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THE STATE OF SOUTH CAROLINA  
In The Supreme Court

S.C. SUPREME COURT

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

Appellate Case No. 2026-001280

CURTIS JOHNSON, #337543, ..... Petitioner,  
V.

South Carolina Department of Corrections, ..... Respondent.

REPLY BRIEF

Curtis T. Johnson  
Curtis T. Johnson, 337543  
Allendale C.I. - F3/Hampton A46  
1057 Revolutionary Trail  
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Pro-Se Petitioner

Other Counsel of Record;  
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## STATEMENT OF ISSUE ON PETITION FOR A WRIT OF CERTIORARI

The Court of Appeals erred in holding that the Administrative Law Court did not violate section 24-13-40 when it affirmed the South Carolina Department of Corrections' (SCDC's) Final decision and found that Petitioner had received time served credit on all his sentences; when Petitioner had proved with the Record on Appeal that SCDC applied Petitioner's time served credit only to Petitioner's possession of a weapon during the commission of a violent crime (Firearms Provision) sentence and SCDC did not apply Petitioner's time served credit to Petitioner's voluntary manslaughter and assault and battery of a high and aggravated nature (ABHAN) sentences.

## STATEMENT OF THE CASE

The Court of Appeals denied Appellant's "Petition for Rehearing" on May 21, 2026. Appellant received the Court of Appeals' denial of his "Petition for Rehearing" on May 27, 2026 from the South Carolina Department of Corrections - Allendale C.I. mailroom. On June 1, 2026, Petitioner submitted a "Motion for stay and Toll" due to the fact he was scheduled to receive immediate hand surgery on his right hand. On June 15, 2026, Petitioner received an "order" dated June 9, 2026, granting Petitioner's request for an extension to serve and file his Petition for Writ of Certiorari for thirty days until July 22, 2026. On June 29, 2026, Petitioner filed his Petition for Writ of Certiorari. On July 7, 2026, Petitioner received a Clerk of Court letter, dated July 1, 2026, informing Petitioner that the Court had received Petitioner's "Petition for Writ of Certiorari" and his case had been assigned an appellate case number.

The Respondent filed its "Return to Petition for Writ of Certiorari" on July 29, 2026. Petitioner received Respondent's "Return to Petition for Writ of Certiorari" on August 3, 2026. (See: Petitioner's "South Carolina Department of Corrections - Receipt of Legal Correspondence Verification" form.) Pursuant to Rule 242, SCACR, Rules of Certiorari To The Court of Appeals, (g) Reply, Petitioner has 10 days to file his Reply Brief. This makes August 13, 2026, his court deadline date to file his Reply Brief.

Now, Petitioner submits his Reply Brief.

## STANDARD OF REVIEW

"Article 5, Section 5 of the South Carolina Constitution and Section 14-3-310 of the South Carolina code provide, 'The Supreme court shall have power to issue writs or orders of certiorari...' " State v. Price, 441 S.C. 423, 433, 895 S.E. 2d 633, 638 (2023). "The supreme court, or any two (2) justices thereof, may in its discretion, on motion of any party to the case or on its own motion, issue a Writ of certiorari to review a final decision of the court of Appeals." Rule 242(a), SCACR. "Further, Rule 242(b), SCACR, emphasizes the discretionary authority of the court to review decisions of the court of appeals, stating a Writ of certiorari will be granted only when there are special and important reasons, such as when there are novel questions of law, a dissent in the decision of the court of appeals, the decision of the court of appeals is in conflict with a prior decision of [the supreme court], substantial constitutional issues are directly involved, or a federal question is included, and the decision of the Court of appeals conflicts with a decision of the United States Supreme Court." South Carolina Department of Social Services v. Benjamin, 430 S.C. 235, 236, 844 S.E. 2d 373 (2020).

## ARGUMENT

The Court of Appeals erred in holding that the Administrative Law Court did not violate Section 24-13-40 when it affirmed the South Carolina Department of Corrections' (SCDC's) final decision and found that Petitioner had received time served credit on all his sentences, when Petitioner had proved with the Record on Appeal that SCDC applied Petitioner's time served credit only to Petitioner's possession of a weapon during the Commission of a violent crime (firearms provision) sentence and SCDC did not apply Petitioner's time served credit to Petitioner's Voluntary manslaughter and assault and battery of a high and aggravated nature (ABHAN) sentences.

Petitioner submits his Reply Brief pursuant to Rule 242, SCACR, Rules of Certiorari To The Court of Appeals, (g) Reply, to reply to Respondent's "Return to Petition for Writ of Certiorari" (Return). Respondent's Return should not be accepted and reviewed by this court for the following reasons:

Respondent's Return fails to present arguments to Petitioner's "Questions Presented" (questions) in his Petition for Writ of Certiorari (Petition) pursuant to Rule 242, SCACR, Rules of Certiorari To The Court of Appeals, (f) Return to Petition, which states, "The return shall include argument on each question..." Rule 242 (f), SCACR. "The rules of court must be followed in a civil case, and it is the better practice to follow them in a criminal case." State v. Stevens, 116 S.C. 210, 107 S.E. 906 (1921). Respondent failed to present arguments to Petitioner's Question which states: "Did the Court of Appeals err in holding that the Administrative Law Court did not violate section 24-13-40 when it affirmed the South Carolina Department of Corrections' (SCDC's) final decision and found that Petitioner had received time served credit on all his sentences, when Petitioner had proved with the Record on Appeal that SCDC applied Petitioner's time served credit only to Petitioner's possession of a weapon during the commission of a violent crime (firearms provision) sentence and SCDC did not apply Petitioner's time served credit to Petitioner's Voluntary manslaughter and Assault and Battery of a High and Aggravated Nature (ABHAN) sentences?" (see, Petitioner's "Petition", p. 1). Respondent's failure to present arguments for Petitioner's Question should be deemed and ruled by this court as Respondent conceding that Petitioner's arguments for his Petition are correct. (see, Petitioner's "Petition", pp. 4-15).

Respondent's Return fails to present arguments for Petitioner's argument in his Petition that the decision of the court of appeals is in conflict with prior decisions of the Supreme court. (see, Petitioner's "Petition", pp. 5-12). "The decisions of the Supreme Court shall bind the court of Appeals as precedents." State v. Phillips, 416 S.C. 184, 194, 785 S.E. 2d 448, 453 (2016). "It is incumbent upon the Court of Appeals to apply the Supreme Court's precedent." Id. Respondent's failure to present arguments for this argument should be deemed and ruled by this court as Respondent conceding that Petitioner's argument is correct.

Respondent's Return fails to present arguments for Petitioner's argument in his Petition that the Court of Appeals' decision to not rule and order that SCDC should apply Petitioner's 1,066 days time served credit to each of his sentences and correct Petitioner's maxout date involves directly substantial constitutional issues. (see, Petitioner's "Petition", pp. 12-13). "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. Dep't 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. Dep't of Corr. 408 S.C. 334, 341, 759 S.E. 2d 398, 401 (2014). "Penal

statutes will be strictly construed against the State." State v. Elwell, 403 S.C. 606, 612, 743 S.E.2d 802, 806 (2013) Respondent's failure to present arguments for this argument should be deemed and ruled by this court as Respondent conceding that Petitioner's argument is correct.

Respondent's Return fails to present arguments for Petitioner's argument in his petition that the Administrative Law Court ruled in its Order that the Petitioner was to be given his 1,066 days jail time served credit, pursuant to statute 24-13-40, to be calculated and applied to Petitioner's sentences by SCDC. Petitioner's sentencing sheets are unambiguous and according to Petitioner's sentencing sheets he was entitled to time served on all his sentences, and statute 24-13-40 requires that Petitioner receive his time served credit all applied to all his sentences because neither of the two statutory exceptions of statute 24-13-40 applies to Petitioner's case. SCDC never appealed the Administrative Law Court's ruling on these points. The Court of Appeals never overturned the Administrative Law Court's ruling on these points; thus, making all these points the law of the case. (see: Petitioner's "Petition", pp. 10-11) "An unappealed ruling, right or wrong, is the law of the case." Atl. Coast Builders & Contractors, L.L.C. v. Lewis, 398 S.C. 323, 329, 730 S.E.2d 282, 285 (2012) "An unappealed ruling is the law of the case and requires affirmance." Transp. Ins. Co. v. S.C. Second Inj. Fund, 389 S.C. 422, 431, 699 S.E.2d 687, 691 (2010) Respondent's failure to present arguments for this argument should be deemed and ruled by this court as Respondent conceding that Petitioner's argument is correct.

Thus, the Respondent's failure to present arguments for Petitioner's aforesaid arguments and failure to comply with Rule 242(f), SCACR, procedurally barred Respondent from presenting any future arguments against the Petitioner's aforesaid arguments through any additional sustaining grounds. Thus, as of right, this court should deem and rule that Respondent has conceded to these arguments because Respondent had abandoned them in their Return. "Allegations made in complaint that are not denied in answer are deemed admitted." Fidelity Trust & Mortgage Co. v. Davis, 158 S.C. 400, 155 S.E.2d 622 (1930); see Turner v. South Carolina Dept. of Health and Environmental Control, 377 S.C. 540, 547, 661 S.E.2d 118, 121 (2008) (if respondent fails to respond to an issue in his brief, the appellate court may treat the failure to respond as a confession that the appellant's position is correct) "A respondent may abandon an additional sustaining ground... by failing to raise it in the appellate brief." I'on, LLC v. Town of Mt. Pleasant, 338 S.C. 406, 420, 526 S.E.2d 716, 723 (2000)

Respondent's Return fails to meet its burden to prove its argument that the Court of Appeals properly affirmed the calculation of Petitioner's sentences and that Petitioner's Petition for a Writ of certiorari should be denied. Respondent's argument in its Return is simply conclusory statements without supporting authority or evidence for its argument, and vague. Respondent cites no authority other than the standard of review for evidentiary decisions and the standard for structuring the weapon offense. (see: Respondent's "Return", pp. 3-5) Respondent's Return is not meaningfully developed because Respondent's argument is conclusory statements without supporting authority or evidence, and vague. As such, this court should decline to address the merits of Respondent's argument; deem and rule Respondent's arguments abandoned on appeal and not preserved for this court's review; and rule Petitioner was entitled to receive his 1,066 days jail time credit applied to each of his sentences and his maxout date corrected. see First Sav. Bank v. McLean, 314 S.C. 361, 363, 444 S.E.2d 513, 514 (1994) (noting when a party fails to cite authority or the argument is simply a conclusory statement, the party is deemed to have abandoned the issue on appeal.); State v. Jones, 344 S.C. 48, 58-59, 543 S.E.2d 541, 546 (2001) (holding an issue is deemed abandoned on appeal if it is argued in a short, conclusory statement without supporting authority.)



"We find... argument is so conclusory that it has been abandoned." State v. Jones, 344 S.C. 48, 58, 543 S.E.2d 541, 546 (2001) "Short, conclusory statements made without supporting authority are deemed abandoned on appeal and therefore not preserved for our review." Glasscock, Inc. v. U.S. Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (2001); see Brouwer v. Sisters of Charity Providence Hosps., 409 S.C. 514, 520 n.4, 763 S.E.2d 200, 203 n.4 (2014) (holding an issue unpreserved for the court's review in part because the issue was conclusory and unsupported by authority in the party's brief.); "When a party provides no legal authority regarding a particular argument, the argument is abandoned and the Court will not address the merits of the issue." Palmer v. State, 427 S.C. 36, 47, 829 S.E.2d 255, 261 (2019)

Petitioner will address Respondent's conclusory argument that is not supported by legal authority or evidence. In the Return Respondent states Petitioner is not entitled to receive his jail time credit more than once, and that the case Massey v. South Carolina Dep't of Corr., 2021 WL 1997295 has no bearing and does not in any way support Petitioner's argument. (See: Respondent's "Return", p. 6)

Respondent's conclusory argument without supporting authority or evidence that states Petitioner is not entitled to receive his jail time credit more than once, has no merit. Petitioner had argued throughout his petition that he should have received his 1,066 days time served credit to all his sentences because: statute 24-13-40 mandates that Petitioner receives time served for all of his sentences; none of the statutory exceptions applies to Petitioner; Petitioner having consecutive sentences is not one of the exceptions to the mandatory language in statute 24-13-40; all Petitioner's sentencing sheets are unambiguous and mandate that Petitioner receive his 1,066 days jail time served credit applied to all his sentences pursuant to statute 24-13-40 and the Supreme Court precedent decisions in Allen v. State, 339 S.C. 393, 529 S.E.2d 541 (2000) and Tant v. S.C. Dep't of Corr., 408 S.C. 334, 759 S.E.2d 398 (2014). (See: Petitioner's "petition", pp. 5-7; pp. 9-14) "Section 24-13-40 mandates a prisoner be given credit for all time served prior to trial unless one of two exceptions exist: 1) either the prisoner was an escapee or 2) the prisoner was already serving a sentence on one offense." Allen v. State, 339 S.C. 393, 395, 529 S.E.2d 541, 542 (2000) "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 (2010) "The Department is confined to an unambiguous sentencing sheet in determining an inmate's sentence...." Tant v. S.C. Dep't 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. Dep't of Corr., 408 S.C. 334, 341 n.2, 759 S.E.2d 398, 401 n.2 (2014) "The requirement that a prisoner receive credit for time served is mandatory." Hayes v. State, 413 S.C. 553, 559, 777 S.E.2d 610 (2015) As such, Respondent presented no legal authority or evidence to prove its argument in its Return. Thus, Respondent's argument is without merit.

Respondent's conclusory argument without supporting authority or evidence that states the case Massey v. South Carolina Dep't of Corr., 2021 WL 1997295 has no bearing and does not in any way support Petitioner's argument, has no merit. In the Massey case, Appellant case no. 2018-002243, in Massey's Final Brief his statement of issue on appeal was: "Did the South Carolina Dept. of Corr. err in failing to properly apply appellant's

jail time credit to both his consecutive sentences pursuant the contractual agreement of his sentence. Sheets and the judges sentencing intent." (see: Massey "Final Brief", p. 1, dated October 31, 2019, received by the court of Appeals November 7, 2019) Massey's Conclusion for his Final Brief stated, "Concerning appellant's issue, appellant respectfully request this court correct his sentence to reflect the judge's sentencing intent that both sentences receive the same indentent jail credit of 582 days; or correct appellants sentence in accordance with the mandatory provisions of controlling case law and conscrew appellants sentence in his favor." (see: Massey "Final Brief", p. 9, dated October 31, 2019, received by the Court of Appeals November 7, 2019)

In Massey v. South Carolina Department of Corrections, 2021 WL 1997295 at 1, the court of Appeals stated in its opinion:

"John K. Massey, Jr. appeals the Administrative Law Court's (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."

It is clear that SCDC, from the evidence shown above, applied "double" jail time credit in the past for consecutive sentences, even though Respondent explains and labels this as "additional regular jail time credit that was discovered during an audit." (see: Respondent's "Return", p. 6) It is clearly obvious that Respondent is trying to disguise and hide the fact that Respondent applied Massey's jail time served credit to both of Massey's consecutive sentences. Petitioner explains this in his petition. (see: Petitioner's "petition", pp. 7-10) Petitioner uses the unpublished opinion of the Massey case for its persuasive reasoning to show that Respondent has applied "double" jail time credit in the past to an inmate's consecutive sentences. In our circuit, unpublished opinions "have no precedential value" and are "entitled only to the weight generated by the persuasiveness of their reasoning." Koontz v. SN Servicing Corp., 133 F.4th 320, 327 (4th Cir. 2025) "Unpublished opinions can be persuasive when they address questions currently before a court." Martin v. Clemson University, 654 F.Supp.2d 410, 417 (2009) "citation of unpublished opinion was warranted where there was no published opinion on point." Allen v. Greenville Hotel Partners, Inc., 409 F.Supp.2d 672, 676-677 (2006) "Although... not binding, the unpublished opinion is persuasive and instructive authority, and the court will extend its reasoning to the instant case." United States v. Mathis, 2021 WL 4504688 at 4 Thus, Respondent's conclusory argument without supporting authority or evidence that states the Massey case has no bearing and does not in anyway support Petitioner's argument, has no merit. As such, Respondent presented no legal authority or evidence to prove its argument in its Return. Thus, Respondent's argument is without merit.

For all of the aforesaid reasons, Respondent's Return fails to meet its burden to prove its argument that the Court of Appeals properly affirmed the calculation of Petitioner's sentences and that Petitioner's Petition for a Writ of Certiorari should be denied.

## CONCLUSION

For the reasons stated, Petitioner asks this Court to grant the Petition for a Writ of Certiorari.

Respectfully Submitted,

August 11, 2026

Respect

S/Curtis T. Johnson

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

Pro-SE Petitioner

# SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

## Receipt of Legal Correspondence Verification

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

South Carolina Dept of Corrections  
Office of General Counsel  
444 Broad River Rd P.O. Box 21787  
Columbia, SC 29221-1787

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

Curtis Johnson, 337543  
Allendale Correc. Inst. HX 0046  
1057 Revolutionary Trail  
Fairfax SC 29027

was received and logged in on SCDC Form 10-12, "Legal/Privileged/Certified Mail Delivery Log," at the

Allendale Correctional Mailroom on (Date) Aug. 3, 2026.

On (Date) Aug. 3, 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Phillips

Postal Director/Institution

8/3/26

Date

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AUG 13 2026

S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA

In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT

Administrative Law Judge Ralph K. Anderson, III

Appellate Case No. 2026-001280

CURTIS JOHNSON, #337543, Petitioner,

v.

South Carolina Department of Corrections, Respondent.

## CERTIFICATE OF SERVICE

I, Curtis T. Johnson, do hereby certify that on this date, I served the "Reply Brief" and "certificate of service" in the foregoing action upon the Clerk for the South Carolina Supreme Court and Respondent by depositing one copy of the same in the United States mail, first class postage prepaid, and addressed as follows:

The South Carolina Supreme Court  
The clerk of court, Patricia A. Howard  
P.O. Box 11330  
Columbia, SOUTH CAROLINA 29211

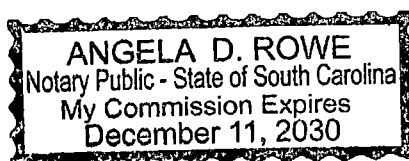
Dept. of General Counsel  
S.C. Dept. of Corrections  
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Columbia, S.C. 29221

SWORN or AFFIRMED To and subscribed before me this

11<sup>TH</sup> day of August, 2026

Angela d. Rowe

Notary Public  
My Commission Expires:  
December 11, 2030.



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