

RECEIVED

The Honorable Jenny Abbot Kitchings

FEB 20 2015

Clerk of court

SC Court of Appeals

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211

FEBRUARY 15, 2015

Re: The State v. Derekee Johnson

Case No.: 2014-000920

OUR File No. 14-168

Dear Ms. Kitchings:

Enclosed for filing are one copies of Appellant Derekee Johnson correspondence with Attorneys for Appellant Requesting Motions to be filed on behalf of Appellant, (17) Seventeen Issues Abandon by Attorneys AND Documents Request AND proof of service. Please return a checked copy to me. With kind regards, I am

Sincerely

Enc. (As stated)

cc. Robert Michael Dudek

R. Morrison M. Payne

Derekee M Johnson
Derekee M Johnson

DEREKEE MONTEZ JOHNSON SCDC# 247000

Lee Correctional Institution

390 Wisacky Highway

Feb. 15 2015

Bishopville, SC, 29010

To: Attorneys For Appellant / Robert M. DuDEK

R. Morrison M. PAYNE / Chief Appellate Defender

P.O. Box 315

S.C. Commission on Indigent Defense

Walterboro, SC, 29488

Division of Appellate Defense

P.O. Box 11589 Columbia, SC, 29211

RE: Appellate case No. 2014-000920

State v. DEREKEE JOHNSON

Dear Attorneys For Appellant

(Pg 1) one of 4

I have received a copy of the Initial Brief for Appellate case No. 2014-000920

However I noticed that you only Argue one (1) Issues of the (18) Eighteen you identified through your research [see "Motion For Second Extension"]

Dated December 31 2014...

I have requested that Appellant Counsel file potential Issues for Direct Appeal and said Issues has been Ignored and the remainder (17) seventeen Issues identified has been Abandon, said Issues has

(Pg 2) Two of 4)

Not only been denied to be argued and OR ruled upon by the Appellate court but Also you have Fail to preserve said issues for the Record.

If petitioner Does not Raise claim At trial OR on Direct Appeal he forfeited review of the claims in collateral proceedings in the state courts citing Teague v. Lane 109 S.Ct 1061 (1989)

Under Wainwright v. Sykes 433 U.S 72, 97 S.Ct 2497, 53 L.Ed.2d 594, "He is barred from raising the claim in a federal habeas corpus proceeding

It is well established that where an Appeal was taken from a conviction the judgment of the reviewing court is res judicata as to all issues actually raised, and those that could have been presented but were not are deemed waived., People v. GAINES 105 Ill.2d 79, 87-88 85 Ill. Dec 269, 274. 473 N.E.2d 868 873 (1984)

I, Appellate Do not wish to Waive said issues and wish to preserve said issues for the Record...

Therefore As My Appellant counsel I Request that you send to me the remainder (17) seventeen issues identified and abandon... I Request that you file a Motion to stay judgment until a Motion to Amend the Initial Brief has been filed so Appellant can preserve the issues for the Record... I Do Request the

pg (3) of 4)

Motion to stay of Judgment be filed within (10) Ten workdays from receipt of this letter Plus (3) Three days return Mailing to provide copies of the Motion to stay of Judgment by MARCH 5 2015 IF Not I will be forced to file said Motions pro se with Letter to S.C. Supreme court Disciplinary counsel Alleging the continuance of criminal conspiracy claim Along with ineffective Assistance of Appellate counsel's Appellate further request that Appellate counsel file A "petition for WRIT of MANDAMUS" Asking that county clerk of court be ordered to provide Appellate copies of Grand Jury transcripts including his Indictment, list of Grand Jurors who considered his Indictment, AND Documentary proof that Grand Jury was qualified by circuit Judge in open court. This request also include the grand jury impanelment documents including the state of South Carolina petition, supporting Materials and Judges order, As defined in § SC code Ann 14-7-1700, 14-7-1720 And 14-7-1770 As well as S.C.R. CTRP 5, A defendant is ~~entitled to review and reproduce~~ Entitled to review and reproduce recorded Materials of those Proceedings

The secrecy provisions in S.C. code. Ann § 30-4-15 to 30-4-165 199A and (supp 2003) Mirror the view long held informally by courts nationwide

(pg 4 of 4)

that secrecy of grand jury proceedings is desirable and necessary

The state of south carolina Petition Supporting Materials and impaneling order maybe made Available to a defendant when a defendant right to obtain recorded materials of the proceeding arises, Although Maintaining secrecy is essential while a matter is under deliberations by the grand jury such concerns diminish Following issuance of a true bill indictment. A defendant is allowed to obtain and use the Document in preparing A Defense.

Please file said motions and provide said documents and respond promptly

Sincerely s/ Derekee M Johnson

Derekee M Johnson

Lee Correctional Inst. Smu 108

390 Wisacky Highway

Bishopville SC 29610

RECEIVED

FEB 20 2015

SC Court of Appeals

State
v.
Derekee Johnson

Proof of Service

I certify that I have served correspondence requesting motion to be filed on behalf of case No.: 2014-000920 alone with requesting issues (17) seventeen for appeal also requesting documents by depositing a copy of it in the United State mail, Postage Prepaid on February 15, 2015 Addressed

R. Morrison M. Payne
Attorney at Law
P.O. Box 315
Walterboro, SC 29488

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

February 15, 2015

Derekee M. Johnson
Derekee M. Johnson 242000
Lee Correctional Institution
990 Wisacky Highway
Bishopville SC 29010

Derekee M Johnson 247000

Lee Correctional Institution sm468

990 WISACKY HIGHWAY
Bishopville, SC, 29010

RECEIVED

FEB 20 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina court of Appeals
Clerk of Court
P.O. Box 11629
Columbia, SC 29211

LEGAL MAIL ONLY