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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

APPELLATE CASE NO. #2025-002413

Michael Vandrell Johnson
#309430 Petitioner,

-vs-

State of South Carolina Respondents.

NOTICE OF PETITION AND MOTION TO
RELIEVE APPELLATE COUNSEL

This matter comes before this Honorable Court, where Michael Vandrell Johnson #309430, pro se Petitioner, moves this Court to relieve the Office of Indigent Defense (OID), from appointment of representation in the case at bar, at this particular time, and in this particular proceeding. As the facts will demonstrate, it has recently come to this Petitioner's attention that a Notice of Appeal has been filed with this Court, from a purported Post-Conviction Relief (PCR) proceeding. This motion, for good cause shown, will demonstrate that the sought relief, i.e., termination/relief of OID, be relieved as representative, until a future time.

This motion is brought forth in two parts, to add clarity to the record, where there exists conflicting material facts involving the presentation of all facts and issues included within the Order that is purportedly being appealed. Also, this OJD has no jurisdiction to represent Petitioner's rights in the lower court, and therefore, it is Petitioner's obligation to correct the Order and lower courts errors to avoid a "piecemeal appeal". Petitioner does not waive or abandon any matter that is to be specifically and properly entertained in the PCR action.

POSITION #1

On October 19, 2021, Timothy Lee Griffith, Esquire, 2338 Mount Vernon Drive, Sumter, South Carolina 29154, (PCR counsel); served a written correspondence upon Petitioner, where Petitioner had been diligently attempting to establish communication relating to a PCR proceeding, which had occurred in June 2021. This counsel stated, for the record, "The Judge as I recall from my notes, granted you to the opportunity for a new appeal" Furthermore, counsel stated a position involving the preparation of the Order involving the facts of the case and conclusions of law.

From October 2021, until October 2025, Petitioner diligently tried to make contact with PCR counsel by writing and/or phoning that counsel. Petitioner served a written correspondence upon the Clerk's Office for this Court, inquiring into the progress, i.e., notice of appeal, or any other action as relates to this instant case.

On October [15], 2025, (sic), (it is believed to be a clerical error of November 15, 2025), this Clerk issued a formal correspondence, construing Petitioner's request as a matter in this Court's Original Jurisdiction, and seeking to have: (1) Travis Cruise Mitchell, Esquire, Assistant Attorney General, Post Office Box 11549, Columbia, South Carolina 29211-1549; and (2) Timothy Lee Griffith, Esquire, 2338 Mount Vernon Drive, Sumter, South Carolina 29154, to file returns to specifically address the status of the underlying case. This Clerk further ordered that this return be provided within ten (10) days from the date of this letter.

On November 18, 2025, Petitioner served and filed a formal correspondence with the Office of Disciplinary Counsel (ODC) raising issues of fraud, malfeasance, derelict of duty, misconduct in office, and other immoral and unethical professional acts.

On December 2, 2025, PCR counsel served a notice of appeal with and alleged written Order, signed on or about November 17, 2025; and filed with the Clerk on November 20, 2025. This Order is defective in several different matters. The Order executed and filed in this case does not comport with S.C. Code Ann. §17-27-80 ("The court shall make specific findings of fact, and state expressly its conclusions of law, relating to the issues presented. This is a final order."); Fishburne v. State, 427 S.C. 505, 832 S.E.2d 584 (2010). There are many defects that should have been challenged and corrected by PCR counsel and these Respondents. Cf., Pruitt v. State, 310 S.C. 254, 423 S.E.2d 127 (1992)(We take this opportunity to express our concern with the increasing number of orders in PCR proceedings that fail to address the merits of the issues raised by the applicant ... orders should be meticulous in doing so, opposing counsel should

call any omissions to the attention of the PCR judge prior to issuance of the order ...) ... @There exists no objection or attempt, by PCR counsel, to correct the deficiencies and negligent factual basis of this particular Order.

As a matter of fact, PCR counsel began to press the Respondents for a written Order, and in these two legal officers haste, they "threw" together an Order that is inconsistent with procedural due process principles, and pushed the Order through the judicial system, in an effort to avert the fundamental rights of this Petition. Simply because they honestly believe they can do that. And as shown here, have done exactly that.

On December 17, 2025, Petitioner filed with this Court: (1) Notice Of Petition And Motion To Relieve Counsel (PCR counsel); (2) Motion Of Petition To Stay Appeal For Remand To Correct Judgment; (3) Exhibit(s); and (4) Proof Of Service. At the time of this initial petition to relieve counsel, it was pursued in an effort to relieve PCR counsel, so that Petitioner could pursue the attached petition(s), i.e., petition to stay and remand, without having to be burdened with the "hybrid representation" doctrine, with this Court. Cf., Jones v. State, 348 S.C. 13, 558 S.E.2d 517 (2002)(counsel cannot operate as a mere conduit to avert the "hybrid representation" prohibition); State v. Sanders, 269 S.C. 215, 237 S.E.2d 53 (1977)(hybrid representation is defined as "representation which is partially pro se, partially by counsel"); Foster v. State, 298 S.C. 306, 379 S.E.2d 907 (1989). This Court has held in, State v. Devore, 416 S.C. 115, 578 S.E.2d 690 (2016), that, "exception of motions to relieve counsel, filed prose by a party who is represented by counsel." At the time that this initial set of pleadings were filed, Petitioner had no way of knowing; and intelligently having notice that the OID had become engaged in these matters.

With this mindset, and since Petitioner, when creating and drafting the pleading to stay the appeal and remand, did not know the status of counsel(s) (PCR counsel and/or OID), can demonstrate that the deficiencies and legal errors within the written Order; does not provide the proper and specific identity of the circuit court judge to whom presided over the initial pcr hearing; (2) where there exists genuine material facts in law and evidence which are contrary to the granting of relief in the original pcr proceedings; and (3) the facts purportedly recorded within this Order are not consistent with the actual facts and events at the pcr proceedings.

Petitioner places all these matters within this petition to relieve OID to clearly show there is a need for this case to be remanded to the pcr courts, especially where there are so many errors, fraudulent statements, a clear demonstration that pcr counsel did not show that [he] was putting forth a clear effort in the pursuit of this Petitioner's right at a "one bite at the apple. Cf., Aice v. State, 305 S.C. 452, 409 S.E.2d 392, 395 (1992); and Odom v. State, 337 S.C. 256, 523 S.E.2d 753 (1999).

CONCLUSION

WHEREFORE, Petitioner prays that this Court grant the relief of the OID, where there exists materials facts that require this action to be remanded to the lower court, consistent with the above argued matters, and in the interest of justice. Due process demands no less.

January 21, 2026

Respectfully Submitted,

Michael Vandrell Johnson
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PRO SE PETITIONER