RECEIVED
MAR 09 2026
S.C. SUPREME COURT

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

SOUTH CAROLINA SUPREME COURT
CLERK OF COURTS OFFICE
Patricia A. Howard, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330

RE: FILING OF ENCLOSED PLEADINGS
Johnson v. State, #2021-CP-43-01588

Clerk,

Please find enclosed pleadings for filing:

(1). Notice Of Motion And Motion To Relieve Counsel;

(2). Exhibits;

(3). Notice Of Petition To Stay Appeal For Remand To Correct Subject Order;

(4). Proof Of Service.

Please take notice that, pcr counsel has admittedly debarked and/or abandoned representation in the December 2,2025, correspondence, regardless of the mandates of Rule 602, SCACR. I am simply moving to have him judicially removed so that I may

proceed pro se in the grounds relating to the enclosed petition.

If I may be of any further assistance to this Clerk's Office, in these matters, please do not hesitate to contact me. Thank you for this Clerk Offices time and attention to these matters.

December 17th, 2025

Respectfully Submitted,

rds/MVJ

cc: FILE
CLERK
GRIFFITH
JONES

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

RECEIVED
MAR 09 2026
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

Case No. #2021-CP-43-01588

Michael Vandrell Johnson
#309430 ..... Petitioner,

vs.

State of South Carolina ..... Respondents.

NOTICE OF PETITION AND MOTION TO RELIEVE COUNSEL

This matter comes before this Honorable Court, where Michael Vandrell Johnson #309430, pro se Petitioner, moves this Court to relieve counsel, Timothy Lee Griffith, Esquire, 2338 Mount Vernon Drive, Sumter, South Carolina 29154); where this counsel was appointed to represent this Petitioner's cause of action in a Post-Conviction Relief (PCR) action. (#2021-CP-43-01588), filed in Sumter County.

From June 2021 through October 19,2021, counsel refused or failed, intentionally, to represent and preserve Petitioner's rights and interests in this matter. It is evident by the documents that have been procured in this current matter that, there has been c;ear;y demonstrated that counsel has not performed as consistent with the well guarded standards of law. In re Rogers, 413 S.C. 187, 775 S.E.2d 387 (2015)(prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation, and prohibiting conduct that is prejudicial to the administration of justice).

First, we must analyze the issue of "hybrid representation" as relates to this claim that is now before this Court. Since Petitioner's acting in a pro se manner, does foreclose his ability to have this Court entertain, and grant the relief of terminating counsel's ability to remain on as counsel of record. Cf., State v. Devore, 416 S.C. 115, 784 S.E.2d 690 (2016)(hybrid representation does not affect motions to relieve counsel by a pro se litigant). Pcr counsels presentation is not mandated by the constitution, it is created by statute, i.e., court rule. Cf., Robertson v. State, 418 S.C. 505, 513, 795 S.E.2d 29,33 (2016)(relying on Turner v. State, 384 S.C. 451, 456 n.5, 682 S.E.2d 792, 794 n.5 (2009); Whitehead v. State, 310 S.C. 531, 426 S.E.2d 315 (1992)(rules of civil procedures, like statutes, should be given their plain meaning. When the text of a rule is clear and unambiguous, judicial inquiry is complete. See, e.g., Business Guides v. Chromatic Communications Enterprises, Inc., 498 U.S. 533, 111 S.Ct. 922, 112 L.Ed.2d 1140 (1991)(clear and unambiguous text in Federal Rules of Civil Procedure is given plain meaning); citing Rule 71.1(d), South Carolina Rules of Civil Procedure, SCRCP.

Counsel executed and served upon this Petitioner, on or about October 19,2021, a correspondence relating to a written order that should have been forthcoming, and was informed that "The Judge as I recall from my notes, granted you the opportunity for a new appeal ... Unfortunately, they can't start on it, and we can't file for an appeal on the rest of your case, until we get a signed order from the judge and that is on the AG to provide." (See attached hereto and incorporated herewith a true and accurate copy, as an Exhibit, dated October 19,2021).

On October 18,2025, Petitioner filed a complaint with the Office of Discplinary Counsel (ODC), seeking to have sanctions imposed against counsel for derelict of duty and/or obligation, in the purported performance in a pcr arena. Prior to this complaint being served, this Petitioner had on numerous times, to communicate with this counsel, to no avail.

Finally after a lengthy time, Petitioner served a formal request for information upon this Clerk of Courts Office, inquiring about whether a Notice of Appeal had been filed, that would have secured Petitioner's rights to appellate review. See attached hereto and incorporated herewith a true and accurate copy, dated October 28,2025).

On October 15,2025, (sic), the Clerk responded by issuing a directive which stated that Petitioner's request was being "construed as a request for relief in this Court's original jurisdictionn." Please note that this directive was provided a ten (10) day period for compliance or response to the specific issues pertaining to Petitioner's claims. (See attached hereto and incorporated herewith a true and accurate copy of the October 15,2025, (sic), as an Exhibit). (Please note that this October 15,2025, dated, was reasonably believed to mean November 2025).

On November 17,2025, the Honorable Edward W. Miller, Circuit Court Judge. executed a purported written order, pertaining to the case captioned: #2021-CP-43-01588. This alleged written order has been filed, and portrayed as being consistent or conforming to the statutory provisions of S.C. Code Ann. §17-27-80 (1985)("The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. This is the final judgment").

On December 2,2025, counsel served upon Petitioner a purported written order, and Notice of Appeal, asserting this order was "ripe" for appellate review. It is a matter of record that, on October 19,2021, counsel made a statement of fact, (see Rule 11(a), SCRCP, "Every pleading, motion or other paper of a party represented by an attorney shall be signed in his individual name by at least one attorney of record who is admitted to practice law in South Carolina ... the written ... signature of an attorney ... constitutes a certificate by him that he has read the ... other paper; that to the best of his knowledge, information and belief there is good ground to support it; and that it is not interposed for delay ...". (See attached hereto and incorporated herewith a true and accurate copy of the December 2,2025, counsels correspondence). Petitioner is of the position, and belief that, counsel does not now, or at the initial stages of the pcr proceedings, doesn't have his "heart" into it, and seems over anxious to be "rid" of his obligations and professional duties. Cf., Rule 602(c)(4), South Carolina Appellate Court Rules, SCACR, (providing in pertinent part: "... counsel shall continue representation, unless granted leave to withdraw under Rule 264, SCACR"). As is evident by this petition, and where counsel has not served nor filed to be relieved ot to withdraw, demonstrates that counsel has already [abandoned] this client. Cf., Rule 608(f)(3), SCACR. (provides in pertinent part:

" ... a member who desires "to be relieved" ... as counsel of record ... "shall promptly file a motion to be relieved with the Clerk of Court"). Petitioner now serves such a petition upon this Clerk of Courts Office, and Respondent herewith, for such relief.

Petitioner is of the position that, this petition is a proper vehicle, ad mechanism, in which to seek the relief of terminating counsel as counsel of record. Also, that for the reasons and/or justifications argues herein, and the attached petition for staying the appeal, presented herewith, relief should be granted in this matter.

CONCLUSION

WHEREFORE, Petitioner prays that this Honorable Court grant the relief of terminating counsel from further representation or involvement with this case.

December 17th, 2025

Respectfully Submitted,

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

PRO SE PETITIONER

RECEIVED
MAR 09 2026
S.C. SUPREME COURT

EXHIBIT

Timothy L. Griffith Attorney at Law

2338 Mount Vernon Dr, Sumter, SC 29154

Phone: (803) 499-2012 Fax: (803) 728-3375

October 19, 2021

RE: 2021-CP-43-1588, Michael Vandrell Johnson vs. State of South Carolina

Dear Mr. Johnson,

The Judge as I recall from my notes, granted you to the opportunity for a new appeal which will be handled by the appeals division of the Commission on Indigent defense.

Unfortunately, they can't start on it, and we can't file for an appeal on the rest of your case, until we get a signed order from the Judge and that is on the AG to provide.

I have emailed them again today to remind them we need that order. They have lost a lot of staff and are way behind right now, but we will push them for the order as much as we can.

As soon as we get the signed order, we will get it to the appeals division and they can start the process, and we will also be sending you a copy.

Sincerely,

Timothy L. Griffith
Attorney at Law
(803) 607-9087

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

SOUTH CAROLINA SUPREME COURT
OFFICE OF THE CLERK OF COURT
Patricia A. Howard, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330

RE: FORMAL REQUEST FOR INFORMATION
Johnsonv. State, #2021-CP-43-1588

Clerk,

Please permit this correspondence to serve as a request for information relating to any [notices] and/or [documents] filed pursuant to the Post-Conviction Relief (PCR) case captioned, Johnson v. State, #2021-CP-43-1588.

In June 2021, I attended an evidentiary hearing in a PCR matter. The PCR court granted an Austin petition, and since that time, I have been diligently attempting to establish communication and/or contact with my PCR counsel of record, with no luck. Since PCR counsel has never served upon , nor notified me of any Order that would have been provided, I must take the initiative to seek out any any all information affecting my rights.

At this Office's earliest convenience, please contact me with a copy of and/or and all notices, or whether any appeals have been filed concerning this specific case number.

If, I may be of any further assistance to this Office, in these matters, please do not hesitate to contact me. Thank you for this Office's time and attention to these matters.

October 28, 2025

Respectfully Submitted,

rds/MVJ

cc: FILE
CLERK

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

Received
EAP 2/28/34

The Supreme Court of South Carolina

Patricia A. Howard
CLERK OF COURT

Brenda F. Shealy
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211
TELEPHONE: (803) 734-1080
FAX: (803) 734-1499

October 15, 2025

Travis Cruise Mitchell
PO Box 11549
Columbia, SC 29211

Timothy Lee Griffith
2338 Mount Vernon Drive
Sumter, SC 29154

Re: Michael Vandrell Johnson v. State of South Carolina
Appellate Case No. 2025-002094

Dear Mr. Mitchell and Mr. Griffith:

Michael Vandrell Johnson has filed a letter with this Court, which is being construed as a request for relief in this Courts original jurisdiction. A copy is enclosed. Please file a return, which specifically addresses the status of the underlying case, and proof of service within ten (10) days from the date of this letter.

Sincerely,

Patricia A. Howard

Clerk of Court

Enclosure
cc: Michael Vandrell Johnson

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

SOUTH CAROLINA SUPREME COURT
OFFICE OF DISCIPLINARY COUNSEL
William Blitch, Esquire
Post Office Box 12159
Columbia, South Carolina
29211-2159

RE: FORMAL COMPLAINT
Johnson v. Griffith

Mr. Blitch,

Please permit this correspondence to serve as a formal Complaint against, Timothy L. Griffith, Esquire, for sanctions and disciplinary action(s), relating to the purported representation in a Post-Conviction Relief (PCR) action. (#2021-CP-43-1588).

The last contact made to me, on October 19,2021, by counsel, was a notice that the PCR judge had granted an Austin appeal/petition, which is well known to be a [belated appeal]. Since that date and time, counsel refuses to answer any calls, via GTL Tablet/Viapath Communication Services (supplied through SCDC's contractual inmate services), where it should be known such calls are "pre-paid" in nature. According to this last communique' by counsel, there has been a complete [shut down] of any type or form of communication. What can effectively be termed a "total black out."

On October 38,2025, I contacted the Clerk of Court's Office for the South Carolina Supreme Court, via a formal

correspondence, (see attached hereto and incorporated herewith a true and accurate copy, dated October 28,2025), inqiring as to any form of [notice] and/or [documents] filed relating to the pcr matter, docketed as #2021-CP-43-1588. This matter arose where, in June 2021, I attended an evidentiary hearing as to the claims and issues relating to the PCR action. Since these times, it would seem that counsel has failed, or has lost interest in my rights, and [his] obligations and duties to me. It is believed by this correspondence/Complaint that such facts are evident, and deserves any and all sanctions deemed applicable by this ODC. Cf. , Matter of Swanner, 408 S.C. 191, 758 S.E.2d 711 (2014)('failure to diligently pursue client's appeal"). Furthermore, it is additionally argued that counsel's failure/refusal to diligently pursue the order in which would be the essential value of the appellate court's jurisdiction for the right to appeal. (See Rule 203(b)(1), South Carolina Appellate Court Rules, SCACR); Odom v. State, 337 S.C. 256, 523 S.E.2d 753 (1999)(never received his "first bite ate the apple"). Although Odom, dealt with a successive pcr application, it still stands for an Applicant, such as this one, to have his full and unfettered opportunity to (1) access to the courts; (2) competent representation, whether counsel believes that his obligations and/or duties are complete (see Rule 602, SCACR & Rule 608, SCACR), where counsel is to remain counsel of record until, the Office of Indigent Defense has been appointed and/or ordered relieved by the courts. As to my knowledge this particular case remains "open", and no order, that has been produced, has been executed/filed, nor Notice of Appeal provided. Since counsel negligently and blatantly refuses to communicate, or provided closure, with a written order as stated in [his] October 19,2021, correspondence, that such is an unethical and immoral performance that requires, immediate, and

severe, action by this ODC.

If I may be of any further assistance to this ODC, in these matters, please do not hesitate to contact me. Thank you for this ODC's time and attention to these matters.

November 18th, 2025

Respectfully Submitted,

rds/MVJ

cc: FILE
BLITCH
GREEN

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

AFFIDAVIT OF SERVICE BY MAIL

I, Michael Vandrell Johnson #309430, pro se Complainant, in the presence of this Notary Public for South Carolina, i.e., Mail Room Clerk, that Complainant has served the following: (1) Formal Complaint; and (2) Affidavit Of Service By Mail, First Class postage affixed thereon, by depositing a copy of the same in the United States Mail, and addressed as follows:

SOUTH CAROLINA SUPREME COURT
OFFICE OF DISCIPLINARY COUNSEL
William Blitch, Esquire, ODC
Post Office Box 12159
Columbia, South Carolina
29211-2159; and

Timothy L. Griffith, Esquire
Attorney at Law
2338 Mount Vernon Drive
Sumter, South Carolina
29154.

AFFIDAVIT OF SERVICE BY MAIL ADDENDUM SHEETS
PAGE [5], Michael Vandrell Johnson #309430
November 19th, 2025

November 19th, 2025

Respectfully Submitted,

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bishopville, South Carolina
29512

Sworn and subscribed before me this
19 day of November, 2025
Sascha Dunlap
Notary Public for South Carolina
My commission expires: 2/28/34

Timothy L. Griffith Attorney at Law

2338 Mount Vernon Dr, Sumter, SC 29154

Phone: (803) 499-2012 Fax: (803) 728-3375

December 2, 2025

RE: Case #2021-CP-43-01588, Michael Vandrell Johnson vs. State of South Carolina

Dear Mr. Johnson,

Your PCR case was heard and unfortunately the Judge denied your claim.

We have filed an appeal and you will be contacted by the appeals division of the commission on indigent defense at some point to inform you of your new lawyer who will represent you in the appeals process.

This terminates our representation and good luck with the appeal. Please feel free to contact us with any questions or concerns.

Sincerely,

Timothy L. Griffith
Attorney at Law
(803) 499-2012

STATE OF SOUTH CAROLINA COUNTY OF SUMTER	)	IN THE COURT OF COMMON PLEAS FOR THE THIRD JUDICIAL CIRCUIT
Michael Vandrell Johnson, #3090430	)	Case No.: 2021-CP-43-01588
Applicant,	)	
v.	)	
State of South Carolina,	)	**ORDER OF DISMISSAL**
Respondent.	)	

RECORDED
2025 NOV 20 PM 3:52

This matter comes before the Court by way of an application for post-conviction relief ("PCR") filed by Michael Vandrell Johnson ("Applicant") on September 13, 2021, and amended on June 27, 2022. The Court convened an evidentiary hearing into the matter on November 3, 2022, at the Sumter County Courthouse. Applicant was present at the hearing and represented by Timothy L. Griffith, Esq. Zachary W. Jones, of the South Carolina Attorney General's Office, represented Respondent.

Applicant testified on his own behalf at the evidentiary hearing. Applicant's trial counsel, Michael Routzong, Esq. ("Counsel"), also testified. After reviewing all records and evidence before the Court, this Court finds Applicant has not met his requisite burden of proof of establishing he is entitled to post-conviction relief and denies and dismisses this application with prejudice. The Court finds as follows:

I. PROCEDURAL HISTORY

Applicant is currently confined in the South Carolina Department of Corrections. The Sumter County Grand Jury indicted Applicant for armed robbery (2019-GS-43-0414). Applicant was represented by Assistant Public Defender Michael Routzong of the Third Circuit Public

Defender's Office. Assistant Solicitor Tyler Brown of the Third Circuit Solicitor's Office prosecuted the case. On September 29, 2020, Applicant proceeded to a jury trial before the Honorable R. Ferrell Cothran, Jr., circuit court judge. However, following pre-trial motions and the striking of a jury, Applicant elected to forgo his right to a jury trial and changed his plea to guilty. Following a through plea colloquy, Judge Cothran accepted Applicant's guilty plea and sentenced him to seventeen years of imprisonment. Applicant did not pursue a direct appeal or otherwise challenge his plea or sentence until the filing of this instant post-conviction relief action.

Factual Summary

On January 21, 2019, Applicant entered a Family Dollar store in Sumter, brandished what appeared to be a firearm, and demanded monies from store employees, who complied with his demands. The encounter was captured on surveillance video. Applicant then fled the store on foot and was apprehended while in possession of the items consistent with what was presented as a handgun during the robbery and the monies taken. He was subsequently arrested and charged with armed robbery.

Present Application

In his application for post-conviction relief, Applicant alleges he is entitled to relief based on the following grounds:

(a) Ineffective assistance of counsel: "Chronic v. State" and "Strickland v. Washington"

-"failure to raise objections to rights violated, etc."

(b) "Fourth Amendment Violated/Sixth Amendment Violated"

-"lack probable cause/lack reasonable suspicion, etc."

(c) Involuntary Guilty Plea

-lack of effective assistance of counsel

As requested relief, Applicant states he is seeking, "dismiss[al] [of the] case d[ue] to the fourth amendment violation, new trial."

On June 27, 2022, Applicant amended his application to include the following allegations of ineffective assistance of counsel:

1. Applicant's attorney told him he would be convicted at trial and pressured him to take the plea.
2. His attorney only visited him a few times, and Applicant did not feel he had enough time to speak with his attorney.
3. He did not get to see all of his discovery, which he received only after the plea.
4. His attorney did not appeal his plea. He himself sent a letter to the Sumter Clerk of Court saying he wanted to appeal, but he received a reply after the ten days saying he had sent it to the wrong court. He was denied his right to appeal.
5. His attorney failed to fully investigate the case and could have found witnesses or information to clear him.
6. At the time of the plea, he had been on the wrong medications and was not really thinking clearly.

At the evidentiary hearing, Applicant proceeded on the allegations raised in his amended application.[1]

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, and weighed the testimony accordingly. Before the Court are Applicant's records from the South Carolina Department of Corrections, the transcripts of Applicant's trial and plea proceedings, the records of the Sumter County Clerk of Court regarding the subject convictions, and the original and amended applications for post-conviction relief. This Court has reviewed the records submitted to it by the parties, the legal arguments made by the

[1] Applicant clarified that he was waiving ineffective assistance claims against any attorney other than Michael Routzong.

attorneys, and the pleadings. Pursuant to S.C. Code Ann. § 17-27-80, this Court makes the following findings based upon all of the probative evidence presented:

Ineffective Assistance of Counsel

Applicant's allegations of ineffective assistance of counsel are without merit. In a PCR action, Applicant bears the burden of proving the allegations in his application. *Butler v. State*, 286 S.C. 441, 334 S.E.2d 813 (1985). Applicant must prove his factual allegations by a preponderance of the evidence. Rule 71.1(e), SCRCP. Where the application alleges ineffective assistance of counsel as a ground for relief, Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that [it] cannot be relied upon as having produced a just result." *Strickland v. Washington*, 466 U.S. 668, 686 (1984); *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

In evaluating allegations of ineffective assistance of counsel, the reviewing court applies the two-pronged test outlined in *Strickland*. First, Applicant must prove that counsel's performance was deficient. *Strickland*, 466 U.S. at 686; *Cherry v. State*, 300 S.C. 115, 117, 386 S.E.2d 624, 625 (1989). Under this prong, the court measures an attorney's performance by its "reasonableness under prevailing professional norms." *Cherry*, 300 S.C. at 117, 386 S.E.2d at 625 (quoting *Strickland*, 466 U.S. at 690). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. "Counsel is strongly presumed to have rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment." *Id.* (citing *Strickland*, 466 U.S. at 690). "When counsel focuses on some issues to the exclusion of others, there is a strong presumption that he [or she] did so for tactical reasons rather than through sheer neglect." *Yarborough v. Gentry*, 540 U.S. 1, 5 (2003) (citing *Strickland*, 466 U.S. at 690).

The Court, in determining deficiency, must affirmatively entertain the range of possible reasons counsel may have had for proceeding as they did. *Cullen v. Pinholster*, 563 U.S. 170, 196 (2011); *Harrington v. Richter*, 562 U.S. 86, 109–10 (2011). "[E]ven if an omission is inadvertent, relief is not automatic. The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight." *Yarborough*, 540 U.S. at 6; *see also Murphy v. Davis*, 901 F.3d 578, 592 (5th Cir. 2018) ("[C]ounsel's performance need not be optimal to be reasonable.").

Second, counsel's deficient performance must have prejudiced Applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117–18, 386 S.E.2d at 625. "This does not require a showing that counsel's actions 'more likely than not altered the outcome,' but the difference between *Strickland*'s prejudice standard and a more-probable-than-not standard is slight and matters 'only in the rarest case.'" *Harrington*, 562 U.S. at 111–12 (quoting *Strickland*, 466 U.S. at 697). "The likelihood of a different result must be substantial, not just conceivable." *Id.* at 112. "The prejudice analysis requires the court deciding the ineffectiveness claim to consider the totality of the evidence before the judge or jury." *United States v. Basham*, 789 F.3d 358, 371–72 (4th Cir. 2015) (quoting *Elmore v. Ozmint*, 661 F.3d 783, 858 (4th Cir. 2011)).

In the context of a guilty plea, Applicant must show that there is a reasonable probability that, but for counsel's alleged errors, he would not have pleaded guilty and would have insisted on going to trial. *Hill v. Lockhart*, 474 U.S. 52, 59 (1985). Because a guilty plea is a solemn, judicial admission of the truth of the charges against an individual, the PCR applicant's right to contest the validity of such a plea is usually, but not invariably, foreclosed. *See Blackledge v. Allison*, 431 U.S. 63, 73–74 (1977) ("Solemn declarations in open court carry a strong presumption of verity. The subsequent presentation of conclusory allegations unsupported by specifics is subject to

summary dismissal, as are contentions that in the face of the record are wholly incredible."). Statements made during a guilty plea should be considered conclusive, unless an applicant presents valid reasons why he or she should be allowed to depart from the truth of his statements. *Dalton v. State*, 376 S.C. 130, 137–38, 654 S.E.2d 870, 874 (Ct. App. 2007) (citing *Crawford v. United States*, 519 F.2d 347, 350 (4th Cir. 1975)).

Allegation 1: Counsel pressured Applicant into pleading guilty

Applicant argues Counsel pressured him into pleading guilty by telling him he would likely be convicted at trial. The Court finds this allegation is meritless. The record includes the transcript of Judge Cothran's plea colloquy with Applicant, in which Applicant agreed that he wanted to plead guilty, that he was not promised anything or threatened in any way, that he understood he was facing up to 30 years in prison, and that he understood the rights he would be waiving by pleading guilty. (Tr. pp.122–25). Applicant also told the court he had enough time to consult with Counsel and he was satisfied with Counsel's representation. (Tr. p.122, lines 17–22).

Applicant's sworn statements during the plea colloquy "carry a strong presumption of verity," and he bears the burden to show valid reasons why he should now be permitted to depart from the truth of those statements. *Blackledge*, 431 U.S. at 73–74; *Dalton*, 376 S.C. at 137–38, 654 S.E.2d at 874.

At the evidentiary hearing, Counsel explained Applicant was caught on the store's surveillance video committing the crime. Although the figure on the video was wearing a mask, he could be identified by his distinctive clothing, which included a blue belt, blue pants, red-and-black plaid underpants that were visible when he reached over the store counter, and a black jacket with a distinctive white tag on the back (suggesting it was being worn inside-out). Applicant was arrested a short time later, and Counsel was able to examine the clothes he was wearing when he

was arrested, which included red-and-black plaid underpants, a blue belt and blue pants, and a Carhart jacket, which when reversed looked identical to the jacket in the security video. Applicant also had a large amount of cash in his possession when he was arrested.

Counsel testified that, based on these facts, he believed Applicant would be convicted at trial unless he could suppress the evidence obtained during the arrest.[2] He moved for suppression on the ground that law enforcement lacked probable cause to arrest Applicant because he did not match the description of the suspect, who was described as wearing a black jacket. Counsel recalled telling Applicant he would likely be convicted if the evidence was not suppressed. Ultimately, Counsel's suppression motion was denied. (Tr. pp.109–17). Counsel testified that, after the suppression motion was denied, Applicant made it clear he wished to plead guilty.

The Court finds Applicant's testimony at the evidentiary hearing, to the extent it contradicts his sworn statements during the plea colloquy, is not credible. The Court further finds Counsel credibly testified that the ultimate decision to plead guilty was made by Applicant. To the extent Applicant's decision to plead guilty was influenced by Counsel's advice that he would likely be convicted if he went to trial, the Court finds Counsel's advice was reasonable in light of the strength of the State's evidence. Therefore, Applicant has not met his burden of proving either deficiency or prejudice as to this allegation. Accordingly, the Court finds this allegation must be denied and dismissed with prejudice.

Allegation 2: Failure to adequately visit and consult with Applicant

[2] Counsel also testified he was prepared to argue at trial that Applicant was not armed when he robbed the store, but he noted that the video showed Applicant pointing an object at the person behind the counter, who appeared genuinely frightened and even jumped over a divider to get away from Applicant.

Applicant argues Counsel was ineffective for failing to sufficiently visit with him and discuss his case. The Court finds this allegation is meritless. At the plea proceeding, Applicant testified he had had enough time to meet with his attorney and he was satisfied with Counsel's representation. (Tr. p.122, lines 17–22). Counsel testified at the evidentiary hearing that he met with Applicant multiple times at the jail and went over all the discovery with him in person prior to trial. The Court finds Applicant's sworn statements at the plea colloquy are more credible than his contrary statements at the evidentiary hearing. The Court further finds, based on Counsel's credible testimony at the evidentiary hearing, that Counsel met with Applicant a sufficient number of times and adequately went over the case with him; therefore, Counsel was not deficient. In addition, Applicant has not explained how the outcome of his case would have been different had Counsel met with him more often or discussed the case with him more thoroughly. Therefore, Applicant has not met his burden of proving he was prejudiced by Counsel's conduct. Accordingly, this allegation is denied and dismissed with prejudice.

Allegation 3: Failure to provide discovery to Applicant

Applicant claims he was not shown all his discovery prior to entering his guilty plea. The Court finds this allegation meritless. Counsel testified he provided all the discovery to Applicant, except that he had to provide still photos instead of videos because the detention center did not have facilities for inmates to watch videos. However, he was able to show Applicant the videos during his visits with him to go over the discovery. Counsel testified he met with Applicant multiple times and went over all the discovery with him. The Court finds Counsel's testimony credible and Applicant's testimony not credible as to this issue.

In addition, to prove prejudice from failure to review discovery, a PCR applicant must present some new evidence or defenses that could have been discovered by counsel's further

review of the discovery. *Harris v. State*, 377 S.C. 66, 75–76, 659 S.E.2d 140, 145–46 (2008) (citing *Jackson v. State*, 329 S.C. 345, 353–54, 495 S.E.2d 768, 772 (1998)), *abrogated on other grounds by Smalls*, 422 S.C. 174, 810 S.E.2d 836. Furthermore, an applicant must also show how the new evidence or defenses would have resulted in a different outcome. *Id.* (citing *David v. State*, 326 S.C. 283, 288, 486 S.E.2d 747, 749 (1997); *Skeen v. State*, 325 S.C. 210, 214, 481 S.E.2d 129, 132 (1997)). Mere speculation as to how the alleged lack of preparation prejudiced an applicant is not sufficient to support a grant of relief. *Id.*, 377 S.C. at 75, 659 S.E.2d at 145 (citing *Glover v. State*, 318 S.C. 496, 498, 458 S.E.2d 538, 540 (1995)). Here, Applicant did not present any new evidence or defenses that purportedly could have been discovered by further review of the discovery. Accordingly, the Court finds Applicant has not met his burden of proving either deficiency or prejudice as to this claim, and this allegation is denied and dismissed with prejudice.

Allegation 4: Failure to appeal

Counsel has a constitutionally-imposed duty to consult with a defendant about an appeal only when there is reason to think (1) that a rational defendant would want to appeal (for example, because there are non-frivolous grounds for an appeal), or (2) that this particular defendant reasonably demonstrated to counsel that he was interested in appealing. *Roe v. Flores-Ortega*, 528 U.S. 470, 480 (2000). A highly relevant factor in this analysis is whether the conviction follows a guilty plea, because a guilty plea reduces the scope of appealable issues and indicates that the defendant seeks an end to further judicial proceedings. *Id.* In addition, where the sentencing court clearly instructs a defendant about his appeal rights, counsel might reasonably decide he need not repeat that information. *Id.* at 479–80.

Applicant argues Counsel was ineffective for failing to file an appeal from his guilty plea despite Applicant's desire to appeal. In support of this claim, Applicant submitted a letter from

the Sumter County Clerk of Court, dated October 12, 2020 (more than ten days after his conviction and sentence), which stated as follows:

> Dear Mr. Johnson,
> Once you have pled guilty and have been sentenced, you can't just request a jury trial. There are other actions you can take like filing an appeal or a PCR. You have ten (10) days from the date you were sentenced to file and [*sic*] appeal and looks [*sic*] like you have missed that time. However, you can file a PCR anytime. We have enclosed a PCR application for your convenience.

Applicant claims this letter indicates that he expressed a desire to appeal within the ten-day period for filing a notice of appeal. On the contrary, the most natural reading of this document suggests that Applicant requested a *jury trial*, which the Clerk of Court explained was not available because Applicant had entered a guilty plea. The Clerk of Court then mentioned "other actions" Applicant could have taken, including filing an appeal—again suggesting that what Applicant requested was something *other* than an appeal.[3] Moreover, there is no indication in the letter than Counsel was ever informed of Applicant's supposed desire to appeal.

At the evidentiary hearing, Counsel testified he did not recall Applicant asking for an appeal at any time. He also testified he had no records or notes in his file of any communications from Applicant about an appeal. The Court finds Counsel's testimony credible. Furthermore, Applicant admitted that he never asked Counsel to file an appeal.

The Court finds this allegation is meritless. Applicant has admitted that he never demonstrated to Counsel an interest in appealing. Moreover, Applicant has not met his burden of proving that a rational defendant would want to appeal; he has not shown that there were any non-

[3] Applicant introduced a subsequent letter from the Clerk of Court, dated October 29, 2020, informing him that any appeal must be filed with the court of appeals. Applicant testified that this letter was sent in response to a letter he sent attempting to file a notice of appeal within the ten-day filing period, but he did not introduce a copy of the letter he sent. The Court finds Applicant's testimony on this point not credible.

frivolous grounds for appeal, and the fact that he was convicted after a guilty plea significantly reduced the possible scope of appealable issues and suggested he was seeking an end to judicial proceedings. Finally, the plea court explained Applicant's appeal rights during the plea colloquy, and Applicant indicated he understood. (Tr. p.125, lines 4–9). Accordingly, the Court finds Counsel was not deficient for allegedly failing to advise Applicant of his appeal rights or to file a notice of appeal on his behalf. Therefore, this allegation is denied and dismissed with prejudice.

Allegation 5: Failure to adequately investigate

Applicant argues Counsel failed to adequately investigate his case. Applicant claims that, if Counsel had more thoroughly investigated the case, he would have uncovered exculpatory evidence. The Court finds this allegation meritless.

Counsel credibly testified that he hired an investigator and went to the scene of the robbery. Because the robber left the store carrying a cash register drawer, Counsel and the investigator looked for the drawer in the vicinity. Counsel testified he was hoping to find the drawer in a location that would prove the robber went in the opposite direction from where Applicant was arrested. In addition, he was hoping there might be fingerprint evidence on the drawer that could have exonerated Applicant. Ultimately, however, they were not able to find the cash register drawer. Counsel also recalled that they were not able to locate the woman who was behind the counter during the robbery.

Counsel also testified that Applicant's explanation for the cash in his possession at the time of his arrest was that he had just cashed a check at a nearby liquor store. In an attempt to corroborate this story, Counsel went to the liquor store and questioned the clerk, but the clerk did not remember what happened on the date of the crime. Counsel recalled that the store's security camera either wasn't working or had recorded over the footage of the night of the robbery.

Counsel testified he went to the evidence locker and examined the clothing Applicant was wearing when he was arrested. Based on the clothing and other items in Applicant's possession at the time of arrest, as well as the surveillance video from the store that was robbed, Counsel believed Applicant would likely be convicted if he were unable to suppress the evidence.

The Court finds Counsel conducted a thorough investigation of the case and pursued several potential theories for the defense. The mere fact that Counsel's investigation did not yield any exculpatory evidence does not mean the investigation itself was inadequate. Therefore, the Court finds Counsel's performance was not deficient.

In addition, Applicant failed to introduce any evidence at the evidentiary hearing that purportedly would have been discovered by a more thorough investigation. Therefore, he has failed to meet his burden of proving prejudice. *See, e.g., Martin v. State*, 427 S.C. 450, 455, 832 S.E.2d 277, 279–80 (2019) (holding a PCR applicant who claims trial counsel was ineffective for failing to call certain witnesses must produce those witnesses or their testimony at the PCR hearing); *Taylor v. State*, 258 S.C. 369, 378, 188 S.E.2d 850, 854 (1972) (holding a PCR applicant's allegation that his trial counsel failed to adequately investigate his case was unsupported where the applicant failed to point out any beneficial evidence which could have been discovered by further investigation). Therefore, this allegation is denied and dismissed with prejudice.

Allegation 6: Applicant was on medication at the time of his plea

Applicant alleges he was on medications at the time of his plea that prevented him from thinking clearly. The Court finds this allegation meritless. At the plea proceeding, the following exchange occurred:

> THE COURT: Do you have any mental diseases that would keep you from understanding what you're doing here today?

THE DEFENDANT: I'm on medication for hallucinations and things like that; but when I'm taking it, it got me to a level so I understand what's going on.
THE COURT: Okay. How long have you been on his medication?
THE DEFENDANT: About a year or two years now.
THE COURT: Okay. So you're clear headed today and you understand exactly what's going on?
THE DEFENDANT: Yes, sir.

(Tr. p.123, lines 4–18). In addition, Applicant's statements throughout the transcript of his trial and guilty plea indicate that he was alert, communicative, and able to formulate and express clear ideas. Furthermore, Counsel testified that he never had any concerns about Applicant's competency and observed no evidence of mental impairment.

The Court finds Counsel's testimony, and Applicant's sworn statements during the plea proceeding, credible. The Court finds Applicant's contrary testimony at the evidentiary hearing not credible. Accordingly, the Court finds Applicant has failed to meet his burden of proof as to this issue.

III. CONCLUSION

Based on all the foregoing, this Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant his application. Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

This Court notifies the Applicant that he must file and serve a notice of appeal within thirty (30) days from the receipt by counsel of written notice of entry of judgment to secure the appropriate appellate review. *See* Rule 203, SCACR. Pursuant to *Austin v. State*, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to an appellate counsel's assistance in seeking review of the denial of PCR. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate

review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant's attention is directed to Rule 243, SCACR, for appropriate procedures for appeal.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Conviction Relief be denied and dismissed with prejudice; and

2. That Applicant be remanded to the custody of the South Carolina Department of Corrections.

AND IT IS SO ORDERED this 14 **day of** November **, 2025.**

EDWARD W. MILLER
Presiding Judge
Third Judicial Circuit

Greenville, South Carolina

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

Case No. #2021-CP-43-01588

Michael Vandrell
Johnson #309430 ..... Petitioner,

vs.

State of South Carolina ..... Respondents.

NOTICE OF PETITION TO STAY APPEAL FOR REMAND TO CORRECT SUBJECT ORDER

This matter is before this Honorable Court where, on November 14,2025, a purported written order was executed by the Honorable Edward W. Miller, Circuit Court Judge, (location Greenville, South Carolina); filed with the Clerk of Court's Office (Sumter County), on November 20,205; Pcr counsel served a

copy upon Petitioner (Michael Vandrell Johnson #309430), on or about December 2,2025; and the copy was served, via Institutional Legal Mail Services, on December 11,2025.

This pleading is being presented as a vehicle, and mechanism, in which to have relief granted, favorable to this Petitioner, in preservation to due process principles; to secure the protections afforded pursuant to Rule 52(a), South Carolina Rules of Civil Procedure, SCRCP, and S.C. Code Ann. §17-27-80 (1985). It is this Petitioner's position, and stance, in this matter, that Pcr counsel was under the duty and obligation in which to ensure that Petitioner's rights have been secured and fundamental fairness adhered with.

GENUINE MATERIAL FACT IN DISPUTE

On December 11,2025, Petitioner was placed on notice concerning a written order, purportedly establishing facts and conclusions of law, necessary to conform a judicial determination sufficient for appellate review. S.C. Code Ann. §17-27-80 (1985).

S.C. Code Ann. §17-27-80, provides in pertinent part: "... The court shall make specific findings of fact, and state expressly its conclusions of law, relating to each issue presented. This is a final judgment." Cf., McCray v. State, 305 S.C. 329, 408 S.E.2d 241 (1991)(§17-27-80 requires that the PCR court make specific findings of fact and conclusions of law).

Rule 52(a), SCRCP, provides in pertinent part: "In all actions tried upon the facts without a jury ... the court shall find the facts specifically and state separately its conclusions of law thereon, ... the court shall similarly set forth the findings fact and conclusions of law which constitutes the grounds of its action ... it will be sufficient if the findings of fact and conclusions of law appear therein ...".

The intent of the legislature when promulgating or creating these statutes, and court rules, conveys a meaning that is clear and unambiguous in its application and/or procedural guidance, and how is affect the very manner in which the judiciary applies the words "findings of facts and conclusions of law" which constitutes the grounds of its action. Cf., Hodges v. Rainey, 341 S.C. 79, 533 S.E.2d 578 (2000)(the the language of a statute is clear and explicit, a court cannot rewrite the statute and inject matters into it which are not in the legislature's language ...")(relying on Timmons v. S.C. Tricentennial Comm'n, 254 S.C. 378, 175 S.E.2d 805 (1970)). Furthermore, it is established that the framers of the Constitution had some intent and purpose for the words and language inserted in the document. Cf., Davenport v. City of Rock Hill, 315 S.C. 114, 432 S.E.2d 451 (1993)(This court is bound to presume that the framers of the Constitution had some purpose in inserting every clause and every word contained in the document. It is never to be supposed that a single word was inserted in the law of this State without the intention of thereby conveying some meaning)(relying on Ravenel v. Dekle, 265 S.C. 364, 218 S.E.2d 521 (1975)).

The general material facts in dispute, as relates to this particular circumstance stems from three (3) separate and distinct facts relevant to the fundamental fairness and justice, associated to the due process principles. Although it is apparent by this pleading that pcr counsel was in a position, and should

have pursued a Rule 59(e) motion, i.e., reconsideration and/or alter or amend judgment. 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. Not only does this deprive the parties of rulings on the issues raised, but it make review by the appellate court more difficult and ultimately increases the work load of all involved, where as in this case, a new hearing is required to secure the rulings which should have been made initially); Marlar v. State, 375 S.C. 407, 653 S.E.2d 266 (2007); and Fishburne v. State, 427 S.C. 505, 832 S.E.2d 584 (2019).

At an initial glance, it is evident that the historical facts, dates and occurrences, are incorrect and do not portray the "specific facts" required to establish a proper judicial and/or appellate review. The incorrect findings which reference [dates] occurring within the order, are not proper occurrences beyond the actual hearings, filings and events that were the basis, and establishment of the essence of this action. Every specifically dated event, and occurrence in these situations must be scratched, stricken, and corrected. This is the [first] position pertaining to this complaint and pleading. A justifiable reason for the pursuit of a Rule 60(b)(a), SCRCP, motion.

ONE JUDGE CANNOT CHANGE ANOTHER JUDGE'S DECISION

Secondly, a careful examination of the purported order, file/dated November 14,2025, by Judge Miller, there exists no

record or indictation, of the identity of the presiding judge to whom heard the original pcr claims, and according to the pcr notes/records, granted, Petitioner an Anders petition/appeal. (See attached hereto and incorporated herewith a true and accurate copy of pcr counsels correspondence, dated October 19,2021). This is a very problematic situation where there exists [two] separate and distinctive "verdicts", which do not identify or indicate the specific judge that orally ordered the granting of the Anders petition/appeal.

Under the analogy of these distinctive matters, where there exists no record as to an "alteration" of "change" to the original ruling, constitutes an allegation that "one circuit judge" committed an unauthorized judicial act" by setting aside the order of another circuit court judge." Cf., Enoree Baptist Church v. Fletcher, 287 S.C. 602, 340 S.E.2d 546 (1986)(one circuit court judge does not have the authority to set aside the order of another)(relying on Cook v. Tyler, 272 S.C. 536, 252 S.E.2d 923 (1979)).

Looking to the current situation, we must be mindful of the fact that, there is no factual, or even presumed as to the identification of the [actual] judge to whom issued the granting of the Anders petition/appeal. This causes a deficiency which is prejudicial to Petitioner's ability to challenge the judge to whom granted the relief.

"PLAIN ERROR RULE" DOCTRINE

In South Carolina, it is well-settled law that, these matters must be entertained, and resolved in the Court of Common Pleas, where this record is unclear, and the purported specifics are edging on "muddy waters." To not grant the relief sought herein, or remanding for the purpose of filing a posttrial motion to correct and/or challenge the deficiencies overlooked or advertently ignored by counsel of record, and Respondents, at the time of its preparation and/or or filing with the court. In otherwords, there must exist clarity for appellate review purposes, due to all issues must be presented to the trial or lower court, and effectively ruled upon. To fail in this plight for a complete judicial review would undermine Petitioner's ability to avert the "plain error rule" doctrine. Cf., Elam v. S.C. Dep't. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004)(South Carolina appellate courts do not recognize the "plain error rule" under which a court in certain circumstances is allowed to consider and rectify an error not raised below by the party); Dykema v. Carolina Emergency Physicians, P.C., 348 S.C. 549, 554, 560 S.E.2d 894, 896 (2002); Kennedy v. S.C. Retirement System, 349 S.C. 531, 564 S.E.2d 322 (2001); also Queen's Grant Horizontal Property Regime v. Greenwood Development Corp., 368 S.C. 342, 628 S.E.2d 902 (Ct.App. 2006).

South Carolina for at least four generations, and more recently the appellate court rules and rules of civil procedure, have emphasized the importance and absolute necessity of ensuring that all issues and arguments are preserved for appellate review only when they are raised to and ruled on by the lower court. E.g., Wilder Corp. v. Wilke, 330 S.C. 71, 76, 497 S.E.2d 731, 733 (1998)("It is axiomatic that an issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial judge to preserved for appellate review); Long v. Dunlap, 87 S.C. 8, 68 S.E. 801 (1910); Gaffney v. Peeler, 21 S.C. 55 (1884); and Rule 210(c), SCACR. Elam, 361 at 23-24, 602 S.E.2d at 780.

CONCLUSION

WHEREFORE, Petitioner prays this Court will grant the relief of staying this appeal for remanding to correct subject order.

December 17th, 2025

Respectfully Submitted,

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

PRO SE PETITIONER

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM SUMTER COUNTY
Court of Common Pleas

Honorable Edward W. Miller, Circuit Court Judge

Case No. #2021-CP-43-01588

Michael Vandrell
Johnson #309430 ..... Petitioner,

vs.

State of South Carolina ..... Respondents.

PROOF OF SERVICE

I. Michael Vandrell Johnson #309430, pro se Petitioner, in the presence of this Notary Public for South Carolina, i.e., Mail Room Clerk, have served the following: (10) Notice Of Motion And Motion To Relieve Counsel; (2) Exhibits; (3) Notice Of Petition To Stay Appeal For Remand To Correct Subject Order; and

PROOF OF SERVICE ADDENDUM SHEETS
PAGE 2, Michael Vandrell Johnson #309430
December 17, 2025

(4) Proof Of Service, upon all parties associated herewith by, depositing a copy of the same, in the United States Mail, First Class postage affixed thereon, and addressed as follows:

SOUTH CAROLINA SUPREME COURT
CLERK OF COURTS OFFICE
Patricia A. Howard, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330;

Timothy L.. Griffith, Esquire
Attorney at Law
2338 Mount Vernon Drive
Sumter, South Carolina
29154; and

SOUTH CAROLINA ATTORNEY GENERALS OFFICE
Travis Cruise Mitchell, Esquire
Assistant Attorney General
Post Office Box 11549
Columbia, South Carolina
29211-1549.

PROOF OF SERVICE ADDENDUM SHEETS
PAGE 3 , Michael Vandrell Johnson #309430
December 17th, 2025

December 17th, 2025

Respectfully Submitted,

Michael Vandrell Johnson
F3A256 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

PRO SE PETITIONER

Jason Outlaw
EXP 2/28/34

Michael Vandrell Johnson
F3A254 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

SOUTH CAROLINA DIVISION OF APPELLATE DEFENSE
Wanda H. Carter, Esquire
Chief Appellate Defender
1330 Lady Street, Suite #401
Post office Box 11589
Columbia, South Carolina
29211-1589

RE: CORRESPONDENCE ADDRESSING FEBRUARY 17,2026 COMMUNIQUE'
Johnson v. State, #2025-002413

Ms. Carter,

Please permit this correspondence to address matters relevant to this Firm's formal correspondence relating to this Firm's purported representation in the above referenced case. Please take note of the following matters:

Around June 2021, an evidentiary hearing was convened in a pcr action pertaining to matters within the application, (#2021-CP-43-01588). in Sumter County. I was represented by, Timothy lee Green, Esquire, at this time. From June 2021, through October 19,2021, I attempted to diligently establish [some form] of communication with this pcr counsel, without success.

Then on October 19,2021, pcr counsel served a formal communication upon me stating. The Judge as I recall from my notes, granted you the opportunity for a new appeal ... Unfortunately, they can't start on it, and we can't file for an

appeal on the rest of your case, until we get a signed order from the the judge and that is on the AG to provide." This has been the only communique' made available to me at that time.

After an exhausting attempt to form some type of communication with pcr counsel, on October 28,2025, I served a formal request upon, the Honorable Particia A. Howard, Clerk of Count, South Carolina Supreme Court, seeking any notice of appeal and/or documents, i.e., Orders, that had been filed with this Office.

On October 15,2024, (which I believe is improperly dated, but should have been November 15,2025), the Clerk's Office issued a formal response stating that my request was being construed as seeking relief in that Court's original jurisdiction. A copy of this Clerk's response was served upon me, and pcr counsel, giving pcr counsel ten (10) days in which to address the status of the underlying case. Please note for the record that pcr counsel, either by direct and/or deliberate refusal, did not comply with the ten (10) day mandate of the Court.

On November 17,2025, I served the following: (1) Notice Of Motion And Motion To Relieve Counsel; (2) Exhibits; (3) Notice Of Petition To Stay Appeal For Remand To Correct Subject Order; and (4) Proof Of Service. When I filed these matters, I was under the impression that pcr counsel was still counsel of record, and it was not that I negated to serve this Firm, I was not aware that this Firm had been appointed. Please find attached hereto and incorporated herewith a true and accurate copy of the above referenced pleadings, dated November 17,2025.

On November 18,2025, I served a complaint, with the Office of Disciplinary Counsel (ODC), alleging various claims and issues against the lack of performance, communication and lack of candor of this pcr counsel.

On December 2,2025, after an extremely long delay, and failure of pcr counsel to act in a diligent and competent manner, it is presumed, (by a correspondence of this date), that a notice of appeal was filed,. Please note that no actual notice of appeal was filed, and the only document served upon me was the written Order, filed November 20,2025, purportedly relating to the pcr matters. I have discovered that, if, this is supposed to be from my pcr hearing, it does not conform to the issues that were previsouly raised at the evidentiary hearing, and does not comport with well-established principles of law. In otherwords, it has placed significant hardships on the integrity of the courts, and causes me to be placed into a position to return to the lower court to correct these deficiencies and unsupported conclusions of facts and law.

On January 6,2026, the Clerk's Office executed a correspondence stating that pcr counsel was no longer counsel of record, and this Firm represents me. (See attached hereto and incorporated herewith a true and accurate copy of Clerk's correspondence, dated January 4,2026).

On January 21,2026, I refiled: (1) Notice Of Petition And Motion To Relieve Appellate Counsel; and (2) Proof Of Service. (See attached hereto and incorporated herewith a true and accurate copy of this Petition, dated January 21,2026). I served a copy of these matters, upon this Firm, but did not know, precisely, to whom to directly address them to. At this time, and in this occurrence, I am directly naming, Wanda H. Carter, Esquire, Chief Appellate Defender. This will ensure that this Firm has properly notified of the events thus far.

I respectfully demand that this Firm examine these matters, closely, and permit me this opportunity in which to correct the deficiencies in this record and that would ensure

that would ensure that I receive my "one bite at the apple", i.e., one complete adjudication of all specific finding of facts, and state expressly its conclusion of law, relating to each issue issue presented." S.C. Code Ann. §17-27-80 (1985); also Rule 52(a), South Carolina Rules of Civil Procedure, SCRCP. It is my position that, if, I am forced to move forward, in this instant deficient appeal, it will cause me to have to go back to the lower court, to correct these matters in a post-trial motion for relief, as an independent cause of action in equity. See S.C. CODE Ann. §17-27-90 (1985)(... "unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original, supplemental or amended application ..."); Rule 60(b), SCRCP, (an independent cause of action in equity); cf., Chewning v. Ford Motor Co., 35 F.Supp.2d 487 (D.S.C. 1998). In my opinion, that would cause a waste of the time of the judiciary and cause a serious lack of confidence in the judicial legal process. It would be economically stable to permit the granting of these motions, allow me to return to the lower court, and develop and correct the record from there, where it originated. Also, so much time has transpired that, I seriously doubt that a transcript still exists, and it might be necessary to re-create the transcript in order to have an adequate and complete record. One point in the record states that I was granted a belated appeal, yet, the Order makes no mention of it; nor is there any record of the court altering its prior decision; and the fact that there is no notice or identification as to the judge that previously ordered the belated appeal be granted. This raises a serious legal question of whether the actual judge that ordered the belated appeal was the same judge to whom authorized the written Order now on appeal. Cf., Cook v. Taylor, 272 S.C. 536, 252 S.E.2d 923

(1979)(the effect of Judge Pyle's order was to reverse the earlier substantive order, clearly an impermissible act.); Enoree Baptist Church v. Fletcher, 287 S.C. 602, 340 S.E.2d 546 (1986)(One circuit judge does not have the authority to set aside the order of another); Belton v. State, 313 S.C. 549, 554, 443 S.E.2d 554, 557 (1994)(finding a "purely legal" question of the jurisdiction of a State Board, a second circuit judge "was without authority to review [the first judge's] findings" on the same issue); also Rice v. Doe, 442 S.C. 160, 898 S.E.2d 127 (2024).

Furthermore, for there to have been an alteration or change to the previous holding of the court, there had to have been some type of pleading, and/or proceeding that would be required by well-settled standatds of law, relating to changes and/or alterations of positions under judicial parameters. Cf., Charleston Couty Sch. Dist. v. Laidlaw Transit, Inc., 348 S.C. 420, 559 S.E.2d 362 (Ct.App. 2001)(any allegations, statements, or admissions contained in a pleading are conclusive against the pleader, and a party cannot subsequently take a contrary position), relying on Mellon Bank, N.A. v. Carroll, 314 S.C. 468, 445 S.E.2d 466 (Ct.App. 1994); Postal v. Mann, 308 S.C. 385, 418 S.E.2d 32 (Ct.App. 1992), relying on Elrod v. All, 243 S.C. 425, 134 S.E.2d 410 (1964). There is no record, in any proceeding, after, the original holding, where there was no formal order, authorizing or filed, at that particular time, that would have given procedural affect in the change from granting the belated appeal, to denial of the belated appeal four years later. This is a very serious question of genuine materials facts in dispute that requires a circuit court, or lower court, as to the judge's authoirty to reverse the granting of relief, without some type of procedural safeguard, to have been convened in open forum.

We must also be mindful of the fact that, if, I do not address these matters, at this point and time, then the court may deem or presume that I have abandon the claims under the "issue preservation rule" doctrine, which has been a long standing rule of law that, if the issues or matters are not raised in the lower court, then they could not come forward in the appellate court. Cf., Elam v. S.C. Dep't. of Transp., 361 S.C. 9, 602 S.E.2d 772 (2004); and Queen's Grant II Horizontal Property Regime v. Greenwood Development Corp., 368 S.C. 342, 628 S.E.2d 902 (Ct.App. 2006). At this time, I would alert this Firm to the fact that, I do not waive nor abandon any issue or claim herein presented, and seek that I be relieved from this Firm's representation, at this tme, (not at a later date when the issues are properly exhausted in the lower court, so I may remand to the Court of Common Pleas for preservation of the fundamental fairness within these proceedings, and to be provided all my due process rights. One more thing, The Order does not identify the judge that originally ordered the belated appeal. With that in mind, it is my position, and belief, that the Respondents, four years later, went "judge shopping", and tried to cover up the original ruling and order ... and found a judge they could persuade to authorize this present order changing the original judge's granting of relief. I believe there is sufficient proof, within these allegations, that would warrant the relief sought in the pleadings attached hereto and served forthwith.

I know and understand that this Firm has no "decision making powers", in the granting of relief in these matters, but, this Firm has the ability to recommend or not offer objection to the granting of this relief. I an only diligently attempting to preserve my fights associated with these matters.

If I may be of any further assistance to this Firm, in these matters, please do not hesitate to contact me. Thank you for this Firm's time and attention in these matters.

February 27, 2026

Respectfully Submitted,

rds/MVJ

cc: FILE
CARTER
CLERK

Michael Vandrell Johnson
F3A254 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

AFFIDAVIT OF SERVICE BY MAIL

I, Michael Vandrell Johnson #309430, the pro se Petitioner, in the presence of this Notary Public for South Carolina, i.e., Mail Room Clerk, have served the following: (1) RE:CORRESPONDENCE ADDRESSING FEBRUARY 17,2026, COMMUNIQUE'; (2) all previously file pleadings and motion, dated November 17,2025 and January 21,2026, as Exhibits; (3) directive dated Janaury 6,2026, issued by Clerk of Court; and (3) Affidavit Of Service By Mail, upon all parties of record named hereafter, and associated herewith, by depositing a copy of the same, in the United States Mail, First Class postage affixed thereon, and addressed as follows:

SOUTH CAROLINA DIVISION OF APPELLATE DEFENSE
Wanda H. Carter, Esquire
1330 Lady Street, Suite #401
Post Office Box 11589
Columbia, South Carolina
29211-1589; and

SOUTH CAROLINA SUPREME COURT
CLERK OF COURTS OFFICE
Patricia A. Howard, Clerk
Post Office Box 11330
Columbia, South Carolina
29211-1330.

AFFIDAVIT OF SERVICE ADDENDUM SHEETS
Page ___, Michael Vandrell Johnson #309430

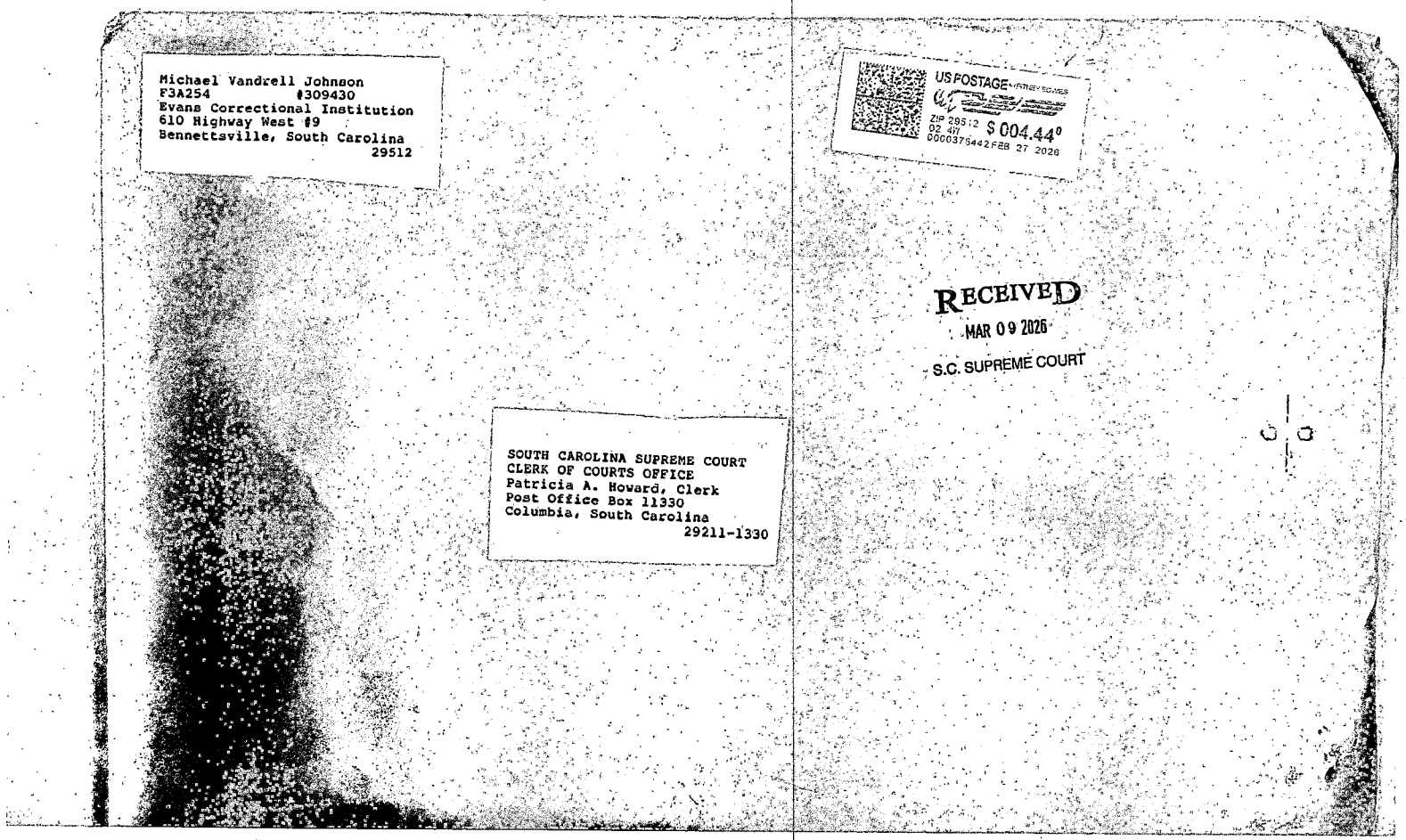
February 27, 2026

Respectfully Submitted,

Michael Vandrell Johnson
F3A254 #309430
Evans Correctional Institution
610 Highway West #9
Bennettsville, South Carolina
29512

Sworn and subscribed before me this
27 day of February, 2026

Notary Public for South Carolina
My commission expires: 2/22/34



Michael Vandrell Johnson
F3A254 #309430
Evans Correctional Institution
610 Highway West 9
Bennettsville, South Carolina
29512

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