

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
[IN THE SUPREME COURT]

APPEAL FROM YORK COUNTY

Court of Common Pleas

Lee, s. Alford Administrative Judge -

sixteenth Judicial Circuit

Case NO. 2014-CP-46-0929

Charles C. Johnson JR. #243842

Appellant.

v.

State of South Carolina

Respondant.

**RECEIVED**

FEB 04 2015

S.C. SUPREME COURT

NOTICE OF APPEAL

I, Charles C. Johnson JR. appeal the order [Judgment] of  
Honorable Lee, s. Alford dated December 5, 2014. Appellant  
received written notice of entry of this order [Judgment]  
on January 20, 2015.

Date - 2-2-15

Charles C. Johnson

E.C.I F3B-141

610 Hwy. 9 West

Bennettsville S.C 29512

IN THE COURT OF APPEALS

Supreme Court of South Carolina

Post Office Box 11330

Columbia S.C 29211

Ground ONE, Respondant claims "Newly discovered evidence" would not change the result if a new trial is granted. First of All being in prison, we do not have availability to the public as one would assume. Second, Respondant, says I was found liable for my actions in this case. FACT is at a trial it could be shown that MR. BROWN (counsel) knew I could not distinguish right from wrong at the time of the accident.

§ 17-24-10 (A) but because of mental disease or defect I lacked sufficient capacity to conform my conduct to the requirement of the Law, "STATE v. Poindexter" (S.C. 1993) 314 S.C. 490, 431 S.E. 2d 254, I was coerced in to pleading to 25 year's for Felony & UI (Death).

IN "Santobello v. New York" - the supreme court ruled that a promises made as part of a plea agreement must be kept, and if they are not, the court has the power to permit a withdrawal of a plea, or resentencing, according to the agreed upon conditions, (25 year's was what I agreed to plea on). Counsel (MR. BROWN) used prosecutor's threat to new charge (indictment of murder) is unconstitutional (14<sup>TH</sup>). IT was against what it says in the Criminal Law Book Chap. 11-3. NONE OF my diagnosed mental state at the time of the accident help me to understand what I was pleading too. Now, by being diagnosed by a legal Psychiatrist (Bipolar) it would show the court that I was not liable for my actions. That was brought out in the civil case, and showed officer was in fault also. ALSO, this new information could stress all reasons why I might be deserving of sympathy, leniency, and mercy to a lower sentencing.

Respondant, also says they can only surmise (guess) that I was subject to both criminal and civil punishment and believes this is in violation of the Double Jeopardy clause. (They guessed wrong) FN2 S.C. const. art. I 512; U.S. const. Amend V.

The Double Jeopardy clause protects against a second prosecution for the same offense after acquittal, or conviction, and against multiple punishments for the same offense. *Brown v. Ohio*, 432 U.S. 161, 97 S. Ct. 2221, 53 L. Ed. 2d 187 (1977) *State v. Easter*, 327 S.C. 121, 489 S.E. 2d 617 (1997) The Double Jeopardy in my case is I plead for 25 year's, the max on Felony DUI (Death) A-97-GS-46-2065, Felony DUI (Death) 25 year's Max B-97-GS-46-2062, failure to stop for blue light (Death) 15 year's Counsel (Mr. Brown) should have requested sentences to run concurrent to highest charge. The 15 year's should've been ran concurrent to the 25 as the other charges was. My convictions should have been treated as one for purposes of recidivist sentencing statute.

The petitioner prays that this court reverse the subject conviction, vacate the failure to stop for blue light (Death) or any other remedy that this court see just, and proper.

Respectfully submitting

Charles C. Johnson JR. # 243842

E.C.I F3B-141.

610 Hwy. 9 West

Bennettsville S.C. 29512

SWORN OR AFFIRMED TO AND  
SUBSCRIBED BEFORE ME THIS

2nd Day of February, 2015



[Signature]

Notary Public

2/24

My Commission Expires

c.c. York County Clerk of Court

P.O. Box 649

York S.C. 29745-0649

c.c. Office of Attorney General

P.O. Box 11549

Columbia S.C. 29211

Charles C. Johnson #243842  
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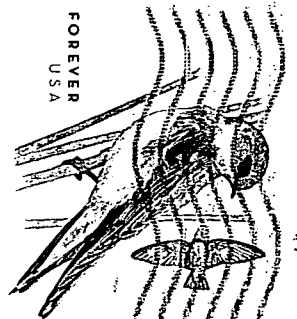
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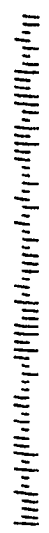
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