR, ON THE BASIS OF THE PLEADINGS, BECAUSE NO MATERIAL ISSUE OF FACTS EXISTS, AND THE APPELLANT IS ENTITLED TO A JUDGEMNT, AS A MATTER OF LAW.

DATED:

July 10th 2023

RESPECTFULLY SUBMITTED,

1st Mr. Nathaniel Johnson #211574

MR. NATHANIEL JOHNSON, JR. #211574
KER. C.I. HICKORY C-#119
4848 GOLDMINE HWY.
KERSHAW, S.C. 29067
PRO-SE APPELLANT

LEGAL

JOHNSON-211574

