

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Ralph K. Anderson, III, Administrative Law Judge

Appellate Case No. 2024-000487

Curtis Johnson, #337543,

Appellant,

v.

South Carolina Department of Corrections,

Respondent.

PETITION FOR REHEARING and REINSTATEMENT

RECEIVED

MAR 26 2026

SC Court of Appeals

Curtis T. Johnson
Curtis T. Johnson, 337543
Allendale C.I. - F3 / Hampton A46
1057 Revolutionary Trail
Fairfax, S.C. 29827
Pro-se Appellant
March 25, 2026

TABLE OF CONTENTS

Table of Contents.....	1
Table of Authorities.....	2
Statement of Issue for Rehearing.....	3
Statement of the Case.....	4
Argument.....	6
Conclusion.....	12

TABLE OF AUTHORITIES

CASES

pages

<u>Al-Shabazz v. State</u> , 338 S.C. 354, 527 S.E.2d 742 (2000)	10
<u>Arnold v. Carolina Power and Light</u> , 168 S.C. 163, 167 S.E.2d 234 (S.C. 1933)	6
<u>Dee v. State</u> , 808 S.E.2d 807 (2017)	10
<u>Freeman v. McBee</u> , 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984)	9
<u>Hayes v. State</u> , 413 S.C. 553, 777 S.E.2d 6 (2015)	6, 8
<u>Kennedy v. South Carolina Retirement System</u> , 349 S.C. 531, 564 S.E.2d 322 (2001)	6
<u>Lewis v. Jacks</u> , 486 F.3d 1025 (2007)	11
<u>Massey v. South Carolina Department of Corrections</u> , 2021 WL 1997295	9
<u>Masters v. Rodgers Dev.</u> , 283 S.C. 251, 321 S.E.2d 194 (Ct. App. 1984)	9
<u>State v. Boggis</u> , 388 S.C. 314, 696 S.E.2d 597 (Ct. App. 2010)	6, 7, 8
<u>State v. Deangelis</u> , 257 S.C. 44, 183 S.E.2d 906 (1971)	7
<u>State v. Elwell</u> , 403 S.C. 606, 743 S.E.2d 802 (2013)	7
<u>State v. Massey</u> , 2020 WL 3071840	9, 10
<u>Tant v. S.C. Dept of Corr.</u> , 408 S.C. 334, 759 S.E.2d 398 (2014)	7, 10
<u>U.S. v. Pierce</u> , 409 F.3d 228 (2005)	10
<u>Williams v. Currie</u> , 103 F. Supp.2d 858 (2000)	10, 11
<u>Wise v. Wise</u> , 394 S.C. 591, 716 S.E.2d 117 (2011)	9

STATUTES and RULES

S.C. Code Ann. 1-23-330 (4) (2005)	9
S.C. Code Ann. 24-13-40	6, 7, 8, 10
Rule 201(d), SCRE	9
Rule 201(f), SCRE	9
Rule 221(a), SCACR	6

OTHER AUTHORITIES

S.C. Const. Art. 1, 3	3, 6, 8, 10
U.S. Const. Amend. 14	3, 6, 8, 10

STATEMENT OF ISSUE FOR REHEARING

The Administrative Law Court erred in affirming the South Carolina Department of Corrections' decision when it determined: the South Carolina Department of Corrections correctly applied Appellant's jail time credit to his sentence and the Appellant failed to carry his burden of proving the South Carolina Department of Corrections improperly calculated his sentence. Thus, the Administrative Law Court violated Appellant's Due Process Rights (of liberty interest) and violated Appellant's rights to Equal Protection of the laws rights of the U.S. Const. Amend. 14:1 and S.C. Const. Art. 1, 3.

STATEMENT OF THE CASE

On June 21, 2023, Appellant informally talked to the South Carolina Department of Corrections (SCDC) classification about his jail time served credit being applied to both of his consecutive sentences. SCDC classification denied Appellant's request. On June 26, 2023, Appellant formally wrote a Kiosk request (Kiosk Reference #23-03155785) to SCDC classification pertaining to and requesting his jail time served credit be applied to both his consecutive sentences. On June 27, 2023, SCDC classification responded, "Documents are required for any calculation adjustments" to Appellant's consecutive sentences. On June 27, 2023, Appellant filed his step 1 grievance. On July 6, 2023, the Warden of Allendale C.I. denied Appellant's step 1 grievance. On July 9, 2023, Appellant filed his step 2 grievance. On September 12, 2023, the Responsible official denied Appellant's step 2 grievance. On September 26, 2023, Appellant submitted and filed his "Notice of Appeal form" to the Administrative Law Court, clerk of court, and to the office of General Counsel at the Department of Corrections. On October 3, 2023, the Administrative Law Court filed Appellant's "Notice of Appeal form" in their office. On October 20, 2023, the Honorable Ralph King Anderson, III, was assigned to Appellant's case. On December 29, 2023, SCDC filed its "Record on Appeal". On January 12, 2024, Appellant submitted and filed his "original Brief of Appellant." SCDC filed its "Respondent's Brief" on February 7, 2024. Appellant received SCDC's "Respondent's Brief" on February 12, 2024. On February 21, 2024, Appellant submitted and filed his "Reply Brief of Appellant." On February 27, 2024, the Administrative Law Court ordered that SCDC's final agency decision be affirmed. Appellant received the Administrative Law Court's order on March 1, 2024.

On March 18, 2024, Appellant submitted and filed his "Notice of Appeal" to the South Carolina court of Appeals, clerk of court, the Administrative Law court, and to the office of General Counsel at the Department of Corrections. On April 4, 2024, Appellant received documents from the South Carolina court of Appeals, clerk of court, stating Appellant's notice of appeal was received and Appellant's case was assigned an appellate case number. Appellant was also advised that he was required to pay a filing fee. On April 10, 2024, Appellant submitted and filed a "Motion To Proceed In Forma Pauperis" and a "refiled Notice of Appeal" Motion. (The South Carolina Court of Appeals Clerk of Court received Appellant's "refiled Notice of Appeal" motion, "Motion for leave to proceed in forma pauperis", "Affidavit in support of motion to proceed without payment of costs and "certificate of service" on May 24, 2024.)

On May 21, 2024, Appellant received from the court of Appeals an "order of Dismissal" which was filed April 24, 2024 and a "Remittitur" which was dated May 15, 2024; both included in the same envelope that had a Postage Date of May 14, 2024. The Allendale C.I. mailroom received this envelope on May 20, 2024. The South Carolina Court of Appeals Clerk of court received Appellant's "refiled Notice of Appeal" motion, "Motion for leave to proceed in forma pauperis", "Affidavit in support of motion to proceed

Without payment of costs and fees," and "certificate of service" on May 24, 2024.

On June 4, 2024, Appellant received an "order" that was filed on May 30, 2024 by the South Carolina Court of Appeals which recalled the "Remitter", directing the clerk of the Administrative Law Court to return the "Remitter" to the South Carolina Court of Appeals. On June 10, 2024, Appellant received a letter, dated June 4, 2024, from the Clerk of the Administrative Law Court acknowledging returning the "Remittitur" to the South Carolina Court of Appeals. The South Carolina Court of Appeals filed an "order" on July 26, 2024 granting Appellant's "Motion to proceed in forma pauperis." The Allendale C.I. mailroom received the Appellant's legal mail from the South Carolina Court of Appeals on July 30, 2024. On July 31, 2024, Appellant received the South Carolina Court of Appeals' "order" and "Letter" informing Appellant that he had 30 days from the date of July 26, 2024, to serve and file his "Initial Brief of Appellant" and "Designation of Matter To Be Included In The Record on Appeal." Appellant filed his "Initial Brief of Appellant" and "Designation of Matter To Be Included In The Record on Appeal" on August 22, 2024. The Respondent filed its "Initial Brief of Respondent" and "Designation of Matter" on November 21, 2024. Appellant received Respondent's "Initial Brief of Respondent" and "Designation of Matter" on November 26, 2024. Pursuant to Rule 208, SCACR, Rules of Initial Briefs, (a)(3) Reply Brief, Appellant had 10 days to file his "Reply Brief." This made December 6, 2024, Appellant's court deadline date to file his "Reply Brief." Appellant submitted his "Reply Brief" to the Allendale C.I. mailroom and filed his "Reply Brief" on December 6, 2024.

On December 30, 2024, Appellant filed his "Record on Appeal." On January 17, 2025, Respondent filed its "Final Brief of Respondent." On January 21, 2025, Appellant filed his "Final Brief." On February 12, 2025, Appellant filed his "Final Reply Brief." On March 11, 2026, the Court of Appeals affirmed the Administrative Law Court's decision. Now, Appellant submits his "petition for Rehearing."

ARGUMENT

The Administrative Law Court erred in affirming the South Carolina Department of corrections' decision when it determined: the South Carolina Department of corrections correctly applied Appellant's jail time credit to his sentence and the Appellant failed to carry his burden of proving the South Carolina Department of corrections improperly calculated his sentence. Thus, the Administrative Law Court violated Appellant's Due Process Rights (of liberty interest) and violated Appellant's rights to Equal Protection of the laws rights of the U.S. Const. Amend. 14.1 and S.C. Const. Art. 1, 3.

The Appellant respectfully moves this Honorable Court for a Rehearing pursuant to Rule 221(a), SCACR, to review the court's decision holding that the Administrative Law Court (ALC) did not violate section 24-13-40 when it affirmed the South Carolina Department of Corrections (SCDC) final decision and finding that Appellant had received time served credit on all his sentences. Under the South Carolina Rules, a petition for rehearing "shall state with particularity the points supposed to have been overlooked or misapprehended by the court." Rule 221(a), SCACR, Arnold v. Carolina Power and Light, 168 S.C. 163, 167 S.E. 2d 234 (S.C. 1933) "In order to prevail on a petition for rehearing, appellants must demonstrate the court overlooked or misapprehended their argument." Rule 221(a), SCACR, Kennedy v. South Carolina Retirement System, 349 S.C. 531, 532, 564 S.E. 2d 322 (2001) Appellant will prove that the court and the ALC misapprehended Appellant's argument when they affirmed S.C. D.C.'S decision that Appellant received his 1,066 days jail time served credits applied to his sentence and Appellant's maxout date was correct. Appellant will prove that the court and the ALC overlooked Appellant's argument and the evidence that Appellant's 1,066 time served credit was applied only to Appellant's possession of a Weapon during the commission of a violent crime (firearm provision) sentence and was not applied to Appellant's Voluntary manslaughter and Assault and Battery of a High and Aggravated Nature (ABHAN) sentences, which were made concurrent with each other and ran consecutive to the firearm provision sentence. The affirmation of the ALC's decision is in violation of statute 24-13-40 and makes Appellant's maxout date incorrect. Thus, this violates Appellant's U.S. Const. Amend. 14.1 and S.C. Const. Art. 1, 3 rights to Due Process Rights (of liberty interest) and Equal Protection of the laws.

Statute "24-13-40. Computation of time served by prisoners", mandates that prisoners receive jail time credit for time served prior to trial and sentencing applied to their sentences, unless one of the statutory exceptions exist. see: 24-13-40. ("The computation of the time served by prisoners under sentences imposed by the courts of this state must be calculated from the date of the imposition of the sentence.") Id. ("In every case in computing the time served by a prisoner, full credit against the sentence must be given for time served prior to trial and sentencing. . . .") "The requirement that a prisoner receive credit for time served is mandatory." Hayes v. State, 413 S.C. 553, 559, 777 S.E. 2d 6, 10 (2015) "Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies."

State v. Boggs, 388 S.C. 314, 316, 696 S.E. 2d 597, 598 (Ct. App. 2010) "The Department is confined to an unambiguous sentencing sheet in determining an inmate's sentence. . . . " Tant v. S.C. Dept. of Corr., 408 S.C. 334, 346, 759 S.E. 2d 398, 404 (2014) "The Department performs an administrative function in recording an inmate's sentence. . . . The Department has no independent sentencing authority. . . . " Tant v. S.C. Dept. of Corr., 408 S.C. 334, 347n.2, 759 S.E. 2d 398, 405n.2 (2014) "Ambiguity or doubts relative to a sentence should be resolved in favor of the accused." State v. Deangelis, 257 S.C. 44, 50, 183 S.E. 2d 906, 909 (1971) "Penal statutes will be strictly construed against the state." State v. Ewell, 403 S.C. 606, 612, 743 S.E. 2d 802, 806 (2013)

On November 20, 2006, Appellant was in custody until trial on October 21, 2009. Appellant received a thirty years sentence for Voluntary Manslaughter which ran concurrent with his ten years sentence for ABHAN, and a consecutive five years sentence for the firearm provision offense pursuant to Appellant's sentencing sheets. (See: sentencing sheets. R. pp. 1-4) All Appellant's sentencing sheets for his offenses and SCDC records show Appellant's start date for all offenses was on November 20, 2006. (See: sentencing sheets. R. pp. 1-4) and (See: SCDC offender management system conviction sheets. R. pp. 5-7) Even though the sentencing sheets and SCDC's records have Appellant's Voluntary manslaughter and ABHAN sentence start dates shown as November 20, 2006, SCDC had the concurrent Voluntary manslaughter and ABHAN sentences start to run consecutive on November 20, 2011, after Appellant's firearm provision sentence ended. (See: ALC order. R. pp. 37-38)

Appellant received 1,066 days jail time served credit while being held in the county jail. The trial court gave Appellant 1,066 time served credit to be applied to Appellant's Voluntary manslaughter, ABHAN, and firearm provision sentences. Appellant's Voluntary manslaughter, ABHAN, and firearm provision sentencing sheets all prove Appellant was entitled to receive 1,066 days time served credit applied to each of his four sentences. (See: sentencing sheets. R. pp. 1-4)

SCDC only applied Appellant's 1,066 days time served credit to Appellant's firearm provision sentence and not Appellant's concurrent Voluntary manslaughter and ABHAN sentences. Appellant's "SCDC offender management system conviction Inquiry sheets" for Appellant's Voluntary manslaughter, ABHAN, and firearm provision offenses is the evidence that proves SCDC applied Appellant's 1,066 days time served credit only to Appellant's firearm provision sentence. (See: "Firearm provision" SCDC offender management system conviction sheet. R. p. 7) SCDC did not apply Appellant's 1,066 days time served credit to Appellant's Voluntary manslaughter and ABHAN sentences. These sheets show Appellant received zero (00000) days jail time served credit for his Voluntary manslaughter and ABHAN sentences. (See: "Voluntary manslaughter" and "ABHAN" SCDC offender management system conviction sheets. R. pp. 5-6) Thus, this evidence proves SCDC only applied Appellant's 1,066 days time served credit to Appellant's firearm provision sentence and SCDC did not apply Appellant's 1,066 days time served credit to Appellant's Voluntary manslaughter and ABHAN sentences. SCDC violated statute 24-13-40, violated Appellant's Due Process rights, and violated Appellant's equal protection of the laws rights when SCDC did not apply Appellant's 1,066 days time served credit to Appellant's Voluntary manslaughter and ABHAN sentences, which is mandated by statute 24-13-40 and Appellant's sentencing sheets.

SCDC's error in not applying Appellant's 1,066 days time served credit to Appellant's voluntary manslaughter and ABHAN sentences erroneously calculates Appellant's maxout date to be May 13, 2037. SCDC was suppose to apply Appellant's time served credit to each of Appellant's sentences; by SCDC not applying the time served credit to both of Appellant's consecutive sentences, this prejudiced Appellant because Appellant would be incarcerated in prison longer than the law allows. SCDC was instructed by Appellant's sentencing sheets to apply Appellant's jail time credit of 1,066 days to all of Appellant's sentences; this would have made Appellant's maxout date to be in the year of 2034.

Appellant has showed and proved to the ALC and this court that all his four sentencing sheets prove Appellant was entitled to receive his 1,066 days time served credit applied to each of his four sentences, that were ran concurrent, pursuant to statute 24-13-40, SCDC records do not reflect Appellant's sentencing sheets, and Appellant's max outdate is not calculated correctly. (see: ALC Original Brief of Appellant, R. pp. 12-21); (see: ALC Reply Brief of Appellant, R. pp. 29-34); (see: Appellant's "Final Brief" on Appeal, pp. 7-14); (see: Appellant's "Reply Brief" on Appeal, pp. 6-8) "Because the language of section 24-13-40 is mandatory, a judge cannot deny a defendant credit for time served prior to trial unless one of the two exceptions applies." State v. Boggs, 388 S.C. 314, 316, 696 S.E.2d 597, 598 Cct. App. 2010) Appellant having a consecutive sentence is not one of the exceptions to the mandatory language in section 24-13-40. Here, neither exception applies to Appellant. Therefore, Appellant is entitled by law to receive his 1,066 days time served credit applied to all his sentences. "The requirement that a prisoner receive credit for time served is mandatory." Hayes v. State, 413 S.C. 553, 559, 777 S.E.2d 6, 10 Cct. App. 2015)

The ALC had acknowledged in its order that Appellant was entitled to receive his 1,066 days jail time served credit on all his sentences according to his sentencing sheets to be calculated and applied to Appellant's sentences by Respondent; the Respondent must give Appellant credit for jail time served when calculating Appellant's maxout date, and statute 24-13-40 requires Appellant to receive time served for all his sentences because neither of the two statutory exceptions applies to Appellant. (see: ALC order, R. pp. 35-40) But, the ALC violated section 24-13-40 when it affirmed SCDC's final decision when it determined SCDC correctly applied Appellant's jail time credit to his sentence and the Appellant failed to carry his burden of proving SCDC improperly calculated his sentence. Thus, the ALC violated Appellant's Due Process Rights (of liberty interest) and violated Appellant's rights to Equal Protection of the laws rights of the U.S. Const. Amend. 14 and S.C. Const. Art. 1, 3. (see: Appellant's "Final Brief" on Appeal, pp. 7-14); (see: Appellant's "Reply Brief" on Appeal, pp. 6-8)

The Court and the ALC misapprehended that Appellant had received time served credit on all of his sentences. This court and the ALC both held that Appellant is entitled to receive his 1,066 days time served credit applied to all his sentences pursuant to statute 24-13-40 and Appellant's four sentencing sheets. This court and the ALC overlooked the evidence that proves that Appellant only received his time served credit applied to his firearm provision sentence and not his concurrent voluntary manslaughter and ABHAN sentences, that were ran consecutive to the firearm provision sentence. (see: sentencing sheets, R. pp. 1-4); (see: SCDC offender Management system conviction sheets, R. pp. 5-7) Thus, this court and the ALC overlooked the evidence of the Appellant's "SCDC offender Management conviction Inquiry sheets"

for his Voluntary manslaughter, ABHAN, and firearm provision sheets that prove Appellant had not received his 1,066 days time served. Credit applied to all his sentences, which were made to run consecutive. Appellant request this court to take "original Judicial Notice" that SCDC had in the prior court of Appeals cases Massey v. South Carolina Department of corrections, 2021 WL 1997295 at 1 and State v. Massey, 2020 WL 3071840 n.2 applied inmate John K. Massey, Jr.'s jail time credit to both his consecutive sentences and corrected his max outdate.

"Judicial notice may be taken at any stage of the proceeding." Rule 201(f), SCRE "A court shall take judicial notice if requested by a party and supplied with the necessary information." Rule 201(d), SCRE "Notice may be taken of judicially cognizable facts" in administrative cases. S.C. Code Ann. 1-23-330(4) (2005) "Appellate courts are generally reluctant to notice adjudicative facts even when those facts may be absolutely reliable. Notice of 'facts' for the first time on appeal may deny the adverse party the opportunity to contest the matters noticed; it may also violate the general principle that appellate review should be limited to the record. Finally, appellate courts, limited to the "cold" record, cannot be as sensitive to the appropriateness of judicial notice as the trial judge. For the foregoing reasons we hold that original judicial notice of adjudicative facts at the appellate level should be limited to matters which are indisputable." Masters v. Rodgers Dev., 283 S.C. 251, 256, 321 S.E.2d 194, 197 (Ct. App. 1984) "A court can take judicial notice of its own records, files, and proceedings for all proper purposes including facts established in its records." Freeman v. McBee, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984) "As... case law states, an appellate court can take judicial notice of something that was not before the trial court if it is indisputable." Wise v. Wise, 394 S.C. 591, 601, 716 S.E.2d 117, 122 (2011)

This court should take "original Judicial Notice" that it is a true indisputable fact that this court acknowledged in the court of Appeals cases Massey v. South Carolina Department of corrections, 2021 WL 1997295 and State v. Massey, 2020 WL 3071840 n.2 SCDC applied inmate John K. Massey, Jr.'s jail time served credit to both of his consecutive sentences and corrected his max out date. In these cases this court stated in its opinions:

"John K. Massey, Jr. appeals the Administrative Law Courts (the ALC's) order dismissing his appeal. On appeal to the ALC, Massey argued the South Carolina Department of corrections (SCDC) failed to properly apply his jail time credit to both of his consecutive sentences. After Massey filed his appeal with the ALC, SCDC informed the ALC that it had amended Massey's jail time credit to reflect his time served. Based on the amended jail time credit, Massey completed his sentence for grand larceny on August 22, 2019, and completed his sentence for malicious injury to property on August 17, 2020. Because Massey's release prevents this court from providing effectual relief regarding Massey's credit for time served, we dismiss his appeal as moot." Massey v. South Carolina Department of corrections, 2021 WL 1997295 at 1

"It is no longer necessary that we address Massey's argument that the circuit court erred in crediting him with only 140 days served in pretrial detention as opposed to the 566 days of credit he seeks. The state submitted a supplemental record confirming the South Carolina Department of corrections credited Massey with 582 days of jail time

on the sentences at issue in this case. As Massey has received more credit for time served than he seeks, we find his appeal moot as to this issue," State v. Massey, 2020 WL 3071840 n.2

This court should take "original Judicial Notice" it is an indisputable fact that SCDC applied Massey's jail time credit to both of Massey's consecutive sentences, Massey's maxout date was corrected, and Massey was released early. Thus, this court should take "original Judicial Notice" that it is an indisputable fact that it acknowledged that SCDC has applied jail time credit to an inmate's consecutive sentences and corrected the inmate's maxout date in the prior court cases of John K. Massey, Jr. As such, SCDC should apply Appellant's 1,066 days jail time served credit to both of Appellant's consecutive sentences because statute 24-13-40 mandates Appellant to receive time served for all of his sentences; none of the statutory exceptions applies to Appellant; Appellant having consecutive sentences is not one of the exceptions to the mandatory language in statute 24-13-40; all Appellant's sentencing sheets mandate that Appellate receive his 1,066 days jail time served credit applied to all his sentences pursuant to statute 24-13-40; and SCDC had applied jail time served credit to consecutive sentences and corrected an inmate's maxout dates in the past, which Appellant has proven above. This court has overlooked these evidentiary facts and law points.

Thus, Appellant is entitled to receive his 1,066 days jail time served credit applied to all his sentences, that ran consecutive, pursuant to statute 24-13-40, all Appellant's sentencing sheets, and the above requested "original Judicial Notice" evidence that proves SCDC applied jail time served credit to consecutive sentences. As such, SCDC should be ordered to apply Appellant's 1,066 days jail time served credit to all Appellant's sentences that ran consecutive and Appellant's maxout date should be corrected. Appellant is entitled to this pursuant to Appellant's U.S. Const. Amend. 14.1 and S.C. Const. Art. 1.3 rights to Due Process Rights (of liberty interest) and Equal Protection of the laws. "Under both our state and federal due process clauses, no person shall be deprived of life, liberty or property without due process of law." Tant v. S.C. Dept. of Corr., 408 S.C. 334, 340, 759 S.E.2d 398, 401 (2014) "The statutory right to sentence-related credits is a protected liberty interest under the Fourteenth Amendment entitling an inmate to minimal due process to ensure the state-created right was not arbitrarily abrogated." Al-Shabazz v. State, 338 S.C. 354, 369-70, 527 S.E.2d 742, 750 (2000) "There can be no doubt the length of an inmate's incarceration implicates a constitutional liberty interest." Tant v. S.C. Dept. of Corr., 408 S.C. 334, 341, 759 S.E.2d 398, 401 (2014) The Equal Protection clauses of our federal and state constitutions declare that no person shall be denied the equal protection of the laws. U.S. Const. Amend. 14.1 and S.C. Const. Art. 1.3. Equal protection "requires that all persons be treated alike under like circumstances and conditions, privileges conferred and liabilities imposed. The sine qua non of an equal protection claim is a showing that similarly situated persons received disparate treatment." Doe v. State, 808 S.E.2d 807, 814 (2017) "Protection of Equal protection clause of the Fourteenth Amendment covers criminal sentencing." Williams v. Currie, 103 F. Supp.2d 858, 863 (2000) "A criminal sentence violates the Equal protection clause only if it reflects disparate treatment of similarly situated defendants lacking only rational basis." U.S. v. Pierce, 409 F.3d 228, 235 (2005) "Protection of Equal Protection clause of the Fourteenth Amendment is applicable not only

to discriminatory legislative action, but also to discriminatory government and enforcement of the laws." Williams v. Currie, 103 F. Supp. 2d 858, 863 (2000)
"In inmate's action alleging violation of Fourteenth Amendment right to equal protection, discriminatory purpose can be proved with various kinds of direct circumstantial evidence but it is most often proved with evidence that similarly situated inmates were treated differently." Lewis v. Jacks, 486 F.3d 1025, 1028 (2007)

CONCLUSION

For the foregoing reasons, this court should grant Appellant's "Petition For Rehearing", reinstate Appellant's appeal; overturn the Administrative Law Court's decision; order SCDC to apply Appellant's 1,066 days jail time served credit to all his sentences which ran consecutive, and order SCDC to correct Appellant's max out date.

March 25, 2026

Respectfully submitted,

Curtis T. Johnson

Curtis T. Johnson, 337543
Allendale C.I. - F3/Hampton A46
1057 Revolutionary Trail
Fairfax, S.C. 29827

RECEIVED

MAR 26 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph K. Anderson, III, Administrative Law Judge

Appellate Case No. 2024-000487

Curtis Johnson, #337543,
Appellant,

v.

South Carolina Department of Corrections,
Respondent.

CERTIFICATE
OF
SERVICE

I, Curtis T. Johnson, do hereby Certify that on this date, I served the "Petition for Rehearing and Reinstatement" and "Certificate of Service" in the foregoing action upon the clerk, for the South Carolina Court of Appeals and Respondent by depositing one copy to the clerk for the South Carolina Court of Appeals and Respondent of the same in the United States mail, first class postage prepaid, and addressed as follows:

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
1220 Senate Street
Columbia, S.C. 29201

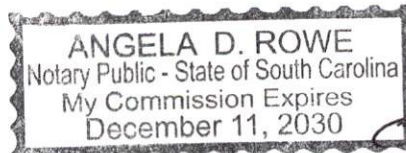
S.C. Dept. of General Counsel
Dept. of Corrections
P.O. Box 21787
Columbia, S.C. 29221

SWORN or AFFIRMED To and Subscribed before me this

25TH day of March, 2026.

Angela D. Rowe

Notary Public
My Commission Expires:
December 11, 2030.



Curtis T. Johnson

Curtis T. Johnson, 337543
Allendale C.I. - F3/Hampton A46
1057 Revolutionary Trail
Fairfax, S.C. 29827
March 25, 2026

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

Receipt of Legal Correspondence Verification

This is to verify that legal correspondence from (Name and Address):

S.C. Court of Appeals
Jenny Abbott Kitchings, Clerk
PO Box 11629
Columbia SC 29211

RECEIVED

MAR 26 2026

SC Court of Appeals

Addressed to (Inmate Name, SCDC#, and Address):

Curtis Johnson # 337543
A.C. I
1057 Revolutionary Trail
Fairfax SC 29827

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the Allendale Correctional Mailroom on (Date) March 13, 2026

On (Date) March 17, 2026, the above referenced correspondence was delivered to Inmate Curtis Johnson, SCDC# 337543, and his signature was obtained on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log".

Additional Notes:

Mail came on March 13, (a Friday). March 12, Allendale Correctional was closed due to possible storm. Mail was given to Inmate Curtis Johnson # 337543 on March 17, 2026.

Angela A. Rowe, Allendale
Postal Director/Institution

March 17, 2026
Date

RECEIVED

MAR 26 2026

SC Court of Appeals

Curtis T. Johnson, 337543
Allendale C.I. - F3/Hampton A46
1057 Revolutionary Trail
Fairfax, S.C. 29827

March 25, 2026

The Honorable Jenny A. Kitchings
Clerk of Court, S.C. Court of Appeals
~~P.O. Box 11629~~ 1220 Senate Street
Columbia, S.C. 29201

RE: Curtis Johnson, #337543 v. South Carolina Department of Corrections
Appellate Case No. 2024-000487; Petition for Rehearing and Reinstatement

Dear Mrs. Kitchings,

Hello, please find enclosed for filing in your office my "petition for Rehearing and Reinstatement" pursuant to Rule 221(a), SCACR and Rule 260(a), SCACR, along with "Certificate of Service". I request that you clock stamp this petition and send back to me a copy. I thank you for all your help and concern.

Sincerely,

Curtis T. Johnson

P.S.: I have enclosed a copy of the "South Carolina Department of Corrections - Receipt of Legal Correspondence Verification" form to show when I received the Court of Appeals' March 11, 2026 decision.

*P.P.S.: I request that you please tell how much will it cost me to receive a clock-stamped copy of this "petition for Rehearing and Reinstatement".

Artis T. Johnson, 337543
Blendale C.I. - F3/Hampton A46
057 Revolutionary Trail
airfax, s.c. 29827

Inter-Agency

RECEIVED

MAR 25 2026

MALDEN

RECEIVED

MAR 26 2026

SC Court of Appeals

South Carolina Court of Appeals
Jenny Abbott Kitchings, Clerk
1220 Senate Street
Columbia, S.C. 29201