

STATE OF SOUTH CAROLINA
[In The Supreme Court]

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S.C. SUPREME COURT

APPEAL FROM BEAUFORT COUNTY

Court of Common Pleas

Carmen T. Mullen, Chief Administrative Judge

Case No.2013-CP-07-1650

State of South Carolina,.....Respondent,

v.

Nathaniel Johnson,Jr.#211574,.....Appellant,

RECORD ON APPEAL

Nathaniel Johnson,Jr.#211574
LCI. Stono-B#50
P.O. Box 205
Ridgeville, S.C. 29472
Pro-Se Appellant

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STATE OF SOUTH CAROLINA
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State of South Carolina,Respondent,
v.
Nathaniel Johnson, Jr.#211574,Appellant,

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

- (1).Portions of PCR transcript pages 425-426, Direct Exam by PCR counsel Timothy Wogan, trial counsel Stephanie Smart-Gittings
- (2).Pleadings of the Appellant and the Respondent.
- (3).Orders and Motions of Magistrate Court, General Sessions, Court of Appeals, PCR Courts, S.C. Supreme Court, and District Courts.
- (4).Exhibits A-Z, 1-26
- (5).Other material listed in contents.

Appellant proposes the following be included in the Record on Appeal.

I certifiy that this designat~~ion~~ contains no matter which is irrelevant to this appeal.

ORDERS:

1).The South Carolina Court of Appeals Unpublished opinion No.2008-UP-690, submitted Dec.1st.2008, and Filed Dec.11th,2008

2).Order In the Circuit Court 14th. Judicial Cir., setting and consolidating bond on warrant No J330911, J330912, J330914, and J330915, dated Sept.6th,2006. Exhibit-17.

3).Consent order to be relieved in the Court of Common Pleas 14th. Judicial Cir., Case No.2009-CP-07-1050, dated April 19th, 2010, Presiding Judge Carmen T. Mullen, Defendant is hereby ordered thirty days to notify the Court if retained new counsel or proceeding pro-se.

4).On May 12th,2010, response from defendant wishing to proceed pro-se in the matter of Johnson v. State, Case No.2009-CP-07-1050.

5).Order Appointing Counsel, The Honorable Carmen T. Mullen, Chief Judge for Administrative purposes of the 14th. Judicial Cir., ordered Sara Ann Hutton, Counsel of Record, dated March 25th,2009.

6).Order from the Supreme Court of South Carolina, denying petition for writ of certiorari, on Appellate Case No.2011-202807 Denied June 5th,2013.

7).Exhibit-18 On Aug. 30th,2010, defendant appeared to the Court of Common Pleas 14th. Judicial Cir., for PCR hearing pro-se and denied the rights to self-representation and ordered by the Honorable Perry M. Buckner, Appointment of Counsel, for Case No.2009-CP-07-01050.

ORDERS CONTINUED:

8). Judgment in a civil case No.2009-CP-07-01050, in the Court of Common Pleas, Order denying post-conviction relief by the Honorable Craig D. Brown, Presiding Judge 14th. Judicial Cir. dated Oct. 6th,2011.

9).PCR application filed on March 9th,2009, Nathaniel Johnson v. State of South Carolina, Case No.2009-CP-07-01050.

10).Civil Docket For Case No.#1:13-cv-01794-RGM, Johnson v. McFadden, 28 USC § 22254 Petition for Writ of Habeas Corpus (State), Doc.#40-1, date filed 04-22-2014, Report and Recommendation C/A No.1:13-cv-1794-RGM-SVH, In the U.S. District Court for the District of S.C., and Doc.#45-1 Date Filed 05-12-2014, Judgment in a civil action No.1:13-cv-01794-RMG, Doc#44-1 dated 05-12-2014, Order Denying COA, by The Honorable Richard M. Gergel U.S. District Court Judge.

11).Amended PCR application filed June 25th,2013, Nathaniel Johnson v. State of South Carolina, Case No.2013-CP-07-1650, Return and Motion to Dismiss, dated Dec 30th,2014, received from Respondent along with Conditional Order of Dismissal, signed and filed on Jan.13th,2015, Final Order of Dismissal, signed on June 17th,2015, by Carmen T. Mullen, Chief Administrative Judge for the 14th. Judicial Cir.

POST-TRIAL MATTERS

1).Appeal From Beaufort County, Howard P. King, Circuit Court Judge, In the Court of Appeals, Initial Brief of Appellant filed by Appellate Defender LaNelle C. Durant, on Oct.8th,2007. Final Brief of Appellant, filed on April 7th,2008, Final Brief of Respondent, filed on March 20th,2008, by Julie M. Thames, Office of Attorney General.

2).In the Supreme Court, Certiorari to Beaufort County, D.Craig Brown, Circuit Court Judge, Petition for Writ of Certiorari by Appellate Defender Robert Pachak, dated May 4th,2012, Return to Petition for Writ of Certiorari, filed on June 25th,2012, by Ashleigh R. Wilson, for the office of Attorney General for Respondent.

3).In the U.S. District Court of S.C., Memorandum in support of 28 USC §2254 in the matter of Nathaniel Johnson v McFadden, Case No.1:13-cv-01794-RGM-SVH, date filed 09-16-13, entry#19, Entry#30 date filed 12-02-13, Entry#37, date filed 01-02-14

4).Beaufort County 14th. Judicial Circuit Public Index The State of S.C. v. Nathaniel, date filed 08-28-2006, J330911,J330912, J330913,J330914, and J330915.

5).Motion for Evidentiary Hearing in Response to the Proposed Conditional Order of Dismissal with exhibits-A-Z, and 1-26, filed on Jan. 14th,2015., along with DNA Consent to Testing application in pursuant to chapter #27 Title #17

6).Arrest Warrants, indictments, and verdicts.

PRE-TRIAL MATTERS

1). Preliminary Examination Record, Certificate of Transmittal, on exhibit-15., exhibit-16, exhibit-18, exhibit-1 dated Sept. 11th, 2006, exhibit-2 dated Sept. 19th, 2006, Noted that the Preliminary hearing was held on Sept. 15th, 2006, exhibit-3 dated Sept. 21st, 2006, Marta Cherena Jury trial/Preliminary Clerk, exhibit-4 Stephanie Smart-Gittings, Assistant Public Defender filed the original Notice of intent to Appeal on March 21st, 2007 exhibit-K Notice of right to Preliminary hearing filed on Sept. 29th, 2006, exhibit-W-1 Copies of newspaper clippings in high profile cases dated Tue. Aug. 22nd, 2006, and Jan. 20th, 2007 Suspect relents, gives blood.

2). Evidence submittal forms of the Beaufort County Sheriff Dept., Exhibit-A dated 02-09-2006, submitted by officer J. Merrill, received by E. Rios, exhibit-L submitted by officer M. Metrinke dated 02-08-2006, received by E. Rios, exhibit-M submitted by officer LCPL Brian Chapman dated 02-08-2006, received by Eileen Rios on same date submitted.

3). Supplemental incident reports, exhibit-E reporting officer J. Merrill dated 02-07-2006, exhibit-O reporting officer LCPL Brian Chapman dated 02-27-2006, pages 1-6, exhibit-P-1 reporting officer CPL J. Merrill and Investigating officer LCPL Brian Chapman dated 04-21-2006, pages 1-4.

4). SLED Forensic Services Laboratory Reports, exhibit-N dated June 20th, 2006, exhibit-N-1 Aug. 11th, 2006, exhibit-P-2 dated 08-15-2006, pages 1-4, exhibit-Q dated 02-27-2006, exhibit-R dated Feb. 14th, 2007, pages 1-5, exhibit-8 evidence processing inventory pages 1-3, exhibit-9 sexual assault exam protocol pages 1-3, exhibit-Z Direct Exam by Timothy Wogan- Stephanie Smart-Gittings, pages 426-426 of PCR Tr. line Trial counsel denies having any involvement with Schmerber Motion, page 425 lines 21-24 no recollection of the two DNA analysis.

PRE-TRIAL MATTERS CONTINUED:

5).SLED Laboratory Forensic services request, submitted by Ramona K.Copper and received by Denise Earole,Technician, exhibit-A-date scanned 02-21-2006,exhibit-B evidence submittal form submitted by LCPL Brian Chapman, and received by R.K.Cooper on 02-15-2006,exhibit-C submitted by officer B. Baird, and received by E.Rios on 02-14-2006,exhibit-D submitted by officer LCPL Brian Chapman and received by E.Rios on 04-21-2006,exhibit-5 scanned on 05-02-2006 see- comments below of SLED Lab report page 1-2, of delivering officer R.K.Copper,exhibit-6 see-comments below order by Circuit Judge Howard P. King, that this case be tried in 120 days, or defendant will be released from the Beaufort County Detention Center,exhibit-I SLED lab forensic services request submitted by Ramona K. Cooper, and received by Denise Eargle, forensic technician, pages 1-2,exhibit-J SLED lab request, Exhibit-S Notice of Motion for Blood sample of defendant and his attorney James Bell, filed Dec.07th,2006, In the Court of General Sessions, exhibit-U Notice of Motion to Amend Order for blood sample filed Jan.16th,2007, exhibit-V Amended Order for blood sample ordered Howard P.King,Circuit Court Judge on Jan.18th,2007

6).Return of the Respondent in Re: Nathaniel Johnson,Jr#211574, v. State of South Carolina, Case No.2009-CP-07-1050, dated July 14th,2009, Return and Motion of the Respondent in Re: Nathaniel Johnson v. State of S.C., Exhibit-X a copy of defendant's motion to quash all warrants claiming insufficient evidence to convict and violating the S.C. Criminal Laws of Rules and Procedures Rule#2 Preliminary Hearings,(a),(b),and (c). Exhibit-Y In the Court General Sessions, ~~warrant~~ No.2006-GS-07-01640,1641,1642, 1643, and 1644, The Honorable Roger M. Young,Sr., Circuit Court Judge denied the motion holding that however, the hearing "shall not be held if the defendant is indicted by a grand jury before the preliminary hearing is held". Also holding that the trial did not err in refusing to quash defendant's ~~warrant's~~ .

THE STATE OF SOUTH CAROLINA

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v.

Nathaniel Johnson, Jr. #211574,.....Appellant,

CERTIFICATE OF SERVICE

The Appellant, Nathaniel Johnson, Jr. #211574, hereby certifies that a true copy of the Record of Appeal and Designation of Matter to be included in the Record on Appeal has been served upon all parties involved, to include The Honorable Jerri Ann Roseneau, Clerk of Court, for Beaufort County, P.O. Drawer 1128, Beaufort, S.C. 29901, and J. Ruthledge Johnson, Assistance Deputy Attorney General Office, P.O. Box 11549, Columbia, S.C. 29211- this 21st day of July, 2015.

/s/ Nathaniel Johnson
Nathaniel Johnson, Jr. #211574
Pro-Se Appellant

SUBSCRIBED AND SWORN TO before me
this ____ day of July, 2015.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires:_____.