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MAR 20 2026

S.C. SUPREME COURT

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 Griffith, 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 trial ... 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." 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 Patricia A. Howard, Clerk of Court for the 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, 2025, (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.

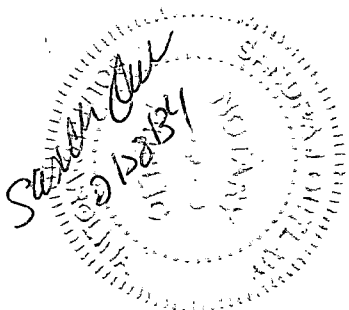
I received my "one bite at the apple," i.e., one complete adjudication of all specific findings of facts, and state expressly its conclusion of law, relating to each issue presented." S.C. Code Ann. §17-27-80 (1985); also Rule 52(a), South Carolina Rules of Civil Procedure, SCRPC. It is my position that, 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), SCRPC, (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 time of the judiciary and further 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. On point in the record states that I was granted a belated appeal, yet, the Order makes no mention of it; 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. Talyor, 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 in 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 standards of law, relating to the changes or alterations of positions under judicial parameters. Cf., Charleston County 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 proceedings, after, the original holding, where there was no formal order, authorizing or filed, at the 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 material facts in dispute that requires a circuit court, or lower court, as to the judge's authority to reverse the granting of relief, without some type of procedural safeguard, to have been convened in open forum.

We must 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 abandoned the claims under the "issue preservation rule" doctrine, which has been a long standing rule of law that, if the issue is not raised 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 time, (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 allegation, 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 am only diligently attempting to preserve my rights associated with these matters.



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RE: SERVICE OF CORRECTED PAGES
Johnson v. State, #2025-002413

Ms. Carter,

Please allow this correspondence to provide the following pages that required corrects because of clerical errors. The following pages have been served, i.e., #1; #2; #4; #5; and #6. (See attached hereto and incorporated herewith a true and accurate copy of each page. Please further take note that, a copy of these corrected pages have been served upon the Clerk of Courts Office, for the South Carolina Supreme Court, for their records.

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 to these matters.

March 17th, 2026

rds/MVJ

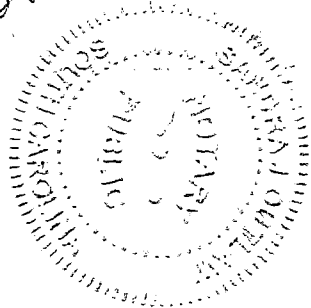
cc: FILE
CLERK
CARTER

Respectfully Submitted,



Michael Vandrell Johnson
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Sarah Oulter
2/28/24



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